



# Ex-Post Evaluation of Notification of the National Council for Peace and Order No. 108/2557 on Treating the Suspects of Drug-related Offences to Access Treatment and Rehabilitation and Aftercare of Rehabilitated People

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Received: 20 October 2022; Revised: 19 December 2022; Accepted: 17 January 2023

## Abstract

This research aimed at executing ex-post evaluation of Notification of the National Council for Peace and Order No. 108/2557 on Treating the Suspects of Drug-related Offences to Access Treatment and Rehabilitation and Aftercare of Rehabilitated People and suggesting ways of revision of such law. The qualitative research found this law has engendered benefits to drug users/abusers by taking them to obtain treatment and rehabilitation without being prosecuted and criminally recorded. The ex-post evaluation of the law resulted these following findings: 1) On searching side: goal, indicators or attitudes of officials among related agencies are diverse in taking drug users to obtain treatment and rehabilitation and taking legal proceeding, 2) On screening side: probably inexplicit categorization of drug taker, drug user and drug addict causes taking drug users to obtain treatment and rehabilitation not conforming to severity of drug use, 3) On treatment and rehabilitation side: the Behavioral Modification Centers for Drug Addicts admitting drug users into rehabilitation only on an occasional basis causes a gap as drug users are lack of unceasing chance for access to treatment and rehabilitation, and 4) On aftercare of rehabilitated people side: the aftercare cannot be incessantly done. Accordingly, the researcher suggested a creation of a network system for searching or identifying the drug users in communities, a development of the screening and treatment system with appropriate categorization of target groups pursuant to level of their drug involvement and a development of the prototype community of treatment and rehabilitation through the community's participation.

**Keywords:** Ex-post Evaluation of the Law, Rehabilitation of the Drug Addicts, Law on Narcotics,  
Notification of the National Council for Peace and Order No. 108/2557

## Introduction

Nowadays, problems of committing drug-related offences vastly arise. Aside from committing offences of manufacture, distribution and possession of narcotic, another offense relating to drug use or use of narcotic is committed not only by adolescents but also by working age. Many people have used/abused narcotic due to stress by economic, working, family problems or persuasion by companion which caused committing a crime (Dailynews, 2021). Such use of narcotic causes harm to the users' body and mind and several harmful effects to their family, community and society as well as significant hindrance to development of the country. Thus, it is tremendously necessary to provide treatment of the drug users so as to recover them from drug-addictive symptoms and to bring them back to their daily life and occupation for further more progressive development of the country.

In taking into account of treatment and rehabilitation of the drug addicts, the statistical information showing Office of the Narcotics Control Board (ONCB)'s result of operations on preventing and solving narcotic problems in 2018 illustrated total 184,907 patients of drug treatment, categorized in voluntary system for 97,133 people, mandatory system for 67,788 people and correctional system for 19,986 people. Referring to such total figure, the monitor and assistance provided to 137,636 rehabilitated people and the aftercare already provided to 1,828 rehabilitated people. By implementing a policy whereby drug users are patients, number of people voluntarily



entered the drug treatment increased by 16.4 percentage, monitor of rehabilitated people augmented by 19 percentage and the rehabilitated people ceasing use of narcotic for consecutive 3 months risen by 9 percentage (Ministry of Justice, 2018). For the year 2021, taking drug users to access treatment and rehabilitation by voluntary, mandatory and correctional means and by probation (under Section 56) numbered total 168,567 people, categorized as through their own voluntariness for 59,566 people, hospitalization for 45,599 people, the behavior modification centers for drug addicts for 9,571 people and the Community-Based Treatment and Care (CBTx) for 4,396 people (Office of the Narcotics Control Board, Ministry of Justice, 2021).

Although the use of narcotic is illegal, taking drug/narcotic users to enter treatment and rehabilitation is essential based on the key principle of “drug users being patients”. Such drug users themselves are able to volunteer entering treatment in various infirmaries and during the time of such treatment they would be exempted from punishment. Moreover, Notification of the National Council for Peace and Order No. 108/2557 on Treating the Suspects of Drug-related Offences to Access Treatment and Rehabilitation and Aftercare of Rehabilitated People formulated provisions of law applied to any suspect of committing drug-related offences i.e., the use of narcotic or the use and possession of narcotic in stipulated sort, type, category and quantity and whose behaviors being perhaps not harmful to others or society and also such person being not an alleged or not under legal proceedings of other drug-related offence punishable with imprisonment or not serving sentence of imprisonment. Where such person consents to an access of treatment and rehabilitation, the competent officer shall take such person to access treatment and rehabilitation. Taking the user/abuser of narcotic to get such access is deemed as a diversion of the drug offenders out of justice process in order to lessen quantity of cases brought to the court and a number of narcotic prisoners staying crowded in the prisons and as a measure of assistance to enable the rehabilitated people to restore their normal livelihood and not return to the drug use.

