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Policing and Reform in Thailand

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Abstract

This is a study of policing and reform in Thailand, framed around recommendations made by the Police Reform Committee, 2006—2007. The study begins with a history of Thai policing in social, cultural and political context, and a review of various international models of policing considered by the Committee, before examining the recommendations of the Committee. The study employed a mixture of research methods in seeking convergence among the data collected. Fieldwork was carried out from mid 2009 to 2010. Permissions for the study ran down through the police administrative hierarchy beginning at the top at Police HQ. The researcher was allowed access to constables and their station chiefs in police stations in Bangkok, Chiang Mai and Surat Thani provinces. Moreover, the researcher was granted an interview with Police General *Wasit*, Head of the Police Reform Committee, and three senior members and two experts who assisted in the Committee's deliberations. Study data derived from some 40 in-depth interviews with officers and officials of varying rank and status complemented by a survey of more than 600 officers from the various operational sections of the force in large and small police stations. The aim was to understand police officers' responses to recommendations for reform, which had been explained fully to the researcher by members of the Committee and experts. Reform was envisaged as a two stage process. The basis for reform would be decentralization of police administration, and budgets, along with the institution of external scrutiny mechanisms at the national level. Longer term reorganisation would focus more on policing at the local level, to include reform of working conditions, roles and responsibilities, recruitment and training provision, professionalism and codes of conduct, and public participation. In Thailand, the issue remains of establishing a police force which can claim to serve all sections of society.

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Background of the problems

The present study examines efforts to reform the police in Thailand in the period after Prime Minister *Thaksin Shinawatra* was removed from office by military coup d'état. In September 2006 [2549 B.E.], General *Sonthi Boonyaratglin*, the Army-in-Chief, intervened on the grounds of growing political turmoil in the country. By May 2007 *Thaksin* had gone into exile abroad to avoid tax evasion and corruption charges. *Thaksin* was a former Police Lieutenant Colonel originally from *Chiang Mai* in the North and he was the only Thai Prime Minister of the modern era to have a police background. His opponents among the Bangkok establishment despised *Thaksin's* populist brand of politics, which appealed especially to Thais living in the provinces of the North and Northeast. They also complained about his overbearing manner and authoritarian management style and what they saw as his complete misuse and misdirection of the country's national police force from the Prime Minister's Office during his period in power between 2001—2006. For example the spate of killings during his infamous 'War on Drugs' campaign.

Thaksin rewarded his own followers and classmates in the elite Pre-cadet School and Cadet Academy in developing his networks of political influence. Police allies came to control strategic interests such as Secretary-General of the Anti-Money Laundering Office (AMLO), the Secretary-General of the Office of the Narcotics Control Board (ONCB), the Director-General of the Department of Special Investigations (DSI), and others.

Once *Thaksin* had been removed as Prime Minister, the *Council for Democratic Reform* (CNS, Council for National Security) appointed General *Surayuth Chulanond*, former Army-in-Chief and member of the Privy Council, to act as the Prime Minister of the military-backed interim government, with new elections set for the end of 2007. Meantime, criticisms of the methods of *Thaksin's* police force and gross abuses of power while under his charge meant that the military-backed interim government had a readymade justification and opportunity to curb the police's usefulness and influence through proposing a programme of reform. General *Surayuth* established a Police Reform Committee and Retired Police General *Vasit Dethkunchorn* was requested to act at its head.

Vasit's Police Reform Committee was given a substantial budget and resources and it had a 12-month window in which to complete its deliberations, make recommendations in the form of a report and draft legislation for parliamentary approval, following the template of public relations employed by the Constitution Drafting Assembly for proposed reform in 1997. The committee's immediate goals were to reform the power and reach of the police through a process of decentralization and new oversight mechanisms. It was claimed that at the end of 2006 there was a consensus for change within the police force itself in reaction to the excesses of the *Thaksin* years.

At the end of the period of *Surayuth's* interim government in 2007, however, police reform efforts simply stalled. The *People's Power Party* – formed after *Thaksin's* *Thai Love Thai* was disbanded and which its opponents said was run by his associates and family to act as a proxy on his behalf – returned to government in the general election of December 2007. *Thaksin* himself was living in exile abroad. The Police Reform Committee's recommendations were set aside and its draft legislation was never enacted. Subsequently, the PPP government lost power. By the end of 2008 the

Constitutional Court had removed its Prime Minister, *Samak Sundaravej*, and his replacement, and disbanded the party. An unelected coalition government assumed power, with *Abhisit Vejjajiva* of the *Democrat Party*, acting as its Prime Minister.

