

STATE OF MINNESOTA

IN DISTRICT COURT

EIGHTH JUDICIAL DISTRICT



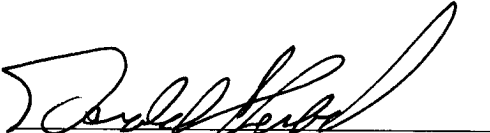
ADMINISTRATIVE POLICY 46

PROCEDURES FOR THE SAFE HANDLING OF FIREARMS IN THE
COURTROOM



The attached procedures are adopted by the Eighth Judicial District for the safe handling of firearms in the courtroom.

Dated: 10/3/00


Gerald J. Seibel
Chief Judge
Eighth Judicial District

PROCEDURES FOR THE SAFE HANDLING OF FIREARMS IN THE COURTROOM

1. Procedure Applies to Firearms in Courtroom as Evidence.

These procedures apply to **all firearms to be offered into evidence** brought into a court building or a courtroom.

These procedures do not apply to firearms carried or worn by police officers and court bailiffs.

2. All Firearms To Be Unloaded.

All firearms will be **unloaded** at all times when they are in the court building and courtroom.

3. All Firearms To Be Open At All Times.

All firearms, when they are in the court building and courtroom, will be open. This means:

1. The clip or magazine shall be removed and rounds removed from cylinder or chamber.
2. If an automatic or semi-automatic pistol, the barrel slide shall be locked open; if a revolver, the cylinder swung out; if a single or double barrel shotgun, the barrel "broken" open;
3. If an automatic, semi-automatic or pump rifle or shotgun, the chamber slide or cocking lever shall be in the open position.
4. If a bolt action, the bolt shall be removed if possible; otherwise left in an open position.

The condition of the firearm will be such that an immediate visual inspection will indicate that the firearm is unloaded. Trigger locks, cable locks, or other incapacitating devices will be used on all firearms. The county sheriff will supply an appropriate cable lock to the court administrator's office for use on all firearms in the custody of the court.

4. **No Display of Firearm Prior to Showing to Witness to Establish Foundation for Admissibility.**

No firearm will be displayed to jury until it is necessary to show it to a witness to establish foundation for its admission into evidence. Photographs of firearms to be offered into evidence, rather than the firearm itself, should be used by a prosecutor or a defense attorney who would like to refer to the firearm in an opening statement. If a firearm is entered into evidence, the presiding judge will have the firearm inspected by a designated law enforcement officer in open court and in the presence of all parties and the jury to show that it is unloaded and incapable of firing.

5. **Firearms To Be In Secure Custody**

Firearms and ammunition brought into a courtroom to be offered into evidence will be given to and left in the custody of a designated law enforcement officer at all times **other** than when they are being handled by prosecutors, defense attorneys or witnesses. Firearms will not be left on counsel table.

During recesses of the court firearms will either:

1. Be under the direct visual supervision of the court clerk or bailiff; or
2. Be returned to the custody of the designated law enforcement officer; or
3. Be locked in a secure drawer, cabinet or closet.

Following admission into evidence, a firearm and/or ammunition may be returned to and secured by the designated law enforcement officer, at the request of the court.

6. **Firearm Not To Be Pointed At Any Person In Courtroom.**

No firearm will be pointed at jury, judge, court personnel or spectators. Firearms will be pointed either at ceiling or floor.

7. **Notification And Approval Required Before Firearm Used In Final Argument.**

Prosecutors and defense attorneys intending to use firearms admitted into evidence for demonstrative purposes in final argument must inform the trial judge, state how the firearm will be used and obtain the permission of the judge for such use.

8. **Firearm and Ammunition Never Given To Witness Or Jury At Same Time.**

Firearms and ammunition will never be given to a witness or the jury at the same time. Firearms and ammunition will never be placed or left on the counsel table. If a firearm and related ammunition are to be sent into the jury room the jury will be allowed to examine them but the firearm and ammunition will never be sent in the jury room at the same time. The firearm can be sent in and after the jury is done examining it, they can inform the jury bailiff, return the firearm and be given the ammunition for examination.