

The Problems of Sentence Plan and Rehabilitation in Prison System of Thailand

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Abstract

The sentence plan is individual plan to define activity and treatment for inmate when imprisonment. The plan aims to decline risk of reconviction and harm to society when release as well as rehabilitation of inmates. This qualitative research aimed to study problems of the sentence plan and rehabilitation in the prison system of Thailand. The data were collected by in-depth interviews of 25 samples selected from correctional officers, probation officers, and police officers. The results revealed that there were 3 principal causes of problems of sentence plan and rehabilitation in prison of Thailand, including inmates, prison systems, and relevant justice agencies. The researcher deemed that enhancement of the efficiency of the sentence plan and rehabilitation in the prison system in Thailand was to increase the number of correctional officers to be adequate to the amount of workload, to adopt technology in the operation, and provide more training of the sentence plan and rehabilitation for correctional officers.

Keywords: Sentence plan, rehabilitation, prison, Thailand

Introduction

The systems of punishment and treatment of offenders change over time based on society, economy, and politics. The punishment

system against the body in the early days is influenced by the concept of retribution that offenders are often treated violently and excluded from society so that offenders will be afraid and

not commit it again. Also, this is to intimidate others to be afraid of punishment. As a result, such treatment fails to correct offenders' behaviors. Later on, the punishment focuses on correction rather than simply punishment. Rehabilitation aims to change attitudes and behaviors of offenders through diverse rehabilitation processes such as education, vocational training, and so on. The concept of punishment for rehabilitation is commonly accepted and practiced in correctional fields all over the world as well as in Thailand (Thongyai, 2018).

Sentence plan is study about inmate personality in order to control and rehabilitate offender by analysis and planning activity and treatment that consistency with needs of inmates. Sentence plan is emerged when rehabilitation concept is introduced into modern penology and prison system. Correctional officers, penologists and scholars believe that sentence plan is an essential factor to improve and rehabilitate inmate behavior as well as prevent reconviction. As a result, it can prevent and reduce crime rate and make security to society. However, the outcome seems to be contrast with reality when rehabilitation concept implements into modern prison system. It found that around 45% of former inmates recommit crime within a year after release and 16% of ex-prisoners were recidivism within two years after release (Alper, Durose and Markman, 2018). Similarly, 46% of 1-year reconviction occurs in the United Kingdom (Yukhnenko and Sridhar, 2020).

Department of Corrections of Thailand focuses on developing efficient models of rehabilitation of offenders in prison according to the specified timeframe of each offender by adopting the concept of classification along with rehabilitation to create guidelines for treating offenders that emphasize systematic rehabilitation. This is the origin of the sentence plan that rehabilitation activities or programs are determined by the need to rehabilitate oneself of

each offender. Therefore, the sentence plan is compared as a conviction calendar that allows inmates to identify guidelines and goals in prison life and guidelines for reducing the sentence if they benefit from conducting themselves in order and being useful to officials and society. Even though the concept of rehabilitation is commonly accepted and practiced in prison systems in various countries, there are many restrictions (Thongyai, 2018). From 2013 to 2020, the Department of Corrections has released 130,066 inmates each year on average. However, those who have been released return to the justice system and the prison within 1 year with 14.40%, 24% within 2 years; and this increases to 32.80% within 3 years (the information of the Department of Corrections on May 3, 2021). Such information indicates that released offenders recommit of offenses with high number. From 2013 to 2020, the Department of Corrections has released 130,066 inmates each year on average. However, those who have been released return to the justice system and the prison within 1 year with 14.40%, 24% within 2 years; and this increases to 32.80% within 3 years (the information of the Department of Corrections on May 3, 2021). Such information indicates that released offenders commit a number of offenses. The researcher consequently studies problems and difficulties in operating the sentence plan for improving inmates' behaviors in the prison system in Thailand.