By the middle of 2010, Prime Minister *Abhisit* had asked Retired Police General *Vasit* to renew his police reform efforts on the grounds of scandals in the press about payments made to senior police officers in order to secure favourable positions. *Vasit* was asked to investigate and report on the internal nominations, appointments, transfers and promotions' system too, after further claims payments and favours to secure positions were endemic. Around the same time, after a year of uncertainty, and more high-profile failures and bungled operations by the police, the National Police Board approved the appointment of Police General *Wichean Potephosree* as the new National Police Chief. He too would be moved out by a new government in 2011 amid adverse publicity by his political opponents that he had singularly failed to curb police involvement in casinos and other illegal activities in Bangkok. This time, *Wichean* was replaced as National Police Chief by the older brother of *Thaksin's* (ex-)wife, who was the son of a Police General. What this all illustrates is the extent of political interference in the police between 2001—2011.

The study investigated Thai policing history, international policing models and *Vasit's* report. It aimed to understand international contexts and then apply for Thai policing. This study employed a mixture of research methods in seeking convergence among the data collected. Fieldwork was carried out from mid 2009 to 2010. Permissions for the study ran down through the police administrative hierarchy beginning at the top at Police HQ. The researcher was allowed access to constables and their station chiefs in police stations in Bangkok, Chiang Mai and Surat Thani provinces. Moreover, the researcher was granted an interview with Police General *Vasit*, Head of the Police Reform Committee, and three senior members and two experts who assisted in the Committee's deliberations.

The stated aim of the PhD study was to understand the viewpoints of serving police officers concerning police reform in the post-2006 period, using *Vasit's* recommendations as a guide to frame data collection. The police force does not often consider the views of rank-and-file officers. Beyond institutionalised corruption and the self-interest of senior police officers, which might otherwise present the major challenges to the reform of the Royal Thai Police, and its administration and methods, it is crucial to recognise that there were wider political forces and motivations behind police reform post-2006. The police force retains the potential to be a powerful tool and its central administration remains highly politicized. The 'good coup' of 2006 in which the establishment ousted *Thaksin* can be seen as also involving a power struggle between the military and *Thaksin's* police force, who were resurgent under his direction from the Prime Minister's Office, after years in a subordinate relationship to the military.

Methods

Official permission was granted only after presentation of the study was made to senior officers at Royal Thai Police HQ at a time when the force was led by an acting head because political factions within the National Police Board could not agree about

the Prime Minister's nominee for Commissioner-General. Thereafter contact with an academic adviser to the Police Reform Committee (PRC). This led to an introduction to a bureaucrat, then by snowballing to PRC members and to its Chair. Interviews were conducted while further contacts were being made with the Chief's Office of the Metropolitan Police Bureau (Capital—Bangkok), Provincial Police Region 8 (Upper North—Chang Mai) and Provincial Police Region 5 (Upper South—Surat Thani) to gain access to a larger and smaller police station in each region. Stations were selected at random in advance. Station chiefs were contacted by their bosses. Fieldwork got underway in the second half of 2009 after pilot work on survey and interview questions.

Sample quotas were set by operations section (traffic, interrogation, crime suppression, investigations and general affairs) and station size (larger or smaller). Station chiefs chose to delegate responsibility to promoted officers in the various sections to pick study participants. Chiefs assured confidentiality. The response rate to the self-complete questionnaire was over 90 per cent (n=623 out of 675) even when spoiled returns were counted. Concluding written comments were made by one third of survey participants. Comparisons with national figures found over-representation of general affairs and under-representation of interrogation in the sample but good matches for traffic, crime suppression and investigation. The modal age of participants was 40—44 years with 21—25 years of service. The majority were at most high school graduates. Two-thirds held the rank of Senior Sergeant Major. One-quarter were women officers. Women worked desk jobs in administration or as PAs to senior officers.

