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Rules Governing the Conversion of Supervisory Evidence at the Interface between Supervisory Enforcement and Criminal Justice

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ABSTRACT

Following the reform of China's national supervision system, fact-finding in duty-related criminal cases is conducted primarily during supervisory investigation, while review for prosecution and criminal adjudication are undertaken by the criminal justice system. Whether evidence collected by supervisory organs can enter criminal proceedings in a regulated manner and withstand judicial scrutiny directly affects the legality, fairness, and efficiency of duty-related criminal case handling. Current law provides that evidence lawfully collected by supervisory organs may be used in criminal proceedings and requires evidence collection, preservation, examination, and use in supervisory investigations to conform to the requirements and standards of criminal adjudication. These provisions, however, remain largely principle-based. The specific standards governing cross-procedural admission and review have not been sufficiently developed. In practice, major difficulties include the conflation of evidentiary eligibility with admissibility, insufficient alignment between supervisory evidence-collection rules and criminal trial standards, uncertain rules for excluding illegally obtained evidence and curing procedural defects, and weak coordination among supervisory organs, procuratorates, and trial courts. This article argues for a tiered distinction among evidentiary eligibility, admissibility, and probative value; trial-oriented evidence collection; differentiated review by evidence type; strengthened exclusion and cure mechanisms; and an integrated process of early procuratorial involvement, prosecutorial review, supplementary investigation, trial testing, and institutional feedback. These reforms would move supervisory evidence from merely being capable of entering criminal proceedings to being legally capable of serving as a basis for conviction.

KEYWORDS

Criminal Evidence; Evidence Conversion; Interstatutory Coordination; Supervision-Procuratorate Coordination; Supervisory Evidence.

1. INTRODUCTION

The reform of China's national supervision system reshaped the prosecution structure for duty-related crimes. Before the reform, procuratorial organs were principally responsible for investigating such crimes, and investigation, review for prosecution, and trial were generally conducted within the framework of the Criminal Procedure Law. After the reform, supervision commissions became the specialized organs responsible for investigating duty-related violations and crimes. Before a duty-related criminal case enters criminal proceedings, it has therefore already undergone supervisory investigation, internal review, and disposition. This produced a two-stage structure in which supervisory investigation precedes criminal justice. The structure consolidates anti-corruption resources and improves investigative efficiency, but it also makes the manner in which supervisory evidence enters criminal proceedings and undergoes judicial review an unavoidable institutional question [29].

The conversion of supervisory evidence does not mean merely changing the label from 'supervisory evidence' to 'criminal evidence.' It concerns how materials generated in supervisory proceedings acquire procedural eligibility in criminal proceedings, how their legality is reviewed, how their probative value is assessed, and how they may ultimately serve as a basis for conviction. Evidence lawfully collected by supervisory organs may enter criminal proceedings, but the statement that it 'may be used as evidence' does not automatically make it a permissible basis for criminal adjudication. Only after procuratorial and judicial organs independently examine legality, authenticity, relevance, and the applicable standard of proof can supervisory evidence support findings of criminal fact.

Existing scholarship has developed a concentrated debate on the relationship between supervisory and criminal evidence. Earlier work treated evidence rules as a central link between the supervision system and criminal justice and argued that evidence obtained in supervisory investigations could be used in criminal proceedings when it satisfied the requirements of criminal admissibility, without constructing an artificial and complicated 'conversion mechanism' [47]. Later research shifted toward the legal meaning of the phrase 'may be used as evidence,' the scope of admissible supervisory materials, the legal sources governing supervisory evidence collection, and the exclusion of illegally obtained evidence. Scholars have further argued that the substance of coordination between legal regimes lies in connecting the national supervision system with the criminal procedure system, with evidentiary coordination at its core [53].

The existing framework already provides a basic statutory foundation. The Supervision Law states that evidence lawfully collected by supervisory organs may be used in criminal proceedings and requires the collection, preservation, examination, and use of evidence to conform to the requirements and standards of criminal adjudication [26]. The Regulations for the Implementation of the Supervision Law further address categories of supervisory evidence, collection rules, examination and assessment, exclusion of illegally obtained evidence, and the use of criminal evidence in supervisory proceedings [17, 23]. These rules establish the institutional gateway for supervisory evidence, but they deal mainly with whether evidence may enter criminal proceedings. They provide insufficient operational guidance on how it enters, how it is reviewed after entry, and what should occur when it fails review.

The complexity arises because supervisory evidence is not produced through an ordinary criminal investigation. Supervisory organs perform supervisory, investigative, and disposition functions, and their cases may concern either duty-related violations or duty-related crimes. Criminal procedure, by contrast, is organized around criminal prosecution and emphasizes the presumption of innocence, trial-centered adjudication, direct and oral proceedings, and exclusionary rules. The two systems differ in institutional authority, operational logic, and the intensity of rights protection. Evidence conversion has accordingly been described as a core element linking supervisory procedure and criminal procedure, while vague conversion standards and inconsistent review have been identified as major practical difficulties [6].

This article adopts the interface between supervisory enforcement and criminal justice as its analytical framework because evidence conversion cannot be completed entirely within supervision law, nor can it be resolved by the unilateral absorption of supervisory materials into criminal procedure. Organic coordination includes case transfer, early procuratorial involvement, return for supplementary investigation, and procuratorial supplementary investigation. It also includes judicial examination, adversarial testing, and exclusion of illegally obtained evidence. Effective coordination requires both cooperation and mutual constraint so that anti-corruption enforcement and adjudication remain within the rule of law [50]. The rules governing evidence conversion are therefore not merely technical provisions; they operationalize the distribution of authority and mutual restraint among supervisory, procuratorial, and judicial organs.

