

On the Evidential Attributes of Accident Investigation Reports in Criminal Proceedings

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Abstract

In criminal proceedings, accident investigation reports, as formal legal documents that encapsulate findings of accident facts, professional technical analysis, and responsibility allocation, play an indispensable role in the determination of criminal facts and the allocation of criminal liability. However, although the 2021 Judicial Interpretation of the Criminal Procedure Law has expressly granted them evidential qualification, they have never been formally incorporated into the eight categories of legal evidence stipulated in the Criminal Procedure Law. This legislative gap has given rise to persistent disputes in academic circles regarding their attribute positioning and has resulted in inconsistent review standards in judicial practice. To address this issue, this paper conducts a systematic comparative analysis of the essential differences between accident investigation reports and traditional evidence types such as documentary evidence, witness testimony, expert opinions, and inspection records, thereby revealing their unique attribute as a composite evidence collection. Although the independent evidence theory advocated by some scholars proposes adding accident investigation reports as a new statutory evidence type, China's criminal evidence review rules have already developed a comprehensive and mature system. The diverse components of accident investigation reports can be decomposed and classified into existing legal evidence categories; forcibly creating a new evidence type would merely increase judicial application costs and undermine legal stability. Accordingly, in judicial practice, the rigid "either-or" classification approach should be abandoned, and a layered review mechanism should be established—reviewing the objectivity of descriptive content in accordance with the standards for inspection records, verifying the professionalism of evaluative opinions by reference to the rules governing expert opinions, and focusing on the review of procedural legality and logical rationality with respect to the responsibility determination portion.

Keywords

Accident investigation report; Evidential attribute; Statutory evidence types; Connection between administrative and criminal justice; Layered review mechanism

1 Introduction

Judicial justice rests on evidence as its cornerstone, and the principle of adjudication by evidence is a basic tenet of modern criminal procedure. Since the 18th National Congress of the Communist Party of China, the

central leadership has promoted a trial-centered reform of the litigation system and deepened the substantivization of court hearings, requiring that fact-finding and evidence examination take place in the courtroom and that debates on conviction and sentencing unfold in the courtroom, with the examination and determination of evidence directly shaping the credibility of judgments. The report to the 20th National Congress further emphasizes strict and impartial justice and calls for accelerating the development of a socialist judicial system that is just, efficient, and authoritative. Against this reform backdrop, questions concerning the admissibility and probative force of various types of evidence have become increasingly prominent.

Accident investigation reports are comprehensive evidentiary instruments that integrate factual narratives with specialized technical analysis, logical reasoning with responsibility adjudication, and case fact documentation with legal application [1]. Pursuant to Article 30 of the Regulations on the Reporting, Investigation and Handling of Work Safety Accidents, as formal legal documents that comprehensively record the subjects responsible for accidents, the causes of occurrence, the developmental processes, the consequences of damage, and the determinations of responsibility, accident investigation reports systematically integrate full-spectrum accident information in a structured manner. They frequently play a pivotal probative role in the ascertainment of criminal facts in related criminal cases. For instance, in cases involving work safety accident crimes and traffic accident crimes that endanger public security, the utilization of accident investigation reports to prove case facts and delineate the attribution of criminal liability has become a prevalent judicial practice [2]. Notably, no extraordinarily serious accidents occurred nationwide in 2025; nevertheless, a total of 19,884 workplace safety accidents of all categories still occurred that year, claiming 18,261 lives, including 129 deaths in 9 major accidents [3]. A vast number of accident investigation reports thereby enter criminal proceedings through the procedure linking administrative enforcement with criminal justice, serving as a core basis for liability determination and sentencing. Against this backdrop, clarifying the compound evidentiary nature of accident investigation reports remains of significant practical importance.

