

## Evidence and Exhibits

### 10007.1 WEAPONS

#### Weapons Brought to the Court as Evidence

- (a) All persons bringing weapons as evidence into a Justice Center shall advise the Weapons Screening Deputy/SSO of the type of weapon and the courtroom the weapon will be brought to.
  - 1. Sworn personnel will be directed to the appropriate courtroom.
  - 2. Non-sworn personnel will be escorted to the appropriate courtroom.
- (b) Firearms introduced as evidence shall be inspected and rendered SAFE before the start of any proceedings.
  - 1. Gun locks or plastic/nylon tie wraps shall be used.
  - 2. Ammunition shall be removed and secured in an envelope and kept separate from the firearms.
  - 3. All firearms, ammunition, and magazines shall be secured.
- (c) If a gunlock is not available and a plastic/nylon tie wrap must be used to secure a revolver, leave the cylinder open.
  - 1. The plastic/nylon tie wraps shall be inserted through a cylinder hole and the trigger guard.
  - 2. The tie wrap shall then be secured thereby immobilizing the cylinder.
- (d) Semi-automatic pistols shall have the magazines removed; slide opened and locked, with the safety on.
  - 1. Ammunition shall be removed from the magazine and chamber.
  - 2. If using a plastic/nylon tie wrap to secure the weapon, it shall be inserted through the barrel.
  - 3. The tie wrap shall then be secured preventing the insertion of ammunition into the chamber and restricting the forward movement of the slide.
- (e) Rifles and shotguns shall have all bolts, blocks, slides, and breeches open with the safety on.
  - 1. The plastic/nylon tie wrap, if used, shall be wrapped around the frame and through both the ejector and loading ports.
  - 2. The tie wrap shall then be secured thereby preventing the forward movement of the slide.
- (f) Any questions or problems regarding the rendering of any firearms SAFE shall be referred to a court Sergeant.
  - 1. Court Sergeants shall ensure that an ample supply of gunlocks and/or plastic/nylon tie wraps are on hand at all times.

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- (g) At the beginning of each continued session where firearms have been introduced as evidence, the firearm(s) shall once again be inspected, rendered SAFE and secured.
  - 1. Any other weapons in evidence, i.e., knives, clubs, etc., shall be kept secured.

#### **10007.2 NARCOTICS**

- (a) Narcotics are normally secured in sealed evidence envelopes.
  - 1. In the event that a witness opens the envelope, the bailiff should ensure that the contents are kept intact and returned to the envelope after examination.
- (b) Substances that have a powder texture should not be opened in court.
  - 1. The judge will normally direct the prosecutor not to open the package, but to rely on the laboratory report regarding the contents.

#### **10007.3 HAZARDOUS MATERIALS**

- (a) In the interest of public safety, no exhibit designated as hazardous waste material shall be permitted in any courtroom.
  - 1. All controlled substances as defined in section 11007 of the California Health and Safety Code are hazardous waste material.
  - 2. However, the court will accept color photographs of the object or substance in lieu thereof.
- (b) Counsel wishing to examine any such object or substance shall do so prior to the commencement of any courtroom proceeding.
- (c) Pursuant to PC section 1417.3(b) [1] and upon finding of good cause, certain toxic materials may be brought into a courtroom and introduced into evidence provided that they remain in a sealed condition at all times.
- (d) Unless otherwise ordered by the court, the person bringing the evidence in the courtroom shall retain it and shall be responsible for the storage of the evidence and for the substitution of a photograph, if required.

#### **10007.4 HANDLING EVIDENCE AND EXHIBITS**

- (a) Items that are marked for identification and/or admitted by the judge as exhibits or evidence become part of the court's case record.
  - 1. Some items may be returned to the party who initially offered them, but may require a stipulation by both parties and an acceptance of the stipulation by the judge.
- (b) The bailiff should be aware of the exhibits used in a trial, and when it is necessary for the jury to view them shall hand them to the jury and retrieve them as directed.
- (c) All weapons to be handled in the courtroom shall be inspected by the bailiff before the judge takes the bench, and placed in areas inaccessible to defendants or witnesses.

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- (d) Depending on the nature of the evidence for a given trial, it may be necessary for the bailiff to escort the court clerk to and from the evidence locker.
- (e) Storage and security of evidence is the responsibility of the court and not the Bailiff.
- (f) Bailiffs should not secure evidence or exhibits in their desk or file cabinets.
- (g) During the viewing of physical evidence offered during a jury trial, the bailiff must be present in the jury room.
  - 1. The bailiff must instruct the jury not to discuss the case and/or evidence in the bailiff's presence.