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LEVERAGING THE USE OF ELECTRONIC MONITORING OF PAROLES IN THAILAND

[1]Khwanrudee Khuanruechai, [2]Srisombat Chokprajakchat

[1]Faculty of Social Sciences and Humanities, Mahidol University, Thailand, kkhuanruechai@gmail.com
[2]Faculty of Social Sciences and Humanities, Mahidol University, Thailand, srisombat.cho@mahidol.ac.th

Abstract

In 2018, there were 366,316 Prisoners concluding to an "Overcrowded" Prison situation, as a result of such issues, there are more Electronic Monitoring (E.M.) used for Paroles. However, the implementation still presents problems. This research aimed to problems and obstacles in leveraging the use of E.M. of paroles as well as studying a leveraging the use of proper E.M. of paroles in Thailand. This study is mixed-method research. The result revealed that the problems and obstacles are composed of connecting internet networks, destroying E.M., and capital for insuring devices/expenses. Meanwhile, the quantitative data revealed that there are an insufficient number of experts, who used E.M., for operation, followed by probation orders without clear regulations or guidelines, and E.M. stamps the suspended prisoners. Leveraging the use of proper E.M. of paroles in Thailand constitutes of the condition in using E.M., improved laws, budget, responsible agencies, methods or measures appropriately, and so does the acceptance of the utilization of the EM. For the quantitative data, it was found that it is essential to enhance the policies related to applying electronic offender tracking devices to the suspended prisoners, followed by the importance to improve laws and regulations related to making Electronic Monitoring applied to the suspended prisoners and allowance for the persons at low risk to use Electronic Monitoring. Multi-criteria analysis indicated that appropriate alternatives applied to the suspended prisoners in Thailand comprise administrative measures, technological measures, and legal measures.

Keywords : Leveraging, Electronic Monitoring, Paroles.

INTRODUCTION

In 1964, Dr.Ralph Schwitzgebel from Harvard University designed and patented an Electronic Monitoring (E.M.) with William S. Hurd in Cambridge. Massachusetts, United States (Schwitzgebel, 1966; Schwitzgebel, Schwitzgebel, Pahnke and Hurd, 1964). In 1987, 21 states had adopted electronic monitoring and had as many as 900 offenders using electronic monitoring (Schmidt, 1988). Later, electronic monitoring equipment technology was used in the detention of offenders in other countries around the world with the aim of reducing the number of inmates in critical prisons. However, this E.M. has disadvantages: the cost is expensive and the device attached to the culprit was broken including legal issues that support the use of E.M and political, devices and technology must be efficient and reliable (Chitsawang and Petmunee, 2016). According to the past 10-decade statistics of the number of Prisoners in Thailand, it was revealed that, the Corrections Department had simply 185,069 Prisoners in charge in the year of 2008 (Department of Corrections, 2008) and increased sequentially until 2016, causing an “Overcrowded” situation.

Apart from this, the Thai Justice Process has experienced many problems, including access to justice, and the number of Prisoners in the prisons is so high that it causes congestion and quality of life problems including the punishment of minor offenses, resulting in the development of offenses of prisoners in prisons. This includes the lack of social preventive measures which refer to the place where prisoners have been suspended or the date of punishment has been minimized, or if offenders

are under the Traffic Act, or the probationers that are waiting for punishments or waiting for penalties under the Criminal Code, Section 56. Unless a prisoner complies with the conditions of the probation, without a way to track in the control layers and monitors those who have been released, such as that may be a danger to society, it is necessary to bring electronic monitoring (EM) to promote and support the probationer to comply with the court orders or orders of the authorized persons along with the rehabilitation measures (Department of Probation Ministry of Justice, P.O.).

