警察特考補習班 高見公職

佐、消佐、警察升官等考試

科 目: 國文 LINE帳號: godtrain 連絡電話: 07-2233812

連絡電話:高雄市新興區中正二路222號3樓之2

## 作答注意事項:

1.本試題共2大題,每大題各占50分。

2. 不用抄題,可不按題目次序作答,但應書寫題號。

3.禁用鉛筆作答,違者不予計分。

4. 請以橫式書寫作答。

## 壹、解釋下列詞句之義:(每小題 10 分,共 50 分)

- 一、吾所以有大患者,為吾有身;及吾無身,有何患?(《老子·第十 三章》)
- 二、為天下及國,莫如以德,莫如行義。以德以義,不賞而民勸,不 罰而邪止,此神農、黃帝之政也。(《呂氏春秋·上德》)
- 三、事在四方,要在中央。聖人執要,四方來效。(《韓非子·揚權》)
- 四、凡戰者,以正合,以奇勝。故善出奇者,無窮如天地,不竭如江 海。(《孫子兵法·勢篇》)
- 五、群臣陳其言,君以其言授其事,事以責其功。功當其事,事當其 言則賞;功不當其事,事不當其言則誅。(《韓非子·二柄》)

## 貳、論文:50分

顧炎武〈與友人論學書〉:「愚所謂聖人之道者如之何?曰:『博學於文』,曰:『行己有恥』。自一身以至於天下國家,皆學之事也;自子臣、弟友,以至出入、往來、辭受、取與之間,皆有恥之事也。 恥之於人大矣。」請參酌前引古文之思想,以「現代警察的知識涵養與道德操守」為題,書寫論文一篇。

警察特考補習班 高見公職

•	別:		'	專辦:警察特表 佐、消佐、警察 LINE帳號:goo 連絡電話:07-2 連絡電話:高雄	聚升官等考試 dtrain 2233812				研究所、警大二技、	談書
作名	<b>答注意</b>	事	項:							
1	.本試	題:	共4大題	夏;共4頁。	,					
2	.不用。	抄見	<b>題,可不</b>	按題目次序	序作答,作	旦應	書寫題	號。		
3	.禁用:	鉛釒	筆作答,	違者不予言	十分。					
<b>—</b> \	Voca	bul	ary and l	Phrases: (20	分)					
	1.digita	ıl ev	vidence							
	2.infori	nan	nt							
	3.INTE	RP	OL							
	4.polyg	rap	h							
	5.in the	lin	e of duty							
(	6.The v	/iol	ence outs	side the city h	all		soon	after	the police force	put
	dowi	n th	e riot.							
	(A)	exp	ired	(B) subside	ed	(C	c) redirect	ed	(D) instilled	
,	7.The p	ooli	ce	t	he whole	area	after fire	s we	ere discovered in	the
	high-	-rise	e building	<b>5.</b>						
	(A) (	corc	doned off			(B	3) congest	ed wi	ith	
	(C) I	ost	ed to			(D	) emancij	pated	from	
	8.The a	.ccu	ised	agai	nst the dear	th se	entence to	the S	Supreme Court.	

(B) accommodated

(C) adjusted

(A) adhered

(D) appealed

9 is a	n person who is involved	ved with another in	the commission of		
crime whether as	a principal or as an ac	cessory.			
(A) Escort	(B) Accomplice	(C) Abettor	(D) Informant		
10. He gave a to the police telling them how he killed his w					
(A) commitment	(B) narrator				
(C) commandmen	t	(D) confession			

### 二、Translation: (30 分)

### (一) 中翻英(10分)

在全球化趨勢下,犯罪國際化日益嚴重。因此,「打擊跨國犯罪」已 是全球警政的核心。我國亦積極與各國執法機關建立情報合作管道,蒐集 運輸販毒、國際詐欺、恐怖活動、人口販運、武器走私、駭客入侵,網路 洗錢等犯罪情資,期能掃蕩不法,使跨國犯罪無所遁形,民眾免於被害。

### (二) 英翻中(20分)

- 1. The treatment to be given the offender cannot alter the fact of the offense, but we can take measures to reduce the chance of similar acts occurring in the future. We should banish the criminal, not in order to exact revenge nor directly to encourage reform, but to deter that person and others from further illegal attacks on society.
- 2. A police officer is permitted to use the amount of force necessary only to overcome the resistance or aggression that is presented by the subject. When the resistance or aggression is reduced, the officer must reduce his or her force correspondingly.

### 三、Reading Comprehension: (20 分)

### (一)請依下文回答第1題至第5題

Marco Polo literally changed the Western view of the world. European maps in his time were <u>1</u> on Biblical interpretations and classical mythology. Jerusalem was at the center. At the margins the map-makers drew monsters and savages, because there, <u>2</u> the Christian center, Nature herself was believed

a

to be monstrous. Then <u>3</u> Polo's book *Travels*, describing great civilizations in the East, and a world not centered on Jerusalem, politically or geographically. This recasting of the world into a more dynamic and multi-centered geographical space was the first step toward <u>4</u> we now call globalization. *Travels* appeared in popular anthologies circulating in Europe in the 15th and 16th centuries. Christopher Columbus had an early copy, and made notes in the margins. He later <u>5</u> America while searching out a western route to Polo's Cathay.

