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Sukhumvit shakedown

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Random searches and on-the-spot drug tests on foreigners have left many questioning police integrity

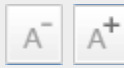
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It was about 9pm on a weeknight in March last year, and Mat, an American business consultant, was trying to hail a taxi on Sukhumvit Soi 36 when he was stopped by six policemen on motorcycles.



Who have we got here, then?: Policemen inspect a tourist's ID card in Nana. Foreigners say the number of random checks has risen dramatically recently, especially in the Sukhumvit area.

Mat was completely sober, drug-free and dressed like a typical foreigner, in a T-shirt, cargo shorts and flip flops.

"You smoke ganja mai?" one of the officers asked, referring to marijuana, while pressing his index finger and thumb to mimic smoking a joint.

Without asking permission, the officers removed Mat's backpack and started rummaging through it. Hands were thrust into his pockets, with the police pulling out his packet of cigarettes and wallet. They found nothing of interest, but the officers were apparently still not satisfied.

"Humiliation wouldn't come until they ordered me to take the piss test. I felt very vulnerable," said Mat, who requested anonymity because he still has business interests in Thailand.

The officer took a foil-wrapped packet from his pocket, showed Mat the expiration date, then ripped it open and held out a cup for him to urinate in.

"You take out your d**k. You pee-pee tee nee [right here]," said the officer.

Surrounded by the six policemen, Mat felt he had little choice but to comply with the request, so as diners ate in a nearby restaurant and foot and car traffic passed next to him on the street, he supplied a urine sample. It came back negative and the police walked away.

"I hailed the next taxi I could, offered [the driver] 300 baht to go to Thon Buri and got the f**k out of there," Mat said.



Financial hit: Two foreigners receive a ticket from police for their riding at Asoke.

POLICING VS TOURISM

Mat's tale is far from an isolated one. Late last year, Bangkok expat forums lit up with reports of a dramatic surge in random stop-and-searches targeting foreigners on Sukhumvit Road.

Complaints ranged from police demanding money from foreigners not carrying proper ID to bag and body searches and humiliating urine tests in public.

With the majority of cases taking place around lower Sukhumvit, most of the victims pointed the finger at Thong Lor police station.

Pol Col Chutrakul Yodmadee, a Thong Lor police superintendent, denied there has been any notable increase in searches.

He said "there are good and bad foreigners", and suggested the volume of reports from the Thong Lor area was simply due to the large number of tourists and expats who frequent it.

He said his men are instructed to be on the lookout for drugs at all times, and determining whether or not to stop someone would depend on that person's behaviour and whether they appeared intoxicated.

"We need to understand that ganja is not illegal in other countries, and so some foreigners use it without thinking that it's wrong," he said.

Pol Col Chutrakul said he was sceptical about the high number of complaints and suspects the officers involved are either "fake policemen" or from another police station.

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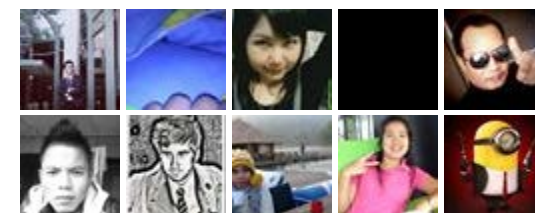
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Many of the reports, however, include stories of foreigners being taken to Thong Lor station and extorted by officers there for tens of thousands of baht.

Since speaking to Spectrum, Pol Col Chutrakul has been transferred out of his position at Thong Lor, shifting to a new post in Ang Thong province last Wednesday. He denied the transfer had anything to do with the media criticism of his officers.

"We understand that our job and tourism cannot really go together, so we probably have to lower the intensity of the searches accordingly," he said.



Centre of the controversy: Police take a break outside Thong Lor station. Officers from the station have recently come under scrutiny for their stop-and-search tactics.

'IT'S QUITE MENACING'

Over the past month, there are signs that the intensity of searches is indeed falling. That decline seems to have coincided with a meeting last month between senior police and James*, a foreign business owner.

James has been living in Thailand for the past 14 years and has been involved in his Sukhumvit restaurant, first as a manager and then as a partner, for the past eight.

