

# A Study on Character Evidence in Juvenile Delinquency Cases

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## Abstract

Character evidence refers to evidentiary materials that reflect the individual attributes of juvenile criminal suspects and defendants, such as their upbringing environment, social interactions, moral character, personality traits, and past behavioral patterns. In the practice of juvenile criminal justice, its main function is to provide references for judicial authorities in conviction, sentencing and correction by comprehensively assessing the personal dangerousness and recidivism risk of minors, embodying the special judicial principle of “education first, punishment second”. Different from the cautious application of character evidence in adult cases, juvenile cases tend to emphasize the use of character evidence to explore the individual causes behind juvenile delinquency. At present, China has generally established a framework for the character evidence system in juvenile justice practice. The Criminal Procedure Law and relevant judicial interpretations explicitly stipulate that when handling juvenile criminal cases, the circumstances of the minor’s growth experience, causes of delinquency, guardianship and education shall be investigated, and such investigation materials may be used as character evidence. However, several problems still exist in practical application: First, the legal orientation is relatively vague, and it is not clear whether character evidence belongs to conviction evidence or sentencing evidence. Second, there is a lack of norms in specific implementation, with no unified guidelines for the subjects, procedures and standards of proof for evidence collection. Third, the application varies across regions, with significant differences in the depth of application between developed areas and grassroots judicial organs. This paper holds that improving the character evidence system is a key part of juvenile justice reform. Its significance lies not only in optimizing the adjudication of individual cases, but also in promoting the fundamental transformation of judicial philosophy from “punishment-oriented” to “restoration-oriented”, so as to ultimately achieve the organic unity of legal effects and social effects.

## Keywords

Juvenile delinquency; Evidence law; Character evidence.

## 1. Overview of Character Evidence

China does not have a systematic set of rules governing character evidence as found in common law systems. Many practical practices are derived from judicial experience rather than explicit legal provisions. Relevant provisions are scattered in the Criminal Law, the 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 Criminal Procedure Law), and other judicial documents. The core principle is to restrict the use of character evidence in conviction, while allowing certain specific applications in sentencing.

First, at the conviction stage, character evidence is strictly restricted (prohibited in principle). Conviction must be based on the criminal facts and evidence of the instant case. The defendant’s

moral character, consistent conduct, reputation, criminal record, and other prior misconduct shall not, in principle, be used as evidence for conviction. This helps prevent judicial officers from forming prejudgments based on the defendant's character, and instead focuses on the facts and evidence of the case itself, so as to objectively reconstruct the case to the greatest extent and achieve fairness and justice in individual cases.

This is reflected in multiple provisions of Chinese law. For example, Article 139 of the Judicial Interpretation of the Criminal Procedure Law explicitly stipulates: "When examining the alleged criminal facts, emphasis shall be placed on the following contents: ... (vi) whether the evidence corroborates each other and whether there are irreconcilable contradictions and unexplainable doubts; (vii) whether the process of finding case facts based on evidence conforms to logic and empirical rules, and whether the conclusion is unique." This provision emphasizes that the core of conviction should center on whether the evidence chain for the "alleged criminal facts" is complete, sufficient, and beyond reasonable doubt, rather than on character evidence. Of course, there is a strictly limited exception: in rare cases, if the defendant's specific character traits (such as particular habits, customs, or skills) are highly relevant to the method, modus operandi, or motive of the alleged crime, and such character evidence is necessary and exclusive to prove those specific facts (rather than directly proving guilt), it may be admitted. For instance, evidence that the defendant possesses special forgery skills that are precisely required for the forged documents involved in the case may be introduced (yet conviction still requires other evidence and cannot be based solely on such evidence). Such exceptions are tightly controlled in practice.

