

## **Witness Protection Model for the Royal Thai Police**

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### **Abstract**

The study of “Witness Protection Model for the Royal Thai Police” was to investigate problems and limitations of the witness protection, to explore models and to appropriately design models of the witness protection for the Royal Thai Police. In-depth interviews and Delphi Technique had been used in the research methodology.

Results showed that the problems and limitations of the witness protection were no units established to be responsible for them. There are assigning the local polices with loaded works, absence of knowledge, absence of understanding and unskillful because of being untrained for. No units to organize training skills for police, no courses of witness protection in the educational system of the Royal Thai Police. No checking of the witnesses' records, no checking of witnesses' physical and mental health, and no orientation for witnesses before admission. Laggard in line of command and easing interference by the powerful persons. Also poor secret system and IT system for database and witness protection. Its practices were uncharted, unstandardized, and diffused. Remunerations for the witnesses, the authorities and other expenses were low and unmatched to the current high standards of living.

The appropriate witness-protection model should be, to a certain extent, independent under the immediate supervision of the Royal Thai Police, and centralized with localized operations in the regions. Operations must be under the authorities from the unit and just coordinated with the local police. Command must be subject to a committee, which charted operations, missions with acceptable measures but in the same direction. It was necessary to establish a training unit, developing IT with certain confidential levels. Organizing orientation to educate witnesses and their conduct, checking their records, their physical and mental health with conditional agreements during the project, should any breeches arise.

Recommendations were the Royal Thai Police should establish the witness-protection unit itself in an organizational model with protection procedures as they were found in this research.

### **Background and Significance of the Problem**

Crimes in every country around the world are surging and violent with more complexity. They insecure lives and properties of people in societies particularly the organized crimes and what involve life. Therefore, to create sense of security in life and property and confidence in the criminal justice critically requires the justice administration in the country can sue the guilty to punishment while emerges confidence and justice in societies. Any criminal justice in any countries by any regimes strongly needs fact-finding through witness and evidences regardless being the criminal cases or civil cases or administrative cases or any other cases. Witnesses are very important since they link or are keys to facts of the case or the incident

occurred. However, there are many kinds of witness to each case such as oral evidence/witness, material evidence, documentary evidence and expert evidence but they must be linked and related. No any evidence is absolute in itself to fully prove truth alone (Wanchai Srinuannat, 2006).

Oral evidences/ witnesses are important and have more problems than other types. Since they much rely on many basic elements, which can easily be changed such as their mental condition, memory ability, emotion and duration and so on. These basic elements will not be found in other types of evidence except the expert evidence but rarely found. Senses of insecurity, fear, threats, assaults and exhortations from influences are critical problems and lead to the criminal justice impact because they fear witnesses to present before the interrogation officers, public prosecutors, and courts. Fairness then fails as the consequence (Wanchai Srinuannat, 2006).

The witness protection is the state duty and is the important principle found in worldwide. Refusal of the state on the witness protection is the refusal to pay justice to societies. The state must provide resources like personnel, budget and manuals and just only notes without them for the witness protection, it is charged as its omission of the public duties to people (Anitra Moser, 2007). The safety of the witness is critical especially with the criminal cases and with the justice administration. It is contingent where all parties must cooperate, seek solutions and mechanize the efficient witness protection without permits any witnesses fall under fright and poor self-reliance as in present and it is unacceptable in the current Thai societies (Wanchai Srinuannat, 2006).