As regards Thailand has enforced Notification of the National Council for Peace and Order (the NCPO Notification) which is a special law promulgated by NCPO, holder of sovereign power of the State since a succeeded overthrow of the preceding government; therefore, the NCPO Notification is a law once it was already promulgated and enforced. It is subject to Constitution of the Kingdom of Thailand B.E. 2560 (2017), Section 77 paragraph two stipulates that “When the law has come into force, the State should undertake an evaluation of outcome of the law at every specified period of time, for which consultation with stakeholders shall be done, with a view to developing all laws to be suitable to and appropriate for changing contexts”. An evaluation of outcome of the law or ex-post evaluation of the NCPO Notification must also comply with provisions of the Legislative Drafting and Ex-post Evaluation of Law Act B.E. 2562 (2019). The Act provides certain issues of evaluation i.e., how many result of the law enforcement does coincide with legislative objective? Is it worth for engendering burden on public sector and people? Does it have other impact causing unfairness to people and how is it? The Act also provides significant principles that state agencies should introduce laws only to the extent of necessity, repeal or revise laws being no longer necessary or unsuitable to the circumstances, or are obstacles to livelihoods of people.

The evaluation of outcome of the law shall be carried out at least every 5 years from the day of entering into force or other period of time as prescribed by Ministerial Regulation, requiring a public consultation with stakeholders, who have rights or duties or bear impact arisen by the law enforcement and with state agencies observing and implementing the law. This research on the evaluation of outcome of the law, focusing specifically on Notification of the National Council for Peace and Order No. 108/2557 on Treating the Suspects of Drug-



related Offences to Access Treatment and Rehabilitation and Aftercare of Rehabilitated People was executed from January to October 2021 prior to enactment of the Narcotics Code on 9<sup>th</sup> November 2021. Result of the evaluation of outcome of such law would be beneficial to further improvement or revision of law in connection with narcotics for more appropriateness.

### Objectives

1. To execute ex-post evaluation of Notification of the National Council for Peace and Order No. 108/2557 on Treating the Suspects of Drug-related Offences to Access Treatment and Rehabilitation and Aftercare of Rehabilitated People.
2. To suggest certain ways for revision of Notification of the National Council for Peace and Order No. 108/2557 on Treating the Suspects of Drug-related Offences to Access Treatment and Rehabilitation and Aftercare of Rehabilitated People.

### Literature Review

**1. Related Theories:** this research included the following concepts and theories.

1.1 Concept of Positive School views that human beings commit crime or act against the law due to natural or biological causes (physical and mental conditions) or other external factor of various social conditions coercing or pressuring them to commit an offence. The Positive School does not concur with punishment for retribution but it would be more suitable and useful to penalize by exploring cause of commission of the offence together with rehabilitating wrongdoers (Sutheesorn, 2004).

1.2 Concept of Diversion includes a process of deviating wrongdoers to get out of legal proceeding under normal justice process, then taking wrongdoers to access community program or organization that specifically functions rehabilitation. This usually applies to non-violent offences. If a wrongdoer is accessed to the formal justice process, it shall enormously bring about stigma and negative impact to the wrongdoer.

1.3 Concept of CIPP Model of Evaluation initiated and developed by Daneil L. Stufflebeam is currently widely-accepted model of an internal monitoring and evaluation. The model evaluates overall program by containing several parts and issues i.e., evaluation of context or environment, input, process and product. It evaluates role of work by isolating assessment division apparently from executive division. The assessment division has duties to formulate and indicate desired information, collect information, analyze and deliver information to the executive division. Meanwhile, the executive division has duties to call for and utilize result of evaluation in order to make decision on any related activities as deem appropriate. Important actions include the project's activities, evaluation and decision to further bring about new option or other way of operations (Worthen & Sanders, 1973).

