



# 回首來時路 -- 本署近期緝毒作法及作為

蕭方舟

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- 伍、規劃校園緝毒機制，活絡情資通報內涵
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本署轄區人口稠密，無海岸線及大型國際機場，故無論在查緝製毒工廠抑或追緝大型走私、運輸毒品等案件偵辦上，均有先天不良之憾。自邢檢察長上任後，認本署之緝毒策略及方針，應力求開創且多元，執緝毒及防毒兩端，建立屬本署之查緝毒品特色。其作法及作為分敘如下：

## 壹、強化毒品資料庫功能，科

### 技偵搜與時俱進

本署自民國 100 年 3 月 1 日起，建置毒品資料庫，經歷任檢察長無條件予以經費及人力奧援，累計迄 106 年 4 月 25 日止，共已調取並上傳通聯筆數為 22,512,599 筆、申設資料 25,539 筆、通訊監察 12,264 筆及三、四級毒品人口 12,069 筆、一、二級毒品人口 15,884 筆，成效卓著。然科技日新月異，犯罪手法亦藉科技進展

1. 本文作者為本署主任檢察官。



之助，不斷翻新，本署深知惟有與時俱進，激盪出新作為，才能有效打擊毒品犯罪。近期本署策進作為，分敘如下：

### 一、區域聯防

因本署所轄區域，緊臨新北、士林地檢署，而施用及販毒者，應有重大關連，為提升本署查緝毒品能量，如可取得新北、士林地檢署資料，應能提升緝毒績效。經本署倡議下，本署、新北、士林等地檢署，均已函請臺灣高等法院檢察署（下稱高檢署），將上開3地檢署所上傳資料，均同步傳送至各自地檢署資料庫，業獲高檢署首肯，正刻積極協助中。

### 二、自動上傳

高檢署為建立全國毒品資料庫，須調閱大量通聯紀錄，每月均須上傳數百個通聯檔案，如以人力約3至5分鐘，僅能上傳一個，過程枯燥，亦無法排除人為疏失造成之重覆上傳等錯誤，本署以Python程式語言，開發自動上傳檔案機器人（程式），將上開調取通聯檔案，無須人力介入，每15秒自動上傳一個檔案，且排除已上傳檔案，節省人力。

### 三、新興通訊軟體通聯部分

電信業已由傳統市內電話、行動電話，轉至數位通信。案件偵查中，發現當

事人往往很少使用傳統語音通話，大都採用通訊軟體相互通聯，縱使雙方利用語音通話，遇敏感部分，亦隨即改採通訊軟體，相互溝通，成為查案死角。

我國國民目前主要通訊軟體為FaceBook、Line及WeChat等通訊軟體，而該等通訊軟體，均為國外公司所發行，未在我國境內設立公司登記，FaceBook雖有調閱申設資料管道，惟往往以其他理由，婉拒提供資料，而Line、WeChat部分調閱，目前並無機制，縱有調閱申設資料，如須調閱通聯紀錄、上線監聽，其時程仍為漫漫長路，亦增查緝困難。

本署參與科技計劃購買「手機取證器」，經檢察長支持維護費用（每年8萬元），歷長時間使用，已熟悉該取證器操作。而該取證器能將上開通訊軟體，聯絡人、通訊內容等資料，一併取出（詳參附件），除毒品案件外，亦支援各類案件，於本署執行專案上，如有必要，可即時取證，快速供檢察官參考（節省送請司法警察取證時間，因其數量亦多，約2-3個月始回覆結果），助益頗大。

再者，本署鑑於偵辦毒品等案件，個人資料、往來訊息等均存於手機內，以傳統方式偵搜，仍有侷限，且因其取證時間

較長（每門號約 2 小時），實有再建置手機取證器之必要，已獲上級同意並購置中。

## 貳、加強與司法警察聯繫與合作，統整情資阻絕毒品入境

近期本署檢察官指揮司法警察，過濾及統整情資，因而查獲國際運輸毒品之重要案例有二，分敘如下：

- 一、本署林逸群檢察官指揮調查局北部地區機動工作站，於 105 年 12 月 1、2 日，破獲楊姓、葉姓嫌犯等人共組之運輸毒品集團，查獲第二級毒品安非他命約 51.343 公斤及破紀錄之古柯鹼約 218.45 公斤。若以欲輸入國之市價計算，達新臺幣（下同）約 126 億元以上。
- 二、本署賴秋萍檢察官指揮警政署刑事局，於 106 年 1 月 24 日在中華郵政股份有限公司臺北郵件處理中心查獲自伊索比亞出口，中轉過境至大陸北京後再進入臺灣，委請不知情之茶葉行重新包裝偽造成一般茶葉包，欲再轉寄至澳洲含毒品卡西酮成分之恰特草，共計 134 公斤。

