

Section 2 Raising the Corruption Conviction Rate

I. Establishing diverse reporting channels and encouraging the reporting of corruption

1. Establishing diverse reporting channels

As the criminal acts involved in corruption cases are often highly concealed, and those involved in such criminal acts and their counterparts are often extremely careful to take measures to protect themselves when engaging in such acts, clues are particularly difficult to uncover in such cases. Since the Agency Against Corruption (AAC) was formed, it has instituted a variety of reporting channels in order to encourage the public to report corruption; at this same time, it has strengthened the promotion of anti-corruption work through the mass media and various events, expressing the government's determination to fight corruption and encouraging the public to actively report it through the diverse channels established by the AAC. The methods available for reporting are:

- (1) In-person reports: Agency headquarters has established a Reporting Center (5/F No. 318 Songjiang Rd., Zhongshan District, Taipei), with staff on duty to handle reports from the public 24 hours a day.
- (2) Telephone reports: The Agency has established a toll-free 0800 hotline, 0800-286-586. The hotline number is memorable because it sounds like “you report, I report” in Chinese.
- (3) Written reports: Citizens can submit reports by mail to P.O. Box 14-153, Taipei.
- (4) Other methods:
 1. Fax report line, 02-2562-1156
 2. E-mail reporting address, gechief-p@mail.moj.gov.tw

2. Encouraging reporting of crimes of corruption

(1) Providing rewards for reports

To encourage the public to stand up and report crimes of corruption, the first section of Article 7, Paragraph 1 of the Anti-Corruption Informant Rewards and Protection Regulation stipulates that “Any person who informs the authorities of a corruptive case, resulting in a conviction for any offense prescribed in Article 4 shall receive 1/3 of the reward. After the conviction is affirmed by the court, the informant shall receive the remainder of the reward. Rewards are given based on the Standards for Rewards for Informants in Corruption Cases, with a maximum value of NT \$10 million.

(2) Protecting the identity and safety of informants

The identities, reports from, statement transcripts, and other information relating to persons reporting corruption are kept confidential by the authority receiving the report, and are not entered into investigative files, as stipulated by the first section of Article 10 of the Anti-Corruption Informant Rewards and Protection Regulation; when necessary, the provisions of the Witness Protection Act may be applied to safeguard informants, so that people will feel confident in exposing illegalities, knowing that their identities and personal safety will be ensured.

3. Results of the AAC’s handling of reports

In the approximately four and half months from the date of the AAC’s formation on July 20th, 2011 through November 30th of the same year, the Agency handled 1,632 items of corruption intelligence reported by the public, accounting for approximately 85.6% of all such items collected. After the filtering of these cases through the Agency’s Intelligence Review Committee, 91 were passed to the Malpractices Investigation Division and the regional investigation offices for in-depth investigation, accounting for approximately 34.3% of such investigations; related data about report sources and their corresponding proportions can be seen in the table below.

Table 2-2-1 Corruption reports accepted and cases investigated

Source Handling		Public Report	Civil service ethics units	Self-Confessed	Proactively Uncovered	Other Agencies	Total
Corruption reports accepted	No.	1,632	225	18	9	21	1,905
	%	85.6%	11.8%	1%	0.5%	1.1%	100%
In-depth investigation by MID and regional investigation offices	No.	91	143	11	8	13	265
	%	34.3%	53.6%	4.1%	3%	4.9%	100%

(Data period: July 20th, 2011 through November 30, 2011)

Note:

1. The basis for the data on corruption reports accepted is the number of reports put on file within the above period after being received by the agency.
2. Data on in-depth investigations by the AAC's Malpractices Investigation Division (MID) and regional investigation offices is based on entries made by agents in the AAC case file system within the above period in cases in the which an agent received a report of corruption and sent it to the Intelligence Review Committee, which found an in-depth investigation necessary and submitted a request to the MID and regional investigation offices.

II. Unearthing corruption leads while taking public sentiment seriously

1. Implementing a lead quality control system, allowing civil servants to take posts without worry

In order to increase the quality of leads on corruption, leads into corruption offenses uncovered by civil service ethics units must be examined and approved by the AAC, then investigated and prosecuted by judicial authorities. This supervision of lead quality raises conviction rates, and helps to eliminate civil servants' misgivings about accepting posts for fear of reducing misgivings about being unfairly accused of misconduct.

2. Objective-oriented management to actively uncover major corruption leads

The AAC has incorporated the objective-oriented management philosophy promoted by the government, supervising key civil service ethics units in listing "major plan objectives for uncovering corruption leads," key subjects for observation and areas prone to malfeasance within their agencies, such as important cases involving procurement, benefits and subsidies, or business licensing.

At the same time, the AAC requires key civil service ethics units with large budgets and a high degree of approval authority to consider a comprehensive evaluation and analysis of the state of ethics within their agencies, major budget expenditures, and factors that may hinder the agency's efficient operation, and incorporate the concept of objective-oriented management into the listing of goals for uncovering major corruption leads before the beginning of each year, and form "special investigative tasks forces" to carefully formulate plans for investigating and handling problems. Planned investigations will then be used to uncover major corruption cases that are organized or structural in nature, or in which high-ranking personnel have hidden involvement, thereby thoroughly rooting out the cultural of corruption in government.

3. Objective, just, and careful handling of reports of crimes of

corruption:

The Agency puts into practice the provisions of the Anti-Corruption Informant Rewards and Protection Regulation into practice, handling cases of corruption reported by the public with caution. In addition to taking measures to protect the identities of informants, the Agency should immediately contact informants after accepting the report, and provide results of the handling of the case to the persons involved in writing, giving members of the public the confidence to make reports in order to effectively incorporate the power of the public into the investigation of corruption.

III. Case-specific inspection model for improved administration**—Taking the case-specific investigation of school lunch procurement at elementary and junior high schools for example****1. Origin**

This case originated with May 2011 media reports on feed additives promoting lean meat growth being detected in school lunches, and of maggots being found in lunch containers, both of which prompted questioning of the administration of schools. On May 26, the Minister of Justice at the time notified the Civil Service Ethics Departments of all special municipality, city, and country governments in Taiwan to conduct a thorough investigation into the state of school lunches at the elementary and junior high schools in their jurisdictions. The Banqiao District Prosecutors Office also took the initiative to launch an investigation into the possibility of procurement bribery and fraud being involved. New Taipei City Mayor Eric Chu directed the local government's Civil Service Ethics Department and the Department of Education's Civil Service Ethics Office to assist in verifying information related to school lunch procurement and submitting findings to the AAC for joint investigation and prosecution. After approximately half a year of evidence collection by prosecutorial, investigative, and civil service ethics units, it was found that some suppliers of school lunches were involved in colluding with school principals through bribery or kickbacks to ensure that their bids to provide

school lunches would be successful.