Article 101 of the 2021 Interpretation of the Supreme People's Court on the Application of the Criminal Procedure Law of the People's Republic of China (hereinafter referred to as the "2021 Interpretation of the Criminal Procedure Law") provides that "reports formed by relevant departments on accident investigations may be used as evidence in criminal proceedings; opinions involving specialized issues in the reports, if verified by the court as true and the investigation procedures comply with laws and relevant regulations, may be used as the basis for deciding the case," which has officially conferred criminal evidence qualification upon investigation reports [4]. Nevertheless, it is noteworthy that accident investigation reports do not fall within any of the eight types of legal evidence explicitly stipulated in Paragraph 2, Article 50 of China's Criminal Procedure Law. Their categorical positioning within the criminal evidence system remains ambiguous, thereby rendering it difficult to effectively review their probative force in judicial practice. In the criminal procedure evidence review system, the attribution of evidence type for accident investigation reports directly determines their review standards and admissibility rules. As a significant issue in judicial practice, accurately analyzing the evidential attributes of accident investigation reports and scientifically classifying them into the evidence categories stipulated by the Criminal Procedure Law carries important theoretical and practical significance.



2 Disputes over Evidential Attributes: Comparison with Traditional Evidence Types

Some scholars have discovered through empirical analysis of judgment documents in criminal procedure cases that courts exhibit significant divergence in their understanding of the evidential attributes of accident investigation reports. Specifically, approximately 57% of the judgments treat professional determination materials as documentary evidence. Another 31% of the judgment documents categorize them as expert opinions; notably, 12% of the judgments only admit the professional determination content but fail to clarify their legal evidence attributes [5]. This differential treatment in evidence classification reflects that a unified standard for comprehending the evidential nature of accident investigation reports has not yet been established in judicial practice.

Turning to the theoretical sphere, the current academic community in China has formulated five principal perspectives on the evidential attribute positioning of accident investigation reports. These perspectives are all grounded in the current legislative framework and legal principles of criminal evidence, and are debated on the basis of China's traditional eight-category evidence system: some advocate classifying them as documentary evidence [6]; some advocate classifying them as witness testimony; some maintain that they conform to the characteristics of expert opinions [4], and some define them as inspection records; in addition, the independent evidence theory [7] proposes that a new type of evidence should be established [8]. Although each of the foregoing theories has its own basis for argumentation, they also possess certain limitations and cannot fully accommodate the composite characteristics of accident investigation reports.

2.1 Accident Investigation Reports Differ from Documentary Evidence

Documentary evidence refers to written documents and other items that prove case facts through the content recorded and ideas expressed by means of words, symbols, pictures, and the like [9]. From the perspective of evidence carriers, documentary evidence typically appears in the form of written documents, including but not limited to various documents, letters, drawings, and bills [10]. Compared with documentary evidence, accident investigation reports share certain similarities with them. First, both documentary evidence and accident investigation reports are presented in written form. Second, similar to documentary evidence, both perform a probative function through the recorded information carried by the carrier. Specifically, both this type of evidence and documentary evidence fix content with probative significance on carriers such as paper and objects in the form of words, symbols, graphics, etc., and become the core probative basis for revealing case facts and deducing legal relationships through the recorded ideological content, data information, or symbolic meanings. Although accident investigation reports exhibit significant characteristics of documentary evidence in terms of appearance form and carrier form, from the perspectives of formation time, evidence formation and fixation, substantive content, and the stringency of evidence admission standards, there are essential differences between them and traditional documentary evidence:

First, from the perspective of formation time, according to evidence law theory, documentary evidence generally refers to written materials and other material carriers formed before the occurrence of case facts or during the developmental process, and the content or ideas recorded in these documents or items can

be used as an important basis for determining a certain fact to be proven in the case [10]. On the contrary, pursuant to Article 20 of the Regulations on the Reporting, Investigation and Handling of Work Safety Accidents, accident investigation reports are formed after the accident occurs and the accident investigation is concluded, when administrative organs convene relevant investigation participants to evaluate issues such as the cause and nature of the accident.

