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United Nations Office on Drugs and Crime



# Research on the Causes of Recidivism in Thailand

*“ I was charged as **a dealer**  
because of **the amount** ”*



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# **Research on the Causes of Recidivism in Thailand**

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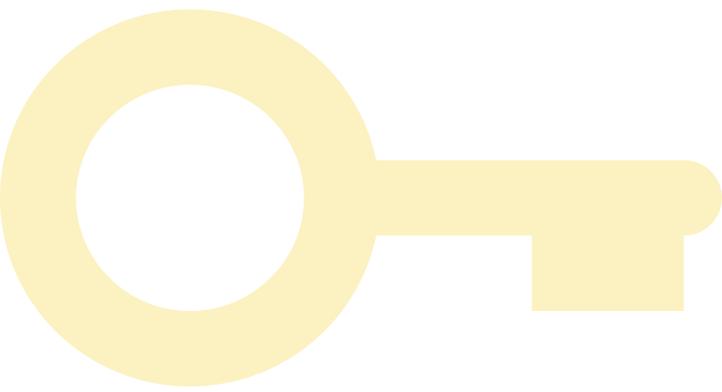
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# Table of contents

Key findings and implications for policy	6
Introduction to the research	9
The state of Thai prisons	12
Demographics of the prisoners	21
The national and institutional recidivism rate	23
Focus group and questionnaire findings	24
Reasons for return	25
Drugs	28
Family and social stigma	31
Unemployment	33
The prison experience	37
Accepting responsibility	38
Relationships with other prisoners	41
Employment, education, and skills training	43
Prospects for the future	46
Conclusions	48



## Key findings and implications for policy

Thailand presently has one of the highest prisoner-to-population ratios in the world (524 prisoners per 100,000 population in 2018), and the world's highest share of female prisoners (14%). It also suffers from one of the highest rates of overcrowding, with over three prisoners for every available prison space.<sup>1</sup> Upward of 40 prisoners may be housed in a single cell, with less than 1.2 square meters for each male inmate and 1.1 square meters for each female inmate.

The prison population has grown rapidly even as crime rates in Thailand have declined. Particularly in the time of COVID, overcrowding poses a threat to public health, and undermines rehabilitation efforts. According to interviews with the Ministry of Justice, each year Thailand spends around 12,000 million Thai Baht (or 380 million USD) on prison administration. Some 95% of the Department of Corrections budget is spent on food for the prisoners, salaries for the guards, and construction of new prisons, with only 1% for rehabilitation programs. About one-third of prisoners released from Thai prisons are reincarcerated within three years.

In addition to the traditional drivers of recidivism, such as unemployment, it appears that two legal standards could be key to Thailand's prison overcrowding and the consequent lack of resources for rehabilitation: the threshold amount for the presumption of intent to sell methamphetamine and the threshold amount to qualify for diversion to treatment. Data supplied by the Department of Corrections show:

- 80% of Thailand's prisoners are incarcerated for drug-related offences;
- 78% of drug-related offenders were convicted for offences related to yaba (methamphetaminetablets); and
- 76% of these drug-related offenders were convicted for possession with intent to sell.

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<sup>1</sup> There is some ambiguity around prison capacity in Thailand. This figure is derived from data supplied by the Thailand Department of Corrections in 2020. Prison capacity is reported as 110,000 in 2018, when there were 363,825 prisoners. This results in an overcrowding rate of about 330%.



The crime of possession with intent to sell methamphetamine is defined in the Narcotics Act 2522 of 1979, Chapter 2, section 15, sub 2, as revised. The statute specifies that possession of 375 mg of pure substance creates the presumption of intent to distribute. This threshold was reduced from 20 grams of pure substance in 2002, a 50-fold reduction. The threshold amount for presumption of intent to distribute methamphetamine varies greatly between countries. For example, some states in Australia set the threshold at eight times higher than the present Thai limit.

The reduction in the threshold amount was implemented the same year that the Rehabilitation of Drug Addicts Act (B.E. 2545) was passed. This Act allowed for diversion to treatment for users, currently defined by regulation to be those found in possession of less than five pills. As expected, after the Act was passed there was a strong decrease in prisoner numbers. This trend continued until 2006, at which point it reversed and rose to ever higher levels.

The placement of these two thresholds – the presumption of intent to distribute and eligibility for diversion – clearly has a strong impact on prisoner numbers. The statutory threshold was set 18 years ago, and if use patterns have changed, a revision might be necessary. Prisoners interviewed said that the price of yaba has dropped dramatically in recent years.<sup>2</sup> Prices as low as 10 baht per tablet (about 30 US cents, “cheaper than rice”) were cited. Many of the prisoners claimed that they bought in quantity to reduce the risk of being arrested at a sales point, or at the request of a dealer seeking to avoid police attention. Some users claimed they had been arrested as dealers as a result.

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<sup>2</sup> These reports are backed up by the official monitoring data for all countries of the Mekong region. Cambodia, Lao PDR, Myanmar and Thailand have all reported sharp decreases in typical retail prices of the drug over the last decade. Pill prices in Thailand represent less than 1% of the monthly minimum wage. See UNODC, Synthetic Drugs in East and Southeast Asia: Latest developments and challenges, May 2020.

In short, these thresholds may be a major contributor to the overcrowding in the prisons and the consequent lack of resources for rehabilitation and reintegration. A small shift could liberate thousands, reduce prison overcrowding, and free up resources for rehabilitation, both in and out of prison. In order to provide an evidentiary basis for such a shift, more research should be conducted on current use patterns and the share of yaba consumers who become problem drug users.<sup>3</sup> This research is needed to understand current use, trafficking, and market patterns of yaba and crystal methamphetamine. This is important in order to improve science-based prevention and treatment programmes to address drug use and to ensure proportional sentencing where “the severity of penalties is proportionate to the gravity of offences”.<sup>4</sup>

Most of the prisoners interviewed assumed responsibility for their condition and appeared to be determined to reform. Yaba users claimed not to be addicted but were rather part of social networks where drug use was expected. Some users did engage in dealing to support their habit and for quick income. These networks were a key source of support upon release, as many felt alienated from their families and had short-term difficulty in finding formal employment due to records checks. To address this dynamic, some short-term social reintegration support, perhaps in a different part of the city or country, could help.<sup>5</sup> Formal public works programs employing prisoners could also provide a path to reintegration away from drug using communities. UNODC has produced guidance in this regard, including the Roadmap for the Development of Prison-based Rehabilitation Programmes,<sup>6</sup> and the Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders.<sup>7</sup>

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<sup>3</sup> UNODC defines “problem drug user” as “people who engage in the high-risk consumption of drugs; for example, people who inject drugs, people who use drugs on a daily basis and/or people diagnosed with drug use disorders (harmful use or drug dependence), based on clinical criteria as contained in the Diagnostic and Statistical Manual of Mental Disorders (fifth edition) of the American Psychiatric Association, or the International Classification of Diseases and Related Health Problems (tenth revision) of the World Health Organization.” See World Drug Report 2018, Booklet 2, page 59.

<sup>4</sup> See A/RES/S-30/1

<sup>5</sup> See, for example, UNODC, Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders. Vienna: UNODC, 2012 and UNODC, Roadmap for the Development of Prison-based Rehabilitation Programmes. Vienna: UNODC, 2017.

<sup>6</sup> [https://www.unodc.org/documents/justice-and-prison-reform/17-05452\\_ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/17-05452_ebook.pdf)

<sup>7</sup> [https://www.unodc.org/documents/justice-and-prison-reform/18-02303\\_ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/18-02303_ebook.pdf)

# Introduction to the research

For serious crimes, prisons represent a key outcome of criminal justice process. The reporting of crime by victims, investigation and arrest by police, the prosecution of the accused, and the adjudication in the courts, all are directed at identifying and punishing those who have broken the criminal law. In most countries today, the most serious crimes are punished by means of a prison sentence.

In most countries, the bulk of the resources dedicated to solving crime problems are given to the criminal justice system. It is important, then, that the system works to make future criminal victimisation less likely. According to Rule 4 of the United Nations Standard Minimum Rules for the Treatment of Prisoners, “The purposes of a sentence of imprisonment or similar measures deprivative of a person’s liberty are primarily to protect society against crime and to reduce recidivism.”

If the goal of imprisonment is to reduce the levels of crime in society generally and to reduce the likelihood of prisoners reoffending specifically, then recidivism represents a failure of the system. Despite being in state custody, often for a period of many years, reoffenders are known to have again contributed to the crime problem. Understanding why prisoners return to prison is therefore a question of key policy relevance for the criminal justice system. Since only the prisoners themselves understand the circumstances leading to their return, UNODC has designed a series of studies to assess the reasons for recidivism at a national level by interviewing the prisoners.

## **The present study**

This study is a collaboration between the United Nations Office on Drugs and Crime (UNODC) and Thailand Institute of Justice (TIJ) with the aim to understand recidivism in Thailand from a corrections perspective. The following document is the first national report on the causes of recidivism prepared by UNODC. It is to be followed by reports on similar research conducted in Albania and Czechia.

In order to understand why people reoffend, this study asks the prisoners themselves. The research is primarily qualitative, based on focus group interviews, followed by a questionnaire capturing the individual positions of the focus group participants. This information is placed in context through interviews with local practitioners,<sup>8</sup> documents, and statistics from the Department of Corrections of Thailand. Data in this report has also been drawn from the United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems (CTS) database.<sup>9</sup>

The research team visited two correctional facilities: Thonburi Women's Correctional Institution and Thonburi Remand Prison in Bangkok during the week of 13-17 January 2020. These adult facilities, which hold both people held on remand and prisoners sentenced up to seven years, are attempting to implement the Nelson Mandela Rules, and so represent some of the most advanced prisons in the country.

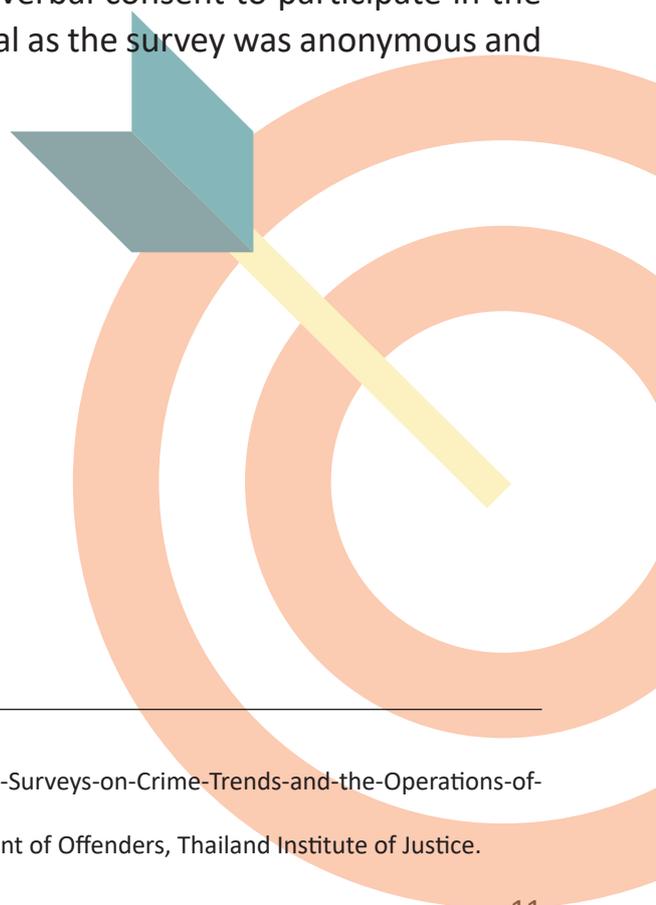
Eight focus groups were conducted, including a total of 64 convicted prisoners who were sentenced to prison for the second time or more. This includes 40 men and 24 women. In addition, the same 64 prisoners filled out a paper questionnaire on their experiences with recidivism.

This is clearly a very limited sample of the almost 400,000 people incarcerated in Thailand. While only two prisons were visited, the recidivists had previously served time in prisons across the country, so their experiences reflect on the system more broadly. In addition, the profile of the prisoners interviewed, which were largely convicted of drug related offences, matches that of the prison population nationwide, so the dynamics encountered may be similar. Finally, much of the discussion focused on the lives of the prisoners outside the prison as they tried to integrate into society as former offenders, and so was not dependent on the particular prison where the discussion took place.

The quotations used in this report were taken solely from the focus groups, which were conducted in Thai by a moderator from the Thailand Institute of Justice<sup>10</sup> and were simultaneously translated into English and recorded on a handheld recording device.

The selection of prisoners was made by the prison officials, which could potentially be a source of bias, although the focus of the discussion was reasons for returning to prison, not prison conditions, and much of the time was spent talking about life outside. In addition, several prisoners discussed their conduct status (see below), and both “bad” and “very bad” prisoners were identified in the groups. It seems unlikely the inmates would have been selected in the sample were curated in a biased way. The director of the men’s prison was very frank about the problems of the prison, including overcrowding. Guards were only present during one focus group, which included violent offenders, and the prisoners appeared to speak openly about their experiences.

To ensure participants were providing informed consent, the moderator explained the purpose of the study and stressed the confidential, anonymous, and voluntary nature of their participation at the beginning. The participants’ verbal consent to participate in the study was then gained. Written consent was impractical as the survey was anonymous and several of the inmates were illiterate.

