



Study Report

The Special Case Investigation and Inquiry in the New Normal Life

Study Year: 2021

Study Team:

- The working group for the study on “The Special Case Investigation and Inquiry in the Context of Crime Commission in the New Normal Life” according to the Department of Special Case’s Order No. 1245/2563 dated August 5, 2020
- The DSI’s Bureaus having knowledge, experience, and expertise to investigate and inquire special cases, and to develop digital technology for special case investigation and inquiry
- The Bureau of Development and Logistics’ Special Case Investigation System Development Division

Executive Summary

The purpose of the study on “The Special Case Investigation and Inquiry in the New Normal Life” was three-fold: (1) firstly, to study the effects on the performance of duty of the Department of Special Investigation (DSI) both its investigative and supportive missions including the trends of crime commission regarded as special cases due to the new normal life; (2) secondly, to study the ways to perform duty of the DSI to be knowledgeable about and capable of handling the change and modus operandi of crime commissions in the new normal life without risk; and (3) thirdly, to study the ways to develop digital technology for increasingly enhancing efficiency in performing its investigative and supportive missions to deal with special cases in the said situation efficiently. This study was the documentary research. The in-depth data was collected from the experts on case investigation and inquiry.

The result of the study indicated that the new normal life due to the covid-19 pandemic situation adversely has affected the procedures of special case inquiry causing the delay in managing cases as it is needed to undertake preventive measures decided by the government and the DSI, while interviewing witnesses in various issues must be proceeded under the rules and conditions of the laws. Thus, the interviewing officials and the witnesses giving statements to the special case inquiry officials might be at risk of the COVID-19 infection as the infected person or the carrier. Besides, most of the areas related to the offences pursuant to the Laws Provided in the Annex Attached to the Special Case Investigation Act, B.E. 2547 (2004) are the severe spread areas. For performing duties in various situations, protective equipment for the Corona virus disease (COVID-19), such as masks, alcohol gel hand sanitizers, face shields, latex gloves, and personal protective equipment (PPE) is essential.

The said new normal life is the factor that forces people to rely on the internet in their daily life until they are familiar with it, and also the factor that makes the digital technology as a main factor in daily living. The criminals have used the internet as the channel of crime commission. The personal information and information related to the offences found online is regarded as complex electronic evidence causing more difficulty in inspection.

Therefore, personnel of the DSI must not only have expertise in various fields with knowledge, capability, skill, and experience in employing computers and technologies or known as a “skilled digital person”, but also ability to use special equipment to access and prove electronic evidence or digital evidence.

For the ways to perform duties of the DSI in the new normal life, the study revealed that the DSI had announced its COVID-19 prevention and control measures for use by its personnel as the standard practice necessary to minimize risks, the crises of severe disease epidemic. Moreover, the DSI specified its guideline on duty performance development in response to the new normal situation. For example, the thoroughly steps of arrest and control of alleged offender under the project on “Remote Remanding via Video Conference” of the Office of the Criminal Court by the special case inquiry official.

However, despite the imprecise digital technology development for special case investigation and inquiry during the covid-19 pandemic, the DSI has continuously developed its digital technology for its missions. For example, the DSI-MAP, the system for online complaining, denouncing, and reporting clues to crime, the application called “Rootan” developed by its Bureau of Technology and Cyber Crime to receive clues to crime at the <https://www.dsi.go.th/th/Detail/1e59ca7364cd8deed6063efbd881ab93>, etc.

Regarding the guideline on digital technology development to enhance efficiency in the mission of the DSI both special case investigation and support work, having examined the procedure of special case investigation and inquiry consisting of 19 processes/steps detailed in the Special Case Inquiry Process/Step Book, it revealed that there are some issued of digital technology development that the DSI should consider the possibility to develop it for increasingly enhancing efficiency in each process of special case investigation and inquiry. Despite some matters of the said development developed or being developed by the DSI, the DSI should consider the ways to develop the whole process of the special case investigation and inquiry system at the same time. Each work system should be designed and connected or having the working system for jointly use in various processes/steps of working and in investigation and inquiry into many offences.