Before 1997, Thailand did not enact any special laws to prioritize rights and liberty of life and property security for witness and persons involved in the criminal cases and victimized by crimes, particularly, prioritizing their protection and their compensation. Such rights has been coded the constitutional law BE2540 (1997) and the consequences of signing the convention of countering transnational crimes as an organization. In 2000, the bill of witness protection has been drafted and in 2003, the Witness Protection Act BE 2543 (2003) has been enforced under supervision of the Office of Witness Protection, Department of Rights and Liberty Protection: Ministry of Justice. Being new, it faces many problems of organizing, knowledge, personnel, expertise, budget and related laws that have loop holes and many amendments are needed (Srisombat Chokeprajakchat and Dol Boonnak, 2007 ). However, the Article 113 has empowered the Office of Witness Protection to make agreement with seven public units involved with the witness protection for coordinating operation and protection. They are the Royal Thai Police, Ministry of Defense, Department of Observation and Protection for Children and Youth, Office of Counter Narcotics, Department of Public Administration, Department of

Corrections, and Department of Special Investigation (DSI). The witness protection is new and all the units above have no knowledge and experience about it and some units unlikely involve. Only the Royal Thai Police has more roles to play than other units do, and having its police force spread around the country and it must investigate and collect evidences as witnesses before other units of the criminal justice administration.

Witness protection located in each unit during 2004-2011 were 20 subjects in Office of Witness Protection, 144 subjects in the 1<sup>st</sup> Provincial Police Region, 65 subjects in the 2<sup>nd</sup> Provincial Police Region, 55 subjects in the 3<sup>rd</sup> Provincial Police Region, 95 subjects in the 4<sup>th</sup> Provincial Police Region, 127 subjects in the 5<sup>th</sup> Provincial Police Region, 130 subjects in the 6<sup>th</sup> Provincial Police Region, 102 subjects in the 7<sup>th</sup> Provincial Police Region, 250 subjects in the 8<sup>th</sup> Provincial Police Region, 155 subjects in the 9<sup>th</sup> Provincial Police Region, 36 subjects in Center of Southern Police Operation (3 provinces), 165 subjects in Metropolitan Police, 2 subjects in Department of Corrections, 4 subjects in Department Public Administration, 1 subject in Command of Counter Offense Against Children, Youth and Women, 1 subject in Department of Special Investigation, 1352 subjects in total. None subjects have been recorded in Department of Observation and Protection, Ministry of Defense, Office of Counter Narcotics ( Office of Witness Protection, Department of Rights and Liberty Protection: Ministry of Justice : May 31, 2011).

As mentioned above, the witness protection is important to the justice administration and social. It is still new to Thailand. It is new to new roles and duties in a new public unit, which is yet unprompted but in the early stage of establishment, improvement, and development of knowledge, roles, duties and personnel. Even many laws are still defective and await amendment. With the unreadiness of the unit and laws, it affects the witness protection operation. Further, the Royal Thai Police is the unit playing roles and duties for protecting lives and properties of people. It is also in the scalar line of justice administration holding duties of collecting primary evidence for the judicial process and is ready with personnel nationwide, a unit pleaded for protection from witnesses, and a unit more coordinated for witness protection cooperation from the Office of Witness Protection (Srisombat Chokeprajakchat and Dol Boonnak, 2009 ). Therefore, as being found in the statistics of petition and action, the witness protection and the laws of witness protection is specific. Though the Royal Thai Police might prolongly be prompt, knowing and closing to witnesses under the duty of collecting evidences to be forwarded to the judicial process; the personnel of the Royal Thai Police are just common police loaded with variety of jobs, and routine jobs. They have no knowledge and experience on principles of protecting witnesses and being acceptable. In addition, the previous police performances are likely found violating

rights and some groups of human rights and foreign countries disagree or are suspicious in the police intervention of protecting witnesses (Anitra Moser, 2007). However, Thailand is unclear with both laws and model of witness protection but with the past operation and data, the Royal Thai Police plays as key in the witness protection but it has no responsibility or readiness regarding establishing a unit, model, procedures, clear and constructive operation. With such reasons and benefits, the research of “Witness Protection Model for the Royal Thai Police” is imperative in order to study and to develop the witness protection as in part of the Royal Thai Police. This is to further create clarity, tangibility and standards of the model and the procedures acceptable and accountable for the public.