On October 28th, 2011, the Banqiao District Prosecutors Office directed its prosecutorial and investigative units to search the offices and homes of the implicated school lunch suppliers, and collaborated with the New Taipei City Government's Civil Service Ethics Department and the Department of Education's Civil Service Ethics Office in carrying out coordinated searches of elementary schools in the jurisdiction and summoning the suspects to give their statements. The special investigation of the circumstances relating to school lunches at elementary and junior high schools, carried out by the Civil Service Ethics Departments of all special municipality, country, and city governments nationwide, was intended to prevent unscrupulous suppliers from colluding with school staff in fraud, and allow students to return to eating safe and healthy lunches.

2. Subjects of the case-specific investigation

- (1) Whether school lunch providers had forged CAS certification logos.
- (2) Whether school staff had accepted kickbacks or other inducements from companies.
- (3) Whether the related procurement personnel had received kickbacks.
- (4) Whether companies were involved in bid rigging, bidder collusion, or other illegal activities.
- (5) The source of funds for the provision of school lunches by county and city governments.

3. Patterns of misconduct

The civil service ethics units of county and city governments nationwide carried out the case-specific investigation by sending inspection groups to meal suppliers and to conduct on-site inspections at schools, as well as through the examination of printed information and other methods. A total of 1,497 schools and 1,793 purchased items were investigated. One form of fraud uncovered by the investigation by the Banqiao District Prosecutors Office was principals involved in receiving kickbacks. The civil service ethics units also discovered a number of other forms of misconduct:

- (1) Forgery of CAS logos by companies providing food materials.
- (2) Misappropriation of donations to schools by sponsoring firms:
Related school staff opened non-treasury accounts to avoid the oversight of accounting units, and then secretly misappropriated the balance after closing the accounts.
- (3) Misconduct in procurement work:
Working groups not formed in accordance with regulations; contracts not following the Public Construction Commission format and overly brief in content; sums of money required for projected extensions not included in procurement expenses; falsification of inspection or acceptance procedures; evaluation committee members directly appointed by a principal rather than from outside the school in accordance with the Regulations Governing the Organization of Procurement Evaluation Committees, and procurement evaluation committees not meeting the provision stipulating that at least one third of committee members be from outside the procuring entity.
As school lunch procurement was carried out on the basis of selecting the most advantageous tender, this easily led to unfair evaluations or the internal determination of winners due to bribery of committee members and related persons.
- (4) Bid rigging and bidder collusion:
Contracts to provide school lunches were concentrated among a few select companies, and these fixed companies received contracts continually, suggesting bid rigging and bidder collusion.
- (5) Requests for donations from companies under a variety of pretexts:
Companies were requested to make donations for “elevator maintenance costs,” “site cleaning,” “lunch education costs,” “assisting with the development of schools affairs” or through “anniversary celebrations,” “graduation ceremonies” or other pretexts.
- (6) The use of funds meant to subsidize schools lunches for other purposes, rather than using funds for the allocated purpose pursuant to regulations.
- (7) Excessive numbers of related school staff entitled to free lunches,

resulting in reduced quality due to budgetary considerations.

4. Investigation results

As a result of this case-specific inspection, in addition to the case submitted to the Banqiao Prosecutors Office for the earlier search and investigation, the illegal forgery of the CAS logo was also uncovered, and the Investigations Department of the Pingtung District Prosecutors Office notified to investigate and prosecute the case.

The AAC is currently supervising the Civil Service Ethics Departments of special municipality, county and city governments in expanding the case-specific inspection into companies involved in the school lunch case and their “patterns of misconduct.” In-depth analysis has found that similar “unwritten rules” remain within other county and city governments, such as requesting donations from companies under various pretexts, school lunch funds not being used for their intended purpose, questionable tender selection practices, and other administrative failings. Related school staff will be targeted for follow-up investigation, with cases against them opened for investigation immediately if they are found to be involved in receiving kickbacks from suppliers or other acts of illegal fraud. There are currently several cases already under investigation by the regional investigation offices.

IV. Aggressively investigating corruption to meet public expectations

Taiwan's Code of Criminal Procedure is a part of the system of Civil Law, under which prosecutors play a leading role in investigations. The establishment of the Resident Prosecutor system allows prosecutors to become involved in investigations from their inception, allowing for greater precision in the gathering of evidence and the application of the law, effectively protecting human rights while also raising the conviction rate.

1. Overview of the Resident Prosecutors system

Resident Prosecutors from district prosecutors' offices around the country are assigned to the AAC to direct agents and the related judicial policemen (or police officers) in the investigation and handling of corruption cases. Their purpose is to gain a precise grasp of the evidence in criminal cases through multiple filtering and verification mechanisms, taking into account provisions of the Court Organization Act and Code of Criminal Procedures relating to matters such as unitary system of prosecutor and non-disclosure of investigations, while also carrying out investigations in keeping with principles of openness and transparency and charging all cases in which the evidence is clear, regardless of the level of the case or the rank of the people involved. When human rights can be effectively protected while also enhancing the effectiveness with which corruption cases are investigated and handled, more precise investigations will increase conviction rates, demonstrating the government's determination to fight corruption.

Taiwan's Code of Criminal Procedure is a part of the system of Civil Law, under which prosecutors play a leading role in investigations. When AAC personnel carry out their duties to investigate corruption, the criminal investigation should, according to the provisions of Article 228, Paragraph 228 of the Code of Criminal Procedure, be directed by a prosecutor. When AAC agents become aware of corruption, they immediately report it to a prosecutor to direct the investigation and handling of the case. In addition to directing the investigation of the case

on the basis of unitary system of prosecutor, prosecutors also exercise their authority independently from outside influences. Agents reporting corruption cases to prosecutors can therefore insure that there is no interference in the investigation and handling of cases, and with prosecutors directing these activities, the gathering of evidence and the application of law are more precise, as well as in better conformity with the relevant provisions of the Code of Criminal Procedure. This also helps to protect human rights while simultaneously raising conviction rates.

The AAC's Resident Prosecutor system is intended to break from the existing model of the investigation of corruption cases by state authorities. Under the existing model, after civil service ethics units uncover leads to corruption within their agencies, the case is transferred to the Ministry of Justice Investigation Bureau for intensified collection of evidence, after which the Bureau notifies a prosecutorial agency to investigate and prosecute the case. With the establishment of a "preliminary case handling model" of "early prosecutorial involvement in investigations," prosecutors directly take part in process of the AAC investigation, improving the quality of evidence collection and the efficacy with which cases are handled. When major criminal cases do occur, prosecutors are often on the scene to direct the investigation and ensure that judicial police (officers) properly collect evidence of criminality. Another example of the rapid results achieved through this model occurs during elections; in order to promptly and effectively investigate bribery in election and prevent violent interference, district prosecutors' offices form executive groups to investigate and monitor vote buying, and assign prosecutors to sub-bureaus to direct investigative personnel in conducting immediate investigations of bribery and violent crime related to elections.

