

# 緝毒專組之沿革暨新世代 反毒行動綱領的展望

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## 壹、沿革

本署前於日據時期稱為台北地方法院檢察局，台灣光復後，民國 34 年 11 月更名為臺北地方法院檢察處。78 年 12 月間配合法院組織法之修正，再更名為臺灣臺北地方法院檢察署。本署位於全國政治經濟中心，民生富裕，有天下第一署的美譽。轄區人口逐年增加，新舊社區混雜，夜店舞廳與酒店林立，汽車旅館、KTV 及網咖等聲色場所如雨後春筍般交錯，致施用及

販賣毒品案件亦逐年增加。

由於施用毒品具有成癮性、濫用性及社會之危害性，影響層面既深且廣，具體而言：成癮性及濫用性將使吸毒者只能圍繞在「取得毒品→施用毒品→滿足毒癮→身心問題加劇→再取得毒品」的循環週期中形塑自己的生活，直接導致彼等身心健康遭受莫大傷害，使施用者自我決定能力受到毒品制約而戕害國民經濟生產能力，除浪費眾多醫療資源外，施用者為「追藥」

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而籌錢購買毒品，所衍生之財產犯罪（如竊盜、搶奪或強盜）、暴力犯罪（如藥性發作導致精神耗弱而有情緒失控行為，致生妨害性自主或殺人等犯罪）、或不能安全駕駛致生其他用路人死傷之結果等乃時有所聞，不斷發生，已對社會秩序乃至國家安全造成重大危害。

毒品之濫用與查緝已是全球性的國際問題，本署為充分整合各方情資，有效建立對國內外毒品走私、販賣網路之監控機制，乃依法務部於90年12月修正發布之「地方法院檢察署試辦檢察官專組辦案實施要點」規定，設立緝毒專組（信組），第一位專組主任檢察官陳大偉先生，乃施茂林檢察長力邀擔任，透過其專業豐富的緝毒長才與努力不懈的辦案態度，於帶領專組的6年間，運用知識管理之理念，建立專組的辦案文化，為提昇本署之緝毒工作績效奠定厚實之基礎（詳參附錄：本署緝毒專組年度工作績效大事紀）。其後接任之專組主任檢察官賴正聲、李嘉明、朱應翔、戴東麗、陳明進、吳義聰、周士榆、蕭方舟（於蔡碧玉檢察長任內，增設義組為緝毒專組）、黃惠玲、黃士元及黃立維（義組）等，均在既有優良的辦案基礎上承先啟後，面對日新月異的毒品交易模式，率各該組年輕且富有活力的同仁戮力從公，與轄區內警察、調查、海巡及關務等機關同仁就緝毒案件之連繫、管制、追蹤、

不定期檢討執行成效，精益求精。對涉案被告，無論是施用、轉讓、販賣或運輸毒品者，均詳加訊問其毒品之來源、販毒之管道及有無共犯等，以便透過國際刑警組織遏止走私，共同打擊毒品交易，堵截毒品來源。其中更舉本署轄內某五星級飯店於105年12月底發生之「毒品派對嗨死小模命案」為例，使民眾正視年輕族群濫用新興毒品之危機，並使社會強烈責求飯店、旅宿業之通報責任，進一步促成毒品危害防制條例第31條之1之修正，期能進一步遏止毒品濫用之歪風，避免更多年輕生命受毒害（詳參本書收錄之7則重大緝毒專案紀實）。

面對轄區內龐大的毒品中小盤市場，在楊治宇檢察長指示下，由緝毒專組檢察官林達構思實務蒐證之需求，並由具備資訊專長的檢察事務官自主撰寫程式，於100年間成立「緝毒資料庫」，設計整套流程，以科學化之資訊整合方式，逐案將相關毒品犯罪行為人之電話通聯之資料建檔列管，以利分析追查，達成開發新案源之效益（詳參呂坤宜，本署毒品資料庫之籌設、發展與運作）。並自104年間起，獲行政院國科會（現改制為「科技部」）審議通過辦理「開發建置雲端毒品智慧情資分析系統」（即「行動通信裝置鑑識技術」，簡稱「手機取證業務」），當年度即核撥新台幣225萬元動用（詳參吳炳標，

本署行動通信裝置鑑識業務現況及發展)。另與轄區內之台北市政府毒品危害防制中心配合推動防毒、拒毒、戒毒、緝毒等反毒工作；結合社會資源持續辦理校園、青少年反毒宣導，亦與醫療領域結合全方位管控毒癮愛滋個案，達成醫療與犯罪雙效控管（詳參黃惠玲，落實毒品新思維政策之紀實）。

## 貳、行政院新世代反毒策略行動綱領

惟根據電子媒體鏡週刊(Mirror Media)106年11月8日即時新聞指出：據法務部統計，台灣二級毒品（大麻、安非他命等）受觀察勒戒人數，10年增加3成，目前監獄收容人數中，其中5年內再犯而入監則高達7成。從毒品犯罪數據來看，吸毒人口沒有隨著破獲大型毒品案件改善，5年內反而成長2.8倍之多，除了傳統毒品，新興毒品快速竄起，用毒人口的年輕化，讓台灣竟成為毒犯口中的「美麗毒島」。

行政院面對此一嚴峻的社會、國家安全議題，數年來不斷縝密思考解決對策，終於106年5月11日之行政院院會通過「新世代反毒策略行動綱領」，並於同年7月21日核定，架構目標訂為(1)降低需求(2)抑制供應等兩方面：前者從拒毒預防&毒品戒治著手，後者則從防毒監控&緝毒合

