

Drug Interdiction and Enforcement

pexels-pixabay-163064 /www.pexels.comzh-twphoto163064

Ku, Hui-Chen*

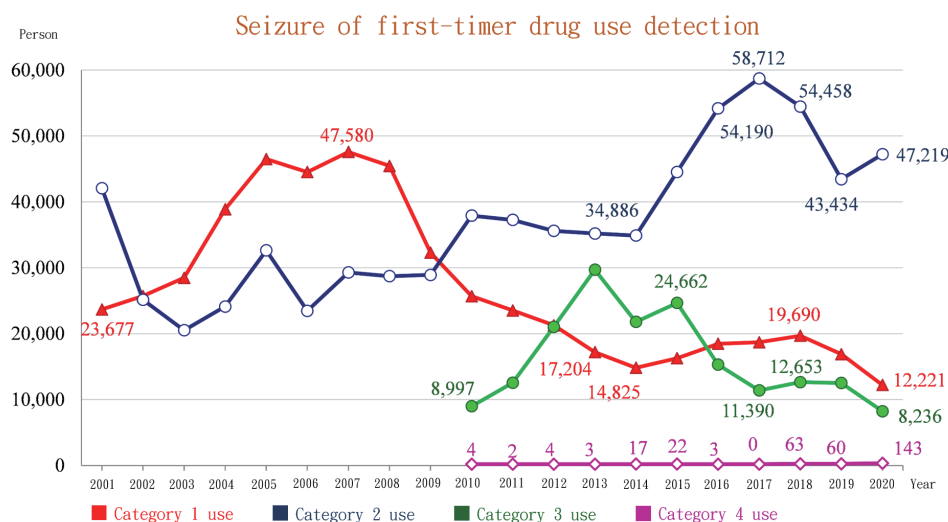
- I. Preface
- II. Recent strategic initiatives and practices
- III. Medium- and long-term planning directions

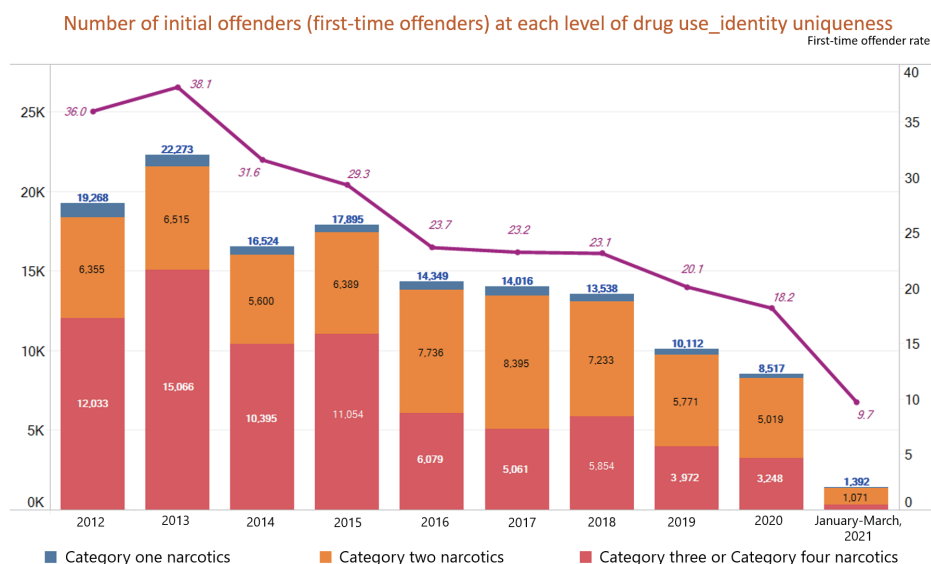
* The author, who wrote this Chapter in 2021, then serving as a Head Prosecutor of this offices.



I. Preface

Since 2017, the Executive Yuan has been implementing the 4-year "New Generation Anti-drug Strategy Action Plan". In recent years, the Taiwan High Prosecutors Office (THPO) has directed the six major drug enforcement systems to carry out several waves of the "Safe Communities Plan". This has resulted in a large-scale crackdown on the drug-using population and deepened the investigation of drug manufacturing, transportation, and trafficking, resulting in a record number of first-timer arrests through drug investigations for new drug manufacturing, transportation, and trafficking through 2019. In 2020, with the exception of use of Category II drugs, the number of recidivist drug users and new drug users was the lowest in recent years. It is clear that the new generation anti-drug strategy to instead aim for a "people-centric" approach in the hunt for drug sources, and retain "quantity" as a goal to eliminate the existence of drugs, does yield considerable results and achieves initial suppression success.





More than 90% of the drugs seized in Taiwan are smuggled from abroad, and according to the drug trends observed by the Taiwan High Prosecutors Office, the biggest current risks in drug enforcement for Taiwan are the importation of drugs from abroad, emerging drugs, mixed drug coffee bags and unregulated precursors for drug production.



In addition, with the development of the Internet in recent years, drug dealers are using the dark web and online community platforms to establish more secretive and convenient sales networks. And with the outbreak of "Severe Specific Infectious Pneumonia (COVID-19)",

countries are strengthening border control practices at ports of entry. So drug traffickers are using fishing boats or international couriers or packages to smuggle drugs into Taiwan, making it even more difficult for drug enforcement agencies to interdict and investigate. In the post-epidemic era, the global drug market is expanding relentlessly, drug importation channels are ever evolving, smuggling channels are becoming more diversified, and drug trade logistics are being farmed out, among other challenges. The drug problem has become arduous to investigate in the traditional manner, so it is necessary to integrate domestic drug enforcement resources and strengthen international cooperation.



