

# Combatting Crimes against People's Livelihoods

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## I. Preface

In April 2005, the Ministry of Justice adopted the Plan for Implementing Efforts at Combating Crimes against People's Livelihoods, and concomitantly, the Taiwan High Prosecutors Office (THPO) created the Task Force to Prevent Crimes against People's Livelihood, to supervise, adjust, coordinate, contact and support all District Prosecutors Offices prosecutorial investigation of cases involving crimes against the person, property and livelihood. Since then, prosecutorial agencies have accumulated robust experience in assiduously pursuing prosecutorial investigations of all manner of crimes against livelihoods, receiving wide repose of trust and reliance.

Natural disasters induced by environmental and climatic changes, epidemics of unknown diseases, and even conflict in distant lands continue to blight people's lives despite breakthroughs in technology and medicine. These issues might result in a lack of epidemic prevention, supply shortages, and price changes, making it difficult for individuals to get by. The THPO and the District Prosecutors Office must continue to collaborate to determine the best way to deal with the increasingly diverse, urgent, and deeper and broader impact of crimes on people's lives in the future.

People's Livelihood

## II. Current Status Quo

### (I) Consensus Building and Full Communication

From time to time, THPO, with the Chief Prosecutor as convener, has held the "Supervisory Meeting on Combating Crimes against People's Livelihood" to explore the issues of investigating crimes against people's livelihood, with representatives from various district prosecutors' offices, and invited the Investigation Bureau, MOJ, the National Police Agency, MOI, the Consumer Protection Committee, Executive Yuan, the Health Bureau, and the National Health Bureau. Consumer Protection Committee, Executive Yuan, Ministry of Health and Welfare, Council of Agriculture, and other agencies to participate. During the meetings, prosecutors and representatives from relevant executive agencies communicate and discuss problems encountered in the investigation of specific crimes against the people's livelihood in order to find common solutions and report the results

to the Executive Yuan through the Ministry of Justice, which serves as a link between the executive and judicial branches.

## **(II) Unified Prosecutorial Investigation and Battle Force**

The Supervisory Group for Combating Crimes Against People's Livelihood of the THPO can also assist in coordinating and improving communication between the District Prosecutors Offices and the executive branch. This will serve to improve the division and sharing of resources between the District Prosecutors Offices, as well as the cooperation between prosecutors and the executive branch. This improves the efficiency and speed of investigations.

## **(III) Promoting local interdisciplinary contacts**

We should strengthen liaison in order to respond to the emergence of diverse challenges, as the investigation of crimes involving people's livelihood requires the participation of the executive branch. The TPHO has also written to all District Prosecutors Offices, urging them to improve the operation and coordination of the "Liaison Platform for Investigation and Detection of Crimes Related to People's Livelihood" in their respective areas, in order to bring together police, investigation, health, agriculture, consumer protection, and other related agencies on a local level to jointly investigate illegal activities. We also take the initiative to build communication channels with direct rule municipalities and county administrations in order to better comprehend and respond to all forms of crimes against the people's livelihoods.

## **III. Problems encountered**

- (I) Despite the fact that criminal investigations can address the most egregious disorderly behavior, they rarely fix complex societal problems on their own. The reasons for price increases in various items might vary, including stockpiling and hoarding by a single producer, a scarcity of raw materials, or changes in the global economic situation. In terms of criminal law, Article 251 of the Penal Code solely punishes those who stock products and then refuse to sell them to the market without reason, i.e., it focuses on "quantity" and punishes purposeful disruption of the supply and demand equilibrium. When supply

and demand are balanced, prices are left to the free market to establish through laissez-faire. During large societal emergencies, such as the 921 huge earthquake, SARS, and COVID-19 pandemics, the government only enacts special emergency rules to restrict both the amount and pricing of certain products. As a result, it is worth considering how to perform the function of stabilizing society while adhering to the principles of modesty and proportionality in criminal law, which remains the goal of our continued efforts, at the early stages of various events affecting the price of essential breadbasket goods.

- (II) Counterfeit or adulterated commodities, such as food plasticizers, reused food oils, or Taiwanese tea tainted with low-grade foreign tea, are frequently the crimes that pose the most harm to people's lives. To fully safeguard the public's health and safety while also maintaining a high quality of life, these offenses must be combated concurrently across jurisdictions. Prosecutors must begin cross-regional collaboration with the executive branch in the face of sudden and numerous types of crime against the person and livelihood cases in order to swiftly comprehend the individual case, define the criminal network, and accurately battle the crime. This will prevent any breakdowns due to a lack of synchronization. Or the executive branch agencies may forward an unqualified case to prosecutorial entities without coordination where a strictly administrative investigation found improper products, resulting in apprising the otherwise unaware criminals, creating an inability to effectively obtain evidence needed to lodge a criminal lawsuit against the defendants. As a result, it is critical that the communication and collaboration between the various prosecuting agencies, as well as between prosecuting agencies and executive agencies, continue to function.
- (III) Investigating crimes against livelihoods, unlike more traditional criminal cases, involves not only legal expertise but also interdisciplinary understanding. This means that in order to successfully prosecute a case of hoarding under Article 251 of the Criminal Code, the prosecutor must have a thorough understanding of not only the production and marketing procedures of various essential goods or agricultural products, but also the economic laws of supply and demand. It is difficult for a single act to fully conform with the constitutive elements of the crime specified by lawmakers, in addition to the fact

that it is not acceptable, if not impossible, to fulfill legislative aims surrounding economic problems through solely criminal investigations. Furthermore, if the act of mixing foreign tea with Taiwanese tea is to be prosecuted under Article 255 of the Criminal Law, it is critical that the executive branch's identification procedures and processes withstand cross-examination during criminal trial proceedings. All of the aforementioned issues will make discovering and convicting crimes against livelihoods, extremely difficult.

