

臺灣宜蘭地方法院檢察署簡介

Taiwan Yilan District Prosecutors' Office

Introduction



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Index

I. History.....	5
II. Agency Establishment.....	7
III. Staffing.....	9
IV. Jurisdiction.....	11
V. Organizational System.....	13
VI. Prosecution Business Overview.....	15
VII. Judicial Protection Business.....	21
VIII. Key Administrative Operations.....	31
IX. Conclusion.....	35
X. Our Service Information.....	35



I. History

Yilan Country is situated on the coastal edge of Northwestern Taiwan, facing the Pacific on the east, connecting to Hualien and Taichung on the south, linking Taoyuan and Hsinchu on the west, and adjacent to New Taipei City on the Northwest. It is surrounded by mountains while facing the coast on one side. The south is wider than the north, forming into a triangular terrain with the Lanyang Plain resting in the middle. The residents mostly engage in agricultural fishery, where the folks are simple and a fairly good social order. The Prosecutors' Office was previously situated on No. 261, Section 2, Zhongshan Road (formerly known as Weishui Road), Yilan City. It was a three-floor building made of reinforced concrete in 1963 with an area of 538 level ground (approximately equal to 1778.5 square meters). Over the past 40 years, the building became increasingly aged and worn out plus the number of employees has multiplied, aggravating to the already crowded office environment and seriously affecting the quality of service provided to the public. The Prosecutors' Office then acquired 2.4 acres of land in Yilan City Service Center from the Yiland County Government after land readjustment in 2001. The construction of a new office building started from May 20th, 2004 and was completed after three years by November, 2007. The building was opened on December 13th of 2007. The new building covers 7,100 level grounds and the floor area of the building accounts for 4,490 level grounds. It is a building of steel structure and glass curtain wall, whereas the wide-open front faces the Central Mountain Ride and the Xueshan (Snow Mountain) Ride with imposing grandeur. The building connects to Taiwan Yilan District Court on the left, converges the Greenland of Yilan City Service Center on the backyard, while overlooking to the Pacific Ocean and Gueishan Island. The beautiful environment and building appearance in addition to the new multiple public service facilities, have all contributed modernity to the Prosecutors' Office.