The face-to-face interviews were conducted separately, and where willing, interviews were recorded for transcription. The aim was to interview police officer from each of the station's operations sections but it proved hard to arrange interviews with crime suppression officers in larger stations. In central Bangkok, for example, repeated visits were required because even desk sergeants were involved in 'mob' control of anti- and pro- government demonstrations in the capital during the period of fieldwork. Ultimately, 26 out of 30 police officers were interviewed in a separate room. Five were interviewed in the presence of a senior officer who would interrupt to answer instead. The six station chiefs were interviewed last in their own office. Two chiefs refused to be recorded and one of those would not allow note-taking. Opinions were treated as confidential and managers were not given access to any data.

Brewer (1993) observed that it is often necessary for researchers to tackle the negative effects of sensitivity by making pragmatic compromises which depart from the textbook depiction of research practice during his study of routine policing at the time of 'The Troubles' in Northern Ireland.

The present study had to compromise on what RTP managers and station chiefs required. As the study combined different data collection methods with different groups of informants it also had to address the challenge of triangulating methods and results. According to Brewer and Hunter (2006: 4), the fundamental strategy for triangulation is to attack a research problem – in the present case study, opinions about Thai police reform – with an arsenal of methods that have non-overlapping weaknesses in addition to their complementary strengths. The make-up of the sample may seem to have been compromised by hierarchical selection and cooptation of participants into the study by their bosses but the responses to the survey questions and their accounts from the interviews can be compared with each other, and also with the interview accounts of their station chiefs. As it transpired, sample

distributions and general representativeness appeared sound and they seemed willing to participate.

Survey

Due to difficulties in gaining direct access to survey participants, sampling within each operational section in each police station was done on a quota basis. This meant that the survey participants were selected in a non-random way from the rank-and-file officers working in each section on an opportunity basis. In some circumstances, this method can be used target those in positions which make them likely to be 'key informants' (Arksey and Knight, 1999). As was the case when contacting rank-and-file officers in the interview study, intermediaries once more distributed and collected the questionnaires on the researcher's behalf. Although this whole procedure for selecting survey participants and administering questionnaires may have compromised rigour, quota sampling attempts to mimic the full representativeness provided by random selection processes and opportunity sampling is a technique often employed in practice where access is challenging. According to Brewer (1993), in his study of routine policing in Northern Ireland, it is often necessary for researchers to tackle the negative effects of sensitivity by making pragmatic compromises which depart from the textbook depiction of ideal research practice.

Interviews

The in-depth interview approach was used to gather data from four key members of the Police Reform Committee, which had been appointed by the interim government in 2006, along with two academic experts, and six police station chiefs and also 26 rank-and-file police officers from the various sections of the same six police stations. In fact, interviews with rank-and-file officers, these were police constables serving across the different operational sections of police stations, including interrogation, traffic, investigation, suppression and general affairs. Rank-and-file interviewees were invited to take part in the study through intermediaries.

Results

Senior officers

It is clear by all accounts that police administration has not been decentralized. It seems the central authorities continue to exercise power to consolidate their own interests, as clearly seen in the operation of the system of police nominations, transfers and promotions. Station chiefs were clear that movement policies were arbitrary and issued on the basis of self-interest. In this, station chiefs and officials indicated that spoil and patronage systems represented major obstacles to reform. Put simply, the system was institutionally corrupt and was operated in a self-serving way to retain power and privileges in the hands of those in senior positions.

Station chiefs acknowledged the potential benefits of accountability, in principle, but they were much more reticent about mechanisms for external scrutiny of their activities locally. They accepted that there was lack of public trust and lack of

representation of the public's interests but they claimed external scrutiny would hinder them getting the job done, in practice, for example the way in which the interrogation system was operated. It was also clear from the interviews that existing local police committees only served to reinforce the force's relations with business and politicians through informal networks of power and influence known as *itthiphon* (Tamada, 1991) rather than provide vehicles for public participation. The justification was that local business was willing to support the police when the wider community was unwilling or unable, and station chiefs had to manage policing locally with inadequate operating budgets from HQ. Station chiefs did not mention their own particular conflicts of interest in making policing more transparent. They pointed instead to scapegoats who would have to take responsibility for misconduct and corruption by their bosses.

The majority of station chiefs supported *Vasit's* reform agenda but only to the extent that his recommendations did not adversely affect their own interests and the running of operations locally. In the 1990s, Phongpaichit and Piriyarangsarn (1994) conducted a major study of corruption set in its political context, alongside social and economic development in Thailand, including of police corruption. More than a decade later senior figures in the Police Reform Committee were arguing that Thailand is just not prepared for the establishment of the sorts of democratic institutions which would allow for the decentralization of policing and the external scrutiny of its operations. That is also quite clear from retired Police General *Vasit's* interview. Police reform was fundamentally a *political* one.

