

Research on the Criminal Investigation and Evidence Collection of “Soft Violence” Organized by the Underworld Society Natured Organizations

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Abstract: The “soft violence” crime carried out by the underworld society natured organizations is an important factor affecting the normal work and life of citizens, which has caused a bad social impact and has also become the focus of the public security organs to crack down on. The forms of such crimes are complex and changeable, with violent means as the guarantee, prominent organizational characteristics, spread to cyberspace, and serious social harmfulness. When the public security organization handles such cases, there are many difficulties in the investigation of criminal clues, the extraction of traces of material evidence, the collection of electronic data, the development of investigation and interrogation, etc., so the countermeasures of investigation and evidence collection should be improved from the above aspects.

1. Introduction

As society’s tolerance for violent crimes continues to decline, the space for violent crimes to be carried out has been severely suppressed. In order to reduce the cost of illegal crimes and evade punishment and crackdowns, violent crimes will be reduced when underworld society natured organizations have developed to a certain stage^[1], and gradually transition from traditional violent crimes to “soft violence” crimes, implemented through “soft violence” means. Illegal and criminal activities have become the development trend of underworld society natured organizations. The use of “soft violence” can minimize the risk of underworld society natured organizations being attacked, reduce the cost of crimes, and at the same time ensure the realization of criminal purposes. It has become one of the important means for underworld society natured organizations to carry out illegal and criminal activities.

2. The Characteristics of “Soft Violence” Crimes Committed by the Underworld Society Natured Organizations

2.1 Use Violence as a Guarantee

Although underworld society natured organizations use non-violent means when committing “soft violence” crimes, there is still the possibility of using violence. When “soft violence” fails,

they often resort to violence without hesitation ^[2]. Using violence as a guarantee can enhance the effect of “soft violence” threats and intimidation. Victims are often frightened by the violent means and forces of underworld society natured organizations and believing that underworld society natured organizations have the possibility to transform “soft violence” into violence at any time, so they dare not resist and form psychological coercion.

2.2 Outstanding Organizational Features

Underworld society natured organizations have a symbolic aspect in terms of identity, image, behavior, and rituals ^[3], and have significant organizational characteristics. The “soft violence” crimes committed by them also show a distinct organizational nature, which is shown in the following: When “soft violence” commits a crime, self-reporting organization, leader’s name, uniform hairstyle, accessories or dress, revealing tattoos or special logos, specific codes of conduct, paying attention to rituals and scenes, etc., to show the victim explicitly or implicitly the black background, increase the psychological pressure of the victim.

2.3 Spread into Cyberspace

“Soft violence” crimes committed by underworld society natured organizations not only exist in real living spaces, but also spread rapidly in virtual cyberspace, such as malicious P-pictures, use of malicious software to interfere with victims' communications, posting to expose victims' privacy, and hiring on the Internet. The “Navy Army” fabricated false information, demanded protection fees for the deletion of posts, and so on. In the Internet age, the spread of “soft violence” on the Internet is extremely fast. After a post has been forwarded at several levels, its audience will increase at a geometric rate. At the same time, the scope of transmission is also highly uncertain, leading to the negative impact of online “soft violence” crimes not only in the area where the victim is located, but spread to other regions in an undirected manner, greatly increasing the victim's psychological burden.

2.4 Serious Social Harm

The “soft violence” crimes committed by underworld society natured organizations seriously interfered with the work and life of the victims, causing the victims to feel fear, panic, and psychological coercion, causing bad effects. Compared with traditional violent crimes, “soft violence” crimes are relatively peaceful, and their violent nature is greatly reduced, but their social harm is still not to be underestimated. Some “soft violence” crimes cause no less harm than “hard violence” crimes, even more harmful. Although the “soft violence” crime did not cause tangible physical harm to the victim, the fear and psychological coercion that it brought to the victim were more profound, and the victim was enveloped in the crime of “soft violence” for a considerable period of time. The threat severely interferes with the victim’s normal work and life, and some “soft violence” methods of underworld society natured organizations severely damage the victim’s social relations, making the victim unable to face the social relations of relatives, friends, colleagues, leaders, etc., making the victim’s situation worse. Some victims finally chose to commit suicide because they could not bear the “soft violence” criminal harassment.

