

# Research on Standardization of Criminal Investigation Interrogation System Based on Empirical Perspective

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**Abstract:** The system of investigation and interrogation is based on the adjustment of investigation and interrogation activities. Since investigative interrogation is only a means to obtain the statement of criminal suspects, the system of investigative interrogation is essentially the product of conflict and balance between process value and result value. Investigative interrogation is a statutory investigative act, an investigative measure dominated by public power in criminal proceedings, and a regular investigative means. Under the condition that our country's current investigation technology is relatively backward, it is still a common reality that investigators rely on confessions, which also reflects that our country's investigation and interrogation system still has many defects and drawbacks. Based on the empirical perspective, this paper makes rational thinking and objective analysis of the current interrogation system in China, and at the same time, draws lessons from the successful practices of the two legal systems, and combines with China's national conditions to propose the establishment of an interrogation system suitable for China's national conditions.

## 1. Introduction

Interrogation of suspects in the criminal investigation stage plays a very important role in obtaining confessions, revealing and confirming crimes, which often determines whether the criminal proceedings in a case can continue and its final outcome [1]. Criminal investigation and interrogation is a criminal lawsuit activity in which both criminal investigators and criminal suspects participate. Therefore, in today's society, which emphasizes that the ultimate value of law should reflect the concern for human nature, its legality, fairness and standardization are bound to receive extensive attention [2]. Even in modern society, oral confession is still an important basis and breakthrough for judicial personnel to solve cases. After the promulgation of the new law, criminal reconciliation, as an independent special procedure, has its own status and relevant provisions [3]. Since the investigation and interrogation activity is only a means of obtaining the criminal suspect's statement, the existence value of the investigation and interrogation system lies in the value of the result, that is, the positive value of the criminal suspect's statement [4]. Investigative interrogation is a statutory investigation. It is a public security-led investigation in criminal proceedings. It is a regular means of investigation. Its main purpose is to discover the truth.

Since the investigation and interrogation is at the initial stage of the entire criminal proceedings, it plays a fundamental role in obtaining the criminal suspect's confession, exposing and confirming the crime, and even affects the public interest and trial. In criminal prosecution activities, the criminal suspect's statement is an important means of ascertaining the facts of the case [5]. Compared with ordinary citizens, criminal suspects who are the main target of prosecution are often more related to the case. Although our country's law explicitly prohibits extorting a confession by torture, the phenomenon of extorting a confession by torture is still common, indicating that China still has many defects and drawbacks in criminal legislation [6]. It cannot be ignored that in the face of the continuous escalation of criminal means and the emergence of new types of crimes, the overall development level of criminal investigation work still appears to be relatively lagging [7]. It is necessary for us to study the current situation of the investigation and interrogation system, the reasons for the existence of the problem, and then propose corresponding effective and feasible reform strategies, so as to improve the investigation and interrogation system and ensure the

legitimacy and effectiveness of the investigation and interrogation system [8]. It is necessary to carry out rational thinking and objective analysis of China's current interrogation system, and draw on the successful practices of the two major legal systems, combined with China's national conditions, to establish a system of investigation and interrogation suitable for China's national conditions.

## **2. Comparison of Investigation and Interrogation Systems**

### **2.1. Initiation of Investigation and Interrogation**

Investigative interrogation is an investigative measure dominated by public power in criminal proceedings, which has the possibility of potentially damaging the rights of criminal suspects. In modern criminal proceedings, due to the significant differences in litigation values and litigation theories between the two legal system countries, their modes can be divided into: non-adversarial litigation mode of authority doctrine and adversarial litigation mode of party doctrine. Investigative interrogation is essentially a face-to-face dialogue between investigators and criminal suspects. Investigators must have strong observation ability to see flaws in every move of criminal suspects [9]. Guided by the dual purpose of criminal procedure in our country, investigation and interrogation is actually in the contradiction between obtaining the confession of criminal suspects and protecting the rights of criminal suspects, which obviously neglects the protection of the rights of criminal suspects. These procedural principles should not only embody the characteristics of investigative interrogation itself, but also standardize investigative interrogation from the procedural point of view. In the procedure of investigation and interrogation, due to the different status and relationship of the parties, different modes of investigation and interrogation procedure are formed, and different values of interrogation procedure are embodied.

### **2.2. Process of Investigating and Interrogating**

In the process of investigation and interrogation, criminal suspects do not cooperate with investigators' interrogation by all means based on evading criminal punishment or hoping to mitigate the crime, which makes investigators try their best to solve the case on the one hand. According to the theory of evidence science, the confession of the criminal suspect has the advantages of "possibly reflecting the overall situation of the case" compared with other evidences, but it has the disadvantages of "instability" and "great possibility of falsehood". If the interrogation can be carried out when certain evidence is collected and it is clear that the interrogation is necessary, some people who do not need to be interrogated can be excluded from being interrogated, thus protecting these people from psychological and social pressure caused by interrogation by investigators. Due to the influence of the differences in regional economic and cultural development, there is a big gap in police allocation, financial security and professional training, and the overall situation of criminal investigation is not optimistic. In essence, the procedure of investigation and interrogation should be a combination of procedural value and result value, but from the point of view of emphasis, it is necessary to obtain the confession of the suspect in order to maintain the normal social order.