Police constables

The 26 police constables who were co-opted by their police station and section chiefs to participate in the rank-and-file interviews, nonetheless, talked openly about the difficulties that they faced on a daily basis due to a lack of support, staff and resources. Unlike their bosses, these rank-and-file officers were in fact divided on the question of whether or not there should be greater public scrutiny of operations in order to make the force and its activities more accountable. However, like their bosses, they concluded that reform would have to be left up to the police to do, because only the police understood the demands of the job, how the system really operated and how officers actually went about their duties.

In Thailand, formal and informal power plays a major role for public administration. Formal power is called *Amnat* whereas informal power is known as *itthiphon*. *Itthiphon* is a key aspect of how local Thai administration, politics and business operate (Tamada, 1991).

In terms of existing arrangements for public participation and local involvement in policing, relating to earlier reforms, rank-and-file officers were more explicit than their bosses about the operation of local police boards. Business people were co-opted onto boards by local station chiefs, business people who then left police operations to the station chief and the chief's bosses. Station chiefs justified the membership of local business people on boards on the basis of the support they provided when state provision and resources were severely lacking. However, *itthiphon* was the key aspect of these relationships. In his interview for the study, one senior member of the police reform committee went so far as to say that local police boards acted as ATMs (cash machines) for station chiefs. And a rank-and-file officer

explained that securing the position of station chief in a good location would cost a considerable sum of money in the first place. In other words, rank-and-file officers were skeptical about the implementation of mechanisms for decentralized administration and accountability.

The widespread practice of mutual assistance between business and police often leads to accusations of involvement in illegal activities. Often businesses are unable to operate without making payments to the local police, where owners prefer to make regular payments rather than pay one-off amounts in order to maintain beneficial relationships over time. Meanwhile, owners enhance their *itthiphon* among other state officials through the use of their material gains. Businesses can include illegal casinos, brothels and lotteries.

Rank-and-file officers were critical of in-service training and the opportunities for career development. There were few motivations to do the job well. They described poor work conditions and lack of resources. It is often argued that poor incomes, welfare provision and resources provide powerful incentives for ordinary police officers to become corrupt. However, senior administrators have chosen to ignore the problem of institutional corruption while focusing on so-called incentives for wrongdoing among individual officers. According to the accounts of rank-and-file officers, they often had to use their own vehicles and to find the financial resources themselves, sometimes funding operations from illicit sources, in order to track down criminals in cases, particularly when it involved operations across different police regions, when there was lack of cooperation or coordination.

Resources, crucial to local police operations, were not even always available. These included vehicles and fuel, which were misappropriated by others for personal non-operational use, and even the very basics such as pistols, radios and body armour were in poor supply. There was further misconduct justified on the basis of such shortages. Frequently, local police chiefs justified their involvement with local business interests due to a chronic need for assistance. When extra money did become available for special initiatives, it was at risk of being embezzled by colleagues. Officers even said that they had borrowed money to buy equipment for themselves to do the job, such as a reliable modern pistol, a solid set of handcuffs, a decent safety helmet or a working radio. They said didn't always know what kinds of resources the state did actually provide for them.

They were also clear that welfare provision remained poor. Rank-and-file officers were said to get free medical treatment, but when they go to hospital, they were treated as lower class citizens, and they were also asked to pay extra amounts for medical operations and procedures. With regards to accommodation, they often had to find accommodation by themselves when they moved to new postings. There were few police flats available to them. New officers had to pay for their own accommodation. For those approaching retirement, pensions were inadequate. Rank-and-file officers firmly believed that the force's senior administrators chose ignored the difficulties which they encountered on a daily basis in carrying out their duties. Inevitably, the result was ineffective policing and misconduct. Standards and expectations were low, and under the present system, corruption was rife. As things stood, the most basic issues about budgets, training and resources were ignored and the force was bound to become involved in further scandals.