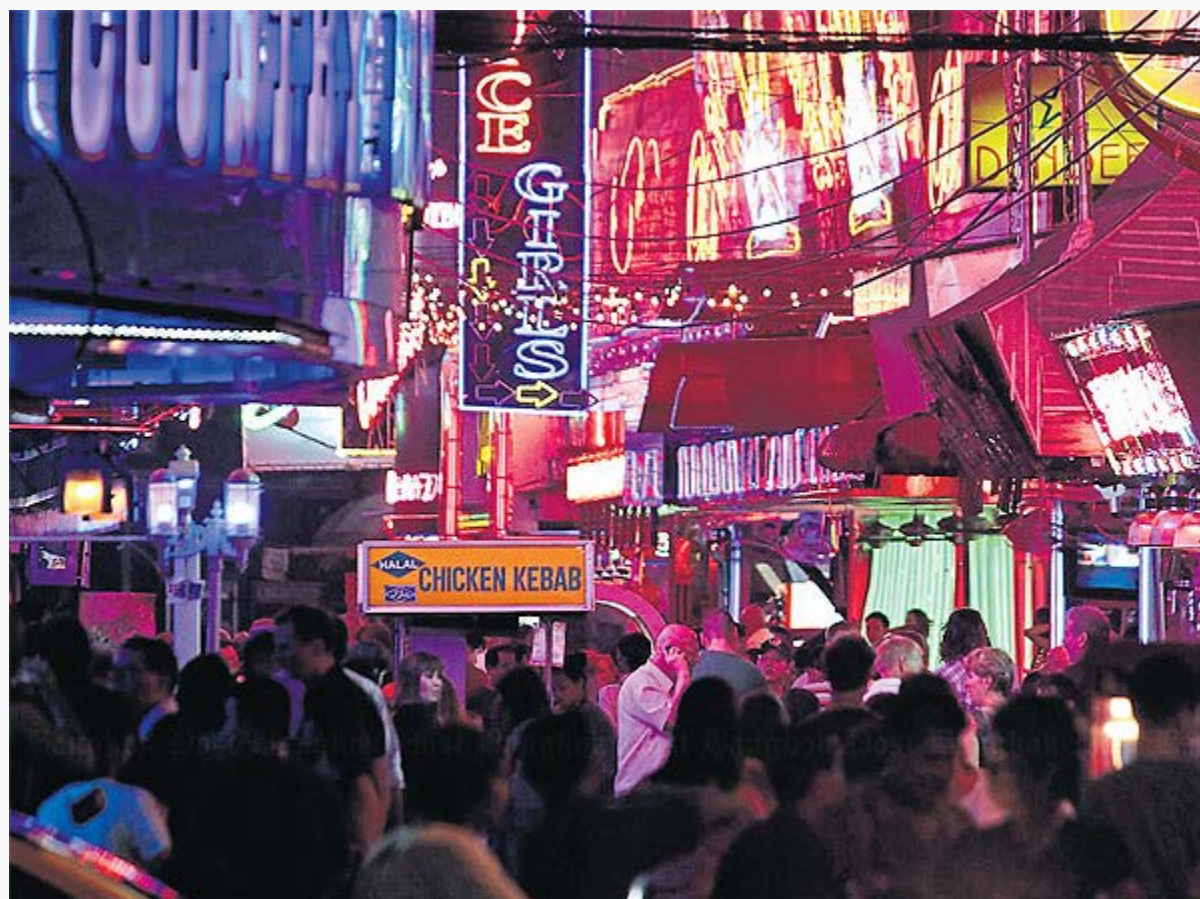
In his first decade here, he was never stopped by police. Then, about four years ago, he was on a motorbike riding down a small soi with his friend. When police pulled over the pair, who were both without helmets, James presented his licence, but the policeman wasn't interested. Instead he and his friend were ordered to open their bags, which contained expensive camera equipment. "They were clearly looking for drugs," James said.

When the officers didn't find anything, the pair were released without a fine. At the time, James said he thought little of it, marking it down as "an aberration, a freak occurrence".

In the past year or so, however, that conclusion has changed — James has been stopped by police more than 10 times, almost exclusively in areas under the command of Thong Lor police.

"It was clearly a question of looking for white guys," he said of the random street searches.