The measures to suspend punishment are another option that the Department of Corrections used in the management of correctional work, with clear rules and regulations, that will be suspended in the form of a suspension subcommittee. This will hold a meeting to consider once a month and the statistics from 2014 to 2018. It was accordingly found that the number of Prisoners, having been released of punishment, was merely 51,429 Prisoners (Department of Corrections, 2018). Of these numbers, it was found that there are prisoners who have been released on breached condition of 2,133 numbers of Prisoners (Department of Corrections, 2018), accounting for 4.14 percent; as a result, the Department of Corrections brings a measure of suspension to drive a well-behaved and the first offenders are out of the prison system. Nonetheless, according to a research study by Tunneekul (2016), it appeared that the problems and shortcomings in the implementation of the Electronic Monitoring control system in Thailand appeared as the unclear law that is not covered by all the involved justice systems. Moreover, staff lack system knowledge: the introduction of the Electronic Monitoring control devices, negative attitudes towards it, including insufficient numbers of staff, unstable signal systems, unstable, large, and heavy equipment, and also the inappropriate conditions specified to perform the living and occupation conditions of the users. In fact, most of them are farmers; whereas, the users of the device feel like they are being watched, and they lost their privacy and had a negative impact on their marriage life, with embarrassment. However, in the future, the Department of Corrections will need to consider more suspension of punishment, especially with the qualifying group of Prisoners. Notwithstanding, this will cause a high-risk situation, making it necessary to prevent the overcrowded problem in prison and the rehabilitation habits of the offenders in the community system to have more efficacy than remediation in the closed prison systems.

Electronic monitoring is a necessary device that must be employed in conjunction with the probation of Prisoners, to decrease the risk of recidivism as well as to build trust in people that society will be safe. Therefore, the Department of Corrections is required to take other measures in tandem with probation of prisoners, high-risk groups who meet the legal requirements. In Thailand, other measures have been used along with the release of prisoners, with the electronic monitoring devices on those who were released before the end of the sentencing date and those who had been ordered by the court to conduct probation with Electronic Monitoring device. Concerning the problems, obstacles, and limitations in the usage of the Electronic Monitoring, it is, therefore, necessary to study the Leveraging the utilization of Electronic Monitoring of Paroles in Thailand. Then, the objectives of this study were to study the problems and obstacles in leveraging the use of electronic monitoring of paroles in Thailand and study leveraging the use of proper electronic monitoring of paroles in Thailand.

RESEARCH METHODOLOGY

The research methodology reveals the selected population and sample, data collection technique, data analysis, and research ethics. The key informants of qualitative research collected the data by using an in-depth interview with a group of 20 key informants, divided into 4 subgroups as follows: Group 1 and 2 policymakers and Group 3 and 4 practitioners selected by purposive sampling and quantitative research collected the data by using a questionnaire data, utilizing a random sampling method in the use of electronic monitoring devices. The population groups were, Civil servants of the Department of Probation, totaling 13,636 people; whereas the number of sample size was calculated from the sample groups, using Yamane (1973), 95% confidence level or the tolerance of 0.05; the sample group involved in the use of electronic monitoring tools used to collect questionnaires consisted of 389 individuals. In a multi-criteria analysis, the researcher utilized the data obtained from the

questionnaire collection to determine an alternative approach in leveraging the use of electronic monitoring of paroles in Thailand by assigning 10 experts.

The data collection instruments, the researcher exercised an in-depth interview form, questionnaire, and multi-criteria analysis; the researcher applied the criteria from the data obtained from the quantitative data collection to calculate the total as a total score, in order to determine alternatives for experts to choose an appropriate approach, a multicriteria analysis that comprised the following components (Thiraratanakhet and Udomsri, 2004). Data analysis consists of content analysis, descriptive statistics (frequency, percentage, mean and standard deviation), and Multi-Criteria Analysis with Simple Assistive Weighting (SAW) method. It requires the concept of Weight Linear Combination (WLC) or scoring concept, in which the weighting of the criteria differs in importance.

The research ethics was certified by the Office of the Human Research Ethics Committee, Social Sciences, Faculty of Social Sciences and Humanities, Mahidol University, 25/25 Phutthamonthon Sai 4 Road, Salaya Subdistrict, Phutthamonthon District Nakhon Pathom Province 73710, which was certified on April 18, 2019, Certificate of Approve No.2019/090.1804, MUSSIRB No.2019/107. (B1).

