

Some Problems in the Investigation of Railway Crime Cases From the Perspective of Crime Prevention

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Abstract: Crime prevention is closely related to crime investigation. From the perspective of crime prevention, it is of great significance to improve the conditions and functions of case filing, to reform the unreasonable custody system, and to add the litigation diversion procedure in investigation, in order to prevent crime and ensure the legislative norms of investigation procedure..

1. Introduction

The basic mission of investigation is to make crimes public and prove the facts of crimes. The direct subject of investigation should not include the content of prevention. In fact, it is necessary to reconsider this proposition. Crime prevention in the field of criminology is systematic, so it has a wide range of social importance, but it can not replace the position of crime prevention investigation. First, from the perspective of criminal law, exposing crimes and crimes is the means to apply criminal law, and preventing crimes is the direct purpose of the formulation and application of criminal law. If crime prevention is excluded from theoretical investigation, it is obviously impossible to achieve this goal. Second, from the perspective of case investigation, the investigation of specific criminal activities has a more significant function in the prevention of crime: excluding crimes that have not been submitted in the previous conspiracy stage, in order to prevent harmful consequences; Make timely response to sudden crime, find out the truth of crime in each case and put forward targeted prevention and disposal suggestions in order to prevent further expansion of harm and timely intervention, and pass strict and fair investigation procedures. The legal rights of criminal suspects are effectively protected to ensure dishonour. We should strengthen the reliability of the law and give full play to its general and special preventive effects. Therefore, it should reflect the important position of prevention in the investigation. From the perspective of crime prevention, several problems in the process of investigation are discussed.

2. Two Problems in the Procedure of Filing a Case

As mentioned before, a fair investigation is very important in order to prevent crimes[1]. Leave the process of impartial investigation, the decline in the trust of investigation institutions is not only directly connected, but also seriously caused by the loss of legal reliability. In the whole investigation process, case analysis process is very important, because it is the most front. However, the current situation is that many things need to be reflected in the process of event registration in legislation and judicial practice.

2.1. Conditions for Litigation Cases

Criminal procedure law as the cause of the incident, the necessity of investigation of criminal facts of criminal responsibility, and three factors within the jurisdiction[2]. The first two conditions are now controversial in the academic field. The first condition is that, from a practical point of view, the law has the necessary means to prove the "criminal facts" of the investigation authorities, so many letters and reports are verified. From the epistemological point of view, it is difficult to judge events in stages, and the facts of criminal investigators can be understood in advance. With regard to the second condition, from a practical point of view, whether there is a judgment of

criminal facts, or only based on the difficulties of reporting information to specific criminal suspects, therefore, whether criminal responsibility is necessary cannot be judged. The report is completed, also as a website in good condition, and it is also understood that different investigators may have different opinions on whether or not they need criminal responsibility for the same thing, and the quantity and quality of evidence may be different. The whole process of increasing the quantity of criminal procedure, evidence and quality will eventually make the facts of the constitution of the crime unanimously prove that the process can be achieved. The fact of the incident has not been in a vague state. In each stage, the fact of suspicious crime proves that the standard of "criminal responsibility is the necessity of being investigated" is difficult to meet[3]. The high conditions for case submission directly lead to the reduction of filing scope. Then, it's the chance of a few criminals. The situation suggests that a higher walk is for the purpose of finding clues when obstructing CSI investigation and effect. In addition, legal actions such as "handling of criminal cases" and "substitution of punishment" should be taken to avoid the shield of a few investigation organs.

2.2. Submitted Triage (Medical) Function

Strictly speaking, the existing procedure of submitting cases in our country is only to allocate cases to different special institutions, but it does not have the function of conversion. In particular, the criminal procedure law, including the public appeal events, the specific response characteristics of the events, and the procuratorial organs have no choice function. In other words, despite the huge differences between the immediate execution of the death penalty and the exemption from criminal responsibility, as well as the very different situations between criminals and "headless cases", the pre-trial cases of these cases are still very different[4]. We must design procedures step by step in the same investigation and prosecution procedures, because the huge waste of judicial resources distributed unevenly is over. Then, the priority of the situation is irrelevant, and the application of the same procedure is easy to ignore the rights of second-class suspects. For these people, the functional defects of the archiving process essentially prevent a lot of obstacles.