The object of analysis is limited to evidentiary materials lawfully collected and preserved by supervisory organs in investigations of suspected duty-related crimes. The principal question is how those materials acquire evidentiary eligibility, admissibility, and probative value after transfer to a people's procuratorate and entry into criminal adjudication. The appropriate framework is one of limited admission, substantive review, tiered assessment, and procedural restraint. Supervisory evidence may lawfully enter criminal proceedings, but admission is not equivalent to acceptance, and transfer is not equivalent to conviction. Procuratorial and judicial organs must independently evaluate legality, authenticity, relevance, and weight under criminal evidence rules. The discussion therefore proceeds from the legal basis for entry, to the principal doctrinal and operational difficulties, to the procedural review mechanisms of procuratorial involvement, prosecutorial review, supplementary investigation, and trial testing, and finally to corresponding reform proposals.

Supervisory evidence conversion is thus not a one-time transfer of materials. It is a normative process in which the results of supervisory investigation undergo continuous, tiered, and type-specific evaluation in criminal proceedings.

2. NORMATIVE FOUNDATIONS FOR CONVERTING SUPERVISORY EVIDENCE

The conversion of supervisory evidence is a question of normative coordination rather than simple file transfer. Its foundation consists, first, of a lawful gateway through which evidence collected by supervisory organs may enter criminal proceedings; second, of a requirement to align supervisory evidence-collection rules with criminal trial standards; third, of differentiated review based on evidence type and the level of proof required in different categories and stages of supervisory cases; and fourth, of procedural safeguards supplied by exclusionary rules, procuratorial review, supplementary investigation, and trial examination. These dimensions explain the legal movement from evidence that may enter criminal proceedings to evidence that may lawfully support conviction.

2.1. Legal Eligibility to Enter Criminal Proceedings

The first foundation is the statutory eligibility of lawfully collected supervisory evidence to enter criminal proceedings. Evidentiary eligibility refers to whether a material may be introduced into a criminal process and submitted to judicial examination. It does not answer whether the material is admissible or whether it may serve as a basis for conviction. Scholarly analysis emphasizes that acquiring the status of criminal evidence does not, by itself, establish criminal admissibility [56]. If the phrase 'may be used as evidence' is interpreted as automatic permission to convict, evidentiary eligibility, admissibility, and probative value collapse into a single concept, thereby weakening the independent review functions of procuratorates and courts.

The Supervision Law's rule primarily resolves the gateway problem. It recognizes supervisory organs as legally authorized evidence-gathering bodies in duty-related criminal investigations and avoids the need to recollect every item after transfer to a procuratorate. This reduces duplication and procedural cost. Eligibility, however, does not displace later judicial scrutiny. The Criminal Procedure Law still requires evidence to be verified before it may serve as a basis for adjudication and requires the exclusion of evidence obtained by prohibited methods [25]. Conversion is therefore neither a rule of recollection nor one of automatic acceptance. It combines cross-procedural entry with substantive review.

2.2. Alignment Between Supervisory Collection Rules and Criminal Trial Standards

The second foundation is the statutory requirement that supervisory evidence collection align with criminal trial requirements and standards. Evidence formed during supervisory investigation, when potentially used to establish a duty-related crime, cannot be collected merely to satisfy internal supervisory review or transfer for prosecution. It must also withstand procuratorial examination and criminal adjudication [23].

Alignment should not be understood mechanically to mean that the Criminal Procedure Law governs every aspect of supervisory investigation. Supervisory investigation has an independent statutory basis and institutional structure, and a supervisory organ is not a criminal investigative agency. The essential requirement is that evidence intended for criminal use satisfy the minimum standards of criminal adjudication. Supervisory proceedings may retain their procedural characteristics, but evidence used to prove elements of an offense, guilt, sentence, or other outcome-determinative facts must meet trial requirements concerning the authority of the collector, collection procedure, formal integrity, rights protection, and explanation of legality.

The implementation regulations supply more detailed rules on evidence categories, collection, examination, assessment, exclusion, and the reverse use of criminal evidence in supervisory proceedings [45]. Nevertheless, the framework remains primarily principle-based. It does not comprehensively specify how each evidence type should cross the procedural boundary, which body should conduct which review at each stage, or when a defect may be cured. Type-specific and stage-specific rules remain necessary.

2.3. A Tiered Structure of Evidence Types and Standards of Proof

The third foundation lies in the substantial correspondence between categories of supervisory and criminal evidence and in the differentiation of standards of proof. Both supervision law and criminal procedure recognize physical evidence, documentary evidence, witness testimony, statements and defenses of the investigated person or criminal suspect, expert opinions, records of inspection, examination, identification, and investigative experiments, audiovisual materials, and electronic data. This correspondence creates a formal basis for cross-procedural use. It does not, however, establish identical rules. Statements of an investigated person are produced in a different procedural setting from statements of a criminal suspect or defendant; interviews, interrogations, and inquiries in supervision proceedings also differ in purpose and safeguards from their criminal procedural counterparts.

Different evidence types therefore require different review priorities. Physical and documentary evidence are generally more objective, but their legality depends on origin, continuity of custody, extraction, sealing, preservation, and transfer. Oral evidence depends heavily on the environment of questioning and the voluntariness of the speaker; review should cover the identity of the questioner, place and duration, rights safeguards, synchronized audio-video recording, and prohibited methods. Electronic data are easily replicated and altered and are technically dependent; review should address the original carrier, extraction method, hash or verification value, integrity statement, transformation process, and expert examination.

