

柒、生活管理事項

7. Inmate Management

問 7-1、請問親屬調查表目的為何？填表內容會不會影響收容人呢？

Q7-1: What is the purpose of Family Survey Form? Will the information provided affect the inmate?

答：

為瞭解每位收容人之個別狀況，矯正機關會寄送「親屬調查表」，以瞭解收容人之身心狀況、家庭情形等相關資料，作為個別處遇之參考，填表內容不會對收容人產生不利影響。

A:

Correctional facilities will send to the family members of inmates a survey form to understand more about the physical and mental conditions and family situations of inmates, which will be used as reference in determining the rehabilitation program for each inmate. Information provided in the form will not produce any adverse effect on the inmate.

問 7-2、收容人可以抽菸嗎？有何相關規定？

Q7-2: What are the rules for inmate smoking on the premises of correctional facilities?

答：

- 一、矯正機關內懷孕期間、未滿 18 歲、依菸害防制法、監獄行刑法或其他矯正法規規定不得吸菸之收容人，機關禁止其吸菸；無上述情形之收容人，得於機關指定時間、處所吸菸，每日至多 10 支。
- 二、矯正機關雖有條件的准許收容人吸菸，但吸菸有礙健康，爰基於教化職責，仍應對收容人施以菸害防制、衛生教育及宣導，積極鼓勵收容人戒菸。
- 三、菸品應由合作社依市價販賣，或由機關代購，不得由外界送入或自行攜入。品牌及數量機關得酌予限制。
- 四、收容人為懷孕等機關依法應禁止吸菸者，或經調查為不吸菸者，不得購菸；無上述情形之收容人，購菸以二週 5 包為原則，購買金額由保管金或勞作金中扣除。

A:

1. Correctional facilities will prohibit pregnant inmates, inmates who are under 18 years of age, and inmates who are not allowed to smoke according to Tobacco Hazards Prevention Act, Prison Act or other corrections regulations to smoke. Other inmates are allowed to smoke up to 10 cigarettes a day during the time and at the place designated by the facility.
2. Although inmates are allowed to smoke cigarettes inside correctional facilities, the fact is smoking is harmful to your health. Based on the responsibility of inmate education and edification, correctional facilities still should educate inmates about and publicize the

hazards of smoking, provide inmates with health education, and actively encourage inmates to quit smoking.

3. Cigarettes should be sold by the cooperative in the facility or purchased by the facility from outside on behalf of inmates. Cigarettes may not be sent in or brought in from outside. Correctional facilities may also limit the brands and quantities of cigarettes as deemed appropriate by them.
4. Pregnant inmates, inmates who should be prohibited from smoking according to law, and inmates who do not smoke as indicated in the survey form may not buy cigarettes. Other inmates are allowed to buy 5 packs of cigarettes every two weeks. The money spent on cigarettes will be deducted from inmate's safekeeping account or labor income.

問 7-3、收容人進入矯正機關，小孩或親屬無人照顧，如何尋求協助？

Q7-3: What kind of help can inmates get when they enter a correctional facility with no one to take care of their children or relatives?

答：

本署以函示及宣達事項向各矯正機關宣導於收容人新入監(所)時應確實辦理收容人未成年子女照顧協助需求宣導及調查工作，並於收容期間適時宣導。針對「受刑人、在押人或受保安處分人子女照顧協助調查表」填寫有 12 歲以下子女者，均應進一步確認其子女受照顧情形，說明調查工作之意旨、社政單位處理流程及疏於照顧兒少之法律責任，並實施個別晤談，以加強瞭解其家庭內兒童受照顧狀況，確保兒童之人身安全。各機關如遇收容人有未成年子女需協助照顧，應填具兒少保護案件通報表，並將該通報表以線上（社會安全網-關懷 e 起來：<https://ecare.mohw.gov.tw/>）或傳真方式通報其子女所在地之社政主管機關。收容人於矯正機關期間，家中子女或其他親屬遇有照顧協助之需求時，得自行書寫報告申請協助。

A:

The Agency of Corrections in its letters and announcements to correctional facilities instruct the facilities to inform newly admitted inmates about assistance available for their minor children and conduct related survey, and publicize the matter from time to time. For inmates who indicate in "Survey of Prisoners, Detainees or Persons under Rehabilitative Disposition Regarding Children Needing Care Assistance" that they have children under 12 years of age, facilities should question them further the current condition of the children, explain to them the purpose of survey, the working process of social services and the legal responsibility of parents who are negligent in taking care of their children. Facilities should conduct interview of individual inmates to understand more about how their children are cared for in the family and ensure the safety of those children. If the facility knows an inmate has minor children who need care assistance, the facility should fill out a child protection case report and send the report to the

local social services authority at where the child is located via <https://ecare.mohw.gov.tw/> or by fax. Inmates can also write a report to apply for assistance if they have children or relatives at home who need care assistance while they are incarcerated.