3. Litigation Procedure

If it is said that "the most powerful binding force on crime is not the severity of punishment, but the inevitability of punishment", then by discussing this principle in the pre-trial procedure, we can draw the following conclusion. Moreover, the innocent must be redeemed through litigation. In order to ensure the fairness of the case analysis process, it is not necessary to be unreasonable, unrealistic, and not too low, so as to avoid the waste of judicial resources. It is not necessary for criminals to get relief through criminal punishment in criminal proceedings. Therefore, in the original situation, the "criminal fact" is changed to "the fact suspected of committing a crime". People's understanding of the nature of continuity and gradual progress, and the increase of the rule and integration of the standard ratio of evidence in the criminal procedure can enable[5]. Moreover, for the reason that the double negative declaration is more operable than the current rule, the "necessity of criminal responsibility" is amended so that "there is no evidence to prove that criminal responsibility is not required". For example, if there is conclusive evidence that a homicide case does not bear criminal responsibility, the case does not need to be submitted. However, if there is no evidence that the murderer does not bear criminal responsibility, even if it is finally proved, there is no evidence that the murderer does not need to bear criminal responsibility now. Similarly, in order to ensure the reasonableness of the proceedings, for the respondents included in the criminal procedure law, we should use the compulsory measures to restrict their rights carefully, and further use the educational methods to promote the guilt of the suspects in the criminal law. Changing the evil and doing good can prevent the hostility and despair caused by infringing their legitimate rights and interests, and avoid new factors of instability. Therefore, the case registration procedure should not be applied mechanically and simply, but it contains strict reasons. All kinds of litigation procedures are selected for criminal suspects of different natures and degrees of malice. Criminal suspects are sincerely accepted, while ordinary citizens are just. A reasonable case filing procedure

is the regulation of criminal procedure. Not only that, strictly speaking, they can control the number of cases that enter the criminal proceedings to determine the nature, specific circumstances, complexity and subjective factors of the criminal suspects. In order to improve the protection of the rights of criminal suspects and to enter the proceedings, the procuratorial organ has set up different prosecution programs[6]. The actual cost of prosecution will be effectively guaranteed and reasonably distributed.

4. On Custody System

The detention in the investigation stage belongs to the category of pretrial detention. This does not refer to independent coercive measures in our country, which refers to the state of natural continuity after detention and arrest. This system of detention, arrest and detention is far away from the principle of the rule of law. Then, in order to achieve the purpose of anti-theft, another excited prospect starts to think, if you are to detain the limitation of itself, the increase of a certain number not only avoids some investigation and trial, but also prevents passivity, passivity and understanding[7]. The possibility of infringement of legal rights and interests, the possibility of increasing the chance of cross infection of criminal technology, and the application of informalization, the correction of most suspects with less subjective malignancy, treatment and protection, and the appropriate detention of detention can be reused to prevent the infringement from being minimized. Therefore, detention abroad is an exception and should be avoided as much as possible. In our country, law and judicial practice not only reflect the principle of modesty, but also are far away from modesty.

4.1. Detention is not Subject to Judicial Review and Judicial Remedies are Not Available

Under the system of detention, arrest and detention, criminal authorities are directly detained after being arrested without judicial review by neutral authorities[8]. According to the specific color that the prosecutor approves the arrest and should be reviewed, the two prosecutors and the police must cooperate closely in their position of general prosecution. In order to measure urine organs, judicial review cannot be conducted from an objective and neutral point of view. When a suspect is dissatisfied with his detention, he may only raise an objection to the agency for prosecution, without judicial review. This is a closed and similar system of administrative review and relief, which is easy to cause the intentional standardization of detention. It has gradually developed into a system that ignores the subject status of suspects and infringes the right of due process.