Standards of proof must also be layered. Supervisory organs handle disciplinary cases, duty-related violation cases, and duty-related criminal cases rather than a single category of criminal case. Horizontally, the required proof differs among these categories. Vertically, it differs among preliminary verification, formal case filing, adoption of particular measures, completion of investigation, and transfer for prosecution [55]. Only evidence that enters criminal proceedings to prove criminal facts must satisfy criminal admissibility standards and the requirement of proof beyond a reasonable doubt.

The implementation regulations distinguish the proof required for duty-related violations from that required for duty-related crimes. Violation cases require clear facts and conclusive evidence, whereas completion of a criminal investigation requires clear criminal facts, reliable and sufficient evidence, and exclusion of reasonable doubt. This hierarchy avoids subjecting all supervisory matters to criminal trial standards while preventing duty-related criminal cases from entering criminal justice with an evidentiary threshold too low to sustain prosecution. Reform of the Criminal Procedure Law should continue to distinguish disciplinary, duty-related violation, and duty-related crime cases and should coordinate their different proof requirements [12].

2.4. Exclusionary Rules and Procedural Handoff

Exclusion of illegally obtained evidence is the minimum normative safeguard. Evidence obtained by a supervisory organ through illegal methods may not support disposition; once the case enters criminal proceedings, confessions obtained through torture and statements obtained through violence, threats, or comparable prohibited conduct must be excluded [32]. The rule controls not only the evidentiary result but also the exercise of supervisory investigative power. If illegally obtained supervisory evidence were automatically absorbed into criminal proceedings, criminal justice would inherit defects from the supervisory stage and undermine trial-centered adjudication and procedural fairness.

The supervisory and criminal exclusionary regimes overlap but are not identical. Both reject oral evidence procured through violence, threats, or unlawful restraint and both allow cure or exclusion of physical and documentary evidence collected in serious violation of procedure. Yet a supervisory case may proceed through internal disposition, review for prosecution, and trial, and each stage applies a different procedural framework. The relationship between supervisory exclusion rules and criminal exclusion rules therefore remains an important question [27].

Procedural handoff is also completed through coordination between supervisory and procuratorial organs and through judicial review. At the conclusion of investigation, the supervisory organ prepares an opinion recommending prosecution and transfers the case file and evidence to the procuratorate. The procuratorate is not a mechanical forwarding body. It bears statutory duties of review for prosecution and legal supervision, may return a case for supplementary investigation when evidence is insufficient or collection procedures are defective, and may conduct limited supplementary investigation itself [38]. The court then determines, through adversarial testing, exclusionary review, and the evidence-based judgment process, whether the transferred materials may support conviction.

Conversion accordingly extends from supervisory investigation through transfer, prosecutorial review, pretrial preparation, trial examination, and adjudication. Evidentiary eligibility concerns entry; admissibility concerns legal usability; probative value concerns persuasive weight; the standard of proof concerns the sufficiency of the case as a whole; and exclusionary rules provide a minimum safeguard throughout. Treating these concepts as stages within one chain prevents conversion from being reduced to a formal transfer of materials.

3. PRINCIPAL RULE-BASED DIFFICULTIES

Although current law permits supervisory evidence to enter criminal proceedings and requires alignment with criminal trial standards, significant uncertainty remains regarding eligibility, admissibility, probative value, exclusion, and procedural coordination. These questions all concern whether supervisory investigative results can withstand prosecutorial and judicial scrutiny.

In practice, the difficulties commonly appear in three forms. First, oral evidence formed during supervisory investigation may be retracted or contradicted at trial, placing both admissibility and weight in dispute. Second, electronic data, audit materials, and fund-flow charts may lack adequate explanations of source and cannot sustain a complete evidentiary chain. Third, procuratorial and trial review may focus too narrowly on the face of the file and fail to test the supervisory collection process, allowing front-end procedural defects to be absorbed into the final adjudication [19].

3.1. Conflation of Evidentiary Eligibility and Admissibility

The first difficulty is the tendency to conflate the eligibility of evidence to enter proceedings with its admissibility. Current law recognizes that lawfully collected supervisory materials may be used in criminal proceedings, but this initially concerns the authority of the collecting body and the procedural gateway, not the ultimate basis for conviction. Interpreting the rule as meaning that transfer itself warrants acceptance compresses eligibility, admissibility, and probative value into one level and weakens independent review. Evidence may acquire the status of criminal evidence, yet it must still satisfy the formal and substantive requirements applicable to the adjudication of a duty-related crime [13].

The conflation also distorts the allocation of the burden of proof. After transfer, the public prosecutor continues to bear responsibility for proving the criminal facts and the legality of the evidence. Transfer by a supervisory organ does not relieve the procuratorate of its objective review duty, nor does it prevent the defendant and defense counsel from challenging legality, authenticity, or relevance. If review for prosecution asks only whether the file was 'lawfully transferred' and does not examine formal requirements, collection procedure, or the precise fact each item proves, evidentiary weaknesses and concentrated disputes are deferred to trial.

A further consequence is the solidification of front-end conclusions in later proceedings. At the conclusion of a supervisory investigation, the supervisory organ has usually formed a comprehensive factual conclusion and proposed disposition. If later bodies treat the entire file as presumptively acceptable, prosecution and trial may become formal confirmations of the prior conclusion. That may save time, but it undermines independent evaluation, adversarial testing, and evidence-based adjudication. The value of conversion rules lies in recognizing the procedural entry of supervisory results while preserving the power of criminal justice institutions to reassess admissibility and weight.

