

Research on Criminal Defense Points and Strategies In Production Safety Crime

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ABSTRACT

Work safety crime cases exhibit complex characteristics blending administrative violations with criminal offenses. Effective criminal defense requires precise delineation of legal boundaries between criminal acts and non-criminal conduct. Defense attorneys must rigorously examine the causal relationship between harmful consequences and actions, thoroughly analyze the subjective fault patterns of responsible parties, while also scrutinizing compliance with administrative regulatory obligations. By systematically clarifying the application of work safety laws and regulations in conjunction with criminal judicial interpretations, a scientific defense framework can be established to effectively safeguard the legitimate rights and interests of defendants.

KEYWORDS

Production safety crime; Criminal defense; Key points; Strategies

1 Introduction

As China's work safety regulatory framework continues to evolve, defense strategies for related criminal cases must balance legal rigor with social responsibility. Criminal defense attorneys should prioritize evaluating the evidentiary validity of accident investigation reports, challenge the scientific validity of expert opinions, and strategically apply the non-prosecution system under compliance requirements. This specialized approach not only adheres to the principle of restraint in criminal law enforcement but also strikes a balance between corporate survival and public safety, thereby significantly advancing the legal governance of workplace safety.

2 Legal Definition and Characteristics of Production Safety Crime

2.1 The Concept and Constitutive Elements of Production Safety Crime

Production safety crimes refer to acts where business entities and responsible personnel violate safety management regulations, causing or potentially causing serious consequences. The constitutive elements include four aspects: objectively, violations of safety-related laws, regulations, or rules; subjectively, infringements on safety management systems and citizens' lives and property; subjectively, typically involving negligence, though forced violations of regulations may constitute intentional acts. A distinctive feature is the presumption of fault principle—once an accident occurs, responsible personnel must prove they fulfilled statutory duties; otherwise, they face criminal liability. This unique liability determination method complicates defense strategies, requiring attorneys to accurately grasp the evidentiary standards for each element.

2.2 Analysis of Related Charges

The crime of major responsibility accident is the core charge in workplace safety crimes, requiring three elements: violating regulations, causing significant casualties or severe losses, and establishing causation (as shown in Figure 1). The crime of forcing dangerous operations involves managers ordering risky work despite known hazards, with intentional intent as its subjective element, carrying a heavier penalty than major responsibility accident. The crime of labor safety facility accidents focuses on incidents caused by non-compliant equipment. The crime of hazardous material accidents specifically regulates management responsibilities for special substances like dangerous chemicals and radioactive materials. These charges often overlap, requiring defense attorneys to select the most appropriate charge based on specific behavioral characteristics.

2.3 The Connection Between Administrative Liability and Criminal Liability

The field of workplace safety operates under a unique mechanism linking administrative and criminal enforcement. When administrative authorities identify suspected criminal activities during law enforcement, they must transfer cases to judicial authorities for prosecution. Although accident investigation reports serve as crucial evidence in criminal case filings, their evidentiary status remains controversial. Violations identified in administrative penalty decisions carry preliminary evidentiary weight in criminal proceedings. Practical issues such as substituting penalties for criminal charges and delayed case transfers require defense attorneys to focus on three key aspects: ensuring the legality of administrative

investigation procedures, maintaining standardized evidence conversion protocols, and understanding the discrepancies between administrative penalties and criminal prosecution thresholds – all critical to prevent improper administrative determinations from exacerbating criminal liability.

