



## FIFTH JUDICIAL DISTRICT, STATE OF COLORADO

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STANDING ORDER CONCERNING	)	
THE SAFEGUARDING, RETENTION	)	ORDER 11-06
AND DISPOSAL OF TRIAL EXHIBITS	)	
AND DEMONSTRATIVE EVIDENCE	)	

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The Colorado Judicial Department has provided rules for the management of records, including exhibits, in the "Retention and Disposition Schedules" (2002). However, limitations in secure evidence storage available to the courts of the Fifth Judicial District, electronic filing considerations, and enhanced security measures require local orders to reduce overall costs, protect the safety of the trial participants and court staff, and ensure the integrity of the court record.

IT IS THEREFORE ORDERED that:

**In cases where electronic filing is used** documentary evidence shall be presented as hard copy or digital media at trial, and only those exhibits that were proffered and/or admitted at trial will be uploaded to the electronic case file.

**Documents** once admitted may have copies substituted for the originals, and the originals returned to the moving party.

### **Physical evidence:**

**Firearms** shall have a device that disables the use of the firearm installed (e.g trigger lock, cable lock, etc.). The Sheriff's Office shall be advised of the intent to bring a firearm into the court for use as evidence no less than three days prior to the hearing. A Sheriff's Deputy shall inspect the firearm to ensure that it is unloaded and that the mechanical block is properly installed prior to it being brought into the court.

**Ammunition** shall never be in the courtroom at the same time as the firearm. The moving party shall coordinate with the Sheriff to secure the ammunition in a separate room outside the courtroom and away from the firearm.

### **Non-firearm weapons**

**Knives** shall be kept in their sheath. If there is no sheath, one should be fabricated using multi-layer cardboard and strapping or duct tape. Butterfly or gravity knives shall be secured in the closed position with heavy tape.

**Razors, box cutters, and other sharp instruments** shall be kept in heat-sealed evidence collection pouches, double-layered to guard against puncture of the pouch by the item.

**Bombs, bomb components, blasting caps, and fuses** may only be allowed in the court if they are inert. No live bombs are permitted in the courtroom. Digital photographs may be substituted in lieu of the exhibit if the device cannot be made inert.

All weapons shall be transferred to the Sheriff's Office for storage during the retention period at the conclusion of the case, and for destruction when applicable.

**Drugs and drug paraphernalia**, once admitted, shall be locked in the court's safe during recesses, lunch hours, and at times when they would otherwise be left unattended by court staff. At the end of the proceedings, the drugs shall be transferred to the Sheriff's Office for storage during the retention period and for destruction when applicable. Prior to transfer, the evidence will be photographed by the District Attorney's Office and a detailed receipt shall be executed and placed in the case file. A copy of the transfer receipt is attached.

**Cash, jewelry and negotiable instruments** shall be stored in the court's safe during recesses, lunch hours, and at times when it would otherwise be left unattended. The court will retain these exhibits until the conclusion of any appeal, and will disburse according to court order or per the Retention and Disposition Schedules.

**Oversized exhibits** that are too large to store in the court's evidence storage area (e.g. vehicles, large equipment, etc) may be retained in secure storage by the evidence custodian of the law enforcement agency investigating the case in criminal cases; or returned to the moving party after being carefully photographed. A transfer receipt shall be executed and placed in the case file.

**Bio-hazardous exhibits** (those covered with blood or other bodily fluids) must remain sealed in plastic at all times. Rape kits or exhibits which may contain DNA evidence or which require controlled storage conditions to preserve the integrity of the sample shall be returned to the appropriate law enforcement evidence custodian for proper storage and retention.

**Responsibilities with respect to exhibits:**

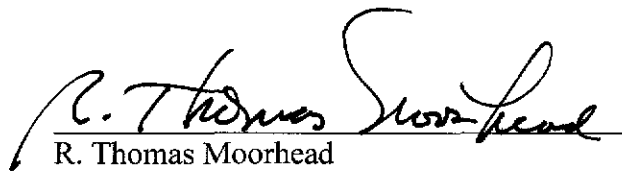
1. It will be the responsibility of the Court Reporter or, in the absence of a court reporter, the Clerk of Court and/or Division Clerk to maintain control and security of the courtroom exhibits.
2. In cases where no court reporter/clerk is present in the courtroom during the proceedings, the presiding judge will be responsible for ensuring that exhibits are properly marked, and recorded on the exhibit tracking sheet, and will seek the assistance of a clerk in safeguarding exhibits during recesses and when court is adjourned.
3. Prior to accepting an exhibit, the court reporter/clerk must ensure that the exhibit is properly marked with an exhibit sticker and that the sticker is clearly marked with the case number.
4. If the exhibit tendered is accompanied by an evidence bag or tag, the bag or tag shall remain with the exhibit.

5. It is the responsibility of the attorney submitting the exhibit to supply the court reporter/clerk with a list of all the exhibits and exhibit numbers for tracking purposes.
6. The court reporter/clerk shall keep all exhibits secure during the trial. Exhibits of a valuable or dangerous nature (e.g. money, drugs, weapons, etc.) shall never be left unattended by court staff in the courtroom during breaks, recesses, lunch hours, or overnight. Such items shall be locked in the court's safe during those times. If the items are too large for the court's safe, seek assistance from the Sheriff's Office for secure storage. Large exhibits can be stored in the courtroom if the courtroom is kept locked, otherwise evidence should be secured in the evidence storage area.
7. Any time evidence is transferred to a law enforcement agency for safekeeping, or returned to the moving party, a receipt shall be executed and kept in the case file.
8. When exhibits are photographed, every image shall include a placard showing the exhibit number and case number. All photographs will be digital. One image will show the entire exhibit, additional close-up images of important details may be included. The photographs will be transferred to disc and a copy provided to the court reporter/clerk.
9. The moving party is responsible for photographing their exhibits.

**Retention and disposition:**

1. Exhibits will be retained for the periods indicated in the "Retention and Disposition Schedules."
2. The parties will be provided notice at the conclusion of their case of the disposition schedule and their responsibility to claim their exhibits, except for drugs, weapons, or other contraband.
3. Unclaimed exhibits will be disposed of pursuant to the "Retention and Disposition Schedules."
4. Weapons shall be disposed of by the Sheriff's Office for ballistics use or destruction at the end of the retention period pursuant to statute.
5. Drugs and other contraband shall be destroyed by the Sheriff's Office at the end of the retention period.
6. Clerks of Court/Division Staff should review their exhibit holdings at least bi-annually and take action, as appropriate, on those exhibits that have passed their retention period.

So ordered at Eagle, Colorado this 16<sup>th</sup> day of December 2011.

  
R. Thomas Moorhead  
Chief Judge

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EXHIBIT RECEIPT

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Case Name: \_\_\_\_\_ v \_\_\_\_\_

Case Number: \_\_\_\_\_

Exhibit Number: \_\_\_\_\_

Description: \_\_\_\_\_

Transferred to (Agency): \_\_\_\_\_

Transferred to (Individual): \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

\_\_\_\_\_  
For the Court

\_\_\_\_\_  
Received by (signature)

\_\_\_\_\_  
Received by (printed)

Moving party notified of intent to destroy exhibit on: \_\_\_\_\_

Exhibit destroyed on: \_\_\_\_\_ by: \_\_\_\_\_