3.2. Inadequate Alignment of Collection Rules and Trial Standards

The second difficulty is incomplete alignment between supervisory collection rules and criminal adjudicative standards. Supervisory investigation serves both duty-related violation and duty-related criminal cases, whereas criminal trial asks whether an offense has been established and applies evidence-based adjudication and the beyond-a-reasonable-doubt standard. Supervisory investigation must balance anti-corruption effectiveness with procedural legality [2]. Complete transplantation of criminal investigative rules could impair supervisory functions, but excessive emphasis on procedural autonomy could cause evidence to fail later legality and reliability review.

The tension is most pronounced in oral evidence and materials formed at an early investigative stage. Duty-related crimes are often concealed, and statements may be important to uncovering the case. Yet lawyer participation, external remedies, and adversarial safeguards are relatively limited during supervisory investigation, and the procedural position of an investigated person differs from that of a criminal suspect or defendant. The post-reform relationship has been described as an investigation-prosecution model distinct from the traditional relationship between police investigation and prosecution [46]. In this setting, oral evidence may generate legality disputes unless voluntariness is rigorously examined.

The purposes of investigation and adjudication also differ. Supervisory investigation may examine discipline, legality, abuse of public power, institutional management, and financial approval in a broad factual inquiry. Criminal adjudication must focus on statutory elements, conviction facts, and sentencing facts. Where a transfer file contains extensive disciplinary, managerial, or contextual material but insufficient evidence directly establishing the elements of an offense, procuratorates and courts must reconstruct and narrow the objects of proof.

Insufficient type-specific review compounds the problem. Supervisory proceedings may develop from a clue, preliminary verification, interview, written inquiry, and investigation of a duty-related violation into a criminal investigation. Whether early material can be used later depends not on the date of formation alone but on the authority of the collector, procedure, object of proof, and applicable standard. Duty-related violation investigations have their own logic and evidentiary framework and cannot simply be equated with criminal investigations [16].

Layered proof requirements may also produce imbalance during conversion. Evidence formed under a duty-related violation standard must, after entry into criminal proceedings, prove conviction and sentencing facts beyond a reasonable doubt. Scholarship on the evidentiary standards for disciplinary, violation, and criminal cases seeks precisely to prevent zero-threshold entry into criminal adjudication [51]. The growing use of bank records, email, instant messaging, financial-system logs, and administrative approval data adds a technical dimension. Without identifying original carriers, extraction methods, verification values, and presentation rules, authenticity and integrity cannot be reliably examined.

For example, a fund-flow chart, relationship diagram, or selected chat extract should not be treated as original evidence unless the source data, extraction method, verification process, and analytical steps are also disclosed. Otherwise, demonstrative material may be mistaken for source evidence and may distort the assessment of authenticity and integrity.

A lack of classification also permits materials with different functions to be used interchangeably. Integrity-interview records, organizational explanations, statements from an employing unit, meeting minutes, approval documents, audit reports, and electronic transaction records do not all carry the same proof function. Some establish official status or work processes; some establish the exercise of authority; and only some establish receipt of property, transfer of benefits, causation, or intent. Failure to distinguish these functions may allow background material to assume excessive weight and may obscure the need for corroboration between objective and oral evidence.

3.3. Uncertain Exclusion and Cure Rules

The third difficulty is uncertainty regarding exclusion of illegally obtained evidence and cure of defective evidence. Supervisory cases may pass through supervisory disposition, prosecutorial review, and trial, and the evidence rules applicable at these stages are not identical. The relationship between supervisory and judicial evidence rules remains a structural difficulty [3]. Although ordinary criminal procedure has developed a relatively mature exclusionary framework, the supervisory conversion context still requires clearer definitions of prohibited methods, procedures for initiating review, allocation of proof, explanations by investigators, and access to synchronized recordings.

Review of oral evidence must be substantive. Confessions, witness statements, and explanations formed during supervisory investigation frequently occupy a central place in the proof structure. The difficulty of excluding supervisory evidence has been analyzed through both an objective dimension, concerning factual reliability, and a subjective dimension, concerning whether collection impaired freedom of will [21]. A review limited to whether a written record appears complete cannot determine admissibility without considering the duration of questioning, completeness of recordings, fatigue, coercive pressure, and other surrounding circumstances.

Initiating exclusionary review also presents practical barriers. Supervisory investigation is comparatively closed, and the defense generally becomes fully involved only after the case enters criminal proceedings. A defense application therefore depends on interrogation records, admission and release records, statements concerning synchronized recording, and other file materials. If those materials are incomplete, the defense cannot present concrete clues. If the mechanisms for obtaining recordings and requiring investigators to explain their conduct are weak, exclusionary proceedings become formalistic. Review of illegality must therefore begin not only at trial but also during transfer and review for prosecution.

Where the file contains only written interrogation or interview records, but lacks complete recordings, custody or admission records, rest records, or explanations from investigators, neither the defense nor the court can meaningfully reconstruct how the oral evidence was produced.

3.4. Weaknesses in Supervision-Procuratorate Coordination and Trial Review

The fourth difficulty concerns incomplete coordination between supervisory and procuratorial organs and insufficient trial review. Early procuratorial involvement should respect the independent exercise of supervisory authority and operate through mutual cooperation and constraint [54]. It can align evidence standards, identify missing proof, and prevent illegal collection. If it becomes too intrusive, however, the procuratorate may become institutionally identified with the supervisory investigation, weakening the objectivity of its later review for prosecution.