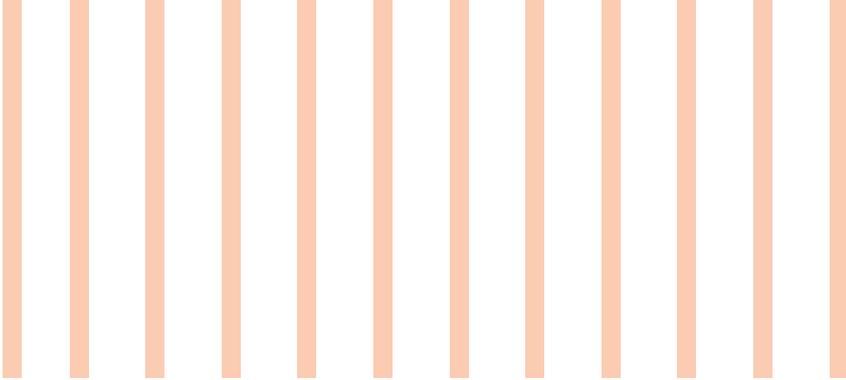


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<sup>8</sup> Including current and former corrections officials.

<sup>9</sup> <https://www.unodc.org/unodc/en/data-and-analysis/United-Nations-Surveys-on-Crime-Trends-and-the-Operations-of-Criminal-Justice-Systems.html>

<sup>10</sup> Chontit Chuenurah, Director, Office for the Bangkok Rules and Treatment of Offenders, Thailand Institute of Justice.

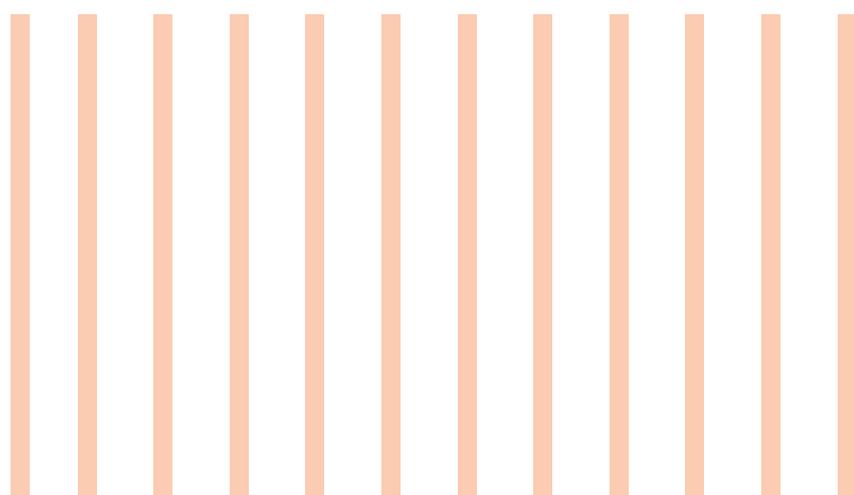


# The state of Thai prisons

Thailand's prison population is characterised by:

- Large numbers, resulting in a high prisoner to population ratio
- High levels of overcrowding
- High share of prisoners convicted for drug offences
- High share of female prisoners

Data from the United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems (CTS) shows that Thailand ranks around third in the world in the number of prisoners per capita, among countries where comparable data are available, with about 524 prisoners per 100,000 population in 2018, despite the fact that Thailand is a relatively safe country. According to a 2018 national survey, over 78% of the participants felt safe walking alone at night in the area in which they live, and over 96% felt safe during the day.<sup>11</sup> Thailand has a much lower homicide rate than other countries with large numbers of prisoners relative to their populations (Figure 1). In addition, Thailand's prison population has increased even as homicide rates have decreased (Figure 2). Other recorded crime rates have also declined over time, according to data from the United Nations Crime Trends Survey. The numbers of recorded assaults,<sup>12</sup> rapes,<sup>13</sup> thefts,<sup>14</sup> and burglaries<sup>15</sup> have essentially halved in recent years, even as incarceration rates have risen.



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<sup>11</sup> Sudarak Suvannanonda, Fear of crime in Thailand. Bangkok: Thailand Institute of Justice, 2019.

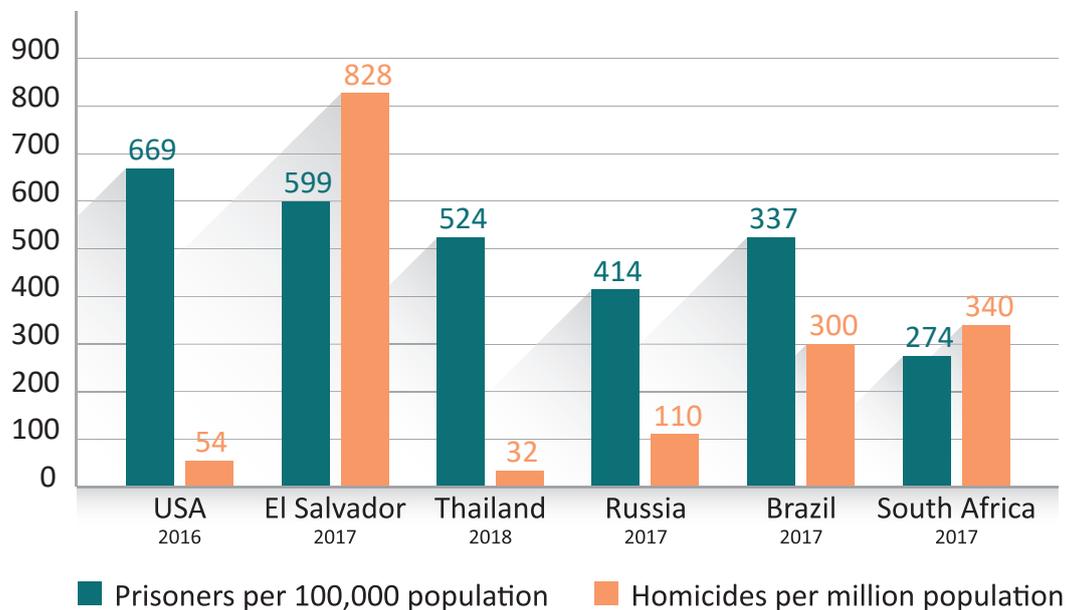
<sup>12</sup> From 28,245 in 2005 to 9,239 in 2018

<sup>13</sup> From 5,071 in 2005 to 2,354 in 2018

<sup>14</sup> From 60,881 in 2005 to 33,042 in 2016 (latest data available)

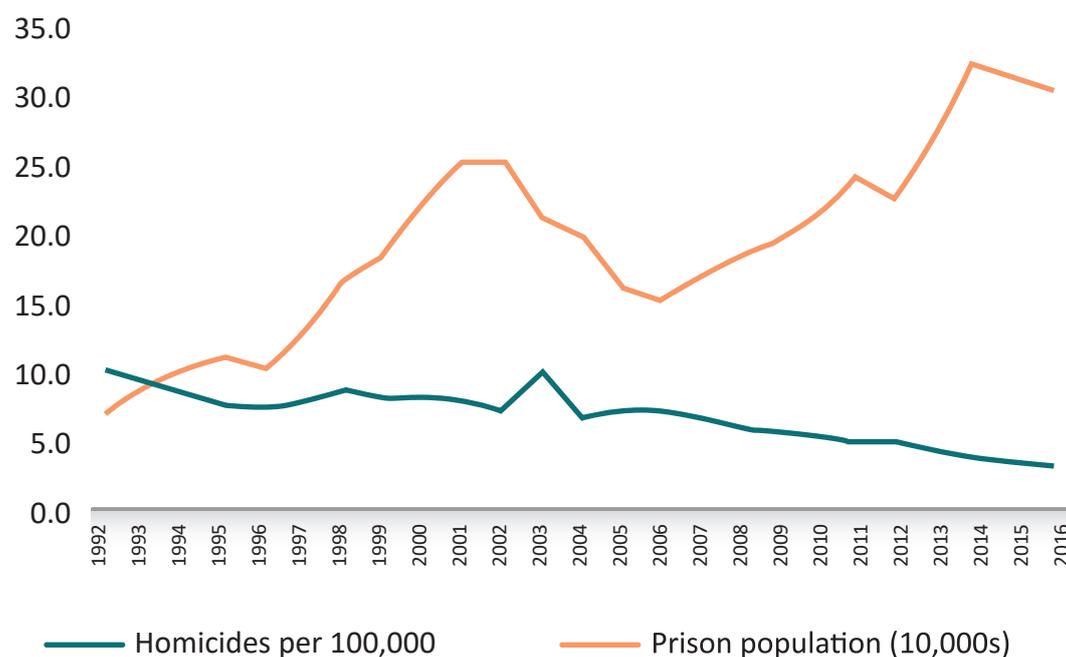
<sup>15</sup> From 6,440 in 2010 (earliest data available) to 3,088 in 2016 (latest data available)

**Figure 1: Total prisoners (sentenced and remand) per 100,000 population and recorded homicides per million population, selected countries**



Source: UNODC CTS

**Figure 2: Recorded homicides per 100,000 and tens of thousands of prisoners (sentenced and remand) in Thailand, 1992-2016**



Source: UNODC CTS

This increase is almost entirely comprised of people convicted of drug-related offences. Between 1992 and 2000, the number of people imprisoned for drug use or possession more than doubled.<sup>16</sup> More recently, after a period of reduction (2002-2006) the number of prisoners in Thai prisons, the majority of which are incarcerated on drug-related offences, doubled again (2006-2014). The high share of prisoners detained for drug-related offences is also one reason Thailand has such a high share of women in the prison population (about 14%) and one of the largest female prison populations in the world (over 40,000 convicted prisoners as of July 2020).<sup>17</sup>

These trends can be attributed to changes in legislation. Recognizing that giving prison sentences for persons with drug dependence was inappropriate,<sup>18</sup> in 2002, Thailand passed the Rehabilitation of Drug Addicts Act (B.E. 2545). This Act provided for diversion to compulsory treatment rather than prison for those found using or in possession of drugs.<sup>19</sup> In order to qualify for diversion, the offence must be drug use<sup>20</sup> or the amount possessed must be small. For methamphetamine, by regulation, those in possession of more than five units or 500 mg are not eligible for diversion.<sup>21</sup>

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<sup>16</sup> Chris Beyrer, Jaroon Jittiwutikarn, Waranya Teokul, Myat Htoo Razak, Vinai Suriyanon, Namtip Srirak, Tasanai Vongchuk, Sodsai Tovanabutra, Teerada Sripaipan and David D. Celentano, 'Drug use, increasing incarceration rates, and prison-associated HIV risks in Thailand'. *AIDS and Behaviour*, No 7, pp 153–161, 2003. (2003): 153.

<sup>17</sup> In 2018, only the United States and the Russian Federation reported larger female prisoner populations. There are very few crime categories where women are as likely to be prosecuted as men, but drug-related offences is one area where a relatively large share of the offenders are female. For example, in state prisons in the United States in 2019, about 13% of those imprisoned for drug-related offences were female, while women comprised only 8% of the overall prisoners. See: <https://www.prisonpolicy.org/reports/pie2019women.html>.

In Thailand in 2019, about 84% of the female prisoners were convicted of drug-related offences, compared to 83% of the overall population. However, many of the prisoners interviewed for violent and property crimes also reported being drug users.

<sup>18</sup> Richard Pearshouse, *Compulsory Drug Treatment in Thailand: Observations on the Narcotic Addict Rehabilitation Act B.E. 2545 (2002)*. Toronto: Canadian HIV/AIDS Legal Network, 2009.

<sup>19</sup> According to the International Standards for the Treatment of Drug Use Disorders, "Treatment interventions must always be voluntary and based on the patient's informed consent. Everyone who has access to services, including individuals under the supervision of the criminal justice system, should have the right to refuse treatment, even if this entails other custodial or non-custodial measures." See *International standards for the treatment of drug use disorders: revised edition incorporating results of field-testing*. Geneva: World Health Organization and United Nations Office on Drugs and Crime; 2020, page 94.

<sup>20</sup> In Thailand, it is a criminal offence to use illegal drugs. People found under the influence of drugs can be convicted of an offence, even if no drugs are found in their possession.

<sup>21</sup> Interview with representative of the Thailand Attorney General's Office, February 2020.

The passage of this Act appears to have reversed the steep increase in incarceration levels and by 2006 they were 40% lower than in 2002 (Figure 2). However, by 2007, prison numbers began to climb again, and by 2011, they were close to 2002 levels. From 2013 onwards, they were higher than they had ever been. This could be due to many reasons, including reoffenders being denied diversion or new offenders being found in possession of more than the specified threshold amount. As discussed below, increases in the amounts of drug possessed could be due to a decline in prices, which have been documented as consistently falling since at least 2011 (Figure 8).