## 參、於國家舉辦重大活動期間，強力掃毒以淨化治安

本署為落實執行行政院「新世代反毒策略」，並就臺北市舉辦「世大運」期間的治安狀況預為因應，檢察長遂責成緝毒組主任，積極配合高檢署所規劃的「全國性區域聯防毒品查緝行動」，自 106 年 7 月「世大運」開幕前起，直至「世大運」舉辦期間，依高檢署指示，進行「區域聯防」緝毒行動。其中尤著重對本轄酒、夜店販毒、用毒，以及兼從事販毒的犯罪集團等犯罪態樣的查緝，力求斷根溯源，並查扣販毒工具。在上揭期間內，總計本署共查緝藥頭 85 人、藥腳 496 人到案，聲押 9 人均獲准，並扣得第一級毒品 258.045 公克、第二級毒品計 18,822.01 公克、第三級毒品 2619,611 公克、自小客車 1 部及行動電話機具 174 具等物，已有效阻絕毒品及其孳衍犯罪。

## 肆、落實查扣沒收制度，剝奪犯罪工具及所得

本署認惟有落實法令所規範之查扣沒收規定，徹底剝奪販毒之犯罪工具及所得，方能抑制販毒者之氣焰，目標為貫徹毒品危害防制條例及刑法規範，以及以專案執行前即掌握工具及所得資訊、執行後自願繳交及聲請扣押裁定等作法，兼顧效率。步驟如下：

- 一、由檢察官指揮之販毒案件做起；



- 二、通訊監察開始即逐步掌握證據、犯罪工具及所得動態；
- 三、於續監時持續掌握狀況；
- 四、執行前與主任討論案情，並判斷有無聲請扣押裁定之必要；
- 五、執行時一一查扣證據、工具及所得；
- 六、如未於執行時查扣，朝諭知自動繳交及聲請扣押裁定方向努力；
- 七、於起訴時聲請沒收或追徵。

經本署緝毒組檢察官與承辦員警之長期通力合作下，於 105 年 11 月下旬，執行高檢署「無毒防護網」專案，在查扣犯罪工具上，便收到豐碩之成果，計查扣自小客車 5 部及摩托車 1 部等物，甚有斬獲。另上述古柯鹼案，共查扣集團成員犯罪所得計 1,861 萬元及名車 1 部。

## 伍、規劃校園緝毒機制，活絡

### 情資通報內涵

#### 一、建構校園緝毒、反毒平台

於 105 年 9 月 21 日，由緝毒組主任赴教育部主管司即學生事務及特殊教育司與承辦人員及台北、新北二市教育局代表開會研議，達成以下共識：1. 國、高中部分，若有情資，請教育單位同時提供予本署、少年隊。2. 大專部分，於教育部接獲學生偏差行為通知書時，一併提供予本署及學校。俾利本署掌握先機，立案偵辦。

#### 二、擬定情資通報機制與內涵

於 105 年 10 月 26 日，由緝毒組主任與轄區台北市教育局承辦人員開會研議，確認通報機制，並擬具「臺北市各級學校發現毒品來源情資通報紀錄表」供教育單位通報之用。又於 106 年 3 月 23 日、4 月 26 日，赴教育部主管司洽定通報流程。

#### 三、取得具體情資調查犯罪事證

於 105 年 9 月 30 日，緝毒組主任與轄區少年隊會商，責成本轄少年隊定期彙報轄區各分局少年涉毒移送少年法庭報告書，從中過濾情資，若有價值即立案偵辦。

#### 四、爭取奧援以擴充緝毒資源

邢檢察長拜會柯市長，獲柯市長承諾無上限支援緝毒業務。柯市長並於 106 年 1 月 5 日，親赴本署與邢檢察長共同簽訂合作備忘錄，宣示反毒決心。

#### 五、強化校園反毒宣導的力度與廣度

以毒品對身體、心靈的戕害為宣導重點，圖文並茂使校園學子畏懼毒害，另增加對轄區偏鄉學子的宣導頻率。

## 陸、加強與軍事機關交流，溯源並宣導

軍人涉毒，不僅為治安問題，更可上綱至國安問題，實應慎重以對。檢察長亦



極為重視，指示緝毒組主任與轄內軍事機關聯繫，從指揮毒品溯源及法治宣導著手。其作法為：

- 一、本署自 106 年 5 月起，過濾新收案件，若有軍人身分涉毒時，除通報轄區憲兵隊外，亦主動立案發交，以促即刻追查毒品來源。轄區憲兵隊依本署提供情資及指揮，近期已在新北市板橋區、桃園市林口區等地順利緝獲供毒上手。
- 二、在檢察長責成下，本署自於 106 年 11 月起，即安排專組檢察官至轄內多處軍事機構，為偵辦案件之教育訓練及法治教育宣導。