問 7-4、入矯正機關可以攜帶子女嗎？飲食及生活用品應如何處理？

Q7-4: Can inmates bring children into a correctional facility? How will their meals and living necessities be taken care of?

答：

- 一、依據監獄行刑法及羈押法之規定，入監(所)及在監(所)婦女請求攜帶未滿三歲之子女，監獄(看守所)得准許之。其中，殘餘刑期逾二個月之入監或在監婦女請求攜帶未滿三歲之子女，經監獄檢具相關資料通知子女戶籍所在地直轄市、縣(市)社會福利主管機關評估認符合子女最佳利益者，監獄得准許之。子女隨母入監(所)最多至滿三歲為止。但經社會福利主管機關評估，認在監(所)符合子女最佳利益者，最多得延長在監(所)安置期間至子女滿三歲六個月為止。
- 二、收容人攜帶子女之食物、衣類及必需用品等，均應自備；不能自備者，由矯正機關給予或供用之。
- 三、本署與民間企業攜手推動「強化矯正機關攜子入監處遇措施合作方案」，協助各矯正機關進行攜子入監各項處遇改善，參照兒童及少年福利機構設置標準相關規定，及盤點各矯正機關保育室空間及設施設備之現況，確保各機關保育室具備基礎需求之軟硬體設施(備)及教具(材)。

A:

1. According to the Prison Act and the Detention Act, the prison (detention center) may allow female inmates to bring their children under three years of age with them if so requested by the inmates. Where the remaining sentence of a female inmate arriving at the prison or already being imprisoned is more than two months and she requests to bring her children under three years of age with her, the prison may submit relevant information to the social welfare authority of the municipal or county (city) government at the location of the child's household registration. If the social welfare authority deems that it is in the best interest of the children after an evaluation, the prison may allow the request. Children residing in prison with their mothers may stay until they are three years old at the most. However, if it is deemed by the social welfare authority that it is in the best interest of the children to stay in the prison longer, the prison may extend their stay until the children reach three years and six months of age.
2. The food, clothing, and necessary items for children of inmates brought into prison must be prepared by inmates. If an inmate is unable to provide such necessities, they may be provided by the correctional facility.

3. The Agency of Corrections teams up with private enterprises to promote the “Cooperation Program to Improve the Lives of Children Brought into Prison by Their Mothers.” The program assists correctional facilities in improving the lives of children brought into prison by their mothers, and takes inventory of the space, facilities and equipment of nursery in each correctional facility in reference to the Standards for Establishing Children and Youth Welfare Institutes to ensure the nursery at each facility has basic hardware, software and teaching aids (materials).

問 7-5、吃素的人進入矯正機關後，應該怎麼辦？

Q7-5: What can vegetarians do after they enter a correctional facility?

答：

收容人若因國籍或宗教信仰之不同，確有茹素需要，可向機關敘明原因，並提出茹素之申請，經核准後，由機關炊場烹煮素食的餐飲供應之。

A:

If an inmate is a vegetarian because of his or her nationality or religious belief, the inmate can give the facility the reasons and apply for vegetarian meals. If approved, the facility’s kitchen will prepare vegetarian meals for the inmate.

問 7-6、收容人沒錢如何請律師打官司？

Q7-6: What can inmates do if they do not have money to hire a lawyer?

答：

一、可洽請財團法人法律扶助基金會(全國各縣市均設有分會)提供協助。

二、該會協助事項包含：

(一)法律諮詢(現場面談、電話、視訊方式)。

(二)打官司(訴訟代理)。

(三)撰寫法律書狀。

(四)協助調解法律糾紛。

三、申請法律扶助資格：

經濟狀況(財產、所得)在一定額度以下(需符合該會無資力標準)。

四、申請法律扶助不審查經濟狀況的情形：

(一)低收入戶、中低收入戶；特殊境遇家庭；符合消費者債務清理條例的債務人。

(二)刑事辯護/少年輔佐案件：涉犯最輕本刑三年以上有期徒刑、高等法院管轄第一審之案件之審判程序；被告因神經系統構造及精神、心智功能損傷或不全，於偵查或審判程序無法為完全陳述；被告為原住民、於偵查或審判程序。

