



The possibility of using electronic monitoring devices to supervise drug offenders in the Eastern Economic Corridor (EEC)

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Abstract

This research aimed: (1) to investigate best practices, problems, and hindrances related to the redirecting of offenders from the justice system applied by other countries; (2) to explore public attitudes towards the use of electronic monitoring devices for developmental approaches; and (3) to propose suggestive approaches for the supervision of offenders using electronic monitoring devices in the EEC to the Ministry of Justice and the Ministry of Labor. This research applied mixed methods including in-depth interviews with eight key informants. In addition, the researcher collected quantitative data from 1,240 samples available from three provinces: Chonburi, Rayong, and Chachoengsao. The analysis of the quantitative data revealed that the 574 samples in the EEC or 44.11 percent agreed with the application of electronic monitoring devices to the supervision of drug offenders who were drug addicts and dealers possessing heroin or other drugs of less than 20 grams and the employment of drug offenders with minimum wage. The research recommended four approaches for the supervision of defenders using the electronic monitoring system: (1) having offenders work in industrial factories instead of being imprisoned; (2) having offenders who have completed at least one-third imprisonment period wear electronic monitoring devices and allowed to work in an industrial factory instead of imprisonment; (3) carrying on the Correction Industrial Estate Project as piloted in Ban Bueng Temporary Prison, Chonburi, in November 2020; and (4) organizing a one-day working program where imprisoned persons would be allowed to leave for work in the morning and come back in the afternoon.

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Introduction

According to the Department of Corrections' statistics, as of April 1, 2020, the total number of convicted inmates was 314,080. Overcrowding was reported at 143 prisons. The official capacity of all Thai prisons was 217,000 as of September 2015. It was found that there are 251,824 inmates convicted of offences under the Narcotics Act, accounting for 80.17 percent (Department of Corrections, 2020). The majority of drug inmates were low-level drug offenders convicted of Section 66 of the Narcotics Act B.E. 2522 (which specifies that any person who disposes of or possesses for disposal narcotics of category I without permission and in quantity computed to be pure substances, or in number of used dosage, or in net weight, that reach the quantity prescribed in Section 15 paragraph three, but not over twenty grams, shall be liable to imprisonment for a term of four years to life and to a fine of four hundred thousand to five million baht, or to both), and Section 67 (which indicates that anyone who possesses narcotics without permission and in quantity computed to be pure substances, or in number of used dosage, or in net weight, that does not reach the quantity prescribed in Section 15 paragraph three, shall be liable to imprisonment from one year to ten years, or to a fine of twenty thousand to two hundred thousand baht, or to both) (Narcotics Control Division, 2021). General Paiboon Kumchaya, a former justice minister, once defined this group of inmates as labourers of drug-related crime. He stated that "Currently, the world has reached an agreement that incarceration is not a solution to drug problems because it cannot rehabilitate the drug inmates, and over 200,000 of them are not serious drug offenders but merely the labourers of drug-related crime" (Bangkok Biz News, 2014).

As the Eastern Economic Corridor (EEC) Development Plan was demanding more than two million workers in 2021 (Eastern Economic Corridor Office, 2018), the researcher proposed the diversion programme for the working-age drug inmates convicted of the offences under Section 66 or 67 of the Narcotics Act B.E.2522 which relate to the disposal or possession of narcotics so that they would have a chance to opt for imprisonment or volunteer work at the EEC. The research objectives were as follows: (1) To explore the concepts and best practices of criminal justice diversion programmes in different countries; (2) To explore the public attitude towards the use of electronic monitoring (EM) devices to control offenders in the Eastern Economic Corridor (EEC); and (3) To propose a guideline for the control and management of offenders by EM devices in the EEC to the Ministry of Justice and Ministry of Labour.