#### **IV. Progress and Prospects**

- (I) The TPHO steering Task Force to Prevent Crimes against Livelihood will continue to work with the District Prosecutors' Offices to coordinate responses to a variety of unforeseen and emergent livelihood challenges**

Because the social and environmental environments are always changing, prosecuting entities must be able to respond rapidly to a variety of livelihood challenges. They must keep up with the times and preserve their new learning abilities in order to accomplish this. TPHO will continue to convene the Steering Group on Combating Crimes Against People's Livelihoods to give District Prosecutors Offices an overview of the general situation and to identify solutions to the most recent difficulties and classic cases of crimes against people's livelihoods. Furthermore, the group will engage directly with the executive branch to act as a platform to integrate prosecutorial forces, learn together, and connect with the outside world from the standpoint of prosecutorial inquiry. The only way to improve prosecutorial entities' ability to detect crimes against people's livelihood is to regularly strengthen communication and drills, so that they can perform the function of quickly combating crimes, removing public panic, and protecting the public's quality of life and rights when confronted with unexpected emergent situations.

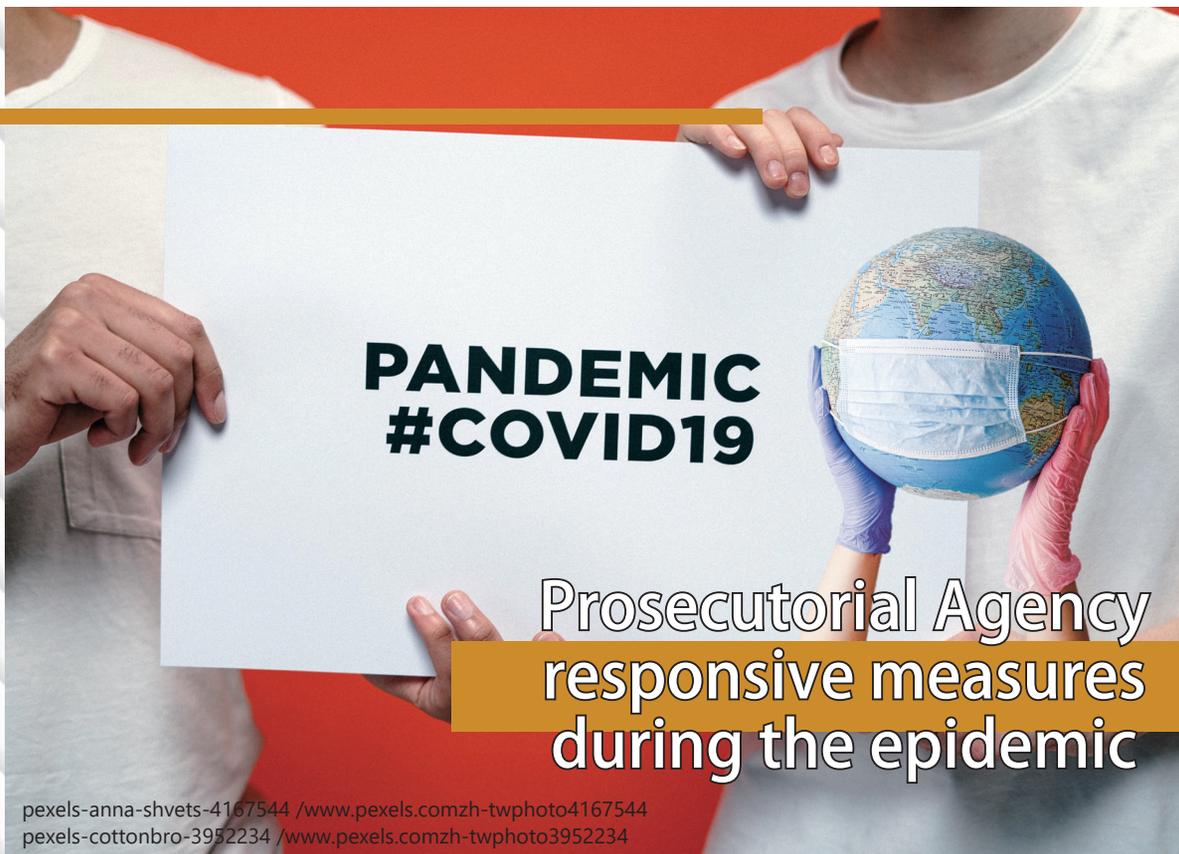
- (II) TPHO will examine and gather similar cases in order to identify the fundamental aspects and principles that go into convicting different forms of crimes against people's livelihood. This will aid frontline prosecutors in understanding how to build a case and get a conviction fast and effectively**

It's not easy to immediately address the many different evolving forms and patterns of

crimes against people's livelihood on an ongoing basis. Because of the large number of cases handled by prosecutors of the first instance on a regular basis, the TPHO must review and summarize each case according to the type of case, analyze the reasons for prosecution and conviction in various cases, and extract the wisdom of prosecutors who have handled similar cases in order to avoid mistakes or ineffective investigation actions.



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## Prosecutorial Agency responsive measures during the epidemic

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



## I. Preface

The sudden COVID-19 epidemic has changed the way of life of human beings and transformed the economic model, and global digitalization has been accelerated due to the pandemic. In 2021, the global epidemic resurfaced, and the entire Taiwan epidemic warning level was once again placed on Level 3 alert. At this critical moment of the epidemic, everyone from the government to the public is actively pursuing "digital transformation". In this era of digital technology application, it has already changed people's behavior and the direction of economic and industrial development, and the era of integration of the real and the virtual has arrived.

"One island, one life" means prosecutorial entities have inescapable responsibilities for epidemic prevention work. The Taiwan High Prosecutors Office (THPO) provides emergency responsiveness as a reference and guideline for the prosecutors in line with the government's epidemic prevention policy. The THPO must keep up with the times and make good use of digital technology to improve the effectiveness of epidemic prevention and protect the health of the nation.