### 2. Related Research Works

Kumnonmuang (2015) carried out a research titled the Drug Addiction Treatment Measures: Study on the Usage of the Voluntariness Method to Treat the Drug Addict, aiming to study a process of rehabilitating the drug users in diversion of wrongdoer out of justice process, to study and analyze a voluntary process of treatment and rehabilitation of the drug users pursuant to Notification of the National Council for Peace and Order No. 108/2557 on taking suspects to access treatment and rehabilitation including process of screening, relevant treatment and



aftercare of the drug users. The documentary research found many countries have viewed diversion of the drug users out of justice process; therefore, the drug users are patients, not criminals. They do not deserve legal proceeding, but they must obtain treatment and not be penalized by imprisonment. The NCPO Notification No. 108/2557 was found blurred on Standard Operating Procedure (SOP) in case of volunteer to obtain treatment before and after wrongdoing and rehabilitation of the severe drug addicts.

Muninaem (2019) carried out a research titled the Way of Solving Drug Problem by Community Leaders and People in Barahor sub-district, Muang district, Pattani province, aiming to study and seek way of solving narcotic problem by community leaders and people in Barahor sub-district, Muang district, Pattani province. Population of the study included 20 community leaders and people in Barahor sub-district, Muang district, Pattani province. The study found in solving narcotic problem, local administrative organization has promoted and supported organizing project and activities with training on virtue, ethics, knowledges about hazards of narcotics, promoting good relation in families and setting up a Drug Abuse Treatment Center located in the sub-district called "Baan Saen Suk (Happy House)" as well as formulating the sub-district regulation called "Hukum Pakad (Community Regulation)" by public participation of every sector.

### Methodology

This research was executed by qualitative research comprising content analysis in parallel with in-depth interview and focus group discussion as detailed below:

#### 1. Key Informants divided into 2 parts as follows:

**First Part:** an in-depth interview to key informants selected by purposive sampling method were carried out in 3 groups i.e., 1) Group of executives determining policy for 28 people, 2) Group of officials operating treatment and rehabilitation of the drug addicts for 30 people, and 3) Group of rehabilitated drug addicts for 18 people representing 6 provinces in 6 regions nationwide i.e., Prachuab Kirikan (Western region), Buriram (North-eastern region), Chumporn (Southern region), Bangkok (Central region), Chonburi (Eastern region) and Chiangmai (Northern region), totaling 76 key informants. Criteria of selecting such 6 provinces bases on statical information of the Narcotics Control Management Center, Ministry of Public Health for the year 2020 (as of 30<sup>th</sup> September 2020) that found a lot of people in Prachuab Kirikan, Buriram and Chumporn consented to access treatment and rehabilitation of the drug addicts pursuant to Notification of the National Council for Peace and Order No. 108/2557 for more than or equivalent to 30 percentage of all people accessing to such treatment and rehabilitation and found less number of people in Bangkok, Chonburi and Chiangmai consented to access treatment and rehabilitation of the drug addicts pursuant to Notification of the National Council for Peace and Order No. 108/2557 for less than or equivalent to 10 percentage of all people accessing to such treatment and rehabilitation.

**Second Part:** a session of focus group discussion was organized with a purposive sampling used to select participants who are personnel and officials having knowledge and experience of treatment and rehabilitation of the drug addicts were in 2 groups i.e., 1) Group of academics and qualified people for 10 people, and 2) Group of executives and officials in connection with the treatment and rehabilitation and the aftercare of rehabilitated people for 10 people, totaling 20 people.



## 2. Data Collection has the following steps:

**First Step:** to carry out documentary research by collecting and synthesizing knowledge from various textbooks, research reports and various academic papers in relation to treatment and rehabilitation of the drug addicts.

**Second Step:** to carry out study in the field by in-depth interview to key informants, group of executives determining policy, group of operative officials and group of drug addict rehabilitated people from 6 provinces in 6 regions nationwide for total 76 people.

**Third Step:** to organize focus group discussion among academics, qualified people, executives and officials in connection with treatment and rehabilitation of the drug addicts for total 20 people.

## 3. Research Instrument

The researcher executed the literature review by study of concepts, theories and related research works to create a quasi-structural interview form for the in-depth interview to key informants. In addition, questions to be applied in the focus group discussion were generated, verified in their consistency to issues in the interview form, rectified for their accuracy and examined in their content validity. Another perusal of their consistency was done between formulated questions and contents by calculation to find the Index of Consistency (IOC) in pursuance with comments of 3 qualified people.