Second, at the sentencing stage, character evidence may be considered as a sentencing circumstance. Prior convictions, repeated misconduct, and persistent wrongdoing are taken into account to assess the offender's dangerousness, rehabilitative potential, and risk of recidivism, which ultimately affect the severity of punishment. This is also reflected in Chinese law. For example, Article 61 of the Criminal Law provides:

"When imposing a penalty on a criminal, the court shall, in accordance with the relevant provisions of this Law, decide the penalty based on the facts, nature, and circumstances of the crime and the degree of harm to society." The term "circumstances" is generally interpreted to include pre-offense circumstances (e.g., consistent conduct, criminal record), in-offense circumstances, and post-offense circumstances (e.g., remorse). Article 264 of the Criminal Law stipulates: "Whoever steals public or private property in a relatively large amount, or commits theft multiple times, burglary, theft with a dangerous weapon, or pickpocketing, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance, and shall also or solely be fined." Article 294 of the Criminal Law provides: "... An organization in the nature of a criminal syndicate shall possess the following characteristics: ... committing illegal and criminal acts, bullying, harming and victimizing the people; ... dominating a certain area or industry, forming illegal control or exerting significant influence ..."

The common law system has established core principles for character evidence. Pursuant to Rule 404(a)(1) of the United States Federal Rules of Evidence, evidence of a person's character or character traits is not admissible to prove that on a particular occasion the person acted in accordance with that character or trait.<sup>2</sup> The core principle is to prohibit the inference of conduct from character. Its legal rationale includes:

protecting the defendant from conviction based on personality; preventing the jury from overestimating the probative value of character evidence;

upholding the principle of presumption of innocence.

## 2. The Value of Character Evidence in Juvenile Cases

This paper maintains that character evidence possesses behavioral predictive value. By examining the various character traits demonstrated by the offender before and during the commission of the crime, it is possible to more accurately assess what kind of person he or she is under normal, stable conditions, thereby enabling a more objective and fair evaluation of his or her social harmfulness and personal dangerousness.<sup>i</sup> This helps avoid hasty and arbitrary punishment imposed on juvenile criminal suspects and defendants under the cover of misunderstanding and prejudice.

Character evidence facilitates the prevention and correction of juvenile delinquency. Minors constitute a special group with distinct physical and psychological characteristics compared with adults. From a sociological perspective, minors experience complex and volatile emotions, have not yet formed stable values, and suffer from unstable psychological states. Since they have not developed relatively fixed personality traits, their aggressive behaviors differ from those of adults. Therefore, understanding minors' personality traits, moral standards, physical and mental conditions, and habitual conduct, as well as accurately evaluating their personal dangerousness and malleability, is of great significance for preventing juvenile delinquency and correcting juvenile offenders.

Character evidence is conducive to protecting the human rights of minors. Although character evidence plays an auxiliary role in the determination of case facts, in China, character evidence is often applied not to improve the accuracy of fact-finding, but to implement specific criminal policies. This is a misguided practice that puts the cart before the horse. It must be emphasized that the implementation of criminal policies is not an end in itself; the ultimate goals are the accurate determination of case facts and the protection of minors' basic human rights.

In judicial practice, judges sometimes cannot restrain their emotions with rationality. Courts' assumptions concerning the relative culpability of adult and juvenile offenders often stem from a failure to face unpleasant facts. Compared with divided and subjective public opinions, character evidence is relatively objective, as it is evidentiary material obtained through comprehensive investigation by specialized institutions. The proper application of character evidence provides guidance for accurately determining case facts, restricting the abuse of judicial power, safeguarding the human rights of minors, and maintaining impartial and objective judgments.

## 3. Difficulties in the Application of Character Evidence in Juvenile Cases

### 3.1. Lack of Fundamental Principles Governing the Application of Character Evidence

The application of character evidence for minors in China lacks bottom-line principles, and insufficient attention is paid to the prohibited zones in the use of character evidence. The so-called prohibited zones refer to areas that users of character evidence must pay close attention to; improper operation in these areas will cause irreversible negative impacts on the parties concerned. The current laws of China only impose requirements on the collection of character evidence for minors. Many legal provisions contain expressions such as "character evidence shall be taken into consideration", yet there are few rules concerning "precautions for the use of character evidence". This exposes the application of character evidence for minors to the risk of abuse.