### **Research Objectives**

1. To investigate problems and limitations of the witness protection for the Royal Thai Police
2. To explore models and to appropriately design models of the witness protection for the Royal Thai Police

### **Scope of the Study**

1. Scope of the contents is related to the models, problems and limitations in following the standards of witness protection, its Act in the Criminal Case BE 2546(2003) connected to the mission of the Royal Thai Police.
2. Scope of the targeted population is focused on 18 persons who have knowledge, skills, expertise and experience of the witness protection and 5 witnesses under the program or ever admitted into the program.

### **Expected Benefits**

1. To understand the problems and limitations of the witness protection for the Royal Thai Police for finding the solutions of the problems of them.
2. To learn the structure and processes of the witness protection, which will lead to develop the proper models of the witness protection for the Royal Thai Police.
3. To be as a reference for any researchers and other units for further developing the witness protection in Thailand.

### **Research Methodology**

A qualitative research conducted with two groups of population. The first group was the experts equipped with knowledge, ability, expertise and experiences in the witness protection. The second group was subjects. The questionnaire formulation was based on Delphi Technique. Median and Interquartile Range were used in statistical application.

## 1. Population and Samples

A research was conducted with two groups of population, i.e.

The first group was 18 experts equipped with knowledge, ability, expertise and experiences in the witness protection. Choosing samples was based on Critical Incident Technique or Snowball Technique. The second group was the five witnesses admitted to the program under the supervision of the Royal Thai Police and sampling was based on randomization.

## 2. The Research Instrument

The formulated questionnaire as this research instrument was based on Delphi Technique, i.e.

- i. The first round questionnaire compiled basic information explored from concepts, principles and the models of witness protection as the scope of the open-ended questions.
- ii. The second round questionnaire was to collect the responses of experts based on the first round open-ended questions and formulated a summative rating of five (5) level scales questions. This improved questionnaire has been conducted with the same expert group to freely provide opinion.
- iii. The third round questionnaire was to collect data based on the second round questions to find means and interquartile range of each question. Then the third round questionnaire was formulated applying the same content but increase the means values and the values of the interquartile range so that each expert could revise their second round responses. The third responses of the third round questionnaire was the final and all data collected were interpreted and summarized to be the appropriate model of the witness protection for the Royal Thai Police.

## 3. Statistical Application

Median and interquartile range were used in this statistical application and the SPSS program was used for their calculations.

- i. Median of the ungrouped data has been calculated from formulas by classifying them from less to the greater number and pinpointed their median in the position of  $\frac{n+1}{2}$  to read the median value. (Business Statistics: [http://www.science.cmru.ac.th/ststisticslstst2105/index\\_2\\_2.html/](http://www.science.cmru.ac.th/ststisticslstst2105/index_2_2.html/))
- ii. The interquartile range was the difference values between the quartile 1 and the quartile 3 taking the latter quartile 3 to be minus from the quartile 1 to find the differences. The less difference means less spread value while the more difference means more spread values (Choosri Wongrattana, 2001).

## Results

1. ***Problems and Limitations of Witness Protection for the Royal Thai Police*** by examining the values of the median with values higher than 4 which meant agreeing and their interquartile range was less than 1.5 which had relevancy worth for analysis. They were
  - i. The ambiguity of laws, the responsible unit, and the management which were consequences with connectivity.
  - ii. The royal Thai Police accommodated no direct unit to be responsible for the witness protection. Its Department of Criminal Case was just the coordinator without any authority and duty to manage the witness protection.
  - iii. The Royal Thai Police employed a large number of police force nationwide but their local responsible tasks were overloaded. They also had no skills and knowledge in protecting witness, which became problem making and affected the efficiency of the witness protection.
  - iv. The present witness protection of the Royal Thai Police found no place, material, modern technologies necessarily for backup this duty.
  - v. The witness protection police had no knowledge, understanding, experience and training because the Royal Thai Police did not allocate the courses of witness protection both its theories and practices in the educational system and the practicum courses in each level were insufficient and not prevailed.
  - vi. The coordination among organizations for witness protection and even the internal coordination required models with short and sharp methods for preliminary understanding to avoid problems and limitations.
  - vii. Without the responsible unit for the witness protection in the Royal Thai Police, it drew problems and limitations, which entailed no development, no improvement, and no revision.
  - viii. The Royal Thai Police did not establish the database of the witness protection, which has created the current problem and long-term problems in future.
  - ix. The critical problem of the witness protection among police or even the Thai witness protection is the witness confidentiality and jobs about witnessing.
  - x. Lengthy line of command by bureaucratic Royal Thai Police slowed the process because commands were diverse in each level, which had no

finalization or clarity bringing ambiguity to the operational level and was disadvantageous to the witness protection.