## II. Difficulties

### (I) Any spread of the epidemic among the arrested or wanted criminals or defendants in the process of transportation and interview must be prevented

Arrested or wanted criminals or defendants are usually sent to the District Prosecutor's Office for initial processing. However, when the epidemic is spreading, the movement of people may cause the spread of the epidemic and create breaches in our epidemic prevention. Therefore, how to avoid the adversely affecting the health of Judicial Police Officers, District Prosecutor's Office Prosecutors, Clerks, or Bailiffs when the epidemic arises suddenly is the first issue awaiting the District Prosecutor's Office. How to take ensure both epidemic prevention and safety, and how to handle them appropriately, is really the first priority.

**(II) Autopsy examinations of dead bodies and interview of family members during the examination of cases involving suspected cross-infections**

During the epidemic period, the handling of medical examiner autopsy cases means more direct close contact with the deceased's body for investigation, and during the interviews of the deceased's family, there is also inevitably close contact. If the deceased is a confirmed or suspected case of COVID-19, how to effectively prevent any epidemic spread is a major challenge. If the deceased is a confirmed or suspected case of COVID-19, effective epidemic prevention is a major challenge, and a safe and secure laboratory or autopsy space, such as afforded by a Negative Pressure Isolation Room or Autopsy Room, with complete isolation protective equipment, sampling, storage and transportation of the body, and the video interviewing of the deceased's family, necessarily involves different contingency procedures and complete equipment distinct from the normal laboratory procedures to properly respond to and avoid (nosocomial) cross-infection.

**(III) Limitations of WFH (Work From Home)**

During the epidemic, the government has promoted various epidemic prevention policies, one of which is flexible work and telework from home, in order to avoid crowding and concomitant spread of the epidemic. With the cooperation of private enterprises and government agencies united together in the prevention of the epidemic, the implementation of these policies has brought significant benefits for prevention of the epidemic, given that the epidemic has been effectively controlled in Taiwan.

However, in the case of the prosecutor's office, although the epidemic prevention policy of working from home has been implemented, all our colleagues, whether they are administrative staff, prosecutors, or clerks, need to use the office computer to handle official business, especially for the prosecutors to conduct, process, and close all cases, or to connect to the single window of the Ministry of Justice for information inquiries. Therefore, it is not possible for working at home to successfully deal with the above-mentioned matters.

### III. Epidemic Prevention Practices

In order to implement the government's epidemic prevention policy, reduce the movement of personnel and maintain safe social distancing to avoid epidemic breaches, the THPO has adopted relevant measures to be taken during the epidemic alert levels 2 or 3 (May 15-July 26, 2021) for the reference and compliance of prosecutorial entities at all levels, for properly handling their relevant business and meeting public expectations:

#### (I) Handling arrested or wanted criminals or defendants

Considering both the importance of epidemic prevention and safety, the health and safety of epidemic prevention and law enforcement personnel are given top priority to avoid the spread of the epidemic proximately caused by the arrest or transfer of wanted persons or defendants, and handling their appropriate disposition. THPO issued the following guidelines on April 10, 2020: the "Checklist Upon Transferring offenders or Defendants with COVID-19", "Checklist Upon Receiving offenders or Defendants with COVID-19", the "Flow Chart for Handling Arrests and Apprehensions of Arrested and Wanted Persons or Defendants during the period of Prevention of COVID-19", "Notification of Change of Place of Arrest or Transfer of Arrested Offenders or Defendants" and "Notification of Change of Place of Removal for Arrested Offenders or Defendants". These guidelines are useful references for the Judicial Police Officer entities and the District Prosecutor's Offices to handle related operations.

#### (II) Hearing Sessions

##### 1. Video Hearing Sessions

##### (1) Interviewing the arrested or wanted person or defendant

- ① Activation of video hearing sessions: Each District Prosecutor's Office should activate the video equipment connection system between the internal officers and the Judicial Police Officer agencies in order to process the transfer of the offender by the Judicial Police Officer agency. In order to properly handle the interview of arrested or wanted criminals or defendants, on May 26, 2021, THPO established the "Emergency Video

Contact List between the District Prosecutors' Offices and the police agencies under their jurisdiction during the epidemic", and forwarded it to the District Prosecutors' Offices to facilitate operational contacts.

- ② Opening the video hearing session: the prosecutor will consider the actual situation by remote video interview, local interview or transfer to the District Prosecutor's Office.

(2) Standard prosecutorial investigation cases video hearings

In order to effectively handle the prosecutorial investigation cases during the epidemic, while taking into account the epidemic prevention safety and the rights of the parties, we planned an "extended prosecutorial investigation hearing process", inviting the parties to the appropriate location outside the THPO, through a video link to conduct remote hearing. In view of the confidentiality of the prosecutorial investigation, on June 28, 2021, the THPO sent a letter to the District Prosecutors' Offices to coordinate with the direct rule county (city) police departments to provide appropriate venues, equipment, and administrative assistance to facilitate the needs of the prosecutors for remote video hearing sessions during the epidemic. The THPO also sent a letter to the National Police Agency, MOI, on June 30, 2021, requesting all county (city) police departments to assist District Prosecutors Offices in providing appropriate venues, equipment, and administrative assistance for the remote viewing.

(3) Video hearing sessions for autopsy or coroner's inquest examination cases

In order to appropriately respond to the epidemic and avoid cross-infections, the prosecutor may do the following in response to the autopsy examination:

- ① Family members may identify the body by video or other appropriate means at the police station or precinct or at an appropriate location.
- ② The family members may be examined by the prosecutor by video or other appropriate means at the police station or precinct or at an appropriate location.

2. Physical hearing Sessions

- (1) Citizens or attorneys should comply with the COVID-19 controlled entry access system (real name registration or scanning QR code), wear masks, take body

temperatures, hands undergo alcohol disinfection, and enhanced entrance and exit control when appearing in a hearing or when taken into custody.