Literature review

Criminal Behavior

The criminologist divides cause of crime into 3 factors, including biological factors, psychological factors, and sociological factors. The study of the cause of biological crime draws widespread attention. Cesare Lombroso originate the Born Criminal Theory by supporting the idea that most crimes are caused by criminals with inherited biological disorders, including appearances, chromosomes, and hormonal

imbalance. These factors affect human behaviors that possibly cause antisocial behaviors or even committing crimes (Lombroso, 1968).

Sigmund Freud originates the Psychoanalytic Theory to explain the cause of psychological crime. Freud deems that a person will commit a crime when their superego cannot restrain the needs or Id. When a person's Id or needs are high that generates too high motive until their superego cannot restrain, such a person inevitably achieves their own needs without considering anything (Thongyai, 2018).

Sutherland explains the cause of sociological crime and originates the Differential Association Theory. According to Sutherland's perspective, certain criminal behaviors are caused by the social learning process, learning, skills, and motives that result from associating with criminals (Thongyai, 2018). Coping with criminals or offenders' changes over years from focusing on punishment and treatment of inmates in the past. Yet, the current coping with criminals or punishment of offenders focuses on deterring offenders from reoffending and correcting them to become decent people (Thongyai, 2018).

Concept and Theory of Rehabilitation

Over the past several decades, the trend of coping with offenders is in the way of formulating policies and programs designed for help rather than only punishment (Sutherland, Cressey and Luckenbill, 1993). Since the illegal act is considered a sickness, the aim of punishment should be to cure offenders (Campbell, 2005). Cesare Lombroso deems that crime is a phenomenon in society as well as a natural phenomenon. Also, offenders do not intend to commit illegal acts. Consequently, when offenders do not intend to commit illegal acts, the punishment imposed by the law is possibly inaccurate. Criminologists of this school focus on analyzing offenders to find the reason by applying scientific methods why they commit illegal acts. The results also reveal that the

essence is in the offender's body that is hereditary influence (Lombroso, 1968).

Benjamin Karpman (1949 as cited Seetasit, 2015) stated that imprisonment and punishment are not the proper way to cope with offenders. We need to correct those offenders as patients who are psychologically ill. In fact, those offenders are also psychologically ill in all aspects that there is no reason to punish them. Therefore, there is hope that psychology advancement will help to replace prison wardens and security guards with nurses and replace judges with psychologists who would rather endeavor to correct and treat offenders than to simply punish them according to the law. Rehabilitating offenders with justice systems refers to the following processes (Maltz, 2015);

1. Offenders are problematic people whose problems are direct causes of criminal behaviors.

2. Correctional officers who are responsible for correcting behaviors are capable to diagnose such problems accurately and have methods to correct behaviors to inmates or offenders.

3. Methods of Behavioral rehabilitation are appropriately applied to inmates or offenders.

4. Problems of offenders will be resolved or alleviated because their behaviors are corrected by correctional methods.

5. For this reason, criminal behaviors of inmates or offenders are reduced by the way their problems are alleviated or resolved.

Apparently, the aforesaid models to cope with offenders are different from traditional models that focus on punishment, resulting in developing new criminological theories and putting them into practice to rehabilitate offenders with various methods (Robinson, 2008). As a result, rehabilitation aims to cure offenders rather than punish them. In order to cure offenders, it is necessary to understand their mental states by clearly taking into account criminal law, criminal behaviors, and the criminal

justice system in a sociological approach (Seetasit, 2015).