RESEARCH RESULTS

1. Problems and obstacles in leveraging the use of Electronic Monitoring of Paroles in Thailand

The problems and obstacles in the use of electronic monitoring of paroles in Thailand were revealed that from the current trend, the number of offenders in Thailand is rising, bringing in the use of electronic monitoring of paroles in Thailand, as another important measure, meanwhile, the main objectives of implementing appropriate electronic monitoring devices on paroles embraces reducing the overcrowded prisons, saving the state budget to be used to cover unnecessary expenses for certain types of prisoners, minimizing the jeopardy of short-term imprisonment, or removing blemishes to prisoners that commits petty offenses in prison, and giving the offender more freedom to adjust to life in the community and the offender who can find a job to provide income for their family. Therefore, problems and obstacles in using electronic monitoring devices with those who have been paroled from Thailand, found that there are problems and obstacles as follows:

(1) Network aspects, such as problems with network connection, Internet signal or GPS system, or problems in destroying electronic monitoring devices, inconsistent with key contributors agree that:

"…Most EM device have network problems, unstable connection…" (Interviewee 7, October 23, 2019)

It shows that electronic monitoring of paroles still encounters problems, in line with other barriers encountered in the bring in the use of electronic monitoring of paroles. There are still other problems and obstacles that are as follows: (1) Problems with the detainee's living area, in a confined area or has unstable internet signals, which affects the connection of the GPS system, causing the signals to receive location information or the coordinates where the probationer is located is missing or may be inaccurate, corrective measures or advice must be sought for the probationer, what action to be taken when the signal is lost, to prevent an unintentional breach of the probation condition, and (2) The battery problem of electronic monitoring devices using the GPS system, can only be used for 24 hours, on a single charge, that means if the offender is not responsible for charging the battery, then it cannot monitor the movements.

(2) Problems with relatively short duration/timing of use, making it probably not worth it to bring this Electronic Monitoring device to a group of offenders, this is consistent with key contributors who agree that:

"…The main problem encountered, is the relatively short term of usage, making it probably not worth it to use an Electronic Monitoring device on a parole…" (Interviewee 6, October 17, 2019)

In addition, key informants also said that:

"…Introduction of an EM for a short period of time, can be cost-effective, waste track time,

the device being damage, and cost a lot…" (interviewee 5 October 14, 2019)

(3) Cost problems, from coordinating with experts and probation department officials about problems and obstacles from using electronic monitoring devices to probation, offenders and their families, probation of offenders with the electronic monitoring device, have both positive and negative effects on the offender and society, for the negative effect is to increase the burden of expenses for the family to pay for the service, which is consistent with key informants agree that:

"…Increasing the burden of expenses for certain groups of paroles, as they do not have money or family status that does not facilitate the payment of their monitoring device use…" (interviewees 1, October 3, 2019)

In addition, key informants also said that:

"...If states provide support or pay for those who are unable to pay, it will reduce the overcrowded prisons of prisoners…" (interview 9, November 4, 2019)

The data analysis on problems and obstacles of bringing in the use of the electronic monitoring devices for paroles indicated that there were insufficient specialists in the field of the electronic monitoring devices to operate, with the highest average (=4.34, S.D.=0.93), with the most respondents; 191 people, or 49.20 percent, followed by, questioned whether probation orders still have no clear rules or guidelines (=3.90, S.D.=1.05), with most of the respondents agreed, 149 people, or 38.30 percent, next, the question of whether the electronic monitoring device is about labelling paroles (=3.83, S.D.=1.52), with the most respondents, 112 people, or 28.90 percent, questioned whether, probation with the electronic monitoring devices has an impact on parole's chances of finding employment (=3.18, SD=1.34), with most of the respondents agreed, 117 people, or 31.10 percent, as for the question, applying the electronic monitoring device to parolees is a measure inconsistent with the needs of society (=3.01, S.D.=1.43), with the respondents agreeing at moderate, 86 people, or 22.10 percent and the lowest mean questionnaires were, the electronic monitoring device has an effect on paroles and their families (=2.56, SD=1.30), with the least respondents agree, 110 people, or 28.30 percent.