Using Uber or foodpanda and other online logistics operators to deliver illicit drugs

Table of Total number and percentage of drug parcel seizures							
Year	Mail Parcels		Air Express cargo		Drug parcels (mail parcels + air courier)		Total number of cases seized
	Total number of mail parcel cases	Proportion of mail parcel cases to Total Seized Cases	Total number of cases of express air cargo	Proportion of Air Express Cargo Cases to Total Seized Cases	Total number of cases of drug mail parcels	Proportion of drug mail parcels to Total Seized Cases	
2018	234	65.92%	63	17.46%	297	83.66%	355
2019	247	63.46%	115	24.89%	362	78.35%	462
2020	277	54.53%	188	37.01%	465	91.54%	508
2021 (January-April)	84	62.69%	46	34.33%	130	97.01%	134
Unit : case							

Table of Total number and percentage of kilograms of drug parcel seizures							
Year	Mail Parcels		Air Express cargo		Drug parcels (mail parcels + air courier)		Total number of Kilograms seized
	Total number of kilograms of mail parcel	Proportion of kilograms of Mail Parcel to kilograms of Total Seized	Total number of kilograms of express air cargo	Proportion of kilograms of Air Express Cargo to kilograms of Total Seized	Total number of Kilograms of drug mail parcels	Proportion of kilograms of Drug Mail parcel to kilograms of Total Seized	
2018	152.8	2.12%	714.4	9.91%	867.2	12.02%	7212.3
2019	277.5	3.04%	775	8.50%	1052.5	11.54%	9122.3
2020	191.3	2.60%	2792.5	38.00%	2983.8	40.60%	7348.6
2021 (January-April)	57.6	22.49%	167.9	65.55%	225.5	88.04%	245.13
Unit : Kilogram							

The number of marijuana plants seized in 2020 tripled to 5,863, and by the end of March of this year, the total number of plants exceeded last year's total, reaching 8,416. From October 2020 to March 2021, in a period of only six months, large-scale marijuana cultivation sites were seized in Nantou, Hsinchu, and Chiayi, with 1,361, 1,540, and 2,615 marijuana plants seized, respectively. The number of cases of smuggling marijuana by courier and mail packages are increasing: According to Customs' statistics, the number of marijuana (flowers, seeds, marijuana paste) in courier and mail packages was increasing yearly from 2018 to April 2021, with 104 cases seized in 2019 and 206 cases seized in 2020, for an increase of 102 cases (98%) over 2019.

	Marijuana Cultivation Cases	Number of marijuana plants
2018	41	5309
2019	31	1946
2020	86	5863
2021 (Jan.-Mar.)	22	8416

Number and percentage of marijuana parcel cases						
Year	Mail Parcels		Air Express cargo		Drug parcels (mail parcels + air courier)	
	Total number of mail parcel cases	Proportion of Marijuana Parcel Cases to Total Seized Cases	Total number of cases of express air cargo	Proportion of Air Express Cargo Cases to Total Seized Cases	Total number of cases of drug mail parcels	Proportion of Drug Mail Parcel Cases to Total Seized Cases
107	234	69(29.49%)	63	26(41.27%)	297	95(31.99%)
108	247	91(36.84%)	115	13(11.30%)	362	104(28.73%)
109	277	137(49.46%)	188	69(36.70%)	465	206(44.30%)
110 (January-April)	84	39(46.43%)	46	13(28.26%)	130	52(40.00%)
Unit : case						

II. Recent strategic initiatives and practices

(I) Preventing the smuggling of emerging drugs and precursor materials at the border

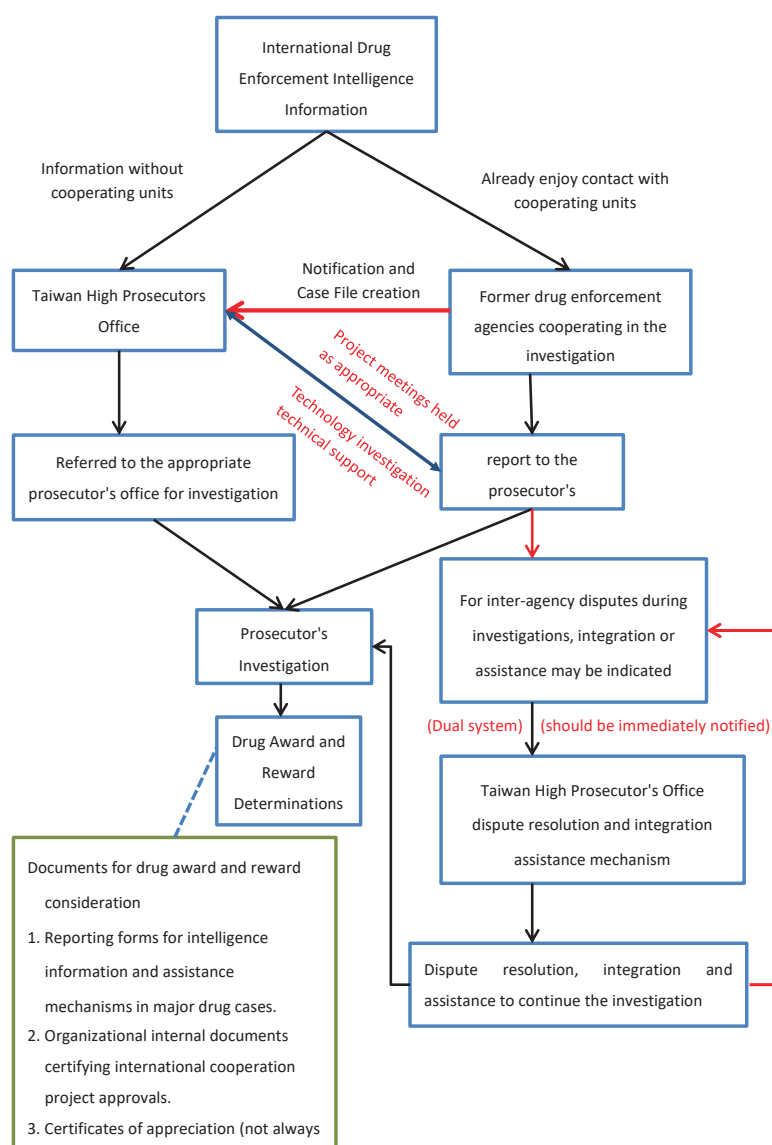
1. We must continue to strengthen the detection of smuggling through containers and fishing boats, and task Customs to increase their rates of container sampling and inspection.
2. We need to focus on imported packages and express cargo from high-risk areas, strengthen inspection and implement piece-by-piece X-ray inspection of packages and express cargo, and actively use drug detector dogs to assist interdiction.
3. The Taiwan High Prosecutors Office and the Customs Administration have established the "Customs Border Security Liaison Platform". This includes the following measures to improve the customs inspection of cargo and to prohibit operators from entering the controlled areas to access cargo before taxation, and to implement the recipient real-name confirmation and certification system for express cargo.



