



NORTH MIAMI POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES



RISK PROTECTION ORDER 300.21

EFFECTIVE DATE: 02-19-21

APPROVED:

[Signature]
Chief of Police

SUPERSEDES: 02-13-19

CFA: 24.06M

CONTENTS:

- | | |
|------------------------------------|-------------------------|
| I. Purpose | VII. Return of Firearms |
| II. Policy | VIII. Documentation |
| III. Scope | IX. Training |
| IV. Definitions | |
| V. Procedures for Obtaining an RPO | |
| VI. Procedures for Serving an RPO | |

(Appendixes Attached)

I. PURPOSE

To provide guidelines for implementing the Risk Protection Order Act, §790.401, Florida Statutes. A Risk Protection Order (RPO) allows law enforcement officers to obtain a court order that temporarily restricts an individual from accessing firearms or ammunition when there is evidence that an individual poses a significant threat to himself/herself or others. An individual's mental health, as well as violent behavior, is also taken into consideration when an RPO is ordered. The purpose of obtaining an RPO is to reduce fatalities and injuries resulting from a high-risk individual's use of firearms.

II. POLICY

To seek an RPO against an individual only in situations where an individual poses a significant danger of harming himself/herself or others by possessing a firearm or ammunition.

III. SCOPE

This policy applies to all sworn members of the Department.

IV. DEFINITIONS

- A. Petitioner: A law enforcement officer or law enforcement agency who petitions the court for an RPO pursuant to §790.401, Florida Statutes.
- B. Respondent: The person who is identified on the petition as posing a threat and is at high risk of harming themselves or others.
- C. Final Risk Protection Order (hereinafter “Final RPO”): Provides a means to obtain a court order that prohibits, for up to one year in most cases, a person’s access to and possession of firearms and ammunition when that person poses a significant danger of harming himself/herself or others by possessing a firearm or ammunition.
- D. Temporary Risk Protection Order (hereinafter “Temporary RPO”): A temporary, ex parte RPO issued pending the hearing for the Final RPO. Issuance of a Temporary RPO requires personal knowledge from the Affiant that *the respondent poses a significant danger of causing personal injury to self or others in the **near future***. A Petition for Temporary RPO is filed at the same time as the Petition for Final RPO, and requires the surrender of firearms and ammunition until the court makes a ruling on the Final RPO (within 14 days of filing the Petition).
- E. Family or Household Member: Spouses, former spouses, domestic partners, former domestic partners, persons related by blood or marriage, persons who are presently residing together as if a family, or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing, or have in the past resided together in the same single dwelling unit.
- F. RPO Coordinator: The General Investigations Unit’s (GIU) detective is responsible for all aspects of the RPO process, such as filing the Petition and Affidavit for the RPO with the Clerk of Courts, issuing notices, coordinating witnesses, discovery, and representing the agency at the RPO hearings.
- G. Language Clarification:
 - Should: Indicates a general or expected action, absent a rational basis for failing to conform.
 - Shall or Will: Indicates a mandatory action.

V. PROCEDURES FOR OBTAINING AN RPO

A. Legal Standards for Obtaining a Risk Protection Order:

1. Temporary RPO: The legal standard required for a Temporary RPO is whether there is **reasonable cause** to believe that the Respondent poses a significant danger of causing personal injury to himself/herself or others **in the near future** by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition.
2. Final RPO: The legal standard required for a Final RPO is whether, by **clear and convincing evidence**, the Respondent poses a significant danger of causing personal injury to himself/herself or others by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or any ammunition.

B. Criteria to be Considered:

In determining whether grounds for an RPO exists, the court may consider any *relevant evidence*, including but not limited to:

1. A recent act or threat of violence by the Respondent against himself/herself or others, whether or not such violence or threat of violence involves a firearm.
2. An act or threat of violence by the Respondent within the past 12 months, including, but not limited to, acts or threats of violence by the Respondent against himself/herself or others.
3. Evidence of the Respondent being seriously mentally ill or having recurring mental health issues.
4. A violation by the Respondent of an RPO or a no-contact order issued under §741.30, Florida Statutes (domestic violence injunction), §784.046, Florida Statutes (injunction for protection against repeat, dating, or sexual violence), or §784.0485, Florida Statutes (injunction for protection against stalking).
5. A previous or existing RPO issued against the Respondent.
6. A violation of a previous or existing RPO issued against the Respondent.

7. Whether the Respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime that constitutes domestic violence as defined in §741.28, Florida Statutes.
8. Whether the Respondent has used, or has threatened to use any weapons against himself/herself or others.
9. The unlawful or reckless use, display, or brandishing of a firearm by the Respondent.
10. The recurring use of, or threat to use, physical force by the Respondent against another person.
11. The stalking of another person by the Respondent.
12. Whether the Respondent, in this state or any other state, has been arrested for, convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence.
13. Other considerations:
 - a. Corroborated evidence of the abuse of controlled substances or alcohol by the Respondent.
 - b. Evidence of recent acquisition of firearms or ammunition by the Respondent.
 - c. Any relevant information from family and household members concerning the Respondent.
 - d. Witness testimony, taken while the witness is under oath, relating to the matter before the court.

