

**SUITABLE LEGAL MEASURES OF CRIMINAL PROCEDURE
FOR INSANE PERSONS IN THAILAND**

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(CRIMINOLOGY, JUSTICE ADMINISTRATION AND SOCIETY)
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Thesis
entitled
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FOR INSANE PERSONS IN THAILAND**

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SUITABLE LEGAL MEASURES OF CRIMINAL PROCEDURD FOR INSANE PERSONS IN THAILAND

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THESIS ADVISORY COMMITTEE: TUNYATORN INSORN, Ph.D.,
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Legal measures regarding the insane in Thailand are based on the fact that a plea of insanity in a trial can not truly serve justice in the rule of law (Due Process) because Thai society is under the influence of theories and concepts (Labeling theory) which are opposed to insane persons who don't want to reveal themselves as such to gain benefits from this law. Moreover, this kind of determination in a case is clearly stated by the laws. But practically, the court does not follow procedures as stated in the law, and therefore can not determine the facts about insanity as they should. Therefore, the researcher has studied the guidelines for the administration of justice in such cases to go along with the rule of law. This study aims (1) to study the criminal legal measures regarding insanity that are currently in place in Thailand and (2) make recommendations about guidelines for improving and developing legal measures concerning the criminal insanity that is appropriate for Thailand.

The study related that the standard methods of criminal law regarding the insane that are currently in place in Thailand, consist of (1) measures to arrest or control (2) measures to make special investigations (3) measures concerning the process of prosecution (4) measures to investigate the source of special cases (5) measures in special courts (6) measures to appeal and petition the Supreme Court (7) measures to enforce sentences (8) guidelines for prosecuting lawyers and (9) the role of experts associated with criminal proceedings for insane people.

Suggestions based on the research findings include special measures for deviant cases to take offenders out of the justice system including (1) measures to bring those insane persons to officers of the court (2) measures to summarize the cases and investigate them by assigning the opinion of the officer to set aside the prosecution and admit the accused to a rehabilitation center (3) measures for requiring the prosecutor 's order to delay the prosecution and send the accused to receive rehabilitation (4) measures of how to question the offender and bring the defendant to trial. (5) measures to temporarily suspend the penalty by a corrections employees' order and take the convict to receive rehabilitation.

The suggestions are as follows: (1) There should be specific procedures for criminal cases involving insanity (2) These should be established for the cases involving insanity in the criminal court (3) Public relations should support increasing the basic knowledge of medical and public health workers about psychiatric illnesses.

**KEY WORDS: LEGAL MEASURES / CRIMINAL PROCEDURD / INSANE
PERSONS STREET CRIME VICTIM / EMPOWERMENT**

383 pages

มาตรการทางกฎหมายวิธีพิจารณาความผิดอาญาเกี่ยวกับผู้วิกลจริตที่เหมาะสมสำหรับประเทศไทย

SUITABLE LEGAL MEASURES OF CRIMINAL PROCEDUR FOR INSANE PERSONS IN THAILAND

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บทคัดย่อ

การศึกษาคูณินพนธ์เรื่องมาตรการทางกฎหมายวิธีพิจารณาความผิดอาญาเกี่ยวกับผู้วิกลจริตที่เหมาะสมสำหรับประเทศไทย มีฐานคิดว่ากระบวนการพิจารณาตัดสินคดีลักษณะนี้ไม่สามารถอำนวยความสะดวกได้อย่างแท้จริงตามหลักนิติธรรม (Due Process) นั้น คงเนื่องมาจากในสังคมไทยยังคงอยู่ภายใต้อิทธิพลของแนวคิดทฤษฎีติดตรา (Label Theory) ต่อกลุ่มบุคคลซึ่งเป็นผู้วิกลจริต จึงทำให้บุคคลดังกล่าวไม่กล้าที่จะเปิดเผยตัวเองเพื่อรับเอาประโยชน์จากข้อกฎหมาย ประกอบกับกระบวนการพิจารณาตัดสินคดีลักษณะเช่นนี้ได้มีบทบัญญัติของกฎหมายได้กำหนดไว้ชัดเจนแล้ว แต่ในทางปฏิบัติมิได้นำมาใช้กันเท่าใดนัก จึงทำให้ศาลไม่อาจเข้าถึงข้อเท็จจริงในเรื่องความวิกลจริตได้เท่าที่ควร ดังนั้นผู้วิจัยจึงได้ทำการศึกษาแนวทางเพื่ออำนวยความสะดวกแก่คดีที่มีลักษณะดังกล่าวให้เป็นไปตามหลักนิติธรรมได้อย่างแท้จริง โดยการวิจัยนี้มีวัตถุประสงค์ (1) เพื่อศึกษาถึงมาตรการทางกฎหมายวิธีพิจารณาความผิดอาญาเกี่ยวกับผู้วิกลจริตที่เหมาะสมสำหรับประเทศไทย (2) เพื่อให้ได้ข้อสรุปของรูปแบบและแนวทางในการปรับปรุงและพัฒนามาตรการทางกฎหมายวิธีพิจารณาความผิดอาญาเกี่ยวกับผู้วิกลจริตที่เหมาะสมสำหรับประเทศไทย

ผลการวิจัย พบว่า มาตรการทางกฎหมายวิธีพิจารณาความผิดอาญาเกี่ยวกับผู้วิกลจริตที่เหมาะสมสำหรับประเทศไทยซึ่งประกอบด้วย (1) มาตรการการจับกุมหรือการควบคุม (2) มาตรการการสอบสวนพิเศษ (3) มาตรการในขั้นตอนการฟ้องคดี (4) มาตรการการไต่สวนมูลฟ้องคดีพิเศษ (5) มาตรการการพิจารณาและพิพากษาคดีพิเศษ (6) มาตรการในชั้นอุทธรณ์และฎีกา (7) มาตรการการบังคับโทษตามคำพิพากษาในคดีอาญา (8) แนวทางการดำเนินคดีของทนายความและ (9) บทบาทของผู้เชี่ยวชาญที่เกี่ยวข้องกับการดำเนินคดีอาญาสำหรับผู้วิกลจริต

นอกจากนี้ผู้วิจัยยังเห็นควรนำเสนอมาตรการพิเศษสำหรับเบี่ยงเบนคดี (diversion) ผู้กระทำผิดออกจากกระบวนการยุติธรรม ซึ่งประกอบด้วย (1) มาตรการการนำตัวผู้ถูกจับส่งพนักงานสอบสวน (2) มาตรการในการสรุปสำนวนการสอบสวน (3) มาตรการการฟ้องคดี (4) มาตรการการไต่สวนในชั้นศาล (5) มาตรการพักการลงโทษ

สำหรับข้อเสนอแนะมีดังนี้ (1) ควรกำหนดให้มีวิธีพิจารณาคดีโดยเฉพาะสำหรับคดีอาญาที่เกี่ยวข้องกับผู้วิกลจริต (2) ควรจัดตั้งแผนการพิจารณาคดีที่เกี่ยวข้องกับผู้วิกลจริตขึ้นในศาลชั้นต้น (3) ควรส่งเสริมการประชาสัมพันธ์ เพื่อให้ความรู้เบื้องต้นทางการแพทย์และสาธารณสุขในเรื่องความเจ็บป่วยทางจิตเวช

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CHAPTER I

INTRODUCTION

1.1 The origin and significance of the problem

There are many mental health problems and Psychiatric case in Thailand. Due to the situation such as the economic problem, social and political life, people seem to have the stress, mental health symptoms deviation, depression and the madness so the number of psychiatric patients increases and the fact that psychiatric patients have not been through the process of treatment or lack of continuing treatment. The consequences are more serious symptoms of mental illness, potential reduction in the individual; they even can not take care of themselves. Finally this problem burdens on families and society. Some psychiatric patients have no relative which we will see those patients walking along street and having strange behavior in the public areas. The individuals with mental disorders can be dangerous from mild to severe which the severe crime like killing people is. Moreover, psychiatric patients trend to have a crime more than others.

From table 1.1 Statistics of psychiatric patients attending services at the hospital under the Mental Health Department. Presenting a number of psychiatric patients from year 2545 to year 2550 as follows.

Table 1.1 : Statistics of psychiatric patients attending services at the hospital under the Mental Health Department. Presenting a number of psychiatric patients from year 2545 to year 2550

B.E.	Number/Persons
2545	1,748,977
2546	1,821,617
2547	1,385,859
2548	1,290,716
2549	1,350,124
2550	1,340,064
2551	1,438,432
2552	1,440,393

In the year 2003, the number of patients admitted to psychiatric treatment was recorded the highest. In the year of 2005, the lowest and since 2006 the number increased. Until the year 2007 were reduced in number, but not many and considerably increased in the year. Year 2008-2009 the number was increased as well.

Table 1.2 : Statistics for the defendant accused and prisoners from inquiry officers of the court sent to Royal Princess Kalaya institution have been mental examined under the Code of Criminal Procedure, article 14.

Year	Number/Persons
2004	185
2005	168
2006	147
2007	160
2005	127
2009	134

From table 1.2 Statistics for the defendant accused and prisoners from inquiry officers of the court sent to Royal Princess Kalaya institution have been mental examined under the Code of Criminal Procedure, article 14.

The number of defendants accused and prisoners from inquiry official of the court sent to the Royal Princess Kalaya institution have been mental examined that in the year 2004 was the highest. Later the number decreased until the year 2007 that the number increased again and in the year 2008 has decreased the number for the lowest. Eventually, in the year 2009 were also higher again.

The number of patients admitted to psychiatric treatment, as shown by the table above. However, a Large number of psychiatric patients have not enrolled in treating because of the social attitudes do not accept the persons who have the mental illness. They have a popular belief that the psychiatric patients are sent to the other treatment than the modern medical plan accessing to mental health services. Or maybe not respond to the rules under the Code of Criminal Procedure, Article 14, which brings problems later just like the iceberg with lava waiting to explode all the time.

People with mental health problems should obtain the protection of rights and treatment as a special case because not only do the harm to the mental illness itself but also could pose a danger to society as well. Although Thailand currently has the Criminal Procedure Law for offenders with mental illness. And the Mental Health Act, in 2008, it still exists the problems in law enforcement, especially in terms of objectives that have a conflict. The goal of justice seeks to punish, but the goal of treatment is to cure the offenders which affect the rights of the accused or the defendant who has the mental illness in the criminal proceeding directly. The only obstacle to the arrest and control of the officer who arrests the person with mental illness by a lack of understanding how to arrest and control may affect physical and mental condition of people who have been arrested.

Problems in the investigation is that the official has no knowledge about the symptoms, characteristics of insanity and the way to defend causing the problems to identify suspects who have mental illness and there is no central standard for the diagnostic criteria that will be considered for any reason to believe that the accused is mad and unable to fight the case and no organization to review the consideration of

the officials about the diagnosis of the mental illness and the defense of the mad person. When the officers send the accused person to the Psychiatric examination, normally, the examination takes quite a time to complete the procedure so there is not enough time for the officers under the Code of Criminal Procedure, article 87, the officers may not put the accused to be in jail to the court. In addition, the law does not give power to prosecutors to perform as inquiry official, and when the prosecutor decide to not sue the accused who is sick in mind, it does not have any measure what came to support right after the release of the accused. The defendants with mental illness even have to be investigated by the defendants as common defendants affecting the rights of the accused to have the rights of insane patient adequately.

Problems in the prosecution and the investigation the cause of action, the problem of defendant who has mental illness is that there no process to distinguish the defendant with mental illness out of the other defendants. And there is no central standard for determining what criteria to decide whether the case will be considered a reason to believe that the defendant is insane and unable to fight the lawsuit. And the defendant with mental illness even has to be processed by the prosecution as the normal defendant, especially in the case behind the examination the cause of action of the defendant while the defendant is in the process of medical examination. The accused person lose the right to attend the examination of the cause of the action affects the rights of the defendant to claimed the rights of patients in the insanity defense adequately as well.

There is the Problem in the case if the defendant has mental illness causing a problem to identify the defendant because the judge has no knowledge of symptoms and characteristics of insanity to defense and there no process to identify the defendant with mental illness out of the other defendants. And there is no central standard for determining what criteria to decide whether the case will be considered a reason to believe that the defendant is insane and unable to fight in the lawsuit. In addition, the defendant with mental illness, even his defense he has to be processed by means of the same case and sentenced as the general defendant. In addition, if the defendant request for the petition because defendant does not present that he is insane

in the first civil court but it is found out that the defendant is insane in the High Court level that the defendant has reasonable reason to be believed that it is the insanity defense. How the defendant will have the right to appeal to the higher court?

Problem in terms of the enforcement of the sentence, if convicted person has a mental illness, it causes the problem to distinguish the convicted person as well because official of Corrections has no knowledge about clinical symptoms of the mad person and the characteristic to flight in the lawsuit and there is no standard in a basis of identifying in the case if the convicted person is mad or not. There is no certainty to be believed that the convicted is insane and can not fight the case. In addition, there is no organization monitoring the discretion of the correction official regarding the diagnosis of mental illness and his defense in the lawsuit. The offenders with mental illness are not fully protected by law and people of the society have to take a risk the crime committed by these mad people. The patient trends to have more severe symptoms when he does not receive proper treatment methods which lead to crime and rate of violent crime and repeat offenders rise.

In abroad, law regarding the procedure for criminal case. It is intended to provide the accordance in both law enforcement and treatment. The conflict in the goals of justice and treatment is decreased making society safe. In addition, patients are treated and returned to the good citizens of society. Moreover it improves the rights and protection. Protect the freedom of individuals with mental disorders. The provisions mentioned in the procedure for criminal offenders with mental illness to get the specific rights and freedoms and to help patients with psychiatric or criminal offenders with mental health problems and psychiatry. To bring into the therapeutic process. Psychological rehabilitation. Especially in the UK as a single court system has provisions for how criminal offenders with mental illness in a particular class officers. Floor prosecutors and courts to focus on the protection of the rights and freedoms offenders and security of society is important. There are also provisions regarding the treatment of specific standards on the treatment. Prevention of chronic illness and to prevent harm occurring to patients and society. Such as consent to the treatment. Bringing patients into the care process.

In addition, provisions of law, criminal procedure of the United States in the county Broward, Anchorage, San Bernardino, and King has founded as well the Mental Health Court which was the special court in the double court system and the procedure of the mental health case have been focusing on Cooperating between law enforcement organization in the justice department and medical techniques team. It also builds relationship between the offender and the community to be treated effectively. The process of changing the position of offender from Justice Court process to the mental health treatment to maintain the standard. The main focus of the process is that the offender be consent to receive the treatment in order to benefit fully from the treatment. The team of treatment also collects confidential information. The court officials are special for this process. There are also the evaluating measures to track performance, which brings improvement and development of the next court.

To be standard in enforcing the law and the treatment to be the most effective, it reduces conflict in the goals of justice and treatment. The offenders with mental illness are protected and received treatment properly. So the society will be more secured. This dissertation has focused on studies to suitable legal measures of criminal procedure for insane persons in Thailand.

1.2 The purpose of the research

1.2.1 To study about legal measures on the criminal case which is appropriate for Thailand?

1.2.2 To obtain a summary of the model and the ways to improve and develop a legal procedure for criminal cases about the insanity which is appropriate for Thailand.

1.3 The scope of research

In this study, the scope of research in the legal procedure for handling criminal cases on the insanity that is appropriate for Thailand. It starts from the study from the criminal investigation of the offender with a mental illness until the execution to be in the sentence.

1.4 Definition of terms used in this study

Terms used in the study of legal procedure for handling criminal cases on the insanity that is appropriate for Thailand are the word as follows.

1. The "Mad" means the victim, suspect or defendant. Or witnesses who have mental disorders.
2. "Victim" means a person who has mental disorders that have been damaged mentally and physically because he commits a crime.
3. "Accused" means a person who has mental disorders that allegedly committed a crime but has not yet been filed to the court case.
4. "Defendant" means a person who has mental disorders that has been sued in the criminal court in any charge.
5. "Witness" means a person who has a mental disorder give the testimony to the court as a witness in criminal cases.
6. "Mental disorder" means a state of mental disorder expressed by the idea emotion, behavior, memory, intelligence, sense or knowledge of the time as well as disorders caused by alcohol or other substances acting psychotropic to the nerve.

7. "Legal measures regarding the insanity" refers to principles of law provisions, civil and commercial code and law and criminal procedure code relating to the insanity.

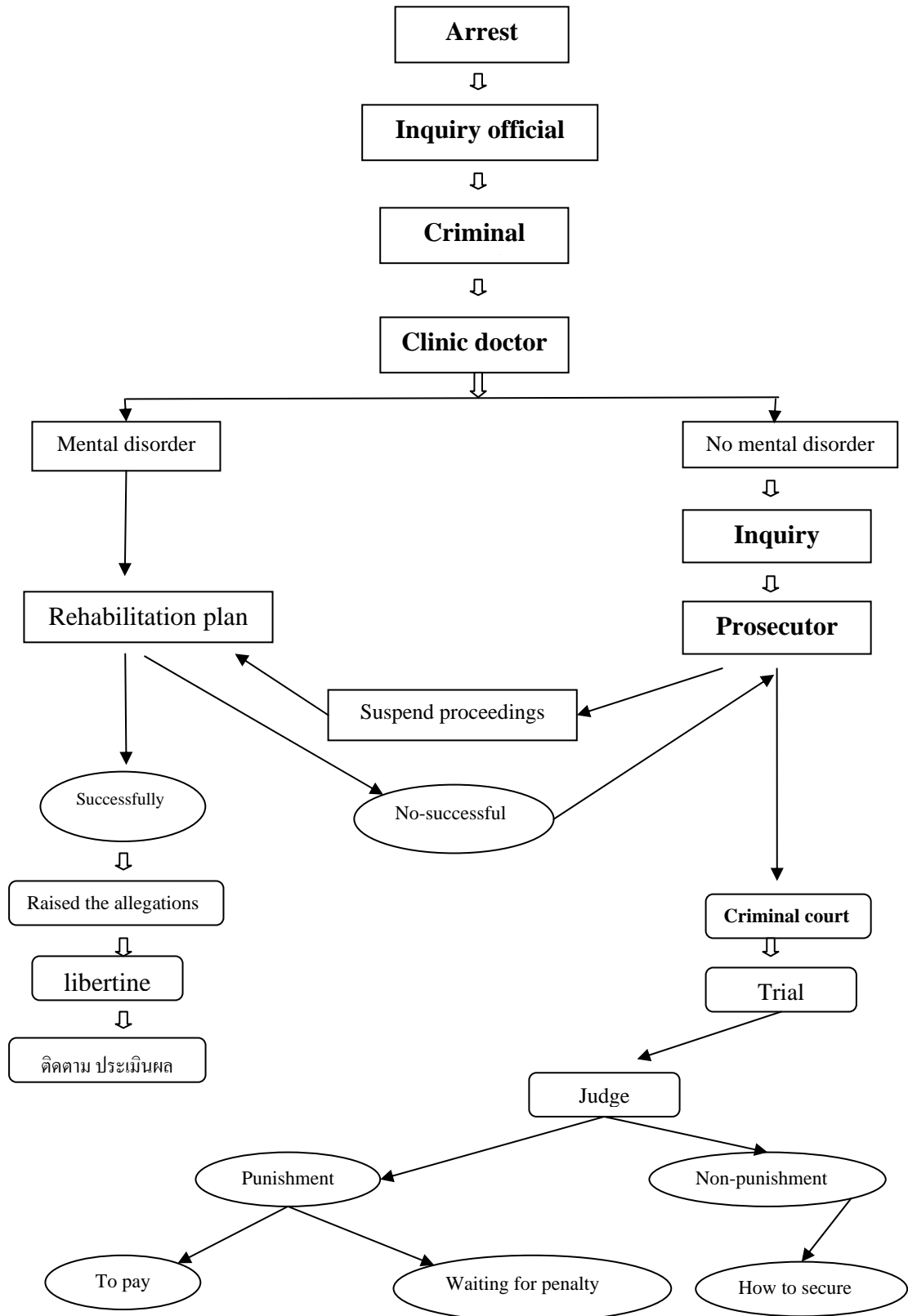
8. "Legal measures model with the insanity" refers to the process steps in criminal proceeding relating to a mad person which is appropriate and fair from the investigation level to the judgment and the punishment.

9. "Trial" refers to criminal proceedings where one side is a person of unsound mind.

10. "Preliminary review of clinical mental status" refers to the inspection of the mental preliminary clinical doctor. After a control of the arrested person to identify symptoms of mental conditions.

11. "Monitoring and evaluation" refers to the monitoring and evaluation of the psychological rehabilitation after releasing the participants from treatment to return to society.

1.5 The research framework



1.6 Research questions

1.6.1 Legal measures concerning criminal procedure with the insanity which is appropriate for Thailand.

1.6.2 Format and Guidelines for measures to improve the criminal law regarding the insanity of which is appropriate for Thailand.

1.7 Expected benefits to gain

1.7.1 To understand the meaning, characteristics and purpose of the criminal legal measures dealing with the insane person which include the entire concept? And theories about the criminal legal measures regarding the insanity.

1.7.2 To know the criminal legal measures regarding the insanity of overseas in the UK and U.S. as well.

1.7.3 To know the criminal legal measures regarding the insanity and the summary of the format and guidelines for improvement and development of the measures that are appropriate for Thailand.

CHAPTER II

LITERATURE AND RESEARCH RELATED REVISION

Research-related literature in the topic of suitable measures of criminal procedure for insane persons in Thailand comprises of details as the followings:

- 2.1 Concept about the insane persons' right protection
- 2.2 Forensic psychiatry and the insane persons' right protection
- 2.3 Insane related law measure
- 2.4 Social measurements in protecting the insane persons' rights
- 2.5 Law which involving in charging the criminal case to the insane persons
- 2.6 Doctoral and the management that involved with insane persons Criminology theory
- 2.7 Idea of setting special jurisdiction of criminal case for insane persons
- 2.8 Comparing a case management system of the mental health court between Thailand and foreign countries
- 2.9 Relate research

2.1 Concept about the insane persons' right protection

Ideas concerning the protection of the rights of the insane persons have the concept of human rights at that¹ Meaning of human rights. The United Nations mentioned that "in order to verify and certify to the fundamental rights of human beings in terms of the dignity and worth of humanity". The insane person are

¹ Udomsak Sittipong, Human Right, Winyuchon Publishing, Bangkok: 2005 Page 22.

considered as people who have a physical and mental condition, and they are same as people in general in which it is needed to provide special protection. Apart from general protection of normal people especially the protection of the rights in proceeding criminal cases under the accusatorial² system which counts on equality in the proceedings.

A. Concept about the full realization of right of the insane person in foreign countries.

According to Human Rights, the International Covenant was originated as “Universal Declaration of Human Rights, 1948”³ This covenant recognizes the right of accused people or defendant in criminal case trial especially warranty for those people to attain Right to a Fair Trial⁴ which was obviously stipulated in the article 11 paragraph 1⁵. It says that accused people who committed a criminal case will be

² Accusatorial system from England and Common Law country group such as United States of America, New Zealand, and Canada including other Commonwealths as well. The principle of this system has evolved from revenges between plaintiffs and defendants. The defendants will sue the plaintiffs by themselves and then compile witnesses and evidences to investigate defendants in a court. Courts and judges must be neutral strictly because ancient era used trial by ordeal and trial by battle, and court had duty as an intermediary. Later, witness side was involved to proof defendants' guilty. Plaintiff side will bring their witnesses to accuse defendants meanwhile defendants will also have their witnesses to defend themselves to court. When court considers both of testimonies, court will sentence those cases following weight of evidence each side. According to litigation, accusatorial system emphasizes to (1) assumption that defendants will be innocent till they can prove themselves to court and the court believes them without any doubt. (2) Important adherence to rules that plaintiffs and defendants have right equally. (3) Court must behave themselves as a neutral side strictly by acting as a sport referee. If any side do not follow by rules, court will dismiss cases (4) Court will not find out any truth because it is duty of litigants to seek for any evidence and witness to court by themselves.

³ 1[1] Universal Declaration of Human Rights ,1948 has certificated Human Rights in economic, social, and culture rights as indicated in “the International Covenant on Economic, Social and Culture Rights,1966 and civil and political rights as indicated in “the International Covenant on Civil and Political Rights, 1966

⁴ 1[1] Universal Declaration of Human Rights ,1948 has certificated Human Rights in economic, social, and culture rights as indicated in “the International Covenant on Economic, Social and Culture Rights,1966 and civil and political rights as indicated in “the International Covenant on Civil and Political Rights, 1966 1[1] “Right in Litigation” was consisted of two rights are (1) right of whom join cases in active (AKtivbeteiligter) are right to stay during trial, right to have attorney, and right to defend and (2) right of whom join cases in passive (Passivbeteitegter) are right to be able to decide whether testify and words' accused people for defending will not be words as swindling, threat, promise, or malfeasance. (Please see Chingchai Sornprasit, Legal measure for compulsory treatment of mental patient, Master Thesis, Faculty of Law, Thammasart University, 1997, Page 79-80

⁵Universal Declaration of Human Rights Article 11

innocent until verification is proved that those people are guilty by law in Presumption of Innocence and rules between In the International Covenant on Civil and Political Rights 1966 Article 14⁶ also states the right of individuals who relates to criminal prosecution by certifying the Presumption of Innocence and collateral of proceedings in details especially in the litigation; for example, equality in the consideration of the court and judge: it will be determined by the independent and neutral court, which means it must be considered fairly, and the hearing must be made publicly. And, in article 14, paragraph 3 in that the alleged offender has the right to be informed of the state and charge promptly and in details that normal people can understand. The alleged offender has equal litigation, should receive enough convenience and time to prepare for his defense, and he can be contacted by an attorney as wishes. Moreover, the alleged offender has the right to get the consideration without any unfair delay and to receive attorney assistance in case that he cannot find the attorney.

Later, those standards have been certified by regional and human rights organization, such as The American Convention Human Rights 1969 Article 8, which comes into effect on 18 July 1978⁷ or the Constitution of the United States in the provisions of Section 6⁸ (The Sixth Amendment) etc.

Regarding the social measures, the Universal Declaration states in Article 25⁹ that “everyone has the right to a standard of living that is adequate for the health and well-being of his family, including food, clothing, housing, medical care

⁶ International Convention on Civil and Political Rights 1966 Article 14

⁷ AMERICAN CONVENTION ON HUMAN RIGHTS, “Department of International Legal Affairs, <<http://www.oas.org/juridico/english/treaties/b-32.htm>>

⁸ “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by and impartial jury of the State and district wherein the crime shall have been committed, which district shall have previously ascertained by law, and to be informed of the nature and cares of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.”

⁹ Universal Declaration of Human Rights Article 25

necessary social services, and the right to security in case of unemployment, illness, disability, old age, widow or the lack of living factors in any uncontrollable situation”.

Those standards have also been certified by human rights organization in the states and regional level. The World Health Organization (WHO) announced the ratification in the WHA Resolution 23.41 (1970)¹⁰ that “the right to health is a fundamental human right” and it is recognized in the World Health Declaration (1998)¹¹ that “the full benefits of health services are the fundamental rights of human rights.”

United States has firstly certified in 1971 from the decision of The Federal District Court of Appeal Wyatt Vs Stickney (1971)¹², which is the case study of that the Alabama state hospitals that they could not provide minimum standards medical services to psychiatric patient who was forced by a court to get a treatment. The important measure is that “to deprive any citizen of his or her liberty upon the altruistic theory that the confinement is for humane therapeutic reasons and then fail to provide adequate treatment violates the very fundamentals of due process”. Outcome of the case resulted to the development of minimum standards under the constitution that mental illness should be treated.

Later, a defendant Youngberg Vs Romeo (1982) was diagnosed on behalf of the rights of patients to be treated properly. Supreme Court set the measure that¹³ “Mental patients who are forced to get the treatment have a constitutional right to be safely contained as appropriate without any unnecessary imprisonment, and mental patients have the right to receive medical treatment as appropriate”

¹⁰ Regional Consultation of the Americas on the 11th General Programme of Work of the World Health Organization

¹¹ World Health Declaration (1996) Article 1

¹² “Wyatt v. Stickney (1971) “TREATMENT ADVOCACY CENTER,
<<http://www.psychlaw.org/LegalResources/CaseLaws/Case5.htm>>”

¹³ “YOUNGBERG v. ROMEO (1982),” U.S. Supreme Court Center,
<<http://www.apa.org/psychlaw/youngberg.html>>

B. Concept about the insane persons' right protection in Thailand

Measures concerning the protection of the rights and freedoms in the process of judgment under the Constitution of the Kingdom of Thailand B.E. 2550 have provisions protecting the rights and freedoms of a person of unsound mind in criminal proceedings. For example, section 4 legislated certification for the right to human dignity, freedom and equality that persons shall be protected by law, and section 28 explained human dignity, rights and freedom that person shall claim human dignity or exercise his rights and freedoms as much as the violation of rights and freedoms of others, not hostile to the constitution or to public morality. The person whose certified-by-constitution right is violated can refer the provisions of this constitution to defense in court. Moreover, in the stated code, it is claimed that person has the right to get the support from the government when referring to the right.

In addition, the constitution also enacted the restriction of the rights and freedoms under the constitution in section 29 in which this can be done only when depending on the power of law that the constitution has determined, and it shall not affect the main idea of rights. In section 30, it is explaining the equality of person that a person shall be legally equal, shall get equal protection under the law, and must not be discriminated especially in terms of the disability, physical condition or health. If there is any effect to right, in paragraph 5 of section 32 stated remedial measure by court that prosecutor or the injured person for the benefit of the injured party has the right to ask the court to order suspension or revocation of such action and to determine how to heal such damage.

Especially in terms of collateral to give such person to fight against lawsuit fairly, it also certified Presumption of Innocence in paragraph 5 of section 32, and in paragraph 2, it is stated that before the final sentence indicates that a person has committed to wrong act, a person must not be treated as the offender. In section 40, it also certifies that:

1. Right to easily, fast and thorough access to process of judgment.

2. Basic right to consideration process which at least comprises of basic securities of disclosed consideration, the enough acknowledgement of facts and document examination, fact proposal, arguments and evidence of their own, protest of judge or arbitrator, receiving of every judge or arbitrator's consideration and receiving of reasons regarding decisions, judgments or orders.

3. A person has a right to let his case considered correctly, fast and fairly.

4. Injured person, offender, plaintiff, defendant, stakeholders or witness are entitled to appropriate practices in the implementation of the process. This includes the right to be properly, quickly and fairly investigated and to give the speech that is against their own.

5. Injured person, offender, defendant and witness in criminal case are entitled to the necessary and suitable protection and assistance from the government. However, remuneration, compensation and necessary expenses should be in accordance with law.

6. Children, youth, women, elderly or disabled or handicapped shall be entitled to protection in proceedings properly and shall be entitled to be treated appropriately in sexual violence case.

7. In the criminal case, offender or defendant is entitled to the correct, quick and fair inquiry or hearing, to opportunities for adequate legal defense, to review or appropriate evidence information, to receiving help from an attorney, to receiving temporary release.

Regarding social measures, constitution has also had the provision in section 9 concerning the right to receive public services, health and welfare of the state. It is stated in section 51 that "a person shall be entitled to fairly obtain appropriate public health in good standards, and the poor have the right to receive medical treatment at the government facility with no expenses". Moreover, in

paragraph 2, it is claimed that “A person shall be eligible for public health services from the state, which must be thoroughly and effectively”, especially in section 54, it is clearly certified psychiatric patients that “disabled or handicapped person has the right to access and use of welfare, public facilities and government support.” And, in paragraph two it is claimed that a person of unsound mind shall receive the assistance from government.”

2.2 Forensic psychiatry and the insane persons’ right protection

Forensic psychiatry is one branch of psychiatry which is applying academic psychiatry to judgments of the courts of justice. In the case which the offender, the defendant or convict who is suspected to be psychiatric patients while offending or during the proceedings leads to the legal consequences that it may be exempt from punishment, be punished less, or suspend the proceedings until the symptom is healed.¹⁴

A. Concept of Forensic Psychiatry and the full realization of right of the insane persons’ in overseas.

There has been a belief in spirit since the modern era of Greek and Roman civilizations. It is believed that the unsound mind was happened from cruel spirit called “Mania” and “Lyssa”. Moreover, people also believed that god was the one who created the unsound mind. Severe psychosis patients were chained. In this era, patients were treated by herbs, steam and music therapy. In Roman era, people considered that when insane person did legally wrong things, he should be exempt from the punishment since he already suffered from his insanity.

In 1736 B.C., the experienced lawyer named Mathew Hael proposed one legal section that “The insane should not be punished because they do not know the

¹⁴ Ronnachai Khongsakont, Psychiatry lesson, referred, page 23.

nature of their action". It resulted that insane person did legally wrong things; he should be exempt from the punishment, shouldn't he?

The history showed that knowledge of psychiatric diagnosis has applied to justice system since 1800 in England, in the case of Hadfield. The defendant in such case had been the cavalry sergeant. His brain was accidentally injured from the battle. He turned to be the insane person. He had the delusion thinking that the world was going to end, and God had determined that the defendant sacrificed themselves to help all mankind to be out of danger. However, the defendant didn't want to suicide, he, therefore, found the trick to be executed. In the first time, he tried to kill his little kid, but it was unsuccessful. Hence, he shot King in the theater. Missile was missed about a yard, he, therefore, was arrested to prosecute. When these facts appear in court, the judge gives direction to the jury that if defendant's actions were not led by guidance of reasons, the jury cannot implicate the defendant, and the jury can immediately make the judgment that defendant is not guilty.

After that, Knowledge in psychiatry was being applied in the process in which is considered to be the beginning of the forensic psychiatric subjects seriously which is Daniel Mcnaghten case. The case was happened in 20th January 1843. Daniel Mcnaghten is Scottish carpenter; he had the delusion of persecution. Because of fear, he escaped from Scotland to live in England. He mistrusted that British government would send people to kill or hurt him all the time. Therefore, he decided to sneakily shot the British Prime Minister Sir Robert Peel. However, the shot was wrongly fired to the Prime Minister's Secretary Mr. Edward Drummond instead. Later, Daniel Mcnaghten was preceded to the case. The defendant told that there was people always went after him, defamed and obstructed him from the work. The defendant also informed doctor that he understood that the killed person was one of such people. As a result, the court told the jury to strongly judge if the defendant acknowledged that things he did was the bad act or not. If the defendant couldn't learn that the things were contradict to the Law of God or of Man, he would be secured from the punishment. In such case, all nine doctors had the consensus that the defendant was insane.

In such case, the jury applied Isaac Ray's book called *Treatise on the Medical Jurisprudence of Insanity* in which he wrote in 1838 as the guideline for the hearing. The book combined medical, legal and psychiatry together; it was published thoroughly and was popular among people. The jury, therefore, judged that the defendant was insane, got no punishment and stated that "Daniel Mcnaghten, it must be clearly proved that, at the time of the committing of the act, the party accused was laboring under such a defect of reason from disease of the mind, as not to know the nature and quality of the act he was doing, or, if he knows it, that he did not know he was doing what was wrong". After that the defendant was sent to lunatic asylum, House of Lords considered that legal issues which are:

1. To dismiss the case because the insanity of the defendant, the defendant needs to show that at the time of the committing of the act, the party accused was laboring under such a defect of reason from disease of the mind, as not to know the nature and quality of the act he was doing, or, if he knows it, that he did not know he was doing what was wrong.

2. When the defendant was under delusion and did the wrong act. The evidence showing that the defendant was really in such problem is needed. However, such idea is not to prove whether the defendant is insane or not, but it is legal check if the defendant should be responsible in his act or not.

As a result, from Daniel Mcnaghten case, we received English legal issue that "A person is not responsible for an otherwise criminal act if, by virtue of mental disease or defect, he or she did not know the nature and quality of the alleged act or did not know that the act was wrong".

Although the legal measure in Mcnaghten case was to give to justice to insane delinquent, the law was still imperfect: it didn't cover the case which the defendant is unable to control his conduct. Later, the court received the new principle in case *Pasons V.* in 1887. The principle irresistible Impulse was set up in which a person of unsound mind's act is not wrong since he cannot control his own act. The appearance of three below truths is the must.

1) Was the defendant a disease of the mind when doing such wrong act?

2) If yes, further consideration is needed whether the defendant is dolicapax or not. If not, the defendant is free from accusation.

3) If the defendant is dolicapax, the court may judge that such act is not wrong if...

3.1) The defendant's cranial nerve is destroyed, unable to order or lost the power to choose between the right and wrong

3.2) Such act happens at the time of such disease occurred.

Later, in 1954, the principles in Mcnaghten case and irresistible Impulse case were adjusted to be more suitable with the insane persons. The newly adjusted principle is called principle "Durham or Product Rule Mcnaghten". The organization that had an important role in such development is The United States Court of Appeals for the District of Columbia. The organization judged the aggravated burglary case of Monte Durham that such principle gave broadly information concerning psychopathic symptom of the defendant, and simultaneously enhanced jury's independent consideration of each circumstances or environment. The principle determined that if the delinquent is the insane persons or not depends totally on deposition of psychiatry specialist. Such principle is very popular among psychiatrist, but majority of lawyer is not agreeing with since such principle gave the total consideration power to only psychiatry specialists which might lead to unfairness. In addition, Dirham's principle also unclearly defines the meaning of mental disease of defect, and not-so-right defines the word "as a result of disease" which might lead to misunderstandings and caprice in consideration. As a result, the principle was not thoroughly accepted and, finally, was terminated.

After there was the judgment of Durham case, The American law Institute mixed good parts of Mcnaghten case and irresistible Impulse principle, and suggested new one for considering case with a person of unsound mind which was called "The American law Institute test, A.L.I tast". The principle was seriously used in 1972 in Brawner case. The case principle is that:

“An individual is not responsible for an alleged act if, by reason of mental disease or defect, that person lacks substantial capacity to appreciate the wrongfulness of the act or lacks substantial capacity to behave (conform) according to the requirement of the law. The term ‘mental disease or defect’ do not include an abnormally manifested only by repeated criminal or otherwise antisocial conduct” It’s summary that:

1) Person shouldn’t be punished when he couldn’t be aware of his action and couldn’t be aware of result of mental disorder or mental defect.

2) “Mental disorder” and “mental defect” isn’t repeated criminal or Psychopath or antisocial.

However, although such principle was developed and more accepted than other principles, some flaws still occurred that it cannot correctly define the word insanity.

Later, medical profession is able to categorize the insane persons that only visual or auditory hallucination can be claimed to get an exemption. In other cases, for example, person who keeps doing wrong acts, has changeable personalities, likes to anti society or likes violence, such person will not be categorized to be insane. Therefore, when such person does wrong act, he cannot claim the law to get an exemption. However, the exempt punishment may occur only if the symptom shows during his wrong action only, if not, such person has to get legal responsibility with legal exemption.

In the US, there was one historical John Hinckley (1981) case in which he sniped President Ronald Reagan, and the president got hurt. The jury judged that John Hinckley was not guilty by the reason of insanity.

Overseas forensic psychiatry always state criminal patients concerning insanity, responsibility toward related law and treatment methodology. In overseas, every murderer defendant must get the check-up from psychiatrist regardless the

previous record. Level of insanity and responsibility relates to legal issue which leads to legal process called legal measure of the insane persons.

B. Forensic psychiatry and the insane right protection in Thailand

Around 1687 of King Pate Raja reign, the late Ayutthaya period, there had been a section found in section number 15¹⁵ of the old criminal law which was related to the insane. Also, in the year 1750 of King Borommakot, there also had the law related to the insane with the conclusion that “if the insane act anything, one can be exempted from penalty.”

In the beginning era of Rattanakosin period, Somdet Phra Buddhayordfah chulalork maharaj (King Rama I) had the idea to sort out the old law that has been duplicated from Ayutthaya period. These new sorted out law were called “Three Seals Law”. With this act, there has been clear provision relating to the insane stated in section number 15¹⁶ the old criminal law. The act also provided penalty exemption for insane. It’s also stated that if the insane harm other people, the insane shall not be responsible for the indemnity but the insane’s parents and brotherhoods do. If the person of the family goes insane, relatives will be the responsible person for taking care of the insane. The insane is not allowed to travel alone. If the insane had entered into the royal palace area, his relatives will be responsible for indemnity.

Thereafter was a case law 34 (28 June, Rattanakosin year 113) that Ai Tuam (the outlaw) was accused of slashing Nai Klum to death. Court saw that Ai Tuam has mentally disorder which reflected from his speech. There would be many

¹⁵ The old criminal law, section 15 stated that “If the insane killed a person, his parents and brotherhoods will be responsible for indemnity. The insane then be treated back home. If the insane do harm to a person, there will be no penalty granted. In the case of abandoned insane which has no one taking care of, if the insane killed or harmed other people, the insane is free from penalty but the police will be responsible for further custody”

¹⁶ The old criminal law, section 15 stated that “If the insane get into your house and kill a someone, the insane shall not be responsible for the indemnity but the insane’s parents and brotherhoods do. If the person of the family goes insane, relatives will be the responsible person for taking care of the insane. The insane is not allowed to travel alone. If the insane had entered into the royal palace area, his relatives will be responsible for indemnity.”

objections if the court continues the trial, so the court sent Ai Tuam to the official physician for further treatment. Whenever, Ai Tuam had recovered from his mental symptom, the official physician will send him back to court for further judgement. Another case from Royal Attorney and The Royal Criminal Court of Sanam Satit Yuttitham (30 December Rattanakosin years 121) was between Attorney department (Offender) and Mr. Man (Defender). The defender was committed a certain crime by doing physical harm to Mr. Boon with severe 15 wounds. Then after 15 days, Mr. Boon was dead at Wat Bang Pra Kaew district, Bangkok. From this case law, court considered that Mr. Man (Defender) did use the shape knife to kill Mr. Boon. However, from the witness's answer, the defender was insane. Therefore, the court judged for penalty exemption and suggested to send Mr. Man (defender) to mental hospital for further treatment.

Later on year 1898, Thailand had enforced law of criminal procedure code (Rattanakosin Year 127). Some related sections are section number 46 which stated that a person that was convicted a certain crime during insanity which caused from defective mental power or caused from disease condition, if it appears that the person is in disorder or disability of mind during his flaw commitment due to insanity, he said the person is free from penalty. However, if court judges that by letting the insane to be free may caused harm to other people, court can order to detain the insane in mental hospital or detain for treatment in other places in order to prevent the insane from harming other citizens. Moreover, in section number 47 specified that the person who was convicted of crime during insane which caused from defective mental power or diseases, if during the commitment the person is proved consciousness or still have ability to control oneself; he said that the penalty shall be granted to his person. This is also the court option to alleviate the penalty for such flaw commitment.

After the sub-committee conference for drafting of criminal code in 1944, some sub-committee proposed to use "mental infirmity" to be the meaning of mental disorder. Another sub-committee proposed to use the word "Mental Deficiency". In final, the meeting concluded that two words can be used and also defined "psychosis"

in the provision¹⁷. It was established in section number 65 of criminal code law stated that “the person who was convicted of crime during unconscious or cannot control oneself due to having mental deficiency, psychosis or mental infirmity, the person will be exempted from penalty. However, if the offender has conscious or still can control oneself, the penalty shall be granted to that person but the court has the option to alleviate the penalty for such flaw commitment”.

Referring to the history of Thailand Mental Health Act which did not emphasize on granting the penalty to the insane and the procedure code specifying that if the offender is the insane, court will send the person to the physician for further treatment until return to normal condition. Then the offender will be sent back for further judgment. In general view, this is in accordance with the history of international practice as earlier specified.

2.3 Insane related law measure

Criminal jurisdiction related to the insane is the measure that involves both law study and mental health study which will be adapted for justice and social procedure. It's similar to “forensic psychiatry” but the differences are on that forensic psychiatry is more emphasize on medical term. But criminal jurisdiction related to the insane emphasizes on law that incorporating psychiatry knowledge in almost every criminal jurisdiction procedures from investigation to judgment and execution of judgment. Within this study, the researcher will focus on insane related law measure both in criminal code law and criminal procedure code law as the followings:

A. Criminal code law measures

Criminal code law of Thailand had regulated the notion related to the responsibility of the insane in section number 65 of criminal code law that “the person who was convicted of crime with unconsciousness or cannot control oneself due to

¹⁷ Draft of criminal code law sub-commitment minute of meeting, No. 655/300/2487(12 October 1944) and No. 656/301/2487(13 October 1944)

suffering from mental deficiency, psychosis or mental infirmity, the penalty shall not be granted for that person. However, if the offender has conscious or still can control oneself, court has the option to alleviate the penalty for such flaw commitment”.

The reason of such oblivion is because the mentally abnormal person does not have normal conscious as normal person. Therefore, the act from mentally abnormal person is considered as the act without wicked mind compared to those from normal person which is served for the punishment. Another reason is that the objective of the punishment is to suppress the culprit from recurrent conduct of crime and castigate the person to be good citizen. From above reason, there is no benefit to punish mentally abnormal person who has no conscious to realize the result from the punishment¹⁸.

In addition, the person who can be exempted from guilty due to mentally abnormal condition will have to meet the structure of responsible criteria. These criteria are: (1) Act: According to section number 59¹⁹ of criminal code, act is physical movement or involvement of person with consciousness. “Consciousness” means known nature and quality of one’s act. For example, knowing oneself of slashing a child’s neck. If the offender doesn’t know the nature and quality of his act such as when cutting a child’s neck, he thought that he was cut the banana tree. In such case, the action is not considered as commitment. Without commitment, it cannot be the case of section 65²⁰ and (2) the commitment is defined as guilt by law which means there are complete components of external, internal, result, action and

¹⁸ Jitti Tingsapatra, The definition of criminal code law episode 1, 9th edition, page 696

¹⁹ Section number 59 of criminal code law stated that “a person has criminal liability when his action was done with intention. The exemption occurs when his action was done by carelessness. However, this will not include in a specific case if the law specified of conviction from carelessness or when the law clearly stated of conviction even though it is the action without intention...”

²⁰ Judgment of Supreme Court number 8743/2544 find that the defendant was mental retardation person who did not know that by cutting forbidden plant was against the law. In this case the defender not only committed a crime without understanding of what he had done from having Mental Deficiency with reference of section 65 clause 1, but also considered as the commitment of no conscience. With the lack of knowing fact which is the component of guilt, according to section 59, his act therefore was considered as no guilt due to no intention

there is no exemption of such guilt by law. It will then later be consider by the principle according to section number 65 of criminal code consisting of:

1.Mental Deficiency, psychosis or mental infirmity person.

Whether or not the defender has mental deficiency, psychosis or mental infirmity, there have some differences of the meaning according to law and medical term. This can be classified as follows:

1.1 The meaning according to law

When considered the criminal code, it has not prescribed the definition.

Professor Jitti Tingsapatra gave the opinion that mental illness person can be classified to three types which will be in accordance with Germany's law literature. According to Germany law, mental illness patient can be classified into 3 main groups as follows:

(1)Mental illness caused from psychiatric disorder

(2)Mental illness which caused from physical deficiency

(3)Mental illness from delusional disorder

From this classification, "psychosis" means mental impairment person which is caused from Pathological. According to the section number 46 of the old criminal laws, it called this as "Disease" (Disease of the mind, maladie mentale) which will include maniac syndrome (Schizophrenia) or the person with good thought but evil mind (Psychopath). The word "Mental Deficiency" also includes mental illness from incomplete development of brain or mental impairment since childhood (Idiot, Imbecile) or deterioration from aging (Senility). Section

number 46 of the old criminal code called these as “defective mental power”. By the word “mental infirmity” means person who has delusion, hallucination and illusion²¹

Professor Dr. Yood Sang U-Thai defined the meaning of “psychosis” as brain got disease. The word “Mental Deficiency” means mental impairment properties and the word “mental infirmity” means disable mind, dotty but not due to psychosis²²

Professor Dr. Utthit Sankosik defined the word “psychosis” as brain got disease or commonly called madness. The word “Mental Deficiency” defined as mental impairment properties or underdevelopment of brain. Besides, the word “mental infirmity” includes dotty symptom but not as severe as psychosis²³

Professor Dr. Taveekiat Meenakanit defined the word “psychosis” as brain got diseases. The word “Mental Deficiency” in mental deficiency and “mental infirmity” is the brain’s false translation resulting in delusion, hallucination and illusion²⁴

Moreover, there is jurisdiction guideline of Supreme Court which can be interpreted as follows:

The example of psychosis case is that the defender delivered a child and suffered from bloody madness resulting in abnormal syndrome.

²¹ Jitti Tingsapatra, Criminal code law episode 1, 8th edition, 1986, Thailand Bar Association Publishing, Bangkok: 840-841

²² Yood Saeng-uthai, criminal code law episode 1, Thammasart University Publishing, 14th edition, 1980, Page 229

²³ Utthit Sankosik, Criminal code law episode 1, Academic and literature service center, Academic division, Attorney Department, 1982, page 136

²⁴ Taweekiet Menakanit, criminal code law, reference issue, 24th edition, Winyuchon Publishing, Bangkok : page 156

The mental had been changed from normal to unstable. In this case, it can be classified as psychosis or partly mental infirmity. Sometimes lack of conscious as abnormal person but sometimes still have conscious or still can control oneself. Therefore, the defender still has to accept the liability as specified in clause number 2, section number 65 of criminal code. Petition number 331/2513²⁵

The defender and his team together steal the car of injured person. The problem was the defender convicted a crime during having psychosis. The physician who investigated the mental health of defendant testified to court that the defendant has psychosis or abnormal person. The defendant failed to know the reality condition and doing things abnormally. Without further treatment, it may be difficult for the defendant to live with other people and can make troubles to the society by thinking that his action is right. The defendant may suffer from this symptom by months or years. Court considered that the physician did not confirm that this mental disorder symptom happen from time to time, therefore, the court listen that this symptom occurred with the defendant forever until it was completely treated. Besides, defendant's mother gave the evidence that the defendant was mental retardation since child birth and has abnormal symptoms. Petition number 733/2551²⁶

Example of mental deficiency cases: The defendant has mental retardation and committed a crime during unconscious due to having Mental Deficiency. The penalty has been exempted in this case according to section 65. If the defendant lack of consciousness in his act and do not know the fact which is the component of guilt, he will be free from guilt. Petition number 8743/2544²⁷. Even though the person was exempted from penalty but he has to be confined in the hospital until turn back to normal. Petition number 530/2542²⁸

²⁵ Judgment of Supreme Court, Judiciary support service, Book 1, 1970 : 450

²⁶ Judgment of Supreme Court, bar association part 3, 1978 : 467

²⁷ Judgment of Supreme Court Judiciary support service, Part 11, 2001 : 1987

²⁸ Judgment of Supreme Court Judiciary support service, Book 3, 1999 : 74

The defendant conduct gross indecency and attempt to rape the child with the age below thirteenth. However, the defendant suffered from Krittin Disease which caused from the lack of thyroid hormone since child birth resulting in slow physical and intelligence development than normal age. The defendant just is able to walk at the age of seven, be able to complete speech sentence at the age of nine. When the defendant was 11 years and 11 months old, his intelligence was as the same level of the child at the age of five. Two months before the incidence, the physician diagnosed the defendant and found that the intelligence level was still low, did not understand logic, no planning, no responsibility and need life time treatment which cannot completely cured. Therefore, it can be concluded that the defender committed a crime during his unconsciousness due to having mental deficiency or suffering from mental retardation since child birth. Thus, he was exempted from punishment according to petition number 3106/2553²⁹

These are samples of mental infirmity cases. Before the incident, the defendant was hospitalized in mental hospital due to the recurrent of psychosis from alcohol. He had hallucination fearing that someone will harm him. The decedent was his wife which lived together in good mannered without any quarrels. The decedent accommodated the defendant to stay at the house of defendant's father for treatment. During both parties were sitting down and discussing issues at the wooden bed down stair, the defendant used the knife slashing on the neck of the decedent. The defendant was found sitting dazed nearby. The defender had committed of crime during his disability of mind and cannot control him due to psychosis from alcohol. The defender did not have to be punished according to the section number 288 and the first clause of section number 65 of criminal code. Petition number 371/2527³⁰

According to the answer of the female physician named "A", defendant's witness, the defendant used to have mental disorder and went

²⁹ Judgment of Supreme Court Judiciary support service, book 10, 1992 : 142

³⁰ Judgment of Supreme Court, Bar Association, Part 2, 1984 : 243

to hospital for treatment around 6 to 7 months before the incidence had occurred. Together with the medical certificate stating that the defendant was suffer from paranoid psychosis and with the diagnosis report of forensic psychiatry hospital which also stated that the defendant was suffered from psychosis, therefore it was believable that the defendant committed a crime due to mental deficiency or psychosis. However, the evidential fact shown that during the incidence, “O” was closed to the defendant and had fight over to get the gun from the defendant. The defendant, however, did not shoot or harm “O” indicating that the mental condition of the defendant during committed the crime still have conscious or partly control himself. Petition number 4533/2545³¹

1.2 The meaning in medical term

According to World Health Organization (WHO), “Mental Disorders” mean the loss of mental responsibility to the level that misses one’s intuitive self, loss of the ability to meet normal necessities, thoughts or behaviors that are based on reality.

Besides, World Health Organization (WHO) has internationally classified mental disorder according to medical term and by human behavior. This is called ICD10 (International statistical classification of diseases and related health problems 10th Revision-1992). The classification of mental disorders can be divided into 10 major groups as follows: **Group 1** Organic including symptomatic mental disorders **Group 2** Mental and behavioral disorders due to psychoactive substance use **Group 3** Schizophrenia, Schizotypal and delusional disorders **Group 4** Mood or affective disorders **Group 5** Neurotic stress-related and somatoform disorders **Group 6** Behavioral symptoms associated with physiological disturbances and physical factors **Group 7** Disorders of adult personality and behavior **Group 8** Mental retardation **Group 9** Disorders of Psychological development **Group 10** Behavioral and emotional disorders with onset usually occurring in childhood and adolescence

³¹ Judgment of Supreme Court Judiciary support service, Book 10, 2002 : 13

Professor Dr. Witoon Ngprapan defined “psychosis” as the loss of mental responsibility to the level that misses one’s intuitive self, loss of the ability to meet normal necessities, thoughts or behaviors that are based on reality. Besides, he defined the meaning of “mental infirmity” as mind warp condition which is still not as high as calling the person as an insane and also not a mental retardation. These include various groups of psychosis. For example, groups of neurosis which the patient cannot control his action and groups of mental disorder caused from cerebral palsy namely Alzheimer, Alcoholism, toxic psychosis, brain syphilis disease, etc.³² However, there was no definition for “Mental Deficiency”.

Doctor Sompob Ruengtrakoon defined “psychosis” as according to medical term, the psychosis was classified within the group of mental symptom caused from cerebral palsy (organic brain syndrome OBS.). The group that included psychosis symptoms was called “OBS with psychosis” i.e. Psychosis with syphilis of central nervous system, Senile psychosis, etc.³³

Doctor Chien Siriyanon defined “Mental Deficiency” as mental defective, mental deficiency caused from child birth or underdevelopment of brain.³⁴

Professor Dr. Arun Parksuvan defined “mental infirmity” as the insanity caused from organic psychosis or caused from various toxic psychosis³⁵

When comparing the definition of “psychosis” between legal and medical term, both provide the same understanding that it is brain disease or mental deficiency caused from diseases including schizophrenia which

³² Witoon Ngprapan, Forensic medicine (Bangkok, Ramkhamhaeng University publishing, 1989 : 185

³³ Sompob Ruengtrakoon, Psychiatry guidebook , ibid: 13-19

³⁴ Chien Siriyanon, Crime and mental disease, ibid : 1248-1249

³⁵ Arun Parksuvan, Forensic medicine, Bangkok, Aksorn Publishing, 1989 : 133

considered a type of psychosis. In the case of psychopath, from legal area it is considered as another type of psychosis. However, in the medical term, it is not psychosis but only personality disorder which is called “Antisocial Personality”

In terms of “mental deficiency” and “mental infirmity”, there is no direct classification of psychiatric disorder in medical term. There was only law literature that described the terms as mental defective or mental deficiency which caused from birth or from underdevelopment of brain. However, mental retardation from medical term means the person who has intellectual impairment than normal. However, in medical term there is no classification of psychiatric disorder for the symptom of underdevelopment of brain or brain defect from birth (Idiot, Imbecile) or deterioration from aging (senility).

As for the word “mental infirmity” which the law literature had described as mentally challenged person namely the person who has delusion, hallucination and illusion. However, in medical term, these are classified as delusion and hallucination syndrome which fall within Schizophrenia type. However, illusion syndrome has not yet been classified and it was further described as mental warp condition but not as severe as to called the person as the insane or having mental deficiency. These include various types of mental disorder. For example, some types of neurosis which the person cannot control his act, the mental symptom which caused from cerebral palsy i.e. Alzheimer, alcoholism, mental symptom from toxic psychosis, brain syphilis disease, etc.

2) Commit during unconscious or cannot control one

Both medical and legal term had the same principle that the person can be exempted from punishment only when the illness or mental disorder have to be in the level that the person commit without conscious or cannot control oneself. From the legal principle, the person who convicted a crime must have to be punished. Shall there be any punishment exemption or alleviation; a special reason must be presented. Therefore, the special reason for the case of mental disorder is that

the person must have mental disorder in the level of unconscious or uncontrollable during his act.³⁶ There are two levels to be considered as follows:

1.1 The offender had known the nature and quality of his act but without conscious.

Even though the offender known the nature and quality of his act but without conscious; according to the section number 65 of the criminal code the offender is exempted from penalty from unconsciousness meaning that the person only did not know whether or not his act is morally right. It is not necessary to know whether or not the action had breach the law. The consideration will be on the offender. For the responsibility part, the common level will be applied.³⁷ Before the incident, the defendant was hospitalized in mental hospital due to the recurrent of psychosis from alcohol. He had hallucination fearing that someone will harm him. The decedent was his wife which lived together in good mannered without any quarrels. The decedent accommodated the defendant to stay at the house of defendant's father for treatment. During both parties were sitting down and discussing issues at the wooden bed down stair, the defendant used the knife slashing on the neck of the decedent. The defendant was found sitting dazed nearby. The defender had committed of crime during his disability of mind and cannot control him due to psychosis from alcohol. The defender did not have to be punished according to section number 288 and the first clause of section number 65 of criminal code. Petition number 371/2527³⁸

1.2 The offender known the nature and quality of act with conscious but without control

Even though the offender known the nature and quality of act with conscious but without control of oneself; according to the section

³⁶ Sawang Boonchalermwipart, mental illness patient: Different understanding between lawyer and psychiatrist, *ibid*, page 162.

³⁷ *Ibid*, page 812.

³⁸ Judgment of Supreme Court, Bar Association, Part 2, 2527 : 243

number 65 of criminal code the offender is also free from punishment. The disability to control oneself means that the offender mind can control his act with conscious and known guilty but the offender cannot control his mind because mental deficiency or known as “principle of Irresistible impulse or Volitional incapacity”³⁹

According to the study of Supreme Court Judgment of the insanity’s level criteria, we found that when the court decide whether or not the defender committed a crime with or without conscious, controllable or uncontrollable, the court’s decision will depend on the physician’s opinion who is regarded as the expert and court’s assistant for the case.⁴⁰ The physician emphasized on the characteristics of the insane whether or not in the scope of mental deficiency, psychosis and mental infirmity according to section number 65 of criminal code law. If compared WHO’s psychological illness classification - ICD-9 with legal literature relating to section number 65. We found that there are only two types of offender which can be exempted from penalties. These are mental retardation person and psychosis person because those two types of people commit the crime without conscious or cannot control themselves. This is in accordance with the reason that the law had exempted the penalty. (Legal theory considered that those persons are free from evil (Schuld). For other guilt from neurosis, personality disorder or personality variation, sexual deviancy person or drug additions⁴¹ are not in the scope of penalty exemption due to these people still have conscious or can be implied that these people

³⁹ Jitti Tingsapatra, Criminal code law episode 1, page 814

⁴⁰ Sawang Boonchalermvipart, Mental illness patient, Different understanding between lawyer and psychiatrist, *ibid*, Page 181

⁴¹ According to the definition of World Health Organization, (1) Neurosis means mental disorder arising from no apparent organic lesion. The patient may have conscious and still live in the real world without any confusion between the illness, habitual fantasizing, conception and the reality. Behavior may change a lots but still in the acceptable social frame. There is no personality confusion. The main symptoms are phobia without reason, repeated action and depression (2) Personality disorder is characterized by maladaptive manner which has onset in adolescence or early adulthood. These personalities are not symptoms but they are regarded as personal traits. (3) Sexual deviation: Even though the term had been defined in Medical Profession Act (1982) as a type of disease. However, in psychiatry regards this as a type of mental disorder and was classified into personality disorder or personality variation group. (For more detail, please see Witoon Ngprapan, *ibid*, Page 168-170,185)

still know moral conduct.⁴² These people still can control themselves, even though they have abnormally mental condition which could induce these people to act differently from normal people. However, the attraction is still not in the level that made the people out of their control⁴³ except that the patient has other disorders i.e. having psychosis syndrome.

1.3 Effects of action

In article 65 is distinguished that case 1. Whenever any person commits an offence at the time of not being able to appreciate the nature, or illegality of his act or not being able to control himself on account of defective mind, mental disease or mental infirmity, such person shall not be punished for such offence. Case 2 If the offender is still partially able to appreciate the nature or illegality of his act, or is still partially able to control him, such person shall be punished for such offence, but the Court may inflict less punishment to any extent than that provided by the law for such offence.

B. Criminal Procedure measures

Generally, Criminal Procedure is inquiry official to investigate and offer to prosecutor. If prosecutor agrees to order filed and filed to court. Court considers and adjudicate filed. After, corrections employees operate mandatory penalties. Each step, if officer meets that accused or defendant or convict is unsound mind, officer brings the person to treatment before further proceedings.

1. Foreign legal measures

United States and England set right protection measures for insane person in according to human right and due process.

⁴² Sawang Boonchalermvipart, mental illness patient, Different understanding between lawyer and psychiatrist, *ibid*, Page 183

⁴³ Sawang Boonchalermvipart and Anek Yomjinda, Medical law, 2nd edition, Winyuchon Publishing, 1997: 121-122

1.1 United states

Persons who are a mental disease or defect aren't to proceed. Because prosecution and consider and punishment to insane persons are illegal in according to amended constitution 5th and 14th, it is made defendant to litigate. Unsound mind results to litigation and suitable proceeding and right protection for accused and defendant such as speed consideration right.

Standard of consider between defense capabilities and litigation are differ. Focus in defense capabilities is symptom while he is proceeding and considering and capabilities in proceeding. So I couldn't bring M'Naghten or other principles to consider in defense capabilities⁴⁴

Unites states set assessment principles to defense capabilities. The assessment principles results from Dusky V. United Stated (1960)⁴⁵ is "Test must be whether he has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding – and whether he has a rational as well as factual understanding of the proceedings against him." And then Drope V. Missoure (1975)⁴⁶ Godinez V Moran (1993)⁴⁷ is including to competency to plead guilty and ability to demonstrate the making of reasoned choices such as accepted confession to pending doom or extenuate. From consider of Supreme Court result to psychiatrist to make assessment principles to prove evidence. McGarry principle by Harvard psychiatrist is the most acceptance and the principle is regulated in Code of Criminal Law & Criminal Procedure; Title 18 Criminal Procedure (Code Title 18) Section 4241.

For motion to determine competency of defendant, United Stated Code section 4241(a) define that unsound mind and capabilities of

⁴⁴ Douglas L. Grundmeyer and others, "Criminal Law", p. 224

⁴⁵ <<http://www.Justia.us/us/420/162/>>, Dusky V United States (1960), U.S. Supreme Court Center

⁴⁶ <<http://www.Justia.us/us/420/162/>>, Drope V. Misso(1975), U.S.Supreme Court Center

⁴⁷ <<http://www.Justia.us/us/509/389/case.html>>, Godinez V Moran (1993), U.S.Supreme Court Center

defendant may be brought to proceed in overtime. Defendant or prosecutor may be offer to court to consider capabilities of defendant before judging. Criminal court authorized to consider capabilities of defendant. If Criminal court agrees that defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, criminal court should consider issue of capabilities of defendant.

For burden in capabilities of defendant, United States Code section 4241 (a) don't define explicitly, but USA. Court deems state is responsible to burden. State offer only essential evidence and defendant should be treat legally, couldn't offer evidence in a mental disease or defect⁴⁸

Then United States Code section 4241 (a) define that in according to United States Code section 4241(b) and 4247 (b), the court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. And before consideration, court may order to test defendant and order to psychiatrist to send report. Psychiatric or Psychological Examination, A psychiatric or psychological examination ordered pursuant to this chapter shall be conducted by a licensed or certified psychiatrist or psychologist, or, if the court finds it appropriate, by more than one such examiner. The court may commit the person to be examined for a reasonable period, but not to exceed thirty days, but not to exceed forty-five days, to the custody of the Attorney General for placement in a suitable facility. Unless impracticable, the psychiatric or psychological examination shall be conducted in the suitable facility closest to the court. The director of the facility may apply for a reasonable extension, but not to exceed fifteen days, upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant. Psychiatric or psychological examination shall be filed with the court

⁴⁸ Douglas L. Crundmeyer and others,. "Criminal Law" p. 246-247

with copies provided to the counsel for the person examined and to the attorney for the Government.

Then United States Code section 4247(d) and section 3006 A provided that defendant must have attorney in consideration. If defendant couldn't have attorney and be poor, state must supply attorney to defendant. And section 4247 (d) provided that defendant is the right to depose. Offer evidence, for a summons and to face and cross-examine against him.

When court consider the evidence,

1) If court conduct that defendant is a mental disease or defect and isn't capable. Shall hospitalize the defendant for treatment. But defendant may be returned to proceed again if he is capable⁴⁹

In according to United States code section 4241(c) provided that the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the trial to proceed and for an additional reasonable period of time until his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the trial to proceed; or the pending charges against him are disposed of according to law:

Discharge: When the director of the facility in which a defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The

⁴⁹ Douglas L, Grundmeyer and others, "Criminal Law" p. 247, 248.

clerk shall send a copy of the certificate to the defendant 's counsel and to the attorney for the Government, The court shall hold a hearing, conducted pursuant to the provisions of section 4247 (d), to determine the competency of the defendant. If , after the hearing, the court finds by a preponderance of the evidence that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, the court shall order his immediate discharge form the facility in which he is hospitalized and shall set the date for trial.

Than United Stated Code section 4246 (a) provided that institution of proceeding, If the director of a facility in which a person is hospitalized certifies that a person in the custody of the Bureau of prisons whose sentence is about to expire, or who has been committed to the custody of the Attorney General , or against whom all criminal charges have been dismissed solely for reasons related to the mental condition of the person, is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, he shall transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed. The court shall order a hearing to determine whether the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, A certificate filed under this subsection shall stay the release of the person pending completion of procedures.

United Stated Code section 4246 (d) provided that determination and disposition, If, after the hearing, the court finds by clear and convincing evidence that the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall commit the person to the custody of the Attorney General

If court conducts that defendant is a mental disease or defect but is capable. Shall proceed to defendant. But defendant may raise the issue of insanity to proceed again if defendants have new evidence.⁵⁰ But the conduct didn't result to wrong to defense and didn't accept to conduct punishment.

In case a defendant can litigate; but the defendant wants to claim insanity as insanity defense following Federal Rules of Criminal Procedure (2005): Rule 12.2⁵¹ of United States of America determined that the defendant must file to prosecutors prior to pretrial motion so that prosecutors beg for court to consider the case. If the defendant does not follow by the rule, he or she cannot claim insanity as insanity defense because the prosecutor has to prepare evidences, for example; an expert witness will inform to the prosecutor in advance to protect the case except for a good reason. Court will allow the defendant to file even though it was overdue or court may extend the time for preparing, or court may order whatever if it is suitable.⁵² Also, if the issue of insanity is raised by notice on motion of the defendant or of the attorney for the Government, or on the court's own motion following Code Title 18 Section 4242⁵³, the court shall find the defendant guilty; not guilty; or not guilty only by reason of insanity. Final burden of proof must follow by law.

Final burden of proof and burden of proof in United States of America change following:

⁵⁰ Douglas L, Grundmeyer and others, "Criminal Law" p.247

⁵¹ Rule 12.2 Notice of an Insanity Defense : Mental Examination
(a) Notice of and Insanity Defense.

A defendant who intends to assert a defense of insanity at the time of the alleged offense must so notify and attorney for the government in writing within the time provided for filing a pretrial motion, or at any later time the court sets, and file a copy of the notice with the clerk. A defendant who fails to do so cannot rely on an insanity defense. The court may, for good cause, allow the defendant to file the notice late, grant additional trial-preparation time, or make other appropriate orders.

⁵² Ralph Reisner, LAW AND THE MENTAL HEALTH SYSTEM ; CIVIL AND CRIMINAL ASPECTS (St.Paul, Minn : West Publishing Co., 1985) p.573

⁵³ Code Title 18 Section 4242

Insanity defense such as Rightwrong test of M’Naghten Rules in 1843, Irresistible Impulsion Test in 1887, The Product Rule in 1954, M.P.C. Test of U.S. Bar Association 1972, and The Insanity Defense Reform Act in 1984. In the previous day, burden of proof in United States of America has two comments. The first half state, mental disorder is a part of wrongdoing. If a defendant claims as burden of proof of a prosecutor, he or she will show to court beyond reasonable doubt that the defendant is not insane. But, if the defendant is wrongdoing, he or she will be punished for the guilty. The rest half state, affirmative defense is burden of proof of a defendant.⁵⁴ Later in 1984, case of Hinckley (1982), U.S. Bar Association enforced The Insanity Defense Reform Act 1984 because insanity defense following M.P.C. test is too easy to give burden of proof to a prosecutor by proving to court beyond reasonable doubt that the defendant is normal. In practically, The Insanity Defense Reform Act 1984 determined that a defendant in Federal Case has to have burden of proof as well. Clear and convincing evidence which is burden of proof is lower than beyond reasonable doubt.⁵⁵

Final burden of proof and burden of proof which related to insanity in United States of America was appeared the following:

1) The M’Naghten rule is a test for criminal insanity as stated “He or she did not know the nature or quality of his or her actions or, if he or she knew the nature and quality of his or her actions, he or she was so deranged that he or she did not know that what he or she was doing was wrong” Final burden of proof and burden of proof are different depending on jurisdiction of the court each county.

2) Irresistible Impulse is a defense by excuse as stated “He or she should not be held criminally liable for his or her actions that broke the law, because he or she could not control those actions” Final burden of proof and burden of proof are different depending on jurisdiction of the court each county.

⁵⁴ Ralph Reisner, *Supra* note 21, p. 578

⁵⁵ Ralph Reisner, *ibid* pp.577, 579

3) Durham is the criminal act was caused by his mental illness. Final burden of proof is beyond a reasonable doubt⁵⁶ and burden of proof is a prosecutor.

4) ALI/MPC is a test that the defendant lacks “substantial capacity” to either “appreciate the wrongfulness” of his or her conduct or conform that conduct “to the requirements of the law” Final burden of proof is beyond a reasonable doubt and burden of proof is a prosecutor.

5) Federal Position is a test that the defendant lacks capacity to appreciate the wrongfulness of his or her conduct. Final burden of proof is to be clear and be convincing evidence and burden of proof is a defense

Evidence adduction to support his or her accuses that the defendant is insanity have the same approach as general witnesses in criminal cases. It was consisted of 3 types

1) Expert witnesses have to directly provide extra knowledge to problems, character in skill, and sufficient and suitable experience. Court consideration will accept expert witness who has medical certification. However, doctor’s opinion could not prove whether he or she is insanity and expert witness does not need to be a doctor as well. If expert witness is actually good at those problems, we can accept his or her comments.

2) Non-expert witnesses are generally used the same principles as civil cases and criminal cases. Court will accept external witness who is familiar with those insane persons; so court can know the truth which is a useful to cases.

3) Other witnesses are a fact which shows defendant’s brain symptom. Besides of those witnesses, external behavior,

⁵⁶ “Beyond a reasonable doubt” Means hearing evidences which are used in court. Court will hear evidences both of them until the case is finished. Then court will consider beyond reasonable doubt and punish. However, English law thinks that it is not necessary to be beyond reasonable doubt, but it must be proved as high reliability. If it is proof without any doubt, law cannot protect society because court cannot punish offenders who do wrong and do not leave any clear evidences to punish him or her. (Please see: Jukkamong Wiwatvanich, Principle and Theory of Investigation, 1st Edition, Pim Aksorn Part. Publishing, 2007, Page 9-10)

circumstantial evidence, and before and after delinquency are also related to the symptom and the method to meet the problem.

Furthermore, Code Title 18 Section 4243⁵⁷ legislated that if a defendant is found not guilty only by reason of insanity at the time of the offense charged, the court shall order that a psychiatric or psychological examination of the defendant be conducted. If the defendant found involving bodily injury to, or serious damage to the property of, another person, or involving a substantial risk of such injury or damage because of psychosis, the defendant will be committed for Ministry of Justice and be obtained treatment until defendant's psychosis would not create a substantial risk of bodily injury to another person or serious damage to property of another. However, discharge may be conditional under a prescribed regimen of medical, psychiatric, or psychological care or treatment.