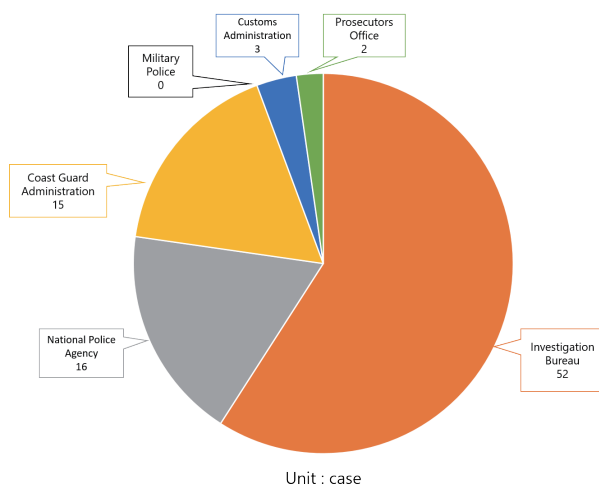
(II) Continuously deepen the implementation focus of the drug safety and secure communities program

Heighten enforcement programs at schools and secure communities, with priority given to the suppression of emerging drugs, coffee bags, and marijuana circulating among youth. In addition, we will strengthen network tracing to elucidate the source of marijuana trafficking cases.

(III) Implementing the Taiwan High Prosecutor's Office "Mechanism for integrating and coordinating intelligence information on major domestic and foreign drug cases" and enhancing international cooperation in drug enforcement efforts



1. Since more than 90% of the drugs in Taiwan come from abroad, whenever a major domestic or foreign drug case steps on a red line or requires intelligence information integration, coordination or dispute resolution, the THPO Major Drug Case Intelligence Information Integration and Liaison Assistance Mechanism,



provides a mechanism for reporting to THPO and tasking the prosecutor in charge, to integrate the major drug case intelligence and drug enforcement case resources. As of December 2020, 391 cases have been reported to the Taiwan High Prosecutor's Office, of which the most notable ones are the arrests of Lin Hsiao-Dao and Huang Da-Chiang, two heavyweight drug lords in Taiwan. According to the revised notification coordination mechanism established by the Taiwan High Prosecutor's Office, a total of 88 cases have been reported as of June 16, 2021 (2 cases by the Prosecutors Office, 52 cases by the Investigation Bureau, 16 cases by the National Police Agency, 15 cases by the Coast Guard Administration, no cases by the Military Police, and 3 cases by the Customs Administration).

2. In the future, according to the pandemic situation, we will plan to invite foreign drug enforcement units to Taiwan or send staff to foreign law enforcement agencies for exchanges, and continue to strengthen the responsibilities of police attaches and legal attaches resident abroad. We will actively establish direct interaction channels with law enforcement agencies, deepen international cooperation in drug enforcement, and enhance the energy of drug enforcement efforts abroad.

(IV) More flexibility should be given to control "one-time and isomer listing of emerging drugs"

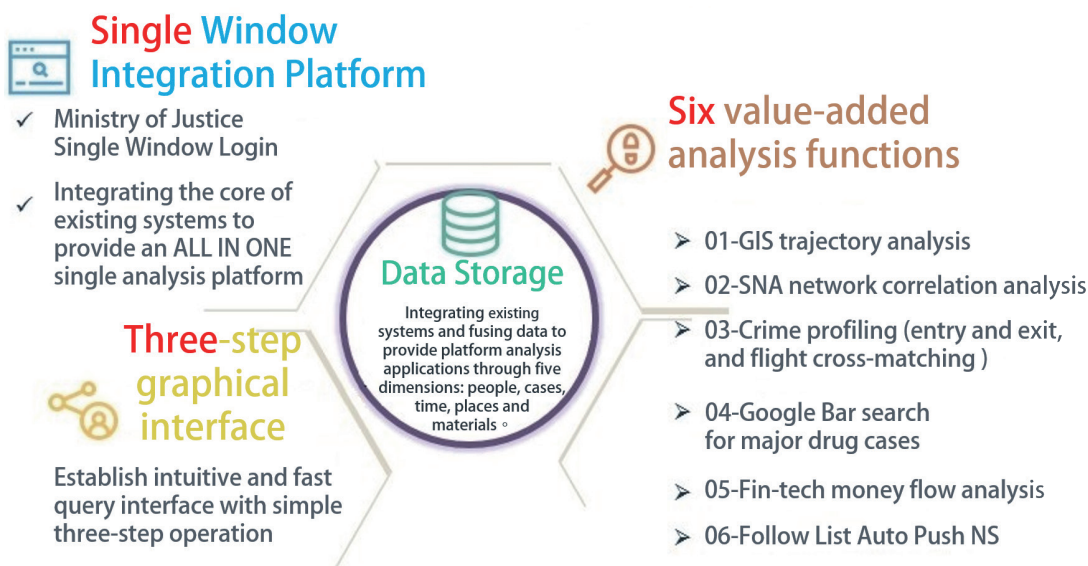
The scope of controlled drugs for single-use and isomer listing are inadequate to meet the current status quo as emerging drugs are always rapidly evolving. The United Nations Office on Drugs and Crime (UNODC) has reported that newly emerging psychoactive substances (NPS) that are not controlled domestically but are controlled abroad and are already commonly abused in other European and American countries need to be prevented from invading a country without being detected in time. For such newly emerging psychoactive substances (NPS) that have been abused in many regions, we should be ahead of control schedules, and establish a "preventive monitoring and watch list" before final listings, to integrate monitoring and notification with drug listing and linkage mechanisms. In addition, the competent authorities should unify the procurement of standard product information and the establishment of Raman Spectra to assist the Customs Administration, Coast Guard Administration, and other drug enforcement units to strengthen the initial judgments by front-line units through an inter-agency Raman Spectra database sharing mechanism.