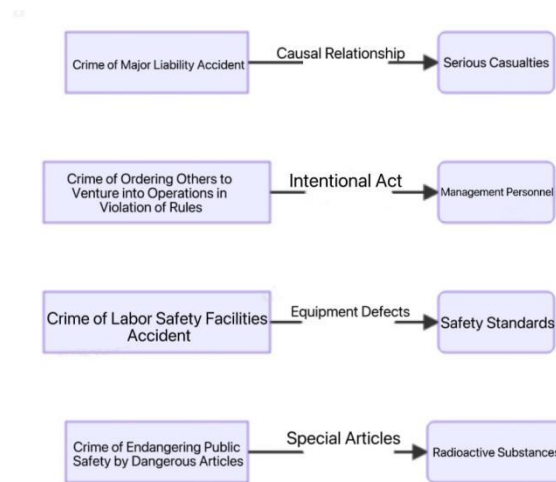


Figure 1 Comparison of elements of charges

3 The Realistic Dilemma of Defense in Production Safety Crime

3.1 It is Extremely Difficult to Obtain and Confirm Evidence

The evidence collection process in workplace safety crime cases faces systemic challenges. Accident scenes are often altered or damaged due to rescue operations and post-incident recovery efforts, making it difficult to preserve and extract critical physical evidence intact. Most witnesses are internal employees who, influenced by employment relationships, tend to be reluctant to testify, leading to inconsistent or ambiguous testimonies. Technical appraisals involving engineering, chemistry, and other disciplines are challenging for defense teams to independently commission authoritative evaluations, as these processes are time-consuming and costly. Electronic data such as surveillance footage and communication records have short retention periods, complex extraction procedures, and risk missing crucial evidence. These factors create a severe imbalance between the defense's investigative capabilities and the prosecution's resources, hindering the establishment of an effective evidence confrontation system.

3.2 High Dependence on Appraisal Opinions

The trial process exhibits excessive reliance on forensic expertise, with core determinations such as accident causation and liability allocation being predominantly based on expert opinions. These evaluations are typically commissioned unilaterally by judicial authorities, leaving defense counsel unable to participate in the appraisal process or provide professional input. Given that forensic work involves highly specialized technical fields, defense attorneys often lack the necessary expertise, resulting in token cross-examinations. Courts frequently favor unfavorable expert opinions over conflicting reports from different institutions. This monopolistic landscape of forensic services severely hampers defendants' ability to challenge critical technical conclusions, significantly undermining the effectiveness of legal representation.

3.3 Difficulties in Determining Causation

The determination of causality in criminal liability faces significant challenges. Production safety accidents typically involve multiple contributing factors, yet there is no clear legal standard for accurately defining responsibility ratios across different stages. The intertwining of background risks, third-party influences, and the defendant's wrongful conduct makes precise delineation of liability boundaries difficult. In practice, there exists a tendency to overinterpret the causal relationship between violations and accident outcomes—any regulatory breach is presumed linked to the incident, while other intervening factors are overlooked. This presumption-based approach essentially increases the burden of proof on defendants, making effective defense more challenging.

3.4 Strict Determination of Sentencing Circumstances

The sentencing standards for leniency factors remain overly rigid, making it difficult for defendants to secure substantial sentence reductions through proactive compensation or compliance measures. Courts frequently treat such actions as legal obligations rather than discretionary mitigating circumstances. The application of the plea bargaining

system in major accident cases faces constraints due to judicial concerns about potential negative public perception from lenient treatment. When multiple victims are involved, sentencing often leans toward harsher penalties while ignoring specific case details. This rigid sentencing approach undermines defense attorneys' ability to achieve meaningful sentencing outcomes, thereby reducing their motivation and effectiveness in legal representation.

4 Core Points of Criminal Defense for Production Safety Crimes

4.1 Key Points of Subject Identity Defense

In criminal defense for workplace safety violations, accurate identification of the defendant's role is fundamental. Defense strategies should focus on evaluating the individual's actual position and authority within the organization, distinguishing between nominal roles and actual responsibilities. For special cases like nominal executives or seconded personnel, evidence such as job descriptions and daily management records must demonstrate they don't directly manage safety operations. It's crucial to differentiate administrative duties from specialized safety management responsibilities, avoiding the misinterpretation of routine oversight as direct safety liability. For mid-level managers and technical staff, arguments must emphasize their limited authority and lack of final decision-making power over critical safety matters. Additionally, thorough analysis of how specific actions relate to job duties is essential to clearly define liability boundaries and prevent improper expansion of accountability (as shown in Figure 2).

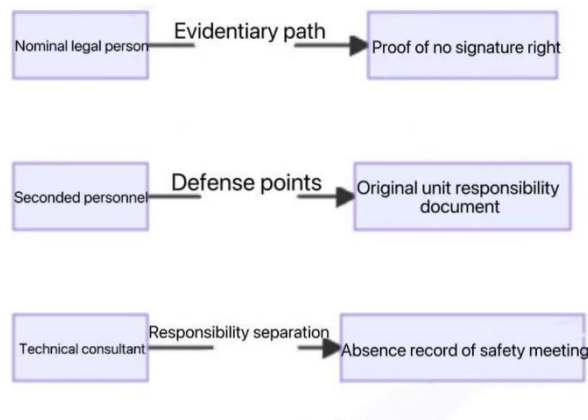


Figure 2 Hierarchical responsibility division model (three-dimensional coordinate diagram)

