



## **ADMINISTRATIVE ORDER**

For the 5<sup>th</sup> Judicial District of Colorado

CLEAR CREEK COUNTY – EAGLE COUNTY – LAKE COUNTY – SUMMIT COUNTY

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### **ADMINISTRATIVE ORDER CONCERNING THE SAFEGUARDING, RETENTION AND DISPOSAL OF TRIAL EXHIBITS AND DEMONSTRATIVE EVIDENCE**

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**Effective:** April 10, 2026

**Expiration:** Indefinite

**Order Number:** 2026-9

The Colorado Judicial Department has provided rules for the management of records, including exhibits, in the Retention and Disposition Scheduled & Imaging Procedures for Designated Records, Revised 2023. 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. Counsel shall be responsible for uploading all exhibits.

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

#### **Physical evidence/Weapons:**

**Firearms** shall be equipped with a device that renders the firearm inoperable (e.g. trigger lock, cable lock, etc.). The Sheriff's Office shall be notified no fewer than three days prior to the hearing of any intent to introduce a firearm into the court as evidence. The Sheriff's Office shall inspect the firearm to verify it is unloaded and properly secured in accordance with Sheriff's Office policy.

**Ammunition** shall be prohibited from the courtroom whenever a firearm is present. The moving party shall coordinate with the Sheriff's Office to ensure the ammunition is secured 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, the knife shall be safely packaged according to the Sheriff's Office or department policy. Butterfly or gravity knives shall be secured in the closed position according to Sheriff's Office or department policy.

**Razors, box cutters, and other sharp instruments** shall be stored in heat-sealed evidence collection pouches, double-layered to prevent puncture or otherwise secured in accordance with Sheriff's Office or department policy.

**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.

The Sheriff's Office shall be responsible for storage of weapons during the trial/hearing when there are recesses, lunch breaks and at the end of the day.

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. At the discretion of the Sheriff's Office, weapons may be returned to the arresting/investigating agency upon conclusion of the trial for purposes of storage during the applicable retention period and subsequent destruction when applicable.

## **Physical evidence/Drugs and Drug Paraphernalia:**

**Drugs and drug paraphernalia** - The Sheriff's Office shall be responsible for the storage of drugs and drug paraphernalia during the trial/hearing when there are recesses, lunch breaks and at the end of the day. At the end of the proceedings, the drugs and drug paraphernalia shall be transferred to the Sheriff's Office for storage during the retention period and for destruction when applicable. Prior to transfer, the evidence shall be photographed by the District Attorney's Office, and a detailed transfer receipt shall be executed and placed in the case file. A copy of the transfer receipt is attached. At the discretion of the Sheriff's Office, drugs and drug paraphernalia may be returned to the arresting/investigating agency upon conclusion of the trial for purposes of storage during the applicable retention period and subsequent destruction when applicable.

## **Physical evidence/Bio-Hazards:**

**Bio-hazardous exhibits** (those covered with blood or other bodily fluids) must remain sealed in plastic at all times. The Sheriff's Office shall be responsible for storage of bio-hazardous exhibits during the trial/hearing when there are recesses, lunch breaks and at the end of the day. Bio-hazardous exhibits, including rape kits or exhibits which may contain DNA evidence or which require controlled storage conditions to preserve the integrity of the sample, shall be the Sheriff's Office for storage during the retention period at the conclusion of the case for proper storage and retention. At the discretion of the Sheriff's Office, bio-hazardous exhibits may be returned to the

arresting/investigating agency upon conclusion of the trial for purposes of storage during the applicable retention period and subsequent destruction when applicable.

**Physical evidence/Cash, jewelry and negotiable instruments:**

**Cash, jewelry and negotiable instruments** - The Sheriff's Office shall be responsible for the storage of cash, jewelry and negotiable instruments during the trial/hearing when there are recesses, lunch breaks and at the end of the day. The Sheriff's Office will retain these exhibits until the conclusion of the applicable retention period and will disburse according to court order or the Retention and Disposition Schedules. At the discretion of the Sheriff's Office, cash, jewelry and negotiable instruments may be returned to the arresting/investigating agency at the conclusion of the trial for storage during the retention period. Final disposition shall be carried out in accordance with court order or the Retention and Disposition Schedules destruction when applicable.

**Physical evidence/Oversized exhibits:**

**Oversized exhibits** that cannot be accommodated within the court's evidence storage area (e.g. vehicles, large equipment, etc.) may be maintained in secure storage at the discretion of the Sheriff's designee or by the evidence custodian of the investigating law enforcement agency in criminal cases; or released to the moving party following thorough photographic documentation. A transfer receipt shall be executed and retained in the case file.

**Responsibilities with respect to exhibits:**

1. Except as stated herein, 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. Except as stated herein, 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 in the courtroom during breaks, recesses, lunch hours or overnight and shall be stored as stated herein. If the items are not addressed herein and are too large for the court's safe, the Court Reporter/Clerk shall 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. Whenever evidence is transferred to a law enforcement agency/department for safekeeping, or released to the moving party, a receipt shall be executed and retained 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 moving party is responsible for photographing their exhibits. The moving party shall be responsible for uploading the photographs into the file.

**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 as stated herein.
3. Unclaimed exhibits will be disposed of pursuant to the “Retention and Disposition Schedules.”
4. 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.

**EFFECTIVE DATE, MODIFICATION AND BINDING EFFECT.** This Order shall be effective April 10, 2026 and shall remain in effect pending further Chief Judge/Administrative Order.

SO ORDERED this 10<sup>th</sup> day of April, 2026.

BY THE COURT:



Paul R. Dunkelman

Chief District Judge, 5<sup>th</sup> Judicial District

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|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| EAGLE COMBINED COURT<br>885 CHAMBERS AVE<br>PO BOX 597<br>EAGLE, CO 81631                |                                                                                                                            |
| Plaintiff(s)/Petitioner(s):<br><br>v<br><br>Defendant(s)/Respondent(s)/Co-Petitioner(s): |                                                                                                                            |
|                                                                                          | <p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p> <p>Case No.:</p> <p>Div.:                      Courtroom:</p> |
| <b>EXHIBIT RECEIPT – CHAIN OF COMMAND</b>                                                |                                                                                                                            |

EXHIBIT NUMBER/LETTER: \_\_\_\_\_

| Date / Time | Description | From Signature | To Signature |
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Trial/Hearing concluded on \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Court / Deputy Clerk