



GENERAL ORDER

RISK PROTECTION ORDERS

Implementation Date: May 20, 2019

Revokes: None

GENERAL ORDER – 66B

66B.1 INTRODUCTION

On March 9, 2018, Governor Rick Scott signed into law Senate Bill 7026, also known as the Marjory Stoneman Douglas (MSD) High School Public Safety Act, which, among other things, enacted section 790.401, Florida Statutes, and amended certain provisions of Florida's Baker Act. Section 790.401, Florida Statutes, as enacted by the Florida Legislature, permits law enforcement agencies and officers to file a petition with the Circuit Court for the issuance of a Risk Protection Order (RPO) or Ex Parte Risk Protection Order (Temporary RPO) if officers believe the respondent poses a significant danger of causing personal injury to himself/herself or others by having a firearm or ammunition in his/her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition. It is the policy of the Coral Springs Police Department to respond quickly and effectively to any threat to public safety, while at the same time safeguarding the due process rights of a respondent.

66B.2 DEFINITIONS

Petitioner – a law enforcement officer or law enforcement agency that petitions a court for a Risk Protection Order.

Respondent – the individual against whom Protection Order petition is filed.

Risk Protection Order (RPO) – a temporary ex parte order or a final order granted by a judge requiring the respondent to surrender to law enforcement all firearms and ammunition in his or her custody and control, as well as his or her concealed weapons permit (if applicable).

66B.3 POLICY/PROCEDURE

66B.3.1 Threat Assessment

A. Supervisors or officers shall email reports to the email group **Threat Assessment** (threatassessment@coralsprings.org) regarding the following reports:

1. All Baker Acts and any report involving a subject threatening to harm themselves or others with or without a firearm or weapon. This includes but not limited to:

- Threats to schools, threats of mass violence to that school, and all general school-based threat assessments..
- Threats to houses of worship or threats of mass violence to that house of worship.

- Threats to places of business, or threats of mass violence to that business.
 - Threats to large scale events or gatherings.
 - Threats to person(s) because of their political affiliation.
 - Threats to person(s) because of their racial/ethnic background.
 - Threats to person(s) because of their religious beliefs.
 - Threats to person(s) because of their sexual orientation.
 - Threats to any City of Coral Springs public facility.
 - Threats to Coral Springs City Officials.
 - Threats to any employee of Coral Springs Police Department because of their occupation or affiliation with our agency.
 - Bomb Threats
2. A report that a supervisor or officer deems necessary to be reviewed for threat assessment purposes.
 3. Any incident where someone is arrested for committing a crime of violence.
- B.** All reports shall be reviewed by the TMU Supervisor/CIT Coordinator in consultation with TMU detectives to determine if a threat assessment needs to be completed.
1. Reports not requiring a threat assessment shall be assigned to a CIT officer by the TMU Supervisor for follow-up with the individual and/or family per GO 66.
 2. Threat assessments completed by TMU detectives will include a determination whether a Risk Protection Order shall be sought.

66B.3.2 Petition Requirements

- A.** A petition must allege that the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition, and;
- B.** A petition must be accompanied by an affidavit, based on personal knowledge, made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent.
- C.** A petition must identify the quantities, types, and locations of all firearms and ammunition the officer believes to be in the respondent's current ownership, possession, custody, or control, or the attempts by the officer or petitioning agency to identify and investigate whether the respondent owns, controls, or possesses firearms or ammunition; and
- D.** A petition must identify whether there is a known existing protection order governing the respondent under s. 741.30, s. 784.046, or s. 784.0485 or under any other applicable statute.

66B.3.3 Relevant Evidence for the Court's Consideration

- A.** Officers must demonstrate to the court that the person poses a significant danger of causing personal injury to himself/herself or others by having a firearm or ammunition in his or her custody or control or by purchasing or receiving a firearm or ammunition.
- B.** Prior to requesting a Petition to be drafted for an RPO, TMU detectives shall conduct a search of law enforcement databases to determine whether the respondent:
1. has, within the past twelve (12) months, committed an act or threat of violence against himself/herself or others;
 2. has or has had in the past, serious, or recurring mental health issues;
 3. was or currently is, a respondent in an action for a risk protection order and whether he/she violated a prior risk protection order;
 4. was or currently is, the subject of a no contact order issued under sections 741.30, 784.046, or 784.0485, Florida Statutes;
 5. has used or has threatened to use, a weapon against himself/herself or others;
 6. has unlawfully or recklessly displayed or brandished a firearm;
 7. has threatened physical force against or stalked another person;
 8. in the State, or any other State, was arrested, convicted, had adjudication withheld or pled nolo contendere to a crime involving violence or a threat of violence;
 9. has a history of abusing alcohol or controlled substances;
 10. has recently acquired or attempted to acquire a firearm or ammunition.

