

A Study on the Application of TL- and Ray-Technology Investigation in the Investigation of Duty Crimes

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Abstract: After the new revision of the criminal procedure law of our country, it gives more power to the inspection organ, makes it have the technical investigation power of investigating and investigating multi-duty crime, legalizes its power to investigate related duty crime, and also legalizes the technical investigation means and its result. After making clear the concept of technical investigation, in order to make the technical investigation means play a greater role in the investigation of duty crime, it is necessary to deeply analyze its application significance and application measures to prove that it can give full play to its unique advantages in the investigation of duty crime.

1. Concept of Technical Investigation

To make clear the concept of technical investigation is the premise of applying technical investigation to duty crime, according to the inherent characteristics of technical investigation, it can be explained mainly from three aspects: technical, secret and comprehensive.

First of all, the technical investigation can be used as a technical means to analyze, that is, the combination of modern scientific knowledge, methods and technology, technical investigation as a general term for such knowledge and technology. Secondly, linking it with privacy, using technical investigation as a secret investigation, considering that technical examination is to collect relevant evidence secretly by using relevant knowledge of investigation and some scientific means, and using modern advanced scientific equipment as the medium to carry out investigation. Finally, comprehensiveness combines technicality with privacy, using technical investigation as the means of collecting criminal evidence using modern knowledge simultaneously by investigating organs, and taking compulsory investigative measures against criminal suspects' criminal behavior.

By summing up the above three properties, technical investigation is through electronic surveillance, electronic video recording, and so on use of scientific and technological equipment as auxiliary means of investigation can be used as technical investigation means. On the contrary, undercover investigation, temptation investigation and other means of using human vision or behavior alone do not belong to the technical investigation means, but also have nothing to do with the technical investigation means determined after the revision of the previous criminal procedure law. In addition, only the use of scientific and technological equipment, no secret characteristics of the investigation means do not belong to technical investigation, such as "lie detector" to determine the final results of the investigation methods, in the actual investigation process can only be called "investigation technology".



Figure 1 Tools for technical detection

2. The Necessity of Applying Technical Investigation to Duty Crime Investigation

2.1. Object and Means of Duty Crimes Increase the Difficulty of Solving and Obtaining Evidence

The persons responsible for the crime mainly include the functionaries of the state organs, the leading cadres of the Party and the government and other personnel in the state system who use the change of their posts to embezzle public property. This kind of criminal subject has a certain political status and social status, its education level is high, it has rich social experience and network. At the same time, this kind of crime subject has very strong anti-reconnaissance ability, needs the investigation work to maintain the strict secrecy, carries on the strict control to the investigation work informed personnel. Compared with ordinary criminal subjects, the above characteristics have a great influence on the difficulty of investigation [1].

At present, the rapid development of information technology, the use of crime personnel more intelligent means, which means that the traditional means of investigation is difficult to meet the needs of the current investigation of crime. With the continuous transformation of our society to the direction of intelligence, the main body of crime can be through the network, virtual currency and other information means of crime, or similar means of anti-detection, transfer of stolen money, forming an alliance. At the same time, the intelligent society leads to the decrease of cash flow, and the criminal subjects can use the electronic trading platform to trade the money right, or use the network to limit the corruption in the normal trading process. The above behavior is that the process of absorbing stolen money has become complicated, which undoubtedly makes the investigation more difficult. According to the above request, it is necessary to make full use of the technical investigation means, with the help of the current advanced science and technology, and to use the investigation knowledge as the auxiliary, so as to collect the evidence of the duty crime.

2.2. New Requirements for Methods of Investigation under the Amended Law

Our law has been constantly amended, adding a lot of new content, but also make some changes in the old content. First of all, the lawyer's law and the amendment of the criminal procedure law make the right of interview system and the right of the lawyer to read papers extended. The above-mentioned extension of rights enables lawyers to visit suspects without the approval of the investigative organs, and also enables lawyers not to be monitored except in special circumstances when interviewing suspects. Although the above new legal provisions strengthen the protection of suspected criminals, but lead to the investigation department no longer have the initiative in the process of evidence collection, change the traditional way of evidence collection. Therefore, in the face of the above legal changes, the relevant units must change the previous investigation methods, and use the technical investigation privacy and technology to carry out the evidence search work, so that their ability and level of investigation and evidence collection have been improved, which can adapt to the current legal requirements.