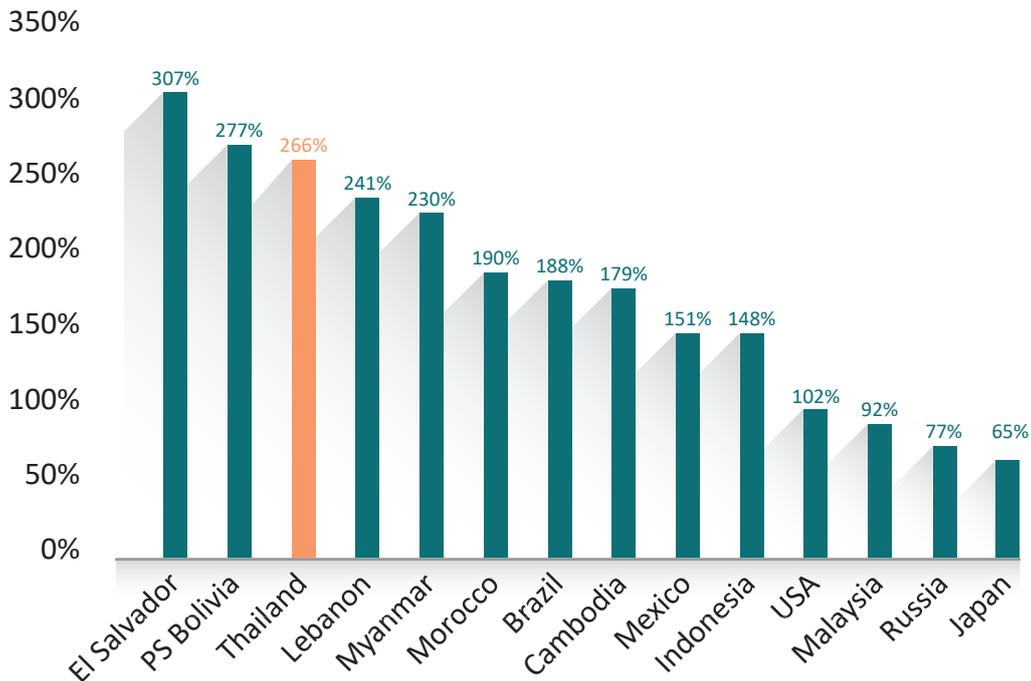
In addition, in the same year of 2002, another legal standard was changed. By amendment of the Narcotics Act (B.E. 2545, Vol 5), the threshold for “possession with intent to distribute” was reduced. Those found in possession of more than the threshold amount are presumed to be dealers, rather than users, based on the notion that no user would have a need for such large quantities. The reduction for methamphetamine was from 20 grams of pure substance to 375 milligrams, less than one-fiftieth what it had been. Those in possession of 375 milligrams of pure meth, or 15 pills (“dose units”) or 1.5 gm total weight were now regarded as being in possession for the purposes of distribution. Suddenly, those in possession of quantities formerly regarded to be for personal use could be convicted as dealers, with much heavier penalties, adding to the burden of the Thai Department of Corrections.

Thailand’s official prison capacity is about 110,000 prisoners.<sup>22</sup> As of the end of 2018, the prison population was comprised of 363,825 prisoners, according to documents presented by the Department of Corrections. Thailand has one of the highest levels of prison overcrowding in the world (Figure 3). At one facility visited, between 35 and 45 prisoners were kept in a single cell. The prisoners interviewed reported that they slept shoulder to shoulder and that it was impossible to roll over. Department of Corrections staff reported that each male prisoner was officially allocated 1.2 square meters of cell space, but that, in practice, even less space was available. The “three blankets” system was used for bedding: the prisoners laid out one blanket for a mattress, rolled one or two for a pillow, and had the third for cover. The length of the blankets is about 1.5 meters. Fortunately, the climate is such in Thailand that the prisoners can spend the bulk of the day outside their cells year-round, but prison officials at this prison noted that prisoners were typically in their cells from 15:00 hours until the next morning.

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<sup>22</sup> The last CTS Thailand submitted that asked about prison capacity was in 2016, referring to 2015 data. The capacity then was said to be 118,638. More recent documents submitted by the Department of Corrections put the capacity at 110,000 as a standing capacity since 1992, although the World Prison Brief puts the figure at 220,000.

**Figure 3: Prison occupancy rate in 2015, selected countries**



Source: CTS and Thailand Department of Corrections

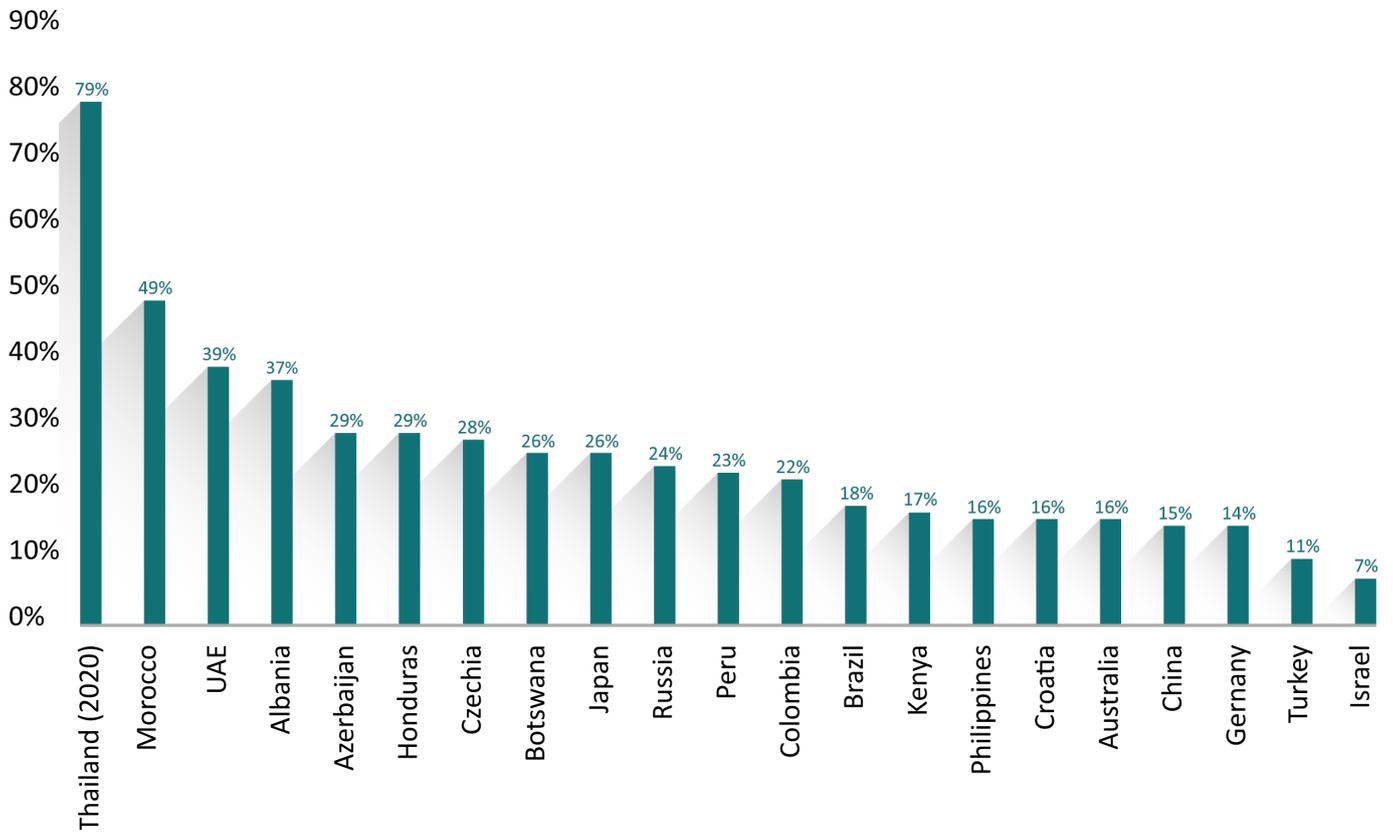
According to interviews with prison officials, prison overcrowding has been relieved in the past by periodic amnesties (The Royal Pardon), which are typically decreed every two or three years. Eligibility for pardon is tied to a prisoners’ rank in the tiered behaviour classification system. This classification system consists of five tiers: very bad, bad, medium, good and very good. Only those in the “very good” category are considered for such pardons. This classification system also dictates other aspects of prison life, such as contact visitation rights and sentence reductions. Classification levels are revisited every six months. First-time prisoners enter prison at the “medium” level, whereas second offenders enter at the “bad” level and third time offenders at the “very bad” level.

A very large share of prisoners held in Thai prisons were sentenced for drug-related offences. In fact, based on official data submitted by countries in response to the United Nations Survey on Crime Trends and the Operations of Criminal Justice Systems (CTS), it appears that Thailand has the highest share of drug offenders in its prison population in the world, based on available data. Comparing 2015 data from 55 countries, the unweighted average of the share of drug-related prisoners among the sentenced prison population was 25%, while in Thailand, the figure was around 80% (Figure 4). Some 65% of recidivists in 2018 were reincarcerated for drug-related offences.

<sup>23</sup> Good classification=3 days/month deduction; Very good classification=4 days/month deduction.

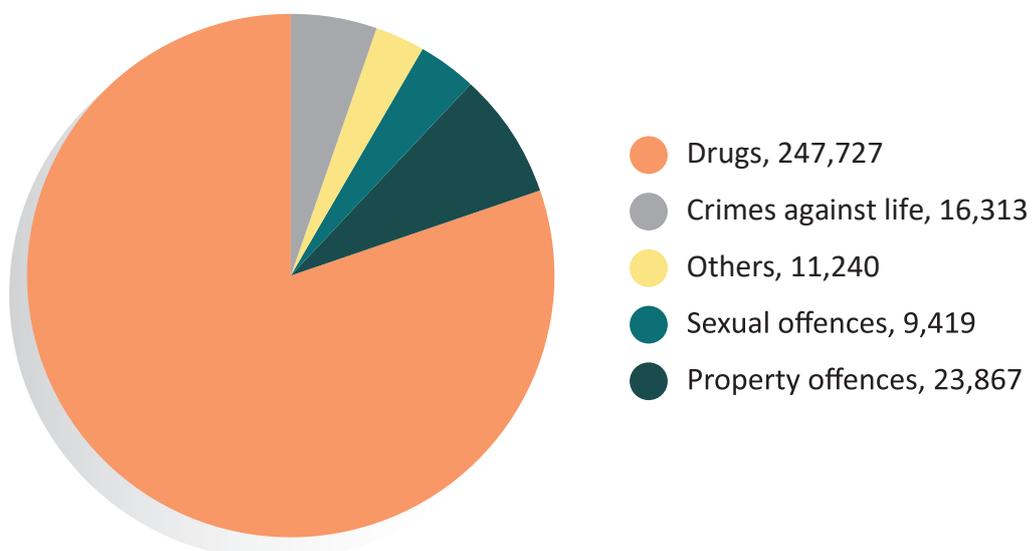
<sup>24</sup> <http://www.correct.go.th/recstats/index.php/en/home>

**Figure 4: Share of total sentenced prisoners in 2015 who were sentenced for drug crimes, selected countries**



Source: CTS and Thailand Department of Corrections

**Figure 5: Offences for which Thai prisoners were held as of 1 January 2020**

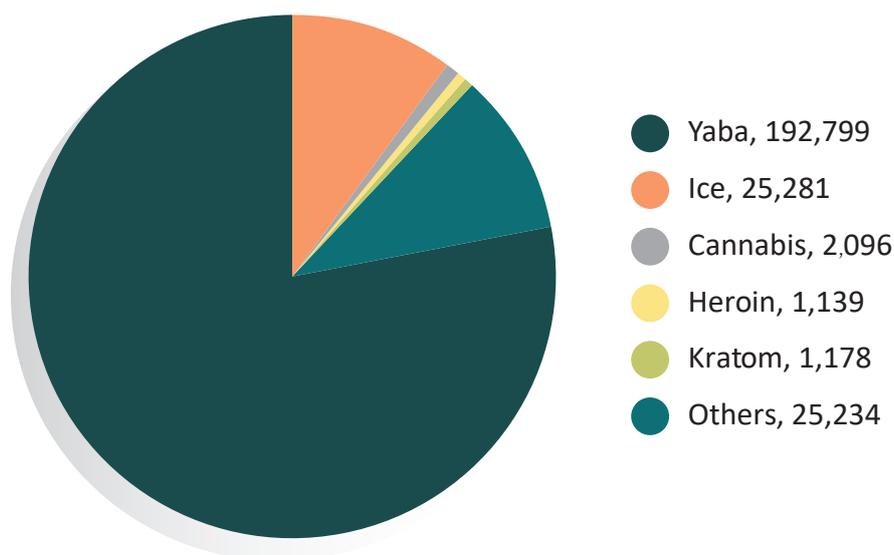


Source: Thailand Department of Corrections

The drug for which these prisoners were incarcerated was overwhelmingly methamphetamine. In Thailand, methamphetamine has been used for over 50 years in the form of “yaba”. These small tablets, typically 93 mg in weight,<sup>25</sup> contain about 20 mg of methamphetamine as well as some caffeine. More intensive and problematic forms of use have emerged, including vaporization (“chasing”), insufflation (“snorting”), and injection (intravenous use).<sup>26</sup>

Some 78% of those detained for drugs were arrested for yaba and an additional 10% for crystal methamphetamine (ice) (Figure 6). Seizures of methamphetamine in Southeast Asia have skyrocketed, from less than 10 metric tons in 2011 to more than 120 in 2019.<sup>27</sup> Of particular concern is the rise of crystal methamphetamine. While both yaba and ice contain methamphetamine, ice is a much more potent and addictive form of the drug.

**Figure 6: Drugs for which prisoners are incarcerated as of 1 January 2020**



*Source: Thailand Department of Corrections*

The most common drug offence committed by these prisoners was possession with intent to distribute (76% of all drug detainees) (Figure 7). This drug-related offence, which reverses the burden of proof, is found in countries around the world. Those found in possession of more than a specified level of the drug are presumed to be dealers. In other jurisdictions, other indications of intent to sell may be required, such as possession of scales or other paraphernalia, or packaging into sales units. Currently in Thailand, those found in possession of more than:

<sup>25</sup> Chulathida Chomchai and Boonying Manaboriboon. ‘Stimulant methamphetamine and dextromethorphan use among Thai adolescents: implications for health of women and children’. *Journal of Medical Toxicology*, Vol 8, No 3, 2012, pp 291-294.

<sup>26</sup> UNODC 2020, op cit.

<sup>27</sup> Ibid.

- 375 mg of pure methamphetamine; or
- 15 dose units (for yaba, pills); or
- 1.5 grams total weight of drugs containing methamphetamine;

are charged with possession with intent to distribute.<sup>28</sup> If yaba pills are presently selling at 20 baht per tablet, then the 15 pills that qualify the possessor as a presumptive dealer are worth 300 baht (less than ten US dollars).