## 柒、密集關懷訪視受保護管束之毒品犯，鼓勵戒毒並開拓緝毒網絡

依檢察長之擘劃，由觀護人室結合臺灣更生保護會臺北分會、臺北市榮譽觀護人協進會及臺北市、新北市毒品危害防制中心等單位，就評估為高風險之毒品觀護個案，加強輔導訪視，除鼓勵戒除毒癮外，並間接取得轄區內之中小盤毒販資訊，提供檢察官查緝。本署配合高檢署執行「區域聯防」時，亦同步執行訪視，成果豐碩，訪視個案已多達數百名。

本署認為此時方是反毒戰爭之起點，全體同仁在檢察長領導下，並不拒戰且勇於迎戰，今後亦將持續加強毒品查緝作為，落實政府反毒決心，以建立無毒家園，保障民眾安全，維護社會治安。





# The Journey Travelled – Recent Anti-Drug Efforts of the Taipei District Prosecutors Office

Fang-chou Hsiao

- I. Strengthening of Drug Tracking Database  
Functionality and Keeping up with Technology  
Advancements in Investigation Operations
- II. Enhanced communication and cooperation with  
judicial police in order to integrate intelligence  
and prevent drugs smuggling
- III. Sweeping anti-drug campaigns to ensure social  
security during major national events
- IV. Seizure of crime tools and proceeds
- V. Planning of anti-drug mechanism for schools  
and activation of the intelligence reporting  
system
- VI. Strengthening of ties with military institutions  
in order to curb drug abuse by military  
personnel
- VII. Frequent visits to drug offenders in custody to  
encourage them to quit drugs and develop new  
avenues for drug investigations

Yangmingshan National Park/Chia-Hsin Lu

The jurisdiction we cover is densely populated, with no coast lines or large international airports, which makes it inherently difficult to investigate illicit drug manufacturing sites and large-scale drug smuggling and trafficking. Since Chief Prosecutor Hsing took

the helm, the Taipei District Prosecutors Office has been seeking to innovate its anti-drug strategy and methodology. It is hoped that we focus both on drug investigation and prevention by devising a variety of measures, as follows:

## **I. Strengthening of Drug Tracking Database Functionality and Keeping up with Technology Advancements in Investigation Operations**

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Since the deployment of our drug tracking database on March 1, 2011, Chief Prosecutors have extended generous support in funding and human resources. As of April 25, 2017, we have retrieved and uploaded a total of 22,512,599 communication data entries, 25,539 application data entries, 12,264 communication monitoring cases, 12,069 entries on the users of category 3 and 4 drugs, and 15,884 entries on the users of category 1 and 2 drugs. Criminal activities change with the advancements of technology, and we know that we can only effectively combat drug crimes by keeping up with the times and revamping our procedures

accordingly. Our recent initiatives are described, as follows:

### **1.Regional zone defense**

Our jurisdiction is next to those covered by New Taipei District Prosecutors Office and Shilin District Prosecutors Office, and understandably, the profile of illegal drug users and vendors between these areas are highly connected. We have proposed that the acquisition of data from New Taipei District Prosecutors Office and Shilin District Prosecutors Office should be able to assist our anti-drug efforts. Hence, Taipei District Prosecutors Office, New Taipei District Prosecutors Office, and



Shilin District Prosecutors Office have jointly submitted a request to the Prosecutors Office for Taiwan High Court that all updated information by any of the three offices shall be simultaneously sent to the databases of all three. The Prosecutors Office for Taiwan High Court has approved the proposal and is currently attending to this matter.

## 2. Automatic uploading

To establish a nationwide anti-drug database, the Prosecutors Office for Taiwan High Court must access a staggering amount of communication data, and upload hundreds of records per month. If done manually, it takes three to five minutes to upload a file, thus, this process is monotonous and there may be human errors or repeated uploads. Taipei District Prosecutors Office has developed a bot for automatic uploading with Python, which eliminates the need for human intervention, as the bot automatically uploads one communication record every 15 seconds (without repeating the files already uploaded).