- x. Most witness protection police in the local were male and some situations they needed female police but few have been allocated or even none. Though there were female police, they did not have skills, knowledge, and ability to fulfill the duties of the witness protection.
  - xi. The witness protection restricted the rights of the witnesses or the subjects of the program and affected their ways of life. It made them feel being violated on rights and felt uneasy. It might come from misunderstanding between the authority and the witnesses, which damaged their protection because there was no orientation of the witness and the subjects of the program before their protection entry.
  - xii. Compensation for police on duty and for the witnesses was poor and mismatched the economic condition and current standards of living.
2. ***Proper model and model formulation for the Royal Thai Police*** revealed that by examining the values of the median with values higher than 4 which meant agreeing and their interquartile range was less than 1.5 which had relevancy worth for analysis; they were
- i. Social justice and peace emerged through justice administration with efficiency, speed, certainty, accountable and ability to bring the guilty to punishment.
  - ii. Witnesses and evidences were important in the prosecution.
  - iii. Witnesses in the criminal cases were the most problematic evidence in the justice administration.
  - iv. The criminal trails likely adduced witnesses rather than other evidences.
  - v. Good and effective witness protection provided would become an important mechanism to promote efficiency and effectiveness of **adduction** in the criminal cases.
  - vi. Efficient witness protection speed the trial with fairness, accuracy, justice creation and bringing peace to societies.
  - vii. The social contexts, such as ethnicity, religion, culture, tradition, custom, values, concept, lifestyle, and belief of each societal member differently influenced models, methods and measures of the witness protection.
  - viii. Legal system, the trial system, and the public administration system were means allowing each country to set the different processes and the different models of witness protection.

- ix. Criminal conditions, violence and criminal complexity turned each society to design different methods and different model of witness protection.
  - x. The witness protection system of Thailand had to be improved, and amended about its organization, model, process and laws.
  - xi. The main purpose of the witness protection was to enable the witness to accurately and precisely testify in court as closest to fact without fear.
  - xii. Effectively managing witness protection under scarcity of resources was better than ignoring to take action or to be heedless to the public rights which was counted negligence to the state duties.
3. ***Opinions of experts on the models of witness protection worth the Royal Thai Police*** disclosed that examining the values of the median with values higher than 4, which meant agreeing and their interquartile range, was less than 1.5, which had relevancy worth for analysis. They were
- i. The Royal Thai Police must have a unit to seriously protect witnesses equipped with its organization, police force, technology, equipments and direct and sufficient budget to fulfill its duties.
  - ii. The Department of Criminal Case had no authority and could not command in the witness protection in the Royal Thai Police. It was the coordination unit only.
  - iii. It needed to adopt a command board to examine the witness protection mission such as specifying qualities, measures, models, methods, its expansion/reduction/ suspension, budget, its expenses, any other affairs involved to replace its line of command.
  - iv. It certainly needed preliminary training to be ready and to understand witnesses or individuals admitted for protection.
  - v. It needed to check the mental health, physical conditions and health as a procedure and necessity in admitting witness or individuals for protection.
  - vi. It needed to check historical records of punishment and conduct of the witnesses or individuals admitted and should specify procedures and conditions to consider permits of witness protection.
  - vii. The circumstances of the case, the circumstances of intimidation, methods of threat, weapons, status, litigants' potential, fears of the witness/persons under covered had to be considered in the admission for protection rather than using rate of punishment as conditions or obligations.