This quantity threshold was set in 2002. According to a representative of the Thailand Attorney General's Office, the previous threshold between 1979 and 2002 had been 20 grams of pure methamphetamine, over 50 times the present threshold (375 mg).<sup>29</sup> A review of similar thresholds in other countries shows wide variation, but the Thai threshold is low by comparison with some countries. For example, some states in Australia set the threshold at two or three grams of pure substance, or eight times the Thai threshold.<sup>30</sup>

As discussed below, some of the prisoners interviewed claimed to be users, not dealers, but were found in possession of quantities exceeding the threshold, typically more than 15 pills. Some claimed this was due to a dramatic reduction in price recently, which made buying larger quantities possible. Price data from the region show that 2019 prices were one-third of those in 2011, and prisoners interviewed suggested lower prices still (Figure 8). This decline in price is attributed to a rise in production in the lower Mekong region.<sup>31</sup>

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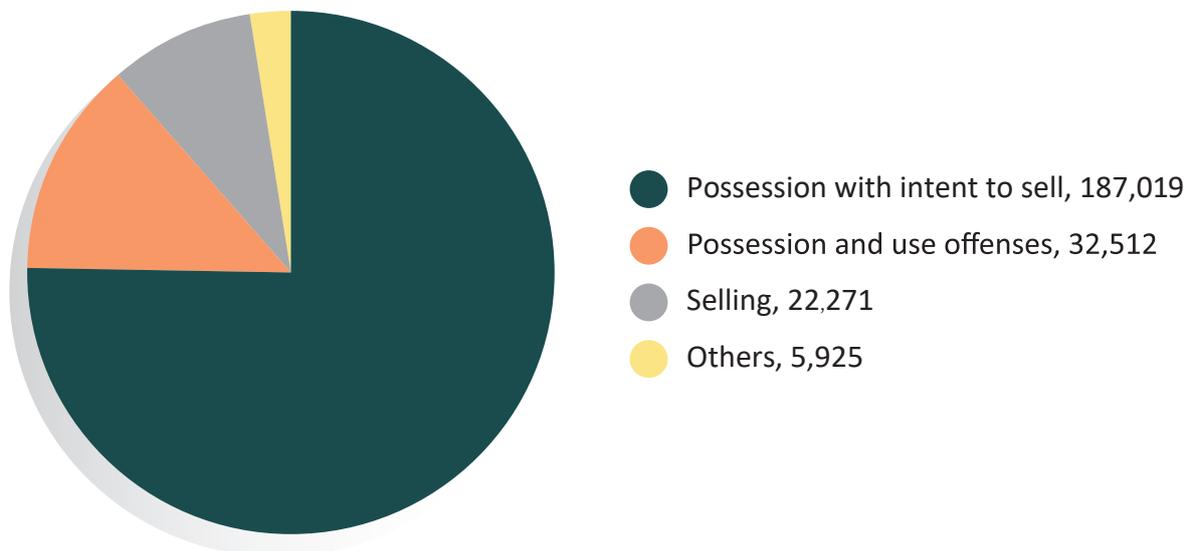
<sup>28</sup> Narcotics Act 2522 of 1979, Chapter 2, section 15, sub 2, as revised.

<sup>29</sup> Interview with representative of the Thailand Attorney General's Office, February 2020.

<sup>30</sup> Parliament of Victoria Law Reform, Drugs and Crime Prevention Committee, Inquiry into the Supply and Use of Methamphetamines, Particularly Ice, in Victoria. Final Report. Volume 2, September 2014, p 377.

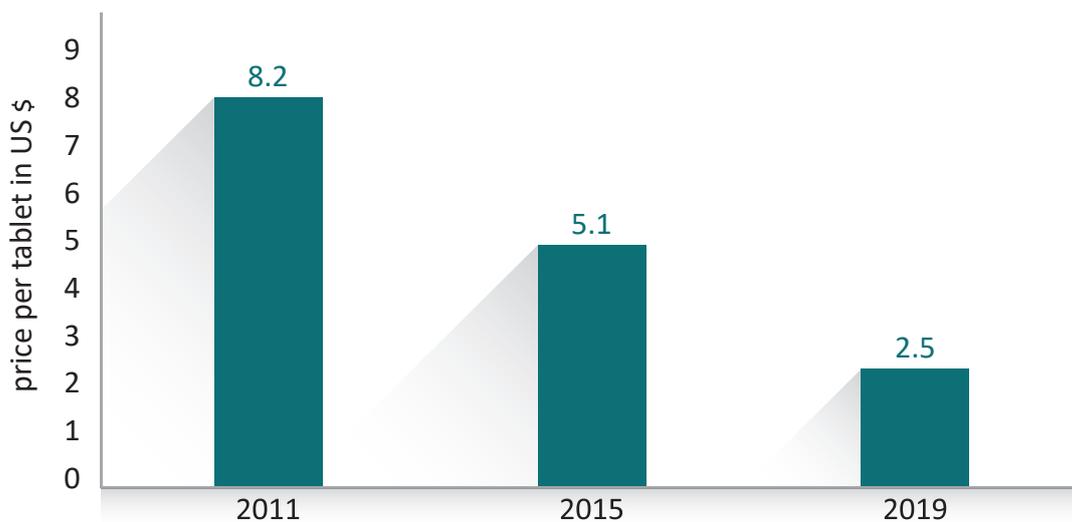
<sup>31</sup> UNODC, Synthetic Drugs in East and Southeast Asia: Latest developments and challenges, May 2020.

Figure 7: Drug offences for which prisoners are incarcerated as of 1 January 2020



Source: Thailand Department of Corrections

Figure 8: Average price paid for a yaba tablet in Thailand over time



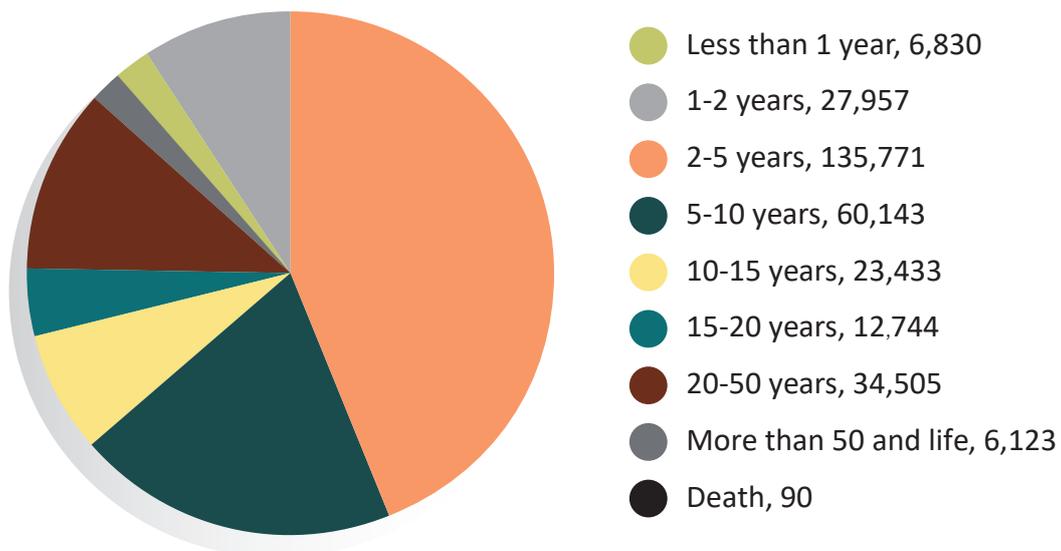
Source: UNODC<sup>32</sup>

<sup>32</sup> UNODC, Synthetic Drugs in East and Southeast Asia: Latest developments and challenges, May 2020.

# Demographics of the prisoners

Most prisoners in Thailand are sentenced to between two to 10 years imprisonment, reflecting the high percentage of those sentenced for possession with intent to distribute (four years imprisonment to life) (Figure 9). Relatively short sentences are being served by at least half of the sentenced population.

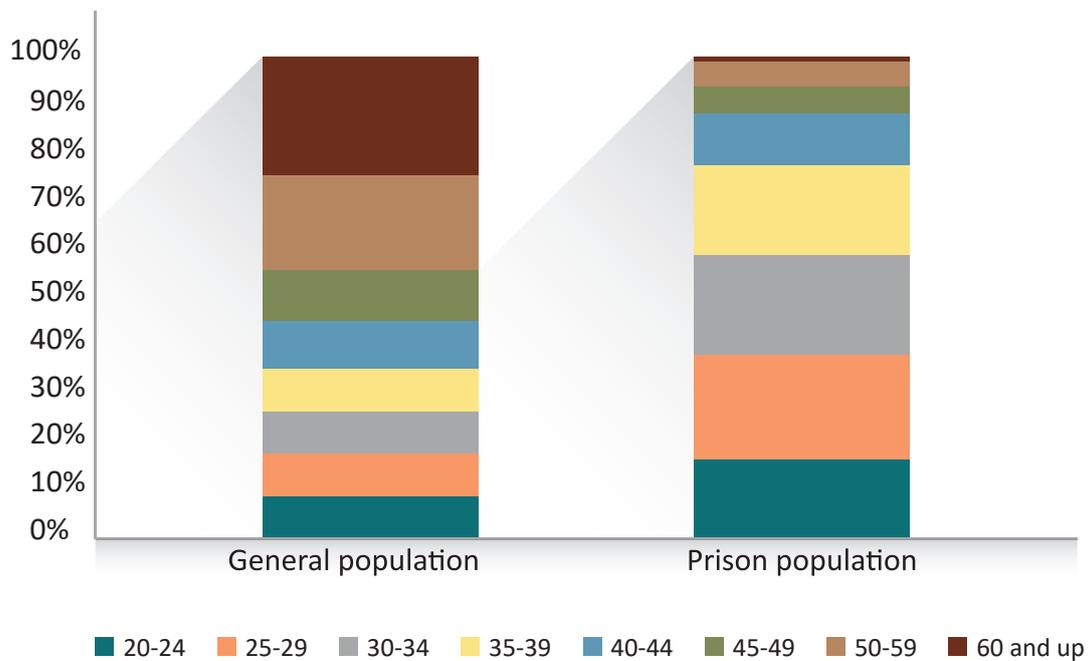
**Figure 9: Length of prison sentence categories of prisoners in Thailand in January 2020 (number of prisoners)**



*Source: Thailand Department of Corrections*

Only 22% of the prison population is over the age of 40, compared to almost half (47%) of the Thai population 20 years and above. This skew towards youth reflects both the normal youthfulness of offenders and the short sentence lengths of the prisoners.

**Figure 10: Share by age categories of general population of Thailand (20+) versus prison population (20+) in 2019**



*Source: Thailand Department of Corrections; United Nations Population Division*

# The national and institutional recidivism rate

Since 2012, the Thai government has had a comprehensive recidivism monitoring program in place based on the national identification numbers. Out of almost 380,000 current prisoners, there are only about 4,000 who still do not have national identification numbers. The monitoring system simply notes when prisoners are released and when they return to prison. For the group of prisoners released in 2016 (most recent year for which a complete three-year check is available), 35.4% returned to prison within three years. Looking at all years since the system was initiated, the rate is consistently about one-seventh at one year, one quarter at two years, and one-third at three years.<sup>33</sup>

It is also possible to look at recidivism as defined in this report: the share of prisoners who were previously incarcerated. Based on this definition, just under one-quarter of prisoners in 2016 had been previously incarcerated.<sup>34</sup> The focus groups showed that many of the recidivists had returned to prison many times. The relatively short sentences associated with drugs and the petty crimes related to drug markets meant that some of the interviewed prisoners had been in and out of prison a half dozen or even a dozen times suggesting that the flat recidivism rate does not reflect the experience of these perennial offenders.



<sup>33</sup> <http://www.correct.go.th/recstats/index.php/en/home>

<sup>34</sup> Nathee Chitsawang, "Recidivism Rates in Thailand". Thai Criminology: <http://thaicriminology.com/recidivism-rates-in-thailand.html>

## Focus group and questionnaire findings

The discussion below is based on eight focus groups with 64 prisoners conducted between 13 January and 17 January 2020 at Thonburi Women's Correctional Institution and Thonburi Remand Prison. Focus groups 4-6 took place with women prisoners. The numbers after the quotations refer to the focus group number and the individual prisoner number assigned by the research team in order to anonymise responses. At no time were the researchers made aware of the names or identities of the subjects in the focus groups. All the graphs in the sections that follow were based on responses to the questionnaires.

The 40 male prisoners were aged between 27 and 53, with an average age of 38. The 24 women were aged between 22 and 50, with an average age of 33. Most of the men (78%) had a grade 9 education or less, as did 70% of the women.<sup>35</sup> Most reported a work history in the service industry.

Thonburi Women's Correctional Institution and Thonburi Remand Prison are progressive facilities, selected by the Department of Corrections for this research. For example, facilities toured included a well-equipped art therapy department. Chanting and meditation practice were witnessed. It cannot be ascertained whether these prisons are reflective of prisons overall in Thailand, but prison quality was not the focus of this study. Rather, the interviews focused on the reasons why prisoners returned to prison, including prior experiences in other prisons and life outside prison.

In keeping with the overall offence profile of prisoners in Thailand, most of the participants were serving time for drug-related offences, but the researchers requested one male focus group comprised exclusively of those imprisoned for offences other than drug possession or distribution (mostly violent offences). This group was notably different in appearance and demeanour than the others. Prison tattoos were both more elaborate and more visible, and the prisoners explained their significance to their criminal identities.

Based on the appearance of the prisoners, it appeared that the Mandela rules on nutrition and hygiene were being followed. The focus groups were conducted in a calm and respectful manner and all focus group members were given a chance to speak. Prison guards were not present at most of the sessions and those that attended remained on the periphery.