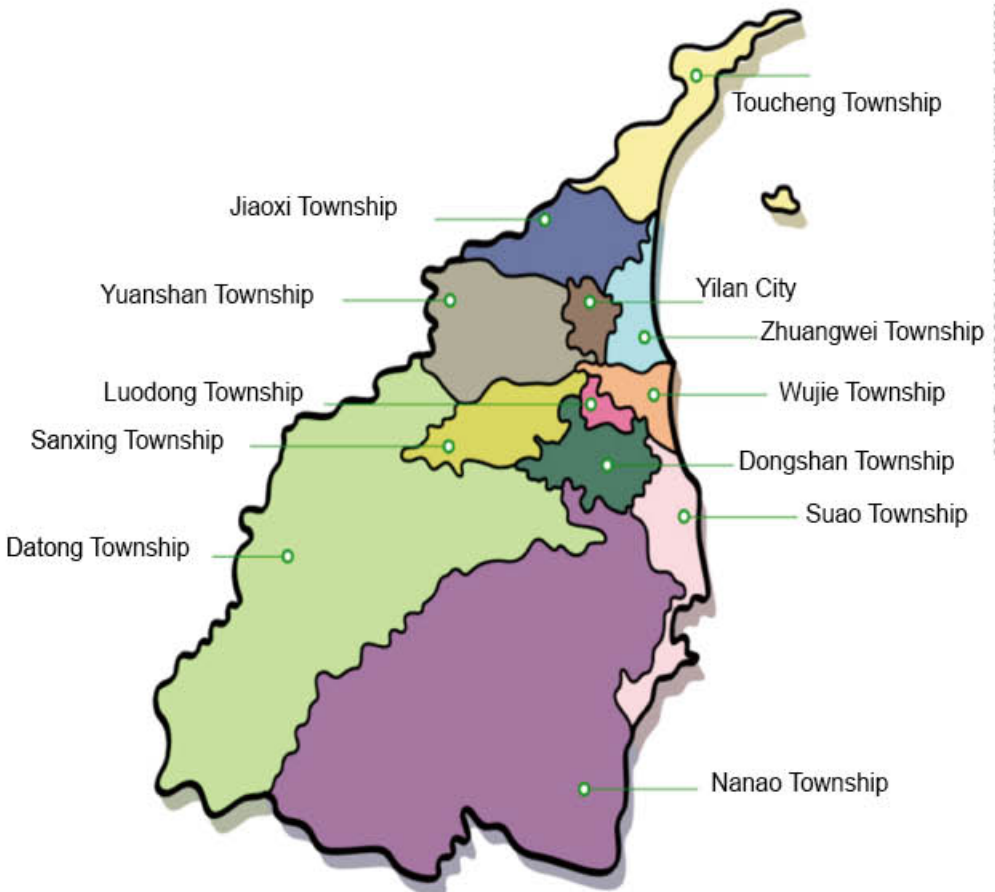
II. Agency Establishment

The Prosecutors' Office is located on No. 3, Xiangzhen West Road, Yilan City, Yilan County. The Main line number is 03-9253000 and the jurisdiction includes all Yilan County territories with an area of 2,137 square kilometers and a population of approximately 460,000 people. The entire county is divided into 12 townships and cities, namely Yilan City, Luodong, Suao and Toucheng Townships, Jiaozi, Zhuangyuan, Yuanshan, Wujie, Dongshan, Nanao, Sanxin, and Datung Townships. The Yilan County Government Police Bureau has established 5 offices in Yilan, Luodong, Suao, Jiaoxi, and Sanxin. Due to the surrounding of green mountains and water, the graceful environment and beautiful sceneries, Yilan County has recently become a famous tourist site. Particularly in Northern Yilan (namely the Weishui Freeway, National Highway No. 5) after the opening of freeways that brings convenient commute, consequently it only takes 40 minutes to travel from Yilan City to Taipei City. As a result, the number of tourists increases sharply and the demography migrating to Yilan County will inevitably increase. The citizens of Yilan County has long engaged in agriculture and the people tend to lead simple life, however the opening of freeway will put the county into spotlight of impact from outside customs which might change the social norms in the local area. The Prosecutors' Office has also incremented staffing due to the growing work load in recent years, therefore the completion of new office building has arrived at the right time to cope with the worn out office.

III. Staffing

Title	Number of people in Staffing	Actual number of people in-service
Chief Prosecutor	1	1
Branch Head Prosecutor	2	2
Prosecutor	20	17
Prosecutor Investigator	6	6
Chief Probation Officer	1	1
Probation Officer	4	4
Head Forensic Medical Examiner & Forensic Medical Examiner	1	0
Forensic Investigator	1	1
Chief Secretary	1	1
Clerk	26	26
Chief Bailiff, Deputy Chief Bailiff, Bailiff	13	13
Other staff, technician, janitor, driver	37	33
Total Actual Number of People : 105 people		
Budget Personnel Quota: 113 people		