In addition, Code Title 18 Section 4244⁵⁸ legislated that if a defendant is found guilty because of psychosis, and prior to the time the defendant is sentenced, the defendant shall be hospitalized for care or treatment in a suitable facility instead of prison following the United States of America's law. The defendant or the attorney for the Government may file within ten days after the defendant is found guilty, and prior to the time the defendant is sentenced. If the motion is supported by substantial information indicating that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. The court shall grant the motion, or at any time prior to the sentencing of the defendant shall order such a hearing on its own motion, if it is of the opinion that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility instead of prison. The defendant will be committed for Ministry of Justice and be obtained treatment. Nevertheless, the court must have provision sentence to determine

⁵⁷ Code Title 18 Section 4243

⁵⁸ Code Title 18 Section 4244

punishment for the guilty. If, at the time of the filing of the certificate, the provisional sentence imposed pursuant to subsection has not expired, the court shall proceed finally to sentencing and may modify the provisional sentence.

For the penalty, Code Title 18 Section 4245⁵⁹ legislated that a psychic detainee may file to a prison director who inform to an attorney for the Government by himself or herself or a lawyer. The attorney will file the motion with the court for the district in which the facility is located for a hearing on the present mental condition of the person. The court shall grant the motion if there is reasonable cause to believe that the person may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility, but the detainee will be transferred after finishing the hearing. If, after the hearing, the court finds by a preponderance of the evidence that the person is presently suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility, the court shall commit the person to the custody of the Ministry of Justice until he or she is no longer in need of such custody for care or treatment or until the expiration of the sentence of imprisonment, whichever occurs earlier. Plus, if the person has recovered from his mental disease or defect to such an extent that he is no longer in need of custody for care or treatment in such a facility and the term of imprisonment imposed upon the person has not expired, the court shall order that the person be imprisoned until the expiration of his sentence of imprisonment.

Besides of general detainee, the United States of America determined specific measurements which enforce on a person due for release but suffering from mental disease. If the person is released, he or she would create a substantial risk of bodily injury to another person or serious damage to property of another. Thus, Code Title 18 Section 4246⁶⁰ issued that the prison director certifies that a person in the custody of the Bureau of Prisons whose sentence is about to expire, or who has been committed to the custody of the Attorney General pursuant to

⁵⁹ Code Title 18 Section 4245

⁶⁰ Code Title 18 Section 4246

section 4241 (d), or against whom all criminal charges have been dismissed solely for reasons related to the mental condition of the person, is presently suffering from a mental disease as a result of which his or her release would create a substantial risk of bodily injury to another person or serious damage to property of another, and that suitable arrangements for State custody and care of the person are not available. The court shall order a hearing to determine whether the person is presently suffering from a mental disease as a result of which his or her release would create a substantial risk of bodily injury to another person or serious damage to property of another by postponing the release until the sentence is completed. If, after the hearing, the court finds by clear and convincing evidence that the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the person would be obtained treatment by Ministry of Justice.

Hearing of psychosis, Code Title 18 Section 4247 (b)⁶¹ determined that court can order a psychiatric or psychological examination which shall be conducted by a licensed or certified psychiatrist or psychologist, or, if the court finds it appropriate, by more than one such examiner. Each examiner shall be designated by the court, except that if the examination is ordered under section 4245, or 4246, upon the request of the defendant an additional examiner may be selected by the defendant. For the purposes of an examination pursuant to an order under section 4241, 4244, or 4245, the court may commit the person to be examined for a reasonable period, but not to exceed thirty days, and under section 4242, 4243, or 4246, for a reasonable period, but not to exceed forty-five days, to the custody of Ministry of Justice for placement in a suitable facility. If practicable, the psychiatric or psychological examination shall be conducted in the suitable facility closest to the court. If impracticable ,however, The prison director of the facility may apply for a reasonable extension, but not to exceed fifteen days under section 4241, 4244, or 4245, and not to exceed thirty days under section 4242, 4243, or 4246, upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant.

⁶¹ Code Title 18 Section 4247 (b)

Plus, Code Title 18 Section 4247 (c)⁶² determined that a psychiatric or psychological report shall be composed of four part; the person's history and present symptoms, a description of the psychiatric, psychological, and medical tests that were employed and their results, the examiner's findings, and the examiner's opinions as to diagnosis, prognosis. Moreover, other details are still necessary. It depends on which section the court is ordered. if the examination is ordered under section 4241, whether the person is suffering from a mental disease rendering him or her mentally incompetent to the extent that he or she is unable to understand the nature and consequences of the proceedings against him or her or to assist properly in his or her defense. If the examination is ordered under section 4242, whether the person was insane at the time of the offense charged. If the examination is ordered under section 4243 or 4246, whether the person is suffering from a mental disease as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another. If the examination is ordered under section 4244 or 4245, whether the person is suffering from a mental disease as a result of which he or she is in need of custody for care or treatment in a suitable facility and if the examination is ordered as a part of a presentence investigation, any recommendation the examiner may have as to how the mental condition of the defendant should affect the sentence.

After transferring to treatment, Title 18 Section 4247 (e)⁶³ determined that the prison director of the facility in which a person is committed pursuant to section 4241 shall prepare semiannual reports or pursuant to section 4243, 4244, 4245, or, 4246 shall prepare annual reports concerning the mental condition of the person and containing recommendations concerning the need for his continued treatment. The reports shall be submitted to the court that ordered the person's commitment to the facility and copies of the reports shall be submitted to such other persons as the court may direct.

⁶² Code Title 18 Section 4247 (c)

⁶³ Code Title 18 Section 4247 (e)

1.2 England

The criminal procedure code of England has protected right of insane people following Human Rights. In addition, there are not only Criminal procedure codes for insane people, but also the Mental Health Act 1983, MHA. The custody of insane people is detailed as following;

For the criminal procedure code in investigation, Police and Criminal Evidence Act 1984 Code C issued that if an officer has any suspicion, or is told in good faith, that a person of any age may be mentally disordered or otherwise mentally vulnerable, in the absence of clear evidence to dispel that suspicion, the person shall be treated as such for the purposes of this Code. Suspicion of the officer is used Reasonable Person to diagnose whether those people are mentally disordered by considering from their characters and behaviors importantly.

When an offender claims that he or she is not ready to criminal procedure called “Unfitness to plead” and the officer found that the offender is mentally disordered, the officer will basically consider the case whether continue for public interest or transferring to treatment. If the officer thought that it is deserved to continue the case, the officer has to investigate by using a special approach for mentally disordered and mentally handicapped people which is issued in Police and Criminal Evidence Act 1984 (PACE) Code C. The officer has no ability to indicate who is psychotic, so Birmingham determined Community Psychiatric Nurse (CPN) stay at police station and diagnose insane defender including have power to transfer the defender to treatment⁶⁴ in 1992.

According to The Police and Criminal Evidence Act 1984 (PACE) Code C, Police and Criminal Evidence Act 1984 Code C, 1.7 “(b)

⁶⁴ Peter Bartiett “ Ralph Sandiand, *ibid* p.243

in the case of a person who is mentally disordered or mentally handicapped, the appropriate adult means⁶⁵ :

(1) A relative, guardian or some other person responsible for his care or custody,

(2) Someone who has experience of dealing with mentally disordered or mentally handicapped people but is not a police officer or employed by the police : or

(3) Failing either of the above, some other responsible adult aged 18 or over who is not a police officer or employed by the police.

Furthermore, the Act Code C 3.9 determined that the officer shall inform Appropriate Adult to meet the detainee at police station as soon as possible by explaining the reason of detention and the place of detainee⁶⁶. Also, the Act Code C 11.14 issued that the defender will not be interviewed or asked to provide or sign a written statement in the absence of the appropriate adult unless paragraph 11.1 or Annex C applies⁶⁷. Law issued that Appropriate Adult has duty for protecting a person who is insane; able to decision and control lower than others.

⁶⁵ Police and Criminal Evidence Act 1984 Code C, 1.7 “(b) in the case of a person who is mentally disordered or mentally handicapped, the appropriate adult means :

- (1) A relative, guardian or some other person responsible for his care or custody,
 - (2) Someone who has experience of dealing with mentally disordered or mentally handicapped people but is not a police officer or employed by the police : or
 - (3) Failing either of the above, some other responsible adult aged 18 or over who is not a police officer or employed by the police.
- ...”

⁶⁶ Police and Criminal Evidence Act 1984 Code C, 3.9 “ Initial action, Detained persons : special groups

3.9 If the person is a juvenile, is mentally handicapped or appears to be suffering from a mental disorder, then the custody officer must, as soon as practicable, inform the appropriate adult (who in the case of a juvenile may or may not be a person responsible for his welfare, in accordance with paragraph 3.7 above) of the grounds for his detention and his whereabouts and ask the adult to come to the police station to see the person.”

⁶⁷ Police and Criminal Evidence Act 1984 Code C, 11.14 “11. Interviews: general, Juveniles, mentally disordered people and mentally handicapped people

11.14 A juvenile or a person who is mentally disordered or mentally handicapped, whether suspected or not , must not be interviewed or asked to provide or sign a written statement in the absence of the appropriate adult unless paragraph 11.1 or Annex C applies.”

After interviewing, English law has a principle called Prima Facie Case⁶⁸ issued that the officer shall revise the case following The Prosecution of Offender Act 1985 and Crown Prosecution Service 1994 before sending the case to The Crown Prosecution Service (CPS). If the defender is deserved to be sued, the officer can institute a case to CPS. Then, CPS shall consider consequences between defender's illness and public interest following Prima Facie Case as well. If the guilty is serious, the proceeding for public interest is more important⁶⁹.

During on trial, if a defendant is disability or unfit to stand a trial, English law issued in The Criminal Procedure (Insanity and Unfitness to Plead) Act 1991, CPA 1991 code 4A⁷⁰ that if the jury determines that the defendant is unfit to plead, evidence will be heard and the jury will be asked to determine whether he did the act or made the omission charged against him as the offence. This process avoids the detention of innocent persons in hospital merely because they are mentally unfit. If the jury finds that the defendant is unfit to plead, the judge may;

- a) Make a guardianship order within the meaning of the Mental Health Act 1983
- b) Make a supervision and treatment order within the meaning of Schedule 2 to the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991
- c) Make an order for his absolute discharge

⁶⁸ "Prima Facie Case" means hearing evidences in inquiry officers and prosecutors and is basic evidence in criminal case which can be indicated whether a defendant is deserved to be sued. (Please see: Jukkamong Wiwatvanich, Principle and Theory of Investigation, 1st Edition, Pim Aksorn Part. Publishing, 2007, Page 11)

⁶⁹ BRENDA HOGGETT, Mental Health Law. (London : Sweet & Maxwell, 1996) pp. 100-102

⁷⁰ The Criminal Procedure (Insanity and Unfitness to Plead) Act 1991

Section 4A (1) This section applies where in accordance with section 4(5) above it is determined by a jury that the accused is under a disability.

(2) The trial shall not proceed or further proceed but it shall be determined by a jury

(a) on the evidence (if any) already given in the trial, and

(b) on such evidence as may be adduced or further adduced by the prosecution, or adduced by a person appointed by the court under this section to put the case for the defense, Whether they are satisfied, as respects the count or each of the counts on which the accused was to be was being tried, that he did the act or made the omission charged against him as the offence.

(3) ...

If the defender refers insanity as defense following CPA 1991 Code 5⁷¹, jury can judge the defendant did the act or made the omission charged against him and a special verdict is returned that the accused is not guilty by reason of insanity, to such hospital as may be specified by the Secretary of state. The court deem to beyond a reasonable doubt, but not to prove trustworthy, and to prove reliably. It is protect to rink social because of no evidence to prove.

For treatment, the Mental Health Act 1983 distinguishes to four systems;

Severe Mental Impairment means a state of arrested or incomplete development of mind which includes severe impairment of intelligence and social functioning and is associated with abnormally aggressive or seriously irresponsible conduct on the part of the person concerned.

Mental Impairment means a state of arrested or incomplete development of mind (not amounting to severe mental impairment) which includes significant impairment of intelligence and social functioning and is associated with abnormally aggressive or seriously irresponsible conduct on the part of the person concerned.

Psychopathic Disorder means a persistent disorder or disability of mind (whether or not including significant impairment of intelligence) which results in

⁷¹ The Criminal Procedure (Insanity and Unfitness to Plead) Act 1991

- Section 5
- (1) This section applies where
 - (a) A special verdict is returned that the accused is not guilty by reason of insanity : or
 - (b) Findings are recorded that the accused is under a disability and that he did the act or made the omission charged against him,
 - (2) Subject to subsection (3) below, the court shall either
 - (a) Make and order that the accused be admitted, in accordance with the provisions of Schedule 1 to the Criminal Procedure (insanity and Unfitness to Plead) Act 1991, to such hospital as may be specified by the Secretary of state: or
 - (b) Where they have the power to do so by virtue of section 5 of that act, make in respect of the accused such one of the following orders as they think most suitable in all the circumstances of the case, namely- (i) a guardianship order within the meaning of the (1983 c.20) Mental Health Act 1983: (II) a supervision and treatment order within the meaning of Schedule 2 to the said Act of 1991: and (III) an order for his absolute discharge.

abnormally aggressive or seriously irresponsible conduct on the part of the person concerned.

Mental Illness no to mean.

Article 35 provided that the Crown Court or magistrates' court may remand and accused person to a hospital specified by the court for a report on his mental condition. But the court is satisfied, on the written or oral evidence of a registered medical practitioner, that there is reason to suspect that the accused person is suffering from mental illness, psychopathic disorder, severe mental impairment or mental impairment: and the court is of the opinion that it would be impracticable for a report on his mental condition to be made if he were remanded on bail : but those powers shall not be exercised by the Crown Court in respect of a person who has been convicted before the court if the sentence for the offence of which he has been convicted is fixed by law. The court shall not remand an accused person to a hospital under this section unless satisfied, on the written or oral evidence of the registered medical practitioner who would be responsible for making the report of some other person representing the managers of the hospital, that arrangements have been made for his admission to that hospital and for his admission to it within the period of seven days beginning with the date of the remand ; and if the court is so satisfied it may, pending his admission, give directions for his conveyance to and detention in a place of safety.

Article 36 provided that the Crown Court may, instead of remanding an accused person in custody, remand him to a hospital specified by the court if satisfied, on the written or oral evidence of two registered medical practitioners, that he is suffering from mental illness or severe mental impairment of a nature or degree which makes it appropriate for him to be detained in a hospital for medical treatment. An accused person is any person who is in custody awaiting trial before the Crown Court for an offence punishable with imprisonment (other than an offence the sentence for which is fixed by law) or who at any time before sentence is in custody in the course of a trial before that court for such an offence. The court shall not remand an accused person under this section to a hospital unless it is satisfied, on the written or oral

evidence of the registered medical practitioner who would be in charge of his treatment or of some other person representing the managers of the hospital, that arrangements have been made for this admission to that hospital and for his admission to it within the period of seven days beginning with the date of the remand ; and if the court is so satisfied it may, pending his admission, give directions for his conveyance to and detention in a place of safety.

Article 37 provided that Where a person is convicted before the Crown Court of an offence punishable with imprisonment other than an offence punishable on summary law or is convicted by a Magistrate Court of an offence punishable on summary conviction with imprisonment, and the conditions mentioned in subsection (2) below are satisfied, the court may by order authorize his admission to and detention in such hospital as may be specified in the order or , as the case may be, place him under the guardianship of a local social services authority or of such other person approved by a local social services authority as may be so specified. the court is satisfied, on the written or oral evidence of two registered medical practitioners, that the offender is suffering from mental illness, psychopathic disorder, severe mental impairment or mental impairment and that either. The mental disorder from which the offender is suffering is of a nature or degree which makes it appropriate for him to be detained in a hospital for medical treatment and in the case of psychopathic disorder or mental impairment, that such treatment is likely to alleviate or prevent deterioration for his condition.

Article 47 provided that If in the case of a person serving a sentence of imprisonment the Secretary of State is satisfied, by reports from at least two registered medical practitioners. That the said person is suffering from mental illness, psychopathic disorder, severe mental impairment or mental impairment; and that the mental disorder from which that person is suffering is of a nature or degree which made it appropriate for him to be detained in a hospital for medical treatment and, in the case of psychopathic disorder or mental impairment, that such treatment is likely to alleviate or prevent a deterioration of his condition. Removal to hospital of persons serving sentences of imprisonment. The Secretary of State may, if he is of the opinion

having regard to the public, interest and all the circumstances that it is expedient so to do, by warrant direct that person be removed to and detained in such hospital (not being a mental nursing home) as may be specified in the direction; and a direction under this section shall be known as “a transfer direction”. The Secretary of State may, if he is of the opinion having regard to the public, interest and all the circumstances that it is expedient so to do, by warrant direct that person be removed to and detained in such hospital (not being a mental nursing home) as may be specified in the direction; and a direction under this section shall be known as “a transfer direction”.

1. Legal measures of Thailand

In the study to legal measures of Thailand concerned insane persons, the study showed that many provisions; criminal code, criminal procedure code, mental health act 2008 and corrections code 1936. Researcher shows context of legal issue concerned.

Article 14 of criminal procedure code provided that in the course of an inquiry, preliminary hearing or trial, should there be a reasonable belief that the accused or defendant is insane and therefore unfit to plead, the inquirer or court, as applicable, shall order a medical official to hold a psychiatric evaluation of the person in question and thereafter make a personal appearance to give statement or testimony as to the outcome of the evaluation.

In the event that the inquirer or court finds the accused or defendant insane and unfit to plead, the inquiry, preliminary hearing or trial shall be suspended until the person in question recovers his sanity or is fit to plead. Where appropriate, the inquirer or court shall also be authorised to deliver the person in question to a lunatic asylum, custodian, Commissioner of Changwat or other person willing to take charge of him.

In the event that the preliminary hearing or trial has been suspended pursuant to the foregoing paragraph, the case may be disposed of by the court for a provisional period.

When insane persons are arrested by officer or people to inquiry official. And inquiry official appear that the accused to be unsound mind, to distinguish the accused from the normal accused and to hospitalize. The Mental Health Act of article 35 provided that the inquiry official or the Court shall transfer the alleged offender or the accused, together with detailed circumstances of the case, to be diagnosed at the infirmary.

When the infirmary admits the alleged offender or the accused, the psychiatrist shall diagnose mental disorder of that person and give his opinion for the consideration of the inquiry official or the Court as to whether the alleged offender or the accused is capable to defend the case. In this case, the result of diagnosis and assessment thereto shall be reported to the inquiry official or the Court within forty-five days as from the date of admittance of the alleged offender or the accused. Such period may be extended, but not more than forty-five days. In the case where the alleged offender or the accused is under detention and it is necessary to admit that person in the infirmary for the purpose of observation, diagnosis, treatment and assessment of his capability in defending his case, the infirmary may request the inquiry official or the Court to prescribe the method to prevent escape or harm.

The Mental Health Act of article 36 provided that the infirmary shall admit the alleged offender or the accused for detention and treatment without his consent until the alleged offender or the accused has recovered or alleviated and being capable to defend his case, provided that the inquiry official or the Court has otherwise order or otherwise prescribed by law. The psychiatrist who conducts treatment shall report the result thereof to the inquiry official or the Court within one hundred and eighty days as from the date of admittance of the alleged offender or the accused. In the case where the psychiatrist is of opinion that the alleged offender or the accused is incapable to defend his case, the psychiatrist shall report the result of treatment every one hundred and eighty days, provided that the inquiry official or the Court has otherwise order. During the course of treatment, if the psychiatrist who conducts treatment is of opinion that the alleged

offender or the accused has recovered or alleviated and being capable to defend his case, the psychiatrist shall report the result of treatment to the inquiry official or the Court without delay.

When inquiry official receives report from psychiatrist to raised to proceed continued. Inquiry official make comment to order filed when the accused offense and to bring the accused to prosecutor. Inquiry official make comment to disorder filed when the accused offense but receive the exception according to legal.

Prosecutor make order filed according to article 143 of criminal procedure code when the accused offense and to bring the accused to court. Prosecutor makes disorder filed in disagreement case.

Court makes conviction after the prosecutor to file, if the court appears the defendant is unsound mine in according to article 14, to distinguish the defendant from normal defendant and to test clinic. The court make decision to report of psychiatrist, If court finds the defendant insane and unfit to plead, shall be suspended until the person in question recovers his sanity or is fit to plead. Where appropriate, the court shall also be authorized to deliver the person in question to a lunatic asylum, custodian, Commissioner of Changwat or other person willing to take charge of him.

The later, if the psychiatrist who conducts treatment is of opinion that the alleged offender or the accused has recovered or alleviated and being capable to defend his case, the psychiatrist shall report the result of treatment to the Court without delay. When court receives report from psychiatrist to raise to proceed continued. The court make comment to punish when the defendant offense. The court make comment to dismiss when the defendant offense but receive the exception according to article 65 of criminal procedure code and to hospitalize in according to article 48 of criminal code.

When the offender committing a crime and receive jailing not more than 2 years, if it is not appear that the offender is not executed to be jailed before and it is a punishment for offending committed by negligence or petty offence and the court is considered about age, background, behavior, intelligence, education of mental health, habit, and the offender's environment or the nature of the offence or other relate things that is suitable for mercy and see that it is appropriate. The court will sentence the offence to be suspension of the infliction punishment or suspension of punishment and release the offender to reform him/herself in a period of time specified by the court but not more than 5 years started from the date of the execution with or without condition/s for discipline the offender. The offender must take a cure from the drugs, mental or physical problem, or other illness at the place and the period specified by the court according to article 56 paragraph 2th (4)

In the mental health act of article 37, 38, 39 provided that the case where the Court has ordered the patient in criminal case to be kept in custody or to have treatment at the hospital. The Court shall send a copy of such order together with the patient in criminal case thereto. In this case, the infirmary shall admit that person to be kept in custody and to conduct treatment without his consent. The psychiatrist who conducts treatment shall report the result of treatment and his opinion to the Court within one hundred and eighty days (article 37) and ninety days (article 38) as from the date of admittance of the patient in criminal case. In the case where the psychiatrist is of opinion that it is necessary to continue treatment for the patient in criminal case, he shall report the result of treatment and his opinion to the Court every one hundred and eighty days(article 37) and ninety days (article 38), unless otherwise ordered by the Court. In providing custody or treatment, the infirmary may request the Court to prescribe the method to prevent escape or harm. The rules and procedure for reporting the result of treatment and giving opinion under paragraph two shall be in accordance with the regulations as prescribed by the Board.

When the court make conviction, If convict appear unsound mine before receive punishment or punishment, the court make mitigating punishment

and to hospitalize according to article 246 and 248 of criminal procedure code. And the mental health act provided to hospitalize.

2.4 Social measurements in protecting the insane persons' rights

By executing the code to the offender who is the insane person alone is not enough. It is necessary to think about social measurements to support the code execution and to increase its effectiveness. The social measurements include:⁷²

2.4.1 Family measurements

When the offender who is the insane person receives an assuagement by the code, family which is a primary level of social unit which have an important role for the assuagement will be involve in three different methods of assuagement which are:

1st method: family will give important information to analyze and planning for assuagement.

Family members will be interviewed for detailed information about the patient to let doctors give the analysis. There are many cases that the patient cannot tell his/her symptom by him/herself and must be analyzed by observing patient's behavior and the content of interacting conversation with others instead. The relatives of the patient can tell doctors about changes occurred with the patient and they can also tell the results of the assuagement very well. So both doctors and psychiatry team will appoint the relatives to receive this information. Therefore, it will be an opportunity for the relatives in order to receive information about assuagement's method and also along with having a part of decision for assuagement.

⁷² Please look at :<http://www.dmh.go.th/stydepression/knowledge/view.asp?id=18>

2nd method: family must learn and adapt for helping and supporting patient

The services which can be good examples in assuagement for the insane person by family includes: family counseling and psycho education which are the process of co-working between family and counselor that will be finding the obstacles of patient's better condition and finding an effective methods of assuagement. The family members must adapt their reaction and attitude towards the patient and between themselves for having families as a good environment of the patient and at last it will be good for all members in family if the patient gets better condition. Mental health study is a process of giving knowledge about mental illness which is thinking about the affection of illness to patient's caretaker's mind and emotion. Therefore, mental health study will usually arrange among family groups to exchange the experience together. The caretakers will learn about symptoms, method of assuagement, practicing skills to take care themselves and to help and support the patient. As the example of mental health study groups for preventing the occurrence of mental illness at Srithanya hospital, the attendances receive knowledge, methods, and moral to take care the patients. And so the patients get better, many people still continuously gathered for helping and supporting in the other aspects. Finally, they formed themselves up as a Kalayarnamitr association for the insane persons.

3rd method: all family members will be counted as one unit that required assuagement

It will be called as 'family assuagement' or 'family mental assuagement'. It is not means that families which are enter a family assuagement usually are bad families or families that having worse problem than 2 methods mentioned before. But this method is an idea of looking into problems by following system theory and solving the entire system. In Thailand, there is a few of this method of services because the family therapists that is specifically trained this way are still little. The examples of looking the problems in family assuagement way is; to have one problem member in family is counted as having a problem in one's body like pulmonary oedema which cause all family to receive an assuagement as one unit. So when one member of family show the symptoms like stealing, using drugs,

depression, or think or do repeatedly, the family therapist will invite all family members to evaluate for finding true problems in family. The problem may be caused by a lack of proper family's management like misunderstanding in communicating, non-proper family's role performing, or family structure's problem. We can compare methods of finding true problem with a symptom analysis which starts with one leading symptom then continues searching until finding another symptom and/or organ system disorder. At the same time, a strong point in family will be founded and can be used to solve the problem and strengthen the family in the future. The objective of family assuagement is to have the family perform their duty well, adapt themselves to cope a stress when occurred during process of development, and respond to each member of family very well which will lead to a family development at last. General family problems which everybody knows like divorce, violence, having minor wife are not having a benefit from family assuagement as it can be provided. Because persons who have these problems are not having enough motivation to come and solve together so, the problem solving will be in each of their own style and then each of them gets tired and gives up their hopes. So that family problem is not solved.

This family measurement to the offender which is the insane persons involve with an idea of recovering the offender more than inflicting the punishment by positivism office's theory, which will be given a detail in next part, by having a family performing their important role to their members properly. But to perform the role properly, the understanding must be happened to the family first specifically when we use a method of doing family assuagement in order to build understanding and good attitude to reduce the stress among family and reduce the stigmatize to the offender.

2.4.2 Community measurement

The old fashion idea solving the case by jailing the offender, it is stigmatize the offender specifically the offender who is a person of unsound mind which not receiving a proper assuagement. But then an idea of solving called

Reintegration Model⁷³ support the offender to re-entering to the community and receive an assuagement inside their own community in order to have a balance between the offender and the community. It can be summarized as follow:

1. When the offender commits a crime because he/she cannot adapt to the community, work and service for community will be arranged to the offender for helping him/her to become a good person.
2. To inflict the punishment to the offender by separating him/her from the community is obstructing the offender from his/her own redemption.
3. Community itself cannot manage the offender to developing and correcting him/herself
4. Correctional officer should help and support the offender to receive a community services which usually not known or not seeing the benefit from the service
5. When the offender receive services from the community, the chance of repeating crime is reduced

From this idea the government authority like the correctional officer will be an intermediary connecting the offender to the community by advising and help them to taking their own redemption by receive services from the community like a job finding, learning a profession, educating in institutions, receive a psychological counseling and guiding, and etc. The correctional officer's role is not for controlling from now on but focusing on helping and responding to the offender's need by arranging the proper community services to the offender⁷⁴

By the way, to arrange the offender to go back to the same community as they come from is for matching the correcting of the offender to the community's needs and the offender can also communicate to his/her own relatives and family. It

⁷³ Criminology and penology teaching document, Sukhothai Dhamma Dhiraj University, 2nd printed by Sukhotahi Dhamma Dhiraj University publishing house, Bangkok, page 204-205

⁷⁴ Elmer H. Johnson, Crime, Correction and Society, p. 528

will cause a bonds and this bond is a factor of succession in redemption. The form of services includes⁷⁵:

1. Community Service and Restitution

By providing services to the community is a method of having the offender perform public services by not gaining any wage back like road cleaning, repairing structures, doing volunteer job in hospital. The length of performing services is clearly specified and for reimbursement, the offender has to pay part of it to aggrieved party or the government. In case of the government is the aggrieved party itself, both method is usually used when the offender is in non-serious case to have the offender taking a direct redemption from the aggrieved party or the community and it will be an opportunity for the offender to correcting him/herself from his/her crime.

2. Home Detention

It is a detention by not using jail. The offender will be sentenced to restrict their existence only into their home but may come out in a specified period for working or for some necessary business. Home Detention needs a special tool called Buzzer Bracelet to checking their attendance. This tool will be ware on the offender's wrist and it will be a sensor device for checking this tool set on a door or on a window, if the offender passes these sensor devices, a signal will be send from the devices to the control center to inform the attendance of the offender.

3. Shock Probation

The court may execute jailing the offender for a period of 30 to 90 days. Then receive probation out of the jail. This method used when the probation only is not suitable for the offender. Jailing is making the offender feel more afraid of committing crime again and the offender will try to make a good behavior so they will not going back to the jail again.

⁷⁵ Todd R, Clear and George F, Cole American Corrections pp. 101-106

4. Work Release

The detainee will be released for working outside the jail in daytime and then come back to jail at nighttime or going out for work at weekdays and come back to jail at weekend

5. Prerelease Center

The detainee will enter this center before passing over the punishment and do planning with the officers for reentering to the society like: preparing for finding jobs, resident, and necessary consumable food and drinks.

6. Furlough

The detainee will be temporary going back and living with family and friends for preparing the detainee and his/her family to be familiar with the coming back of detainee when he/she passing over the punishment.

7. Halfway House

Halfway House is a temporary resident for detainee who just receives a passing over the punishment to let detainee adapt for living outside. The detainee may receives other services while they are living in Halfway House like an advising for finding jobs and residents and may include using Therapeutic Community.

By acting toward the offender who is the person of the unsound mind by using a community measurement, it is involved in idea of recovering the offender more than conviction by following the theory of the positivism office. Letting the community involved in the recovering and appoint the correctional officer to be an intermediary between the offender and the community and avoid execute jailing to the offender as much as possible for reducing the negative effect of jailing the offender. So, the punishment of offender will need at least superintend as much as possible and to affecting the security of the community and to reduce stigmatize of the offender also.

2.4.3 The government services measurement

The government services for the offender who is the person of the unsound mind assuagement is focusing on preventing, analyzing, curing, and recovering the condition necessary to the mental health and living. The administrative agency can be categorized in⁷⁶:

2.4.4 Hospitals and psychiatric institute

Hospitals and psychiatric institute which belong to Department of Mental Health are: Galaya rajanagarindra Institute, Somdet Chaophraya Institute of Psychiatry, Rajanagarindra Institute, Rahanagarindra Children Development Institute, Rajanukul Institute, Suan Prung Hospital, Srithanya Hospital, Suansaranrom Psychiatric Hospital, Sri Mahapho Hospital, Yuwaprasart Hospital, Nakhon Pranhom Rajanagarindra Psychiatric Hospital, Loei Rajanagarindra Psychiatric Hospital, Sa kaeo Rajanagarindra Psychiatric Hospital, khon kaen Rajanagarindra Psychiatric Hospital, Nakhon Sawan Rajanagarindra Psychiatric Hospital, Song Khla Rajanagarindra Psychiatric Hospital

2.4.5 General hospitals which have a department of psychiatry

Hospitals and general institute which have a department of psychiatry and belong to the Office of undersecretary of Ministry of Public Health of Thailand are: Mae Sot Hospital, Chiangrai PrachanuKroh Hospital, Nan Hospital, Somdet Phrachao Taksin Maharat Hospital, Uttaradit Hospital, Lumpoon Hospital, Roi et Hospital, Nong khai Hospital, Khon Kaen Hospital, Surin Hospital, Lumpang Hospital, Kam Phaeng Phet Hospital, Baan Mhee Hospital, 17th Supreme Patriarch Hospital, Po Tha Ram Hospital, Chao Pra Ya Apai Phubej Hospital, Pokklao Hospital, Udon Thani Hospital, Mook Daharn Hospital, MahasaraKham Hospital, Ranong Hospital, Phang nga Hospital, Satul Hospital, Burirum Hospital, Su Kho Thai Hospital, Cha Cheng Sao city Hospital, Sri Sang Varn Hospital, Pra nang Klao Hospital, Loprahol Pol Phayuha Sena Hospital, Trung Hospital, Narathiwat Rajanagarinda Hospital, Patalung Hospital, Ya La Hospital, Chiang Kham Hospital, Uthaithani Hospital, Pranakhon Sri Ayutthaya Hospital, Rajaburi Hospital, Pra juab Kiri Khan Hospital, Somdet

⁷⁶ Please look at: <http://www.thaimentalhealthlaw.com/hospital.html>

Prayuparaj Sa kaeo Hospital, Trad Hodpital, Nong Bua Lumpoo Hospital, Sakhon Nakorn Hospital, Chaiyabumi Hospital, Chumporn Khej Udomsak Hospital, Su-Ngai-Go-Lok Hospital

Hospitals which belong to the university bureau are Siriraj Hospital: Department of psychiatry Doctor Team of Mahidol University, Chulalongkorn Hospital: Department of psychiatry Doctor Team of Chulalongkorn University, Faculty of Medicine Vajira Hospital: University of Bangkok Metropolis, Srinakarin Hospital: Department of psychiatry from Khon Kaen University, Songklanakarin Hospital: Department of psychiatry from Songkla University, Chiangmai Maharaj Hospital: Department of psychiatry Chiangmai University, Pra Mongkut Klao Hospital: Department of Psychiatry and neurology from Pra mongkut Klao Faculty of medicine, and Panyananthaphikku Chonprathan Medical Center Srinakarinwirot University.

Moreover, there are Rajavithi Hospital, Arnanthamahidol Hospital, Taksin Hospital, and Health centers (some) inside Bangkok included.

From the measurements of government services, you can see that the government is spreading the services around Bangkok and other provinces for conforming to The Constitution of the Kingdom of Thailand 2007 section 54 that the government has to give the handicapped person the access to their rights and gaining the benefit of social welfare and the government has to lend an appropriate help specially to the person of unsound mind. But even the person of the unsound mind gain receive and gaining the benefit of social welfare which the government is prepared for, the proper of the assuagement depends on the process of assuagement itself specially a mental illness that required a specialized officers on that way and the modern medical appliance. The client will received a convenient of the assuagement as same as the psychiatric assuagement center which is still not enough for services these days. The government especially the Department of Mental Health is having the expanding area of services policy for covering over every part of country as it is

specified in Depart of Mental Health year 2011 policy⁷⁷ that “Every psychiatric hospitals must pay attention on increasing the standard quality of psychiatric services included tertiary HA and Excellence center for gaining credit and acceptance inside Thailand and among the south east Asian countries”

2.4.6 Private sector services measurements

The services from the private sector to assuaging the offender who is the person of the unsound mind will focus on assuaging the offender like government, furthermore, it will give a convenient of servicing to the patient which creating quickness and it also having a modern medical appliance. The private sector unit can be categorized in these⁷⁸:

1. Psychiatric hospital like Mnarhom Hospital and mental health clinic
2. General hospital which have a psychiatric clinic. Usually, general private hospitals in Bangkok have a psychiatrist as an adviser and also having the psychiatric clinic like Thonburi 1 Hospital, Prayathai 2 Hospital, and Hua chiew Hospital.

From the service measurement of private sector, you can see that at present we still have a little especially a specialized hospital when compare with government sector, even though, the Criminal Procedure Code section 14 allow the private sector to be involved in. The role of the private sector is increasing not only the specialized clinic but also the Non –Government Organization or NGO which is co-working by volunteering or gathering to be a charity or clubs or etc. like the mental illness patient’s job recovery funds⁷⁹ and it is a co-working of the government sector like it is specified in the another topic from Department of Mental Health’s policy year 2011

⁷⁷ Please look at: <http://www.plan.dmh.go.th/FormRptDmh/dl.asp?id=124>

⁷⁸ Please look at: http://www.psyclin.co.th/new_page_18.html

⁷⁹ Criminology and penology teaching document, Sukhothai Dhamma Dhiraj University, 2nd printed by Sukhotahi Dhamma Dhiraj University publishing house year 1997, Bangkok, page 86

that⁸⁰ “The local team must be ready to help when emergency case occurred and continuously focusing in preventing mental problems in offensive way by monitoring, scanning, and giving knowledge and recovering moral of 13million risked people for reaching people to the mental services by taking an integration process method with inside and outside of health services network.

2.5 Law which involving in charging the criminal case to the person of the insane persons

By the law of Thailand which is enforced in present, there is a law of protecting the rights of the person of unsound mind when they are taking proceed with the criminal case started from charging, detaining, interrogating, adjudicating, and until executing the case by separating each code in to these:

A. Criminal code

Section 48: If the court sees that releasing the offender who is the person of unsound mind without punishment by section 65 is not safe for other people, the court will send the offender into the hospital for detaining and the court can cancel whenever the court sees fit.

Section 56: When the offender committing a crime and receive jailing not more than 2 years, if it is not appear that the offender is not executed to be jailed before and it is a punishment for offending committed by negligence or petty offence and the court is considered about age, background, behavior, intelligence, education of mental health, habit, and the offender’s environment or the nature of the offence or other relate things that is suitable for mercy and see that it is appropriate. The court will sentence the offence to be suspension of the infliction punishment or suspension of punishment and release the offender to reform him/herself in a period of time

⁸⁰ Please look at: <http://www.plan.dmh.go.th/FormRptDmh/dl.asp?id=124>

specified by the court but not more than 5 years started from the date of the execution with or without condition/s for discipline the offender.

For the condition, the court will specify one or many of these choices:

1. Occasionally, the offender have to report to the officer specified by the court for asking, advising, helping, or notifying by the way officer sees fit in the offender's behavior and about the job or finding social activities or services that the officer sees fit.

2. The offender has to taking or practicing a suitable job

3. The offender must not contact with or behave in something which may lead to the same crime

4. The offender must take a cure from the drugs, mental or physical problem, or other illness at the place and the period specified by the court

5. Other condition that the court sees fit for preventing and recovering the offender to commit or have a chance to commit a crime again.

The condition that the court specified in foregoing paragraph, if the court see the changes of the offender note by the offender him/herself, his/her legal representatives, his/her curator, prosecutor or the officer, the court may add or cancel one or more of those choices or the court will specified more conditions of the foregoing paragraph.

Section 65: Whenever any person commits an offence at the time of not being able to appreciate the nature, or illegality of his act or not being able to control himself on account of defective mind, mental disease or mental infirmity, such person shall not be punished for such offence.

But, if the offender is still partially able to appreciate the nature or illegality of his act, or is still partially able to control himself, such person shall be punished for such offence, but the Court may inflict less punishment to any extent than that provided by the law for such offence.

Section 78: Whenever it appears that there exists an extenuating circumstance, whether or not there is an increase or reduction of the punishment according to the provisions of this Code or the other law, the Court may, if it is suitable, reduce the punishment to be inflicted on the offender by not more than one-half.

Extenuating circumstances may include lack of intelligence, serious distress, previous good conduct, the repentance and the efforts made by the offender to minimize the injurious consequence of the offence, voluntary surrender to an official, the information given to the Court for the benefit of the trial, or the other circumstance which the Court considers to be of similar nature.

Section 307: Whoever, to have the duty according to the law or to have the contract taking care of the person in the helpless condition through age, because of sickness, infirmity in body or mind, abandoning such person in the manner likely to endanger his or her life, shall be imprisoned not out of three years or fined not out of six thousand Baht, or both.

Section 308: If the commission of the offence according to Section 306 or Section 307 causes death or grievous bodily harm to the abandoned person, the offender shall be punished as provided in Section 290, Section 297 or Section 298.

Section 373: Whoever, having the duty to control and to take care of an insane person, allows such insane person to wander about alone, shall be punished with fine not exceeding five hundred Baht.

Section 398: Whoever, doing by any means to torment the child not yet over fifteen years of age, sick person or aged person being to depend such person in subsistence or any thing else, shall be imprisoned not out of one month or fined not out of one thousand Baht, or both.

B. A criminal procedure code

Section 14: In the course of an inquiry, preliminary hearing or trial, should there be a reasonable belief that the accused or defendant is insane and therefore unfit to plead, the inquirer or court, as applicable, shall order a medical official to hold a psychiatric evaluation of the person in question and thereafter make a personal appearance to give statement or testimony as to the outcome of the evaluation.

In the event that the inquirer or court finds the accused or defendant insane and unfit to plead, the inquiry, preliminary hearing or trial shall be suspended until the person in question recovers his sanity or is fit to plead. Where appropriate, the inquirer or court shall also be authorised to deliver the person in question to a lunatic asylum, custodian, Commissioner of Changwat or other person willing to take charge of him.

In the event that the preliminary hearing or trial has been suspended pursuant to the foregoing paragraph, the case may be disposed of by the court for a provisional period.

Section 90: Where any person is alleged to be unlawfully confined in a criminal case or in any other event, the following persons shall be entitled to submit a motion to the court empowered to exercise criminal jurisdiction over such locality for release of the person in question:

- (1) The person in question himself.
- (2) The public prosecutor.
- (3) The inquirer.
- (4) The prison governor or official.
- (5) A spouse or relative of the person in question or any other person for his sake.

Upon receipt of such application, the court shall instantaneously hold a hearing *ex parte*. Deeming the motion is well-grounded, the court shall be authorised to, by order, direct the person carrying such confinement to bring the person in

question before it without delay. And if the person carrying the confinement is unable to satisfy the court that such confinement is lawful, the court shall, by order, release the person in question at on

Section 243: A person who, by profession or otherwise, has the relevant knowledge and experience in any field such as science, the arts, artisan, commerce, medicine or foreign law, and whose opinion may be of value for the adjudication of a case, may, in the course of the enquiry, preliminary hearing or trial, become a witness in any matter, for example, the analysis of the person or mind of the victim, accused or defendant or of handwriting, or any other experiments or activities.

An expert may render his opinion in writing, but the copies thereof must be submitted to the court and served upon the other parties for acknowledgement, and he shall also make a personal appearance before the court for the purpose of giving further testimony in collaboration with his written opinion, save where it is necessary or where the parties do not wish examine him, in which case the court may accept the written opinion without any further testimony.

Where an expert is required to attend court for the purpose of giving further testimony, he shall submit to the court for a period not less than seven days prior to the date of giving such testimony the sufficient copies of his written opinion, so that the other parties would receive them.

In giving further testimony, an expert may read a prepared document.

Section 246: In the following cases, either *proprio motu* or upon the request of the defendant, spouse or relative of the defendant, public prosecutor, prison governor or officer in charge of enforcement the warrant of imprisonment, the court shall be empowered to, by order, suspend the imprisonment until the grounds therefore ceases to exist:

- (1) Where the defendant is insane;
- (2) Where it is feared that the defendant would be lethally imperiled by reason of being imprisoned;

(3) Where the defendant is conceiving a child;

(4) Where the defendant has given birth to a child for a period not yet over three years and it requires her maintenance.

During such suspension, the court may, by order, keep the person in custody at a proper place other than a prison or than a place designated in the warrant of imprisonment, and it shall also charge the officer bearing the duty to enforce such warrant with the duty and responsibility for carrying out the order.

The types of the proper place under paragraph 2 shall be prescribed in the Ministerial Regulation wherein the means for custody and treatment suitable to the nature of the defendant, including the measures for preventing his ascendance and any possible injury, shall be specified.

Upon delivery of the order under paragraph 1, had the defendant failed to conform to the means or measures according to paragraph 3 or had the circumstances changed, the court shall be invested with the power to modify the order or otherwise enforce the warrant of imprisonment.

The days during which the defendant is kept in custody pursuant to this section shall be deducted from his term of imprisonment

Section 248: Should a person sentenced to capital punishment be insane prior to being put to death, the sentence shall be suspended until he recovers his sanity. Pending such suspension, the court shall be empowered to apply section 46 (2) of the Penal Code.

Should the insane person recover his sanity within one year as from the finality of the judgment, the capital punishment inflicted upon him shall be reduced to imprisonment

C. A Civil and Commercial Code

Section 28: A person of unsound mind may be adjudged incompetent by the court on the application of any spouse, ascendants, descendants, guardian or curator, a person taking care of the person or the Public Prosecutor.

The person adjudged incompetent under paragraph one must be placed under guardianship. The appointment of guardian, power and duties of guardian and termination of guardianship shall be in accordance with provisions of Book V of this Code.

The order of the court under this Section shall be published in the Government Gazette.

Section 32: A person, who has physical or mental infirmity, habitual prodigality or habitual intoxication or other similar causes that make him incapable of managing his own affairs, or whose management is likely to cause detriment to his own property or family, may be adjudged as quasi incompetent by the court upon application by any of the persons specified in Section 28.

The person adjudged quasi-incompetent under paragraph one must be placed under curatorship.

The appointment of curator shall be in accordance with the provisions of Book V of the Code. The order of the court under the Section shall be published in the Government Gazette.

Section 429: A person, even though incapacitated, on account of minority or unsoundness of mind is liable for the consequences of his wrongful act. The parents of such person are, or his guardian is, jointly liable with him, unless they or he can prove that proper care in performing their or his duty of supervision has been extended.

Section 430: A teacher, employer or other person who undertakes the supervision of an incapacitated person either permanently or temporarily, is jointly liable with such person for any wrongful act committed by the latter whilst under his supervision, provided that it can be proved that he has not exercised proper care.

D. A Civil Procedure Code

Section 19: The Court shall have power to order all or any of the parties to appear in Court in person as it may think fit, even when such party or parties are represented by lawyers. If the Court is of opinion that the personal appearance of the parties may bring about an agreement or a compromise as provided by the following Section: it shall order them so to appear.

Section 21: where an application or a statement is submitted by any party to Court:

(1) When it is not provided by this Code that the application or statement shall be made by motion or in writing, the Court shall have power either to accept any application or statement made orally by a party to make his application by motion or his statement in writing, as it may think fit:

(2) When it is not provided by this Code that an application may be made ex parte, the Court shall not issue any order as to such application without having previously allowed the other party or parties to be heard, subject to the provisions of this Code governing default

(3) When it is not provided by this Code that an application may be made ex parte, the Court shall have the power to hear the other party or parties before issuing any order as to the application, except in the case where such application is for a summons to answer, or for the seizure to attachment of the debtor's property before judgment, or for the issue of a writ of execution, or for the arrest or detention of the defendant or judgment debtor;

(4) When it is not provided by this Code that the Court must issue without making any inquiry an order granting an application submitted to it, the Court shall have the power to hold such inquiry as it thinks fit before issuing an order as to the application.

In any matter in which the Court may issue an order of its own accord or upon an application of a party, the provisions of sub-sections (2),(3) and (4) of this Section shall apply.

In any matter in which the parties may not apply for an order of the Court any the Court may issue such order of its own accord, the Court shall, subject to the provisions of Sections 103 and 181 (2) , have power to dispense with hearing the parties or with making an inquiry before issuing its order.

Section 24: where a party raises a question of law, which, if decided in favour of such party, would dispense with further trial of the case or with the trial of some material issues in the case, or which could not be further elucidated even if the trial of the main issues of the case be proceeded with, the Court shall, when it thinks fit or upon the application of any party have power to issue an order to the effect that, before proceeding further with the trial, the Court shall examine such question of law and first give a decision thereon.

If the Court considers that such decision will dispose of the whole case or of any particular issues in the case, the Court may, by one and the same judgment or order, give decision on such question and dispose of the whole case or of the particular issues involved.

Any order of the Court issued under this Section shall be subject to appeal and dika appeal as provided by Section 227, 228 and 247.

E. A Corrections act year 1936

Section 29: To prisoners who are sick or pregnant women. Received medical treatment as appropriate.

Section 30: When the doctors who control the health of prisoners. Filed comments that any prisoner who is still sick and if medical treatment in prison will

not induce better Director-General may allow inmates to keep that person in any other place outside the prison. But by any conditions it deems appropriate time

In such cases in the preceding paragraph. It shall not be considered prisoners from detention. If the prisoners away from the place which has been allowed to go to the cure Offense shall be deemed to have escaped control.

Section 58: The Minister of Interior is responsible for acting in accordance with this Act. And empowered to issue Ministerial Regulations for the implementation in accordance with the provisions of this Act

Ministerial Regulations for the enforcement in the Royal Gazette. To enforce.

Interior Ministerial. Pursuant to Section 58 of the Corrections Act, 1936.

No.35. Upon receipt of the prisoners already. To handle the following.

(a)...

(b)Medical examination for health prisoners.

Article.37. Prison officials have classified the prisoners received a new prison to another medical examination before If the situation can not be classified so. Try to follow as close to the set.

Article.38 Medical examination for health officials to prison inmates have been contained in the body that day. If we can not come check on them to come check it on another as soon as possible

When doctors found that the prisoners any illness known to medical treatment. Or disease progression, which are a danger to others doctors counsel accord warden

Is the duty of prison officials to try to follow the advice of the doctors in the prisoners about the treatment.

If doctors detect any illness that prisoners who need to export to non-prison treatment. The doctor informed the jailer, and a report submitted to the commander of the prison. In the report to explain the illness is detected. Comments on the type of disease or illness. And medical facilities outside the prison to see should be sent to the hospital.

Article.39 If doctors can not be investigated in the day for the prisoners to new Prison officers and inmates have noticed that the pain symptoms. Need medical treatment or disease progression is a serious threat to others. The prisoners are held separately from other inmates, or delivery of the house waiting for the hospital's medical examination following. If prison officials noticed or suspected ill prisoners, immediately inform your doctor and. Prison bosses know. During the wait for medical and command of the prison commander. If the necessary to track seek assistance from a career in medicine at the closest. Therefore, if the deal does not provide management assistance jailer otherwise seen as necessary.

In addition to checking on the health of the prisoners then. Interior prescribed pursuant to Article 73 to bring the provisions of Article 38 and Article 39 cases in the prison doctors or officials were ill inmates in prisons with. A Mental health code year 2008.

Section 35: Subject to Section 14 paragraph one of the Criminal Procedure Code, the inquiry official or the Court shall transfer the alleged offender or the accused, together with detailed circumstances of the case, to be diagnosed at the infirmary.

When the infirmary admits the alleged offender or the accused, the psychiatrist shall diagnose mental disorder of that person and give his opinion for the consideration of the inquiry official or the Court as to whether the alleged

offender or the accused is capable to defend the case. In this case, the result of diagnosis and assessment thereto shall be reported to the inquiry official or the Court within forty-five days as from the date of admittance of the alleged offender or the accused. Such period may be extended, but not more than forty-five days.

For the purposes of assessment of the capability in defending the case, the infirmary shall have the power to demand documents relating to the alleged offender or the accused from other infirmaries.

The provisions of Section 27 paragraph two shall apply to the diagnosis of mental disorder under paragraph two *mutatis mutandis*.

In the case where the alleged offender or the accused is under detention and it is necessary to admit that person in the infirmary for the purpose of observation, diagnosis, treatment and assessment of his capability in defending his case, the infirmary may request the inquiry official or the Court to prescribe the method to prevent escape or harm.

The rules and procedure for reporting the result of diagnosis and assessment of the capability in defending the case under paragraph two shall be in accordance with the regulations as prescribed by the Board.

Section 36: Subject to Section 14 paragraph two of the Criminal Procedure Code, the infirmary shall admit the alleged offender or the accused for detention and treatment without his consent until the alleged offender or the accused has recovered or alleviated and being capable to defend his case, provided that the inquiry official or the Court has otherwise order or otherwise prescribed by law.

The psychiatrist who conducts treatment shall report the result thereof to the inquiry official or the Court within one hundred and eighty days as from the date of admittance of the alleged offender or the accused. In the case where the psychiatrist is of opinion that the alleged offender or the accused is incapable to

defend his case, the psychiatrist shall report the result of treatment every one hundred and eighty days, provided that the inquiry official or the Court has otherwise order.

During the course of treatment, if the psychiatrist who conducts treatment is of opinion that the alleged offender or the accused has recovered or alleviated and being capable to defend his case, the psychiatrist shall report the result of treatment to the inquiry official or the Court without delay.

The rules and procedure for reporting the result of treatment under paragraph two and paragraph three shall be in accordance with the regulations as prescribed by the Board.

Section 37: In the case where the Court has ordered the patient in criminal case to be kept in custody or to have treatment at the hospital under Section 48 and Section 49 paragraph two of the Penal Code or Section 246 (1) of the Criminal Procedure Code, the Court shall send a copy of such order together with the patient in criminal case thereto. In this case, the infirmary shall admit that person to be kept in custody and to conduct treatment without his consent.

The psychiatrist who conducts treatment shall report the result of treatment and his opinion to the Court within one hundred and eighty days as from the date of admittance of the patient in criminal case. In the case where the psychiatrist is of opinion that it is necessary to continue treatment for the patient in criminal case, he shall report the result of treatment and his opinion to the Court every one hundred and eighty days, unless otherwise ordered by the Court.

In providing custody or treatment, the infirmary may request the Court to prescribe the method to prevent escape or harm. The rules and procedure for reporting the result of treatment and giving opinion under paragraph two shall be in accordance with the regulations as prescribed by the Board.

Section 38: During the course of treatment under Section 37, if the psychiatrist who conducts treatment is of opinion that the patient in criminal case has recovered or alleviated and not being in threatening condition, he shall report the result of treatment and his opinion in relation to the discharge of the patient in criminal case from the infirmary to the Court without delay, and shall then report the result of treatment and his given opinion to the Infirmary Board for information.

The rules and procedure for reporting the result of treatment and giving opinion under paragraph one shall be in accordance with the regulations as prescribed by the Board.

Section 39: In the case where the Court imposes the condition under Section 56 paragraph two (4) of the Penal Code, the Court shall send the patient in criminal case together with a copy of judgment to the infirmary.

The psychiatrist who conducts treatment shall report the result of treatment and his opinion to the Court within ninety days as from the date of admittance of the patient in criminal case. In the case where the psychiatrist is of opinion that the patient in criminal case having requirement for treatment, he shall report the result of treatment and his opinion to the Court every one ninety days, unless otherwise ordered by the Court.

The provisions of Section 37 paragraph three and paragraph four and Section 38 shall apply mutatis mutandis. A juvenile and family Court and juvenile and family procedure 2010

Section 69: Arrest in children or young people who find that offense. The officer who arrested the child or youth is informed that he was arrested. And a notice of claim, including the legal right to know if there is to indicate to the arrest warrant was arrested. Then the male was captured to the local office of the officer who was arrested immediately. To the officers of the local male was arrested send to the office of the responsible officers without delay.

If arrested, while a parent or guardian personal representative of the child or youth organizations that live by. Also at that time. The official notification of the catch to catch them to understand. In the case of criminal offense, which has a high rate of penalty prescribed by law to imprisonment not exceeding five years. Officer may order the person who caught it as a child or youth leader to the office of the officer under the first paragraph. But while there is no such person who is arrested. Official shall notify the person who caught the only one aware of the arrest in the first opportunity as possible. If the arrested person wishing to communicate or consult with them. This is not an obstacle to the arrest and the vision to do so. The officer who arrested the operator, as appropriate to the case without delay.

Arrest and detention of children or youth must be done by gently Taking into account the dignity and do not revile the child or youth. And prohibited methods of control than is necessary to prevent escape or to the safety of the child or young person is arrested or someone else. And shall not use the warmth of the child unless it is essential which is not avoided to prevent escape or to the safety of children or other persons who are arrested.

Before sending the officers arrested the male of the locality where caught. The officer who arrested a record of arrest. The notice of charges and details about the cause of the arrested people were arrested in mind. This may not ask a person to be arrested. If the record as a parent or guardian or personal representative of the child or youth organization who lives with Also at that time. Must be done before such persons and will be signed by any witnesses. The words of a child or youth in the class not to arrest the court hearing as a witness to prove the fault of the child or youth. However, the court may be listening to your children or youth.

Section 70: When the officer has received a child or youth who was arrested. Or a child or youth. Find that the offender is called to send the officers approached own. Appear in front of the officers. Or have a child or youth leader to surrender to the officers. And the case is a case to the judge in the Juvenile and Family Court. Officials hurried to ask the child or youth in the basics to know the

name of the family name nationality, age, residence and place of birth of the child or young professionals. Name and surname as well as details about individual parents or parent organizations. The children or young people living with And report the allegations to them to understand. And notify the Director of the Observation of the child or youth is in a jurisdiction. To proceed under Section 82.

The preliminary inquiry under the first paragraph. Be done in the right places. Without discrimination and not mixed with other suspects or other persons that are in place, in a manner which revile the child or youth with regard to age, gender of the child or youth is important. And requires a language or words that a child or children can understand easily. With regard to human dignity. If a child or youth is unable to communicate or understand English is to provide an interpreter to follow the Code of Criminal Procedure provide the technology or facilities, or any other assistance to the law on the promotion and development of quality of life. people with disabilities. If children or young people wishing to communicate or consult with parents, guardian or representative of a person or organization which children and young people live with the vision to do so. Official shall proceed to appropriate to the case without delay.

Section 75: In the investigation shall be made in the right places without discrimination and not mix with the accused or other person not otherwise involved in such places in a manner which revile the child or children due regard to age, gender of the child or Youth is critical. And requires the language and terms that young children can understand easily. With regard to human dignity. If a child or youth is unable to communicate or do not understand the Thai language interpreter to follow the Code of Criminal Procedure provide the technology or facilities, or any other assistance to the law on the promotion and development of quality of life, people with disabilities.

To inform and explore allegations that the child or youth must find that the offense will be a legal counsel of children or youth are present every time. With the information that children and young people have the right to make or not make any. And the words of a child or youth may be used as evidence at trial, having regard to

the age, sex and mental status of children or young people who find that each offender.

To inform and interrogate alleged child or youth under the second paragraph Parents individuals or representatives of organizations who live with children or young people will attend any such investigation

Section 86: In the case of children or young people find that the criminal offense with penalties as high as the rate specified by law to imprisonment not exceeding five years. Whether it is fine with it or not. If it appears that the child or youth had never been imprisoned by a final sentence to imprisonment. Except for a penalty for an offense committed through negligence or petty offenses. If the child or youth consciousness in action before the court of justice, having regard to age, history, behavior, intelligence, education, physical condition and mental condition as a result of the occupation and the offense. If the Director of the Observation considers that a child or young person may be a good return without action. To prepare a rehabilitation plan, modified to children and youth action and, if necessary, for the purpose of protecting the child or youth may require the parent or guardian personal representative of the child or youth organization, which shall comply with the living arrangement. The adjustments to correct the behavior of the child or youth relief, substitution or compensation to victims or to ensure safety to the community and society. Then offered the opinion of a rehabilitation plan to fix the prosecutor to consider the preparation of a rehabilitation plan must be modified consent of the victim and the child or youth with when the prosecutor have been a rehabilitation plan and opinion of the Director of the Observation under the first paragraph. If you have questions may ask the Director of Observation or persons concerned for its consideration. If prosecutors do not agree with the rehabilitation plan. Order to modify or add to a rehabilitation plan to prosecute and the Director of the Observation of the order to the prosecutor or the officer concerned. If the prosecutor that a rehabilitation plan to be in the best interests of children and youth. It agreed with the prosecutor and to plan the implementation of the plan immediately and to report to the court to know.

In case it appears to the court the fact that the process of rehabilitation plan unlawful. The court shall consider the appropriate order.

The court must issue an order under paragraph three, too, within thirty days from receiving the report. The President of the Supreme Court with the approval of the general meeting of the Supreme Court issued regulations to guide the operation of the court. A rehabilitation plan under this section must have the consent of the victim or the child or youth with.

Section 90: When the prosecution to the court that the child or youth who have committed criminal penalty as high as required by law to imprisonment not exceeding twenty years. Whether it is fine with or without children, or if it appears that young people have never been imprisoned by a final sentence of imprisonment before. Except for crimes committed through negligence or petty offenses. Before the Court. If the child or youth consciousness in action, and the victim did not consent and against the plaintiff. When the facts show that the circumstances of the case is not a serious threat to society than reasonable. And the court that the child or young person may be a good person to have. And the victim may be compensated by appropriate remedy if the method modified rehabilitation plan. This is useful for the future of children, youth and the victim rather than the courts. The court ordered the Director of Observation of the Court or the person providing the appropriate steps to prepare the plan. Provided to the child or young person Parents or the child or youth organizations with practical living. Then submitted to the court for review within thirty days of the court. If the court agreed with a rehabilitation plan to fix it, and follow the instructions to have the case temporarily sold if the court does not agree. Proceedings to continue.

2.6 Doctoral and the management that involved with insane persons Criminology theory

Doctoral and the fairly management that involved with insane persons Criminology theory in the way of analyzing the cause of committing crime in physical, mental, social way. Including bring a charge against the offender by the government. The analysis can be dividing into two parts which are:

Criminology theory

Criminology theory is a theory that explains about the cause of the crime and recovering the offender who is the insane persons in the way of physical, mental, and social. It can be categorized in these:

Classical school

Theory by the Classical School basis on the injustice of the law system and the disorder of the process of judgment of criminal cases, so, there is an idea that the process of judgment which have a fierce, quickness, and certainty in executing punishment to the offender can preventing and suppressing the crime in most effective way. So, Cesare Bonesana tell about the will of freedom that⁸¹ “It’s control the human behavior which human is a person with a reason to searching the best benefit in material and the decision in act or not act in something, human will consider all possible ways with reasons for considering and calculating their advantages and disadvantages in those act, after that, human will decide to act or not act in those actions”.

By the way, The Classical School suggests that the process of judgment must thinking about the will of freedom by presenting to the process of judgment that⁸²

⁸¹ H. Paloucci, *On Crimes and Punishments: Cesare Beccaria*, Indianapolis: Bobbs-Merrill Educational Publishing. 1981, p. 11-13

⁸² Criminology and penology teaching document, Sukhothai Dhamma Dhiraj University, 2nd printed by Sukhotahi Dhamma Dhiraj University publishing house, year 1999, Bangkok, page 222-224

Thinking about the social contact principle that the community is settled by committing between human which have reasons and freedom and agreed to sacrifice part of their freedom for order and peaceful in community.

Thinking about principle of rights of the government to punish and forbid one behavior that can be harmful to the public peace and order by the social contact and the most majority profit principle.

Thinking about protecting the person's rights that human must not be punish without the code of law and the government must prove without any suspect that, that person is really committing crime.

Thinking about principle of equality under the law that is a way of working of any officers involved in criminal process of judgment. All persons must receive a treat equally whether they are in any status, levels, or any special identification.

Holding the principle of justice of proceedings, says that the accusation must be act openly and act quickly. The offender must really commit a crime, no torturing, violence, and the rights of the offender must be protected.

For treating to the offender, it is a must to intimidate the offender not to commit a crime again and intimidate the public not to commit this kind of crime. The punishment must be appropriate to the crime.

From this idea of the Classical School, it is focusing on taking process of judgment to the person of unsound mind especially the process must act with quickness, certainty, and fair to the accuser, victim, and social. Moreover, it is focused on protecting the rights of persons of unsound mind as an important matter.

Neo-Classical School theory

It is come from the Classical School that human have freedom to choose their action so that the punishment must be higher than the level of satisfaction when the offender commit a crime⁸³. But the Neo-Classical School is noticing the state of person when deciding in committing crime that some kind of persons cannot use a reason in deciding the way of actions. By the way, it may come from physical or mental factor like insanity and mental defective. So, Rossi, Carraud, and Joly suggest that the process of judgment must thinking about these exceptions by presenting into 4 sections which are⁸⁴:

Suggest bringing the case circumstance and comparing with the case proceeding which makes the process of judgment pay attention on the events that involved in the natural environment and the social circumstances which the offender is faced right now.

Suggest the process of judgment thinking about importance in studying the background of the offender

Suggest the process of judgment to listen to the specialist in each profession like medical science, legal medical science, and psychological medical science to compare with the case proceedings.

Suggest the process of judgment to thinking about the unique characteristic of persons which is difference in each person so that it cannot specify the will of freedom equal to the others. So, it is necessary to put exceptions into these persons like lighten the punishment

⁸³ Criminology and penology teaching document, Sukhothai Dhamma Dhiraj University, 2nd printed by Sukhotahi Dhamma Dhiraj University publishing house, year 1999, Bangkok, page 222-224

⁸⁴ Ponchai Khanti and team, theory and research of criminology, 1st edition, printed at Booknet co. ltd., 2000 :20

From this idea of Neo-Classical School, it is focusing on proceedings the case to the insane persons like bring the case circumstance to be involve in case proceedings, background of the offender, listen to the witness who is the specialist in psychological medical science, allow the insanity to be a defense in the process of judgment, or recovering the offender.

The Positive School theory

The Positive School theory sees that criminal behavior born from the abnormal organic system when that person was born, so the criminal will be different from normal persons. We can say that the criminal is a person who have abnormal anatomy, or got some abnormal things when they were born. Then, the person will show that the abnormal system is a cause or stimulate him/her to commit a crime⁸⁵. As Lombroso explain the characteristic of the insane criminals that⁸⁶ he/she has a criminal behavior because of physical or mental abnormal like fatal illness, unstable mood, mental defective, anxious, depression, or get effected from fatal illness included drunk, epilepsy.”

By the way, The Positive School suggested that the process of judgment must think about the cause of crime which is from physical, mental, and social. They present these suggestions to the process of judgment:⁸⁷

1) Thinking about the principle of social protection by preventing the social from any harm is more necessary than protecting human rights.

2) Thinking about principle of justice which is suitable to each case. The government officers must consider about the cause and the environment of the case one by one, so discretion is unavoidable.

⁸⁵ Ponchai Khanti and team, theory and research of criminology, 1st edition, printed at Booknet co.ltd., 2000 :33

⁸⁶ Shaw, Clifford R., “The Lombrosiam Myth in criminology.” American Journal of Sociology 42 : 896-897

⁸⁷ Sukhothai Dhamma Dhiraj University, Criminology and penology teaching document, page 222-224

3) Holding the principle of expanding social control. The main objective is to preventing social from any harm or chance to be harmed by any person.

4) Holding the suitability of case proceeding in some case like child case which the trial cannot be open to the public because it will vilify the offender and lead to bad result more than good.

5) For treating the offender, the main objective is to help the offender by fixing any cause of crime which this recovering will lead to the best result which is preventing the crime from the offender and the suitable recovery to each offender is a must. The recovery must relate to father, mother, relatives, family, teacher, school, and any environment that relate to the offender.

From the Positive School theory that gives an importance to case proceedings for the insane persons similar to Neo-Classical School in the way of thinking about the physical, mental stance of the offender but do not focus on direct recovery. For the Positive School theory, it focus on recovering the offender who is the insane person directly for real social protection

Learning theory

Learning theory come from Positive School theory. John B. Watson said about Learning, Conditioning that it's about changing reacting behavior which come from learning experience. It can be divided into 2 ideas which are⁸⁸:

1) Classical conditioning; when unconditioned stimulus cause an unconditioned response, conditional stimulus that coincide with the unconditioned response can stimulate the conditioned response as same as unconditioned stimulus like ringing a bell before feeding the dogs will cause the dog to drool when it hear the bell rings as Pavlov tested⁸⁹

⁸⁸Watson, J.B.& Rayner, R.(1920), "Conditioned emotional reactions. Journal of Experimental Psychology, 10 : 421-428

⁸⁹ Pavlov, I.P.(1972). Conditional reflexes. (G.V.Anrep. Trans.) London : Oxford University Press.

2) Operant conditioning; any behavior will occur more frequent or less frequent depends on the result comes from that behavior. If received a positive reinforcement or cause a negative reinforcement, that behavior will increase its frequent. But if no reinforcement or receive punishment instead, that behavior is decrease its frequent like when a mouse push a crossbeam and get a nut or push and the electric that shocked it stopped, it will push the crossbeam more. But if push the crossbeam and get nothing or get more punishment instead, it will stop pushing the crossbeam as tested by Skinner.

From the Learning theory, any behavior comes from learning; Actions from the insane person comes from wrong learning. To change the behavior will change the result which causes a new learning⁹⁰. So, we can use a behavioral therapy the patient in two major ways that are 1. Decreasing unwanted behavior or feelings like fear, smoke addict, and repeating in thinking and doing, it can use the behavioral therapy or using medicine to reduce the behavior and 2. Increasing wanted behavior and feelings like social skills, opposite sex attraction. Moreover, we can use method of Relaxation Training⁹¹ which is one of behavioral therapy method used for reducing anxious and stress. Is it a method that useful for any circumstances involved in anxious or stress like Anxiety disorders illness, or any anxiety caused in any illness like a depression illness patient who are in Adjustment disorder state, Psychophysiologic disorders like high blood pressure, headache which come from stress, ulcer in stomach, and anxiety in daily life and insomnia. Relaxation training can help reduce anxiety and stress in daily life which cause more effectiveness and reduce the state which comes from stress and help better sleeping.

Group psychotherapy method is for changing misbehavior in each member. Leader will interact to each member by let each member gives an opinion of methods by themselves until learning occurred, found a good example, can adapt to thinking method, emotional expression, and developing behavior in a good way under

⁹⁰ Marks, IM. Behavioral psychotherapy, Bristol : Wright, 1986, pp 1-16

⁹¹ Ronnachai Khongsakont, psychiatry lesson, referred, page 273-274

technique and each theory of psychotherapy⁹² like Family Therapy, Marital Therapy, etc.

Anomie Theory

Anomie Theory comes from theory of The Positive School, Emile Durkheim explain the Anomie Theory that “Criminal behavior is a social normal phenomena because human have unlimited wants and needs which in normal social state, it will have a law or order as a system which control the behavior in social. As long as the social don’t have a quick changes, the crime will be acceptable by the social or persons, on the other hand, if quick changes occurred, the law will ineffective in controlling people’s needs and wants which will cause an Anomie and lead to a criminal phenomena that too much to keep the peace in social⁹³”

Moreover, Durkheim explain that, from the started, human society is a mechanical society, each social included communities which separated in each group and each group’s characteristic will be a self dependence, unified itself, and can resist deviant behaviors which various in society. If society change its structure which clearly separate each part of work, this characteristic of society will have a law as a relation keeper between each part of the entire social network, but when the society change from old fashioned society to the organized society too fast, the law or regulations will be not enough or unable to catch with the change and causing people to lose an ability for adaptation. It will cause chaotic in society included crime which Durkheim call this state “Anomie” or a state without social norm which law cannot control various human behavior in society⁹⁴

When considering the offender who is the insane person and found that, the social environment which has a quick economic situation changes will cause a

⁹² Pramote Chaowasil and Ranachai Kongsakon, psychotherapy team in Inpatient group psychotherapy, 2nd printed. Bangkok, Saha Pracha Phanit, 1999, page 1-10

⁹³ Emile Durkheim Quoting Harold J, Vetter and Ira J.Silverman. Criminology and Crime, New York : Harper & Row, Publishers, 1986, pp. 310-311

⁹⁴ Ibid, pp.310-311

mental effect to people who must fight with the economy for their survival. Causing needs and wants more than they can earn and unable to adapt their needs to the situation, so, an action against the law will occur. We will use a Miliue Therapy⁹⁵ method of recovery to arrange the environment in hospital to help curing the patient which not only the material used but the understanding, flexible, reasonable, and stable atmosphere is created, focusing in letting patient cured by him/herself and adapt to the others for going back to social with confidence to cope the problems. The examples of Miliue Therapy group are: Counselor group in patient dormitory, Psychotherapy group, Recreation group, Outdoor sports group, or Vocational Therapy group.

Strain Theory

Strain Theory comes from Positive School theory, Robert Merton explain this Strain Theory that⁹⁶ “Social tradition will set the Culture goals of people in society which people have to obtain. The goals in each society is different by cultures”

This stress from society will occur to various people in society but it will occur to people with the lowest level of the society. This kind of people cannot reach the goal because they are limited by abilities and efforts. Moreover, they are limited by social structure, so, the stress will occur to these people by two major reasons 1. Social culture is focusing on success in status, wealth, and counted everyone as equal for this successfulness and 2. Social structure itself limits the possibilities of people with low economic status. Because of this disjunction between goals and means and pressure from society causing these people counter it in many ways

Way of countering or adapting to social pressure can be describe in 5 ways which are: 1. Persons who set a social goals and means to be acceptable by society or called “conformity”, found in normal society. 2. Persons who accept social goals in

⁹⁵ Ronnachai Khongsakont, psychiatry lesson, referred, page 279-280

⁹⁶ Robert K.Merton, “Social Structure and Anomie” in Marvin E. Wolfgang , Leonard Savitz, and Norman Johnston, eds., The Sociology of Crime and Delinquency, 2 nd, ed, New York : John Wiley & Sons. Inc., 1970, pp.241-243

the way of wealth but they found that they cannot do it by an acceptable social means, so they are finding new means in building wealth, do not care whether it will be illegal, unethical, or untraditional or not, called “innovation”, found in most type of society. 3. Persons who refuse to accept social goals and means but acting in methods that is accepted by social, called “Ritualism”. 4. Persons who refuse to accept or retreat from achieving social goals and means, called “Retreatism”. 5. Persons who disappoint in social goals, so they change their goals which may be a political goals, called “Rebellion”

Especially, 4th way or we called “Retreatism” which is refuse and retreat from social goals and means, persons who follow this way are retreat from pressure or social needs like insane person. The method of recovery called “Miliue Therapy” will be used as mentioned in Anomie theory before by arrange the hospital environment to help curing the patient. Not only material used but focused on mental development and can adapt to social changes.

Labeling theory

Labeling theory comes from Positive School, Garbriel Tarde explain about this Labeling theory that, stigmatizing or referring that the person is a deviant person and punish them in the way of punishment or recovering will cause the deviant behavior to increase its frequent. But the shame received from labeling or stigmatizing that the person is a criminal or deviant person, instead of stopping the actions, it will encourage them to be a deviant person in future. Say that, it will shut the way of adapting to social by stigmatize them as a bad and unacceptable by social causing them choosing behavior that against to the social norms⁹⁷ unavoidably.