2. Leveraging the use of proper Electronic Monitoring of Paroles in Thailand

On leveraging the use of electronic monitoring of paroles in Thailand, the following guidelines should be developed for those who have received parole. Therefore, it was found that the following development guidelines should be followed:

(1) Ways to reduce the conditions more, in the use of Electronic Monitoring device for temporary release according to the type of case, corresponding to one key informant, said:

"…Should consider reducing the criteria for using Electronic Monitoring device to be used for probation according to the type of case, for example, in cases where there is a sentence of imprisonment and in that case, the court is punished with a maximum sentence of 5 years, it is a case that is an acceptable offense, negligence, first-time offenders, offenders over 70 years of age, sex offenders, drunk driving offenders, juveniles who commit the first offense that is not related to drugs, as well as cases in other that the court deems appropriate, etc.…" (Interviewee 8, October 30, 2019)

(2) Guidelines for improving the law, shall add more details about the conditions or rules of enforcement of the electronic monitoring device, in order to streamline the implementation of the law more clearly, specifying the conditions in the essence of the law, Which corresponding to one key informant, said:

"…If legislation is to be added, it should be more detailed about the terms or regulations governing the Electronic Monitoring device in order to be more streamlined in a clearer practice…" (Interviewee 6, October 17, 2019)

(3) Development guidelines related to budget, which is for expenses in the event that electronic monitoring devices will be used with paroles in Thailand, it should be the Probation Department, because it is considered the main department to take action on such issues, in particular when asking for budget allocation, to provide electronic monitoring devices for use within the department. The Department of Probation should have the main duty to make a

request for a budget according to one key informant:

"…The key point is the question of whether the cost to be paid is for the insurance of the Electronic Monitoring device, the responsible person should be the person receiving the parole or the requester or the government department that are responsible for helping each case…" (Interviewee 3, October 7, 2019)

(4) Responsible departments in development guidelines: the department that is responsible should consist of several departments, such as the Department of Corrections, Department of Probation, Courts, and other relevant departments because the Department of Corrections is the first department that is responsible for appointing a committee to consider parole, then the Department of Probation is the responsible department for controlling and monitoring people who have been on parole for the duration of their probation, then the court has the authority to order the use of electronic monitoring devices, corresponding to one key informant, said:

"…Without a court order requiring the departments to take it to action, then the use of Electronic Monitoring device for any person who has been suspended in Thailand will certainly affect human rights…" (Interviewee 8, October 30, 2019)

(5) Approaches to the development of methods or appropriate measures for paroles were found that methods for the use of electronic monitoring devices that are appropriate to paroles, should be considered from the other elements.

(6) Building recognition of the benefits of using electronic monitoring devices to detain more paroles instead of imprisonment, in terms of budget, benefits and performance standards of electronic monitoring devices to society in terms of manifest.

The data analysis of the leveraging the use of proper electronic monitoring of paroles in Thailand considering each item, statements with the highest mean were at the highest level of agreement with the question as should the policy related to the bring in the use of Electronic Monitoring devices be updated on paroles? (=4.50, SD=0.89); second, the question of the laws and regulations related to the use of the electronic monitoring devices should be revised on paroles (=4.41, S.D.=0.79). Subsequently, the question appears as should low-risk people have more opportunities to use Electronic Monitoring devices? (=4.16, S.D.=1.20), and should there be a specific department responsible for managing the use of the Electronic Monitoring device on paroles? It was averaged at (=4.14, S.D.=1.00) and the question as should the parole share all or part of the cost, given the court's consideration? It was averaged at (=3.81, S.D.=1.29) and the least average question was manifested as should your organization be the primary authority in managing the use of Electronic Monitoring devices for paroles? (=3.22, SD=1.41.)

The "Multi-Criteria Analysis", according to the nature of those measures, all 10 measures can be grouped into three groups as follows: (1) Administrative measures, comprising measures to allow low-risk people to have more opportunities to use the device, measures for co-paying all or part of the cost, measures to create sufficient experts; (2) Legal measures, consisting of legislative measures establishing national Electronic Monitoring device standards, law improvement measures, child legislative measures; and (3)Technological measures, including measures for the use of special device difficult to destroy, measures for the introduction of new technology into the control system, measures for the development of work systems to provide digital services, and measures to integrate information between departments.