3. Difficulties in the Investigation and Evidence Collection of “Soft Violence” Crimes Organized by the Underworld Society Natured Organizations

3.1 The Victim's Degree of Cooperation is Low, and It is Difficult to Verify Clues

In some criminal cases of “soft violence” organized by underworld society natured organizations, there are a large number of victims, but a considerable number of victims are unwilling to cooperate with the public security organs in investigating and obtaining evidence. The main reasons are: First, the victims are worried that they or their relatives will be retaliated by underworld society natured organizations. They dare not provide relevant clues and evidence to the public security organs; second, the victim is unwilling to cooperate in collecting evidence. Some victims think that they are in the first place and that they may be disadvantaged after reporting the crime; others have suffered “soft violence” for a long time and do not want to mention the past, so they are unwilling to cooperate in the investigation and evidence collection work of the public security organs; third is the victim don't know that “soft violence” can constitute a crime. Many victims have misunderstandings about “soft violence” crimes committed by underworld society natured organizations, and believe that “soft violence” acts do not constitute a crime. Even if they provide clues to the public security organs, the relevant personnel will not be punished. The above-mentioned various reasons have caused some victims to cooperate with the public security organs when investigating such cases to a low level, which has caused difficulties for the public security organs to verify clues.

3.2 Relying on Verbal Evidence and Lack of Trace Material Evidence

The “soft violence” crimes organized by the underworld society natured organizations rarely cause physical damage. The circumstances and harmful consequences of related crimes often require verbal evidence to prove. The focus of investigation and evidence collection tends to be inclined to the collection of verbal evidence. Compared with the crime scenes of traditional violent crimes, the public security organs can extract relatively few traces of evidence at the scene of “soft violence” crimes, and it is difficult to obtain valuable evidence. Even if some traces of physical evidence are found, it is difficult to correlate with “soft violence” behavior^[4]. Some traces of evidence are easily destroyed if they are not retrieved in time. Therefore, in the absence of trace evidence, it is necessary to rely on verbal evidence such as the suspect's confession, the victim's statement, and the witness's testimony to prove the crime. Collecting verbal evidence becomes the focus of evidence collection. Excessive reliance on verbal evidence and lack of physical evidence is not conducive to the solid progress of investigation and evidence collection, and it also poses challenges for the public security organs to investigate and handle criminal cases of “soft violence” organized by the underworld society natured organizations.

3.3 Electronic Data is Highly Unstable and Easy to Change

In the process of “soft violence” crimes carried out by underworld society natured organizations, a large amount of electronic data will be generated between the suspect and the victim, such as call records, text messages and emails of both parties, social software chat records, online posts, video surveillance, and audio recordings. Etc., these electronic data are strong evidence to prove “soft violence” crimes. However, due to the dynamic, timeliness and instability of electronic data, it is easy to change. If the original electronic data is not extracted and fixed in time, the electronic data is easy to be modified or destroyed, which will reduce the value of evidence.

3.4 The Problem of Refusal and Collusion of Confessions is Prominent, and Interrogation is Difficult

The organizers, leaders, and backbone members of underworld society natured organizations have committed serious crimes and have received heavier legal sanctions, and they have shown

strong antagonism during interrogations. Because they did not directly commit “soft violence” crimes, and the instructions they issued were obscure and vague, which ostensibly cut off the connection with “soft violence” crimes^[5], they generally refused to admit their crimes. It is difficult to break through the confession when committing a crime of “soft violence”. Restricted by the “gang rules” and disciplines of the underworld society natured organizations, or out of loyalty, ordinary members of the organizations are not willing to confess the facts of the crime even if they commit a crime of “soft violence.” The method of colluding confessions forms an “offensive and defensive alliance” against the interrogation of the public security organs. If investigators do not have reliable and sufficient evidence, it is difficult to form a mutually corroborating evidence chain based on the victim's statement or witness testimony, and the interrogation will easily fall into a deadlock.

4. The Criminal Investigation and Evidence Collection Countermeasures of “Soft Violence” Organized by the Underworld Society Natured Organizations

4.1 Guide and Encourage Victims to Cooperate in Obtaining Evidence and Highlight the Key Points of Inquiry

When handling criminal cases of “soft violence” organized by the underworld society natured organizations, the public security organs shall guide and encourage the victims to cooperate in the investigation and evidence collection. The public security organs demonstrate their strength and determination to combat such crimes by preaching relevant policies and laws for the eradication of gangsters, issuing rewards for soliciting clues, and publicizing cases of “soft violence” crimes, so as to guide and encourage victims to actively provide clues and Relevant evidence. At the same time, the public security organs must protect the victim's personal information during the collection of evidence and strictly abide by the confidentiality system so that the victim has no worries. In addition, it is also possible to encourage victims to provide relevant clues and evidence by issuing clues soliciting reward notices, so that more victims can participate, so as to collect evidence related to the case more comprehensively.