The problem extends to procedural rule-of-law standards. The prosecution of duty-related crimes is divided between supervisory investigation and criminal justice, and the two stages differ in their operation of authority and intensity of rights protection. This creates different versions of procedural legality [44]. Evidence conversion cannot depend solely on interagency cooperation. It requires institutionalized constraint through trial examination, investigator explanations, access to recordings, exclusionary review, and feedback on evidentiary standards. Otherwise, coordination may remain an administrative case-handling arrangement rather than a framework that preserves independent judicial review.

Unclear boundaries between return for supplementary investigation and procuratorial supplementary investigation further affect quality. Excessive returns may create repeated procedural circulation and delay, while broad procuratorial investigation may blur the division between supervisory investigation and public prosecution. At trial, formal rather than substantive testing of collection procedures and proof chains allows unresolved defects from the initial stage to enter the basis for judgment. The purpose of coordination should not be to reduce scrutiny, but to reduce ineffective correction through earlier communication and to preserve final judgment through robust later testing.

These four difficulties correspond to four reform needs. The conflation of eligibility and admissibility requires tiered review. Misalignment of collection and trial standards requires trial-oriented and type-specific rules. Uncertainty over exclusion and cure requires complete recording, investigator explanation, and differentiated responses to illegality and defect. Weak coordination and trial review require a structured process of early involvement, supplementary investigation, trial testing, and feedback.

4. PROCEDURAL REVIEW MECHANISMS

The difficulties cannot be resolved solely through abstract doctrine. Conversion occurs through a series of procedures: evidence is formed, preserved, and transferred by a supervisory organ; examined for prosecution by a procuratorate; and tested and assessed by a court. Early procuratorial involvement, review for prosecution, return for supplementary investigation, procuratorial supplementary investigation, trial examination, and adjudicative acceptance together form the procedural architecture. Analysis of these stages clarifies the respective functions of supervisory, procuratorial, and judicial organs.

4.1. Early Procuratorial Involvement: Aligning Standards Without Taking Over the Investigation

Coordination between supervisory and procuratorial organs is the critical handoff from supervisory investigation to criminal procedure. The supervisory organ investigates and the procuratorate reviews for prosecution. Cooperation requires the procuratorate to engage with major, difficult, or legally complex duty-related cases rather than remain an external observer. Constraint requires it to avoid becoming a mere confirmer of the supervisory conclusion and to conduct a substantive and objective review of legality, authenticity, and sufficiency. Joint national guidance treats this coordination as an important mechanism for duty-related criminal cases [24]. The Chinese Communist Party Central

Committee has likewise called for stronger procedural and evidentiary coordination while maintaining mutual constraint [7].

The first function of early involvement is to align standards before the investigation ends. Duty-related cases often involve extensive documentary, financial, electronic, and oral evidence. If weaknesses are discovered only after transfer, return for supplementary investigation becomes more likely and increases cost. Early involvement can clarify the objects of proof, the necessary evidentiary structure, and facts relevant to conviction and sentence. In a bribery case, for example, the procuratorate may identify the need to prove public-official status, use of official convenience, benefits sought for another, the nature and amount of property, and knowledge or intent. In an abuse-of-power case, it may emphasize statutory duties, breach, loss, and causation.

Early involvement, however, is not early control of the investigation. Supervisory organs are the specialized bodies responsible for investigating duty-related violations and crimes. Procurators should not determine the investigative direction or command supervisory activities. The proper model is recommendatory review rather than directive investigation. Procurators may suggest evidence collection, identify legal issues, and warn of risks to admissibility, while the supervisory organ independently decides whether to adopt the advice and remains responsible for the investigation [20].

A second function is to identify and prevent illegal evidence collection. Once illegality occurs during supervisory investigation, later repair may be impossible. Early review should focus on oral evidence and consider fatigue, threats, inducement, deception, unlawful restraint, synchronized recording, basic rights protection, and contamination through repeated statements. Joint exclusionary rules provide specific reference points for examining these risks [35]. Where evidence is likely to be excluded, the procuratorate should recommend lawful recollection, correction of formal defects, a reasoned explanation, or non-use.

A third function is to improve the proof chain. A duty-related criminal case should not depend on a single confession. Documentary and physical evidence, electronic data, witness testimony, expert opinions, and statements should corroborate one another. From the perspective of criminal adjudication, procurators can identify key facts that require objective corroboration and reduce reliance on confession. Coercive measures and evidence collection should facilitate fact-finding rather than substitute for it [4].

4.2. Review for Prosecution: Distinguishing Eligibility, Admissibility, and Weight

Review for prosecution is the central gatekeeping stage. After transfer, the procuratorate should examine evidence at three levels. First, evidentiary eligibility asks whether the material belongs to a legally recognized category, was collected by an authorized body, and relates to the case. Second, admissibility asks whether collection complied with legal procedure and whether the evidence must be excluded or may be cured. Third, probative value asks whether the content is reliable, mutually corroborated, and sufficient to establish clear criminal facts with reliable and sufficient evidence. Only after all three levels are satisfied can supervisory evidence be used to support a criminal accusation. Trial-centered reform requires evidence to be collected, preserved, reviewed, and used according to adjudicative requirements and therefore supports substantive procuratorial review [34].

The procuratorate should also differentiate evidence types. Review of physical and documentary evidence should focus on source, extraction, seizure, sealing, custody, and transfer. Review of witness testimony should address identity, the questioner, place of inquiry, leading questions, and internal consistency. Review of statements by the investigated person should address legality of interrogation, synchronized recordings, voluntariness, and repeated statements. Review of electronic data should address the original carrier, extraction method, integrity verification, data conversion, and expert explanation. The joint electronic-data rules are particularly important at this stage [33].

