

The Paradox of the “Perfect Conviction Rate”

BY GENYUAN

Efforts to maintain the illusion of a perfect conviction rate may actually contribute to an increase in serious crime.

Reading an article on the Nie Shubin case, I was struck less by the detailed description of how this miscarriage of justice occurred than by the following sentence: “Police officers involved in the case were moved by what had happened and immediately contacted the Yuhua Branch Office of the Shijiazhuang Public Security Bureau [which had originally “broken” the case]. A senior officer in the Yuhua Branch Office said, ‘We have solved all homicide cases in our jurisdiction and have no long-pending unsolved cases.’”¹

This claim of a 100 percent success rate is horrifying. Given that the miscarriage of justice that cost Nie Shubin his life was exposed by pure fluke, I can only wonder how many other gross injustices it took to achieve this dazzling record.

Not long ago, we prided ourselves on China’s stellar crime-solving record and would boast about it wherever we went. We loved to compare China’s crime-solving rate with those of Western countries, and sneered at the incompetence of Western police departments. Whenever a serial killer in the West was caught after many years of investigation, Chinese people would say, “Here in China, we solve crimes much faster than they do, in a few days or months, or a year at most. We don’t have cases that remain unsolved for years or decades.”

In recent years, however, growing social disillusionment has led to a dramatic rise in the number of serious crimes committed by clever and vicious criminals. Under mounting pressure, police departments have assigned more and more manpower to unsolved cases, but their ability is unequal to their ambition, and they often fail to find any leads. As a result, the illusion of a perfect conviction record and few unsolved cases has become increasingly difficult to maintain, and senior police officers no longer boast about their crime-solving record as frequently as they used to.

Crime-solving rates based on official exaggeration, face-saving efforts and false reports to secure promotion bear no relationship to reality, and it is inevitable that the truth should come out in the end. The false claims of impeccable crime-solving records that previously garnered the police so much respect are now being used to obstruct investigations into past miscarriages of justice. If these sleuths were really as sharp-eyed and astute as they would need to be to solve all their cases, they should show no concern when other investigators reopen their old cases, and they ought to be completely open and transparent about them.

We would do well to look more deeply into claims that “We have solved all homicide cases in our jurisdiction and have no long-pending unsolved cases.” It is easy to imagine the panic of the officer who uttered this claim and see it for what it is: a mere attempt to whitewash malfeasance in utter disregard for the innocent, and to save face and retain his ill-gotten post.

Shedding innocent blood to maintain stability can only breed more instability. Prestige and honor won through the sacrifice of innocent people inevitably reveals itself as an illusion. If we look at the deterioration of public order in recent years, we find that the “high conviction rate” and “low number of long-pending unsolved cases” that was heralded in the past has had no deterrent effect whatsoever. Criminals and ordinary people don’t give a damn about it, and the crime rate continues to climb unabated.

Probing a little deeper, we find that it is precisely the police obsession with a perfect crime-solving record, combined with their criminal readiness to send innocent people to the hangman and let real criminals slip away, that encourages serious criminals to step up their efforts, secure in the knowledge that crime pays. Law-abiding citizens also realize that no matter how hard they try to keep to the straight and narrow, a wrongful charge can drop on them out of the clear blue, and they will have no way of pressing their innocence. They might just as well break the law and line their own pockets. In the end, crooks and honest people alike are pushed onto the path of crime, and public order collapses altogether.

Hong Kong’s Jade TV channel recently broadcast interviews with several inhabitants of Beijing’s “Petitioner Village.” Coming to Beijing from the far corners of China, they had squatted for months in deplorable conditions, waiting for the opportunity to appeal to senior officials for redress over the injustices they had suffered. Some told stories much like Nie Shubin’s. In some cases, local officials had been perfectly aware that an injustice had been committed, but in order to save face and hold onto their posts, they had not only turned a deaf ear to the complainants but had actually pursued them beyond their jurisdictions to abuse them.

There are serious grounds for a comprehensive and scrupulous reinvestigation of old cases to determine how many were fabricated like Nie Shubin’s, and the results must be made public. Otherwise the number of miscarriages of justice will turn into an avalanche, and we will eventually find ourselves with not just a petitioners’ village, but a petitioners’ town, a petitioners’ county and a petitioners’ satellite city. Eventually the number of bungled cases and miscarriages of justice may well rival the number of people wrongly persecuted as rightists during the Cultural Revolution.

Translated by Paul Frank

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1. See “Hebei qingnian yin qianggan sharen an bei cuosha xiangqing pilu” (Detailed exposé of how a Hebei youth was executed for a murder he didn’t commit), *Henan Shangbao*, March 16, 2005: http://news.china.com/zh_cn/social/1007/20050316/12173362.html.