(C) situated

(C) that

(D) supported

(D) where

( ) = =================================	( ) <b>I</b>		( ) ***********************************		
2. (A) in the vicin	nity of	(B) far from			
(C) in lieu of		(D) close to			
3. (A) came	(B) existed	(C) lied	(D) stood		

5. (A) jumped into(B) took after(C) bungled into(D) diverged from

(B) place

(B) what

#### (二)請依下文回答第6題至第10題

1. (A) based

4. (A) which

In recent years, issues of public and personal safety have become a major concern to many people around the world. Violent incidents in fast food restaurants, parking lots, hospitals, schools and colleges, and shopping malls have led many to seek greater security inside their homes and in many public buildings and areas as well. Sales of burglar alarms, motion detectors, and closed circuit television systems (CCTV) have skyrocketed since 2000. Convenience stores, gas stations, jewelry stores, and even the postal service have barricaded their staffs behind safety glass enclosures and focus cameras on many work stations that involve handling money. Communities employ private security forces and encourage homeowners to install alarm systems and other security devices. While some people sympathize with the reasons behind these efforts, others have voiced concern that these measures are helping to create a siege mentality. There is fear that such a mentality will lead to a general distrust of others among people that could foster a dangerous isolation within neighborhoods and among neighbors.

- 6. The passage suggests which of the following about community security?
- (A) Communities are more dangerous today than they were before the year 2000.
- (B) Too much concern for security could destroy trust among neighbors.
- (C) Poor security has led to an increase in public violence.
- (D) Isolated neighborhoods are unsafe neighborhoods.
- 7. The word *foster* in the last sentence most nearly means
- (A) adopt
- (B) encourage
- (C) prevent
- (D) secure

- 8. The author believes that
- (A) More security is needed to make neighborhoods safer.
- (B) People should spend more on home security.
- (C) People should not ignore the problems created by excessively safety concerns.
- (D) Security devices are the best protection against violent crime.
- 9. According to the author, security devices have skyrocketed since 2000. What does it mean?
- (A) People like to live a life full of variety of security devices.
- (B) The need of security devices has dramatically increased among people.
- (C) The prices of security devices are on the increase.
- (D) Security devices have changed a lot since 2000.
- 10. In the second last sentence, the phrase *siege mentality* means
- (A) hostility
- (B) defensiveness
- (C) fear
- (D) corruption

#### 四、Essay: (30 分)

Write an essay on the topic: Police Visibility

Do you agree or disagree with the following statement?

Increasing police visibility is a good policy to better public security.

Use specific reasons and examples to support your opinion.

所 别:警察政策研究所、法律學研究所

科 目:警察法學

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- 3.禁用鉛筆作答,違者不予計分。
- 一、茲有2案,一為竊盜通緝犯甲經警員乙欄查時,立即駕車意圖逃離現場; 另案為警員張三據報李四駕車並攜有槍械及毒品,警員張三攔檢時,遭到 李四駕車正面衝撞。請依我國現行法令規定,說明警槍之使用時機及應注 意事項為何?又上述2案之情狀中,警員得否對駕駛人使用警槍射擊?是 否得對行駛中之車輛射擊?得否對空鳴槍?請舉相關規定及法理說明之。
- 二、請依據司法院大法官釋字第 666 號解釋意旨,說明性交易處罰之立法目的 為何?並請進一步依該號解釋意旨說明對於從事性交易之行為人,僅處罰 意圖得利之一方,而不處罰支付對價的相對人之違憲理由何在?又現行社 會秩序維護法之規定,對於性交易場所與其負責人及性交易者有何規範及 處罰?
- 三、依警察法第 9 條規定,發布警察命令係警察法定職權之一。試分析該條所稱「警察命令」之法律性質為何?並請分別舉實例說明之。
- 四、試就下列警察行政處分,詳細說明當事人如有不服時,應循何種救濟程序、於多久期限內、向何機關提起行政救濟?
- (一)直轄市政府警察局所屬警察分局之警備隊分隊長其年終考績被評定為丙等。
- (二)集會遊行負責人向某縣政府警察局申請集會遊行經許可後,於舉行前3日 遭廢止許可。

#### 警察特考補習班 高見公職

專辦:警察特考、一般警察特考、消防特考、警大研究所、警大二技、警

佐、消佐、警察升官等考試

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警察法學1

所 別:警察政策研究所(警察法學組)

刑事警察研究所(刑事司法組)

