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Official status and the swiftness of criminal arrest

A Chinese case of the impact of social position on criminal justice

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Abstract *Building upon the conflict paradigm, the present study examines the impact of official status on the swiftness of criminal arrest in China and derives two major hypotheses from the Chinese culture and system: first, an individual's official status has a negative effect on the swiftness of criminal arrest by police, and second, an individual's own and friends' official statuses have an interactive and negative effect on the swiftness of criminal arrest by police. Data collected from Tianjin, a large city in China, were used to test these hypotheses. The results support the hypotheses. Implications of the findings are discussed.*

The impact of social position on criminal justice is a classic issue in Western criminological literature. This issue is derived from the conflict paradigm, which assumes that political and economic structures have a significant influence on the structure and function of the criminal justice system, such as police arrests, court disposition, and correctional decisions. Western research that adheres to the paradigm usually focuses on the effect of social class, race, or gender on criminal justice. However, the nature of social position and its impact may depend on political, cultural, and economic systems, as a few studies have argued (Benson and Walker, 1988; Myers, 1987; Paterson and Hagan, 1984).

This study argues that cadre (official status) is one of the most privileged and powerful social positions in Chinese society because of the official-centered culture and system. It has profound influence on every aspect of people's life, including criminal justice. The present study adopts the perspective of the conflict paradigm and focuses on the impact of the cadre position on one aspect of criminal justice proceedings — the swiftness of criminal arrest. The assumption is that official status as a powerful social position in China may have a significant and negative effect on the swiftness of criminal arrest because people who hold official positions have more resources than the

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general population to cover up their criminal activities and interfere with the criminal justice process. Their official power and social privilege themselves may impose significant difficulties on police actions.

Conflict paradigm and police behavior in criminal arrest

The conflict paradigm adopts a radical perspective on criminal control. It conceptualizes criminal control as an instrument of the ruling class to protect their interests in control of those actions and groups which may threaten the status quo. (Chambliss and Seidman, 1982; Quinney, 1980; Spitzer, 1975; Turk, 1969). The assumption is that economic and political systems shape the structure and function of the criminal justice system such as police arrests, court sentencing, and correctional decisions. As a major component of the criminal justice system, the police are viewed as a component of the state's power that plays an important role in mediating the class struggle (Harring, 1983; Spitzer, 1981). This conflict perspective has had profound influence on studies of police arrest behavior. The major assumption derived from the perspective is that suspects with lower social status and/or less political power (e.g. racial and social class status) are more vulnerable to police authority and thus are more likely to be arrested (Black and Reiss, 1970; Michalowski, 1985; Quinney, 1980).

Using this assumption, most studies have focused on the impact of race, social class, or gender on police arrest (for a thorough review of these studies over several decades from 1960s, see Riksheim and Chermak, 1993; Sherman, 1980). However, the findings are inconsistent and inconclusive. In 1980, Sherman reviewed 62 quantitative studies examining the causes of police behavior in 1960s and 1970s. His review codified the findings of these studies into four aspects of police behavior (detention, arrest, service, and violence) and used a framework of five explanatory approaches to organize the findings (individual characteristics of police officers, situational, organizational, community characteristics, and legal variables). His review indicates no significant impact of race on police arrest decisions:

> The observation studies of arrest decisions also consistently show higher rates of arrest for black suspects, but the primary analysis of those data conclude that the relationship is spurious (Sherman, 1980, p. 79).

Several studies showed that female suspects were generally less likely to be arrested than males (Bogomolny, 1976; Friedrich, 1977; Lundman, 1974). Sherman (1980, p. 82) concluded that "there is little doubt that police discriminated in favor of women at the time the available data on the question were collected." In Sherman's review, limited studies show evidence that lower-class suspects are more likely to be arrested. However, one multivariate analysis of the effects of 12 situational variables on arrest decisions indicated that the legal seriousness of the crime was the most powerful predictor, and social class became an insignificant factor (Friedrich, 1977).