Second, from the perspective of evidence fixation paths, there are significant differences between the two. Documentary evidence is usually directly obtained by subjects with investigatory authority through statutory investigation measures such as collection, receipt, and seizure; while accident investigation reports need to be formed through a specially established accident investigation team via systematic fact verification, professional analysis, and comprehensive research and judgment procedures [11].

Third, from the perspective of substantive content, documentary evidence takes the originally recorded words, symbols, or image information as the core, directly reflecting objective facts or ideographic content, and is mostly original evidentiary materials that have not been copied or relayed [12]; while the content attributes of accident investigation reports are more complex, encompassing not only factual information of a declarative nature but also professional evaluation conclusions formed by administrative organs on the basis of the full case evidentiary materials. For example, in accident cause analysis, the definition of direct causes and indirect causes is essentially a judgment opinion formed by the investigation subject after analyzing the evidence using professional knowledge [13]. Thus, it can be seen that accident investigation reports are not merely factual records, but comprehensive determinations and evaluations made by the accident investigation team on accident-related issues based on the integration of investigation evidence.

Fourth, there are significant differences between the two in terms of the stringency of evidence-admission standards. If there are minor procedural defects such as incomplete records and formal deficiencies in procedures, it does not necessarily lead to the direct exclusion of its evidentiary effect. According to the evidence correction rules, as long as the defect has not substantially impaired the authenticity basis of documentary evidence or seriously violated statutory procedural requirements, the evidence collection subject may remedy the defect by supplementing necessary procedures, issuing situation statements, etc. This defect relief mechanism reflects the differentiated treatment of "exclusion for major violations, correction for minor defects" in documentary evidence review; while if there are procedural violations in the formation process of accident investigation reports, it may directly affect the legality basis of the report, resulting in the investigation conclusion not being recognized, and may even necessitate the initiation of re-investigation procedures.[11]

2.2 Accident Investigation Reports Differ from Witness Testimony

From the perspective of evidence presentation form, witness testimony, as an evidence category explicitly stipulated by the Criminal Procedure Law, has a standardized legal document presentation style. It generally takes inquiry records made by investigators as the main form of expression, and at the same time employs means such as simultaneous audio and video recording for evidence reinforcement. In contrast, accident investigation reports are comprehensive written materials finally formed by statutory accident investigation



agencies after comprehensive and in-depth investigation and careful sorting and integration of evidence. Their external form of expression is not a single conversation record, but a structured report containing multiple elements such as on-site inspection, appraisal conclusions, and witness statements.

Examining from the substantive content, the core of witness testimony is the witness's direct description of case facts based on personal perception, which belongs to pure verbal evidence, and its content is strictly limited to the witness's individual cognitive scope [14]. In sharp contrast, accident investigation reports belong to composite evidence carriers, whose content includes not only witness statements but also derivative conclusions such as experts' analytical opinions on specialized issues and suggestions on accident responsibility division. The formation of these contents depends on the investigation team's comprehensive research and judgment on multi-source evidence such as on-site physical evidence, witness testimony, and technical appraisal, rather than the direct perception of investigation team members or experts. For example, administrative interview records, although recording the statements of relevant personnel, as products of administrative procedures, cannot be directly equated with witness testimony in criminal proceedings, and must undergo statutory procedural transformation such as re-interrogation and record-making by criminal investigation organs before they can possess criminal evidence qualification [15].

2.3 Accident Investigation Reports Differ from Expert Opinions

In judicial practice, expert opinions refer to professional identification conclusions finally formed after public security and judicial organs, in response to professional and difficult issues in cases, legally appoint or entrust appraisers with qualifications to analyze and judge specialized matters arising in cases by virtue of various professional and scientific knowledge they master [16], including but not limited to forensic medical appraisal, forensic psychiatric appraisal, forensic chemical appraisal, trace appraisal, handwriting appraisal, price appraisal, and responsibility appraisal. In accident cases, specialized institutions usually conduct analysis and research on specialized issues related to the case, and finally express opinions and issue investigation reports in the name of a certain administrative organ or the accident investigation team [17]. Although the evaluative content in accident investigation reports has similarities with expert opinions in terms of evidence classification attributes, subject professional qualification requirements, and subjective judgment characteristics of content, there are essential differences between the two from the dimensions of the issuing institution, content composition, and review standards [17].