## 4. Data Analysis

The researcher applied output derived from documentary research, in-depth interview, and focus group discussion among qualified people into consideration, executing quality verification and analysis of these information for acquiring conclusion of the research by a technique of content analysis until presenting their result by descriptive analysis.

## Research Result

Result of the study described in 2 issues in line with its objectives as follows:

### 1. The Ex-post Evaluation of Enforcing Notification of the National Council for Peace and Order No. 108/2557 on Treating the Suspects of Drug-related Offences to Access Treatment and Rehabilitation and Aftercare of Rehabilitated People Resulted these Following Findings:

1.1 The ex-post evaluation of the law pursuant to Legislative Drafting and Ex-post Evaluation of Law Act B.E. 2562 (2019)

1.1.1 State agency in charge of the ex-post evaluation and state agencies enforcing the law: state agency in charge of the ex-post evaluation was Office of the Narcotics Control Board (ONCB) and state agencies enforcing the law were Office of the Narcotics Control Board (ONCB), Ministry of Interior, Ministry of Public Health, Royal Thai Police.

1.1.2 Causes of the ex-post evaluation: owing to five year-anniversary of the law enforcement, the ex-post evaluation of the law enforcement must be done pursuant to the Constitution of Kingdom of Thailand B.E. 2560 (2017), Section 77 paragraph two and the Legislative Drafting and Ex-post Evaluation of Law Act B.E. 2562 (2019), Section 34.

1.1.3 What solution does this law aims to? And what are significant measures to accomplish this law's aim?: this law aims to help solve problem of overcrowded inmates in prisons particularly a number of drug-related detainees and inmates and help enable the drug users to obtain treatment and rehabilitation, requiring the





drug users consent to access treatment and rehabilitation in the infirmaries or the behavioral modification centers for drug addicts. Once they obtain such treatment until completion of process and prescribed duration and do not relapse or return to the drug use, they shall be exempted from criminal offense of the drug use. The most important measures for reaching objective of efficient treatment and rehabilitation and non-reverting to the drug use are the drug user must truly consent to access treatment and rehabilitation on voluntary basis and several related state agencies must co-integrate functioning systematically in the extent of searching, screening, treatment and rehabilitation, aftercare of rehabilitated people.

1.1.4 What are benefits in which people obtain form this law?: as regards the drug users obtain such treatment and rehabilitation under this law until completion of process and prescribed duration and found by assessment that they do not return to the drug use anymore, they will not be arrested and prosecuted on the drug use charge. Meanwhile, once being treated and rehabilitated, they will obtain the aftercare by law from state agencies and with participation of civil society and community and obtain the welfare in various forms such as fund for engaging occupation, employment, educational support and other assistances. As a result, the rehabilitated people will have better livelihood and not resume the drug use anymore.

1.1.5 Are there any problems and obstacles of enforcing this law? And how?: certain problems and obstacles of the law enforcement found such as *on searching side*, findings are neither any network searching the drug users in some communities nor cooperation between community members and official to search for the drug users in community; *on screening side*, findings are the screening system applied to taker (beginner), user (user not attaining severe addict) and addict (user attaining severe addict) being inefficient as it should be because the screening usually stereotypes everyone solely as user that causing the treatment and rehabilitation becoming inefficient and not coincident with the target group; *on treatment and rehabilitation side*, owing to spreading of pandemic of Coronavirus 2019 (COVID-19), the behavioral modification centers for drug addicts and other places of treatment and rehabilitation of the drug addict like in-patient manner have to cease services. Consequently, the drug users have to access treatment and rehabilitation in hospitals and infirmaries in the community instead, as a result, such treatment and rehabilitation might be inefficient for the drug addict in severe level; *on aftercare of rehabilitated people side*, findings are so many rehabilitated people being lack of care and follow-up in home visit by administrative officials, public health officials or community mainstay. As for the rehabilitated people are scheduled to report solely on specified day and place, they usually return to the drug use.

1.1.6 Does enforcement of this law accomplish pursuant to prescribed target? And how?: the enforcement of the law in conformity with the 20-year National Strategy and the Narcotics Prevention and Suppression Action Plan 2020–2022 of Office of the Narcotics Control Board (ONCB) but the research found a problem of attitudes on operations of certain state agencies do not conform to the intent of this law which requires taking the drug users to obtain the treatment and rehabilitation or in other words some officials desire to take legal proceeding against the drug users but some officials desire to take the drug users access to the process of treatment and rehabilitation.

