

Chapter 4

Research and Investigation Unit



Section 1 Law and Regulations Research Unit

Prior to 1991, our Office's dossiers of study of amendments to law and regulations had not referred to the Law and Regulations Research Unit, and the meetings thereof only took note of assignments by the Chief Prosecutor convening prosecutors to discuss such law and regulations. On July 27, 1992, our Office's Documentation Section was formally approved a document with the subject heading "Forward to our Office's Law and Regulations Research Unit" and following review and approval submit to the Ministry of Justice for direction, which became the first use by our Office of the Law and Regulations Research Unit nomenclature, thus we can posit that our Office's Law and Regulations Research Unit was founded between 1991 and 1992.

This Unit considers or reviews our Office's administrative regulations, and in accord with Ministry of Justice directives studies legal provisions for recommendations to the Ministry for reference, and our Office's use in preparing provisions for our subordinate prosecutorial entities. From 1992 through September 2019, this Unit conducted meeting to consider legal regulations for a total of 78 instances.

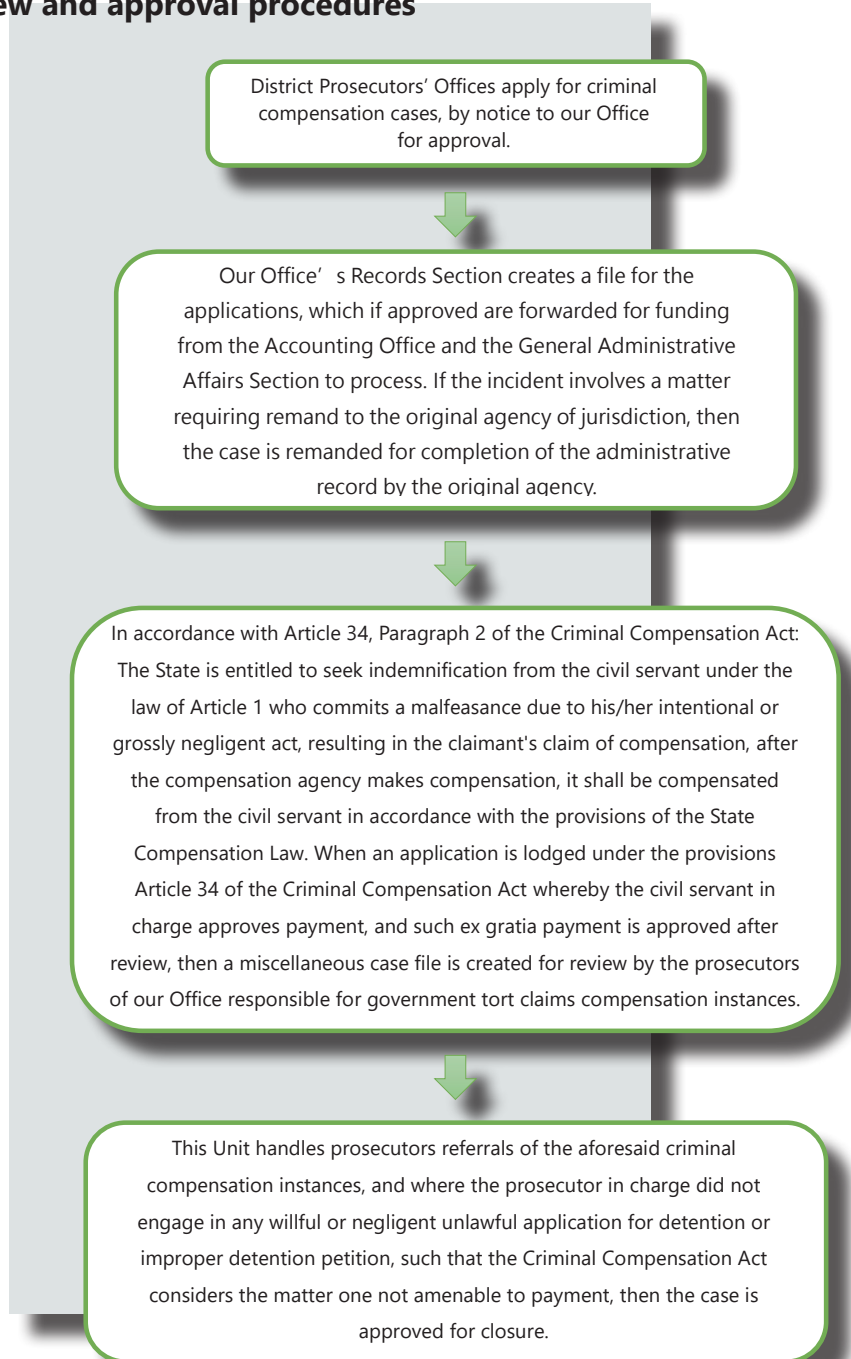
Section 2 Criminal Compensation Case Adjudication and Review Unit

I. Founding background

Amendments to the Criminal Compensation Act passed third readings on June 13, 2011, and were promulgated by Presidential directive on July 6, 2011, taking effect from September 1, 2011. The new Act provides criminal ex gratia compensation without regard to whether a civil servant intentionally or negligently engaged in public acts constituting illegality or a tort, confirming that the compensation system now affords new principles and a new conception. Our Office in conjunction with the operational implementation of the Criminal Compensation Act by

the Judicial Yuan, continued in force the Criminal Compensation Case Adjudication and Review Unit.