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<sup>35</sup> ISCED Level 2.

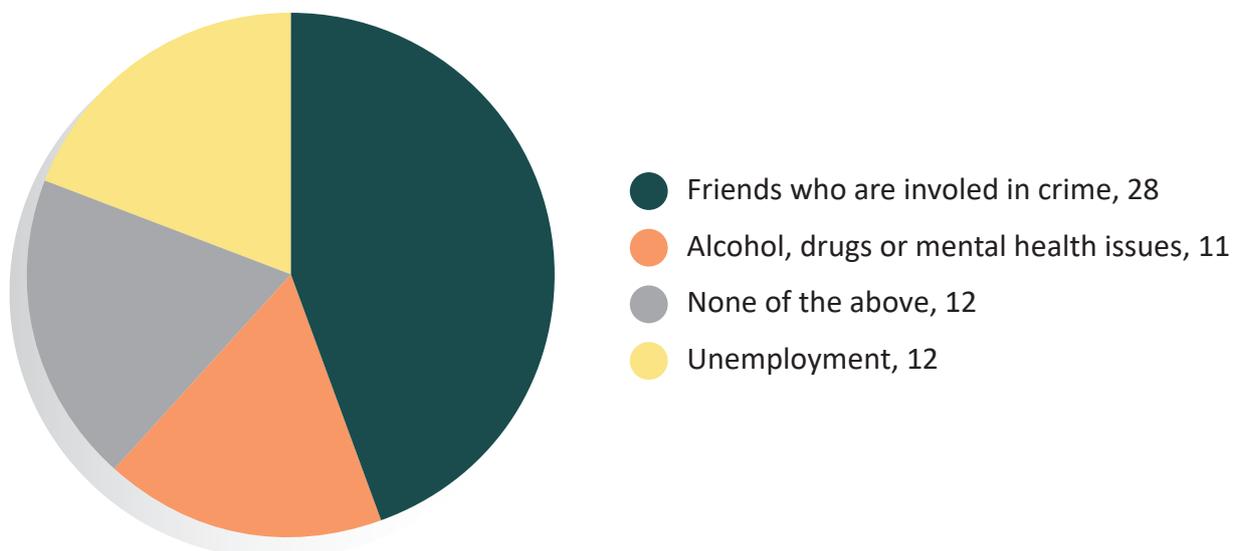
## Reasons for return

When directly asked why they returned to prison, often the first question in the focus group, the most common response was “the environment”. By “environment,” the prisoners explained, they were referring to their networks of friends and acquaintances to which they returned when released. For drug-related offenders, it was through these social networks that they used and sold drugs. These two issues, social networks and drugs, were intertwined for many, as was persistent unemployment (or employment in drug markets).

*If we go back to the same environment, we will stay the same, but if go to a different location, we will change. (2.4)*

*If we have a better group of friends, we may have a better life. (2.1)*

**Figure 11: “The primary reason I returned to prison was...” (number of prisoners by response category, 63 total responses)**



The prisoners explained that upon release from prison, they were dependent for a time on the support of their social networks. Drug users often became alienated from their families, so, for some, these networks were mainly comprised of their fellow drug users. Even those who returned to their families were often returning to the same neighbourhood, which meant friends came calling. According to the prisoners, many users also sell to support their habits, and this line of work was often the most accessible and highest paying form of employment available to released drug offenders.



*I had no place to go. I couldn't go back to my family, so I went to my friends – drug sellers. (4.2)*

*Every time I see my friends, they talk about drugs and motivate me. (1.8)*

*I didn't return to drugs right away. Then I got into contact with old friends and they asked me for drugs. (1.7)*

*When I got out last time, I went home and closed the door. I did not go out. But then the drug came to me. My friend brought it to me. Even though I stayed at home, the drug came to me. Three days after release I started using the drug again because my friends came to visit me with the drugs. (1.6)*

*I had to return back to the same environment. No one would hire me, so I had to be a dealer. (1.2)*

*I met my old friends and they asked me to get involved [in drug dealing]. I wouldn't make as much money in a normal job. Even if I walk away, I will still face another friend or group. (1.1)*

*When I was released last time, I wanted to get married and my friends suggested to me if I wanted quick money I should sell drugs. The regular wage is only 400 baht per day [about US\$12.50].(2.2)*

Many prisoners spoke about benefitting from prison and having the best intentions when they were released but complained that they were not able to avoid falling back into a lifestyle that included drugs.

*Prison taught me something, but when I went back, I had my original life again. (1.3)*

*Everyone has plans inside the prison, but when we walk out, it is so different. (2.6)*

*My mom asked me to promise [not to return to jail], but I can't because I know when I return to the same environment, I will be the same. (4.6)*





When asked what they were thinking at the time they made the decision that led to their present term in prison, some suggested that the threat of returning to prison was very much in their minds.

*When I was last released and I first held the drug in my hands, I actually had the image of the prison life pop up in my head. My hands were shaking. (2.2)*

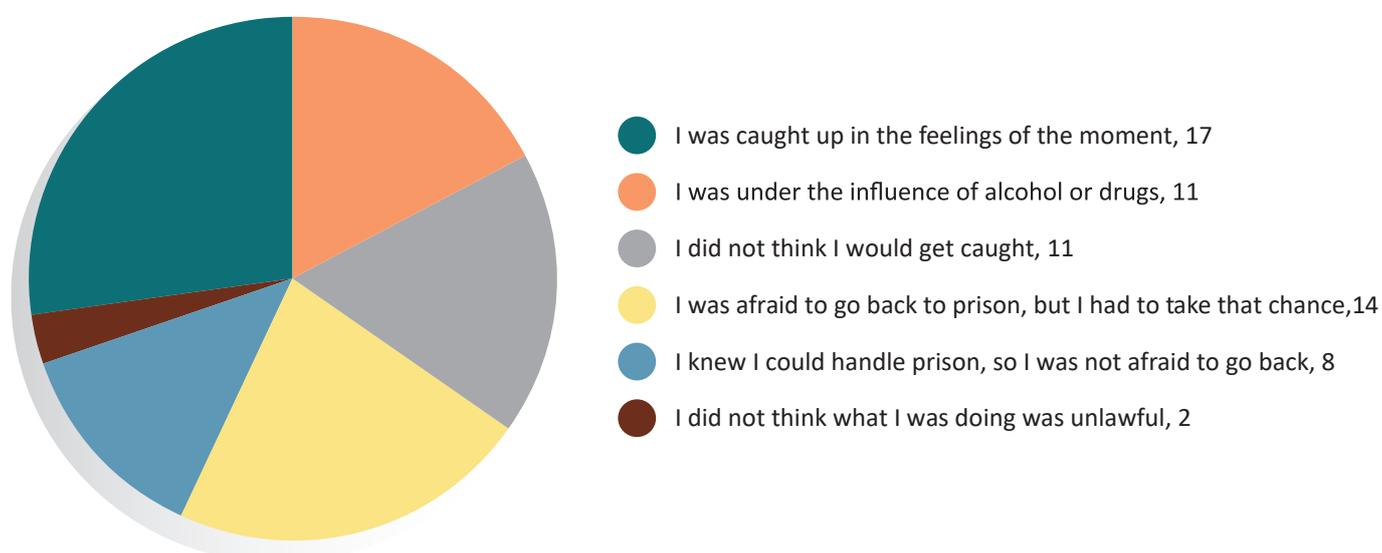
The majority, however, managed to put these fears out of their mind (Figure 12). Some prisoners even suggested their first time in prison helped them not to fear it, so coming back was easier.

*I think after my first time in prison, I know I can live with it, so my fear is less. And I make new friends in here. I know the prison life, so there is nothing to fear. (1.6)*

*The life in prison is not bad, but it is so boring. We are not afraid of prison life. (2.3)*



**Figure 12: What impact did your prior experience in prison have on your decision making? ...” (number of prisoners by response category, 63 responses)**





## Drugs

Since 80% of prisoners in Thailand were incarcerated for drug-related offences, drug use was a core cause of recidivism for the prisoners interviewed. Even the self-confessed dealers reported being users, and for many, use and sales went hand in hand. The primary problem did not appear to be drug use disorders. The prisoners repeatedly insisted that yaba (for which 78% of drug offenders were incarcerated) was not addictive and that they could “take it or leave it”.

*We don't crave the drug again. That is not the reason that we take it. (3.1)*

*They asked us to swear not to return, and I believed I would not, because the drug was not close to us. (4.4)*

*No one gets addicted to this drug. We can stop it any time. (1.6)*

*For me, it was about hanging out with my friends, partying, having fun. (2.3)*

*I went for years without the drug. I looked at my friends using drugs, and I did not want it. But then I had family problems and I went back to using the drug again, and then I started dealing. (1.2)*

Rather, as discussed above, the drugs were part of a social milieu which provided the primary support network to these marginalised individuals.

*I don't have relatives, no children. I am alone, lonely. I had to start all over. My mother died and my relatives took my house. So, I returned to the drug. (5.8)*

Many prisoners mentioned the decreasing price of yaba, the effect this had on their buying habits and the resulting criminal charges they faced when caught with this drug in their possession. The drug was cheap enough to buy in large volumes. Large volume purchases limited the number of times they exposed themselves to the possibility of being arrested. If they were arrested, however, they were charged with possession with intent to distribute, which meant longer prison terms.



*It is unfair because I bought it for my personal use, but I was charged as a dealer because of the amount. (3.7)*

*I was not a dealer. I bought for using, but I bought above the amount for users, so I was charged as a dealer. It was cheap, that's why I bought more. 10 Baht a tablet. It used to be 250-300 Baht per tablet. But the quality is not the same. When I took more, it made me dizzy, it did not give me enough energy to work. (2.5)*

*I buy more at a time so that I avoid arrest. The seller also does not want to see us that often. (3.1)*

*When the price dropped (2017-2018), we had more dealers. Now it is even lower. Yaba is cheaper than rice. (5.5)*

*We know that if we possess more, then we cannot deny being a seller. (6.2)*

One prisoner claimed that the low price of yaba reduced profits to the point that he moved onto other forms of crime.

*The price of the drug was so low that I got less margin. I thought, "how can I get money?" This led to robbery. (1.6)*

Some users claimed to have used the drug for an extended period of time while employed.

*Between this arrest and the previous one for drugs, 17 years passed. During that time, I worked as a construction foreman. I used the drug, but I was never caught until this time. (2.6)*

In contrast, ice users were more likely to talk about addiction.

*Ice is a part of my life. I need to take it. This is why I will return to prison. When we sell, we get the drug for personal use. This is how it starts. First, we get addicted and then we sell. (4.8)*





According to the warden of the prison, rehabilitation programs in the prison were mandatory for those who were deemed to have drug use disorders, but these comprised a very small share of those arrested for drug-related offences. The rehabilitation programme uses cognitive behavioural therapy in an attempt to change patterns of behaviour. Since most of the prisoners interviewed claimed not to have drug use disorders, only a limited number appeared to have had exposure to this program. Prisoners spoke positively about this program in general, but its efficacy seemed limited to the period of incarceration.

*When we are in rehab, we stop. But when we are released, we go back. We cannot resist. We think we can control it. (4.5)*

*Rehabilitation helps in the moment. But then I am alone, and I think I can control it, but I can't. (6.2)*

Some prisoners were released conditionally on successful completion of urine drug screenings. One prisoner reported that this screening helped him to stay off drugs.

*I felt comfortable about not using the drugs. That way I did not have to worry about the purple colour [of a positive drug test]. I only had to report one day per month, so it did not interfere with my job. (1.2)*

Some of the women tied their drug involvement or arrest to the men in their lives. Over half of the women (54%) selected “friends who were involved in crime” as the cause of their return to prison, compared to only 38% of the men, and only 8% of the women blamed substance abuse issues, compared to 23% of the men. High numbers of drug-related arrestees are one reason why women constitute such a large share of the Thai prison population (about 14%).

*I did not take the drug, but I was in the room and one friend was trapped by the police. I took the blame for my boyfriend because he would have been a recidivist. I thought I would only get six months, but I got more because of the threshold and because I am also a recidivist. (5.1)*





## Family and social stigma

Thailand is a very family-centred society and, for many of the prisoners, being released from prison meant returning to an extended family. Those who had been alienated by their families and communities because of their criminal behaviour expressed a deep sense of shame. Prisoners expressed not wanting to be a burden to their families and said they had a sense of responsibility for providing for them. Ironically, to meet their familial obligations, criminal opportunities for making money became more attractive. Instead of promoting reform, their sense of social exclusion led to further criminal activity.

*Even though I was not involved in drugs, people did not trust me. Okay, if they believe like that, I will be like that. (1.1)*

*I don't have people who believe in me. (1.7)*

*I don't want my relatives to feel burdened because of me. (1.5)*

Prisoners also spoke often about the negative impact of condemnation from their elders and from society in general.