## 3. Emergence of communication software

Telecommunications have shifted from city calls to mobile phone calls to digital communication. Thus, traditional phone calls are seldom used, and communication software is currently the mainstream method. Even if a conversation starts with voice phone calls, it switches to communication software for sensitive contents, which block crime investigations.

Most people in Taiwan communicate on Facebook, LINE, and WeChat, which are social media sites run by foreign companies, without being registered in Taiwan. Facebook accepts requests to access data, but only declines such requests with various excuses, and there is no formal mechanism available for the retrieval of data on LINE or WeChat. It is a tedious process to try to access their communication records and monitor traffic, and all such issues render investigations more difficult.

Chief prosecutors have always been supportive of the annual maintenance expenses of NT\$ 80,000, and with funding for science and technology projects, Taipei District Prosecutors Office purchased an instrument to gather evidence from mobile phones. Our per-



sonnel is rather experienced in using this tool to retrieve information, such as contacts and communication contents over messaging apps (please refer to the appendix), and we use such information for drug investigations and other cases. If necessary, we can also gather evidence on a real-time basis for prosecutors, which has been a great benefit, as it saves two to three months waiting time for the long queue with the judicial police in evidence collection.

Given the limitations in traditional methods and the long processing time (approximately two hours per mobile number), it is necessary to purchase additional instruments to assist drug investigations in evidence gathering from mobile phones (where personal data and communication logs are stored). This proposal has been approved and the procurement process is currently ongoing.

## **II.Enhanced communication and cooperation with judicial police in order to integrate intelligence and prevent drugs smuggling**

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There are two recent important instances where our prosecutors instructed the judicial police to crackdown on cross-border drug trafficking by screening and integrating intelligence.

1.Our prosecutor, Yi-chun Lin, instructed the Mobility Units for Northern Taiwan, Investigation Bureau under the Ministry of Justice on December 1 and December 2, 2016 to bust the

drug trafficking group organized by suspects Yang and Yeh. The operation seized approximately 51.343 kilograms of Amphetamine, as well as the record-breaking volume of 218.45 kilograms of cocaine, which was valued at approximately NT\$12.6 billion when calculated according to the market price in the countries of origin.



2. Our prosecutor, Chiu-ping Lai, instructed the Criminal Investigation Bureau, National Police Agency on January 24, 2017 to bust 134 kilograms of khat, which was originally from Ethiopia, in the Taipei Mail Pro-

cessing Center, Chunghwa Post. The khat entered Taiwan via Beijing, China, and was repackaged into tea bags by unknowing tea companies. The final destination was Australia. Khat is an illicit drug that contains cathinone.

### **III. Sweeping anti-drug campaigns to ensure social security during major national events**

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To execute the Executive Yuan's anti-drug strategy for new generations and prepare for the Summer Universiade held in Taipei City, the Chief Prosecutor instructed the director of the Anti-Drug Division to work with the Prosecutors Office for Taiwan High Court for National Zone Defense and Anti-Drug Investigation Operations. In July 2017, before the opening and during the Summer Universiade event, National Zone Defense and Anti-Drug Investigation Operations were put in place, as per the instructions from the Prosecutors Office for Taiwan High Court. The focus was on different crime patterns, such as drug vending and

consumption in night clubs and crime organizations engaged in drug trafficking. The purpose was to stop illicit drugs at the source and seize the tools of drug trading. During this period, the Taipei District Prosecutors Office arrested 85 drug suppliers, 496 small-time drug dealers, and the applications to detain nine suspects were all approved. We seized a total of 258.045 grams of category 1 substances, 18,822.01 grams of category 2 substances, and 2619,611 grams of category 3 substances, as well as one mini-van and 174 mobile phones. These measures have effectively curbed drug dealing and relevant crimes.

## IV. Seizure of crime tools and proceeds

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Taipei District Prosecutors Office believes that only by seizing crime tools and proceeds, as prescribed by laws, can the activity of drug trafficking be suppressed. We aim to adhere to the Narcotics Hazard Prevention Act and Criminal Law by properly utilizing the resources and information at our disposal before any actions. While we encourage the voluntary hand-in of crime tools and proceeds, we also apply for detentions and rulings to ensure efficiency. The procedures are, as follows: (1) the instruction from prosecutors regarding drug dealing cases; (2) gradual gathering of evidence, and profiling of crime tools and proceeds flows, as soon as communication monitoring starts; (3) continued monitoring; (4) discussion with directors before operations to determine whether it is necessary to apply for detentions and

rulings; (5) seizure of evidence, tools, and proceeds during operations; (6) if seizure is not possible during operations, encouragement of voluntary hand-in and application for detentions and rulings; (7) applications for confiscations or forced collections during the indictment process.