There are 4 forms of criminal behavior by Labeling theory which are⁹⁸: 1. Self-image, persons will self imagine by themselves or by others 2. Primary

⁹⁷ Isidore Silver, *Criminology*, New York : Barnes & Boble books, 1981, p. 72

⁹⁸ Edwin M.Lermert in Marshall B.Clinard, *Sociology of Deviant Behavior*, New York : Hoit, Rinehart and Winston, Inc, 1968, p. 24

Deviance, criminal behavior or primary deviance comes from physical, psychological, and social status which it is unstable, not frequent, and have no fixed form 3. Secondary Deviance, the reasons of secondary deviance comes from social control process that makes persons who punished by social whether put in law proceedings or insulted and barred from social, make them feel that they are social outsider which will cause a mental development and thinking that they are criminal which will leads them to criminal behavior and permanent deviant behavior. 4. Alternative behavior, when that person labeled as a criminal their alternative is lessened which make them less control their behavior decision in the future and makes them join with a same kind of person who stigmatized as same as them. Howard H. Backer adds that⁹⁹, labeling is occurred or not depends on 1. The time when crimes happen. 2. Having the offender and victim 3.the social know this crime

This Labeling theory sees that the psychiatric patient who received punishment without taking in an appropriate recovery methods like jailing or detained in inappropriate place for physical and mental status, or even psychiatric patient received a recovery but the method is discontinuous or ineffective will result in thinking of the patient that it is his/her abnormality and it is hard to cure or be back to normal¹⁰⁰. The way of recovery to reduce labeling or stigmatization is proceed in a way of attempting to make the offender be back to normal persons who respect to the law again by forgiving or making them feel that they are not label as a criminal again or we called “Reintegrative Shamming” by new Labeling theory from Bretwhet¹⁰¹

Psychoanalytical theory

Psychoanalytical theory comes from the positive school, Freud explains that¹⁰² deviant behavior or criminal behavior is a symbol or a sign of conflict between Id and superego which shows the mental illness, emotional disorder, or psychic

⁹⁹ Howard H.Becker in Reid, op. cit., p. 168

¹⁰⁰ Orsagh,Thomas, Analyzing Deviance, Homewood, Illinois : The Dorsey Press

¹⁰¹ Ponchai Khanti and team, theory and research of criminology, referred, page 149

¹⁰² S.Freud, A General Introduction to Psychoanalysis, New York : Boni & Liveright, 1920, pp. 176

disturbance. Freud describes Id that, it is a biological instinct power that stimulates persons to response needs and wants of happiness and enjoyment, and superego means a part of personality that taking role of controlling behavior and punishment which comes from experience of receiving love and care from father and mother when young. Ego means a part that considering the truth at the present and co-operating to needs of Id and forbidden of superego

According to the Psychoanalytical theory, the cause of crime of the person of the unsound mind in a part of conflict between Id, ego, and super ego can be cured by solving the unconscious conflict of the patient called Insight Psychotherapy and the cure that focus on helping patients solving conscious problems, helping reducing their conflict and stabilizing their mind. Better conditions or reduce of depression called Supportive Psychotherapy and can describe their characteristics in these¹⁰³:

1. Insight Psychotherapy, the state of curing will inspired the patient to having regression to when the problems occurred, makings conflict which keeping inside unconscious mind back to conscious mind. The patient will take insight into these problems, solving the conflict by looking into real nature of problems, reconsidering the conflict with the patients. These will reduce the changes of thinking and behavior

2. Supportive Psychotherapy, by stimulate the patient mental mechanism which used to be more stable, support other method to be more suitable to solve the problems or reducing outer factors which make worse to the patients. By the way, this recovery is only in conscious state and cannot solving the unconscious state conflict

Moreover, there is counseling¹⁰⁴ methods which is the counselee comes to counsel for finding the way of solving some of problems that they cannot decide by themselves. It is a process of two ways communication, the counselor must

¹⁰³ Ronnchai Khongsakont, psychiatry lesson, referred, page 272-273

¹⁰⁴ Ronnchai Khongsakont, psychiatry lesson, referred, page 275

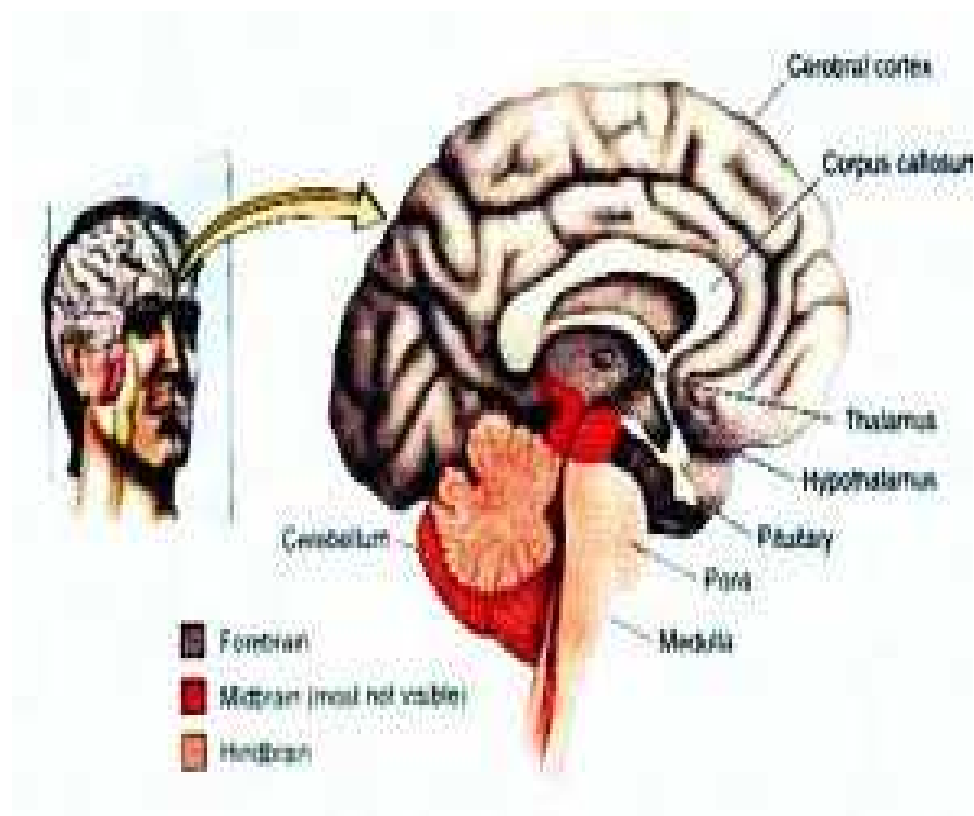
understands the counselee well, so they can give a real consulting. The counsel will usually used with the persons who can't solve their major problems like pregnant with out father, a child that having congenital hereditary disease that can pass to their child should pregnant or not, should do venipuncture for HIV scanning or not, or in general problems like choosing a way of education, adapting before

Medical theory

1) Central Nervous System Functioning

Central nervous system is in a brain and backbone which perform their role in thinking, feelings and deciding humans' actions. By this reasons, some of criminology theorists pay their attention in to this subject by studying the relations of central nervous system and criminal behavior. The idea or theories can be dividing in 3 forms which are 1. Criminal which having slow central nervous system. 2. Epilepsy which is about the relations of nervous system and criminal behavior. 3. Criminal behavior directly affected by dysfunctional of brain system¹⁰⁵

¹⁰⁵ Ponchai Khanti and team, theory and research of criminology, recently referred, page 55



According to central nervous system functioning, person of unsound mind is a person with mental and physical problems especially dysfunctional of brains system which cause a crime, so the method of solving must cure the brain system by biological way which are¹⁰⁶:

1. Psychotropic Drug, the analyzing must be performed first, then choosing drugs by considering about the past cure, physical pain, the effect of other cure drugs which the patients are taking, and side effects of the drugs. The drug using must consider about the amount of drugs compare with length of period used and must informed its side effect to the patient. We can categorize these kinds of drugs into neuroleptic, fluoxetine, and anxiolytic drugs.

2. Convulsive Therapy, is a method of cure that stimulate shocking by using an electric to the brain which have an effect to the psychiatric illness like depressions, maniac-depressive illness, and schizophrenia. The process of recovery is having the patient shocked by electric; it will use to most of the

¹⁰⁶ Ronnchai Khongsakont, psychiatry lesson, referred, page 276-279

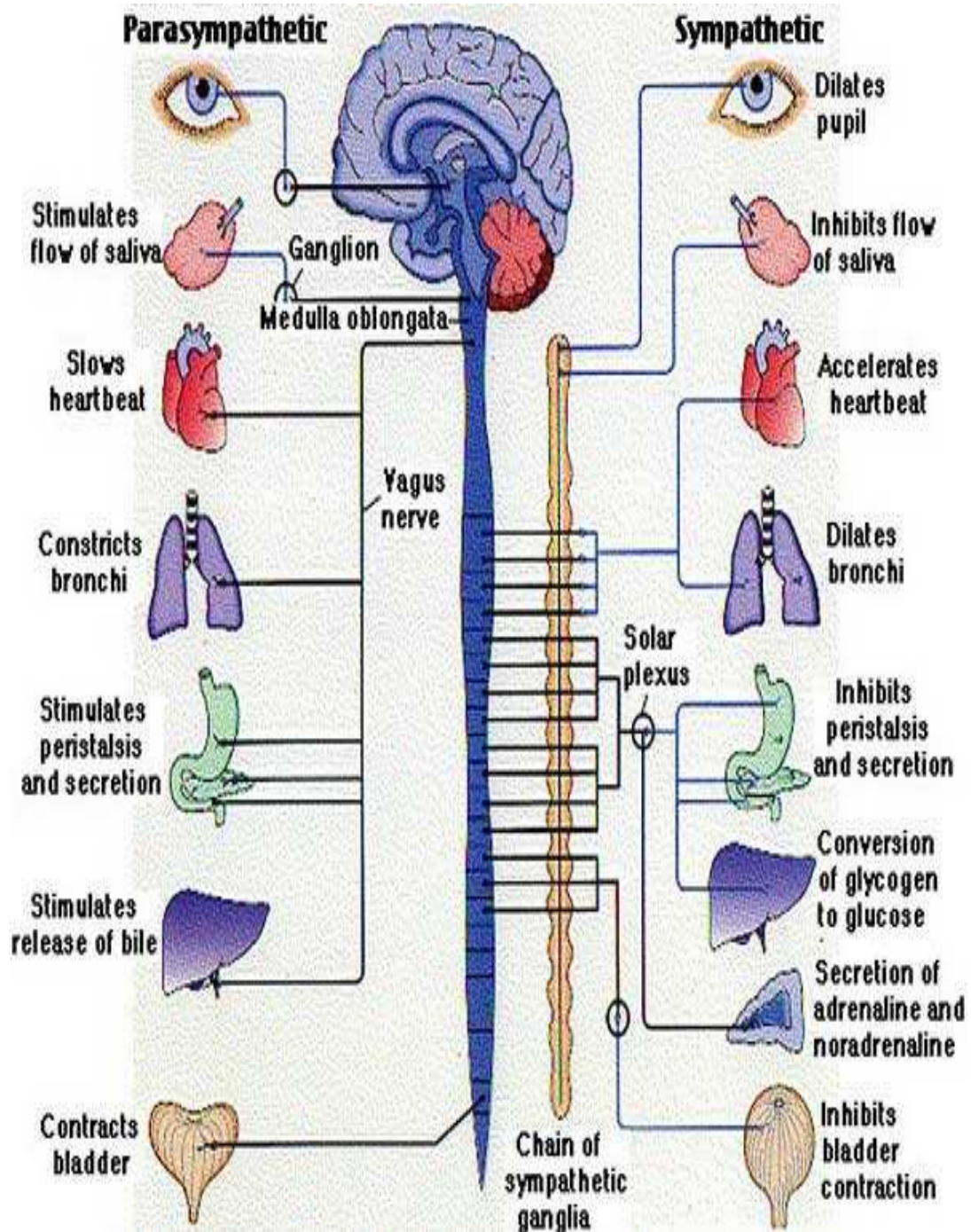
patient and used every other day, 3 times a week approximately. In case of inpatient is unnecessary, the patient can be an outpatient.

3. Psychosurgery, it is a process of brain surgery for adjusting brain working process that is affected to behavior, thinking, emotion that is dysfunctional from psychiatric illness. At present, this surgeon that has very few side effects like using Gamma knife laser including Deep brain stimulation which is a new way of surgery that can bring to use with a patient with severe psychiatric illness.

2) Autonomic Nervous System Functioning

Autonomic Nervous System is a nervous system that control involuntary functions which is inside every mammal livings. Most of it will show in physical ways like sweat, accelerate heartbeat, increasing blood flow, increasing life beat frequency. Eysenck brings 2 personalities which are 1. Parasympathetic personality which is a closed person personality, like to be alone, pessimistic, stressful, careful, and humble 2. Sympathetic personality which is an open person personality, pay attention to the outside world, social, optimistic, carefree, and aggressive. Moreover, Eysenck also bring the explanation of Pavlov to use which is a principle of “Excitation” and “Inhibition”. Excitation means when something stimulate and send to the autonomic nervous system to meninges This principle is important to explain learning and human behavior. Then, when this stimulus remain for a long time, it will not stimulate the behavior which is called “restraint”

In Eysenck vision, the parasympathetic personality is a person of stimulating more than usual so they will have more restraint and sympathetic personality will be in opposite way which is stimulating less than usual, easily to be exited, and non-restraint. So, the punishment can be using to sympathetic personality. For parasympathetic personality, it will have less worry and cannot set a condition for worry and will not afraid of punishment. Eysenck believe that a Psychopath is a person with parasympathetic personality and the cause of cannot develop the moral is from dysfunctional of autonomic nervous system



This autonomic nervous system theory sees that, the person of unsound mind is a person with a problem with physical and mental especially in part of brain dysfunctional, because it cannot develop a moral part so the crime occurred. So the method of recovery must cure a brain biologically as same as Central nervous theory which is Psychotropic Drug usage, Convulsive Therapy, and Psychosurgery as mentioned before

Process of justice management theory

Process of justice management theory is an explanation of controlling the crime by government officials who involved in like interrogator, prosecutor, court, correctional officer which treat the person of unsound mind offender. There are theories involved in which are:

Crime control

It comes from police state which believes that power of authority is belong to the government. The government will have an absolute power of code execution. Crime control is a theory that focus on effectiveness of process of judgment by focusing mainly on controlling, stopping, and suppressing the crime. Every criminal cases which brings into the criminal process of judgment system by this theory must be taking process in specified order continuously by having a screen in each process and each process must proceed continuously and routinely started from investigating before arresting, interrogating after arresting, preparing the case to sue to the court, trying the case and sentencing the offender and releasing the defendant So, proceeding with this process in process of judgment must performed quickly (means, proceeding conventionally but sometimes it can be flexible) and accurately (means minimizing the chance of avoiding judged by the court). So, when the offender caught, by this theory it will be assumed that the offender is really commit a crime and precede the process till the code execution by the court. But finding the truth by the court is very few, this theory counted that preceding the process is most effective like finishing analyzing the case at an early process of judgment which are police and prosecutor which will release the suspect and the innocent quickly while it makes the code execution to the offender which have a strong evidence and witness or confessed offender proceed quickly¹⁰⁷:

For preceding the criminal case with a person of unsound mind, it is necessary to depends on Criminal control theory to have the process proceed with quickness and continuously. There are measurements specified for inspecting the discretion in each process started from interrogator, prosecutor, court, correctional

¹⁰⁷ Ronnachai Khongsakont, psychiatry lesson, referred, page 276-279

officers which make effectiveness to issue a prosecution order , trying the case , sentencing making effectiveness in case preceding and the person of unsound mind's rights is protected like Doctor must analyzing the symptoms by the period specified by the code (section 35, The mental health code year 2008) or when the court order sending the patient to be detaining or treating in medical center by section 48 and section 49 paragraph 2, criminal law, or by section 246 (1) of A criminal procedure code that have the court to send a copy of order with the offender and have the medical center detained and treat the patient without permission from the offender (section 37, mental health code, year 2008)

Due Process

It comes from rule of law that believes that the government authority is legal when there is a legal process of law specification and the code execution follow due process principle. This law process is a theory that focus mainly on the law in proceeding criminal cases that must be justify in each process of judgment which have any obstacle that obstruct the offender to send from 1 process to next process conveniently. This theory is rejecting finding the truth informally of criminal control behavior in police and prosecutor level and sees that it has to arrange the case proceeding must be performed formally and openly in the court. This theory believe that the persons will not counted as criminal only because it has witness or evidences shows that the persons committed. But he or she will be guilt when a person authorized by the law sentence that he is wrong. Moreover, person with an authority to execute the code must act upon the code of law that gives suitable rights to the offender. And this theory admits that, there are only quorum in courts which are neutral and just that can be dependable for preceding the case base on code of law and revising method of investigating by police and prosecutor or by court itself that is justify or not which the court will present the mistakes if occurred to people¹⁰⁸:

For preceding the case to the person of unsound mind, it is necessary to specially protect more than others because of their physical and mental condition. To execute the code, it should be focus important on not affecting the offender's mind

¹⁰⁸ Ronnchai Khongsakont, psychiatry lesson, referred, page 276-279

and body than focusing on criminal control that affect on the offender's right. Proceeding the case must act legally that focusing on recovering than punishment like if the interrogator sees that the suspect is having psychiatry illness, he should send the suspect to doctor to receive an analyze the case or when the court sees that the alleged offender shows that he/she is a person of unsound mind and cannot fight the case, the court must send him/her for treatment by the criminal procedure code, section 14. And if the court sees that the defendant commit a crime when they are unconscious or cannot control him/herself because of insanity, the court must dismiss the case by the criminal code, section 65 and send him/her to receive a treatment by the criminal code, section 48

2.7 Idea of setting special jurisdiction of criminal case for insane person

“Special jurisdiction” is a first level court that uses a method of analyzing different than other court. The judge of special jurisdiction must be a judge that specially knows in that topic. This kind of court like labour court, intellectual property and international trade court will have an outsider, not a judge, but knows in the topic which receives an appointment as an associate judge to join analyzing and sentencing the case. When the first level court finished sentencing, if the litigant is disappointed with the result they can appeal to the chancery.

The idea of setting special jurisdiction comes from dual court system that separate into court of justice and special jurisdiction. France is the first country that starts this system like Cours des Comptes, Jurisdiction Des eaux et forets. The courts is settle in various areas and they are sentencing the case in the area control by France and sees that substantive law is more important than adjective law which makes French court not depends much on the rule and regulation of adjective law, having an authority to build the substantive law which brings the evidence search system called “Inquisitorial system”¹⁰⁹:

¹⁰⁹ Ronnchai Khongsakont, psychiatry lesson, referred, page 276-279

So the case preceding system of special jurisdiction will use an inquiry system¹¹⁰: which the court will have an important role of analyzing the case, having an authority to investigating more witness or stopping investigating witness. By the way, for searching facts that at least nearly the truth, to specify the regulation of investigating the witness is few, the court will have authority to use discretion very wide and flexible. Trying the case especially criminal case will be a process between the court and the defendant. Accuser will not have an important role; only support the court in searching evidence and witness. The amount of helping between accuser and the court depends on system in each country like France, the prosecutor may sit and ask the witness side with the judge¹¹¹: and most of the case proceeding system is not having a strict witness investigation regulation especially not having a firm exclusionary rule, but open an opportunity to present all kinds of evidences and witness to the court and the court can use various discretion widely.

The mental health court is a special jurisdiction that has an authority to execute the code specifically about the insane person that focus its objective on recovering the offender that have mental illness more than execute punishment¹¹²:. And it is to reduce a conflict between process of judgment's goal and recovery. Mental health court start since 1996¹¹³: in Marion country in Indiana which started from using Psychiatric Identification (PAIR) Program, then it is a court process which start from a process before analysis to process after analysis under the psychiatric offender' process of justice avoidance system. It is formally used in Broward Country in Florida which is named "Specialized mental health court" And a Judge named Ginner Liner who is the first judge in this court since 1977 in chain suicide cases of persons of unsound mind until then, There is a mental-health court in King Country (Seattle) in Washington and Anchorage in Alaska and San Bernardino in California orderly in 2000.

¹¹⁰ Ronnachai Khongsakont, psychiatry lesson, referred, page 276-279

¹¹¹ Ronnachai Khongsakont, psychiatry lesson, referred, page 276-279

¹¹² Ronnachai Khongsakont, psychiatry lesson, referred, page 276-279

¹¹³ Ronnachai Khongsakont, psychiatry lesson, referred, page 276-279

The reason of why settle this court¹¹⁴: is a planning and management from

- (1). Co-operating group between a process of judgment in a way of mental health and violating rights include a related system and the planning and managing advice by the court
- (2). Targeted populations which are security of public and community operating potential include a potential in choosing a process before analyzing the case of the offender who is the person of unsound mind. A measurement that use in relation between mental illness and crime committed by the offender is considering action in each cases
- (3). Point out the co-operation between period and services which are the co-operation must be point out, referred and accepted in mental health court and relate to most quick services
- (4). Condition of co-operating must clearly specified, encouraging a secure to the social, providing a convenient to the offender to receive rights in each offender for respond to risk level which the offender must present to the public and preparing for each behavior which involved in law in positive way for an absolute and effectiveness
- (5). Option ways which are the offender must understand the regulation of program before letting it operate in the court. They must received a law advice for their information before deciding and taking process outside the analysis procedure in a way of time and open the offender to fully fight with the case.
- (6). Supporting operations and services, mental-health court join relationship between supporting operation and service to community and attempt to use operation and services base on the witness and evidence principle
- (7). Secret information, which are law information and mental information which should pay attention in protecting personal rights as they are a client of mental-health and rights of the offender as mentioned in constitution. The information gathered is a part of the operations and services which should be secured in this co-operation that must be back to the court process again
- (8). The court teams which are court officers' team, mental-health and services part, including the operations must be professional by having the same goal which is revising and inspecting the court process
- (9). Controlling and monitoring by the court regulation, the officers involved in the process of judgment and mental health must monitor the court regulations, specify suggestions in a way of motivation and punishment and the necessary operations for protecting social security and co-operating for recovery
- (10). The court existence, the information will be gathered,

¹¹⁴ Ronnachai Khongsakont, psychiatry lesson, referred, page 276-279

bring to analyze for affecting of mental health court which brings an appropriate organization planning

The mental health court holds these principles which are¹¹⁵: (1). Principle of early symptom identification is an analyzing method and evaluating of the mental-health court in both formal and informal, before avoiding the offender out of normal process of judgment and this early identification is quick, precisely, and keeping in secret (2). Agreement principle is an open an opportunity to the offender or defendant deciding to join the recovering program by the court by his/her own will (3). Successive evaluation principle is a specification of measurement for measuring the effectiveness of recovering method (4). An extent of response to the co-operating behavior specification principle is a special form for a person who joins the program like rewards and punishment (5). Relation and community resources principle is a relation between services in community and effective development between the court and the community service provider which will help defendant receive a recovery.

The mental health court characteristics¹¹⁶: are (1). It is a special jurisdiction which solves the case by using general case proceedings that reach the defendant that is having a mental illness (2). It is controlled by the court which the way of planning is base on the co-operating by each defendant, the court officers and the mental health specialist will design and use (3). Having a form of trying the case in inquiry method by presenting rewards and punishment that used in and (4). It is a measurement of co-operating in operating program between process of judgment units and medical units.

For Thailand, there is a criminal case proceeding to the insane person which the criminal court, a justice court that having an authority to sentencing general criminal cases not only for a crime involved with insane person but also a case involved in property, economic criminal case, not having a judge which specialize in

¹¹⁵ Ronnachai Khongsakont, psychiatry lesson, referred, page 276-279

¹¹⁶ Ronnachai Khongsakont, psychiatry lesson, referred, page 276-279

each way and using Accusatorial System which litigants must present their evidence and witness to fight each other in both facts and law way. So, the law is focusing on potential of fighting the case which is a process of judgment technique more than a medical recovery especially the unfairness of accused that must fight the case with a government officers and it will cause an affection to mental and physical condition of the prosecuted person. And even there is a process of judgment technique to be more suitable, if the accused person is in unfair condition in fighting the case causing the conflict in objective between process of judgment and process of recovery, the measurement of a criminal procedure code development will be not highly successful.

Foreign country is setting a mental health court which has an objective on fixing and recovering the offender which is a person of unsound mind more than punishment and it is to reduce between a target of the process of judgment and the recovery is another option which not only solving a problem of proceeding the case to the person of unsound mind to give benefit to victim, prosecuted person, social, and state, it is also avoid the offender out of the process of judgment which result in reducing the case and open an opportunity to every part of social like family community or even private sector will be involved in this solving too.

The researcher is presenting a form of setting a mental health court especially an American form which is formally settle a mental health court which is in Broward Country in Florida named Specialized mental-health court until then there is a mental health court settled in King Country in Washington and Anchorage in Alaska then in Ser Bernardino in California in 2000.

Form of Broward Country

Broward country court settled in Florida in America named specialized mental-health court which has procedure and treatment¹¹⁷:

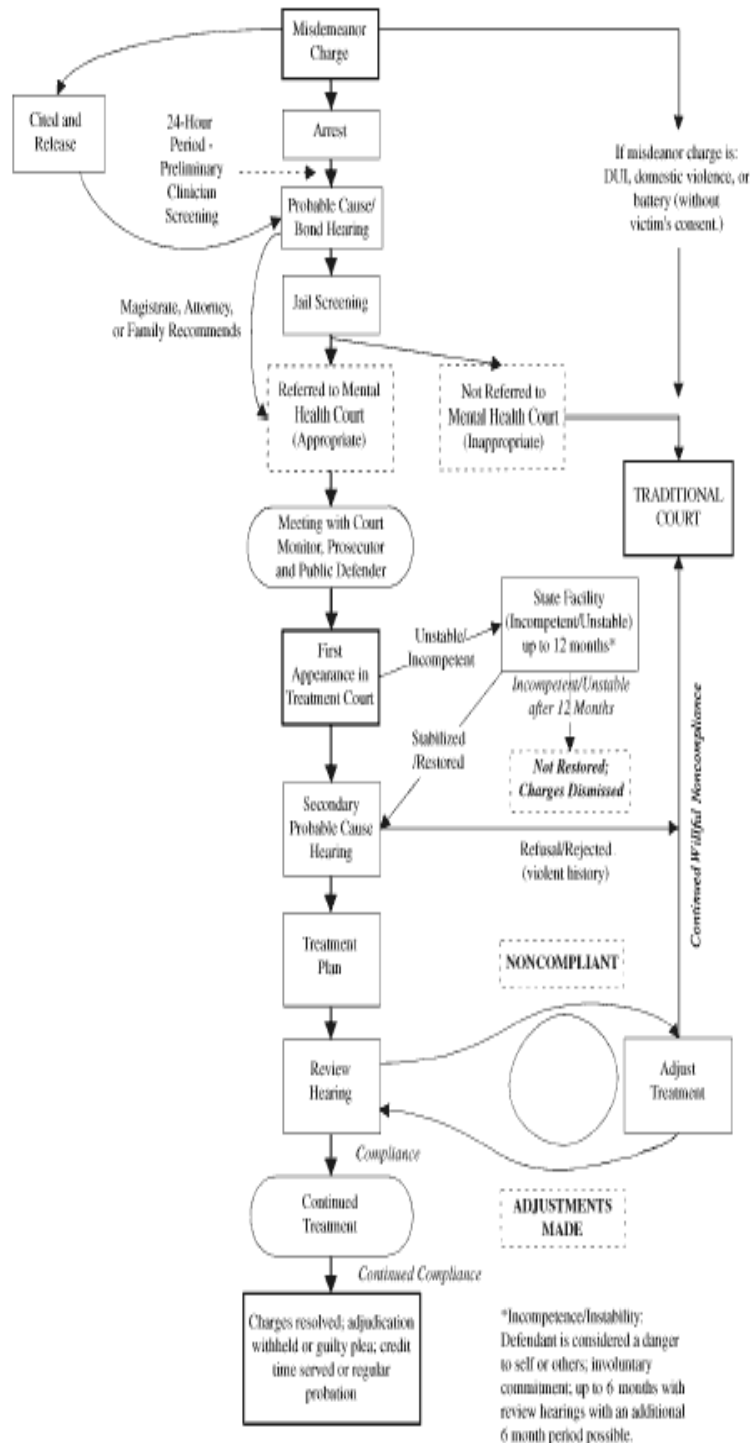
Procedure from Broward country's court is having a system pre-trial by doing preliminary checking by clinic within 24 hours after arresting and magistrate's

¹¹⁷ Ronnachai Khongsakont, psychiatry lesson, referred, page 276-279

court will taking investigate at first time. When there is a suitable reason that should believe that the suspect is having mental illness the court will send the suspect to be checked by correctional officers before sending the suspect to the mental health court. And when bring the suspect to the court, the court will prosecute to the process of judgment formally (focusing on punishment). The court will do second investigation When there is a suitable reason that should believe that the defendant is having mental illness the court will send the defendant to receive a treatment by his/her own will by an consentient and there is a revise in investigation periodically until when there is a successful recovery from the patient by the successful evaluation. It will result in stopping trying the case and dismiss the accusation by a consentient from prosecutor and by not negotiating the confession and no sentencing and specify when defendant not agree to join the program that no jailing but using other method which will be as an extent of response to co-operating behavior.

Treatment from Broward country's court is having a process of treatment by depending on a special program specified that the court is taking a president role or center of treatment in both formal and informal ways and having an authority to judge the success of treatment including changing condition of treatment, reward, and punishment. Moreover, there is a special court team settled to helping the court which included court officers, judge, probation officer, clinic doctor, case manager, defendant lawyer, prosecutor, correctional officer, other services manager. Moreover, there is a specialized courtroom with a suitable decorate and investigate by giving an appropriate time to the defendant that enter the program. By the extent of the treatment, this court does it by follow the matter of needs of the patient especially the matter of resident and open an opportunity for community to receive a treatment too. The Broward country's court will specify 2 mental health advance men under a case manager and caretaker from the court control. The recovery comes from co-operation of each department which is representatives by the Broward country's court will specify the defendant's lawyer office, attorney general office, precinct office, treatment officer and local hospitals to be a main co-operator by the relatives principle and community resource.

Figure 1. Broward County Mental Health Court Referral Process



A. Anchorage style

Anchorage's court is settled in Alaska, America, having a form of procedure and treatment as these¹¹⁸:

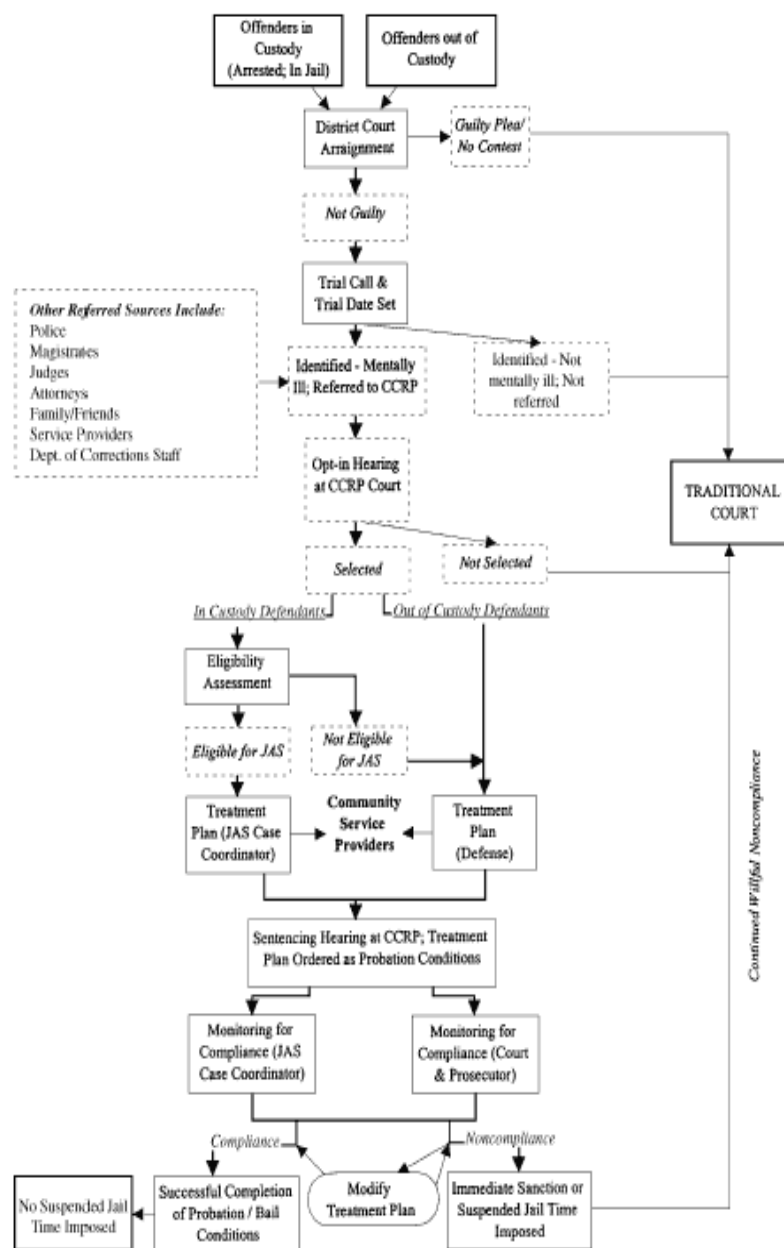
Procedure from Anchorage's court, it will not have a pre-trial like Broward Country's court. When there is a suspect brought to the court, it is not preceding the case to the process of judgment formally but the suspect must enter a recovery program (focus on recovery) by specify the process of joining by his/her own will and negotiating to the confession. Moreover, there is an order to delay the punishment while conditioning behavioral control. Each mental health court will have different period of behavioral control which Anchorage Country's court will specify the period of behavioral control into 3-5 years and will send the defendant to the process of recovery until it is success by the success evaluation principle. It is result in stopping the case and dismisses the accusation. The defendant can be sentenced by this court and it is usually sentencing the defendant which is different from Broward Country's court and specify when defendant not agree to join the program that no jailing but using other method which will be as an extent of response to co-operating behavior.

A treatment form Anchorage's court, there is a process of treatment by depending on a special program which is JAS and CCRP specified the court to taking a president role or being a center of the treatment both formally and informally and having an authority to judge the success of treatment including changing condition of treatment, reward, and punishment. Moreover, there is a special court team settled to helping the court which included court officers, judge, probation officer, clinic doctor, case manager, defendant lawyer, prosecutor, correctional officer, other services manager. Moreover, there is a specialized courtroom with a suitable decorate and investigate by giving an appropriate time to the defendant that enter the program. By the extent of the treatment, this court does it by follow the matter of needs of the patient especially the matter of resident and open an opportunity for community to receive a treatment too. The Anchorage Country's court will specify a case manager of treatment team for JAS which the defendant is detained and specify the method by

¹¹⁸ <http://www.ncjrs.gov/html/bja/mentalhealth/chap6.html>

department of government and private sector including a case manager of treatment team, province attorney, and a judge for CCRP which the defendant is not detained. Moreover, the treatment is comes from a co-operation in each department which Anchorage Country’s court settled a correctional department, mental health officer, attorney office, defendant’s lawyer office and the treatment officer to be a main co-operator by the relatives principle and community resource.

Figure 3. Anchorage County Mental Health Court Referral Process



B. San Bernardino style

San Bernardino's court is settled in California, America, having a form of procedure and treatment as these¹¹⁹:

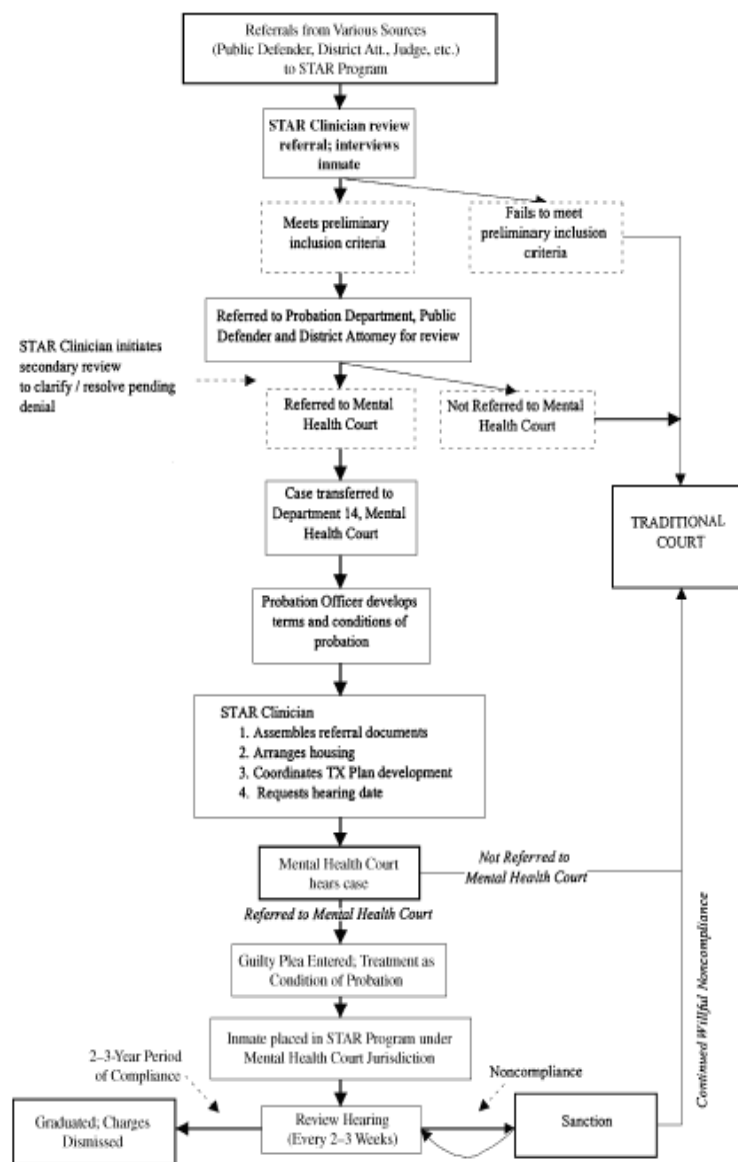
Procedure from San Bernardino's court, it will not have a preliminary case trying like Broward Country's court. When there is a suspect brought to the court, it is not preceding the case to the process of judgment formally but the suspect must enter a recovery program (focus on recovery) by specify the process of joining by his/her own will and negotiating to the confession. Moreover, there is an order to delay the punishment while conditioning behavioral control. This court will specify the period of Behavioral control which is divide into moderate sentence which is 2years and severe sentence which is more than 6 years and will send the defendant to the process of recovery until it is success by the success evaluation principle. It is result in stopping the case and dismisses the accusation. The defendant can be sentenced by this court and it is usually sentencing the defendant which is different from Broward Country's court and specify when defendant not agree to join the program that no jailing but using other method which will be as an extent of response to co-operating behavior

A treatment of San Bernardino's court, there is a treatment program by depending on special program which is STAR specified that the court is taking a president role or center of treatment in both formal and informal ways and having an authority to judge the success of treatment including changing condition of treatment, reward, and punishment. Moreover, there is a special court team settled to helping the court which included court officers, judge, probation officer, clinic doctor, case manager, defendant lawyer, prosecutor, correctional officer, other services manager. Moreover, there is a specialized courtroom with a suitable decorate and investigate by giving an appropriate time to the defendant that enter the program. By the extent of the treatment, this court does it by follow the matter of needs of the patient especially the matter of resident and open an opportunity for community to receive a treatment

¹¹⁹ <http://www.ncjrs.gov/html/bja/mentalhealth/chap6.html>

too. The court will specify a private company which is not receiving a benefit from the program committees as an operator which is under mental health correctional officers which is in a case manager position and probation office control. The treatment comes from co-operation of each department which is representatives by the San Bernardino's court will specify the behavioral health department, defendant's lawyer office, attorney general office, precinct office, treatment officer and local hospitals to be a main co-operator by the relatives principle and community resource.

Figure 4. San Bernardino County Mental Health Court Referral Process



C. King Country's style

King Country (Seattle) settled in Washington, having a form of procedure and treatment as these¹²⁰:

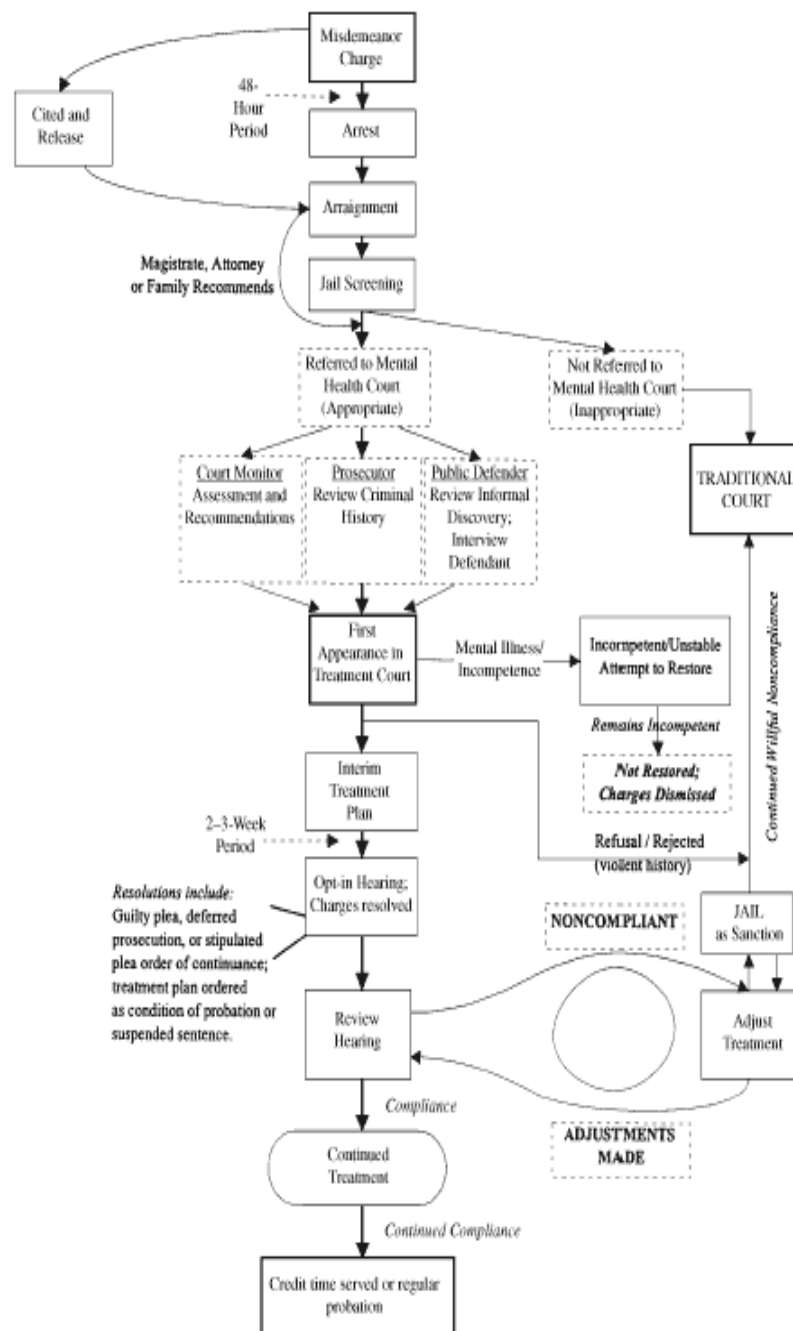
Procedure from King Country's court, it will not have a pre-trial like Broward Country's court. When there is a suspect brought to the court, it is not preceding the case to the process of judgment formally but the suspect must enter a recovery program (focus on recovery) by specify the process of joining by his/her own will and negotiating to the confession. Moreover, there is an order to delay the punishment while conditioning behavioral control. This court will specify the period of behavioral control which is 2years and will send the defendant to the process of recovery until it is success by the success evaluation principle. It is result in stopping the case and dismisses the accusation. The defendant can be sentenced by this court and it is usually sentencing the defendant which is different from Broward Country's court and specify when defendant not agree to join the program that to jail but less than San Bernardino Country's court, by the way, it is followed the extent of responding of co-operation behavior.

A treatment of King Country's court, there is a treatment program by depending on special program specified that the court is taking a president role or center of treatment in both formal and informal ways and having an authority to judge the success of treatment including changing condition of treatment, reward, and punishment. Moreover, there is a special court team settled to helping the court which included court officers, judge, probation officer, clinic doctor, case manager, defendant lawyer, prosecutor, correctional officer, other services manager. Moreover, there is a specialized courtroom with a suitable decorate and investigate by giving an appropriate time to the defendant that enter the program. By the extent of the treatment, this court does it by follow the matter of needs of the patient especially the matter of resident and open an opportunity for community to receive a treatment too. The court will specify an advance man by the probation department. The recovery comes from co-operation of each department which is representatives by the King

¹²⁰ <http://www.ncjrs.gov/html/bja/mentalhealth/chap6.html>

Country's court will specify the Attorney-general department, defendant's lawyer office, attorney general office, precinct office, treatment officer and local hospitals to be a main co-operator by the relatives principle and community resource.

Figure 2. King County Mental Health Court Referral Process



2.8 Comparing a case management system of the mental health court between Thailand and foreign countries

Case management system in foreign countries especially America which is the first country that settled the court, there is a management by following due process by protecting the offender's right as a main thing. So, a form of case trying is depends on law process and recovery process including reducing a conflict of objectives between a process of justice and a process of medical which can divide each topic of analysis in to these:

2.8.1 Comparing an mental health court in America between Broward Country's court, Kina Country's court, Anchorage's court, and San Bernardino's court

When considering the overall picture of mental health court in Broward Country, Kina Country, Anchorage, and San Bernardino, we found that there is an objective that focus on protecting social which makes social secure from a crime of the person of unsound mind and for appropriate fixing and recovering the offender by the justice officers, medical officers and social. And extend the objectives from old criminal procedure code by focusing on co-operating between the justice officers, medical officers and social and increasing the effectiveness in resource to maximize the effective along with community justice in the way of Offender or Defendant Categorizing, specifying targeted population by considering from type of accusation by the offender or defendant must receive a moderate sentence accusation but may be different in case categorizing in each state which is different in criminal procedure code measurement which focus on case fighting potential and the law measurement of America also specify criminal background consideration too. And more importantly it is also specify to consider the offender or defendant's symptom which must be an Axis I type (brain illness, Brain stem illness and lack of development abilities) but different in the type of illness in each state which is followed by point out principle.

Procedure of mental-health court, focusing in court settlement system, trying case by depending on mental health court which is a special jurisdiction and have a case trying method in inquest way which focuses on matter of mental illness of the offender or defendant as main, it is clearly different from measurement from old criminal procedure code by An America inquiry system is clearly not separate a process of trying case in investigate level and court level by focusing on the co-operations between officers in process of judgment, medical, and social. But some of the states may have a system before trying the case like Broward Country's court which specify that it must have and early checking by clinic within 24 hours after arresting and magistrate's court will taking first inquire. When there is a suitable reason that should believe that the suspect is having mental illness the court will send the suspect to be checked by correctional officers before sending the suspect to the mental health court. It is only a process of inquiring of suitable reason to believe that he/she is having real mental illness. But if after arresting, the offender will be brought to the mental health court by not taking a process of judgment formally but must be taking in recovery program (focusing on recovery) by specifying the process of decide joining by their own will. Negotiating of confessions and ordering to delay punishment while conditioning behavioral control which each mental health court may have different period of behavioral control and send the defendant to a process of recovery until success. It will result in stopping the case and dismiss the accusation and the court sentence by the success evaluation principle. It is also specify the measurement response in case if defendant not agree to join the program by focusing on punishment which may be jailing or in the extent of response of co-operations behavior.

The treatment from mental health court, found that there is a case trying system and recovery system mix together into a special program for recovery like JAS and CCRP from Anchorage's court or STAR from San Bernardino's court match with the conflict of process of judgment and mental recovery reduction principle. It is also specify that the court is taking a role of president or a center of treatment in both formal and informal ways and having an authority to judge the success of recovery including changing the condition of treatment, rewarded, punishment. Moreover,

there is a court's special team helping the court which is: court officers, judge, probation officer, clinic doctor, case manager, defendant lawyer, prosecutor, correctional officer, other services organizer. Moreover, there is also a special courtroom with an appropriate decorate and specially specified the investigation to the defendant who join the program appropriately.

Moreover, mental health court also extent the treatment by following the patient's need especially in resident way and open the opportunity for community to join the treatment but may having different treatment operator depending on resources in each state. It is also focusing on co-operations in each unit which are representatives in various departments in each state that match to relations and resources in community.

2.8.2 Comparing mental health court between foreign country and Thailand

Mental health court system in foreign countries especially America which are mental health court in Broward Country, Kina Country, Anchorage, and San Bernardino, when they are compared to Thailand, found that the objective of criminal case proceeding to the person of unsound mind has a same characteristics which want social to be secured from a crime of the person mentioned before. But for offender recovering, it is different because of the conflict between a process of judgment which focus on punishment and medical process which focus on recovering the offender and sometimes violating the offender's rights making the person of unsound mind receiving non-suitable treatments like when the offender put in the process of judgment while they have a mental illness because they can still fight the case. To put them in the process of judgment like that will affect to the person of unsound mind directly¹²¹ and lack of co-operating between judgment officers, medical, and social. As you can see in case of stopping process during investigation, to receive any kind of treatment in institute (psychiatric hospital), say that it is a characteristic of specialized

¹²¹ Sangkas Naovaratphan, problem of criminal case proceedings and punishment psychiatric patient, nitisart Mahabundit thesis, 2549, page 67-68

psychiatric hospital or general psychiatric hospital¹²², and not bring in the social measurement like family, community, and medical institute in both government and private sector to use fully effective especially a treatment of community, to live with family or community may not secure because a person of unsound mind who cannot fight the case is still very dangerous to the society. To take care them in psychiatric hospital is usually cannot do. And if must take care them in specialized psychiatric hospital may means that the psychiatric hospital have considered the preparation and limit of that hospitals¹²³

For procedure of mental health court, it is in form of special jurisdiction and inquiry method which focusing on offender or defendant symptom as a main is clearly different from measurement of criminal procedure code of Thailand. The inquiry system of America will not separate a process of case trying in investigation level and court level clearly and focusing on co-operating between judgment officers, medical, and social. After arresting the suspect will bring into a mental health court without putting in process of judgment formally but must enter a recovery program (focus on recovery) which specified that he/she must enter the program by their own will. Negotiating the confession and delay the punishment with conditioning behavioral control which each mental health court have different period and sending the defendant to enter the process of recovery which will result in avoiding the offender of the process of judgment is different from case trying process of Thailand which separate a process of case trying in investigation level and court level clearly which will cause problem in some case that the investigator sees that the suspect can still fight the case but when put into a court they sees that the suspect can't fight the case which cause the suspect who is a person of unsound mind not receive a suitable treatment. Moreover, when the court use an authority by the criminal procedure code, section 14 when the offender's illness show it's true symptoms and when the symptom is not found in investigation level. To taking a process in court level it must pass a process of categorizing the suspect in investigation level once, if specified

¹²² Thamrong Thatnarnchali, psychiatrist-lawyer problem of some acting, referred, page 89-90

¹²³ Recently referred, page 89-90

categorizing the defendant who is a person of unsound mind will cause a repeat in process which will cause delay and waste of budget causing the person of unsound mind not receive protection by the law. Moreover, Thai measurement is forcing the treatment to the offender which affect to the offender's rights which is different from America which use volunteering method depending on delay the sue or negotiating the confession which protecting the offender's rights directly.

Moreover, to categorizing the suspect of the defendant, the America measurement specified the targeted population by considering the type of accusation which the suspect or defendant must receive a moderate sentence but may specified type of the case differently in each state which different from That criminal procedure code, focusing on potential in fighting the case even the unfairness between the offender and the state occurred. The America measurement specified considering the criminal background too and more importantly the symptom of the suspect or defendant is specified into be an Axis I type (brain illness, Brain stem illness and lack of development abilities). This is a mental symptom specification not causing conflict between the opinion of lawyer and medical opinion¹²⁴.

When the recovery is success, it will result in stopping the case trying and dismiss the accusation and the court sentence by the success evaluation. There are a measurement specified for when the defendant not agree to join the program which is focus on punishment which may be jail or not, followed by principle of response to co-operating behavior extent specification, which is different from Thailand's case proceedings that even that person is a person of unsound mind, if they can fight the case, they must put in the process of judgment or when the symptom is better or cured the offender must be back to process of judgment which directly affected to mental of psychiatric patient. Moreover, it is label the offender and makes the offender not really cured from the symptom.

¹²⁴ Sawang Bunchalermvipas, psychiatric patient, different understanding between lawyer and psychiatrist, page 182

Treatment from mental health court, we found that there is a mix between case trying system and recovery system together by setting it into special program like JAS and CCRP of Anchorage's court or STAR of San Bernardino country's court. It is to reduce the conflict of goals between process of judgment and mental recovery which is different from Thai that separate the process between justice and medical as mentioned before.

Moreover, Measurement of America is also specified the court is taking a leader role or center of recovery in both formal and informal ways and having an authority to judge the success of recovery including changing condition of treatment, reward, and punishment. Moreover, there is a special court team settled to helping the court which included court officers, judge, probation officer, clinic doctor, case manager, defendant lawyer, prosecutor, correctional officer, other services manager. Moreover, there is a specialized courtroom with a suitable decorate and investigate by giving an appropriate time to the defendant that enter the program. It is different from Thai case trying which gives the role to litigants' fairness in fighting the case. If the litigants do not present evidences to the court, the court usually not present the evidence by themselves which sometimes causing some important information like medical background in both past and present cannot enter the case because the litigant do not present it to the court. The court not has an authority to judge the success of recovery. The authority is on the doctor who analyzes the symptom, causing the discretion change the condition of recovery. The reward and punishment is limited. For the information, the court receives only by probation officer, and correctional officer who is a court officer which is also limited. An the courtroom used is general courtroom, no separating the suspect, victim, or witness who is a person of unsound mind from general courtroom because the court sees that case trying must be perform in front of litigant, no questioning through psychologist or social worker will affect to the mental of the person of unsound mind also.

Mental health court system is extent the treatment by focusing the patient's need especially about resident and open an opportunity to the community to join the treatment also. And it is focusing in co-operating in each unit which represents in

various departments in each state. It is different from Thailand that even there is an extent in treatment but not giving important to the patient's need. Not using social measurements even it is a family who can provide residents, community who can help in living and working, and medical institute of government and private sector which provide a treatment continuously. Lack of co-operating between process of judgment and the social units mentioned before. Affecting to the development of effectiveness in approaching to the offender who is the person of unsound mind and the person is not receiving an appropriate rights protection.

2.9 Relate research

There are a relate research which is about suitable legal measures of criminal procedure for insane persons in foreign and Thailand in these topics:

2.9.1 Results of research about legal measures of criminal procedure for insane persons which are:

Sangkas Naovaratanaphan, study about a problem in proceeding cases and acting punishment to the psychiatric patient by having an objective to know and idea and development in proceeding criminal case and punishing the psychiatric patient by global standard, to know the standard of proceeding criminal case and punishing the psychiatric patient of foreign country including problem and solving method by focus studying the standard of America and England for knowing the standard of proceeding criminal case and punishing the psychiatric patient of Thailand and comparing them to know the differences between Thailand and foreign country, to study the problem of case proceeding and punishing the psychiatric patient of Thailand in nowadays and analyzing the problem occurred in each process started from case preceding in investigation level, court level and department of corrections for leading to adjusting the law to provide full potential of fighting the case to the psychiatric patient and protecting the psychiatric patient's rights. Bt the way, it is for succeeding the goals of criminal case proceeding which is finding the truth and for succeeding the goals of punishment which is for social security and bring the offender back to be a good person in social. The result of the study found that, problem of case

proceeding in the court, the measurement of protecting is not cover to the psychiatric patient who should be entirely protected, part of case proceeding in the court is having a same problem in investigation level and the protection in a part of sentencing which is depends on doctor but the understandings of doctors and the law is not match. A problem in correctional department, some matters is not clearly cover by the law and some are old fashioned.

Dr. Ronnachai Kongsakont and Naruemol Poljham, study in importance of forensic psychiatry in process of judgment. Its objective is to bring the psychiatry to adapt with a law and case procedure in process of judgment. The result of study found that, psychiatrist is having a major role in analyzing the mental status and giving facts to the court when the suspect or defendant or prisoner who is committing crime is suspect to be a psychiatric patient or having a psychiatric problem while committing crime or during taking case proceeding which the result of being a psychiatric patient or having a psychiatric problem will affect to the law, means that will be result in dismiss the case or reducing the punishment, or pausing the case until the symptom is cured. The psychiatrist is taking a major role in analyzing the lack of abilities of person in requesting the court to order them as a disable person or a person under disability

Dr.Kiatiphum Vongrajit and Dr.Praphat Ukranant, studying an idea and process of forcing the treatment to the mental problem person and psychiatric patient. Its objectives is to studying the necessary, process and form of forcing treatment the mental problem person and psychiatric patient which not causing a crime. By doing quality study, collecting in depth information from 20 experience persons of the process of judgment and mental health and psychiatry during January to March 1998. The result is it is necessary to force treatment to the mental illness problem person and psychiatric patient. A group which should force a treatment is: a person with severe mental illness, drug addicted persons, abnormal sexual persons which are dangerous to the society. A person who can require a treatment is relatives, victim, police, and the request will be received by medical officers and public health department. To request medical treatment, it must send a petition to the court or

specified organization that newly settled which including medical officers and process of judgment or analyzing the petition and order treatment which if there is an objection of treatment, relatives can appeal again. In part of forcing treatment, it should treat in hospitals and in case of the person with mental problem is better before forcing treatment period; the doctor committee can request to dismiss the forcing treatment

2.9.2 The studies of setting a special jurisdiction for insane person's crime which are:

Brazelon Center for Mental Health Law(2004) by Robert Berstein and tammy Selzer, study about the topic of Mental health court system revolution which is involve 20 mental health courts by analyzing and suggestion. The role and operation of mental health court including case proceeding methods of mental health courts, analyzing problems and hidden agenda of setting mental health court. The writers also suggest the way to cope with severe crime for an important strategy to stopping the bad cycle and agree with offender who is a person of unsound mind normal process of judgment avoidance.

Williamsburg, VA:National Center for State Courts (2003) by Pamela M.Casey and David B.Rottman, studying about a way and a form of court which used to solve social problem. There is an evaluation study in various ways and forms. The writers also suggest these ways which are 1. Mental health court is having effectiveness in co-operating for patient's treatment 2. The program participant will receive a suitable treatment 3. The treatment plan will base on special needs in each person. Moreover, the writers suggest a way of co-operating and main factor of mental health court.

Washington.DC : Bureau of Justice Assistance, April 2000 by John S Goldkamp and Cheryl Irons-Guynn, studying about court, that having many criminal cases that involved in mental health, strategic, studying about successful and failure of mental health court program in Lauderdale, Seattle, San Bernardino, and Anchorage which is the first four mental health courts. The writers also mention the familiar characteristic of these four courts which is 1. Having same goal 2.Having process of

recovery by the court 3. Having a characteristics of work in co-operating between the court and newly mental health services 4. Special courtroom and the role of court officers 5. The extent of recovery and services and 6. Having various operating representatives and being systematic. And the differences of these four court is accusation problem solving method, responding to non-agree participant, and result of requesting for fighting the case. Moreover, the writers mention about the problem in early identification of the program participant, voluntariness of joining, conflict between goals of process of judgment and medical, definition of success, an extent of behavioral response of participant, and relations and resource of community.

Mark A.Stodola, studying about reaching and evaluating the working of mental health court in Arizona by studying about the effectiveness between 2 courts which are: The city of Tempe and The Superior court of Maricopa Country. And summarize that: 1) having a strong support from court, prosecutor, staff, and defendant 2) having an evaluation comparing result between probation officers in mental health court and normal court 3) there are increasing numbers of successful or receiving a conditional dismiss probationer in mental health court 4) decreasing numbers of probationer who put probation condition back in mental health court.

Eric Trupin, study about report of mental health operations by study the process, structure, and the result of Seattle court. The writer summarize that this court is 1) success in protecting the security of social 2) highly success in providing services harmonize with patient's needs 3) having a main process of renovating process of treatment, residents, relating to other services and 4) mixing main idea of interviewee

Kelly O Keefe, study about the operation evaluation in Brooklyn court about 1) court's operations planning 2) using court regulations 3) ratio of the patient 4)treatment and take care by the court 5) court specialist 6) acknowledging of the program participant 7) information of program participant 8) the result. The writer summarized that, this mental health court is success in goals, reach, patient care taking, using the court authority to a suitable patient for treatment, and having wise and creative court staff.

CHAPTER III

PROCESS OF THE RESEARCH

In the research, the criminal legal measures regarding the insanity are appropriate for Thailand. The methods of research are the list below,

(1) Study from the documents such as the books, journals and related documents both in Thai and foreign languages also including various research and thesis.

(2) Field Study by means of quantitative research mixed with the qualitative and data analysis techniques to combine quantitative and qualitative analysis. To achieve in terms of the document study and quantitative and qualitative research about the criminal legal measures regarding the insanity which brings the conclusion of the format and guidelines for improving and developing legal measures about the criminal case regarding the insanity that is appropriate for Thailand as the following below.

3.1 Methods of study the quantitative research

3.1.1 Population and sample

Population is a group of people in the justice system, which is responsible for enforcement measures relating to the criminal procedure law regarding the insanity in Bangkok during the time of the research data. The reason that I choose a specific target population group such as the personnel staff in the criminal justice system because they perform in the court and have the knowledge about such measures directly so the information will be associated with research and analysis would be able to meet the objective data of research most frequently.

1. Officers. (on duty) from a total of 1637 people.
2. Prosecutor. (on duty) from a total of 200 people.
3. Judge (on duty) from a total of 177 people.
4. Correction Officer. (on duty) from a total of 3185 people.
5. Probation officers (on duty) from a total of 1,400 people.
6. Attorney (on duty) from a total of 21,677 people.
7. Psychiatrists and psychologists (on duty) a total of 354 people
8. Social Workers (on duty) from a total of 168 people.
9. Academics (on duty) from a total of 24,000 people.

The target population included a total of 52,798 people.

Sample

Samples of the trial officers are inquiry officers, Prosecutors, judges, official of Corrections, probation officers, psychiatrists, psychologists and lawyers. The Scholars work in the responsibility of the criminal court in Bangkok Area. The amount of the formula as the rule of Yamane said, which is the significant number in statistic level is at 0.05, presented by the formula of (Yamane, 1967) is.

$$n = N.$$

$$1 Ne 2.$$

n is the sample size that should be random.

N is the size of the population.

e is the random error.

The number of samples was calculated from the formula, which was 397 people, which was set to add 12 percent more to prevent errors in data collection. So there are a total of 450 samples of people.

Table 3.1 : Population and sample of officials in the justice system targeted
population, Sample

Officer	Number	Simple
Inquiry Official	1,637	50
Prosecutor	200	50
Judge	177	50
Corrections employee	3,185	50
Probation officers	1,400	50
attorney	21,677	50
psychiatrists psychologists	354	50
social workers.	168	50
scholars.	24,000	50
Total	52,798	450

How to select sample

To study, we choose each group of 50 people because the research was conducted with the objective to understand the criminal legal measures about the insanity that is appropriate for Thailand and to gain the conclusion of the format and guidelines for improving and developing legal measures about the criminal with insanity that is appropriate for Thailand. It is necessary to have opinions on each segment of the population involved in amount which is not different in order to obtain a summary of the comparison groups clearly.

In addition, the selected samples using stratified random sampling technique (Stratified Random Sampling) from a metropolitan police station in Bangkok, Criminal Division Office of Special Prosecutor,(Office of the Attorney General) in Bangkok, the criminal court in Bangkok, Prisons officials or correctional office in Bangkok, Probation Office in Bangkok, Attorney Office in Bangkok, social welfare Office in Bangkok, psychiatric department in the hospital or treatment facilities in Bangkok, and universities in Bangkok.

Then, we choose the samples from each organization, by randoming (Simple Random Sample). Each organization will select the people who are willing to cooperate in answering a query from the list in the justice system.

The results show that the data from a sample from a quantitative study of 450 people, or 100.00 percent of the quantitative sample group which have been set.

3.1.2 Creating a research tool

A tool of quantitative research is a questionnaire to collect information on implementation of analysis with the following procedures.

- Creating the tools used in this study.

(1) Review the literature relevant to this study such as the provision of laws, theories, concepts, thesis and reference books related to legal measures regarding the procedure for criminal insanity.

(2) Review of social science research and statistics for research to understand how to create a questionnaire correctly and suitable for use in statistical research.

(3) Bring the concepts from a literature to create a data collection tool in the form of a query that is all about attitude. The questions contain the contents covering issues relating to the form of legal measures about the insanity and criminal cases and related to area of research. It is questioned to receive the agreement with a scale estimate (Rating Scale) 5 levels, which was adapted from the scale estimate based on the one of Likert Scale with the criteria to score the percentage of respondents, respectively, as following scale words.

- Agree the most
- Strongly agreed.
- Seen with moderate
- Disagree
- Disagree strongly.

The questionnaire in this research, there are 2, the closed question with many choice to choose and the opened one with the space to answer freely in the paper area. There are 3 parts for the opened questions

Part 1 : the personal information such as the general information, the information about the work experience and the basic information about the legal measures about the insanity

Part 2 : the opinion data about legal measures with the insanity

Part 3 : the opinion and the suggestion on legal measures with the insanity

Translation of the questionnaire

Opinion on the enforcement procedure of the criminal case with insanity which its opinion have to be measured how much it agree with the pattern the researcher assigned. We created the opinion measurement as below.

By creating questions about the enforcement procedure for criminal cases about the insanity with the participants to agree. And the there are points for each question, which consist of five levels.

Disagree strongly equals the score rate of 1.00 points.

Disagreement equals the score rate of 2.00 points.

Seen with moderate equals the score rate of 3.00 points.

Strongly agreed. equal the score rate of 4.00 points.

Agree most equal the score rate of 5.00 points.

Interpretation of the average opinion about the criminal legal measures regarding the insanity from the analysis of quantitative data. We used the Criteria in the interpretation as following.

Interpretation of the index

Average less than 1.50 means the minimum level.

Average from 1.51 to 2.50 means a low level.

Average from 2.51 to 3.50 means a moderate level.

Average from 3.51 to 4.50 means a high level.

Average more than 4.50 means the highest level.

- Examining the quality of the tools used in the research.

Inspection of equipment used in research includes the processes as follow.

-The validity (validity).

The study has been reviewed the contents of the questionnaire by the specialists who have knowledge expertising in work of legal measures relating to criminal procedure for the insanity of 3 members which are the person from the mental health law, the expert of Criminology and the expert of justice.

-Determination of the reliability and the credibility. (Reliability) of the questionnaire used in this study.

We introduced an updated questionnaire with the non-population sample of 45 people or 10 percent of the sample, then determined the reliability of the questionnaire by using coefficient of reliability of the Ron Buck (Cronbach's alpha) and the criteria of internal consistency (cronbach's alpha consistency), which the reliability or credibility must have coefficient alpha since 0.7 and if the alpha coefficient is near 1 indicating that a measure is more reliable.

The Determination of reliability of the questionnaire by using coefficient of reliability of the Ron Buck (Cronbach's alpha) and the criteria of internal consistency (cronbach's alpha consistency) appears to have a reliability equal 0.8492, which shows that queries with precision or reliability. The questionnaire was used to collect data from the sample.

3.1.3 Data Collection in quantitative research.

We collected the data from the sample which is a quantitative study of 450 people from samples group calculated from the formula of Yamane for 397 people and the another that have been set for 12 percent to prevent errors in data collection. So the totals are 450 people. They all come from 9 organizations which include Inquiry official, Prosecutor, judge, official of Correction, Probation officer. Social work staff, psychiatrist and psychologist, Lawyers and academics. The questionnaires were distributed to a sample of willingly person. And the researchers collected the following information.

Processing by a letter of permission to collect officially the information from the Faculty of Social Sciences and Humanities, Mahidol University. There will be also the process of permission from each department. When the researcher received permission from his superiors in each of the agencies to collect information, researcher sent by mail the questionnaires to the agency allowed and travel to send and the query manually by himself. They are also sent a query via e-mail.

From the data collection appeared, we can get the information from 450 people.

3.1.4 Analysis of quantitative data.

Processing and analysis of data were using the percentage (Percentage) Average (Mean) and standard deviation (Standard Deviation) to describe the characteristics of the sample data. And for the private information, it includes general information, information about work experience, basic information about legal measures relating to criminal procedure for the insanity and Information and opinions on the enforcement procedure with the criminal insane.

3.2 Methods of qualitative research

3.2.1 Population and sample

The sample of qualitative studies of the research. “Legal measures about the criminal cases with the insanity which is appropriate for Thailand”. We use a sample of qualitative study by selecting the samples in specific (Purposive Sampling). Each agency in the judicial process at the high-ranked level are 1 from National Police, 1 from Office of the Attorney General, 2 person from Office of the Judiciary, 1 from Department of Corrections, 1 from Department of Probation, 1 from Social Development and Human Security, 1 from Department of Mental Health, 1 from Council lawyers, 1 from University and 5 defendant with mental illness, who had the treatment at the Royal Institute of Kalaya Prince.

The results show that the data from a sample of the qualitative study of 15 people, including 1 of the National Police Office, 2 from office of Attorney General, 1 from Office of Justice, 1 from Department of Corrections, 1 from Department of Probation, 1 from Social Development and Security office, 1 from Department of Mental Health, 1 from Attorney Council, 1 from University, and 5 of the sick defendant, where he received treatment at the Institute Kalaya Princess of 5 people or percent 100.00 of qualitative samples to be defined.

3.2.2 Tools used in this study.

The research of “Legal measures on criminal cases about the insanity that is appropriate for Thailand”, which is the qualitative research using depth interviews (In-depth interview) as a tool of the high-ranked person in the agencies of the Thai justice system. The case study of the defendant with mental illness studies the depth of the information about legal measures relating to criminal procedure for the insanity.

We prepared the schemes interview of 2 copies for each of the high-ranked person in the judicial agencies and the defendant with mental illness. It is classified as the following.

3.2.3 One set for each of the high-ranked person in agency of the judicial process.

Section 1 For the management of each agency in the judicial process

Part 1: Problems of criminal proceedings for the insanity now.

- The arrest and control
- Probe
- The prosecution and the preliminary examination.
- Trial and the courts.
- Appeal – petition
- The enforcement of the sentence.

Section 2 Proposes the criminal proceedings for the insanity that is appropriate for Thailand

- Measures to arrest and control
- Measures investigation.
- Measures of prosecution and preliminary examination.
- Measure the trial judge and the case
- Measures of appeal – petition
- Measures to enforce the sentence.

The second set for the accused / defendant

Section 1 Personal Information.

Part 2 : The suggestion on the measures of Law on Criminal Procedure for the insane person.

- Measures to arrest and control
- Measures to investigate.
- Measures of prosecution and preliminary examination.
- Measure the trial judge and the case

- Measures of appeal – petition
- Measures to enforce the sentence.

Part 3 : Expectation of life in the future.

- Monitoring the quality of the equipment used in research.

Inspection of equipment used in research quality was conducted as the following:

We provide 3 experts of legal measures concerning criminal procedure with the insanity. The first one was the expert in mental health, the expert of Criminology and expert of justice to check the accuracy and reliability of qualitative research tool. Then, the interview will be edited upon the recommendation of experts.

3.2.4 Steps for storage.

- (1) Preparation of schemes interview
- (2) The deep interview sample was used to interview the high –ranked persons who are in charge of procedure regarding the criminal cases with insane person and the defendant with mental illness who can fight the cases but we have to sent a psychiatrist the interview before to understand and the psychiatrist will guide in selecting the accused or the defendant. During interviews, the researcher will be interviewing the questions with psychiatrist
- (3) To record the details of the interview, we complete the point of the interview in order to find the interview analysis.

3.2.5 Analysis of qualitative data.

Data from the interviews will be analyzed with quantitative data and used in discussions of the research to make a quantitative study more completed

Analysis of data from this interview will be used to describe deeply in terms of quantity because the quantitative study can not be displayed in terms of process and continuity of the opinion linked to the measure of criminal law cases regarding the insanity

By selecting to interview the persons who are experts in the administration of legal measures relating to criminal procedure for the insane and the case study of the defendant who has symptoms to learn the quality data from the sample, we remove the words used in the interview word by word, note, observe, copy the text from the main document for interpreting and marking the important points correctly and reliable. Qualitative data were then analyzed by using content analysis techniques (Content Analysis) for determining the main themes (category) grouping similar topics together and planning the core concepts of which the main material. (Pattern / Themes) (Krippendorff, referred to in Srisombat vident, and the his group 2545) as the following.

(1) The researcher read the interview several times to access the content.

(2) Record the analysis from start to the end which includes the interesting data.

Or conflicting data or other problems during the reading and analysis to help in analyzing the data.

(1) Coding by underlining (highlight), or extract the words, the phrase, the texts or the important sentences by analyzing word by word, line by line, phrase by phrase, text by text, and sentence by sentence.

(2) Sub-grouping the issues (categories) by analyzing data between person by grouping words, phrases and sentences that have the similar meaning and different meaning.