Some have expressed doubts about the resident prosecutor system, asking if it would effectively turn the AAC into another district prosecutors' office. The primary work of the AAC is the planning of national clean government policy and carrying out work to combat, prevent, and investigate corruption; it is only in work relating to the investigation of corruption that the resident prosecutor system is used to

direct and oversee the investigation and prosecution of cases, increasing the effectiveness with which corruption is investigated, raising conviction rates and protecting human rights. AAC's activities not involving the investigation of corruption do not fall within the purview of resident prosecutors, and given that the AAC's investigative functions are supplementary to its primary tasks of anti-corruption education and corruption prevention efforts, unlike prosecutors offices' focus on the investigation and prosecution of criminal cases, the AAC's adoption of the resident prosecutor system will not make it redundant.

2. Cooperating with prosecutorial agencies in the handling of corruption cases

(1) The Department of Health Civil Service Ethics Office's handling of corruption case in Department hospitals

1. Background

With the aging of the population and rapid advances in technology, companies are constantly developing and designing a variety of new drugs and medical instruments, and with the related businesses all competing for a piece of the limited pie in the medical supplies field, those in the medical profession are often subject to extreme moral hazard due to the large financial incentives offered by suppliers. Currently, approximately 94% of Taiwanese hospitals' income comes from health insurance, and under pressure to control healthcare costs due to the implementation of the global budget system of health insurance, hospitals have gradually moved to becoming both cost and profit centers; as a result, due to considerations of operational efficiency and controlling costs, difficulties in recruiting doctors in more remote locations, or various other factors, hospitals under the Department of Health (DOH) may contract private companies to perform some medical services. However, in the course of bringing in private firms to take part in the provision of medical care, due to insufficient professional knowledge, contracting parties often act at their own discretion or neglect to make inspection visits to potential contractors, or carry out planning with reference only to the existing plans of certain

designated contractors, with a lack of fair competition leading to the benefit of these designated contracts.

2. Details of Incident

(1) In February 2010, the Executive Yuan Department of Health (DOH) promulgated the Guidelines for Outsourcing by Medical Institutions, which stipulated that medical institutions' outsourcing of some operational, management, and executive tasks to outside contractors should exclude the core medical activities of diagnosis, treatment, and clinical nursing. In July 2010, Yang Chih-Liang, then Minister of the DOH, instructed that a special investigation be carried out, and through statistics gathered on cases of operating partnerships engaged in by hospitals under the DOH, it was found that the contacted companies were grouped, while the hospitals involved were concentrated, indicating highly irregular connections. Minister Yang had the related data sent to prosecutorial and investigative agencies for their reference.

(2) Investigation of the case began under the direction of the Taoyuan District Prosecutors Office (TDPO) on March 25th, 2011, with nine waves of investigative operations carried out as of October 7th, 2011. The TDPO found that DOH Senior Counselor and Hospital Administration Commission (HAC) CEO Huang and hospital superintendents, department heads, attending physicians and other medical personnel at 13 DOH hospitals took advantage of his control of HAC affairs as Executive Director, or opportunities afforded by procurement carried out within hospitals, and in addition to divulging information about procurement contracts in advance to a group of three contractors—Neotech Innovations, Jing Jwann Technology, and the Gsharp Corporation—the aforementioned HAC Executive Director and other medical personnel may have lobbied or spoken on the behalf of these companies' in favor of their bids to provide related medical supplies. The aforementioned medical personal were experts in their respective medical fields, but due to their past experience in cooperation with the

above firms, as well as the provision of kickbacks of a certain percentage as bribes by these companies, they largely relied on personnel within these familiar suppliers to obtain specialized data relating to medical instrument and equipment to specifications, market prices, and cost-benefit analysis, with the product specifications and other data provided by the companies then used as the procurement requirements which served as the basis for the specifications and expected benefits in invitations to tender, protecting the interests of the aforementioned companies as internally-designated contract awardees. Other medical instrument companies would generally withdraw when they found that the specifications for their instruments differed from those listed in procurement notices, but the internally-designated awardees would boost support their bid by engaging in bidder collusion or license borrowing to ensure that they would be awarded contracts, and agree to and pay a bribe (or kickback) prior to the procurement transaction. The medical personnel specifying the procurement requirements were responsible for ensuring that items passed inspection upon receipt, with an additional bribe (or kickback) paid to the aforementioned medical personal after inspection and acceptance, payment to the company, or after the company had returned profits from the project it was contracted for, allowing both sides to profit from the arrangement.

(3) On July 22nd and September 2nd, 2011, the TDPO filed charges against a number of contractors and 26 personnel with the DOH and its affiliated hospitals, including taking bribes for acts belonging to official duties under Article 5, Paragraph 1, Subparagraph 3 of the Anti-Corruption Act (ACA), taking bribes for acts violating official duties under Article 4, Paragraph 1, Subparagraph 5 of the ACA, concealing income from a serious crime under Article 11, Paragraph 1 and Article 2, Subparagraph 2 of the Money Laundering Control Act, and breach of trust under Article 342 of the Criminal Code. Those charged included former DOH Hospital Administration Commission CEO Huang and eight former superintendents and deputy superintendents of DOH hospitals, with a sentence of 25 years and a fine

of NT \$7 million sought for Huang; the 52 procurement bids implicated in the case (nine of which were public-private partnership projects) involved a total of over \$1.32 billion, with civil servants obtaining over \$44.8 million through illegal and criminal acts. The number of people charged, the rank of those involved, the number of items procured, the amount of money involved, and the sum of the bail posted all set records in the history of investigation of corruption in the medical field.

3. Case Analysis

(1) Preliminary understanding of the cases charged indicates that there are eight cases in which there are highly irregular connections between tendering companies and other evidence of complementary bidding, license borrowing or non-price-competitive bidder collusion; 18 cases involving brand designation, bid rigging, copying the specifications of the designated bidder and other undue restraints on competition; three cases in which tender evaluations or inspection and acceptance procedures were suspected to have been falsified; and four cases of partnership projects in which analysis was falsified in the benefit evaluation, over-reporting the costs of self-operation and the partnerships, leading to a change in project orientation from self-operated to outsourcing partnerships, or leading to a decrease in medical institutions' proportion of shared profits.

(2) The DOH took the following actions to promote ethics and prevent fraud in order to correct the profit-seeking orientation of medical activities and check the undue waste of medical resources, protecting the public's right to medical treatment and improving the quality of healthcare:

I. Prior to incident—Aggressive prevention and risk management

(A) Promulgated the Guidelines for Outsourcing by Medical Institutions in February 2010, explicitly prohibiting the outsourcing of core healthcare services such as diagnosis, treatment, and clinical nursing.

(B) Directed civil service ethics units to carry out a special inspection

of medical partnership projects involving DOH hospitals in July of 2010. Statistical analysis found problems of organized, structural monopolistic behavior among companies awarded contracts, and the relevant data was sent to investigative and prosecutorial agencies for their reference.

(C) On August 27th, 2010, the Minister of the DOH sent a letter to the superintendents of all DOH hospitals in which he expressed his determination to carry out reforms.