Our country belongs to the traditional continental law system. Of course, it emphasizes the inequality between the interrogator and the interrogated. Therefore, in the process of investigation and interrogation, there is a clear color of power, and the rights of investigators are much more than those of criminal suspects. Because the criminal suspect is interrogated at the beginning of the investigation, the investigators can not distinguish the confession of the criminal suspect, so it is bound to carry out the investigation according to the clues provided by the confession of the criminal suspect, thus bringing about troubles caused by the false confession of the criminal suspect population. Statements of suspects are more helpful to ascertain the facts of a case, which involves only one aspect of the problem, that is, the value of the results brought by interrogation of suspects [10]. In order to prevent prosecutors from using improper methods to influence the voluntariness and authenticity of criminal Suspects' confessions, the general rules of interrogation, such as time,

place, method, environment and procedural consequences of unlawful interrogation, are all restricted by national legislation. In order to fully implement the principle of prohibiting prior interrogation, the order of investigation measures should be adjusted, and the provisions of “interrogation of criminal suspects” should be placed after various investigative measures, so as to avoid creating an excuse for investigators to interrogate criminal suspects in advance.

### **3. Determine the Mode of Investigation and Interrogation Procedure**

Interrogation of suspects without evidence or certain knowledge of the case will disturb the suspects prematurely, thus prompting them to take some measures to hinder the investigation. If we rely solely on the confession of the criminal suspect to investigate the case, it will inevitably lead to the relocation of the investigation and the increase of the error rate. In modern criminal proceedings, a basic condition for the beginning of interrogation is the existence of reasonable doubt. In criminal proceedings in most countries, the consent of the suspect is another condition for interrogation to begin. In order to guarantee the voluntariness of the suspect's statement and urge him to make rational choices, western modern litigation legislation has established a series of safeguard systems. The criminal suspect's statement about the crime can clearly reveal the details of his criminal purpose and criminal process. If there is a wrong case, the existence of the confession of criminal suspects can also reduce the conscience condemnation and social pressure of prosecutors and judges to a large extent. In today's world-wide environment, which pays attention to the protection of the rights of criminal suspects, China should focus on gradually confirming and expanding the rights of criminal suspects in the reform of investigation and interrogation procedure, and build a mode of investigation and interrogation procedure that is compatible with China's national conditions.

Due to the influence of geographical environment, cultural background and customs, there are also many differences in litigation concepts between continental law system and Anglo-American law system. After interrogation, in order to prevent the escape of criminal suspects, investigators will apply for detention of criminal suspects on this basis, which will inevitably lead to the abuse of detention. Before interrogating a criminal suspect, the police must inform him of his right to remain silent, to obtain the assistance of lawyers and not to be forced to prove guilty by himself. If the suspect voluntarily renounces one of the above rights, and knows the significance of the right and the consequences of the abstention. Investigative interrogation is a kind of investigative measure dominated by public power, which has the potential to damage the rights of criminal suspects. In order to restrict the improper exercise of state power and protect the rights of criminal suspects, it is necessary to set up specific procedures for investigation and interrogation. Under the current environment of gradually emphasizing the protection of the rights of criminal suspects, our country should gradually focus on confirming, expanding and protecting the rights of criminal suspects, and construct a criminal investigation interrogation mode that matches the current situation of our country.

Investigation and interrogation activities are aimed at criminal suspects, while the purpose of interrogation is to find out the criminal responsibility of criminal suspects in criminal cases. Compared with the examination, prosecution and trial, the investigative work is more random and less restricted by external supervision. The development of investigative measures depends to a large extent on the individual subjective thinking of investigators. In the process of investigation, the investigation organ must respect and protect the legal rights of the suspects, and grant them the right to silence and the right to ask for the help of lawyers to safeguard their legal rights. To some extent, the success of criminal reconciliation can affect the defendant's conviction and sentencing at the trial stage, so the defendant actively performs the reconciliation agreement in order to obtain a lighter sentencing. All modern countries ruled by law regard the fight against crime and the protection of human rights as the two major tasks of criminal proceedings, and position the direct purpose of criminal proceedings as the harmonious unity of the two. Our country should change the current non-confrontational interrogation mode in which investigators use power to interrogate criminal suspects to a confrontational interrogation mode in which the powers of investigators and the rights of criminal suspects can be balanced.

#### 4. Conclusion

Since the investigation and interrogation in our country are conducted in secret, investigators can not only interrogate suspects at any time during this period of control, but also easily infringe upon the legitimate rights and interests of suspects during the interrogation. Criminal investigation is a highly practical work, and experience plays an important role in the rationality of the application of investigative measures. In terms of procedural performance, criminal reconciliation procedures are relatively simple and convenient compared with incidental civil actions that require formal procedures, which are more conducive to reaching an agreement through dialogue between the two parties. In the process of experience acquisition, besides relying on the continuous exploration and summary of investigators themselves, police skills training often plays a very important role. There are many problems that can not be ignored in the current criminal investigation interrogation system in China, which must be amended and perfected through legislation. In order to enhance the deterrent effect of the exclusion rule, when the court verifies the legality of interrogation, it should emphasize the obligation of investigators to testify in court. In order to achieve the dual purpose of combating crime and safeguarding human rights, we should base ourselves on the specific national conditions of our country, adopt gradual reform, and establish our modern criminal investigation and interrogation system.

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