

Chapter 11

Electronic Monitoring Center



I. History of establishment

To prevent putative defendants not in custody or on bail from absconding and fleeing the jurisdiction during the investigation, prosecution or trial phase, and avoiding criminal liability under false names, given the ever advancing state of technology, and to meet future scientific and technological advances, there exists the necessity of employing appropriate technological monitoring and surveillance methods to defendants in conformity with the provisions of Article 116-2, Paragraph 1, Subsection 4 of the Code of Criminal Procedure providing: In granting the suspension of detention, the court may, after considering the protection of human rights and public interests and deeming it necessary, designate a considerable period of time and order the defendant to comply with the following matters: 4. Accept appropriate monitoring by technical equipment. And the same law in Article 117-1, Paragraph 1 provides: The provisions of the preceding two articles shall apply mutatis mutandis to the situations where the public prosecutor releases the accused on bail, to the custody of another, or with a limitation on his residence in accordance with the proviso of section III of Article 93, or section IV of Article 228.



Entrance of Electronic Monitoring Center



Main monitoring room

The same rule applies when the court releases the accused on bail, to the custody of another, or with limitation on his residence under Article 101-2. Therefore, the Taiwan High Court and our Office jointly established the Electronic Monitoring Center (hereafter, EMC).

II. The purpose to build

- (I) To decrease the risk of an escaped defendant who is not detained or after the end of detention during the process of investigation or trial.
- (II) To enhance the monitor of a sexual offender who is under custody parole, and to decrease the chance to commit any crime again as to maintain social security mechanism.
- (III) To protect human rights and balance of public interests.
- (IV) To ensure the proper progress of the criminal proceedings and to uphold the last resort principle of detention.

III. Technical Monitoring Vehicles

Judging from the condition of the defendant and the consideration of human rights protection, the Center manage to use different vehicles include positioning monitoring, geographic maps, and the electronic fence installation. The monitoring personnel can track the position of defendants by monitoring platform and APP on a 24-hour basis. The vehicles are:



(I) Defendant's cellphone

To have defendant's cellphone install monitoring APP to transmit positioning information to monitoring platform, and with photo-taking, voice communication and visual communication functions.



(II) Electronic Bracelet

The bracelet is waterproof, dustproof, and will send a warning to the platform when the vehicle is damaged or dismantled.



(III) Ankle Monitor

The ankle monitor is also waterproof, dustproof and will send a warning to the platform when the vehicle is damaged or dismantled.



(IV) Residence Reader

Pursuant to subsection 5, paragraph 1 of Article 116-2 of the Criminal Proceeding Law, when the defendant is ordered not to leave his residence or certain area (or home detention), the residence reader needs to be installed. When the positioning signal of the defendant's house is weak, a residence reader shall be installed to increase the signal.

IV. EMC logo explanation

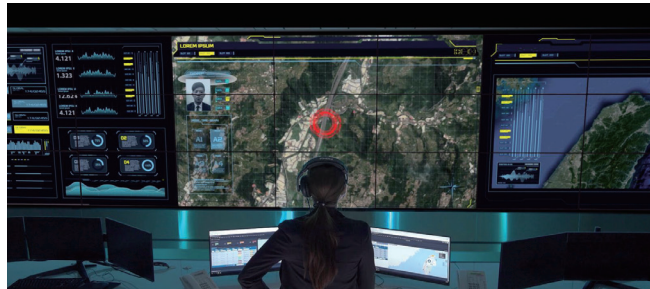
The logo of the EMC suggests the sun and the Electronic Monitoring Center (abbreviated EMC), along with front sight and the camera lens, as our four key design elements, representing the basic concepts symbolized by our deployment of the rule of law. The sun is all reaching and leaves no place unexposed. The front sight and camera lens work together, symbolizing our high tech surveillance monitoring to ensure comprehensive security during the criminal procedures and processes; and the blue and purple bangles signify the judicial organs working to cooperate to protect justice in our society.



Taiwan High Prosecutors Office
 Organization and Operational Duties
 Office of Administration



EMC Image Wall
 The upper half of the wall is the history of EMC, the middle is the map of the EMC, and the lower half of the wall if the logo.



EMC has produced a micro film named, "The Long arms of Law" to demonstrate that the net of law may be wide but everyone gets it at the end.



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