

*-Unofficial Translation-*

**Rules of the Department of Corrections on Visit, Contact with prisoners, and Study Visit to or Contact with Prison, B.E. 2561 (2018)**

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**Rule 1**

These rules are called 'Rules of the Department of Corrections on visit, contact with prisoners, and study visit to or contact with prison, B.E. 2561'

**Rule 2**

These rules shall come into force from the day following the date of publication in the Government Gazette.

**Rule 3**

The Rules of the Department of Corrections on visit, contact with prisoners, and study visit to or contact with prison, B.E. 2555 shall be repealed.

**Rule 4**

Any other rules, regulations, orders, notifications or directives in so far as they are contrary to or inconsistent with any provisions of these rules, shall be replaced by these rules.

**Rule 5**

The Director General of the Department of Corrections shall have charge and control of the execution of these rules; make a final decision on any problems occurring during implementation of the rules, as well as issue further requirements and conditions to be compliance with these rules.

**Section 1**

**Visit and Contact with Prisoners**

**Rule 6**

Any visitors shall be able to visit or contact with prisoners when:

- (1) Being permitted by the Prison Director or his/her assigned person

The visitor must bring ID card or card with ID photo issued by any government authorities to show to the prison official. The prison official shall write down the visitor's details and keep as a record, especially the relationships with the prisoner, reasons or advantages in visiting or contacting with that prisoner.

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(2) Such prisoner is eligible for receiving a visit and contact from visitor.

(3) The visitor must visit or contact with the prisoner on the date and time set by prison authority.

In a special case that it is necessary for the visit or contact to be occurred outside such specified date and time, the visitor must ask for permission from the Prison Director. Nevertheless, it must not happen during the time that the prisoner is already and still locked in the dormitory unless the Prison Director deems it is necessary and allows the visit.

#### **Rule 7**

For the purpose of custody and security of prison, the Prison Director shall let the prisoner provide the list of visitors' names that he/she would like to receive a visit from in advance. The list shall be composed of no more than 10 names. These names can be amended by the prisoner but the prisoner must notify the prison authority at least 30 days in advance.

In a special case, the Prison Director might permit visitors other than those specified in the list mentioned in the previous paragraph to visit or contact with the prisoner.

#### **Rule 8**

The visitor having any of these prohibited characteristics is not permitted to visit or contact with the prisoner:

(1) Getting drunk or drugs and likely to cause trouble or disorder

(2) Having a reasonable ground to believe that if a visit or contact with prisoner is permitted, it will lead to terrorist or illegal acts.

(3) Having behavior that can affect the security of prison

(4) Dressing in a way that offends the local customs or immodestly or in an unclean manner

(5) Being rude or speaking impolitely

(6) Catching dangerous infectious disease

(7) Disobeying orders of the prison official who performs duty legally

#### **Rule 9**

The visitor permitted to visit or contact with the prisoner must conduct the actions as follows:

(1) Stay in the designated area for visiting and contacting with the prisoner.

(2) Do not, with any kinds, bring in or bring out of the prison, or receive or give to the prisoner without permission from the prison official. In case that the visitor

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wants to give money to the prisoner, he/she shall leave it with the prison official who is assigned to deal with that matter by the prison or by other methods determined by the Department of Corrections.

- (3) Do not suggest, exhibit behaviors or give the prisoner any signal to commit crime or violate prison orders, and do not act as an agency to contact with the prisoner regarding the contraband as identified by the Corrections laws.
- (4) Speak Thai and raise voice loud enough for the prison official who performs custodial task in that area to hear. The visitor might speak other languages only when receiving permission from the prison official.
- (5) Give the prison official consent to hear the conversation, take photos or record voice and cut off communication if the conversation is considered inappropriate in case the visit or contact is conducted through communication equipment.
- (6) Do not take photos or draw the picture of the prisoner or the prison, or draw the plan or map of the prison unless receiving permission from the Department of Corrections and the Prison Director has been informed already.
- (7) Do not use telephone or other communication equipment when visiting or contacting with the prisoner.
- (8) Follow prison rules and regulations as well as orders of the prison official who performs duty legally.