*My family insulted me. They don't trust me. They think I will steal from them. (2.2)*

*I feel lost. I spent 12 years [in prison]. I used to have a wife, but not now. Drugs are my best friend. (3.5)*

*The relatives of my wife, my mother-in-law, told us to be separated. I am separated from my children as well. (3.1)*

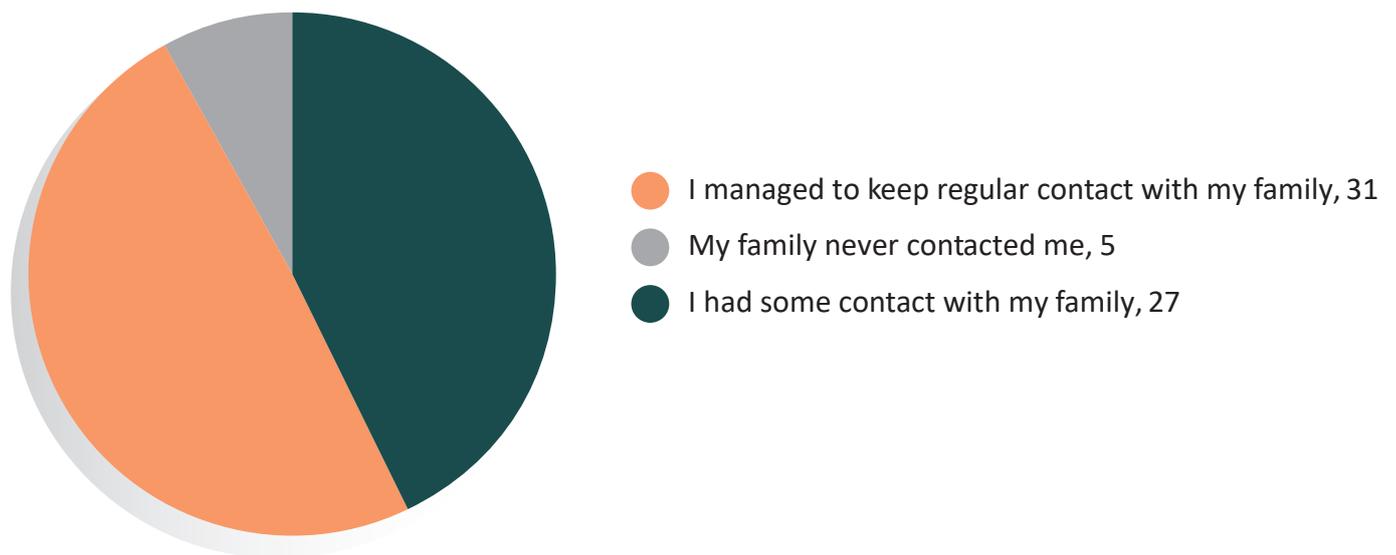
*The first time [in prison], I didn't care. Now I try harder. My family supported me the first time, but now they don't want to talk to me. (6.1)*

*I want society to give room for prisoners to get a job. We want society to accept us. (6.1)*

*It is most difficult to face friends. I was ashamed. I was afraid of people who will criticize me. Other friends have good jobs and they look down on me. (1.2)*

Despite this, most of the prisoners managed to maintain contact with their families during their last term of imprisonment. According to the questionnaires, men (51%) were more likely than women (46%) to describe this contact as “regular”, however. Visitation was allowed for 20 minutes, three days per week. A small number of prisoners spoke of never receiving visits from their families (Figure 13).

**Figure 13: Extent of family contact while in prison (number of prisoners by response category, 63 responses)**





# Unemployment

Prisoners frequently reported that many larger firms were biased against those who had been previously incarcerated. Tattoos, for example, were seen as a strong barrier to formal employment. Some were hired provisionally but, once their criminal record was discovered, they were fired. The reported right of employers to demand criminal clearance was seen as a barrier to employment, especially for large formal enterprises, like factories.

*I tried to find a job, but they all require so many documents, so many procedures. You feel it is too complicated, so you just give up. (2.1)*

*We work for a while and when the boss finds out we are criminals, they fire us. (4.2)*

*I got so many denials from jobs. I had so many gaps in my employment record because of prison and can't explain them. Some people tell me they will take me as a special case because of my skills as a jewellery seller, but then they don't call. (5.5)*

*I have tattoos on my face, so I can't get a job. (7.2)*

The solution for many was to work for smaller firms or street businesses, especially if they had good relations with former employers. Support from families was important during the job search, and some were in a position to directly provide employment. The idleness of unemployment was often reported to lead to further drug use.

*I was a vendor. I had a small noodle shop – what I did before [prison]. I have all the equipment. (4.3)*

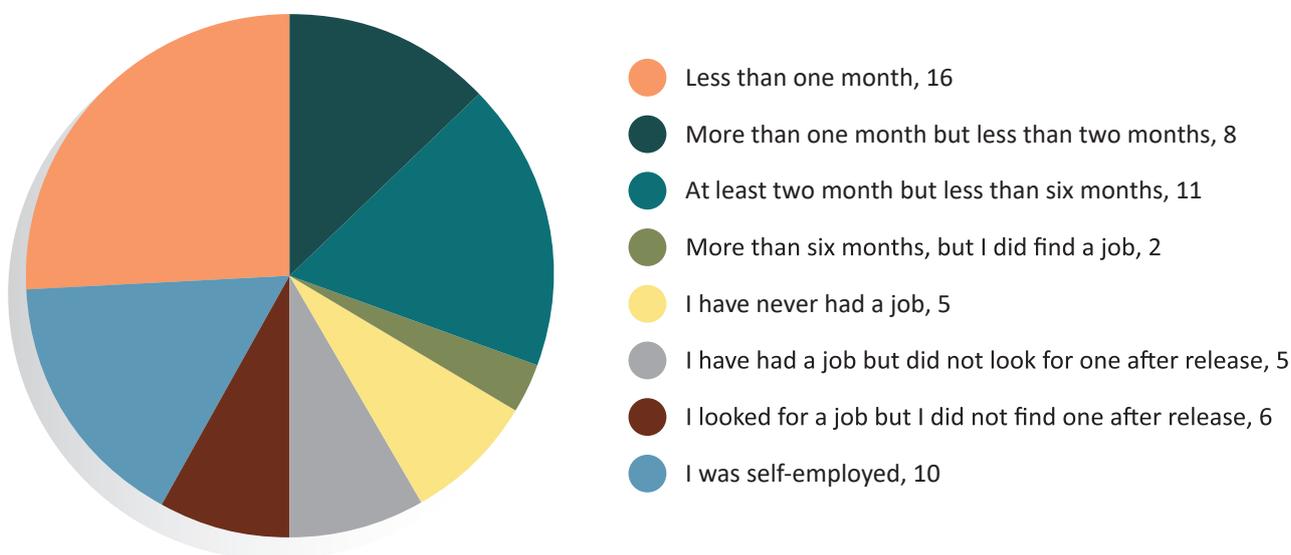
*The factory will not accept me, so I can work at a small store or street vendor. (7.5)*

*I applied to the same employer where my parents worked. If you think the wage is enough, it is enough. (1.7)*

*There are many general wage jobs, but it is hard to find a good job. To get a good job, it depends 50% on the society and 50% on my personal desire to work. (2.1)*

Questionnaire responses, however, showed that most of the prisoners were either self-employed or found a job within six months (71%) when they left prison last time. Only a small share (less than 10%) said they looked for work and were unable to find it (Figure 14). While many prisoners mentioned unemployment as a cause of their reoffending, this suggests that long-term unemployment was not a real driver of criminal activity for most.

**Figure 14: How long did you take to find a job after release? (number of prisoners by response category, 63 responses)**



It was also suggested that fear of being found out as a convict restricted their prospects for self-improvement.

*I wasn't happy with my job, so I changed from factory to restaurant. I wanted to progress, but if I [took] the exam, they would check my record, so I stopped myself. (6.2)*

At least one person thought a recommendation from the prison system could enhance their employment applications.

*I want someone to guarantee that we were good in prison so that people can trust us and [give us] probation to prove ourselves. (1.2)*

Of the prisoners that did manage to find a job, many of them explained that the money they earned was not enough to take care of their families. One reported that he was hired after release but was paid less than his co-workers because of his criminal record. In comparison, selling drugs was more lucrative and required less effort.

*A good paying job is so hard to find, and drugs are so easy. (2.1)*

*I applied for a job, but no one takes me and when you are a dealer, you can be a user, too. (3.1)*

*I have a security guard job next month when I am released, but I am still undecided whether it is enough. I will make 15,000 Baht/month. If not, I will sell drugs again. (3.7)*

Some prisoners spoke about needing to find a job in which they could earn enough money to start a family or to support family members.

*When I am in prison, I don't have to take care of my family. When I am released, I have to. (4.2)*

*I feel I need to speed up my life progress. My house was seized by the bank. I feel bad that my family has to squeeze into a small house. I am the eldest daughter and feel responsible. (4.6)*

While most prisoners made few usable connections during their last term in prison, a few built even more resilient drug connections while incarcerated with other users and dealers. This was reinforced by the fact that male prisoners grouped themselves into “zones” based on their home areas, meeting fellow drug users *from the same area to which they will return when released.*

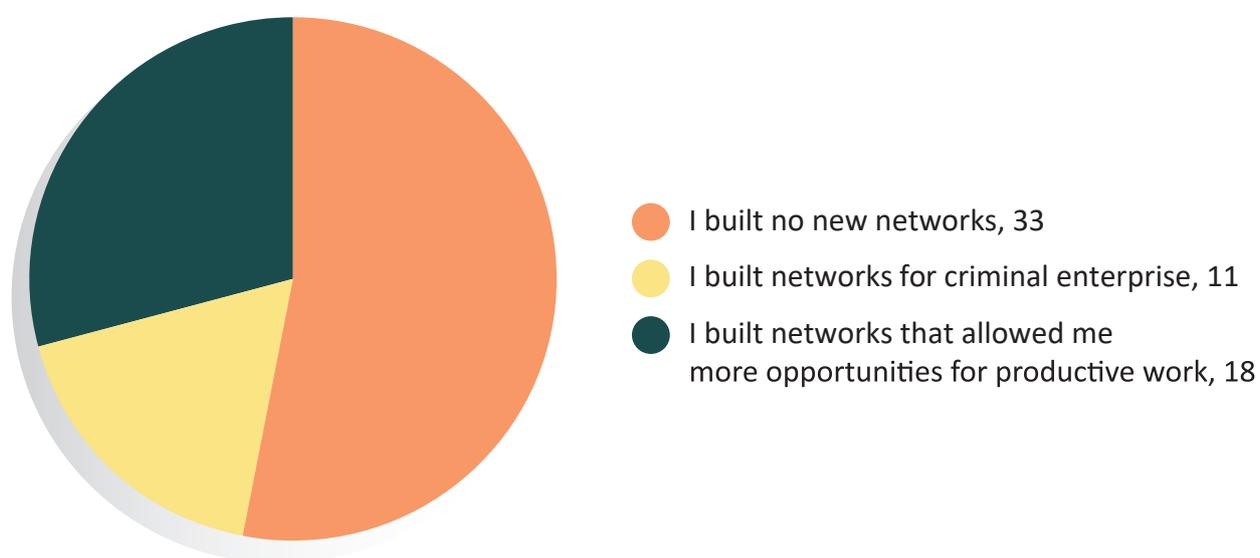
*We get worse here. We search our prison friends on Facebook. We connect so easily and learn new tricks how to sell drugs. We learn to be more selfish. (3.5)*

*That is one of the reasons we get involved with the drug again. While we are inside, we expand our networks. When we are outside, we start contacting and trading the drugs. (1.2)*

*We get tips. We expand our networks. This happened to me – I access drugs more easily. (3.6)*

This is one question where gender differences were stark: about one-eighth of the women said they built networks for criminal enterprise in prison, while one-fifth of the men did.

**Figure 15: Opportunities for networking in prison (number of prisoners by response category, 63 responses)**

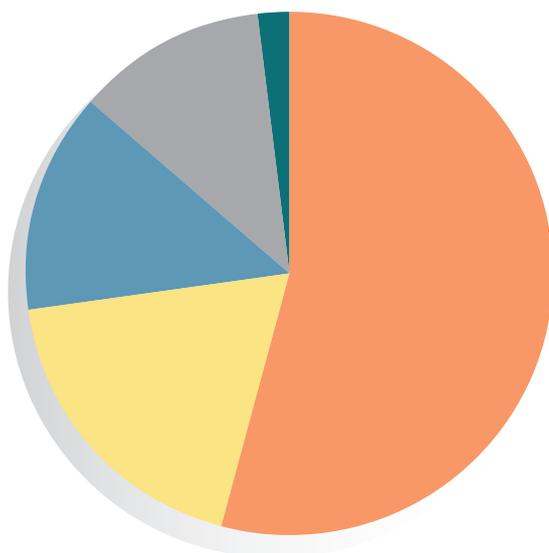




## The prison experience

Once returned to prison, the prisoners seemed well adjusted. They did not complain about the general prison conditions in Thailand. They mentioned being able to shower every day and those with experience said the food had improved. In the past, they said, they were fed “red rice”, which contained stones that broke their teeth, but now they had white rice, and the food was good. However, when asked about challenges they would like to see addressed, they focused on the food and living conditions (Figure 16).

**Figure 16: What sort of issues would you like to see addressed in prison? (number of prisoners by response category, 63 responses)**



- The food and living conditions, 32
- Loss of personal freedom, 11
- Loss of contact with family, 8
- Boredom, 7
- Abuses by other prisoners, 1

It was clear from their statements that the tiered classification system was a very important factor in the way they were treated in prison. According to the prison warden, only prisoners in the “good” or “very good” category were allowed to have physical contact visits with family, which could take place 1-2 times a year for two hours each time. Otherwise, visitation took place every Monday, Wednesday and Friday for 10 to 20 minutes. For recidivists, who entered at the “bad” category (for second offenders) or the “very bad” category (for those who had been incarcerated two or more times previously), this meant that they had to wait at least one year to have a visit with their family that was more than 20 minutes in length.

*My family lives in a different province. We are not allowed to have open visits because we are in the bad or very bad category. (6.2)*

*The first time, we didn't pay attention at all. The second time is stricter, less benefits. Now we don't want to return. (6.7)*



## Accepting responsibility

Prisoners were asked in every focus group to state the purpose of prison from their perspective. Some thought prison was pointless and tried to not to reflect on their situation while incarcerated.