Over a decade later, Riksheim and Chermak (1993) conducted another review of quantitative research on the causes of police behavior in 1980s. Building upon Sherman's review in 1980, they reviewed 70 studies that fell into the four categories of police behavior (service, detention, arrest, and force), which they treated as dependent variables. Their review indicates that "arrest is the dependent variable most frequently studied" from 1980s (Riksheim and Chermak, 1993, p. 362). These studies were more sophisticated in methodology than those done during 1960s and 1970s and led to numerous mixed findings. Although race was still one of the most frequently examined variables in police arrest, most studies found that the suspect's race had no impact on police arrest decisions, which was consistent with the findings reviewed by Sherman (1980). Only a few studies indicated such an impact (Riksheim and Chermak, 1993, p. 365). However, with respect to the effect of social class, studies in their review showed the same findings as those reviewed by Sherman (1980): lower-class suspects were more likely to be arrested (Riksheim and Chermak, 1993, pp. 364-5). For the effect of gender on police arrest decisions, the results were mixed. Some studies supported the prior conclusion that gender had a significant effect on arrest decisions, that male suspects were more likely to be arrested than females. "However, a considerable amount of research from 1980s indicated that gender was not an important predictor of arrest" (Riksheim and Chermak, 1993, p. 365).

Although much of the more recent research has focused on the explanatory power of situational variables, especially suspects' demeanor, due to Klinger's important study of measurement problems in suspects' demeanor (1994), research has still devoted attention to the conflict perspective on police behavior and those identified variables such as social class, race, and gender that may have impact on police behavior. For example, Engel *et al.* (2000) used social class, race, and gender as conditioning variables to examine the effect of suspects' demeanor on police behavior, including arrest decisions. They discovered moderating roles of these conditioning variables in the relationship between suspects' demeanor and police behavior.

In summary, studies over several decades have indicated a consistent finding that social class is an important predictor of police arrest decisions in both bivariate and multivariate analyses. This finding renders support to the conflict perspective on police action of arrest. However, the findings of the impacts of race and gender have been much less consistent and conclusive.

Conflict paradigm and the impact of official status on criminal arrest in China

As a few studies have argued, the political and economic structure of a community, such as its values and expectations about how things should be run, determine police behavior including action of arrest (Crank, 1990; Langworthy, 1985; Liska and Chamlin, 1984; Slovak, 1986; Smith, 1984; 1986).

China is a strategic setting where the conflict paradigm can be applied to the analysis of police behavior, such as arrest decisions, because of the unique cultural and political systems. The purpose of the present study is not to examine the effects of race or gender that have been examined in the Western research when the conflict paradigm is applied to the analysis of police action of arrest. Instead, the study identifies a unique variable of social class — official status (cadre) — and examines its effect on police action of arrest in the context of Chinese society[1].

US research has found that social class is a significant factor influencing police action of arrest. This research usually measures social class either using people's occupational statuses (e.g. white-collar workers vs blue-collar workers) or economic statuses (Hollinger, 1984)[2]. However, social class has been a political matter more than an occupational or economic matter in China (Bian, 2002; Bian and Logan, 1996). Several US scholars have noted the significant difference of social stratifications in industrial and non-industrial societies (e.g. Caplow, 1954; Duncan, 1961). In industrial societies, occupation is a concise index of socioeconomic status which replaces other status attributes such as ancestry or political office. As a developing country, China has had a long tradition that places political office as a major source of social class. Official status has been a major indicator of the ruling class (Ren, 1997).

Traditionally, equality before the law has never been honored in China (Leng and Chiu, 1985; Ren, 1997). "An important penetration of Confucian morality into the penalty system was the 'five cardinal incumbencies,' which introduced the idea of different punishment in accordance with the offender's social status and relationship to the offender" (Ren, 1997, p. 46). Accordingly, members of the gentry class who committed crimes were handled differently from common people.

The Chinese Communists had inherited these traditions. Under Mao's regime, class struggle theories had dominance in every aspect of social life, including criminal justice (Liu *et al.*, 1998). These theories argued that criminal justice was part of the superstructure of society and served as an instrument to protect and promote the interests of the ruling class. Mao (1961, p. 418) clearly stated "the state apparatus, including the army, the police and courts, is the instrument for the oppression of antagonistic classes, it is violence and not 'benevolence'." As some scholars have observed, equality before the law had no place in Mao's justice (Leng and Chiu, 1985). Under this ideology, the primary goal of the police force was to suppress counterrevolutionaries and served as a major tool for carrying out political movements to oppress conflicting interest groups and individuals (Dai, 2001).