When questioning the victim, on the one hand, we must pay attention to the collection of evidence of criminal acts of “soft violence” carried out by underworld society natured organizations, such as: asking the victim about the time, location, perpetrator, and “soft violence” of the “soft violence” crime committed by underworld society natured organizations, specific methods, criminal tools, subsequent threats, intimidation, etc., clarify the details of the case and restore the facts of the crime; on the other hand, we must also pay attention to the grasp of the victim's psychological coercion and degree. Focus on asking about the psychological changes before and after the victim suffered “soft violence”. If necessary, refer to the psychological evaluation results of a third-party counseling agency or the hospital's psychological diagnosis certificate. At the same time, it is necessary to objectively judge the authenticity of the victim's statement, and avoid the victim's exaggerating facts or fabricating false plots to affect the case-handling personnel's judgment on the true situation of the case.

4.2 Diversified Evidence Collection and Broadened Evidence Collection Channels

The public security organs can obtain surveillance videos of the entrance and exit of the crime scene or the route of the suspect's coming and going to determine the physical characteristics, number of people, tools of the crime, location, etc.; by obtaining the phone number of the suspect, the phone number can be recorded. Analyze, collide, compare, sort out accomplices, and further concatenate cases; use big data technology to compare faces, grasp the suspect's frequent visits,

contacts, living habits, etc.; analyze suspects' bank transaction records and account opening information were used to obtain evidence of their "soft violence" crimes. On the other hand, public security organs can inform victims of methods to obtain and protect evidence, such as installing video surveillance, keeping audio, video, or photos related to "soft violence" crimes, and taking screenshots of online "soft violence". If the victim is victimized by the "soft violence" crime again, the evidence can be fixed and preserved in time for the public security organs to collect evidence.

4.3 Pay Attention to the Extraction, Fixation and Preservation of Electronic Data

Electronic data is one of the important evidence to prove "soft violence" crimes. Especially in the network "soft violence" crimes, it has irreplaceable evidence value. Therefore, investigation and evidence collection should also pay attention to the extraction and fixation of electronic data. The electronic data involved in the "soft violence" crime of underworld society natured organizations mainly include: insults and defamation information released by the criminal suspect in cyberspace against the victim; chat records and mobile phone text messages between the criminal suspect and the victim or other organization members, E-mails, transaction records, communication records and other electronic data; electronic data such as documents, pictures, audio and video related to criminal suspects committing "soft violence" crimes. Investigators should pay attention to the following points when extracting and fixing electronic data: First, extract relevant evidence at the first time, extract original data as much as possible, avoid electronic data being overwritten, modified, copied, or forged, and ensure the authenticity of electronic data; Second, the entire process of extracting electronic data should be recorded synchronously to standardize evidence; third, the extracted electronic data and storage media should be properly preserved to prevent data loss during the electronic data storage process.

4.4 Reasonable Use of Interrogation Methods to Break through the Confession of Suspects

Obtaining confessions from criminal suspects through interrogation is an important part of the investigation and evidence collection. In criminal cases of "soft violence" organized by underworld society natured organizations, compared with core members such as organizers, leaders and backbones of underworld society natured organizations, ordinary members of the organizations confronted during interrogation. Psychologically weak, their confession is easy to break through, and even some members will take the initiative to confess the facts of the crime to the public security organs under the drive of repentance, and strive for leniency. Therefore, interrogators can start with members of ordinary organizations, select suitable criminal suspects as a breakthrough point for interrogation, first obtain their confessions, and then dig deeper into clues to obtain confessions from core members.

During the interrogation process, different interrogation methods should be used according to the performance of the criminal suspect. In the face of arrogant criminal suspects who do not cooperate with the interrogation work, interrogators must first combat their arrogance, conduct ideological education on them, and clarify the seriousness of laws and policies, and suppress criminal suspects psychologically; in the face of criminal suspects with a strong fear of crime, interrogators can relieve the psychological pressure of criminal suspects by informing the confession and punishing leniency system and using rationalization strategies; When criminal suspects have established "offensive and defensive alliances", interrogators can use the contradictions between the suspects to shake their psychology, take the opportunity to disintegrate the criminal suspect's defense psychology, and force them to truthfully confess. In addition, according to the actual situation, interrogators can also use interrogation techniques and methods such as emotional probation, atmosphere creation, and use of evidence to grasp the opportunity to find a breakthrough in the

interrogation and breakthrough the confession of the suspected population from the outside to the inside.

5. Conclusions

The “soft violence” crimes committed by the underworld society natured organizations have various means and are highly concealed, making it easy to evade legal strikes. When handling such cases, the public security organs should obtain clues from the victims as much as possible, use various methods of investigation and obtain evidence, broaden the channels for obtaining evidence, at the same time, various interrogation methods must be used comprehensively to obtain confessions from criminal suspects. The public security organs should continuously improve the investigation and evidence collection of such cases, build a complete evidence system, and make criminals get the legal sanctions they deserve.

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