C. Procedure for Obtaining a Risk Protection Order:

When a member of the police Department makes contact with a person who may meet the criteria for an RPO, the following procedures will apply:

1. The officer shall notify his/her commander via the chain of command.
2. That commander shall contact the GIU Commander, who shall make a determination whether the circumstances meet the legal criteria for a Temporary RPO.

3. If the criteria is met, the GIU Commander shall assign a detective as the RPO Coordinator to carry out the investigation. The GIU Commander shall also make notification to the Chief of Police, or his/her designee, via the chain of command.
4. After the RPO Coordinator receives any and all relevant information from the reporting officer, the RPO Coordinator will conduct a thorough background investigation including, but not limited to:
 - a. Prior arrests;
 - b. Prior offense incident reports;
 - c. Prior incidents involving mental health or involuntary examination;
 - d. Witness statements regarding the current incident (preferably written);
 - e. Body Worn Camera footage;
 - f. Prior and current domestic violence injunctions (must obtain certified copies);
 - g. Social media posts by the individual;
 - h. BOLOs
5. If the RPO Coordinator has any questions or concerns regarding the filing of an RPO, he/she can contact the City Attorney's Office during normal business hours for guidance, or the Miami-Dade Police Department's Legal Bureau.
6. Once the RPO Coordinator ("Petitioner") gathers all of the relevant information, the RPO Coordinator will complete the RPO Affidavit (APPENDIX 1) that outlines the factors that the court should consider when deciding whether to issue an RPO. The individual in question will be listed as the "Respondent" on the Petition for RPO.
7. In addition to the affidavit, the RPO Coordinator will complete the Petition for the RPO (APPENDIX 2), as well as the Respondent's Description Sheet (APPENDIX 3).

D. Notice Requirement: CFA 24.06E

1. Prior to filing the petition for an RPO, the RPO Coordinator shall make a good-faith, documented effort to provide notice to a family or household member of the Respondent, and to any known third party, who may be at risk of violence by utilizing a Notice of Intent to Obtain a Risk Protection Order form (APPENDIX 4).
2. The notice must state that the petitioner (RPO Coordinator) intends to petition the court for an RPO or has already done so and must include

referrals to appropriate resources, including mental health, domestic violence, and counseling services.

3. The RPO Coordinator must attest in the petition to having provided such notice or must attest to the steps that will be taken to provide such notice.

E. Where to file a Risk Protection Order:

1. RPOs are filed with Domestic Violence Division judges. The Domestic Violence Division operates Monday to Friday from 8:00 a.m. – 5:00 p.m.
 - a. RPO Compliance Hearings are on Tuesdays at 10:30 a.m.
 - b. RPO Final Hearings are held on Thursdays at 2:00 p.m.
2. The RPO Coordinator shall submit the petition via e-file through the portal at <https://www.myflcourtagency.com/>, or file it in person with the Clerk of the Court for the Domestic Violence Division at Courthouse Center, 175 NW 1st Avenue, Miami, FL 33128. The domestic violence daytime duty judge will be available to receive petitions via paper or e-file until 5:00 p.m. Petitions filed after 5:00 p.m. will be addressed by the judge assigned to daytime duty the following business day.
3. Upon filing the Petition and Affidavit within normal business hours, the on-call domestic violence court judge must hold a hearing on the petition for an RPO that same business day or the next business day.

Note: This hearing will be over the telephone. Therefore, the RPO Coordinator must be prepared to answer a telephone call from the on-call judge.

4. If the Temporary RPO is granted, the Clerk of Courts will prepare a service packet that will be sent via email and facsimile to the RPO Coordinator who filed the petition.
 - a. The Temporary RPO expires within 14 days of issuance.
5. Upon receipt, the RPO Coordinator shall forward a copy of the Temporary RPO to the Communications Unit for entry into FCIC/NCIC. **CFA 24.06F**
 - a. The Temporary RPO must remain in the system for a period specified in the order, and the Department may only remove an order from the system which has ended or been vacated.

VI. PROCEDURES FOR SERVING A RISK PROTECTION ORDER

A. Service of the Temporary RPO and Collection of Firearm(s) and/or Ammunition: CFA 24.06 D

1. The RPO Coordinator and other sworn members of the Department will facilitate the immediate initiation of the Temporary RPO, to include the immediate acquisition of any and all firearms and/or ammunition into the Department's custody. If the Respondent has a concealed weapon or firearm license, pursuant to § 784.046, Florida Statutes, that license must also be impounded.
2. If there is a situation where an immediate surrender of firearms and/or ammunition is impossible, (i.e., when the Respondent is incarcerated or in a treatment facility), the Respondent is responsible for complying with the RPO as soon as the condition prohibiting his/her compliance ends. In that case, the Respondent shall immediately surrender any and all firearms and/or ammunition to the agency in the same manner as he/she would comply with the surrender of firearms pursuant to a Domestic Violence Injunction.