作做起。決定從106年至109年以4年為期，調整過去僅偏重「查量」之反毒思維，改以「追人」為中心的追緝毒品源頭，並以「量」為目標消弭毒品，強化跨部會功能整合，同時增加預算資源（分4年編列新台幣100億元至各部會投入反毒工作）與配套修法。

主政之法務部為落實前揭行動綱領，旋於同年5月12日召開「新世代反毒策略」會議，目標：反毒零死角（販毒零容忍），策略包括：(1)以毒品人口普查之理念建立毒品資料庫。(2)著手社區型中小盤緝毒網絡全面掃毒，以利溯源斷根。(3)建立校園、軍中、偏鄉等易於疏忽的施用毒品人口死角之友善通報網。(4)修正毒品危害防制條例，引進擴大沒收（標的客體不需要具體確定究竟係源自何種犯罪行為，且違法行為與經發現到的「現實上支配的客體（擬沒收之犯罪所得）間」之關連性要求並不高）等法制，以澈底瓦解毒品交易行為人之獲利基礎，避免犯罪所得之剝奪可能發生缺口之情形。

嗣台灣高等法院檢察署旋於同年6月14日召開緝毒工作座談會，訂定下列執行方法，通令各地檢署（查緝毒品專組）執行：

- 一、複合緝毒策略：查量、追人。
- 二、打擊「社區型」中小盤販毒網。
- 三、（不）定期毒品掃蕩。



四、溯源斷根。

五、區域聯防：目標設定在掃蕩「社區型中小盤毒販」及其販毒網。功能在強化查緝密度、符合區域現況及較佳之密行性。

六、督導機制：在高等法院檢察署及各分院檢察署成立區域聯防辦公室，建立聯防資料庫並督導各地檢署建立毒品資料庫，俾利盤點製造運輸販賣毒品及溯源案件。

七、建立友善通報網：建立偏鄉毒品問題通報網並強化藥頭查緝、落實保護少年專案（青少年 & 校園販毒查緝）、軍中毒品及擴散源之查緝（結合檢警通報、掌握涉毒人員、溯查毒品來源）。

## 參、本署積極作為

本署自「新世代反毒策略行動綱領」實施後，依邢泰釗檢察長之指示，於台北市舉辦「世界大學運動會」期間（106年7月），積極配合台灣高等法院檢察署規劃之「全國性區域聯防毒品查緝行動」，並依先前本署與教育部學生事務及特殊教育司及台北市政府教育局研議會商之結論，就本署轄區酒夜店，社區中小盤交易及校園可能潛藏之毒品散布死角擴大追查，期能依斷根溯源之目標落實執行，目前已初步達成阻絕毒品的成效（詳參蕭方舟，本署近期緝毒作法及作為）。

「新世代反毒策略行動綱領」之核心

價值，就緝毒作為而言，即在「以溯源為手段，達到斷根之目的」。目前本署之具體作法係以本署緝毒資料庫不斷累積整合之系統資訊為基礎，對施用毒品者之溯源從三方面著手：

一、對所有施用毒品移送人犯至本署之案件，均先由當日輪值內勤之檢察（事務）官訊問上游來源，重點包括交付（販賣或轉讓）毒品供其施用者之年籍資料與聯絡方式（主要為電話號碼），輔以被告當庭提示之手機與上游之網路連繫內容，加以比對擷取作為證據，或當庭扣案後送鑑識取證，若有所獲則分案偵辦。

二、教育部及台北市政府教育局大約自105年12月間起，將全國各司法警察機關所查獲之中學或大專院校學生涉犯毒品案件之資訊，均送本署查核，並依規定逐一分案，交專責人員負責溯源計畫執行。

三、對於經本署檢察官緩起訴處分戒癮治療期間之受處分人，若由本署觀護人室執行採驗尿液結果，發現有毒品陽性反應（即有再犯施用毒品之虞），再以下列三管齊下方式進行：

（一）由觀護人室依法陳請執行科檢察官簽分毒偵案件；

（二）同時簽請執行科檢察官，會簽原偵查股檢察官撤銷緩起訴處分（由原偵查股視個案情節，決定撤銷緩起訴處分



後另行追訴或再將該撤銷緩起訴處分之案件簽結，依刑事訴訟法與毒品危害防制條例之相關規定，再給被告一次緩起訴處分之機會）；

- (三) 觀護人室併依規定陳請執行科檢察官核閱後，逕送分他案，由本署緝毒專組檢察官執行溯源計畫。

## 肆、展望

本署刑檢察長指示緝毒專組檢察官要走出去，與司法警察在業務上有更密切的連繫與督導，提昇辦理此類案件的品質與數量，以落實溯源斷根目標，建立具有台北地檢署轄區特色的查緝毒品作法。

作為第一線的執法機關，對於溯源斷根目標的達成，依據台高檢署今年 6 月 14 日緝毒工作座談會指示，其執行方法就是區域聯防，面向有二：查量 & 追人。這是兩種性質不完全相同的緝毒作為，必須雙管齊下兼顧，才能達成抑制供給之目標。

由於查量主要係中央層級司法警察機關（如調查局各處站、海巡署轄下各單位與刑事警察局等）與台北市刑大的專長與強項，因其既有大盤販毒者之情資與案源，可於自行開發立案後報請檢察官指揮偵辦，本署除與各機關更密切聯繫，希望能與我合作共同查緝外，就是於偵辦期間督導以提昇案件的訴追品質，此部分歷年來的辦案成果斐然。