Summary of Sentence Plan Process and Rehabilitation in Thailand

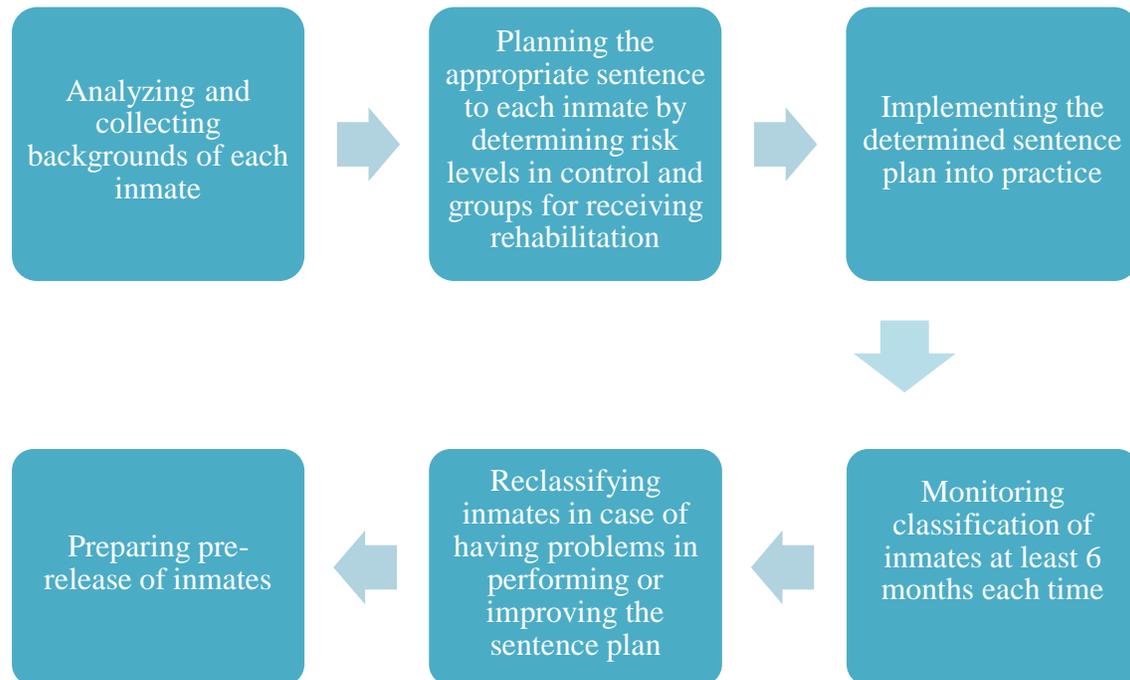


Figure 1 Summary of Sentence Plan Process and Rehabilitation

Previous Studies of Sentence Plan and Rehabilitation Theory of Punishment

The previous study of sentence plan and rehabilitation in prison system found that the enhancement of efficiency of rehabilitation and unit management is information, knowledge, and resource to prepare and assign officers to be responsible for recovering. Moreover, available instruments will motivate officers and negatively develop rehabilitation and unit management. Thus, it is necessary to prepare officers who have undergone training in offender rehabilitation and to regularly monitor through training (Plessis & Lombard, 2018; Tate, Blagden & Mann 2017; Smith & Schweitzer, 2012). However, the previous study found that the problem of an

inadequate number of correctional officers and an inefficient system of prison administration inevitably affect the efficiency of the sentence plan and rehabilitation in the prison system (Bulman, 2019; Masina, 2015; Niriella, 2010). Officers who have only a small basic understanding of rehabilitation are difficult to implement rehabilitation of offenders to be successful (Plessis & Lombard, 2018; Tate, Blagden & Mann, 2017; Smith & Schweitzer, 2012; Niriella, 2010). Furthermore, adequate budgets are principal factors enabling the sentence plan and rehabilitation program to be successful (Taylor, 2017; Masina, 2015). In addition, the previous study found that the common reasons that non-involvement and non-

participation of inmates in sentence plan and rehabilitation programs were caused by lack of motivation and interesting in program (Murhula, 2019; Meyer et al., 2013)

METHODOLOGY

This study is qualitative research. Key informants were selected by purposive sampling that is the officers in the justice system whose duties involved with offenders, 3 groups of inmates and ex-inmates. Key informants include officers of the Department of Corrections, police officers, and probation officers and there are a total of 25 key informants. The data were collected by in-depth interviews of officers of the Department of Corrections whose duties involved are with the planning process, determination, and implementation of the sentence plan into practice. The Focus group method was used to collect the data of key informants in groups of the police officer and probation officer. The research instruments used in this study were structural interview guidelines. The researcher spends 60 minutes for each interview, and 120 minutes for the focus group. Note-taking and audio-recording were used during interviews of different groups in order to cover research issues, the scope of content, and research purposes. All data were content analyzed and interpreted into descriptive research by arranging the analyzed data into the specified framework of research purposes in order to acknowledge problems and difficulties and to develop the sentence plan and rehabilitation.