Literature Review

Electronic monitoring is a monitoring system that includes a monitoring device, and an ankle bracelet. Electronic Monitoring is an electronic system that provides the probation officer or bail commissioner a report about whether the offender was available at home when the offender was required to remain at his/her home. An alternative sentence is one that deviates from the traditional sentence. Alternative sentences include work furloughs, community service, community corrections programs, and diversion and rehabilitation programs. An individual may also receive an alternative sentence that includes electronic monitoring, such as house arrest of alcohol intake monitoring. (Rivera, 2018)

In order to respond to Objective (1) To explore the concepts and best practices of criminal justice diversion programmes in different countries, the researcher reviewed concepts and best practices in three different countries including the United States, England, and Australia as follows:

The United States, there is an alternative sentence called "Intermediate Punishment" which is neither imprisonment nor probation. The offender shall be under intensive supervision, but the punishment is not as severe as imprisonment (Sanguanphan, 2017), such as community service, intensive supervision probation which requires the offender to report to the officer 30 times a month (Morris & Tonry, 1990), home incarceration or house arrest (Johnson, 1989), house arrest with electronic monitoring, residential community correction, and electronic monitoring (American Probation and Parole Association, 1989). Electronic Monitoring is an electronic system that provides the probation officer or bail commissioner a report about whether the offender was available at home when the offender was required to remain at his/her home.

England, the best practice in alternative punishment is a detention and training order, which is used in custodial sentences for children aged between 12–17 years old who commit an offence that could lead to imprisonment. The custodial sentence could be arranged to detain the offender in the place that the Home Office determines, such as his/her home or local government agencies. Furthermore, an alternative punishment can also be a community rehabilitation order (Bunnag, 2013). In addition, the Crime and Disorder Act 1998 allows police officers to issue a conditional caution to the offender instead of taking a case to court. The concept of victim-offender mediation has been applied in accordance with the restorative justice system. This programme has been successful since both victim and offender are satisfied with the approach that allows the offender to improve his/her behaviour rather than merely focusing on the

punishment. This could broaden the opportunity for victim-offender participation in criminal justice (Goold & Young, 1999).

Australia, restorative justice has been incorporated into the law for the implementation in relevant agencies, including the police department, the attorney-general department, or the court of justice. The Crimes (Restorative Justice) Act 2004 has been enacted to enable the implementation of restorative justice programmes in all types of criminal cases, ranging from minor to serious offences with imprisonment of up to 14 years, including sexual offences (Boriboonthana, 2010). Therefore, the offenders, as stated in the Crimes (Restorative Justice) Act 2004, can be juvenile and adult who are aged 10 years old and over. They can request to take part in the restorative justice via the pre-trial diversion programme in any step of the criminal justice system, beginning from the police department, the attorney-general department, the court of justice, and the corrections department. The eligibility criteria for restorative justice are that the victim and offender must be over 10 years old, and the mediator could be a police officer, a person, or the representative from the criminal justice agencies appointed by the Chief Executive who has the supreme authority in this Act (Australian Institute of Health and Welfare, 2013).

Methodology

This study employed a mixed methods approach, including a quantitative research method which was a questionnaire survey, and qualitative research methods which included document research and interviews. The details are as follows:

1. Document research was used to explore and analyse the concepts, best practices, and case studies of criminal justice diversion programmes in other countries. The researcher presented the findings in the previous section.
2. In the quantitative study, the researcher recruited the sample group by simple random sampling technique. The sample size was calculated by the formula suggested by Cochran (1977), and data collection was conducted by questionnaires.
3. In-depth interviews were employed to collect data from working age drug-related offenders, executives or practitioners in the Ministry of Justice, and entrepreneurs in the Eastern Economic Corridor (EEC).

Quantitative Data Collection

To respond to objective 2, “to explore the possibility of using electronic monitoring (EM) devices to control offenders in the Eastern Economic Corridor (EEC)”, a

survey was conducted to obtain attitudes from people living in the EEC region, using a set of questionnaires as a research tool.

