
Firearms Restraining Orders

310.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning for and serving firearms restraining orders and accounting for firearms, ammunition, firearm parts that could be assembled to make an operable firearm, any Firearm Owner's Identification card, and concealed carry licenses obtained pursuant to those orders.

310.1.1 DEFINITIONS

Definitions related to this policy include:

Firearms Restraining Order - A court order prohibiting and enjoining a named person from having in the person's custody or control, purchasing, possessing, or receiving any firearms, ammunition, or firearm parts that could be assembled to make an operable firearm (430 ILCS 67/5; 430 ILCS 67/35; 430 ILCS 67/40). The order requires the named person to surrender to local law enforcement any firearm, ammunition, and firearm parts that could be assembled to make an operable firearm in the respondent's possession for the duration of the order (430 ILCS 67/35; 430 ILCS 67/40).

310.2 POLICY

It is the policy of the Alsip Police Department to petition for and serve firearms restraining orders in compliance with state law, and to properly account for firearms, any Firearm Owner's Identification Card, and concealed carry licenses obtained by the Department pursuant to such orders.

310.3 FIREARMS RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a firearms restraining order coordinator. The responsibilities of the coordinator include:

- (a) Developing and maintaining procedures for the filing of a petition for a firearms restraining order by the [Department/Office] (430 ILCS 67/1 et seq.)
- (b) Developing and maintaining procedures for the receipt and service of firearms restraining orders consistent with the requirements of 430 ILCS 67/50. Procedures should include:
 1. Acceptance of voluntarily surrendered firearms, ammunition, firearm parts, any Firearm Owner's Identification card, and concealed carry license from a person who is the subject of the restraining order.
 2. Assessing a firearms restraining order prior to service to determine whether the order should be served pursuant to the Warrant Service and the Operations Planning and Deconfliction policies.
 3. Preparing or obtaining a search warrant prior to attempting service of the firearms restraining order.
 4. Consulting with an Illinois State Police (ISP) gun liaison officer.

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5. Entering firearms restraining orders information into the Law Enforcement Agencies Data System (LEADS).
- (c) Coordinating with the Services Supervisor to provide officers with appropriate training. Training should include determining when a petition is appropriate, the process for seeking a firearms restraining order, and the service of firearms restraining orders.
 1. The training shall be made available annually and approved by the Illinois Law Enforcement Training and Standards Board.
- (d) Reviewing each petition for a firearms restraining order (and associated affidavits or court documents, if applicable) to ensure compliance with this policy, [department/office] procedures, and state law.
- (e) Developing and maintaining procedures for the filing of all required documents with the court after service of a firearm restraining order (e.g., the original firearms receipt, proofs of service).
- (f) Making notifications to [department/office] members and witnesses regarding scheduled court proceedings.

310.4 FIREARMS RESTRAINING ORDERS

An officer who reasonably believes that a firearms restraining order is appropriate should obtain supervisor approval prior to seeking an order.

310.4.1 STANDARDS

Firearms restraining orders may be appropriate if a person poses an immediate and present danger of causing personal injury to him/herself or others by having a firearm in his/her custody or control (430 ILCS 67/35; 430 ILCS 67/40).

310.4.2 REQUIREMENTS OF PETITION

A petition for a firearms restraining order should be prepared and served consistent with state law, court-approved forms, and the procedures developed by the Firearms Restraining Order coordinator (430 ILCS 67/1 et seq.). If known, the petition should identify existing or previous protective orders and clear and present danger reports involving the subject of the petition.

310.4.3 NOTICE TO FAMILIES AND PERSONS AT RISK

Upon the application for a firearms restraining order, officers should make a good faith effort to provide notice to a family or household member of the person who is the subject of the firearms restraining order and to any other person reasonably known to be at risk of violence.

Officers shall also make reasonable efforts to provide notice to any and all intimate partners if the petition alleges that the named person poses a significant danger of causing personal injury to them.

The notice shall include (430 ILCS 67/35; 430 ILCS 67/40):

- (a) The department's intention to petition the court for a firearms restraining order.

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- (b) Information and referrals to appropriate resources, such as counseling services, domestic violence or stalking advocacy, if applicable.

Officers should document all reasonable efforts to provide notice.