(D) Held the Corporate Ethics in Medicine and Health Seminar on November 8th, 2010, gathering DOH business units, experts, and academics for in-depth discussion on the subjects of the outsourcing of healthcare and medical ethics.

II. During incident— Cooperated investigation, crisis management

(A) Maintained awareness of inspection and investigative activities throughout the process, accompanied colleagues responding to subpoenas to ensure that their due rights were not violated.

(B) Assisted investigative bodies in transferring records and analyzing them for evidence of illegalities in the procurement process.

(C) Convened the first DOH Civil Service Ethics Conference on April 27th, 2011, examining the causes of the corrupt practice in this case and planning concrete remedial measures, provided to business units for reference.

(D) Presented a special report at the 7th Committee Meeting of the Central Integrity Commission on May 27th, 2011. Wu Den-yih, then Premier, instructed senior officials in all ministries and commissions to handle fraud cases by courageously exposing them and aggressively deal with them without covering anything up, as well as to proactively examine the related systems and strengthen internal and external supervision.

III. In the aftermath— Assisting with reviews, thoroughgoing reforms

(A) Carried out study and examination of possible revisions to DOH personnel (such as the system for selecting senior and deputy superintendents and term lengths), organizational, and financial (such as bonuses) regulations; formed the DOH Hospital Checkup Group to advise and work to improve hospitals.

(B) Persons implicated in the case were immediately disciplined by termination or removal from head positions in accordance with the law; among the 25 people implicated in the first wave of charges, 17 civil servants were referred to the Evaluation Board and had their cases submitted to the Control Yuan, where deliberations on their transfer to the Commission on the Disciplinary Sanctions of Functionaries were underway at the time of this writing; three contract and temporary medical staff were disciplined independently by their employing hospitals; an additional five, due to belonging to the DOH's former Hsinchu Hospital (which became the Hsinchu Branch of the National Taiwan University Hospital on July 1st, 2011) had their cases transferred to the Ministry of Education for deliberations on disciplinary action. The case of the one civil servant charged in the second wave will be submitted to the Control Yuan, where it will be combined with the existing case pending receipt of the indictment from the Taoyuan District Prosecutors Office.

(C) Established a Unified Procurement Center for DOH hospitals, reducing the authority of hospitals to procure supplies; formed a Procurement Reform Group and instituted external review and internal control mechanisms (such as creating a set of guidelines to be followed in conducting major procurement projects).

(D) Requested that all hospitals involved in the case deliberate on the termination or rescission of their contracts with the companies involved and seeking compensation for losses.

(E) Increased dissemination of information on ethical regulations for public servants among DOH medical personal, the medical industry, and the related associations, and promoted ideas of honest administration and social responsibility in order to bring the public

and private sector together to improve conduct in the medical field.

4. Conclusion

“Clean governance” is an index of a country’s competitiveness and development, and is the key to the public’s trust in and expectations of its government; making clean governance a reality requires establishing appropriate systems and constantly considering how to improve them to win the public’s trust. Because former DOH Minister Yang Chih-Liang did not flinch from exposing malfeasance, and gave civil service ethics units a high degree of latitude and support, they were ultimately able to thoroughly investigate and effectively break this case. It may be hoped that their fine example will lead the way for the heads of other government agencies to resolve to investigate corruption. The stance towards internal malfeasance should be to proactively uncover it, deal with it forthrightly, cooperate with investigations, and provide explanations to outside authorities; only this can put an end to institutional corruption. By emphasizing both the prevention of fraud and the promotion of positive practices, and taking into consideration the public mission of DOH hospitals, the interests of patients, and operational needs in researching and examining concrete and feasible measures for improvement, DOH hospitals may be guided towards more legal, honest, fair, and efficient administration of healthcare, regaining the public trust and rebuilding hospitals’ upstanding image.

(2) The Tainan City Government Uneven road investigation Special Project

1. Background

One of the most direct means by which the public get a sense of the quality of public infrastructure is whether the roads and sidewalks paths they travel each day are level and free of potholes. Pavement in Taiwan is generally composed mainly of asphalt concrete (AC), which is not easy to keep in good condition. Problems with AC roads involve not only the graded gravel base and the asphalt concrete paving the surface, but also

whether planning and design, construction supervision, acceptance inspections, AC sample testing, road excavation and back-fill, and other phases have been carried out according to regulations relating to road construction. If a problem occurs in any part of the process, it not only affects public satisfaction with the government, but can even lead to incidents of injury or death of those who use the roads, requiring state compensation.

2. Details of Incident

In 2009, the Civil Service Ethics Department of the Tainan City Government found reason to suspect that inferior materials and work had been used in some township and city road projects as a result of corruption, and submitted its findings to the Tainan District Prosecutors Office for investigation. The poor construction quality of local road infrastructure was also related to the common practice of political patronage, a negative aspect of Taiwan's electoral politics, making it a broad-ranging structural problem. In order to rectify these illegalities, the Tainan District Prosecutor's Office carried out "Uneven road investigation Special Project" beginning in late 2010, with civil service ethics agencies in the jurisdiction cooperating to carry out large-scale deep excavation testing of public roads in the more than ten townships in the greater Tainan area. The inspections produced grounds to suspect that a contractor had constructed asphalt roads using inferior materials, yet they passed testing by construction materials testing labs without any problem. Further investigation found that the contractor had colluded with six labs in Kaohsiung, Tainan, and Chiayi to either switch the tested samples or alter test data to produce false reports, with even labs at national universities becoming involved. It was also found that technical specialists and contract employees contracted by Public Works Departments and some technical specialists and assistant technical specialists at city offices were involved in corruption involving falsifying inspections to benefit contractors using inferior materials. The contracting personnel implicated in the case were investigated and charged by the Tainan District

Prosecutors Office, and widespread coverage of the corrupt practices involved in road construction drew ongoing public attention to and comment on the issue.

3. Case Analysis

After receiving information from the Tainan Civil Service Ethics Department on illegal practices in road construction, The Tainan District Prosecutors Office first filtered through the evidence to focus on township (city) offices where abnormalities were found. The department worked with civil service ethics personnel, prosecutors and judicial police officers to perform on-site core sampling, with initial sampling sites at nearly 40 asphalt roads in seven townships. Sampling found evidence of corrupt practices such as old pavement not having been removed when it should have been, insufficient oil content in asphalt leading to the cracking or shattering of pavement, and pavement not laid according to plan, resulting in the accumulation of rainwater and hastening the deterioration of roads.

In addition to coordinating with the Tainan District Prosecutors Office to carry out Uneven road investigation Special Project, the department also carried out the 2009 Road Construction Quality and Road Excavation Audit and Inspections, during which it was found that, at minimum, some entities were potentially engaged in the following types of misconduct regarding AC road construction quality: (1) Insufficient thickness of concrete (AC) paving. (2) Principal inspectors (or Inspectors-in-charge) not designating the core drilling site on inspection days, leading to contractors switching failing test samples in advance. (3) Core samples not being signed for after drilling, signed for but not jointly tested by the construction supervisor and contractor at the laboratory, making it possible for test samples to be switched. (4) The designation of the particular labs where testing was passed, causing suspicion of falsified testing reports.

