

	<h1>ELGIN POLICE DEPARTMENT</h1> <p>151 Douglas Avenue Elgin, Illinois 60120</p>	
Effective Date: 06/17/14	STANDARD OPERATING PROCEDURE	Revised Date: 09/28/15
Chief of Police: 	Firearm Concealed Carry Act, 1.6	
Cross Reference: SOP 72.2 Holding Facility: Security, Control & Humane Conditions SOP 83.1 Physical Evidence Operations SOP 84.1 Property Evidence Control City of Elgin Personnel Manual, Section 6.15 Firearms Owner's Identification Act, 430 ILCS 65 Illinois Firearm Concealed Carry Act, 430 ILCS 66 Unlawful Use of a Weapon, 720 ILCS 5/24-2	Policy Sections: 1.6.1 Concealed Carry License Application Review Process 1.6.2 Revocation or Suspension of Concealed Carry License 1.6.3 Prohibited Locations and Exceptions 1.6.4 Investigatory Stops/Street Encounters/Transports 1.6.5 Custodial Arrests 1.6.6 Submitting Firearms to the Property Evidence Custodian 1.6.7 Violations of the Act 1.6.8 Safe-keeping of Firearms 1.6.9 CCL Guidelines for Employees 1.6.10 Clear and Present Danger Reporting 1.6.11 Designated Sign to Prohibit Concealed Handgun Appendix A: State of Illinois CCL Objection Registration Appendix B: ISP Firearm Disposition Record Appendix C: Notice of Firearm in Safe-keeping Appendix D: Clear and Present Danger Reporting Appendix E: ISP Designated Sign	

PURPOSE

The purpose of this policy is to provide guidance on the Illinois Firearm Concealed Carry Act to ensure employees are familiar with the law mandates applicable to the performance of their job duties.

POLICY

It is the policy of the Elgin Police Department to comply with provisions of the Illinois Firearm Concealed Carry Act. Employees with the propensity of coming into contact with firearms shall familiarize themselves with said act and the restrictions placed on concealed carry license holders, changes in the application of relevant criminal codes, and the specific responsibilities placed on law enforcement agencies administering said act.

DEFINITIONS

Clear and Present Danger: Pursuant to the FOID Act, a person who demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions or other behavior, as determined by a law enforcement official

Concealed Carry License: A license issued by the Illinois State Police to carry a concealed handgun; also referred to as a CCL.

Concealed Firearm: For purposes of the Firearm Concealed Carry Act, a loaded or unloaded handgun carried on or about a person that is completely or mostly concealed from view of the public or on or about a person within a vehicle.

Firearm Concealed Carry Act: Allows individuals with possession of a concealed carry license in the State of Illinois to carry a loaded or unloaded handgun, fully concealed or partially concealed, on or about his/her person or within a vehicle.

Handgun: The Firearm Concealed Carry Act pertains to handguns only, which are designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas that is designed to be held and fired by the use of a single hand. Pursuant to said act, a handgun does not include: a stun gun or TASER, machine gun, short barreled rifle or shot gun, pneumatic gun, spring gun, paint ball gun or bb gun.

Licensee: A person issued a license to carry a concealed handgun.

PROCEDURES

1.6.1 CONCEALED CARRY LICENSE APPLICATION REVIEW PROCESS

- A. The ISP maintains a database of concealed carry license (hereinafter referred to as "CCL") applicants and licensees which are available to all federal, state, and local law enforcement agencies, to include the state's attorney's office, the attorney general, and authorized court personnel. Information contained in the database may not be provided to a requestor, unless entitled by law.
- B. The chief of police shall designate an agency administrator and four designees, to include the commander for investigations, who may submit objections to the issuance of a CCL. The department may update the name of the agency administrator using the State of Illinois Concealed Carry License – Law Enforcement Objection Registration Form. Refer to Appendix A to view this form.
- C. On a weekly basis, the designated personnel shall review the ISP database to check for applicants that the department has reasonable suspicion to believe are a danger to themselves, others or are a threat to public safety.
- D. Objections must be submitted within 30 days after the entry of an applicant into the database. The objection must contain information or documents to support the department's concerns.
- E. The ISP will submit the department's objection and all information related to the application to the Concealed Carry Licensing Review Board within 10 days of completing all necessary background checks. The board may request additional information or testimony from the department.