B. Collection of Firearms, Ammunition and Licenses: CFA 24.06 A

1. Upon service of the Temporary RPO, the Respondent must voluntarily surrender his/her firearms, ammunition in his/her custody, control, or possession, and any license to carry a concealed weapon or firearm, held by Respondent. In order for police officers to enter the residence to take custody of the firearms and/or ammunition, there must be consent by the appropriate person/persons lawfully allowed to give consent.
2. Absent consent, there must be probable cause to believe that there are firearms and/or ammunition inside the residence. If there is probable cause, the RPO Coordinator will obtain a search warrant. Once the decision has been made to apply for a search warrant, the Respondent can be removed and prevented from reentering the home while waiting for the search warrant to be issued for the third degree felony violation of §790.401(11) (b), Florida Statutes (having in his/her custody a firearm or ammunition with knowledge that he/she is prohibited by an RPO). The search warrant may be submitted for approval through the e-warrant system.
 - a. If there is probable cause to believe that the Respondent is in possession of firearms and/or ammunition and that he/she is in

violation of the RPO as listed above, the subject may be detained and searched.

3. Whether searching with consent or a search warrant, if there is reason to believe that there may be additional firearms and/or ammunition inside the residence that officers are unable to locate, arrangements should be made to call a gun-detection K-9 to assist with the search
4. Once all the firearms and/or ammunition have been taken into custody, the RPO Coordinator, or his/her designee, must complete a property receipt. The “safekeeping” box will be checked off, if no crime has been committed, and the impounding officer will indicate in writing on the property receipt that the firearms and/or ammunition (or any permits) were taken pursuant to an RPO, noting the RPO case number. **CFA 24.06B**

a. Respondents shall receive copies of all property receipts.

C. Storage or Transfer of Firearms: CFA 24.06B

1. Firearms, ammunition, and/or concealed weapon or firearm license(s) shall be stored following the procedures delineated in the Property and Evidence Standard Operating Procedures, 300.10.
2. All firearms, ammunition and/or concealed weapon or firearm license(s) must remain in the Property and Evidence Unit until further instruction by the RPO Coordinator.
3. Pursuant to Florida law, a Respondent may elect to transfer all firearms and ammunition owned that have been surrendered to or seized by the Department to another person who is willing to receive the Respondent’s firearms and ammunition. If such request is made, the RPO Coordinator must allow such a transfer only if it is determined that the chosen recipient:
 - a. Currently is eligible to own or possess a firearm and ammunition under federal and state law after confirmation through a background check;
 - b. Completes an RPO Transfer of Firearms or Ammunition to Third Party Designated by Respondent Affidavit (APPENDIX 5) where the recipient will:
 - 1). Attest to storing the firearms and ammunition in such a manner that the Respondent does not have access to or control of the firearms and ammunition until the RPO

against the Respondent is vacated or ends without extension; and

- 2). Attest not to transfer the firearms or ammunition back to the Respondent until the RPO against the Respondent is vacated or ends without extension.
4. If it is determined that any of the firearms and/or ammunition surrendered to or seized by the Department is owned by an individual other than the Respondent, the RPO Coordinator shall return the firearms and/or ammunition to the rightful owner provided that the owner:
 - a. Currently is eligible to own or possess a firearm and ammunition under federal and state law after confirmation through a background check;
 - b. Completes a RPO Firearms or Ammunition Owner Affidavit (APPENDIX 6) where the owner will:
 - 1). Agree to store the firearm or ammunition in a manner such that the Respondent does not have access to or control of the firearm(s) or ammunition.

D. Return of Service:

1. After the Temporary RPO is served, the RPO Coordinator must as soon as possible, but not later than 72 hours, file through the e-filing portal the Return of Service with the court with the original property receipt documenting the firearm(s), ammunition, and license(s) surrendered.

E. Compliance Hearing Process:

1. Pursuant to statute, the court must schedule a Compliance Hearing within 3 days of the issuance of a Temporary RPO. The Respondent is required to be present and attest that he/she has surrendered any and all firearms and/or ammunition to the Department.
2. If the RPO Coordinator believes that the Respondent is in compliance with the RPO, the RPO Coordinator must contact the Domestic Violence Case Manager to advise that compliance has been met. If the presiding judge is satisfied, the Compliance Hearing will be cancelled.