The following recommendations for reforms have been made with regard to the potential malfeasance in AC road construction quality outlined above: (1) Contractors with poor reputations awarded contracts

for exceedingly low tenders should consistently be dealt with pursuant to the provisions of Article 58 of the Government Procurement Act. (2) Construction personal who display tendencies towards or signs of corruption should be transferred to job duties that will prevent them from breaking the law. (3) Contract specifications should be explicitly defined by the entity carrying out planning and design. (4) Construction supervision personnel should supervise checkpoint inspections in person. (5) Contractors should conduct core drilling and passing sample viability tests prior to reporting completion of work. (6) If personnel in charge of inspections have the authority to conduct core drilling, they should perform on-site random sampling. (7) Implement a three-tier quality control system.

In addition, the following potential improprieties, at minimum, were found to exist with regard to excavation and backfill and placement of utility access covers on AC roads: (1) Poor evenness or construction quality of backfill, height discrepancy from original road surface, or cracking, sinking, granular loss, or other problems. (2) Entities performing utility pipes excavation rarely perform acceptance inspections jointly with township office personnel after completion, possibly leading to reduced construction quality, the primary cause of potholes and depressions. (3) Large discrepancy in height between manholes covers and road surface, or cracking and depressions in surrounding pavement. (4) Inappropriate diversion of funds by certain Township Office, with collected funds (road excavation compensation fees) used for the salaries of township office staff and other purposes in violation of financial auditing regulations. The following recommendations for reforms have been made with regard to the misconduct in excavation and backfilling and utility access cover placement on AC roads outlined above: (1) Organize manhole and utility access cover construction technique demonstrations. (2) Hold regular utility line coordination meetings. (3) Revise the inspection process for road excavation, and effectively improve backfill quality. (4) Institute an ordinance specifying that funds allotted for road repairs must be used for that purpose in order to prevent the inappropriate diversion of funds. (5)

Clearly stipulate the standards for the spending of collected of road maintenance and permit fees in order to increase implementation efficiency. (6) Measure buried depth, leveling the top surface of access covers with the surface of the road after installation. (7) Manholes covers and road surface must be even (8) Employ CLSM to solve the problem of utility excavation backfill being unable to be tamped solid.



On-site core drilling process

Vernier calipers used to measure whether thickness meets standards



Measuring the thickness by vernier calipers

4. Conclusion

In order to determine whether there had been obvious improvements in the quality of AC roads in the greater Tainan area since the “Uneven road investigation Special Project” was carried out by the Tainan District Prosecutor’s Office, the Tainan City Government’s Civil Service Ethics Department (CSED) again carried out special inspections of road construction quality and road excavation work by the cities’ various district offices for the year 2011. In addition, on July 25th, 2011, the Tainan District Prosecutors Office carried out a second wave of “Uneven road investigation Special Project” inspections : public constructions without inspection”; the results of its inspections happened to match those of the CSED audit project, finding ten road cases of infirm road excavation backfill due to suspected corrupt practices. In order to improve government agencies’ reputation for integrity and competence, the CSED gave a report on the results of AC road and excavation inspections at the Tainan City Government’s first Clean Governance Conference in 2011; it also held a conference on road construction quality and integrity, inviting experts to give lectures and take part in panel discussions, helping to formulate concrete measures to be followed by entities involved in road construction to prevent collusion between government officials and businesses, fraud, and other illegalities resulting from manipulation from occurring in road construction procurement cases handled in the future.

(3) Encouraging self-surrender and confessions

Since AAC's formation, it has actively worked to encourage government personnel suspected of involvement in corruption to voluntarily confess. Those who voluntarily come forward to confess to corruption may receive reduced sentences or be given a chance to reform, which also effectively conserves the manpower and resources of the judiciary, allowing investigative and prosecutorial resources to be devoted to cases involving more serious corruption or which affect the nation's economy and the livelihoods of its people. This section outlines the example of the AAC Southern Investigation Office's handling of a self-confessed case of collective fraudulent receipt of overtime pay by drivers with the Kaohsiung City Bus Service Administration.

1. Background

Creating a high quality mass transportation environment requires, even more than the improvement of facilities, the improvement of the service quality of driving staff. In order to improve the service of public buses, the Kaohsiung City Bus Service Administration (KCBSA) has purchased a succession of new models of buses, as well as undertaking projects to improve sidewalks and bus stops along public bus routes. In 2011, however, an investigation by the KCBSA's Civil Service Ethics Office (CSEO) found that a number of drivers were involved in collective fraud.

2. Details of incident

On November ○ 2011, the KCBSA received a report from a member of the public claiming that a bus driver had stopped without apparent reason on ○ Road in Kaohsiung on ○(date), and was suspected of attempting to fraudulently collect overtime pay. After receiving approval from the Kaohsiung City Government's Civil Service Ethics Department, the KCBSA's Civil Service Ethics Office (CSEO) formally requested that the Commissioner of the KCBSA conduct a complete investigation regarding the working hours of the more than 500 drivers in the Jianjun, Ruifeng, Xiaogang, Qianzhen, Jinshihu, Yancheng,

Train Station, Jiachang, South Zuoying and North Zuoying station areas under the jurisdiction of the KCBSA. The “last service on drivers’ daily driving records” was chosen as the target of the investigation,⁶ with comparisons made between drivers’ daily Driving Record forms and the historical trajectory of the last service entries on the forms. After several months of investigation, it was found that a total of 10 drivers were suspected of stopping their vehicles without cause numerous times while on duty in order to fraudulently receive overtime pay. Initially, only one driver indicated willingness to confess, but after the CSEO accompanied that employee to the AAC’s Southern Investigation Office (SIO) to handle the confession on August 10th, 2011, at the urging of the CSEO, another eight drivers also agreed to make their confessions to the SIO on the 16th of the same month. After questioning by SIO Resident Prosecutor Wang Bo-Dun, they were freed, and the violations of those who confessed and others involved in the case were actively investigated by the SIO. The CSEO then requested that the administrative liability of the related drivers and station attendants be pursued, with four people receiving records of “major disciplinary offenses,” four of “disciplinary offenses,” and two of “second warnings,” based on the seriousness of their violations. Arrangements were also made to recover the over-payments received by the drivers, and measures to improve the outdated sections of regulations on overtime pay were also considered in order to prevent further such occurrences.