(3) Taking the message or the sentence, giving its meaning and Hold as the main point. (Themes).

(4) Writing the report in the form of lecture by providing continuous and coordinated structure in the main issues and Sub-theme issue, with examples of those interviewed persons for understanding more.

3.3 Summary of methods of research that links the objectives and methods of the research

Table 3.2: Methods of research associated with objectives and methods

Objective	Point of the question	Method / tool	Results.
1. To study the measures of criminal law about the insanity that is appropriate for Thailand	-Private information. -Information and opinion about the legal measures to deal with criminal cases relating to the insanity.	A quantitative study / questionnaire Qualitative study / interview	-Details of personal information. -Information and opinion about the legal measures to deal with criminal cases relating to the insanity.
2 to obtain a summary of the format and guidelines for improving and developing legal measure about the criminal cases with the insanity that is appropriate for Thailand	Information and opinion about the legal measures to deal with criminal cases relating to the insanity.	The Qualitative study / interview /	Information and opinion about the legal measures to deal with criminal cases relating to the insanity

3.4 Duration of the study

From October 2551 - October 2553.

3.5 The ethics of the research with the human

The study focused on ethics in research as the following

- Questionnaire, interview form, the research scheme have been Submitted to the Research committee Board of Mahidol University to consider. We have number of certificates to study in human numbers COA. No. MU-IRB.

- The data must have the consent of a sample group of the defendant with insane symptoms.

- Dissemination of information will be anonymous for the patient but there will be the actual presentation a whole.

Above of all, the author is a college student whose student ID number is 4737077 which is not under the rules that must be based on the research ethics in the people of graduate students (Prof H 0517.02/5984 book dated September 9, 2551), However, to develop the potential of writing thesis theory. The researcher is willing to follow these guidelines.

CHAPTER IV

RESULTS ANALYSIS AND DISCUSSION

The study research on. “Suitable legal measures of criminal procedure for insane persons in Thailand” consisting of the following two sections

Part 1 : General information, including personal information, information about work experience, basic information about legal measures relating to criminal procedure for the insane.

Part 2 : of the information about legal measures relating to criminal procedure for the insane

Part 1: General information, including personal information, information about work experience, basic information about legal measures relating to criminal procedure for the insane

Table 4.1: General information

General information	Number (n = 400)	Percent
1. Sex		
male	234	58.5
female	166	41.5
2. Age		
25-30 years	136	34
31-35 years	90	22.5
36-40 years	73	18.3
41-45 years	58	14.5
Up to 46 years	43	10.8
3. Education		
Bachelor	186	46.5
Master degree	103	25.8
Thai Bar	29	7.3
Bachelor and Thai Bar	45	11.3
Master degree and Thai Bar	37	9.3

The study showed that the majorities were males, 58.5 percent were aged between 25-30 years 34 per cent addition to this total, over half the sample completed a bachelor's degree and 46.5 percent have a graduate degree, and hundreds of Thai Bar Association. 11.3 percent and received a master's degree and 9.3 percent of Thai Bar Association

Table 4.2 : Information about work experience

Information about work experience	Number (n = 400)	Percent
1. Carrer		
Inquiry official	50	12.5
Prosecutor	50	12.5
Judge	50	12.5
Corrections officer	48	12.0
Probation officers	47	11.8
Psychiatrists & psychologists	37	9.3
Social worker	50	12.5
Attorney	47	11.8
Scholars	21	5.3
2. Work experience		
Less than 5 years	118	29.5
5-10 years	120	30.0
10-15 years	99	24.8
15 years up to	63	15.8
3. Barriers for the insane criminal proceedings under the Code, Criminal Procedure		
Know	273	68.3
Unknow	127	31.8

The study showed that most reviewers career officers. Prosecutor. Judges and social workers. 12.5 per cent. And the reviewers was the least academic career 5.3 percent, and most reviewers have 5-10 years experience and has served the minimum of about less than 5 years, 29.5 percent of those who have Experience the most about 15 years and were at 15.8 and most of the samples to know the problems and obstacles in the criminal case for insanity under the Civil Procedure Criminal current percentage, 68.3, and samples with unknown problems and obstacles such. 31.8 per cent

Table 4.3 Basic information about legal measures relating to criminal procedure for the insane

Basic information about legal measures relating to criminal procedure for the insane	Number (n=400)	Percent
1. The knowledge of information about legal measures relating to criminal procedure for the insane		
Know	249	62.3
Unknow	151	37.8
2. The knowledge of problem about legal measures relating to criminal procedure for the insane		
Know	245	61.3
Unknow	155	38.8
3. The knowledge of concept of bringing offenders to justice symptoms from the usual insanity		
Know	263	65.8
Unknow	137	34.3

The study showed that the majority of the information about how the criminal legal measures about 62.3 percent of the insane and those who do not know the information. 37.8 per cent and the majority are aware of data problems and criminal proceedings relating to the insanity. 61.3 per cent and those who do not know the information. 38.8 per cent as well as the majority has acknowledged the concept of bringing offenders to justice symptoms from the usual rabid to get treatment for mental health treatment and rehabilitation to more than focus. Punishment. 65.8 per cent and those who do not know about the concept. 34.3 per cent.

Part 2 : The information about legal measures relating to criminal procedure for the insane

Table 4.4 : Feedback information about how the criminal legal measures about the insane: the arrest and control measures

The arrest and control	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly	\bar{x}	S.D.	Meanings
1. How to arrest without affecting the body and mind of those were arrested	191 (47.8)	140 (35.0)	54 (13.5)	12 (3.0)	3 (0.8)	4.2	0.8	High
2. How to help arrest the preliminary	143 (35.8)	208 (52.0)	43 (10.8)	5 (1.3)	1 (0.3)	4.2	0.7	High
3. To educate officers who arrest	211 (52.8)	155 (38.8)	29 (7.3)	5 (1.3)	0 (0.0)	4.4	0.6	High
4. Method of arrest by letting interested parties know	186 (46.5)	186 (46.5)	26 (6.5)	2 (0.5)	0 (0.0)	4.3	0.6	High
5. Control method without affecting the body and mind of detainees	199 (49.8)	159 (39.8)	41 (10.3)	1 (0.3)	0 (0.0)	4.3	0.6	High
6. Time control and put in jail	122 (30.5)	142 (35.5)	71 (17.8)	44 (11.0)	21 (5.3)	3.7	1.1	High

The results of an opinion on the legal measures regarding the procedure for criminal insanity. In measures of arrest and control Show that the samples had to agree to such measures in a high level of agrees with that during the arrest. If there is reason to believe that people who could be arrested as a maniac the officer or Rat A notice to the arrested person is arrested he must be caught and arrested by considering how most of the arrested person is important and does not affect the physical and mental condition of the people. Caught. and also agree with the official or Rat percent of arrests as necessary to support basic to people being arrested. Except if the person could be arrested for obstructing or will obstruct catch or escape or attempted escape. Who have the power to handle or prevent using all reasonable times to the circumstances of the story to catch it? It also agreed that the understanding of the officer who arrested on preliminary measures to assist the arrested person with symptoms of unsound mind. And arrest those caught with symptoms of unsound mind, whether in any case, by taking into account the best interests of the arrested person is important and not to affect the physical and mental condition of those arrested and the arresting officer. Report Bugs or control the seizure Hold or control to the school board similar treatment. As well as their parents or caregivers of unsound mind, without delay

In the control also agree with the arrested person within the control necessary under the circumstances of the case and control methods taking into account the best interests of detainees is critical. And does not affect the physical and mental condition of detainees, and in case there is reason to believe that detainees are insane. The male was arrested for going to court within forty-eight hours from the time the arrested person was brought to the office of the officers, but if within a period exceeding forty-eight hours, the officers or the prosecutor does not remember. Must apply to the court for the accused detention warrants.

The results above demonstrate that the majority has to agree to such measures in a high level, consistent with the qualitative results of the study sample, both the Executive Officers. Prosecutor. Corrections employees. Social workers and psychiatrists, have both confirmed the problems, arrest and control that affect the

mental state of those arrested, especially those caught with clinical mania, and suggested methods of arrest and detention as a special difference from the arrest. was arrested by officers generally suggested that social workers and administrative staff (such as village headman, village headman) to participate in the arrest and the arrest should be psychological. And control should be separated from the general was arrested and sent to treatment facilities within 24 hours. In addition, there should be a place to check treated for primary symptoms increased, including treatment facilities and private with the prosecutor also agreed that the arrest and detention should comply with the rights of people arrested in the Constitution is important and look at those. Patients have been held and there should be an interpreter or a communication language for insanity is only participate in the arrest of a person arrested and to control the symptoms of unsound mind, who was arrested separately from the general officers like a proposal. Corrections staff also thought that the arrest should have a psychiatrist and arrest participants should use negotiations. The social worker recommended that the use of arrest for the insane in patients with mania symptoms. And the psychiatrist suggested that knowledge and understanding about how to arrest people for being insane to be factors.

In addition, the sample is suspect and five other cases that when arrested. Authorities did not get informed about the facts alleged actions and behavior, including the right to inform the accused informed by clear and staffs were detained together with other defendants. And one suspects forced the victim to meet to negotiate the support of forced confessions and to sign a memorandum of surrender.

Accused 5

Accused 5, aged 20 years graduated from Grade 6, the brothers are 6 people by staying with her sister and later to live with her husband to have children one who was hospitalized for the first time at the hospital Srithanya of patients. out by the accused in the case of this The accused was taken to the theft of gold injured four U.S. heavy gold inlay, and the body of 2 because the accused and the victim had agreed to sleep with to compensate victims, but then injured. Is not threatened and to speak. And have also been injured in copulation Is thought up by the accused lodged

in the bathroom while the victim is. The accused has been opportunistic took the gold with gold inlay and money to sell the acquired share with friends. Later there were police with inquiries that it took the victim to real gold or not to take the accused was injured. Injured offensive to reach out to the accommodation for the accused to take all the assets of the accused to the accused and forced to withdraw cash for 10,000 baht, but the accused refuses to be subordinate has slapped the victim of assault After the victim tried to track suspects and accused pressure until the suspect's mental health symptoms increase Later, the accused has decided to surrender to the police station, Nakhon Pathom Province. Officers threatened to sign a memorandum of surrender before the interrogation.

The results of the legal measures that were accused of in-depth interviews of five cases shows that A sample group of four suspects, most cases were not sufficient to comply with the law due to the ability to recognize it is not sufficient protection under the law. The sample is a list of the accused has not been compliance with the law are not appropriate protection.

Table 4.5 : Feedback information about how the criminal legal measures about the insane: an investigation measureS

An investigation measures	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
1. Measures to screen and identify the accused								
1.1 Has reasonable ground to believe that The accused is a person of unsound mind	258 (64.5)	112 (28.0)	28 (7.0)	1 (0.3)	1 (0.3)	4.56	0.6	Highest
1.2 Suspects with clinical insanity defense was not	266 (66.5)	266 (66.5)	266 (66.5)	266 (66.5)	266 (66.5)	4.58	0.6	Highest
1.3 Facts and circumstances of the case	257 (64.3)	114 (28.5)	25 (6.3)	2 (0.5)	2 (0.5)	4.55	0.6	Highest
1.4 History of mental illness	249 (62.3)	135 (33.8)	15 (3.8)	1 (0.3)	0 (0.0)	4.57	0.5	Highest
2. Taken by the accused officers to the place of treatment.	210 (52.5)	159 (39.8)	31 (7.8)	0 (0.0)	0 (0.0)	4.4	0.6	High

Table 4.5 : Feedback information about how the criminal legal measures about the insane: an investigation measures.
(Continued)

An investigation measures	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
3. Send a detailed letter to the alleged offender treatment area								
3.1 Name the accused.	265 (66.3)	115 (28.8)	20 (5.0)	0 (0.0)	0 (0.0)	4.6	0.5	Highest
3.2 United delivered and date of delivery	248 (62.0)	129 (32.3)	23 (5.8)	0 (0.0)	0 (0.0)	4.56	0.6	Highest
3.3 Behavior and symptoms of the accused.	260 (65.0)	124 (31.0)	16 (4.0)	0 (0.0)	0 (0.0)	4.6	0.5	Highest
3.4 Basic Supporting	235 (58.8)	147 (36.8)	17 (4.3)	1 (0.3)	0 (0.0)	4.54	0.5	Highest
3.5 Address, number of governance	257 (64.3)	130 (32.5)	13 (3.3)	0 (0.0)	0 (0.0)	4.6	0.5	Highest

Table 4.5 : Feedback information about how the criminal legal measures about the insane: an investigation measures.
(Continued)

An investigation measures	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
4. Criteria for diagnosis of the psychiatrist								
4.1 History of mental illness and physical affliction.	260 (65.0)	125 (31.3)	14 (3.5)	1 (0.3)	0 (0.0)	4.6	0.5	Highest
4.2 Mental and physical inspection	265 (66.3)	118 (29.5)	17 (4.3)	0 (0.0)	0 (0.0)	4.6	0.5	Highest
4.3 Test tools.	265 (66.3)	117 (29.3)	17 (4.3)	0 (0.0)	1 (0.3)	4.6	0.5	Highest
4.4 Clinical Signs	269 (67.3)	113 (28.3)	18 (4.5)	0 (0.0)	0 (0.0)	4.6	0.5	Highest
4.5 Diagnosis	231 (57.8)	151 (37.8)	17 (4.3)	1 (0.3)	0 (0.0)	4.53	0.5	Highest
5. The report of the psychiatrist	197 (49.3)	178 (44.5)	24 (6.0)	1 (0.3)	0 (0.0)	4.4	0.6	High
6. Psychiatric investigation	210 (52.5)	158 (39.5)	27 (6.8)	5 (1.3)	0 (0.0)	4.4	0.6	High

Table 4.5 : Feedback information about how the criminal legal measures about the insane: an investigation measures.
(Continued)

An investigation measures	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
7. Criteria of the park staff with the ability of his defense of the accused.								
7.1 FAQ innocent	250 (62.5)	113 (28.3)	30 (7.5)	7 (1.8)	0 (0.0)	4.51	0.7	Highest
7.2 History of illness.	214 (53.5)	148 (37.0)	35 (8.8)	3 (0.8)	0 (0.0)	4.4	0.6	High
7.3 Behavioral actions	223 (55.8)	134 (33.5)	38 (9.5)	3 (0.8)	2 (0.5)	4.4	0.7	High
7.4 The relevant request.	216 (54.0)	121 (30.3)	56 (14.0)	6 (1.5)	1 (0.3)	4.3	0.7	High
7.5 Comments psychiatrist	222 (55.5)	154 (38.5)	23 (5.8)	1 (0.3)	0 (0.0)	4.4	0.6	High
8. Pausing of inquiry official	173 (43.3)	162 (40.5)	45 (11.3)	16 (4.0)	4 (1.0)	4.2	0.8	High

Table 4.5 : Feedback information about how the criminal legal measures about the insane: an investigation measures.
(Continued)

An investigation measures	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
9. normal investigation	169 (42.3)	177 (44.3)	38 (9.5)	14 (3.5)	2 (0.5)	4.2	0.8	High
10. investigation of inquiry official	153 (38.3)	187 (46.8)	47 (11.8)	11 (2.8)	2 (0.5)	4.1	0.7	High
11. the comment to relevant person	165 (41.3)	189 (47.3)	38 (9.5)	6 (1.5)	2 (0.5)	4.2	0.7	High
12. Pausing of Prosecutor	186 (46.5)	163 (40.8)	43 (10.8)	7 (1.8)	1 (0.3)	4.3	0.7	High
13. Prosecution of Prosecutor	146 (36.5)	208 (52.0)	43 (10.8)	3 (0.8)	0 (0.0)	4.2	0.6	High
14. Pausing of Prosecutor which disagree	157 (39.3)	171 (42.8)	60 (15.0)	10 (2.5)	2 (0.5)	4.1	0.8	High
15. Investigation of Prosecutor	161 (40.3)	177 (44.3)	55 (13.8)	4 (1.0)	3 (0.8)	4.2	0.7	High
16. Pausing of Prosecutor in specific measure	157 (39.3)	179 (44.8)	53 (13.3)	8 (2.0)	3 (0.8)	4.1	0.7	High

Table 4.5 : Feedback information about how the criminal legal measures about the insane: an investigation measures.
(Continued)

An investigation measures	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
17. Ordering of Prosecutor	164 (41.0)	167 (41.8)	55 (13.8)	12 (3.0)	2 (0.5)	4.1	0.8	High
18. Forced treatment of the treatment area	187 (46.8)	155 (38.8)	50 (12.5)	6 (1.5)	2 (0.5)	4.2	0.7	High
19. Report of Psychiatrist								
19.1 Source of information	238 (59.5)	133 (33.3)	28 (7.0)	1 (0.3)	0 (0.0)	4.52	0.6	Highest
19.2 history of insane	251 (62.8)	124 (31.0)	24 (6.0)	0 (0.0)	0 (0.0)	4.56	0.6	Highest
19.3 Mental status examination.	267 (66.8)	117 (29.3)	16 (4.0)	0 (0.0)	0 (0.0)	4.6	0.5	Highest
19.4 Test Results	268 (67.0)	112 (28.0)	20 (5.0)	0 (0.0)	0 (0.0)	4.6	0.5	Highest
19.5 Diagnosis	233 (58.3)	147 (36.8)	20 (5.0)	0 (0.0)	0 (0.0)	4.53	0.5	Highest

Table 4.5 : Feedback information about how the criminal legal measures about the insane: an investigation measures.
(Continued)

An investigation measures	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
20. The case raised up a new investigation of the case officer agreed with the psychiatrist	195 (48.8)	158 (39.5)	44 (11.0)	2 (0.5)	1 (0.3)	4.3	0.7	High
21. The case raised by the new investigation officer	164 (41.0)	176 (44.0)	55 (13.8)	3 (0.8)	2 (0.5)	4.2	0.7	High
22. The case raised the prosecutor's new investigation.	182 (45.5)	167 (41.8)	43 (10.8)	7 (1.8)	1 (0.3)	4.3	0.7	High
23. Method of Investigation, accused the prosecutor of unsound mind, after lifting the case up a new investigation	140 (35.0)	201 (50.3)	53 (13.3)	6 (1.5)	0 (0.0)	4.1	0.7	High
24. The pending litigation against the prosecutor	159 (39.8)	165 (41.3)	63 (15.8)	13 (3.3)	0 (0.0)	4.1	0.8	High

The results of an opinion on the legal measures regarding the procedure for criminal insanity. Measures in the investigation. Show that the samples had to agree to such measures to the highest level. The most strongly agreed with the screening measure and identify the accused. During the investigation If there is reason to believe that the accused is of unsound mind and unable to fight the lawsuit. Official shall take measures to screen and identify the accused are the symptoms of unsound mind by considering the following: (1) has reason to believe that The accused is a person of unsound mind Because the accused insane behavior and symptoms appear much (2) defendants are the symptoms of unsound mind can not fight the case (3) the facts and circumstances of the case (4) history of mental illness and related physical diseases. Developmental history. Profile. Family history. Medical history.

When the officer screening and identified the accused with mental illness out of the defendants generally. Were also strongly agreed with the defendants to submit to such treatment facilities. Prior to sending the notice by telephone or other means to the treatment site, which is close to coordinate without delay to send a person to receive the initial diagnosis and symptom assessment. Also agree very best time to send a person to place treatment shall be in writing delivered and a copy of the details as follows: (1) Name and details about offenders with symptoms of unsound mind. and why delivery (2) units delivered and date of delivery (3) the behavior and symptoms of offenders with symptoms of unsound mind (4) Support Basic (5), address and telephone number of the parents. care of offenders with symptoms that can be of unsound mind.

When the alleged offender treatment facilities already. Were also strongly agreed with the diagnosis of psychiatrists and mental disorders opinion for the consideration of the officers that the suspect or his defense can not be considered by psychiatrists to gather information about the illness. These include (1) history of mental illness and related physical diseases. Developmental history. Profile. Family history. Medical history (2) Make mental, physical examination and laboratory tests as necessary (3) to experiment with psychology clinic as necessary and appropriate

(4) observation and evaluation of symptom change in patients, and (5) provides. Diagnostic standards of the profession.

In addition, samples also strongly agreed with the psychiatrists on the diagnosis, assessment and initial symptoms. To report without delay and keep duplicate copies of your records, and when officers received reports of preliminary symptoms, diagnosis, and then evaluate to call psychiatrists to testify or to the issues listed in the diagnostic evaluation report symptoms. Preliminary together with the attached documents related to the diagnosis included in the phrase to include the investigation. For consideration by the officer that the accused is of unsound mind and his defense was not that The sample also agreed that should be assigned to the criteria as follows: (1) Q & A did not know about or look like maniac who agree with at most (2) finds a history of illness, mental health before (3) the behavior of offenders (4) family or the defendant requested an attorney (5) According to the opinion of the psychiatrist.

Were also strongly agreed with the case officer that the accused is of unsound mind and unable to fight the lawsuit. To have to suspend the investigation until such person of unsound mind, or you can fight my case and send along a comment, expression, and the prosecutor in the case of officers that the accused is of unsound mind and can not fight the lawsuit. To conduct an investigation following a common criminal. In the case of officers that the accused is of unsound mind, but his defense can be. To conduct an investigation following method was used for the criminal investigation is only by being insane in the investigation must have a third party to join the investigation may be a relative or guardian or any person responsible for supervision and the accused. Lawyers and social workers or psychologists. In the case of criminal investigations for the particular insanity. Official shall notify the person participating in the investigation as soon as possible by explaining the reason for the detention. Location detention. When the investigation finished, submit comments, and expressions with the accused to the prosecutor.

In the step of the prosecutor. Were also strongly agreed that when the prosecutor has been investigated as well as expressions of official opinion in the case of the accused is of unsound mind and unable to fight the lawsuit. The phrase with the prosecutor's order to suspend the investigation and send the accused to the treatment site. When the prosecutor has been questioned as well as expressions of opinion and sent the accused officers. If the accused is of unsound mind and can not fight the lawsuit. If the prosecutor agrees with the opinion of the officers is to act as a criminal case generally, but if the prosecutor does not agree with the opinion of the officers is evident that the accused is of unsound mind and unable to fight the case only if an order to suspend investigation. The accused sent to treatment facilities.

When the prosecutor has been questioned as well as expressions of opinion and sent the accused officers. If the accused is of unsound mind, but his defense can be. To conduct an investigation following the method of criminal investigation for the insanity is only by the discretion to order the case of the prosecutor to consider weighing the effect of illness of the accused and the public interest, but if prosecutors determine that. The accused is not guilty of serious action and accused the prosecutor, because insanity is the phrase with an order to suspend the investigation and send the accused to the treatment site, and if the prosecutor considers that the accused guilty of serious And prosecute the accused will make it more useful to the public prosecutor, then the phrase along with instructions to sue or not sue the accused

For treatment. Were also strongly agreed that when the treatment facilities for the treatment of the accused to place the therapeutic treatment will be lost unless the accused or his defense can and can induce. No need to get consent from the accused, but must be evidenced in writing or orally by doctors ever to treat, 1 nurse, 1 and who are not doctors and nurses more of a people that should provide treatment to the accused. This will cause clinical symptoms improved. And were also strongly agreed with the psychiatrist to treat reports of the diagnosis and assess the ability of officers sent to his defense. In reporting this, consider the following information: (1) sources of information (2) history of illness (3) Inspection of mind and the disease (4)

results of psychological as necessary. And appropriate (5) diagnosis of mental disorders.

In addition, the sample also strongly agreed with the psychiatrist in treatment that has been accused of therapy and mental disorders have disappeared and his defense. Treatment shall be reported to the officers. If the officers agree with the official lifting it up to investigate the case and ordered the case to the prosecutor and the next If the officer does not agree to submit expressions of investigation is ready to send the accused to the prosecutor to be a command If the prosecutor that the accused has mental disorders and can not fight the case, then ordered the accused to be sent to treatment, but if that psychotic symptoms disappeared and can litigation has also ordered the officers to raise up to investigate the case and ordered the case to the prosecutor and the next If the prosecutor suspects that there are signs of mental relief and let his defense has ordered the employees pretty sure lift up to investigate the case by means of criminal investigations for cases where the offender is only insanity. In the case where the accused can not fight this case because of unsound mind. If the prosecutor has ordered the accused to sue then. The prosecutor is pending litigation against the accused before the court until the reason he has chosen to go away and then sued the accused in court.

The results above demonstrate that the majority has to agree to such measures to a high level is consistent with the results of the qualitative study, most subjects in both the Executive Officers. Prosecutor, judge of Corrections staff psychiatrists, lawyers, academics, and have both confirmed the problems of investigation the accused are the symptoms of insanity in terms of screening with clinical isolate suspect rabid Preliminary assessment of the problem symptoms. And problems with the interrogation of suspects have symptoms, but also semi-insanity defense can be. The sample of 8 units are suggestions that there should be corresponding to a standard screening and identifying suspects. O Introduction to the symptoms and diagnostic standards of insanity, and the ability of his defense of the accused in a class officer and prosecutor. It also should define the procedure for criminal insanity is a special case if the accused had symptoms but also semi-insane

defense official suggested by the standard of diagnosis and the ability to insanity defense. Of the accused officers in the floor of the circumstances seen as guilty. Medical history. And should interrogate witnesses trusted intermediary between the software on the suspect lived as Kamnan etc. to know the behavior before the incident along with the opinion of the doctor.

The first prosecutor to offer measures for screening and identifying the accused should have three levels of the accused with no symptoms and his defense was insanity. Defendants are the symptoms of unsound mind and unable to fight the lawsuit. And the accused are the symptoms frequency d insanity defense, but it can and should set a standard of basic symptoms assessed by the Commission on the preliminary diagnosis reliable and certified. In addition, measures should be given to the accused to investigate the semi-insane, but symptoms can also be assigned to his defense by a psychiatrist Social workers involved in the investigation, and room for investigation of insanity this particular case, but not necessarily in every case that these actions depends on the discretion of the officer who conducted a major investigation and in ordering the case to the prosecutor. Consider the case of the command is divided into four stages: stage 1, while the accused is guilty symptoms what steps the two suspects in the investigation when symptoms how step 3, while the court proceedings. And step 4, after the court already. If in the process of investigating the case they are unable to fight the ban if the investigation was questioned, but the symptoms that the accused is guilty of unsound mind while filing the case, may order that has enough sense to know and act in order not to sue. Do not know if consciousness in action. For the case of an order not to sue would only happen when a medical opinion to confirm symptoms of unsound mind. Circumstances of the case and the patient's medical history. When the order is not filed, then the prosecutor would have ordered the officers to receive the official action which may be sent to the treatment facilities or indulge in back home, but also in the care of any extra staff. Moreover, the handbook should be scheduled to work between agencies.

Two prosecutors who have suggested that the interrogation the accused should be framed by looking at him as a patient the right to protection under the Constitution and to investigate if the accused has symptoms similar to the semi-insane. Investigation on juvenile delinquency should be determined to be social workers or psychologists, psychiatrists and prosecutors joined the investigation. Interpreters should also communicate the language of a particular person of unsound mind and determined to be of unsound mind is only room Investigation.

For a judge you have any suggestions on measures that assess basic symptoms of the accused should be determined to be a psychiatrist diagnosed Committee under the supervision of the Ministry of Social Development and Human and the measures ordered in the case. Prosecutor level should require the prosecutor to file the appropriate court sent the accused to receive treatment to treatment facilities in order not to bring a lawsuit or not. To the court for special measures in the treatment of suspects and protection of society.

Corrections employees have suggested that should be identified as a measure to investigate the alleged offender with symptoms, but also semi-insanity defense by a psychiatrist assigned. Social workers involved in the investigation and room for investigation of insanity this particular case as the opinion of the prosecutor.

Attorneys suggest that screening measures in the class officers should focus on verbs of the accused, while a major investigation. And measures should be assigned to investigate measures to investigate the alleged offender with a semi-rabid symptoms but also by defense psychiatrist determined to be not required by the social workers involved in the investigation as Specialists directly and not agreed to arrange a room for the Investigation of unsound mind this only because it also to investigate publicly quick and measures ordered the case be assigned to the prosecutor have the power to delay the lawsuit was if the accused agrees to receive Mental health treatment.

Scholars have suggested that Measure of symptom assessment initial physician should designate a committee diagnosis primary measures of treatment, after ordering the case of the officer or prosecutor should be assigned to employees, medical evaluation, symptoms accused periodically and report to the officer or prosecutor. Case may be, every 6 months to 1 year and measures to order the case should be separate issues between Section 14 of the Civil Procedure Criminal law method states that want the right to suspect his defense fully and Section 65 of the Penal Code to diagnose fault The second medical opinion should be set apart the issue of Section 14 of the Code of Criminal Procedure and the issues of Section 65 of the Criminal Code. The doctor will need to make immediate symptoms to identify patients with symptoms while doing wrong. And visual inspection, both sets are needed to be assessed symptoms vary with the comments in Section 14 of the Code of Procedure for diagnosis only that his defense or not, but Section 65 of the Penal Code will have to check. Detail the characteristics and circumstances, while perpetrators. And measures should be assigned to investigate measures to investigate the alleged offender with a semi-insane, but symptoms can also be assigned to his defense by a psychiatrist Social workers involved in the investigation, and room for investigation of insanity this particular case as the opinion of the prosecutors and correctional staff. The scholars agreed that correlate with the Procedures for the children because they are young persons with physical and intellectual as well. There are also suggestions for more ways to bring this investigation to a witness or victim who has symptoms of unsound mind. And if not to investigate the causes of free inquiry to witness the test, but without words like do not listen.

Social workers have suggested that the screening measures and identify the accused should be given before symptoms insanity and calm down the suspect's medical history includes. Initial symptom assessment measures should be provided with a multidisciplinary team participating in the visual inspection, such as psychiatrists. By social workers, psychologists and social workers, psychologists will consider the causes of the offense. History of the accused in terms of social The psychiatrist will consider the symptoms of the disease based on technical principles such as providing medical treatment, physical medicine and so on.

Psychiatrists suggest that Screening measure and identify the accused. Officers and prosecutors should have knowledge and understanding of psychology to signs. Basic measure of symptom assessment and treatment measures in the class investigation. Treatment facilities, inadequate budget, the examination and treatment should be the Ministry of Health should increase funding for treatment facilities to provide easy access to the accused. In addition, lack of coordination between agencies and treatment agencies in the place of justice seriously. In visual inspection, as well as treatment should be done by multidisciplinary teams and psychiatrists. Social workers and psychologists and the standard of examination and treatment by focusing on how to find information. Characteristics of the accused to know their rights, legal or not. Measures should be investigated to the prosecutor joined the investigation with officers from the beginning. Measures should be determined in order cases when prosecutors refused to sue and to propose a request to inform the court that the accused had the mental symptoms to get treatment.

Probation officer to see that Measures should be used with clinical insanity defendants diverted from the full judicial process by focusing on treatment instead of punishment that should be measures to screen and identify the officers and a visual inspection, preliminary measures by the Commission. But doctors do not agree to bring the accused with mental illness access to justice in the investigation, but measures should be to measure the treatment based on cooperation between the courts. Prosecutor, psychiatrist, social worker and psychologist. Probation officers and roles in assessing symptoms of the accused. And the measures ordered the case assigned to the prosecutor have the power to slow down the action was if the accused consents to the treatment of mental health, and when the accused received treatment until symptoms disappear or abate it to the court's order lifting the allegations and released. accused to enter treatment to the community by a probation officer as a monitor.

The study qualitative depth interviews with suspects with clinical insanity, but to his defense was the number of 5 cases that accused the four first gave a consistency that the police inquired about the circumstances of the case without

separation. room to investigate the general case the accused feel paranoid and scared and sometimes not able to provide or to order, but not a step-by-event Staff told how they follow cents. But who has accused five police officers in an interview that the threat to his business and no separate inquiry from the general case the accused feel paranoid and scared to do so by the police informed. And accused the other 5 cases to match the initial symptoms have been examined by a social worker about the history background of the accused. And the psychiatrist about medication and physical therapy.

Accused 5

After the accused 5 surrendered to the police station, Police and Nakhon Pathom. The police has accused the five signed documents without reading, listening to just ask out his true or not, and trying to persuade the accused squeak by and informed the accused in the room, questioned at the police station and there is no room send. Baked specific section. Feeling paranoid and fears that the accused will be hurt. It got noisy self in a manner that is dim c Lung symptoms can not control themselves. The police said that the innocent are sent to the Princess Kalaya institutions and has taken the initial visual inspection, with a staff social worker who asked about family history and treatment and submit themselves to treatment by psychiatrists, using a shock. Tong brain Blood and antibiotics.

The results of the legal measures that were accused of in-depth interviews of five cases shows that A sample group of four suspects, most cases were not sufficient to comply with the law due to the ability to recognize it is not sufficient protection under the law. The sample is a list of the accused has not been compliance with the law are not appropriate protection

Table 4.6 : Feedback information about how the criminal legal measures about the insanity: measures of prosecution and preliminary examination

Measures of prosecution and preliminary examination	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
1. The criminal charges re related to the insane persons	170 (42.5)	162 (40.5)	64 (16.0)	4 (1.0)	0 (0.0)	4.2	0.7	High
2. Lecture about the insane criminal charges	193 (48.3)	162 (40.5)	40 (10.0)	4 (1.0)	1 (0.3)	4.3	0.7	High
3. Screening measures in the class, preliminary examination.								
3.1 Has reasonable ground to believe that The accused is an insane person	248 (62.0)	122 (30.5)	28 (7.0)	1 (0.3)	1 (0.3)	4.53	0.6	Highest
3.2 Suspects with clinical insanity defense was not	259 (64.8)	117 (29.3)	21 (5.3)	3 (0.8)	0 (0.0)	4.58	0.6	Highest

Table 4.6 : Feedback information about how the criminal legal measures about the insanity: measures of prosecution and preliminary examination (Continued)

Measures of prosecution and preliminary examination	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
3.3 Facts and circumstances of the case	245 (61.3)	123 (30.8)	29 (7.3)	0 (0.0)	3 (0.8)	4.51	0.6	Highest
3.4 history of insane	228 (57.0)	150 (37.5)	21 (5.3)	3 (0.8)	1 (0.3)	4.51	0.6	Highest
4. Taken by the defendants to treatment facilities in the class, preliminary examination.	211 (52.8)	149 (37.3)	39 (9.8)	1 (0.3)	0 (0.0)	4.4	0.6	High

Table 4.6 : Feedback information about how the criminal legal measures about the insanity: measures of prosecution and preliminary examination (Continued)

Measures of prosecution and preliminary examination	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
5. Send a letter to the defendant in the class treatment facilities, preliminary examination								
5.1 name of accused.	263 (65.8)	111 (27.8)	26 (6.5)	0 (0.0)	0 (0.0)	4.59	0.6	Highest
5.2 Units delivered and date of delivery.	244 (61.0)	132 (33.0)	24 (6.0)	0 (0.0)	0 (0.0)	4.55	0.6	Highest
5.3 Behavior and symptoms of the accused.	264 (66.0)	117 (29.3)	19 (4.8)	0 (0.0)	0 (0.0)	4.6	0.5	Highest
5.4 Basic Support.	254 (63.5)	121 (30.3)	23 (5.8)	1 (0.3)	1 (0.3)	4.56	0.6	Highest
5.5 Location and number of governance.	235 (58.8)	147 (36.8)	18 (4.5)	0 (0.0)	0 (0.0)	4.54	0.5	Highest

Table 4.6 : Feedback information about how the criminal legal measures about the insanity: measures of prosecution and preliminary examination (Continued)

Measures of prosecution and preliminary examination	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
6. The psychiatrist's report, preliminary examination in class	214 (53.5)	161 (40.3)	24 (6.0)	1 (0.3)	0 (0.0)	4.4	0.6	High
7. The testimony of the psychiatrist	165 (41.3)	192 (48.0)	41 (10.3)	2 (0.5)	0 (0.0)	4.3	0.6	High
8. Criteria for consideration by the court with the ability to fight this case the defendant's preliminary examination in class.								
8.1 FAQ innocent	246 (61.5)	117 (29.3)	35 (8.8)	1 (0.3)	1 (0.3)	4.51	0.6	Highest
8.2 History of the illness.	234 (58.5)	132 (33.0)	32 (8.0)	1 (0.3)	1 (0.3)	4.4	0.6	High
8.3 Behavior of action.	235 (58.8)	127 (31.8)	34 (8.5)	3 (0.8)	1 (0.3)	4.4	0.7	High

Table 4.6 : Feedback information about how the criminal legal measures about the insanity: measures of prosecution and preliminary examination (Continued)

Measures of prosecution and preliminary examination	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
8.4 The relevant request.	219 (54.8)	137 (34.3)	39 (9.8)	5 (1.3)	0 (0.0)	4.4	0.7	High
8.5 Comments psychiatrist	223 (55.8)	150 (37.5)	27 (6.8)	0 (0.0)	0 (0.0)	4.4	0.6	High
9.The Pausing of preliminary examination in class.	183 (45.8)	166 (41.5)	47 (11.8)	4 (1.0)	0 (0.0)	4.3	0.7	High
10. Criminal investigation is a general preliminary examination in class.	182 (45.5)	181 (45.3)	35 (8.8)	1 (0.3)	1 (0.3)	4.3	0.6	High
11. How the preliminary examination the defendant insane	201 (50.3)	147 (36.8)	40 (10.0)	10 (2.5)	2 (0.5)	4.3	0.7	High

Table 4.6 : Feedback information about how the criminal legal measures about the insanity: measures of prosecution and preliminary examination (Continued)

Measures of prosecution and preliminary examination	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
12. Individuals who participated in the preliminary examination the defendant of unsound mind only.	168 (42.0)	185 (46.3)	42 (10.5)	4 (1.0)	1 (0.3)	4.2	0.7	High
13. The preliminary examination room is insane defendants only.	178 (44.5)	150 (37.5)	61 (15.3)	7 (1.8)	4 (1.0)	4.2	0.8	High
14. To inform participants of the preliminary examination the insane defendant only.	182 (45.5)	163 (40.8)	49 (12.3)	4 (1.0)	2 (0.5)	4.2	0.7	High
15. Right to appeal the preliminary examination in class	188 (47.0)	159 (39.8)	45 (11.3)	7 (1.8)	1 (0.3)	4.3	0.7	High

Table 4.6 : Feedback information about how the criminal legal measures about the insanity: measures of prosecution and preliminary examination (Continued)

Measures of prosecution and preliminary examination	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
16. Forced treatment of place in the class, preliminary examination treatments	152 (38.0)	202 (50.5)	41 (10.3)	4 (1.0)	1 (0.3)	4.2	0.6	High
17. Report of the depression in the floor, preliminary examination.								
17.1 Sources of Information	238 (59.5)	132 (33.0)	28 (7.0)	2 (0.5)	0 (0.0)	4.51	0.6	Highest
17.2 history of illness.	236 (59.0)	133 (33.3)	30 (7.5)	0 (0.0)	1 (0.3)	4.51	0.6	Highest
17.3 Inspection of mind.	236 (59.0)	138 (34.5)	25 (6.3)	1 (0.3)	0 (0.0)	4.52	0.6	Highest
17.4 test results	249 (62.3)	127 (31.8)	24 (6.0)	0 (0.0)	0 (0.0)	4.56	0.6	Highest
17.5 diagnosis	217 (54.3)	159 (39.8)	24 (6.0)	0 (0.0)	0 (0.0)	4.4	0.6	High

Table 4.6 : Feedback information about how the criminal legal measures about the insanity: measures of prosecution and preliminary examination (Continued)

Measures of prosecution and preliminary examination	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
18. The case was raised in the class, preliminary examination	192 (48.0)	169 (42.3)	37 (9.3)	2 (0.5)	0 (0.0)	4.3	0.6	High
19. The case was raised in the class, preliminary examination is not the case with the psychiatrist	173 (43.3)	188 (47.0)	36 (9.0)	2 (0.5)	1 (0.3)	4.3	0.6	High
20. How insane after preliminary examination the defendant raised the case in the new	183 (45.8)	168 (42.0)	40 (10.0)	6 (1.5)	3 (0.8)	4.3	0.7	High
21. Waiting to read the instructions in the class, preliminary examination	142 (35.5)	199 (49.8)	50 (12.5)	8 (2.0)	1 (0.3)	4.1	0.7	High

The results of an opinion on the legal measures regarding the procedure for criminal insanity. In the prosecution and the preliminary examination. Show that the samples had to agree to such measures in a high level to the most strongly agreed with the prosecution about the insanity of the court filed under the Code of Criminal Procedure or the Court by other laws. If filed in other courts such as juvenile court, then the method of investigation and adjudication of the case to a relative And to describe action. The prosecutor describe the facts in the expression of inquiry that is you and that is why reprieve if the offender guilty of the symptoms of unsound mind, while also know responsibility is, how can self-control can do under the Criminal Code, Section 65 paragraph two. To describe the action to match the facts and shall be specified in the request filed by the end.

In addition, samples also strongly agreed with the measures for screening and identifying the accused during the preliminary examination. If there is reason to believe that the defendant is insane and unable to fight the lawsuit. The court shall take measures to screen and identify the defendant of unsound mind by considering the following symptoms: (1) a reasonable ground to believe that the defendant is a person of unsound mind Because the defendant is insane behavior, and symptoms appear much (2) the defendant had symptoms of unsound mind can not fight the case (3) the facts and circumstances of the case (4) history of mental illness and physical disease related. Developmental history. Profile. Family history. Medical history.

Court action for screening and identifying the defendant with mental illness out of the defendants generally. Were also strongly agreed with the defendant to submit to such treatment facilities. Prior to sending the notice by telephone or other means to the treatment site, which is close to coordinate without delay to send a person to receive the initial diagnosis and symptom assessment. And were also seen with as much as possible to send a person navigate to treatment shall be in writing delivered and a copy of the details as follows: (1) Name and details about offenders who have Symptoms of unsound mind and causes delivery (2) units delivered and date of delivery (3) the behavior and symptoms of offenders with symptoms of

unsound mind (4) Support Basic (5), address and telephone number of the parents. or administrator of the offender with symptoms that can be of unsound mind.

Psychiatric diagnosis at the initial assessment and symptoms. Sample strongly agreed that psychiatrists report without delay and keep a copy of duplicate as evidence when the court received the report of examination assessed symptoms basics and then call psychiatrists to testify as issues appear in the inspection report. Preliminary diagnosis symptom assessment. Together with the attached documents related to the diagnosis to include in the phrase of the court include For the investigation of the court that the defendant is insane and his defense was not that Should be identified as a criteria as follows: (1) Q & A did not know about or look like maniac who agree with most (2) finds a history of illness, mental health before, (3) the behavior of offense (4) relatives or lawyers requested the defendant \ (5) According to the opinion of the psychiatrist.

In addition, samples also strongly agreed in court that the defendant is insane and unable to fight the lawsuit. The court shall issue an order to suspend preliminary examination until such person of unsound mind or is missing his defense and send the defendant to a treatment site, but not restrict the plaintiff to appeal to the Court of Appeal. If the plaintiff's appeal and to submit comments to the phrase with the Court of Appeal for decision. The decision of the Court of Appeal is final. However, if the court that the defendant is not insane and his defense has. To the preliminary examination to a common criminal.

In the event the court that the defendant is insane, but his defense can be. To proceed to preliminary examination by means of criminal investigation for the particular insanity at trial, will be diagnosed in the issues that the defendant is guilty or not before. If the lawsuit is without merit hearing was ordered not to stamp the prosecution and the defendant sent to the treatment facilities to treat But if the case had been listening to it sufficient information to judge on the issue later that the defendant do not know when or responsibility can not force yourself or not. If the case had been listening to information that the defendant made while responsibility can not

know or can not enforce their own shall have no Pradebngong command and send the defendant to receive treatment to treatment area. But if there is information that the defendant made to listen to while it can recognize a responsibility, or it can force yourself to order the prosecution and sat in the preliminary examination. Agree that there should be a third party to join the preliminary examination may be a relative or guardian or any person responsible for monitoring the defendant and a social worker or psychologist, and also agree that there should be room for a preliminary examination. sued for breach of unsound mind is separate from the room only criminal. In testimony to the inquiry without giving the defendant a direct confrontation with any evidence which may be made by the use of closed circuit television. Electronic media. And will ask the defendant through a psychologist. Almoner Defendant or other person entrusted therewith and the preliminary examination the court shall notify the person attending the inquiry as soon as possible by explaining the reason for the detention, location detention. Moreover, when the court ordered. Shall not restrict the plaintiff to appeal the court under the Code of Criminal Procedure.

Case treatment. The sample was also agreed that when the place is very therapeutic for the treatment of the accused. To maintain the treatment facilities will be lost unless the defendant or his defense can and can induce. No need to get consent from the defendant, but must be evidenced in writing or orally by doctors ever to treat, 1 nurse, 1 and who are not doctors and nurses more of a people that should provide treatment to the accused. This will cause clinical symptoms improved. Psychiatric treatment and the report of the diagnosis and evaluation of the ability to fight the case sent to court In reporting this, consider the following information: (1) source of information that agreed with most (2) history of illness, which is seen by at most (3) Inspection of mind and action. Disease, which most agree with (4) results of psychological tests as necessary and appropriate that the most strongly (5) diagnosis of mental disorders, which strongly agreed.

And were also strongly agreed with the psychiatrist in treatment that the defendant had received treatment and mental disorders have disappeared and his

defense. Treatment shall be reported to the court. If the courts agree, then the court lifted the case up to the preliminary examination, but if the court that the defendant has symptoms, mental health and can not fight the case only if the order sending the defendant to receive treatment. Following treatment. And if the court that the defendant has mental disorders and can induce defense only if an order to lift the case up the investigation by means of preliminary examination for the criminal case guilty of unsound mind. specific. In addition, in cases where the defendant can not because the insanity defense. If the court seal and then get sued. I wait for the court read the instructions before the event until he has chosen to go away and then read the order.

The results above demonstrate that The majority has to agree to such measures to a high level is consistent with the results of the qualitative study, most subjects in both the Executive Officers. Prosecutor, judge of Corrections staff psychiatrists, lawyers, academics, and have both confirmed the problems the prosecution and the defendant are the symptoms of insanity in terms of cases filed in court and describe the facts about the insanity. And problems of the preliminary examination by the sample of 8 units to make recommendations accordingly should make measures to prosecute defendants who have symptoms of unsound mind and describe the facts about the insanity specific measures for preliminary examination. The official suggested measures for preliminary examination in the diagnosis of insanity, and the ability of his defense of the accused in court by the act seen as guilty. Medical history. And should be a reliable witness intermediary between software on the defendant lives so as Kamnan testimony to know the behavior before the incident along with the opinion of the doctor.

Offers the first prosecutor in the measures, preliminary examination by the screening schedule and identify the defendant as a three-level defendants were asymptomatic and his defense was insanity. Defendants are the symptoms of unsound mind and unable to fight the lawsuit. And the defendant had symptoms but can be semi-insanity defense, and should be set to a standard of basic symptoms assessed by the Commission on the preliminary diagnosis reliable and certified in the class, preliminary examination. Should also require that the preliminary examination the

defendant to have symptoms, but also semi-insane by the defense to the psychiatrist. Social workers participated in the preliminary examination and room for the trial of unsound mind this only, but not necessarily in every case that these actions depends on the discretion of the court where the proceeding is important in a lecture to sue the prosecutor. Should present the facts as well as you and a penalty to the defendant that is the way you include a family history. Medical history and offense history. In such a way that a penalty of the base offense and the appropriate penalty. Moreover, the handbook should be scheduled to work between agencies.

The prosecutors 2 who have suggested that the inquiry, the defendant should be framed by looking at him as a patient the right to protection under the Constitution and the preliminary examination if the defendant had symptoms for semi-insane. As the hearing children and youth should be determined to be social workers or psychologists, psychiatrists and prosecutors participated in preliminary examination. Interpreters should also communicate the language of a particular person of unsound mind and determined to be of unsound mind as the trial room only. And should set out measures for the order of the court in the case of an inquiry by the court must give reasons in order for the purpose of the exercise of the parties to the appeal.

For a judge you have any suggestions for measures that preliminary examination of the defendant's initial symptom assessment should be determined to be a psychiatrist diagnosed Committee under the supervision of the Ministry of Social Development and humans and should be scheduled. The investigation should be open to both parties to offer evidence as fully as the pros and cons of the defendant and the court has the power to seek evidence that would benefit the case. And should determine the preliminary examination if the defendant had symptoms similar to semi-insane incompetent person should be civil to the psychiatrist And prosecutors participated in the preliminary examination for the purpose of communication and agreed to recruitment specialists, especially psychiatrists, who have the knowledge and experience.

Corrections employees have suggested that measures of preliminary examination. Should require that the preliminary examination the defendant to have symptoms, but also semi-insane by the defense to the psychiatrist Social workers participated in the preliminary examination and room for the trial of this insanity is only as the opinion of the prosecutor.

Attorney have a suggestion for a preliminary examination of measures that should be set to be screened in class, preliminary examination by the importance of the defendant verb, while a major investigation. And in the preliminary examination should require that the accused be tried with a semi-insane, but symptoms can also be assigned to his defense by a psychiatrist, but need not have a social worker involved in the investigation because it is. Professionals directly and should not see room for the trial because of insanity this particular investigation should be disclosed quickly.

Scholars have suggested that measures be tried. Assigned to evaluate symptoms basic medical committee diagnosis primary measures of treatment after the court's order should be assigned to staff medical evaluation, signs the defendant time to time and report to the court case may be every 6. months to 1 year and measures add to the case of the court should separate the issues between Section 14 of the Civil Procedure Criminal law method is provided to the right defendant litigation fully and Section 65 of the Penal Code to diagnose the fault should be. a second medical opinion sets apart the issue of Section 14 of the Code of Criminal Procedure and the issue of Section 65 of the Penal Code by the doctors would have immediate symptoms to identify patients with symptoms while doing wrong. And how to determine the need assessment symptoms vary with the comments in Section 14 of the Code of Criminal Procedure for diagnosis only that his defense or not, but Section 65 of the Criminal Code to verify details the nature and act as perpetrators. In the investigation should be set to the investigation and the defendant are the symptoms, but also semi-insane by the defense to the psychiatrist Social workers involved in the investigation and trial rooms for this insanity is only as the opinion of the prosecutors and correctional staff. The scholars agreed that correlate with the Procedures for the children because they are young persons with physical and intellectual as well. There

are also suggestions for more ways to bring this investigation to a witness or victim who has symptoms of unsound mind. If the investigation does not result in such investigation is not lost, but the words just do not like witnesses to testify by not listening.

Social workers suggested measures for filing criminal charges and lectures should be determined by the behavior of mental illness. Drop a penalty or punishment ignored. Request to receive treatment. Measures that the preliminary examination for screening and identifying the defendant should calm down before symptoms of unsound mind and consider the defendant's medical history includes. For the initial symptom assessment should provide a multidisciplinary team participate in the visual inspection, such as psychiatrists. By social workers, psychologists and social workers, psychologists will consider the causes of the offense. History of the accused in terms of social the psychiatrist will consider the symptoms of the disease based on technical principles such as providing medical treatment, physical medicine and so on.

Psychiatrists have suggestions for measures that the preliminary examination. Screening and identification of the defendant. Judges should have knowledge and understanding of psychology to signs. Preliminary assessment of symptoms and treatments in the class, preliminary examination. Treatment facilities, inadequate budget, the examination and treatment should be the Ministry of Health should increase funding for treatment facilities to provide easy access to the defendant. In addition, lack of coordination between agencies and treatment agencies in the place of justice seriously. In visual inspection, as well as treatment should be done by multidisciplinary teams and psychiatrists. Social workers and psychologists and the standard of examination and treatment by focusing on how to find information. Characteristics of the accused to know their rights, legal or not. The investigation should be identified as a psychiatrist. Social workers and psychiatrists to join the preliminary examination. Also be assigned to evaluate and monitor therapy in class, preliminary examination should be defined as a function of the probation officer to cooperate with the psychiatrist to monitor and supervise the defendant's symptoms.

Probation officer to see that Diversion measures should be used with clinical insanity defendant in the class, preliminary examination of the full process with a focus on treatment instead of punishment which should be seen as measures to prosecute in court mental health courts, including FAO. And the measures to be screened and identified by the court and take measures to make the initial symptoms, but medical committee does not agree that the defendant had mental illness in the justice system to measure the preliminary examination, but should visit. to measure the treatment based on cooperation between the courts. Prosecutor, psychiatrist, social worker and psychologist. Probation officers and roles in assessing symptoms of the defendant. And a measure ordering the case to the prosecutor have the power to delay the lawsuit if the defendant has agreed to receive psychological treatment and when the defendant has received treatment or palliative treatment until symptoms disappear, then the court's order lifting the allegations. and release the defendant into the community by providing treatment to a probation officer who scrutinize.

The study qualitative depth interviews with suspects with clinical insanity, but to his defense was number five cases were the accused and three more are to consistency that has been sued in court criminal cases and determine why that was filed but did not know. What that was filed with the charges. And the other two defendants that were sued by the criminal court. But do not know why that was filed and do not know what was filed with the charges. However, all 5 cases the accused did not have access to due process, preliminary examination of the plaintiff's action as a prosecutor is generally not required preliminary examination.

The accused 2

When the accused 2 who were taken to court for the first time. That the accused was taken to the Southern Bangkok Criminal Court, which is located at Charoen Krung Road, by the staff of the Institute of Princess Kalaya. But do not know what to do. And do not know what was filed with the charges. And what was being sued though they are not committed to anyone or to not go out of anyone. Just know that the father's girlfriend to inform huh.

The accused 4

When the accused 4 who was taken to court for the first time. That the accused was taken to Thonburi Criminal Court, which is located near Sing to the staff, but do not know anyone. Do not know what to do and do not know what charges are filed with and what was being sued, but know that he is the magic of the magical into the phone line was cut, and by their offense was not going to go with someone or not. Out of one.

The results of the legal measures that were accused of in-depth interviews of five cases shows that A sample group of three suspects most cases were not sufficient to comply with the law due to the ability to recognize a low level allowing not adequately protect the legal rights. The sample is also accused of two cases were not sufficient to comply with the law due to the ability to recognize the low level allowing not adequately protect the legal rights as well.

Table 4.7 : Feedback information about how the criminal legal measures about the insanity: Measures to consider and judge the case

Measures to consider and judge the case.	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
1. Screening measures in the class.								
1.1 is a reasonable ground to believe that The accused is a person of unsound mind	224 (56.0)	144 (36.0)	30 (7.5)	1 (0.3)	1 (0.3)	4.4	0.6	High
1.2 The defendant was of unsound mind can not fight this case.	263 (65.8)	114 (28.5)	22 (5.5)	0 (0.0)	1 (0.3)	4.59	0.6	Highest
1.3 facts and circumstances of the case.	248 (62.0)	128 (32.0)	23 (5.8)	1 (0.3)	0 (0.0)	4.55	0.6	Highest
1.4 History of mental illness.	244 (61.0)	136 (34.0)	20 (5.0)	0 (0.0)	0 (0.0)	4.56	0.5	Highest
2. Taken by the defendant to a treatment area	201 (50.3)	162 (40.5)	35 (8.8)	1 (0.3)	1 (0.3)	4.4	0.6	High

Table 4.7 : Feedback information about how the criminal legal measures about the insanity: Measures to consider and judge the case.
(Continued)

Measures to consider and judge the case.	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
3. a book to send the accused to a treatment site								
3.1 Name the accused.	271 (67.8)	104 (26.0)	22 (5.5)	3 (0.8)	0 (0.0)	4.6	0.6	Highest
3.2 units delivered and date of delivery	258 (64.5)	117 (29.3)	24 (6.0)	1 (0.3)	0 (0.0)	4.58	0.6	Highest
3.3 behavior and symptoms of the accused.	258 (64.5)	121 (30.3)	19 (4.8)	1 (0.3)	1 (0.3)	4.58	0.6	Highest
3.4 Basic Support.	254 (63.5)	123 (30.8)	20 (5.0)	1 (0.3)	2 (0.5)	4.56	0.6	Highest
3.5 Location and number of governance	230 (57.5)	145 (36.3)	23 (5.8)	0 (0.0)	2 (0.5)	4.502	0.6	Highest
4.The report of Psychiatrist	183 (45.8)	182 (45.5)	32 (8.0)	3 (0.8)	0 (0.0)	4.3	0.6	High

Table 4.7 : Feedback information about how the criminal legal measures about the insanity: Measures to consider and judge the case.
(Continued)

Measures to consider and judge the case.	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
5. The testimony of the psychiatrist	192 (48.0)	161 (0.3)	44 (11.0)	2 (0.5)	1 (0.3)	4.3	0.7	High
6. criteria for determining the ability of defense did not know about								
6.1 FAQ.	251 (62.8)	114 (28.5)	34 (8.5)	1 (0.3)	1 (0.3)	4.53	0.6	Highest
6.2 History of the illness.	230 (57.5)	138 (34.5)	31 (7.8)	1 (0.3)	0 (0.0)	4.4	0.6	High
6.3 Behavior of action.	228 (57.0)	144 (36.0)	26 (6.5)	1 (0.3)	1 (0.3)	4.4	0.6	High
6.4 The relevant request.	218 (54.5)	133 (33.3)	44 (11.0)	3 (0.8)	2 (0.5)	4.4	0.7	High
6.5 Comments psychiatrist	223 (55.8)	152 (38.0)	24 (6.0)	1 (0.3)	0 (0.0)	4.4	0.6	High
7.Pausing of the trial	199 (49.8)	159 (39.8)	39 (9.8)	3 (0.8)	0 (0.0)	4.3	0.6	High
8.The normal trial	162 (40.5)	201 (50.3)	35 (8.8)	2 (0.5)	0 (0.0)	4.3	0.6	High

Table 4.7 : Feedback information about how the criminal legal measures about the insanity: Measures to consider and judge the case. (Continued)

Measures to consider and judge the case.	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
9. The specific trial	183 (45.8)	160 (40.0)	48 (12.0)	7 (1.8)	2 (0.5)	4.2	0.7	High
10. Individuals who participated in the only trial the defendant insane	192 (48.0)	158 (39.5)	44 (11.0)	6 (1.5)	0 (0.0)	4.3	0.7	High
11. The room is the only defendant of unsound mind	193 (48.3)	152 (38.0)	46 (11.5)	6 (1.5)	3 (0.8)	4.3	0.7	High
12. To inform participants of the trial the defendant of unsound mind only.	154 (38.5)	195 (48.8)	47 (11.8)	4 (1.0)	0 (0.0)	4.2	0.6	High
13. Right to appeal the class.	173 (43.2)	187 (46.8)	37 (9.3)	2 (0.5)	1 (0.3)	4.4	0.6	High
14. Forced treatment of place in class therapy trial	166 (41.5)	178 (44.5)	53 (13.3)	2 (0.5)	1 (0.3)	4.2	0.7	High

Table 4.7 : Feedback information about how the criminal legal measures about the insanity: Measures to consider and judge the case.
(Continued)

Measures to consider and judge the case.	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
15. Report of the depression in the floor hearing is as follows.								
15.1 Sources of Information	236 (59.0)	133 (33.3)	29 (7.3)	2 (0.5)	0 (0.0)	4.51	0.6	Highest
15.2 history of illness.	256 (64.0)	122 (30.5)	22 (5.5)	0 (0.0)	0 (0.0)	4.58	0.5	Highest
15.3 Inspection of mind.	270 (67.5)	111 (27.8)	19 (4.8)	0 (0.0)	0 (0.0)	4.6	0.5	Highest
15.4 test results.	269 (67.3)	112 (28.0)	19 (4.8)	0 (0.0)	0 (0.0)	4.6	0.5	Highest
15.5 diagnosis	220 (55.0)	158 (39.5)	22 (5.5)	0 (0.0)	0 (0.0)	4.4	0.6	High
16. Consider the case of lifting up the floor in the case agreed with the psychiatrist	188 (47.0)	180 (45.0)	32 (8.0)	0 (0.0)	0 (0.0)	4.3	0.6	High

Table 4.7 : Feedback information about how the criminal legal measures about the insanity: Measures to consider and judge the case. (Continued)

Measures to consider and judge the case.	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
17. Consider the case of lifting up in the floor	157 (39.3)	207 (51.8)	34 (8.5)	1 (0.3)	1 (0.3)	4.2	0.6	High
18. How insane after trial, the defendant raised the case in the new	180 (45.0)	168 (42.0)	47 (11.8)	4 (1.0)	1 (0.3)	4.3	0.7	High
19. Waiting for the pronouncement in the class trial.	174 (43.5)	171 (42.8)	44 (11.0)	10 (2.5)	1 (0.3)	4.2	0.7	High
20. The judge sent the accused to the treatment area	189 (47.3)	170 (42.5)	39 (9.8)	2 (0.5)	0 (0.0)	4.3	0.6	High
21. Release the defendant after the treatment	185 (46.3)	164 (41.0)	44 (11.0)	5 (1.3)	2 (0.5)	4.3	0.7	High
22. Judged by the conditions of probation	200 (50.0)	137 (34.3)	54 (13.5)	9 (2.3)	0 (0.0)	4.3	0.7	High

The results of an opinion on the legal measures regarding the procedure for criminal insanity. And in the courts. Show that the samples had to agree to such measures in the most up to agree on measures to screen and identify the defendant during the trial. If there is reason to believe that the defendant is insane and unable to fight the lawsuit. The court shall take measures to screen and identify the defendant had symptoms of unsound mind by considering: (1). Has reason to believe that the defendant is a person of unsound mind Because the defendant has the behavior and symptoms of unsound mind visible, which obviously strongly agreed (2) the defendant had symptoms of unsound mind can not fight the case, which agree at most (3) the facts and circumstances of the case, which agreed with most and (4) history of mental illness and physical disease related. Developmental history. Profile. Family history. Medical history, which most strongly agreed.

And were also strongly agreed. Court action for screening and identifying the defendant with mental illness out of the defendants generally. The defendant to submit it to the treatment site. Prior to sending the notice by telephone or other means to the treatment site, which is close to coordinate without delay to send a person to receive the initial diagnosis and symptom assessment. And agree as much as possible to send a person navigate to treatment shall be in writing delivered and a copy of the details as follows: (1) Name and details about offenders with symptoms of unsound mind and reason. Delivery (2) units delivered and date of delivery (3) the behavior and symptoms of offenders with symptoms of unsound mind (4) Support Basic (5) the address and phone number of parents or caregivers. Criminals have symptoms that can be of unsound mind.

Were seen by a psychiatrist when the initial symptoms and diagnostic evaluation. The report be submitted to the courts without delay and keep duplicate copies of your records, and when the court received the report of initial diagnosis, symptom assessment and a psychiatrist to testify as to matters contained in the report of initial diagnosis, symptom assessment. Together with the attached documents related to the diagnosis to include in the phrase of the court include The discretion of the court that the defendant is insane and his defense was not that The sample also

agreed to make the criteria as follows: (1) Q & A did not know about or look like maniac who agree as much as possible (2) finds a history of illness, mental health before, (3). Consider the behavior of offenders (4) the defendant requested an attorney or a relative (5) According to the opinion of the psychiatrist.

Were also strongly agreed in court that the defendant is insane and unable to fight the lawsuit. The court shall issue an order to suspend consideration until such person of unsound mind or is missing his defense and sent the defendants to treatment facilities, but not restrict the plaintiff to appeal to the Court of Appeal. If the plaintiff's appeal and to submit comments to the phrase with the Court of Appeal for decision. The decision of the Court of Appeal, but in most cases the court that the defendant is insane and can not fight the case. To proceed to trial as a common criminal.

In the event the court that the defendant is insane, but his defense can be. To proceed to trial using the procedure for criminal insanity is only by the court decision on the issue will be whether the defendant is guilty or not before. If the case does not listen, then judge dismissing the lawsuit and send the defendant to receive treatment facilities to treat If the case has enough weight to listen to it for decision on the issue later that the defendant do not know when or responsibility can not force yourself or not. If you listen to the case that the defendant made while responsibility can not know whether they can force themselves to the Supreme impunity and sends a defendant to receive treatment to treatment area If the hearing that the defendant made while still like to know the wrong or they can force themselves to the Supreme punishment, but punishment is less than that specified by law for an offense that just anywhere. In addition, subjects also agreed that there should be third-party participation may be considered as a relative or guardian or any person responsible for monitoring the defendant and a social worker or psychologist, and there should be room for consideration. For insane offenders separate room specifically criminal. And the hearing will proceed without any direct confrontation with the defendant may testify, which may be made by using CCTV. Electronic media. And will ask the defendant through a psychologist. Almoner Defendant or other person entrusted therewith. In addition, the court shall notify the person attending the hearing as soon

as possible by explaining the reason for the detention. Location detention. When the Supreme Court has already. Shall not restrict the parties to appeal the verdict of the court under the Code of Criminal Procedure.

For treatment. The sample also agreed that when the place is very therapeutic for the treatment of the accused to place the therapeutic treatment or relief will be lost unless the defendant and his defense have. No need to get consent from the defendant, but must be evidenced in writing or orally by doctors ever to treat, 1 nurse, 1 and who are not doctors and nurses more of a people that should provide treatment to the accused. This will cause clinical symptoms improved. Samples also agree with the treatment of a psychiatrist report, diagnosis and evaluation of the ability to fight the case sent to court in reporting this, consider the following information: (1) source of information that agreed with most (2) history of illness, which is seen by at most (3) Inspection of mind and action. Disease, which most agree with (4) results of psychological tests as necessary and appropriate that the most strongly (5) diagnosis of mental disorders.

Were also strongly agreed that psychiatrists in the treatment of the accused, was therapy and mental disorders have disappeared and his defense. Treatment shall be reported to the court. If the courts agree, then the court lifted the case up to trial. However, if the court that the defendant has symptoms, mental health and can not fight the case only if an order to send a defendant to receive treatment anyway, and if the court that the defendant also has symptoms of mental relief. And his defense was also an order to lift the case up to the court by means of the criminal case is only guilty of unsound mind.

In addition, if the defendant can not fight this case because of insanity. If the court has already sentenced. I read the sentence to the court pending before the event until he has chosen to go away, and then to read that sentence. For the judges of the court. If that court. Release of defendants who have symptoms of unsound mind impunity or penalty has been reduced to an unsafe to the public. The court may order the delivery to control the on site treatment time without the consent of the defendant,

but must be evidenced in writing or orally by doctors ever to treat, 1 nurse, 1 and non-medical. Another nurse and a number of people that should provide treatment to the accused because the symptoms are better. If the psychiatrist treatment that the defendant receive treatment and mental health disorders disappear or abate, and no danger then. Treatment shall be reported to the court. Without delay, and if the courts agree with the court's order was released by the probation officer assigned to a periodic evaluation as required. The judge of the court. If the court sentenced the defendant to imprisonment for a term not exceeding three years and wait for the sentence or impose a penalty, but wait. Already released on. May be determined by the probation condition to receive treatment at treatment facilities within the specified period without the consent of the defendant, but must have written or oral evidence from doctors who have to maintain a medical person. And a number of doctors and nurses who are not more of a people that should provide treatment to defendants because it makes symptoms better.

The results above demonstrate that the majority has to agree to such measures to a high level is consistent with the results of the qualitative study, most subjects in both the Executive Officers. Prosecutor, judge employees of Corrections lawyers, academics and psychiatrists have both confirmed the problems to consider and judge the case on the defendant to have symptoms of unsound mind by a group of samples were 8 agencies can make recommendations accordingly should require measures screening. And differentiate. The initial symptom assessment. The proceedings and the courts. The official suggested measures for the proceedings in the diagnosis of insanity, and the ability of his defense of the accused in court by the act seen as guilty. Medical history. And should be a reliable witness intermediary between software on the defendant lives so as Kamnan testimony to know the behavior before the incident along with the opinion of the doctor.

Offers the first prosecutor assigned to the screening and identification of the defendant as a three-level defendants were asymptomatic and his defense was insanity. Defendants are the symptoms of unsound mind and unable to fight the lawsuit. And the defendant had symptoms but can be semi-insane defense and should

be set to a standard of basic symptoms assessed by the Commission on the preliminary diagnosis reliable and certified in the class trial. " Should also require that the trial the defendant to have symptoms, but also semi-insane by the defense to the psychiatrist Social workers to participate in the consideration and room for the insanity of this particular case, but not necessarily in every case that these actions depends on the discretion of the court action is considered significant. Moreover, the handbook should be scheduled to work between agencies.

The second prosecutors who have suggested that the trial of this defendant should be framed by looking at him as a patient the right protected by the Constitution and the laws of the defendant in a case with symptoms similar to the semi-insane. Hearing children and youth should be determined to be social workers or psychologists, psychiatrists and prosecutors to consider participating. And assigned to particular courtroom insanity. It also should have the communication skills of the interpreter is a person of unsound mind only in the case under consideration, and judges.

For a judge with recommendations for measures in the trial that the defendant's initial symptom assessment should be determined to be a psychiatrist diagnosed Committee under the supervision of the Ministry of Social Development and Human and operations. trial should be open to both parties presented evidence as well as fully the pros and cons of the defendant and should allow the court has the power to seek evidence that would benefit the case in the interest of justice. And the court should determine if the defendant had symptoms similar to semi-insane incompetent person should be civil to the psychiatrist and prosecutors to participate in the benefits of communication and agreed to recruitment specialists, especially psychiatrists, who have the knowledge and experience.

Corrections employees have suggested that should be determined to be the trial the defendant to have symptoms, but also semi-insane by the defense to the psychiatrist Social workers to participate in the consideration and room for the insanity of this particular case as the opinion of the prosecutor. The measures that

courts should require the defendant to be insane to get symptoms, treatment facilities are not treated in prison.

Attorney suggested that there should be a filter for the class to focus on verbatim testimony of the defendant, while a significant In keeping with its consideration should be given the consideration that the defendant had symptoms but also semi-insanity defense by a psychiatrist to determine, but need not have social workers to participate in the consideration because they are experts. This field should be direct and not see room for trial because of insanity this particular consideration should be disclosed quickly.

Scholars have suggested measures that trial. Make a preliminary assessment of the medical symptoms by the committee preliminary diagnosis and therapeutic measures should be considered in the floor to the medical staff accused of symptom assessment and report periodically to the court, as the case every 6 months to 1. years, and the trial court should separate the issues between Section 14 of the Civil Procedure Criminal law method is provided to the right defendant litigation fully and Section 65 of the Penal Code to diagnose the wrong should be. The two doctors set apart the issue of Section 14 of the Code of Criminal Procedure and the issue of Section 65 of the Criminal Code by the doctors would have immediate symptoms to identify patients with symptoms while doing wrong. And how to determine the need assessment symptoms vary with the comments in Section 14 of the Code of Criminal Procedure for diagnosis only that his defense or not, but Section 65 of the Criminal Code to verify details the nature and act as perpetrators. In the trial should be considered to have taken the defendant to have symptoms, but also semi-insane by the defense to the psychiatrist Social workers to participate in the consideration and room for the insanity of this particular case as the opinion of the prosecutors and correctional staff. The scholars agreed that correlate with the Procedures for the children because they are young persons with physical and intellectual as well. There are also suggestions for more ways to bring the trial to a witness or victim who has symptoms of unsound mind. If not, consider it a result of hearing loss is not just words, but testimony by witnesses who do not like do not listen. And measures that

the courts of the defendant to imprisonment for a term in prison with clinical insanity as well as the appropriate punishment according to the defendant committed the offense. But should separate jail and psychiatrists, check symptoms closely.

Social workers suggested that, in screening and identifying the defendant should calm down before symptoms of unsound mind and consider the defendant's medical history includes. For the initial symptom assessment should provide a multidisciplinary team participate in the visual inspection, such as psychiatrists. By social workers, psychologists and social workers, psychologists will consider the causes of the offense. History of the accused in terms of social The psychiatrist will consider the symptoms of the disease based on technical principles such as providing medical treatment, physical medicine. To do so, and the trial should be considered to have taken the defendant to have symptoms, but also semi-insane by the defense to the psychiatrist Social workers to participate in the consideration and room for the insanity of this particular case as the opinion of the prosecutors and correctional staff. In the trial should be open to both parties to offer evidence as fully as the pros and cons of the defendant and should allow the court has the power to seek evidence that would benefit the case for interest of justice, as well as the opinion of the judges. And the courts should send the accused to place due to treatment rather than prison treatment facilities with adequate equipment and personnel. However, the defendant should have control measures such as extra security of society and the defendant.

Psychiatrists suggest that. Screening and identification of the defendant. Judges should have knowledge and understanding of psychology to signs. Preliminary assessment of symptoms and treatment in the trial class. Treatment facilities, inadequate budget, the examination and treatment should be the Ministry of Health should increase funding for treatment facilities to provide easy access to the defendant. In addition, lack of coordination between agencies and treatment agencies in the place of justice seriously. In visual inspection, as well as treatment should be done by multidisciplinary teams and psychiatrists. Social workers and psychologists and the standard of examination and treatment by focusing on how to find information. Characteristics of the accused to know their rights, legal or not. The trial

should be assigned to a psychiatrist. Social workers and psychiatrists to join the trial. Also be assigned to evaluate and monitor therapy in the class should be defined as a function of the probation officer to cooperate with the psychiatrist to monitor and supervise the defendant's symptoms. The measures that courts should require the defendant to have symptoms of insanity in the treatment of non-treatment in prisons to places like prisons because correctional staff does not have sufficient medical equipment and facilities are not suitable for the control patients.