(V) We have set up an E-based system to assist prosecutors in accessing investigative information, to speed up their investigation of drug mail parcel cases

1. To implement the "Technology-based Ministry of Justice" policy, the THPO plans to build the "Assistant Investigation Tech Platform" (AIP) to assist prosecutors in handling cases, and provides prosecutors with the tools needed to "investigate cases by individuals" and "pursue individuals through cases". The platform includes: GIS tracing, SNA network correlation analysis, Crime profiling (entry/exit, and flight cross-matching), Google Bar search for major drug cases, Fin-tech money flow analysis module (including I2 visualization software applications) and six functional analysis applications, such as the automatic pushing of NS on watch lists. The Taiwan High Prosecutor's Office (THPO) has agreed with the Ministry of Justice to conduct closed testing of AIP from May 1, 2021 to June 30 of the same year, and it is expected to be available for use by prosecutors from the single window of the Ministry of Justice in the second half of the year.

2. In recent years, the number of drug mail parcel and express mail cases has increased, and the THPO has been coordinating the integration of the following measures to allow prosecutors to quickly access the AITP by e-mail: (1) The "computer IP of persons inquiring on tracking shipment and delivery status of mail parcels or express delivery on the Internet, and the computer records of the progress of the inquired parcels", which includes the following participating shippers: FEDEX, UPS, DHL, post offices, T-cat, and Pelican. (2) Express Cargo Real Name Certification EZ WAY APP data: Initial application for verification of relevant document information, information related to the use of the APP for importing goods, IP location and time of use of the APP. The THPO is planning to add the AITP function by the end of the year to provide prosecutors with E-based access to the information from previous investigations, which will facilitate and strengthen prosecutors' effectiveness in investigating drug mail parcel cases.

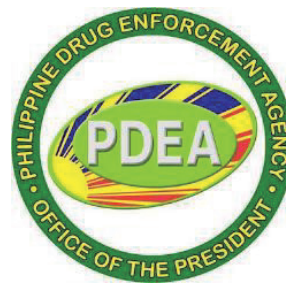
Drug



III. Medium- and long-term planning directions

(I) Establishing an independent and specialized drug enforcement agency and guidance institution

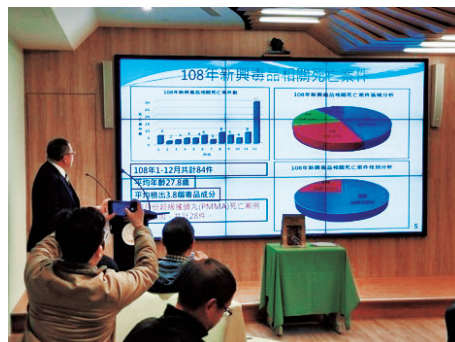
There are many drug enforcement units in Taiwan, with resources and manpower quite scattered, and a lack of specialized enforcement units to coordinate administrative and enforcement resources across all these agencies. It is recommended that independent drug enforcement units be established under the Ministry of Justice, such as the Drug Enforcement Administration (DEA) in the United States, the Singapore Central Narcotics Bureau, and the Philippine Drug Enforcement Agency. This entity would be responsible for coordinating drug control, arresting drug traffickers, international assistance, and intelligence gathering efforts. However, the drug enforcement space is massive and requires close liaison and cooperation among various agencies, so the integration of related resources is very important. Therefore, it is recommended that a steering agency be established at the Executive Yuan level, similar to the U.S. White House Office of National Drug Control Policy, to be responsible for planning the overall national drug control strategy, establishing control program policies, priority goals, and budget allocations.



(II) National Drug Intelligence Center (NDIC)

The National Drug Intelligence Center (NDIC) of the Taiwan High Prosecutors Office has been publishing drug trends for the country from time to time since 2018 to alert the public. However, the center has limited manpower and funding, and does not have the

power to compel information from other units, and can only obtain limited data and which is not comprehensive enough. A National Drug Intelligence Center, modeled after the Australian Criminal Intelligence Commission (ACIC) and the Intelligence Division of the U.S. Drug Enforcement Administration, should be established. In addition to having independent manpower and funding, the National Drug Intelligence Center can also be modeled on the Australian Crime Commission Act, 2002, which provides the Australian Criminal Intelligence Commission with mandatory powers to obtain information that is not readily available through traditional law enforcement methods. It is hoped that through the establishment of the National Drug Intelligence Center (NDIC), we can effectively link and integrate information and intelligence from all parties. Allowing us to collect and build a database of drug-related information. To analyze and monitor the drug situation, grasp the current crime situation and emerging trends, thereby enhancing capabilities for addressing drug crime interdiction. In addition, we should regularly publish various reports and share them with international intelligence units to deepen international cooperation with other countries.