4.2. There is Little Room for Alternative Detention Measures

Different from many countries' strict control of detention and expansion of the application of alternative measures for post arrest detention, China has strictly restricted the application of non administrative coercive measures, so as to make the detention normal and free from detention. The root of the problem comes from the law: does the law provide for surveillance? Then, detention is for another pending trial bail. Instead, choose the applicable obligations of the public security and judicial authorities as emergency measures, and detain and arrest it. This allows public security and the judiciary to use greater force to naturally choose more detentions[9]. At the same time, due to the lack of legislation on judicial review and transfer procedures of detention, alternative measures such as residential surveillance or bail trial have lost appropriate application opportunities. Finally, investigation techniques are confused with detention conditions. In Europe and the United States, detention and arrest are only used as means of search and can be linked to short-term detention. If they need to remain in custody, they must meet with independent circumstances and accept trial procedures, including those of the parties. It is clear that the system of separation of investigation and detention requires higher conditions and strict procedures for detention in reservations. In China, detention is based on the procedure and time limit of detention and arrest, so the condition of arrest is certainly the condition of detention. As a direct result, the conditions of the arrest measures used to protect the investigation are too high and most stringent before the trial. The conditions of detention measures are not enough to achieve the purpose of "special detention". At present, China's

detention system is not isolated, but closely related to the whole criminal justice system. Therefore, the detention system of a foreign country cannot be copied. From the perspective of the phased state situation of the reform of the detention system, we should appropriately reduce the detention communities, reduce the unnecessary detention after detention and arrest, and use other non custodial treatment laws if they are not applicable. In addition, by excluding the application of detention and switching to non custodial treatment, the purpose of preventing and managing crimes can be achieved.

Table 1 Summary of criminal cases

Website	Total number of courses	Physical education courses in domestic colleges and Universities	Proportion of total courses on the website
Peking University open class	49	0	0.00
School Online	181	2	1.10
Five minute course network of National Open University	10220	319	3.12
Curriculum Sharing Alliance of eastern and Western Universities	53	1	0.00
Love Curriculum	1038	7	0.67
National Excellent Course Resource Network	20272	374	1.84
China Education online open resource platform	214	0	0.00
CCTV China University video open course	124	0	0.00

5. Put the System of Entrapment Under the Control of Judicial Power

Because the suspects in the investigation phase are legally innocent, the detention process must take the form of litigation. The approval, review and relief of the detention shall be included in the scope of the trial ruling, involving detention, arrest and other investigations[10]. It means phase separation. Under the current constitutional government system in China, it is possible that the legal supervision, which is completely abolished, is in progress an organ, and that the stage of judicial adjustment system can be gradually established: then, it is absolutely necessary to establish the pre-trial judge system. The search authority may limit the short-term personal freedom of suspects detained in an emergency or arrested with the approval of the prosecution. They must be promptly transferred to the prosecution for continued detention within the statutory period of review and detention. The necessary investigation organ shall listen to the opinions of both the investigation organ and the suspect before making a decision. The self-examination cases of the inspection and quarantine organ shall be decided by the court. The suspect has the right to be informed of the reasons for his detention. If they object to the decision on quarantine organs, they can ask the court to check their legitimacy. If they are against the decision of the court, they can go to a higher court. Courts subject to prosecution and prosecution should deal with it clearly within the time limit prescribed by law.

6. Reasonable Definition of Detention Conditions

Different degrees of detention, arrest and detention should be based on different conditions. As for detention, it is necessary to grasp the essential characteristics of "emergency". With regard to arrest, as a mandatory measure for the temporary detention of suspects in non emergency situations, it can only be used in court proceedings to ensure that suspects are present in time. Detention, as an independent compulsory measure, is a deprivation of the individual freedom of the suspect for a

long time, which must be fully justified. In addition to sufficient evidence to prove the main criminal facts of the suspect, detention must also have necessary conditions. First, the criminal suspect has sufficient social risks. If he does not continue to be detained, he can escape, abscond, destroy evidence and continue to commit a crime. Second, detainees can be sentenced to more than one year in prison.

7. Conclusion

We will improve alternative measures and an open system for detention and diversion. Under the current system, the conditions of reservation, house surveillance, detention and arrest in the reservation also stipulate that the reservation house and shelter in the reservation are alternative measures of detention. In this way, after the separation of detention and detention, judicial review of detention increases the possibility of applying these alternative measures. In addition, we should also consider the appropriate introduction and expansion of social alternatives to detention, such as detention or judicial control, to borrow from foreign systems.

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