4.3. Supplementary Investigation: Defining Institutional Boundaries

Return for supplementary investigation is an important response to unclear facts, missing objective evidence, conflicts between oral and documentary evidence, or uncertain electronic-data sources, but it should not be used mechanically. A structured supplementary-investigation outline should identify the facts, evidence, legal reasons, and review priorities to be addressed. The supervisory organ should respond item by item. This makes supplementation more efficient and prevents the return process from becoming a source of avoidable delay.

Procuratorial supplementary investigation should be used cautiously. It can efficiently fill a narrow gap, but large-scale substitution for supervisory investigation would undermine the post-reform allocation of functions. The relationship between the Criminal Procedure Law and the Supervision Law should solve coordination problems rather than permit one regime to absorb the other [10]. Procuratorial supplementation is therefore most suitable for verifying individual witnesses, obtaining a small number of documents, checking electronic-data integrity, or clarifying an expert opinion. Questions concerning the characterization of the case, principal criminal facts, or the core evidentiary structure should ordinarily be returned to the supervisory organ.

4.4. Trial Examination and Adversarial Testing

Trial is the final test of conversion. A court may not lower its standard because evidence was collected by a supervisory organ, nor may it accept an investigative conclusion merely because the organ has a specialized anti-corruption mandate. The court must apply the rules governing authenticity, probative value, and illegal evidence to all supervisory materials entering criminal proceedings. Prosecution and defense should be able to challenge source, legality, authenticity, relevance, and weight, and the judgment should explain the acceptance or rejection of contested evidence.

Substantive trial examination is especially important for oral evidence. If a defendant retracts a statement given during supervisory investigation, the court should consider the circumstances of its formation, synchronized recordings, duration of interrogation, improper pressure, and consistency with objective evidence. Where witness testimony is decisive and seriously disputed, the witness should ordinarily appear or another method should be used that adequately protects confrontation. Written statements from the supervisory stage should not carry disproportionate weight without meaningful testing [30].

4.5. Feedback and the Return of Standards to the Investigative Stage

Coordination should include information sharing and feedback on evidentiary standards. Supervisory organs, procuratorates, and courts accumulate practical knowledge regarding recurring defects. If that knowledge does not return to the investigative stage, the same problems recur. A regular feedback mechanism can identify incomplete recordings, improper electronic-data extraction, missing documentary procedures, and contradictory witness statements and address them through training, case-handling guidance, and joint case study.

Coordination must not be reduced to unilateral cooperation. Procurators remain bound by their objective duty after early involvement; supervisory organs remain independently responsible after receiving suggestions; and consultation in major or difficult cases must be limited to communication, risk identification, and standard alignment. It may not replace review for prosecution, supplementary investigation, trial testing, or other statutory procedures. The ideal form of coordination is effective communication across clearly maintained institutional boundaries.

Evidence coordination also has a reverse dimension. Criminal evidence may be used in supervisory proceedings as supervisory evidence is used in criminal proceedings [11]. This confirms that cross-procedural use depends not merely on the identity of the collecting body but on evidence type, collection standard, and context of use. Forward conversion and reverse use both require independent legal review.

The procedural mechanism should therefore form a closed loop of early involvement, transfer review, supplementary investigation, trial testing, and feedback. Early involvement aligns collection and proof standards; transfer review resolves eligibility and admissibility; supplementation addresses gaps and curable defects; trial testing determines whether evidence may support conviction; and feedback produces institutional learning. Conversion then becomes a whole-process review mechanism rather than a single act of transfer.

5. REFORMING THE RULES OF EVIDENCE CONVERSION

Reform should combine problem-oriented and mechanism-oriented approaches. It must respond to the conflation of eligibility and admissibility, misalignment between supervisory collection and criminal trial standards, uncertainty concerning exclusion and cure, and weaknesses in procuratorial and trial review. At the same time, it must translate abstract principles into operational rules at the stages of early involvement, review for prosecution, supplementary investigation, and trial examination.

5.1. Establishing Tiered Review of Eligibility, Admissibility, and Probative Value

A tiered review model should replace any assumption that lawful transfer equals automatic acceptance. Eligibility should ask whether the material is a legally recognized form of evidence, was collected by an authorized body, and is relevant. Admissibility should ask whether collection complied with procedure and whether exclusion or cure is required. Probative value should ask whether the content is reliable, corroborated, and sufficient under the applicable criminal standard [49].

Substantive review also requires categorized transfer and a statement of legality. The supervisory organ should organize the file by evidence type, object of proof, source, stage of formation, and known dispute. For key oral evidence, electronic data, seizure and freezing materials, and evidence formed during retention in custody or another restrictive measure, the file should identify the collector, approval, time and place, rights notification, recording, custody, and transfer procedures [5]. The foundational criminal rule that evidence must be verified before it can support adjudication remains the minimum requirement [14].

A transfer catalogue should include at least six elements: evidence type, object of proof, source, stage of formation, legality dispute, and evidentiary purpose. For core items, it should also identify corroborating relationships. This prevents clues, background information, and evidence of guilt from being treated as equivalent.

Categorized transfer is especially important because duty-related criminal files may contain material collected directly by supervisory investigators and material supplied by audit, finance, banking, administrative-enforcement, or employing institutions. Without a clear hierarchy, later reviewers cannot distinguish conviction evidence from clues, contextual material, or internal-review documents. Core evidence proving statutory elements should have a stated purpose and corroboration chain. Auxiliary material establishing background or official status should not be used as a substitute for proof of criminal conduct [18].