- 五、因在監、在押無法親自到場申請，可填寫書面申請書，並檢附相關資料寄至該會當地分會，或備妥委託書由他人代理申請，代理人最好熟悉案件事實，讓審查委員瞭解案情狀況。
- 六、申請時需攜帶以下文件：
- (一)申請人身份證，如為代理人幫忙申請，則代理人應攜帶申請人及自己的身分證明文件。
 - (二)近三個月內全戶戶籍謄本或戶口名簿。(必要時請附相關的戶籍謄本)
 - (三)如果是低收入戶、中低收入戶或特殊境遇家庭，請攜帶當年度的證明文件。
 - (四)如無第(三)點的證明，請攜帶全戶(包含申請人、父母、配偶、子女與其他同財共居的親屬)的「財產歸屬資料清單」、「最近一年綜合所得稅各類所得資料清單」。(財產、所得清單須向各地國稅局申請，國稅局電話：0800-000-321)
 - (五)訴訟案件相關資料。
- 七、申請法律扶助之結果通知：分會受理案件後，約 3 至 5 個工作天內完成審查，並寄發通知書。如果對審查結果不滿意，可以在收到通知書後 30 天內申請覆議。
- 八、申請法律扶助原則上一年准予扶助案件以「三件」為限。
- 九、通過法律扶助申請，費用負擔之情形如下：
- (一)申請法律扶助並通過該會准予「全部扶助」時，就不需要支付律師費。
 - (二)申請人因為經濟狀況稍微好一點，審查委員決定「部分扶助」時，則需要負擔一部分的律師費與訴訟相關的必要費用。
 - (三)申請人的案件在扶助過程中或是案件結束後，發生需要繳納跟訴訟相關的必要費用時(例如：裁判費、證人日費旅費、鑑定費、政府規費等)，可以向該會申請支付，由審查委員會決定是否同意。

A:

1. Inmates can ask the Legal Aid Foundation (LAF, with stations in each city and county) to provide assistance.
2. Legal aid services provided by LAF include:
 - (1) Legal counseling (interview in person, over the phone or through video conference).
 - (2) Represent clients in lawsuits (legal counsel).
 - (3) Write legal pleadings.
 - (4) Assist in the mediation of legal disputes.
3. Eligibility for legal aid:

Based on financial condition (assets and income) under a certain amount (meet LAD's financial eligibility criteria).
4. LAF will not review the financial condition of the following applicants:
 - (1) Low, middle-to-low income households; families in hardship; debtors that meet the provisions of Consumer Debt Clearance Act.

- (2) Criminal defense/juvenile assistance cases: Suspects of felony punishable by a minimum sentence of not less than three years' imprisonment or suspects under trial in the first instance of high court, defendants who are unable to make a complete statement during investigation or trial process due to impairment or deficiencies of neurological system or structure, or psychological or mental functions; defendants with indigenous identity during investigation or trial process.
5. If a person is in prison or held in detention that he or she is unable to apply for legal aid service in person, the person can fill out an application and send it together with relevant documents to a local branch of the LAF, or sign a letter of authorization, entrusting an agent to apply for legal aid on his or her behalf. It is best that the agent is familiar with the applicant's case for that will help the review committee understand more about the case.
6. Documents required for application:
 - (1) Applicant's ID; if applied through an agent, the agent should bring the ID of both the applicant and the agent.
 - (2) Complete household registration transcript or household registry issued in the past three months (if necessary, submit relevant household registration transcript).
 - (3) In case of low-income, medium-to-low income household or family in hardship, bring supporting documents for the year.
 - (4) If the applicant does not have any supporting documents mentioned in (3), bring the List of Properties and Income Schedule for income tax return of the most recent year of the entire household (including applicant, parents, spouse, children and other family members sharing the same properties and living together). (Applicants must apply to the National Taxation Bureau (toll-free number: 0800-000-321) for the lists of properties and income).
 - (5) Case related information.
7. Notice of legal aid application result: After a LAF office accepts an application, it takes about 3-5 working days for it to complete the review and the office will mail a notice to the applicant afterwards. If the applicant is dissatisfied with the review result, the applicant can file an appeal in 30 days after receiving the notice.
8. LAF will grant legal aid up to "three cases" to the same applicant in the same year.
9. Costs borne by legal aid recipients are as follows:
 - (1) If LAF grants "full aid" to an applicant, the aid recipient does not need to pay attorney's fees.
 - (2) If the LAF committee decides the grant of "partial aid" because the applicant's financial condition has improved slightly, the aid recipient will be asked to pay a portion of the legal fees and costs.