2.3. The Objective Need to Implement the Rule of Law

Law is fundamental to the development of the country, and now our country has been built into a socialist legal system with Chinese characteristics. Therefore, it is necessary for our country to strictly deal with the problem of corruption and maintain the authority of the law to ensure the interests of the people. In the past, the anti-corruption work in procuratorial work usually adopts the "two fingers" and "two rules" way, which is not suitable to the core of our country's work of governing the country according to law, so it is the trend of the times to use technical investigation means to investigate and deal with duty criminals according to law.



Figure 2 Meeting on issues related to crime

3. The Application of Technical Investigation in Duty Crimes

3.1. Scope of Applicable Technical Investigation Cases

Duty crimes are serious and have a certain harm to national reasons, social interests and public interests, and have a negative impact on national laws, party discipline and party rules, and national image. Because such criminal acts have a great negative impact on the country, we must strictly investigate and deal with such crimes in the course of our country's construction. In order to ensure that technical investigation can play a full role in the process of dealing with duty crime, the scope of technical investigation should be stipulated first. At present, China's Constitution and its amendments have a clear scope for punishing 12 crimes of corruption and bribery, and punishing 43 crimes of dereliction of duty and tort. [2]. However, in order to adapt to the law, it is necessary to control the standard of carrying out the investigation of important cases to ensure that the actual technical investigation work can conform to the law. For example, the classification of large cases of corruption exceeding the above-mentioned standards is provided, with the amount of corruption offences set at between 500,000 and 1 million; the result of the crime of dereliction of duty is differentiated according to the number of casualties and the loss of State property; and the key criteria are established at the office level or above for the position of suspected criminal personnel. The appeal measures can stipulate the practical scope of technical investigation in the investigation of specific duty crimes, and ensure the careful use of technical investigation means in accordance with the provisions of the law. But it is important to note that caution is not unnecessary, but is used according to the actual situation.

3.2. Standardize the Qualifications of Technical Investigators

The effectiveness of technical investigation work is not only influenced by the technical investigation means and its case types, but also the relevant investigators have an important role in the work process. Therefore, in the process of using technical investigation to investigate and obtain evidence of duty crime, it is necessary to stipulate the subject of the case and strictly control the qualifications of relevant operators. According to article 148, because the inspection organs usually hand over the technical investigation work directly to the public security organs, it may lead to the formal execution of the cases by the personnel of the public security organs, or the failure of the personnel of the technical departments of the inspection organs to meet the qualifications for the execution of the cases, which is in conflict with the actual method of operating the investigation of the actual cases of duty crimes. Therefore, according to the need of investigating the actual duty crime cases, it is suggested that the qualification of the subject of execution should be clearly explained in the judicial regulation, and the qualification of the cases that need to be investigated by the personnel of the public security organ should be granted, and the anti-corruption department and the anti-dereliction and tort department should assist the public security organ to make the case review process more flexible. At the same time, it is suggested that the technical investigation staff should be clearly qualified, effectively narrow the scope of the technical investigation work informed personnel, avoid the case investigation difficulties caused by the disclosure of cases by the

relevant personnel, and at the same time, it is also a kind of protection behavior to the privacy of citizens.

3.3. Regulated Case Situations to Prevent Violations

Technical investigation is mainly based on the violation of the suspect's right to privacy, so as to achieve the purpose of collecting evidence and cracking down on crime. Because of the danger of its own operation, it is necessary to guarantee the privacy and technicality of the investigation. It is suggested that technical investigation measures be clearly defined in the judicial interpretation according to the actual situation, especially the methods and scope of use of electronic surveillance, electronic surveillance, telephone surveillance, secret video recording and mail surveillance [3]. An order of prohibition is immediately taken if such means exceed judicial provisions. Through the judicial interpretation, the investigation behavior of using the technical investigation means and the technical investigation behavior with privacy will be used only, so that the concrete measures can play a role in the process of cracking down on the duty crime, and the intentional person can avoid using the technical investigation means to infringe the citizen's privacy right, and avoid expanding the scope of the technical investigation means in the process of technical investigation.



Figure 3 Preparation of inspections by relevant personnel

4. Conclusion

The revision of the Criminal Procedure Law provides a legal way for the application of technical investigation, so that the relevant procuratorial organs have a better ability to control crimes in the course of investigating cases of duty crimes, and at the same time provide a new guarantee for ensuring the integrity of our public servants and protecting the legitimate rights of the people, so as to more advantageously avoid the infringement of the interests of the state and the interests of the people under the system. Therefore, it is necessary to investigate the relevant characteristics of technical investigation and apply it reasonably to make it play a role in the investigation of duty crime.

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