"It's always the same. It's quite menacing. It's quite aggressive. There is no pretence about law and order; it's a shakedown."



Colourful attraction: Tourists at Soi Cowboy in the Asoke area.

GROWING VOCAL

Frustrated by the number of times he was being searched, James joined the private "Report Sukhumvit Police unsanctioned searches and harassment" Facebook group late last year. He watched as the number of members rose from 30 to more than 800 in a matter of days.

"It showed a lot of people were concerned," he said. "It had got to the point where it just wasn't fun going out any more."

"It definitely felt like an increase, and then this [Facebook] group appeared and it seemed like there was a consensus."

His motivation for going to the page was echoed by many other members. "I just wanted to find out what our rights are in that situation, as it was beginning to feel a bit like Nazi Germany," he said.

Random searches are hardly a new phenomenon on the streets of Bangkok, with debate over the rights of expats during police stops raging on web forums for years. Part of the problem has always been proving that there was a concerted campaign targeting foreigners.

But James is in no doubt about the recent rise, or who the searches were aimed at.

"Of course, all of these stories are anecdotal, but there are just so many of them that I find it hard to believe that there's any great conspiracy," he said, noting that Japanese and Chinese tourists were also a common target for police.

James became a particularly vocal member of the Facebook group, to the point where he was approached by several local news outlets wanting to conduct interviews with him.

Hours after speaking with TNN24, he received a call from one of the producers, asking if he was prepared to meet with senior police to discuss his grievances. At first, James declined, apprehensive over what the meeting might entail. But after receiving encouragement from close friends, he agreed.



Watching the watchers: A 'tessakit' official on duty during the day in Soi Nana. In the past, tessakit have been accused of shaking down foreigners, who confuse them for police.

COMING TO TERMS

On Dec 17, James met Pol Lt Gen Prawut Thavornsiri, assistant commissioner general of the Royal Thai Police, and Pol Col Apichat Suriboonya, director of the Royal Thai Police's Foreign Affairs Division and head of Interpol's Liaison Office for Asia and South Pacific in Bangkok.

He prepared anecdotes and a list of locations where the searches were occurring — almost exclusively around Thong Lor.

He told them about how one of his friends was approached on the street and forced to submit to a urine test. Police said he returned a positive test, and demanded 80,000 baht to avoid a court date. But when the friend asked to see the results, that figure came down to 2,000 baht. The friend, James said, was too scared to argue further, and paid the money.

James said he was surprised by how interested Pol Lt Gen Prawut and Pol Col Apichat were to hear about the problems being faced by foreign nationals.

"They were sincere, respectful, and seemed to genuinely want to do something about it ... I thought [the meeting] was productive," James said.

Pol Col Apichat said after the meeting that an internal investigation would be launched. That night, James received a phone call saying a group of police from the Thong Lor station had paid a surprise visit to his restaurant. When he arrived, he found Pol Col Chutrakul, along with several other senior officers, waiting for him.

The mood of the meeting was genial, but James said the Thong Lor chief appeared to be looking for scapegoats, apparently under pressure from above. James was unable to supply the names of the officers involved, but received assurances that the matter would be investigated.

LAYING DOWN THE LAW

About a week later, on the weekend before New Year celebrations, Thong Lor police issued a leaflet explaining the rights of foreigners during random police searches. Its distribution was limited, but copies were posted in public areas, schools and intersections near Asoke.

James said one of his friends made a visit to Thong Lor police station to ask for a copy, but officers refused and instead attempted to extort money from him for being "drunk".

Winyat Chatmontree, secretary of Free Thai Legal Aid, said there are only two circumstances in which police are permitted to conduct searches in public places — if they have a warrant, or if the officer has reasonable suspicion of wrongdoing.

Mr Winyat suggests foreigners who are approached for a search begin by asking the police if they have a warrant. "If they don't, there needs to be a legal reason for the search," he said.

The reasons need to be strong and must show reasonable suspicion that the suspect has committed a crime. This might include if someone calls out for police to catch a suspect, or if he or she looks to be under the influence of drugs.

If there is no valid legal basis behind the search, civilians have the right to refuse. But if there is a legal reason and the suspect does not allow authorities to conduct the search, he or she could be imprisoned for up to 10 days.