⁶ Here, “last service” refers not to the last departure on the public timetable for the route, but rather to the last driving service entered by drivers on the daily Driving Record. The choice of the “last service on drivers’ daily driving records” as the target of this investigation was made based on considerations of drivers’ work schedules. For example, Driver A makes four runs along the same route today, each with a set departure time (the time of departure from the first point on the route where passengers board; drivers must arrive at the originating station at this time on schedule); if the driver’s first run proceeds smoothly enough to allow an early return to the station, during the idle period until the next departure time, the driver may take a break at the station, which is also included in the drivers’ working hours. However, the day’s working hours end the moment the driver returns to the station from the last bus service of the day, and as the driver is no longer constrained by the departure time of the next bus service, he is more likely to stop for a time or drive slowly when returning to the station at this time.

3. Case Analysis

KCBSA drivers are classified as technical workers, not civil servants. A worker's normal working time is 8 hours each day, and working hour may be extended pursuant to the Labor Standards Act for reasons of work, with overtime pay paid for working time extending past eight hours, as specified respectively in Articles 2 and 18 of the KCBSA's employee work management regulations. As for the method by which overtime hours are calculated, the KCBSA had long used the method stipulated in a 1988 annex to the content of its contract with the city, a formula under which "a period of 10 or more minutes but less than 40 minutes is calculated as 0.5 hours; a period of 40 or more minutes but less than 70 minutes but is calculated as 1 hour." Inspection found that all KCBSA station areas had break areas for drivers, including televisions, books and newspaper, fitness equipment, and other items for use by drivers during breaks. In addition to a one hour break at book, all free time between bus departures is counted as working time. Each station also has a garage and mechanics responsible for maintenance, care, and inspection of vehicles, and if a vehicle breaks down and is unable to operate normally, KSCBSA procedure is to have the vehicle towed and contact the technician. Each station is also equipped with vehicle washing implements and facilities for use by drivers. Therefore, except under special circumstances, breaks, cleaning, and vehicle maintenance should all take place within the station area. In the event that special circumstances require drivers to stop en route, they are to notify station staff upon returning, as all drivers are well aware. The investigation, however, found that a total of 10 drivers had stopped while on the road for periods ranging from five to 26 minutes, with the fact that none of these irregular stops were reported to station staff indicating the intentional concealment of their purpose in making the stops, and they had already applied for overtime pay. This showed that their intent in making these irregular stops was to cause dispatch station staff to mistakenly enter incorrect return times, so that they could "take unlawful benefit in property" (overtime pay), grounds for suspicion of the commission of the offense of fraud under Article 339, Paragraph 2 of the

Criminal Code. The amount obtained through this friend totaled approximately NTD \$6,073.

Inspection found that the misconduct in this case stemmed from the Labor Standards Act and KCBSA Employee Management Regulations stipulating only the method for calculating overtop pay and the upper limit for the number of hours of overtime pay that could be applied for,⁷ with no explicit provisions on the calculation of overtime hours. As a result, the KCBSA has long used the method stipulated in a 1988 annex to the content of its contract with the city, a formula under which “a period of 10 or more minutes but less than 40 minutes is calculated as 0.5 hours; a period of 40 or more minutes but less than 70 minutes but is calculated as 1 hour.” (This calculation method differs from Item 6 of the Directions for the Supervision of Overtime Pay for Employees of Kaohsiung City Agencies and Schools, which stipulates that “overtime pay will not be paid for overtime periods of less than one hour”). In other words, KCBSA drivers only needed to work 10 minutes of overtime to receive an additional 20 minutes of overtime pay. As a result of the loophole provided by the lack of verification of overtime hours, KCBSA drivers had long treated overtime pay as part of their salary, and used underhanded means to obtain it, leading to the prolonged waste of public funds, or even affecting the quality of bus service. Prior to the conclusion of investigation by the CSEO, from January through June 2011, the KCBSA issued an average of NT \$7,575,989 in overtime pay each month; after the CSEO’s investigation of the case and recommendations for improvements, overtime pay for all KCBSA staff (including drivers, station staff, and garage staff) is now checked and verified before payment. As a result of the implementation of this new system, overtime pay decreased to NT \$6,288,952, and further decreased to \$5,197,360 in

⁷ According to the provisions of Article 22 of the KCBSA Employee Work Regulations, “Working hours may be extended if the business of the Administration requires, with the consent of the union or the laborer and after reporting to and receiving approval from the responsible authority. The time by which working hours are extended will be calculated as overtime, with work being extended for a period of up to four hours, not exceeding 46 hours of overtime per month.”

August, an average monthly savings of \$1,832,832. It is projected that \$21.96 million in overtime pay will be saved in a year.

4. Conclusion

Although the drivers involved in this case are not considered civil servants, and the sums that they fraudulently obtained were small, taking advantage of opportunities provided by their position to fraudulently receive overtime pay is no different from civil servants using opportunities provided by their positions for fraudulent gain in terms of their essential infringement of the legal interests of the state. The CSEO completed the investigation with limited staff, demonstrating how civil service ethics units can uncover cases of corruption internally, effectively holding staff involved responsible while also protecting their colleagues' rights and interests by working to encourage voluntary surrender and confessions, which has served to both punish and deter corruption; in addition, the office's discovery of the above described opportunities for illegal conduct allowed for the correction of longstanding regulatory flaws in the KCBSA system, providing significant savings of public funds. This demonstrates the role that civil service ethics units can play in promoting the beneficial in government by improving the administrative efficiency of government agencies and promoting clean and competent governance. This case is an example of successful cooperation between government agencies, civil service ethics units, and the AAC to achieve the goals of investigating and preventing corruption.

(4) Incorporating civil service ethics units into the investigation of corruption and illegality —A case of court dossiers hidden by a clerk

Corruption cases have long been a focus of public attention. The AAC's incorporation of civil service ethics units actively promote preliminary case-handling mechanisms, and meticulously gather relevant criminal evidence in the expectation of improving the efficiency with which cases are handled and raising conviction rates. The following

section looks at the example of the Department of Government Ethics of the Judicial Yuan and the AAC Northern Investigation Office's handling of a case in which a clerk concealed court dossiers, which demonstrates their close integration and the efficacy of their seamless cooperation.

1 Foreword/ Preface

At a time when the government is actively working to promote governmental integrity and competence, civil service ethics units must at this key moment engage in forward-looking thinking and coordinated planning and effort as part of the team in order to meet the high expectations of the public. On this basis, civil service ethics units have responded by strengthening anti-corruption measures, continually carrying out Government Integrity Improvement Plans, and selecting cases with reference value to compile Case Analysis Reports, thereby improving their ability to determine facts, apply the law, and collect evidence in investigations, honing professional knowledge and skills and applying innovative thinking to their work.

2 Details of incident

- 1). On November 30th, 2010, Taiwan's Taoyuan District Court received a complaint regarding Year 2009 Complaint No. 302, accepted by court subsection *you*. The complaint stated that after a finding was pronounced on June 23th, 2009, the defendant had in turn filed an appeal on July 8, but in the year and five months that had passed as of the date of the petition, the case dossier had not been transferred for appellate review to the affecting the rights of the concerned parties. After the complaint was received, in addition to urging the receiving subsection to handle the matter as quickly as possible, in order to determine whether the incident at issue was an isolated case or a regular occurrence, authorization was received from the court president, and research and examination, criminals records, and civil service ethics units were charged with carrying out a special investigation to find the facts and potential problems, determine why

the system failed to trace and check them, and study the formulation of preventative and improvement measures.