4.2 Key Points of Causation Argument

Establishing causal relationships constitutes the core challenge in defending against workplace safety crimes. Defense strategies should focus on analyzing the multifaceted causes of accidents by thoroughly examining factors beyond the defendant's actions, including third-party liabilities, equipment defects, force majeure elements, and victims' own conduct. Through technical analysis, we must accurately assess the specific impact of the defendant's violations on the accident occurrence, avoiding the simplistic assumption that routine violations directly caused the incident. In complex cases involving multiple responsible parties, causal relationship theories should be applied to scientifically allocate liability proportions, preventing excessive concentration of responsibility on specific individuals. When necessary, authoritative expert opinions should be introduced to professionally challenge the prosecution's causal determinations, revealing the intricate causes and multi-factor causality of accidents, thereby weakening the prosecution's accusations.

4.3 Key Points of Subjective Fault Defense

The defense of subjective fault must focus on whether the defendant fulfilled their duty of reasonable care. The defense strategy should emphasize collecting and presenting objective evidence such as the defendant's established safety management systems, records of organized safety training programs, and provided safety facilities to demonstrate compliance with basic regulatory obligations. For technically complex fields, arguments should be made based on the defendant's professional background and experience to justify the appropriateness of the duty of care standards, avoiding excessively high expectations. Regarding foreseeability, key evidence should highlight the accident's randomness and unpredictability, along with reasonable preventive measures already implemented by the defendant.

4.4 Evidence Review and Defense Points

Evidence-based defense requires a comprehensive and meticulous review strategy. First, rigorous examination must be conducted on the procedural legality and content reliability of the accident investigation report as critical evidence, focusing on compliance with investigation team composition standards, appropriate investigative authority, and scientific

investigation methods. Technical appraisal opinions should undergo multi-dimensional scrutiny, including evaluating the qualifications of appraisal institutions, professional competence of appraisers, scientific validity of appraisal methods, standardization of appraisal procedures, and reliability of conclusions. For electronic evidence, emphasis should be placed on verifying whether its extraction, preservation, and fixation procedures comply with legal requirements, while questioning potential tampering risks and integrity issues. Witness testimonies should undergo horizontal and vertical comparative analysis to identify contradictions and credibility flaws. Through systematic evidence review, weak links in the evidentiary framework can be identified, effectively undermining the prosecution's persuasive power.

4.5 Sentencing Circumstances Defense Points

Sentencing arguments should comprehensively examine all mitigating circumstances, with particular emphasis on the defendant's proactive rescue measures, voluntary compensation for economic losses, and sincere reconciliation efforts with victims or their families after the incident. These demonstrate clear remorse and tangible remedial outcomes. For compliance improvements and increased safety investments made by enterprises post-incident, the actual value of these measures in preventing similar accidents should be substantiated. In first-time or occasional offender cases, the defendant's professional background, consistent conduct, and social standing should be considered to mitigate subjective culpability. For cases with clearly defined liability allocation, precise calculation of economic losses and responsibility ratios is crucial to avoid disproportionate sentencing due to improper liability determination.

4.6 Key Points of Procedural Defense

Procedural defense serves as a vital safeguard for protecting defendants' litigation rights. Key aspects to review include the legality of accident investigation procedures, such as whether the investigation team's composition meets statutory requirements, whether investigative authority exceeds legal boundaries, and whether processes comply with established legal protocols. Strict oversight must be exercised over the connection between criminal case filing and administrative law enforcement referrals to ensure compliance with legal provisions. Comprehensive reviews should be conducted regarding the necessity, appropriateness, and legality of compulsory measures to prevent unnecessary detention from adversely affecting defendants. It is essential to effectively protect defense lawyers' statutory rights including access to case files, investigation and evidence collection authority, and meeting rights. Rigorous supervision must be applied to notification procedures for expert opinions, objection mechanisms, and re-examination processes to ensure defendants receive adequate procedural safeguards.