Probation officer to see that Diversion measures should be used with clinical insanity defendants in class hearing from the full judicial process by focusing on treatment instead of punishment, which could make the screening measures and measures identified by the court and check symptoms. Introduction to the Medical Board, but does not agree to bring the defendant to have mental illness to the measure of justice in the trial, but should seek to measure the treatment based on cooperation between the courts. Prosecutor, psychiatrist, social worker and psychologist. Probation officers and roles in assessing symptoms of the defendant. And a measure ordering the case to the prosecutor have the power to delay the lawsuit if the defendant has agreed to receive psychological treatment, but if the defendant will not voluntarily take measures to limit response to the behavior involved. The penalty for the defendant that and when the defendant has received treatment until symptoms disappear or abate it to the court's order lifting the allegations and the release of the accused to enter community treatment following by a probation officer as a monitor.

The study qualitative depth interviews with suspects with clinical insanity, but to his defense was the number of 5 cases were suspects in 5 cases are to the line that when they reach the court first do not know what to do?. During the five accused and are feeling paranoid. And the staff did not understand questions asked. In the staff room together without a separate special in any way. And do not know what charges are to judge by. Why is the judge. And the other two suspects who had psychotic symptom exacerbation during the hearing. Consider the need to stop temporarily.

The accused 1

When the accused 1 who was taken to court for the first time. The accused did not know how to proceed. Do not know what to do because no one notice. And at the trial, the accused will have to listen all the time, each time to feel paranoid and to listen to the questions, I understand what they do not understand. Still have questions but can not ask questions or ask for advice. Especially on the accused to testify in court with the more self-feeling very paranoid. Psychotic symptom relapse and need to request court permission to walk in the courtroom to relieve stress. Although it can proceed to court testimony, but could not testify as a sequence of events. And do not know what charges are to judge by. Why is the judge?

The accused 4

When the four suspects who was taken to court for the first time. Do not know what to do without any notice. While the hearing. Listen to the accused is determined each time in a room with all the staff together. Climate stress. Understand some of the questions are. Did not understand the can not ask questions or consult with others. In testimony before the court date the accused is no suggestion or advice. Just have to ask their staff about the facts in the case. Some questions they should do. Do not understand and feel more stress symptoms and psychological attack. Court to stop the hearing temporarily although it can proceed to court testimony, but could not testify as a sequence of events. And do not know what charges are to judge by. Why is the judge?

The results of the legal measures that were accused of in-depth interviews of five cases shows that the sample is accused of five cases were not sufficient to comply with the law due to the ability to recognize at least not so much the legal rights are protected adequately. The only 2 cases, the accused has the ability to recognize the low level and still be affected psychologically highly.

Table 4.8 : Feedback information about how the criminal legal measures about the insanity: Measures of Appeal / Petition Court

Measures of Appeal / Petition Court	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
1. How to Appeal and the petition insanity cases	173 (43.3)	177 (44.3)	46 (11.5)	3 (0.8)	1 (0.3)	4.2	0.7	High
2.Right of Appeal and Petition	189 (47.3)	148 (37.0)	50 (12.5)	10 (2.5)	3 (0.8)	4.2	0.8	High
3. Raising claims in the case of insanity	186 (46.5)	144 (36.0)	51 (2.8)	13 (3.3)	6 (1.5)	4.2	0.8	High

The results of an opinion on the legal measures regarding the procedure for criminal insanity. In the appeal petition Show that the samples had to agree to such measures in a high level agree that the appeal or the Supreme Court of First Instance or the Court of Appeal or the order in fact or law, or to appeal to the Supreme Court of Appeal or the Supreme Court. The appeal or the Supreme All documents must specify the facts or legal issues that the defendant is insane or not symptoms. And his defense was not detailed. Raise a reference sequence. And issues that the defendant is insane or not, and the symptoms can fight the case or not, that is an issue of law regarding public policy. The parties have the right to appeal or the Supreme Court of First Instance or the Court of Appeal case may be. It also agreed that the issues that the defendant had symptoms of unsound mind or not, and can fight the case or not, that is an issue of law regarding public policy. The appellant or the court is able to give up claims. Although not raised in any court of first instance.

The results above demonstrate that the majority has to agree to such measures in a high level, consistent with the results of the qualitative study, most subjects in both the Executive Officers. Prosecutor, judge of Corrections employees. Probation lawyers, academics and psychiatrists are also testimony to the problems of the appeal the Supreme case on the defendant to have symptoms of unsound mind by a group of samples were 9 units to make recommendations consistent that it should require the parties have the right to appeal theory. Check signs in the issue of insanity and the ability to fight the case to the full. Although not over the network in civil court If the parties request that the court itself, or it can be to raise the interest of justice, the prosecutor who had two offers for a direct appeal to the Supreme Court and the establishment of the Litigation Department of Mental Health in the class.

Judge has suggested further that if the defendant has a case of mental symptoms during the period of appeal or the petitioner without an attorney to set the defendant did not receive adequate protection. Therefore, the agency set up to protect the rights of a particular operator in the Appeals and the petitioner.

From a qualitative study with in-depth interviews with suspects with clinical insanity defense, but can be accused of 5 cases and 5 cases were different to the line that does not know the Appeals and Supreme. How the accused to be taken. And if the court convicted. Defendants will appeal and petition Only one suspect who was seen as satisfactory in the judgment of the Court, and agree to bring into therapy in treatment facilities after being imprisoned and then.

The accused 1

When accused by a court that already. Feel satisfied with the sentence as true, but admitted that the mistake is made possible because people like glitter ears and ordered that he be imprisoned on the prison has been reached allowing extradition to the institution because of Princess Kalaya. Friends and doctors take care. Do not feel tired. Delicious food, good weather at the Institute.

The results of the legal measures that were accused of in-depth interviews of five cases shows that the sample is accused of five cases were not sufficient to comply with the law due to the ability to recognize at least not so much the legal rights are protected adequately. Although a number of cases the accused will be satisfied with the sentence, but in fact the accused wishes to be treated in more treatment facilities will be punished in the prison.

Table 4.9 : Feedback information about how the criminal legal measures about the insane: the enforcement of the measures judgment

The enforcement of the measures judgment	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
1. Measures screening and identification of sanction enforcement of judgments in class.								
1.1 is a reasonable ground to believe that The sanction is a person of unsound mind	265 (66.3)	94 (23.5)	38 (9.5)	2 (0.5)	1 (0.3)	4.55	0.6	Highest
1.2 The sanction with clinical insanity defense was not.	268 (67.0)	99 (24.8)	30 (7.5)	1 (0.3)	2 (0.5)	4.57	0.6	Highest
1.3 facts and circumstances of the case.	270 (67.5)	97 (24.3)	30 (7.5)	2 (0.5)	1 (0.3)	4.58	0.6	Highest
1.4 History of mental illness	239 (59.8)	129 (32.3)	30 (7.5)	0 (0.0)	2 (0.5)	4.51	0.6	Highest

Table 4.9 : Feedback information about how the criminal legal measures about the insane: the enforcement of the measures judgment.
(Continued)

The enforcement of the measures judgment	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
2. Sent to males convicted treatment facilities enforcement of judgments in class.	194 (48.5)	159 (39.8)	41 (10.3)	5 (1.3)	1 (0.3)	4.3	0.7	High
3. referral male blame to place in the treatment of class execution.								
3.1 Name the accused.	244 (61.0)	126 (31.5)	29 (7.3)	1 (0.3)	0 (0.0)	4.53	0.6	Highest
3.2 units delivered and date of delivery.	250 (62.5)	122 (30.5)	27 (6.8)	1 (0.3)	0 (0.0)	4.55	0.6	Highest
3.3 Behavior and symptoms of the accused.	255 (63.8)	117 (29.3)	25 (6.3)	3 (0.8)	0 (0.0)	4.56	0.6	Highest
3.4 Basic Support.	267 (66.8)	101 (25.3)	31 (7.8)	1 (0.3)	0 (0.0)	4.58	0.6	Highest
3.5 Location and number of governance.	231 (57.8)	142 (35.5)	27 (6.8)	0 (0.0)	0 (0.0)	4.51	0.6	Highest

Table 4.9 : Feedback information about how the criminal legal measures about the insane: the enforcement of the measures judgment.
(Continued)

The enforcement of the measures judgment	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
4. The report of the depression in force under the Supreme Court level	208 (52.0)	158 (39.5)	30 (7.5)	4 (1.0)	0 (0.0)	4.4	0.6	High
5. The testimony of psychiatrists, the enforcement of judgments in class	211 (52.8)	149 (37.3)	34 (8.5)	6 (1.5)	0 (0.0)	4.4	0.7	High
6. Criteria for the symptoms of insanity convict								
6.1 FAQ innocent	235 (58.8)	135 (33.8)	27 (6.8)	1 (0.3)	2 (0.5)	4.5	0.6	High
6.2 History of the illness.	234 (58.5)	141 (35.3)	24 (6.0)	1 (0.3)	0 (0.0)	4.52	0.6	Highest
6.3 Behavior of action.	252 (63.0)	117 (29.3)	29 (7.3)	1 (0.3)	1 (0.3)	4.54	0.6	Highest

Table 4.9 : Feedback information about how the criminal legal measures about the insane: the enforcement of the measures judgment.
(Continued)

The enforcement of the measures judgment	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
6.4 The relevant request.	250 (62.5)	113 (28.3)	32 (8.0)	4 (1.0)	1 (0.3)	4.51	0.7	Highest
6.5 Comments psychiatrist	233 (58.3)	149 (37.3)	18 (4.5)	0 (0.0)	0 (0.0)	4.53	0.5	Highest
7. To abate the penalty shall enforce the sentence level	188 (47.0)	161 (40.3)	47 (11.8)	4 (1.0)	0 (0.0)	4.3	0.7	High
8. Males convicted of sending back in control	182 (45.5)	181 (45.3)	36 (9.0)	0 (0.0)	1 (0.3)	4.3	0.6	High
9. The treatment facilities shall maintain the enforcement of judgments in class	176 (44.0)	171 (42.8)	50 (12.5)	3 (0.8)	0 (0.0)	4.3	0.7	High

Table 4.9 : Feedback information about how the criminal legal measures about the insane: the enforcement of the measures judgment.
(Continued)

The enforcement of the measures judgment	Agree the most	Strongly agreed	Seen with moderate	Disagree	Disagree strongly.	\bar{x}	S.D.	Meanings
10. Report of the depression in the execution level								
10.1 Sources of information.	281 (70.3)	99 (24.8)	19 (4.8)	1 (0.3)	0 (0.0)	4.6	0.5	Highest
10.2 history of illness.	253 (63.3)	129 (32.3)	18 (4.5)	0 (0.0)	0 (0.0)	4.58	0.5	Highest
10.3 Inspection of mind.	250 (62.5)	126 (31.5)	23 (5.8)	1 (0.3)	0 (0.0)	4.56	0.6	Highest
10.4 test results.	250 (62.5)	126 (31.5)	22 (5.5)	0 (0.0)	2 (0.5)	4.55	0.6	Highest
10.5 diagnosis	233 (58.3)	149 (37.3)	16 (4.0)	2 (0.5)	0 (0.0)	4.53	0.5	Highest
11. The penalty to	193 (48.3)	154 (38.5)	45 (11.3)	5 (1.3)	3 (0.8)	4.3	0.7	High

The results of an opinion on the legal measures regarding the procedure for criminal insanity. In the enforcement of the sentence. Show that the samples had to agree to such measures in a high level to the most strongly agreed with the measures to screen and identify those convicted of that during the enforcement of the judgment of whether the death penalty, detention or imprisonment, or punishment, etc. If there is reason to believe that the defendant is a person of unsound mind Corrections officials to take measures to screen and identify the defendant of unsound mind by considering the following symptoms: (1) has reason to believe that the defendant is a person of unsound mind Because the defendant is insane behavior, and symptoms appear much (2) the defendant had symptoms of unsound mind can not fight the case (3) the facts and circumstances of the case (4) history of mental illness and physical disease related. Developmental history. Profile. Family history. Medical history.

Corrections officers at the screening and identification of the defendant with mental illness out of the defendants generally. Sample strongly agreed that the defendant sent to treatment facilities. Prior to sending the notice by telephone or other means to the treatment site, which is close to coordinate without delay to send a person to receive the initial diagnosis and symptom assessment. And were seen by as much as possible to send a person navigate to treatment shall be in writing delivered and a copy of the details as follows: (1) Name and details about offenders who have symptoms. Bugs and causes delivery (2) units delivered and date of delivery (3) the behavior and symptoms of offenders with symptoms of unsound mind (4) Support Basic (5) the address and phone number of parents or career guilty of symptoms that can be of unsound mind.

Psychiatrists, the initial symptoms and diagnostic evaluation. Samples agree very much that the psychiatrists report submitted to officials of Corrections without delay and keep a copy duplicate for your records, and when officers of Corrections has been reported diagnosis symptom assessment preliminary and then apply to the Court for relief of. Mandatory penalties. And the court ordered a psychiatrist to testify as issues appear in the report of initial diagnosis, symptom assessment. Together with the attached documents related to the diagnosis to include

in the phrase of the court include for consideration by the court that the defendant is insane and can fight the case or not. The sample also agreed that should be assigned to the criteria as follows: (1) Q & A did not know about or look like maniac (2) finds a history of illness, mental before that agree as much as possible. (3) the behavior of offenders who most strongly agreed (4) relatives or lawyers requested that the defendant agreed with most (5) According to the opinion of the psychiatrists who strongly agreed that random.

In addition, samples also strongly agreed that, in the event the court that the defendant is a person of unsound mind The court ordered relief to enforce the penalty until it disappears insane and sent to the treatment area But not restrict the plaintiff to appeal to the Court of Appeal. If the plaintiff's appeal and to submit comments to the phrase with the Court of Appeal for decision. The decision of the Court of Appeal is final and if the court that the defendant is not insane. The process of submitting the defendant to get back in control of blame to go.

For treatment. Were also strongly agreed that when the treatment facilities for the treatment of the accused under Article 83, providing therapy for treatment of the defendant until it disappears. No need to get consent from the defendant, but must be evidenced in writing or orally by doctors ever to treat, 1 nurse, 1 and who are not doctors and nurses more of a people that should provide treatment to the accused. This will cause symptoms to improve and should see a psychiatrist for treatment of a diagnostic report submitted to the court. In the report that were agreed as much as possible to consider the information as follows: (1) source of information (2) history of illness (3) Inspection and mental operations disease (4.) results of psychological tests as necessary and appropriate (5) diagnosis of mental disorders.

Were seen by a lot of cases the psychiatrist that the defendant had therapy in treating mental disorders and lost. Treatment shall be reported to the court. If the courts agree, then the court ordered the defendant to be punished. Except for capital punishment. If the insanity missing after one year from the date of final judgments,

reduce the capital punishment into life imprisonment by the rest must be under the supervision of psychiatrists, visited the prison.

The results above demonstrate that the majority has to agree to such measures to a high level is consistent with the results of the qualitative study, most subjects in both the Executive Officers. Prosecutor, judge employees of Corrections lawyers, academics and psychiatrists are also testimony to the problems of enforcement of the courts about who to blame are the symptoms of unsound mind by a group of samples were 8 agencies can provide feedback consistency that could make the measures selected. Filter and analyze The initial symptom assessment. Process of enforcement of the sentence. The official suggested measures for the enforcement of the judgment of the process of diagnosis of insanity having been punished by the act is seen as the enforcement of judgments. Medical history. And should be a reliable witness middlemen in places where the prisoners are punished. Such as controlling the sanction with or convicted. Since the testimony to the court to know the symptoms of the opinion of the doctor.

Offers the first prosecutor assigned to the screening and identification of three levels of sanction is a sanction that does not have symptoms of unsound mind. Penalty defendants are the symptoms of unsound mind. And punished with a semi-rabid symptoms and should be assigned to a basic standard of symptom assessment by the Commission on the preliminary diagnosis is reliable and approved the enforcement of judgments in class. Also should be considered to have the symptoms of the blame by pointing to a psychiatrist. Social workers to participate in the consideration and room for considering this particular case, but not necessarily all of these actions depends on the discretion of the court action is considered significant. Moreover, the handbook should be scheduled to work between agencies.

The second prosecutor who has suggested that the symptoms of the insanity of the blame should be framed by looking at him as a patient the right protected by the Constitution and the laws of the symptoms the same as those convicted. Hearing children and youth should be determined to be social workers or

psychologists, psychiatrists and prosecutors to consider participating. And assigned to particular courtroom insanity. It also should have the communication skills of the interpreter is a person of unsound mind only during the symptoms of insanity convict.

For a judge with recommendations for measures for enforcement of judgments as to whether the initial assessment of symptoms should be punished to the Commission decision that a psychiatrist under the supervision of the Ministry of Social Development and Human and operations. Symptoms of the insanity of the blame should allow both parties to offer evidence as fully as the pros and cons of such a sanction, and should allow the court has the power to seek evidence. beneficial to the case in the interest of justice. And should set the trial for the same symptoms insane incompetent person should be civil to the psychiatrist And prosecutors to participate in the benefits of communication and agreed to recruitment specialists, especially psychiatrists, who have the knowledge and experience.

Corrections employees have suggested that should be considered to have the symptoms of insanity by pointing to a psychiatrist. Social workers to participate in the consideration and room for the insanity of this particular case as the opinion of the prosecutor. Moreover, the male should be punished to the treatment site to treatment rather than prison because treatment facilities are adequate equipment and personnel. If need be sent to prison for a separate prison dance insane and agency specific medical treatment.

Attorney suggested that there should determine the level of screening in the enforcement of judgments by the importance of the verb punished as testimony in court is important. In the considered symptoms of insanity should be defined to have the advantages given the psychiatrist, but need not have social workers to participate in the consideration because they are professionals directly and agreed to provide room for. This is insanity trial only because of the disclosure should be made quickly.

Scholars have suggested that. Make a preliminary assessment of the medical symptoms by the committee preliminary diagnosis and therapeutic measures

in force level should be punished under the Supreme Court that the medical staff to assess the symptoms of sanction, and report periodically to the court case may be, every 6 months to 1 year and the court hearing about the symptoms of unsound mind should be punished to the right of the evidence to show the full court. In consideration of the symptoms of insanity should be determined to be psychiatrist Social workers to participate in the consideration and room for the insanity of this particular case as the opinion of the prosecutors and correctional staff. The scholars agreed that correlate with the Procedures for the children because they are young persons with physical and intellectual as well. And measures of punishment that the prison of convicted prisoners who have symptoms of unsound mind as well as appropriate punitive action as an offense. But should separate jail psychiatrist and a close examination symptoms differ from the opinions of correctional officers.

Social workers suggested that, in screening and identifying who should be punished for symptoms of unsound mind and calm down before the medical history of those convicted include For the initial symptom assessment should provide a multidisciplinary team participate in the visual inspection, such as psychiatrists. By social workers, psychologists and social workers, psychologists will consider the causes of the offense. History is in terms of social sanction. The psychiatrist will consider the symptoms of the disease based on technical principles such as providing medical treatment, physical medicine. To do so, and the symptoms should be insane psychiatrist Social workers to participate in the consideration and room for the insanity of this particular case as the opinion of the prosecutors and correctional staff. In the insanity of the symptoms should be open to both parties to offer evidence as fully as the pros and cons, and should allow the court has the power to seek evidence that would benefit the case for the benefit of justice as well as the opinion of the judges. Also in action with the sanction should be taken to the site treatment rather than prison because the place healing tools and personnel sufficient as well as employees of Corrections, but there should be measures to control who blame the extra security of society and punished as said, and should take measures to treatment by means of forced treatment instead of enforcement of the sentence.

Psychiatrists suggest that. To screen and identify those to blame. Judges should have knowledge and understanding of psychology to signs. Preliminary assessment of symptoms and treatment of enforcement of judgments in class. Treatment facilities, inadequate budget, the examination and treatment should be the Ministry of Health should increase funding for treatment facilities to provide easy access to blame. In addition, lack of coordination between agencies and treatment agencies in the place of justice seriously. In visual inspection, as well as treatment should be done by multidisciplinary teams and psychiatrists. Social workers and psychologists and the standard of examination and treatment by focusing on how to find information. Nature of the legal right to know or not. The insanity of the symptoms should be identified as a psychiatrist. Social workers and psychiatrists to join the trial. Also be assigned to evaluate and monitor treatment to a probation officer's duty to cooperate with the psychiatrist to monitor and supervise the symptoms of a convict Also in action with the sanction should be taken to the treatment facilities rather than prison because treatment facilities are adequate equipment and personnel as well as correctional staff and social workers.

Probation officer to see that Should take measures to penalize deviations from the symptoms of insanity level of judicial enforcement of judgments issued by a full focus on treatment instead of punishment, which could make the screening and identification measures by the courts and measures. Preliminary examination by the Commission on symptoms, but doctors do not agree to put the blame on a mental illness in the justice system to enforce the sentence, but measures should be measures to treatment through collaboration. The court Prosecutor, psychiatrist, social worker and psychologist. And define the role of probation in assessing symptoms convict And a measure ordering the case to the prosecutor have the power to delay filing a sanction if the consent to receive mental health treatment. If convicted, but it will not voluntarily take measures to limit response to behavioral involvement with penalties for those convicted. And when the sanction has been lost or treatment until symptoms abate, then set up a court convicted the accused and released into the community by providing treatment to a probation officer as a monitor.

The study qualitative depth interviews with suspects with clinical insanity, but to his defense was number five cases were the accused and three more are to consistency when being taken to prison the first time do not know what to do. Of how Feel paranoid and oppressive and controlled in the general prison control room. And two other suspects who have been released but was sent to receive treatment to treatment area.

The accused 1

When the accused 1 who was taken to enter the prison. The accused did not know how to proceed. Do not know what to do because no one notice. And shall be imprisoned with common prisoners. While prisoners are feeling paranoid. Embarrassment, particularly during the more recurrent symptoms of unsound mind feeling very paranoid. Must be submitted for routine medical treatment from the prison, but doctors said there is only one tool, but not as loyal treatment at Princess Kalaya. Perhaps the authorities need to take to cure the Princess Kalaya institutions then have to return to jail.

The accused 3

When the three accused who were sent to court to get treatment. Suspects are especially gratified to learn that being with friends, doctors and institutions Princess Kalaya. But do not know why the court sent to the address and do not know if they are already required to follow the how When the institution has already Kalaya were pleased because they have friends. Eat delicious food. But do not know how long to come. Feel homesick sometimes.

The results of the legal measures that were accused of in-depth interviews of five cases shows that The sample is accused of five cases treated by the law due to insufficient therapeutic class enabling the enforcement of judgments is not sufficient protection under the law. The only 3 cases, the accused must be sent to prison to treatment is difficult and will also be affected psychologically highly.

Analysis and Discussion

The research entitled “Suitable legal Criminal Procedures Measures for Insane Person in Thailand” was conducted to compare legal criminal procedures between Thailand, England and U.S.A for insane person as already been described in Chapter 2. Therefore, the researcher had combined the analysis theme together with concepts, theory and data from in-depth analysis, aiming for answering both set objectives in Chapter 1 which would be revealed as follows:

Objective No.1

No. 1 To study legal Criminal Procedures Measures for Insane Person in Thailand.

Such court consideration is unable to offer true justice in accordance with the due process, perhaps due to the influence of Label Theory towards insane person, not only afraid to reveal himself so he missed all benefits from the law, but also the justice officers hardly recognized the symptoms of insane person or neglected to protect the insane person righteously. Therefore, the researcher decided to study the guideline to ensure that Due Process had been carried out truly. Moreover, the research had focused his attention on the study of appropriate trial procedure for insane person by gathering relevant data on such trial in England and U.S.A which employed similar Common Law. The researcher had also compared the acquired data with Thai Civil Law.

However, findings from comparative trails in both systems revealed differences worth mentioning in many aspects. Even with those differences, some acquired mechanisms if applied should benefit and provide fairness to both injured and relevant parties based on Due Process. Moreover, the trial mechanism of Common Law had not shown any conflicts with Due Process in Common Law Trail and Thailand Penal Code at all.

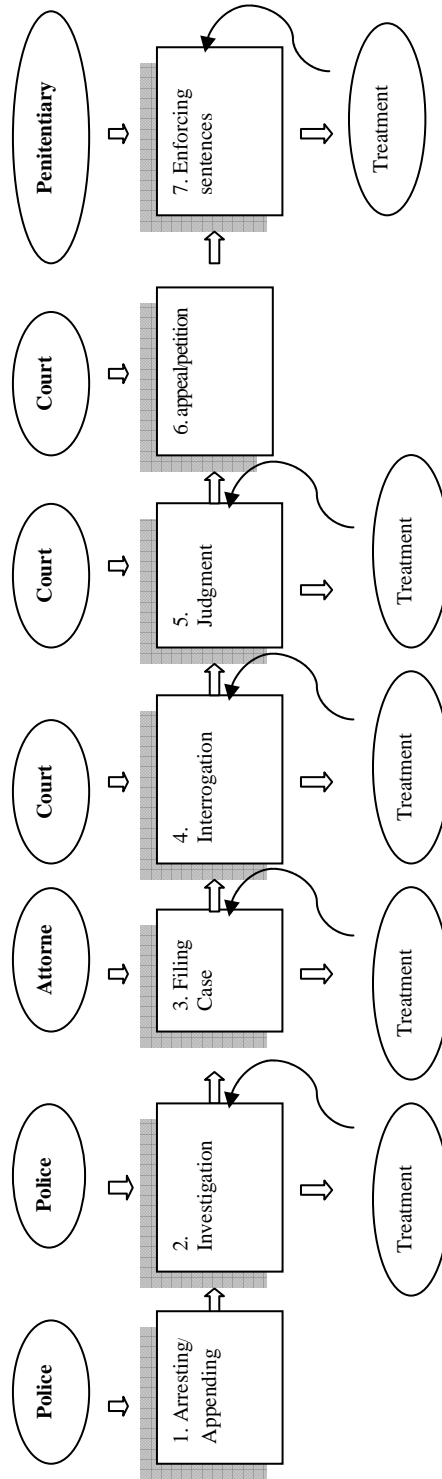
Therefore, the researcher decided to adapt the practice of Common Law with the prosecution based on Common Laws as to increase potential in finding fact

about the case as much as possible with appropriate and righteous treatment for the insane person, following the case context in connection with Thai social dimension.

Moreover, the researcher also brought the existing law enforcement based on civil and criminal case consideration linking with the Juristic Method to reinforce criminal case prosecution and adapt certain mechanism in Common Law practice to benefit the justice system motioned earlier. The researcher had presented legal measures of each group and links them together for more concrete practical guidelines as well as being the legal indicator for lawyers to be aware of applying the existing laws to most benefit the case. It is expected that this concept could lead to improvement in rules or restrictions in the trial for insane person in Thailand.

The research results had given some legal measures to process criminal case for insane person in Thailand which comprised of the following steps (1) Arresting/Apprehending (2) Specific interrogation measure for insane person (3) Filing Case (4) Interrogation measures (5) Judgment measures (6) Petition and appealing and (7) Carrying on sentences in criminal case as being shown in the following chart.

Illustrated Chart on Criminal Measures for Insane Person



However, appropriate Penal Code applied with insane person in Thailand should be focused on the status of insane person related to criminal trial. Based on the chart below, besides justice personnel, namely Police, Attorney, Court and Penitentiary, the system also included the offender, suspect, defendant, injured party, witness specialist and lawyer. Practical steps are carried out as follows.

Police Measurs

The Penal Code, section 2 (16) defined “Policeman” as the officer whose the law has given the authority to keep peace among the people. In the criminal trial for the insane person, the police have the authority to detain the alleged offenders as follows:

1. Detaining Offender

When the crime was committed and the offender had been identified, the police or citizens have the right to apprehend the offender based on Penal Code, section 78, 79¹. The results indicated that samples highly agreed with such measure and if by any reasons, the offender shows sign of insanity during his arrest, the arrested officer or citizen must consider mainly the benefit of the offender without physical or emotional trauma. It also allowed the arrested officer or citizen to aid the offender as see fit, except such person resisted the arrest or escape or try to escape. Then, the arrested parties could use all appropriated approach to apprehend the suspect. Moreover, thy must inform the committee of the arrest at the nearby treatment center, including quickly notifying the supervisor of insane person

The results from qualitative study among executives, particularly the inquiry officials, suggested that during the arrest, the social workers and the administrator (village headsman) should participate in the arrest with psychological approach. The attorney realized that the arrest should be done language interpreter or language expert for insane person to present during the arrest.

¹ Penal Code, section 78 “The administrator or police cannot arrest anyone without the warrant or court order, except “ and according to the Penal Code, section 79 “Citizen cannot arrest anyone except the case fall under section 82 or any wrongdoings had been committed suddenly and such crime was listed in the appendix of the Penal Code”

Penitentiary officers also agreed with having the psychiatrist involved in the arrest and apply negotiation technique. As for the social workers, they recommended the arrest for specific insane person, only those hysterical ones. The psychiatrist suggested informing the offender about the arrest method for insane person with the study results of qualitative study from five insane person samples. Out of those numbers, four samples received fair legal practice, but it was inadequate because of limited personal perception which made them lost their legal protection that they were entitled to. For one remaining offender, they had not received legal treatment, perhaps from unreliable information. The researcher would select only useful topic to further aid the case diagnosis.

For detaining, samples from the qualitative research agreed with detaining the offender as see fit depending on the case situation and detaining method to benefit the offender most without psychological and emotional trauma. In the case when the offender beliefs to be insane, he/ she must be taken to the court within forty-eight hours, starting from the time the offender was taken to inquiry office provided that time not exceeding forty-eight hours. If time clause had been met, the inquiry officer or attorney had no need to file the court petition to imprison the offender. As for samples from quantitative research, particularly the inquiry officers, they suggested the separation of insane offender from regular offender and sent to the Mental Institution for treatment within 24 hours. The attorney realized that detaining insane person should be done based on his Constitutional right and also sees him as a patient.

Qualitative research samples, particularly the inquiry officials made additional suggestions that during the detention, the insane offender should be separated from the regular offender and admitted that detention should be done according to individual constitutional rights and see the offender as the patient. Such finding concurred with the theory of Due Process which based on Penal Code that must follow the justice process without any obstacles to deliver the offender. This

theory is disagreed with informal fact-findings of Penal Code for Police and Attorney², having the arrest and detain measures for insane person based on the legal approach and Classical Criminal Theory that focused mainly on individual rights that regard fair punishment and the government must prove that such person is really committed crime³. In the actual practice, many arrest officers had inadequate knowledge and compassion, unaware of physical and emotional needs of the defender, then, it is necessary to arm them with such knowledge and using specific measures for such arrest by concerning most on benefit of the offender without physical and emotional trauma base on Classical Criminal Theory⁴ that focused on different individual traits which limited the intention equality. In order to avoid stigmatized a person, Brakewell theory must be applied to reduce embarrassment⁵, perhaps working with the one insane person trust to help with the arrest under the arrested officer close 'supervisions.

The researcher agreed with the detain measures that most concern with the offender's right without physical and emotional trauma which concurred with the Juvenile and Family Act 2553 B.E on the court and family sentences that enacted in section 69, paragraph 3 regarding the case when the administrative officers, police or inquiry officers must detain the offender before delivering the insane offender to the court, the court forbids the officer to put such offender in the same jail with regular offenders. Generally, section 81 of the Juvenile and Family Act 2553 B.E on Court and Family Sentences viewed the insane person as the underprivileged children or juvenile resulted with physical and mental inferiority so they should be entitled to adequate legal protection. Then, such measure should be defined to concur with the Due process.

² Pratarn Vatanavanich, Criminal Justice System : Relevant Concept on Due Process, recently cited, page 150-151

³ Production Committee on Criminology and Probation, teaching documents on Criminology and Probation, recently cited, page 222-224

⁴ Pornchai Kunthee et. al., Criminology Theories and Researches, cited, page 20

⁵ recently cited, page 149

Problems may have been raised to determine time for detaining offender in the petty offences such as indecent exposure and stealing, detaining power is then authorized less than eighty-four days. If the doctor can not issue a report and diagnosis (Psychiatric. report) within the time prescribed by law. The officer must immediately send expressions to the prosecutor, without waiting for the decision of the physician. Although the Mental Health Act 2551 states the period of diagnosis, initial symptoms of the accused in section 36 by the medical officer shall report the results within forty-five days after receiving the alleged offender. But officers had to bring the accused to apply to the court put in jail. The accused has not been checking symptoms continually. Is therefore agree with the findings that should control the time difference from the control who was arrested by an officer generally or Rat A person arrested taken to the officers as soon as possible. The male was arrested before sending the officers of the locality where caught. The officer who arrested a record of arrest. The notice of charges and details about the cause of the arrested people were arrested in mind. This may not ask a person to be arrested. If the record as a parent or guardian or personal representative of the Organization of unsound mind living with at that time. Must be done before such persons and will be signed by any witnesses. Word of the arrest of insanity in the class not to listen to the court as a witness to prove the offense of deranged However, the court may be listening to the insane as you can. Consistent with the Act and the Juvenile and Family Court Juvenile Court Procedure Act 2553 as provided in Section 69 paragraph four and the research that does not need to petition the court for the accused because Hamrikheong psychiatrists need to use the term. Check symptoms and treatment may exceed the initial period was put in jail to the court. To provide efficient medical inspection, in accordance with the relevant procedure in the investigation level.

2. Implementation of special inquiry measure for the insane

Under the Code of Criminal Procedure, Section 2 (11) have questioned the meaning of that person to collect evidence and all the other provisions of the code This law, which were made to officers about the alleged offense. In order to know the facts or proven guilty and to take action to punish Offenders. For criminal

proceedings for this insanity. Upon the arrest and detention of the accused then. Must be taken to the officers to conduct further investigation. The process of investigation can be classified as follows.

2.1 Implementation of special inquiry measure for the insane accused

Under the Code of Criminal Procedure to determine the meaning of the "accused" in Section 2 (2) to mean that a person who is guilty for that. But has not been sued in court. The criminal proceedings for the accused is of unsound mind with clinical stages.

A. Screening and identifying accused

When the officer has reasonable grounds to believe that the accused is of unsound mind and not let his defense do the screening and identification of the accused before sending the initial symptoms to diagnosis. Under the Code of Criminal Procedure, Section 14, the results of the study. Show that the samples had to agree to such measures to the most high level. The most strongly agreed with the screening measure and identify the accused. Considering that (1) The reason to believe that The accused is a person of unsound mind Because the accused insane behavior and symptoms appear much (2) defendants are the symptoms of unsound mind can not fight the case (3) the facts and circumstances of the case. (4) history of mental illness and physical disease related. Developmental history. Profile. Family history. Medical history.

Screening and identification of measures is consistent with the results of qualitative research. Particularly the public prosecutor has suggested further that Screening measures and identify the accused should have three levels of the accused with no symptoms and his defense was insanity. Defendants are the symptoms of unsound mind and unable to fight the lawsuit. And the accused are the symptoms frequency d insanity defense, but it can be. And the lawyer suggested that additional screening should identify and focus on verb of the accused during investigation is important. The social worker suggested that the

additional screening and identification of the accused should be done when the symptoms calm down first and consider the medical history of the accused. The psychiatrist suggested that the screening and identification should have knowledge. Understanding of psychology to signs.

When compared with international legal measures. The results showed that both quantitative and qualitative measures in accordance with the laws of the United Kingdom Police and Criminal Evidence Act 1984 Code C in the General Provisions that If the official suspicion (suspicion), or have been notified as bona fide (good faith) that any person regardless of age who have mental disorders or mental disability or mental health can not. Could not understand the essence of the questions asked or the answer to their own. Officers must treat such person as anyone with an unusual or mental disability, as required by law. And measures to be based on English law, principles of ordinary prudence "(Reasonable Person), which is mainly in the Common Law system in order to decide whether such person is a mental illness or not. By considering the nature and circumstances of individuals is important. And consistent with the theory of semi-traditional criminology Bureau recommended that the implementation of the circumstances of the case comes to trial. This process will focus on the situation with respect to the natural environment and social offenders experiencing. And encourage awareness of the importance of justice in regard to history or background of the offender.

Researchers agree with the screening measures and identify the accused as a result of such research. It also agreed to immediately ask the accused officer initially to know the name of the old family name nationality, residence place of birth and occupation of the accused. Name and surname as well as details about individual parents or parent organizations. The defendants live in it. And report the allegations to them to understand. And if there is reason to believe that a person of unsound mind and unable to fight the lawsuit. Treatment facilities, it shall be notified to send a check to the following basic

symptoms. Consistent with the Act and the Juvenile and Family Court Juvenile Court Procedure Act 2553 Section 70.

The preliminary inquiry. Be done in the right places. Without discrimination and not mixed with other suspects or other persons that are in place, in a manner which revile Due regard to gender, age of insanity is the key. And requires a language or words that people of unsound mind can understand easily. With regard to human dignity. If you are not of unsound mind can not communicate or understand English is to provide an interpreter to follow the Code of Criminal Procedure provide the technology or facilities, or any other assistance to the law on the promotion and development of quality of life, people with disabilities. If the insanity or wish to communicate in consultation with the Parents Organization, which person or representative person of unsound mind and live with the vision to do so. Official shall proceed to appropriate to the case without delay.

But may cause problems in interpretation that what is reasonable ground to believe the law Without the belief that under the law. May violate the freedom of the accused because it was done without consent. And problems in the protection of social rights, especially in terms of the treatment. That the legal system of Thailand, where a major Civil Law no ordinary prudence. Therefore, the researcher has agreed to assign the behavior and symptoms that appear to be insane to see much. That is, in a manner that is clear and has the ability to consider litigation Facts and circumstances of the case. View the history of the accused that include.

In addition, the word. The "insane" is not defined in the law. However, when considering the origin of these have already said, which is sourced from nature Criminal Law Section 46.47 Rs 127 to use the word "insane", just one word later in the sub-committee meeting. consider the draft Criminal Code Act 2487 has changed since the use of the word. "Mental deficiency, mental disorder, mental Assembly," so it can be said that the term "unsound mind" refers to those offenses when responsibility can not know or can not enforce

themselves. Because of mental impairment or psychopathic crazy However, when the purpose of Section 65 of the Criminal Law Act for immunity or reduced penalties for offenders, a psychiatric patient. Because the actions of these individuals lack the evil which is the basis for punishment. Focusing on protection of the offense and the penalty will be by the action different from the purpose of the Law of Criminal Procedure, Section 14, aimed at protecting those who were incapable or not ready to protect their rights from being. proceedings. Therefore, diagnostic symptoms, it would be insane with different words, if diagnostic aspects of criminal law will be a narrow decision that only a maniac symptoms mental deficiency, mental disorder, mental Assembly, to any liability. However, aspects of criminal procedure law, the term "insanity" is a broad term. Use words that would cause wider problems of meaning and the decision to vary both the legal and medical aspects. Lack of clarity and of course the law enforcement official. Therefore, the researcher has agreed to define The "insane", as defined terms used in this study that refers to the accused or the defendant. Who have mental disorders? And "mental disorders" refers to a state mental disorder expressed by the idea of emotional behavior, memory, intelligence sensory knowledge or knowledge of the time. Place or person. As well as disorders caused by alcohol or other substances acting on Psychotropic to comply with the identification of clinical signs and the Mental Health Act, BE 2551.

For the word "can not fight the lawsuit" has no legal criteria for evaluating the ability of the defense. Cause of the lack of a clearly affect the rights and freedoms of the proceedings. However, medical criteria, as follows: (1) psychotic disorder calm. Emotional control. Understand and respond to questions well enough (2) the ability to understand the action that was done wrong. The light weight of the penalty and the result will be if the confession or reject (3) The ability to understand the steps in the proceedings, including the roles of people involved in the process (4) the ability to remember and tell. Details related to the case was reasonable (5) has the ability to cooperate with the attorney in protecting the rights and interests of their own. Including the ability to protect the right to interact with their opponents.

However, to be efficient in screening and identifying the suspects. Researchers should be seen to be established only based at the police station to serve the mental illnesses identified the accused. Including the power to determine the appropriate method to send the accused to receive treatment. Measures such as the laws of the UK authorities have only called "Community Psychiatric Nurse (CPN)" which authorities concerning the protection of the rights of the accused directly insane.

B. Taking for review preliminary clinical mental status

When the officer screening and identified the accused with mental illness out of the defendants generally. Under the Mental Health Act 2551 Section 35, first paragraph states that the accused officers sent to check the site for treatment. Including details about the circumstances of the case. And were also strongly agreed with the defendants to submit to such treatment facilities. Prior to sending the notice by telephone or other means to the treatment site, which is close to coordinate without delay to send a person to receive the initial diagnosis and symptom assessment. Also agree very best time to send a person to place treatment shall be in writing delivered and a copy of the details as follows: (1) Name and details about offenders with symptoms of unsound mind. and why delivery (2) units delivered and date of delivery (3) the behavior and symptoms of offenders with symptoms of unsound mind (4) Support Basic (5), address and telephone number of the parents. care of offenders with symptoms that can be of unsound mind.

When the alleged offender treatment facilities already. Under the Mental Health Act 2551 Section 35, paragraph two states to Psychiatric Diagnosis of Mental Disorders. And opinions for consideration of whether the accused officers to fight the case or not. And reports the results of the examination and evaluation of the ability to fight the case to officer within forty-five days. From the date of receipt of the accused and may extend the period of not more than forty-five days. The sample also strongly agreed with the diagnosis of psychiatrists and mental disorders opinion for the consideration of the officers that the

suspect or his defense can not be considered by the psychiatrists, the information collected. with the illness, which include (1) history of mental illness and physical disease related. Developmental history. Profile. Family history. Medical history (2) Make mental, physical examination and laboratory tests as necessary (3) to experiment with psychology clinic as necessary and appropriate (4) observation and evaluation of symptom change in patients (5) to the diagnosis. Diseases of the standards of the profession.

These results were qualitatively the prosecutor is of the opinion that more. Commission could make a preliminary diagnosis reliable and certified. And the judge also suggested further that the Committee should be under the supervision of the Ministry of Social Development and Human. And the social worker suggested that they should join the multidisciplinary team, including the psychiatrist. By social workers, psychologists and social workers, psychologists will consider the causes of the offense. History of the accused in terms of social The psychiatrist will consider the symptoms of the disease based on technical principles such as providing medical treatment, physical medicine, etc., and the psychiatrist suggested should be allocated to the Ministry of Health medical treatment facilities and increase access to services easy. Requires the coordination between agencies in the justice and medical seriously. In addition, visual inspection, a multidisciplinary team should join the group as a social worker. Set standards for the investigation focused on how to find out the nature of the accused to know their rights, legal or not. Both the accused and the other 5 cases the same interview that has taken the initial visual inspection, by a social worker about the history and background of the accused by psychiatrists about medication and physical therapy treatment. Although less reliable, but it is also useful in academic opinion is attributed to the researcher.

These results is consistent measure of legal procedure for criminal cases regarding the insanity in the UK by The Police and Criminal Evidence Act 1984 (PACE) Code C that "when the offender set up a defense on Illness Mental up layer called the investigation "Unfitness to plead" by claiming

that was not ready to enter the criminal proceedings and found that the accused officers who are usually not mental. Primarily to consider whether to prosecute the public interest or send the accused to receive treatment. If the officers that deserve to be prosecuted next. Officials must be investigated by using a special set for Those with abnormal mentally disordered or mentally. Handicapped "Moreover, the officer is of the opinion that the interrogation or to be sent to treatment must be done to screen the accused. Then sent to medical diagnosis prior to initial judgments. Where to send the initial diagnosis is consistent with the theory of the Criminology Department in protecting the traditional rights of the accused and the theory of semi Department of Criminology offers traditional justice regardless of personal characteristics. Which may be different for each person unique. Could not determine intent was equally free with other people.

The researcher should determine the measures to send the accused to check the mental status preliminary clinical results of such research. The State Board of Mental initial clinical diagnosis under the Mental Health Act 2551 Section 12 was assigned to each treatment site of a school board is responsible for treatment of basic clinical mental status examination conducted under supervision. Department of Health and have agreed to join a multidisciplinary team including psychiatrists. By social workers, psychologists and social workers, psychologists will consider the causes of the offense. History of the accused in terms of social aspects in addition to medical But in practice, each of the treatment facilities are not enough personnel, especially psychiatrists. As well as a tool for monitoring the budget and not enough the researcher has agreed to the Ministry of Health has allocated a budget for treatment facilities that are responsible for a specific mental state examination. And assigned to a psychiatrist regularly in each place adequate treatment needs based on the number of patients in each area is important.

In addition to practical problems in the detention of the accused when it was sent to the location treated. Although the Mental Health Act, BE 2551, Section 35, paragraph five states that if the accused is detained and accused it is necessary to get them in place for observation, treatment of

symptoms, diagnosis. Treatment and assess the ability of his defense. Treatment facilities will need to work collaboratively with the officers on measures to prevent the escape and safety. However, officers will have the power to detain any suspects or not, and just because the security measures currently only institution Princess Kalaya. Hospital and a few of the difference with the matter. And staff of treatment facilities have no legal guarantee that the accused has the power to control directly The researcher is of the opinion that it should require the power of the prosecutor (Attorney General) as a unit that is controlled monitoring of power level investigation, which is working to provide a suitable place for examination in psychiatry. this Shall be in accordance with the provisions of the law.

In addition, in case the accused was taken to request detention warrant And the Court allow prison already. Subsequently, a reason to believe that the accused is a person of unsound mind And can not fight the case. No court shall order the inmate to submit to medical examination. Not during class because preliminary examination. Or in trial. But the powers of Police to order the medical examination of the accused in this officer how to proceed. In practice, the accused officer has to check that doctors. Official letter to the House will ask the Director-General of the Department of Corrections. Prison ordered the defendants to submit to medical examination under the Corrections Act 2497 or Section 30 to file an official complaint to the court. Asked the court to order detention of the accused to prison medical examination according to the official time. Normally permitted by the competent court may request. However, it is a practice that has no clear line is the same standard. Therefore, the researcher has agreed to assign to the same standard in a manner that is the law that the court shall order the accused to submit to treatment because it is in control of the court.

C. Expressions of opinion in the investigation into the issue of being able to fight the case under the Code of Criminal Procedure, Section 14.

Expressions of opinion in official investigations. Need for relevant evidence from the investigation. Specifically the

initial diagnosis of medical symptoms, which in practice is diagnosed by examination of medical reports. Some cases are not sure of the word, not a doctor or medical officer to the front. The officer was in fact the investigation is incomplete or does not understand exactly according to the doctor. Which brings the case of diagnostic error. Which were also strongly agreed with the case when officers received reports of preliminary symptoms, diagnosis, and then evaluate to call psychiatrists to testify or to the issues listed in the report of initial diagnosis, symptom assessment? Together with the attached documents related to the diagnosis included in the phrase to include the investigation. For consideration by the officer that the accused is of unsound mind and his defense was not that The sample also agreed that should be assigned to the criteria as follows: (1) Q & A did not know about or look like maniac who agree with at most (2) finds a history of illness, mental health before (. 3) the behavior of offenders (4) family or the defendant requested an attorney (5) According to the opinion of the psychiatrist.

In addition, quantitative samples also strongly agreed with the case officer that the accused is of unsound mind and unable to fight the lawsuit. To have to suspend the investigation until such person of unsound mind, or you can fight my case and send along a comment, expression, and the prosecutor in the case of officers that the accused is of unsound mind and can not fight the lawsuit. To conduct an investigation following a common criminal. In the case of officers that the accused is of unsound mind, but his defense can be. To conduct an investigation to criminal investigation methods, specifically for insanity.

Quantitative samples. See how special investigations for the insane only have to have a third party to join the investigation may be a relative or guardian or any person responsible for monitoring defendants and lawyers and social workers or psychologists. In the case of criminal investigations for the particular insanity. Official shall notify the person participating in the investigation as soon as possible by explaining the reason for the detention. Location detention. When the investigation finished, submit comments, and expressions with the accused to the prosecutor.

The results of qualitative research. This group of officers also suggested that in order to add more cases to the issue is the ability of the accused. Consider the circumstances seen as guilty. Medical history. And should interrogate witnesses' mediator reliable payment software on the suspect lived as Kamnan etc. to know the behavior before the incident along with the opinion of the physician, consistent with the theory of criminology semi-traditional recommended bringing the circumstances of the case. Used to operate the trial. This process will focus on the situation with respect to the natural environment and social offenders experiencing.

For the investigation process. Samples of the prosecutor suggested that there should be additional measures to the interrogation with the accused at the semi-insane, but symptoms can also be assigned to his defense by a psychiatrist Social workers involved in the investigation, and room for investigation of insanity this particular case, but not necessarily in every case that these actions depends on the discretion of officials to investigate the importance of the group, another prosecutor. Additional recommendations that the interrogation the accused should be framed by looking at him as a patient the right to protection under the Constitution and the interrogation of suspect cases with symptoms similar to semi-insane investigation on juvenile delinquency should be set to. Social workers or psychologists, psychiatrists and prosecutors joined the investigation. Interpreters should also communicate the language of a particular person of unsound mind and determined to be of unsound mind is only room Investigation. And the corrections suggested further that should be identified as a measure to investigate the alleged offender with symptoms, but also semi-insanity defense by a psychiatrist assigned. Social workers involved in the investigation and room for investigation of insanity this particular case as the opinion of the prosecutor. And groups of experts have suggested that should be identified as a measure to investigate the alleged offender with symptoms, but also semi-insanity defense by a psychiatrist assigned. Social workers involved in the investigation, and room for investigation of specific cases of this insanity as well as the opinion of the prosecutors and correctional staff. The scholars agreed that correlate with the Procedures for the children because they are

young persons with physical and intellectual as well. And if not to investigate the causes of free inquiry to witness the test, but without words like do not listen. In addition, the psychiatrist has suggested that prosecutors joined the investigation with officers from the beginning.

But the interview in the attorney disputed the opinion of some that Should be identified as a measure to investigate the suspects with clinical semi-insane, but also litigation by specifying that a psychiatrist with no need a social worker involved in the investigation because they are professionals directly and agreed to organize. Room for investigation of insanity this particular case because of the investigation should precede quickly and openly in the probation officer also saw that conflict. The accused should not be a maniac to justice, but symptoms should seek treatment process based on collaboration between the court Prosecutor, psychiatrist, social worker and psychologist. And the role that a probation officer to monitor and assess the symptoms of the accused. From an interview with the accused along with five cases of four accused by the first line in an interview that the police inquired about the circumstances of the case without a separate inquiry from the general case the accused feel paranoid and scared and sometimes not. able to provide or to order, but not a step-by-event Staff told how they follow cents. And a fifth suspect who was interviewed at the police threatened to confession and no separate inquiry from the general case the accused feel paranoid and scared to do so by the police informed.

The results of such research. Based on comparing the enforcement of the UK, that "when the offender set up a defense on Illness Mental up in class investigation called" Unfitness to plead "by claims that are not ready to enter the criminal proceedings. and found that the accused officers who are usually not mental. Primarily to consider whether to prosecute the public interest or send the accused to receive treatment. If the officers that deserve to be prosecuted next. Officials must be investigated by using a special set for those with abnormal mentally disordered or mentally handicapped ", which is consistent with the nature of research, with consideration given to the public interest is important. If action is not

useful to the public then. Officers should not be prosecuted and should be male to be the treatment of insanity. But if that action is essential to the public interest, then this Even if the accused is insane to have to prosecute. Although the accused can not be his defense. And were also strongly agreed in the case if the officer is of the opinion to prosecute the accused with a rabid following symptoms, then using a special investigation for the particular insanity.

The Measures of England, the method of special investigations for the insane at that. "In the investigation the accused must have a third party called Appropriate Adult (AA) to join investigation. Protect the right to act as the accused and of the officers who detained the accused shall be notified immediately Appropriate Adult can be done. It explains the reason for the detention. As well as a place where the accused is in custody and then let Appropriate Adult to the police station. To find the suspects. And the accused shall not be inquire or to testify. Or to sign the memorandum of words (written statement) without the Appropriate Adult in it unless permitted by law, the only exception. Law to the Appropriate Adult is to protect people with mental error. In general, the ability to make decisions. And self-control than a normal person. By requiring the third party. Wait a guardian of the rights of the accused "for the purpose of protecting the rights of the accused are the symptoms of unsound mind is important along with the benefits of convenience and fast action. Efficiency, which was in line with the theory of semi-traditional criminology Bureau recommended that special, measures on the proceedings that are different from other normal people. Such as a psychiatrist as expert witness to express an opinion on the symptoms the patient and provide a special courtroom accused or the defendant with mental illness. The questions through the psychiatrist or social worker etc.

Researchers agree with the criteria of the opinion of the officers on the ability of the accused are the symptoms of unsound mind, as research Based on weighing evidence between public interest and protects the rights of the accused. That is, if action is not useful to the public. Officers should not be prosecuted with the rabid following and should be admitted for treatment. And

if it is found that the impaired mental as incompetent or quasi incompetent under the Civil and Commercial Code, Section 28, 32, as the case is to let prosecutors know to apply to the court for an order setting curator or guardian. Next to oversee the people insane. But not only in civil proceedings only. But also in criminal proceedings under the Code of Civil Procedure, Section 56 of the Code of Criminal Procedure, Section 15 and, if litigation is necessary for public interest litigation, it agreed to with the rabid following. But see how the investigation should be exclusively for the use of unsound mind, because the suspect remains in a maniac. Capacity defense would not even equal to the common man can have any legal defense.

For how the hearing of such insanity. Comments should be assigned to a multidisciplinary team to join the investigation and also officers and prosecutors. And decided to trust the person accused may be relatives. Brothers, participated in the investigation, too. And provide a room separate from the investigation room, general investigations. Consistent with the Act and the Juvenile and Family Court Juvenile Court Procedure Act 2553 Section 75 by the action in the right places without discrimination and not mixed with other suspects or other persons that are in place, which have revile the nature of insanity due regard to gender, age of insanity is the key. In asking questions, it should be asked to pass a psychologist or psychiatrist or social worker. Compliance with the Code of Criminal Procedure, Section 134 / 2 by the provisions of Section 133 bis shall apply mutatis mutandis in Article 133 bis, which may require a separate investigation, made in a composition In the right places. And a psychologist or social worker. Ask the person accused. And the prosecutor are present in the question. In the case of a psychologist or social worker. That the accused person or any question any questions. May affect the mind strong. The official asked through a psychologist or social worker only. Question of the officers. The accused shall then hear and question the officer shall not ask the accused several times redundant. Without reasonable cause. And question accused. Official shall provide for the recording and the sound of question. Which can be transmitted continuously as a witness.

In the language and words, it should look at the accused can understand easily. With regard to human dignity. If the accused is unable to communicate or do not understand the Thai language interpreter to follow the Code of Criminal Procedure provide the technology or facilities, or any other assistance to the law on the promotion and development of quality of life of persons with disabilities under this Act. Juvenile and Family Court and Juvenile Court Procedure Act 2553 section 75 notice by the accused and interrogate suspects who are insane, which must find that the offender will be co-located with an attorney every time. With the information that the accused has the right to make or not make any. And the words of the accused may be used as evidence at trial, having regard to the age, sex and mental condition of insanity, which must find that each offender. And to inform and interrogate suspects accused of the Parents Organization, which person or representative person of unsound mind living with it attended with any such investigation. This is because the accused is of unsound mind who has the ability to fight the case is not equal to the normal person. Need someone with knowledge in both legal and medical and social participation with Participants are investigated to understand the condition of the accused that is sick by looking suspect patients. Affecting the mental state to a minimum

D. Delivery and evaluation of the potential treatment of symptoms

Case to be sent to mental hospital or other guardian for the treatment of the current Mental Health Act 2551 are set out in Section 36, first paragraph, providing that the accused received the treatment and control treatment. Without the consent of the accused. Will be lost unless the accused or his defense can and can induce. Unless the officer may issue an order or otherwise by law.

To determine the meaning of the spirit of these laws is to the treatment until they can fight the case. In the case of mental illness. Treatment requires a long time until it is lost or litigation, and some may not be able to heal insane or litigation as the accused's disease suspicion only (Paranoid)

disease caused by Organic brain syndrome. With psychosis, or Head injuries like Cerebral hemorrhage or Mental retardation with psychosis, which some of these diseases can not be cured or treatment to fight the lawsuit. Must be treated in hospital for life. This treatment constitutes control, one of which may be longer than the prison by the verdict of the court was forced by the treatment affects the rights of the accused. But to provide a social safety need to take such measures consistent with the theory of crime control that focuses on the performance of the justice system. Aims to control Suppression and suppression of crime is a major But the treatment must be forced by law to act on explicit and must be done properly. As necessary as the sample strongly agreed with the forced treatment must be evidenced in writing or verbally from a physician ever to treat, 1 nurse, 1 and who are not doctors and nurses more of a people as appropriate. Provide treatment to defendants because it makes symptoms better.

In addition, Mental Health Act, BE 2551, Section 36, paragraph two of the states reporting period and to evaluate symptoms that Psychiatrist to treat reports of the officers sent to treatment within one hundred eighty days. From the date of receipt of the accused. If the psychiatrist that the accused can not be his defense. To report the treatment of every one hundred eighty days. Unless the officer has ordered otherwise. The law requires officers to note the report and evaluate it for signs of reaction monitoring of the accused on a regular basis. But because of reports of medical treatment than diagnosis and mental disorders. Need to rely on other information related. Which were also strongly agreed with the psychiatrist to treat reports of the diagnosis and assess the ability of officers sent to his defense? In reporting this, consider the following information: (1) sources of information (2) history of illness (3) Inspection of mind and the disease (4) results of psychological as necessary. And appropriate (5) diagnosis of mental disorders.

Mental Health Act, BE 2551, Section 36, third paragraph also states that During her treatment. When the psychiatrist that the alleged offender treatment has been the treatment of mental disorders and disappear or abate. And can fight the case, then report to the treatment of officers without delay ",

which were strongly agreed with the case where the officer agrees with the opinion of the psychiatrist is the official lifting the case up to investigate and comment ordered the case to prosecutors next If the officer does not agree to submit expressions of investigation is ready to send the accused to the prosecutor to be ordered to monitor the use of discretion by the Attorney General consistent with the theory of organizational processes based on constitutional law principles. Criminal proceedings must be fair, follow the steps in the process.

The results of qualitative research. Samples scholars have suggested that more that after the officers have submitted comments to the accused to receive treatment and then. Medical staff should be assigned to the accused from time to assess symptoms and report on case officers once every 6 months to 1 year and probation officer. That medical staff should be assigned to the accused from time to symptom assessment and report to the officer or prosecutor, as the case every 6 months to 1 year.

When considering measures to foreign law. The findings were consistent with the laws of the British measures as provided in Section 35, *mutatis mutandis* to that The detention of the accused officers have the power to order the extradition to the control in the hospital. However, the officer must be satisfied on the basis of written evidence. Or words from the medical register for 2 people that there are reasonable grounds to suspect that the accused are suffering from the disease Mental Illness, Psychopathic Disorder, Severe Mental Impairment or Mental Impairment or state level that a reasonable size to send to detention in hospital For further treatment will be appropriate for the accused more The accused will be protected will be the people who have been detained pending investigation or in custody during the investigation. Offense punishable to imprisonment only. And must not sentence case for such offenses are defined by law, fixed by law and consistent with the theory of crime control that focuses on the performance of the justice system. Aims to control Suppression and suppression of crime is a major But the treatment must be forced by law to act on explicit and must be done properly. As necessary, as mentioned above, it But how to enforce treatment may differ in detail, by observing

the laws of the UK measures in addition to the qualifications of physicians. And also the nature of the disease. And types of penalties mentioned in Chapter 2 to maintain the force more effective.

Researchers saw that should be forced to take measures to maintain the security of society and the accused to receive appropriate treatment. However, because treatment is compulsory measures affecting the freedom of the accused directly. Should force the process of treatment is also clear that the representation of physicians and reliability. Also agreed to define the nature of mental disease, which have the ability to fight the case as Measures of England by an agreement between the justice agencies and medical agencies to be consistent match. that mentally kind of connected diseases and medical and legal opinion that can not fight this case as Mental retardation and those who are Psychosis because it is mentally being together Disease Mental Illness. , Psychopathic Disorder, Severe Mental Impairment or Mental Impairment or state level that a reasonable size to send to detention in hospital

E. Comment on the inquiry into the issue of expression of a defense of insanity under the Criminal Code, Section 65

After the officers have gathered evidence to create expressions in the investigation and ordered the case is of the opinion that the accused guilty on the issue, while not know responsibility. Or can not enforce their own because of mental deficiency Psychosis, or mental or Assembly, which is a separate issue from another point on the ability of his defense. As a result of qualitative research of scholars that the measures add to the case should be separate issues between Section 14 of the Procedure Criminal law method states that want the right to suspect his defense fully and Section 65 of the Penal Code that To diagnose the fault should be with the doctor two sets separated the issue of Section 14 of the Code of Procedure for Criminal Cases and Issues in Section 65 of the Criminal Code by the doctors would have symptoms immediately to identify symptoms of illness while. err And visual inspection, both sets are needed to be assessed symptoms vary with the comments in Section 14 of the Code of Procedure for diagnosis only that his

defense or not, but Section 65 of the Criminal Code will have to check. detail the characteristics and circumstances, while perpetrators.

When the diagnostic issues in a defense of insanity, and issues about the ability to fight this case to be a different issue each. If the officer is of the opinion that the accused who is insane, but his defense should be investigated further by means of special investigations for the insanity already. When the investigation finishes. Respects to the officers have the power to cases where the decision of the decision of the said case. The researcher should make the decision that the first issue. The accused are guilty or not symptoms of unsound mind before the decision for the benefit of the case and the accused to be protected by rights be prosecuted quickly and fairly. Later, if the hearing that the accused is not guilty. I submit expressions of investigation with the accused to the prosecutor. If the hearing that the accused guilty. Also be decided on the issue later that the accused guilty, while the responsibility to know or can not enforce themselves.

If the officer that the accused has mental defects. Psychotic or crazy Offense, while the responsibility to know or can control themselves. Or that the accused showed no mental deficiency Psychotic or mentally Assembly, while committed. This is of the opinion that it should add to sue the defendants submitted with expressions of investigation to the prosecutor under the Code of Criminal Procedure, Section 143, unless the accused was in court and then prison. But if that officer suspects that a mental defect. Psychotic or crazy Offense, while the responsibility can not know or can not enforce themselves. It is of the opinion that no action should be ordered. And released the accused without legal measures to prevent recidivism of suspects so. Because the accused remains in a maniac with not receiving the treatment to treat.

The researcher is of the opinion that the officers should have the power to diagnose the expression of opinion in the investigation that the suspect has mental defects. Psychotic or crazy Offense, while the responsibility to know or can not enforce their own or through the main reason to

believe has information or case (Prima Facie Case) "as Measures of England Indicate that if the accused should be sued as a defendant. I should add that getting the lawsuit to send to the prosecutor.

The problem in diagnosis that the accused had mental deficiency Psychotic or mentally Assembly, or how, because the understanding of medical and legal are different, as discussed in Chapter 2, the researcher has agreed to the characteristics of mentally considered affected ignorance wrong. like or can not enforce themselves. The agreement between the justice agencies and medical agencies to meet the same kind of mental diseases, diseases that fall into both medical and legal cases that can not fight diseases such as mental retardation and Psychosis because both of these types of actions by the lack of knowledge or responsibility can not force yourself. Which is exactly the reason the law to waive the penalty. The anomalies in other organizations, whether N neurotic Personality disorders or personality variance not be within the law to waive the penalty. Because these people also know responsibility, or in other words, these people are also aware of the moral wrong sure enough.

2.2 Implementation of special inquiry measure for the insane victim and witness.

Under the Code of Criminal Procedure to determine the meaning of "victim" in section 2 (2) to mean that a person has been damaged due to the base offense any one base. As well as others who have the power to manage instead of the word "witness" in the Code of Criminal Procedure does not apply directly but infer that means individuals who witness in the case. The criminal proceedings for victims or witnesses who have symptoms of unsound mind has the following steps.

If the victim or witness who is a mental disorder. If there is reason to believe that such person is of unsound mind and unable to fight the case or the evidence. The provisions of Criminal Procedure Code is not law. However, because victims and witnesses who play a critical role towards the case,

particularly in evidence is a witness (who provided or testimony verbally) that affect the hearing of evidence may be both. environment if the victim or witness testimony or witness who is a mental disorder, unable to provide the level of inquiry would have a significant lack of evidence of the case and affect the hearing of evidence. And in-depth interviews were the scholars are of the opinion that the method of investigation for criminal insanity to the witnesses or victims with symptoms of unsound mind. By pointing to a psychiatrist. Social workers involved in the investigation. In addition, officers and prosecutors then. And rooms for investigations of this insanity is only comparable with the Procedures for the children because they are young persons with physical and intellectual as well. And if not to investigate the causes of free inquiry to witness the test, but without words like do not listen.

Therefore, to victims and witnesses are protected by law. Consistent with the theory. Constitutional process. A theory based on principles of criminal law must be fair, follow the steps in the process. The researcher is of the view that officers should take legal measures for the protection of victims or witnesses who are children and young people under the Code of Criminal Procedure and Legal Measures for the accused to be insane to have symptoms with victims or witnesses who have mental disorders that is relatively in the notice of complaint. When it is a note of complaint in a case where the victim is a person of unsound mind Is competent to provide multidisciplinary teams participating in it with a note of complaint. These include the psychologist or social worker. The insane person and the prosecutor requested. Unless it is necessary. Can not find or wait for a psychologist or social worker who prosecutors have requested and children. And do not wish to have children, or wait for the next person. Within the meaning of the Code of Criminal Procedure Article 124 / 1.

During the investigation. If there is reason to believe that the victim or witness is insane and can not be prosecuted. Officials take measures to filter and discriminate use. And sent to treatment facilities for diagnosis of initial symptoms. If the doctor concludes, is insane and can not be prosecuted, then send official opinion. And officers on the opinion that if a victim or witness is insane

and can not be prosecuted only if the opinion suspend investigations and to submit a victim or witness to receive treatment in the form of forced treatment of the Game Theory of crime control, because if did not receive treatment. Shall take effect damage case and when they get treatment until symptoms abate or disappear, and then the officers to investigate further, and where the two victims or witnesses who are insane, but can be prosecuted only if the use of special investigations.

How special investigations for victims or witnesses who have mental disorders are more similar to how special investigations for the victim or witness, a child under eighteen years. The reasons given for the protection of the rights of weaker people in society. Therefore agreed to the provisions of the Code of Criminal Procedure Article 133 bis, as follows *mutatis mutandis* the same time it is question victims or witnesses who are insane. Officers to act as a separate composition in a suitable place for a person of unsound mind and a psychologist or social worker. Insane person who requested. And the prosecutor are present in question concerned. In the case of a psychologist or social worker to see that the rabid question any questions, or may affect the mind strong. The official asked through a psychologist or social worker, specifically the issue of the official questions. Without hearing the question of insanity to the officers, nor ask for repetition several times without justification. And the insanity of the question. Official shall provide for the recording and the sound of question which can be transmitted continuously as a witness.

In addition, the study also agreed to the Code of Criminal Procedure, Section 133 degree comparable to the grace that is in the case of officers necessary to provide victims or witnesses who identify any person of unsound mind. Official shall provide a point person in the right places for the insane, and can prevent a person who looks to be a male point of unsound mind. By a psychologist or social worker. Insane person who requested. And the prosecutor are present in person point in accordance with constitutional theories that are based on principles of criminal law must be fair, follow the steps in the process.

Prosecutor measure

Under the Code of Criminal Procedure, Section 2 (5) is defined as that Means the official who is responsible for the accused to the court filing. The Government is in the Department of Attorney General or other official authority such that the prosecutor will be the responsibility of screening the expression of inquiry from the employees park. Order to make the case to the court and prosecution.

3. Prosecution measure

When officers have submitted expressions with the opinion of the case to the prosecutor. Before the prosecutor will prosecute in court. To consider the need to investigate the expression and opinion and order filed. In criminal proceedings for the classification of insanity can be analyzed as follows:

3.1 Prosecution measure for insane accused.

If the accused is found insane, and symptoms can not fight the case. Prosecutors have no authority under the Code of Criminal Procedure, Section 14 because the law is not authorized by law. And officers had no authority as well as sent to the prosecutor and idioms. The accused is of unsound mind who are not protected by law. Researchers should approach the prosecution ordered by focusing on the importance of discretion in step with the same characteristics as class officers. Whether measures were screening and identifying the accused, and sent to the inspection of mental Preliminary clinical, and ordered the case to the issue being able to fight the case under the Code of Criminal Procedure, Section 14, submitted by the landfill. Treatment and evaluation of symptoms, the order in case the issue of a defense of insanity under the Criminal Code, Section 65.

The issue is further analyzed in order to measure the case to the issue in litigation Measures ordered the case to the issue of insanity as a defense to this:

A. Ordering to fight the case under the Code of Criminal Procedure, Section 14.

In the case of orders in case the issue of being able to fight this case. From research were also strongly agreed that that If the prosecutor that the accused is of unsound mind and unable to fight the lawsuit. An order to suspend the investigation and send the accused to the treatment site. If that is not the accused and his defense was insanity. If the prosecutor agrees with the opinion of the officers is to act as a criminal case generally, but if the prosecutor does not agree with the opinion of the officers is evident that the accused is of unsound mind and unable to fight the case only if an order to suspend investigation. The accused sent to treatment facilities. However, consistent with theories based on constitutional law is the principle that criminal proceedings must be fair, follow the steps in the process. This will have to go through the verification process of judicial discretion in each class, and also to protect the rights of the accused directly by the theory of traditional criminology Bureau. However, the qualitative results of the attorney and the probation officer to see that If the prosecutor that the accused is of unsound mind and unable to fight the case was ordered to slow down the action. If the accused agrees to receive treatment. And the probation officer to see that more. If treatment is successful, then release the accused and the allegations raised by the community and treatment under the supervision of a probation officer next in line with theory, stamped by the diversion of offenders from the justice system.

Researchers agree with the criteria set out the order of the prosecutor regarding the ability of the accused are the symptoms of unsound mind, as research Based on weighing evidence between public interest and protects the rights of the accused. That is, if action is not useful to the public. Prosecutor should not prosecute a rabid following and should be admitted for treatment. However, if litigation is necessary to see the public interest, it should be prosecuted with the rabid following.

For the case that the prosecution should not continue with the insane and the prosecutor should be empowered to receive the male

insane treatment in accordance with a bill to amend the Code of Criminal Procedure made by the Office of the Attorney General Annual November. Since 2549, which provided for in Article 3 that "The provisions of Section 14 of the Code of Criminal Procedure, shall be replaced by the following: that is, during the investigation. To order the prosecutor's case. The preliminary examination or consideration. If there is reason to believe that the accused or the defendant is insane or seriously ill and unable to fight the lawsuit. The officers. Prosecutor or court. As the case may order a medical examination that done, the doctor called to testify or provide that any examination results. Or medical record detailed test results on his behalf.

If the officer. Prosecutor or the court that the accused or the defendant is insane or a serious illness and can not fight this case to suspend the investigation and ordered the case to the preliminary examination or until such person of unsound mind or lost my illness. Or you can fight the case. In the case of unsound mind shall have the power to send it to the male mental hospital or given to the kindergarten. Provincial governor Or others who are willing to accept the treatment time as it deems appropriate "because the Code of Criminal Procedure currently not open the box to the prosecutor the power to suspend order case, and does not authorize the prosecutor to send the accused to be. heal Which is a barrier to protect the rights of such persons. If the prosecutor and the insanity that is the inability or virtual inability. The prosecutor agreed to have the power to request the court to appoint a guardian or nursery under the Civil and Commercial Code, Section 28, 32, as the case.

In the case that the prosecutor accused the defense of insanity, but it can be. Ordered the case to the next. The researcher should see if the prosecutor agreed that the investigation is not the end of a wave to the prosecutor the power to officers to investigate further. In a further investigation will be conducted by means of insanity for a specific investigation, as mentioned in the officer class.

B. Ordering the case to the issue of a defense of insanity under the Criminal Code, Section 65.

After the prosecutor has taken the decision to investigate evidence of expression and opinion on issues that add to the case the accused guilty as guilty can not know love. Or can not enforce their own because of mental deficiency Psychosis, or mental or National Assembly. Another issue, which is a separate issue about the ability of his defense. As a result of qualitative research of scholars that the measures add to the case should be separate issues between Section 14 of the Civil Procedure Criminal law method states that want the right to suspect his defense fully and Section 65 of the Penal Code that to fault diagnosis by the doctor should have 2 sets apart the issue of Section 14 of the Code of Criminal Procedure and the issue of Section 65 of the Criminal Code.

When the diagnostic issues in a defense of insanity, and issues about the ability to fight this case to be a different issue each. If the prosecutor is of the opinion that the accused who is insane, but his defense should be investigated further by means of special investigations for the insanity already. When the investigation finishes. Later, the prosecutor has the power respects the decision of the case that the decision of the said case. The researcher should make the decision that the first issue. The accused are guilty or not symptoms of unsound mind before the decision for the benefit of the case and the accused to be protected by rights be prosecuted quickly and fairly. Later, if the hearing that the accused is not guilty. I have orders not to sue and petition to the Court for an order to send the accused to receive treatment consistent with the results of the qualitative research were judges and psychiatrists, and to comply with the rule of law theories. to examine the judgments of the state lawfully.