- viii. If the Royal Thai Police had a unit of witness protection and prompt with the police force, budget, place, materials and managerial model; It was potential to protect witness with common measures and special measures.
- ix. The training unit of witness protection which ingrained skills and knowledge for the personnel needed to evaluate trainees' performance, and developed technology and equipments to support the tasks.
- x. Police protecting witnesses needed to have female police who were expert in protecting witness and weapons in the situations needed them more than the male police.
- xi. There should be roles, ethics and practices of the authority protecting witnesses with same pattern and the in the same direction.
- xii. Having the witness protection unit with its own force without taking advantages from the local police who are overloaded. It would be advantageous to the Royal Thai Police and efficiency of the witness protection.
- xiii. Having the witness protection unit with its own force was to end problems of the witnesses' petition for protection outside their constituency and needed not shift responsibility to other locality or other units for the protection.
- xiv. In general measures, the witness protection was allocated into subunits by any possible levels with conditions, and criteria such as punishment rate by case, facts of the case, violence of threat, intimidation, weapons, methods of threats, intimidation, or others related to be examined in each level and applied in the same measures in each location and by case.
- xv. The witness protection unit of the Royal Thai Police needed to have an immediate supervision unit to keep database and records of the witness protection.
- xvi. The witness protection unit established by the Royal Thai Police would be any appropriate sizes, police force and enough budget to meet the quantity of the current and future work.
- xvii. The witness protection unit established was independent and directly under supervision of the Royal Thai Police or any similar office. Significantly, it had to be expedite and autonomous at a certain level.
- xviii. The 2<sup>nd</sup> Model was that the new establish unit had to be centralized but the routine operations were in each local areas by the Command Office to protect witnesses by itself but coordinated their cooperation and data with the locality only.

4. **Results from Witness** – the researcher has interviewed five witnesses who were under the protection program and ever been in the program and results were:
- i. **Recognition of the rights under legal witness protection** – most interviewees did not know or realized its existence and most interviewees just knew when incident happened and filed petition with police and being recommended from the police to plead protection at the Office of Witness Protection.
  - ii. **Petition for witness protection** – most interviewees pleaded protection through the Office of Witness Protection which was expedite and budget approved faster than filing petition through police and this information was introduced by police.
  - iii. **Knowledge and understanding the witness protection measures** – most interviewees had no knowledge and understanding about them before. Upon incident happened and after the police introduced details, there was a certain knowledge and understanding and pleased to have this measures. Most witnesses plead protection with the police but being introduced to file the case at the Office of Witness Protection because the police still met with the disbursement for the protecting witness and witnesses understood.
  - iv. **Causes and types of case pleaded witness protection** – most interviewees were the original evidences for murder, attempted murder, and rape. They mostly involved the groups of gender, life and body and not found as accomplice with any large-network organized crime. Most interviewees felt that considering for witness protection would be approved only based on rate of punishment, which by the witnesses' views should better be based on violence, intimidation, and weapons.
  - v. **Satisfaction with the witness protection officer** – most interviewees berated on police conducts, manners, speeches, and local police on job. The local police knew other litigant well and sometimes interviewees did not trust the local police at all. Female witnesses were in some cases under the cover of the male police who very often visited the safe house during nighttime. It was improper and there should be other measures or should assign female police to undertake the duty.
  - vi. **Satisfaction with the protection method** – most interviewees were satisfied with the admission and felt more secure. What worried them were their concerns of their families fearing that they would be insecure. Most interviewees did not want to stay in the arranged safe house but their

own because of the concerns on properties and families. During the program, they were satisfied with their compensation, which they were never given before.

- vii. ***Problems and limitations to enter the protection program*** – they came from concerns of their families and their properties. They declined to stay in strange safe houses and they were rebated if they failed to abide with the conditions, movements, and calling without informing the police on-duty.
- viii. ***Sense of security during and after the protection program*** – witnesses felt secure when police protected and it was enough. However, they did not know any methods and duties of the police, which mostly just witnessing the red-box visits of the police, co-residing during the first period, and moving to other residence and most witnesses declined because of worrying about their families and their properties. The aftermath, by any reasons, they were still likely feared with intimidation of the litigants but less than the before the program.