In light of general judicial practice, first, the issuing subjects are different. Expert opinions are issued by individual appraisers with statutory appraisal qualifications, who bear corresponding legal responsibilities for the appraisal conclusions; while accident investigation reports are issued in the name of administrative organs or accident investigation teams, which are collective conclusions formed by multi-subject participation. Second, the content composition is different. Expert opinions only target specialized issues and provide professional technical conclusions, without involving legal evaluation and responsibility determination; while accident investigation reports include not only professional technical analysis but also responsibility determination and legal application suggestions, with more comprehensive content. Third, the review standards are different. The review of expert opinions focuses on the qualifications of appraisers, the legitimacy of procedures, and the scientificity of conclusions; while the review of accident investigation reports

involves not only the scientificity of professional content but also the legality of administrative procedures and the rationality of responsibility determination, with more diverse review dimensions.

2.4 Accident Investigation Reports Differ from Inspection Records

Inspection records are written record texts made in an objective, accurate, and detailed manner by judicial personnel in the process of litigation activities after carrying out investigation and inspection work on objects related to the case such as places, items, persons, and corpses using professional techniques and methods [18]. With detailed and accurate recording of on-site conditions as the core, they aim to provide intuitive and reliable case on-site information for judicial procedures, helping judicial personnel fully understand the original environment and relevant details where the case occurred. From the perspective of evidence characteristics, inspection records have significant objectivity [19]. They truthfully present the actual situation of the investigation site; whether it is the placement position of on-site items, the morphological characteristics of traces, or the condition of corpses, they are all truthful records of objective existence, without subjective speculation. This objectivity ensures its important value in case fact determination and becomes a key basis for restoring the true appearance of the case. Accident investigation reports, although also closely related to case facts, have obvious differences from inspection records in essence and characteristics.

First, in terms of the formation process, pursuant to Article 19 of the Regulations on the Reporting, Investigation and Handling of Work Safety Accidents, accident investigation reports are prepared by specific accident investigation subjects, who synthesize multi-party information, including the investigation situation of the accident site, witness testimony, relevant technical appraisal results, and other full-case evidentiary materials, conduct in-depth analysis and judgment on key issues such as the cause, nature, and responsibility determination of the accident, and finally form the report.

Second, in terms of content nature, accident investigation reports are not simply objective statements of the accident site, but are full of subjective and active opinion judgments. For example, when analyzing the causes of accidents, investigators need to use professional knowledge and experience to screen, integrate, and reason about various collected information, and judge which factors are the direct or indirect causes of the accident, which process reflects strong subjective analysis and judgment [20]. In contrast, inspection records are only intuitive records of the investigation site; inspectors only need to truthfully record what they see and hear, without involving in-depth analysis and judgment of case facts. Inspectors will not express their views on issues such as the cause of the case and responsibility attribution in the records, and their recorded content is limited to the actual situation of the site.

Precisely because of this essential difference, accident investigation reports cannot meet the strict requirements of inspection records for objectivity and simple recordability, and cannot be included in the evidence category of inspection records.



3 No Need to Establish Accident Investigation Reports as a New Evidence Type

After analyzing the essential differences between accident investigation reports and traditional evidence types, some views in the academic community propose to establish a new evidence type with the independent evidence theory. However, from the perspective of the compatibility of the current legal system, the operability of judicial practice, and the self-consistency of evidence classification logic, adding a new evidence type is not only unnecessary but may also trigger systemic conflicts.