If you listen to the prosecutor that the accused guilty. Also be decided on the issue later that the accused guilty, while the responsibility to know or can not enforce themselves. And if listen to such It is of the opinion an order not to sue and to release the accused with no legal measures to prevent recidivism of suspects so. Is therefore considered appropriate to determine the

power of the prosecutor requested the court to send the accused to control in the hospital. Consistent with the Bill to amend the Criminal Code made by the Office of Attorney General Year 2549, which provided for in Article 5 that "the following shall be added as Section 48 / 1 of the Criminal Code that case. prosecutors have not filed a final order that the accused did not have to pay Because it is a mental disorder or mental deficiency Mental Assembly, under Section 65, first paragraph, and that the release of the accused. It is unsafe to the public. The prosecutor may file a petition to the court to send the accused to control in the hospital. Petition the court to make inquiry of the prosecutor. And if the court agreed that the release of the accused is not safe for people to take the Criminal Code section 48 shall apply mutatis mutandis."

Is therefore the prosecutor could make the case that the accused had the power to order a mental deficiency Psychotic or crazy Offense, while the responsibility to know or can not enforce their own or through the main reason to believe has information or case (Prima Facie Case) "as Measures of England If the indication that the accused should be sued as a defendant. It has a command action to the court next the philosophy and intent are subject to prosecution by comparison with the regulations of the Office of the Attorney General with the Criminal Act 2549 Article 175 of the criminal proceedings that the insanity is involved. Prosecutor to consider the welfare of the insane is important. To seek other measures to protect the rights of unsound mind shall be in accordance with international standards of the United Nations. And for the benefit of the insane. It is the prosecutor ought to be done the discretion of the prosecutor to bring to justice the criminal insanity, or to the attention of the court. Must be suitable for the treatment of carefully edited. And restoration of the insane individual. Regardless of the punishment. And will be used as a means of last when not working to resolve it by other means. Also, the discretion must be based on facts of individual insanity. To ensure that such litigation appropriate to the circumstances of the case. And to consider how to modify the individual who is insane and should have been given in Article 176 to determine the cause of the offense. Circumstances of the case. The seriousness of the offense. Damage to the victim and society have been. Family status. Of their opportunity to be a good person. And the best interests of the insane will

receive include in conjunction with Article 180 also define the order of the expressions criminal insanity is accused. Prosecutor should listen to medical reports about the accused. But not to listen to a report in such a way that is detrimental to the accused.

For the case where the prosecutor that the accused has mental defects. Psychotic or crazy Offense, while the responsibility to know or can control themselves. Or that the accused showed no mental deficiency Psychotic or mentally Assembly, while committed. Symptoms such as insanity, but during the proceedings. Sample strongly agreed with the defendants in the case because his defense could not deranged If the prosecutor has ordered the accused to sue then. The prosecutor is pending litigation against the accused before the court until the reason he has chosen to go away and then give the court the defendants filed for protection with the ability to direct his defense. And were also strongly agreed that the court filed under the Code of Criminal Procedure or the Court by other laws. If filed in other courts such as juvenile court, then the method of investigation and adjudication of cases used by Grace to the insanity that is the children and youth are protected. In the lecture strongly agreed to sue the prosecutor to describe the facts in the expression of an investigation and that is why you reprieve if the offender is guilty of unsound mind when the symptoms can also know what is wrong, or the like. can have some self-control under the Penal Code, Section 65, second paragraph to describe the action to match the facts and shall be specified in the request filed by the end. Consistent with the theory of semi-traditional criminology Bureau proposed to justice regardless of personal characteristics. Which may be different for each person unique. Could not determine intent was equally free with other people.

The researchers agree with these findings. Because the accused guilty as can be in charge or self-control was therefore liable under the law. But if the accused can not be his defense. To protect the rights of the accused should be descriptive as well as to sue you and is waiting for punishment to the accused and sued them. This is consistent with the guidelines for action by the Office of the Attorney General was placed under the letter of the Office of the

Attorney General Office of the Attorney General (through a training last year.) 0018 / s 0.66 dated 19 February 2546 on "The prosecution to describe exactly. with the fact that the investigation appeared in the phrase "by the prosecutor, the facts about the condition and feel Or the ability to self-control of the accused as guilty as those who do wrong, you describe in the complaint with fairness to the accused In addition, if appropriate in the case ordered the prosecutor does not disclose that the prosecution of such patients would not benefit the public. Apart from the prosecutor and then by the laws of Thailand to the courts to help find the truth in the case as well. The approach is based on the concept of the proceedings in an inquiry that combines the actions of the Thai system. Therefore, if conducted according to the guidelines in the proceedings of the Office of the Attorney General has put it. And the court has to take part in the search for truth in many cases more It will prove a defendant's mental disorder is easier than they do today.

The adoption hearing in the court's prosecutor. Research should focus on the access to facts about the insanity. The presentation of evidence, including both you and the punishment of the accused to the court to reach the truth in the case aimed at proving the defendant's mental disorder. Both in and out of idioms as expressions of the rules of the Office of the Attorney General with the Criminal Act 2549 Article 104 have determined that "when appropriate. The fact that the prosecutor announced an investigation in the phrase. The court may use its discretion in setting a term of as much as I can, "and Article 105 has determined that" if appropriate and not damaging to the case. Evidence that the prosecutor will not investigate or did not appear in the investigation into spy show to court. One should add to the official. Further investigation or to send witnesses to ask questions first. To know the weight of the evidence that "the facts stated by the prosecutor is responsible for symptoms and medical history, including insanity Education and parenting behavior of insanity to the court discretion to weigh evidence. But if prosecutors have evidence other than expressions of investigation. Prosecutor can present to the court if the issues involved in proving the defendant's insanity. One should add to the official. Further investigation or to send witnesses to ask questions first. To be aware of evidence that weight.

3.2 Prosecution measure for insane victim and witness.

For witnesses or victims who are insane. Researchers should see the regulations of the Office of the Attorney General with the Criminal Act 2549 Article 107 paragraph three of Article 109 and Article 177 was comparable to that:

In cases where the victim is of unsound mind. Prosecutor to consider and comment on the protection of insanity itself. Considering the expression of the opinion that the investigation of unsound mind, who have been affected by the offense should have been reduced. Whether by means of the Civil and Family Characteristics. Invasive medical procedures or methods under any other law for the prosecutor to give opinions about how so.

In the event that the investigation of expression of the opinion that because of the power of the guardian or conservator is a person of unsound mind is hostile to the accused or the victim. To consider the proposal of the prosecutor commented on the withdrawal of the authority. And appointed guardian or custodian, replacing.

If the prosecutor used the Wikipedia sense to testimony as a witness in court. The prosecutor to prepare for the witnesses as possible. The purpose of the witness is familiar with the condition the people and processes involved. And the witness understands that the action against the offenders of the officers in the judicial process to give people the opportunity to receive education and training assistance to aid in the return to a normal society happy.

Witnesses in the person of unsound mind When the prosecutor based on emotional intelligence and its impact both physically and mentally. The testimony received from the Crime ago. That witnesses should testify before the relevant individuals only. Or the appearance of the defendant or some person who may be an obstacle to the testimony of the witnesses. The prosecutor

stated to the court. Let the person that should not be in the presence of witnesses out of the room. Or representation of such barriers. So ordered by the court deems appropriate. In the hearing the prosecutor used a simple question for a witness who is insane. And to test the witness understand questions that are always correct In addition, avoid questions that might cause confusion or hurt elusive mind of the witness.

Court measure

Under the Code of Criminal Procedure, Section 2 (1) provides the definition of "court" that means the court or judge has the power to make in connection with criminal cases. In criminal proceedings for this insanity. The court has the power to preliminary examination. The adjudication of cases. And Appeal / Supreme can be classified as follows.

4.Measures preliminary examination of the case

The preliminary examination. Criminal proceedings is a step. Which is defined in the Code of Criminal Procedure. Criminal Procedure Code, as Section 2 (12) refers to the process of the court proceeding to diagnose cases where the defendant to find information. In the event of a lawsuit filed in court. Before the court may order the filing stamp. Court may order that the preliminary examination to determine evidence of the lawsuit that the court had enough information to be filed for consideration or not. If the court considers that the evidence filed to show enough to hear a convincing case that that has been done by the prosecution, also called "case with information," The court's order would accept the charge However, if deemed that the evidence was insufficient to dismiss.

Under the Civil Procedure Code provides that criminal. A Rat in the case of the plaintiff. Court ordered the preliminary examination. If this is the case, but prosecutors were plaintiffs. Preliminary examination is not required. However, if it thinks fit to order the preliminary examination before the time (Section 162) who filed a lawsuit whether or Rat A prosecutor has the duty to bring evidence to show at court For a case where the prosecutor is a preliminary examination on the

plaintiff to bring the accused to court. However, defendants do not have the power to bring witnesses to spy on preliminary examination class. But can a lawyer to help with that. The case is the plaintiff A Rat. Preliminary examination shall be filed behind the defendant. And the defendant will listen to the preliminary examination by the defense set the washing opposition testimony by the plaintiff or not. Or the defendant is not set, but lawyers for the plaintiff may wash opposition witnesses. And before the court accepts charge, the defendant is not deemed as such (Section 165) also has determined that the principles of investigation and litigation in the level of the floor used by Grace (Section 171)

4.1 Measures preliminary examination of the case for insane accused or defendant.

Under the Code of Criminal Procedure to determine the meaning of "suspects", as stated the "defendant" is defined in Section 2 (3) that to mean a person who has been sued to court, then the owner of that offense. The preliminary examination for the class in a case where a plaintiff Rat percent. Before the court accept the charge The accused is not in a position as a defendant (Article 165, paragraph three)

Criminal proceedings for this insanity. After the officers and the prosecutor has to investigate. And comment Order to sue the accused are the symptoms of unsound mind and filed a complaint with the accused to come before the court. For if the state is the plaintiff. Or after the victims have been damaged. Complaint filed by Offenders may not come to court. Rat A case is the plaintiff. Court preliminary examination is conducted before the command accept the charge This is generally done only if the plaintiff A Rat. Plaintiff's case because the state has been sifting of official discretion, then it By way of preliminary examination in case of insanity can be identified and analyzed as follows.

A. Measures to bring the accused to the court that looks insane

If the prosecutor is the plaintiff. When the court has reasonable grounds to believe that the defendant insane, and his defense was also unable to perform screening and to identify the accused before submitting a preliminary diagnosis of symptoms. Under the Code of Criminal Procedure, Section 14, the results of the study. The sample also appeared to agree as much as possible with such measures by the international preliminary examination. If there is reason to believe that the defendant is insane and unable to fight the lawsuit. The court shall take measures to screen and identify the defendant, which the maniac symptoms. The following: (1) has reason to believe that the defendant is a person of unsound mind Because the defendant is insane behavior, and symptoms appear much (2) the defendant had symptoms of unsound mind can not fight the case (3) the facts and circumstances of the case (4) developmental history. Profile. Family history. Medical history.

Screening and identification of measures is consistent with the results of qualitative research. Particularly the public prosecutor has suggested further that Screening measures and identify the accused should have three levels of the accused with no symptoms and his defense was insanity. Defendants are the symptoms of unsound mind and unable to fight the lawsuit. And the accused are the symptoms frequency d insanity defense, but it can be. And the lawyer suggested that additional screening should identify and focus on verb of the accused during investigation is important. The social worker suggested that the additional screening and identification of the accused should be done when the symptoms calm down first and consider the medical history of the accused. The psychiatrist suggested that the screening and identification should have knowledge. Understanding of psychology to signs.

When paired with the international legal measures. That results in both qualitative and quantitative accordance with the Measures of England in the class considering that "The Criminal Procedure (Insanity

and Unfitness to Plead) Act 1991, Section 4A and Section 5 discussed the nature of the target population by Set criteria for determining skill in defense of the accused as the main objective - can not understand the proceedings in the prosecution (Unable to understand the proceeds of the trial) - not able to give a defense properly (Unable to conduct a proper defense) - not to challenge juror who wishes to object to the (Unable to challenge a juror to whom he may wish to object) and can not understand the essence of the evidence (Unable to understand the substance of the evidence)."And Measures of the United States in the level of United States Code section 4241 (a) Code provides that the issue of mental disorders. And the ability of his defense of the accused is at the discretion of the Court of First Instance. If the court that there is reason to believe that while the defendant may be a mental disease or defect, which will result in the defendant unable to understand the basic characteristics. And the effect of the actions of their proceedings. Or may not be able to assist in his defense as his deservedly Can be seen that there is consistency in terms of focus. "Also in his defense, whether it is in having the ability to provide and cooperate with counsel of their own to competency to plead guiltily or the ability to demonstrate the making of reasoned choices decides to accept such a confession to wait for a penalty or reduce the penalty and so are all the protection of fundamental rights of the accused according to the theory of the Bureau of Criminology traditional total.

However, if the Rat is associated plaintiff Court and the accused is not in court the plaintiff. The accused is not in the authority of the court because before the court accepts charge, defendant is not deemed as such. It is difficult to get the defendants to submit the initial symptoms to diagnosis. Practical cooperation, but only a lawyer or relatives of the accused to appear in court. Will be taken to court for examination only. Even if the court is the defendants, and defendants have sent the initial symptoms to diagnosis. The accuser's right to attend the preliminary examination. Since the preliminary examination in the Rat A plaintiff highlighted the role of the court and the plaintiff only the accused has no right to bring witnesses to spy can investigate the suspects behind. The accused has not been properly protected by law. Therefore, if the accused is of unsound mind and counsel of the accused wanted to benefit from the legislation. The researcher is of the view

that Important mechanism in case the administration of justice to the parties that are in a state of unsound mind in such cases is that the court will have to see behavior that looks insane is important. When the facts are as follows. Laws related to the case, it would have to be addressed to the operators to decide. If any case law that the parties are not raised for the protection of the advantages associated with such insanity. Court shall have the duty to raise it up to the law itself. This will lead to ways to change the process from the time before the court can find facts about this completely insane. Lawyers should take the accused to court on this preliminary examination, or should the court have the power to call the accused to the court to examine mental health symptoms. Based on the Code of Civil Procedure, Section 19 of the Code of Criminal Procedure, Section 15 and in accordance with laws related to facts (Fact Finding) that the administration of justice truly is the ability to access or obtain the facts of birth. the fact that most The fact that it will be discontinued as close to reality as much as possible which will lead to the deployment of law is accurate, especially in the person's insanity. The fact that it should be pointed to the court or attest to the fact that this because the Court has recognized this fact. Court of law would have to be related to the case of adaptation according to Due Process sure enough.

In the preliminary examination the defendant should be entitled to reasonable Depending on the willingness of defendants to attend the proceeding is important. And the court must hear both sides in accordance with the Code of Civil Procedure; Section 21 (4) of the Code of Criminal Procedure, Section 15 and the rule of law is consistent with theories that criminal proceedings must be fair. The right parties, each party also should be equally open to opposition lawyers have the right to wash on issues related to the facts about the insanity of the accused. For the court to acknowledge issues challenge the facts preliminary and the condition of the accused at the same time, which will lead to judgments weighing the facts basic to raise law that would be useful for administration of justice for the accused to become a defendant. Pursuant to the Code of Civil Procedure, Section 24 of the Code of Criminal Procedure, Section 15.

B. Taking for review preliminary clinical mental status

After the prosecutor or the injured plaintiff filed a complaint in court. And the court ordered the preliminary examination. If it appears that the suspect or the accused is of unsound mind and unable to fight the lawsuit. Under the Mental Health Act 2551 Section 35 states that the court sent the accused or the defendant to be assessed Places treatment. Including details about the circumstances of the case. Which were also strongly agreed with the defendant to submit it to the treatment of such facilities. Prior to sending the notice by telephone or other means to the treatment site, which is close to coordinate without delay to send a person to receive the initial diagnosis and symptom assessment. And were also seen with as much as possible to send a person navigate to treatment shall be in writing delivered and a copy of the details as follows: (1) Name and details about offenders who have Symptoms of unsound mind and causes delivery (2) units delivered and date of delivery (3) the behavior and symptoms of offenders with symptoms of unsound mind (4) Support Basic (5), address and telephone number of the parents. Or administrator of the offender with symptoms that can be of unsound mind.

When place the defendant already received treatment. Under the Mental Health Act 2551 Section 35, paragraph two states to Psychiatric Diagnosis of Mental Disorders. And opinions for consideration of the court that the defendant can fight the case or not. And reports the results of the examination and evaluation of the ability to fight the case to the court within forty-five days. From the date of receipt of the defendant and may extend the period of not more than forty-five days. Which were also strongly agreed with the diagnosis of psychiatrists and mental disorders opinion for the consideration of the court that the defendant or his defense can not be considered by the psychiatrists, the collected information. illness, including (1) history of mental illness and physical disease related. Developmental history. Profile. Family history. Medical history (2) Make mental, physical examination and laboratory tests as necessary (3) to experiment with psychology clinic as necessary and appropriate (4) observation and evaluation of

symptom change in patients (5) to the diagnosis. Diseases of the standards of the profession.

These results were qualitatively the prosecutor is of the opinion that more. Commission could make a preliminary diagnosis reliable and certified. And the judge also suggested further that the Committee should be under the supervision of the Ministry of Social Development and Human. And the social worker suggested that they should join the multidisciplinary team, including the psychiatrist. By social workers, psychologists and social workers, psychologists will consider the causes of the offense. History of the accused in terms of social The psychiatrist will consider the symptoms of the disease based on technical principles such as providing medical treatment, physical medicine, etc., and the psychiatrist suggested should be allocated to the Ministry of Health medical treatment facilities and increase access to services easy. Requires the coordination between agencies in the justice and medical seriously. In addition, visual inspection, a multidisciplinary team should join the group as a social worker. Set standards for the investigation focused on how to find out the nature of the accused to know their rights, legal or not.

Such measures, when paired with legal measures in the floor of the United States consider that "When a court that there is reasonable ground to believe that Defendant may be mentally (a mental disease or defect) did not have to understand the nature of the proceedings and acting on their own. Or may not be able to assist in his defense as his deservedly Courts will have to be considered in order to issue the ability to fight the case of the defendant. And prior to the date. The court may issue an order requiring the psychiatric examination of defendant And may order that should be reported to the court. For a psychiatric examination, this must be done by psychiatrists. Or clinical psychologist is allowed. Or certified. The court may appoint more than one examination may, if deemed appropriate. And the Court will determine the duration of the examination which will not exceed 30 days during this test the defendant is under the control of the Chief Prosecutor (Attorney General), which is working to provide a suitable place for

inspection by. This mental disorder. Which must be located near the court and to make the most of this defendant. If the director of the Institute of conduct (the director of the facility) that need to extend the period of examination. I must request the court to extend the court may order an extension of time to make no more than 15 days, depending on the reason for the need to review. And diagnosis of diseases of the defendant. When those who make the defendant. And reporting of psychiatric symptoms and then. Must submit the inspection report to the court. Along with copies of inspection report to the attorney defendants. And prosecutors with.

In addition, legal measures of the United States to determine whether the report of examination shall consist of 4 important things is the history of the patient and clinical symptoms in the present (the person's history and present symptoms) Description of the test in psychiatry, and. Psychological Testing. And testing of clinical use and results obtained (a description of the psychiatric, psychological, and medical tests that were employed and their results), what the inspectors have found. And the opinion of an inspector in the diagnosis and prognosis per se (the examiner's opinions as to diagnosis, prognosis). We should also have other details. Under the laws of those persons are suffering from mental disease or mental defect. The mental condition of incomplete and could not understand the size, condition and results of litigation continue to be. Or could not cooperate in his defense was reasonable or not. If the examination is ordered to be held as part of the investigation before any court instructions to the inspectors may have about the defendant's mental state should have any effect on a sentence.

Can see that the research results consistent enforcement of the United States in that sending the accused to make primary psychotic disorder according to the theory of the Criminology Department in protecting the traditional rights of the accused and the theory of Department of Criminology offers a semi-traditional justice regardless of personal characteristics. But the difference in the Measures of the United States require that a psychiatric examination, this must be done by psychiatrists. Or clinical psychologist is allowed. Or certified. The court may appoint more than one examination may, if deemed

appropriate, and also the duration of the investigation in order to get on the court. Which the credibility of the hearing of evidence by the theory of semi-traditional criminology Bureau recommended to accept listening to comprehend by those who comprehend this, it must be reliable.

The researcher should determine the measures to send the defendant to check the mental status preliminary clinical results of such research. The State Board of Mental initial clinical diagnosis under the Mental Health Act 2551 Section 12 and has agreed to join a multidisciplinary team including psychiatrists. By social workers, psychologists and social workers, psychologists, as stated in the officer class.

Practical problems in the role of psychiatrists as experts in each case may look different. To be fair. Researchers determined that the court should have power to appoint doctors to conduct preliminary mental status as measures of the United States. Shall be registered by the court. To facilitate the proceedings and create fairness to the parties. It also agreed to jurisdiction period inspected, mental preliminary based on mental condition of the accused individual, and should define the role of physician as coordinator of the study report of inspection of mental preliminary notification to the court. Prosecutor. And lawyers of the accused for the purpose of further proceedings.

Mental preliminary inspection report. Research that should include issues facts related to legal as well as issues related to mental state of the defendant, including the history of the patient and clinical symptoms in the present (the person's history and present symptoms) based on observation and evaluation of symptom change in people. Sick Including developmental history. Profile. Family history. Medical history. Description of the test in psychiatry, psychological testing. And testing of clinical use and results obtained (a description of the psychiatric, psychological, and medical tests that were employed and their results), what the inspectors have found. And the opinion of an inspector in the diagnosis and prognosis per se (the examiner's opinions as to

diagnosis, prognosis) according to standard medical Issues and other details. Assembly required by law in that Such persons are suffering from mental disease or mental defect. The mental condition of incomplete and could not understand the size, condition and results of litigation continue to be. Or could not cooperate in his defense was reasonable or not. If any check until it was ordered to be held as part of the investigation before any court instructions to the inspectors may have about the defendant's mental state should have any effect on a sentence.

C. Issue of justice in order to fight the case under the Code of Criminal Procedure, Section 14

Of the decision of the court case. Require evidence related specifically to make preliminary diagnosis of a doctor to diagnose in practice according to a report of medical diagnosis. Some cases do not make sure the physician or physician not to testify before the court. The court considered the facts in order to understand the case is incomplete or does not meet the medical report. Which brings the case of diagnostic error. Which were also strongly agreed with the case when the court received the report of initial diagnosis, symptom assessment and a psychiatrist to testify as to matters contained in the report of initial diagnosis, symptom assessment. Together with the attached documents related to the diagnosis to include in the phrase of the court include For the investigation of the court that the defendant is insane and his defense was not that Should be identified as a criteria as follows: (1) Q innocent or similar person of unsound mind by a group agree most (2) finds a history of illness, mental health before, (3) the behavior. of the offense (4) the defendant requested an attorney or a relative (5) According to the opinion of the psychiatrist.

For the decision of the court case. In the event the court that the defendant is insane and unable to fight the lawsuit. To suspend the investigation until it is lost or insanity defense under the Code of Criminal Procedure, Section 14, but if the defendant is insane, but his defense can be. Sample strongly agreed. To proceed to preliminary examination by means of criminal investigation for the insanity that is only in the Hearing will be diagnosed in the issues

that the defendant is guilty or not before. If the lawsuit is without merit hearing was ordered not to stamp the prosecution and the defendant sent to the treatment facilities to treat. But if the case had been listening to it sufficient information to judge on the issue later that the defendant do not know when or responsibility can not force yourself or not. If the case had been listening to information that the defendant made while responsibility can not know or can not enforce their own shall have no order the filing stamp and send the defendant to receive treatment to treatment area. But if there is information that the defendant made to listen to while it can recognize a responsibility, or it can force yourself to order the filing stamp.

In the preliminary examination. Groups agree that there should be a third party to join the preliminary examination may be a relative or guardian or any person responsible for monitoring the defendant and a social worker or psychologist, and also agree that there should be room preliminary examination for insanity is guilty only of the room separate criminal. In testimony to the inquiry without giving the defendant a direct confrontation with any evidence which may be made by the use of closed circuit television. Electronic media. And will ask the defendant through a psychologist. Almoner Defendant or other person entrusted therewith and the preliminary examination the court shall notify the person attending the inquiry as soon as possible by explaining the reason for the detention. Place the control on the court also ordered filing stamp or not. Shall not restrict the plaintiff to appeal the court under the Code of Criminal Procedure.

The results of qualitative research. This group of officers also suggested that more cases in order to issue the ability of this defendant. Consider the circumstances seen as guilty. Medical history. And should interrogate witnesses' mediator reliable payment software on the defendant lives, such as Kamnan etc. to know the behavior before the incident along with the opinion of the physician, consistent with the theory of criminology semi-traditional recommended bringing the circumstances of the case. Used to operate the trial. This process will focus on the situation with respect to the natural environment and social offenders experiencing.

For the investigation process. Samples of the prosecutor suggested that additional measures should be identified as the preliminary examination is a special case of a semi-insane, but symptoms can also be assigned to his defense by a psychiatrist. Social workers participated in the preliminary examination and preliminary examination room for the insanity of this particular case, but not necessarily in every case that these actions depends on the discretion of the court as a prosecutor, another important group of persons. one Additional recommendations that Of the preliminary examination should be framed by the defendant to see patients at the right protected by the Constitution and the preliminary examination if the defendant had symptoms similar to semi-insanity hearing children and youth by should be determined to be social workers or psychologists, psychiatrists and prosecutors participated in preliminary examination. Interpreters should also communicate the language of a particular person of unsound mind and make a preliminary examination room, the only case of unsound mind. And the judge further suggested that the preliminary examination, this should allow both parties to offer evidence as fully as the pros and cons of the defendant and the court has the power to seek evidence that would benefit the case.

Corrections group suggested further that Measures should be identified as the preliminary examination the defendant to have symptoms, but also semi-insane by the defense to the psychiatrist. Social workers participated in the preliminary examination and preliminary examination room for the insanity of this particular case as the opinion of the prosecutor. And groups of experts have suggested that Measures should be identified as the preliminary examination the defendant to have symptoms, but also semi-insane by the defense to the psychiatrist. Social workers participated in the preliminary examination and preliminary examination room for the insanity of this particular case as the opinion of the prosecutors and correctional staff. And academics that the Court should correlate with how children as young persons with physical and intellectual as well. And if the preliminary examination by means of the result of preliminary examination is not lost, but the witnesses to testify without love does not listen.

But the interview in the attorney disputed the opinion of some that Measures should be identified as the preliminary examination the defendant to have symptoms, but also semi-insanity defense by a psychiatrist assigned by social workers need not have participated in the investigation because they are professionals and do not see this directly. Should make room for a preliminary examination of this particular case because of unsound mind should be the preliminary examination by the group revealed rapid and probation officer also saw that conflict. Defendant should not be a maniac to justice, but symptoms should seek treatment process based on collaboration between the court Prosecutor, psychiatrist, social worker and psychologist. And the role that a probation officer to monitor and assess the defendant's symptoms.

From such legal measures, when paired with Measures of England in the class. That during the trial if it appears that Defendant is disability or unfit to stand a trial the decision before the jury began to consider. Or stop to consider them. To the jury before the diagnosis. The accused is the offender. Or refrain from action by indictment or not. If the jury considered evidence that the defendant and not the offender. Or refrain from action that is being sued. I release the defendant to the court. But if that defendant is the offender. Or refrain from doing so. The court shall order the defendant to submit to hospitalization. Or if the defendant agrees. Court may order that it deems most appropriate to the circumstances of the case either: (a) a Guardianship within the meaning of the Mental Health Act 1983 (b) an order to maintain the manner prescribed CPA 1991 (c) the court may order the defendant to release. If that is the proper way.

Research shows that consistent enforcement of the UK if the defendant is not insane and that his defense was the issue in dispute is the issue that the court may order the defendant guilty or not before you adopt. criminal insanity for use. But different in that work were presented to the Criminal Procedure for the use of insanity in the case where the defendant was insane, but to his defense. Because the rabid symptoms may occur at any time if the defendant has been affecting the mind. However, measures of England are the alternatives if the

accused is the offender may be sent to hospital treatment. Or an order setting a guardian. Or to use special care or released to see if the social security which is a suitable alternative, as the Office of the Theory of Semi-traditional criminology, think about identities.

When paired with the Measures of the United States in the class have to consider whether the issues of mental disorders. And the ability of the defendant's defense. Defendants must have lawyers in action. And if the defendant is poor can not afford to hire a lawyer. I must state attorney for the defendant and such. The defendant must have the opportunity to testify. Evidence. Asked the witness summons is to their advantage. And has the right to confront and cross-examine opposing witnesses who have come to. The burden of proof on the issue of mental disorders. And the ability of the defendant's defense. States bear testament to the ability of the defendant's defense. And when the court considered the evidence already can be classified into two cases were.

(1) In the event the court hearing the evidence and then decide. Defendant is mentally (a mental disease or defect) and can not fight the case. The defendant will be sent to receive treatment until they can be self-defense as appropriate. So that the hearing would continue. And determine whether the defendant is not capable of fighting the case was not a decision that criminal defendants have no liability therefore does not prohibit a defendant to return to be reconsidered. If the defendant can fight the case now.

(2) If the court hearing the evidence and then decide. Defendant had normal mental status enough to be his defense. As a result, there will be a trial for the accused in the case of the main points but did not prohibit the issues raised on the ability of his defense, the defendant came too reconsidered. If the evidence demonstrates the defendant's mental status changes.

Research shows that consistent enforcement of the United States in the case when the court believes that the defendant insane, and

can not fight this case they are sent to the treatment and then have to return to justice. If the defendant that his defense was insanity, but it can also be a result of the defendant in the trial of the case to the theme. The difference is in the case of measures for performance were presented to the procedure for criminal cases for the insanity to use the insanity that can fight the case to fall under the theory of Department of Criminology semi traditional view specific sections. Individual the measure did not apply the laws of the United States. But the measures the U.S. is more defined. Privileges for the accused to fight the issue of being able to fight such cases have full right to a lawyer. Right to testify. Right to confront and cross-examine witnesses, which are the rights that are protected by the theory of the Bureau of Criminology traditional total In addition, legal measures of the United States has set about the burden of proof on the issue this capability to the state.

Researchers agree with the criteria of the court order the case regarding the ability of the defendant are the symptoms of unsound mind, as research Based on weighing evidence between public interest and protects the rights of the defendant, as in the level of investigation. In addition, due to litigation aimed at protecting the individual rights but also to consider the public interest as well, useful.

If the court agreed that the prosecution is not the public interest to grant the order and then pull the investigation and send the accused to receive treatment under Section 14 of the Code of Criminal Procedure. However, if litigation is necessary to see the public interest, it should be prosecuted with the rabid following.

The case has ordered a preliminary examination abstaining. In addition, the court has the power to send a defendant to receive treatment and then. Also agreed to have the power to set up a kindergarten or guardian if that person is incompetent or quasi-incompetent According to the Civil and Commercial Code, Section 28, 32, as the case for face care rabid following.

If court proceedings that will be useful to the public. I can see that the investigation should continue but should be identified as a method of preliminary examination for insanity is such a special. The multidisciplinary team decided to join the preliminary examination. Such as psychiatrists, psychologists, social workers. Interpreting the language of unsound mind and join the international preliminary examination by the need to understand the condition of the accused or defendant who is sick and see the accused or defendant, be patient. Affecting the mental state to a minimum. And provide a preliminary examination room and a separate room, preliminary examination is consistent with generally comparable with the Juvenile and Family Court Act and the Juvenile Court Procedure Act 2553 section 107 as well as the preliminary examination should be done only as a secret. People involved in the case only to attend the preliminary examination is to protect the privacy rights of the insane. By comparison with the Juvenile and Family Court Act and the Juvenile Court Procedure Act 2553, Section 108.

In asking questions that could affect the mental state of insanity. I should have asked through the psychiatrist or psychologist or social worker. Because it is a knowledge of the mental state of psychiatric patients as well. And need not follow the Code of Criminal Procedure by strict Use words that the accused or the defendant can be understood easily with the opportunity to the accused or the accused, including parents, guardian or a person who lived with the accused or the defendant. Or persons who provide education to the job or relevant. Statement of facts, feelings and opinions, as well as identify and question witnesses, neither at any time during the trial that and the court has the power to call parents, guardian or a person who lived with the accused or the defendant. Or persons, who provide education, make relevant work or a witness to the fact that inquiry about the accused or the accused, in line with comparable Juvenile and Family Court Act and the Juvenile Court Procedure Act 2553, Section 111,114.

In addition, in the event the court or on the hand or as reported by a doctor or social worker, guardian or custodian that the

authorities on elder abuse on the insane. Carry out torture. Or act in a manner to support the corrupt conduct of unsound mind. Or neglected to the insane offender. The court proceeding to determine the facts. If the appropriate court may order the guardian or the authority to withdraw all or part of a guardian and the person who set the legal age or foster family or representatives of organizations recognized the insanity of the insanity in the temporary governance. Or to set up treatment facilities director who has temporary care. This is consistent with comparable Juvenile and Family Court Act and the Juvenile Court Procedure Act 2553, Section 112.

In terms of litigation. Researchers also saw the defendant should be entitled to fight on the issue of being able to fight such cases have full right to a lawyer. Right to testify. Right to confront and cross-examine witnesses. And should the burden of proof on the issue of ability to fight this case to the prosecutor, the plaintiff. Because they lead to provide compulsory treatment to the defendant to receive treatment and be back into the case further.

D. Taking to treatment and symptom assessment

Case to be sent to mental hospital or other guardian for the treatment of the current Mental Health Act 2551 are set out in Section 36, first paragraph, that is the place for a defendant to treatment and control treatment. Without the consent of the defendant. Will be lost unless the defendant or his defense can and can induce. Unless ordered by the court or otherwise by law, which were seen by a lot of places on the defendant to receive treatment therapies. To maintain the treatment facilities will be lost unless the defendant or his defense can and can induce. No need to get consent from the defendant, but must be evidenced in writing or orally by doctors ever to treat, 1 nurse, 1 and who are not doctors and nurses more of a people that should provide treatment to the accused. This will cause clinical symptoms improved. Psychiatric treatment and the report of the diagnosis and evaluation of the ability to fight the case sent to court In reporting this, consider the following information: (1) source of information that agreed with most (2) history of illness, which is seen by at most (3) Inspection of mind and action. disease, which

most agree with (4) results of psychological tests as necessary and appropriate that the most strongly (5) diagnosis of mental disorders, which strongly agreed.

From such legal measures, when paired with Measures of England in the class. The protection of the accused to suffer from bugs in the process of replacing the Crown Court to detain the defendant was sent to the hospital to control the court requires. But the satisfaction of the court considered the evidence in writing or verbally from the medical registration of the two people accused are suffering from the disease Mental Illness or Severe Mental Impairment, which state-level or size appropriate to send to detention in hospital for treated the defendant will be more appropriate. The defendants will be protected must be a people who have been detained for pending or being detained pending. For an offense with imprisonment only. But not if the sentence for such offenses are defined by fixed laws. However, they do have the satisfaction of the court through a written or oral evidence from the medical registration, which will be responsible for keeping the defendant. Or possessed by the hospital said that the defendant be sent to the hospital is prepared to accept the accused within seven days from the date of detention. During the wait for the availability of the court may order the detention of the defendant in a safe place also. In addition to being detained the defendant may be forced treatment. The compulsory treatment must be based on the principles of consent under Section 57 and Section 58.

When paired with the Measures of the United States in the floor. The court shall be sent to the defendant under the control of the Chief Prosecutor (Attorney General) and the chief prosecutor, who must submit the defendant to keep in the right places. And treatment is limited by the duration of no more than 4 months, but this time the court may allow a reasonable extension until the defendant's mental condition will improve enough to have the trial continue. In case the court ruled that there is a possibility that within the period will be extended this The defendant will return to being able to fight this case again. To order the action to trial or the criminal proceedings pending against the defendant will be terminated in accordance with the law.

Research shows that consistent enforcement of UK and U.S. If the defendant is insane, and symptoms can not fight the case will be submitted for treatment of a treatment area and compulsory treatment was determined to be certified by a qualified medical theory and crime control aimed at controlling the offender even if the offender is not voluntary. However, the different legal measures of the British symptoms of the disease, the disease specifically to Mental Illness or Severe Mental Impairment and must be people who have been detained for pending or being detained pending. For an offense with imprisonment only. But not if the sentence for such offenses are defined by fixed laws. Because the symptoms of the disease affects the ability to direct his defense. Of the symptoms of the disease is considered a characteristic of a person as a semi-traditional criminological theories. And legal measures, the U.S. chief prosecutor has the power to control and determine the place of delivery, which control the actions of officers in accordance with the provisions of the law as constitutional theories.

Researchers saw that should be forced to take measures to maintain the security of society and to the accused or the defendant has received proper treatment. However, because treatment is compulsory measures affecting the freedom of the accused or the defendant directly. Therefore steps should be kept clear of force as the probe layer is also the representation of physicians and reliability. Also agreed to define the nature of mental disease, which have the ability to fight the case as Measures of England by an agreement between the justice agencies and medical agencies to be consistent match. that mentally kind of connected diseases and medical and legal opinion that can not fight this case as Disorders (Mental retardation) and those who are psychotic (Psychosis) because it is mentally that connected disease Mental. Illness or Severe Mental Impairment or state level that a reasonable size to send to detention in hospital and the site should be sent to the controlling authority of the controller, which include. Prosecutor who served as a coordination between doctors and the court about the facts about the symptoms of the accused or the defendant was insane as well.

If the psychiatrist treatment that the defendant receive treatment and mental disorders can be lost, and his defense was under the Mental Health Act 2551 Section 36 paragraph three set. Report of the treatment to the court without delay. The sample strongly agreed with the case if the court agrees with the opinion of the psychiatrist is the court case was raised to the preliminary examination, but if the court that the defendant has mental disorders and can not fight. Case only if an order to send a defendant to receive treatment following. And if the court that the defendant has mental disorders and can induce defense only if an order to lift the case up the investigation by means of preliminary examination for the criminal case guilty of unsound mind Specific.

Based on comparable measures of foreign law. Measures that comply with the laws of the United States. On the floor at that During treatment. When the director of the Institute of the defendants maintain that the defendants lost. Or improve symptoms and are able to understand the nature and effect of the actions of their proceedings. And are able to assist in his defense of their reasonable and that the Director submit a letter of certification to the outcome in court. Court will be held to consider the issue of the ability of the defendant's defense again When the court considered the evidence and then decide. The defendant can have his defense. The court must order the defendant released from the institution of the treatment. And make an appointment for trial on the issue of the defendant to the offense.

In the event that the expiration date in the treatment of the defendant. And Director of the Certificate sent to the court ordered the defendant to submit that Defendant is mentally (a mental disease or defect), resulting in the release to the defendant. Would jeopardize the defendant to harm people or damage to property of others. This certificate, which will temporarily suspend the release of the defendant during the defendant's mental condition to consider such a chest strap to the theory of crime control. But it does not prejudice the right of the defendant may file a petition to the court to release the constitutional theories to be covered by process of law.

Research that should be designated as a function of the inspection, the defendant psychiatrist. Report visual inspection, the Director of the treatment area To the Director will report to the court to the defendant if the symptoms disappear and the insanity defense can be. Or if the defendant did not recover from symptoms of unsound mind and unable to fight until the case was then scheduled for treatment. So that the court will determine a preliminary examination to measure or measures to temporarily suspend the release of the defendant if it could be a danger to society as Measures of the United States.

E. Ordering the issue of justice in a defense of insanity under the Criminal Code, Section 65.

After the court conducted a preliminary examination and ordered the case on the issue whether the defendant guilty as guilty can not know love. Or can not enforce their own because of mental deficiency Psychosis, or mental or Assembly, which is a separate issue from another point on the ability of his defense. As a result of qualitative research of scholars that the measures add to the case should be separate issues between Section 14 of the Civil Procedure Criminal law method states that want the right to suspect his defense fully and Section 65 of the Penal Code that To diagnose the fault.

When the diagnostic issues in a defense of insanity, and issues about the ability to fight this case to be a different issue each. If the court is of the opinion that the defendant is insane, but who can fight the case should proceed to preliminary examination by means of a special preliminary examination for insanity then. When the preliminary examination completed. Reasons the court has the power to cases where the decision of the decision of the said case. Samples that. The trial will be diagnosed in the issues that the defendant is guilty or not before. If the lawsuit is without merit hearing was ordered not to stamp the prosecution and the defendant sent to the treatment facilities to treat But if the case had been listening to it sufficient information to judge on the issue later that the defendant do not know when or responsibility can not force yourself or not. If the case had been listening to information that the defendant made while responsibility can not

know or can not enforce their own shall have no order the filing stamp and send the defendant to receive treatment to treatment area But if there is information that the defendant made to listen to while it can recognize a responsibility, or it can force yourself to order the filing stamp.

When paired with the Measures of England in the floor and then raised that if the defendant on Insanity Defense requires the jury to consider that The accused is the offender. Or refrain from action by indictment or not. If you can see that the defendant is the offender. Or refrain from action. The jury to consider further that the defendant not guilty by reason of insanity or by using the Special Verdict and if the accused is not guilty due to insanity. Courts have the power to send a defendant to receive treatment. Or an order as if the defendant is not capable of fighting the case above.

In addition, legal measures of the United States. In the class also requires that in cases where the defendant has the ability to fight the case. But wishes to raise, huh insanity as insanity defense the defendant must notify the prosecutor in writing within the period pretrial motion in any period. As the court requires. Prosecutor requested the court to consider this matter. If the defendant fails to comply with procedures prescribed by law. Can not be raised on insanity as a defense has. Because it is complicated about the evidence on which to prepare a special prosecutor, such as expert witness. Must notify the prosecutor in advance to avoid damage cases. Unless there is reasonable cause. The court may permit the defendant to submit a letter of it. In the event of a serious question of insanity, the defendant was an issue to consider. Either by applying for the defendant. Prosecutor. Or by Without a jury considering the case must be considered. The defendant is guilty defendant is not guilty or the defendant not guilty only by reason of insanity special verdict.

The researcher agreed to set as the research has shown that if the defendant raised huh insanity as insanity defense the defendant must

make written notice to the prosecutor within the period filed prior to the start. The preliminary examination. In any period, as the court requires. Prosecutor requested the court to consider this matter. Which the preparation of the availability of staff in the proceedings and will provide expert testimony in court.

For the hearing of evidence the court. That the issue be decided first. The defendants are guilty or not of unsound mind symptoms before diagnosis for the purpose of the case and ordered the defendant to be protected by the right to be prosecuted quickly and fairly. Later, if the hearing that the defendant is not guilty. I send the accused to receive treatment. If the hearing that the defendant was guilty. Also be decided on the issue later that the defendants guilty, while the responsibility to know or can not enforce themselves.

If the court that the defendant has mental defects. Psychotic or crazy Offense, while the responsibility to know or can control themselves. Or that the accused showed no mental deficiency Psychotic or mentally Assembly, while committed. This is an order to accept the charge However, if the court that the defendant has mental defects. Psychotic or crazy Offense, while the responsibility can not know or can not enforce themselves. It ruled that dismissal and release of the accused by Thailand had no legal measures to prevent recidivism of the defendant it. Is therefore considered appropriate to determine the power of the court to send the accused to control it in the hospital. If the court that the defendant is not released to the public safety to the Criminal Code section 48 shall apply *mutatis mutandis*. This is consistent with the theory of crime control that focuses on the performance of the justice system. Aims to control Suppression and suppression of crime is a major If the release of the. Society may not be secure. It also protects the rights of the defendant one way to get through the treatment process, legal process theory, constitutional law is based on the principle that criminal proceedings must be fair, follow the steps in the process.

For weighing the evidence. Researchers also agree that the use of discretion, the court weighed the testimony of these principles should be reason to believe has information or Prima Facie Case as Measures of England If the indication that the accused should be sued as a defendant. Shall have the following the order filing stamp.

4.2 Measures preliminary examination of the case for insane victim and witness.

During the trial in the floor of the court proceeding. If there is reason to believe that the victim or witness is insane and can not prosecute or give evidence to. The provisions of Criminal Procedure Code is not provided as well. And in-depth interviews were the scholars are of the opinion that the method for determining criminal insanity to the witnesses or victims with symptoms of unsound mind. By pointing to a psychiatrist. Social workers participated in the preliminary examination. And room for a preliminary examination of this case is only comparable to insanity Procedures for children as young persons with physical and intellectual as well.

To victims and witnesses are protected by law. Consistent with the theory Due Process. A theory based on principles of criminal law must be fair, follow the steps in the process. The researcher is of the opinion that the court should take legal measures for the accused or the defendant to be insane to have signs with the victim or witness who is a mental disorder, that is, *mutatis mutandis*, the Court shall take measures to screen and identify the use and take to treatment facilities for diagnosis of initial symptoms. If the doctor concludes, is insane and can not be prosecuted for an order to cease to investigate and to submit a victim or witness to receive treatment in the form of forced treatment of the theory of crime control. Because if not treatment. Shall take effect damage case and when they get treatment until symptoms abate or disappear, and then to proceed to trial. But if the victim or witness is insane and can prosecute only if the use of preliminary examination specially agreed to the provisions of the Code of Criminal Procedure Article 133 bis

and Article 172 ter shall apply mutatis mutandis the theories forgotten. The law is based on the principle that criminal proceedings must be fair; follow the steps in the process.

5. Trial measure

Under the Code of Criminal Procedure does not define the meaning of "Trial" but has provided in the Code of Civil Procedure, Section 1 (8) that the "trial" means any court proceedings all in one court. Before the court decision or disposition of the case by arbitration judgments or orders. The criminal proceedings for the insane in this trial floor level similar to preliminary examination, as already mentioned it. Because the floor to the preliminary examination of the provisions shall apply mutatis mutandis under the Code of Criminal Procedure, Section 171, first paragraph, but there is a difference from the preliminary examination in that class. The purpose of the hearing is to prove the truth through evidence and proof to the court which must be proven until the question before the court and must be done openly. And the court shall consider the case fairly quickly, but continued the preliminary examination for the purpose of determining whether a lawsuit should the defendant may be sued in court or not. The defendant is actually guilty or not is another case of one To prove that it is a proven fact that the case had the wrong information or no emphasis on plaintiff's testimony is important. Therefore, the preliminary examination for the case of the Rat A plaintiff may have been behind the defendants.

Therefore, the researcher would like to explain the insanity in criminal cases for floor consideration this additional level preliminary examination. The analysis can be classified as follows:

5.1 Trial measure for insane defendant

After the court ordered filing stamp in case if the state is the plaintiff or the plaintiff Rat A is already Court begins hearing with the following steps.

A. Screening and identify the defendant

When the court has reasonable grounds to believe that the defendant insane, and his defense was also unable to perform screening and to identify the accused before submitting a preliminary diagnosis of symptoms. Under the Code of Criminal Procedure, Section 14, the results of the study. Show that the samples are most strongly agreed with the measures under consideration by. If there is reason to believe that the defendant is insane and unable to fight the lawsuit. The court shall take measures to screen and identify the defendant with symptoms like a maniac, as in the preliminary examination class. And researchers agree with the measures for screening and identifying the defendant as a result of such research.

But different in that case the defendant's ill will just appear in the class with the real case is not detected in the floor and the floor investigation, preliminary examination. The proceedings in court through the process of identifying the accused must be questioned in class, or if there is a preliminary examination may identify a defendant once. If determined to be discrimination on the floor right of the other redundant. The researcher is of the view that the process should be identified in the investigation and the floor level preliminary examination can be used in court to hear evidence based diagnosis of the depression is important. For the convenience of the theory of crime control. This will also reduce the budget be another way and in accordance with the Code of Criminal Procedure, Section 226/5 required the court to listen to recorded testimony in the class, preliminary examination of other evidence in the case if it is necessary or reasonable cause.

B. Taking for review preliminary clinical mental status

After the court sat for the plaintiff then sued. If it appears that the defendant is insane and unable to fight the lawsuit. Under the Mental Health Act 2551 Section 35 states that the court sent the accused to be assessed Places treatment. Including details about the circumstances of the case, as in

the class, preliminary examination, which were also strongly agreed with the defendant to submit it to the treatment of such facilities?

The researcher should determine the measures to send the defendant to check the mental status preliminary clinical results. But with the additional reasons that the court sent the accused to a psychiatrist must review and inspection report to the court in mind. During the examination symptoms. Court proceedings are not due to the presence of the defendant shall be made under the Code of Criminal Procedure, Section 172, so it must wait until the inspection, the defendant completed. To the proceedings is legally based constitutional theories. The researcher agreed to guarantee the rights of the defendant clearly defined by a specific temporarily suspend consideration during the medical examination and on the court the results of diagnostic and medical. That the defendant is insane and unable to fight the lawsuit. The court to suspend preliminary examination. Or hearing it. And proceedings under section 14 next.

C. The issue of justice in order to fight the case under the Code of Criminal Procedure, Section 14.

When the court has received reports of preliminary symptoms, diagnosis and assessment. The next step will be to court the decision of the case to the issue in the litigation to the defendant to his defense if the defendant is considered good enough. The decision on the issue in the litigation necessary to consider the diagnosis, evaluation report symptoms such as primary key Which may contain the necessary technical expert to explain. The samples are strongly agreed that the testimony by a psychiatrist issues contained in the report of initial diagnosis, symptom assessment and strongly agreed with the Court's criteria regarding the ability of his defense. As in the preliminary examination class.

In addition, the research group has accused the five cases to the judicial process of the court, but not through the process of preliminary examination. Corresponding to different interviews they were not

adequately protected by law. When first to court do not know how to proceed. During the trial of five defendants feel paranoid. Not understand the question was asked without a separate hearing to consider a ratio. Although the interview will be less reliable, but it is also useful in academic opinion is attributed to the researcher.

Researchers agree with the criteria of the court order the case regarding the ability of the defendant are the symptoms of unsound mind, as research Before the court will order the case on the issue the ability of the defendant. It should also be required to weigh the evidence of public interest and protection of the rights defendants. And see how that should be considered a special case for insanity, as in the preliminary examination class. But further analysis of the issues. And the courts have a role in proactively in determining the facts in the pending hearing in the case of a fact suspicious that the parties or persons involved is insane or not that is the purpose of the adjudication of criminal cases where the insanity. as a defendant the court has the power to call parents, guardian or a person who lived with the defendant. Or persons, who provide education, make relevant work or a witness to the fact that inquiry about the accused. And the court considered the history, age, gender, behavior, intelligence, education, physical condition, occupation and as mental habits of the accused. Environment, as well as all about the defendant's parents and the parents or the person who lived with the defendant. Or persons who provide education to the job or relevant issues to consider with And to consider Court to hear reports about the fact that non-facts about the offense that was filed without a witness report of the time. But if the court will listen to reports such as adverse to the defendant. According to the court to inform the message that the defendant know in this case, the defendant has the right to discuss objections and hearing refutable Moreover, the court should have the power to trace the fact if the court deems appropriate. May order the Director of the treatment facilities quest facts and prepare a report presented to the court. Within the meaning of the Act on Juvenile and Family Court and Juvenile Court Procedure Act 2553 section 114, 115, 116 and 118.

In the case of a witness to testify in the preliminary examination and class. Even later, the witness testimony in court can not determine the class. Researchers saw that In the event of a trial for insanity as a special Comments should be determined before the hearing. If the court deems appropriate or the parties requested by either party with reasonable cause, which, when deemed to be adverse to the defendant to be insane, if not permitted by the request. The court shall provide for the transfer images and sounds, words to the defendant to be insane to be recorded in the floor or floors investigation, preliminary examination and the presence of the parties in this case to hold the video and audio media to witness this. is part of the testimony of witnesses in the discretion of the court floor. By the parties ask the witness added. Cross-examine witnesses or have question. The extent necessary and within the court deems appropriate. In the case that is not the witness testimony as being essential to the court to listen to the audio and visual materials of witnesses in the investigation level and the floor as if a preliminary examination testimony of the witnesses in the class of court and hearing of other witnesses in the courts was in accordance with the Code of Criminal Procedure, Section 172 is the degree and speed of the proceedings and fairness. It also protects the rights of the accused be another way.

D. Taking to treatment and symptom assessment

Case to be taken to mental hospital or other guardian for the treatment of the current Mental Health Act 2551 are set out in Section 36, first paragraph, that is the place for a defendant to treatment and control treatment. Without the consent of the defendant. Will be lost unless the defendant or his defense can and can induce. Unless ordered by the court or otherwise by law, which were seen by a lot of measures for treatment, but must be evidenced in writing or verbally by the doctor to determine appropriate treatment. Psychiatric treatment and the report of the diagnosis and evaluation of the ability to fight the case sent to court as plaintiff in a class proceeding.

If the psychiatrist treatment that the defendant receive treatment and mental disorders can be lost, and his defense was under the Mental Health Act 2551 Section 36 paragraph three set. Report of the treatment to the court without delay. The sample strongly agreed with the case if the court agrees with the opinion of the court psychiatrist, then lift up the cases considered. However, if the court that the defendant has mental disorders and can not fight the case only if an order to send a defendant to receive treatment following. And if the court that the defendant has mental disorders and can induce defense only if an order to lift up the case by using the criminal case is only guilty of unsound mind, as in Floor preliminary examination.

Research that should be designated as a function of the inspection, the defendant psychiatrist. Report visual inspection, the Director of the treatment area to the Director will report to the court as stated in the preliminary examination and class. But a different issue in that when the defendant received treatment until symptoms abate or disappear from the symptoms of unsound mind must still return to the justice system to prosecute would cause prejudice to the defendant's mental state. So, to make the most effective treatment of the defendant. Therefore, for the duration of therapy to the time required to pay Within the meaning of the Act on Juvenile and Family Court and Juvenile Court Procedure Act 2553, Section 83, if such maturity then the court shall order the defendant released. The measures may be able to accommodate. Measures such as probation, but if the defendant has a mental disease or defect, resulting in the release to the defendant. Would jeopardize the defendant to harm people or damage to property of others. Court or the prosecutor may file a request to temporarily suspend the release of the defendant before any such measures set forth in U.S. law.

E. Judgment of the issue of a defense of insanity under the Criminal Code, Section 65.

After the court hearing. Before the court will judge the case will need to weigh the evidence. Which were strongly agreed on the need to diagnose a hearing on the issue that the defendant is guilty or not before?

Then came the decision on the issue that the defendants do not know when or responsibility can not force yourself or not, as in the preliminary examination class.

If you listen to weigh the case that the defendants do not know when or responsibility, it can not force themselves to the Supreme dismissal and sent the accused to receive treatment to treatment area If the weight hearing that the defendant made while still can recognize responsibility, or can self-control they are to the Supreme punishment by reducing the penalty just any Penal Code section 65, or wait for the punishment may prescribe conditions under section Paragraph 56 (4).

The Court ruled in dismissing a case because the defendant made while the responsibility can not know or can not enforce themselves. And send the defendant to control the hospital in accordance with Penal Code section 48, if that, then it is not released to the public safety without the consent of the defendant. Which were strongly agreed to have evidence in writing or orally by doctors ever to treat, 1 nurse, 1 and non-physicians and nurses more of a people that deserve to treat the accused as to. the symptoms improved. Penal Code and Section 56 paragraph (4) If the court if punished. Imprisonment not exceeding three years, and the defendant to wait for the sentence or the sentence, but held for release to the punishment already. May be determined by the probation condition to receive treatment at treatment facilities within the specified period without the consent of the defendant, but must have written or oral evidence from doctors who have to maintain a medical person. And a number of doctors and nurses who are not more of a people that should provide treatment to defendants because it makes symptoms better.

Researchers should be seen as research has shown about the diagnostic procedures such issue in dispute and the delivery of the accused to receive treatment. The discretion of the court should weigh the testimony of the "Beyond a reasonable doubt" that sees no need to prove certain size. But to prove the reliability has reached a high level so that a defense raised about the mental illness act was too difficult and the courts should have active role in determining the

facts in the proceedings. Court cases in the suspicious fact that the parties or person concerned is of unsound mind or not. The courts, the Court shall consider the welfare of the insane. Which would have been trained to teach and aid to the citizens better than the doom and personality in mind. Physical and mental condition of insanity, which is a different person, and a penalty or punishment, or change the method for it to fit the male insane maniac And specific circumstances. Within the meaning of the Act on Juvenile and Family Court and Juvenile Court Procedure Act 2553, Section 119.

Also, in case of inquiry the facts. The researcher agreed to before the court sentenced or method for the insane only when have heard reports and comments from the Director of locations treated and if the Director of the place treated for further announcements verbally or in writing. Entry to the court for consideration by Within the meaning of the Act on Juvenile and Family Court and Juvenile Court Procedure Act 2553, Section 131.

However, after the defendant admitted treated. Researchers also agree that If the patient is released back into society. Must ensure that the person was recovered from mental illness or symptoms until a size no malicious behavior. And measures need to be tracked and evaluated periodically by In order to prevent relapses. As the sample strongly agreed when psychiatrist treatment that the defendant receive treatment and mental health disorders disappear or abate, and no danger then. Treatment shall be reported to the court. Without delay and if the courts agree with the court's order was released by the probation officer assigned to a periodic evaluation as required. The researchers saw that the probation officer who served as a liaison between hospitals and courts and prosecutors. Monitor and track compliance with conditions, or that the defendant is not the case ahead. The defendant to report to the probation officer or other official or any person or organization in the deranged Resolved into a rehabilitation counseling guide Participated in therapy or alternative activities. Or the use of security within the court deems appropriate. In this regard, the court shall order the parents; guardian or a person who lived with the

defendant participated. Or consult with any instructions. Theoretical mode interaction focused on the rehabilitation, physical therapy methods. Psychological and social.

5.2 Trial measure for insane victim and witness

To victims and witnesses are protected by law. Consistent with the theory. Constitutional process. A theory based on principles of criminal law must be fair, follow the steps in the process. The researcher is of the opinion that the court should take legal measures for the defendant to be insane to have signs with the victim or witness who is a mental disorder, that is, *mutatis mutandis*, the Court shall take measures to screen and identify the use and sent to treatment facilities for diagnosis of initial symptoms. If the doctor concludes, is insane and can not be prosecuted only if the opinion submitted to the courts. When the court considers that. If the victim or witness is insane and can not be prosecuted only if the opinion cease to consider and to submit a victim or witness to receive treatment in the form of forced treatment of the theory of crime control, because if not receive treatment. Shall take effect damage case and when they get treatment until symptoms abate or disappear, then the court shall proceed to trial. But if the victim or witness is insane and prosecution, then using the special cases that agreed to the specific provisions of the Code of Criminal Procedure, Section 172 degree, which is hearing the court shall apply *mutatis mutandis* by not need to be Section 133 bis, which is the probe used by.

6. Appeal and Petition measure

After the Court of First Instance or the Court of Appeal and then judge. Party, a party dissatisfied may appeal or the Supreme Court or court order it. In the hearing of the Court of Appeal or the Supreme Court has determined that the disclosure only when an appointment or to allow the parties to come together or a hearing under the Code of Criminal Procedure, Section 203 and Section 225 and if the Court of Appeal or the Supreme Court. Check to see whether additional witnesses should have the power to summon witnesses or order of First Instance itself successor to successor. When the District Court hearing and to submit to the Court of Appeal or the Supreme Court phrase, as the case for further diagnosis. But if the Court of

Appeal or the Supreme Court that is necessary. Because the District Court did not follow correct procedures, then the judge ordered the District Court. The adjudication or ordered the new case Under the Code of Criminal Procedure, Section 208 and Section 225.

The petitioner in a criminal case or appeal for this insanity. The order of the court on the issue that the defendant is insane or not. And can fight the case or not. Command is pending. Under the Code of Civil Procedure Section 226 based on the Code of Criminal Procedure, Section 15 and judicial developments in the issue of insanity as a defense case on the defendant guilty as guilty can not know love. Or can not enforce their own because of mental deficiency Psychotic or mentally Assembly, or which party has the right to appeal or the Supreme Court or order of the court under the Code of Criminal Procedure, Section 193 and Section 216, but the parties have the right to appeal or the petitioner has much to. Under the Code of Criminal Procedure defined. Sample strongly agreed that the appeal or the petitioner must provide all copies facts or legal issues that the defendant is insane or not symptoms. And can fight the case or not. As well as the defendant guilty knowledge or self-control responsibility or not. Raise a reference sequence.

The problem may appeal the petitioner must not, or if the defendant did not raise that as a result of unsound mind and unable to fight the lawsuit. Including the issue whether the defendant guilty as knowledge or self-control responsibility or not. The claim in civil court But are displayed in the High Court level that the defendant had reasonable ground to believe that the insanity defense and can not be. We know the defendant guilty or guilty, or like self-control or not. Since the Court of First Instance. These cases will be diagnosed in the High Court the matter or not is not clear in the interpretation or discretion of the court. The insanity of the defendant, who did not receive adequate protection. The sample strongly agreed with the issues that the defendant is insane or not, and the symptoms can fight the case or not. As well as the defendant guilty knowledge or self-control responsibility or not. That is an issue of law regarding public policy. The parties have the right to appeal or the Supreme Court of First Instance or the Court of Appeal case may be. And sample

strongly agreed with the issues that the defendant is insane or not, and the symptoms can fight the case or not. As well as the defendant guilty knowledge or self-control responsibility or not. That is an issue of law regarding public policy. The appellant or the court is able to give up claims. Although not raised in any court of first instance. Which protects the rights of both parties. To be fair of Due Process theory.

In addition. Sample strongly agreed with the court if the accused is of unsound mind and unable to fight the lawsuit. The court shall issue an order to suspend consideration until such person of unsound mind or is missing his defense and sent the defendants to treatment facilities, but not restrict the plaintiff to appeal to the Court of Appeal. If the plaintiff's appeal and to submit comments to the phrase with the Court of Appeal for decision. The decision of the Court of Appeal is final.

Qualitative results of the judges has also been suggested in case the defendant had symptoms of unsound mind during the appeal. Petitioner without a lawyer to set up. Their rights would not appeal the petitioner may not be exercised. The interview is of the view that there should be protection agency accused of rabid symptoms identify the court. Sample and the prosecutor. Interviewed to see that Should the right to appeal the matter directly to the Supreme Court and the Supreme Court should establish departments of mental health cases to diagnose a specific case. Because the criminal proceedings for the prosecution are insane and only issue in dispute is the case with a character different from criminal cases in general.

The researcher should determine the rights of appeal or the petitioner, as research by the parties the right to appeal or the petitioner has fully Not agreed to limit the rights of the plaintiff in the Supreme Court order in case that the defendant is insane and unable to fight the lawsuit. And not prohibited to appeal the petitioner under the Code of Criminal Procedure Article 193 bis and Section 218 to 220 due to the issue of objection Court of First Instance, whether the issue of being able to fight the case under the Code of Criminal Procedure, Section 14, or issues. any litigation under the Criminal Code, Section 65, are the issues related to the protection

of the rights of the insane action for the purpose of rehabilitation more than punishment is different from the purpose of proceedings generally Courts are responsible for access to the facts of the case as much as possible. Appeal or the Supreme, it is presenting the facts to the court to reach and adjust the facts to the law correctly. Appropriate to continue.

In addition. Appeal or the Supreme also that the court verify the accuracy of judgments hear the facts and apply law of the Court of First Instance that is accurate and fair, just do so to hearing the facts are considered as fundamental. important role in the adjudication of cases, however, the fact that the hearing in the Court of Appeal or the Supreme Court will have already been claimed in the court of first instance If the issue was the fact that the claim is also not clear in the expressions of civil court cases. Court of Appeal or the Supreme Court shall have the power to bring more witnesses. To make aware of the fact that accurate and close to reality as possible (Fact Finding), and when the facts by listening to a complete stop. Court of law is deployed properly and fairly.

Therefore, the researcher has agreed to set regulations for such proceedings to the court for the hearing further evidence, if there's doubt about the fact that insanity may call witnesses to give yourself or successor to any civil court hearing. But if that court of first instance did not follow correct procedures examined if the judge to order the District Court to adjudicate, or reordering the image case, consistent with Section 208 and Section 225 of the Code of Criminal Procedure Code which empowers the Court of Appeal or the Supreme Court. Check facts if you have any doubt.

Correctional officer measure

Under the Code of Criminal Procedure does not provide definitions of "correctional officer", but in criminal proceedings for this insanity. Corrections officers have the authority to enforce the sentence below.

7. Enforcement the sentence in criminal penalties.

Under the Code of Criminal Procedure does not prescribe the means of "The mandatory penalty under the Supreme Court" only to determine the nature of the operation of Section 245, first paragraph, that "when the case is already The execution without delay, "the enforcement of this. People directly involved is the defendant is sentenced called. "Sentenced" by the sentence may be punished or to wait for the sentence. If it is sentenced to punishment, it is referred to as the "blame" the enforcement of judgments with their captivity, which has symptoms of unsound mind at the penalty which may be symptoms of unsound mind before the penalty under the Supreme Court or as a punishment under the Supreme Court. Already The analysis can be classified as follows.

Case 1. If a court sentenced the defendant to be insane before symptoms punishment.

During the enforcement of the judgments of whether capital punishment or imprisonment. If there is reason to believe that the defendant is a person of unsound mind Accordance with the provisions of the Penal Code, Section 246 states that when the husband accused his wife's relatives accused the prosecutor. Prison commander or officer who is responsible for managing the Hamrihmccuu request. Or when the court deems appropriate. The court shall order the relief force to imprisonment until the reason is relief go away. During the relief of the force. The court may issue an order requiring such person is controlled in an appropriate place than prison or place specified in the Hamrihmccuu time. And the court shall determine the official who is responsible for the management means that there is a duty and obligation to follow orders. The sanction of death. The provisions of Section 248 of the Penal Code has provided that as well. If the person is sentenced to death were executed before the insanity. Wait until the execution before it disappears. While mitigating the death penalty is that Courts have the power to lift Section 46 paragraph (2) of the Criminal Law of the force. (The Penal Code Section 48).

When comparing the enforcement of the United States. Defined in the Code Title 18 Section 4244 in the case of a convicted defendant is guilty. The patients with psychiatric disorders before they are sentenced to imprisonment by the court. U.S. law states that the protection by sending the defendant to treatment rather than sent to a jail sentence. By the defendant or the prosecutor may file a petition within 10 days after the convicted defendant is guilty, but before the court will judge the case. For the court to consider the defendant's current mental condition. If you listen to such requests. I sent the accused to the court to the Minister of Justice to submit to the care and treatment in the right places. The Supreme Court must be temporary (Provisional Sentence) the statutory maximum imprisonment for such offenses are taken by Later, when the defendant's symptoms improved the size prescribed by law. If the penalty period for the sentence is not a temporary end. The court ruled that the defendant be punished by a court may change the sentence to be reasonable. Can see that the U.S. legal measures in accordance with the laws of the Thai measures.

The problem in practice. Because Criminal Code Section 48 requires the defendant to receive treatment at the hospital to recover from symptoms of unsound mind. But when the provisions of Section 246 only scheduled to be in the control in place reasonable. Do not require to send the hospital, although the Section 248 to send to the hospital. But it does not define the type or any other details on. Cause problems in practice about where to send a ticket to receive treatment. And in practice to send the accused to receive treatment in psychiatric hospitals in general and forensic psychiatric hospital. Cause problems with security. When comparing the foreign law as the United States. Include any wording that send to get the treatment. " Suitable facility" which, by Code Title 18 Section 4247 (a) (2) was defined as mean right places in providing care which is determined according to the nature of the offense and proprietary nature of the defendant. In England, the middle word "Hospital" means a general hospital. Do not give them a special meaning. But a committee of mental health acts as a check the readiness of hospitals to receive patient psychiatric access for checking symptoms or the treatment of the Mental Health Act 1983 In addition to the provisions of the law empowers the court

to send the accused. Investigated or treated. Is defined as conditions make it clear that the court may issue an order to send a defendant only when doctors who will serve check symptoms or director of the hospital that has a confirmation in writing or orally to the court that the hospital together. to accept the defendant within the time prescribed by law.

Therefore, for the defendant to be protected as a case under Section 48 is therefore considered appropriate given sent to hospital treatment, which is ready to accept the person that can provide care for patients whose conditions are Danger to society more effectively.

Case 2. Court sentenced the defendant to be insane and have symptoms, while the penalty

The protection of psychiatric patients in class according to the rules of Corrections minimum standards in the treatment of prisoners of the United Nations 1995, Region 2, and the rule applies only to special types of two inmates at mental illness. Which is the cornerstone that the jail is not that insane prisoners in the prison. But will be moved to place mental health treatment immediately. For prisoners who are insane or symptoms of mental disorders. Should be sent in care and treatment in hospital care in this particular disease. The time in prison then. Prisoners with symptoms of insanity or mental disorders must be under special care of the medical staff. And the medical division of the prison must provide psychotherapy services to other prisoners. That it is necessary to receive services, psychotherapy itself.

A. Screening and identification convict

To identify those convicted of a psychiatric patient in a layer of Corrections is more effective in the investigation level and in court. Corrections due to class was scheduled for a medical examination at your health in the prison, and while confined in prison. It is in accordance with minimum standards for treating prisoners of the United Nations in medical services and on the

protection of all persons imprisoned or Imprisonment (Body of Principle for the Protection of All Persons under Any Form of Detention. or Imprisonment).

Thai law, including the Interior Ministerial. Pursuant to Section 58 of the Corrections Act 2479 Act Article 35, 37, 38 and 39 are set to make prison health official at the new prison was built on the body, as discussed in Chapter 2. Which were most strongly agreed that the correctional officers take measures to screen and identify those to blame are the symptoms of unsound mind by considering: (1) has reasonable ground to believe that a convicted person of unsound mind Because behaviors and symptoms appear much insanity (2) the facts and circumstances of the case (3) history of mental illness and physical disease related. Developmental history. Profile. Family history. Medical history.

Screening and identification of measures is consistent with the results of qualitative research. Particularly the public prosecutor has suggested further that screening measures to identify and penalize those who should have three levels of sanction that can be asymptomatic, and his defense was insanity. Those convicted are the symptoms of unsound mind and unable to fight the lawsuit. And punished with clinical semi-insanity defense, but it can be. And the lawyer suggested that additional screening should identify and focus on verb of captivity, while punishment is important. The social worker suggested that the additional screening and identification should be done when the symptoms of the calm before the sanction and the medical history of the blame. The psychiatrist suggested that the screening and identification should have knowledge. Understanding of psychology to signs.

When compared with international legal measures. The results showed that both quantitative and qualitative measures consistent with the laws of England at that If the defendant has been sentenced to prison (Serving a sentence of imprisonment) if it is satisfied by The Secretary of State, which has been reported by doctors registered for at least two persons that such persons are suffering from the disease Mental Illness, Psychopathic. Disorder, Severe

Mental Impairment or Mental Impairment or state level that a reasonable size to send to detention in hospital for further treatment it is appropriate to such persons more In the case of the disease Psychopathic Disorder or Mental Impairment must achieve that. Submitted by the hospital to receive treatment like that is the relief of symptoms of the defendant. Or prevent the symptoms of the defendant fell down hard under Section 47 the Mental Health Act.

It also is consistent with the measures of the United States Code Title 18 Section 4245 has defined the case of imprisonment and that maniac symptoms. Offenders may be submitted in writing either manually or through an attorney to request the Director of Prisons to notify the prosecutor. To apply to the Court that prison is located in the jurisdiction to consider state of mind and ordered the prisoners sent to the care and treatment in the right places. And also the specific measures that apply to prisoners who are near, but the penalty is a psychiatric illness. Noting that the release of such person if he or she may cause harm to body or property of others due to mental illness, that person under the provisions of Code Title 18 Section 4246.

The researcher is of the view that measures should be screened and identified those convicted as a result of such research. However, the issue in the case of detention sanction. If the sanction or fine, but do not pay the fine must be detained. If insanity is defined must follow the court's detention continue. Is therefore considered appropriate to include a penalty instead of imprisonment and fines with imprisonment penalty for the insane are protected adequately and appropriately and consistent within the meaning of the Juvenile and Family Court Act and the Juvenile and Family Wed Since 2553, Section 145.

B. The formation of the initial psychiatric treatment in prison

Although the class will be assigned to correctional officers correctional medical screening and identify those to blame are the symptoms of insanity from the generally held responsible. Because correctional

officers alone have no medical knowledge. Need for medical personnel mainly But doctors who do make the symptoms were not punished enough for their needs. Even under the Ministerial Interior Clause 23 will require that all prisons have doctors and especially prison with no doctor of medicine under the commander, Department of Public Health as a medical prison, and Article 72 requires prisons all required hospitals to office care of. Blame the patient. By providing a reasonable knowledge are responsible for the hospital routine. However, because the current shortage of physicians is a major problem almost every government organization. There are not enough doctors and patients. In practice, it relies on medical personnel, was followed. Nurses and nursing assistants nursing techniques. To act as representative as possible, such as provincial prisons provide medical or nursing assistants stationed in the prison hospital. By a doctor to visit from time to time, or if necessary In addition, most physicians are not popular to work in the prison. Needed a doctor of the Ministry of Health to act to perform tasks as required by law instead. The Ministry of Health has issued regulations, the Ministry of Public Health Practice Prison Act 2544 the authority of the Ministry of Public Health Medicine clearly responsible for operating what But in fact, would not be able to utilize all Because these physicians are also responsible for the many missions already.

Typically, those who see the patients in prison were convicted warden Who are closely supervised with the most prisoners in the prison. Jailer, but generally there is no medical knowledge. It relies on the observation of abnormalities of the prisoners and alerts your doctor to check symptoms. Mental illness, but generally can not be easily noticed. Some patients have symptoms like a normal person. Will require specialized knowledge and observations. It was hard jailer will be able to do so.

The researcher has agreed to the formation of the basic psychological treatment in prison. The unit includes a treatment of mental healthcare professionals who have expertise in specialized center for at least 1 person and assistant nurses. And a tool for monitoring symptoms. Make visual inspection, initial efficiency.