The population in this study consisted of three groups of people in the EEC region, including people from: (1) Chonburi; (2) Rayong; and (3) Chachoengsao provinces. The population was people who were visitors receiving services from provincial police stations and involved in the criminal justice system and relevant problems arising from the system.

Sample Group – The sample group from the population was recruited by simple random sampling technique. Cochran’s formula (Equation 1) was employed to calculate the sample size when the population is infinite (Cochran, 1977). The equation is shown below: When n is the sample size,

P is an estimate of population proportion, which was determined at 50 percent (.50) of the population,

Z is the chosen level of confidence at the significance level of .05 (1.96), d is acceptable margin of error (.05).

$$\text{Then, } 384 = \frac{(.50)(1-.50)(1.96)^2}{(.05)^2} \quad (1)$$

Therefore, each group of the population would have 384 samples. In order to reduce errors, the sample size was increased to 420 samples for each group of the population. Therefore, the researcher was required to collect data from three groups of the population, accounting for 1,260 samples.

Data collection was conducted from people in the three provinces by face-to-face interviews. Prior to data collection, the Certificate of Approval was issued from the Research Ethics Office, at Rangsit University. According to field research, data were collected in six police stations, including: (1) three district-level police stations; Mueang Chonburi Police Station, Mueang Chachoengsao Police Station, and Mueang Rayong Police Station; and (2) three subdistrict-level police stations; Bang Lamung Police Station, Bang Pakong Police Station, and Pluak Daeng Police Station. In addition, the researcher went to other agencies, including the Department of Probation and industrial plants to collect data from executives and employees in the EEC region.

Quantitative Data Analysis

Descriptive statistics were used to analyse data ranging from gender, occupation, income, and attitude from people in the EEC region, including Chonburi, Rayong, and Chachoengsao. In addition, inferential

statistics; T-test and F-test, were employed to indicate differences in public attitude of people in the EEC region towards the use of electronic monitoring devices for offender control and management in the EEC region. The hypothesis was that the differences in gender, occupation, income, and the level of knowledge about the use of electronic monitoring devices for offender control and management would result in the different level of attitude at the statistical significance level.

Qualitative Data Collection

In order to respond to objective 3, “to propose a guideline for the control and management of offenders by electronic monitoring devices in the EEC to the Ministry of Justice and Ministry of Labour”, in-depth interviews were conducted with the key informants after completing quantitative data collection. The concepts and best practices of criminal justice diversion programmes in different countries and some parts of the collected quantitative data were used to form questions for the interviews.

Key Informants

The key informants in this study were selected by a purposive sampling method which depended on the researcher's expertise. Snowball sampling technique was then utilised to allow the former key informant to recommend the next one to participate in the following interview. A total of eight key informants were categorised into four groups, and each group contained two key informants as follows.

Group 1: The key informants who were experts in Criminology, Law, and Criminal Justice

Group 2: The key informants who were experts in drug offender rehabilitation

Group 3: The key informants who were working-age drug offenders and used to be equipped with the electronic monitoring devices

Group 4: The key informants who were entrepreneurs or corporate executives in the Eastern Economic Corridor (EEC)

Qualitative Data Analysis

In this part, the researcher primarily employed a content analysis method to analyse qualitative data from the interviews. Data analysis was performed together with data collection throughout the time of research. Furthermore, the researcher utilised expertise and experience in Criminology and Criminal Justice to interpret and analyse data derived from the key informants. Data analysis was conducted through the

following steps: (1) transcribing the interview recordings; (2) note taking; and (3) deliberately reviewing the information to understand it all. The researcher transcribed the recordings and took notes of key information to form themes. The key themes were then categorised to respond to the research objectives and interpret the meaning of phenomenon in the study. Consequently, the key summary of the research findings was exposed to attain the research objectives.