- ① Install transparent partitions and maintain a ventilated environment in the prosecutorial investigation hearing room or questioning room; wear masks throughout the hearing or hearing process, maintain safe social distances, and regularly disinfect and deploy related preventive measures.
- ② Investigation outside of the hearing room:
  - A. Outside the prosecutorial investigation hearing room, the District Prosecutor's Office shall plan the waiting space or seats where people can maintain safe social distancing, and implement a safe social distance for people waiting for the investigation room.
  - B. Due to the control of the number of people entering the District Prosecutor's Office, some people will wait outside the office. Bailiffs must not only call the people waiting outside the office to enter the District Prosecutor's Office, but also remind the people waiting outside the office to keep a safe social distance.
- (2) Suspend or flexibly adjust hearing hours: For hearing sessions and enforcement, except for cases of limited timeliness, urgency, or necessity, the hearing hours may be suspended or flexibly adjusted based on the principle that epidemic prevention efforts take precedence.
- (3) Avoid arraignment of prison inmates: In order to ensure the health of the prosecutors and to avoid the spread of epidemic to the prison, arraignment of prison inmates should be avoided except for time-sensitive and urgent cases, so as not to create a breach in epidemic prevention.
- (4) In terms of the characteristics of the office, and local epidemic-related factors, the Chief Prosecutor of each prosecutor's office is authorized to make necessary adjustment to the guiding principles of the Ministry of Justice, the THPO reference guidelines of the Taiwan High Prosecutor's Office.

### (III) Handling of Investigation Cases

#### 1. Formulation of the Checklist for COVID-19 Derivative Related Cases of Illegality

- (1) The THPO prepared a "Checklist for COVID-19 Derivative Related Cases of Illegality" issued on April 10, 2020 for the reference of all authorities, so they can compare the illegal behavior of perpetrators with possible legal violations. In case of any violation of the law, the authorities should report the matter to the District Prosecutor's Office for prosecutorial investigation.
- (2) For instances suspected of violating the Criminal Code, Communicable Disease Control Act, Personal Data Protection Act, Fair Trade Act, Pharmaceutical Affairs Act, and Special Act for Prevention Relief and Revitalization Measures for Severe Pneumonia with Novel Pathogens, the District Prosecutor's Offices of each region should immediately assign the cases and complete the "Checklist for COVID-19 Derivative Related Cases of Illegality", which should be investigated seriously and concluded as quickly as possible. Without violating the principle of non-disclosure of investigation, the government should release news in a timely manner in accordance with the regulations, so as to demonstrate the government's determination to attach importance to the prevention of the epidemic and to severely punish violations of epidemic prevention regulations, and to stabilize public concerns.

#### 2. Cases involving False Information

In response to the epidemic and to stop the spread of false information in order to stabilize public qualms, during the epidemic the THPO will investigate and prosecute criminal cases of spreading misinformation about the epidemic with the utmost earnestness and speed. Since May 19, 2021, the THPO has established a "Supervisory Group for Detecting Misinformation Crime during the Epidemic", and requested the first-level District Prosecutors Offices to set up their "Task Force for Detecting False Information Crime during the Epidemic" with one to three members and one executive secretary.

The District Public Prosecutor's Office other than at the first level shall also assign a special prosecutor and create a "Contact Platform for Detecting Fake Information Crimes during the Epidemic" and a "Specialized Contact Window for Detecting Misinformation Crimes during the Epidemic" in conjunction with the Ministry of Justice Investigation Bureau (MJIB) and police agencies.

### 3. Violence on the person of medical professionals' Crimes

- (1) To protect the safety of health care workers during the epidemic, the THPO will investigate and prosecute criminal cases of violence on the person of medical professionals during the epidemic in a strict and expeditious manner. Since June 8, 2021, the THPO has set up the "Supervisory Group for Investigation and Detection of Violent Crimes against the person of medical professionals during the Epidemic". The THPO has also requested each District Prosecutor's Office to set up a liaison platform for investigating crimes against the person of medical professionals during the epidemic, and to assign a head division prosecutor to serve as the "contact point for investigating crimes against the person of medical professionals during the epidemic". In addition, the National Police Agency and the Criminal Investigation Bureau have established the "Liaison Platform for Detecting Crimes against the person of medical professionals during the Epidemic".
- (2) In order to protect the medical environment and the safety of health care workers, the THPO sent a letter on June 2, 2021 to all District Prosecutor's Offices to investigate cases of violence against the person of medical professionals within their jurisdiction in a serious and expeditious manner. If the defendant has a serious case, he or she will be detained awaiting an arraignment hearing to determine any bail. In accordance with Article 106 of the Medical Care Act, the defendant will be sentenced to a heavier penalty with due regard to the specific factual circumstances of the case.

### 4. Price Inflation and Hoarding Accumulation of Goods

In order to respond to the epidemic and to stabilize the public's concerns, the following criminal cases related to price inflation and hoarding accumulation of goods are to be

investigated and suppressed in a strict and expeditious manner.

(1) Liaison Platform for Investigation and Detection of Crimes Related to People's Livelihood

The Liaison Platform for Investigation and Detection of Crimes Related to People's Livelihood has been activated by the District Prosecutors' Offices in response to the rising COVID-19 epidemic. In addition, the Liaison Platform for Investigation and Detection of Crimes Related to People's Livelihood has been activated by the District Prosecutors' Offices to work closely with the National Police Agency, the Consumer Protection Committee, the Fair Trade Commission, and other relevant authorities. For criminal cases involving the Communicable Disease Control Act and epidemic prevention, including those involving price inflation and hoarding accumulation of goods, they should be investigated and concluded as quickly and sternly as possible. If a violation of administrative penalties is involved, the case will be transferred to the authority in charge of the said law for penalization.