1.6.2 REVOCATION OR SUSPENSION OF CONCEALED CARRY LICENSE AND FOID CARD

- A. A CCL will be suspended by the ISP if an order of protection, including an emergency order of protection, plenary order of protection or interim order of protection under Article 112A of the Code of Criminal Procedure of 1963 or under the Illinois Domestic Violence Act of 1986, is issued against a licensee for the duration of the order.
- B. When an order of protection is issued, the licensee shall surrender the CCL to the court at the time the order is entered or to the Cook and Kane County Sheriff's Office or to the entity responsible for serving the order.
- C. The department may be asked to serve an emergency order of protection. Within seven days of serving the order, the department shall notify the ISP and forward the offender's CCL. The CCL shall be transmitted along with a copy of the ISP Firearm Disposition Record. Refer to Appendix B to view the form.
- D. When a CCL is revoked, suspended or denied, the licensee must, within 48 hours of receiving notice of such, surrender his/her license to the department. If the licensee resides in another jurisdiction, he/she shall be referred to the appropriate police department having jurisdiction. The in-taking employee shall transmit the CCL to the ISP using the designated Firearm Disposition Record, as mentioned above.
- E. 430 ILCS 65/9.5 requires individuals whose FOID card is revoked to surrender his/her card to the local law enforcement agency where the person resides. The person must complete the ISP Firearm Disposition Record. The department shall transmit the FOID card and Firearm Disposition Record to the ISP.

1.6.3 PROHIBITED LOCATIONS AND EXCEPTIONS

Pursuant to the Firearm Concealed Carry Act, a licensee shall not knowingly carry a concealed handgun into designated prohibited areas; the act also outlines exceptions to the prohibited areas. Refer to the act to view these locations and exceptions.

1.6.4 INVESTIGATORY STOPS/STREET ENCOUNTERS/TRANSPORTS

- A. A licensee is required to be in possession of his/her license at all times when carrying a concealed handgun.
- B. During investigatory and traffic stops, upon the request of the officer, a concealed carry licensee must do the following:
 - 1. Disclose that he/she is in the possession of a CCL pursuant to the Firearm Concealed Carry Act.
 - 2. Present his/her CCL.
 - 3. Identify the location of the concealed handgun.
- C. During street encounters, officers must weigh a person's right to bear arms against maintaining personal safety, scene safety, and the safety of others. There are a multitude of scenarios to consider when coming into contact with a licensee legally in possession of a firearm. Officers shall assess the totality of the circumstances when determining the best course of action during the duration of the encounter. Options may include, but are not limited to:
 - 1. Leaving the firearm in the possession of the licensee with specific instruction from police personnel as to what the licensee should and should not do for scene and officer safety.
 - 2. Instruct the licensee to secure the firearm in a safe area until completion of the officer's encounter, along with specific communication to the licensee as to the reasons for the request.
 - 3. Temporarily secure the firearm from the licensee for safety, along with specific communication to the licensee as to the reasons for the temporary confiscation. The firearm will be returned upon conclusion of the officer's encounter, provided that there are no relevant violations of law or concerns that lead the officer to believe the licensee is not physically or mentally capable of possessing the firearm.
 - 4. Seize the firearm as a result of a law violation.
- D. No persons armed with a firearm shall be transported by an employee. If the subject to be transported is a CCL holder, they shall be required to surrender their firearm and method of carry to the transporting officer for temporary safe-keeping, inaccessible to the transporting person.
 - 1. Care shall be taken to ensure firearms are properly secured within the police vehicle. When possible, firearms should be left in the licensee's secured method of carry which may include a holster.
 - 2. The firearm and method of carry shall be returned to the CCL holder at the conclusion of the transport as long as the destination is not a restricted location prohibiting the CCL holder from lawfully carrying.
 - 3. If the transport is a prohibited location as specified in the act and the firearm cannot be lawfully possessed by the CCL holder, it shall be retained for safe-keeping, transported to the department and secured in the property evidence room.
- E. Civilian personnel shall not provide transportation to an armed CCL holder.

