

Chapter 6 - Evidence

Physical evidence will normally be used in hearings and trials. The bailiff shall attempt to ask the prosecutor, investigating officer or detectives if any of the following items are going to be introduced.

• 3-06/010.00 - Weapons

Firearms introduced as evidence shall be inspected and rendered SAFE before the start of any proceedings. Plastic restraints shall be used to render the firearm safe. Ammunition shall be removed and secured in an envelope and kept separate from the firearms. All firearms, ammunition, and magazines shall be secured from custodies and defendants.

Revolvers shall have the cylinder open. The plastic restraint shall be inserted through a cylinder hole and the trigger guard. The restraint shall then be secured thereby immobilizing the cylinder.

Semi-automatic pistols shall have the magazines removed; slide opened and locked, with the safety on. Ammunition shall be removed from the magazine. Any ammunition in the chamber shall be removed. The plastic restraint shall be inserted through the barrel. The restraint shall then be secured thereby preventing the insertion of ammunition into the chamber and restricting the forward movement of the slide.

Rifles and shotguns shall have all bolts, blocks, slides, and breeches open with the safety on. The plastic restraint shall be wrapped around the frame and through both the ejector and loading ports. The restraint shall then be secured thereby preventing the forward movement of the slide.

Any questions or problems regarding the rendering of any firearms safe shall be referred to a Branch Supervisor. Branch Supervisors shall ensure that ample supplies of plastic restraints are on hand at all times.

At the beginning of each continued session where firearms have been introduced as evidence, the firearms shall once again be inspected, rendered safe and secured from custodies and defendants. Any other weapons, i.e., knives, clubs, etc., shall be kept out of the reach of custodies and defendants.

• 3-06/015.00 - Hazardous Materials

"In the interest of public safety, no exhibit designated as hazardous waste material shall be permitted in any courtroom. All controlled substances as defined in section 11007 of the California Health and Safety Code are hazardous waste material. However, the court will accept color photographs of the object or substance in lieu thereof."

Counsel wishing to examine any such object or substance shall do so prior to the commencement of any courtroom proceeding.

"Pursuant to 1417.3(b) PC and upon finding of good cause, certain toxic materials may be brought to a courtroom and introduced into evidence provided that they remain in a sealed condition at all times. 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." (Los Angeles County Courts Coordinated Procedural Rule 11.01)

- **3-06/020.00 - Photographs/Diagrams**

Prosecutors often use crime scene photographs and diagrams to present evidence. Often these depict victims of violent crimes and are very graphic in nature. Bailiffs should be aware of this and use extreme caution when moving any evidence from the witness stand to the clerk. Visual evidence of this nature should not be accidentally viewed by other witnesses or the victim's family.