The file should also mark known disputes. If the investigated person has objected, a witness has changed an account, an electronic-data source requires explanation, or documentary acquisition contains a procedural defect, the supervisory organ should identify the issue at transfer rather than provide only a final conclusion. Targeted review can then occur before trial. Disclosure of dispute does not weaken the supervisory conclusion; it makes the file more transparent and reviewable [42].

5.2. Unifying Supervisory Collection Rules with Criminal Trial Standards

Evidence likely to prove a duty-related crime should be preserved from the outset in a form that is reviewable, contestable, and legally usable at trial. The supervisory evidence system should be constructed around elements of the offense, sentencing facts, circumstances supporting leniency, and facts favorable to the investigated person rather than around internal case completion alone. Current debates on further reform of criminal procedure emphasize a fair, efficient, and authoritative adjudicative system, and supervisory evidence rules should be coordinated with that direction [15].

A trial-oriented approach requires complete preservation of the collection process. Statements and testimony should be accompanied by records identifying the questioner, place, time, rest, notification of rights, and synchronized recording. Physical and documentary evidence should have a documented chain of acquisition, seizure, sealing, custody, and transfer. Electronic data should identify the original source, extraction tool, verification value, operator, and conversion process. This does not transform supervisory investigation into criminal procedure. It ensures that evidence intended for criminal use can be reviewed and contested later [31].

Supervisory organs should collect both inculpatory and exculpatory material. A file that focuses only on guilt and aggravation while ignoring innocence, mitigation, procedural objections, and grounds for leniency becomes structurally biased. Stable denials, changes in statements, reasons for contesting facts, voluntary disclosure, return of illicit gains, restitution, and information concerning other offenses should be preserved and transferred. Procurators must examine whether defenses have a reasonable factual basis rather than substitute the supervisory conclusion for objective review [23].

Trial-oriented preservation should extend from preliminary verification through formal filing, coercive measures, completion of investigation, and transfer. Early material that may later prove a criminal fact should have an identifiable source and adequate procedural records. Core evidence obtained after filing should satisfy the standard applicable to duty-related crimes. At completion, internal review should ask whether the proof chain is complete, objective evidence corroborates the critical facts, and oral evidence contains material contradictions [45].

A unified system must also be tiered and classified. Tiering distinguishes disciplinary, duty-related violation, and duty-related criminal cases and the stages of preliminary verification, filing, completion, transfer, and trial. Classification determines the review priority for each type: voluntariness and reliability for oral evidence; source and custody for physical and documentary evidence; integrity and technical reliability for electronic data; and source material, expert qualification, and reasoning for expert opinions [1].

Electronic data require a detailed conversion framework. Investigators should preserve the original carrier or a reliable explanation of the original source and should record the extraction tool, operator, time, and integrity verification. Data obtained from institutional systems, financial institutions, or online platforms should be accompanied by acquisition procedures and source confirmation. Analytical products such as fund-flow charts, relationship diagrams, and timelines should retain the underlying data, analytical steps, and method of generation. The special characteristics of duty-related crime do not justify lower evidentiary standards; they require more precise ones [22].

Electronic-data review should distinguish original data, extracted data, analytical data, and demonstrative data. Original data are the initial information stored on a device, platform, or system. Extracted data are lawfully copied or exported by investigators. Analytical data result from comparison, filtering, statistical processing, or association. Demonstrative data are charts, timelines, or flow diagrams prepared to explain the case at trial. Demonstrative materials can aid understanding, but they cannot replace the original information or proof of extraction. Authenticity requires attention to temporal sequence [43], while admissibility and weight also depend on the legal and theoretical meaning of integrity [48].

Type-specific rules should also address the system of leniency for guilty pleas and acceptance of punishment. Voluntary disclosure, restitution, and remorse during supervisory investigation may be relevant to later charging and sentencing, but acknowledgment of wrongdoing in a supervisory setting is not equivalent to a guilty plea in criminal procedure. The criminal mechanism requires rights notification, participation of duty counsel or defense counsel, and a formal signed statement. Supervisory statements of remorse may establish facts supporting leniency, but they cannot replace the criminal procedure for a guilty plea [36].

5.3. Strengthening Exclusion, Cure, and Explanation Mechanisms

Reform should distinguish exclusion, cure, and explanation. Oral evidence obtained through violence, threats, unlawful deprivation or restriction of liberty, severe fatigue, or comparable prohibited means should be excluded. Procedural or formal defects, such as a missing signature on an inventory or an incomplete explanation of the source of a copy, may be cured or reasonably explained. Evidence that cannot be cured or reasonably explained should not support conviction. The Supreme People's Court's criminal procedure interpretation should exert substantive control over supervisory evidence after it enters criminal proceedings [52].

Exclusion applies when serious illegality destroys admissibility. Cure applies to remediable formal or procedural defects. Explanation applies when a question concerning collection requires clarification but does not itself compel exclusion. These responses must remain distinct. A later explanation cannot validate evidence that the law requires to be excluded, and a minor defect should not automatically be treated as illegal evidence.

Complete synchronized recordings should accompany, or at least be readily available for, statements by investigated persons, testimony of key witnesses, and oral evidence produced during retention in custody, protective custody, or comparable restrictive measures. Procurators should obtain and examine recordings when legality is in doubt. Courts should require production or a reasoned explanation when the defense raises a substantial challenge. Investigators may need to appear or submit a written explanation. Exclusionary rules cannot operate effectively unless recordings and explanations are genuinely accessible to reviewing bodies [45].