Drug

(III) National Drug Laboratory and National Drug Warehouse

In the future, national drug laboratories and national drug warehouses should be established under the specialized drug enforcement units. The national drug laboratories shall be responsible for urine and physical examination of drugs (including emerging drugs), procurement and establishment of emerging drug standards. The provision of counseling and accreditation to private laboratories including newly emerging drugs for

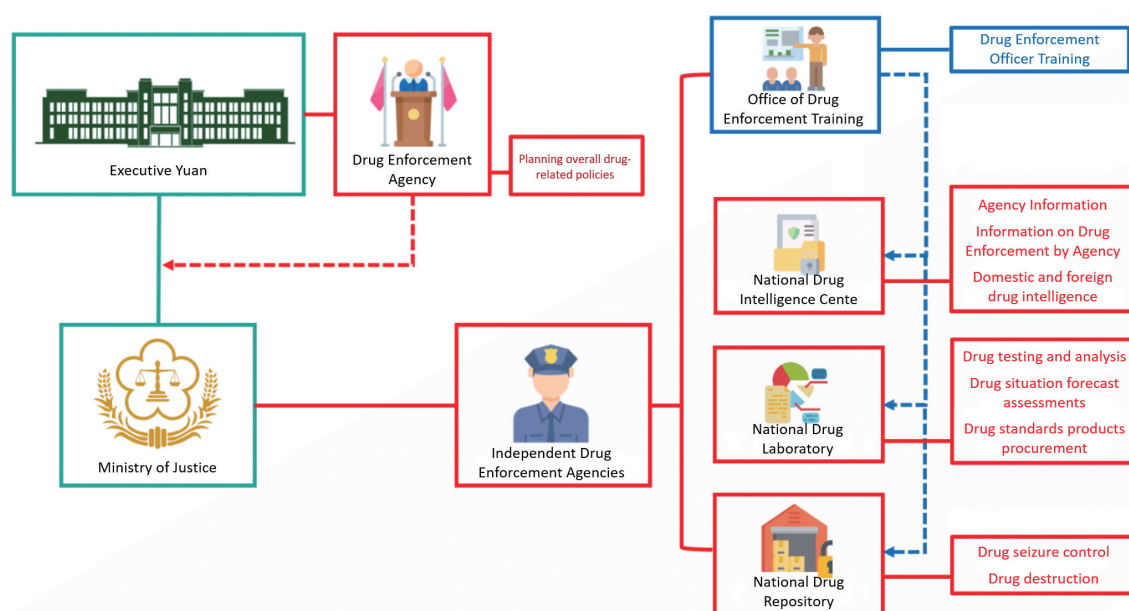
urine and physical examination, to enhance the capacity for examination of emerging drugs. In addition, we can conduct scientific analysis and statistics on various types of drug samples to help law enforcement and intelligence agencies understand the sources of drugs and the countries and regions where drugs are manufactured. And thus to predict the correlation between drugs and specific drug trafficking regions and organizations, which may be used by law enforcement agencies in the future to obtain comparative information on drugs or relevant data for drug enforcement policy formulation.

In addition, the quantity of drugs seized in recent years has reached record highs, and the agencies are short of storage space, equipment and professional manpower. Decentralized storage of drug evidence by drug enforcement units is prone to loopholes in supervision. The National Drug Inventory should be established in the North, Central and South regions to store the drugs and related chemicals seized by drug enforcement units. The government should control and centralize the storage and handling of drug evidence, and be responsible for the destruction of drugs.

(IV) Establishment of a Drug Enforcement Training Office

We propose to establish a drug enforcement training office or drug enforcement training institute under the specialized drug enforcement unit, which will be responsible for training professional drug investigators and planning specialized courses on drug enforcement officer training, drug trafficker intelligence collection, policy planning, and administrative support. We should provide professional and diversified training courses at the initial and advanced levels, including: (1.) Domestic and foreign law enforcement. (2.) Intelligence gathering and information analysis. (3.) Digital forensics and polygraph training. (4.) Law enforcement sampling integrity and security: This should include training courses on detecting drug manufacturing plants. Through courses on "Introduction to drug manufacturing plants", "controlled substance production methods", "physical and chemical hazards of controlled substances", "toxicology", "air monitoring", "personal protective equipment", "respiratory oxygen system and gas mask use", "handling chemical substances", "on-site control", "hazard assessment", "decontamination operations", and "various application practices", we can to strengthen the protection of the investigators

themselves and the team performing their duties. (5.) Asset confiscation, financial investigation, and anti-money laundering training. (6.) Drug forensic analysis: drug forensic examination, custody of drug evidence in court and destruction of drugs. (7) Analytical Chemist training: courses including laboratory operations, evidence handling and sampling, handling of drugs, chemicals and other dangerous substances, and pharmacology lectures.



(V) The Ministry of Justice is urged to promote the "Science and Technology Investigation Act". Drug dealers often contact each other through social media (e.g., Telegram), game sites or chat rooms, making it difficult to obtain effective criminal evidence through traditional communication surveillance and investigation methods. Some of the social media and websites have time-sensitive deletion of conversation functions, making it even more difficult to trace the source through subsequent digital identification. We intend to urge the Ministry of Justice to promote the "Science and Technology Investigation Act" legislative adoption, to enable drug enforcement agencies to effectively, efficiently and legally obtain evidence of crime through technological investigation, and to stop drug offenders from abusing social media software and personal privacy protection measures on websites to harm the lives and health of the nation with impunity.