#### **Rule 10**

When there is a reasonable ground to suspect that the visitor who is requesting or is permitted to visit or contact with the prisoner possesses any items that are not allowed as mentioned in Rule 9 (2) or prohibited items under the Corrections laws, the prison official shall have power to view or search. If such visitor is a man, the male prison official shall be a person conducting a search. In case of woman, the female prison official shall search that visitor or let her voluntarily display those items, or let other reliable men or women conduct a search instead.

#### **Rule 11**

The prison official shall have the power to escort the visitor who is not permitted or who was already permitted but violated any of these rules out of the prison area. In doing so, if the visitor resists, the prison official shall have power to use reasonable force to escort him/her out of the prison.

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## Section 2

### Lawyer's visit on prisoner's case

#### Rule 12

The lawyer or the prospective lawyer who requests to meet the prisoner regarding his/her case must have obtained lawyer's license according to laws concerning lawyer. Such lawyer must be also the person that the prisoner wants to meet.

The prisoner whose lawyer or prospective lawyer wants to meet as mentioned in the first paragraph must be an accused offender or a defendant in a criminal case, unless it is under Rule 16.

#### Rule 13

The lawyer or the prospective lawyer must submit a written request to visit the prisoner in a form as determined by the Department of Corrections.

In case that the lawyer who wants to meet the prisoner requests to take a translator with him/her as the prisoner is a foreigner or a Thai using local languages or cannot speak or understand Thai, or that prisoner cannot speak or hear or communicate, he/she must show the ID card or a card with the ID photo issued by government authority or a passport of the translator together with the written request to meet the prisoner. The Prison Director or his/her assigned person shall consider the request and give permission as deemed appropriate.

If the prison official acknowledges the fact that the permitted translator described in previous paragraph has shown false documents or messages or violated these rules, the prison official shall record the illegal act as evidence and have power to escort him/her out of the prison area and shall not allow such person to enter prison as a translator again.

After receiving a request, the prisoner shall be informed so that he/she can tell his/her desire and reason whether he/she wants to meet the lawyer or not.

When the Prison Director or his/her assigned person has an opinion on the request, the prison official shall inform the lawyer with such opinion or order, and ask the lawyer to sign for acknowledgement.

#### Rule 14

Any lawyer or prospective lawyer who wants to meet the prisoner under investigation or preliminary hearing, he/she must present the lawyer's license according to the laws on lawyer as an supplementary evidence for the request to meet prisoner inside the prison.

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As for a lawyer who was already appointed by the prisoner whose case was already in the process of Court's consideration, such lawyer must submit a copy of a deed of appointment stamped by the court indicating in the case that he/she is the lawyer of the prisoner together with the request to meet the prisoner inside the prison, unless the prisoner has not appointed the lawyer yet.

In a special case regarding the appointment of the lawyer, such as the withdrawal from representation, the death of the lawyer or the retrial of the criminal case, the Prison Director might allow the lawyer, without a deed of appointment or a deed of appointment stamped by the court, to meet the prisoner.

#### **Rule 15**

The lawyer permitted to meet prisoners must visit or contact with one prisoner at a time, unless such visit is the meeting with co-accused offenders or co-defendants in the same case, and that meeting is in the interest of court trial process. In such case, the lawyer might be allowed to visit more than one prisoner.

#### **Rule 16**

The lawyer requesting to visit the prisoner who is the victim in a criminal case, a civil case or an administrative case, he/she shall proceed to follow the Rule 12, Rule 13, Rule 14 and Rule 15 mutatis mutandis.

#### **Rule 17**

The lawyer can visit the prisoner during 09.00 – 15.30 of official working days.

If there is any special necessary reason to visit the prisoner outside hours and days indicated in the previous paragraph, the lawyer must ask permission from the Prison Director but it must not be during the time that the prisoner is already and still locked and in the dormitory, unless the Prison Director deems it necessary to grant the permission.

#### **Rule 18**

If the lawyer permitted to visit the prisoner wants to keep the message/conversation with the prisoner a secret, he/she must inform the prison official. The prison official who performs custodial task at the area must keep the distance that he/she cannot hear the conversation.

#### **Rule 19**

The content in Section 1 shall be applied in the case of visit from lawyers as much as it could enforce mutatis mutandis.