惟因販毒網係以施用的消費者為末端，故實務上所查獲的案例也是以中小盤佔絕大多數，故就追人溯源部分，期能建構查緝「社區型中小盤販毒網」的具體作法，讓檢、警、憲兵隊的緊密合作能夠在新制度的設計上，往這個方向發展，而檢察官一條鞭的專責分區、警勤區執行家屬關懷與友善通報網的紮根、本署既有毒品資料庫情資與警方上下游分工合作及警方個案報請檢察官指揮偵辦等則為重要改良作法。

本署乃於 106 年 12 月 19 日通過台北地檢署緝毒專組辦理 107 年度區域聯防專責分區實施辦法，具體內容如下：

- 一、參考高雄與橋頭地檢署自 104 年間起實施之檢察官專責對應轄區分局制度，並結合本署已開發取得之溯源情資，緝毒專組檢察官 12 名，專責對應本轄台北市政府警察局各分局暨直屬少年隊與台北憲兵隊共 12 個司法警察機關。其中以一名檢察官主責，另一名檢察官輔助（代理或協同）辦理，各該組主任檢察官則承檢察長之命，督導所屬檢察官與各該司法警察機關執行職務，並協調解決反應之問題或需求，必要時得共同參與案件之辦理。
- 二、各分局（偵查隊）可視人力資源規模，設置專責或兼辦緝毒之警力 4 至 6 名辦理，由偵查隊長或其指定之隊員一名擔



任與承辦檢察官之連繫窗口，各派出所均需設置專責警力至少一名辦理是項業務。

- 三、方法可藉由各司法警察機關透過「友善通報網」與「家屬關懷計畫」所開發之情資，及本署既有「毒品資料庫」取得之情資，由專責檢察官與所屬司法警察密切連繫，陳報溝通個案之事證成熟度，檢察官則指導補強事證方法，並於立案後以報請檢察官指揮偵辦為原則，積極追查毒品來源。但得依轄區販毒行為特性佈建，以收因地制宜之效。
- 四、關於本轄少年隊部分，由檢察官責成該隊（不）定期彙報轄區各分局少年涉毒後，移送少年法庭之報告書，從中過濾情資，若有價值即立案偵辦，檢察官並得將本署既有之校園通報情資發交偵辦。
- 五、關於本轄憲兵隊部分，若有軍人身分涉毒時，除依規定通報轄區憲兵隊外，若檢舉事證明確者，即主動立案發交該隊偵辦。
- 六、檢察官現有承辦之案件或自行溯源追查後有跨轄情形，則不在此限。

## 伍、本署防毒監控作法

由於「新世代反毒策略行動綱領」就檢察機關而言，可以發揮能量的區塊有三：緝毒，戒毒 & 防毒。緝毒部分已詳敘如上，至於防毒部分：本署自 104 年度起迄今，

即以緩起訴處分金補助以全人康復為目標，辦理「正念減壓班課程」的社團法人中華民國解癮戒毒協會，由於成效卓著，多位受處分人因此脫離毒品帶來身癮與心癮的束縛。經該協會推薦介紹之反毒志工已多次到各學校及高關懷處所擔任宣導，業經證實效益最高。因為毒品施用的心路歷程，非過來人的分享總覺得是隔靴搔癢。

## 陸、本署毒品戒治作法

因目前觀察勒戒與強制戒治是設置在各地監獄與看守所的機構內處遇方式，雖然有其治療戒斷症狀的功能，但監所內因人力資源、專業能力與環境因素等條件的限制，此等機構內處遇，對於戒癮治療以培養個案獨立自主的戒斷能力，達成全人康復的目標，已經證明有其極限，對於保安處分需因人而異對症下藥，俾利特別預防犯罪的成效，顯得捉襟見肘。

故關於檢察機關如何提昇戒癮治療的成效之問題，實有賴公私部門協力，並由三根支柱撐起：

第一根支柱是由地檢署觀護人室主導，因為它代表司法機關得撤銷緩起訴處分的裁量權限，有公權力作後盾，乃色彩鮮明的執法機關。

第二根支柱則是各地方政府轄下的公立醫療院所成癮防治科，它是執行戒癮治

療病患的第一線，有醫師、藥師、護理師、臨床心理師、諮商心理師、社工師、職能治療師及個案管理師，對於戒癮治療最專業，能依個案不同的身心狀態進行治療及評估。

第三根支柱則是私部門的戒癮協會等專業公益團體，服務的態樣可以多元化，但是仍以社區型非機構內處遇方式為主，機構內戒癮處遇方式為輔。因為大多數的被告之所以選擇戒癮治療就是打算繼續在社會家庭中生活，一方面維持生計，也有

家庭、醫療與協會支持的力量。後者則有隔離損友環境之效益及宗教團體信仰的支持，且有安排技能課程以利復歸社會，但受益人數較少，政府補助金額較多亦是事實。

這三根支柱必須密切合作，具體方法則是要建構以個案為中心的合作關係，讓戒癮治療的過程隨時回報到司法機關，再動態反饋到各執行機關，依個案情況即時調整處遇強度。故一方面地檢署審核該專業公益團體的申請計畫，通過後以緩起

本署兩位緝毒組黃主任於 106 年 12 月 27 日赴台北市警局簡報：本署辦理 107 年度區域聯防專責分區實施辦法。





訴處分金或毒品防制基金加以補助，另外觀護人室對其執行成效也能予以建議及督導。自然就能了解其治療方法是否符合個案的個別化需求及可重複驗證性，目的在達成全人格康復過程與結果；進一步則是基於感恩社會關懷的心理，走出去分享自己的心路歷程，讓更多患者建立自信，不再用毒，達成新世代反毒策略行動綱領的戒毒目標。