F. Final RPO Hearing Process:

1. The Final RPO Hearing must be held within fourteen (14) days of the issuance of the Temporary RPO. If a Final RPO is granted, the judge may issue it for a time period not to exceed twelve (12) months.
2. In preparation for the Final RPO Hearing, the RPO Coordinator will:
 - a. Ensure that service of the RPO has been accomplished;
 - b. Ascertain whether the Respondent is available to appear at the hearing (i.e. not in a treatment facility or incarcerated);
 - c. Establish whether all witnesses, both police officers and civilians are available; and
 - d. Ensure that all video, audio, and written documents are available.
3. If the Final RPO is granted, and the Respondent is present for the hearing, the RPO Coordinator, with the assistance of other officers, will serve the Respondent with the Final RPO at the conclusion of the hearing.
4. If the Final RPO is granted, and the Respondent is not present for the hearing, the RPO Coordinator will coordinate service with the assistance of other officers.

G. FCIC/NCIC:

1. The RPO Coordinator shall immediately forward the Final RPO and the Return of Service to the Communications Unit for entry into FCIC/NCIC.

H. Penalties:

1. A person who has in his/her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that he/she is prohibited by doing so by a RPO commits a felony of the third degree.

I. Termination, Expiration or Extension of Orders:

1. Early Termination:
 - a. The Respondent may submit one written request for a hearing to vacate an RPO starting after the date of the issuance of the order, and may request another hearing after every extension of the order.
 - b. If the court finds by clear and convincing evidence that the

Respondent has met his/her burden of proof that he/she does not pose a significant danger of causing personal injury to himself/herself or others by having in his/her custody or control a firearm or ammunition, the court must vacate the order.

2. Expiration:

- a. The court must notify the NMPD of the impending end of an RPO at least thirty (30) days prior to the expiration of the order.

3. Extension:

- a. The NMPD may request an extension of the RPO at any time within the thirty (30) days before the end of the order.
- b. The court shall then order a hearing, and after hearing all relevant evidence, will make a determination whether the RPO will be extended.
- c. If the RPO is extended, it shall be served in the same manner as the Final RPO.

VII. RETURN OF FIREARMS

A. Return of Firearms: CFA 24.06C

- 1. The RPO Coordinator shall make a documented, good-faith effort to provide notice to a family or household member of the Respondent, and to any known third party, who may be at risk of violence, prior to the return of any surrendered firearms and ammunition by utilizing a Notice of Intent to Return Firearm(s)/Ammunition form (APPENDIX 7).
- 2. If an RPO is vacated, or expires without extension, the Department must return such surrendered firearms, ammunition, or license to carry a concealed weapon or firearm as requested by the Respondent. A thorough background check must be performed prior to the property being returned to confirm that the Respondent is currently eligible to own or possess firearms and ammunition under federal and state laws.
- 3. Any firearm or ammunition surrendered by the Respondent, which remains unclaimed by the lawful owner for one (1) year after an order to vacate the RPO or if the Final RPO has expired, shall be disposed of in accordance with the Department's policies and procedures for the disposal of firearms in police custody.

VIII. DOCUMENTATION

All steps taken in relation to a Temporary RPO or Final RPO will be documented on an Incident Report (or Offense if crime committed) and Supplemental Reports, as needed.

IX. TRAINING

NMPD officers will receive initial training in the application of this policy and the RPO process. **CFA 24.06 G**

Appendix 1

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

IN RE: PETITION FOR RISK PROTECTION ORDER
AGAINST *(Name of Respondent)* _____

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF _____

I, *(full legal name)* _____ in my position as *(job title)* _____ with the *(name of law enforcement office/agency)* _____ swear and affirm that the following facts are true and correct.

1. *(Name of Respondent)* _____ poses a significant danger of causing personal injury to himself/herself or others by having a firearm or any ammunition in his/her custody or control or by purchasing, possessing or receiving a firearm or any ammunition.

The following specific statements, actions, or facts give rise to a reasonable fear of significant dangerous acts by the Respondent:

_____ Additional pages are attached.

2. *(Name of witness)* _____ provided the following information based on his/her personal knowledge: _____

_____ Additional pages are attached.

3. Affiant ____ is ____ not aware of any existing protection order governing the Respondent under any applicable statute.

____ Known protection orders are attached.

4. The quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the Respondent's current ownership, possession, custody or control are as follows:

Quantity ____ Type ____ Location ____

Quantity ____ Type ____ Location ____

Quantity ____ Type ____ Location ____

Quantity ____ Type ____ Location ____

Quantity ____ Type ____ Location ____

Quantity ____ Type ____ Location ____

____ Additional pages are attached.

AFFIANT HEREBY CERTIFIES UNDER PENALTY OF PERJURY THAT THE STATEMENTS AND FACTS IN THIS AFFIDAVIT AND IN ANY ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Dated: _____ Signature of Affiant: _____

Sworn to or affirmed and signed before me on _____ by _____
who _____ is personally known to me or _____ presented _____
_____, as identification.