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### Section 3

#### The official from the Embassy and the Consulate's visit

##### Rule 20

The official from the embassy or the consulate shall visit prisoners of their nationality only when receiving the permission from the Prison Director or his/her assigned person.

##### Rule 21

The official from the embassy or the consulate permitted to visit a prisoner must dress properly and be polite, as well as stay within the area designated by prison.

##### Rule 22

The content in Section 1 shall be applied in the case of visit from the embassy or the consulate as much as it could enforce mutatis mutandis.

### Section 4

#### Visit to ill prisoners

##### Rule 23

In case a prisoner is seriously ill and receives medical treatment at the Medical Correctional Institution or infirmary inside prison, the Director of Medical Correctional Institution or the Prison Director or his/her assigned person can allow such prisoner, depending on each circumstance, to receive a visit from his/her relatives within the Medical Correctional Institution or infirmary inside the prison. The decision shall be based on the report from the doctors or the nurses working at that infirmary.

##### Rule 24

The visit to ill prisoners shall be permitted during the normal official working days and hours at the Medical Correctional Institution or infirmary inside the prison or other places as deemed appropriate. However, such place must allow their relatives and prisoners to have close conversation. Each visit shall not exceed 30 minutes.

##### Rule 25

The person only in this following list can be permitted to visit ill prisoners:

- (1) Parents, grandmother and grandfather
- (2) Husband or wife
- (3) Children or grandchildren

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- (4) Full siblings or siblings
- (5) Uncles, and aunts
- (6) Other persons having close relationships with the prisoner or being requested to meet by the prisoner

**Rule 26**

The content in Section 1 shall be applied in the case of visit to ill prisoner as much as it could enforce mutatis mutandis.

**Section 5**

**Person requesting to have study visit or contact with prison**

**Rule 27**

Outside persons shall have a study visit or contact with prison only when receiving the permission by the Prison Director or his/her assigned person.

**Rule 28**

Persons who want to have a study visit or contact with the prison must behave as follows:

- (1) Dress properly and be polite
- (2) Do not talk to the prisoner unless the prison official permits
- (3) Visit only in the area and period of time determined by prison authority

**Rule 29**

The number of persons to be permitted to have a study visit and contact with the prison shall be determined by the Prison Director or his/her assigned person whose considerations shall be based on the necessity and appropriateness.

**Rule 30**

The content in Section 1 shall be applied in the case of study visit and contact with prison from outside person as much as it could enforce mutatis mutandis.

**Section 6**

**Visit by using information technology**

**Rule 31**

Prisons shall use information technology as well as relevant electronic equipment and system to support and enhance the efficiency of visit and contact with prisoners from

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outside persons and the study visit and contact with prison under these rules. The Department of Corrections shall lay down the requirement, conditions and methods.

## **Section 7**

### **Deposited items for prisoners from outside persons**

#### **Rule 32**

The announcement to receive deposited items or stop receiving deposited items from outside persons for prisoners in each prison shall be in accordance with the notification of the Department of Corrections.

#### **Rule 33**

All deposited items for the prisoners from the outside persons must be checked by the prison officials who are required to follow these steps:

- (1) If the items are permitted, the prison official shall give them to the prisoner, unless the number of such items is more than necessary. In such case, the prison official might give only reasonable number of items to the prisoner. The rest shall be returned to the outside person who is the depositor.
- (2) If the items are not prohibited or not permitted, but they are items that prison authority might allow to keep for the prisoner, the prison official may deposit such items for the prisoner. In case that the prison official cannot keep such items for the prisoner, they shall be returned to the outside person depositing the items. If they refuse to take such items back, the prison official shall take them out of the prison. The prison official and the prison shall not be responsible for those items.

Any items that are not checked by the prison official must not be delivered to the prisoner.

#### **Rule 34**

In case of depositing items or removing items from prison or stop depositing items mentioned in the previous rule, prison officials shall notify the reason to the outside person.

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## Section 8

### Power of Director General of Department of Corrections

#### Rule 35

In case there is a visitor requesting to visit a prisoner or contact the prison, the Director General of Department of Corrections might give permission to such visitor to visit the prisoner or contact with the prison as deemed appropriate.

Announced on 17th of July 2018

Pol. Col. Naras Savestanan

Director General

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