II. Review and approval procedures



Section 3 State Compensation Law Processing Unit

The State Compensation Law was promulgated on July 2, 1980, taking effect from July 1, 1981, and on the 18th day of the same month and year, the Ministry of Justice issued the “State Compensation Law Processing Guidelines for Ministry of Justice and subordinate entities”. The Ministry of Justice subordinate entities were tasked to establish National Government Tort Claims Processing Units composed of five to seven persons, retained on detail from within the entity’s existing staff, under the Chief Prosecutor (as Convenor) and Chief Secretary as ex officio members.

After amendment of the Procedures in 2005, the National Government Tort Claims Processing Units were to range from five to fifteen members, among whom one would serve as Chairperson, delegated by the agency head among the entity’s senior civil servants, and the rest consisting of persons designated by the agency head to include socially esteemed persons, scholars, experts, and senior civil servants assigned by the entity; and among whom, the independent persons, scholars and experts would constitute not less than one half the members.

Our Office in 2017 retained external persons of social renown and scholars to form the National Government Tort Claims Processing Unit, and held meetings from January 30, 2018, of the National Government Tort Claims Processing Unit. Cases processed were as follows:

Year	Cases processed	Results
July – December 1981	2	Payment declined
1983	7	Tasked to District Prosecutors Offices for handling: 3 Closed cases: 2 Declination of compensation: 1 Payment: late release from custody, compensated NT\$6,000
1988	1	Failed to meet elements for compensation
1989	1	Declination of compensation
1993	1	Declination of compensation
1995	3	Declination of compensation
1997	1	Duty of compensation not established
2001-2017	75	Declination: 50 Remanded to originating Prosecutors Offices for handling: 7 Remanded for supplementation of the administrative record: 6 Remanded for review: 6 Closed cases: 6 Closed according to procedures: 25

Year	Cases processed	Results
2018	2	Failed to meet elements for compensation:1 Remanded to originating Prosecutors Offices for handling:1
2019	1	Declination
2020	3	Declination:1 Closed cases:1 Closed cases and Remanded to district court:1
2021	2	Closed cases:1 verifying the case:1

Section 4 Public Incident Crisis Handling (Response) Unit

To appropriately handle public incident crises, the Ministry of Justice issued “the Prosecutorial Entities Handling of Public Incident Crises Guidelines”, to regulate all level of Prosecutors’ Office handling of these matters from their core and the relevant procedures.

In accordance with the provisions of Article 1, all levels of Prosecutors’ Offices shall appropriately handle public incidents, by establishing a Public Incident Handling Unit, with the Chief Prosecutor assigning the Head Prosecutor and prosecutors along with appropriate personnel to form the unit. And the provisions of Article 8 provide: “the Handling Unit, when necessary in accordance with the status on site shall report to superior Prosecutors’ Offices Handling Unit, to ensure appropriate assistance and uniform coordination functions.”

On November 24, 2015, our Office convened the Taiwan High Prosecutors’ Office and Intellectual Property Branch Chief Prosecutor Conference, and the meeting discussed whether our Office should establish a Public Incident Handling Unit, which reached the following determinations of the Chief Prosecutor:

- I. In accordance with the Prosecutorial Entities Handling of Public Incident Crises Guidelines, our Office should establish a Public Incident Handling (Response) Unit; the Unit members would include those selected by the Deputy Chief Prosecutor and approved by the Chief Prosecutor.

II. Our Office's Public Incident Handling Unit is a full-time allotted unit, whenever our Office's jurisdiction undergoes a sudden public incident or large public event, then the Secretary Section will approve the Duty Officer to report as needed to the Chief Prosecutor for approval, and responsive handling will conform to the provisions of Article 8 of the aforementioned Guidelines to support and uniformly coordinate efforts.

Our Office's Public Incident Handling Unit was established December 10 of the same year.

Chapter 5

Review Committee for Convicted Cases



I. Mission for establishment

To uncover the truth and avoid wrongful convictions, it is essential to establish a to review convicted cases mechanism, ensuring prosecutors exercise their duties objectively.

II. Organization and Structure

Our Office established the Review Committee for Handling Groups or Organizations Opinions on convicted cases, to

undertake a thorough review of the opinions of government agencies or groups on convicted cases, and where after the review of the Chief Prosecutor finds it necessary for further review, then the Review Committee for Convicted Cases convenes to consider the meeting. The Chief