## **Discussions**

### **1. Problems and Limitations of Witness Protection for the Royal Thai Police**

Results revealed that the Witness Protection Act in Criminal Case BE 2546(2003) enacted relevantly with the Constitution of the Kingdom BE 2540 (1997) Article 244 which endorsed protection of the witness' rights. Part came from the endorsement of the UN Convention on countering transnational organized crimes CE2000 No. 24 and 25, which emphasized the witness and victim protections. The research was corresponded with the studies of Suddhiphol Thaweechaikarn et al (2005) that such measures in the Convention were insufficient to protect witnesses and their assistances. A country had to amend and enact new Act to enforce other measures worth the witness protection. This research was also corresponded with the studies of Srisombat Chokprajakchat and Dol Boonnak (2009) that the problems of the matter of laws in the Witness Protection Act in Criminal Case BE 2546(2003) which were ambiguity in defining witness, specification of rules, conflict operational standards of the units involved, ambiguity in standards of the coordination and cooperation of units. The responsible unit should be evidently empowered. The research was consistent with the works of Mahithorn Klannurak (2004) on The Rights of Witness Protection under the Criminal Case Section 244 in the Constitution of the Kingdom B.E. 2540 that there were loopholes and needed amendments to meet the principles of the criminal laws, the Criminal Procedure Code and the concepts of the witness; consent. All these legal problems entirely affected the system of the operation units for the witness

protection. The Royal Thai Police besides keeping the social peace and order on securing life and property of the public, it involved in inquires to find facts, collecting and screening potential evidences into the justice administration. Results disclosed that the research was corresponded with the works of Wanchai Srinuandat (1999), Srisombat Chokprajakchat and Dol Boonnak (2009), Methini Chalothorn (2000) and Anek Anathawan (2001) on duties and regulations of witness protection before this Witness Protection Act. It was also corresponded with the interviews of the witness that before this Act, they never knew about the laws of witness protection.

Another critical problem in the Royal Thai Police was there was no evident responsible unit for witness protection. The consequences were then the operation, budget and police force. It was corresponded with opinion of most experts that having no responsible unit entailed no development, improvement, and amendment in the process of the witness protection for the Royal Thai Police. It was also consistent with the works of Niroj Pholboon (2007) that another problems and limitations of witness protection for the Royal Thai Police were the absence of a specific unit to handle the witness protection. Being a large size unit and bureaucratic, the Royal Thai Police had lengthy procedures, troublesome, complex and likely poor coordination.

Accommodating large number of police force, still the Royal Thai Police handled many tasks and duties. Police had no knowledge and skills of witness protection since the office never conducted its training for its skills and its competence both in theories and practices. This was corresponded with the studies of Choomphol Krissanasuwan (2007) that police lacked skills and knowledge in protecting witness. In addition, most police were male and if witnesses were female, it would be improper in protecting them while the witnesses themselves would feel uneasy, frustrated and misunderstanding with the police. Rationally, in the program, the rights of witnesses would be restricted and certainly, it would affect the protection and witnesses would decline the program. This was corresponded with the interviews that some witnesses pointed out the police on protection program should realize the decency and status of the witnesses.

There was poor efficiency in the witness protection system. IT was without operational procedures such as steps to admit witness or persons admitted to the program, no orientation to prepare witness before the program, no mental health check, no criminal records check, no code of conduct agreement signed, no checking of circumstances of the case, intimidation method check, threat method check, and checking of witness's fear. Such procedures should have been complete before their admission to the program by the Office of the Witness Protection and before they were forwarded to the Office of the Royal Thai Police for further action.

