

EXHIBIT HANDLING PROTOCOL

Effective - February 1, 2002

Revised - April 29, 2002

Evidence tendered as exhibits is an integral part of our court proceedings. Indeed, the mishandling of exhibits or the loss of an exhibit by court staff could result in serious consequences. The Prothonotary is the custodian of the exhibits once they are at the Supreme Court and is ultimately responsible for all exhibits. For further clarity, exhibits are either physical items or paper documents tendered in either criminal trials or civil trials.

There must be a clear policy for the handling of exhibits both paper and physical to ensure consistency and the reduction of all possible errors as persons other than the Prothonotary handle the exhibits as part of the court process.

Unless otherwise directed by the judge presiding, court staff at the Halifax Law Courts shall handle exhibits in accordance with the following policy.

A. EXHIBITS TRANSFERRED FROM THE PROVINCIAL COURT IN CRIMINAL MATTERS

1. The exhibits arrive at the Court Administration Office from Provincial Court and staff sign for receipt of the exhibits. Exhibits should never go directly to a court room and by-pass the Court Administration Office, unless there are exceptional circumstances which have been made known to the Prothonotary. It is the responsibility of the Crown to insure that the Provincial Court exhibits are transferred to the Supreme Court in advance of the trial.
2. The exhibits are immediately given by the Court Administration staff to Sally LeRue.
3. Sally LeRue verifies and insures that the exhibits received concur with the Exhibit Log Sheet which accompanies the exhibits and is prepared by the Provincial Court.
4. If there are any missing exhibits Sally LeRue immediately contacts the Provincial Court to report the missing exhibit and to have the exhibit located by Provincial Court staff.
5. Sally LeRue, upon being satisfied that all the Provincial Court exhibits are in her possession, will place the exhibits in a blue plastic box or other storage container and will assign a shelf number in the exhibit vault to the exhibits. The box will then be placed on the correct shelf in the exhibit vault. This information is also recorded in the exhibit binders at Sally LeRue's work station.

6. The day before the scheduled trial the Judicial Assistant (JA) or Court Clerk (clerk) shall check the civil index to see whether any exhibits have been logged in and will also contact Sally LeRue to insure the exhibits for the trial are in the exhibit vault. A time is to be set to meet with Sally LeRue for the JA or clerk to receive the exhibits. At the time the exhibits are remitted in the storage box to the JA or clerk all exhibits are verified against the log exhibit sheet by both the JA or clerk and Sally LeRue. Once the verification is completed the JA or clerk signs out the exhibits and accepts the responsibility for the safe keeping and handling of the exhibits during the trial.
7. Each individual Provincial Court exhibit entered in the Supreme Court proceeding must be assigned a Supreme Court exhibit number - the Provincial Court exhibit numbers are not to be used in the Supreme Court proceeding. A Supreme Court exhibit log sheet is to be completed noting the Supreme Court exhibit number and description and who tendered the exhibit. Supreme Court exhibit stickers are never to be placed over stickers placed on the exhibits at the Provincial Court. Where the exhibits tendered at the Supreme Court are less than those tendered at the Provincial Court, the JA or clerk must on the Supreme Court exhibit log note the exhibits which were not tendered at the Supreme Court to ensure that when they are returned to Sally LeRue it is clear which exhibits have not been tendered at the Supreme Court but remain as exhibits transferred from the Provincial Court to the Supreme Court.
8. The exhibits may be placed in provided plastic bags or plastic document sleeves (if there are a large number of plastic sleeves these can be placed in a binder) prior to being numbered as a Supreme Court exhibit for ease of handling. Where there are different "types" of exhibits in the same court proceeding, such as "voir dire" exhibits and then "regular" exhibits, each series of exhibits are to have a different colour exhibit labels. For example the "voir dire" exhibits may have yellow exhibit numbering labels, while the regular exhibits may have white exhibit numbering labels.
9. At the end of the court day or at the end of the court proceeding the exhibits are to be returned to the plastic storage box by the JA or clerk and returned to Sally LeRue. If exhibits, such as drugs and cash, are being returned to the exhibit vault for safe keeping for the night, arrangements are to be made with Sally LeRue for the overnight safe keeping. In these instances the exhibits will not be signed back into Sally LeRue but will remain signed out to the JA or clerk and will remain their individual responsibility. Where it is not expected that the court day will conclude prior to 4:30 p.m. and this is known earlier in the day, arrangements MUST be made in advance by the JA or clerk with Sally LeRue for the overnight safe storage of the exhibits. Normally there should be a staff person available with keys to the exhibit vault until at least 5:00 p.m. If notice has not been possible, the JA or clerk will be responsible for the safe keeping of the exhibits over night. Exhibits are NEVER to be left in an unsecured place overnight. If a judge takes exhibits they are considered to be in safe keeping with the judge while in the possession of the judge.