Subsequently, the investigators identified the objectives and criteria to be used in the alternative analysis whereby the researchers defined the criteria used by the criteria analysis, related to factors affecting policy implementation, which was studied from Van Meter and Van Horn's Policy Implementation Model, Edwards Factor Interaction Model, Mazmanian and Sabatier's General Model of Policy Implementation (1983); the long-term benefits and time spent on the procedure after determining the criteria weighting presented the following analysis results:

Table 1: *Criteria-Based Alternative Scoring*

Criterion	Option 1		Option 2		Option 3	
	Average	Score	Average	Score	Average	Score
Effectiveness (30%)	4.6	138	5.0	150	5.0	150
Sufficient resources (20%)	4.8	96	3.4	68	4.4	88
Received support from management (10%)	4.2	42	3.6	36	3.8	38
Long-term benefit (20%)	4.0	80	4.6	92	4.0	80
Operation time (20%)	4.0	84	3.0	60	3.6	72
Total		440		406		428

According to the results of the score analysis, it appears that the measures that received the highest score were administrative measures with a total score of 440, followed by technological measures with a total score of 428, and legal measures with a total score 406 points. When considering, in detail, the scores before weighting, it was found that, in administrative measures, the highest average score was on the criterion of adequate resources, followed by the mean score on the effectiveness of management support, long-term benefits, and time spent on operations.

Based on the results of the above scores, it showed that the alternatives to develop guidelines for implementing appropriate Electronic Monitoring devices for paroles in Thailand with a multi-criteria analysis turned out that management options consisted of measures for low-risk persons, and there is an opportunity to use the device rather than paying all or parts of the cost and measures to create enough experts as the first priority. Then, it was followed by technological measures, which consisted of measures for the use of special, hard-to-destroy equipment, measures for implementing new technology into the control system, measures for system development to provide digital services, integration measures, interagency information and legal measures, including legislative measures to set national standards for the Electronic Monitoring device, measures to improve the law, and legislative measures.

In the section "Consistency between questionnaire analysis results and multi-criteria analysis results", it was found that the guideline for the development of electronic monitoring devices used for paroles is attributed to collecting quantitative data from practitioners. When taking into account in conjunction with the results of a multi-criteria analysis by asking the experts and policy-makers, it was found that, from the practitioner's point of view, the relevant laws and regulations should be improved in the implementation of the electronic monitoring devices. Meanwhile, for the experts and those in charge of formulating alternative policy, the administrative aspect includes measures to make those at low risk more prone to use the device, measures for paying all or part of the cost, measures for creating sufficient experts and for experts and policy-makers, and legal measures that were ranked the last.

DISCUSSION AND CONCLUSION

From the collection and analyzing the data, the researchers summarized the results of the study and the point of discussion: The problems and obstacles in using the electronic monitoring devices with paroles in Thailand indicated that if the electronic monitoring devices are used with offenders, problems and shortcomings may occur as: (1) Network systems, such as problems with the connection of network systems, Internet signals, or GPS systems, or problems with destroying the Electronic Monitoring devices; this is in line with the research of Tunneekul (2016), who found that the problem of bringing in the use of the Electronic Monitoring device control system in Thailand is that the signal used today is not stable whereas the device is not durable, heavy, and bulky; and in some cases, the conditions for using electronic monitoring devices against the offender's living conditions are not appropriate. Furthermore, Supchokpul (2018), also found that problems and obstacles in operation, control and rehabilitation to the prisoners for drug cases of the Department of Corrections include the issues of controlling and finding custody of