Notary Public, State of Florida
My commission expires: _____

Appendix 2

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY, FLORIDA

Petitioner,)	<input checked="" type="checkbox"/> DOMESTIC VIOLENCE DIVISION
_____)	
v.)	Case No.: _____
Respondent,)	
_____)	PETITION FOR RISK PROTECTION
)	ORDER PURSUANT TO F. S.
)	790.401
)	

SECTION I. PETITIONER

Petitioner is a ☐ law enforcement officer OR ☐ law enforcement agency.

1. If Petitioner is a law enforcement officer:

Name: _____

Position: _____

2. If Petitioner is a law enforcement agency:

Contact person for agency: _____

Position: _____

3. Address of law enforcement agency:

700 NE 124th Street, North Miami, FL 33161 _____

***Contact Telephone Number for 24 hour hearing:**

Other contact phone number: _____

Petitioner's email: _____

4. **Filing fees.** Pursuant to section 790.401(2)(h) Florida Statutes, no filing fees may be assessed.
5. **Attorney information.** If Petitioner is represented by an attorney, please provide the following information for the attorney:

Name: _____

Address: _____

Phone/Email: _____

SECTION II. RESPONDENT**PLEASE COMPLETELY FILL OUT THE ATTACHED DESCRIPTION SHEET FOR RESPONDENT.**

6. Respondent's full legal name:

7. Respondent resides at the following address: _____

(provide last known street address, city, county, state, and zip code)

Respondent's email address is:

Driver's License number (if known): _____

8. Respondent's last known place of employment or school:

(provide name and address)

Working or school hours of Respondent:

9. Physical description of Respondent:

Date of

birth _____

Race _____

Age _____

Gender _____

Expression _____

Height _____

Weight _____

Hair Color _____

Eye Color _____

Distinguishing marks or scars: _____

Other names Respondent goes by (aliases or nicknames): _____

10. Vehicle: (make/model/year): _____ Color: _____ Tag Number: _____

11. Is Respondent in jail? _____ YES _____ NO _____ UNKNOWN.

Date of

Arrest: _____

Jail #: _____

Cell #: _____

SECTION III. INFORMATION REGARDING FIREARM(S) AND/OR AMMUNITION

12. Identify the quantities, types and locations of all firearms and ammunition the petitioner believes to be in the Respondent's current ownership, possession, custody or control. **Please attach Affidavit in support of Petition for Risk Protection Order.**

SECTION IV. REASON FOR SEEKING RISK PROTECTION ORDER

(This section must be completed. Check all applicable sections.)

13. **In support of this Petition, the undersigned Law Enforcement Officer/Agency alleges:**

Respondent poses a significant danger of causing personal injury to himself/herself or others by having a firearm or any ammunition in his/her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition.

A sworn affidavit alleging specific statements, actions, or facts based on personal knowledge that give rise to a reasonable fear of significant dangerous acts by the Respondent is attached to this petition and incorporated by reference.

The attached sworn affidavit includes a list of the quantities, types, and locations of all firearms and ammunition believed to be in the Respondent's ownership, possession, custody, or control.

Respondent poses a significant danger of injury to himself/herself or others by having in his/her control, or by purchasing, possessing, or receiving, a firearm or ammunition.

Respondent poses this significant risk of injury in the near future.

Relevant evidence for the Court's consideration is detailed in the attached affidavit and shows that the Respondent:

- ☐ a. A known existing protection order under s. 741.30, s. 784.046, s. 784.0485 or other applicable statute.
- ☐ b. A recent act or threat of violence by the Respondent within the last 12 months against himself or herself or others.
- ☐ c. Recurrent mental health issues or is seriously mentally ill.
- ☐ d. Violated a risk protection order or no contact order issued under s. 741.30, s. 784.046, s. 784.0485.
- ☐ e. Previous or existing risk protection order.
- ☐ f. In this state or any other state, has been convicted of, had an adjudication with on, or pled nolo contendere to a crime that constitutes domestic violence as defined in s. s.741.28
- ☐ g. Used, or threatened to use, any weapons against himself or others.
- ☐ h. Unlawfully or recklessly used, displayed or brandished a firearm.
- ☐ i. Used or threatened to use on a recurring basis, violence against another person or has stalked another person.
- ☐ j. In this state or any other state, has been convicted of, had adjudication with on, or pled nolo contendere to a crime that constitutes violence or threat of violence.

- ☐ k. Abuse of controlled substances or alcohol.
- ☐ l. Recently acquired firearms and/or ammunition.
- ☐ m. Other: _____

Below is a description of the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the Respondent:

Date: _____ Location: _____

Event: _____

Date: _____ Location: _____

Event: _____

Date: _____ Location: _____

Event: _____

☐ Please indicate here if you are attaching additional pages to continue these facts.