1.6.5 CUSTODIAL ARRESTS

In the event the arrestee is an armed CCL holder, the below practices shall be followed:

- A. The arresting officer shall take temporary protective custody of the firearm. Care shall be taken to ensure the firearm is properly secured within the police vehicle. When possible, firearms should be left in the licensee's secured method of carry which may include a holster.

- B. During the booking process, all firearms shall be secured in the gun lockers outside the Holding Facility. Refer to Standard Operating Procedure 72.2 Holding Facility: Security, Control, and Humane Conditions.
- C. Upon completion of the booking process and release from custody, the firearm shall be returned to the arrestee. The firearm and ammunition shall be returned separately. However, if the arrestee was arrested in violation of the act, then the firearm cannot be returned without a court order.
- D. If the arrestee is unable to complete processing, post the required bond, will be transported to another facility where possession of the firearm is prohibited, or if possession of a firearm under the circumstances at the time of their release would be in violation of the concealed carry act, the firearm and method of carry will be held for safe-keeping or as evidence, as mentioned below.

1.6.6 SUBMITTING FIREARMS TO THE PROPERTY EVIDENCE CUSTODIAN

- A. Safe handling practices of the firearm shall be followed which includes unloading the firearm at an unloading station prior to being submitted into the property evidence room. Should an officer be unfamiliar with the unloading procedure of the involved firearm, he/she shall consult with a range officer or other qualified staff member who can safely perform the unloading.
 - 1. Under no circumstances should civilian staff handle a loaded or unsecured firearm, unless authorized by a supervisor and after completing firearms familiarization; training will be provided by a department range officer.
- B. Officers shall complete a Property Evidence Report for firearms seized due to violations of the act or for temporary safe-keeping. For more information on this report, refer to Standard Operating Procedure 84.1 Property Evidence Control.
- C. Officers shall designate whether the firearm is being submitted as evidence or for safe-keeping in the department's records management system. Firearms seized due to violations of the act shall be submitted as evidence. Refer to the act to view the violations.
- D. Firearms shall be properly marked and packaged in accordance to Standard Operating Procedure 83.1 Physical Evidence Operations.

1.6.7 VIOLATIONS OF THE ACT

- A. Violations of the Firearms Concealed Carry Act are not violations of the UUW statute. Licensees found in violation of the restrictions set forth in the act may be charged under the relevant sections of the act; refer to the act for a listing of the violations.
- B. Officers investigating violations of the act shall assess the totality of the circumstances of such violations. Officers have discretion, based on situational circumstances, of resolving minor issues or making an arrest for violation of the concealed carry law.

1.6.8 SAFE-KEEPING OF FIREARMS

- A. Situations may arise where an outside agency encounters a firearm possessed by a CCL holder. These situations may include, but are not limited to medical emergencies involving the fire department, ambulance service, funeral home or local medical office.
- B. Upon request, the officer may take custody of the firearm and ammunition. However, when the licensee will be transported to another location for treatment, the firearm shall be turned over to the officer. The firearm shall be placed in the property evidence room for safe-keeping. A Notice of Firearm in Safe-keeping shall be completed and provided to the licensee; a copy shall remain with the police report. The officer shall ensure that the firearm has been entered into LEADS. To view the form, refer to Appendix C of this policy.

- C. The CCL holder may retrieve the items from the property evidence custodian at a later time by following the instructions on above mentioned safe-keeping form. Upon return of the firearm, the property evidence custodian shall ensure the firearm is removed from LEADS. In cases involving death of the CCL holder, an heir or executor may retrieve the items by providing proof of death and a valid FOID card and/or order of the court.
- D. Items not claimed by the owner shall be disposed of in accordance with Standard Operating Procedure 84.1 Property Evidence Control.

1.6.9 CCL GUIDELINES FOR EMPLOYEES

- A. The act does not require those already exempt pursuant to the Unlawful Use of a Weapon statute (720 ILCS 5/24-2) and the Federal Law Enforcement Officers' Safety Act of 2004 to possess and carry a CCL.
- B. Active duty peace officers are not required to carry a CCL and should not apply for a license. CCL requirements could unintentionally inhibit the officer's ability to carry a firearm.
- C. Retired police officers are not required to carry a CCL as they fall under the Illinois Retired Officer Concealed Carry Program.
- D. Civilian employees who obtain a CCL shall not carry a firearm while representing the city, when in uniform or on-duty. Pursuant to the act, civilian employees may travel to and from work in their personal vehicles with their firearm. However, civilian employees may not travel in city owned vehicles with their firearm. Violations will subject the employee to disciplinary action.
- E. Refer to section 6.15 of the city's Personnel Manual to view the city-wide policy.