Drug Dependency/ Addiction Treatment

pexels-pixabay-40568 /www.pexels.comzh-twphoto40568

Teng, Chih-Ping*

I. Preface

II. Current Status

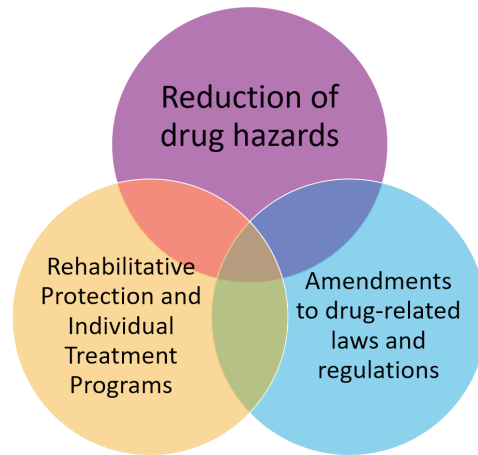
III. Future Prospects

* The author, who wrote this Chapter in 2021, then serving as a Head Prosecutor of this offices.



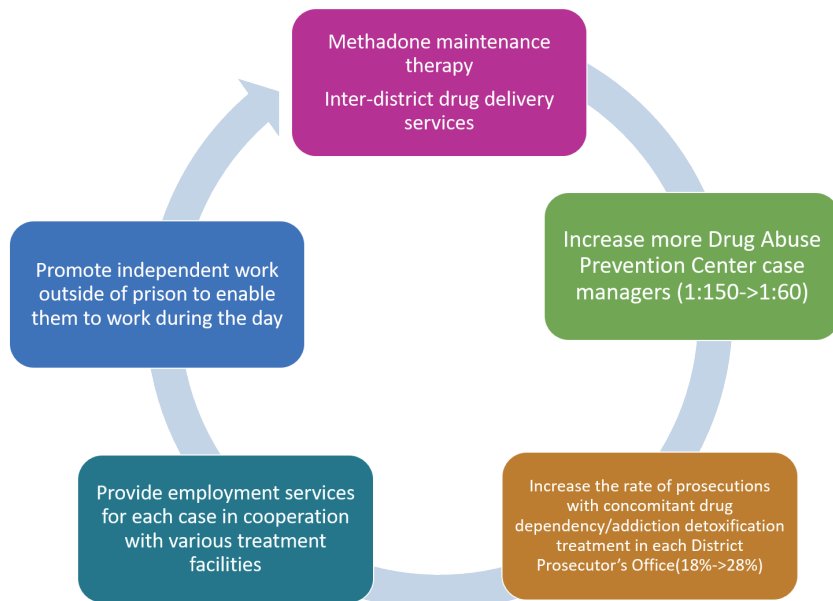
I. Preface

To implement the Ministry of Justice's new Anti-drug Strategy, namely for drug harm reduction, rehabilitation protection, and individual treatment programs, drug-related regulatory amendments are indicated. These include strengthening District Prosecutor's Offices' handling of drug dependents toward a multiple treatment approach that is "light or heavy as appropriate, and both lenient and severe" to enhance drug treatment efficacy.

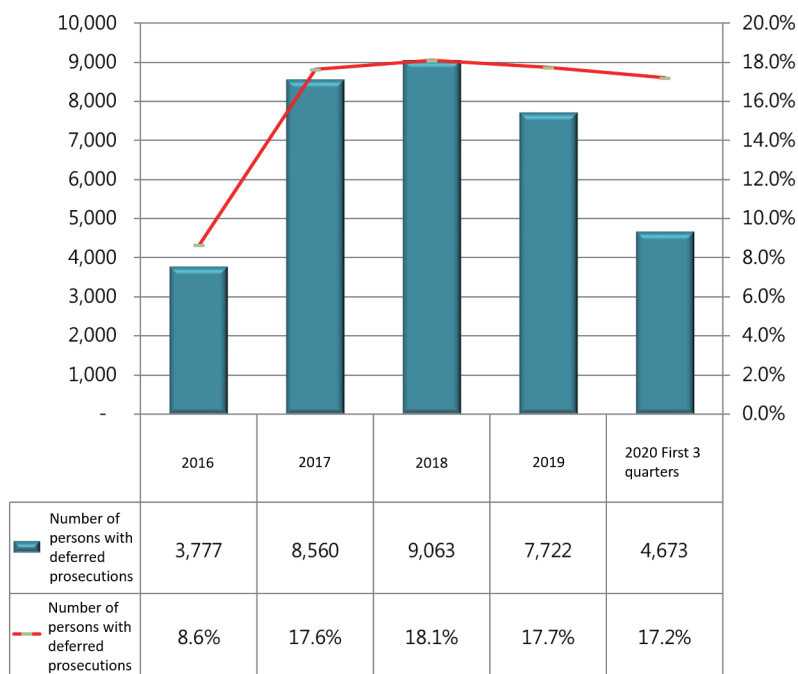


(I) Reduction of drug hazards

1. 5 key implementation points



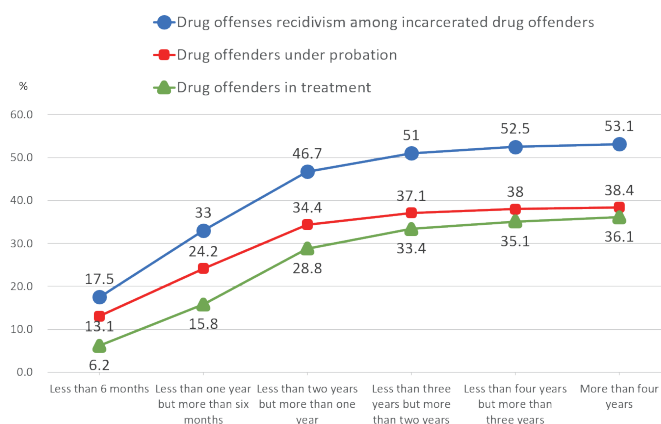
2. According to the Ministry of Justice, the proportion of deferred prosecution for drug-using defendants in all District Prosecutors' Offices nationwide has reached 18% in 2018, as shown in the table below (in numbers of persons). After the implementation of the new multiple treatment system, we will actively promote deferred prosecutions to reach 28% by 2024.