This penalty, as well as language barriers, mean many foreigners are often reticent to resist police.

But Section 7/1 of the Criminal Procedure Code does allow a suspect to meet and talk with a lawyer, and to let a lawyer or trusted person participate in the investigation. It also allows the alleged offender to be visited or get in touch with relatives. "Therefore, it is the person's right to ask a trusted friend or person to be present during the search, which should be done at the police station," Mr Winyat said.

The lawyer did warn, however, that in practice refusing to be searched will ultimately lead police to be suspicious and may cause further difficulties despite the rights granted by the law.

He suggested a good strategy would be to ask for the names of the police officers, as well as which police station they are from, so a complaint can be lodged.

Urine tests fall under the same argument, except that they need to be administered by investigative officers and not normal policemen. They must also be carried out at a police station, and not in any public place.

In cases where a person tests positive for drug use, but it can be proven that the drug was consumed in a jurisdiction where that consumption is legal, such as Amsterdam, the act is not considered a criminal offence, Mr Winyat said.

TRADING THEORIES

There are numerous theories about the reasons behind the increase in searches. The most popular is that it started around the time of the coup and the civil unrest which preceded it as police found themselves sidelined by the military.

While James said he noticed the spike well before that time, Andrew*, a Thailand resident of 14 years, said since the May 22 coup he has been stopped by police about five times and searched twice. Each time he was either walking to or from the Thong Lor and Ekamai skytrain stations.

In each instance the officers asked him where he was going and what he was doing. The only times he was not searched was when he was carrying his passport.

Once was on his sub-soi and he was released, but several people from his building had to undergo urine tests for drugs on the street during daylight hours.

"That day I was dressed nicely because I was going on a date, and I think that's why they let me go," Andrew said.

The other times he was stopped he was either wearing shorts or jeans and a T-shirt. He now wears a dress shirt and trousers simply to reduce his chances of getting stopped.

"It's ridiculous that I have to change my wardrobe just to avoid police harassment," Andrew said.

He has also changed his transportation choices, choosing the skybridge from the BTS to avoid areas where he has been stopped before, and taking the skytrain instead of taxis.

"Some friends, including the ones who were drug tested, have relocated," he said. "If I didn't recently get a job, I would have left too. I don't want to live somewhere where I'm treated like a criminal."

POSITIVE CHANGE

As he sat down to speak with Spectrum, James pulled out a laminated card from his wallet. On the front was a colour photocopy of his passport photo page, on the back a copy of his visa stamp.

He said Pol Lt Gen Prawut had assured him this was enough to satisfy any officer who was asking to see his ID.

In the month since his meeting with police, James said he has been trying his hardest to get searched on the street, dressing as a tourist with map in hand and walking laps of Sukhumvit. His efforts have proved futile, with James saying there has been a "huge, huge decrease" in police stops over the past few weeks.

He said foreigners were always likely to be easy targets for an underpaid police force looking to raise some extra cash. Most foreigners lack well-placed connections, meaning repercussions are unlikely for acts of intimidation and extortion.

Language barriers and a lack of legal knowledge also discourages many foreigners from pushing back if they are stopped.

In that sense, James said, foreigners have "made a rod for our own backs".

But he said he has been "impressed" by police efforts to engage with the expat community and is hopeful that the change seen over the past month will be enduring.

"I've just been a conduit for everybody else's grievances to get into a newspaper or magazine," he said. "I'm not badmouthing Thailand. I'm badmouthing corruption and racial profiling."

James is under no illusions about the problems that exist within the police force, particularly the low pay grades of junior officers. But he said he is convinced, or at least hopeful, that a corner has been turned.

"And if nothing changes, we will just be back to where we were." n

Police advice for foreigners

1. When a foreigner is stopped for a search:

- They may take photos of police before a search is conducted.
- Searches must be conducted in well-lit and public area.
- Foreigners should not pay any money to police officers who are conducting a search, even if they are asked to do so.
- Vehicles or taxis can only be stopped and searched at a designated checkpoint, under the control of officers.

2. The collection of urine samples for drug testing can only be conducted at a police station.

3. Foreigners may carry a copy of the photo page and entry-stamped visa page of their passports, in lieu of carrying the original document. n

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