

Striking the Balance between Police Authority and Citizen Rights

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In modern society, the relationship between police authority and civil rights is crucial to keep society in order, but the relationship between the two seems to show a trend of continuously getting more intense, especially in the United States. Striking the optimal balance between giving the police force a reasonable amount of power and the protection of the public is a very important challenge faced by many policymakers, governments, and the whole society (Tobón, 2021). On the one hand, history has proven that police authority is crucial in maintaining social order and justice. On the other hand, the level of using police authority has always been discussed in the past and too many restrictions for the police authority may cause more crimes leading to the damage of citizen rights. For me, the difference between the police authority between the United States and China can be interesting to explore. In order to understand the optimal level of authority that ensures public safety while preserving the fundamental rights of individuals, we need to explore the historical background of police authority, police responsibilities, oversight mechanisms, and the comparisons between different countries.

First of all, in order to really understand the balance here, the understanding of the police authority is crucial. Police authority, or police power, refers to “the inherent power of a government to exercise reasonable control over persons and property within its jurisdiction in the interest of the general security, health, safety, morals, and welfare except where legally prohibited,” according to the Merriam-Webster dictionary. It contains various activities and duties including investigating crimes, arresting suspects, and using force when necessary to protect public safety. The scope of

police authority may vary, but its fundamental purpose is always to defend the law. The evolution of police authority can be traced back to ancient civilizations where individuals were designated to maintain order within their communities. However, the current concept of a professionalized police force evolved in the nineteenth century as countries faced expansion and the need for centralized law enforcement. (Wikimedia Foundation, 2023). Throughout history, key milestones have shaped the development of police authority and significant changes have occurred in response to societal transformations, such as The Civil Rights Movement in the 1960s and the George Floyd protests in 2020. These developments have led to an evaluation of police procedures, accountability systems, and the scope of their authority. Understanding the context of history can help inform modern arguments and shape changes aimed at balancing power and protecting civil freedoms.

In order to understand the optimal level of authority, we need to clarify the primary responsibilities of the police should be clarified under this topic. Police officers play a critical role in controlling criminal events, maintaining social order, and providing support when needed. These responsibilities ensure the overall well-being and the security of societies and communities. The use of force is a complex aspect of police authority that contains legal and ethical considerations. Police officials are empowered to shield human beings from danger, however in an ideal, affordable manner, and within the boundaries of law. Unfortunately, the reality is not as ideal as we suppose. Research has mentioned the truth that the danger of being killed by the police's use of force within the United States varies a lot through age, race, and sex (Edwards et al., 2019). In

addition to reactive regulation enforcement, active policing strategies have gained notice in recent years. Approaches inclusive of network policing, intelligence-led policing, and trouble-orientated policing aim to prevent crime and build consideration between the police and citizens. These techniques prioritize collaboration, engagement, and early interventions to cope with the root reasons for crime, therefore limiting useless intrusions on individual liberties.

To ensure that police authority is exercised responsibly and within legal boundaries, robust oversight mechanisms are essential. According to the research by Dr. Brandl, 5.4% of the officers are responsible for 32% of recorded situations where police use force and they are more than 100% likely to make arrests in the United States (2012). Independent review boards, internal affairs units, and civilian oversight commissions have been established by many to improve the misuse of the police force. Some good illustrations can be the police systems under the law, Hong Kong, Japan, and Taiwan use different law systems, which caused different police enforcement models (Ho et al., 2021). For example, Hong Kong uses the Independent Police Complaints Council as an entity to monitor investigations about police. Japan does not have an independent oversight department, but the Public Safety Commission plays an important role in internal special investigations. Similar to Japan, Taiwan has its own oversight agencies called The Control Yuan to supervise the misconduct of government officials, including the police, at the constitutional level. All three different systems have their own different ways of oversight the procedures of police enforcement. These oversight mechanisms help maintain public trust, uphold standards of professionalism, and provide channels for individuals to communicate who believe their rights have been violated. The

three mechanisms can provide some enlightening thoughts for other countries to build different supervising methods. However, some methods may be a bit idealistic and there are many obstacles in the actual implementation process, especially considering many police forces in developing countries “do not have the leadership, organization, or institutional heft to implement complex strategies” (Tobón, 2021).

Moreover, the focus on the theoretical analysis is not sufficient for this topic, examining real-world comparisons between different countries can provide valuable insights into the challenges and potential solutions in the balance between police authority and individual liberties. When comparing the two, examining different approaches and practices across jurisdictions is important. The United States and China are two countries with completely different systems and philosophies in many aspects. In the United States, the relationship between police and citizens is based on a strong emphasis on constitutional rights and citizens’ freedom. The Fourth Amendment guarantees protection from “unreasonable searches and seizures” and the Fifth Amendment ensures procedure rights, together with the right to remain silent and the right to a fair trial. These constitutional provisions provide promote accountability and transparency to the citizens. On the other hand, China operates under a different legal framework and political system. I would consider the general social authorities prioritize social stability and public order which caused a completely different approach in the United States. Although residents have some legal protections, along with the right to an honest trial, freedom of speech and large assemblies tend to be more limited in recent years. When considering the use of police brutality, law enforcement thinks about

the negative side effects, which can include damaging trust between cops and citizens. Chinese police tend not to use their enforcement rights to solve problems for non-felons, which leads to a more relaxed relationship between the police and citizens. Also, the use of power is also getting more restricted in the police's daily enforcement and patrols by the top police administration in China (Liu, 2022). From my perspective, this difference may be caused in large part to the differences in weapon and drug control policies between the United States and China, as China's policies are much stricter. When these factors are considered in law enforcement, citizens tend to be more dangerous in the police's image, therefore leading to more severe enforcement during actual policing procedures.

In conclusion, the balance between police authority and citizen rights is a very complex and ongoing discussion that requires continuous evaluation and adaptation. The history, responsibilities, and use of force by law enforcement agencies play a crucial role in shaping this balance. The mechanisms of fundamental liberties, strong oversight mechanisms, complete education programs, and community engagement are critical in making sure that police authority is exercised responsibly and within legal boundaries. Comparisons between exclusive countries, such as the US and China, can give us some valuable insights into the diverse approaches and practices implemented. However, it is important to note that there aren't any clear lines or universally agreed solutions in this balance between police and citizens. The ideal level of authority that guarantees public safety at the same time as protecting citizen rights is a dynamic idea that needs to be constantly reassessed and debated within the context of evolving societal

desires, values, and expectations. By fostering ongoing discussions and combining various views, I believe that we will be able to get closer to a more balanced and harmonious system among the police and citizens, where both safety and rights are ensured.

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