Results and Discussion

The results of the study on the public attitude towards the use of electronic monitoring (EM) devices for offender control and management in the Eastern Economic Corridor (EEC) and the findings from in-depth interviews with the key informants are illustrated as follows:

Public Attitude towards the Use of Electronic Monitoring (EM) Devices for Offender Control and Management in the Eastern Economic Corridor (EEC)

After data were collected from 1,260 samples in the three provinces in September 2020, it was found that there were 20 respondents who did not reside in Chonburi, Rayong, and Chachoengsao. The responses from those respondents were then excluded from data analysis. Accordingly, data analysis on the questionnaires was performed with a total of 1,240 samples as illustrated below:

Overall, the respondents had a medium level of knowledge about the use of electronic monitoring (EM) devices for offender control and management in the Eastern Economic Corridor (EEC), while the level of attitude towards the use of EM devices for offender control and management in the EEC was at a medium level as well. In terms of public opinion towards the government policy of using electronic monitoring devices to control drug addicts and low-level drug offenders (convicted of possessing not over 20 grams of methamphetamine, heroin, or other substances) in the EEC region and allowing them to work with minimum daily wages, it was found that respondents agreed with the policy, accounting for 44.11 percent (547 respondents), among whom 130 respondents strongly agreed and 417 respondents agreed with the policy. 448 respondents, accounting for 36.13 percent, had no opinion towards the policy. On the contrary, there were only 245 respondents, accounting for 19.76 percent, who disagreed with the policy, which included 172 respondents who disagreed and 73 respondents who strongly disagreed with the policy.

The results of testing on differences between the public attitude towards the use of electronic monitoring devices (EM) for offender control and management in the Eastern Economic Corridor (EEC) as categorised by gender indicated that there were differences in the level of attitude between male and female respondents at a significance level of .05. To illustrate, male respondents primarily agreed with the use of EM devices for drug addicts and low-level drug offenders. It was likely because female respondents were more aware of danger from this type of offender control than male. According to the results of the comparison of statistical relationships between the level of knowledge about and the public attitude towards the use of EM devices for offender control and management in the EEC using Pearson's correlation coefficients, it was found that the significance level value was at .00 which was below .05 (.000 < .05) showing that there was a correlation between the level of knowledge and public attitude. When considering the correlation coefficient (r) which equaled .497, it was clear that the two factors had a positive correlation. In other words, it could be argued that if the respondents had knowledge about offender control and management, they were likely to agree with the use of EM devices for offender control and management in the EEC. This was consistent with the research hypothesis.

A Guideline for Offender Control and Management by Electronic Monitoring (EM) Devices in the Eastern Economic Corridor (EEC) proposed to the Ministry of Justice and Ministry of Labour

According to data collected via the interviews, all of the key informants agreed with the provision of work for offenders to improve their behaviour instead of imprisonment. However, the patterns and guidelines are as follows:

Guideline 1: The offenders shall not be incarcerated

The court can adjudicate the offenders convicted of drug-related offences under the Narcotics Act B.E. 2560, Section 66, paragraph 1, "Any person who disposes of or possesses for disposal narcotics of category I without permission and in quantity computed to be pure substances, or in number of used dosage, or in net weight, that is not over twenty grams" and Section 67, "Anyone who possesses narcotics without permission and in quantity computed to be pure substances, or in number of used dosage, or in net weight, that is not over twenty grams". While these offences are to be punished by imprisonment, it is recommended that the court could impose an alternative measure to control drug offenders and allow them to work and earn income at industrial

plants. Hence, the law amendment on Section 89/2 of the Criminal Procedure Code is required as the following statement (*Italic*):

"Section 89/2 - In case of necessity, when the public prosecutor, prison commander, or the authority who has the duty to enforce a warrant of imprisonment makes a request, or if the court considers it is appropriate, the court shall issue the order to incarcerate the person who has been sentenced by a final judgment to a term of imprisonment, and has undergone it for a period not less than one-third of that determined in the warrant, or for a period not less than ten years if his term is more than thirty years, or is for life, *or the person who disposes of or possesses for disposal narcotics of category I without permission and in quantity computed to be pure substances, or in net weight, that is not over twenty grams.* The court may rule that such imprisonment is to further be carried out in any of the following manners ... the imprisonment may be continued in the other place."