However, most cases and witnesses were thoroughly known well by the interrogation officers and the local police than the other units. Though there were well checked by the Office of the Witness Protection, there was no standards of the operational plan upon arriving at the police level, which was accounted in every country. In addition, measures and methods imposed by the Royal Thai Police were unclear and agreeably tangible in the entire unit, which was found in the studies of Choomphol Krissanasuwan (2007).

There were scarcities of place, equipment, materials and technology to support the operation. It was based on there was no specifically responsible unit, therefore there was no organization, no necessity of management and all these affected the efficiency and the effectiveness of the witness protection. The findings were corresponded with the investigation of Dejrabhi Khongdee (2003), and Choomphol Krissanasuwan (2007). A problem of confidentiality was critical and by principle, personal secrecy was necessary and deadly; had it been disclosed, it certainly affected the safety of the witnesses and their families. Keeping secrecy was still weak and it was consistent with the study of Kobkiat Kasiwiat (2007) and Methinee Chalothorn (2000) that secrecy of the witness was the most important thing in the witness protection process. It meant their lives and properties directly. Consequently, the witness protection process around the world prioritized the witness' secrecy. Problems of expenses and compensation for officers were low and unmatched with the current living standards. They were the important problem and limitation, which experts had placed them at the highest level. It was also corresponded with the works of Choomphol Krissanasuwan (2007) and Dejrabhi Khongdee (2003) that there was insufficient budget to meet the expenses in for the witness protection and the expenses and compensation for witnesses and for the officers were unmatched with the current higher living standards while disbursement was too red-taped.

## **2. Finding Models and Creating Proper Model of Witness Protection for the Royal Thai Police**

The proper model as being analyzed was the Royal Thai Police should have its own unit responsible for the witness protection. It was corresponded with works of Niroj Pholboon (2007) that unit had to be established to handle this responsibility. There had to be evident specification of roles, structure, laws and budget for its operation as well as authentic autonomous in protecting witness. Such the structure, system and process were consistent to the research on Evaluating the Enforcement and the Witness Protection Operation under the Witness Protection Act in Criminal Case BE 2546(2003) conducted

by Srisombat Chokprajakchat and Dol Boonnak (2009). The findings favored to approve autonomy to the Office of Witness Protection and to be the core center for other units involved with it. It was recommended that its role should be the facilitator, the regulator, supervisor and organizer of the entire protection system. There should be the involvement in planning direction, the same standards with the criteria of admission and operation nationwide. Its operational process should be under the same system; if unit had to protect witnesses by itself. Special measures only should be imposed with the witness protection program.

The unit was centralized but routine local operation in each responsible region. Actions were taken by the center itself but coordinating with the local police only with data collection. This method was similar to the US Marshal Service established to directly protect witnesses with autonomy under supervision of the Secretary of Justice authorized by the public prosecutors. It was centralization with the local operation unit and many subunits in each State or city. Operations were handled by the witness protection unit itself and not by the police. Police handled witness protection in Germany and Australia, especially; the Police Commander handled the project by himself in Australia to end delays, repletion of order where operations were under the same direction and to prevent the interferences from the influential or the ill-will persons over the witnesses allowing those who feared influences could turn to the police.

According to the current Witness Protection Act, there were two measures, i.e. general measure and special measure similar to many countries as in USA. By the differences of potential, professional and experiences, it was necessary to adapt both measures to meet the Thai social context, the Thai legal system, and the Thai justice administration system. The general measures in the studies might be prescribed in the subsystem to appropriately meet their multilevel with condition and criteria such as punishment rate by case, fact of the case, violence of threats, intimidation, weapons and intimidation and threat methods and others related for classification and applications within the same standards in each location and each case. At the meantime, when the Royal Thai Police was well-equipped in all aspects for the witness protection, the especial measures could potentially be imposed.

Regarding personnel, this unit had to really deploy police to protect witnesses without other loaded works. Such duty required knowledge, skills, and expertise to protect witnesses and they were the unit personnel to end taking advantages of the local police or overload them. It required training them on knowledge and skills of witness protection and the Royal Thai Police should

organize or add the course or the personnel development for these affairs in every curriculum. At the meantime, the witness protection unit had to organize R&D and follow-up equipped with technology back-up in its database, development of equipments, devices and necessary technology to support its witness protection. It was just the foundation of management to a just established unit to be ready for supporting every mission of the unit.