Since China's economic reform and "open door" policy were implemented in the late 1970s and early 1980s, the Chinese authorities have shown efforts to reform and rebuild the criminal justice system by abolishing Mao's class struggle theories and pursuing democracy. The police force has also been

undergoing certain changes in its role and function in response to China's transition. It has become more citizen-oriented and practical (for a detailed review of the police change, see Dai, 2001; Jiao, 2001). However, the tradition and the Communist political system still remain strong and dominant.

Within these changing and mixed political and cultural contexts, it is interesting to explore how suspects' official status influences police action, especially arrest. In applying the conflict paradigm to the analysis of social class in China, one unique variable is the official status which is a major indicator of the ruling class in the Chinese cultural and political systems. Traditionally, China has had an official-centered culture where political and administrative power is central and dominant compared to other scarce resources, such as wealth and prestige. Political power is a primary resource capable of producing wealth and prestige. A Chinese history is mainly a long story about how people struggle and strive to pursue official statuses. These statuses not only mean political power, but may also bring many other scarce resources such as wealth and prestige (Zhang, 2001).

As people have observed, the Communist Party has controlled virtually everything since it came to power in China (Zhang *et al.*, 1996). Official status is highly valued in such a political system. People who are incumbent in political offices form an "elite" class and enjoy great prestige and privilege in every aspect of social life, including criminal justice. Although the importance and significance of official status declined along with China's transition to a market economy in 1980s and especially in 1990s, official status continues to be a permanent and important determinant of people's income, prestige, and privilege (Bian and Logan, 1996; Nee, 1991; 1996). As people have witnessed a great deal of official corruption during the course of China's transition (Zhang, 2001), the positional power of official status still has great influence on people's life, including their experience in the criminal justice system.

Legally, the Chinese Communist Party and the government have not preserved any privilege for the Party and government officials to be above the law in the Constitution, but "in practice they have enjoyed greater privileges than ordinary citizens in numerous ways" (Ren, 1997, p. 80). Therefore, the general expectation is that people who hold official positions are less likely to be processed and sanctioned in criminal justice system than those without official statuses. However, the relationship between official status and criminal justice is complex.

Traditionally, social control through model behavior by the ruling class has been a major strategy to maintain order in Chinese society (Liu *et al.*, 1998; Munro, 1977; Troyer, 1989; Zhang and Messner, 1996). As Confucius illustrated:

> If a ruler is himself upright, his people will do their duty without orders; but if he himself be not upright, although he may order, they will not obey (cited from Liu *et al.*, 1998, p. 293).

This ideology has greatly shaped social control in China. Officials as members of the ruling class should provide model behaviors that can be learned and imitated by ordinary citizens, and thus social order is maintained. Social expectations for officials are greater than for ordinary people. When officials fail to meet the high expectations by acting as deviants, they may face harsh punishment if the authorities "see fit" and "dump" them into the criminal justice system in order to set examples to warn others and restore people's confidence in the authorities. Harsh treatment for deviant officials is likely to occur after "dumping" by the Party and arrest by police. One study found a general pattern that official status tends to increase the severity of legal punishment, as measured by the severity of court sentence (Liu *et al.*, 1998)[3].

However, before being arrested by the police these deviant officials have much greater resources than the ordinary people to cover up their criminal activities and interfere with the criminal justice process. Their official power and social privilege may impose great difficulties on police investigation. These difficulties can be observed in several ways. First, studies in the USA have observed that the police do not act as independent agents in most cases (Black, 1970; Hindelang, 1976; Lundman, 1980; Reiss, 1971). A large proportion of police mobilizations are involved with citizens' contacts, reports, and complaints. Therefore, Black (1970, p. 747) referred to citizens' complaints as "prime movers of every known legal system". The community becomes an initial filter through citizens' reports of crime. "Most criminal cases pass through a moral filter in the citizen population before the state assumes its enforcement role" (Black, 1970, p. 1104). These studies have certain implications in the assessment of official status and police actions in China.

Traditionally, the relationship of officials to ordinary citizens is analogized to a relationship between parents and children (Zhang, 2001). "How a 'parental' official behaves depends on his morals, ethics, self-discipline, and self-control" (Zhang, 2001, p. 28). Ordinary citizens, as "children," are likely to believe and respect official power (Cao and Cullen, 2001). They have little power and access to monitor officials' behavior. This political culture makes ordinary citizens less likely to report crimes committed by officials that may invoke police actions. Ordinary citizens also often fear revenge for reporting officials' offenses.