310.5 SERVICE

Officers shall serve a copy of a firearms restraining order, including renewals or terminations of orders, and any accompanying notice of hearing and petition, on the person named in the order as soon as practicable if the named person was not present in court when the order was issued (430 ILCS 67/50). Service of firearms restraining orders takes precedence over the service of other orders, except for orders of a similar emergency nature.

If applicable, officers may serve a firearms restraining order upon the named person via short form notification (430 ILCS 67/50).

310.5.1 SAFETY CONSIDERATIONS

Upon receipt of a firearms restraining order, the operations director or the authorized designee should evaluate the circumstances of the order and consider what precautions are appropriate for service.

When appropriate based on the circumstances and department procedures, service of firearms restraining orders should be executed pursuant to the Operations Planning and Deconfliction Policy.

In no circumstances should fewer than two officers be present when a firearms restraining order is being served.

310.5.2 SURRENDER OF FIREARMS, ANY FIREARM OWNER'S IDENTIFICATION CARD, AND CONCEALED CARRY LICENSE

Officers serving a firearms restraining order should request that the person who is the subject of the order immediately surrender all firearms, ammunition, and firearm parts in the person's custody, control, or possession along with any Firearm Owner's Identification card and concealed carry license issued to the person. Officers shall take custody of any items surrendered (430 ILCS 67/35; 430 ILCS 67/40).

310.5.3 RECEIPT OF COURT-ORDERED ITEMS

A receipt identifying all surrendered items should be prepared by the officers and a copy given to the person. The officers should ensure a copy of the receipt is forwarded to the Records Clerk as soon as practicable.

All items collected should be handled and booked in accordance with the Evidence Room Policy.

310.5.4 SEARCH WARRANTS

If the person subject to the firearms restraining order refuses to surrender all items subject to the order or if an officer serving a firearms restraining order reasonably believes there are items

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ordered to be relinquished in the person's custody, control, or possession that have not been surrendered, the officer should consider whether to seek a search warrant.

Officers should be prepared to file a search warrant prior to attempting service of a firearms restraining order. Preparation and service of the search warrant should be done in accordance with the Warrant Service Policy.

310.5.5 SEARCH WARRANT RETURN

A return of a search warrant that was issued in relation to a firearm restraining order is required to be filed with the court within four days of issuance (430 ILCS 67/35; 430 ILCS 67/40).

310.5.6 INFORMATION FOR RETAKING POSSESSION OF FIREARMS, ANY FIREARM OWNER'S IDENTIFICATION CARD, AND CONCEALED CARRY LICENSE

An officer who takes custody of firearms, ammunition, firearm parts, a Firearm Owner's Identification card, and concealed carry license should inform the person who is the subject of the order of the process for retaking possession of those items after the period of safekeeping has ended.

310.5.7 DATABASE CHECK OF SEIZED FIREARMS

An officer who takes custody of firearms from the person who is the subject of the order should run the firearms through LEADS and the National Crime Information Center (NCIC) database.

310.6 RELEASE OF FIREARMS, FIREARM OWNER'S IDENTIFICATION CARD, AND CONCEALED CARRY LICENSE

Any person requesting the release of any firearm, ammunition, firearm parts, Firearm Owner's Identification card, or license to carry a concealed weapon or firearm in department custody pursuant to a firearms restraining order should be referred to the Evidence Room (430 ILCS 67/35; 430 ILCS 67/40).

310.7 RENEWAL OF FIREARMS RESTRAINING ORDER

The Investigation Unit supervisor is responsible for the review of any firearms restraining order obtained by the Department to determine if renewal or extension of a firearms restraining order should be requested within the time prescribed by law (430 ILCS 67/45).

310.8 RECORDS CLERK RESPONSIBILITIES

The Records Clerk is responsible for sending required documents to the ISP in the manner prescribed or required by law (e.g., receipts of court-ordered items, Firearms Owners Identification cards, concealed carry licenses). This includes sending any received concealed carry licenses within seven days of receipt (430 ILCS 66/70).

310.9 REPORTING CLEAR AND PRESENT DANGER TO ISP

An officer encountering an individual, who based on known circumstances, would pose a clear and present danger to self or others (as defined by 430 ILCS 65/1.1), shall forward a report to the

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ISP in the approved format (430 ILCS 65/8.1). This requirement applies regardless of whether a petition for a firearms restraining order has been filed.