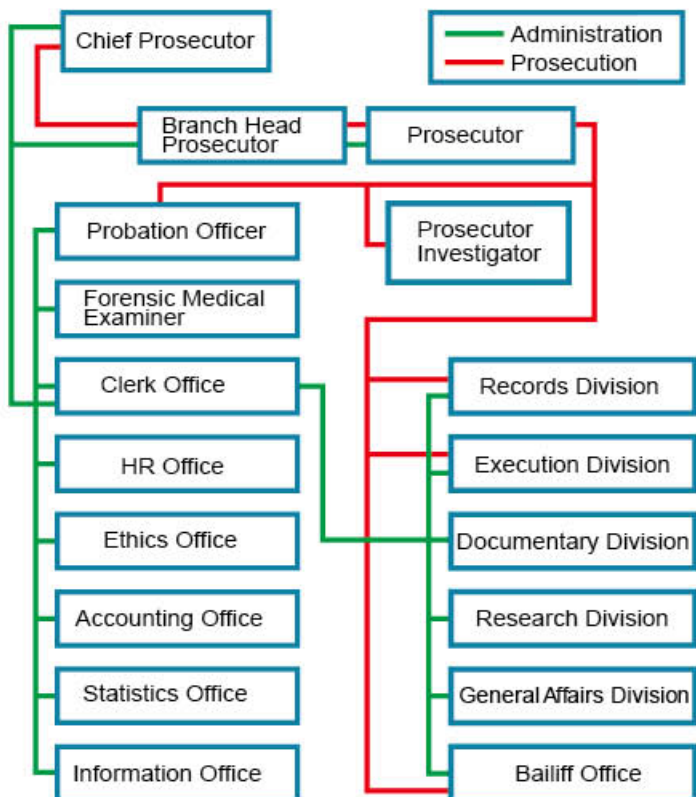
IV. Jurisdiction



V. Organizational System

The Prosecutors' Office is attributed under Taiwan High Prosecutors' Office, with one Chief Prosecutor and 2 Branch Head Prosecutors, steering each project prosecutors respectively. The administrative system is consisted of HR Office, Accounting Office, Statistics Office, Ethics Office, Information Office, Forensics Office, Probation Officer Office, and Clerk Office. In which, the Clerk Office comprises Documentary Division, General Affairs Division, Records Division, Execution Division, Research Division, and Bailiff Office. The above offices and divisions provide complementary supports in investigation and execution of business, while bringing teamwork and service into full play.

**Organization Framework of
Taiwan Yilan District Prosecutors' Office**



VI. Prosecution Business Overview

The execution of prosecute crimes, implement prosecution and give commands in criminal judgment is the foremost important task of prosecuting agencies. To improve the function of prosecutors in fighting against crimes, disclosing the crimes and asserting state power, the Prosecutors'Office abides by the superior commands involving active case solving according to the nature of crimes and actual requirement, particularly in reducing grievance, strengthen examination of corruption, eliminate gangsters, rigorously investigate on drugs, investigate bribery in elections, speed up investigation of serious criminal cases, prevention of child and juvenile engagement in sexual conducts, protection of intellectual properties, unlawful tree cuts, and ban economic and computer network crimes, in attempt to correct ethics, improve public governance, clean the atmosphere of election, and solidify the foundation for democracy so that the people will not be harmed by drugs again and thereby assure the safety of public life, freedom and property. The Prosecutors'Office also upholds to implement the policy of probation for micro crimes by strengthening the persuasion of ceasing a litigation to reduce wastes in litigation expenses. The Prosecutors'Office strictly adheres to principles of prudent petition for detention to protect human rights as well as strengthening probation, rehabilitation and protecting criminal victims so that people mistakenly committed the crime could receive a change for improvement and rebirth while criminal victims will receive compensation and care services. The Office also implements care service for the public to reinforce public credibility in Prosecutor agencies.

1. Investigation :

Investigation refers to the investigation on the crime committer and the collection of criminal evidence carried out by Prosecutor agencies, in attempt to understand the suspects of mens rea and whether if a preparatory conduct of brining into prosecution is needed. The process is described in the follows:

- 1-1. Source of Case : Tell, inform, surrender, transfer by police, submission for investigation by higher authorities, submission by other agencies, and automatic report.

- 1-2. Case submitted to prosecutors for investigation.
- 1-3. Investigation outcome can be divided into statement signing, transfer of jurisdiction, prosecute, petition for summary judgment, non-prosecuted, and deferred prosecution.
- 1-4. Forensics :
 - A. In case the cause of death is non-disease or suspected of non-disease, the prosecutors will accompany the Forensics Medical Examiner (Forensic Investigator) to examine the bodies. The forensic examination work is an important part of prosecution business, whereas the Forensic Medical Examiner (Forensic Investigator) not only needs to provide reference for prosecution agency but also serve as the grounds of Court ruling based on “identifying cause of death” and forensic science, which will directly affect the protection of social justice and human rights.
 - B. Simplifying application procedures for Autopsy Report.
To accelerate the processing of forensic examination cases and to improve quality for forensic examination service, the Prosecutors' Office started the implementation of electronic Autopsy Report in November, 2010 by arranging volunteers issuing such certification in priority for the public.