1.6.10 CLEAR AND PRESENT DANGER REPORTING

- A. Pursuant to 430 ILCS 65/8(d)(2) of the Firearm Owner's Identification Act and 430 ILCS 66/105 of the Firearms Concealed Carry Act, law enforcement officials and school administrators are required to report to the ISP, within 24 hours, any individual who is determined to pose a clear and present danger to themselves or others. This practice is intended to prevent individuals within this category to have access to firearms or firearm ammunition by denying or revoking the individual's FOID Card.
- B. For the purposes of this policy, notification to the ISP shall be made when:
 - 1. A person is arrested for a violent crime.
 - 2. A person makes or demonstrates homicidal or suicidal threats and/or actions.
 - 3. A person is named in a Petition for Involuntary Commitment by any employee of the department.
 - 4. Any other behavior that falls under the definition of clear and present danger.
- C. Upon determination that a person poses a clear and present danger, the reporting official shall:
 - 1. Complete a police report depicting the events leading to the determination that the person poses a clear and present danger.
 - 2. Complete the Illinois State Police – Person Determined to Pose a Clear and Present Danger form. The completed form shall be forwarded to the respective supervisor for approval and faxed to the ISP. A copy of the form shall remain with the police report.
- D. Refer to Appendix D to view the ISP Clear and Present Danger Reporting form.

1.6.11 DESIGNATED SIGN TO PROHIBIT CONCEALED HANDGUN

- A. For public property not considered a prohibited area as outlined in the act, property owners may utilize the ISP designated sign to prohibit individuals from carrying a concealed handgun onto their property. The act requires the property owner to “clearly and conspicuously” post said sign at the entrance of the property.
- B. The act does not require the sign to be posted at a private residence.
- C. The sign is available for public use through the Illinois State Police website. Refer to Appendix E to view the ISP approved sign.

APPENDIX A: STATE OF ILLINOIS CONCEALED CARRY LICENSE OBJECTION REGISTRATION

	State of Illinois CONCEALED CARRY LICENSE – LAW ENFORCEMENT OBJECTION REGISTRATION
AGENCY NAME: _____	AGENCY ORI: _____
AGENCY ADDRESS: _____ _____ _____	AGENCY PHONE: _____
AGENCY ADMINSTRATOR FOR THE LAW ENFORCEMENT CCL OBJECTION SYSTEM:	
NAME: _____	
TITLE: _____	
EMAIL: _____ (required)	
PHONE: _____	
<p>I hereby authorize the above named individual to act on my behalf as the chief law enforcement officer of the _____ (name of agency) and serve as the agency's CCL Objection Site Administrator. I understand the Agency Administrator will maintain control of those designated within my agency to serve as my designee, change or add information as needed.</p>	
Printed Name of Chief Law Enforcement Officer: _____	
Signature of Chief Law Enforcement Officer: _____ Date: _____	
Subscribed and sworn to before me	
this _____ day of _____, _____.	
_____ Notary Public	
<p>Please return to: Illinois State Police Firearms Services Bureau – Attn: CCL LE Registration 801 South 7th Street, Springfield, IL 62703 FAX: (217) 782-9139 EMAIL: CCW_Illinois@isp.state.il.us</p>	
<small>ISP 2-647 (11/13)</small>	

APPENDIX B: ISP FIREARM DISPOSITION RECORD



ILLINOIS STATE POLICE FIREARM DISPOSITION RECORD

FOID #: _____

NAME: _____

Last Name, First Name, Middle

DATE OF BIRTH: ____/____/____

ADDRESS: _____

PHONE: (____) ____-____

EMAIL: _____

Please list all firearms within your possession at the time of revocation, indicating they have been secured/transferred in accordance with 430 ILCS 65/9.5. If your FOID card was confiscated by the Court or Law Enforcement, provide documentation.

