

# The Inspection and Standardization Construction of Police Response Procedure of Public Security Organization

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**Abstract:** As the defender of social order, the public security organizations need to have a corresponding power when facing various complex social risks, and have the power to impose coercive force on the object of enforcing. At present, police attacks occur from time to time, and such incidents not only seriously threaten the personal safety of the police, but also directly affect the authority of the public security enforcement. The construction of police response procedures of the public security organization is significant, however, as an institution that involve in violence, the prudent attitude towards the construction of their authority needs to be taken, which helps to improve the efficiency of the enforcement of the public security organization, and establish an absolute control of enforcement. On the other hand, there is a need to improve the efficiency of the enforcement of the public security organization, and establish an absolute control of enforcement. However, the negative effect of the expansion of power should not be ignored, because the flood of power will also constitute the greatest threat to the protection of human rights. The enforcement of the public security organization has various contents, and it is a complex procedure in terms of the link of the police disposal, strengthening the standardization of its procedures due to the prerequisite of the establish authority.

**Keywords:** Application review; Police disposal; Standardization

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## 1. Introduction

The authority of public security in the eyes of the public is not unconditional, absolute obedience, but the premise of standardized enforcement of public security organization. As one of the most important forces involves in maintaining the social order, the public security organization plays an irreplaceable role in the effective operation of maintaining the social order and regulating various illegal and criminal acts. However, the power enjoyed by the public security organization has often become the biggest threat to infringe on the individual rights of the citizens, therefore one should be alert to its alienation as a source of infringement of citizens' private rights<sup>[1]</sup>. Standardizing the police enforcement has always been the focus of the national. Additionally, it is not only necessary to maintain the authority of police enforcement, but also to avoid various irregularities in police enforcement, to protect the legitimate rights and interests of the people. In the final analysis, the purpose of police enforcement is to safeguard the legitimate rights and interests of

every citizen, and to fulfill the purpose of serving the people, including the state and public interest [2]. However, according to the recent spread of various small video content on the Internet, regarding the handling methods of police officers under the requirements of the epidemic prevention and control policy [3]. The basic premise for the people to obey the police orders, lies in the civilized and standardized enforcement, especially during handling the non-violent incidents or situation [4]. Enforcement should avoid an improper exercise of coercive force, thereby truly reflect the concept of enforcement for the people. Although one individual cannot represent the “the overall people,” however the legitimate rights and interests of each individual is the basis of people’s interests, therefore there is no specific individual legitimate rights and interests’ maintenance, where it does not matter to the abstract of the interests of the “people” said, the purpose of serving the people will become a stance, but a meaningless political slogan [5]. The content of police standard enforcement is complicated, therefore in order to prevent the irregular and uncivilized enforcement situations in the current epidemic prevention, to control the enforcement process, and to establish the fair and civilized image of police enforcement, it is important to adjust the existing enforcement habits in terms of the normative police enforcement disposal procedures [6].

## **2. The standardization of enforcement behind the crime of attacking the police**

Attacking the police by the people has become the significant reason for maintaining the personal safety of the police, to reduce the occupational risks. However, judging from some cases, the inducement of assaulting the police is closely related to the irregular enforcement of the police. For example, through document network retrieval by using the keyword search of “attack crime” with the time span of 2021 to 2022, around 1384 cases, including 1300 first-instance judgment and 84 second trial verdicts were obtained [7]. Based on the corresponding judgment documents on the specific investigation facts, the public security organization police disposal behavior anomie, failed to standardize the corresponding enforcement procedures, and to protect the basic rights of the enforcement object, is an important cause of the conflict. Currently, there are situations that confuse obstructing official business by attacking the police, and the specific act of attacking can be divided into the situations as described below.

### **2.1. Failure to inform the identity of police in accordance with procedural norms**

Based on confessions and excuses from the 1,384 judgment documents, among them 679-point judgment documents referring to 49% of the defendant have asked that the police to show their enforcement documents and clearly to identify the specific identity objects of enforcement. However, the police refused to inform the identity information of the enforcement, and thus become the cause of a conflict between the enforcement and the people. According to the regulations, the police should inform the specific information of the subject of enforcement in accordance with the regulations [8]. However, the above judgment documents show that the police still failed to inform their enforcement identity information.

### **2.2. Failure to inform the specific reasons to the object of enforcing**

Compared with the failure to clearly inform the identity information of the enforcement subjects, the more obvious phenomenon is the lack of notification of enforcement facts and basis. In the case, where the subject of enforcement is not clearly mentioned, the compulsory measures are being taken, which usually lead to a physical conflict, and the people refuse to cooperate with the enforcement, and resulting in the injury incidents. According to the judgment documents of 1384 points, around 811 (59%) defendants made excuses for not cooperating with the enforcement, because not knowing the reasons. Based on the regulations, in the process of enforcement, the police should be clearly informed the cause and basis of the enforcement, to fully protect the rights to know, unless it is in an emergency situation [9]. However, in practice the police fail to enforce the rule in a civilized manner, and failed to inform the subject the cause

of their enforcement, which has a direct impact on the initiation of the conflict.

### **2.3. Failure to fully protect the right of a statement and defense of the object of enforcing**

Any person has the right to self-defense when the person is restricted or deprived of their own interests. Obviously, in the face of the compulsory enforcement process of the public security organization, this right should be more guaranteed. However, according to the relevant contents of the 138 judgment documents, the argument and defense of the enforcement object in the process of the police taking compulsory measures against them is the fundamental cause of the conflict. The object of enforcement has only room for cooperation without room for self-defense, which obviously does not meet the standards of the society under the rule of law <sup>[10]</sup>.