2. Trial Advocacy :

To implement the indictable business, the indication team is established whereas two Branch Head Prosecutors take turns to steer the prosecutor teams with cross-examination work throughout the entire presence at the court. The prosecutors shall be held responsible for burden of proof based on the criminal facts of the defendant and actively participate in the investigation of evidence through cross-examination of witness and questioning the defendant, supplemented by putting forward a claim report to fulfill the responsibility of burden of proof of prosecutors, assisting court with finding the truth and jointly build a quality judicial image.

3. Execution of business :

- 3-1. The businesses involved by the Execution Division include :
Execution of criminal judgment, execution of case of deferred prosecutor sentencing, parole or probation for protective control measure, execution of conditional probation.

- 3-2. After the Court has determined the ruling on criminal cases, the prosecutors shall command and execute immediately and according to the law, to implement State Power, reduce the flaws in short-term imprisonment and reduce the ratio of recidivism in new inmates imprisoned. Short-term imprisonment may be subjected to pecker payoff and community services.
- 3-3. For petition for pecker payoff, the inmates may be petitioned to pecker payoff in installments if the inmate faces with financial difficulties and is unable to pecker payoff at once.
- 3-4. Non-Uniform social labor system : Such system allows economically disadvantaged to have the opportunity to provide labor or service in substitution of serving the sentence if they are financially incapable of pecker payoff. The social laborers can maintain existing work and life while taking care of their family to avoid generating new social issues due to serving sentencing in prison. The social laborers provide labor service that save human resource costs for the institutions of service, and thereby create productivity and positive effect of giving feedback to the society. The retention costs, food and HR management for correction fees are reduced for governmental prisons, cutting back the expense for national treasure, which eventually saves the money for taxpayers relatively.



VII. Judicial Protection Business

1. Probation business

1-1. Responsibilities in the treatment work for adolescent criminals over 18 years old. The targets of execution include :

- A. Bail on parole and given with protective control measures on parole.
- B. Claimed for probation and given protective measures on probation (including the due performance of labor cases in conditional probation, and compulsory command case in conditional probation.
- C. Replace protective control measures with probation, custody, curfew, and compulsory work for punishment.
- D. Suspended with compulsory work and given protective control measures during the suspension period.
- E. Execute compulsory labor case on probation and compulsory command case on probation.
- F. Execute non-uniform social labor case.

1-2. Key development of our current probation business :

- A. Rigorous enforcement of classification to enhance the efficiency of execution in protective control measures on the classification to persons receiving protective control measures apart from close detention and expanding community and group counseling to prevent recidivism and assist with rehabilitation and re-entering the society.
- B. Implement community treatment policy to give plaintiffs with micro crimes to start with a clean slate and promote community treatment work for probation. The plaintiff of micro crimes will start with a clean slate and perform the matters notified by prosecutors during the probation period, including participation in the legal education arranged by the Probation Officer Room or provide 40 hours to 240 hours of compulsory labor service to charitable groups.
- C. Promote social labor to assure the society with judicial protection by providing payless labor or service in replacement of short-term imprisonment or the execution of criminal fines, in attempt to create a diverse value with social labors through "local service."