In terms of the ways to enhance efficiency in the supportive work assisting special cases, it overlaps the ways to enhance efficiency in special case investigation and inquiry works as both missions are not disconnect completely. Despite some parts of enhancement undertaken by the DSI, they are not totally complete and/or discontinuous making information not up-to-date and incapable to utilize fully to all intents and purposes. Some parts of development are under the implementation or were developed for a quick fix, while the information integration is not implemented due to the lack of budget or having problems with related agencies. These all affected the use of technology or information for utilization and further development of other related works. With the whole system development at the same time, the supervision to accomplish as planned, and the effective monitoring and evaluation systems, the aforesaid required development would be complete, concrete, and standardized.

From the study, the recommendations for development were as follows:

(1) Recommendations for digital technology development for special case investigation and inquiry

1) *The development or acquisition of the system/program or application to concretely enhance efficiency in performing the special case investigative and supportive missions as a whole*, the DSI must consider the possibility (either by studying, searching or researching) of utilization of the information technology and the relevant, suitable innovations to its working for the greatest efficiency and continuity, and seeking wide-ranging cooperation from people in the form of social networking.

2) *The creation and/or the development of database systems for special case Investigation and inquiry*, if the required database systems exist, but information is incomplete or not up-to-date, or having technological obstacles, the DSI must take steps to speed up solutions to problems for completion and standardization and readiness for efficient and effective use in the said mission. For the creation of the database systems to support special case work (comprising the special case database (special case records), the special case investigation and inquiry files database, the special case offender database, the special case advisor database and the DSI's expert database, etc.), it must be completed and ready for utilization at all times.

3) *The development of workplaces and special case interrogation rooms*, it must be consistent with the new normal life by using the forensic interview system to record inquiry attended by a related multidisciplinary team. The officers can interrogate and analyze interrogation through a one-way mirror glass window for the behavior analysis of the alleged offender according to the principle of behavioral science by specific experts. The said workplace and room must be ready and suitable for working. Besides, the prevention and control measures of the covid-19 pandemic of the Department of Disease Control under the Ministry of Public Health shall be strictly implemented, and suitably applied for the situation.

4) *The integration of digital technology or information with related agencies*, the DSI should integrate its digital information and technology with agencies, namely the Ministry of Interior, the Royal Thai Police, the Office of the National Anti-Corruption Commission, the Revenue Department, the Customs Department, the Excise Department, the Social Security Office, etc. Moreover, the DSI should extend cooperation and information integration to both public and private educational institutions including agencies knowledgeable about matters, either state, independent, public, private organizations or non-governmental organization both domestic and overseas.

5) *The development of the DSI's website*, the website of the DSI must be the up-to-date, international, reliable, and interesting website with security for access to its systems. It is essential that the website administrator must have specific knowledge and ability with understanding of case working, support works, and public relations works as he/she must coordinate closely with the spokesman of the DSI. In the website, a program or an application necessary to facilitate the use by service users of the DSI or stakeholders affected by working under the authorities of the DSI is essential.

(2) The development of personnel to have digital skills

1) *The enhancement of knowledge and skill of multidisciplinary personnel*, the DSI needs to develop knowledge, skill, mindsets of its personnel at all levels in readiness for changes, especially special case inquiry officials and special case officers required to develop their digital skills for investigation and inquiry in order to have knowledge, skill, and competence in information technology, particularly in access to, collecting, inspecting, and analyzing “**electronic evidence**”.

2) *The curriculum development and the patterns and procedures of personnel development*, the DSI needs to develop its personnel to have digital skills that are required and necessary to the DSI's missions, consistent with the National Reform Plan (the revised version), the lifestyle changes, and the duty performance of special case investigation and inquiry in the new normal life.

