



## Second Judicial District Judicial Policies

Policy No.  
**P 15.01**

### HANDLING OF WEAPONS

**Purpose:** The purpose of this policy is to ensure the safe receipt, handling and storage of weapons in order to protect the safety of the public, litigants, attorneys, court staff, jurors and judges. This policy sets forth uniform procedures for the receipt, storage, safekeeping and disposition of such exhibits. Compliance with this policy is mandatory for all attorneys and parties. A copy of this policy shall be available for public access in hard copy and on the Second Judicial Court website: <http://www.mncourts.gov/Find-Courts/Ramsey.aspx> The receipt, handling, use, and storage of ammunition and other potentially hazardous exhibits is governed by Second Judicial District Policy Number P15.03.

#### **I. Procedures Before Use in a Court Proceeding**

- A. Prior to the commencement of any court proceeding involving a weapon as an exhibit, the proponent of the exhibit must notify Court Security Officers of the date that the proponent first intends to introduce the item into evidence. On that date, the proponent (or the proponent's agent) must meet with Court Security Officers at the courthouse security checkpoint. Court Security Officers will escort the proponent (or the proponent's agent) to a secure location where Court Security Officers can screen and secure the item as described in I (D), below.
- B. Court Security Officers must screen the item to ensure its safety, including but not limited to the following:
  - 1. Ensure that any firearm is unloaded and inoperable.
  - 2. Ensure that any firearm has a gun lock, trigger lock or other disabling device.
  - 3. Ensure that any firearm is separated from ammunition.

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4. Ensure that any knife or other weapon is secured with protective coverings or within protective containers.
- C. Court Security Officers must generate a Security Log to record information regarding the item, including but not limited to the following information:
1. Officer's name, employee identification number, and badge number;
  2. Name and telephone number of the proponent of the exhibit;
  3. Name of the presiding judge and Court File Number;
  4. Name of the Parties and their counsel;
  5. Description of the item, including visible identification information such as manufacturer, model number, and serial number;
  6. Description of the method of securing the item, including lock number and location of the key(s) for any gun locks; and
  7. Name of the person to whom the secured item is returned.
- D. Court Security Officers must, by application of a seal or sticker on the item or container, designate that Court Security Officers screened and secured the item as described in I(B), above.

## **II. Procedures During Court Proceedings**

- A. At all times during court proceedings, the Court has the discretion to regulate the admission, handling, and use of any weapon. The Court shall take all necessary precautions to ensure that firearms and ammunition are kept separate, secured properly, and handled safely. Weapons must be pointed downward at all times. No weapon may be pointed at the jury, judge, attorneys, parties, court personnel or spectators.
- B. No weapon will be displayed to a jury until such time as is necessary to show the exhibit to a witness to establish foundation for its admission into evidence. The Court should determine outside the presence of the jury that the weapon has been secured in accordance with the above-described procedures. Before any firearm is shown to the jury, the Court shall instruct the jury in accordance with the model criminal jury instruction set

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forth in 10 Minnesota Practice, Jury Instruction Guides—Criminal CRIMJIG 2.06 (6th Ed. 2017).

- C. The proponent of the evidence must advise the Court before presenting the secured item for admission by the Court.
  
- D. Absent exceptional circumstances set forth in a Court Order to the contrary, Authorized Court Administration Staff will be responsible for storing weapons that have been offered and admitted into evidence during trial or any other court proceeding. When not in use during the court proceeding, the admitted exhibit will be stored in a secured location for the duration of the proceeding.
  - 1. The Law Clerk or Court Reporter involved in the court proceeding shall notify the District Court Records Division when it is necessary to store the admitted exhibit.
  - 2. Court Security Officers will accompany Authorized Court Administration Staff when transporting admitted exhibits. Court Security Officers shall ensure direct and uninterrupted transportation of the admitted exhibit to and from the courtroom and the secured storage location.
  - 3. Authorized Court Administration Staff must maintain a log of all exhibits being stored in the secured storage location. The log must include the following information for each admitted exhibit: (a) name of the Authorized Court Administration Staff member storing, retrieving, or returning the admitted exhibit into the storage location; (b) name of the Court Security Officer accompanying the Authorized Court Administration Staff member; (c) name of the presiding judge and Court File Number; and (d) date and time of the storage, retrieval, or return of the admitted exhibit.
  - 4. To ensure timely retrieval from the secured storage location, the Law Clerk or Court Reporter involved in the court proceeding shall inform the District Court Records Division when the admitted exhibit will be needed.
  - 5. When the exhibit is in use, or during short recesses, court security shall secure the exhibit at the direction of the judge.

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- E. If the presiding judge allows any firearm into the jury room during deliberations, the firearm shall be passed out from the jury deliberation room to Court Security Officers before any ammunition is passed into the deliberation room for jury review.

**III. Procedures After Court Proceeding**

- A. While in the courthouse, all weapons must remain secured in accordance with the above-described procedures.
- B. Upon a finding of not guilty in a criminal proceeding, Authorized Court Administration Staff must return the item to the originating proponent unless otherwise ordered by the Court. The proponent may contact Authorized Court Administration Staff to retrieve any lock or incapacitating device affixed to the item.
- C. Unless otherwise specified by a Court order, upon conclusion of the Court proceeding, the Law Clerk or Court Reporter involved in the court proceeding shall notify Authorized Court Administration Staff that the court proceeding has concluded. Court Security Officers will accompany Authorized Court Administration Staff to retrieve the admitted exhibit from the secured storage location used during the court proceeding and to transport the admitted exhibit to the exhibit vaults, which are used to secure exhibits pending ultimate disposition of evidence.
- D. Authorized Court Administration Staff must record the transfer of the admitted exhibit from the secured storage location used during the court proceeding to the exhibit vaults.
- E. The procedure related to the ultimate disposition of evidence is governed by the Minnesota Judicial Branch Policy 507 (IV).

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