1-3. Extend judicial protection business and establish judicial protection offices :

To promote the latest policy in "Justice Protection Site Program," the Prosecutor Office established judicial protection offices to expand soft justice outbound by combining with the Yilan County Honorable Detention Association, Criminal Victims Protection Association, Yilan Branch, Taiwan After-Care Association, Yilan Branch, Yilan Christian Inner-City Vocations, Taiwan Presbyterian Church, Tung Shan Branch, Legal Aid Foundation, Yilan Branch, Tzih Hua Social Welfare Foundation, Teacher Chang Foundation, Yilan Office, designated promotion of legal knowledge, provision of life education and care for criminal victims provided by Council of Indigenous Peoples Yilan County Nanao Township Aboriginal Family and Women Service Center. Please refer to our links to the above resources.Website (<http://www.cvpa-yilan.org.tw>)

1-4. Promote Restorative Justice :

A. The Prosecutors Office organized the promotion of Restorative Judicial Protection according to the letter numbered Fa-Bao-Zi 0991001305, "Ministry of Justice Promotion in the Implementation Program for 'Restorative Justice Tentative Program'" issued by the Ministry of Justice.

B. The system is implemented by the Prosecutors' Office, Yilan Prison, Agency of Corrections Ministry of Justice, Taiwan After-Care Association, Yilan Branch, Association for Victims Support, Yilan Detention Volunteer Association, and Taiwan Yilan District Court, Yilan County Police Bureau, and Yilan Bar Association. The system is also a revolutionary mindset for processing crimes other than retributivism that provides the opportunities of communication and solutions for offenders, victims and surviving families or representatives, giving "justice" a new implication, namely to uphold justice from truth seeking, apology, comfort, responsibility, and recovery. Using Victim Offender Mediation (abbreviated as VOM) as main pattern to carry out comprehensive conversation between crime victims, offenders, families from both sides, and the communities, in attempt to help the offenders recognize the mistakes made and to more actively take responsibilities, thereby reducing recidivism, enhancing the status of victims in judicial cases, respects for right to voice, and at the same time helping the victims receive comfort and healing. Subsequently, the entire community will be established with active functions in restoration and injury amendments.

2. Taiwan After-Care Association, Yilan Branch

2-1. Purpose of Service

Using goodwill to counsel personal released from prison with self-reliance, adaptability to social life and prevention of recidivism, to maintain social orders.

2-2. Objects of Service

The objects of protection in accordance with provision set forth in Article 2 of Rehabilitation Protection Act comprise the following 10 types :

- A. Prisons by expiration of sentence or pardon
- B. Prisoner on parole, bail or receiving medical treatment on bail
- C. Execution of rehabilitative preservation measures or executors exempt from punishment

- D. Persons having completed the execution of juvenile probation
- E. Persons not prosecuted by disposition with appropriate prosecution according to Article 253 of Criminal Procedures or Article 147 of Code of Court Martial Procedure.
- F. Declared of exemption from punishment or executor exempt from punishment
- G. Declared of probation.
- H. Persons claimed for sentencing or detention during the suspension of execution or refused to imprison.
- I. Juveniles under the probation of probation officers
- J. Under ongoing protective control measures

2-3. Services

Providing sheltering, skill training, counseling for employment, counseling for study, counseling for medical treatment, counseling for fostering, counseling for emergency aids, travel funds, escorting home, and entrepreneurship loans.

2-4. Service Number

TEL : 03-9252346, 03-9253000 EXT. 149, 150, 160

FAX : 03-925336

Email : after-care260@mail.moj.gov.tw

3. Association for Victims Support , Yilan Branch

3-1. Object of Protection Service

- A. Survivors of victims died of criminal behaviors.
- B. The victim seriously injured from criminal acts.
- C. Sexual assault victims
- D. Victims of domestic violence and crime
- E. Child or juvenile victims
- F. Human trafficking victims
- G. Criminal victims who are foreign spouse or foreign workers

3-2. Main Business

Sheltering, legal assistance, comprehension application, social aids, investigation assistance, security and protection, psychological counseling, life rebuilding, trust management, emergency aids, providing letter of guarantee, visits and comforts, inquiry and counseling, other services (other crime victims protection related services).

3-3. Service Number

TEL : 03-9251831, 03-9253000 Ext. 151, 152, 163

FAX : 03-9251832

Toll-Free Number : 0800-005-850

4. Yilan County Honorable Probation Association

4-1. Tasks

A. Advocate law knowledge, law abidance and law formulation movements in addition to promoting crime prevention propaganda.