14. **Notice.** Petitioner has made a good faith effort to provide notice to family or household members of the Respondent and to any known third party who may be at risk of violence as required by Florida Statute section 790.401(2)(f). Please list person(s) notified and dates of notification below:

Person: _____ Date: _____

Relationship to Respondent: _____

Person: _____ Date: _____

Relationship to Respondent: _____

If such notice has not been provided, please describe steps that will be taken to provide notice as required by Florida Statute section 790.401(2)(f):

15. Petitioner alleges the following additional information: (Indicate if applicable)

- a. Respondent ☐ is or ☐ has been required to carry / use a gun or other weapon in the capacity of his/her job.

☐ YES ☐ NO ☐ Unknown

- b. Respondent been involuntarily hospitalized under the ☐ Baker Act or ☐ Marchman Act.

☐ YES ☐ NO ☐ Unknown

If YES, when? _____

- c. Respondent has a drug/alcohol problem.

☐ YES ☐ NO ☐ Unknown

If YES, what type(s) of
drug(s)/alcohol does
Respondent use? _____

- d. Respondent has a history of mental health problems.

☐ YES ☐ NO ☐ Unknown

If yes, answer the following, if known:

What diagnosis, if known: _____

If YES, when? _____

Is Respondent supposed to take medication for mental health problems?

☐ YES ☐ NO ☐ Unknown

If YES, what
medicine, if known? _____

If yes, is Respondent currently taking his/her medication?

☐ YES ☐ NO ☐ Unknown

- e. Respondent served in the U.S. military.

☐ YES ☐ NO ☐ Unknown

If YES, when? _____

- f. Respondent served in a foreign military.

☐ YES ☐ NO ☐ Unknown

If YES, when? _____

SECTION V. EX PARTE RISK PROTECTION ORDER

(This section summarizes what you are asking the Court to include in the order. This section must be completed.)

Petitioner asks the Court to enter TEMPORARY RISK PROTECTION ORDER that will be in place from now until the scheduled hearing in this matter, which will immediately require Respondent to surrender all firearms and ammunition in Respondent's custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, 930 Florida Statutes.

1. Immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm to the *{name of law enforcement agency}*; _____
2. Not have in his/her custody, control, or possession any firearm or ammunition while this order is in effect;
3. Not purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect;
4. Petitioner further requests this Court to schedule a Hearing for a Risk Protection Order to be held within 14 days; and
5. Abide by any other lawful relief the Court may order.

Note: The court may consider the below only with notice and hearing to Respondent. These prohibitions may be ordered by the court and shall remain in full force and effect until modified or dissolved by the Judge at either party's request, after further notice and hearing.

- a. ____ prohibiting Respondent from having in his or her custody, control or possession any firearm or ammunition or concealed weapons permit for a period of 12 months;
- b. ____ prohibiting Respondent from purchasing, possessing, receiving, or attempting to purchase or receive, a firearm or ammunition while this order is in effect; and
- c. ____ ordering Respondent to attend a mental health evaluation or chemical dependency evaluation and/or other treatment, intervention, and/or counseling services;
- d. ____ ordering Respondent to refrain from consuming/using alcohol or any non-prescription drugs.
- e. ____ such other relief as the Court deems necessary to protect Petitioner or other persons/ entities from Respondent.

I UNDERSTAND THAT BY FILING THIS PETITION, I AM ASKING THE COURT TO HOLD A HEARING ON THIS PETITION, THAT BOTH THE RESPONDENT AND I WILL BE NOTIFIED OF THE HEARING, AND THAT I MUST APPEAR AT THE HEARING. I UNDERSTAND THAT IF EITHER THE RESPONDENT OR I FAIL TO APPEAR AT THE FINAL HEARING, WE WILL BE BOUND BY THE TERMS OF ANY RISK PROTECTION ORDER OR OTHER ORDERS ISSUED AT THAT HEARING.

I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

Respectfully submitted this _____ day of _____, _____.

Signature of Petitioner

Law Enforcement Agency

Service Address

NAME OF RESPONDENT:

Physical description of Respondent:

Date of birth _____

Age _____

Race _____

Sex _____

Height _____

Weight _____

Hair Color _____

Eye Color _____

Distinguishing marks or
scars: _____

Aliases (other names) Respondent uses or has
used: _____

Nickname(s): _____

Respondent's vehicle make, model, year, color and TAG

ATTACH PHOTO, IF AVAILABLE

Appendix 3

North Miami Police Department
RESPONDENT'S DESCRIPTION SHEET – RISK PROTECTION ORDERS

=====

Case Number: _____ Petitioner's Name: _____

=====

Respondent's Name:

Nicknam

e(s):

Home Address:

County: _____

Name of _____

Complex: _____

Home Phone: _____

Best Time to

AM/PM

Serve: _____

Other Address:

County: _____

Name of _____

Complex: _____

Other Phone: _____

Best Time to

AM/PM

Serve: _____

Name of Employer/Business: _____

Address: _____

County: _____

Name of Building: _____

Respondent's Work Phone: _____

Days Off from Work: _____

Best Time to Serve: _____

AM/PM

=====

RESPONDENT'S PHYSICAL DESCRIPTION

Sex: _____

Age: _____

Race: _____

DOB: _____

Weight: _____

Height: _____

Hair: _____

Eye Color: _____

Scars/Tattoos/Mustache/Gold

tooth/etc.: _____

Weapons: _____

Job Related Weapon: _____

Describe: _____

=====

VEHICLE (Car/Truck) INFORMATION

Make: _____

Model: _____

Year: _____

Color _____

Tag: _____

=====

JAIL INFORMATION (Current)

In Jail? _____

Date Arrested: _____

Facility: _____

If known: Jail # _____

Cell # _____

=====

*** DO NOT COMPLETE IF CONFIDENTIAL ***

Phone Number for Petitioner: (Home) _____ (Work): _____

Alternate Contact Number: _____

Contact Person: _____ Relation: _____

Appendix 4

North Miami Police Department Notice of Intent to Obtain a Risk Protection Order

Please take notice that, pursuant to the Risk Protection Order Act, § 790.401, Florida Statutes, the North Miami Police Department (the “Petitioner”) intends to obtain a Risk Protection Order against _____ (the “Respondent”) based on the reasonable belief that the Respondent poses a significant danger of causing personal injury to himself/herself or others **in the near future** by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition.

Domestic Violence, Mental Health, and Counseling Resources

If you, or someone you know, are experiencing domestic violence, mental health issues, or is in need of counseling, below are some useful Miami-Dade County resources you can call for help and support. If you feel your life is in danger, please call 9-1-1.

Domestic Violence

Retrieved from <https://www.miamidade.gov/socialservices/care-violence-victims.asp>

Crisis intervention and assistance to victims of domestic violence crimes includes counseling information and referral, safe shelter (see below), transportation, emergency financial assistance, emergency food and clothing, advocacy support, and individual treatment and family group counseling. For more information, contact:

Coordinated Victims Assistance

305-285-5900

Shelters

Miami-Dade County Community Action and Human Services currently operates two domestic violence shelters: Safespace North & South, and two transitional housing facilities: Inn Transition North & South.

For additional information about the services provided by these programs, contact the numbers below:

Inn Transition Program North

305-899-4600

Inn Transition Program South

786-293-3394

Safespace Shelter North Hotline

305-758-2546

Safespace Shelter South Hotline

305-247-4249

Safespace Shelter Central Hotline

305-693-0232

Crisis Intervention Hotlines

Retrieved from http://www.miamidade.gov/assistance/crisis_intervention_hotlines.asp

Department of Children and Families	305-377-5773
Domestic Violence Hotline	800-962-2873
Elder Help Line (8:00a.m. - 5:00p.m.)	305-670-4357
Florida Abuse Registry	800-96-ABUSE or 800-962-2873
HRS Central Abuse Registry	800-96-ABUSE or 800-962-2873
HRS Protective Services	305-377-5773
Rape Hotline	305-585-7273
Runaway Hotline (Miami Bridge)	305-635-8953
Suicide Prevention /SAFENET	305-358-HELP (4357)
Switchboard of Miami	305-358-4357
Teen Link	305-377-8336

Counseling Services

Retrieved from http://www.miamidade.gov/assistance/counseling_services.asp

Centro Campesino Farmworker Center	305-245-7738
Community Action Agency	786-469-4600
Douglas Gardens Community Mental Health Center	305-531-5341
Family Counseling Services	305-740-8998
Haitian Catholic Center	305-751-6289
Hialeah Housing Authority	305-888-9744
James E. Scott Community Association (JESCA)	305-638-4070
Jewish Community Services	305-670-1911
New Horizons Community Mental Health Center	305-635-0366

Appendix 5

North Miami Police Department
Risk Protection Order Transfer of Firearms or Ammunition To
Third Party Designated By Respondent Affidavit

Initial all:

NMPD Case No.: _____

____ 1. I am over the age of twenty-one (21).

____ 2. My mailing address is _____

____ 3. On _____, _____ (Respondent) elected to transfer possession of the firearms or ammunition listed in the Risk Protection Order (RPO) Receipt to me.

____ 4. I hereby indicate my willingness to accept and receive possession of the same.

____ 5. I am eligible to own or possess a firearm or ammunition under federal or state law and I authorize the North Miami Police Department to conduct a background check for this purpose.

____ 6. I understand that the Respondent is or may be subject to a Temporary RPO or Finale RPO, which makes it illegal for the Respondent to possess or have in his/her custody any firearm or ammunition.

____ 7. I agree to store the firearm(s) and ammunition in a manner such that the Respondent does not have access to or control of the firearm(s) and or ammunition until the North Miami Police Department notifies me, in writing, that the RPO is vacated or ended without extension.

____ 8. Further, I agree not to transfer the firearm(s) or ammunition back to the Respondent until the North Miami Police Department notifies me, in writing, that the RPO is vacated or ended without extension.