10. Upon return of the exhibits by the JA or clerk to Sally LeRue at the conclusion of a court proceeding, the exhibits are to be verified by both the JA or clerk and Sally LeRue together against the Exhibit Log Sheet. Once the verification is completed the exhibits are then signed over to Sally LeRue on behalf of the Prothonotary.
11. Exhibits are retained at the Supreme Court by Sally LeRue for the required retention period.

B. EXHIBITS TENDERED FOR THE FIRST TIME IN THE SUPREME COURT IN BOTH CIVIL AND CRIMINAL TRIALS

1. The day before the scheduled court proceeding at which exhibits are likely to be tendered as evidence the JA or clerk shall obtain from Sally LeRue a plastic storage box for exhibits if required and insure that a supply of plastic bags or plastic document sleeves is available if required.
2. Each individual exhibit entered in the Supreme Court proceeding must be assigned a Supreme Court exhibit number - the police number or any other number are not to be used in the Supreme Court proceeding. A Supreme Court exhibit log sheet is to be completed noting the Supreme Court exhibit number and description.
3. The exhibits may be placed in provided plastic bags or plastic document sleeves (if there are a large number of plastic sleeves these can be placed in a binder) prior to being numbered as a Supreme Court exhibit for ease of handling. When there are different “types” of exhibits in the same court proceeding, such as “voir dire” exhibits and then “regular” exhibits, each series of exhibits are to have a different colour exhibit labels. For example the “voir dire” exhibits may have yellow exhibit numbering labels, while the regular exhibits may have white exhibit numbering labels.
4. At the end of the court day or at the end of the court proceeding the exhibits are to be returned to the plastic storage box by the JA or clerk and returned to Sally LeRue. If exhibits, such as drugs and cash, are being returned to the exhibit vault for safe keeping for the night, arrangements are to be made with Sally LeRue for the overnight safe keeping. In these instances the exhibits will not be signed back into Sally LeRue but will remain signed out to the JA or clerk and will remain their individual responsibility. Where it is not expected that the court day will conclude prior to 4:30 p.m. and this is known earlier in the day, arrangements MUST be made in advance by the JA or clerk with Sally LeRue for the overnight safe storage of the exhibits. Normally there should be a staff person available with keys to the exhibit vault until at least 5:00 p.m. If notice has not been possible, the JA or clerk will be responsible for the safe keeping of the exhibits over night. Exhibits are NEVER to be left in an unsecured place overnight. If a judge takes exhibits they are considered to be in safe keeping with the judge while in the possession of the judge.

5. Upon return of the exhibits by the JA or clerk to Sally LeRue at the conclusion of a court proceeding, the exhibits are to be verified by both the JA or clerk and Sally LeRue together against the exhibit log sheet. Once the verification is completed the exhibits are then signed over to Sally LeRue on behalf of the Prothonotary.
6. Exhibits are retained at the Supreme Court by Sally LeRue for the required retention period.