- (3) If the applicant's case incurs suit related expenses while receiving aid or after the case is over (e.g. court costs, witness fees, examination fees, government fees), the applicant can apply to LAF for payment subsidy and LAF's review committee will decide whether to grant the request or not.

問 7-7、進入矯正機關，會供應熱水洗澡嗎？

Q7-7: Is there hot water for shower at correctional facilities?

答：

目前各矯正機關於冬季期間(每年 12 月 1 日起至次年 2 月底止)每一開封日，會供應收容人適當溫度之熱水沐浴(少年、女性、65 歲以上高齡收容人及病舍病人則為全年每一開封日提供)。其他時段(每年 3 月 1 日至 11 月 30 日止)則以每週 2 次，或於氣溫低於攝氏 20 度之開封日供應之，以維護收容人衛生保健之需求。

A:

Currently correctional facilities provide hot water shower for inmates every weekday of winter season (from December 1 every year to the end of February the following year). During other time periods (from March 1 to November 30 every year), facilities provide hot water shower twice a week or on days when the temperature falls below 20°C to maintain the health and sanitation needs of inmates. For juvenile, female and elderly inmates over 65 years of age and inmates in patient ward, hot water shower is available every weekday of the year.

問 7-8、請問在矯正機關內，可以看電視或聽收音機嗎？

Q7-8: Can inmates watch TV or listen to radio at correctional facilities?

答：

- 一、經監獄或看守所許可，受刑人或被告得持有個人之收音機、電視機或視聽器材為收聽、收看。
- 二、惟目前收音機仍應受行刑累進處遇規範，三級受刑人始得持有。

A:

1. If permitted by the prison or detention center, prisoners or defendants can keep personal radio, TV or audio-video equipment.
2. Currently radio is regulated by progressive execution of penalty that only Level 3 prisoners or higher can keep one.

問 7-9、進入矯正機關後，多少人用一間舍房？會限制用水或用電嗎？

Q7-9: How many inmates are held in a cell? Is there restriction on the use of water or electricity?

答：

- 一、由於各矯正機關場舍隔局及建築型式不一，所以多少人同住一間，視舍房大小而定。

- 二、為落實節能減碳，並讓收容人從生活中養成珍惜資源的好習慣，避免水、電浪費，各機關皆訂有用水、電扇及電燈開啟時間之相關規定。
- 三、目前舍房裡裝有旋轉吊扇、排風扇或其他設備，以促進通風。用水方面，也會視生活作息需要定時供給，舍房內並備有儲水桶，供儲水使用。

A:

1. As the partitions and architectural design of every correctional facility differ, how many inmates live in the same cell depends on the size of the cell.
2. To practice energy conservation, help inmates form the good habit of cherishing resources, and prevent waste of water and electricity, every correctional facility has its rules for when water, electric fans and lights are available or on.
3. Currently every housing area in the correctional facility is installed with a ceiling fan, exhaust fan or other equipment to promote ventilation. Water is made available at fixed hours in view of the living needs of inmates. The housing areas are also equipped with water bucket to storage of water.

問 7-10、請問廁所是蹲式還是坐式？會有遮蔽嗎？

Q7-10: Are toilets in correctional facilities squat type or sitting type? Do they have partitions?

答：

為考量場舍環境衛生及預防各類傳染病，矯正機關舍房內之廁所以蹲式為原則，但部分場舍設有坐式馬桶，供老弱、罹病者或行動不便者使用。此外，廁所設有適當之遮蔽設施，以維收容人隱私及戒護安全之需求。

A:

In consideration of the environmental hygiene of housing areas and prevention of spread of communicable diseases, toilets in the housing areas of correctional facilities are squat type. However some housing areas have sitting toilet for use by elderly, ill or disabled inmates. In addition, toilets are properly partitioned to ensure the privacy of inmates and the order or security of the correctional facility.

問 7-11、收容人一天的生活情形為何？

Q7-11: What is inmate's daily life in correctional facility?