66B.3.4 Risk Protection Order Assessment and Review

- A.** If the officer believes the person poses a significant danger of causing personal injury to himself/herself or others by having a firearm or ammunition in his or her custody or control or by purchasing or receiving a firearm or ammunition based on relevant evidence, the officer shall complete an incident report. The report shall be forwarded to the e-mail group, **Threat Assessment**. A Threat Management Unit Detective will complete a Coral Springs Police Department's Risk Protection Order Assessment packet which includes:
1. Respondent Description Information including the respondent's name, physical description, current address and phone numbers, close relatives, vehicle/driver's license information, and lethality information.
 2. An affidavit that details the reasons that the officer believes a person poses a significant risk of personal injury if they have access to any firearm or ammunition.
 3. Relevant case number(s) and Offense/Incident Reports (OIR) that document specific statements, actions, or facts based on personal knowledge that give rise to a reasonable

fear of significant dangerous acts by the subject. The officer shall attach copies of OIR(s), Crisis Intervention Team (CIT) documents, and any other relevant documents (i.e. witness statements, social media posts, etc.).

4. A list of the quantities, types, and locations of all firearms and ammunition seized by law enforcement during the initial incident, if any {attach property receipt(s)}.
 5. A list of the quantities, types, and locations of all firearms and ammunition known or believed to be still owned, possessed, or in the subject's care, custody, or control.
- B. TMU detectives shall submit the completed RPO Assessment packet for approval to the TMU Sergeant
- C. The approved RPO packets, *including the notarized affidavit*, will be forwarded to the City Attorney's Office for review. Upon completion of this review and any required follow up, an attorney in the City Attorney's Office will draft the Petition for a Risk Protection Order.
- D. This Petition shall be accompanied by the petitioning officer's sworn affidavit, based on personal knowledge, setting forth the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent.

The MSD law requires that officers make a good faith effort to notify family and/or any third parties impacted by the respondent or the RPO. The TMU detective will draft this notice. It shall be sent certified mail to the affected party or parties advising them that a Petition for an RPO will be filed or has been filed.

- E. If a Temporary Risk Protection Order is requested, an ex parte hearing will be scheduled by the Court within 24 hours or the following business day after filing of the RPO petition. It is the responsibility of the petitioning officer to ensure that they and other officers with personal knowledge of the facts attested to in the affidavit are available for a telephonic conference call as scheduled by the Court.
- F. Officers shall ensure a Communications Unit supervisor receives a copy of the granted order for immediate entry into FCIC/NCIC. In addition, officers shall ensure that a copy of the granted order is emailed to the CSI Unit at csiunitrequest@coralsprings.org

66B.3.5 Service Procedures

- A. Sworn members of the Coral Springs Police Department are authorized to effect service of ex parte and final RPO's within the jurisdictional boundaries of Coral Springs.
- B. TMU detectives will and execute the RPO, if practicable. If a TMU detective is not available to serve the RPO, then an officer who has had CIT training should be utilized.
- C. Members shall use the following service and verification procedures that are consistent with those of the Sheriff.
1. Read the order and the notice of hearing on the petition for final Risk Protection Order to the Respondent.

2. Circle the dates of the three-day post-service hearing and the date of the final RPO hearing for the respondent on his/her copy.
 3. Record the respondent's name, date, time, location of service/attempted service, and the serving officer's signature on the face of the Respondent's copy of the order prior to physically handing it to the respondent.
 4. The narrative portion shall include method of service, reason for non-service, if applicable, and any relevant information not previously documented (i.e., respondent not home, respondent refused to accept service or respondent served in hand).
 5. Instruct the Respondent to sign the top page of the original order acknowledging receipt of the order. *Note:* If the Respondent refuses to accept the order, write "Refused to Sign" along with the date and time. The clerk will accept that as service being affected.
 6. Complete the "*Respondent's Risk Protection Return Affidavit*" documenting firearms and concealed weapon licenses in the Respondent's custody, control, or possession, if any.
 7. Complete the *Broward County Risk Protection Order Proof of Service Form* (BSO C#58 – Revised 04/18). Email a copy of the Proof of Service form to the City Attorney's Office and walk a copy up to Dispatch where a supervisor will enter the appropriate information into FCIC/NCIC.
- D. At the time of taking possession of any firearm or ammunition owned by the respondent, or a license to carry a concealed weapon or firearm issued under 790.06 F.S.S., the officer shall issue a property receipt identifying all firearms and the quantity and type of ammunition that has been surrendered, and any concealed weapons license surrendered, and shall file these property receipt(s) with the Clerk of the Court.
- E. Copies of all documents shall be emailed to the City Attorney's Office and originals forwarded to Records.
- F. If it is determined that someone other than the Respondent is the lawful owner of the firearm or ammunition, the firearm or ammunition shall be returned to him or her, if:
1. The lawful owner agrees to store the items in a manner such that the respondent does not have access to or control of the firearm or ammunition.
 2. The firearm or ammunition is not otherwise unlawfully possessed by the owner.
- G. Copies of all documents shall be emailed to the City Attorney's Office and originals forwarded to Records.