First, the criminal evidence review rules have formed a complete system, and there is no necessity to establish new evidence types. China's criminal procedure system can construct a mature rule system covering procedural legality, content authenticity, and probative force evaluation for the review and judgment of accident investigation reports, without solving application problems by creating new evidence types. If a new type is added, instead, additional collection procedures, cross-examination rules, and exclusion standards need to be formulated, which will only increase judicial application costs. Specifically, the essence of accident investigation reports is a composite of multiple types of legal evidence, and their content can be fully covered by the existing eight major evidence categories; forcibly classifying them separately will shake the logical foundation of the evidence classification system. From the perspective of manifestation, the records of on-site locations and traces in the report have the same attributes as the inspection and examination records produced by public security organs, both being the fixation and description of the objective site; while the analysis part involving professional technology, such as the identification of the ignition point of fire accidents and the mechanical analysis of bridge collapse, fully meets the core elements of expert opinions—conclusive opinions issued by subjects with specialized knowledge on specialized issues. Comparative law experience also proves the rationality of this compatibility: the United States classifies accident investigation reports as public records, and the review focus is consistent with China's review logic for documentary evidence and expert opinions [21]. This approach of decomposing and classifying into existing types not only avoids complication of the classification system but also ensures unified adjudication standards.

Second, the addition of evidence types is related to legal stability. If the "legislation on demand" model is adopted and evidence types are added only based on practical needs, it is difficult to ensure that legal norms remain stable and coherent before and after revision [22]. After more than 40 years of development, China's criminal evidence types have formed a stable framework of eight major categories such as "physical evidence, documentary evidence, and expert opinions," whose scientificity lies in taking the manifestation form and probative method of evidence as the classification standard, with both practical adaptability and systemic stability [23]. Future reforms should focus on the refinement of judicial interpretations rather than starting all over again.

In summary, the judicial application issue of accident investigation reports is essentially a problem of refining review rules, not a problem of evidence type innovation. The current institutional framework has provided a scientific application path for it through mature review rules, compatible classification systems, and stable legal frameworks. Adding new evidence types not only lacks necessity but may also cause rule conflicts and systemic disorders.

4 The Composite Evidential Attribute of Accident Investigation Reports

The composite nature of accident investigation reports has been recognized in prior scholarship: empirical analysis of 557 judgments demonstrates that such reports typically comprise multiple categories of evidence [17], and similar composite evidence characterizations have been advanced by other scholars [7]. Building on these insights, this section further clarifies the composite evidential attribute of accident investigation reports and the review approach it entails. Accident investigation reports are comprehensive documents, with a large number of related materials attached as annexes, including both physical evidence such as on-site investigation records and physical evidence photos, as well as verbal evidence such as witness interrogation records and expert analysis opinions, essentially forming a systematic integration of multiple evidence types. Based on the above analysis, it is not difficult to find that attempts to directly classify accident investigation reports into traditional evidence types such as witness testimony, expert opinions, or documentary evidence all have insurmountable theoretical dilemmas and practical obstacles. This simple classification method can neither fully cover the complex information contained in accident investigation reports nor fit their special attributes in terms of evidential attributes, formation mechanisms, and probative functions. Therefore, the accident investigation reports are not a single evidence type, but a composite evidence collection issued by administrative organs or accident investigation teams [17].

Pursuant to the Regulation on Reporting, Investigation and Handling of Work-Safety Accidents, an accident investigation team is vested with the authority to ascertain accident causes and determine the nature of an accident as well as relevant liabilities. Its investigation entails multiple evidence-gathering measures, including on-site inspections, witness questioning and commissioned technical appraisals. The report is essentially a comprehensive compilation of diverse evidentiary materials, which is fundamentally distinct from standalone documentary evidence that proves case facts directly by virtue of the content recorded on its carrier.

Take the extraordinarily serious fire and explosion accident at Tianjin Port (the "8·12 Incident") as an example. Viewed from an evidence-law perspective, the Accident Investigation Report issued by the State Council investigation team [24] is in essence a fully-structured probative document. Its primary component concerns the collection and preservation of evidence. By adopting a range of statutory measures such as on-site inspections, testing and appraisal, investigative evidence-taking, simulation experiments and expert deliberations, the investigation team establishes an evidence system comprising physical evidence, documentary evidence, expert appraisal opinions, inspection records, witness testimony and audio-visual materials. On this basis, the report makes factual findings regarding the course of the accident, its direct causes and damaging consequences. It further defines the liabilities of enterprises, government departments and intermediary institutions, and finally puts forward handling proposals and preventive measures. Accordingly, its composite nature shall be explicitly recognized, and each category of evidence contained therein shall be reviewed and assessed separately, so as to safeguard the parties' right to cross-examine evidence and secure procedural justice.