3) *The systematic new knowledge development, especially in the digital technology for investigation and inquiry*, it is needed not only to brainstorm and seek for knowledge and innovations continuously, but also predict potential future crimes for setting up plans and measures and for employing manpower and equipment to suitably, wisely deal with situations.

(3) The development of related laws / regulations / rules for special case investigation and inquiry in the new normal life

The DSI should consider to develop laws / regulations / rules suitable for special case investigation and inquiry in the new normal life by revising, amending the Criminal Procedure Code and the Special Case Investigation Act, B.E. 2547 (2004) or issuing the regulations of the Board of Special Case under Section 23, last paragraph of the Special Case Investigation Act, or issuing the rules for investigation and inquiry as follows.

1) The DSI should empower the authority to special case inquiry officials for capable of interviewing witnesses online (via video conference) with the audio and video recording systems, instead of recording depositions whereas a witness must not appear before the official, but have an eyewitness to certify interrogation for preventing complaints and dispute about the hearing of evidence from the said witness.

2) The DSI should permit the assigned special case inquiry officials and special case officers (despite not being named in the order appointing a special case inquiry official team) to substitute for each other in conducting special case investigation and inquiry harmonizing with the new normal life, due to alleged offenders and witnesses living in other provinces and inconveniently travelling to the headquarters of the DSI. The DSI also should assigning its Operation Centers Region 1-9 and the Southern Border Province Operation Center to investigate and inquire as substitutions or perform duties to support working of the bureaus in Bangkok, such as interrogating of the accuser, injured person, witness, and accused living in other provinces after the summons of bureaus ordering the accuser, alleged offender, witness living in other provinces to give statements at the Regional Operation Centers or to interrogate witnesses in the presence of assigned special case inquiry officials or special case officers stationed at the Regional Operation Centers via the online system (Video Conference) where special case inquiry officials as members of the special case inquiry team responsible for such special cases can join the interrogation via the said online system.

3) The DSI should employ a Google Form for giving information of injured persons/victims or for collecting information of injured persons/victims or witnesses that requires measures to prevent the leaks of information for efficient special case investigations in the new normal life.

4) The DSI should allow the online meeting (video conference) to be employed and regarded as a lawful method for the first meeting of the special case inquiry official team and the advice by revising the regulations of Ministry of Justice and the orders of the DSI related to the said regulation, and by developing or providing programmes for recording the advice and the meeting as automatically audio recording the said revised regulations/orders must conform to the Draft of the Act on Electronics Performance of Administrative Functions, B.E. ... (...) at the public hearing stage.

5) The DSI should license the special case inquiry officials to access personal information and information of persons for the special case investigation and inquiry and the prevention and suppression of crime commission, such as intelligence- I-BASE, complaints and denunciations, and fact inspection, etc. by complying with the criteria prescribed in the Personal Data Protection Act, B.E. 2562 (2019) and by determining strict penalties for a person who intends to violate and not cooperate. Besides, applying the said measures to use in the stages of investigation, evidence and document collection, and penetration, and specifying precise frameworks of implementation by related agencies for effective implementation results are essential.

The said legal development should consider the hierarchy of laws equal to the Criminal Procedure Code for enabling the special case inquiry officials to perform their duties without complaints or legal disputes.

(5) Transforming the administration and service form of the DSI to the digital system

The DSI should produce its plans on the digital technology development for the whole system of special case investigation and inquiry, and simultaneously propel the whole system in all processes/steps of working both in investigation, inquiry and special case supportive missions consistent with the transformation of administration and service form of the DSI to the digital system in accordance with the National Reform Plan (the revised version).

The said recommendations on the digital technology development for special case investigation and inquiry should do the public hearing in order to obtain conclusions of the accepted concepts that will drive the development of ways together with the improvement of laws, regulations, and juristic methods suitably, rapidly, continuously, and fairly matching the adjustment of the new working paradigm.