(2) Epidemic Prevention Team

In response to the "Special Act ", the government will continue to work on the prevention and relief of COVID-19. The Special Act was enacted and published on February 25, 2020, and came into effect on February 27, 2020, and the Central Epidemic Command Center was upgraded to Level 1 on February 27, 2020. In accordance with instructions from the Ministry of Justice, the District Prosecutors' Offices immediately set up "epidemic prevention and handling teams", including members of the investigation, police, health, consumer protection, fair trade, pharmacists' unions, executive branch offices, and other necessary related units (such as customs, immigration, and coast guard), to strengthen liaison between the various agencies and enhance the investigation and handling actions, ensuring effectively investigating and handling related cases. To effectively deter unlawful acts affecting epidemic prevention, we will work together to protect the personal safety of all people and safeguard the rights and interests of the citizenry.

5. In response to the COVID-19 epidemic alert level 3, the THPO has suspended hearing sessions and suspended the deadlines for case management. In order to effectively handle investigation cases while taking into account the safety of epidemic prevention and the rights of the parties involved, the THPO has compiled the opinions of District Prosecutors Offices and prepared the "Reference for Handling Investigation Cases during the Alert Level 3 of the COVID-19 Epidemic", which was sent to all levels of Prosecutorial entities for reference on June 11, 2021.

6. Review of Case Reconsideration Motions

During the epidemic period, the THPO will strictly examine the need to send a case back for further investigation, and the principles of handling are as follows:

- (1) If the investigation of the original disposition is generally complete, and only some of the issues to be clarified, then as far as possible replace a remand with its own investigation.
- (2) If the investigation of the original punishment is complete, only with a difference of legal opinions, the prosecution may be ordered instituted, instead of a remand for further investigation.
- (3) If the conclusion of the original punishment is correct, but the arguments are insufficient, the reasons for the punishment should be approved to be supplemented, and the matter denied for remand for reconsideration.

**(IV) Autopsy Examination Cases**

During the alert periods of the epidemic, in addition to the following, the THPO shall refer to pages 18 to 27 of the "2020 Compendium of Information on the Prosecutorial Entities' Operations in Response to the Spread of Severe and Special Infectious Pneumonia". During the third level of the epidemic alert, the THPO will take the following actions:

1. Autopsies in Suspected or (confirmed) fatal cases of Severe Specific Infectious Pneumonia

In order to respond to the seriousness of the epidemic and to meet the relevant epidemic prevention measures, the THPO has to handle the autopsy examination cases during the epidemic period with responsiveness and expediency based on the importance of both epidemic prevention and safety. On June 1, 2021, the THPO established the "Procedures for Judicial Autopsy Examination of Suspected Severe and Special Infectious Pneumonia Cases" and "Procedures for Judicial Autopsy Examination of Severe and Special Infectious Pneumonia Cases" and related QA for the reference of the prosecutorial entities in handling autopsy examination cases.

## 2. Autopsies in Suspected or (confirmed) fatal cases of Severe Specific Infectious Pneumonia

The Taiwan High Prosecutor's Office (THPO) directed all District Prosecutors Offices on June 4, 2021, that during the epidemic period, the prosecutorial entities shall take the necessary preventive measures based on local conditions in order to handle general autopsy examination cases based on the importance of both epidemic prevention and safety. When the prosecutor has reasonable doubt as to whether a case of suspected or (confirmed) infection results in death from Severe Specific Infectious Pneumonia in an area of high risk of infection, he or she may consider the specific circumstances of the case and refer to the "Judicial Autopsy Examination Process for Suspected Severe Specific Infectious Pneumonia Cases" to triage the examination, direct the examination process by video surveillance or other appropriate means, and conduct interview procedures. In the process of the response procedure, the applicant shall provide detailed explanation to the family in a timely manner, taking into account the necessity of epidemic prevention and the needs of the family, to prevent the spread of the epidemic, to handle the related responsibilities appropriately and thoroughly, and to protect the health of the nation.

3. During the epidemic, the prosecutorial entities will handle autopsy examination cases, through establishment of the "Liasion platform between prosecutors, police, and health authorities (Disease Control Division of the Health Bureau) in handling autopsy examination cases" as directed on June 10, 2021, by the THPO to all District Prosecutors'

Offices. In case of doubt about the application of Article 218 of the Code of Criminal Procedure, the Chief Prosecutor of each District Prosecutor's Office is responsible for and supervises communication and coordination with the Health Bureau of the direct rule municipalities and counties under its jurisdiction to prevent the spread of the epidemic, to work together to prevent the spread of the epidemic. The District Prosecutor's Offices are requested to establish a "liaison platform between the prosecutor, police, and health authorities (Department of Health, Disease Control Division) in handling autopsy cases" and a contact window list through the "epidemic prevention and treatment team" so that they can immediately coordinate the handling of autopsy cases and properly handle the related duties in order to jointly protect the health of the nation.

4. Alleged COVID-19 vaccine death cases with due care and clarify cause of death as soon as possible

In response to the death cases of suspected COVID-19 vaccine incidents, and in line with the related epidemic prevention measures, the THPO issued a directive to all levels of prosecutor's offices on June 18, 2021. They were instructed that, if, after considering the circumstances of a case, an autopsy is deemed necessary, please delegate to the Institute of Forensic Medicine of the Ministry of Justice to conduct an autopsy to determine the cause of death as soon as possible. In addition, in response to recent cases of suspected deaths from COVID-19 vaccination, ensure cooperation with the relevant epidemic prevention measures. After the autopsy and identification of the suspected COVID-19 vaccine death cases, please agree that the Institute of Forensic Medicine of the Ministry of Justice may provide a "Preliminary Forensic Autopsy Report on Deaths after Vaccination" to the Agency for Disease Control of the Ministry of Health and Welfare in accordance with Article 39, Section 4 of the Communicable Disease Control Act, to help clarify the cause of death as soon as possible.