1.1.7 How do people bear burden of public sector bear costs arisen out of observance and implementation of the law?: the researchers divide the evaluation into the following 4 clauses:

1) On searching side: when officials arrest a person suspected of using narcotic or using and possessing narcotic, the suspected bears a burden by being coercing to take and hand over his/her own urine to the officials pursuant to the laws relating to Narcotics for urine drug testing. Meanwhile, public sector bear various



costs and expenses by administrative officials' actions and police officials' action to search for and identify the suspected as well as cost of materials and equipment in urine drug testing and others.

2) On screening side: where a fundamental urine drug testing towards one person found addictive substance and such person is not an alleged or not under legal proceedings of other drug-related offence punishable with imprisonment and consents to access treatment and rehabilitation, the suspected will bear a burden from the officials' escort to the Center for screening and meticulous drug testing. Meanwhile, public sector bear various costs and expenses by administrative officials' actions, police officials' action and public health officials' actions in screening the drug use as well as cost of materials and equipment in other testing.

3) On treatment and rehabilitation side: the drug users bear burden from the officials' escort to obtain treatment and rehabilitation in the infirmaries or the behavioral modification centers for drug addicts as deems appropriate and pursuant to nature of drug addict. If they have severe symptom of drug addict, they will be escorted to obtain treatment and rehabilitation by the behavioral modification centers for drug addicts where provide systematic treatment program and overnight stay throughout the treatment and rehabilitation. As a result, the drug users bear additional burden by absence from work, lack of income from work and suffer from temporary stay away from family. Meanwhile, public sector bear various costs and expenses by public health officials' actions and actions of the behavioral modification centers for drug addicts' officials as well as cost of materials and equipment in other testing.

4) On aftercare of rehabilitated people side: in case of any person was already treated and rehabilitated, such person has a burden to report himself/herself at the place prescribed by the official and to get urine tested once a month throughout period of 12 months. Meanwhile, public sector bears various costs and expenses in the aftercare of rehabilitated people e.g., operating cost of the official obtaining such report, subvention granted to rehabilitated people for instance educational expenses, occupational training, employment, fund to support engaging occupation.

1.1.8 Is any unexpected or undesirable result happened?: from the aftercare of rehabilitated people, this research found the rehabilitated people have escaped or not reported themselves at the time and place prescribed by the officials and have relocated to other place; therefore, the officials have failed in monitor and evaluation. Moreover, owing to spreading of pandemic of Coronavirus 2019 (COVID-19), the behavioral modification centers for drug addicts have to cease services and the treatment and rehabilitation must be done in the infirmaries instead. As a result, such treatment and rehabilitation might be inefficient for the drug addict in severe level and implementations of the law by administrative officials, police officials and public health officials are arduous.

1.1.9 Is this law worthy or proportionate in comparison between expected benefits and people's burden and resources used in implementation of the law? And how?: this research found even though government formulates overall budget in prevention and solution of drug problems for its agencies' operations, none of explicit budgetary figure for specific operations of the treatment and rehabilitation and the aftercare of rehabilitated people under this law. In addition, various related government agencies have not collected statistics of how many the drug-use rehabilitated people do return to use narcotic in comparison to number of all people having access to treatment and rehabilitation. In other words, related government agencies are still lack of monitor and evaluation of the rehabilitated people who return to the drug use. Thus, it cannot be evaluated how efficient the treatment and rehabilitation and the aftercare of rehabilitated people have done under this law or whether the implementation of



this law is worthy or proportionate or not in comparison to people's burden and resources used in such implementation.

### 1.2 CIPP Model of Evaluation results these following findings:

1.2.1 Evaluation of context or environment (Context: C) found enforcement of this law in line with the 20-year National Strategy on key strategy of security and with the Narcotics Prevention and Suppression Action Plan 2020–2022 of Office the Narcotics Control Board (ONCB), Ministry of Interior, Ministry of Public Health, Royal Thai Police by emphasis on taking the drug users to access the treatment and rehabilitation and the aftercare of rehabilitated people so as to prevent returning to the drug use.

1.2.2 Evaluation of input (Input: I) found *on personnel side*, officials under structure and functions of related government agencies being adequate to operation of tasks and resource persons coming from several government agencies; *on budget side*, available budget of ONCB and budget integrated in province level; *on materials and equipment side*, meeting standard and having adequate number for operations but some sorts of occupational training activities probably being not conformity with desire of those who access treatment and rehabilitation; *on administration side*, integration of working among multi-disciplinary team from several agencies/organizations and both formal and informal inter-coordination.

