

監獄不當施用戒具涉有違失

Improper Shackling of Prisoners

A male ex-convict complained of prison treatment during his incarceration at Taipei Prison between May 14 and June 10, 2010. As a diabetic, the man complained about improper cuffing that had resulted in amputation of his remaining right leg. Questions arise as to the appropriate use of restraining devices in prison and the need to provide national health insurance to inmates. The Control Yuan launched an investigation to reexamine the case. (Case no. 0990800702)

The original purpose for prisons and detention centers to use leg cuffs, handcuffs, chains and rope restraints was to prevent suspects from escaping or hurting themselves. In this case, however, the Taipei Prison applied both handcuffs and leg cuffs to the prisoner despite the cellulites on his remaining right leg, aggravating his condition to the point of amputation. The Control Yuan's investigation found that Taipei Prison failed to evaluate the situation and undermined the principle of proportionality. Meanwhile, the prisoner's medication record form was pre-signed by the prisoner and its dates pre-marked, showing the staff's perfunctory and indiscrete behavior. It was later discovered that after the prisoner's initial refusal to medical treatment due to financial difficulties, the Taipei Prison had him sign an affidavit to forgo medical treatment altogether, resulting in amputation of his right leg. The Control Yuan proposed corrective measures to the Taipei Prison and issued an official request to the Ministry of Justice and the Department of Health for improvement.

In response to Control Yuan's redress, the Taipei Prison reassessed the officers in charge of applying the restraint devices and set up a standard procedure for shackling prisoners during hospital visits. The prison has also charged the directors of all cell blocks to see to it that inmates receive daily one-on-one counseling so that problems can be discovered before it's too late. Although the prisoner in question took his medication as scheduled, the dates and the prisoner's signature or finger prints should correspond to the actual dates and time of medication taken. Following Control Yuan's investigation, the Taipei Prison adjusted the standard procedure for in-prison treatment to include availability of medical history and an electronic record of all previous prescription or medicines delivered by the family. The Department of Health (now the Ministry of Health and Welfare) also agreed to amend the National Health Insurance Act to cover inmates.