3. Promoting deferred prosecution efficacy, deferred prosecution is more optimal

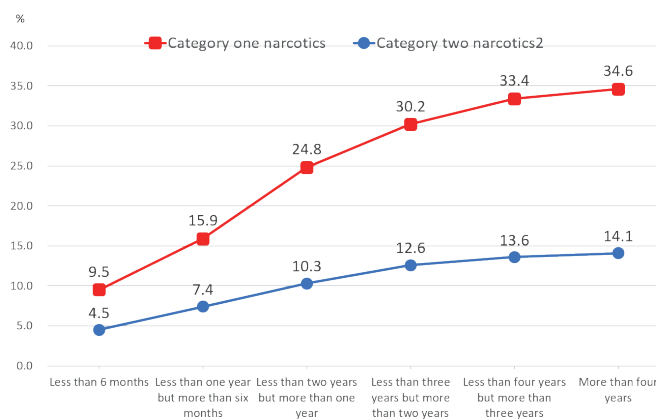
As shown in the following chart, from the post-4 year recidivism rate, it is clear that deferred prosecution is more

Drug offenses recidivism among incarcerated drug offenders, drug offenders under probation and drug offenders discharged from prison after treatment



effective than probationary rehabilitation, mandatory rehabilitation, or prison as a means of enforcement.

Drug offense recidivism after completion of a deferred prosecution period by the District Prosecutor's Office

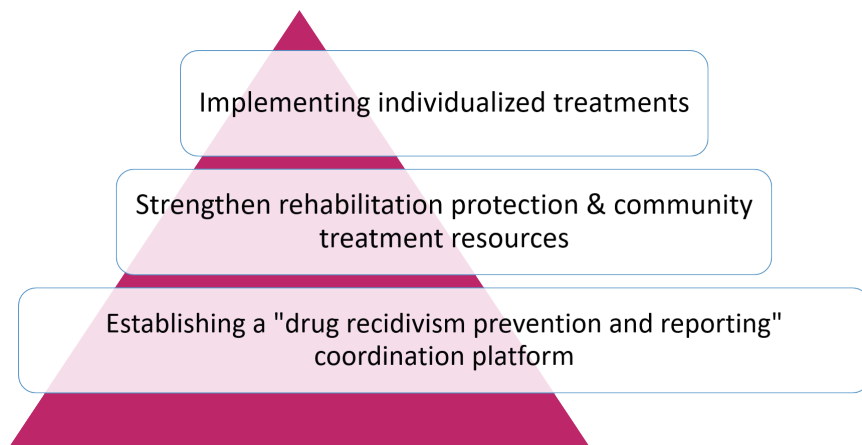


4. Appropriate use of additional manpower for Rehabilitative Protection and individual treatment programs

We have newly added "Taiwan After-Care Association TACA Forces" and "Probation Auxiliary Manpower" to the drug recidivism prevention and treatment, and discharge bridging programs: In FY2021, Taiwan After-Care Association (TACA) will add 42 new drug case managers and increase the number of paramedics to fully support the Liaison Platform for drug recidivism prevention and treatment in District Prosecutors' Offices. In addition, we will combine the Drug Abuse Prevention Center, the Honorary Probation Officers, the Employment Services Office, the Family Service Center of the Social Affairs Bureau, Police Departments, drug Dependency/Addiction, mental health and AIDS treatment institutions, and the Legal Aid Foundation, and other related agencies to assist in the tracking and counseling of former drug dependent persons to achieve the goal of their individualized treatment plans.

(II) Rehabilitative Protection and Individual Treatment Programs

1. Implementing social safety nets to prevent recidivism among former drug dependent persons



2. Implementing individualized treatments -Pursue care auxiliary support manpower

- Probation and tracking counselors (licensed): 22
- Assistant Probation and Tracking Counselors: 44
- Probation drug assistants: 23

3. Strengthen rehabilitation protection & community treatment resources - Increase rehabilitation protection individual management manpower

The original service ratio of rehabilitation protection manpower was 1:150. In 2021, the staff will be increased by 42 persons, and the ratio will be increased year by year to 1:60 in 2024.

(III) We are assiduously studying the complementary efforts of District Prosecutor's Offices to implement the new Article 24 of the Narcotics Hazard Prevention Act providing for multiple treatment approaches, and launching design of Locally Appropriate Evaluation Scales for deferred prosecution with dependency treatment. The new law provides that the focus is on multiple treatment, so the assessment method and the design of the evaluative scales are the key to determining the effectiveness of the future implementation of the new law. The Taipei and Kaohsiung District Prosecutor's Offices have started to implement the Locally Appropriate Evaluation Scales for deferred prosecution with dependency

treatment, on a trial basis, which will be extended to nationwide District Prosecutor's Offices when significant results are achieved. The following three evaluative dimensions will be considered.