In summary, although the 2021 Interpretation of the Criminal Procedure Law includes accident investigation reports in the chapter on expert opinions, from the perspective of the essential attributes of evidence,



this classification is questionable. Accident investigation reports show duality in the determination procedure, requiring dual determination through professional institution investigation and judicial organ review; in terms of evidence form, they integrate various forms such as inspection records and expert opinions, and each evidence type remains relatively independent without substantial intersection. In the review process of criminal procedure cases, judicial personnel need to abandon simplistic thinking and cannot mechanically classify accident investigation reports into a single evidence category. Instead, they should adopt a refined review method, handle accident investigation reports and their annex materials separately, classify them into corresponding evidence types according to the nature and function of each part of the content, and conduct targeted reviews, so as to ensure the accuracy and standardization of criminal evidence determination.

5 Conclusion: Judicial Response to Composite Evidence

The dispute over the evidential attributes of accident investigation reports in criminal proceedings essentially reflects the adaptation dilemma between new evidence forms and the traditional evidence system. As a composite carrier integrating factual description, professional analysis, and responsibility determination, it is neither a single documentary evidence, expert opinion, nor inspection record, nor can it be simply summarized by the independent evidence theory or traditional evidence type theory. Instead, it presents a special evidence form organically integrated by multiple evidence elements. This composite characteristic requires judicial practice to break through the mechanical thinking of traditional evidence classification and establish a layered review mechanism—for descriptive content, its objectivity can be verified in combination with the review rules of inspection records; for evaluative opinions, its scientificity needs to be examined with reference to the cross-examination standards of expert opinions; for responsibility determination content with normative evaluation attributes, comprehensive judicial review should be conducted from dimensions such as procedural legality and logical rigor, avoiding direct admission of accident investigation reports as an evidence black box.

Specifically, in judicial practice, a three-level review approach can be adopted. First, for the descriptive factual portion, review should be conducted according to the standards applicable to inspection records, focusing on examining whether the on-site investigation procedures are lawful, whether the factual descriptions are objective and accurate, and whether they can be mutually corroborated with other evidence in the case. Second, for the professional evaluation portion, review should be conducted with reference to the rules governing expert opinions, focusing on examining whether the professional institutions and personnel participating in the investigation possess corresponding qualifications, whether the technical methods employed are scientific and reliable, and whether the analytical reasoning process is logical and rigorous. Third, for the responsibility determination portion, it should be treated as a reference opinion for legal application rather than direct evidence, and the court should independently make legal judgments based on the ascertained facts, without being bound by the responsibility allocation set forth in the investigation report. This layered review approach not only ensures the effective utilization of accident investigation reports but also safeguards the independent judgment authority of judicial organs.

In the long run, the dilemma of evidence positioning of accident investigation reports exposes the lag of

China's criminal evidence legislation in responding to the transformation of new administrative evidence. In the future, we can explore the construction of a layered evidence admission rule. On the basis of maintaining the framework of legal evidence types, differentiated review standards are set for different constituent elements of composite evidence, which not only respects the professionalism and authority of accident investigation reports but also ensures that they meet the evidence adjudication requirements of criminal proceedings through refined judicial review. Only in this way can a scientific and reasonable evidence connection bridge be built between administrative investigation and criminal proceedings, which not only gives full play to the important role of accident investigation reports in ascertaining case facts but also earnestly maintains the rigor and standardization of the criminal procedure evidence system, providing solid evidence law support for the accurate determination of accident-related crimes in judicial practice.

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