法律學研究所

科 目:刑法及刑事訴訟法

## 作答注意事項:

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- 2.不用抄題,可不按題目次序作答,但應書寫題號。
- 3.禁用鉛筆作答,違者不予計分。
- 一、甲男任職某分局偵查員,與 A 女交往多時,由於 A 女有新結識男友而提議分手,兩人談判後不歡而散。甲懷恨在心而欲報復 A,由於擔任警職不便出面,乃以新臺幣 8 萬元央請失業男子乙與丙毆打 A,乙、丙二人答應甲之請託。某日,乙、丙二人在 A 行經無人之道路時,合力出手毆打 A,但 A 奮力抵抗並拿出防狼噴劑迎面噴射,乙心生憤怒,認為將 A 殺死亦無妨,乃拾起地上石塊攻擊 A 之頭部,A 不支倒地,丙見 A 隨身攜帶一只名牌包,內有現金數萬元與金飾,乃將其取走後,二人逃離現場。結果,A 在該無人經過之道路上失血過多,不治死亡。試問:甲、乙、丙三人之行為應如何處斷?
- 二、某分局值查隊值查員甲與乙二人執行臨檢勤務,A因攜帶大麻,在緊張慌亂之下,立即將以保鮮膜包著之大麻吞入體內,甲、乙二人將A帶回分局處理,期間將A帶至醫院檢查,經過X光檢查,確認A體內確有大麻塊狀物,於是在分局值查階段使用瀉劑,以及令A喝下大量礦泉水,終於使A排出該毒品,而將其扣押後移送法辦。試問:甲、乙二人執行此種值查程序有無違法瑕疵?該扣押所得證據有無證據能力?
- 三、某地檢署委託某私立醫院辦理毒品犯之尿液檢驗工作,該醫院檢驗員甲竟心 生貪念,某日收受毒品犯乙 10 萬元現金後,將乙之尿液瓶子換裝成自己的 尿液,導致檢驗結果呈現陰性反應,檢察官因罪證不足而對乙為不起訴處 分。試問本案甲之可罰性為何?

四、刑法第91條之1第2項針對妨害性自主等罪之強制治療處分規定:「前項處分期間至其再犯危險顯著降低為止,執行期間應每年鑑定、評估有無停止治療之必要。」試論述該項之規定有無違反刑法罪刑法定原則之精神?

#### 警察特考補習班 高見公職

專辦:警察特考、一般警察特考、消防特考、警大研究所、警大二技、警

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連絡電話:高雄市新興區中正二路222號3樓之2

所 别:警察政策研究所(警察法學組)

法律學研究所 警察特考補習班 高見公職

科 目:行政法 專辦:警察特考、一般警察特考、消防特考、警大研究所、警大二技、警

佐、消佐、警察升官等考試

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- 一、何謂「第一次權利保護優先原則」?在國家賠償請求權之行使上,若有踐 行「第一次權利保護優先原則」者,則國家賠償法第8條第1項規定之2 年消滅時效期間,應自何時起算?試論述之。
- 二、公務員於執行職務行使公權力時,因過失不法侵害人民自由或權利者,有 請求權人可否不經國家賠償請求程序,逕依民法第 186 條第 1 項規定,向 該有過失之公務員請求損害賠償?試論述之。
- 三、甲參與 A 機關採購案之投標,嗣經 A 發現甲與其他投標廠商乙、丙之押標金,均由同一銀行匯入 A 指定帳戶,且通匯序號連號,A 遂認本件有政府採購法第 50 條第 1 項第 5 款:「不同投標廠商間之投標文件內容有重大異常關聯之情形。」乃依投標須知規定,認甲、乙、丙有影響採購作業公正之違反法令行為情形,而沒收其押標金各新臺幣 10 萬元,並取消其次低標之決標保留權,甲與乙、丙就沒收其押標金部分均不服,分別循序提出異議、申訴,遞遭駁回,遂提起行政訴訟,行政法院有無審判權?
- 四、行政機關在行使其權限時,事先必須蒐集各種資訊,此種資訊蒐集行為,包括盤查、進入、檢查、調查等,歷來之行政法學者多將之視為即時強制之一環,但在最近,以稅法學為首,主張把此等手段之應歸屬領域,與即時強制手段加以區別,將之視為另一種新的行政上獨立行為形式,有重新檢討之必要。請申論行政調查與即時強制之區別,並舉例說明之。

所 别:法律學研究所

科 目:民法

### 作答注意事項:

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- 3.禁用鉛筆作答,違者不予計分。
- 一、甲出售 A 花瓶與乙,雙方約定在乙的住所交付,甲於約定日期到達乙之住 宅後,乙因病住院,甲遂將該花瓶攜回,回程中,甲稍一不慎致與丙車相 撞,花瓶全毀,甲可否請求乙支付花瓶之價金?
- 二、限制行為能力人甲,受乙之詐欺,將自己之自行車出售與乙,並交付之, 乙又將該自行車出售與知該詐欺事件,但不知甲係限制行為能力人之丙, 甲之父母事後知該事而拒絕承認,甲是否有權向丙請求返還該自行車?
- 三、19歲之甲偽造身分證影本,使乙信其有行為能力,而與乙訂立買賣契約, 嗣後乙知悉甲尚未成年,擬撤銷該買賣契約,甲立刻徵得其父承認出具同 意書,要求乙履行契約,試問:該買賣契約之效力如何?
- 四、甲夫乙妻婚後多年未有子嗣,乃收養 A 為養子,嗣後甲乙終於生下 B 女, A 與 B 成年後,因朝夕相處日久生情, A 欲娶 B 為妻,甲獲知此事怒急攻心而死,試問: A 若欲娶 B 為妻依法應採取如何之方式?

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