Another political tradition is that legal actions against officials should be avoided as much as possible because they would place shame on the Party and government and damage their authority (Ren, 1997; Zhang, 2001). Police are quite sensitive and reluctant to take action on something that may be connected to people who hold political offices. Therefore, our first hypothesis is that official status is inversely related to the swiftness of criminal arrest by police in China.

In addition to considering the individual's official status, the present study also assesses an interactive effect of an individual's own and their friends'

official statuses on the swiftness of criminal arrest. Many researchers have studied the impact of "Guanxi" (personal network), a unique element of Chinese culture, on people's life (for a detailed review of these studies, see Bian, 2001). Friendship is a major part of Guanxi. Traditionally, loyalty to friends has been viewed as a moral imperative. "Friends are considered morally obligated to assist one another" in Chinese culture (Liu *et al.*, 1998, p. 293). Mutual interdependence with obligation and aid among friends are considered as an important social capital for Chinese people. If an official has friends who are also officials, the individual has more resources to protect himself and pursue personal interests. Therefore, our second hypothesis is that an individual's own and their friends' official statuses have a negative interactive effect on the swiftness of criminal arrest by police.

In summary, building upon the conflict paradigm and Western studies of police behavior, the present study develops two major research hypotheses derived from an analysis of Chinese cultural and political settings: first, individual official status has a negative effect on the swiftness of criminal arrests by police, and second, an individual's own and friends' official statuses have an interactive and negative effect on the swiftness of criminal arrest by police. The study uses data collected from Tianjin, a large city in China, to test these hypotheses.

Data and methods

The data used for this study were collected by researchers at the Tianjin Academy of Social Sciences of China in the fall of 1991. The sample was selected using the complete roster of inmates admitted to Tianjin prisons in 1991 as a sampling frame. A 25 percent sample of inmates was randomly drawn. This procedure resulted in 1,063 respondents. The sample is representative of all inmates admitted in 1991. The questionnaire was self-administrated and anonymously answered. When an inmate was illiterate and asked for help, trained research staff provided help to illustrate the questions. The inmates were very cooperative and the response rate was close to 100 percent. This is typical and similar to other surveys conducted in China at that time (Blau and Ruan, 1990; Walder, 1990, 1992, 1995).

The dependent variable, the swiftness of criminal arrest, is measured by the interval between the time when the current crime was committed and the time of arrest for the current crime. It was calculated using the date of arrest and the date the crime was committed. Cadre (official status) is the central independent variable, which is a dummy variable indicating whether or not the respondent is a cadre (1=cadre; 0 = noncadre). Cadres include respondents who had a rank of section chief, shop manager, battalion commander or above in the political, economic, or military systems. Another major independent variable is the official status of the respondent's friends. Respondents were asked to pick five best friends and report their official status. It is also a dummy variable

coded in the direction of cadre (1 = cadre; 0 = noncadre), which has similar definition as respondents' own official status. To test the interaction effect of individual own and friends' official status on the swiftness of criminal arrest, the present study multiplied the two dummy variables to produce a product term.

Several important legal variables were included as controls to test the effect of official status on the swiftness of police arrest. They include the total number of prior offenses, the cost of the current offense, crime casualty, and current offense types. The total number of prior offenses was taken from respondent self-reports. The crime cost is measured by asking the respondent "how much damage (in Chinese yuan) did your current offense cause?" Crime casualty is measured by a question asking whether any personal injury occurred. It is coded as a dummy variable (1 = yes; 0 = no). Current offense types are represented by two dummy variables, one for violent crime and another for economic crime, with property crime as the reference. The study also included age and education (extra-legal variables) as controls. Age is measured in years and education is measured with a five-point scale ranging 1 = illiteracy, 2 = elementary school, 3 = middle school, 4 = high school, and 5 = college. (see Table I for the descriptive statistics of these variables)[4].

There were two equations formulated; one for the independent effect of respondents' official status and another for the interactive effect of respondents' own and friends' official statuses on the swiftness of police arrest. Ordinary least square regression (OLS) was used to estimate the effects.