Key witnesses should be identified separately from witnesses who provide only background. A key witness may directly establish a request for a favor, exercise of authority, transfer of property, delivery of benefits, or resulting loss. The supervisory organ should preserve the process by which such testimony was formed, avoid suggestive questioning, and retain materials that permit later assessment. Procuratorates and courts should facilitate appearance in court or remote testimony where necessary for meaningful examination [23].

Chronological review can help identify illegal collection and contamination of statements. Duty-related criminal cases often span long periods, and the dates of formation, acquisition, preservation, and formal filing may differ. Particular attention should be paid to the sequence between confessions, documentary evidence, and electronic data. A confession obtained before the discovery of corroborating material may raise different questions from a statement that confirms independently collected evidence. A timeline can reveal whether the chain developed naturally or whether statements directed the creation of later proof [45].

5.4. Integrating Procuratorial Review, Supplementary Investigation, and Trial Testing

Each procedural stage should have a differentiated function. Early involvement identifies risk and aligns standards. Transfer review determines eligibility and admissibility. Supplementary investigation fills factual and evidentiary gaps. Trial testing makes the final assessment of admissibility and probative value. Interagency consultation should not replace any of these statutory functions. The Chinese Communist Party Central Committee's opinion on legal supervision provides a policy foundation for stronger coordination and mutual constraint [7]. Joint national guidance supplies a more specific legal framework for cross-agency handling [40].

Return and procuratorial supplementation should be classified by the nature of the deficiency. Unclear core facts, missing principal evidence, or the absence of objective corroboration should result in return to the supervisory organ. Individual procedural defects, incomplete source explanations, or a small amount of missing auxiliary material may be corrected by the supervisory organ or verified by the procuratorate. Auxiliary facts concerning sentencing, restitution, and leniency may be investigated by the procuratorate when lawful and efficient. At trial, final testing should occur through adversarial examination, exclusionary proceedings, explanations by investigators, witness appearance, and review of electronic-data demonstrations. After judgment, excluded, rejected, or inadequately corroborated evidence should be reported back to the supervisory organ [28].

A systematic feedback and case-quality mechanism should prevent coordination from remaining limited to individual cases. Procuratorates and courts can report recurring deficiencies such as incomplete evidence catalogues, missing recordings, improper electronic-data extraction, ineffective supplementation, low rates of judicial acceptance, and exclusion of evidence. Such indicators can be included in quality review and used to improve collection practices [39]. The newer case-quality inspection and evaluation framework can further support continuing institutional improvement [41].

Cross-agency training, publication of guiding cases, and refinement of normative documents should gradually unify the understanding of evidence standards among supervisory organs, procuratorates, and courts [37]. Complex patterns - including long-term benefit transfers, payments through shell or shadow companies, property held by relatives, and proof dependent on electronic data - should be addressed through guiding cases that clarify corroboration, treatment of procedural defects, and trial examination. Jurisdictional coordination should be improved at the same time [9]. When institutional conditions mature, the Supervision Law, the Criminal Procedure Law, and related coordination rules should be adjusted to form a clear and operational hierarchy [17].

The four reform paths correspond directly to the four principal difficulties: tiered review addresses the conflation of eligibility and admissibility; unified and classified standards address the tension between supervisory collection and criminal trial; exclusion and cure rules address oral evidence, procedural defects, and legality disputes; and integrated procuratorial, supplementary, and trial mechanisms address institutional boundaries. Only through this correspondence can broad principles become operational rules [8].

6. CONCLUSION

Coordination between supervisory enforcement and criminal justice is a continuing issue as China's national supervision reform enters a more legalized and refined stage. Rules for evidence conversion are the most fundamental component of that coordination. Effective prosecution of duty-related crimes depends on proof of criminal facts, while the legitimacy of anti-corruption enforcement depends on lawful evidence collection and use. Conversion rules therefore concern both efficiency and rights protection, both the regulated operation of supervisory investigative power and the independent review exercised by procuratorial and judicial power.

China has established a basic legal framework under which lawfully collected supervisory evidence may enter criminal proceedings, supervisory collection should conform to criminal adjudicative standards, illegally obtained evidence should be excluded, and procuratorates may conduct early involvement, review for prosecution, return for supplementary investigation, and limited supplementary investigation. These rules allow duty-related cases to move into criminal justice. Yet they remain largely principle-based. The boundaries between eligibility and admissibility, the alignment of collection and trial standards, exclusion and cure, and the relationship among supervisory transfer, procuratorial review, and trial testing all require further specification.

Reform should maintain limited admission, substantive review, tiered assessment, and procedural restraint. Supervisory evidence may enter criminal proceedings but should never automatically become the basis for conviction. Procuratorates and courts must independently examine legality, authenticity, relevance, and weight. Different evidence types require different review priorities. Exclusion, cure, access to recordings, investigator explanation, and trial examination must operate in practice rather than remain formal safeguards.

Whether supervisory evidence may support conviction cannot be determined solely by asking whether it was lawfully transferred. The material must undergo a continuous evaluation of procedural eligibility, admissibility, probative value, and the sufficiency of proof as a whole.

The reform of supervisory evidence conversion is therefore not merely a technical matter of evidence law. It is a shared project of supervisory legality and criminal procedural legality. Supervisory organs must collect evidence with trial standards in mind, procuratorates must preserve an objective review function during institutional coordination, and courts must apply evidence-based adjudication through substantive trial testing. Only an organic interface governed by law can preserve both the effectiveness of anti-corruption governance and the demands of procedural justice and criminal adjudication.

CONFLICTS OF INTEREST

The author declares that there is no conflict of interest.

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