雖然法無定法，但各專業公益團體為獲得民眾與政府的信賴，自然要提出一套

具有可驗證性的戒毒方法論與作法，逐漸形成一個專業的實務社群，因為彼此都是在此領域耕耘多年的專業人士，對話與溝通學習的成效更易加倍，科學研究的方法自然應運而生，第三根支柱的能量愈益強化。因此，政府的職責在於：在政策上引導產生多元處遇模式的良性競爭環境，就會激盪出更多更好的戒癮處遇方案，俾利毒犯更生，復歸社會正常生活。

## 本署辦理「107 年度區域聯防專責分區」之執行情形

黃主任率陳國辰及許慧珍檢察官於 107 年 1 月 16 日赴台北市松山分局與分局長等就緝毒執行面向交換意見。





林逸群與陳宗元檢察官於 107 年 1 月 25 日赴台北市大安分局與員警召開「檢肅毒品聯繫會議」



黃主任率羅佳薇檢察官於 107 年 2 月 21 日赴台北市文山二分局興隆路派出所座談





黃主任率郭進昌檢察官於 107 年 2 月 26 日赴新北市新店分局江陵派出所與員警同仁座談



黃主任率唐仲慶與游明慧檢察官於 107 年 3 月 6 日赴台北市萬華分局西園路派出所，就區域聯防專責分區議題座談



黃主任率游明慧與唐仲慶檢察官於 107 年 3 月 6 日赴台北市中正第二分局泉州街派出所，就緝毒執法問題座談





林逸群與陳宗元檢察官 107 年 3 月 9 日赴台北市大安分局瑞安街派出所與員警就緝毒執行技巧及適法性交換意見



詹騏璋檢察官於 107 年 3 月 9 日赴台北市信義分局三張犁派出所就安居緝毒專案執行成效等議題座談

楊舒雯檢察官於 107 年 3 月 29 日赴台北市警局中正一分局博愛路派出所視導區域聯防作法及成效





## 檢察機關如何帶動提昇 戒癮治療的成效

持續追求創新科研的北檢

報告人：黃士元  
時間：106年12月11日



全國臺北地方檢察廳檢察署

2017/12/13

- 非鴉 全國首創心理酬賞創新計畫
- 預防酒駕再犯行動科技APP創新計畫
- 創新導入 WHO Brief Intervention
- 邁向更完善的戒癮治療
- 新北市中途之家機構介紹
- 戒癮治療的定位與價值



2017/12/13

黃主任於 106 年 12 月 11 日代表本署赴高雄全國一、二審檢察長業務座談會報告「檢察機關如何帶動提昇戒癮治療成效—持續追求創新科研的北檢」



社團法人解癮戒毒協會理事長華琳一行於 107 年 1 月 4 日上午，拜訪本署刑檢察長，檢察長致贈獎牌感謝協會辦理「正念減壓班」，二年多來對本署毒品緩起訴個案戒癮治療的成效卓著，將繼續支持辦理





# History of the Drug Enforcement Task Force and Prospect for New-generation Strategy to Combat Drug Abuse

Shih-yuan Huang

I.History

II.New-generation Strategy to Combat Drug  
Abuse by the Executive Yuan

III.Actions taken by the Office

IV.Prospect

V.Drug Prevention Monitoring Practice of  
the Office

VI.Drug Treatment Practice of the Office





## I. History

The Office was known as the Taipei District Court Prosecutors' Bureau during the Japanese occupation, and following the restoration of Taiwan, the bureau was renamed as the Taiwan Taipei District Court Prosecutors' Department in November 1945. Later on December 24, 1989, in line with the amendment of the Court Organization Law, the department was renamed again as The Taiwan Taipei District Prosecutors' Office (the Office). The Office is located in the political and economic center of Taiwan, with affluent people, and hence is reputed as the First Office in the world. The population under its jurisdiction has been rising year by year. New and old residential communities are mixed, numerous nightclubs and hotels have been erected, and motels, KTVs and Internet cafés have mushroomed. Therefore, cases of drug use and trafficking have been on the rise year by year.

Since drug use is addictive, abusive and socially harmful, its influence is profound and extensive. Specifically, addictiveness and abuse force drug users to shape their own lives by centering on a cycle of obtaining drugs, taking

drugs, satisfying drug addiction, exacerbating physical and mental problems, and then re-obtaining drugs. As a result, the physical and mental health of drug users is severely damaged. Their self-determination ability is restricted by drugs, and this undermines national economic productivity. In addition to squandering medical resources, drug users raise money to purchase of drugs to satisfy their drug addictions. They will commit property crimes (such as theft, looting or robbery), violent crimes (e.g. drug seizures resulting in mental weakness and losing temper, sexual offenses or murder), or drive while under the influence, resulting in casualties of other road users. Drug use has caused considerable harm to social order and national security.

The investigation and seizure of drugs have become global issues. In order to comprehensively collect information from all parties and effectively establish a monitoring mechanism for drug smuggling and trafficking networks both at home and abroad, the Office set up the Drug Enforcement Task Force (Hsin Team) in accordance with



the Key Issues on Implementation of Pilot Case Handling by the Task Force of Prosecutors of the Local Court Prosecutors' Office, which was amended and promulgated in December 2001 by the Ministry of Justice. The first chief prosecutor of the Task Force, Mr. Da-wei Chen, took this post at the invitation of chief prosecutor Mao-lin Shih. With his professional experienced drug enforcement skills and perseverance in handling cases, Mr. Chen applied the concepts of knowledge management, developed the case handling culture of the Task Force, and laid a solid foundation for improving drug enforcement results of the Office during his six-year leadership (For details, please refer to Appendix: Annual Results of Drug Enforcement Task Force of the Office). The succeeding chief prosecutors, Cheng-sheng Lai, Chia-ming Li, Ying-hsiang Chu, Tung-li Dai, Ming-chin Chen, Yi-Tsung Wu, Shih-yu Chou, Fang-chou Hsiao (the Justice Team was set up as a drug enforcement task force during the tenure of chief prosecutor Pi-yu Tsai), Hui-ling Huang, Shih-Yuan Huang, and Li-wei Huang (Hsin Team) all serve as a link between past and fu-

