



ILLINOIS STATE POLICE

NEWS RELEASE

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FOR IMMEDIATE RELEASE

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CLEAR AND PRESENT DANGER PROCESS INFORMATION

CHICAGO – In the ongoing investigation into the shooting in Highland Park on July 4, 2022, the Illinois State Police (ISP) continue to provide information to the public.

Clear and Present Danger reporting was established by Illinois law in 1990 and expanded incrementally to include school administrators and law enforcement. This law is distinct from the Firearms Restraining Order which became law in 2019. Clear and Present Danger is a mechanism used by the ISP to revoke or deny a Firearm Owner Identification Card (FOID). On the other hand, the Firearms Restraining Order is a court ordered restriction on firearms possession. Clear and Present Danger status is only one of many factors that can result in the revocation and denial of a FOID card. Other factors can include criminal records, mental health prohibitors, and other orders of protection.

Upon receipt of a Clear and Present danger report submitted to ISP, officers determine if the subject of the report has a FOID card or a pending FOID application and review all information submitted by the local reporting police department.

For a Clear and Present Danger determination, the legal standard for review ISP must meet is a preponderance of the evidence, which is a higher legal burden than probable cause. Granting a Firearms Restraining Order has an even higher burden of proof requiring “clear and convincing” evidence.

If the reviewing officer determines there is sufficient evidence to establish a clear and present danger posed by the subject of the report, then the subject’s FOID is revoked, or a pending FOID application is denied. If there is insufficient evidence, the status of the FOID or pending application is unaffected.

For the individual charged in the Highland Park shooting, in September 2019 ISP officers confirmed the individual did not have a FOID card or pending application. According to the report submitted, the threat of violence allegedly made by the individual was reported to Highland Park Police second hand. When police went to the house, both the individual and his mother disputed the threat of violence. The individual told police he did not feel like hurting himself or others and was offered mental health resources. Additionally, the report indicated the knives did not belong to the individual and were ultimately turned over to the father who claimed they were his. As stated by Highland Park Police, there was no probable cause to arrest. Upon review of the report at that time, the reviewing officer concluded there was insufficient information for a Clear and Present Danger determination.

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ADD ONE/CLEAR AND PRESENT DANGER PROCESS INFORMATION

In December of 2019 the individual applied for a FOID card. The application included a parental legal guardian affidavit signed by the father of the individual applying.

Illinois law dictates that the Illinois State Police shall issue a FOID card to an applicant who meets the statutory requirements and who has no firearms prohibitor. At the time of FOID application approval for the individual in question there was no new information to establish a clear and present danger, no arrests, no prohibiting criminal records, no mental health prohibitors, no orders of protection, no other disqualifying prohibitors and no Firearms Restraining Order. The available evidence would have been insufficient for law enforcement to seek a Firearms Restraining Order from a court.

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