

**THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION**

ADMINISTRATIVE DOCKET No. 06 of 2018

In re: Adoption of Philadelphia Rule of Judicial Administration No. *5005

ORDER

AND NOW, this 4th day of September, 2018, it is hereby ORDERED that Philadelphia Rule of Judicial Administration No. *5005. Custody of Exhibits. Court of Common Pleas, Trial Division, Criminal is adopted as required by Pa.R.J.A. 103.

This Administrative Order and the attached local rule shall be filed with the Office of Judicial Records (formerly the *Prothonotary, Clerk of Courts and Clerk of Quarter Sessions*) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the attached local rule, as well as one copy of the Administrative Order and local rule shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. One certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, shall become effective, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rule shall also be published in *The Legal Intelligencer* and will be submitted to *American Lawyer Media, Jenkins Memorial Law Library*, and the Law Library for the First Judicial District.

BY THE COURT:

/s/ **Jacqueline F. Allen**

HON. JACQUELINE F. ALLEN
Administrative Judge, Trial Division
Court of Common Pleas
Philadelphia Country

Philadelphia Rule of Judicial Administration No. *5005

Rule *5005. Custody of Exhibits. Court of Common Pleas, Trial Division, Criminal.

- (a) **General Rule.** Counsel and unrepresented parties shall mark all documentary exhibits, non-documentary exhibits, photographs, and photographs of evidence such as weapons, contraband and hazardous materials used and offered during trials, hearings or other proceeding where evidence may be entered on the record (collectively, “proceeding”), which shall be inventoried, filed and retained as provided in this rule.
- (b) **Custodian of Exhibits.** The Office of Judicial Records is designated to be the custodian of Exhibits, which shall be docketed and made part of the record, including the record on appeal, and shall insure that the Exhibits be maintained and retained as provided in this rule
- (c) **Documentary Exhibits.** Documentary exhibits, including oversized exhibits, must be converted to letter sized pdf and appropriately marked and produced during the proceeding.
- (1) **Confidential Documents. Documents Containing Confidential Information.** Confidential documents or documents which contain Confidential Information as provided in the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* (UJS Case Records Policy) which are offered as Exhibits, when electronically filed as provided in Section (i)(1) shall be filed as *Confidential Documents*, or in a *Redacted Format* and *Unredacted Format* as provided in Phila. R.J.A. No. *401.
- (2) **Exhibits Sealed by the Court.** Any Exhibit sealed by the presiding judge during the proceeding shall be clearly marked “**SEALED**” and will not be accessible by the public.
- (d) **Non-documentary Exhibits.** Non-documentary exhibits, including audio, video or other electronic media, must be produced by the proponent on a Smart Media Device (“SMD”) such as a CD/DVD, and shall at a minimum be marked with the Defendant’s Name, Case Number and whether it is a Commonwealth or Defense exhibit.
- (e) **Custody of Documentary and Non-Documentary Exhibits During the Proceeding.** Upon identifying or offering documentary and non-documentary exhibits, they shall be maintained during the proceedings and until they are inventoried by designated judicial staff.
- (f) **Custody of Documentary and Non-Documentary Exhibits After the Proceeding.** Unless otherwise provided by the presiding judge, at the conclusion of the proceeding, documentary and non-documentary exhibits shall be retained by designated judicial staff as follows:
- (1) **Major and Homicide Courtrooms:** Exhibits shall be retained by designated judicial staff for a period of five (5) days pending the electronic filing of Exhibits as provided in Section (i)(1). Upon the electronic filing of the Exhibits, the “original” Exhibits shall be retrieved by the proponent or discarded by the designated judicial staff; and
- (2) **Waiver Courtrooms:** Exhibits shall be scanned into the Court’s Document Management System as provided in Section (i)(2) and shall be made available depending on the nature of the exhibit, as provided by the UJS Case Records Policy.
- (g) **Custody of Weapons, Contraband and Hazardous Materials.** During the proceeding, the proponent of any weapon, contraband and hazardous materials shall retain custody of same, and shall exercise all appropriate safeguards necessary to protect the evidence and the public in general based on the nature of the evidence. At the conclusion of the proceeding, unless the presiding judge directs otherwise, weapons, contraband and hazardous materials introduced as evidence will be returned to the proponent after such evidence is photographed or otherwise converted to letter sized pdf exhibits and made part of the case record as provided in this rule.

(h) Exhibit List. At the conclusion of the proceeding, designated judicial staff shall inventory all exhibits and evidence, whether documentary, non-documentary, or weapons, contraband and hazardous materials, whether admitted or marked for identification. Any oversize exhibit, physical evidence or visual evidence not previously converted to letter size pdf format as provided in this rule shall be photographed and/or converted to pdf letter size and marked. Each Exhibit and piece of evidence shall be clearly marked and placed on the *Exhibit List* which shall be reviewed and approved by the presiding judge and thereafter filed of record. A copy of the Exhibit List shall be provided to all parties.

(i) Uploading Exhibits and Evidence. Exhibits and evidence shall be made part of the record as follows:

(1) **Major and Homicide Courtrooms.** Within five (5) business days of the conclusion of the proceeding, each proponent of the exhibits and evidence shall upload their Exhibits through the Electronic Filing System. In addition, no later than within five (5) business days of the conclusion of the proceeding, each proponent shall also provide to the Office of Judicial Records any SMD with non-documentary audio, video or electronic exhibits and evidence, labeled as provided in Section (d). The Exhibits and SMD shall be maintained and retained by the Office of Judicial Records as required by any applicable retention schedule, statute, rule, regulation or policy, or until further order of court.

(2) **Waiver Courtrooms.** At the conclusion of the proceeding, the Office of Judicial Records shall take possession of all Exhibits and SMD, whether admitted or marked for identification during the proceeding, and shall scan into the Court's Document Management System and shall be made available depending on the nature of the exhibit, as provided by the UJS Case Records Policy. The Exhibits and SMD shall be maintained and retained by the Office of Judicial Records as required by any applicable retention schedule, statute, rule, regulation or policy, or until further order of court.

(j) When submitting or uploading Exhibit lists and Exhibits the proponent shall certify compliance with this rule by including (or checking a box certifying) the following language:

*I certify that this filing complies with the provisions of Philadelphia Rule of Judicial Administration No. *5005 and that all Exhibits electronically submitted were marked or introduced as evidence during the referenced trial, hearing or other proceeding.*