According to the findings from the questionnaire survey, it shows that rank-and-file officers agree with the statement that most police officials want to reform the force (more than 90 per cent of the sample agreed with that statement) but equally more than three-quarters of the sample of survey participants are sceptical about the effectiveness of any formal reorganization which was undertaken on a national basis. Despite the controlled and selective way in which access was granted to participants and the questionnaire administered, the survey method was successful in providing an overview of the opinions of rank-and-file officers stationed in operational sections in police stations in three different regions of the country, and it also provided an extensive set of written comments from one-third of the participants to compare with the quantitative findings from the survey sample as a whole. In terms of triangulation of the methods used in the study, the general views of 600+ rank-and-file officers, based on their responses to the questionnaire, were in agreement with the detailed picture, derived from the in-depth interviews which were conducted 20-plus rank-and-file officers.

Discussion

Given the social and political context to debates about reform of the Royal Thai Police, inevitably the study was a highly sensitive one and access to officers was only gained with the approval of Police HQ. Permissions to contact police stations and police officers passed through the chain of command which went out from HQ in Bangkok to regional police HQs and provincial police chiefs and on to local police stations chiefs and so to their respective section leaders. Subordinate officers in the chain of command were co-opted into the study by their superiors. The researcher had no part in the selection process, other than to identify the three regions and set quotas of officers for the large-scale survey and in-depth interviews based on national figures, and he was provided with restricted and controlled access to study participants.

The bureaucratic top-down study design was in keeping with the Thai context in which the research took place, within a centralized, hierarchical status-based chain of command and personal connections. As an insider and officer on secondment, the researcher was then able to ask fellow officers about police reform, and its key issues, at least as identified by *Vasit's* Police Reform Committee, such as the decentralization of the force's administration and operations and the establishment of oversight mechanisms for the force's activities.

In the event, officers' answers were often frank and extensive, and incorporated perspectives on policing methods as they operated in practice, and also, concerning the viability of a more devolved, open and accountable approach to policing as opposed to the existing model. Officers spoke about matters never mentioned outside the confines of the force itself. In addition, the researcher was allowed access to senior members of *Vasit's* Reform Committee, and to the bureaucrats and academic experts who had supported its deliberations. Thus, triangulation became a central feature of the study in comparing the various accounts from different sources, from frontline officers, their bosses and senior policy advisers.

Vasit's recommendations for police reform in Thailand were set out as a two-stage process. The first stage claimed to address the immediate question of the institutional barriers to practical reforms of the force's operations and activities which existed at the national level among senior police managers. To *Vasit's* view the force's present administrative system only served to underline the need for decentralization of operations, and budgets, and also the implementation of external oversight mechanisms of its activities, with some formula for independent oversight. He also considered that such major changes to the police would require to be monitored by a criminal justice system development agency as part of wider reform of the country's judiciary. His proposals were radical to devolve power from HQ in Bangkok. In consequence they would remove the police as political force. The second stage *Vasit* regarded as a longer-term roadmap for reorganization of locally-based police services once the force was better prepared to move forward after the overhaul of its senior administration. He saw the second stage as focusing on practicalities. It would include reform of working conditions, roles and responsibilities, recruitment and training, professionalism and codes of conduct, and public participation at the local level.

Conclusion

In other words, the study shows that *Vasit's* recommendations for what he saw as a roadmap for the second stage of the reform process corresponded with many of the basic challenges and dilemmas that officers faced in the course of their work in terms of their roles and responsibilities, poor benefits, resources, equipment and training. However, where *Vasit's* proposals for reform had been justified on the basis of alternative approaches, such as in the areas of more community-oriented policing or more public participation, study participants instead explained why such approaches could not work in the Thai context. Institutionalised practices involving quasi-legal methods, corruption and a spoil system for nominations, transfers and promotions were key divers of how policing operates at the local police station level. Local policing was tied up with informal power and influence among business and politicians in mutual assistance in networks of *itthiphon*. The relationship between authority, formal and informal power and how that operates in practice is a vital point in understanding the Thai political and social context. It is hard to exert sufficient structural pressure to build transparent institutions (Yoshinori, 2002) including the country's police force. After five years of political turmoil between 2006 and 2011, and without any reform of the Royal Thai Police, control was back in the hands of *Thaksin's* network of political allies. *Thaksin's* younger sister, *Yingluck*, became Prime Minister. This time, *Wichean* was replaced as National Police Chief by the older brother of *Thaksin's* ex-wife. The new chief was the son of a Police General. The whole episode led to five years without reform and demonstrates the extent of on-going political interference in the administration, operation and activities of the Royal Thai Police.

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