**(V) Handling of observation and enforcement cases**

In addition to the contents on pages 28 to 32 of the "2020 Compendium of Information on the Prosecutorial Entities' Operations in Response to the Spread of Severe and Special

Infectious Pneumonia" on the THPO website, the THPO will take the following actions during a third level alert:

1. Enforcement of Deferred Prosecution and Addiction Treatment

On June 11, 2021, THPO held the "Seminar on the Implementation of Deferred Disposition with Addiction Treatment during the Epidemic" and reached the following conclusions, which were submitted to the Ministry of Justice on June 22 of the same year for approval and then forwarded to District Prosecutors Offices for reference.

- (1) Medical institutions are unable to complete urine collection procedures for addiction treatment due to the epidemic

Based on the principle of giving priority to epidemic prevention and leniency, if a medical institution is unable to complete urine testing for addiction treatment during an epidemic, the prosecutor will tend to follow the professional judgment of the medical institution if the overall treatment process of the defendant is evaluated and specific reasons are given for the completion of addiction treatment.

- (2) Outpatient, group treatment, and urinalysis at medical institutions during the epidemic

The availability, content, and frequency of treatment are subject to professional and flexible adjustment by the hospital in light of the epidemic. If the defendant does not want to go to the hospital for treatment because of fear of prolonging the epidemic, the prosecutor will determine whether there is a valid reason for doing so based on the circumstances of the case.

- (3) Medical institutions are unable to complete urine collection procedures for addiction treatment due to the epidemic

A letter prepared by the Taichung District Prosecutor's Office will be sent to the District Prosecutors Offices for reference. The District Prosecutors Offices may contact the local medical institutions and make modifications according to local conditions.

- (4) Whether the period of palliative care can be extended by the prosecutor as requested by the custodial entity office

The following conditions should be met for approval by the prosecutor of a custodial entity office request for an extension:

- ① The defendant's consent obtained.
- ② Contact with the medical institution first.
- ③ The extension will be granted internally at the discretion of the prosecutor with the approval of the investigating prosecutor in charge.
- ④ If the extension is granted, the period of the original disciplinary order shall be amended as well.
- (5) Can group therapy be replaced by video tracking counseling or video group therapy  
The original order shall be amended if extended by the District Prosecutors Offices.

## 2. People under custody reporting as ordered

In order to disperse the flow of people and reduce unnecessary movement to prevent breaches in the epidemic, the THPO established the "Operational Procedures for Releasing Prisoners on Parole in Response to COVID-19" and the "Operational Procedures for Releasing Prisoners on Parole in Response to COVID-19" and "Written Report Form for Persons Under Protection and Control during the COVID-19", which were established by the THPO on May 31, 2021. The District Prosecutors' Offices and the Ministry of Justice's Agency of Corrections (MOJ) will accept parolees from June 1, 2021 onwards, except for cases of obstructing sexual autonomy and special circumstances. The number of urine tests may be adjusted as appropriate, until the Central Epidemic Command Center announces that the COVID-19 epidemic is lifted from alert level 3, as for example:

### (1) General cases

For parolees who are to report to the District Prosecutor's Office within 24 hours of their release from prison, each institution and its respective prosecutor's office shall follow the "Procedures for Releasing Parolees from Institutions under the Agency of Corrections in Response to COVID-19" and the "Procedures for Releasing Parolees from Prisons Nationwide in Response to New Coronavirus Pneumonia" and

"Nationwide District Prosecutors' Offices' Procedures for Releasing Parolees from Prisons in Response to COVID-19", and the "Written Reporting Form for Persons Under Protection during New Coronavirus Pneumonia Epidemic".

(2) Sexual assault cases or special circumstances

If the prosecutor deems it inappropriate to take written reporting-in for sexual assault cases or special circumstances, the original operation mode will be followed and the above regulations will not apply.

(3) Number of urine tests

In order to avoid the spread of the epidemic, the number of urine tests for those under protection in drug use cases may be notified to those under protection for testing at the designated time in accordance with Article 25(1) of the Narcotics Hazard Prevention Act, without being limited by the provisions of Article 8 of the Rules for the Implementation of Urine Testing.

3. To add a supplemental regulation on "Notes on the handling of protection and control measures related to COVID19 for novel coronavirus pneumonia".

Supplementary regulations are added to the "Precautions for Handling Protection and Control Related Operations in Response to COVID-19 Novel Coronavirus Pneumonia" for the period from May 15, 2021 to June 14 of the same year, as follows: General routine reporting and urine collection are temporarily suspended. Parolees released from various prisons who report within 24 hours in accordance with the regulations shall still be accepted, and shall be released upon confirmation of relevant information. For those who meet the requirements for release from parole and are in urgent circumstances, they shall still submit the relevant information to apply for release from parole in accordance with the regulations, without the need for visits. If the suspension of community service cannot be completed within the period of time due to the epidemic, the prosecutor will be asked to consider whether to extend the period of time. For sexual assault cases, the case will be handled as an individual case, and the suspension will continue to be evaluated by the prison, and if necessary, they may contact the correctional agency for a video or written assessment, or a home visit may be replaced by electronic means. If a

person is ordered to report to a designated police agency for protection and control, the prosecutor will be asked to consider whether to agree to suspend reporting to the police agency in response to the epidemic.

4. Suspension or flexible adjustment of the execution time for reporting to police: Except for cases of limited timeliness, urgency or necessity, based on the principle of priority given to epidemic prevention, consideration may be given to whether to suspend or flexibly adjust the execution time of the case according to local conditions.

#### (VI) Other Epidemic Prevention Actions

1. Relaxation of regulatory examinations, temporary suspension of inspection or ceasing autopsy operations

- (1) In response to the escalation of the epidemic, the Ministry of Justice has approved the suspension or relaxation of the autopsy examination and inspection services in order to prevent spreading the epidemic from secondary cases, and suspended the implementation of all provisions of the "Guidelines Governing Prosecutor's Office's case handling period and prevention of delays" from May 17, 2021 until August 31 of the same year.