II. Current status

(I) Multiple treatment

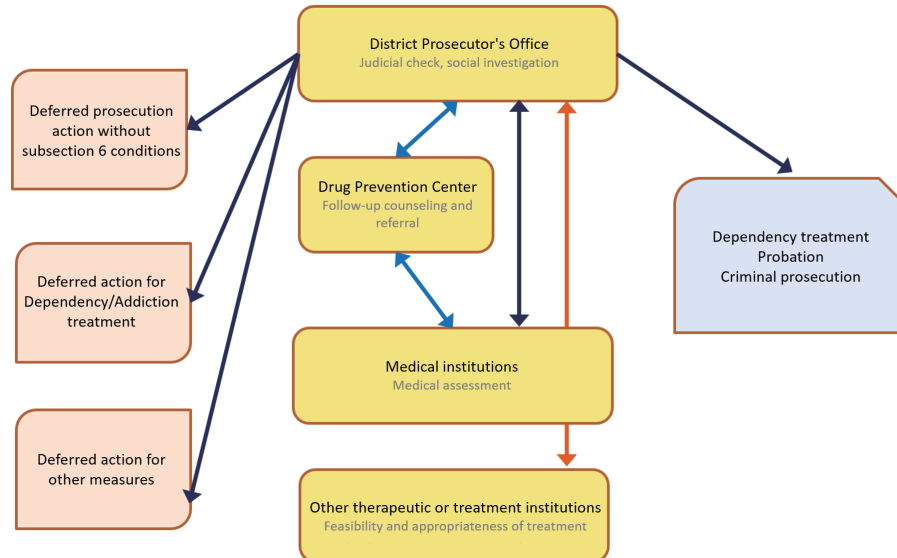
1. Article 24 of the Narcotics Hazard Prevention Act was amended and passed.
 - (1) The drug deferred prosecution provisions allow for multiple treatment, which can be by a separate order for deferred prosecution disposition, volunteer labor, Dependency/Addiction treatment, or referral to a private organization. (Assessment Triage)
 - (2) The process of deferred prosecution for drug cases is more complex because it can be combined with the above sanctions, unlike the current practice of sending all cases to a medical institution for treatment.
2. District Prosecutor's Offices may employ different approaches
 - (1) The manner in which deferred prosecution is handled varies among District Prosecutor's Offices, and even among individual prosecutors.
 - (2) In the uniform harmonization meeting held on July 27th by this Office, the District Prosecutors' Offices differed in terms of whether to establish a special prosecutor, whether there are evaluation criteria, the period of deferred prosecution for the second or more deferred prosecution, and the period of treatment for Dependency/Addiction.

(II) The target population for Dependency/Addiction treatment

- 2020: Non-opiate Category 1 drug users
- 2013: Category 2 drug users
- 2008: Opiate users

Drug

(III) Assessment contents for each assessment agency



(IV) Three Aspect Evaluation contents

Judicial review	Social Investigation	Medical Assessment
<ul style="list-style-type: none"> Whether there is any criminal liability for obstructing implementation of deferred prosecution Whether there is a significant felony criminal record, such as for drug trafficking or violent crimes Whether there may be public security concerns, such as from habitual theft 	<ul style="list-style-type: none"> Work status Financial status Family status Housing status 	<ul style="list-style-type: none"> Drug use severity Presence of mental illness other than drug Dependency/Addiction Treatment planning Other Dependency / Addiction treatment-related issues
Treatment facilities	Treatment contents	Treatment modalities
<ul style="list-style-type: none"> Drug Dependency / Addiction treatment facilities designated by the central health authorities Alternative treatment facilities designated by the central health authorities Other institutions authorized by the central health authorities to perform Dependency / Addiction treatment 	<ul style="list-style-type: none"> Medication Psychotherapy Rehabilitation treatment Drug screening Other measures to prevent deterioration or enhance relapse prevention 	<ul style="list-style-type: none"> Outpatient or other non-restrictive methods Hospitalization Part-time hospitalization Residential treatment

The red lettered sections indicate the flexibility of the new law for Dependency/Addiction treatment, and we hope that these practices will continue to develop.

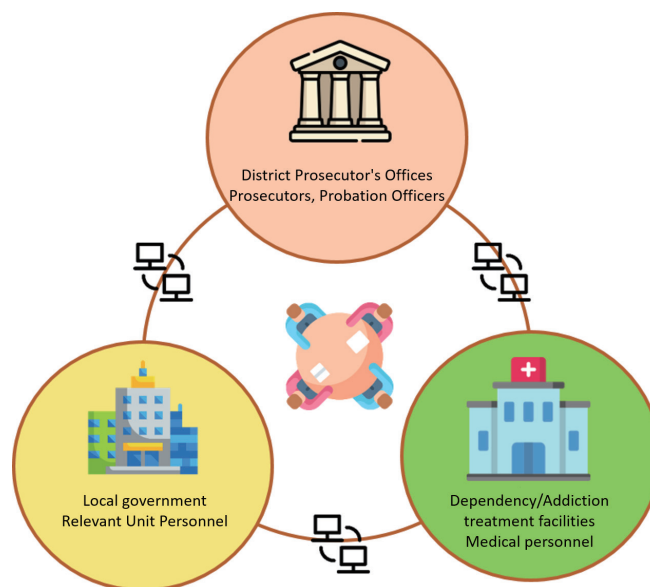
III. Future Prospects

(I) Enhancing actual function of the Drug Prevention Golden Triangle

1. Promote the establishment of "Liaison Platform for Drug Recidivism Prevention and Control" by the District Prosecutors' Offices to uniformly harmonize the treatment institutions and drug prevention centers in each district to reduce drug recidivism.
2. Promote District Prosecutors' Offices enhancing the status and actual functions of the "Drug Prevention Golden Triangle". Work by combining treatment institutions, Drug Abuse Prevention Centers, TACA chapters and Honorary Probation Officers Association entities to convene regular meetings on the network resource support linkage platform. The following three-level strengthening mechanism and mutual communications will be followed.

(II) The three-level strengthening mechanism for the "Drug Prevention Golden Triangle"

- Policy dimensions: Inter-ministerial coordination by the Executive Yuan
- Institutional aspects: The prosecutorial entities will convene more than one network coordination meeting annually.
- Implementation: The prosecutorial entities, evaluation agency, and treatment entities shall set up special staff to communicate with each other in real time.



(III) Communication between the medical institution and the District Prosecutor's Offices

- Conditions of deferred prosecution
- Change of conditions of deferred prosecution (treatment referral)
- Withdrawal of deferred prosecution
- Other matters related to deferred action Dependency/Addiction treatment



- Consideration of incomplete treatment
- Completion or non-completion of detoxification treatment
- Key aspects in Implementing Dependency/Addiction treatment
- Other matters related to deferred action Dependency/Addiction treatment





pexels-steve-johnson-2035187 / <httpswww.pexels.comzh-twphoto2035187>