66B.3.6 Submission of Firearms

- A. Any firearms, ammunition, or license to carry a concealed weapon or firearm taken or surrendered as a result of a Risk Protection Order shall be submitted to the Evidence Unit in accordance with GO 27 and the Evidence Submission manual.
- B. Any items seized or surrendered as a result of a Risk Protection Order shall be stored according to Evidence Unit procedure.

66B.3.7 Return and Disposal of Firearms

- A.** Firearms, ammunition, or a license to carry a concealed weapon or firearm taken in to the Evidence Unit as a result of an RPO must be returned to the respondent if/when the RPO is vacated or ends without extension when both the following conditions are met:
 - 1.** Confirmation through a background check that the respondent is eligible to own or possess firearms and ammunition under federal and state law.
 - 2.** Confirmation with the court the risk protection order has been vacated or has ended without extension.
- B.** The Evidence Unit shall provide notice to any family or household members of the respondent before returning any firearms or ammunition to the respondent.
- C.** Any items seized or surrendered under an RPO which remain unclaimed for one year by the lawful owner after an order to vacate the RPO shall be disposed of in accordance with GO 27 and Criminal Investigations SOP.

66B.3.8 Transfer of Firearms

- A.** A respondent may elect to transfer all firearms and ammunition owned by the respondent that have been surrendered to or seized to another person who is willing to receive the respondent's firearms and ammunition.
- B.** The transfer is allowed only if it is determined that the chosen recipient:
 - 1.** Currently is eligible to own or possess a firearm and ammunition under federal and state law after confirmation through a background check;
 - 2.** Attests to storing the firearms and ammunition in a manner such that the respondent does not have access to or control of the firearms and ammunition until the RPO is vacated or ends without extension; and
 - 3.** Attests not to transfer the firearms or ammunition back to the respondent until the RPO against the respondent is vacated or ends without extension.
- C.** Eligibility of the recipient chosen to receive any firearms will be determined by the CIT Coordinator or his/her designee based on the above criteria after the items have been submitted to the Evidence Unit following established protocols outlined in GO 27 and the Evidence Submission Manual.


66B.3.9 Follow-up Investigations

- A.** Risk Protection Orders automatically expire 1 year after proof of service unless a specific date (usually less than a year) is included in the court order.
- B.** The TMU supervisor and the TMU detectives are responsible to keep track of the RPOs and their expiration date.

- C. The TMU sergeant will assign all Risk Protection Orders to a Threat Management Unit (TMU) detective in order to conduct a follow up investigation thirty (30) days prior to the expiration date.. The intent of the investigation conducted by the TMU detective will be to determine if an extension needs to be filed by the City Attorney's Office. This extension would prolong the order for up to another year. The investigative steps taken by the TMU Officer will consist of:
1. Completion of a criminal history check on the respondent.
 2. A local CAD check.
 3. Conduct a search in the approved records management system's data-sharing application to determine contact with any other law enforcement agencies.
 4. Contact a CSPD Crime Analyst and provide them with the respondent's name and what background checks have already been conducted. The Crime Analyst will then search additional databases to verify any other police contacts over the previous year.
 5. Contact the victim listed in the Risk Protection Order or any other family member of the respondent in order to learn of any significant history, to include facts based on personal knowledge that gives rise to a reasonable fear of significant dangerous acts by the subject.
- D. Once the follow up investigation has been completed, the TMU detective will complete a supplemental report detailing the information that was obtained. The TMU detective along with the TMU sergeant will then determine if an extension of the order should be pursued by the Coral Springs City Attorney's Office.
- E. If the TMU detective makes the decision that an extension of the order should be pursued, an affidavit will be completed and sent to the TMU sergeant and the Coral Springs City Attorney's Office.
- F. The TMU detective will complete an email directed to the "RPO" email group, detailing why the order will be allowed to expire, or why an extension of the Risk Protection Order will be pursued.

66B.3.10 Training

- A. Current officers and telecommunicators will receive training and/or notification on these procedures when implemented or updated.
- B. Newly hired officers and telecommunicators will receive training regarding these procedures during FTO.

Approved

Clyde H. Parry
Chief of Police