



*Thailand Ombudsman pushes the Royal Thai Police to streamline  
the criminal record database*

In 2020, the ombudsman received a complaint from a professor and a student from the Faculty of Law, Thammasat University. It pertains to the Royal Thai Police Regulation, Regulation Code of Police Affairs excluding cases B.E. 2554, Title 32 - Fingerprinting and other amendments. This regulation requires that the information and fingerprints of suspects be kept in the criminal record database, and even when the prosecutor decides not to press charges or the court dismisses the case, the names of the suspects or innocent defendants are not automatically deleted from the criminal record database. Instead, the suspects or defendants have to submit a request to the Criminal Records Division to have their names erased. This imposes unnecessary and undue burden to the people. The Ombudsman had considered the complaint and had a decision that even if the said regulation was in regards to the criminal record database, an important component in processes of justice, it also affected the rights and liberty of people whose names were in the database.

The aforementioned regulation does not explicitly state that the criminal record database must be established. This leads to the information of the suspects or defendants who are in the middle of legal proceedings and the information of defendants the court found guilty to be recorded in the same database. The said database has been used to check the background of those who requested, civil service, job applicants, or applicants to other organizations. It has also been used in investigation to prevent and suppress crime. As the two methods of utilizing the criminal record database serve different purposes, the inclusion of suspects or defendants who are in the middle of legal proceedings into the database may affect their employment opportunities and decent livelihood in the society. This is true, especially in situations where the prosecutor decides not to press charges or the court dismisses the case. Moreover, it is found that the extraction of information on suspects and innocent defendants from the criminal record database goes slowly or there is some information left in the database, leading the suspects or defendants in some cases to necessarily file a request to the Criminal Records Division by themselves.



For the sake of swifter processes, the ombudsman had a decision that the aforementioned Regulation Code of the Royal Thai Police causes grievance or unfairness to the suspects and defendants who are in the middle of legal proceedings. The ombudsman recommended the Royal Thai Police to amend the aforementioned Regulation Code in accordance with the following guidelines:

- The record database currently used to keep information on suspects or defendants should be separated into two registries: suspect record database and criminal record database
- The disclosure of criminal record and information on defendants who the court found guilty should be in accordance to criteria and conditions of the law and other related regulations
- A prohibition on the disclosure of criminal suspicion should be imposed with the only exception being when the examination is required by law
- A timeframe should be planned in the reporting of final case results from each police station to the Criminal Records Division. Beginning from the time when final case results are received from other related agencies.

After receiving the recommendations from the ombudsman, the Royal Thai Police appointed a committee to consider adjustment to the procedure regarding criminal record keeping and amendments to the Royal Thai Police Regulation, Regulation Code of Police Affairs excluding cases B.E. 2554, Title 32 - Fingerprinting and other amendments. The duty of the committee is to consider all adjustments and amendments with regards to the decision and recommendations of the ombudsman. Presently, the changes have been finalized and the draft of the regulation is in the process of being submitted for proclamation to the public.

On 3 May 2022, the Royal Thai Police had a press conference, discussing the new project titled “Deleting files to clear criminal records and return life to the people”. Which aims at improvement to the criminal record database by sorting out or changing the list of people whose information is in the database. This is also to increase the efficiency of criminal record



keeping by the Royal Thai Police, to meet the proper standard, to be in line with current situations, and to accord to the decision and recommendations of the Ombudsman. The main purpose of the project is to return fairness to the people who are not found guilty and enable them to return to normal livelihood in the society. The Royal Thai Police also revealed statistics from the Criminal Records Division, which stated that on 28 April 2022, there was 7.8 million people whose case has been finalized. This figure is from the overall record of uncategorized cases which amounts to over 12 million people, resulting in more than 4.6 million people whose final case result has not been reported by investigators. Therefore, each police station is tasked with finishing the examination of criminal cases by 2022, emphasizing on categorization of criminal records that meet the criteria such as cases that public prosecutors rejected or ordered a halt, cases that a court rejected, cases in which a court ruled to acquit the suspects.

From the abovementioned case, it is obvious that the decision and recommendations from Thailand Ombudsman, along with awareness of the significance of the issue and willing cooperation from the Royal Thai Police, have brought about the solution to this systematic problem.