ture. In the face of ever-changing drug trade models, they have led young and energetic team members to fulfill their duties and reviewed the execution effectiveness from time to time, from the connection, control and tracking of drug enforcement cases with police officers, investigators, coast guards, customs officers and other colleagues, in order to pursue excellence. The defendants involved, including people using, transferring, trafficking or transporting drugs, are asked to identify the sources of their drugs, the channels for drug trafficking, and whether they have any accomplices, in order to stop smuggling through the International Criminal Police Organization, jointly crack down on drugs and stop drug sources. A good case example is that of an obscure model who died from drug abuse at a party that took place in a five-star hotel within the Office's jurisdiction at the end of December 2016. This example attracted public attention to the crisis of drug abuse by the young and the community to strongly request restaurants and the tourism and accommodation sector to bear the responsibility of reporting suspected



cases of drug abuse. Furthermore, it facilitated the amendment to Article 31-1 of the Narcotics Hazard Prevention Act, in the hope of further curbing the unhealthy trend of drug abuse and preventing more young people from being poisoned by drugs (for details, please refer to Appendix 7 of this book: Documentary of Major Drug Enforcement Projects).

Confronted with a large drug dealer and retailer market, under the instructions of Chief Prosecutor Chih-yu Yang, the Prosecutor of the Drug Enforcement Task Force, Mr. Da Lin, expressed the practical needs for evidence collection, and a prosecutor with expertise in information designed a program. In 2011, the Drug Enforcement Database was created and a complete set of processes were designed. The information was integrated in a scientific manner, and data on the phone numbers and contact information of related drug-criminals were recorded in files to help analyze, track and develop new case sources (for details, please refer to Kun-yi Lu, Preparation, Development and Operation of the Drug Enforcement Database of the Office).

Furthermore, since 2015, the Office has obtained approval from the National Science Council Executive Yuan, R.O.C (now reorganized as the Ministry of Science and Technology) for Developing and Building a cloud drug intelligent analysis system (i.e. mobile communication device identification technology, hereinafter referred to as mobile forensics business). In the same year, an additional NTD 2.25 million was appropriated for use (for details, see Ping-piao Wu, Status and Development of Mobile Communication Device Identification Technology of the Office). Additionally, the Office works with the Taipei City Drug Abuse Prevention Center in the area to promote drug prevention, rejection, treatment and enforcement, and other anti-drug actions. By tapping social resources, it runs anti-drug campaigns for youth on campuses and also achieves effective control and management of medical treatment and crimes by comprehensively controlling drug addiction and AIDS cases in the medical field (for details, please refer to Hui-ling Huang, Documentary about Implementing New Ideas and Policies of Drugs).



## **II. New-generation Strategy to Combat Drug Abuse by the Executive Yuan**

The real-time news released by e-media Mirror Media on November 8, 2017 reported as follows: According to the Ministry of Justice, the number of people who received detoxification of Category 2 narcotics (cannabis and amphetamines) in detention centers in Taiwan soared by 30% in a decade. Presently, 70% of inmates are people who are imprisoned because of becoming addicted to drugs again within five years. With regard to data about drug offenses, the number of drug addicts has not decreased with the crackdown of large-scale drug cases. Instead, this number has increased by 2.8 times in five years. Apart from traditional drugs, emerging drugs have rapidly increased and the drug addicts have become younger, turning Taiwan into a “beautiful drug island”, as labeled by drug smugglers.

Faced with this critical social and national security issue, the Executive Yuan has been carefully and prudently working towards. Eventually, it adopted the New-generation Strategy to Combat Drug Abuse on May 11, 2017 and approved the strategy on July 21, 2017. The goals of the strategy are to: (1) reduce the demand for illegal drugs, and (2) to curb the drug supply. The former starts with drug rejection, prevention and treatment, while the latter deals with drug monitoring and cooperation in drug enforcement. A cycle of four years, from 2017 to 2020, was determined. In contrast to past efforts that focused only on the quantity of drugs seized, the new-generation strategy centers on tracking drug offenders and apprehending the source of drugs, as well as quantitative targets to eliminate drugs from Taiwan society. It strength-



ens integrating cross-ministerial functions and meanwhile increases budget resources (NT\$10 billion over four years have been allocated to anti-drug work of different ministries), and also amends laws.

In order to implement the strategy, the leading Ministry of Justice convened a conference titled New Generation Anti-drug Strategy on May 12, 2017 and established the goal of having no place for drug dealers to hide (zero tolerance for drugs). The strategies include: (1) setting up a drug database in light of the concepts of census of drug addicts; (2) embarking on a comprehensive crackdown on the drug enforcement network of community-based drug dealers and retailers to help track drug sources and cut off supply; (3) establishing comprehensive reporting net-

works for easily overlooked blind spots of drug addicts such as campuses, military, and rural areas; and (4) amending the Narcotics Hazard Prevention Act by introducing a wider scope of confiscation (including no need to identify the specific offenses committed by the target objects, and a loose connection between the illegal acts and the detected objects actually controlled) and other laws and regulations in order to completely undermine the basis for the profits of drug dealers and avoid possible gaps caused by depriving dealers of the proceeds of crime.