In fact, it is of great importance to establish prohibited zones for the use of character evidence in the form of fundamental principles. Rule 404(a) of the Federal Rules of Evidence (2004) of the United States explicitly lays down the general principle governing character evidence:

“Evidence of a person’s character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.”The reason for such a provision is that the reasoning of proving “conduct” by means of “character” is inconsistent with the basic principles of evidence law. For example, if a wallet is stolen in a market, and Person A is a repeat thief with multiple prior theft records, it would be fallacious to conclude that A committed the theft simply based on this record. Such an inference is based merely on the jury’s personal moral indignation, which is frivolous in evidence law and completely deviates from its basic spirit.The common law system holds that, as the trier of fact, the jury’s reaction to such evidence is not what a normal and rational trier should exhibit. Improper evaluation of such evidence may lead to unfair prejudice.

In common law jurisdictions, case facts are determined by a selected jury, whereas in China, judges are the triers of fact. Most juvenile criminal cases in China are heard by grassroots people’s courts, and the professional competence of judges in many grassroots courts is uneven. It cannot be guaranteed that they maintain a neutral position and attitude when exposed to character evidence.Under such circumstances, without fundamental principles to guide judges in their adjudication, adjudicators are highly likely to overemphasize bad character evidence presented by the prosecution and underestimate good character evidence provided by the defense. Under such unfair bias, they may lower the standard of proof for case facts and convict a minor even when the facts have not been proven to the level of “truthful and sufficient” by the existing evidence.

### **3.2. Uneven Application of Character Evidence Across Regions**

In judicial practice, the application of character evidence varies significantly between developed regions and grassroots judicial organs in terms of depth and scope, which hinders the pursuit of judicial uniformity and fairness.

From a macro perspective, the attitudes of judicial organs in different regions toward character evidence are like swaying weights on a balance scale, hardly reaching a delicate equilibrium. In economically developed areas, abundant judicial resources and advanced judicial concepts encourage judges to actively apply character evidence to enrich the dimensions of case determination. They regard it as an important basis for measuring the social harm and personal dangerousness of offenders, so as to achieve precise and individualized sentencing.

However, in underdeveloped regions, restricted by a shortage of judicial resources and deeply rooted traditional judicial concepts, character evidence is often shelved and becomes a “forbidden zone” rarely touched in judicial practice. Case decisions rely more on the mechanical assembly of traditional evidence, ignoring in-depth consideration of the offender’s individual differences and social background. Such uneven application across regions is equivalent to arbitrarily adjusting weights on the scale of judicial justice.

In developed areas, the active use of character evidence may turn the offender’s remorse and past good deeds into strong support for lenient punishment, making the enforcement of penalties both authoritative and humane. In underdeveloped areas, even if offenders in similar cases possess comparable or even better character traits, they cannot be considered due to barriers in the application of evidence, resulting in disparate sentencing for similar cases. This undermines the public’s simple perception and firm belief in judicial justice.

This paper holds that the main cause is the inconsistency between local legislation and judicial interpretations. Other contributing factors include disparities in the professional quality and competence of judicial personnel, uneven allocation of judicial resources, and differences in information technology application.

## 4. Approaches to the Application of Character Evidence in Juvenile Cases

### 4.1. 4.1 Clarify the Standards for the Admission and Evaluation of Character Evidence

To clarify the standards for the admission and evaluation of character evidence, considerations should be made from multiple dimensions. First, in terms of concept definition, the connotation of “character” in character evidence should be clearly explained. It is not merely a simple description of daily moral conduct, but an overall portrayal of an individual’s temperament and personality. For example, in common law systems, the definition of character has its specific legal context, which provides a foundation for the admissibility of evidence. Courts should establish a unified and clear conceptual framework of character based on legal academic research and combined with research findings from disciplines such as psychology, so as to avoid divergent understandings among different judges.

