

Striking the Balance between Police Authority and Citizen Rights

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In societies governed by the principles of democracy and the rule of law, the relationship between the police and citizens is a cornerstone of maintaining a just and safe society. The extent of police authority and the protection of individual liberties are crucial considerations in this delicate equation. Striking the optimal balance between granting the police necessary powers to ensure public safety while preserving the fundamental rights and freedoms of individuals is an ongoing challenge faced by policymakers, law enforcement agencies, and society as a whole (Tobón, 2021). Throughout history, societies have grappled with the question of how much authority should be vested in the hands of law enforcement. Excessive police powers can lead to abuses of authority, erosion of civil liberties, and the infringement upon the rights of individuals. On the other hand, insufficient authority can impede effective law enforcement, potentially compromising public safety and order. For me, the disparities between the police authority between the United States and China can be interesting to explore. In order to understand what is the optimal level of authority that ensures public safety while preserving the fundamental liberties of individuals, the historical background of police authority, police responsibilities, oversight mechanisms, and comparisons between different countries should be discussed under this topic.

To truly understand the balance here, understanding 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 encompasses the ability to investigate crimes, apprehend suspects, use force when necessary, and employ various tactics to prevent and respond to threats to public safety. The scope of police authority may vary, but its fundamental purpose remains consistent – to safeguard society and uphold the rule of 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 modern concept of a professionalized police force emerged in the 19th century as societies grappled with increasing urbanization 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 changes have prompted reassessments of police practices, accountability mechanisms, and the boundaries of their authority. Understanding the historical context provides valuable insights into the foundations and evolution of police authority, informing contemporary debates and shaping reforms aimed at balancing power and preserving civil liberties.

The primary responsibilities of the police encompass maintaining public safety, preventing and investigating crimes, enforcing laws, and responding to emergencies. Police officers play a critical role in deterring criminal activity, apprehending offenders, and providing assistance during crises. By fulfilling these responsibilities, law enforcement agencies contribute to the overall well-being and security of communities. The use of force is a complex aspect of police authority that necessitates ethical considerations and adherence to legal standards. Police officers are entrusted

with the power to use force when necessary to protect themselves and others. However, the use of force must be proportionate, reasonable, and applied within the parameters defined by law. Research has pointed out the fact that the risk of being killed by police use of force in the United States varies a lot by age, race, and sex (Edwards et al., 2019). In addition to reactive law enforcement, proactive policing strategies have gained prominence in recent years. Approaches such as community policing, intelligence-led policing, and problem-oriented policing aim to prevent crime and build trust between the police and communities. These strategies prioritize collaboration, engagement, and targeted interventions to address the root causes of crime, enhance public safety, and minimize unnecessary 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 police force use situations and they are more than 100% likely to make arrests in the United States. Independent review boards, internal affairs units, and civilian oversight commissions serve as checks on police conduct and promote accountability. 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). These oversight mechanisms help maintain public trust, uphold standards of professionalism, and provide recourse for individuals who believe their rights have been violated. Equipping police officers with comprehensive training programs is crucial in promoting a balanced approach to public safety and individual liberties. By fostering a culture of professionalism and adherence to legal and ethical

standards, law enforcement agencies can ensure that their officers navigate the complexities of their authority while respecting the rights and dignity of individuals. Building trust and positive relationships between the police and the community is vital for effective policing and safeguarding individual liberties. Also, by involving community members in decision-making processes and addressing concerns and grievances, law enforcement agencies can foster cooperation and reduce tensions between the police and the public. However, these 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).

Examining real-world comparisons between different countries can provide valuable insights into the challenges and potential solutions in striking the balance between police authority and individual liberties. When comparing police authority and citizen rights, examining different approaches and practices across jurisdictions is important. A notable comparison can be drawn between the United States and China, two countries with distinct systems and philosophies regarding law enforcement and individual liberties.

In the United States, the balance between police authority and citizen rights is shaped by a strong emphasis on constitutional protections and individual freedoms. The Fourth Amendment guarantees protection against unreasonable searches and seizures, and the Fifth Amendment ensures due process rights, including the right to remain silent and the right to a fair trial. These constitutional provisions serve as checks on police authority, requiring a warrant for searches and

seizures and promoting accountability and transparency.

On the other hand, China operates under a different legal and political system. The Chinese government prioritizes social stability and public order, leading to a different approach to police authority. While citizens have some legal protections, such as the right to a fair trial, freedom of speech and assembly are more limited. However, considering the side effect of police brutality can also lead to a negative effect on public order, Chinese police tend to use less force to solve problems for non-felons. 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).

The differences in police authority and citizen rights between the United States and China highlight the contrasting priorities and values of the two countries. While the United States places a strong emphasis on individual liberties and checks on police power, China prioritizes social stability and government control. From my perspective, this difference may be due in large part to the differences in gun control between the United States and China. These divergent approaches have significant implications for the relationship between the police and citizens, shaping the expectations, rights, and limitations on both sides.

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 promotion of fundamental liberties, robust oversight mechanisms, comprehensive training programs, and community engagement are essential in ensuring that police authority is

exercised responsibly and within legal boundaries. Comparative analysis between different countries, such as the United States and China, provides valuable insights into the diverse approaches and practices employed worldwide. However, it is important to note that there are no clear lines or universally agreed-upon solutions in this field. The optimal level of authority that ensures public safety while preserving individual liberties is a dynamic concept that must be constantly reassessed and debated in the context of evolving societal needs, values, and expectations. By fostering ongoing discussions and incorporating diverse perspectives, we can strive towards a more equitable and harmonious relationship between the police and citizens, where both security and the preservation of individual rights are upheld.

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