- 2). Although the receiving clerk in the case (surnamed Chang) signed a declaration stating that he had no other long pending cases, investigation until June 2011 found irregularities in 110 cases filed by Chang of subsection *you*. Through examination of case documents and interviews with the related persons, it was determined that in order to cover up administrative inaction, Chang made false entries in the computerized case disposition progress log system under “Concluding Items” and “File Sent to Archives,” and in addition there being grounds for suspicion of document forgery, five cases passed statutory limitation period, with the need to build judicial discipline therefore demanding that the matter be handled according to law, regardless of whether the matter involved any intent to benefit or offenses of official malfeasance. As Chang’s actions violated criminal law and the Anti-Corruption Act, and severely affected the reputation of the judiciary, the Department of Government Ethics (DGE) of the Judicial Yuan immediately launched simultaneous disciplinary and criminal proceedings. With regard to criminal liability, the DGE first reported to chief judges in accordance with the government ethics system, and after requesting approval, submitted the case to the AAC for investigation. With regard to administrative liability, the court’s Performance Evaluation Committee undertook a Special Performance Evaluation and determined that Chang would be discharged for two major disciplinary measures, and reported that the Judicial Yuan would transfer Chang’s case to the Commission on the Disciplinary Sanctions of Functionaries for deliberation.
- 3). Upon submission of the case to the AAC at 4:00 PM on August 17th, 2011, AAC agents immediately went to the Judicial Yuan DGE to exchange views on the facts of the case, the personnel involved, the evidence related to the case, and the direction of the investigation; to cooperate with the investigation, the DGE requested that Government Ethics colleagues in the Taoyuan District Court keep abreast of

developments in order to facilitate resulting searches, apprehensions, or other compulsory measures. At 12:45 AM on August 18th, after examination by a prosecutor, the suspect was handed over to personnel from the AAC's Northern Investigation Office for questioning, then transferred back to the prosecution for reexamination. With Chang being under suspicion of corruption, and there being reason to believe that he would conspire with witnesses, the prosecutor made a request to the court that he be detained, and at 6:00 pm that day, it was ruled that the suspect could be held in incommunicado detention. The completion of the investigative process and detention of the suspect within a day of the transfer of the leads in the case demonstrates the effectiveness of integration under a specialized anti-corruption body.

3 Case analysis

1). Finding the cause and proposing solutions

With the computerization of court clerks' work, they only needed to use the system to record that the dossier has been sent for filing and after confirmation, the case file should be immediately archived. In October 2005, the Taoyuan District Court noted that there were shortcomings in this process and revised the process to give the Section Chief or Subsection Chief the authority to confirm completion, providing a dual-verification mechanism. Chang's position as the Auditing Subsection Chief gave him the authority to confirm the closure of cases, and he therefore was able to have case files archived by entering his confirmation in the system without further verification.

In order to evade auditing, Chang made false entries in the computer about cases which had not been sent for archiving, and made use of the authority of his position to confirm that documents had been sent, resulting in research and evaluation units being unable to claim them for inspection, while also leaving no way for the chief of the Criminal Records Section to detect abnormalities among the cases listed by the computer as closed but not yet archived, or to inspect the transfer status of files by using a Claim Form from a research and evaluation unit. As

Chang worked a normal schedule, and there were no outward signs of the aforementioned work violations, based on his colleagues' trust, the previously outlined unlawful inaction was not promptly discovered. Therefore, the review conducted by the Civil Service Ethics Office (CSEO) with the assistance of management units produced the recommendation that the document delivery systems for courts of the first and the second instance be integrated to facilitate auditing. The office also urged information units to download clerks' computer report forms on a monthly basis and have the sending and receiving entities compare and verify data on document submissions, immediately reporting any irregularities for examination; the CSEO should maintain awareness of warning signs of irregularities through institutional contacts, audits, and on-site integrity inspections, and report to senior officials in the form of Situation Reports and Comprehensive Analysis Reports on institutional integrity as necessary, helping institutions to undertake risk management at the individual, systemic, and organizational level.

2). Ensuring the fulfillment of staff duties and gaining the support of senior officials

The planning and execution of any task requires a commensurate investment of resources, and is unlikely to succeed without the commitment and support of senior officials. The Judicial Yuan Department of Government Ethics (DGE) consistently holds to this principle in promoting government ethics. Respecting the status of court presidents as senior legal professionals, the DGE communicates with them about its work and provides reports, explanations, and analysis of possible results to them for their reference in formulating policy. In turn, it receives support and guidance from court presidents since the initial inspection, allowing it to coordinate with its subordinate agencies and combine administrative resources to determine the merit of cases, quickly obtain any evidence of illegality and transfer it for investigation, and effectively build work discipline, as well as engage in proactive oversight to reduce the negative impact of disciplinary violations and ensuring that staff fulfill

their duties.

3) Seizing upon advantages and opportunities, overcoming difficulties and challenges

Although civil service ethics personnel do not have judicial investigative powers, their familiarity with the administrative regulations and the state of integrity within their respective agencies give them an advantage in their work. Combined with the AAC's outside advantage of judicial investigations in tandem with organizational reforms civil service ethics units will be the most effective means for both deterring the occurrence of judicial disciplinary cases and investigating corruption. During the investigation and handling of the case outlined here, the Judicial Yuan Department of Government Ethics seized upon these advantages and opportunities that allowed the facts of the case to be clarified in a short period of time, with synergistic teamwork achieving the goals of promoting government ethics and eradicating corruption.

4 Conclusion

Judicial ethics have long been a focus of public attention, as of cases of illegalities deriving from the judiciary; media reports on the case of a former clerk with the Taoyuan District Court concealing case dossiers therefore caused an uproar among the public, severely impacting public trust in the judiciary. In the initial phase of the case, the Judicial Yuan Department of Government Ethics immediately directed its subordinate agencies in examining dossiers, conducting inspections and interviews, and other investigative action, uncovering evidence of illegal activity. With the support of court presidents, using the AAC's advantage of combining investigations and detection both prior to and subsequent to any filing of criminal charges, in the interest of efficiency, compulsory measures were ultimately used to effectively deal with the case immediately, minimizing harm and establishing an ideal model for the AAC to incorporate civil service ethics units into corruption investigations.

V. Strengthening education and training to improve professional practices—the state of corruption investigation training

In order to plan the formation of the AAC and respond to the initial requirements for manpower specializing in conducting investigations of corruption or related crimes, the Ministry of Justice (MOJ) carried out Phase 1 of the MOJ Training of Selected Current Civil Service Ethics Personnel in Government Integrity and Corruption Investigations program, with 108 people called for trained over seven weeks, from January 17th to March 4th, 2011. The details of the training program follow below.