With the long-term collaborations and efforts of our prosecutors in the Anti-Drug Division and police officers, our participation in the Drug-Free Defense Net, as administered by the Prosecutors Office for Taiwan High Court in the second half of November 2016, achieved good results. We seized five mini-vans and one motorcycle used for crime activities. The seized proceeds from those involved in the abovementioned cocaine case totaled NT\$18.61 million and a limousine.



## V.Planning of anti-drug mechanism for schools and activation of the intelligence reporting system

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### 1.Construction of an anti-drug platform on campus

Along with representatives from the Department of Education, Taipei City Government and the Department of Education, New Taipei City Government, the director of our Anti-Drug Division attended a meeting on September 21, 2016, which was convened by the Department of Planning and the Department of Student Affairs and Special Education, Ministry of Education. The meeting reached the following consensus: (1) any intelligence regarding junior and senior high schools shall be simultaneously provided by education authorities to the Taipei District Prosecutors Office and Juvenile Delinquency Prevention Brigade; (2) the Ministry of Education shall forward the notifications of the deviated behavior of college students to the universities concerned and Taipei District Prosecutors Office, which will help us to get a good head start in investigations.

### 2.Formulation of intelligence reporting mechanisms and contents

The director of our Anti-Drug Division met with the delegates from the Department of Education, Taipei City Government on October 26, 2016 for the confirmation of the reporting mechanism. A form "Reporting for Illicit Drug Sources" has been put in place for reporting by all the schools in Taipei City. On March 23, 2017 and April 26, 2017, the director of our Anti-Drug Division visited the Department of Planning, Ministry of Education, to confirm the reporting procedures.

### 3.Intelligence acquisition for crime evidence gathering

On September 30, 2016, the director of our Anti-Drug Division met with the Juvenile Delinquency Prevention Brigade in our jurisdiction to ensure regular reports from the latter regarding the teenagers referred to juvenile courts for drug abuse. This allows us to screen



information and immediately start investigations, if required.

4.Solicitation for support in more anti-drug resources

Chief Prosecutor Hsing visited Taipei City Mayor Ko and obtained his unlimited support for drug investigations. On January 5, 2017, Mayor Ko visited Taipei District Prosecutors Office and signed a memorandum for cooperation with Chief prosecutor Hsing. This demon-

strates our commitment to combat drugs.

5.Increase in the intensity and reach of anti-drug campaigns on campus

The campaigns use texts and pictures highlighting the damages of illicit drugs to the body and the mind, which makes students afraid and aware. Campaign frequency should be increased in remote areas.

## **VI. Strengthening of ties with military institutions in order to curb drug abuse by military personnel**

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Drug use by military personnel is both a social problem and a national security issue. Our Chief prosecutor takes this matter seriously. Our director in the Anti-Drug Division has been instructed to contact military agencies in our jurisdiction, in order to track the origins of drugs and broadcast anti-drug messages.

1.Starting in May 2017, the Taipei District Prosecutors Office has been screening newly reported cases, and we inform the military police and kick off the investigation process immediately

for any drug abuse by military personnel. The military police have been busting drug suppliers in Banqiao District, New Taipei City and Linkou District, Taoyuan City, according to our intelligence and instructions.

2.Under the directive of the Chief Prosecutor, prosecutors from Taipei District Prosecutors Office have been visiting military agencies in our jurisdiction since November 2017 to give training and education regarding drug investigations.



## VII. Frequent visits to drug offenders in custody to encourage them to quit drugs and develop new avenues for drug investigations

As per the instruction from the Chief Prosecutor, our probation officers have been working with the Taipei Chapter of the Taiwan After-Care Association, Taipei Honorary Probation Officers Association, and Drug Abuse Prevention Centers in Taipei City and New Taipei City, in order to increase the frequency of visits and support to high-risk cases. The purpose is two-fold: to encourage abstinence and to obtain information on wholesalers and small-time drug dealers in our jurisdiction. Visits were also arranged when we worked with

the Prosecutors Office for Taiwan High Court on the regional zone defense project. To date, we have visited hundreds of drug offenders in custody.

The Taipei District Prosecutors Office believes that we are only at the beginning of the war on drugs, and under the leadership of Chief Prosecutors, all of our colleges are ready for the fight. We will continue to step up our drug investigations and advocate governmental policies to keep drugs away from our homes, our people, and our society.



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