*Time here is wasted. (3.5)*

*Our past is gone, gone with the wind. (1.6)*

*I don't think about anything – empty brain. In the future, I will deal with that. (3.8)*

*Prison is like hell. I didn't want to come back, but I had to for my survival. It's in my genes now. (7.2)*

*It depends on the length of the sentence. If short, then you can make a plan. If long, then you don't think. (1.4)*

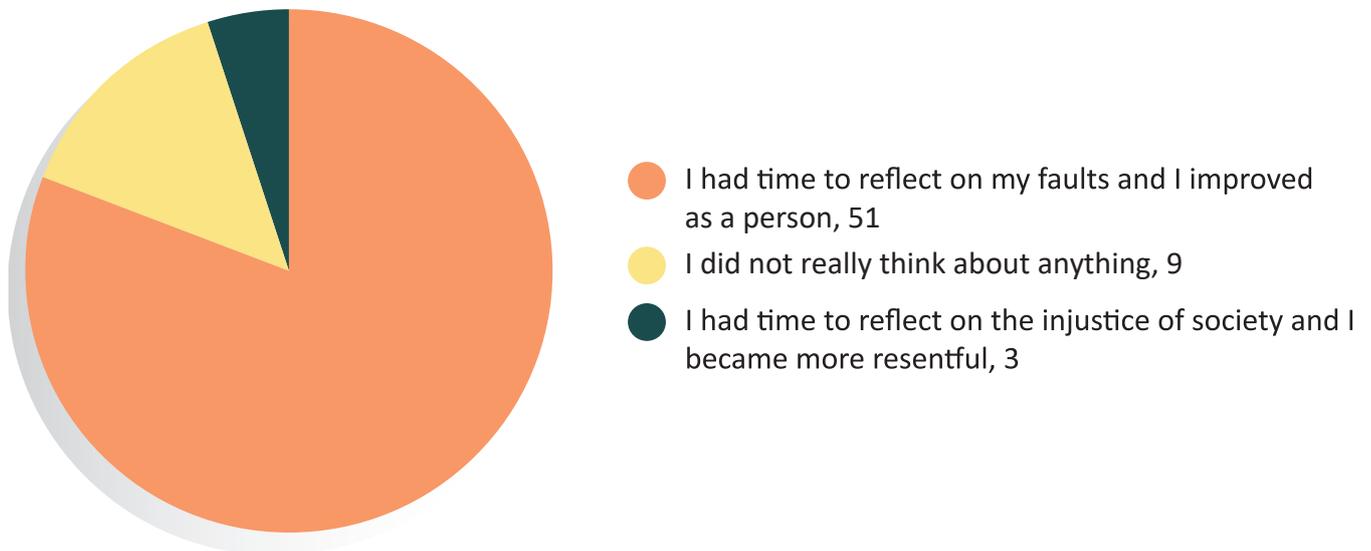
But the vast majority argued that prison had a purpose, as a time to reflect and improve.

*The purpose of prison is reflection of action. I try to improve myself in prison through trainings, through reflection. They try to train us to be good people. Like a boarding school. (4.2)*

*Prison teaches me to be a human. (5.8)*

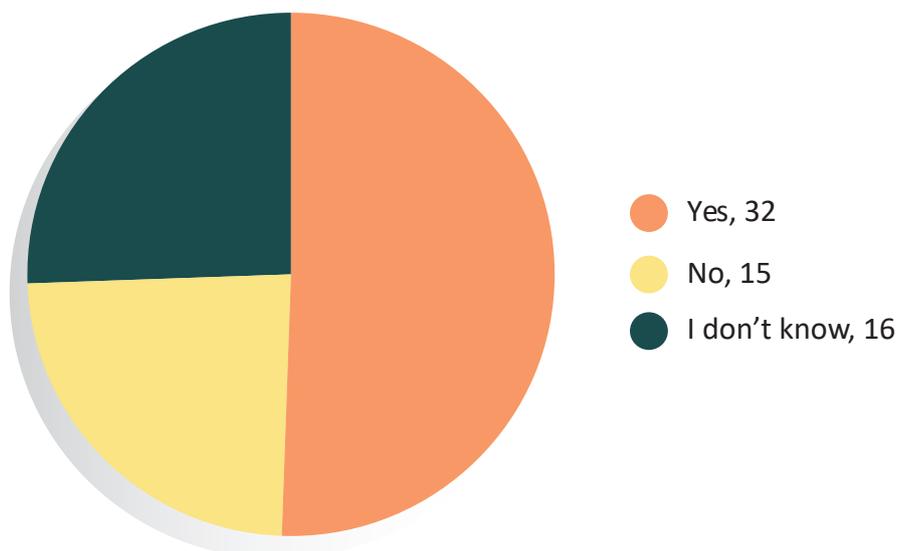
*Prison is for discipline. If not for prison, I would be dead outside. Life in prison is difficult, but better than outside because I can't drink or fight. If you want to be a better man, you can improve. We have a routine, a schedule, work. We understand each other. (7.6)*

**Figure 17: Topics of reflection during previous term in prison (number of prisoners by response category, 63 responses)**



While recognising that prison provides a chance for transformation, only a slim majority of prisoners felt that being put in prison helped people to stop committing crime, with women being more convinced of this (58%) than men (46%).

**Figure 18: Do you think being put in prison helps people stop committing crime? (number of prisoners by response category, 63 responses)**



Although there is no official state religion in Thailand, almost 95% of the population are Buddhist.<sup>36</sup> This religious and cultural background appeared to have an impact on the sense of personal responsibility expressed by many prisoners.

<sup>36</sup> The prisoners noted that other religions were accommodated in prison. For example, Muslims were allowed to observe Ramadan, being taken out separately for meals after dark.

*The bottom line is that it is up to me. (1.2)*

*The most difficult thing is my will. To overcome my will, to be strong and to refuse the temptations. (2.4)*

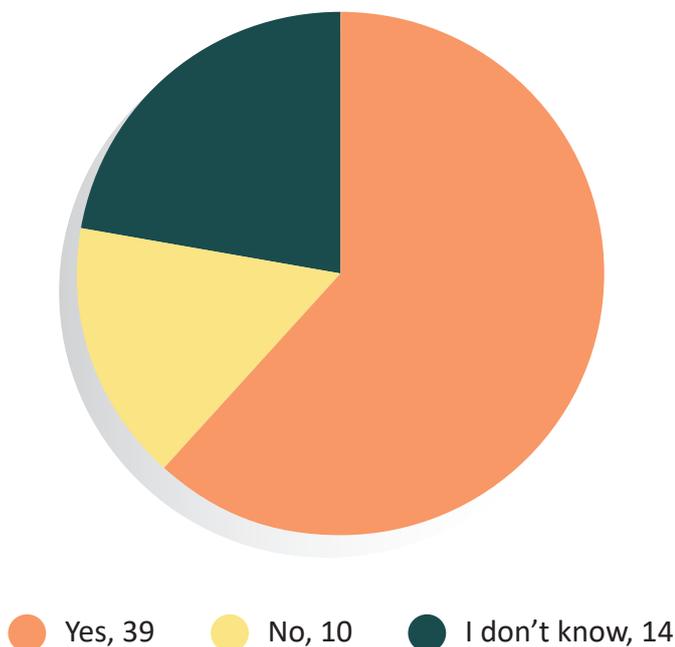
*No one blames others for recidivism. They blame themselves. (5.8)*

*I was so mad, I wanted to commit suicide. But then I thought that maybe it is my karma and I have to pass this. (5.5)*

*I think what goes around, comes around. It is up to us. I blame myself, not society. (1.6)*

Perhaps partly for this reason, most prisoners felt it was fair that they were in prison. Looking at just the ratio of “yes” to “no”, however, men were more convinced of the fairness (85%) than women (73%).

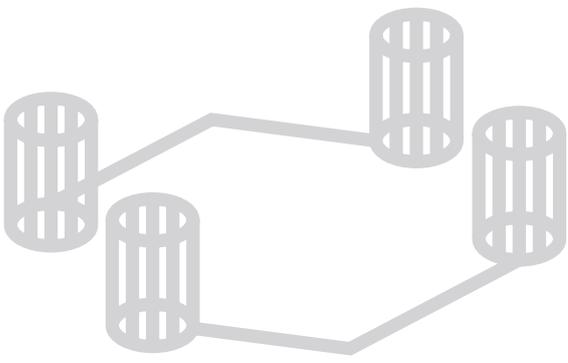
**Figure 19: “Do you think it is fair that you are in prison?” (number of prisoners by response category, 63 responses)**



Prison officials in Thailand noted that chanting took place twice a day and that certain groups of prisoners also practiced meditation, for instance, those in the Cognitive Behavioural Therapy programme for treating drug use disorders. Prisoners seemed to appreciate these practices not only for their calming effects but also for the sense of structure it brought to their days.

*During meditation course, we can feel ourselves. I never had a peaceful mind. (6.8)*

*I practice meditation one hour per day. It helped me to improve, to mature. I was very selfish. Now I have no one left, I have to start all over. Now I have to give back. (7.6)*



## Relationships with other prisoners

As appeared evident in the focus groups, the prisoners reported positive relations with their fellow prisoners, with most saying they grew fond of them in their previous prison term, according to the questionnaire responses (Figure 20). They spoke of their fellow prisoners in familial or community terms.

**Figure 20: Relations with fellow prisoners during previous prison term (number of prisoners by response category, 63 responses)**



Both the women and the men interviewed for this research asserted that gangs did not exist in Thai prisons. In general, they reported that the level of violence between prisoners was low. Although men mentioned that previously, there had been a higher level of violent altercations between prisoners, they stated that the situation had improved.

*There used to be violence inflicted on the new prisoners to establish dominance and popularity, but not anymore. If there is a fight, it is about what happened outside the prison. There are no gangs anymore because of disciplinary procedures. The custom has changed. (1.2)*

The social groups formed by prisoners seemed to differ based on gender. Men spoke of bigger groups (of 20-30 men) formed on the basis of outside neighborhoods or home areas. These groups had a clear leader for security and to determine the share of collective tasks. Women spoke of smaller groups of three to five people forming a sort of family that would collectively share goods and emotionally support each other.

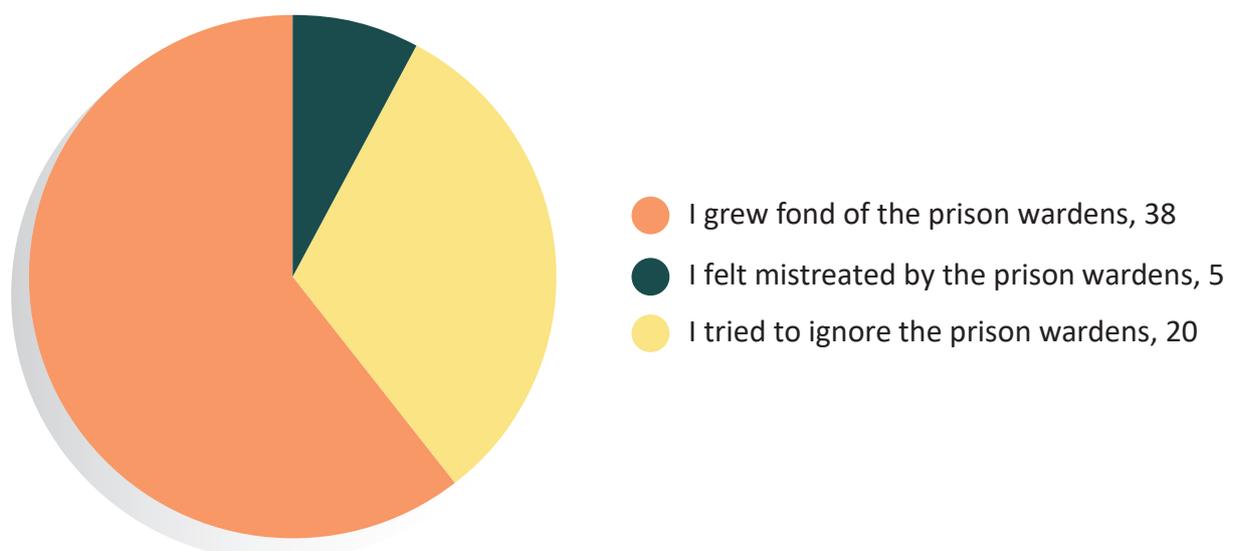
*It is a family system. Like sisters and brothers. It's like a village. We have zones [based on the home area of the prisoners]. We group ourselves. It's a custom to go to the new one, to welcome them to the group. We have a head of the group. They are gentle and caring of the rest of the members. (1.6)*

*We share laundry, clean dishes, bring food. (8.2)*

*We share everything, gifts from our relatives that visit. (1.5)*

While prisoners were not so fond of the guards as they were of each other, their overall impression was positive, with only a small share (8%) saying they felt mistreated.