- (2) Each prosecutor's office of the second instance, together with the quarterly inspections and checks on "attitude toward case inquiries", "on-time hearing sessions", and at least one random check every six months on the "on-time hearing sessions" of the District Prosecutor's Offices under its jurisdiction and the irregular checks on the implementation of service jumps. In response to the development of the epidemic, and in consideration of safeguarding the health of the agency's staff and the public, and reducing the risk of infection, the process will be suspended until the epidemic alert returns to a Level 2 or higher.

- (3) Closure of autopsy examination services

In order to avoid the expansion of the epidemic due to the movement of personnel and to relieve the workload of courts and prosecutor's offices at all levels unable to hold hearing sessions during the third level of epidemic alert, the 2021 annual

inspection of prosecutors' offices was suspended. After the epidemic subsides, quarterly inspections of prosecutorial services will continue to be conducted to take into account the rights of the parties and the quality of the cases.

2. Cases in which observation and discipline cannot be carried out are not to be included in the calculation of the number of open cases.

The THPO Chief Prosecutors' Meeting on June 25, 2021 resolved that: The cases that could be enforced under observation will not be included in the calculation of the number of open cases and will be reported to the Ministry of Justice for approval thereof.

3. Statistical analysis of new cases investigated by District Prosecutors Offices after the national epidemic alert was raised to level 3

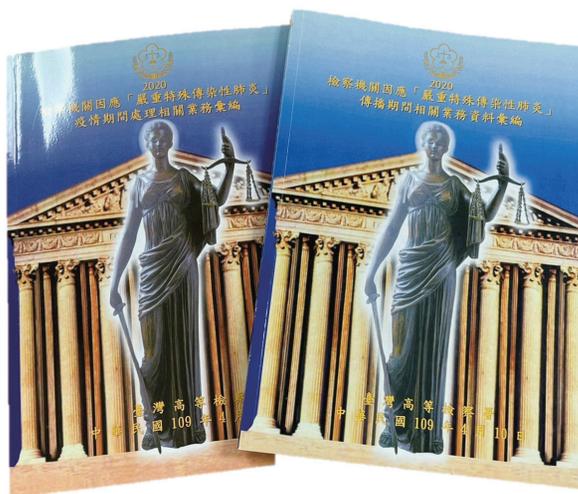
On July 8 and 12, 2021, THPO sent the "Statistical Analysis of New Cases Investigated by the Taiwan High Prosecutor's Office after the National Epidemic Level 3 Alert" to the prosecutors' offices of the first and second instance, and reported same to the Supreme Prosecutor's Office. The information is based on the analysis of new cases investigated by the District Prosecutors' Offices during the period from May 19, 2021, to July 5, 2021, when the alert level 3 for severe and specific infectious pneumonia (COVID-19) was raised, in order to understand the correlation between the epidemic and criminal cases.

4. The Chief Prosecutor of each prosecutor's office is authorized to make appropriate adjustments to the guidelines of the Ministry of Justice, the THPO reference guidelines, and the characteristics of their agency and factors related to their local epidemic status.

## **(VII) Publications**

1. In response to the development of the Severe and Special Infectious Pneumonia epidemic and epidemic prevention measures, the THPO has been deployed ahead of time in accordance with the Ministry of Justice's instructions, and based on the principle of epidemic prevention priority, District Prosecutors Offices need to have

responsive contingency and expedient measures for investigation, examination and enforcement of cases during the epidemic. The THPO set up an editorial team to compile a one volume "2020 Prosecutorial Entities' Compendium on the Handling of Severe and Special Infectious Pneumonia



during the Epidemic", which was published in April, 2020. In the same month, we revised the second edition of the "2020 Compendium of Prosecutorial Entities' Operations in Response to the Spread of 'Severe and Special Infectious Pneumonia'" to serve as a reference for prosecutorial entities to follow. It also provides the MOI, the MND, the MOJ, and the Coast Guard Administration, OAC, and other relevant agencies as a reference for handling operational responsibilities, with the hope of strengthening the linkage among various agencies, bringing into play the integration of government and teamwork, and jointly protecting the health and safety of the nation.

2. In addition to issuing the aforementioned compendium in paper form, the THPO has also set up an electronic file in the epidemic prevention section of THPO's internal website for colleagues to download and use for reference in order to maximize its effectiveness.



## IV. Outlook in Epidemic Prevention Responsibilities

The development of the epidemic seems to be a "Mobius strip", caught in an endless cycle! The epidemic has also brought about structural changes to the overall environment.

THPO has developed the aforesaid responsive measures to the serious and specific infectious pneumonia, as reference and guidance to the prosecutorial entities at all levels. However, in the face of the challenges of the epidemic, it is more important to consider how to efficiently pass on the experience of epidemic prevention and improve the deficiencies in order to face the epidemic, which may become a norm, therefore, in the outlook for epidemic prevention responsibilities, the following improvements are pursued.

### (I) Establishing an epidemic prevention database

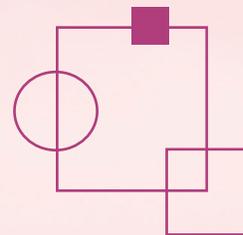
In response to the severe and specific infectious pneumonia and in line with the government's epidemic prevention policy, the Central Epidemic Command Center, the Centers for Disease Control, Ministry of Health and Welfare, and the Ministry of Justice (MOJ) have all issued letters to the government. MOJ have issued relevant guidelines for epidemic prevention, and the THPO has also established relevant reference guidelines. The relevant correspondence and minutes of meetings clearly record the entire epidemic prevention process, which are duly regarded as a valuable experience for epidemic prevention. THPO has collected some of the correspondence, meeting minutes, and reference guidelines in the "2020 Compendium of Operational Information for Prosecutorial Agencies in Response to the Spread of Severe and Special Infectious Pneumonia". However, due to the rapidly changing epidemic situation and the frequent changes of information, the physical book itself cannot be updated in time due to the limitations inherent to paper books, and it is not possible to search information quickly by indexed key words. In addition to presenting the information in the form of a compilation of physical books, we shall also consider digitalization including the correspondence, minutes of meetings, reference guidelines, or types of epidemic prevention-related investigation cases with reference value during the epidemic, as well as the circumstances of investigation and handling, investigation techniques, and investigation and trial results.