Subsequently, the Taiwan High Prosecutors Office convened a meeting on drug enforcement on June 14, 2017, during which it developed the following implementation measures and notified the local prosecutors' offices:

(1) Composite drug enforcement strategies: inspecting the quantity of drugs seized and tracking drug offenders.

(2) Cracking down on community-based drug dealer and retailer networks.

(3) Drug sweeps in a scheduled (or unscheduled) manner.

(4) Tracking drug sources and cutting off supplies.

(5) Regional joint prevention, with the goal of sweeping up community-based drug dealers and retailers and their drug trafficking networks. The functions are to increase the frequency of drug investigation and enforcement and meet the status of regions with better rigorousness.

(6) Supervision mechanisms, in which regional joint prevention offices are set up in the Taiwan High Prosecutors Office and local prosecutors' offices and a database on joint prevention is established. Local prosecutors' offices supervise the creation of the drug database to facilitate the checking of drug manufacturing, transportation and trafficking, and tracking cases.

(7) Establish comprehensive reporting networks by setting up reporting networks for drug issues in remote areas and stepping up investigation and seizure actions targeting drug smugglers, implementing a youth protection project (tracking down and apprehending on-campus drug dealers targeting the youth), and conducting investigations and seizures of drugs within the military, and tracking the sources of diffusion (with the help of the investigators' reporting, grasping drug-related persons and tracking the sources of drugs).



### III. Actions taken by the Office

Since the implementation of the New-generation Strategy to Combat Drug Abuse, the Office, instructed by Chief Prosecutor Tai-chao Hsing, actively facilitated the National Regional Joint Prevention and Anti-Drug Investigation and Seizure Campaign planned by the Taiwan High Prosecutors Office during the Universiade in Taipei City (July 2017). Additionally, in light of the conclusions reached by the Office, the Department of Student Affairs and Special Education under the Ministry of Education and the Department of Education of the Taipei City Government, the Office increased the number of investigations into blind spots in hotels and nightclubs, as well as drug dealers and retailers in communities where drugs may be concealed, hoping to implement the strategy by tracking drug sources and cutting off supply. At present, the initial effectiveness of blocking drugs has been achieved (for details, please refer to Fang-chou Hsiao, Recent Drug Enforcement Practices and Results of the Office).

The core value of the New-generation Strategy to Combat Drug Abuse is, for drug enforcement results, to fulfill the goal of cutting off supply by means of tracking drug sources. Currently, the specific practices of the Office are based on systematic information collected and integrated by our drug enforcement database. Tracking drug users is based on the following three respects:

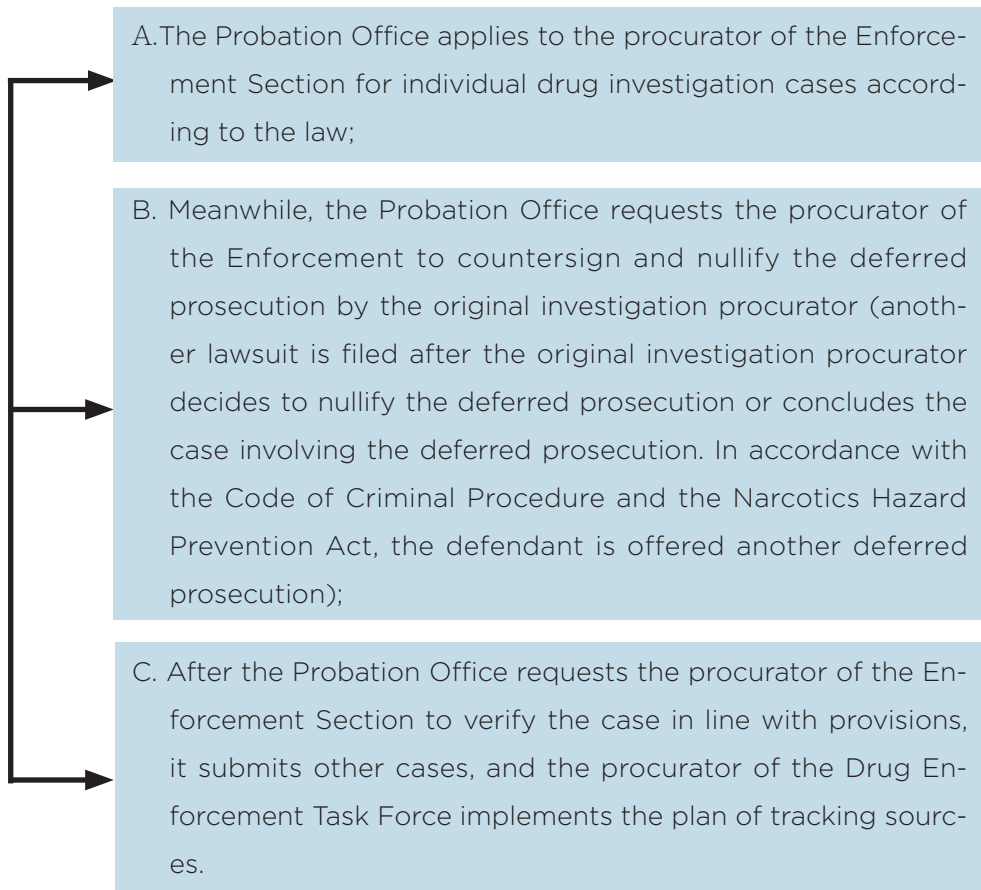
- (1) For all cases of drug users transferred to the Office, the inspector (or investigator) on duty will first ask them about the upstream sources, focusing on the birth date and contact information (mainly phone numbers) about the drug dealers transferring (trafficking or transferring) drugs to the drug users and the online contact details between the phones submitted by the defendants on site and the upstream sources. These contents are compared and kept as evidence, or are immediately submitted for identification and forensics after the phone is retained on site. In case of any evidence, individual cases are filed and investigated.



