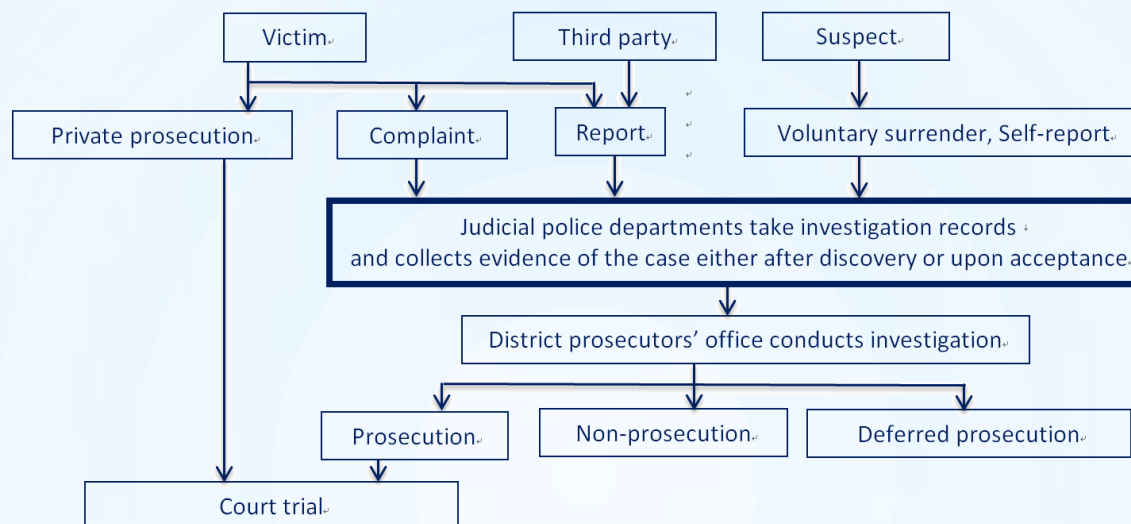


Criminal Investigation Process For Civilians

1. Purpose

In order to promote the protection of human rights and freedom, comply with the International Covenant on Civil and Political Rights, and avoid damage to civilian rights stemming from public unfamiliarity with judicial terms and due criminal investigation process, the following description has been made to explain the process of case initiation up to criminal prosecution, as well as related documents, important rights, and consultation.

2. Process



3. Description

(1) Reasons civilians go through criminal investigation process

- Law enforcement agency discovers a crime.**
- Complaint:** The victim reports the crime to the police department, or files a complaint to the district prosecutors' office directly.
- Report:** The victim or the third party discovers the crime and reports it to the police or the district prosecutors' office.
- Voluntary surrender:** The suspect reports the crime to the police or the district prosecutors' office before the crime is discovered.
- Self-report:** The suspect reports the crime to the police or the district prosecutors' office after the crime has been discovered, or without an identified suspect.

(2) Related documents

- Incident Report:** Issued to civilians after reporting the crime to the police and making records. One can inquire about the case with the police using this document.
- Arrest/Custody Notification:** While making arrests or taking civilians into custody, the organization that made the arrest must, in writing, notify the said person's relatives or friends of the following: the grounds for the arrest; the time and place of the arrest; and that the persons so notified may apply for habeas corpus. (Article 2, Habeas Corpus Act)
- Judicial Notice of Appearance:** Issued by the judicial police, it is a non-coercive notice. But if the suspect, without good reason, fails to appear in court after a notice has been legally delivered, the public prosecutor may be sought to issue an arrest warrant. (Article 71-1, Code of Criminal Procedure)
- Arrest Warrant:** A warrant issued by the prosecutors' office or the court, imbued with force of law. An arrest warrant shall consist of two slips, and in making an arrest one slip shall be handed to the accused or members of his/her family. (Article 77, Code of Criminal Procedure)
- Summons:** Issued by the prosecutors' office or the court. An accused, who without good reason fails to appear after he/she has been legally summoned, may be arrested with a warrant. A legally subpoenaed witness who fails to appear without good reason may be imposed a pecuniary penalty or be arrested with a warrant. (Article 71 and 175, Code of Criminal Procedure)

(3) The accused shall be informed of the following items before an interrogation is conducted (Article 95, Code of Criminal Procedure):

- The alleged crimes committed, and all criminal charges. If it is deemed necessary to change the criminal charges after the information is given, the accused should be informed of such changes.
- The right to remain silent, and that no statements should be made against his/her own will.
- The right to retain an attorney. If the accused is qualified to request for legal aid, pursuant to the laws, due to his/her low-income, or middle-to-low-income, aborigine status, or other qualifications, he may request to retain an attorney.
- The right to request an investigation on evidence favorable to the accused.

(4) Rights for victims, third parties and suspects:

- If one has a hearing or speech impairment or has difficulties in understanding the language used, the services of an interpreter must be employed. (Article 99, Code of Criminal Procedure)
- Persons who are indigent, or are unable to receive proper legal protection for various other reasons may apply for legal aid. (Article 13, Legal Aid Act)
- Other necessary assistance.

4. Consultation

(1) National Police Agency (<https://www.npa.gov.tw/>) Report hotline: 110

Accepting reports from the civilians, including traffic incidents, civilian service, security incidents, and disasters, and dispatching forces on-line to the scene immediately 24/7.

(2) Legal Aid Foundation (<https://www.laf.org.tw/>) National advisory line: (02)412-8518

Providing service of legal consultation and applications for legal aid attorney 24/7.

(3) Association for Victims Support (<http://www.avs.org.tw/>) National free service line: 0800-005-850

Established by Judicial Reform Foundation, Association for Victims Support assists in filing complaints, as well as accepting appeals and suggestions for improvement from civilians related to deficiencies in the existing criminal victim protection mechanism.

(4) Ministry of Labor - Complaints Area (<https://www.mol.gov.tw/service/32300/>) Consultation and complaint hotline: 1955

24/7 specific consultation and appeals bilingual Window. (Chinese, English, Thai, Indonesian, Vietnamese)

(5) National Immigration Agency - Anti-Human Trafficking Area (<https://www.immigration.gov.tw/5382/5385/7445/7535/>) Anti-human trafficking hotline: (02)2388-3095

Accepting reports of human trafficking and providing related information. If identified as a victim of human trafficking, one will be provided with personal security, accompanied interrogation, psychological counseling, legal consultation, and needed medical resources.

(6) National Immigration Agency - Information for Foreigners in Taiwan (<https://www.immigration.gov.tw/5385/7445/7910/>) Consultation service hotline for foreigners in Taiwan: 0800-024-111

Consultation services for daily needs and adaptation of foreigners and new residents to Taiwan, including visa, residence, work, education and culture, taxation, health insurance, transportation, employment services, medical and health, personal safety, child education, welfare services, as well as legal information. The service is provided in Chinese, English, Japanese, Vietnamese, Indian, Thai and Cambodian.