Results

It is useful to present correlation of the variables used in this study before reporting the results of multivariate analysis (see Table II for a correlation matrix of the variables). As shown in Table II, both respondent own official status and friends' official status are significantly and positively correlated with the length of time to arrest (r = 0.19 for respondent own official status and 0.14 for friends' official status). Age and economic crime are also significantly and positively correlated with the length of time to arrest (r = 0.22 for age and 0.24 for economic crime) while violent crime and crime casualty have significant and negative correlations with the length of time to arrest (r = −0.13 for violent crime and −0.08 for crime casualty).

Table III reports the results of multiple regressions. The table has two equations, one for the independent effect of official status and another for the interactive effect of respondent own and friends' official statuses. The results in Equation I indicate a significant and modest effect of respondent own official status on the swiftness of criminal arrest (Beta = 0.08) when other important legal and extra-legal factors were held constant. This finding is consistent with our hypothesis. However, friends' official status is no longer a significant factor, which is significantly correlated to the swiftness of criminal arrest in

Variables	Frequency	Percent
Length to arrest [a]		
One month or below	355	34.9
2-6 months	70	36.3
7 months and more	293	28.8
Age [a]		
15-19	189	17.8
20-30	690	64.9
31 and over	184	17.3
Own official status		
Non-cadre	1,024	96.3
Cadre	39	3.7
Friends' official status		
Non-cadre	990	93.1
Cadre	73	6.9
Education		
Illiteracy	93	8.7
Elementary school	313	29.7
Middle school	506	47.6
High school	132	12.4
College	16	1.5
Offense type		
Violent crime	97	9.2
Economic crime	57	5.4
Property crime	901	85.4
Prior offense		
Yes	400	37.6
No	663	62.4
Crime casualty		
Yes	58	5.5
No	1005	94.5
Crime cost [a]		
Lowest-4999 yuan	597	70.8
5,000 yuan-9,999 yuan	135	13.6
10,000 yuan-more	111	15.5

Table I.
Descriptive statistics of variables

Note: [a] these variables were collapsed with a few categories for a parsimony presentation. They were used as interval variables in analysis

bivariate analysis. Age, violent crime, and economic crime are still significant predictors of the swiftness of criminal arrest (Beta = 0.16 for age, −0.09 for violent crime, and 0.16 for economic crime). As the age of suspects increases, the length of time to arrest increases. Criminal arrest is swifter for suspects of violent crime than for those of other crimes. Suspects of economic crime are more likely to have delayed arrests than those of other crimes. Finally, crime

Variables	1	2	3	4	5	6	7	8	9	10
1. Length to arrest	1.00									
2. Own official status	0.19**	1.00								
3. Friends' official status	0.14**	0.40**	1.00							
4. Age	0.22**	0.24**	0.29**	1.00						
5. Education	0.05	0.28**	0.18**	0.01	1.00					
6. Violent crime	−0.13**	−0.05	−0.04	−0.04	0.02	1.00				
7. Economic crime	0.24**	0.46**	0.36**	0.27**	0.23**	−0.08*	1.00			
8. Crime cost	−0.01	0.17**	0.13**	0.11**	0.02	−0.01	0.19**	1.00		
9. Crime casualty	−0.08*	−0.03	0.02	−0.05	0.01	0.56**	−0.04	−0.01	1.00	
10. Prior offense	−0.05	−0.05	−0.04	0.03	−0.07*	0.08**	−0.06*	−0.02	0.01	0.100

Note: * $p < 0.05$; ** $p < 0.01$

Table II.
A correlation matrix of variables

Independent variable	Equation I Beta	Equation I *t*-ratio	Equation II Beta	Equation II *t*-ratio
Own official status	0.08	2.18*		
Friends' official status	0.01	0.42		
Age	0.16	4.99**		
Education	−0.01	−0.41		
Violent crime	−0.09	−2.54*		
Economic crime	0.16	4.56**		
Crime cost	−0.07	−2.25*		
Crime casualty	−0.01	−0.34		
Prior offense	−0.03	−1.13		
Own official status X Friends' official status			0.14	4.24**
R^2	0.11		0.12	
N	1,013		1,013	

Notes: Beta = standardized regression coefficient; Equation II only presents the iteractive effect, although main effects were included in analysis. * $p < 0.05$; ** $p < 0.01$

Table III.
Additive and interactive effects of own and friends' official statuses on the swiftness of criminal arrest

costs become a significant and modest predictor of the swiftness of criminal arrest although they do not have a significant bivariate correlation (Beta = −0.07).

