

檢察官偵查處分女性性侵害犯經驗 之實證研究

王 聖 豪*

目 次

壹、前言

貳、女性性侵害犯罪國內統計與文獻研究

一、我國女性性侵害犯罪案件數量之探索

二、我國女性性侵害犯之相關文獻研究

參、研究工具、訪談準備與研究場域

一、研究工具

二、訪談準備

三、研究對象與場域

肆、研究結果與分析

一、我國女性性侵害犯案件之犯罪型態與特徵

二、檢察官對女性性侵害犯案件之偵辦經驗

伍、結論

一、女性性侵害案件之異質化

二、性侵害犯之性別對於偵查處分不具影響力

關鍵詞：檢察官、偵查、女性性侵害犯

Keywords：Prosecutor, Criminal Investigation, Female Sex Offenders

* 臺南地方法院檢察署檢察官、國立中正大學犯罪防治研究所博士候選人。

摘 要

本研究旨在針對實務上較為罕見之女性性侵害犯案件，檢察官對此具有如何認知觀點與處理經驗。本文特別聚焦於檢察官偵查終結時之處分類型選擇與求刑態樣，考量女性性侵害犯特質所影響之有無及程度，以及檢察官相關選擇背後介入之審酌因素。為達上開目的，本研究採質性研究，擇定六位實際具有處理女性性侵害犯案件經驗之（曾）現任檢察官進行深度訪談，結果發現：（一）我國女性性侵害犯案件呈現相當之異質性；（二）性侵害犯之性別，對於檢察官之偵查處分決定不具有影響力。

How Prosecutors in Taiwan Investigate and Seek Sentences for Sex Crimes Committed by Women

Wang, Sen-Hou

Abstract

In this research I investigate the relatively rare phenomenon of sex crimes committed by women, and how prosecutors deal with such cases. I give particular attention to the types of sentences sought by prosecutors, the degree to which such cases are influenced by the peculiar nature of the crime, and the factors which are taken into consideration by the prosecutors. Adopting a qualitative methodology, I conducted interviews with six current and former prosecutors experienced in such cases. The main findings were as follows: 1) The female sexual offenders in Taiwan exhibit heterogeneous characteristics ; and 2) The gender of sexual offender isn't a factor influence prosecutors' charging decisions in Taiwan.