**Figure 21: Relations with prison guards during previous prison term (number of prisoners by response category, 63 responses)**





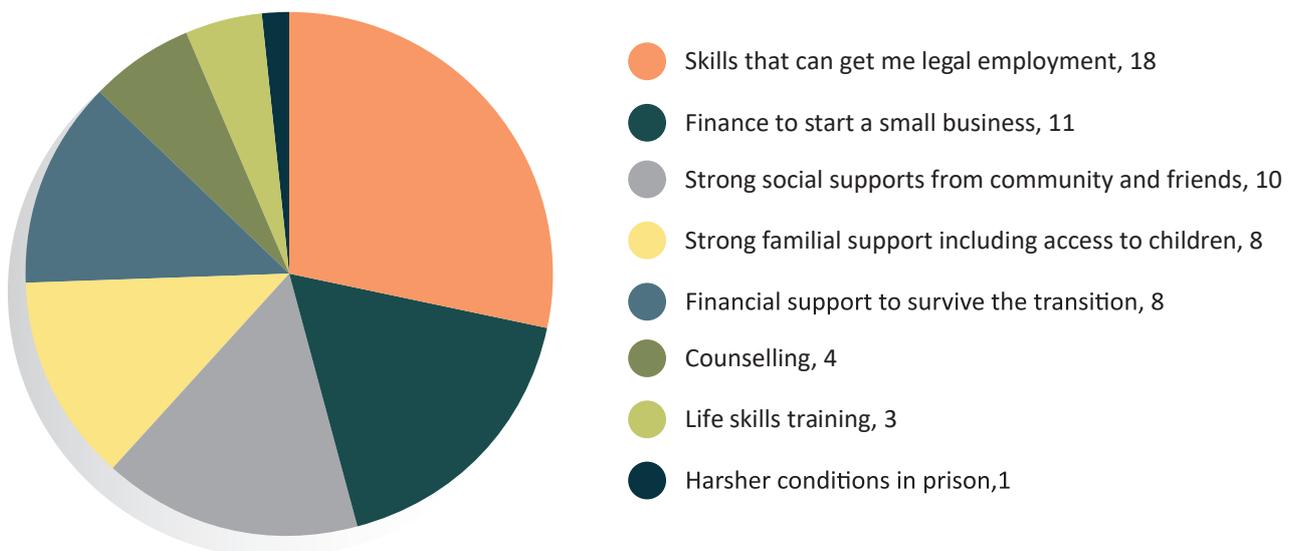
# Employment, education, and skills training

Despite the apparent lack of difficulty in finding employment on leaving prison (over 70% were either self-employed or found a job within six months), a plurality of the participants said what they needed most was skills to find legal employment at a fair wage when released.

*There are many good programmes in prison, but it is up to us to take advantage. Building skills, furniture skills, electronic skills are all good. Shoe making, detergent making are not good, because the certificate is from the Corrections Department. Some others come from the Labour Department. Training groups can include 100 people at a time. (1.1)*

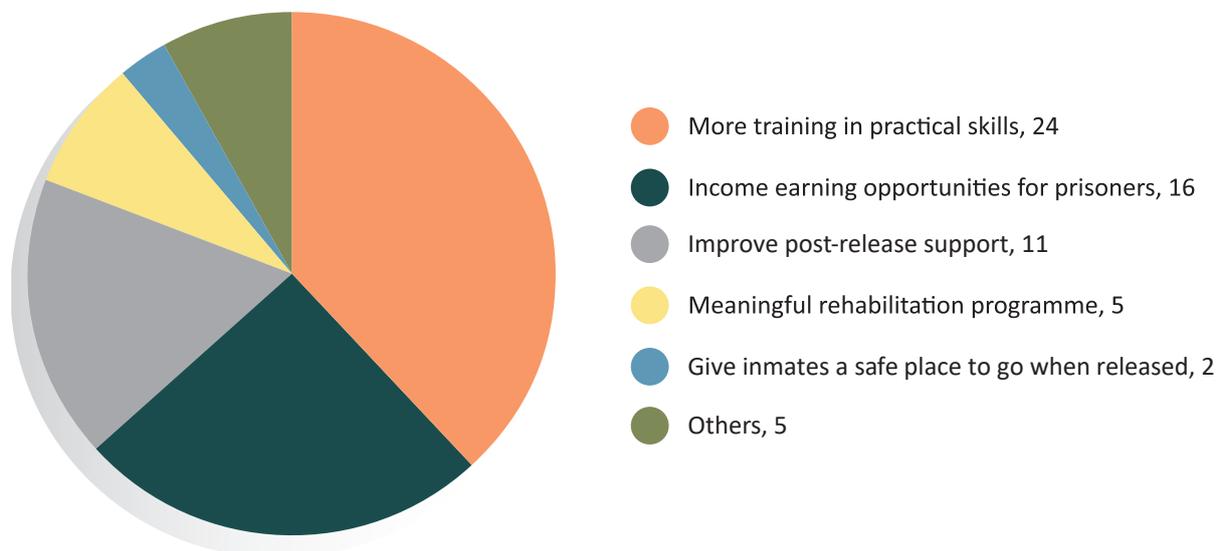
Combined with those who sought finance to start a small business and those who thought they needed funds to make the transition to outside life, those who wanted job skills comprised the majority of the respondents. Prisoners called for a government department to help them find jobs once released, as they felt keeping busy with a job would help them avoid drugs

**Figure 22: “Which of the following do you think is MOST important to ensure that you will not return to prison again?”**



Similarly, when asked how they would improve the prison if they were in charge, the top responses focused on skills training and income earning opportunities in prison.

**Figure 23: “If you were running the prison, what would you do to prevent people from returning?”**



Prisoners were able to access work details in the prison, mainly doing factory work such as making paper bags, shoes, dish detergent and clothes hangers. They mentioned not being able to choose or refuse the job they got and were paid minimal sums for the work. They also mentioned significant pressure to reach production quotas. For instance, many prisoners were employed folding paper shopping bags for an elite grocery store. They were required to fold 200 bags per day for the sum of 60-70 baht per month (equivalent to around two US dollars). Income could be saved but prisoners also stated that things like laundry detergent had to be bought at the prison store, eating into what little income they had.

*We have to reach the volume in jobs and if we don't, we will be in trouble. It doesn't help to improve the quality of life. It's not useful outside, it's just something to keep us busy. (2.6)*

*If you don't have a tattoo, you will be assigned to Zone 3. They are allowed to work outside the prison. (2.6)*

*It's useless. It doesn't use the brain, only the labour. (7.6)*

Prisoners also complained that the trainings they received were not very useful in a real-world context, with some exceptions mainly mentioned by the female prisoners.

*The training here is just to keep busy. There is no application to a real-world job. (3.1)*

*They should let us choose what kind of courses we want to do. (3.6)*

*I was in a course and completed it, but then they told me that I have to get the certificate from the institution outside. (3.6)*

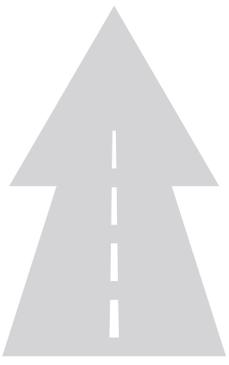
*Only the massage and hairdressing programs are useful. The certification is issued from the Labour Department and we can use it to apply [for jobs]. (6.1)*

Primary and secondary education was widely available in Thonburi prison and many prisoners spoke of being enrolled in these programmes and completing multiple grade levels while serving their sentences. For the last two years, tertiary level education has also been offered in Thai prisons, however there is a tuition fee, which limits enrolment.

*I only finished high school. They have had education here for the last two years, but the courses ask for a tuition fee and I don't have the money. (3.1)*

*I did remote courses from the government, which are free until high school. I completed grades 6-9 in prison. (3.8)*

*I enrolled for grade 12. Outside we don't have time, but here we have time. (5.1)*



## Prospects for the future

Prisoners differed in their opinions and outlook about whether they would return to prison after the current term of incarceration, from being very confident that they would not return to knowing very well that they would. Many also admitted that they were not sure either way whether they would return to prison or not.

*No one wants to return to prison. I am so confident this time that I will not return. (3.5)*

*We weren't confident at all that we would not return when we left the first time. (6.7)*

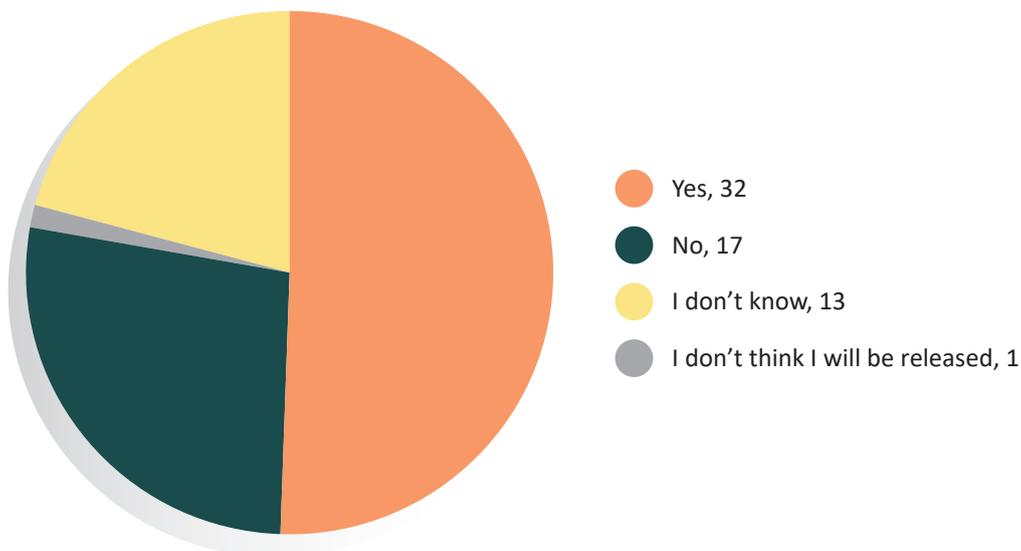
*We will return to prison again because of money. (4.8)*

*I know my story. I have nothing to do. I don't have a good education, so when released, I will be back. (2.8)*

*I know the end of this movie. I know I will return. (1.6)*

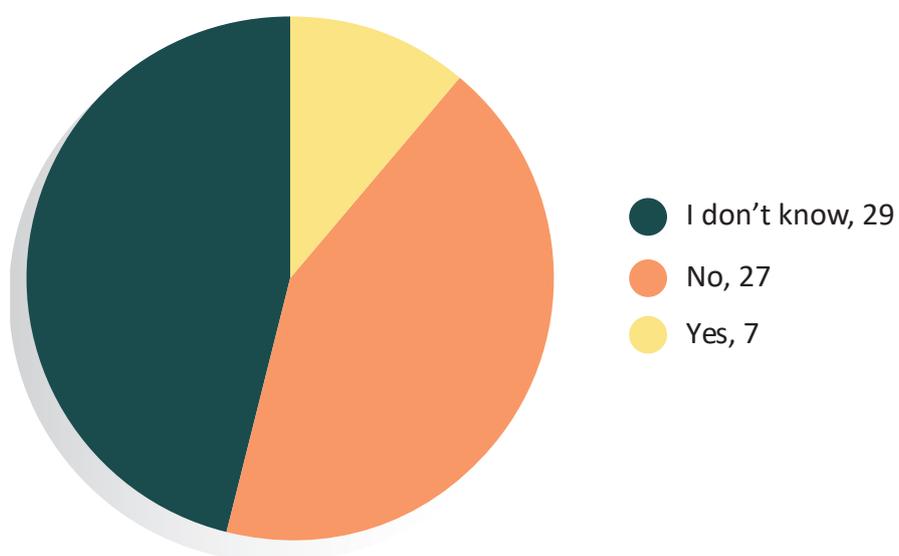
Overall, a slim majority of prisoners felt they were receiving the services they needed to avoid returning to prison.

**Figure 24: Are you receiving the services you need to keep out of prison when released?**



Despite this, prisoners were more likely to say they were not sure whether they would return to prison than that they would not return. Men were more likely to say they were not sure (51%) than women (38%).

**Figure 25: Do you think you will return to prison when released?**



# Conclusions

Based on the limited observations possible during such a short study in two model prisons, Thailand appears to have a modern corrections system with progressive values. The prisoners interviewed, selected by the staff, had very few complaints about the system itself. They recognised, and many benefitted from, the educative and rehabilitative programmes on offer. The Thai prisoners seemed to take a good deal of personal responsibility for their situations and most appeared determined to make a better life for themselves on release.

That said, the severe overcrowding of the prison system was a constraint on opportunities for rehabilitation. Since 80% of the prisoners were sentenced for drug-related offences, drugs were a major driver of this overcrowding. With about one-third of prisoners returning to prison within three years, addressing the drug problem is essential to reducing overcrowding and promoting rehabilitation.

The prisoners interviewed displayed a clear understanding of the nature of the drug problem. They suggested that the primary drug of abuse, yaba, was not addictive and was used for ergogenic and recreational purposes. Their return to this drug was a product of “the environment” to which they returned. Their friendship networks, daily activities, and often livelihoods revolved around consumption and sales of yaba. Feelings of exclusion from formal employment and family support due to their criminal past pushed them back into this social milieu.

The most important recent trend in the yaba market has been a dramatic cross-national decrease in price, possibly due to growing production in the lower Mekong region. According to the prisoners interviewed, this lowered price has encouraged larger volume purchases. Buying larger volumes at once was seen as a way of limiting exposure to arrest. These purchasing patterns are relevant to the question of overcrowding because eligibility for diversion to treatment is only possible for those who hold five or fewer pills, while those holding 15 pills or more are charged as dealers. In light of the new market price for methamphetamine, these thresholds may no longer distinguish trade from personal use. The international community has agreed that it is important that drug sentencing be proportionate to the gravity of the offence, so it important that users can be distinguished from dealers.

The rise of ice relative to yaba should be seen as a threat in itself. While the active chemical is the same, ice is a far more potent, addictive, and debilitating form of the drug. Measures should be taken to prevent yaba users transitioning to ice, including perhaps prioritizing ice enforcement.

The prisoners would also clearly benefit from enhanced reintegration assistance, both while in prison and afterwards. They tied their drug use to the social networks formed near the home areas to which they return when released. If resettled away from their drug-using associates, chances of successful rehabilitation would likely be enhanced.

Thailand is clearly facing a growing number of drug-related arrestees, and, with the methamphetamine market still expanding, more may come. More prisons can be built, but a more prudent course may be to reconsider the legal constructs that are contributing to overcrowding. The use of the drug yaba should be researched and the thresholds for diversion to treatment and possession with intent to distribute should be updated in light of this evidence.







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