1.2.3 Evaluation of process (Process: P) found *on searching side*, various related government agencies have explicit policy and action plan on the treatment and rehabilitation and the aftercare of rehabilitated people; however, goal, indicators or attitudes of officials among some related agencies are diverse in taking drug users to obtain treatment and rehabilitation and taking legal proceeding; *On screening side*: probably inexplicit categorization of drug taker, drug user and drug addict causes taking drug users to obtain treatment and rehabilitation not conforming to severity of drug use; *On treatment and rehabilitation side*: the behavioral modification centers for drug addicts admitting drug users into rehabilitation only on an occasional basis causes a gap as drug users are lack of unceasing chance for access to treatment and rehabilitation and *On aftercare of rehabilitated people side*: the aftercare cannot be incessantly done and participation of each community in provision of the aftercare of rehabilitated people has diverse strength. If the community is strong enough to monitor incessantly, it will bring about motivation of rehabilitated people not to return to the drug use anymore.

1.2.4 Evaluation of product (Product: P) found the drug users already obtaining treatment and rehabilitation would bring about aside from getting better health, the drug users would not be prosecuted, then not being criminally recorded and stigmatized as ever inmates. In case people in society comprehend and give certain chances, the rehabilitated people are able to change their attitudes and behaviors, turn over to be good people, not revert to the drug use anymore. In addition, the rehabilitated people would be supported by public sector and community in monitor and assistance in various forms e.g., fund for engaging occupation, getting employment and education.

The ex-post evaluation of the NCPO Notification No. 108/2557 by CIPP Model can be summarized as follows:



**Table 1** Summary Results of the Ex-post Evaluation of the NCPO Notification No. 108/2557 by CIPP Model

| Context/<br>Environment: C   | Input: I   | Process: P  | Product: P   |
|--|--|---|--|
| <ul style="list-style-type: none"> <li>Enforcement of this law in line with the 20-year National Strategy on key strategy of security and with the Narcotics Prevention and Suppression Strategy of various state agencies.</li> </ul> | <ul style="list-style-type: none"> <li><b>On personnel side,</b> available officials to function operation of tasks;</li> <li><b>On budget side,</b> available budget of ONCB and budget in province level;</li> <li><b>On materials and equipment side,</b> available adequate standard for operations but occupational training activities probably not conform to desire of those who access treatment;</li> <li><b>On administration side,</b> integration of working in multi-disciplinary form.</li> </ul> | <ul style="list-style-type: none"> <li><b>On searching side:</b> diverse goal, indicators or attitudes of officials in taking drug users to obtain treatment and rehabilitation and legal proceeding;</li> <li><b>On screening side:</b> inexplicit categorization of drug user causing access to treatment and rehabilitation not conforming to severity of drug use;</li> <li><b>On treatment and rehabilitation side:</b> the behavioral modification centers for drug addicts admitting drug users only on an occasional basis causing drug users cannot access to treatment all the time;</li> <li><b>On aftercare of rehabilitated people:</b> the aftercare cannot be incessantly done.</li> </ul> | <ul style="list-style-type: none"> <li>The drug users already obtaining treatment and rehabilitation would get better health, motivation not revert to the drug use, exempt from being prosecuted, criminally recorded and stigmatized as ever inmates, supported by public sector in monitor and assistance in various forms after treatment and rehabilitation.</li> </ul> |

## 2. The Research's Findings on Suggesting Ways for Revision of Notification of the National Council for Peace and Order No. 108/2557 on Treating the Suspects of Drug-related Offences to Access Treatment and Rehabilitation and Aftercare of Rehabilitated People are as Follows:

2.1 On law enforcement side: should formulate regulation or central standard of efficient screening of the drug users in order to enable related state agencies utilize to guide categorization of the drug users and formulate plan of Treatment and Rehabilitation suitably in conformity with nature of severity of each drug user's narcotic use.

2.2 On Operation of tasks: should formulate ways of providing the aftercare of rehabilitated people by the local administrative organizations and ways of providing the aftercare of rehabilitated people for families and communities so as to prevent reverting to the drug use.

2.3 On development of working network in communities: should formulate creation of working network in communities by promotion and support of budget, knowledge and personnel for enabling communities to constitute projects or activities incessantly for monitor, surveillance or prevention of the drug use and provision of such aftercare of rehabilitated people.