RESULTS

The results showed that the problem to operate sentence plan in Thailand comprises of sentence plan, prison system, inmate and relevant justice agencies.

Sentence plan

The finding showed that sentence plan did not specify time or duration to operate the plan for inmates, that means sentence plan does

not set time for start the plan or total time to completing the plan. Consequently, it cannot establish direction and procedures to assist and rehabilitation to inmates. Also, the duration of sentence plan in Thailand seems to determine by availability and capacity of resource in prison system. Due to uncleared duration of sentence plan, operation of sentence plan is unsystematic and making mistake, which results in inefficiency.

“The plan was not determined the time to start and complete the program. It did not like western countries. For example, in USA, sex offender will know duration, activities and treatment in their plan. Inmates will know how much time to spend in each treatment or each activity when operation of sentence plan. Here, plan depends on prison system.”

However, most key informants argued that sentence plan does not set duration because correctional officer were not sufficient number to prepare sentence plan for individual. Then, sentence plan was established that depending on availability and capacity of resource in prison system.

Prison System

Most key informants deem that what is important is knowledge and understanding of determining the sentence plan because officers are responsible for bringing needs and intentions of self-rehabilitation of inmates to combine with available prison resources to analyze appropriate activities for inmates. However, the research found that officers who lack psychological competence and specialized rehabilitation, understanding of all-around and in-depth perspective, and pertinent and integrative ideas. Therefore, if officers do not understand, it is unable to achieve the purposes of the sentence plan.

“Another important problem is understanding of the sentence plan because such a plan is a new that is

applied to inmates by the Department of Correction. However, training for officers involved is not comprehensive. For this reason, implementation of the intention of the sentence plan is not efficient enough.”

When the sentence plan has been determined, it shows that each inmate has different needs to rehabilitate themselves. Theoretically, the necessity of each inmates’ rehabilitation must be different. Consequently, the demand for officers responsible for rehabilitating inmates requires a large number of officers. Therefore, the problem of insufficient officers affects monitoring of classification and planning or pre-release program.

Furthermore, most key informants said that the implementation of the sentence plan requires a large budget. Nonetheless, the budget is limit. The budget problem affects the efficiency of the implementation of the sentence plan because regular training requires the budget to purchase materials or invite external instructors specialized in such training.

“The Department of Corrections receives an annual budget for implementing the rehabilitation approximately 100 – 120 million baht a year (approximately \$US 3,000,000-4,000,000). When it is averagely allocated to about 3-4 hundred thousand inmates, each inmate receives an allocated budget in rehabilitation less than 50 Baht”.

Inmates

Inmates are essential for the sentence plan. Nevertheless, results revealed that inmates are not attentive sentence plan to rehabilitate their behaviors while imprisonment. As a result, the inmates do not well corporation. Inmates seem to take advantage of sentence plan to fulfill other benefits rather than charge of behavior. For instance, inmates provide false information to enter rehabilitation program to released promotion, sentence reduction and parole.

Furthermore, inmates are not ready to participate in deciding the sentence plan since they need to take some time to adjust themselves and learn how-to live-in prison. This problem causes difficulties to officers to design and implement the sentence plan. No matter how hard officers work, it is the sole determination of officers. Additionally, inmates do not actually want to rehabilitate themselves. Consequently, it is rarely successful.

“The true intention of inmates may be only benefit and they do not actually want to rehabilitate themselves. Sometimes, inmates provide information in order that they will be classified into a group that is easy to change and control. Also, no one wants to show their negative sides.”

