



## Second Judicial District Judicial Policies

Policy No.  
**P 15.03**

# HANDLING OF POTENTIALLY HAZARDOUS EXHIBITS

**Purpose:** The purpose of this policy is to ensure the safe receipt, handling, use, and storage of potentially dangerous exhibits in order to protect the safety of the public, litigants, attorneys, court staff, jurors and judges. 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>

## **I. Pre-Trial Notice of Intent to Use Potentially Hazardous Materials in a Court Proceeding**

- A. Potentially hazardous materials include but are not limited to the following items: flammable, explosive, and reactive materials; ammunition; narcotics, drugs, and controlled substances; used hypodermic needles or other contaminated objects; bodily fluids and items containing bodily fluids; and any other item listed in or analogous to the items listed in the Minnesota Judicial Branch Policy 507.
- B. At least one week before the commencement of trial or other proceeding, the proponent of a potentially hazardous exhibit must notify the Court of its intention to offer the item into evidence.
- C. The proponent's pre-trial notice shall state the basis for requesting the admission of the hazardous item itself instead of using photographic or video representations of the item.

## **II. Court Order Regulating Handling of Potentially Hazardous Materials During Trial or Other Proceeding**

- A. The Court shall regulate the admission, handling, and use of the proffered exhibit. In doing so, the Court may take one or more of the following steps:

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1. Require the proponent of the exhibit to obtain approval from Court Security Officers for the manner in which the item is to be stored, secured, and handled at least twenty-four hours prior to bringing the item into the Courthouse;
  2. Limit the proponent of the exhibit to introducing a photograph or video depiction of the proffered exhibit in lieu of either transporting the jury to view the exhibit or bringing the exhibit into the Courthouse or Courtroom;
  3. Restrict the manner in which the exhibit will be presented or published to a jury during trial and the manner in which the exhibit will be given to the jury during deliberations;
  4. Appoint an expert to handle the exhibit;
  5. Restrict the amount of the exhibit to be viewed or brought into the courthouse;
  6. Limit the duration of time for which the exhibit may be inside the courthouse or courtroom;
  7. Require that the exhibit be contained and/or stored in an approved container, lock box, and/or other storage bag to prevent breakage and contain spillage;
  8. Require that the exhibit container clearly identify its contents, contain markings with appropriate hazardous warnings, and otherwise comply with all applicable labeling regulations;
  9. Require that any flammable, explosive, or reactive materials be rendered non-explosive and non-reactive;
  10. Regulate the storage and custody of the exhibit after its admission and pending the disposition of the exhibit; and
  11. Any other step necessary to safeguard the public.
- B. The Court may conduct a hearing to determine what safeguards must be met before permitting the proponent to bring the proffered exhibit into the Courthouse and before the permitting proponent to introduce the exhibit into evidence.

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- C. Absent exceptional circumstances set forth in a Court Order to the contrary, Authorized Court Administration Staff will be responsible for storing hazardous exhibits 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.

**III. Procedures Regulating Disposition and Handling of Potentially Hazardous Materials After Trial or Other Proceeding.**

The procedures related to the handling and ultimate disposition of evidence is governed by the Minnesota Judicial Branch Policy 507 (IV).

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