____ 9. I agree to release, acquit, satisfy and forever hold harmless the North Miami Police Department and the City of North Miami from any claims, demands, damages, expenses or costs of whatever nature or injuries, losses, and damages of any and every kind associated with the actions of the North Miami Police Department in transferring the firearm(s) or ammunition to me.

____ 10. I acknowledge that I have carefully read and fully understand the provisions of this document prior to executing this document.

I hereby swear or affirm, under penalty of perjury, statements in this affidavit are true and correct.

Dated: _____

Signature of Affiant: _____

Sworn to or affirmed and signed before me on _____ by _____
who _____ is personally known to me, or _____ presented
_____ as identification.

Notary Public, State of Florida

My commission expires: _____

Appendix 6

North Miami Police Department
Risk Protection Order Firearms or Ammunition Owner Affidavit

Initial all: _____ NMPD Case No.: _____

_____ 1. I currently own the following firearm(s) and/or ammunition:

(attach additional pages if necessary)

_____ 2. I have been notified by the North Miami Police Department that:

_____ (Respondent) currently has a Temporary or Final Risk Protection Order (RPO) in place, pursuant to Florida Statute §790.401, and until such order expires or is vacated, the Respondent shall not have any firearm or ammunition in his or her possession, custody, or control.

_____ 3. Until the RPO expires or is vacated, I will store any and all firearms and/or ammunition belonging to me in a manner so that the Respondent does not have access to or control of the firearm(s) and/or ammunition.

_____ 4. I understand that if I knowingly allow the Respondent to have access to or control of the firearm(s) and/or ammunition prior to the RPO expiring or being vacated, I may be subject to criminal and civil penalties.

I hereby swear or affirm, under penalty of perjury, statements in this affidavit are true and correct.

Dated: _____ Signature of Affiant: _____

Sworn to or affirmed and signed before me on _____ by _____ who _____ is personally known to me, or _____ presented _____ as identification.

Notary Public, State of Florida
My commission expires: _____

Appendix 7

North Miami Police Department **Notice of Intent to Return Firearm(s)/Ammunition**

Please take notice that, pursuant to the Risk Protection Order Act, § 790.401, Florida Statutes, the North Miami Police Department (the “Petitioner”), following its resolution of a previously obtained Risk Protection Order against _____ (the “Respondent”), intends to return previously surrendered firearm(s) and/or ammunition to the above-listed Respondent on _____, or soon thereafter.

Domestic Violence, Mental Health, and Counseling Resources

If you, or someone you know, are experiencing domestic violence, mental health issues, or is in need of counseling, below are some useful Miami-Dade County resources you can call for help and support. If you feel your life is in danger, please call 9-1-1.

Domestic Violence

Retrieved from: <https://www.miamidade.gov/socialservices/care-violence-victims.asp>
Crisis intervention and assistance to victims of domestic violence crimes includes counseling information and referral, safe shelter ([see below](#)), transportation, emergency financial assistance, emergency food and clothing, advocacy support, and individual treatment and family group counseling. For more information, contact:

Coordinated Victims Assistance

305-285-5900

Shelters

Miami-Dade County Community Action and Human Services currently operates two domestic violence shelters: Safespace North & South, and two transitional housing facilities: Inn Transition North & South.

For additional information about the services provided by these programs, contact the numbers below:

Inn Transition Program North	305-899-4600
Inn Transition Program South	786-293-3394
Safespace Shelter North Hotline	305-758-2546
Safespace Shelter South Hotline	305-247-4249
Safespace Shelter Central Hotline	305-693-0232

Crisis Intervention Hotlines

Retrieved from http://www.miamidade.gov/assistance/crisis_intervention_hotlines.asp

Department of Children and Families	305-377-5773
Domestic Violence Hotline	800-962-2873
Elder Help Line (8:00a.m. - 5:00p.m.)	305-670-4357
Florida Abuse Registry	800-96-ABUSE or 800-962-2873
HRS Central Abuse Registry	800-96-ABUSE or 800-962-2873
HRS Protective Services	305-377-5773
Rape Hotline	305-585-7273
Runaway Hotline (Miami Bridge)	305-635-8953
Suicide Prevention /SAFENET	305-358-HELP (4357)
Switchboard of Miami	305-358-4357
Teen Link	305-377-8336

Counseling Services

Retrieved from http://www.miamidade.gov/assistance/counseling_services.asp

Centro Campesino Farmworker Center	305-245-7738
Community Action Agency	786-469-4600
Douglas Gardens Community Mental Health Center	305-531-5341
Family Counseling Services	305-740-8998
Haitian Catholic Center	305-751-6289
Hialeah Housing Authority	305-888-9744
James E. Scott Community Association (JESCA)	305-638-4070
Jewish Community Services	305-670-1911
New Horizons Community Mental Health Center	305-635-0366