## Summary and Discussion

The ex-post evaluation of enforcing Notification of the National Council for Peace and Order No. 108/2557 on Treating the Suspects of Drug-related Offences to Access Treatment and Rehabilitation and Aftercare of Rehabilitated People results following findings in brief:

### **1. As Regards the Ex-post Evaluation of Enforcing Notification of the National Council for Peace and Order No. 108/2557 on Treating the Suspects of Drug-related Offences to Access Treatment and Rehabilitation and Aftercare of Rehabilitated People**

1.1 The ex-post evaluation of the law pursuant to the Legislative Drafting and Ex-post Evaluation of Law Act B.E. 2562 (2019) found that the NCPO Notification No. 108/2557 found integration of working among several related state agencies pursuant to key objective of taking the drug abusers to obtain the treatment and rehabilitation and the aftercare of rehabilitated people in various sides in order to enable them to restore their normal livelihood and not return to the drug use/abuse. Where the drug users obtain the treatment at the prescribed the infirmaries or the behavioral modification center for drug addicts and then receive the certificate of passing treatment and rehabilitation, they would be exempted from prosecution of the drug abuse. Such implementation of the law complies with concept of diversion that diverts wrongdoers out of justice process by taking wrongdoers to access program of community or organization specifically functions restoration and rehabilitation in lieu of prosecution. This way helps exempt from penalty of imprisonment imposed to wrongdoers and lessen stigma of such wrongdoers, bringing about vastly adverse impact to wrongdoers and also decreasing number of overcrowded inmates in the prisons.

An evaluation of worthiness or proportionality in comparison between expected benefits and people's burden and resources used in implementation of the law found this law would be beneficial to the treated and rehabilitated drug users but would bring about some burdens by short of income and restriction of liberty when they are taken to access the infirmaries or the behavioral modification center for drug addicts. Meanwhile public sector bear various costs and expenses of personnel, place of treatment and rehabilitation, materials, equipment and supportive budget in overall prevention and solution of the narcotic problems by various state agencies. Nevertheless, this research encountered some limitations i.e., government agencies have not collected explicit budgetary figure of the treatment and rehabilitation and the aftercare of rehabilitated people under this law and systematic statistics of how many the drug-use rehabilitated people do return to use drug in comparison to number of all people access to treatment and rehabilitation. Thus, it could not be evaluated how efficient the treatment and rehabilitation and the aftercare of rehabilitated people have done under this law or whether the implementation of this law is worthy or proportionate or not in comparison to people's burden and resources or costs used in such implementation.

#### **1.2 CIPP Model of Evaluation results findings in brief as follows:**

The evaluation resulted this law complies with the 20-year National Strategy on key strategy of security and with the narcotics prevention and suppression strategy of various government agencies. The law enforcement covers process of searching, screening, treatment and rehabilitation, aftercare of rehabilitated people by relying on instruments of such operations i.e., personnel, budget, materials, equipment and administration of government agencies. Nevertheless, findings included diverse goal, indicators or attitudes of officials among some related agencies in taking drug users to obtain treatment and rehabilitation and taking legal proceeding; probably inexplicit categorization of drug taker, drug user and drug addict causing the treatment and rehabilitation not conforming to severity of drug use and some officials or communities cannot provide incessantly the aftercare that contributes their return to the drug use. This is conformity with concept of Positive School viewing more suitable and useful to penalize by exploring cause of commission of the offence together with rehabilitating offenders. Moreover, as for participation of each community in provision of the aftercare of rehabilitated people has diverse



strength, a project encourages families and communities to realize problems and would have more participation. This regard concurs with findings in research work of Muninaem (2019) titled the Way of Solving Drug Problem by Community Leaders and People in Barahor sub-district, Muang district, Pattani province that in preventing and solving narcotic problem, should support organizing project and activities with training on virtue, ethics, knowledges about hazards of narcotics, promoting good relation in families.

## **2. The Research's Findings on Suggesting Ways for Revision of NCPO Notification No. 108/2557 on Treating the Suspects of Drug-related Offences to Access Treatment and Rehabilitation and Aftercare of Rehabilitated People**

The research found there should be an amendment of the NCPO Notification No. 108/2557 in relation to formulating Standard Operating Procedure (SOP) on screening the drug users to enable suitable access to the treatment and rehabilitation in conformity with nature of severity of each drug user's narcotic use, formulating ways of providing the aftercare of rehabilitated people by the local administrative organizations so as to prevent reverting to the drug use. This regard concurs with findings in research work of Kumnonmuang (2015) titled the Drug Addiction Treatment Measures: Study on the Usage of the Voluntariness Method to Treat the Drug Addict that the NCPO Notification No. 108/2557 does not explicit on its SOP in case of volunteer to obtain treatment before and after wrongdoing and rehabilitation of the severe drug addicts.