5 Optimized Path of Defense for Production Safety Crime

5.1 Strategies to Deepen Evidence Review and Professional Appraisal

In criminal defense for workplace safety cases, evidence review forms the cornerstone of legal defense. Defense attorneys must rigorously examine the legality and relevance of primary evidence—including physical artifacts, documentary materials, and digital data—through meticulous examination of evidentiary chains to identify procedural flaws. Given the pivotal role of forensic expertise, defense counsel should thoroughly evaluate the qualifications of appraisal institutions, the scientific validity of methodologies, and the logical consistency of conclusions, thereby professionally challenging the reliability of expert opinions. Effective strategies include requesting appraisers to testify in court for cross-examination and engaging expert witnesses to provide technical assessments, which effectively challenge the prosecution's reliance on forensic evidence. Concurrently, enhanced procedural oversight of electronic evidence collection, storage, and preservation ensures the integrity and credibility of digital evidence, providing robust technical support for defense arguments. Ultimately, evidence review and expert testimony form the foundation for dismantling the prosecution's logic and establishing a solid defense framework. The critical task lies in transforming technical challenges into legally valid doubts, achieving dual procedural and substantive scrutiny to precisely target weaknesses in the prosecution's evidence system, thereby securing maximum legal rights for defendants.

5.2 Refining the Demonstration of Causation and Liability Division

Establishing causation remains the core challenge in such defense strategies, requiring a departure from the simplistic "liability by default" presumption. The defense approach should focus on analyzing multiple contributing factors to the accident, systematically examining elements beyond the defendant's actions—including inherent equipment defects, third-party negligence, environmental variables, and the victim's own conduct. Through professional analysis, we must clarify the weight of each factor in determining liability proportions while avoiding excessive concentration of responsibility. In cases involving intervening factors, emphasis should be placed on demonstrating how these elements disrupt or weaken causal relationships. By conducting meticulous analysis, we can reveal the complex causes of accidents, thereby undermining the prosecution's simplistic attribution of outcomes to the defendant. This methodology provides a more objective basis for liability determination, challenging the simplistic logic that attributes responsibility solely to the

accused.

Table 1 Responsibility weight analysis data chart

Classification of re- sponsibility factors	Description of specific factors	Responsibility weighting(%)	Main direction of evidence
Defendant's con- duct	Failure to strictly follow operating procedures	35%	Your own fault, one of the direct reasons
Equipment factors	The key equipment has inherent design defects (third party appraisal report)	25%	The root cause is independent of personnel operation
management fac- tors	Safety training is not in place, emergency plans are missing	20%	System reasons, unit overall responsibility
Third party fault	The quality of parts provided by the supplier is not up to standard (quality inspection record)	15%	Intervention factors, interrupt the original causal chain

5.3 Precisely Define the Subject's Responsibilities and Boundaries of Behavior

Subject identity determination directly impacts liability attribution. Defense work must strictly adhere to statutory requirements, accurately distinguishing between direct and indirect liabilities, as well as management and execution responsibilities. By examining corporate organizational structures, job descriptions, and daily management records, the actual authority scope and decision-making power of the defendant within the organization should be clarified. For technical personnel, their professional background and specific duties should be analyzed to demonstrate that they are only responsible for specific technical processes rather than comprehensive safety management. Regarding the tendency to expand interpretations of "workplace safety management responsibilities," relevant regulations should be cited to define the statutory boundaries of defendants' duties and prevent improper expansion of liability scope. Through precise alignment between actions and responsibilities, the rationality of charges can be undermined at the subject level, providing solid evidence for liability determination.

5.4 Comprehensively Explore and Apply Leniency Sentencing Circumstances

Sentencing defense requires breaking free from conventional thinking and systematically analyzing statutory and discretionary sentencing factors. Key emphasis should be placed on uncovering statutory mitigating circumstances such as voluntary surrender, meritorious service, and fulfillment of compensation agreements, while strengthening evidence chains to verify their authenticity and voluntariness. Simultaneously, attention should be given to discretionary factors including compliance with corrective measures, first-time or occasional offender status, and remorseful conduct. By demonstrating subsequent practical actions like corporate safety investments and employee training programs, the likelihood of recidivism can be reduced. Regarding the application of the plea leniency system in workplace safety cases, judicial authorities should clarify case-specific characteristics through analogous case analysis and sentencing negotiations to secure reasonable penalty determinations. Through comprehensive exploration of mitigating circumstances, we aim to achieve proportionality between criminal responsibility and punishment, ultimately securing more appropriate sentencing outcomes for defendants.

6 Conclusion

In conclusion, research on criminal defense in workplace safety crimes requires sustained attention to legislative developments and judicial practices. Future efforts should focus on enhancing the application of expert witnesses, refining evidence review standards, and implementing leniency mechanisms for corporate compliance. By establishing more specialized defense frameworks that balance case-specific fairness with industry norms, we can provide legal support for optimizing the business environment and ensuring workplace safety. This approach achieves an organic integration of legal outcomes and social benefits, ultimately safeguarding both societal stability and industrial operations.

About the Author

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