There had to be clear procedures to admit witnesses or individuals for protection, organizing orientation to prompt witness to understand before admission, checking mental health, criminal records, circumstances of case, circumstances of intimidation, circumstances of threat, and the fear of the witnesses. Models of protection in light of an organization was consistent to the investigation of Evaluating the Enforcement and the Witness Protection Operation under the Witness Protection Act in Criminal Case BE 2546(2003) conducted by Srisombat Chokprajakchat and Dol Boonnak (2009). The office structure must be autonomous and the main quarter to other units involved with responsibility to protect witness in the entire system, involvement of planning, descriptions for consideration, designing the standard operation and clear witness protection process. It was similar to the autonomy of the Royal Thai Police with systematic protection, planning to enact laws, regulations and obligations for the same direction and meeting the legal witness protection under the Office of Witness Protection. If the Royal Thai Police established the witness protection unit, it should adhere to the organizational concept consistent to the direction of this research, which might be advantageous.

Any modeling of the witness protection by the Royal Thai Police should follow below for sustainable model, i.e.

1. Established unit responsible for witness protection in part of the Royal Thai Police should allocate personnel and budget for action taken and lead to its operational development. Its roles and duties had to be evidently described, reducing difficulties and repetition. The unit had to be autonomous to consider its efficient operations for the witness protection.
2. The organization should issue rules, regulation, and obligation to evidently support the unit of witness protection, which would become the tools for the unit to deploy in control, order, supervise and check the operation.
3. The unit had to have certain autonomy, closer step of order for action and prevention of political and influential interference. Therefore, there had to be operation board and welcoming the central body of the justice administration and Office of Witness Protection to inspect its operations.

4. Describing qualities of the operation personnel, their compensations and expenses
5. Systematizing the information technology for efficiently storing database and coordination between units
6. The board of this unit had to evidently specify direction, measures, witness' qualities as a standard direction and operation plans appropriate with each witness.
7. Building understanding with witness on their rights and trust on the safety for them and their families
8. Prescribing models and necessary steps to the witness protection operation by studying from the developed countries and imposing similar legal system and justice administration system modified to meet the social situations, legal system and the justice administration.
9. Creating efficient systems for checking, follow-up and evaluation

Analyses disclosed that there were many flaws in the Thai witness protection system in parts of laws and organization. It was uncertain which system would be deployed. Currently, it is an integrated model and opened to many units involved, which diverse ideas and practices and affect problems and limitations in protecting witnesses for the field mission. The Royal Thai Police is a unit legally coordinated to protect witnesses more than other units but it has no evident unit to tangibly take the responsibility. Then, it raises problems and limitation of witness protection in The Royal Thai Police as above discussed. These problems and limitations found should be solved, and specifying proper models and further redesigning its worthwhile ones for the Royal Thai Police.

### **Recommendations from the Study**

1. Clarifying the unit responsible for witness protection regarding roles and duties of the operation
2. Allocating enough police force for operation and leveraging their efficiency through training, developing skills and clearly prescribing their compensation worth their morale.
3. Educating witnesses about the witness protection process, their rights, code of conduct during the program and safety after the program.
4. Developing database for efficient or higher level operation than the existing ones.

## Recommendations for Further Studies

1. There should be investigations of during and aftermath effects of the program on witnesses.
2. There should be investigations of witness protection measures and operational practices applicable and relevant to the Thai social context, criminal situations, legal system, and unit responsible for the witness protection.
3. Researches conducted with witnesses under the protection program are secret and prohibited for data disclosure and illegal if disclosed and they may consequently distrust about data collection even witnesses completed the program are still distrust strangers; therefore, investigation with witnesses as targeted population would be critical problems of life-safety and seriously affect the studies.

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