prisoners in drug cases difficult, due to the lack of equipment to control or monitor outside modern prisons where prisoners are often at risk to escape, and the consistency with the research of Padgett, Bales, and Blomberg (2006), in which perpetrators agree to comply with the conditions, as they are controlled by an Electronic Monitoring device, must consider the quality of the device and Carney (2012), found that the implementation of electronic monitoring devices must be comprehensive and continually assessed, to ensure that the public can be confident that the E.M. device can actually be used to control offenders instead of imprisonment, (2) The problem of duration, relatively short use, makes it probably not worthwhile to apply the Electronic Monitoring devices to this group of paroles; these research findings are consistent with the research of Chitsawang and Petmunee (2016), who found that most of the samples were familiar with electronic monitoring devices and thought it was possible to use electronic monitoring devices on the offender with the type of offender appropriate to use, such as the first time offender applicable to all types of offenders with no high penalties with the period of detention for the Electronic Monitoring device that should be no more than 2 years. The appropriate conditions for the control must also be established, and the appropriate period of time for the control by the Electronic Monitoring device should not exceed a year. However, Brian & Gainey (2004), found that longer prison sentences were found to have a higher rate of recidivism, but is controlled by an Electronic Monitoring device over a longer period, less recidivism than imprisonment, and (3) Cost problems increases the burden of family expenses to pay for the government, including limited travel space, affecting job search and being unable to work overtime as an additional income together with having an effect on raising money to pay the state for the use of device. According to the findings, it is in line with the research by Chitsawang and Petmunee (2016), who found that the states should be responsible for paying for the Electronic Monitoring device; this is also consistent with the research by Tunneekul (2016), who found that the person responsible for the cost is the offenders and Ardley (2005) found that from examining the impact of the use of the device includes the financial, practical, and policy implications and considering the regeneration theory and punishment. However, Stuart (2010) found that controlling by electronic monitoring devices in conjunction with home quarantine, can reduce the budget used to control criminals.

The leveraging the use of Electronic Monitoring of Paroles in Thailand should develop guidelines for revision of the law that include more details on the terms or rules governing the enforcement of the Electronic Monitoring device in order to streamline clear implementation, rather than specifying the conditions in the essence of the law. What important is that the opinion of the key informant is to state in the essence of the law because the issue of using electronic monitoring devices is still related to human rights and social scrutiny. In line with the research of Thanthitiwong (2011), who found that foreign laws allow the use of electronic monitoring devices to detain offenders for the purpose of using electronic monitoring devices to increase the court's confidence in detaining offenders without the use of prison. When using the electronic monitoring devices, the court shall, in its discretion, determine the suitability of electronic monitoring devices. For taking into account the criminal history and the offender's environment to assess the risk of using such device and to have control measures, if the conditions of the offense are violated, there will be re-arrest and imprisonment in prison to prevent society from harm and dangers and similarly, the research by Tunneekul (2016), who found that guidelines for the development of Electronic Monitoring device detention systems include establishing laws or countermeasures that are appropriate to cover all departments in the judicial process. However, Renzema & Mayo-Wilson (2005), were found to be aimed at suppressing criminals, to change the behavior of the offender, to be able to control, which may be helpful in reducing recidivism in the long term and developing guidelines related to the budget, the Department of Probation, because it is considered the main unit in the implementation of the following issues, in particular, asking for budget allocation to provide electronic monitoring devices to be used within the Department of Probation, should have the main duty to make a request for a budget, while for the development guidelines on expenses incurred, by using electronic monitoring devices, the government or a suspended person may pay all, or part, of the cost of implementing an Electronic Monitoring

device on paroles. Additionally, a literature review found that most studies compare costs to prison costs, regardless of costs associated with recidivism. Clearly, the cost dynamics are largely dependent on the type of monitoring technology used, and several studies have shown that the cost of probation is higher than traditional probation or community-based care for offenders (Turner et al., 2015; Gies et al, 2013). It also points out, that the cost of maintaining an active GPS device is, at three times higher than the cost of probation, (without EM) (Turner et al., 2015).

This study also gives suggestions or recommendations to the states or relevant departments in the implementations of the electronic monitoring devices to use with parole, and to have concrete guidelines on leveraging the use of electronic monitoring of paroles in Thailand in both short, medium, and long terms, and the states or relevant departments should have the policy to encourage those who are qualified to use, to change the attitude of using electronic monitoring devices to reduce the overcrowded prisons, reduce costs associated with caring for prisoners and to create awareness among people, families, and society to understand that Electronic Monitoring device is not about labeling the offenders.

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