Guideline 2: The offender has served at least one-third of the prison term

This approach is easier to be implemented than Guideline 1 as it does not require any amendment to the Criminal Procedure Code. To illustrate, it is suggested to merely propose to the Ministry of Justice to make an amendment to "the ministerial regulation on the specification of other places used for imprisonment or detention of the accused, defendant, or the person being sentenced by a final judgment B.E. 2552" that imposes limitations and burden on the factory owners, to set a policy to invite entrepreneurs to join the project. However, the factory must be declared to be an alternative detention facility in the law first. In addition, comprehensive procedures and work certification laws are required to give workers confidence. Furthermore, it is required to submit the project to the Parole and Probation Subcommittee as a special project by having the Department of Corrections make a proposal and for it to be approved by the justice minister. After the project has been approved, the Ministry of Justice should be able to recruit and invite factory entrepreneurs to join the pilot project in order to explore potential problems and obstacles that may arise and conduct project development to be a good practice in the future.

Guideline 3: The correctional industrial estate project should be continued

According to the establishment of a correctional industrial estate (pilot project) at Ban Bueng Temporary Prison, Chonburi in November 2020, it is proposed to carry on with the project since it is effective and requires high-budget investments. Therefore, it should be a long-

term project that could successfully generate income for the Ministry of Justice and the inmates. In addition, it is recommended to expand the investment to other prisons that are ready throughout the country. However, the most concerning issue is political instability. To illustrate, if the justice minister is changed, the project would be unable to make progress no matter how good it is. This issue often originated from the new minister coming from opposing political parties. Therefore, it is highly expected that this concerning issue would not arise in this project.

Guideline 4: The work release programme for inmates shall be only in the daytime

This approach has been implemented as usual, but there are some constraints in the ministerial regulations. According to the current regulation, the inmates must have served at least one-third of the prison term before they can be qualified to be out on parole. Hence, there are additional suggestions as follows:

1. The work release eligibility criteria should be loosened in case of working in industrial factories.
2. The special parole should be offered to allow the inmates to work at the factory and wear an EM bracelet until the sentence expiry date to reduce the time of incarceration in prison.
3. More industrial factory entrepreneurs should be invited to participate in the project.
4. The proportion of correctional officer-to-inmate ratio in the work release programme should be increased from 1 to 20 to 1 to 50 to increase job opportunities for inmates, but the inmates must wear short-wave EM bracelets so that the prison officials can monitor the movement of inmates who are temporarily released to work.

Conclusion and Recommendation

According to the quantitative data, it was found that the government policy should implement the electronic monitoring (EM) devices to control drug addicts and low-level drug offenders (convicted of possessing not over 20 grams of methamphetamine, heroin, or other substances) in the Eastern Economic Corridor (EEC) and to be employed at the regular minimum daily wage. It was found that the majority of the respondents, 44.11 percent, agreed with the policy. As for a guideline for offender control and management by electronic monitoring (EM) devices in the Eastern Economic Corridor (EEC) proposed to the Ministry of Justice and Ministry of Labour, there exists four proposals as follows: Guideline 1: The offenders shall not be incarcerated. The court should be able to order the offenders who are to be

imprisoned in other places to work in an industrial factory. Guideline 2: The inmates who have served at least one-third of the prison term should be allowed to work in an industrial factory instead of imprisonment and be monitored by electronic monitoring devices. Guideline 3: The project on the establishment of correctional industrial estates should be continued after the pilot project at Ban Bueng Temporary Prison, Chonburi was successfully implemented in November 2020. Guideline 4: The proportion of correctional officer-to-inmate ratio in the work release programme should be increased from 1 to 20 to 1 to 50 to increase job opportunities for inmates. Importantly, the inmates must be equipped with EM bracelets while working to avoid escaping attempts.

Conflict of Interest

There is no conflict of interest.

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