In terms of relevance assessment, it is necessary to determine that there is a substantial connection between character evidence and the facts to be proved in the case. For instance, in cases of sexual assault against minors, if the defendant’s prior similar acts are closely related to the currently charged conduct—such as similarities in modus operandi and victim selection—such character evidence is relevant. Courts should prevent the admission of irrelevant character evidence under a broad concept of relevance, which may impair the fair trial of the case. Meanwhile, the judgment of relevance must take into account the direction and extent of proof, and evidence shall not be admitted merely on the ground of weak relevance.

With regard to the evaluation of the probative force of evidence, different types of character evidence—such as that of the defendant, the victim, and witnesses—vary in probative value.<sup>3</sup> Generally, evidence of the defendant’s good character may enhance his or her credibility to a certain extent, but cannot be directly used as a basis for acquittal. By contrast, evidence of bad character with high probative force—such as evidence that the defendant has habitually committed similar acts in specific types of cases—may be used as a reference for conviction under prescribed conditions. The reliability of the evidence source and its consistency with other evidence shall be comprehensively considered to accurately evaluate probative force and avoid overestimation or underestimation.

In addition, it is essential to balance the risk of prejudice caused by character evidence. Character evidence is highly likely to induce prejudice, which may lead the jury or judges to make judgments based on the defendant’s character rather than the facts of the case. For example, evidence of the defendant’s prior criminal record may cause the adjudicator to prejudge the defendant’s guilt. Therefore, when admitting evidence, its probative value must be strictly weighed against the risk of prejudice. If the risk of prejudice clearly outweighs the probative value, the evidence shall be excluded even if it has certain relevance and probative force. Detailed risk assessment criteria may be formulated—such as considering the publicity of the evidence and the scope of its negative impact on the defendant—to ensure the reasonable admission of character evidence without impairing justice.

### 4.2. Narrowing Regional Differences in Application

First, at the legislative level, the current provisions on character evidence in China are fragmented and unsystematic. There is an urgent need to clarify its connotation, extension and specific applicable rules through legislation or judicial interpretation. For example, China may draw on the provisions of the Federal Rules of Evidence of the United States, which allow the use of character evidence in specific cases such as sexual assault against minors. Based on its

own framework of the Criminal Procedure Law, China may construct a basic rule system of “prohibition in principle + allowance in exceptional cases”.

Second, modern information technology can be used to establish a big data monitoring and evaluation system, and promote cross-regional cooperation and resource sharing, so as to effectively break regional barriers. A special quantitative evaluation module for character evidence can be embedded in the unified business application system. Through the analysis of massive case data, the differences in the application of character evidence in different regions can be accurately identified, and the weighting of evaluation factors can be dynamically adjusted, so as to provide scientific data support for judicial practice.

Adjacent provinces or judicial cooperation zones may jointly carry out research on the application of character evidence and formulate regional guiding opinions. At the same time, judicial training and case guidance should be strengthened. A comprehensive case library of character evidence should be established at the provincial level, with detailed regional differences marked in cases from various places, so as to provide direct and effective references for judges in handling similar cases and promote the unification of adjudication standards.

## 5. Conclusion

The improvement of the character evidence system for minors is a systematic project. It concerns not only the implementation of the principle of “education first, punishment second” in individual cases, but also the profound value of promoting the transformation of judicial philosophy from “punishment-oriented” to “restoration-oriented”.

Only with the support of multidisciplinary theories such as psychology and sociology, combined with the physical and mental characteristics of minors and judicial laws, can character evidence become a scientific tool for accurately assessing personal danger and facilitating correction and rehabilitation. Ultimately, the organic unity of legal effect and social effect will be achieved, laying a more humane and rational judicial foundation for the return of delinquent minors.

## References

- [1]. JiaoYingna , SuChunjing, et al. An Analysis of the Psychological Characteristics of Juvenile Delinquents. *Research on the Prevention of Juvenile Delinquency*, 2018, p. 4-5.
- [2]. Chen Jierong. *Translation and Analysis of the Federal Rules of Evidence (2004)*. China Renmin University Press, 2005, p. 21.
- [3]. Lijing. On the Character Evidence Rules of Criminal Defendants. *Journal of Yunan University (Law Edition)*, 2011, p3-7.