We will systematically collect and analyze the information in different categories and build up a database of epidemic prevention information to meet emerging needs from time to time.

**(II) Enhancement of WFH efficiency**

Under the premise that both epidemic prevention and safety are important, we should consider how to give full play to the effectiveness of WFH so that the efficiency of official work will not shrink due to the epidemic, which is an important issue when the epidemic may become a norm or when we may be caught off guard.

1. When the epidemic is severe, in order to prevent and stop the epidemic, the private sector and the government should make concerted efforts to promote WFH in order to reduce cross-site commuting and reduce the risk of cluster infections occurring. In the private sector, private enterprises and companies have invested resources to build perfect network connection security equipment to allow employees to telework from home. With adequate information security measures, the company can operate normally while taking care of both the workload and health of their employees.
2. Faced with the rapidly changing epidemic, the government and the public are actively engaging "digital transformation" in response to the advent of the era of virtual-reality integration, and in this era of digital technology applications, many industrial structures have been changed, as well as the mindset of single-point work. The prosecutors have the obligation to maintain confidentiality or investigate without disclosure, and during the severe epidemic, if you need to work from home, one must take measures to prevent fraud, forgery and confidentiality.

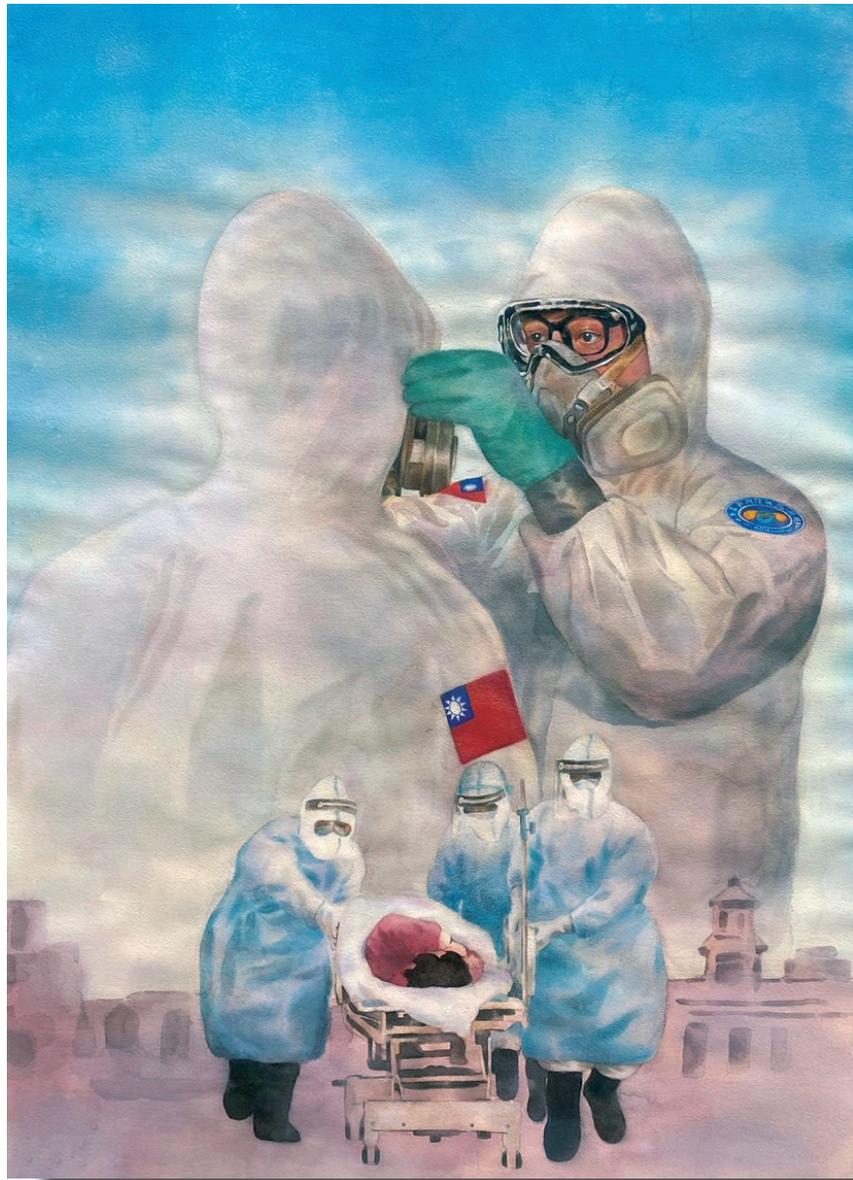


## V. Conclusions

The purpose of epidemic prevention is to protect the health and quality of life of the nation, and at the same time, to handle responsibilities appropriately and protect the rights of the public. The serious epidemic of COVID-19 that has not yet finally ended has changed many people, events, and things, and the only way to overcome the epidemic safely and accomplish the goal of epidemic prevention is to continuously adjust our steps and follow the changes.

The THPO has been working as a team because of the severe and specific infectious pneumonia epidemic, so that we can provide reference and follow the above-mentioned actions to help solve any emerging problems. However, in order to improve our epidemic prevention, the THPO will continue to play a supervisory and guiding role to help its subordinate entities improve their epidemic prevention capacity and handle their responsibilities appropriately, so as to jointly protect the health of the nation, protect the rights of the citizenry, and achieve social justice.





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