(2)The Ministry of Education and the Department of Education of the Taipei City Government has submitted information about drug cases involving students in secondary and tertiary schools that have been identified by judicial police authorities across the country for investigation since December 2016. The Office files different cases as required and assigns the cases to special persons

in charge of implementing the plan of tracking sources.

(3)For persons liable to penalty while being rehabilitated during deferred prosecution by the prosecutors of the Office, if the Probation Office carries out a urine test and finds a positive drug reaction, then the following measures will be taken:





## IV. Prospect

The Office's prosecutor, Mr. Hsing, instructed the prosecutors of the Drug Enforcement Task Force to broaden their horizons, have closer business ties and supervision with the judicial police, and enhance the quality and quantity of handling such cases so as to achieve the goal of tracking drug sources and cutting off supply, and to introduce the characteristic practices of drug investigation and seizure of Taipei prosecutors' offices.

In order to attain the goal of tracking drug sources and cutting off supply, in accordance with the instructions given by the seminar on drug enforcement organized by the Taipei High Prosecutors Office on June 14, 2017, the implementation methods of the Office, as the front-line law enforcement authority, are based on regional joint prevention and a focus on inspecting the quantity of drugs seized and tracking drug offenders. These are two drug enforcement practices with totally different natures, and equal emphasis must be placed on these two practices in order to reach the goal of curbing supply.

Since inspecting the quantity of drugs seized is the expertise and strength of the central judicial police authorities (such as divisions and offices of the Investigation Bureau, organizations under the Coast Guard Administration and the Criminal Investigation Bureau) and the Criminal Investigation Division of the Taipei City Police Department, due to their intelligence and case sources of drug distributors, these authorities may request the prosecutors to give instructions and make investigations after identifying cases. Apart from a closer connection with these authorities, the Office also exercises supervision during an investigation in order to improve the prosecution quality of cases. Remarkable achievements have been made in this regard over the years.

However, the targets of drug trafficking networks are consumers taking drugs, so in practice, the majority of the cases solved concern drug dealers and retailers. As a result, in terms of tracking drug offenders and sources, it is hoped to develop the specific practice of community-based drug trafficking

networks of drug dealers and retailers. The close cooperation between prosecutors, police and military police can work towards this direction in the design of new polices. The prosecutors assume integrated responsibilities, and the police offer family care and run the comprehensive reporting networks, while the Office has information from the drug database and works with upstream and downstream police to sub-

mit individual cases to the prosecutors for instruction and investigation. All these are important improvements.

On December 19, 2017, the Office passed the 2018 Implementation Measures for Special Duties of Regional Joint Prevention for the Drug Enforcement Task Force of the Taipei District Prosecutors Office, and the specific details are presented as follows:

(1) With reference to the policy on special duties of prosecutors in corresponding jurisdictions implemented by the Kaohsiung District Prosecutors Office and the Qiaotou District Prosecutors Office from 2015, and based on the intelligence of tracking drug sources collected by the Office, 12 prosecutors of the Drug Enforcement Task Force are in charge of 12 judicial police authorities, including different divisions, and the Juvenile Affairs Division under the Taipei City Police Department and the Taipei Military Police. Specifically, one prosecutor assumes the major duties, with assistance from another prosecutor (agency or coordination). The chief prosecutors of this task force obey the orders of the Chief Prosecutor, supervise their subordinate prosecutors and judicial police authorities to perform their duties, coordinate in addressing the problems or needs reported, and jointly handle cases if necessary.

(2) Each division (investigation team) may be staffed with four to six police officers who are solely responsible for or assist with drug enforcement. The investigation team leader or the member designated by the leader serves as a connection between the prosecutors handling cases, and the police stations should be staffed with at least one police officer with specific duties to handle this business.



(3) The methods can make use of the intelligence collected by judicial police authorities through the comprehensive reporting networks and family care programs, as well as information gathered by the Office's drug database. The prosecutor assuming specific duties keeps close contact with the judicial police he works for, and reports the sufficiency of evidence of individual cases, while other prosecutors instruct methods for increasing evidence and actively track the sources of drugs following the principle of requesting procurators for instruction and investigation after the cases are filed. However, the methods should be developed based on the drug trafficking characteristics within the jurisdiction to achieve the effects of acting according to circumstances.

(4) With respect to the Juvenile Affairs Division within the jurisdiction, the prosecutors should instruct this Division to submit reports after young people from different divisions within the jurisdiction are accused of drug use and transferred to juvenile court in a scheduled (or unscheduled) manner. They should read the reports and immediately file and investigate worthy cases, and should submit the Office's existing campus intelligence for investigation.

(5) With regard to the Military Police within the jurisdiction, if soldiers are accused of drug use, the prosecutors should take the initiative to file a case and submit the case to the Military Police for investigation in case of clear accusations, apart from reporting to the Military Police within the jurisdiction in line with provisions.

(6) If the cases presently handled by the prosecutors are not within the jurisdiction of the Office after tracking drug sources, the provisions are not applicable to the cases.