答：

- 一、為使收容人改悔向上，適應社會生活，矯正機關提供作業、教化(本仁愛之觀念與同情之心理，瞭解個別情況與需要，予以適當之矯正與輔導)、給養(為保健上之需要，提供足夠之主副食營養)、衛生(提供衛生設施，以維護收容人身心健康為目的，並經常實施衛生教育，教導其遵守公共及個人衛生，養成良好生活習慣)及醫治。收

容人一天之生活即依照上述作業、教化、給養、衛生及醫治等項目排定其一天之生活作息。

- 二、收容人在矯正機關內是過著規律的生活，平日除固定之運動、用餐、休息時間外，機關還會安排各種作業、教化、教育、輔導、文康活動或職業訓練等課程。例假日收容人均在舍房內活動，如整理內務、閱讀書報、看電視、聽音樂等。
- 三、被告如未志願參加工場作業者，配住舍房，除出庭、運動、看病、接見時間出舍房外，其餘時間多在房內依作息時間閱讀書報、書寫書信或書狀、收聽收音機或收看電視等。

A:

1. To encourage inmates to reform and adapt to social life, correctional facilities furnish inmates with work, edification (understand the situations and needs of individual inmates based on kindness and empathy and provide them with suitable correction and guidance), provision (furnish sufficient nutrition in meals for health needs), sanitation (furnish sanitary facilities for the purpose of maintaining inmates' health, and constantly provide them with health education, teach them to observe public and personal hygiene, and develop good habits), and medical treatment. The everyday life of inmates is arranged in accordance with the aforementioned components of work, edification, provision, sanitation and medical treatment.
2. Inmates live a regular life in the correctional facilities. Their daily routines consist of exercise, meals and break time. The facilities will also arrange work, edification, education, guidance, and recreational activities or vocational training. During weekends, inmates move around in their housing area, tidying up their cells, reading newspapers, watching TV or listening to music.
3. Defendants who choose not to participate in workshop work, they stay in their rooms most of the time to read newspapers, write letters or pleadings, listen to radio or watch TV, unless they have court appearance, exercise, doctor's appointment or visitors.

問 7-12、在矯正機關內會被欺負嗎？如果被欺負該怎麼做？

Q7-12: Do inmates get bullied inside correctional facilities? What can they do if they get bullied?

答：

- 一、矯正機關內嚴禁有欺凌之情形，若收容人間有欺凌之情事發生，機關對加害者會依規定嚴懲，對受害者會予以關懷和輔導。
- 二、收容人倘被欺負時，可直接向其直屬管教人員報告，或投陳意見箱反應。另管教人員於接獲訊息後，將隨即進行真相之瞭解，若陳述屬實，則依相關規定處理。

A:

1. Correctional facilities strictly prohibit bullying, and will punish the perpetrator and comfort and counsel the victim if bullying happens between inmates.
2. An inmate who is being bullied can report directly to the correctional staff or drop a letter in the opinion box. Upon receiving a report, correctional officers will immediately find out the truth, and take necessary actions according to rules if the report is found true.

問 7-13、有人自稱是職員，告知可幫忙早日離開，但需交付費用，如何處理？

Q7-13: What to do if somebody claims he or she is a staff of the correctional facility and that he or she can help an inmate leave the facility early if we pay?

答：

若有人自稱是矯正機關職員，告知可以幫忙親屬早日離開機關，但須交付一筆費用打通關節，絕對係屬違法行為或電話詐騙，如有上述情事，請向矯正機關查詢求證或洽各機關政風室檢舉諮詢，以免受騙。

A:

If somebody calls to claim he or she works inside a correctional facility and can help inmates leave the facility early, but it takes money to pull some strings, such claim and deed are absolutely false and illegal, and it is a phone scam. If you receive such a call, call the correctional facility to verify or contact the anti-corruption office of the correctional facility to file a complaint.

問 7-14、如果擔心家人在矯正機關內過得不好？如何得知其近況？

Q7-14: How do we know how our loved ones are doing in the correctional facility?

答：

- 一、收容人親友可透過各類接見、通信、懇親會等方式，得知收容人在機關內之生活情形。
- 二、各矯正機關定期辦理收容人家屬參訪活動，並會派員引導及說明，家屬可藉由該活動，實際瞭解收容人生活環境。
- 三、收容人如有外醫住院、違規或移監者，機關均會主動通知家屬，請家屬寬心。

A:

1. Friends and relatives of inmates can learn how inmates are doing in the correctional facility through visitation, correspondence and family visit day.
2. Every correctional facility will arrange family visit activities on a regular basis, during which, the facility will assign staff to guide the families of inmates. Inmate's families can understand more about the living conditions of inmates through such activity.
3. When an inmate is hospitalized outside the facility, violates rules or is transferred to another prison, the correctional facility will notify inmate's families.