C. Taking to treatment

When the doctor checked and found that the initial symptoms. The sanction is sick. Your doctor will need to decide whether the illness is much to be able to be sent for treatment outside the prison or not. Based on principles of Corrections Act, BE 2479, Section 30 and Article 73 of Interior Ministerial includes Article 38, paragraph four, if that is necessary to submit the issue to receive treatment outside the prison. Your doctor will need to let know the jailer and supervisors must report to prison. When the jailer was informed by the doctor then. Jailer is responsible for checking the evidence about the patient to blame. Proposed to the prison commander to serve as information to consider. When the prison commanders received reports from doctors and then jailer. A duty to consider whether appropriate or not allowed. If it should be allowed to do it faded as permission to Department of Corrections, along with evidence When the Director General has been reported. Is determined by the permit any conditions deemed appropriate depending on time. In practice, the Director of Medical Division will consider and give opinions to the Director General is the commander.

In case of emergency, which emergency prison commander has deemed as necessary by the real Should there be a request to allow Department of Corrections will delay According to the Department of Corrections, No. 6, the commander of the prison authority to use its discretion to sanction the patient to receive treatment before consent. However, the prison must notify the Department of Corrections to immediately sanction the male away.

The results of quantitative research. Sample strongly agreed that sending it to the male convicted treatment facilities. Prior sent to notify in advance by telephone or other means to place treatment, which is close to without delay, to coordinate sending a person to receive treatment and were seen by at most to send. Individuals to place treatment shall be in writing delivered and a copy of the details as follows: (1) Name and details about offenders with symptoms of unsound mind and causes delivery (2) units delivered. And date of delivery (3) the behavior and symptoms of offenders with symptoms of unsound mind (4) Support

Basic (5) the address and phone number of parents or caregivers offenders with symptoms of unsound mind who to contact.

When treatment facilities for those already convicted for treatment. Were also strongly agreed with the diagnosis of psychiatrists and mental disorders opinion for the consideration of the correctional officers that convicted the symptom disappeared insane or not considered by the psychiatrist to collect information. Illness, including (1) history of mental illness and physical disease related. Developmental history. Profile. Family history. Medical history (2) Make mental, physical examination and laboratory tests as necessary (3) to experiment with psychology clinic as necessary and appropriate (4) observation and evaluation of symptom change in patients (5) to the diagnosis. Diseases of the standards of the profession. When the psychiatrist and the medical treatment. Samples agree very much that the psychiatrists report sent to correctional officer without delay and keep duplicate copies of your records.

Furthermore, the results of qualitative research of the samples that prosecutors have more comments. Commission could make a reliable diagnosis, treatment and have been certified. And the judge also suggested further that the Committee should be under the supervision of the Ministry of Social Development and Human. And the social worker suggested that they should join the multidisciplinary team, including the psychiatrist. By social workers, psychologists and social workers, psychologists will consider the causes of the offense. History is in terms of social sanction. The psychiatrist will consider the symptoms of the disease based on technical principles such as providing medical treatment, physical medicine, etc., and the psychiatrist suggested should be allocated to the Ministry of Health medical treatment facilities and increase access to services easy. Requires the coordination between agencies in the justice and medical seriously. In addition, visual inspection, a multidisciplinary team should join the group as a social worker. Set standards for the investigation focused on how to find out the nature of the sanction to know their rights, legal or not.

The researcher should determine the measures to be sent to sanction the treatment results with the punishment philosophy on rehabilitation to suit the conditions of captivity deranged And those who treat and this report must be a psychiatrist or psychologist with a license (Licensed or Certified Psychiatrist or Psychologist) the qualifications required and the duration of treatment is consistent with theories clearly shows that the process steps. processed in a transparent Clear and certain. However, problems might occur if there is a need for a sanction in place for observation, treatment of symptoms, diagnosis. Treatment and symptom assessment. The researcher agreed to the authority of the Chief Prosecutor (Attorney General) will be working to provide a suitable place for a psychiatric examination of this Which must be located near the court, which most agencies coordinate operations between the hospital and the court shall be in accordance with the provisions of the law as constitutional theories. Most appropriate.

Guidelines for prosecution of the lawyers and the role of experts associated with criminal procedure for insane persons

8. Guidelines for the criminal attorney for the insane

The Attorney Act BE 2528 has the meaning set out in Article 4 of Law at the Law Society that the registration and licensing as an attorney. In the appointment of an attorney in a criminal case has been provided for ascertaining whether a particular class. In the case of a death penalty. Or in the case of accused no older than eighteen years on charges of official notification. Before asking a question to the officer that the accused has an attorney or not. If not, the state provides to attorneys. In the case of imprisonment rates. Before asking a question to the officer that the accused has attorney or not. If you do not need an attorney and the accused. The State Law provides for Under the Code of Criminal Procedure Article 134 / 1 and in the class considered. In the case of a death penalty. Or in cases where the defendant is not over eighteen years of age on the action to the court. Before asking the court to consider whether the defendant has an attorney or not. If the court is not set to an attorney. In the case rate. Imprisonment before the defendant asked the court to consider whether lawyers or not. If you do not need an attorney and the defendant.

Attorney for the court is located. Under the Code of Criminal Procedure, Section 173, but for defendants accused of unsound mind or no legal protection. Both the suspect and accused person is weak in the ability to recognize and understand the litigation process. Therefore, the researcher has agreed to assign an attorney to set the level investigation. Floor preliminary examination. And the floor. Before starting the investigation process in class. Class or preliminary examination in court. The officer or the court case may be. Asked whether the accused or the defendant has an attorney or not. If there is no official or court to provide.

In criminal proceedings for the accused are the symptoms of unsound mind. Lawyers have a role in presenting the facts and legal evidence to prove that the accused or the defendant is insane on the floor before and during the review.

For the first class considered. Attorneys have the right to counsel of the accused is arrested or private And with the right to attend the interrogation the accused. Under the Code of Criminal Procedure, Section 7 / 1 and Article 134 / 3 attorneys have the right to collect evidence. And provide evidence against officers or employees, prosecutors work. Under the Code of Criminal Procedure, Section 131 in cases where the accused was arrested or a person of unsound mind attorneys also have the right to prosecute under that law. But the effect that a lawyer must have knowledge and understanding of psychiatric consultation as required, especially with the insane and must be involved in the investigation the accused with the multidisciplinary team. It also is responsible for gathering evidence related to the alleged offender. Whether it is family history. Medical history. And evidence in the case of an offender's behavior, all the accused in order to analyze the facts to the law and present to explain the facts and law to the officer or prosecutor know.

Section under consideration. Defense attorneys have the right to preliminary examination in class. Or in the Court of First Instance and Court of Appeal and Supreme Court level. Advising the individual defendants. Make sure that the evidence submitted. And copy or take any such thing. Check the phrase preliminary examination or consideration by the court. And obtain a copy or a certified copy to be valid. Inspection or copying of words of the accused in the

investigation or class of documents to the accused. Under the Code of Criminal Procedure, Section 8, an attorney has the right to collect evidence. And present evidence in court. Under the Code of Criminal Procedure, Section 174 if the defendant is a person of unsound mind attorneys also has the right to prosecute under that law. But the effect that a attorney must have knowledge and understanding of psychiatry, as discussed in the class investigation. Consider this class. Burden of proof falls on the defendant. Law plays a significant role in the presentation of evidence. As well as witnesses in the quiz and cross-examine witnesses who are insane question need more skills in the sense that the arts. And reasoning in legal cases than usual. Particularly in terms of questions that must be easy to understand language. And no effect on the mental state of insanity. Also must bring medical knowledge applied to the knowledge of the law to bring the court to weigh evidence until the end no doubt that the defendant is a person of unsound mind.

Therefore, research that. attorney should focus on efficiency in the proceedings is particularly important for presenting the facts before the trial and during trial about facts that could prove the accused or the defendant is insane and the Law Society should have a role in training guidelines. To protect the rights of individuals in cases like this.

9.The role of experts in criminal proceedings for insane persons

Specializing in criminal cases. Who were unemployed and not matter. We specialize in nothing. For example, in science, medicine or art, crafts Commercial foreign law. And the opinion of such person may be useful in the diagnosis of cases in the investigation, preliminary examination or consideration. May testify on issues such as physical examination or spirit of the wounded suspects or defendants make handwriting experiment or activity of other experts may make the writing, but must send copy of such a court and the parties to the other party to know And to the testimony of the book. Unless it is necessary. Or the parties ask the specialist is not impressed. Court to hear such comments in writing by the testimony of experts do not have any. In the case of the expert testimony must. Send a copy to the court in advance of adequate AstraZeneca less than seven days before the

testimony. The parties to the other party to be given to the testimony of. And in testimony. The specialist will read any text written under the Code of Criminal Procedure, Section 243.

The appointment of this expert. May be made by order of the court or a party, a party requests. To the discretion of the court. However, the Court referred the parties to agree the appointment of a specialist to that right. But the court will force any person to a specialist can not In addition, that person has agreed to a specialist in the register of experts and the court. As defined in the Code of Civil Procedure, Section 129 of the Code of Criminal Procedure, Section 15, but because the proceedings for this insanity. Currently the court shall seek cooperation and coordination, a psychiatrist specializing in this type of case. By a psychiatrist and a small number of large tasks. Require the consent of the psychiatrist in court as a witness in the form of issuing a summons, which caused inconvenience to the prosecution. Since the workload of the depression has a lot of it. Presentation of the facts and testimony in court, but only on medical records, it is the main The minor improvements, such as the behavior of patients before treatment and after treatment can not testify in detail above, so is therefore considered appropriate to provide a directory of House, a witness specialists in psychiatry and psychiatrists, forensic psychiatrists, Neu. psychology as a system to facilitate the proceedings.

Criminal proceedings for the accused or defendant who is insane. Experts deemed to have an important role in the relevant facts attest to the profession, especially the guest does not know. This means that the level of symptoms or psychiatric illness that requires medical terminology to describe the court to understand. As well as the opinion the court heard to listen to the weight of other evidence. However, the decision of the court as you do with a party. Expert witness since he is important that lead to discovering the facts (Fact Finding), so the researcher has agreed to assign specialists to provide detailed information about patient cases as much as possible for the benefit of access to the facts and should be used. Common language to communicate the judge. Prosecutor. attorneys or the parties to understand the case.

In addition, experts have a role in the presentation of detailed information about the patients to consider the case in the class already after the court order or sentence may be submitted by the defendant to receive treatment. The treatment is to maximize efficiency. The treatment must have knowledge about the patient's symptoms adequately. And using appropriate treatment. The researcher has agreed to promote the integrated treatment of both medical and social, such as Psychotropic Drug and treated with Convulsive Therapy to treat physical and mental. The social. May be prescribed to patients receiving treatment based on therapeutic community or family therapy. And treatment in the right places according to ecological treatment etc.

Objective No.2

No. 2 To obtain a summary of the model and the ways to improve and develop legal Criminal Procedures Measures for Insane Person in Thailand.

Measures of criminal law, how about the insanity that is appropriate for the purposes of Article 1 in Thailand appear to have most of the findings should lead the offender to justice with a focus on rehabilitation more than punishment. But the results obtained from in-depth interviews with executives of the Office of Probation to see that Insane criminals, especially those who have done wrong because of the physical. Psychological and social conditions still need to go through due process in the form of punishment or treatment deviant behavior that will increase but shame that people get from the stigma or the stigma that is criminal or deviant behavior. Back to stimulate rather than inhibit or block the person with deviant behavior in the future is to make the adjustment to the society are blocked from being a stigma that people are not good and the demand of the society. A result, individuals must choose behaviors that violate social norms, values, or to unavoidably The only person of unsound mind That resulted in the realization that the person has physical or mental disabilities and cause separation of them from the general society. Eventually these people will accept his own unusual and difficult to maintain or modify the remedies that go back to living like normal people. The theory of stigma noted.

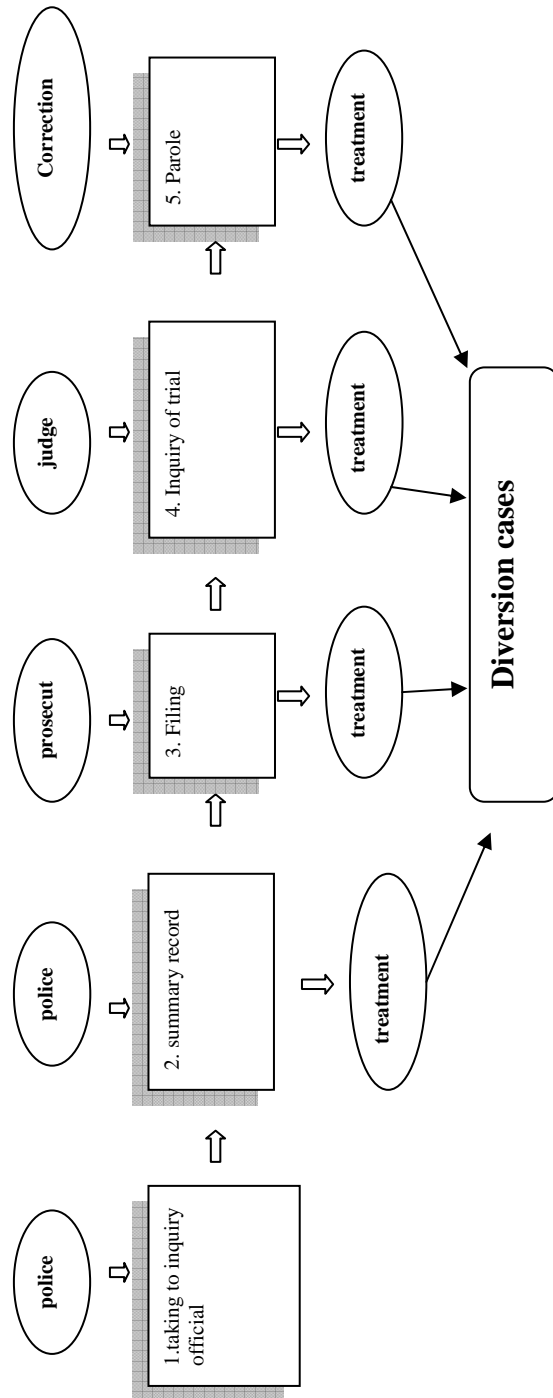
Solutions. Process to minimize or condemn the person has been embarrassed. (Stigmatization) by means of the offender in the form of a person trying to make the offense back to people who respect the rules and regulations of society again by way of forgiveness or the person does not feel that it was. Labeled as criminals continue to call that "people do not feel embarrassed. (Reintegrative Shaming) "the theory of new stigma of Brett magic. To enforce the law effectively. It also reduced the conflict between the goals of justice and treatment. The offenders with mental illness are protected and receive treatment of properly. Secure your society. The measures that should be diverted offenders with symptoms of unsound mind from the full judicial process by focusing on treatment instead of punishment.

The researcher has concluded in style. And ways to improve and develop a legal procedure for criminal cases about the insanity that is appropriate for Thailand The principle is as follows. And suggested that special measures for deviant cases (diversion) in addition to legal measures, as noted in Objective Article 1, that special measures, this method of diversion of offenders from the justice system and bring the person. to the treatment of physical Psychological and social theories of the Bureau of Criminology interaction mode. For the alleged offender is not very severe. However, if the offender was charged with serious offenses. Researchers also agreed to bring to justice but also the principle of prosecution by the rehabilitation more than punishment and taking into account physical condition. The heart of the action of the Office of the Theory of Criminology in conjunction with the semi-traditional theory of the Bureau of the interaction mode.

Special measures for diversion cases.

Special measures for the deviation of this case. The purpose of the diversion of offenders to justice Ja has been resolved. Rehabilitation and psychological therapies, based on class from the police. Prosecutor, courts and correctional officers. If the result of successful treatment. Participants in the treatment would be released and under the supervision of staff and community as shown in this diagram.

Planning Process illustration about the insane criminal proceedings



Police measure

1. Taking to inquiry official

When the offender and the offender is aware of. Rat official or authority associated with arrest and detention of Offenders under the Code of Criminal Procedure, Section 78.79, which if the arrest or control a person of unsound mind Officer or Rat A should take measures to arrest and control the manner set forth in the purpose of the research article 1

In addition, researchers also saw that in the case of criminal offense, which penalty as high as required by law to imprisonment not exceeding 5 years, officers who arrest will add to the family or the person who the insane trust may be a parent. individuals or representatives of organizations with which the insanity live while arresting a male leader of unsound mind to the office of the officers. Within the meaning of the Act on Juvenile and Family Court and Juvenile Court Procedure Act 2553, Section 69 paragraph two by the impact of the mental state of the arrested person as a minimum constitutional process theory. However, the penalty must not be punished critically. States need to take measures to control strictly according to the theory of crime control. Applying comparable to the interpretation of the law on the issue of classification, although the level of punishment critically in Criminal Procedure Code, Section 176, first paragraph, that, in the class. If the confession by the defendant to sue Court judge, without hearing evidence next time. Except for cases where a defendant charged with an offense that confession. Law, at least in the penalty of imprisonment of five years or a penalty heavier than that place. Court to hear evidence until the plaintiff is satisfied that the defendant was actually guilty. From these provisions implies that enough. Critical offense is badly wrong with the rate of five years imprisonment or a heavier penalty than the place where the court must hear evidence of the parties in the case of strictly.

2. Summary record

Upon the arrest and detention of the accused then. Must be taken to the officers to conduct further investigation. The officer is responsible for the investigation and summarize the case and collect evidence. Order to make the case.

Especially in the case of insanity. When officers ordered to diagnose case on the issue whether the accused should attend a rehabilitation center or mental condition. The researchers found that In such cases, the guidelines are 2 ways depending on the context of this case form will be discussed by the analysis below.

2.1 To the case of treatment of mental conditions

If the accused will receive treatment in mental rehabilitation. Must be the case that the accused is of unsound mind and the symptoms of the confession that the real perpetrators allegedly But do not know when or responsibility can not force themselves because of mental deficiency Psychotic or crazy And agree to attend a rehabilitation center, as legal measures be taken of the Court of mental health Broward County, Anchorage County, San Bernardino, King County (Seattle), but the must be a case to find the guilty criminal with penalty at high by law to imprisonment not exceeding five years. Whether it is fine with it or not. If it appears that the accused had never been imprisoned by a final sentence to imprisonment. Except for a penalty for an offense committed through negligence or petty offenses. Mental Health Court as Broward County, King County (Seattle) has determined that the accused must be alleged in the intermediate punishment. Which is charged with a minimum penalty of imprisonment of five years or a penalty heavier than the place by applying comparable to the interpretation of the law on the issue of classification, although the level of military age under the Civil Procedure. Criminal Procedure Code, Section 176, first paragraph, which implies that enough. critical offense is badly wrong with the rate of five years imprisonment or a heavier penalty than the place where the court must hear evidence of the parties in the case of strictly.

If the officer that the accused has mental defects. Psychotic or crazy Offense, while the responsibility can not know or can not enforce themselves. It is of the opinion that should not prosecute the accused and the accused should be admitted for treatment. This is consistent with the legal measures taken of the Mental Health Court Anchorage County, San Bernardino, King County (Seattle), and control theory, which focuses on the criminal justice system performance. Aims

to control Suppression and suppression of crime is a major If the release of the Society may not be secure. It also protects the rights of the accused, one that will be examining the use of state power through legal proceedings under the rule of law theories based on principles of criminal law must be fair, follow the steps in the process. And in accordance with the Act Juvenile and Family Court and Juvenile Court Procedure Act 2553, Section 89 of the official ban interrogation or take any action before the accused only.

In addition, researchers also saw that Before shipping official expressions of investigation with the accused to the prosecutor. Officials should inform the Director of the treatment facilities that the accused is required to receive treatment or rehabilitation. If it is necessary to provide a rehabilitation plan for the insane action and may require the parents or representatives of organizations that take care of insane live with compliance therewith. Then offered the opinion of a rehabilitation plan to fix the prosecutor to consider the preparation of a rehabilitation plan must be modified consent of the victim and the accused who are of unsound mind or Relatives of such person with the legal procedure concerning the mental health court Broward County, Anchorage County, San Bernardino, King County (Seattle) is defined. It also is consistent with the theory of mode interaction Bureau aimed at rehabilitation, physical condition. Psychological and social to the offender and in accordance with the Act and the Juvenile and Family Court Juvenile Court Procedure Act 2553, Section 86, first paragraph, the competent authority for the rehabilitation of the offender.

For how to fix a rehabilitation plan. Researchers agreed that the treatment facilities, the Director invited the accused party who is insane. The injured party. And psychologists or social workers attending the meeting. And if appropriate may invite representatives of the community or agencies involved are responsible for or have been affected by the offender or staff with any network. The plan must be modified to complete rehabilitation and offered to the public prosecutor within thirty days from the date on which the accused agrees to attend a rehabilitation center. The plan must be no way limit the rights or liberties of the accused to be insane. And no way violates human dignity by the Constitution of the

Kingdom of Thailand, set in accordance with the Act Juvenile and Family Court and Juvenile Court Procedure Act 2553 section 87 paragraph one and paragraph two.

2.2 Not to the case of treatment of mental conditions

If the accused is of unsound mind and the symptoms of the confession that the real perpetrators allegedly But do not know when or responsibility can not force themselves because of mental deficiency Psychotic or crazy and agree to attend a rehabilitation center. However, when considering the evidence of investigation. Officers that the suspect has mental defects. Psychotic or crazy Offense, while the responsibility to know or can control themselves. Or that the accused showed no mental deficiency Psychotic or mentally Assembly, while committed. In the case where the accused is of unsound mind symptoms. But the denial and refuses to attend a rehabilitation center. This is the opinion should add action to send the accused with expressions of investigation to the prosecutor under the Code of Criminal Procedure, Section 142, unless the accused was court trapped and then as legal measures be taken of the Court of mental health Broward County,. Anchorage County, San Bernardino, King County (Seattle), which is in response to behavior that does not participate in treatment.

Prosecutor measure

1. Filing

Prosecutor is responsible for the investigation of the filter expressions park employees. Order to make the case and witnesses in court, especially in the case of insanity. Prosecutor to the case when the decision on the issue whether the accused should attend a rehabilitation center or mental condition. The researchers found that In such cases, the guidelines are 2 ways depending on the context of this case form will be discussed by the analysis below.

1.1 To the case of treatment of mental conditions

If the accused will receive treatment in mental rehabilitation. Must be the case that the accused is of unsound mind and the

symptoms of the confession that the real perpetrators allegedly But do not know when or responsibility can not force themselves because of mental deficiency Psychotic or crazy And agree to attend a rehabilitation center, as legal measures be taken of the Court of mental health Broward County, Anchorage County, San Bernardino, King County (Seattle), but the must be a case to find the guilty criminal with penalty at high By law to imprisonment not exceeding five years. Whether it is fine with it or not. If it appears that the accused had never been imprisoned by a final sentence to imprisonment. Except for a penalty for an offense committed through negligence or petty offenses. As discussed in the class officers.

If the prosecutor that the accused has mental defects. Psychotic or crazy Offense, while the responsibility can not know or can not enforce themselves. Should have discretion to order in any way to suspend proceedings and order the accused should be admitted to a rehabilitation center to prevent recidivism of suspects so. By the power of the prosecutor requested the court to send the accused to control body in the hospital, consistent enforcement procedure for the Court's Mental Health Anchorage County, San Bernardino, King County (Seattle), and control theory, crime-focused way. Performance of the justice system. Aims to control Suppression and suppression of crime is a major If the release of the. Society may not be secure. It also protects the rights of the accused to receive a treatment process based on legal theories that constitutional law is based on principles of criminal proceedings must be fair, follow the steps in the process. And in accordance with the Act Juvenile and Family Court and Juvenile Court Procedure Act 2553 Section 89 to suspend the prosecution of any particular suspects before.

In addition, researchers also saw that before the prosecutor will request the court to send the suspects to places such treatment. Prosecutor should consider the modified plan treatment and the opinion of the Director of the place before treatment. If you have any questions, please contact the Director may place a person related to therapy or its consideration. If the prosecutor does not agree to rehabilitation plan to fix it. I ordered the proceedings to modify the plan or order, and the Director of the treatment facilities to the order of the prosecutor

and the officers concerned. However, if the prosecutor agreed by the plan. I advise the Director of the treatment facilities provide for the implementation of a rehabilitation plan to fix with the duties of the Director of the treatment facilities to let the court know This is consistent with the legal measures taken of the mental health court Broward County, Anchorage County, San Bernardino, King County (Seattle) have set. It also is consistent with the rule of law and theories within the meaning of the Act on Juvenile and Family Court and Juvenile Court Procedure Act 2553 Section 86 paragraph two of the systems to monitor the use of state power by the prosecutor as a control check. Sure to follow the statutory.

In addition, upon receipt of treatment success. The researcher is of the opinion that the Director report to the prosecutor know the treatment facilities. If prosecutors agree, it suspended the right of the criminal proceedings. And the allegations were withdrawn by the order not to sue the woman that legal measures be taken of the Broward County Mental Health Court, which is scheduled offenders diverted from the theory of justice break spell However, if rehabilitation is unsuccessful or fails to comply with the plan violated. The Director shall report to the treatment site and let the prosecutor know the officers proceeded to act in accordance with the Juvenile and Family Court and Juvenile Court Procedure Act 2553 Section 88.

2. Not to the case of treatment of mental conditions

If the accused is of unsound mind and the symptoms of the confession that the real perpetrators allegedly But do not know when or responsibility can not force themselves because of mental deficiency Psychotic or crazy And agree to attend a rehabilitation center. However, when considering the evidence of investigation. Prosecutor that the accused has mental defects. Psychotic or crazy Offense, while the responsibility to know or can control themselves. Or that the accused showed no mental deficiency Psychotic or mentally Assembly, while committed. In the case where the accused is of unsound mind symptoms. But the denial and refuses to attend a rehabilitation center. This is an order filed by filed a case with the accused to the court under the Code of Criminal Procedure, Section 143,

unless the accused was court trapped and then as legal measures be taken of the Court of mental health Broward County, Anchorage County,. San Bernardino, King County (Seattle), which is in response to behavior that does not participate in treatment.

Trial measure

3. Inquiry of Trial

After the officers and the prosecutor has to investigate. And comment Order to sue the accused is the symptoms of unsound mind and filed a complaint with the accused to come before the court. The court may order the preliminary examination or preliminary examination, and no trial date. For the defendant to be psychotic after the court case in order to diagnose the issue whether the defendant should attend a rehabilitation center or mental condition. The researchers found that In such cases, the guidelines are 2 ways depending on the context of this case form will be discussed by the analysis below.

3.1 To the case of treatment of mental conditions

If the defendant shall receive treatment in mental rehabilitation. Must be the case that the defendant had symptoms of insanity, and the confession that the real perpetrators allegedly But do not know when or responsibility can not force themselves because of mental deficiency Psychotic or crazy And agree to attend a rehabilitation center, as legal measures be taken of the Court of mental health Broward County, Anchorage County, San Bernardino, King County (Seattle), but the must be a case to find the guilty criminal with penalty at high By law to imprisonment not exceeding five years. Whether it is fine with it or not. If it appears that the accused had never been imprisoned by a final sentence to imprisonment. Except for a penalty for an offense committed through negligence or petty offenses. As discussed in the class investigation.

If the court that the defendant has mental defects. Psychotic or crazy Offense, while the responsibility can not know or can not enforce

themselves. I sold the case for an order temporarily and should bring the accused to receive rehabilitation. Under the Code of Criminal Procedure, Section 14, to prevent recidivism of the defendant it. This is consistent with the legal measures taken of the Mental Health Court Anchorage County, San Bernardino, King County (Seattle), and control theory, which focuses on the criminal justice system performance. Aims to control Suppression and suppression of crime is a major If the release of the. Society may not be secure. It also protects the rights of the defendant one way to get through the treatment process, legal process theory, constitutional law is based on the principle that criminal proceedings must be fair, follow the steps in the process. And the court's role should be proactive in determining the facts in the pending hearing in the case of the suspicious fact that the parties or person concerned is a person of unsound mind the court shall have the power to bring the accused or the defendant, the court looks to the basic insanity. Including all the parents. Administrator who is insane to ask for facts about the suspect or the accused and the court considered the history, age, gender, behavior, intelligence, education, physical condition, occupation and as mental habits of the accused. Environment, as well as all about the defendant's parents and the parents or the person who lived with the defendant. Or persons who provide education to the job or relevant issues to consider with Within the meaning of the Act on Juvenile and Family Court and Juvenile Court Procedure Act 2553, Section 111, 115.

Researchers also agree that before the court may order the defendant to submit to such treatment facilities. The court may order the Director of the place or individual treatment that the court provides for the appropriate action to fix a rehabilitation plan with the condition that the accused Parents person or organization with which the accused lived practice. Then submitted to the court for review within thirty days from the date of the court. If the court agreed with rehabilitation plan to fix it, and follow the instructions to sell the case temporarily. If the court does not agree with it to the next hearing, which is consistent with the legal measures taken of the mental health court Broward County, Anchorage County, San Bernardino, King County (Seattle) was defined. It also is consistent with the theory that the constitutional process, a system of review of state power by the courts as the

control, monitoring, shall lawfully within the meaning of the Act on Juvenile and Family Court and Youth Court. Family Act 2553 Section 90.

In addition, upon receipt of treatment success. The researcher is of the opinion that the Director report to the court know the treatment facilities. If the courts agree, then the right to suspend the criminal proceedings. And the allegations were withdrawn by court order from selling cases of the directory that legal measures be taken of the Broward County Mental Health Court, which is scheduled offenders diverted from the theory of justice break spell However, if rehabilitation is unsuccessful or fails to comply with the plan violated. The Director shall report to the court treatment facilities know and let the court order as it thinks fit, or lift up the case for further consideration within the meaning of the Act on Juvenile and Family Court and Juvenile Court Procedure Act 2553 Section 92.

3.2 Not to the case of treatment of mental conditions

If the defendant is insane, and the symptoms of the confession that the real perpetrators allegedly But do not know when or responsibility can not force themselves because of mental deficiency Psychotic or crazy And agree to attend a rehabilitation center. However, when considering the evidence and formal investigation. Court that the defendant has mental defects. Psychotic or crazy Offense, while the responsibility to know or can control themselves. Or the defendant showed no mental deficiency Psychotic or mentally Assembly, while committed. In the event that the defendant had symptoms of unsound mind. But the denial and refuses to attend a rehabilitation center. For the case of preliminary examination shall have to consider the order filing stamp. Under the Code of Criminal Procedure, Section 167, but if it is not the defendant. The court shall issue a summons or an arrest warrant for further consideration. And for trial. Let the court proceedings continue. Under the Code of Criminal Procedure, Section 172, as legal measures be taken of the mental health court Broward County, Anchorage County, San Bernardino, King County (Seattle), which is in response to behavior that does not participate in treatment.

The correction officer measure

4. Parole

During the penalty. Symptoms of insanity and convicted consent to receive treatment. Corrections officers must issue a decision that the sanction order to receive appropriate mental health treatment or rehabilitation. The researchers found that In such cases, the guidelines are 2 ways depending on the context of this case form will be discussed by the analysis below.

4.1 To the case of treatment of mental conditions

Where the sanction will be treated in mental rehabilitation. Must be the case that convicted the symptom of unsound mind and agree to attend a rehabilitation center as a measure of legal procedure for the Court's mental health Broward County, Anchorage County, San Bernardino, King County (Seattle) apply, *mutatis mutandis*, but will be available. Need to find a case that the criminal offense with a higher penalty under the law to imprisonment not exceeding five years. Whether it is fine with it or not. If it appears that the sanction has never been imprisoned by a final sentence to imprisonment. Except for a penalty for an offense committed through negligence or a petty offense as well, *mutatis mutandis*.

If the corrections officer who convicted the symptom that insanity. It has a parole order in the prison and the convicted males admitted for treatment to prevent recidivism of those convicted so. This is consistent with the legal measures taken of the Mental Health Court Anchorage County, San Bernardino, King County (Seattle), and control theory, which focuses on the criminal justice system performance. Aims to control Suppression and suppression of crime is a major If the release of the. Society may not be secure. It also protects the rights of the convicted one way to get through the treatment process, legal process theory, constitutional law is based on the principle that criminal proceedings must be fair, follow the steps in the process.

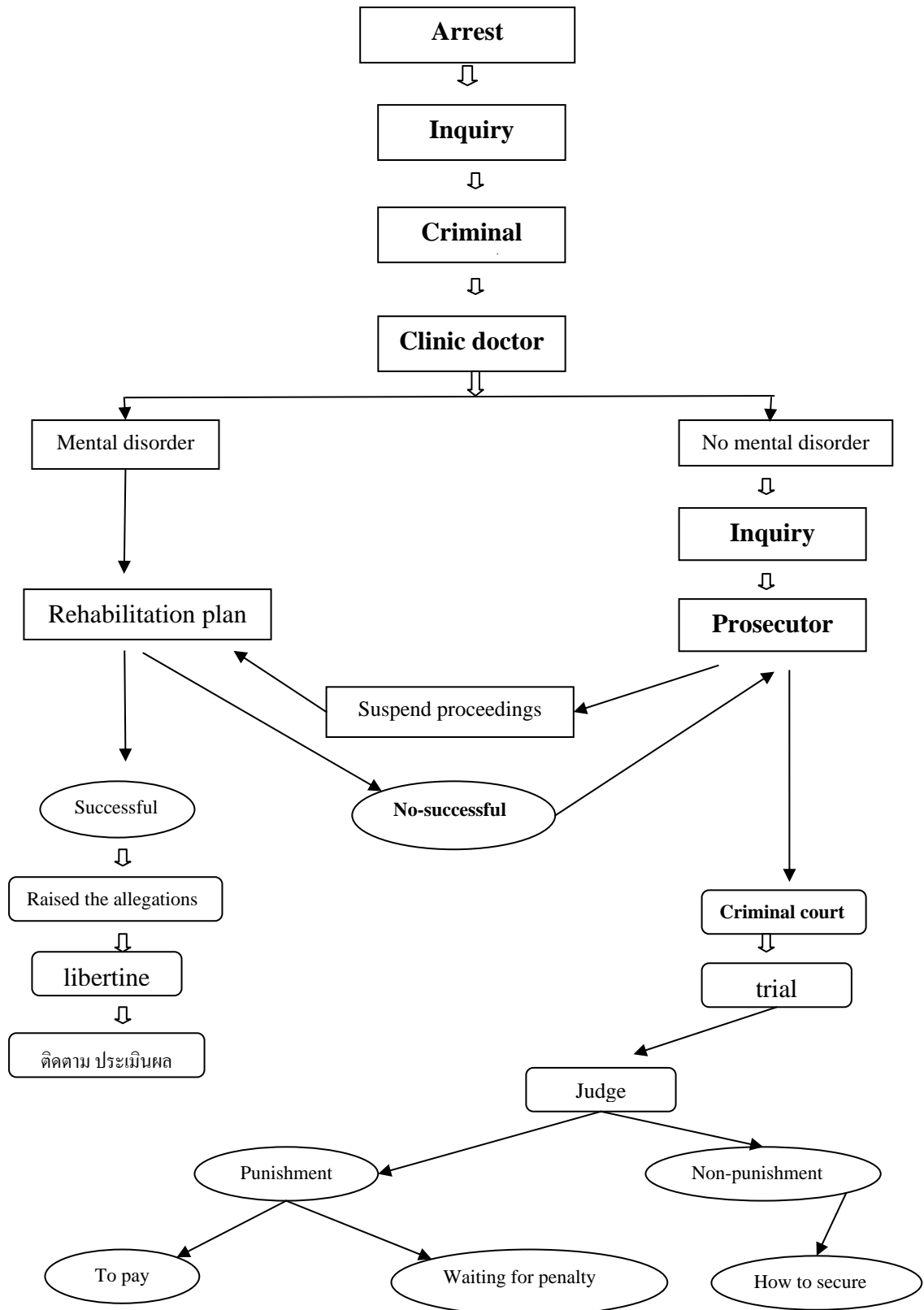
Researchers also agree that Corrections officials before sending the order to place blame males are treated. Corrections officers may order parole. And the Director of the place or individual therapy to provide for the appropriate action to fix a rehabilitation plan with the condition that the parents blame the parents of convicted persons or organizations that perform live with. Then submitted to the Department of Corrections staff to review within thirty days from the date of the order. If approved by the Department of Corrections officials plan to modify the rehabilitation process and do it. If the correctional officers do not agree with, then the procedure to enforce the sentence, which is consistent with the legal measures taken of the mental health court Broward County, Anchorage County, San Bernardino, King County (Seattle) is defined. It also is consistent with the theory that the constitutional process, a system of review of state power by the courts as the control, monitoring, shall lawfully.

In addition, upon receipt of treatment success. The researcher is of the opinion that the treatment facilities report to the Director of Corrections officials know If corrections officials agreed to release it as legal measures be taken of the Broward County Mental Health Court defined *mutatis mutandis*. The offender is diverted from the theory of Brakewel.

4.2 Not to the case of treatment of mental conditions

Where the claim is to blame symptoms maniac And agree to attend a rehabilitation center. However, based on consideration of the evidence. Court saw no sign that the sanction of unsound mind. In cases where the symptoms of unsound mind to blame. But refuses to attend a rehabilitation center such as this. Is the court's order to enforce penalties. Under the Code of Criminal Procedure, Section 245, as legal measures be taken of the mental health court Broward County, Anchorage County, San Bernardino, King County (Seattle) apply *mutatis mutandis*. This is in response to behavior that does not participate in treatment.

Diagram form and guidelines for improving and developing suitable measures of criminal procedure for insane person in Thailand



CHAPTER V

CONCLUSIONS AND RECOMMENDATIONS

Study in suitable legal measures of criminal procedure for insane persons in Thailand, based on thinking hearing this nature can not be administration of justice was truly under the rule of law (Due Process) is still due in Thai society is still under the influence of theories, concepts, stamped (Label Theory) to a group of people. This is insane. Therefore the individual does not dare to reveal you to benefit from legislation. Therefore, the researcher has studied the guidelines for the administration of justice in such cases is to comply with the rule of law is truly Hearing in conjunction with this behavior are the provisions and the Code of Civil Procedure and the Code of Criminal Procedure has already clearly defined. But in practice not been quite the same. Therefore the court could not reach the facts on the insanity that it should. The purpose of this study was (1) to study how the criminal legal measures regarding the insanity that is appropriate for Thailand (2) to obtain a summary of the format and guidelines for improving and developing legal measures how about the criminal insanity that is appropriate for Thailand.

This study is a quantitative study in conjunction with qualitative research. The quantitative studies were selected by random stratified (Stratified Random Sampling) from a police station in Bangkok. Criminal Division Office of Special Prosecutor. (Office of the Attorney General) in Bangkok. The criminal court in Bangkok. Prisons or correctional office in Bangkok. Probation Office in Bangkok. Attorney Office in Bangkok. Social Welfare Office in Bangkok. Psychiatric hospital or office routine treatment facilities in Bangkok. And universities in Bangkok. Then the samples from each organization, by means of a simple random (Simple Random Sample) from the roster of personnel in the justice system are willing to cooperate in answering a query. With samples of 450 people, but for the sample used in a qualitative study. Selected by means of a specific (Purposive Sampling) The sample is

the management of the agencies of justice, and 10 suspects / defendants with mental illness, where he received treatment in the treatment of the 5 locations.

Tools for quantitative studies were the tools of qualitative research is. In-depth interview. The analysis of quantitative statistics, Percentage, Mean and standard deviation to describe characteristics of the sample comment. The analysis of qualitative data using Content Analysis

The results were as follows:

Part 1 : The subjects' personal information.

The majority were males, 58.5 percent were aged between 25-30 years 34 per cent addition to this total, over half the sample completed a bachelor's degree and 46.5 percent have a graduate degree, and hundreds of Thai Bar Association. 11.3 percent and received a master's degree and 9.3 percent of Thai Bar Association.

Most reviewers career officers. Prosecutor. Judges and social workers. 12.5 per cent. And the reviewers was the least academic career 5.3 percent, and most reviewers have 5-10 years experience and has served the minimum of about less than 5 years, 29.5 percent of those who have Experience the most about 15 years and were at 15.8 and most of the samples to know the problems and obstacles in the criminal case for insanity under the Civil Procedure Criminal current percentage, 68.3, and samples with unknown problems and obstacles such. 31.8 per cent

The majority of the information about how the criminal legal measures about 62.3 percent of the insane and those who do not know the information. 37.8 per cent and the majority are aware of data problems and criminal proceedings relating to the insanity. 61.3 per cent and those who do not know the information. 38.8 per cent as well as the majority has acknowledged the concept of bringing offenders to justice symptoms from the usual rabid to get treatment for mental health treatment and rehabilitation to more than focus. Punishment. 65.8 per cent and those who do not know about the concept. 34.3 per cent.

Part 2 : The information about legal measures relating to criminal procedure for the insane.

Arrest measure

The results of quantitative research. That the samples had to agree on how to arrest without affecting the body and mind of those were arrested. 47.8 percent of the most arresting way to help with preliminary Maximum 52.0 per cent to educate officers who arrest 52.8 percent of the most arresting way by letting people knows about. 46.5 percent of most control methods without affecting the body and mind of detainees. Best time 49.8 percent of control and put in jail Best 35.5 percent.

The results of qualitative studies, which were the executive officers of both. Prosecutor. Corrections employees. Social workers and psychiatrists have both confirmed the problems, arrest and control that affect the mental state of those arrested, especially those caught with clinical mania, and suggested methods of arrest and detention as a special difference from the arrest. Was arrested by the general the sample is suspect and the other 5 cases that when arrested. Authorities did not get informed about the facts alleged actions and behavior, including the right to inform the accused informed by clear and staffs were detained together with other defendants. And one suspects forced the victim to meet to negotiate the support of forced confessions and to sign a memorandum of surrender.

Inquiry measure

The results of quantitative research that Measures to screen and identify the accused divided into (a) has reasonable ground to believe that The accused is a person of unsound mind Best 64.5 percent (b) the accused with clinical insanity defense was not. Best 66.5 percent (c) the facts and circumstances of the case. Highest percentage 64.3 (d) history of mental illness. Best 62.3 percent.

Submitted by the accused officers to the place of treatment. 52.5 percent of the most detailed letter sent to the alleged offender treatment facilities classified as (a) Name the accused. Best 66.3 percent (b) units delivered on time delivery and best

62.0 percent (c) the suspect's behavior and symptoms. Highest percentage 65.0 (d) basic assistance. Best 58.8 percent (e) the address and number of governance. Best 64.3 percent.

Criteria for diagnosis of the depression (a) history of mental illness and physical affliction. Best 65.0 percent (b) mental and physical inspection. Best 66.3 percent (c) test tools. Highest percentage 66.3 (d) to evaluate the symptoms most 67.3 percent (e) the diagnosis. Best 57.8 percent.

The report of the psychiatrist Most investigations 49.3 percent psychiatrist Most criteria 52.5 percent of the park staff with the ability of his defense of the accused divided into (a) Q innocent Best 62.5 percent (b) history of illness. Best 53.5 percent (c) behavioral acts. Highest percentage 55.8 (d) the relevant request. Maximum of 54.0 (e) the psychiatrist Best 55.5 percent

Cancellation of official investigations. Most 43.3 percent of general officers investigate a criminal case. Highest percentage. 44.3 Method of Investigation officer accused of being insane. 46.8 percent of the most notify the participants questioned. Most 47.3 percent of the surrender of an investigation by the opinion of the competent prosecutor. Most 46.5 percent of the criminal investigation of the prosecutor general. Most 52.0 percent of the surrender of the investigation that the prosecutor did not agree with the officers. Best 42.8 percent. Method of Investigation, accused the prosecutor of unsound mind. Best 44.3 percent. Surrender of an investigation by the prosecutor on the case method of investigation the accused insane. Best 44.8 percent. The prosecutor ordered the investigation when the accused method maniac Most 41.8 percent of mandatory treatment of treatment area Best 49.8 percent.

A detailed report of the psychiatrist. Classified as follows: (a) source of information. Best 59.5 percent (b) history of illness. Best 62.8 percent (c) the mental status examination. Highest percentage 66.8 (d) the test results, the 67.0 per cent (e) the diagnosis. Best 58.3 percent.

The case raised up a new investigation of the case officer agreed with the psychiatrist highest percentage. 48.8. The case raised up a new investigation of the case officers did not agree with the psychiatrist Best 44.0 percent. The case raised the prosecutor's new investigation. Highest percentage. 45.5 Method of Investigation, the prosecutor accused of insanity, after lifting the case up a new investigation. Best 50.3 percent. The pending litigation against the prosecutor. Best 41.3 percent.

For the qualitative findings that the majority of samples, both the Executive Officers. Prosecutor, judge of Corrections staff psychiatrists, lawyers, academics, and have both confirmed the problems of investigation the accused are the symptoms of insanity in terms of screening with clinical isolate suspect rabid Preliminary assessment of the problem symptoms. And problems with the interrogation of suspects have symptoms, but also semi-insanity defense can be. The sample of 8 units are suggestions that there should be corresponding to a standard screening and identifying suspects. Introduction to the symptoms and diagnostic standards of insanity, and the ability of his defense of the accused in a class officer and prosecutor. It also should define the procedure for criminal insanity is a special case if the accused had symptoms but also semi-insane defense was.

The study qualitative depth interviews with suspects with clinical insanity, but to his defense was the number of 5 cases that accused the four first gave a consistency that the police inquired about the circumstances of the case without separation. room to investigate the general case the accused feel paranoid and scared and sometimes not able to provide or to order, but not a step-by-event Staff told how they follow cents. But who has accused five police officers in an interview that the threat to his business and no separate investigation of the case generally makes the accused feel paranoid and scared to do so by the police informed. And accused the other 5 cases to match the initial symptoms have been examined by a social worker about the history background of the accused. And the psychiatrist about medication and physical therapy.

Filing and The preliminary examination measure

The results of quantitative research. About the Office filed criminal insanity. Best 42.5 percent. Lecture about the insane criminal charges. Most 48.3 percent of the preliminary examination. Screening measures and identify the defendant in the class, preliminary examination divided into (a) has reasonable ground to believe that The accused is a person of unsound mind Best 62.0 percent (b) the accused with clinical insanity defense was not. Best 64.8 percent (c) the facts and circumstances of the case most 61.3 per cent (d) history of mental illness. Best 57.0 percent.

Submitted by the defendants to treatment facilities in the class, preliminary examination. 52.8 percent of the most detailed book to send the accused to the place in the class, preliminary examination treatments. Can be divided into (a) Name the accused. Best 65.8 percent (b) Organization and delivery date. Time to deliver best 61.0 percent (c) the suspect's behavior and symptoms. Highest percentage 66.0 (d) basic assistance. Best 63.5 percent (e) the address and number of governance. Best 58.8 percent.

The report of the depression in the floor most preliminary examination testimony of 53.5 per cent of psychiatrists in the class, preliminary examination. Best 48.0 percent. Criteria for consideration by the court with the ability to fight this case the defendant's preliminary examination in class. Can be classified as (a) Q innocent Best 61.5 percent (b) history of illness most 58.5 per cent (c) behavioral acts. Highest percentage 58.8 (d) the relevant request. Best 54.8 percent (e) the psychiatrist Best 55.8 percent.

Pause of the investigation, preliminary examination in class. Best 45.8 percent. Criminal investigation is a general preliminary examination in class. Best 45.5 percent. How the preliminary examination the defendant insane. Most 50.3 percent of people who participated in the preliminary examination the defendant of unsound mind only. Most 46.3 percent of rooms are preliminary examination the accused is of unsound mind only. 44.5 percent of the most notify the participants of

the preliminary examination the defendant of unsound mind only. Most Kro san 45.5 percent. Right to appeal the preliminary examination in class. Most 47.0 percent of treatment facilities shall maintain the level of preliminary examination. Best 50.5 percent.

Report of the depression in the floor, preliminary examination by the Description (a) source of information. Best 59.5 percent (b) history of illness. Best 59.0 percent (c) the mental status examination. Highest percentage 59.0 (d) the test results, the 62.3 per cent (e) the diagnosis. Best 54.3 percent.

Consider the case of lifting up in class if the preliminary examination by the psychiatrist Best 48.0 percent. The case was raised in the class; preliminary examination is not the case with the psychiatrist Best 47.0 percent. How insane after preliminary examination the defendant raised the case in the new Best 45.8 percent. Waiting to read the instructions in the class, preliminary examination. Best 49.8 percent.

The results of qualitative research that most subjects in both the Executive Officers. Prosecutor, judge of Corrections staff psychiatrists, lawyers, academics, and have both confirmed the problems the prosecution and the defendant are the symptoms of insanity in terms of cases filed in court and describe the facts about the insanity and problems of the preliminary examination by the agency were all 8 to make recommendations consistent with the measures that should be filed. Describing the facts about the insanity and preliminary examination for insanity is specifically.

The study qualitative depth interviews with suspects with clinical insanity, but to his defense was number five cases were the accused and three more are to consistency that has been sued in court criminal cases and determine why that was filed but did not know. What that was filed with the charges. And the other two defendants that were sued by the criminal court. But do not know why that was filed and do not know what was filed with the charges. However, all 5 cases the accused

did not have access to due process, preliminary examination of the plaintiff's action as a prosecutor is generally not required preliminary examination.

Trial measure

Quantitative research that Screening measures and identify the defendant in the class. Can be divided into (a) has reason to believe that The accused is a person of unsound mind Best 56.0 percent (b) the defendant had symptoms of unsound mind can not fight the case. Best 65.8 percent (c) the facts and circumstances of the case. Highest percentage 62.0 (d) history of mental illness. Best 61.0 percent.

Submitted by the defendants to treatment facilities in the floor. 50.3 percent of the most detailed book to send the accused to the place in the class, preliminary examination treatments. Can be classified as (a) Name the accused. Best 67.8 percent (b) Organization and delivery date. Time to deliver best 64.5 percent (c) the suspect's behavior and symptoms. Highest percentage 64.5 (d) basic assistance. Best 63.5 percent (e) the address and number of governance. Best 57.5 percent.

The report of the depression in the floor. Highest percentage. The testimony of the psychiatrists in the class. Highest percentage. Criteria for consideration by the court with the ability of the defendant in the litigation can be classified as (a) The FAQ did not know about best 62.8 percent (b) history of illness. Best 57.5 percent (c) behavioral acts. Highest percentage 57.0 (d) the relevant request. Best 54.5 percent (e) the psychiatrist Best 55.8 percent.

Pause of the hearing. Highest percentage. 49.8 considered a common criminal in the highest level 50.3 percent. Procedure for the insane. 45.8 percent of most people who participate in the insanity trial, the defendant only. Best 48.0 percent. The room is the only defendant of unsound mind. Most 48.8 percent of the participants informed the trial the defendant is insane only. Most 48.8 percent in the class the right to appeal the order. Most 46.8 percent of treatment facilities shall maintain the class trial. Most of the reported 44.5 percent of psychiatrists in the trial level are as follows: (a) source of information. Best 59.0 percent (b) history of illness.

Best 64.0 percent (c) the mental status examination. Highest percentage 67.5 (d) the test results, the 67.3 per cent (e) the diagnosis. Best 55.0 percent.

Consider the case of lifting up the floor in the case agreed with the psychiatrist Best 47.0 percent. Consider the case of lifting up the floor in case of disagreement with the psychiatrist Best 51.8 percent. How insane after trial, the defendant raised the case in the new Best 45.0 percent. Waiting for the pronouncement in the class trial. "Highest percentage. 43.5. The judge, by sending the accused to the place most treatment 47.3 percent. . the defendant released after treatment. Best 46.3 percent. Judged by the conditions of probation. Best 50.0 percent.

For qualitative research that most subjects in both the Executive Officers. Prosecutor, judge employees of Corrections lawyers, academics and psychiatrists have both confirmed the problems to consider and judge the case on the defendant to have symptoms of unsound mind by a group of samples were 8 agencies can make recommendations accordingly should require measures screening. And differentiate. The initial symptom assessment. The proceedings and the courts for a particular insanity.

The study qualitative depth interviews with suspects with clinical insanity, but to his defense was the number of 5 cases were suspects in 5 cases are to the line that when they reach the court first do not know what to do?. During the five accused and are feeling paranoid. And the staff did not understand questions asked. In the staff room together without a separate special in any way. And do not know what charges are to judge by. Why is the judge. And the other two suspects who had psychotic symptom exacerbation during the hearing. Consider the need to stop temporarily.

Appeal and petition measure

Quantitative research that How to Appeal and the Supreme insanity cases. Best 44.3 percent. Petitioner's right to appeal and the parties. Best 47.3 percent. Raising claims in the case of insanity. Best 46.5 percent.

The qualitative research that Most subjects in both the Executive Officers. Prosecutor, judge of Corrections employees. Probation lawyers, academics and psychiatrists are also testimony to the problems of the appeal the Supreme case on the defendant to have symptoms of unsound mind by a group of samples were 9 units to make recommendations consistent that it should require the parties have the right to appeal theory. Check signs in the issue of insanity and the ability to fight the case to the full. Although not over the network in civil court If the parties request that the court itself, or it can be to raise the interest of justice.

From a qualitative study with in-depth interviews with suspects with clinical insanity defense, but can be accused of 5 cases and 5 cases were different to the line that does not know the Appeals and Supreme. How the accused to be taken. And if the court convicted. Defendants will appeal and petition Only one suspect who was seen as satisfactory in the judgment of the Court, and agree to bring into therapy in treatment facilities after being imprisoned and then.

The enforcement measure of the sentence

Quantitative research that Screening measures to identify and sanction the enforcement of judgments in class by: (a) has reason to believe that the sanction is a person of unsound mind Best 66.3 percent (b) convicted with clinical insanity defense was not. Best 67.0 percent (c) the facts and circumstances of the case. Highest percentage 67.5 (d) history of mental illness. Best 59.8 percent.

Sent to males convicted treatment facilities enforcement of judgments in class. 48.5 percent of the most detailed letter sent to convicted male treatment facilities enforcement of judgments in class. Classified as follows: (a) Name the accused. Best 61.0 percent (b) units delivered on time delivery and best 62.5 percent (c) the suspect's behavior and symptoms. Highest percentage 63.8 (d) basic assistance. Best 66.8 percent (e) the address and number of governance. Best 57.8 percent.

The report of the depression in force under the Supreme Court level. Most of the testimony of 52.0 percent of psychiatrists, the enforcement of judgments in

class. Best 52.8 percent against the criteria of being able to blame his defense of the enforcement of judgments in class by: (a) Q innocent Best 58.8 percent (b) history of illness. Best 58.5 percent (c) behavioral acts. Highest percentage 63.0 (d) the relevant request. Best 62.5 percent (e) the psychiatrist Best 58.3 percent.

To abate the penalty shall enforce the sentence level. Best 47.0 percent. Males convicted of sending back in control. Most 45.5 percent of treatment facilities shall maintain the level of enforcement of the sentence. Most of the reported 42.8 percent of psychiatrists in force under the Supreme Court level have the following details: (a) the source of most information, 70.3 percent (b) history of illness. Best 63.3 percent (c) the mental status examination. Highest percentage 62.5 (d) the test results, the 62.5 per cent (e) the diagnosis. Best 58.3 percent. the punishment to Best 48.3 percent.

For the qualitative research that Most subjects in both the Executive Officers. Prosecutor, judge employees of Corrections lawyers, academics and psychiatrists are also testimony to the problems of enforcement of the courts about who to blame are the symptoms of unsound mind by a group of samples were 8 agencies can provide feedback consistency that could make the measures selected. Filter and analyze The initial symptom assessment. The process is governed by the Special Court for insanity.

The study qualitative depth interviews with suspects with clinical insanity, but to his defense was number five cases were the accused and three more are to consistency when being taken to prison the first time do not know what to do. Of how feel paranoid and oppressive and controlled in the general prison control room. And two other suspects who have been released but was sent to receive treatment to treatment area.

Problems and limitations of the study.

Problems and limitations of the study are following:

Problems in data collection.

Quantitative data collection. Because the sample consists of several agencies in the justice agencies. Make the study are faced with the problem of storing data that will require cooperation of each agency. The qualitative data collection. Because the sample is part of the accused / defendant is insane, which is controlled symptoms in the treatment area Make the study are faced with problems in data collection. Especially interviews. This will require cooperation from a sample of the data. As well as security issues in data collection. It must have a security officer to search a good sample. And keep monitoring is not far from the place of Interview.

In addition, some samples may not cooperate in providing information as that. The data may affect the case or remission Provide education to suffer the burden of data collection required for extended periods. To the questionnaire and interviews with complete integrity.

Period of data collection.

One of the main problems of the research is. Limitations of the study period. This study was the duration of the data sample of quantitative and qualitative analysis for a period of four months because of the qualitative data required period of storage. Treatment facilities, but sometimes a large number of missions. To collect data from a sample can not be made fully Is the period of data collection rather.

Analysis and discussion of results

In the study “suitable legal measures of criminal procedure for insane persons in Thailand” Results of the analysis and discussion of findings follows.

Object 1 : To study suitable legal measures of criminal procedure for insane persons in Thailand

The legal measures of criminal procedure for insane persons in Thailand, the researcher suggest that:

1. Measures to arrest. Researchers should be seen as a special control measures or arrest for a person of unsound mind By means of arrest or control which must take into account the best interests of the detainees were arrested and a significant and does not affect the physical and mental condition of the arrest and detainees as well.

2. Measures special investigations for the insane. Research has identified two major themes, including the analysis. Oriented approach, special investigations for the accused is of unsound mind. By means of special investigations officer for the insane. Should be focused on the following steps. Requires measures to screen suspects via via based criteria. For example, consider the symptoms of unsound mind or the nature of his defense that can not be, sending the measure to check the initial clinical mental status. By defining the criteria of the depression. Such as illness history. Mental status examination, etc., measures to comment on the investigation into the issue of expression of the ability to fight the case under the Code of Criminal Procedure, Section 14, by the criterion of the expression seen in the investigation. Symptoms such as insanity. And the ability of defense measures, etc. sent to treatment and assessment of symptoms by the method of forced treatment. And measures to expressions of opinion in the investigation into the issue of a defense of insanity under the Criminal Code by section 65 of the opinion that the decision to sue the accused should be ordered or not oriented approach, special investigations for the insanity that is a victim or witness. The researcher agreed to adopt criminal investigation for the insanity to the witnesses or victims with symptoms of unsound mind. And the provisions of the Code of Criminal Procedure Article 133 and Article 133 bis, ter the same time considering Such as adopting a psychiatrist Social workers involved in the investigation. Room for a special investigation. Or provide the victim or witness identification and so on.

3. Measures in the process of prosecution. The prosecution ordered the prosecutor. Should be focused in the process of guideline judgments as a class officer. Whether measures were screening and identifying the accused, and sent to the inspection of mental Preliminary clinical, and ordered the case to the issue

being able to fight the case under the Code of Criminal Procedure, Section 14, submitted by the landfill. Treatment and evaluation of symptoms, the order in case the issue of a defense of insanity under the Criminal Code, Section 65.

The issue is further analyzed in order to measure the issue of justice in the ability to fight the case said prosecutors are empowered to send the accused to receive treatment, measures to order the issue of justice in a defense of insanity. By requiring the prosecutor has the power to request the court to send the accused to receive treatment in order not to sue the accused. But if it should order the accused to sue the rules to guide action in a lecture. And attest in this case a unique access to facts on the insanity.

4. Measures preliminary examination of the case. Research has identified two major themes, including the analysis. Preliminary examination of the insanity that is the case for the accused or the defendant. The court used a special preliminary examination for insanity involved in cases that might require measures to bring the accused to the court that looks insane. To the court for the initial symptoms in the class, preliminary examination, submit measures to check the initial clinical mental status. By defining the criteria of the depression. Such as illness history. Mental status examination, etc., measures ordered the case to the issue being able to fight the case under the Code of Criminal Procedure, Section 14, by the criterion of order cases. Symptoms such as insanity. The defense can not be sent to such measures of treatment and evaluation of symptoms by the method of forced treatment. And measures to order the issue of justice in a defense of insanity under the Criminal Code, Section 65, the diagnosis should order filing stamp or not. And preliminary examination for the insanity that is the case the victim or witness. The researcher agreed to adopt the preliminary examination for criminal insanity to the witnesses or victims with symptoms of unsound mind. And the provisions of the Code of Criminal Procedure, Section 172 degree the same time considering as set to the psychologist. Social workers participated in the preliminary examination. Room for the preliminary examination is so special.

5. Measures to trial. Research has identified two major themes, including the analysis. Trial for the defendant insane. The court should consider using a special case for the insanity in the case that the courts should have active role in determining the facts in the pending hearing in the case of a suspicious fact that the party or person concerned is of unsound mind or not. The set measures to filter and identify the defendant, and sent to the inspection of mental Preliminary clinical, and ordered the case to the issue being able to fight the case under the Code of Criminal Procedure, Section 14, and sent to treatment. and evaluation of symptoms, the judge issues a defense in cases of insanity under the Criminal Code, Section 65, with a focus on rehabilitation rather than punishment. And trial for the insanity that is a victim or witness. Determined by the court to take legal measures for the defendant to be insane to have symptoms with victims or witnesses who have mental disorders, *mutatis mutandis*. And how to consider the special case that should the provisions of the Code of Criminal Procedure, Section 172 degree the same time considering.

6. Measures of the appeal / petition The researcher should determine the rules relating to criminal proceedings for the court to be insane to hearing further evidence, if a fact suspicious about insanity According to witnesses they may own or give to any civil court hearing. But if it does not follow that the District Court correctly judge the proceedings, then the Court of First Instance to order or reorder the case

7. To enforce the sentence in criminal penalties. The staff correctional measures identified by screening a sanction based on criteria. For example, consider the symptoms of unsound mind. Circumstances of offense, etc., measure the formation of the initial psychiatric treatment. By pointing to a psychiatrist and medical devices are adequate, sending the measure to maintain. And sanctions should be focused on rehabilitation philosophy to suit the conditions of the individual convicted of insanity

8. Guidelines for prosecution of an attorney. The attorney should focus on efficiency in the proceedings is particularly important for presenting the facts before the trial and during trial about facts that could prove the accused or

the defendant is insane and the Law Society and should have a role in Training guidelines for the protection of the rights of individuals in cases like this.

9. The role of litigation specialists. The role of experts in criminal cases for those who are insane. Preparing a directory of House of psychiatric expert witness and forensic psychiatrists, psychologists, psychiatrists, as a system to facilitate the proceedings. Providing detailed information about the case to most patients. In order to access the facts and use common language to communicate the judge. Prosecutor, lawyer or party in a case known And should be encouraged to perform the treatment by means of integrated medical and social, such as drug use (Psychotropic Drug) and treated with electrical stimulation (Convulsive Therapy) to treat physical and mental. The social. May be prescribed to patients treated in the right places according to ecological treatment.

Object 2 : To obtain a summary of the model and the ways to improve and develop legal measures of criminal procedure for insane persons in Thailand

Findings about the patterns and ways to improve and develop a legal measures of criminal procedure for insane persons in Thailand, including special measures for deviant cases (deviation) offenders from justice. This was due to Focal follows.

1. To take the accused to send officers. The assigned officer shall order the family or a person who is insane to trust the operator to bring the accused to send officers. But if the offense is a criminal penalty, which is highly required by law to imprisonment not exceeding five years.

2.To summarize the case and investigation. The officers bring the accused to receive rehabilitation. When participants will be treated the symptoms of insanity and guilty confession that true to the allegations. But do not know when or responsibility can not force themselves because of mental deficiency Psychotic or crazy and agree to attend a rehabilitation center. However, it must find that the offense is a criminal case, which has a higher penalty under the law to imprisonment

not exceeding five years. Whether it is fine with it or not. If it appears that the accused had never been imprisoned by a final sentence to imprisonment. Except for a penalty for an offense committed through negligence or petty offenses.

If the officer that the accused has mental defects. Psychotic or crazy Offense, while the responsibility can not know or can not enforce themselves. It is of the opinion that no action should be taken to the accused to receive treatment. However, if the accused is not a mental deficiency Psychotic or crazy Or the offense, while the responsibility to know or be forced to have their own opinion, it should add to sue the defendants submitted with expressions of investigation to the prosecutor.

3. The prosecution by the prosecutor, the accused admitted to a rehabilitation center. When users need to be treated as specified in the feature class officers. If the prosecutor that the accused has mental defects. Psychotic or crazy Offense, while the responsibility can not know or can not enforce themselves. Solutions should have discretion to order the prosecutor to the case in a manner that an order should cease to prosecute and bring the accused to receive treatment. However, if the accused is not a mental deficiency Psychotic or crazy Or the offense, while the responsibility to know or they can force themselves to be sued to the court order.

4. Proceeding in court. The court used the defendant admitted to a rehabilitation center. When users need to be treated as specified in the feature class officers. And if the court that the defendant has mental defects. Psychotic or crazy Offense, while the responsibility can not know or can not enforce themselves. The court also ordered the temporary distribution case and the defendant admitted to a rehabilitation center by the court for an aggressive role in determining the facts during the hearing. If the defendant is not a mental deficiency Psychotic or crazy Or the offense, while the responsibility to know or they can force themselves to be the case following the decision.

5. The parole during imprisonment. Convicted male correctional employees to attend a rehabilitation center. When participants will be

treated with symptoms of unsound mind. And agree to attend a rehabilitation center. However, it must find that the offense is a criminal case, which has a higher penalty under the law to imprisonment not exceeding five years. Whether it is fine with it or not. If it appears that the accused had never been imprisoned by a final sentence to imprisonment. Except for a penalty for an offense committed through negligence or petty offenses. And if that person convicted of Corrections employees who have symptoms of unsound mind. I ordered the parole and should be punished male admitted to a rehabilitation center or not, but if the sanction is a maniac, then ordered to be punished.

Suggestion

From the study "Suitable Legal Measures of Criminal Procedure for Insane Persons in Thailand", the researcher suggests that:

Criminal Procedure relating to the particular insanity.

Thailand's legal system because the system Civil Law and how the hearing is alleged. The court's role is limited to only those jurisdictions. There are no additional witnesses or the power to help the parties, a party seeking evidence has strict rules for taking evidence. This can be seen from the Code of Criminal Procedure, Section 227 of the cases that the court decision weighing all the evidence. Do not sentenced until you are sure that the real perpetrators and the accused is guilty. When there is reasonable doubt that the defendant is guilty or not. To address the benefit of the doubt to the defendant.

From such laws. When looking at the dimensions of a person of unsound mind "As a victim or a plaintiff in the case would be burdensome to the court to attest to believe without any doubt the defendant's offense. Under the features that lack in the reliability of their own. The state of mental deficiency. In addition, if a defendant No one would dare to attest to the reduced value in their own interest to accept the legislation in addition, if the witnesses are in a position like this. Think would be a testimony of the witness testimony, but the state of insanity that is the weight worth a

listen or trust any this may make the search for truth in the case of difficulties and achieve the rule of law (Due Process) is difficult in reality.

Therefore, to administration of justice in the context of criminal cases related to persons of unsound mind as the various cases. The foregoing. The researcher is of the opinion that the process of the court hearing in the case of Thailand, it should look like this is still the same system is accused along the way forensic criminal proceedings. But there are more comments that it should define the role of the courts to look proactive in the investigation to get to the facts of the case as much as possible. Mental Health Court, as Broward County, Anchorage County, San Bernardino, King County (Seattle) That is, if the court considered the fact that Circumstances of the accused look guilty to the common people to do the opposite of ordinary prudence or common like this It is noted that the court should not be ignored by the court examines the circumstances of the offender's state of mind. taught in conjunction with the personality of the defendant. If you believe that there is significant that might have mental impairments. The court may issue an order to go to ensured. If the decay has mental defects of the law will be brought under Penal Code section 65 to enforce justice in the idea that it should be applied in the prosecution process of the class as well. Or, if not the size that requires a serious criminal liability. Court may exercise its discretion in punishment measures for the proper and fair. The implications of this concept would have a system for judicial inquiry; the court's active role in the mix with a current judicial process in the system can be accused by those concepts into practice thinking, based on the proceedings. Links from the provisions of the Code of Criminal Procedure, Section 228 of the view that arbitrary or a party or requested. Courts have the power to more witnesses. According to themselves or to send any issues.

For guidelines on the issue of the difference in litigation with the insane. The study found that agencies that are key to driving mechanism in case the agencies within the justice system agencies and medical procedures. The researcher could make the proceedings Litigation Department of Mental Health focused on cooperation between the judicial and medical personnel and social, such as after the arrest. For if

the accused has the right to receive treatment and to accept voluntary treatment. The accused will be taken to the mental health court proceedings without access to formal justice system, but will need access to treatment programs. Officials will need to coordinate with the medical inspection of symptoms in patients with the treatment. And must coordinate with the prosecutor in the proceedings.

In addition, issues related to the measure that should be used in cases where the accused or the defendant as a person of unsound mind or a voluntary consent to receive treatment. If you are successful the treatment has been raised to pay claims as to the offender by the prosecutor, you may order not to sue is strictly prohibited. But the accused refuses to attend a rehabilitation center. Response to the sanctions should be aimed at, but how the punishment should not consider a penalty of imprisonment may be detained under the Criminal Code by Article 23 may be detained in the detention facilities other than prisons. Police station or place of control of the accused officers. But may be treatment area Residence of such person or of others who consent to suit the type or condition of any person is detained under the Criminal Code, Section 24, or if the offender that the court ruled that the death penalty, but as a person of unsound mind, such as this. Code of Criminal Procedure, Section 248 should be provided for the treatment to heal and change the death penalty is life imprisonment. Therefore, the above ideas leads to the theory of mode interaction Bureau aimed at rehabilitation more than punishment. Although he will not consent to receive any treatment.

The rehabilitation is part of the hearing. The researcher should make the courts and prosecutors as a major player on the implementation of the rehabilitation program due to both the organization, powers and functions directly in the diagnosis of fact and law. This is such an important role as the president or the center in the treatment of both formal and informal and has the power to diagnose the success of the treatment. Including changes in terms of treatment. Reward and punishment. It also agreed to set up a special team, helps the court to the court, which consists of. Court staff judge probation officer. The clinical care manager, case lawyer accused prosecutors of Corrections staff. Who provide other services? The Court made the

correct information. Required to produce the decision case also set to the courtroom, and especially the special hearing by the time the defendant joined the proceedings as appropriate to the atmosphere. Appropriate environment. and to affect the mental state of the accused or the defendant is insane symptoms to a minimum.

How about planning a rehabilitation program is based on the cooperation for each defendant. The officers of the court. Prosecutor and comprehend the mental health will be the design and enforcement. Courts and prosecutors will be coordinated operation between agencies within and outside the judicial process, namely. Process of medical and public health. Process and to reduce social conflict by the actions of such organizations.

The department established a trial related to the insane person

The possibility of establishing mental health courts in Thailand Since Thailand is in the legal system, Civil Law System is different from the United States Common Law system as it is mentioned. In addition to differences in the origin of that law. Consider also how the difference is not small. Although both Thailand and the United States is accused of using the system. However, because of alleged U.S. was determined to be isolated facts (Fact Finding) the juror when the facts stop leads to a fine by a court of law. Different from accusations of Thailand The court hearing the parties to attest the fact that the expressions in the case. Weigh evidence and render a decision by the law, which is served by the same person. Therefore, the diagnosis may be impaired due to lack of legal expertise. In fact, it was learned.

Because the current social conditions change rapidly. The members of the social adjustment is not as stressful, which leads to symptoms of mental, which the index indicates the knowledge that a pathological social (Pathology) by due to the imbalance in social development and adjustment. to changes in the society. Therefore see that Thai social conditions in the present rates of mental illness has increased nearly every year a large number. However, Thai society is still under the influence of stigma theory. Therefore, people with mental illness in these It is not popular to accept their condition and not be admitted because the state will share the values in

Thai society does not accept In yet another angle. Persons with disabilities in mind, these are likely to Criminal more guests because they can not control themselves (Self Control), so in reality it is often found statistics or trends in a case where the criminal proceedings. With a lot of insanity in Thai society today.

However, when considering guidelines for the criminal proceedings about the insanity that was practiced in the past would not be sufficient for the administration of justice. Crime and insanity is a matter of fact that require people with specialized expertise in both law and fact, especially in the medical and public health. So, to make the decision of the court case the speed Of course, a fair and consistent with constitutional theories. Protect rights. Freedom to the offender with clinical immunity, which was insane because of mistakes like or do not know can not control themselves under the Penal Code section 65, so the researcher has agreed to the establishment of the Litigation Department of Mental Health in the District Court. Because Thai society is still under the influence of the theory of stigma that have not accepted by state mental illnesses viewed as a fringe party with no way to heal or even to maintain symptom disorders. Mental health is still hidden. Becoming a danger to society. Therefore the rate of treatment admissions were not very In conjunction with law enforcement is not opening up to the person of unsound mind, whether the exercise of a right to prosecute and the right to receive the medical treatment of fully completed. In addition, the administration of justice, especially the lack of budget. Inadequate personnel. And lack of modern equipment. Is therefore considered appropriate to establish a department hearing related to the insanity.

The department established a trial related to the insanity in the first instance be made through decrees issued by defined in the Act. When it is published in the Government to enforce the law. The department established a trial related to the insanity of this decree has an advantage based on making it easier to remove the provisions. Can be amended without the complexity makes it suitable period following and agreed to the establishment of departments for trial in the middle of the Criminal Court and the department of judicial Authority in Court as a civil court under the Constitution Court. By international law, set up in central Bangkok Have

jurisdiction throughout Bangkok Regional Court in the Litigation Department. Court, set up in each of People have access to justice and appropriately enough.