1. Composition of trainee group

There were 108 people in the trainee group for this phase, all of them currently employed in civil service ethics units of various government agencies and selected through an examination. There were 80 male trainees and 28 female trainees.

2. Training course content

- (1) There were six types of courses in this training sequence: legal courses, investigative practices courses, professionalism courses, government ethics, general courses, and humanity courses. Training primarily focused on the in-depth study of legal theory, investigative practices, and the ethical operation of government, and the effective integration and utilization of these concepts in anti-corruption work, so that all trainees would have the proper understanding of core concepts and the professionalism required to meet the needs of law enforcement. A total of 199 hours of training took place during this session.
- (2) Course content was based on the principle of emphasizing both on theory and practice, explication and application, and covered the latest in legal theories and practical skills. It was divided into the following two parts:
 1. Law and practices, professionalism, and government ethics courses:

emphasizing the investigative techniques and professional knowledge employed by AAC personnel involved in the investigation of corruption, these courses included analysis of criminal statutes, the composition of investigative and detective related documents, search and seizure techniques, transcript production, financial auditing, tailing and surveillance, communications monitoring, evidence file analysis, and the exercise of civil service ethics authority and anti-corruption policies. In addition to theoretical presentations by lecturers and topical discussions, trainees were also given opportunities to take part in simulation exercises when appropriate.



2. General supplementary courses: Cultivating trainees' attainment in the humanities and daily etiquette.

3. The expectations of the Minister of Justice and Prosecutor-General

Minister of Justice Tseng Yung-Fu personally presided over the ceremony marking the beginning of the training session on January 25th, 2011, urging the trainees to hold to three major goals in their future investigations of corruption:

- (1) Reducing the occurrence of crimes of corruption: Trainees should

maintain awareness of signs of infractions or illegal acts by personnel within their respective agencies, and provide early warning by reporting them to heads of government agencies to be dealt with swiftly and appropriately.

- (2) Raise the conviction rate in corruption cases: Be familiar with the latest legislation and regulations pertaining to governing authorities, and gather evidence of related crimes with precision.
- (3) Unbiased application of the law and protection of human rights: Investigate and prosecute cases in accordance with relevant regulation, and strictly adhere to procedural justice in order to protect human rights.

Minister Tseng also expressed his expectation that in addition to carrying out corruption investigations, trainees would hold to the agency's core value of "treating both symptoms and causes," with their work centered on both combating and preventing corruption, and improving the promotion of the relevant regulations, so that their colleagues within their respective agencies will clearly understand that any involvement in corrupt practices carries a risk of discovery, thereby reducing the occurrence of corruption. Also participating in the ceremony was Prosecutor-General Huang Shyh-Ming, who gave a speech in which he listed the attributes needed to become part of the vanguard of anti-corruption investigations:

- (1) Clear recognition of their role and status as investigative assistants, exercising authority with a just, objective, neutral, and unbiased attitude, while also having good innate sense of ethical judgment and professional skills, and faithfully assisting prosecutors in investigating corruption.
- (2) A grasp of the core values of criminal investigation: seeking fairness and justice with the expectation of achieving justice that is comprehensive, efficient, and identified with the public, while balancing the need to discover the truth and to protect human rights; aggressively conducting corruption investigations to allow justice to be reached in each specific case, winning the approval and respect of the

public.

(3) Comporting one's self with the strictest adherence to disciplinary requirements. On this point, Huang quoted Mencius: "When it appears proper to take a thing, and afterwards not proper, to take it does harm to integrity," expressing the expectation that trainees would hold



themselves to lofty moral standards and act as model public servants.

(4) The cultivation of an attitude of continual learning and enrichment of professional skills needed to combat crimes of corruption.

(5) An emphasis on teamwork, letting all colleagues contribute their individual strengths, and pool their knowledge in cooperative planning, helping to raise the conviction rate in corruption cases.

4. Training outcomes

This training session lasted from January 17th to March 4th, 2011, a total of seven weeks. Of the 108 trainees who entered the training course, one withdrew during the course of the session for personal reasons, while the remaining 107 completed the training. The session achieved training objectives regarding furthering professional learning, putting core competencies into practice, and scrupulous adherence to disciplinary requirements, as well as effectively distinguishing the character traits of

individual trainees and determining whether they possessed the sense and professionalism required to conduct criminal investigations as auxiliary personnel for the AAC; the session also provided reference for the future appointment of judicial police personnel by the Ministry of Justice, as well as for related training of future anti-corruption personnel.



VI. Results of charges filed by district prosecutors offices

In order to demonstrate the government's dedication to uprooting long-standing corrupt practices and governing with integrity, based on its philosophy of inter-regional governance, the Ministry of Justice combined the Well-formed Government Ethics Program, the Action Plan for Eliminating organized crime and corruption and its Follow-Up Implementation Plan, and the Anti-Corruption Action Plan to formulate the National Integrity Building Action Plan. Having officially gone into effect on July 8th, 2009, the action plan set strategic goals for the development of national integrity based on a vision of clean government and honest society.

In view of the clear results of the Action Plan for Eliminating Political Corruption since its implementation in July 2000, and out of consideration for the continuity and completeness of statistics, as well as to highlight anti-corruption achievements since the National Integrity Building Action Plan, data regarding the charges filed by district prosecutors nationwide in corruption cases have been compiled and are presented for time periods with three different starting points: President Ma taking office, the implementation of the National Integrity Building Action Plan, and the July 1999 implementation of the Action Plan for Eliminating Political Corruption.

As of November 2011, the relevant statistical data was as follows:

- (1) The following had been achieved in terms of investigating and eliminating political corruption since President Ma took office (May 2008 to November 2011, a total of 43 months):
 1. District Prosecutors' Offices investigated and filed charges in 1,574 corruption cases, bringing charges against 5,100 people. The amount of money obtained through corruption in the cases charged totaled NTD \$3,639,612,356. An average of 37 cases and 116 people were charged each month.
 2. Of the 1,614 people to have received a final judgment during this period (not including dismissal or other such judgments), 664 people were charged with corruption, and found guilty, while 446

were charged with been found guilty of crimes other than corruption. A total of 1,110 people were found guilty, a conviction rate of 68.77% among the 1,614 people to have received a final judgment.

- (2) From the implementation of the Action Plan for Eliminating Political Corruption through November 2011, an execution period of 29 months, District Prosecutors' Offices investigated and filed charges in 988 corruption cases, bringing charges against 2,860 people. The amount of money obtained through corruption in the cases charged totaled \$2,126,953,020. An average of 34 cases and 99 people were charged each month.
- (3) In the 137 months from the July 2000 implementation of the Action Plan for Eliminating Political Corruption through November 2011, district prosecutors offices investigated and filed charges in 5,889 corruption cases, bringing charges against 16,663 people. The amount of money obtained through corruption in the cases charged totaled \$34,472,594,361.28. An average of 43 cases and 122 people were charged each month.