Equation II in Table III shows a significant interactive effect between respondent own and friends' statuses on the swiftness of criminal arrest (Beta = 0.14). Criminal arrest is more likely to be delayed for respondents who had official status and also had friends with official status than those who had official status but had no friends with official status. Friends' official statuses reinforce the effect of individual own official status on the swiftness of criminal arrest. This finding is also consistent with our hypothesis which predicts that individual own and friends' official statues have an interactive and negative effect on the swiftness of criminal arrest by police.

Summary and discussion

Using data from an inmate survey in Tianjin, a large city of China, the present study assesses the role of official status in the swiftness of criminal arrest. It specified two hypotheses. One predicts the effect of individual own official status, and another assesses an interactive effect of individual own and friends' official statuses. These hypotheses are built upon the conflict paradigm and are derived from the official-centered culture and system in China.

Consistent with the hypotheses, the data reveal that individual own official status is a significant and negative predictor of the swiftness of criminal arrest, which is measured by the length of time to arrest from the time when the crime is committed. Individual own and friends' official statuses also have an interactive effect on the swiftness of criminal arrest, meaning that friends' statuses reinforce the significant and negative effect of an individual's own

official status on the swiftness of criminal arrest. These findings enrich the literature on the impact of social position on criminal justice, especially the impact on police action of arrest. Western criminological research that adheres to the conflict paradigm usually focuses on the impact of social class, race, or gender on criminal justice. However, the nature of social position and its impact may depend on political, cultural, and economic systems. Cadre (official status) is one of the most privileged and powerful social positions in Chinese society because of the official-centered culture and system. It has been a major indicator of social class that significantly influences every aspect of people's life including criminal justice. Therefore, the independent effect of an individual's own official status and the interactive effect of an individual's own and friends' official statuses on the swiftness of criminal arrest reflect the unique Chinese culture and system. These findings support the conflict paradigm in the context of Chinese society.

The study closes with several comments on its limitations. The data used for the present study were collected about ten years ago (1991). Although the literature indicates that official status is still critical for Chinese people's life since China carried out economic reform in 1980s, new data are needed to further test the hypotheses, given the rapid change in China.

Second, the survey was not designed to specifically test the conflict paradigm and the data are limited to offer an ideal test for the conflict paradigm. For example, the swiftness of arrest may not be the best approach to test the conflict paradigm. Western research usually uses a dependent variable of police arrest/non-arrest to examine the effect of extra-legal variables such as race, gender, or social class on police action of arrest. Our effort is to provide a preliminary test of the conflict paradigm in a unique cultural and political context of China, given the data availability.

Finally, it is a common wisdom that complex offenses may require longer periods of investigation than simple offenses. One speculation is that officials may be likely to commit more complex crimes than common people that require longer time for investigation. Although there is no evidence for such an assumption, it leads to certain concern about the analysis. The present study used offense types as controls (two dummy variables) in analysis and the use of such controls may reduce, to a certain extent, the concern, although it does not fully address the concern. Further research is called to address this issue.

Notes

1. Official status (cadre) is defined here as any government position or political position of the Communist Party ranging from a section manager or a Party committee secretary to a higher rank.
2. Some researchers also used race to measure suspects' social status which parallels the concept of social class given in the social and economic context of America (e.g. Engel *et al.*, 2000).

3. Similar arguments can also be found in the USA. For example, Wheeler *et al.* (1982) observed judges outraged by the crimes of high-status offenders. For these judges, high-status offenders are particularly blameworthy because their social positions allow them special privileges and advantages that ordinary people do not have. They should therefore have high levels of moral responsibility. Any failure to meet the high standards should be more blameworthy and deserve harsh legal treatment.
4. As shown in Table I, respondents who reported as cadres and who reported their friends as cadres account for a small percentage, respectively. It roughly reflected the cadre stratification at that time (Bian, 2002). Given that these variables were dichotomized (cadre vs noncadre), there would be no significant problem in analysis.

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