Relevant Justice Agencies

Most key informants deem that the sentence plan will be efficient if it gains cooperation and support from relevant agencies, including police, prosecutor, court, probation, and civil sector. This is due to the fact that the determination of the sentence plan requires information ranging from the prison pre-entry process. If agencies are well cooperative, this will generate integration of both data and working methods, resulting in an efficiency of the sentence plan for offenders or inmates. However, only the correctional officer is currently responsible for determining patterns and guidelines of inmates in preparing such a sentence plan.

“The rehabilitation plan of inmates requires information ranging from police, prosecutor, probation officers, and people in society to employer, community and other people involved. Currently, each agency has different beliefs. The information that should be in a single set is clearly separated into pieces. There is no unified working process.”

Discussion and Conclusion

The research found that the problems related to the sentence plan and rehabilitation in the prison system of Thailand are caused by four major factors, including sentence plan, offenders, prison systems, and relevant justice agencies.

Sentence plan is unclear about duration, as a result, it is difficult to operate sentence plan. The supporters said that the problem was caused by the insufficient number of correctional officers. The finding is consistency with previous studies, which illustrating prison staff shortage is a problem in effective management of correctional system such as control and rehabilitation of inmates (Thararoop, 2019; Petchpha, n.d.). Overpopulation in prison has made inadequacy in supervising and making sentence plan for officers to offender rehabilitation.

The research also found that inmates need to enter the sentence plan and rehabilitation for other benefits, especially for the benefit of being released early. Apparently, those inmates do not actually want to rehabilitate themselves. Findings are not consistent with the research indicating that common reasons of inmates' non-involvement and non-participation in the sentence plan and rehabilitation programs are caused by lack of motivation and interest in the program (Murhula, 2019; Meyer et al., 2013). Furthermore, major problems in the sentence plan and rehabilitation are caused by officers' lack of understanding of concepts and principles of rehabilitation. Additionally, the number of officers and budgets are insufficient and this affects the operation of the Department of Corrections concerning the sentence plan and rehabilitation in the prison system, making it much more difficult to be efficient. This corresponds to previous studies that correctional officers and budget are key to enhancing efficiency and success of the sentence plan and rehabilitation in the prison system (Bulman, 2019; Plessis and Lombard, 2018; Tate, Blagden

& Mann, 2017; Taylor, 2017; Masina, 2015; Smith & Schweitzer, 2012; Niriella, 2010).

Agencies of the justice system involved with inmates are another factor that supports the sentence plan and rehabilitation to be more efficient. Identifying complete offenders' backgrounds enables officers to carry out the sentence plan and rehabilitation appropriately. Offenders' backgrounds are scattered in various agencies of the justice system in Thailand such as police, prosecutor, and court. The collection of information and offenders' backgrounds from these agencies will make correctional officers identify more details of inmates that will be useful to the appropriate sentence plan and rehabilitation. However, the research found that the Department of Corrections does not receive enough cooperation on information and offenders' backgrounds from relevant agencies of the justice system. This certainly affects the efficiency of the sentence plan and rehabilitation. Another reason that is able to explain this finding is government organizational culture in Thailand with non-cooperation in forwarding information among agencies even though such government organizations are under the same ministry. This phenomenon affects efficiency and operational success (Tammakulvich, 2021).

In conclusion, this research aims to study the problems and difficulties in implementing the sentence plan and rehabilitation. Samples of this research include 25 officers from the Department of Correction and Department of Probation, and police officers. In this research, in-depth interviews and focus group are used to collect data. The research found that problems and difficulties in the processes of the sentence plan and rehabilitation include inmates, prison systems, and lack of cooperation from relevant agencies. The researcher deems that the number of correctional officers should be increased to fit workloads and technology should be applied to help to carry out the sentence plan and rehabilitation. Furthermore, training of the

sentence plan and rehabilitation should be included for correctional officers in order to enhance efficiency and operational success.

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