Department of Court relating to the insanity in the District Court has the power to adjudicate cases of mental health. This means that the criminal charges that may be committed by the insane offender places Light. (Very high rate of imprisonment for a term not exceeding three years or a fine not exceeding sixty thousand baht, or both) committed intermediate. (Very high rate of imprisonment for a term exceeding three years but less than the minimum rate of imprisonment of five years), and the offense critically (Rate of imprisonment of at least five years or a penalty place heavier than that) by the insanity that offenders place light or the wrong intermediate shall be entitled to receive rehabilitation by classifying the case of the Court of mental health Broward County. , King County (Seattle) as non-violent offenders. Bringing such criminals to justice would stigmatize the offender. Cause negative effects than benefits. Should lead to the rehabilitation treatment process according to the theory of magic would break it even more appropriate. The insanity of the offense critically Even if it means access to justice, but justice in the case of mental health has an effect different from the common criminal. The rabid right will be protected from hearing how the process of constitutional theory. And in the end. Of insanity, it must be through the process of treatment in the form of coercion to treatment.

In addition to the special court system is different from criminal cases generally. Also agreed to assign a judge who has knowledge and understanding of mental health specifically. This knowledge, in terms of facts, especially in social psychiatry and the law according to neo-classical theory recommended bringing the circumstances of the case whether it is psychological and sociological. Used to operate the trial. Judicial procedure, which will focus on the situation with respect to the natural environment and social offenders are experiencing for the purpose of diagnosis based on case facts to the law has adjusted fairly And the tribunal should have given the courts of at least two of the charter of Justice according to law and

consistent with the theory, process control, monitoring, rule of law to use the power of the state.

It also agreed to have someone who is not a judge but as people who have knowledge and understanding of mental health, such as psychiatrists, psychologists, social workers. Contributions to the mental health court judge called. "Associate Judge" of the associate judge to participate in the adjudication of cases are due to the third party, not lawyers have the opportunity to view problems with the offender, which has symptoms of unsound mind, such as problems with vision of determine their causes and solutions as is, and conscious guests. To help the judge has discretion to order or sentence Find Solutions correctly true. Accordance with the laws of Thailand, with no jury, only the judges who have knowledge and understanding of the legal terms. Assigned to associate judges joined the courts; it makes the trial be fair. Should be determined by the tribunal to adjudicate the case of at least two people according to the Constitution Court to control and monitor the use of state power under the rule of law theories.

Promotion and public relations the knowledge of psychiatry.

Because of illness, mental health is not able to cure 100%, but can be healing treatment to improve symptoms similar to normal subjects was 80% after the development of these patients are very satisfied with the official. However, the doctors and the treatment or healing for patients with psychotic symptoms that Family have been the most important conditions that will allow the patient to induce better or worse than before. Therefore, the acceptance of a kind, caring people in the family to provide care. Patient care is essential to maintain the level of primary.

Also nearby is the neighboring community that is supporting the success of rehabilitation patients as well. Because when people close to the primary have the same understanding. Do not set an undesirable e Commons stanza Kindness, love mercy, warm heart is indeed the key to force patients with heart failure. A trust to cooperate in restoring themselves to work extremely well. In view of the social sciences should be integrated forward in restoring or healing problems. Social

pathology. Because mental illness is. Researchers saw that the role in terms of secondary, it might bring to fulfillment of the circuit problem, in fact, by requiring the role of psychiatric institutions in both public and private sectors.

Institute of Psychiatry for the government or a sense of people in Thai society is. "Psychiatric hospital", a hospital, technical specialists in the psychiatry regularly under the Mental Health Department of institutes such as Galya Princess, Institute of Psychiatry Somdet, Institute of Mental Health, Child and Adolescent Princess, Institute for Child Princess, an institution. Rachanukul, hospital Suanprung, Srithanya Hospital, Hospital Synsrnyrnarnit, Prasrimahabhodi Hospital, Hospital Young exaggerated reflex safe yo year Teampt, Psychiatric Hospital, Nakhon Phanom Royal Prince, psychiatric hospitals all Princess, Psychiatric Hospital Sa Kaeo Princess, Princess, Khon Kaen Psychiatric Hospital, Psychiatric Hospital, Royal Prince Nakorn Sawan, Songkla Princess psychiatric hospital. There are also private hospitals and clinics.

The author is of the opinion that the psychiatric patients and relatives decided to dare to receive treatment in specialized hospitals such as this. Constant due to confidence in the expertise of the specialist in psychiatry. C, which may expect success in the treatment, has a satisfactory. May even feel that it has received a social stigma in the same time. Which would weigh with an alternative approach in accordance with reason (Rational Choice) the conditions that induce symptoms similar to people better properly with the stigma that is as marginalized people of society. However, in some groups of people. Might be perceived under the influence of the values of the brand But I still want to be treated. Treatment and cure of the symptoms of their condition or relative to induce better Could go for treatment in psychiatric departments in general hospitals have also This is the hospital's public and private sector or the private clinics are many.

Therefore, it should be analyzed that the current attitudes and values in Thai society began to open. Allow for information or promote health, medical, especially psychiatrists, more than ever. In addition, people in different social

awareness and acceptance of mental illness, which can be seen from the number of people admitted to psychiatric hospitals or departments increase every year. Both in the form of inpatient and outpatient. Implies that it should be. Thai people begin to realize and open to information about psychiatry. Researchers saw that the government should focus on preparation for or in the role of social institutions that act in the healing effects of social development is not balanced. And serves to promote and publicize the introduction of medical and public health in psychiatric illness. To people in Thai society, knowledge and attitude that is required is mental illness. Everyone has the opportunity to be more or less. And people with mental illness in their inability to control it should be willing to attend a rehabilitation center for mental health to complete the social values; the attitudes of Thai people should accept the reality. To enhance the quality of life in this group of people.

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APPENDIX

แบบสอบถาม
งานวิจัยเรื่อง
“มาตรการทางกฎหมายวิธีพิจารณาคดีอาญาเกี่ยวกับผู้วิกลจริต
ที่เหมาะสมสำหรับประเทศไทย”

กลุ่มประชากรที่.....

กรุณาตอบคำถามในช่องว่างและทำเครื่องหมาย (✓) หน้าข้อหรือในช่องที่ตรงกับความเป็นจริงมากที่สุด

ส่วนที่ 1: ข้อมูลส่วนบุคคล

1. ข้อมูลทั่วไป

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| เพศ | <input type="checkbox"/> ชาย | <input type="checkbox"/> หญิง | |
| อายุ | <input type="checkbox"/> 25-30 ปี | <input type="checkbox"/> 31-35 ปี | <input type="checkbox"/> 36-40 ปี |
| | <input type="checkbox"/> 41-45 ปี | <input type="checkbox"/> 46 ปีขึ้นไป | |
| การศึกษาในระดับสูงสุด | <input type="checkbox"/> ปริญญาตรี | <input type="checkbox"/> ปริญญาโท | |
| | <input type="checkbox"/> ปริญญาเอก | <input type="checkbox"/> ประกาศนียบัตรเนติบัณฑิตไทย | |

2. ข้อมูลเกี่ยวกับประสบการณ์ทำงาน

- 1) อาชีพ
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| <input type="checkbox"/> พนักงานสอบสวน | <input type="checkbox"/> พนักงานอัยการ |
| <input type="checkbox"/> ผู้พิพากษา | <input type="checkbox"/> เจ้าหน้าที่ราชทัณฑ์ |
| <input type="checkbox"/> เจ้าหน้าที่คุมประพฤติ | <input type="checkbox"/> จิตแพทย์หรือนักจิตวิทยา |
| <input type="checkbox"/> นักสังคมสงเคราะห์ | <input type="checkbox"/> ทนายความ |
| <input type="checkbox"/> นักวิชาการ | |

- 2) ประสบการณ์การทำงาน น้อยกว่า 5 ปี 5-10 ปี
 10-15 ปี 15 ปีขึ้นไป

3) ท่านทราบหรือไม่ว่าการดำเนินคดีอาญาสำหรับผู้วิกลจริตตามกฎหมายวิธีพิจารณา
คดีอาญาในปัจจุบันมีปัญหาและอุปสรรค

- ทราบ ไม่ทราบ

3. ข้อมูลพื้นฐานเกี่ยวกับมาตรการทางกฎหมายวิธีพิจารณาคดีอาญาเกี่ยวกับผู้วิกลจริต

1) ท่านรับทราบข้อมูลเกี่ยวกับมาตรการทางกฎหมายวิธีพิจารณาคดีอาญาเกี่ยวกับผู้วิกลจริต
มาก่อนหรือไม่

- ทราบ ไม่ทราบ

2) ท่านทราบสภาพปัญหาเกี่ยวกับการดำเนินคดีอาญาสำหรับผู้วิกลจริตตามกฎหมายวิธี
พิจารณาคดีอาญาในปัจจุบัน หรือไม่

- ทราบ ไม่ทราบ

3) ท่านทราบแนวคิดเกี่ยวกับการนำผู้กระทำความผิดที่มีอาการวิกลจริตออกจาก
กระบวนการยุติธรรมตามปกติเพื่อให้ได้รับการบำบัดและฟื้นฟูทางจิตยิ่งไปกว่ามุ่งเน้นการลงโทษ
หรือไม่

- ทราบ ไม่ทราบ

ส่วนที่ 2 : ข้อมูลความเห็นเกี่ยวกับมาตรการทางกฎหมายวิธีพิจารณาคดีอาญาเกี่ยวกับผู้วิกลจริต

คำชี้แจง รูปแบบและแนวทางในการปรับปรุงและพัฒนามาตรการทางกฎหมายวิธีพิจารณาคดีอาญาเกี่ยวกับผู้วิกลจริตที่เหมาะสมสำหรับประเทศไทยต่อไปนี้นำไปพิจารณาและประเมินตามความคิดเห็นของท่านและให้คะแนนดังนี้

- | | | |
|---|---------------|---|
| 5 | ถ้าท่านคิดว่า | มีความเหมาะสมที่จะใช้เป็นรูปแบบและแนวทางในการปรับปรุงและพัฒนา มาตรการทางกฎหมายวิธีพิจารณาคดีอาญาเกี่ยวกับผู้วิกลจริตที่เหมาะสมสำหรับประเทศไทยในระดับมากที่สุด |
| 4 | ถ้าท่านคิดว่า | มีความเหมาะสมที่จะใช้เป็นรูปแบบและแนวทางในการปรับปรุงและพัฒนา มาตรการทางกฎหมายวิธีพิจารณาคดีอาญาเกี่ยวกับผู้วิกลจริตที่เหมาะสมสำหรับประเทศไทยในระดับมาก |
| 3 | ถ้าท่านคิดว่า | มีความเหมาะสมที่จะใช้เป็นรูปแบบและแนวทางในการปรับปรุงและพัฒนา มาตรการทางกฎหมายวิธีพิจารณาคดีอาญาเกี่ยวกับผู้วิกลจริตที่เหมาะสมสำหรับประเทศไทยในระดับปานกลาง |
| 2 | ถ้าท่านคิดว่า | ไม่เห็นด้วยที่จะใช้เป็นรูปแบบและแนวทางในการปรับปรุงและพัฒนา มาตรการทางกฎหมายวิธีพิจารณาคดีอาญาเกี่ยวกับผู้วิกลจริตที่เหมาะสมสำหรับประเทศไทย |
| 1 | ถ้าท่านคิดว่า | ไม่เห็นด้วยอย่างมากที่จะใช้เป็นรูปแบบและแนวทางในการปรับปรุงและพัฒนา มาตรการทางกฎหมายวิธีพิจารณาคดีอาญาเกี่ยวกับผู้วิกลจริตที่เหมาะสมสำหรับประเทศไทย |

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาคดีอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>ก. มาตรการการจับกุมและการควบคุม</p> <p>1. ในระหว่างการจับกุม ถ้ามีเหตุเชื่อว่า ผู้ที่จะถูกจับเป็นผู้วิกลจริต ให้เจ้าพนักงาน หรือราษฎรผู้จับกุมแจ้งแก่ผู้ที่จะถูกจับว่า เขาต้องถูกจับและใช้วิธีการจับกุมโดย คำนึงถึงประโยชน์สูงสุดของผู้ถูกจับเป็น สำคัญและไม่ทำให้กระทบกระเทือน ต่อสภาพร่างกายและจิตใจของผู้ถูกจับ</p>					
<p>2. ให้เจ้าพนักงานหรือราษฎรผู้จับกุมเข้า ช่วยเหลือเบื้องต้นเท่าที่จำเป็นต่อผู้จะถูก จับกุม เว้นแต่ถ้าบุคคลซึ่งจะถูกจับขัดขวาง หรือจะขัดขวางการจับ หรือหลบหนีหรือ พยายามจะหลบหนี ผู้ทำการจับมีอำนาจ ใช้วิธีการหรือการป้องกันทั้งหลายเท่าที่ เหมาะสมแก่พฤติการณ์แห่งเรื่องในการ จับนั้น</p>					
<p>3. ให้ความรู้ความเข้าใจแก่เจ้าพนักงาน ผู้จับกุมเกี่ยวกับมาตรการการให้ความ ช่วยเหลือเบื้องต้นต่อผู้ถูกจับที่มีอาการ วิกลจริต และการจับกุมผู้ถูกจับที่มีอาการ วิกลจริตไม่ว่ากรณีใดโดยให้คำนึงถึง ประโยชน์สูงสุดของผู้ถูกจับเป็นสำคัญ และโดยไม่ทำให้กระทบกระเทือนต่อ สภาพร่างกายและจิตใจของผู้ถูกจับ</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาคดีอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>4. ให้เจ้าพนักงานผู้จับกุมหรือควบคุม ผู้วิกลจริตแจ้งการจับกุมหรือควบคุม ไปยังคณะกรรมการสถานบำบัดที่ ใกล้เคียง ตลอดจนผู้ปกครองหรือผู้ดูแล ผู้วิกลจริตโดยไม่ชักช้า</p>					
<p>5. ให้ควบคุมผู้ถูกจับไว้ภายในความจำเป็น ตามพฤติการณ์แห่งคดีและใช้วิธีการ ควบคุมโดยคำนึงประโยชน์สูงสุดของ ผู้ถูกควบคุมเป็นสำคัญและไม่ทำให้ กระทบกระเทือนต่อสภาพร่างกายและ จิตใจของผู้ถูกควบคุม</p>					
<p>6. ในกรณีที่มีเหตุเชื่อว่าผู้ถูกควบคุมเป็น ผู้วิกลจริต ให้นำตัวผู้ถูกจับไปศาลภายใน สี่สิบแปดชั่วโมงนับแต่เวลาที่ผู้ถูกจับถูก นำตัวไปถึงที่ทำการของพนักงาน สอบสวนแต่หากเกินกำหนดระยะเวลา ภายในสี่สิบแปดชั่วโมงดังกล่าวพนักงาน สอบสวนหรือพนักงานอัยการไม่จำเป็นต้อง ยื่นคำร้องต่อศาลเพื่อขอหมายจับผู้ต้องหา</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาคดีอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>ข. มาตรการการสอบสวน</p> <p>7. ในระหว่างการสอบสวน ถ้ามีเหตุเชื่อว่าผู้ต้องหาเป็นผู้วิกลจริตและไม่สามารถต่อสู้อคดีได้ ให้พนักงานสอบสวนนำมาตรการการคัดกรองและแยกแยะจำเลยที่มีอาการวิกลจริตโดยพิจารณา</p> <p>7.1 มีเหตุควรเชื่อว่าผู้ต้องหาเป็นผู้วิกลจริต เนื่องจากผู้ต้องหาประพฤติกรรมและอาการวิกลจริตปรากฏให้เห็นอย่างมาก.....</p> <p>..... 7.2 ผู้ต้องหาที่มีอาการวิกลจริตไม่สามารถต่อสู้อคดีได้.....</p> <p>..... 7.3 ข้อเท็จจริงและพฤติการณ์แห่งคดี.....</p> <p>7.4 ประวัติความเจ็บป่วยทางจิตและโรคทางกายที่เกี่ยวข้อง ประวัติพัฒนาการ ประวัติส่วนตัว ประวัติครอบครัว ประวัติการรักษา</p>					

ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความอาญา เกี่ยวกับผู้วิกลจริต	เห็นด้วยมากที่สุด	เห็นด้วยอย่างมาก	เห็นด้วยปานกลาง	ไม่เห็นด้วย	ไม่เห็นด้วยอย่างมาก
<p>8. เมื่อพนักงานสอบสวนดำเนินการคัดกรองและแยกแยะผู้ต้องหาที่มีอาการป่วยทางจิตออกจากผู้ต้องหาทั่วไปแล้ว ให้ส่งตัวผู้ต้องหาดังกล่าวไปยังสถานบำบัดรักษา โดยก่อนส่งตัวให้แจ้งล่วงหน้าโดยทางโทรศัพท์หรือวิธีการอื่นใดไปยังสถานบำบัดรักษาซึ่งอยู่ใกล้โดยไม่ชักช้าเพื่อประสานงานในการส่งตัวบุคคลนั้นไปรับการตรวจวินิจฉัยและประเมินอาการเบื้องต้น</p>					
<p>9. การส่งตัวบุคคลไปยังสถานบำบัดรักษาต้องทำเป็นหนังสือนำส่งและสำเนาโดยมีรายละเอียดดังต่อไปนี้</p> <p>9.1 ชื่อ นามสกุลและรายละเอียดเกี่ยวกับผู้กระทำผิดที่มีอาการวิกลจริตและสาเหตุการนำส่ง</p> <p>..... 9.2 หน่วยงานนำส่งและวัน เวลาที่นำส่ง</p> <p>..... 9.3 พฤติกรรมและอาการของผู้กระทำผิดที่มีอาการวิกลจริต</p> <p>9.4 การช่วยเหลือเบื้องต้น</p> <p>9.5 ที่อยู่และหมายเลขโทรศัพท์ของผู้ปกครองหรือผู้ดูแลผู้กระทำผิดที่มีอาการวิกลจริตที่สามารถติดต่อได้</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>10. เมื่อสถานบำบัดรับผู้ต้องหาไว้แล้ว ให้จิตแพทย์ตรวจวินิจฉัยความผิดปกติทางจิต และทำความเข้าใจเพื่อประกอบการพิจารณาของพนักงานสอบสวนว่าผู้ต้องหาสามารถต่อสู้คดีได้หรือไม่ โดยการพิจารณาให้จิตแพทย์ดำเนินการรวบรวมข้อมูลเกี่ยวกับความเจ็บป่วย ซึ่งได้แก่</p> <p>10.1 ประวัติความเจ็บป่วยทางจิต และโรคทางกายที่เกี่ยวข้อง ประวัติพัฒนาการ ประวัติส่วนตัว ประวัติครอบครัว ประวัติการรักษา.....</p> <p>10.2 ตรวจสภาพจิต ตรวจร่างกายและตรวจทางห้องปฏิบัติการเท่าที่จำเป็น</p> <p>10.3 ทำการทดสอบด้วยเครื่องมือจิตวิทยาคลินิกเท่าที่จำเป็นและเห็นสมควร</p> <p>.....10.4 สังเกตและประเมินอาการเปลี่ยนแปลงของผู้ป่วย.....</p> <p>10.5 .ให้การวินิจฉัยโรคตามมาตรฐานของวิชาชีพ</p>					
<p>11. เมื่อจิตแพทย์ดำเนินการตรวจวินิจฉัยประเมินอาการเบื้องต้นแล้ว ให้จัดทำรายงานโดยไม่ชักช้าและจัดเก็บสำเนาอุ้งฉบับไว้เป็นหลักฐาน</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาคดีอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>12. เมื่อพนักงานสอบสวนได้รับรายงานการตรวจวินิจฉัยประเมินอาการเบื้องต้นแล้วให้เรียกจิตแพทย์มาให้ถ้อยคำหรือให้การตามประเด็นที่ปรากฏในรายงานการตรวจวินิจฉัยประเมินอาการเบื้องต้นพร้อมทั้งให้แนบเอกสารหลักฐานที่เกี่ยวข้องกับการตรวจวินิจฉัยเข้าร่วมในสำนวนการสอบสวนประกอบด้วย</p>					
<p>13. การพิจารณาของพนักงานสอบสวนว่าผู้ต้องหาเป็นผู้วิกลจริตและสามารถต่อสู้คดีได้หรือไม่นั้น ควรกำหนดให้มีหลักเกณฑ์การพิจารณาดังต่อไปนี้</p> <p>..... 13.1 ถ้ามอบไม่รู้เรื่องหรือมีลักษณะคล้ายคนวิกลจริต.....</p> <p>..... 13.2 พบว่าเคยมีประวัติการเจ็บป่วยทางจิตมาก่อน.....</p> <p>..... 13.3 พิจารณาจากพฤติกรรมของการกระทำความคิด.....</p> <p>..... 13.4 ญาติหรือทนายความจำเลยร้องขอ.....</p> <p>..... 13.5 ความเห็นของจิตแพทย์ตามรายงาน</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาคดีอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>14. ในกรณีที่พนักงานสอบสวนเห็นว่าผู้ต้องหาเป็นผู้วิกลจริตและไม่สามารถต่อสู้คดีได้ ให้มีความเห็นในเชิงการสอบสวนไว้จนกว่าผู้นั้นหายวิกลจริตหรือสามารถต่อสู้คดีได้และส่งสำนวนพร้อมความเห็นให้พนักงานอัยการ</p>					
<p>15. ในกรณีที่พนักงานสอบสวนเห็นว่าผู้ต้องหาไม่เป็นผู้วิกลจริตและสามารถต่อสู้คดีได้ ให้ดำเนินการสอบสวนต่อไปเป็นคดีอาญาทั่วไป</p>					
<p>16. ในกรณีที่พนักงานสอบสวนเห็นว่าผู้ต้องหาเป็นผู้วิกลจริตแต่สามารถต่อสู้คดีได้ ให้ดำเนินการสอบสวนต่อไปโดยใช้วิธีการสอบสวนคดีอาญาสำหรับผู้วิกลจริตเป็นการเฉพาะ โดยในการสอบสวนจะต้องมีบุคคลที่สามเข้าร่วมการสอบสวนอาจเป็นญาติหรือผู้พิทักษ์หรือบุคคลใดๆที่รับผิดชอบควบคุมดูแลผู้ต้องหาและทนายความและนักสังคมสงเคราะห์หรือนักจิตวิทยา</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาคดีอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>17. ในกรณีการสอบสวนคดีอาญาสำหรับผู้วิกลจริตเป็นการเฉพาะในข้อ 16. ให้พนักงานสอบสวนแจ้งแก่บุคคลที่เข้าร่วมการสอบสวนทราบทันทีเท่าที่เป็นไปได้ โดยให้อธิบายถึงสาเหตุของการควบคุมตัวสถานที่ควบคุมตัว และเมื่อการสอบสวนเสร็จสิ้นให้ส่งสำนวนพร้อมความเห็นและผู้ต้องหาไปยังพนักงานอัยการ</p>					
<p>18. เมื่อพนักงานอัยการได้รับสำนวนการสอบสวนพร้อมทั้งความเห็นของพนักงานสอบสวนในกรณีผู้ต้องหาเป็นผู้วิกลจริต และไม่สามารถต่อสู้คดีได้ ให้พนักงานอัยการพิจารณาสำนวนพร้อมทั้งมีคำสั่งให้งดการสอบสวนแล้วส่งตัวผู้ต้องหาไปยังสถานบำบัดรักษา</p>					
<p>19. เมื่อพนักงานอัยการได้รับสำนวนการสอบสวนพร้อมทั้งความเห็นของพนักงานสอบสวนและส่งตัวผู้ต้องหา ในกรณีผู้ต้องหาไม่เป็นผู้วิกลจริตและสามารถต่อสู้คดีได้ หากพนักงานอัยการเห็นด้วยกับความเห็นของพนักงานสอบสวนก็ให้ดำเนินการเป็นคดีอาญาทั่วไป</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาคดีอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>20. จากข้อ 19. หากพนักงานอัยการไม่เห็นด้วยกับความเห็นของพนักงานสอบสวน โดยเห็นว่าผู้ต้องหาเป็นผู้วิกลจริตและไม่สามารถต่อสู้คดีได้ก็ให้มีคำสั่งให้งดการสอบสวนแล้วส่งตัวผู้ต้องหาไปยังสถานบำบัดรักษา</p>					
<p>21. เมื่อพนักงานอัยการได้รับสำนวนการสอบสวนพร้อมทั้งความเห็นของพนักงานสอบสวนและส่งตัวผู้ต้องหา ในกรณีผู้ต้องหาเป็นผู้วิกลจริตแต่สามารถต่อสู้คดีได้ ให้ดำเนินการสอบสวนต่อไปโดยใช้วิธีการสอบสวนคดีอาญาสำหรับผู้วิกลจริตเป็นการเฉพาะ โดยในการใช้ดุลยพินิจสั่งคดีของพนักงานอัยการจะต้องพิจารณาซึ่งน้ำหนักระหว่างผลที่เกิดจากอาการป่วยของผู้ต้องหาและประโยชน์สาธารณะ</p>					
<p>22. ตามข้อ 21. หากพนักงานอัยการพิจารณาแล้วเห็นว่ากรกระทำความผิดของผู้ต้องหาไม่ร้ายแรงและผู้ต้องหากระทำเพราะความวิกลจริตก็ให้พนักงานอัยการพิจารณาสำนวนพร้อมทั้งมีคำสั่งให้งดการสอบสวนแล้วส่งตัวผู้ต้องหาไปยังสถานบำบัด</p>					

ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาคดีอาญา เกี่ยวกับผู้วิกลจริต	เห็นด้วยมากที่สุด	เห็นด้วยอย่างมาก	เห็นด้วยปานกลาง	ไม่เห็นด้วย	ไม่เห็นด้วยอย่างมาก
23. ตามข้อ 21. หากพนักงานอัยการ พิจารณาแล้วเห็นว่าการกระทำผิด ของผู้ต้องหาร้ายแรง และการดำเนินคดีกับ ผู้ต้องหาดังกล่าวจะทำให้เป็นประโยชน์ ต่อสาธารณะยิ่งกว่าก็ให้พนักงานอัยการ พิจารณาสำนวนพร้อมทั้งมีคำสั่งฟ้อง หรือไม่ฟ้องผู้ต้องหา					
24. เมื่อสถานบำบัดรักษารับตัวผู้ต้องหาไว้ บำบัดรักษาตามข้อ 17. ให้สถานบำบัด ดำเนินการรักษาจนกว่าผู้ต้องหาจะหาย หรือทุเลาและสามารถต่อสู้คดีได้ โดยไม่ จำต้องได้รับคำยินยอมจากผู้ต้องหาแต่ จะต้องมีหลักฐานเป็นหนังสือหรือวาจา จากแพทย์ที่เคยให้การรักษารักษาจำนวน 1 คน พยาบาลจำนวน 1 คน และผู้ที่ไม่ใช่แพทย์ และพยาบาลอีกจำนวน 1 คนว่าสมควร ให้การรักษาแก่ผู้ต้องหาเนื่องจากจะทำให้ อาการป่วยดีขึ้น					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาคดีอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>25. ให้จิตแพทย์ผู้บำบัดรักษาทำรายงานผลการตรวจวินิจฉัยและประเมินความสามารถในการต่อสู้คดีส่งให้พนักงานสอบสวน โดยในการรายงานผลดังกล่าวให้พิจารณาข้อมูลดังต่อไปนี้</p> <p>.....25.1 แหล่งที่มาของข้อมูล</p> <p>.....25.2 ประวัติความเจ็บป่วย</p> <p>.....25.3 การตรวจสภาพจิตและการดำเนินโรค</p> <p>.....25.4 ผลการทดสอบทางจิตวิทยาเท่าที่จำเป็นและเห็นสมควร</p> <p>.....25.5 การวินิจฉัยความผิดปกติทางจิต</p>					
<p>26. ในกรณีที่จิตแพทย์ผู้บำบัดรักษาเห็นว่าผู้ต้องหาได้รับการบำบัดรักษาจนความผิดปกติทางจิตหายและสามารถต่อสู้คดีได้ให้รายงานผลการบำบัดรักษาต่อพนักงานสอบสวน และหากพนักงานสอบสวนเห็นด้วยก็ให้พนักงานสอบสวนยกคดีขึ้นมาดำเนินการสอบสวนและมีความเห็นสังคดีให้พนักงานอัยการต่อไป</p>					
<p>27. ในข้อ 26. หากพนักงานสอบสวนไม่เห็นด้วยก็ให้ส่งสำนวนการสอบสวนพร้อมส่งตัวผู้ต้องหาแก่พนักงานอัยการเพื่อให้เป็นผู้มีคำสั่ง</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาคดีอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>28. หากพนักงานอัยการเห็นว่าผู้ต้องหายังมีอาการผิดปกติทางจิตและยังไม่สามารถต่อสู้คดีได้ก็ให้มีคำสั่งให้ส่งตัวผู้ต้องหาเข้ารับการรักษาต่อไปแต่หากเห็นว่าอาการผิดปกติทางจิตหายและสามารถต่อสู้คดีได้ก็ให้มีคำสั่งให้พนักงานสอบสวนยกคดีขึ้นมาดำเนินการสอบสวนและมีความเห็นสั่งคดีให้พนักงานอัยการต่อไป</p>					
<p>29. ในข้อ 28 หากพนักงานอัยการเห็นว่าผู้ต้องหายังมีอาการผิดปกติทางจิตทุเลาและสามารถต่อสู้คดีได้ก็ให้มีคำสั่งให้พนักงานสอบสวนยกคดีขึ้นมาดำเนินการสอบสวนโดยใช้วิธีการสอบสวนคดีอาญาสำหรับกรณีผู้กระทำผิดวิกลจริตตามข้อ 21. เป็นการเฉพาะ</p>					
<p>30. ในกรณีที่ผู้ต้องหาไม่สามารถต่อสู้คดีได้เพราะวิกลจริต หากพนักงานอัยการมีคำสั่งฟ้องผู้ต้องหานั้นแล้ว ก็ให้พนักงานอัยการรอกการยื่นฟ้องผู้ต้องหานั้นต่อศาลไว้ก่อนจนกว่าเหตุใดๆจะได้หมดไปแล้วจึงให้ยื่นฟ้องผู้ต้องหานั้นต่อศาล</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>ค. มาตรการการป้องกันและไต่สวนมูลฟ้อง</p> <p>31. การป้องกันอาญาเกี่ยวกับผู้วิกลจริตให้ยื่นฟ้องต่อศาลอาญาตามประมวลกฎหมายวิธีพิจารณาความอาญาหรือศาลตามกฎหมายอื่น หากยื่นฟ้องต่อศาลอื่นเช่นศาลคดีเด็กและเยาวชนก็ให้นำวิธีการไต่สวนและพิจารณาพิพากษาคดีไปใช้โดยอนุโลม</p>					
<p>32. ในการบรรยายฟ้อง ให้พนักงานอัยการบรรยายข้อเท็จจริงในสำนวนการสอบสวนที่เป็นคุณและเป็นเหตุบรรเทาโทษกรณีผู้กระทำความผิดที่มีอาการวิกลจริตในขณะที่ยังสามารถรู้ผิดชอบอยู่บ้างหรือยังสามารถบังคับตนเองได้บ้างตามประมวลกฎหมายอาญา มาตรา 65 วรรคสอง โดยให้บรรยายฟ้องให้ตรงกับข้อเท็จจริงนั้นๆ และต้องระบุมาตราดังกล่าวในคำขอท้ายฟ้องด้วย</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาคดีอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>33. ในระหว่างไต่สวนมูลฟ้อง ถ้ามีเหตุเชื่อว่าจำเลยเป็นผู้วิกลจริตและไม่สามารถต่อสู้คดีได้ ให้ศาลนำมาตรการการคัดกรองและแยกแยะจำเลยที่มีอาการวิกลจริตโดยพิจารณา</p> <p>33.1 มีเหตุควรเชื่อว่าจำเลยเป็นผู้วิกลจริต เนื่องจากจำเลยมีพฤติกรรมและอาการวิกลจริตปรากฏให้เห็นอย่างมาก</p> <p>33.2 จำเลยที่มีอาการวิกลจริตไม่สามารถต่อสู้คดีได้</p> <p>33.3 ข้อเท็จจริงและพฤติการณ์แห่งคดี</p> <p>33.4 ประวัติความเจ็บป่วยทางจิตและโรคทางกายที่เกี่ยวข้อง ประวัติพัฒนาการ ประวัติส่วนตัว ประวัติครอบครัว ประวัติการรักษา</p>					
<p>34. เมื่อศาลดำเนินการคัดกรองและแยกแยะจำเลยที่มีอาการป่วยทางจิตออกจากจำเลยทั่วไปแล้ว ให้ส่งตัวจำเลยดังกล่าวไปยังสถานบำบัดรักษา โดยก่อนส่งตัวให้แจ้งล่วงหน้าโดยทางโทรศัพท์หรือวิธีการอื่นใดไปยังสถานบำบัดรักษา ซึ่งอยู่ใกล้โดยไม่ชักช้าเพื่อประสานงานในการส่งตัวบุคคลนั้นไปรับการตรวจวินิจฉัยและประเมินอาการเบื้องต้น</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>35. การส่งตัวบุคคลไปยังสถาน บำบัดรักษาต้องทำเป็นหนังสือและส่งและ สำเนาโดยมีรายละเอียดดังต่อไปนี้</p> <p>35.1 ชื่อ นามสกุลและ รายละเอียดเกี่ยวกับผู้กระทำผิดที่มีอาการ วิกลจริตและสาเหตุการนำส่ง</p> <p>.....35.2 หน่วยงานนำส่งและวัน เวลาที่นำส่ง.....</p> <p>.....35.3 พฤติกรรมและอาการของ ผู้กระทำผิดที่มีอาการวิกลจริต.....</p> <p>.....35.4 การช่วยเหลือเบื้องต้น</p> <p>35.5 ที่อยู่และหมายเลขโทรศัพท์ของ ผู้ปกครองหรือผู้ดูแลผู้กระทำผิดที่มีอาการ วิกลจริตที่สามารถติดต่อได้</p>					
<p>36. เมื่อจิตแพทย์ดำเนินการตรวจวินิจฉัย ประเมินอาการเบื้องต้นแล้ว ให้จัดทำ รายงานโดยไม่ชักช้าและจัดเก็บสำเนา คู่ฉบับไว้เป็นหลักฐาน</p>					
<p>37. เมื่อศาลได้รับรายงานการตรวจวินิจฉัย ประเมินอาการเบื้องต้นแล้วให้เรียก จิตแพทย์มาเบิกความตามประเด็นที่ ปรากฏในรายงานการตรวจวินิจฉัย ประเมินอาการเบื้องต้น พร้อมทั้งให้แนบ เอกสารหลักฐานที่เกี่ยวข้องกับการตรวจ วินิจฉัยเข้าร่วมในสำนวนของศาล ประกอบด้วย</p>					

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<p>38. การไต่สวนของศาลว่าจำเลยเป็นผู้วิกลจริตและสามารถต่อสู้คดีได้หรือไม่ นั้น ควรกำหนดให้มีหลักเกณฑ์การพิจารณาดังต่อไปนี้</p> <p>..... 38.1 ถามตอบไม่รู้เรื่องหรือมีลักษณะคล้ายคนวิกลจริต.....</p> <p>..... 38.2 พบว่าเคยมีประวัติการเจ็บป่วยทางจิตมาก่อน.....</p> <p>..... 38.3 พิจารณาจากพฤติกรรมของการกระทำความผิด.....</p> <p>..... 38.4 ญาติหรือทนายความจำเลยร้องขอ.....</p> <p>..... 38.5 ความเห็นของจิตแพทย์ตามรายงาน</p>					
<p>39. ในกรณีที่ศาลเห็นว่าจำเลยเป็นผู้วิกลจริตและไม่สามารถต่อสู้คดีได้ ให้ศาลมีคำสั่งให้งดการไต่สวนมูลฟ้องไว้จนกว่าผู้นั้นหายวิกลจริตหรือสามารถต่อสู้คดีแล้วส่งตัวจำเลยไปยังสถานบำบัดรักษาได้แต่ไม่ตัดสิทธิโจทก์ที่จะอุทธรณ์คำสั่งต่อศาลอุทธรณ์ได้ และหากโจทก์อุทธรณ์ให้ส่งสำนวนพร้อมความเห็นไปยังศาลอุทธรณ์เพื่อวินิจฉัย คำวินิจฉัยของศาลอุทธรณ์เป็นที่สุด</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>40. ในกรณีศาลเห็นว่าจำเลยไม่เป็น ผู้วิกลจริตและสามารถต่อสู้คดีได้ ให้ ดำเนินการไต่สวนมูลฟ้องต่อไปเป็น คดีอาญาทั่วไป</p>					
<p>41. ในกรณีศาลเห็นว่าจำเลยเป็น ผู้วิกลจริตแต่สามารถต่อสู้คดีได้ ให้ ดำเนินการไต่สวนมูลฟ้องต่อไปโดยใช้ วิธีการไต่สวนคดีอาญาสำหรับผู้วิกลจริต เป็นการเฉพาะ โดยในการพิจารณาคดี จะต้องวินิจฉัยในประเด็นว่าจำเลยเป็น ผู้กระทำความผิดหรือไม่เสียก่อน หากคดี ไม่มีมูลรับฟังได้ก็ให้มีคำสั่งไม่ประทับรับ ฟ้องและส่งตัวจำเลยเข้ารับการบำบัดรักษา ยังสถานบำบัดรักษา แต่หากคดีมีมูล เพียงพอรับฟังได้ก็ให้วินิจฉัยในประเด็น ต่อมาว่าจำเลยกระทำในขณะที่ไม่สามารถรู้ ผิดชอบหรือไม่สามารถบังคับตนเองได้ หรือไม่ หากคดีมีมูลรับฟังได้ว่าจำเลย กระทำในขณะที่ไม่สามารถรู้ผิดชอบ หรือไม่สามารถบังคับตนเองได้ก็ให้ มีคำสั่งไม่ประทับฟ้องและส่งตัวจำเลยเข้า รับการบำบัดรักษายังสถานบำบัด แต่หาก มีมูลรับฟังได้ว่าจำเลยกระทำในขณะที่ยัง สามารถรู้ผิดชอบหรือยังสามารถบังคับ ตนเองได้ก็ให้มีคำสั่งประทับรับฟ้อง</p>					

ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความ อาญา เกี่ยวกับผู้ฉ้อฉล	เห็นด้วยมากที่สุด	เห็นด้วยอย่างมาก	เห็นด้วยปานกลาง	ไม่เห็นด้วย	ไม่เห็นด้วยอย่างมาก
42. ในการไต่สวนมูลฟ้องตามข้อ 41 กำหนดให้มีบุคคลที่สามเข้าร่วมการไต่สวนมูลฟ้องอาจเป็นญาติหรือผู้พิทักษ์หรือบุคคลใดๆที่รับผิดชอบควบคุมดูแลจำเลยและนักสังคมสงเคราะห์หรือนักจิตวิทยา					
43. ในการไต่สวนมูลฟ้องตามข้อ 41 กำหนดให้มีห้องไต่สวนมูลฟ้องสำหรับผู้กระทำผิดฉ้อฉลเป็นการเฉพาะแยกจากห้องพิจารณาความอาญา และในการไต่สวนพยานจะดำเนินการโดยไม่ให้จำเลยเผชิญหน้าโดยตรงกับพยานก็ได้ซึ่งอาจกระทำโดยการใช้อุปกรณ์วีดิทัศน์สื่ออิเล็กทรอนิกส์ และจะให้สอบถามจำเลยผ่านนักจิตวิทยา นักสังคมสงเคราะห์ หรือบุคคลอื่นที่จำเลยไว้วางใจด้วยก็ได้					
44. ในการไต่สวนมูลฟ้องตามข้อ 41 ให้ศาลแจ้งแก่บุคคลที่เข้าร่วมการไต่สวนทราบทันทีเท่าที่เป็นไปได้โดยให้อธิบายถึงสาเหตุของการควบคุมตัว สถานที่ควบคุมตัว					
45. ในการไต่สวนมูลฟ้องตามข้อ 41 เมื่อศาลได้มีคำสั่งรับประทับฟ้องหรือไม่ ย่อมไม่ตัดสิทธิโจทก์ที่จะอุทธรณ์คำสั่งศาลตามประมวลกฎหมายวิธีพิจารณาความอาญา					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>46. เมื่อสถานบำบัดรักษารับตัวจำเลยไว้ บำบัดรักษาตามข้อ 39. ให้สถานบำบัด ดำเนินการรักษาจนกว่าจำเลยจะหายหรือ ทุเลาและสามารถต่อสู้คดีได้ โดยไม่จำเป็นต้อง ได้รับคำยินยอมจากจำเลยแต่จะต้องมี หลักฐานเป็นหนังสือหรือวาจาจากแพทย์ที่ เคยให้การรักษาจำนวน 1 คน พยาบาล จำนวน 1 คน และผู้ที่ไม่ใช่แพทย์และ พยาบาลอีกจำนวน 1 คน ว่าสมควรให้การ รักษาแก่ผู้ต้องหาเนื่องจากจะทำให้อาการ ป่วยดีขึ้น</p>					
<p>47. ให้จิตแพทย์ผู้บำบัดรักษาทำรายงาน ผลการตรวจวินิจฉัยและประเมิน ความสามารถในการต่อสู้คดีส่งให้ศาล โดยในการรายงานผลดังกล่าวให้พิจารณา ข้อมูลดังต่อไปนี้</p> <p>..... 47.1 แหล่งที่มาของข้อมูล</p> <p>..... 47.2 ประวัติความเจ็บป่วย</p> <p>..... 47.3 การตรวจสภาพจิต และการดำเนินโรค.....</p> <p>..... 47.4 ผลการทดสอบทาง จิตวิทยาเท่าที่จำเป็นและเห็นสมควร.....</p> <p>..... 47.5 การวินิจฉัยความ ผิดปกติทางจิต</p>					

ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความ อาญา เกี่ยวกับผู้วิกลจริต	เห็นด้วยมากที่สุด	เห็นด้วยอย่างมาก	เห็นด้วยปานกลาง	ไม่เห็นด้วย	ไม่เห็นด้วยอย่างมาก
48. ในกรณีที่จิตแพทย์ผู้บำบัดรักษาเห็นว่า จำเลยได้รับการบำบัดรักษาจนความ ผิดปกติทางจิตหายและสามารถต่อสู้คดีได้ ให้รายงานผลการบำบัดรักษาต่อศาล และ หากศาลเห็นด้วยก็ให้ศาลยกคดีขึ้นมา ดำเนินการไต่สวนมูลฟ้อง					
49. หากศาลเห็นว่าจำเลยยังมีอาการ ผิดปกติทางจิตและยังไม่สามารถต่อสู้คดี ได้ก็ให้มีคำสั่งให้ส่งตัวจำเลยเข้ารับการ บำบัดรักษาต่อไป					
50. ในข้อ 48 หากศาลเห็นว่าจำเลยยังมี อาการผิดปกติทางจิตทุเลาและสามารถ ต่อสู้คดีได้ก็ให้มีคำสั่งให้ยกคดีขึ้นมา ดำเนินการไต่สวนโดยใช้วิธีการไต่สวน มูลฟ้องคดีอาญาสำหรับกรณีผู้กระทำผิด วิกลจริตตามข้อ 41 เป็นการเฉพาะ					
51. ในกรณีที่จำเลยไม่สามารถต่อสู้คดีได้ เพราะวิกลจริต หากศาลมีคำสั่งประทับรับ ฟ้องแล้ว ก็ให้ศาลรอการอ่านคำสั่งไว้ก่อน จนกว่าเหตุต่างๆจะได้หมดไปแล้วจึงให้ อ่านคำสั่งนั้น					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>ง. มาตรการการพิจารณาและพิพากษาคดี</p> <p>52. ในระหว่างการพิจารณาคดี ถ้ามีเหตุ เชื่อว่าจำเลยเป็นผู้วิกลจริตและไม่สามารถ ต่อสู้คดีได้ ให้ศาลนำมาตรการการคัด กรองและแยกแยะจำเลยที่มีอาการวิกลจริต โดยพิจารณา</p> <p>52.1 มีเหตุควรเชื่อว่าจำเลยเป็นผู้ วิกลจริต เนื่องจากจำเลยมีพฤติกรรมและ อาการวิกลจริตปรากฏให้เห็นอย่างมาก</p> <p>.....52.2 จำเลยที่มีอาการวิกลจริตไม่ สามารถต่อสู้คดีได้.....</p> <p>.....52.3 ข้อเท็จจริงและพฤติการณ์ แห่งคดี.....</p> <p>52.4 ประวัติความเจ็บป่วยทางจิต และโรคทางกายที่เกี่ยวข้อง ประวัติ พัฒนาการ ประวัติส่วนตัว ประวัติ ครอบครัว ประวัติการรักษา</p>					
<p>53. เมื่อศาลดำเนินการคัดกรองและ แยกแยะจำเลยที่มีอาการป่วยทางจิตออก จากจำเลยทั่วไปแล้ว ให้ส่งตัวจำเลย ดังกล่าวไปยังสถานบำบัดรักษา โดยก่อน ส่งตัวให้แจ้งล่วงหน้าโดยทางโทรศัพท์ หรือวิธีการอื่นใดไปยังสถานบำบัดรักษา ซึ่งอยู่ใกล้โดยไม่ชักช้าเพื่อประสานงานใน การส่งตัวบุคคลนั้นไปรับการตรวจวินิจฉัย และประเมินอาการเบื้องต้น</p>					

ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความอาญา เกี่ยวกับผู้วิกลจริต	เห็นด้วยมากที่สุด	เห็นด้วยอย่างมาก	เห็นด้วยปานกลาง	ไม่เห็นด้วย	ไม่เห็นด้วยอย่างมาก
<p>54. การส่งตัวบุคคลไปยังสถาน บำบัดรักษาต้องทำเป็นหนังสือและส่งและ สำเนาโดยมีรายละเอียดดังต่อไปนี้</p> <p>54.1 ชื่อ นามสกุลและ รายละเอียดเกี่ยวกับผู้กระทำผิดที่มีอาการ วิกลจริตและสาเหตุการนำส่ง</p> <p>.....54.2 หน่วยงานนำส่งและวัน เวลาที่นำส่ง.....</p> <p>.....54.3 พฤติกรรมและอาการของ ผู้กระทำผิดที่มีอาการวิกลจริต.....</p> <p>.....54.4 การช่วยเหลือเบื้องต้น</p> <p>54.5 ที่อยู่และหมายเลขโทรศัพท์ ของผู้ปกครองหรือผู้ดูแลผู้กระทำผิดที่มี อาการวิกลจริตที่สามารถติดต่อได้</p>					
<p>55. เมื่อจิตแพทย์ดำเนินการตรวจวินิจฉัย ประเมินอาการเบื้องต้นแล้ว ให้จัดทำ รายงานนำส่งศาลโดยไม่ชักช้าและจัดเก็บ สำเนาคู่ฉบับไว้เป็นหลักฐาน</p>					
<p>56. เมื่อศาลได้รับรายงานการตรวจวินิจฉัย ประเมินอาการเบื้องต้นแล้วให้เรียก จิตแพทย์มาเบิกความตามประเด็นที่ ปรากฏในรายงานการตรวจวินิจฉัย ประเมินอาการเบื้องต้น พร้อมทั้งให้แนบ เอกสารหลักฐานที่เกี่ยวข้องกับการตรวจ วินิจฉัยเข้าร่วมในสำนวนของศาล ประกอบด้วย</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาคดีอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>57. การพิจารณาของศาลว่าจำเลยเป็นผู้วิกลจริตและสามารถต่อสู้คดีได้หรือไม่นั้น ควรกำหนดให้มีหลักเกณฑ์การพิจารณาดังต่อไปนี้</p> <p>.....57.1 ถามตอบไม่รู้เรื่องหรือมีลักษณะคล้ายคนวิกลจริต.....</p> <p>.....57.2 พบว่าเคยมีประวัติการเจ็บป่วยทางจิตมาก่อน.....</p> <p>.....57.3 พิจารณาจากพฤติกรรมของกระทำความผิด.....</p> <p>.....57.4 ญาติหรือทนายความจำเลยร้องขอ</p> <p>57.5 ความเห็นของจิตแพทย์ตามรายงาน</p>					
<p>58. ในกรณีที่ศาลเห็นว่าจำเลยเป็นผู้วิกลจริตและไม่สามารถต่อสู้คดีได้ ให้ศาลมีคำสั่งให้งดการพิจารณาไว้จนกว่าผู้นั้นหายวิกลจริตหรือสามารถต่อสู้คดีและส่งตัวจำเลยไปสถานบำบัดได้แต่ไม่ตัดสิทธิโจทก์ที่จะอุทธรณ์คำสั่งต่อศาลอุทธรณ์ได้ และหากโจทก์อุทธรณ์ให้ส่งสำนวนพร้อมความเห็นไปยังศาลอุทธรณ์เพื่อวินิจฉัย คำวินิจฉัยของศาลอุทธรณ์เป็นที่สุด</p>					

ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาคดีอาญา เกี่ยวกับผู้วิกลจริต	เห็นด้วยมากที่สุด	เห็นด้วยอย่างมาก	เห็นด้วยปานกลาง	ไม่เห็นด้วย	ไม่เห็นด้วยอย่างมาก
59. ในกรณีที่ศาลเห็นว่าจำเลยไม่ใช่ผู้วิกลจริตและสามารถต่อสู้คดีได้ ดำเนินการพิจารณาคดีต่อไปเป็นคดีอาญาทั่วไป					
60. ในกรณีที่ศาลเห็นว่าจำเลยเป็นผู้วิกลจริตแต่สามารถต่อสู้คดีได้ ให้ดำเนินการพิจารณาคดีต่อไปโดยใช้วิธีพิจารณาคดีอาญาสำหรับผู้วิกลจริตเป็นการเฉพาะ โดยในการพิจารณาคดีจะต้องวินิจฉัยในประเด็นว่าจำเลยเป็นผู้กระทำความผิดหรือไม่เสียก่อน หากคดีรับฟังไม่ได้ตามฟ้องก็ให้พิพากษายกฟ้องและส่งตัวจำเลยเข้ารับการบำบัดรักษายังสถานบำบัดรักษา แต่หากคดีมีน้ำหนักเพียงพอรับฟังได้ก็ให้วินิจฉัยในประเด็นต่อมาว่าจำเลยกระทำในขณะที่ไม่สามารถรู้ผิดชอบหรือไม่สามารถบังคับตนเองได้หรือไม่ หากคดีรับฟังได้ว่าจำเลยกระทำในขณะที่ไม่สามารถรู้ผิดชอบหรือไม่สามารถบังคับตนเองได้ก็ให้มีคำพิพากษายกเว้นโทษและส่งตัวจำเลยเข้ารับการบำบัดรักษายังสถานบำบัด แต่หากรับฟังได้ว่าจำเลยกระทำในขณะที่ยังสามารถรู้ผิดชอบหรือยังสามารถบังคับตนเองได้ก็ให้มีคำพิพากษาลงโทษแต่จะลงโทษน้อยกว่าที่กฎหมายกำหนดไว้สำหรับความผิดนั้นเพียงใดก็ได้					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความ อาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>61. ในการพิจารณาคดีตามข้อ 60 กำหนดให้มีบุคคลที่สามเข้าร่วมการพิจารณาอาจเป็นญาติหรือผู้พิทักษ์หรือบุคคลใดๆที่รับผิดชอบควบคุมดูแลจำเลยและนักสังคมสงเคราะห์หรือนักจิตวิทยา</p>					
<p>62. ในการพิจารณาคดีตามข้อ 60 กำหนดให้มีห้องพิจารณาสำหรับผู้กระทำผิดวิกลจริตเป็นการเฉพาะแยกจากห้องพิจารณาคดีอาญา และในการสืบพยานจะดำเนินการโดยไม่ให้จำเลยเผชิญหน้าโดยตรงกับพยานก็ได้ซึ่งอาจกระทำโดยการใช้โทรทัศน์วงจรปิด สื่ออิเล็กทรอนิกส์ และจะให้สอบถามจำเลยผ่านนักจิตวิทยา นักสังคมสงเคราะห์ หรือบุคคลอื่นที่จำเลยไว้วางใจด้วยก็ได้</p>					
<p>63. ในการพิจารณาคดีตามข้อ 60 ให้ศาลแจ้งแก่บุคคลที่เข้าร่วมการพิจารณาคดีทราบทันทีเท่าที่เป็นไปได้โดยให้อธิบายถึงสาเหตุของการควบคุมตัว สถานที่ควบคุมตัว</p>					
<p>64. ในการพิจารณาคดีตามข้อ 60 เมื่อศาลได้มีคำพิพากษาแล้ว ย่อมไม่ตัดสิทธิคู่ความที่จะอุทธรณ์คำพิพากษาของศาลตามประมวลกฎหมายวิธีพิจารณาความอาญา</p>					

ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความอาญา เกี่ยวกับผู้ฉ้อฉล	เห็นด้วยมากที่สุด	เห็นด้วยอย่างมาก	เห็นด้วยปานกลาง	ไม่เห็นด้วย	ไม่เห็นด้วยอย่างมาก
<p>65. เมื่อสถานบำบัดรักษาปรับตัวสำเร็จแล้ว สถานบำบัดรักษาตามข้อ 60. ให้สถานบำบัด ดำเนินการรักษาจนกว่าจะหายหรือ ทุเลาและสามารถต่อสู้คดีได้ โดยไม่ต้อง ได้รับคำยินยอมจากจำเลยแต่จะต้องมี หลักฐานเป็นหนังสือหรือวาจาจากแพทย์ที่ เคยให้การรักษารักษาจำนวน 1 คน พยาบาล จำนวน 1 คน และผู้ที่ไม่ใช่แพทย์และ พยาบาลอีกจำนวน 1 คน ว่าสมควรให้การ รักษาแก่ผู้ต้องหาเนื่องจากจะทำให้อาการ ป่วยดีขึ้น</p>					
<p>66. ให้จิตแพทย์ผู้บำบัดรักษาทำรายงาน ผลการตรวจวินิจฉัยและประเมิน ความสามารถในการต่อสู้คดีส่งให้ศาล โดยในการรายงานผลดังกล่าวให้พิจารณา ข้อมูลดังต่อไปนี้</p> <p>..... 66.1 แหล่งที่มาของข้อมูล</p> <p>..... 66.2 ประวัติความเจ็บป่วย</p> <p>..... 66.3 การตรวจสภาพจิต และการดำเนินโรค</p> <p>..... 66.4 ผลการทดสอบทางจิตวิทยา เท่าที่จำเป็นและเห็นสมควร</p> <p>..... 66.5 การวินิจฉัยความ ผิดปกติทางจิต</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความ อาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>67. ในกรณีที่จิตแพทย์ผู้บำบัดรักษาเห็นว่า จำเลยได้รับการบำบัดรักษาจนความ ผิดปกติทางจิตหายและสามารถต่อสู้คดีได้ ให้รายงานผลการบำบัดรักษาต่อศาล และ หากศาลเห็นด้วยก็ให้ศาลยกคดีขึ้นมา ดำเนินการพิจารณาคดีต่อไป</p>					
<p>68. หากศาลเห็นว่าจำเลยยังมีอาการ ผิดปกติทางจิตและยังไม่สามารถต่อสู้คดี ได้ก็ให้มีคำสั่งให้ส่งตัวจำเลยเข้ารับการ บำบัดรักษาต่อไป</p>					
<p>69. ในข้อ 67 หากศาลเห็นว่าจำเลยยังมี อาการผิดปกติทางจิตทุเลาและสามารถ ต่อสู้คดีได้ก็ให้มีคำสั่งให้ยกคดีขึ้นมา ดำเนินการพิจารณาคดีโดยใช้วิธีการ พิจารณาคดีอาญาสำหรับกรณีผู้กระทำผิด วิกลจริตตามข้อ 60 เป็นการเฉพาะ</p>					
<p>70. ในกรณีที่จำเลยไม่สามารถต่อสู้คดีได้ เพราะวิกลจริต หากศาลมีพิพากษาแล้ว ก็ ให้ศาลรอการอ่านคำพิพากษาไว้ก่อน จนกว่าเหตุนั้นจะไต่หมดไปแล้วจึงให้ อ่านคำพิพากษานั้น</p>					

ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความอาญา เกี่ยวกับผู้วิกลจริต	เห็นด้วยมากที่สุด	เห็นด้วยอย่างมาก	เห็นด้วยปานกลาง	ไม่เห็นด้วย	ไม่เห็นด้วยอย่างมาก
71. ในการพิพากษาของศาล ถ้าศาลเห็นว่า การปล่อยตัวจำเลยที่มีอาการวิกลจริต ซึ่งได้รับการยกเว้นโทษหรือได้รับการลดโทษจะเป็นการไม่ปลอดภัยแก่ประชาชน ศาลจะสั่งให้ส่งไปคุมตัวไว้ในสถานบำบัดก็ได้โดยไม่ต้องได้รับความยินยอมจากจำเลยแต่จะต้องมีหลักฐานเป็นหนังสือหรือวาจาจากแพทย์ที่เคยให้การรักษารักษาจำนวน 1 คน พยาบาลจำนวน 1 คน และผู้ที่ไม่ใช่แพทย์และพยาบาลอีกจำนวน 1 คน ว่าสมควรให้การรักษาแก่ผู้ต้องหาเนื่องจากจะทำให้อาการป่วยดีขึ้น					
72. จากข้อ 71 ในกรณีที่จิตแพทย์ผู้บำบัดรักษาเห็นว่าจำเลยได้รับการบำบัดรักษาจนความผิดปกติทางจิตหายหรือทุเลาและไม่มีภาวะอันตรายแล้ว ให้รายงานผลการบำบัดรักษาต่อศาล โดยไม่ชักช้าและหากศาลเห็นด้วยก็ให้ศาลมีคำสั่งปล่อยตัวโดยกำหนดให้มีเจ้าหน้าที่คุมประพฤติติดตามประเมินผลเป็นระยะตามที่กำหนด					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>73. ในการพิพากษาของศาล ถ้าศาลพิพากษา ลงโทษจำคุกจำเลยไม่เกินสามปีและ ให้การกำหนดโทษไว้หรือกำหนดโทษแต่ รอการลงโทษไว้แล้วปล่อยตัวไป อาจ กำหนดเงื่อนไขคุมประพฤติโดยให้ไปรับ การบำบัดรักษาที่สถานบำบัดภายใน ระยะเวลาที่กำหนดโดยไม่ต้องได้รับความ ยินยอมจากจำเลยแต่จะต้องมีหลักฐานเป็น หนังสือหรือวาจาจากแพทย์ที่เคยให้การ รักษาจำนวน 1 คน พยาบาลจำนวน 1 คน และผู้ที่ไม่ใช่แพทย์และพยาบาลอีกจำนวน 1 คน ว่าสมควรให้การรักษาแก่ผู้ต้องหา เนื่องจากจะทำให้อาการป่วยดีขึ้น.</p>					
<p>จ. มาตรการการอุทธรณ์ฎีกา</p> <p>74. คดีอุทธรณ์หรือฎีกาคำพิพากษาหรือ คำสั่งศาลชั้นต้นหรือศาลอุทธรณ์ใน ข้อเท็จจริงหรือข้อกฎหมาย ให้อุทธรณ์ หรือฎีกาไปยังศาลอุทธรณ์หรือศาลฎีกา โดยอุทธรณ์หรือฎีกาทุกฉบับต้องระบุ ข้อเท็จจริงหรือข้อกฎหมายเกี่ยวกับ ประเด็นที่ว่าจำเลยมีอาการวิกลจริต หรือไม่ และสามารถต่อสู้คดีได้หรือไม่ โดยละเอียด ยกขึ้นอ้างอิงเป็นลำดับ</p>					

ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาคดีอาญา เกี่ยวกับผู้วิกลจริต	เห็นด้วยมากที่สุด	เห็นด้วยอย่างมาก	เห็นด้วยปานกลาง	ไม่เห็นด้วย	ไม่เห็นด้วยอย่างมาก
75. ประเด็นปัญหาที่ว่าจำเลยมีอาการ วิกลจริตหรือไม่และสามารถต่อสู้คดีได้ หรือไม่ให้ถือเป็นปัญหาข้อกฎหมาย เกี่ยวกับความสงบเรียบร้อย คู่ความมีสิทธิ อุทธรณ์หรือฎีกาคำพิพากษาศาลชั้นต้น หรือศาลอุทธรณ์แล้วแต่กรณี					
76. ประเด็นปัญหาที่ว่าจำเลยมีอาการ วิกลจริตหรือไม่และสามารถต่อสู้คดีได้ หรือไม่ให้ถือเป็นปัญหาข้อกฎหมาย เกี่ยวกับความสงบเรียบร้อย ผู้อุทธรณ์หรือ ศาลสามารถยกขึ้นอ้างได้ แม้ว่าจะไม่ได้ ยกขึ้นในศาลชั้นต้นก็ตาม					
<p>จ. มาตรการการบังคับตามคำพิพากษา</p> <p>77. ในระหว่างการบังคับตามคำพิพากษา ไม่ว่าจะเป็นโทษประหารชีวิตหรือโทษ จำคุกหรือโทษกักขัง เป็นต้น ถ้ามีเหตุเชื่อ ว่าจำเลยเป็นผู้วิกลจริต ให้เจ้าหน้าที่ ราชทัณฑ์นำมาตราการการคัดกรองและ แยกแยะจำเลยที่มีอาการวิกลจริตโดย พิจารณาความเห็นเกี่ยวกับมาตรการทาง กฎหมายวิธีพิจารณาคดีอาญาเกี่ยวกับ ผู้วิกลจริต</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>77.1 มีเหตุควรเชื่อว่าจำเลยเป็นผู้วิกลจริต เนื่องจากจำเลยมีพฤติกรรมและอาการวิกลจริตปรากฏให้เห็นอย่างมาก</p> <p>..... 77.2 จำเลยที่มีอาการวิกลจริตไม่สามารถต่อสู้คดีได้.....</p> <p>..... 77.3 ข้อเท็จจริงและพฤติการณ์แห่งคดี.....</p> <p>77.4 ประวัติความเจ็บป่วยทางจิตและโรคทางกายที่เกี่ยวข้อง ประวัติพัฒนาการ ประวัติส่วนตัว ประวัติครอบครัว ประวัติการรักษา</p>					
<p>78. เมื่อเจ้าหน้าที่ราชทัณฑ์ดำเนินการคัดกรองและแยกแยะจำเลยที่มีอาการป่วยทางจิตออกจากจำเลยทั่วไปแล้ว ให้ส่งตัวจำเลยดังกล่าวไปยังสถานบำบัดรักษา โดยก่อนส่งตัวให้แจ้งล่วงหน้าโดยทางโทรศัพท์หรือวิธีการอื่นใดไปยังสถานบำบัดรักษาซึ่งอยู่ใกล้โดยไม่ชักช้าเพื่อประสานงานในการส่งตัวบุคคลนั้นไปรับการตรวจวินิจฉัยและประเมินอาการเบื้องต้น</p>					

ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความอาญา เกี่ยวกับผู้วิกลจริต	เห็นด้วยมากที่สุด	เห็นด้วยอย่างมาก	เห็นด้วยปานกลาง	ไม่เห็นด้วย	ไม่เห็นด้วยอย่างมาก
<p>79.การส่งตัวบุคคลไปยังสถานบำบัดรักษา ต้องทำเป็นหนังสือนำส่งและสำเนาโดยมี รายละเอียดดังต่อไปนี้</p> <p>79.1 ชื่อ นามสกุลและ รายละเอียดเกี่ยวกับผู้กระทำผิดที่มีอาการ วิกลจริตและสาเหตุการนำส่ง</p> <p>..... 79.2 หน่วยงานนำส่งและวัน เวลาที่นำส่ง.....</p> <p>..... 79.3 พฤติกรรมและอาการของ ผู้กระทำผิดที่มีอาการวิกลจริต.....</p> <p>..... 79.4 การช่วยเหลือเบื้องต้น</p> <p>79.5 ที่อยู่และหมายเลข โทรศัพท์ของผู้ปกครองหรือผู้ดูแล ผู้กระทำผิดที่มีอาการวิกลจริตที่สามารถ ติดต่อได้</p>					
<p>80. เมื่อจิตแพทย์ดำเนินการตรวจวินิจฉัย ประเมินอาการเบื้องต้นแล้ว ให้จัดทำ รายงานส่งให้เจ้าหน้าที่ราชทัณฑ์โดยไม่ ชักช้าและจัดเก็บสำเนาฉบับไว้เป็น หลักฐาน</p>					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาคดีอาญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>81. เมื่อเจ้าหน้าที่ราชทัณฑ์ได้รับรายงานการตรวจวินิจฉัยประเมินอาการเบื้องต้นแล้วให้ยื่นคำร้องต่อศาลขอทุเลาการบังคับโทษ และให้ศาลมีคำสั่งเรียกจิตแพทย์มาเบิกความตามประเด็นที่ปรากฏในรายงานการตรวจวินิจฉัยประเมินอาการเบื้องต้น พร้อมทั้งให้แนบเอกสารหลักฐานที่เกี่ยวข้องกับการตรวจวินิจฉัยเข้าร่วมในสำนวนของศาลประกอบด้วย</p>					
<p>82. การพิจารณาของศาลว่าจำเลยเป็นผู้วิกลจริตและสามารถต่อสู้คดีได้หรือไม่ นั้น ควรกำหนดให้มีหลักเกณฑ์การพิจารณาดังต่อไปนี้</p> <p>..... 82.1 ถามตอบ ไม่รู้เรื่องหรือมีลักษณะคล้ายคนวิกลจริต</p> <p>..... 82.2 พบว่าเคยมีประวัติการเจ็บป่วยทางจิตมาก่อน</p> <p>..... 82.3 พิจารณาจากพฤติกรรมของการกระทำความผิด</p> <p>..... 82.4 ญาติหรือทนายความจำเลยร้องขอ</p> <p>..... 82.5 ความเห็นของจิตแพทย์ตามรายงาน</p>					

ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความอาญา เกี่ยวกับผู้วิกลจริต	เห็นด้วยมากที่สุด	เห็นด้วยอย่างมาก	เห็นด้วยปานกลาง	ไม่เห็นด้วย	ไม่เห็นด้วยอย่างมาก
83. ในกรณีที่ศาลเห็นว่าจำเลยเป็นผู้วิกลจริต ให้ศาลมีคำสั่งทุเลาการบังคับโทษไว้จนกว่าผู้นั้นหายวิกลจริตและส่งตัวไปยังสถานบำบัด แต่ไม่ตัดสิทธิโจทก์ที่จะอุทธรณ์คำสั่งต่อศาลอุทธรณ์ได้ และหากโจทก์อุทธรณ์ให้ส่งสำนวนพร้อมความเห็นไปยังศาลอุทธรณ์เพื่อวินิจฉัย คำวินิจฉัยของศาลอุทธรณ์เป็นที่สุด					
84. ในกรณีที่ศาลเห็นว่าจำเลยไม่ใช่ผู้วิกลจริต ให้ดำเนินการส่งตัวจำเลยกลับไปควบคุมเพื่อรับโทษต่อไป					
85. เมื่อสถานบำบัดรักษารับตัวจำเลยไว้ บำบัดรักษาตามข้อ 83 ให้สถานบำบัดดำเนินการรักษาจนกว่าจำเลยจะหาย โดยไม่จำเป็นต้องได้รับคำยินยอมจากจำเลยแต่จะต้องมีหลักฐานเป็นหนังสือหรือวาจาจากแพทย์ที่เคยให้การรักษารักษาจำนวน 1 คน พยาบาลจำนวน 1 คน และผู้ที่ไม่ใช่แพทย์และพยาบาลอีกจำนวน 1 คน ว่าสมควรให้การรักษาแก่ผู้ต้องหาเนื่องจากจะทำให้มีอาการป่วยดีขึ้น					

<p>ความเห็นเกี่ยวกับมาตรการ ทางกฎหมายวิธีพิจารณาความ อาชญา เกี่ยวกับผู้วิกลจริต</p>	<p>เห็นด้วยมากที่สุด</p>	<p>เห็นด้วยอย่างมาก</p>	<p>เห็นด้วยปานกลาง</p>	<p>ไม่เห็นด้วย</p>	<p>ไม่เห็นด้วยอย่างมาก</p>
<p>86. ให้จิตแพทย์ผู้บำบัดรักษาทำรายงาน ผลการตรวจวินิจฉัยส่งให้ศาล โดยในการ รายงานผลดังกล่าวให้พิจารณาข้อมูล ดังต่อไปนี้</p> <p>..... 86.1 แหล่งที่มาของข้อมูล</p> <p>..... 86.2 ประวัติความเจ็บป่วย</p> <p>..... 86.3 การตรวจสภาพจิต และการดำเนินโรค</p> <p>..... 86.4 ผลการทดสอบทางจิตวิทยา เท่าที่จำเป็นและเห็นสมควร.....</p> <p>86.5 การวินิจฉัยความ ผิดปกติทางจิต</p>					
<p>87. ในกรณีที่จิตแพทย์ผู้บำบัดรักษาเห็นว่า จำเลยได้รับการบำบัดรักษาจนความ ผิดปกติทางจิตหาย ให้รายงานผลการ บำบัดรักษาต่อศาล และหากศาลเห็นด้วยก็ ให้ศาลมีคำสั่งให้จำเลยต้องรับโทษต่อไป เว้นแต่กรณีโทษประหารชีวิต หากผู้ วิกลจริตหายภายหลังปีหนึ่งนับแต่วันคำ พิพากษาถึงที่สุดให้ลดโทษประหารชีวิต ลงเหลือจำคุกตลอดชีวิต โดยจะต้องอยู่ ภายใต้การควบคุมดูแลของจิตแพทย์ที่ ประจำในเรือนจำ</p>					

แบบสัมภาษณ์
งานวิจัยเรื่อง
“มาตรการทางกฎหมายวิธีพิจารณาคดีอาญาเกี่ยวกับผู้วิกลจริต
ที่เหมาะสมสำหรับประเทศไทย”

กลุ่มประชากร ผู้ต้องหาหรือจำเลยที่มีอาการวิกลจริต

จุดประสงค์

1. เพื่อศึกษาถึงมาตรการทางกฎหมายวิธีพิจารณาคดีอาญาเกี่ยวกับผู้วิกลจริตที่เหมาะสมสำหรับประเทศไทย
2. เพื่อให้ได้ข้อสรุปของรูปแบบและแนวทางในการปรับปรุงและพัฒนามาตรการทางกฎหมายวิธีพิจารณาคดีอาญาเกี่ยวกับผู้วิกลจริตที่เหมาะสมสำหรับประเทศไทย

คำถาม

ส่วนที่ 1 : ข้อมูลส่วนบุคคล

1.1 ท่านอายุเท่าไร พักอยู่กับใครที่ไหน ทำอาชีพอะไร

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1.2 ท่านป่วยเป็นโรคอะไร เคยรับการรักษาตัวครั้งแรกที่ไหนและได้รับการรักษาต่ออย่างไร

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1.3 ท่านถูกกล่าวหาว่ากระทำผิดในข้อหาอะไร

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ส่วนที่ 2 : มาตรการทางกฎหมายวิธีพิจารณาคดีอาญาเกี่ยวกับผู้วิกลจริต

2.1 มาตรการการจับกุมและควบคุม

ก. เจ้าหน้าที่จับกุมตัวท่านอย่างไร มีความรู้สึกอย่างไร พอใจหรือไม่

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ข. เจ้าหน้าที่ควบคุมตัวท่านอย่างไร มีความรู้สึกอย่างไร พอใจหรือไม่

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2.2 มาตรการการสอบสวน

ก. เจ้าหน้าที่ตำรวจได้มีการสอบถามท่านอย่างไร

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2.3 มาตรการการป้องกันคดีและการไต่สวนมูลฟ้อง

ก. ท่านถูกฟ้องคดีหรือไม่ ในข้อหาอะไร

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2.4 มาตรการการพิจารณาคดีและพิพากษาคดี

ก. ในศาลมีใครสอบถามท่าน สอบถามท่านอย่างไร

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ข. ศาลตัดสินว่าท่านมีความผิดหรือไม่ ข้อหาอะไร

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2.5 มาตรการอุทธรณ์ฎีกา

ก. ท่านพอใจในคำตัดสินดังกล่าวหรือไม่

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2.6 มาตรการบังคับตามคำพิพากษา

ก. ภายหลังจากที่ท่านถูกตัดสินแล้ว เจ้าหน้าที่ราชทัณฑ์กับท่านอย่างไร

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ส่วนที่ 3 : ความคาดหวังกับชีวิตในอนาคต

1. ภายหลังจากที่ท่านได้รับการดำเนินการของเจ้าหน้าที่ดังกล่าวแล้ว ท่านมีความคาดหวังกับชีวิตในอนาคตของท่านอย่างไร

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BIOGRAPHY

NAME	Mr.Pipat Chunmayka
DATE OF BIRTH	13 February 1967
PLACE OF BIRTH	Bangkok, Thailand
EDUCATION	High School Level, Termudomsaksa School Bachelor Degree of Law, honour, Chulalogkorn University Certificate in Law Society. Certificate in Thai Bar Master Degree of Law, Chulalogkorn University Mahidol University, 2011 Doctor of Philosophy (Criminology, Justice Administration and Society)
HISTORICAL WORK	Comptroller General's Department, Ministry of Finance. Department of Highways, Ministry of Transport. Customs Department, Ministry of Finance. Southern Bangkok Criminal Office, Office of the Attorney General
ACADEMIC WORK	Special instructor, King Chulalongkorn. College Research "Customs Measures of Asean for Goods in Transit : A Case Study of Transportations by Land of Indochina Countries"