### **Suggestions**

From the study, suggestions guiding revision of the NCPO Notification No. 108/2557 are as follows:

**1. On Policy and Law**, the government should formulate plan, policy or strategy of providing care to enable drug taker, drug user and drug addict to access rehabilitation system in line with public health standard.

#### **2. On Operations in Line with the NCPO Notification No. 108/2557:**

**2.1 In Searching Process**, a network system should be created for searching the drug users in communities with participation of mainstay, community members, public health volunteer and local administrative organization and in collaboration with administrative officials and police officials in the area.

#### **2.2 In Screening Process**

**2.2.1** Should establish the drug users screening center through 24 hours in every district to prepare for arrest by administrative officials and police officials at all time.

**2.2.2** Should develop the drug users screening system prior to having access to treatment and rehabilitation by appropriate categorization of drug taker, drug user and drug addict in line with severity level of the drug use and the drug addict for taking them to access accurately in conformity with target group.

#### **2.3 In Process of Treatment and Rehabilitation**

**2.3.1** Should develop operational system of the provincial behavioral modification camp to serve taking the drug users incessantly to access treatment and rehabilitation, not admitting only on an occasional basis or otherwise should add number of the behavioral modification camp in each province in order to enable taking so many drug users to access treatment and rehabilitation rapidly without waiting for next opening and help reduce burden of expenses borne by the drug users' family in taking them to access the treatment and rehabilitation center of private sector.

**2.3.2** Should develop relevant treatment system pursuant to severity level of narcotic use of the drug users for more efficient treatment and rehabilitation as follows:



- For drug taker (beginner), his/her family and community help behavioral modification for quitting narcotic use in parallel with relevant treatment in the sub-district health promoting hospital or in community.

- For drug user (user not attaining severe addict), to provide relevant treatment in the community hospital which is hospital in district level or access the behavioral modification center. When a person is treated and rehabilitated as scheduled, such person's symptoms should be assessed. If he/she has still had symptom of narcotic craving, referral should be done to be further treated in Baan Pichit Jai Capability Rehabilitation House for Drug Addicts or called "the Winner House" (Bangkok) or in general hospitals (Provincial). The researcher also suggests establishing more Baan Pichit Jai Capability Rehabilitation House for Drug Addicts in provincial, in addition to in Bangkok area.

- For drug addict (user attaining severe addict), to provide relevant treatment and rehabilitation in Princess Mother National Institute on Drug Abuse Treatment (PMNIDAT), Thanyarak Chiangmai Hospital, Thanyarak Mae Hong Son Hospital, Thanyarak Khon Kaen Hospital, Thanyarak Udonthani Hospital, Thanyarak Songkhla Hospital, Thanyarak Pattani Hospital and general hospitals.

## **2.4 In the Aftercare Process**

2.4.1 Should promote and support family of the rehabilitated people to take important role in monitor and surveillance the rehabilitated people in parallel with administrative officials, police officials and community members especially in giving knowledges of preventing the rehabilitated people from returning to the drug use.

2.4.2 Should develop the prototype community of treatment and rehabilitation through the community's participation (Community-Based Treatment and Rehabilitation (CBTx)) by organizing incessantly regular activities in the community.

### **Suggestions for Further Research**

1. As regards this research encountered some limitations i.e., lack of collecting explicit budgetary figure from state agencies for the treatment and rehabilitation and the aftercare of rehabilitated people under this law and lack of statistics of how many the drug-use rehabilitated people do return to use drug in comparison to all people access to it. The further research should collect additional information in these regards in order to evaluate how efficient the treatment and rehabilitation and the aftercare of rehabilitated people have done under this law or whether the implementation of this law is worthy or proportionate or not in comparison to people's burden and resources or costs used in such implementation.

2. As for this research provided suggestions guiding revision of the NCPO Notification No. 108/2557 and one of which is creation of working network in communities for monitor, surveillance or preventing the drug use and the aftercare of rehabilitated people only; therefore, further research should include additionally issue of potential of family and community in participation (Community-Based Treatment and Rehabilitation (CBTx)).

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