	MAKE	MODEL	SERIAL #	NAME AND ADDRESS OF PERSON FIREARM TRANSFERRED TO:	PROVIDE FOID# OR FFL#
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

ATTACH ADDITIONAL DISPOSITION FORMS IF MORE SPACE IS NEEDED.

Page ____ of ____

☐ My firearms are being retained by a law enforcement entity.

Name of Agency: _____

The Firearm Owners Identification Card Act (430 ILCS 65/9.5[a][2]) requires an individual whose FOID card is revoked to surrender his or her FOID card and complete this Record for all firearms in their possession or control within 48 hours of receiving notice of the revocation to their local law enforcement agency. I certify that I have transferred all firearms I own or are under my custody and control to the custody of another person with a valid FOID card in compliance with the Act. I declare under penalty and perjury under the laws of the state of Illinois the foregoing is true and correct.

Signature of Revoked Cardholder

Name of Police Agency in Receipt of FOID card and Disposition Record

Date

Signature of Receiving Officer

Printed Name of Receiving Officer

Date

Badge #

NOTICE TO POLICE AGENCY: A copy of this form should be mailed to the Illinois State Police, Firearms Services Bureau, ATTN: ENFORCEMENT, 801 S. 7th Street, Ste. 400-M, Springfield, IL 62703, along with the surrendered FOID card(s).

ISP 2-636 (12/13)

APPENDIX C: NOTICE OF FIREARM IN SAFE-KEEPING



ELGIN POLICE DEPARTMENT *Illinois Firearm Concealed Carry Act* Notice of Firearm in Safe-keeping



The Illinois Firearm Concealed Carry Act permits individuals with possession of a concealed carry license in the State of Illinois to carry a loaded or unloaded handgun, fully concealed or partially concealed, on or about his/her person or within a vehicle. Said act specifies the locations where carrying is prohibited. On the below date and time, the police department was notified that you were unable to provide oversight of your firearm. Due to below described circumstances, the police department has taken temporary custody of your firearm for safe-keeping.

This form serves as your receipt. To retrieve your firearm, you must contact the Elgin Police Department's Property Evidence Room, (847) 289-2555, Monday through Friday, during the hours of 8am-4pm, to schedule an appointment to come to the police department. You must bring your concealed carry license, valid identification and a copy of this form.

Name of owner DOB

Report number Date Time

Officer's name Badge number

Briefly describe the circumstances requiring safe-keeping of the firearm

Firearm information and other items

Make Model

Serial # Caliber

Briefly describe any additional items associated with the firearm

APPENDIX D: ISP CLEAR & PRESENT DANGER REPORTING

Page one only



Illinois State Police

Person Determined to Pose a Clear and Present Danger

It is the duty of law enforcement officials and school administrator to report to the Department of State Police when a student or other person is determined to pose a clear and present danger to themselves, or to others, within 24 hours of the determination. 20 Il. Admin. Code 1230.120.

This form must be completed in its entirety by the law enforcement official, principal, chief administrative officer, or their designee making the determination. Clear and present danger reporting shall be used by the Department of State Police to identify persons who, if granted access to a firearm or firearm ammunition, pose an actual, imminent threat of substantial bodily harm to themselves or another person(s) that is articulable and significant or who will likely act in a manner dangerous to public interest.

Completed forms and attachments should be faxed to the Illinois State Police, Firearm Services Bureau at 217/782-9139. For questions or to confirm receipt of a fax, please call the Firearms Services Bureau, Monday through Friday, 8:30 a.m. to 5:00 p.m. at 217/782-3700. For assistance from the Firearms Services Bureau beyond normal business hours, contact the Statewide Terrorism and Intelligence Center at 877/455-7842. If immediate police assistance is required, contact your local law enforcement agency or call 911.

REPORTING OFFICIAL

Name of Reporting Official:			
Title of Reporting Official:			
Name of Law Enforcement Agency / School:		Address:	
Contact Information:			
Phone		Fax:	
Email			
Signature of Reporting Official:		Date:	

INDIVIDUAL POSING A CLEAR AND PRESENT DANGER

Individual's Name:		Date of Birth:	
Individual's Home Address:		Individual's Campus Address (if applicable):	
Individual's Parents or Guardians Names (if applicable):			
Individual's Contact Phone Number(s):			

ISP 2-649 (1/14)

APPENDIX E: ISP DESIGNATED SIGN