B. Combine social power, implement social resources and assist the government with Probation work.

C. Seminars, reunions, other activities and contact matters related to the Association members.

D. Publishing issues related to Probation knowledge, study on counseling techniques and publications.

4-2. Service Number

TEL : 03-9251183, 03-9253000 Ext. 146

FAX : 03-9252270



VIII. Key Administrative Operations

1. Continue to promote office automation, information and enhance work efficiency.
2. Implement e-Service letters externally and delivery service letter through Bulletin and email inside the Prosecutors' Office.
3. Implement service performance to the public and draw work flowchart for the services closer to the life of the public for convenience.
4. Actively promote legal knowledge, establish legal education in school, and promote legal talent database in communities, strengthen policy advocacy such as "anti-DUI, anti-drug, anti-drag racing, against bribery, protection for women and children, as well as propaganda on various legal knowledge.
5. Promote acceptance of petition case from the public through phone system, organizing electronic public opinion mailbox, implement public opinion survey and chief prosecutor in-field visits to increase the number of complaint channels for the public and accepting recommendations.
6. Implement the concept of service government by establishing multi-function and automated service counter operations, namely the establishment of "Single window for returning Criminal Bail," "Complaint window for victims of serious crimes" and "complaint mailbox for victims of serious crimes." The service center answers the questions raised by the public. In addition to providing litigation counseling at the site, the application for certification replacement, counseling service for crime victims, application for re-issuance of forensic examination certificate and acceptance of preceding, as well as special desk and chairs, writing means, reading glass writing examples...etc. are also provided at the convenience of the public.
7. The archival application section is provided at the service center and so that the public can copy and duplicate the files inquired, strengthening the application services for archives.

8. Combine social resources, recruit, train and hire retired public service workers or teachers with high enthusiasm of service as well as social elites to take position as the judicial volunteers, who shall “walk around” lead the public coming to the Prosecutors’Office on business or hearing purpose, providing service to the public with convenience through brand-new performance that can set up a new judicial image.
9. Reinforce curfew and control measure to maintain the overall safety of the agency.
10. Organize various on-the-job training the spiritual seminars to enrich employee with professional knowledge and service attitudes, thereby enhance the overall service quality.
11. Implement agency work plan and important business execution and control. Use various meetings to review and improve the flaws discovered from the prosecution and administrative business.
12. The Prosecutors’Office offers website for introduction to the agency, public tour, public service, litigation counseling, legal promotion and education, e-Bulletin, and links to related websites. The public is encouraged to use the website for more information. To cooperate with the Executive Yuan’s promotion in single window for government network service and convenience e-Service from the Ministry of Justice to the public, the Prosecutors Office website also adds a link to “My e-Government” and “Ministry of Justice Online Service Application System.” The public are expected to stay and apply for services online through an increasing number of enhanced services each year.

IX. Conclusion

Clean government and democracy are the common objectives which the entire nation pursues. All colleagues at the Prosecutor Office are upholding to the concept of teamwork to pursue excellence in business, carry out a team of “cleanness,” “competency” and “efficiency” while holding the work attitudes of “attentiveness,” “care” and “sympathy” to actively play the role of maintain social justice and fairness, to build a safe and worriless living environment for the public. We also actively improve our case processing quality, administrative efficiency and the function in providing public service. We adhere to assure people’s welfare, social order and responsibilities in maintaining State security. Your opinions will serve as the driving force for our reform and we look forward to receiving any new comments from you so that we will improve our service to you.

X. Our Service Information

Address : No. 3, Xiangzheng West Road, Yulan City, Yilan County,
Taiwan R.O.C.

Main Line : 03-9253000

Website : www.ilc.moj.gov.tw/mp025.html

Facebook : www.facebook.com/yilan.prosecutors.office

Electric Public Opinion Mailbox (Chief Prosecutor’s Mailbox) :
ilcmail@mail.moj.gov.tw

Report Mailbox : ilcn@mail.moj.gov.tw

Citizen Service Center : 03-9253661 and 03-9253000, Ext. 126

Petition Hotline : 03-9251835