### **3. Standardize enforcement procedures and establish authority**

The non-standard enforcement procedure leads to the conflict between the police and the enforced object, which leads to a series of negative events. Although the harmony and stability of social order cannot be separated from the compulsory power of procurator organization, it requires enforcement organization to standardize enforcement in strict accordance with legal procedures. It is believed that “The most rapid way to destroy an organization, is by not following its own rules” <sup>[11]</sup>. Therefore, the public security organization should standardize their enforcement, meaning establishing their own authority, specifically in the process of responding to the police, it is essential to standardize the notification procedure to protect the right of representation and defense of the enforcement object.

#### **3.1. Standardize the enforcement identity notification procedures**

As stipulated in the rules, the police enforcement should be polite to the people, follow a civilized method, however, the existing the conflicts in reality shows that some police officer failed to explain their enforcement identities to the objects of enforcement in a strict and standardized manner, which is also a direct fuse leading to the initiation of conflicts <sup>[12]</sup>. At present, when people’s legal awareness is constantly improving, it is important for the police to standardize the enforcement to be more civilized. As stipulated in Article 2 of the Regulations of the Public Security Organization on Maintaining the Authority of Police Enforcement, the public security organization and their police organization should strictly perform their duties and powers as stipulated in the rules, by establishing a strict, standardized, fair and civilized enforcement image, and enhance the credibility and authority of enforcement. The claim of legitimate rights and interests of individual citizens, and the expression of legitimate opinions should not be regarded as an obstruction to the enforcement. According to the regulations, the police already have to show their enforcement identity, inform the enforcement object of the reasons and basis for their enforcement, and the enforcement object has the right to state and defend themselves. The enforcement should not be turned into an emotional confrontation between private individuals, due to the objection of the enforcement object, especially “emotional” violent, because of the statements of the enforced object. The public’s awe of the police should not be based on their coercive deterrence, but based on their fair and standardized enforcement behavior, and the impartial image of the police enforcement <sup>[13]</sup>.

#### **3.2. Protect the right of the enforcement object to state and defend themselves**

Criminal suspects deeply involved in criminal crimes should be given the litigation rights, such as self-defense, not to mention in the general process of enforcement, and the corresponding behavior harm of the enforcement object is not constituted as a crime. When the police enforce their duty, the questioning of the enforcement behavior, and their statements and arguments of their own behavior during the enforcement should not be regarded as an obstruction to the normal enforcement behavior, and should not be used to

label the enforced object as “obstructing enforcement” and “obstructing official duties. In major criminal cases involving drugs and violence, basic human rights protection should be given to the subject of enforcement, and no corporal punishment should be allowed, let alone the general enforcement. In the absence of violent attack, escape, and arrest or other emergencies, the police should avoid violent door breaking and other property violations, and prevent compulsory behavior of the enforcement personnel <sup>[14]</sup>. As stipulated in the rules, the people’s police must rely on the support of the people, maintain close contact with the people, lean out, listen to their opinions and suggestions, accept the supervision of the people, safeguard the interests of the people, and serve the people wholeheartedly. The civilized and rational enforcement is the responsibility of the modern national enforcement organization. The declining public respect for the police and the reverence for the police enforcement do not necessarily benefit its image of civilized justice and the maintenance of its authority. In addition, it is believed that “The real art of policing in a free society or a democratic state is a real defeat, where secret weapons are not water cannon or plastic bullets, but public sympathy and support” <sup>[15]</sup>.

### **3.3. Balance the intensity of compulsory enforcement**

In routine enforcement activities, the enforcing force of police exceeds the necessary limits, which leads to the initiation of a conflict, is one of the important reasons. The police officer is considered the most important organization, which should be used correctly, and not merely as an instrument for the faithful discharge of the duties of the State <sup>[16]</sup>. To pursue the balance between the police power and the rights of the enforcement object, is the connotation of the police standard enforcement in the modern legal and civilized society <sup>[17]</sup>. In addition, the police are not targeting ordinary people, but the suspected criminal offence. Further, as stipulated in the rules which have clearly mentioned the restrictions of using force, and can the forces only be used in accordance with the provisions in the emergency, such as resisting arrest, riot, escape, seizing guns or other acts of violence or in the need to stop serious illegal and criminal activities <sup>[18]</sup>. The drastic action taken by the enforcement object needs to distinguish, whether the behavior is a threat to the enforcement personnel, if there is no dangerous behavior of personal attack against enforcement personnel, enforcement personnel should also abide by the concept of “The least use of force,” as far as possible to avoid unnecessary bondage measures. For example, in a police enforcement of Shan Xi, the enforcement object shows resistance, thereby the police officer attacks, and use the transparent tape for body binding <sup>[19]</sup>. This kind of enforcement behavior, not only exceeds the necessary limit of enforcement, but also seriously infringes on the physical and mental health of the enforcement object, and such violent and brutal enforcement behavior is not conducive to the establishment of police authority, and should be abandoned.

### **4. Conclusion**

In short, the implementation of standardized and civilized enforcement of the public security organization cannot be separated from the professional training of the enforcement personnel and the necessary of punishment implementation to the corresponding improper enforcement acts. As the guardian of people’s safe homes, the police should not be the biggest threat to the safety of individual people. In addition, the advancement of the modernization of national governance is closely related to the norms of public security enforcement, which are the basic requirements of “control and controller” in constructing its authority <sup>[20]</sup>.

### **Disclosure statement**

The author declares no conflict of interest.

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