## **V. Drug Prevention**

### **Monitoring Practice of the Office**

For prosecutorial organs, the roles played by the New-generation Strategy to Combat Drug Abuse are threefold, including drug enforcement, treatment, and prevention. Drug enforcement is detailed in the above. For drug prevention, since 2015, the Office has established the goal of subsidizing holistic detoxification with deferred prosecution fines. The Holistic Detox Association runs the Mindfulness-Based Stress Reduction program. Due to its impressive results, many persons liable to penalty are no longer restricted by physical and mental drug addiction. Anti-drug volunteers recommended by the Association have advocated the program in schools and intensive-concern institutions numerous times, which has proven it to be most effective, because the life experience of drug use is always an ineffective solution.

## **VI. Drug Treatment**

### **Practice of the Office**

At present, detoxification in detention centers and compulsory treatment methods are treatments provided in prisons and detention centers in different places.

Although these methods produce treatment effects, the treatment in such institutions is limited in terms of developing the independent ability to give up drugs and attaining the goal of holistic detoxification with rehabilitation treatment during deferred prosecution due to limits of human resources, expertise and environmental factors. They also pale in comparison with the results of security measures in special crime prevention in different ways.

Therefore, the problem of how the prosecutorial organs can enhance the effectiveness of detoxification should be resolved by both public and private sectors with the support of the following three pillars:

The first pillar is led by the Probation Office of the local prosecutors' office, because the prosecutors' office has the discretionary right to nullify deferred prosecution, has the support of public

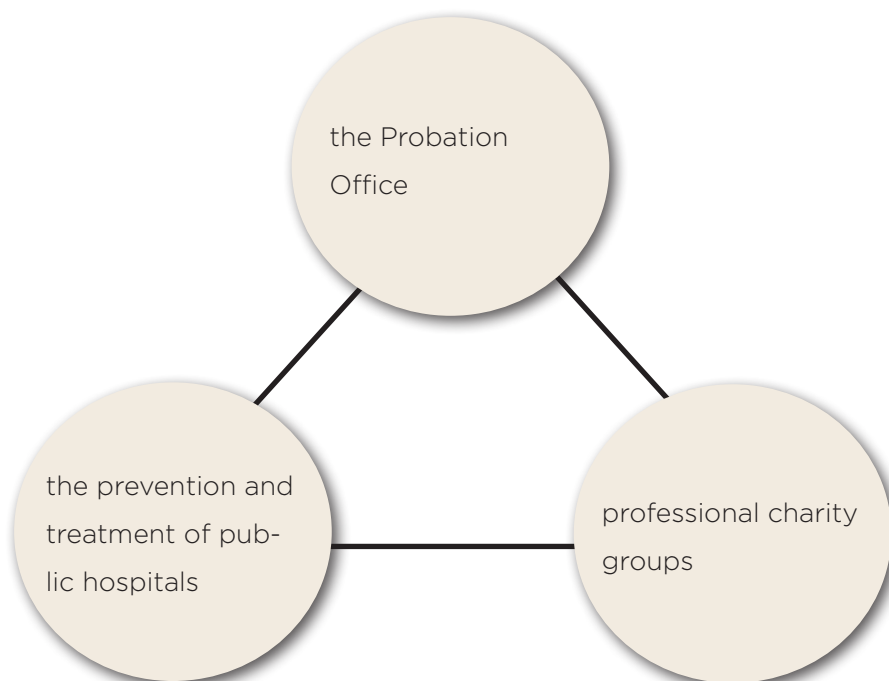


power, and is a distinctive law enforcement organ.

The second pillar is centers for the prevention and treatment of public hospitals within the jurisdiction of local governments, which are the front line for patients receiving detoxification. There are physicians, pharmacists, nurses, clinical psychologists, counselors, social workers, occupational therapists and case managers in these centers. These centers provide specialized detoxification and can offer treatment and assessment based on the different physi-

cal and mental conditions of patients.

The third pillar is professional charity groups, such as detoxification associations in the private sector. The service methods of these groups can be diversified, but they are dominated by community-based non-institutional treatments with the help of institutional detoxification treatments. Most of the defendants who choose detoxification intend to continue living in social families and aim to earn a living and gain support from families, medical care and



associations. The latter treatment has the benefit of isolation from an unfavorable environment and support from the beliefs of religious organizations. Furthermore, skills programs are run to help patients to adapt to society. However, it is also true that there are fewer beneficiaries and more government subsidies.

These three pillars must work closely. Specifically, a case-centered cooperative relationship should be established so that the process of detoxification can be reported to the judicial organs at any time and then dynamically fed back to the implementing authorities to make real-time adjustments to the treatment plan based on the case's status. Therefore, the local prosecutors' office should examine the application plans of the said professional charity groups and assist them with deferred prosecution fines or drug prevention funds after passing the plans. In addition, the Probation Office should offer recommendations and supervision of the implementation results. In this way, it can be learned whether the treatment method meets the customized needs of cases and repeated validation.

The aim is to achieve the process and results of holistic detoxification. Furthermore, patients will be grateful for social care, share their life experiences, and allow more patients to build the confidence to not take drugs any longer, thus attaining the detoxification goal of the New-generation Strategy to Combat Drug Abuse.

In addition, in spite of a lack of dogma, to win the trust of the public and government, the specialized charity groups must devise a set of verifiable detoxification methods and practices and gradually become specialized practical groups. Since the groups consist of experts in detoxification, the effectiveness of dialogs, communication, and learning can be easily enhanced, naturally giving rise to scientific research methods. The benefits of the third pillar can increase. Consequently, the duty of the government is to guide a benign and competitive environment that creates multiple treatment models from its policies, so that more and better detoxification treatment programs can be produced, thereby helping drug offenders to make a living and lead a normal life again.





Taipei 2017 29th Summer Universiade torch/Chun-Lin Pan