



OFFICE OF THE SHERIFF

RICHARD J. DALEY CENTER
COOK COUNTY
CHICAGO, ILLINOIS 60602

THOMAS J. DART
SHERIFF

December 12, 2013

Hiram Grau
Director
Illinois State Police
801 South Seventh Street, Suite 1100-S
Springfield, Illinois 62703-2487
F: 217-785-2821

RE: Law Enforcement Objection pursuant to the Concealed Carry Act, 430 ILCS 66/15, and the corresponding proposed administrative rules, 20 Ill. Adm. Code 1231.70

Director Grau,

On January 5th, 24 days from today, applications for licenses to carry concealed weapons will be available and the process for evaluating the eligibility of applications by the Illinois State Police and local law enforcement throughout Illinois will begin.

Throughout the evolution of the Firearm Concealed Carry Act ("Act") and the corresponding administrative rules, I have voiced my concern that the law enforcement objection clause in Section 15 of the Act is unworkable, deceiving and burdensome. The process sets local law enforcement, particularly the Cook County Sheriff's Office, up for failure and gives the public a false sense of security. Cook County far surpasses any other county in the number of FOID card holders with approximately 360,000 active FOID card holders countywide. DuPage County has the next highest number of card holders with approximately 90,000.

Cook County is also home to a devastating amount of gun violence. My office - and all Cook County law enforcement agencies - have a tremendous responsibility to review each concealed carry applicant that resides or has resided within the county to determine whether an objection should be made to their application. Incredibly, however, local law enforcement was given no funding to implement this public safety mandate. Without any funding, we are faced with diverting an overwhelming amount of resources from other imperative operations and dedicating them solely to the review of concealed carry applications within an impossible 30 day window.

The proposed administrative rules submitted by ISP (20 Ill. Adm. 1231.70) prohibit local law enforcement from conducting a criminal background search using LEADS, which is a critical tool in analyzing an applicant's criminal background. LEADS criminal background search results show arrests that took place anywhere in Illinois. Without the benefit of the LEADS, our review of an applicant's criminal background will be incomplete at best. It is unfair to restrict the law enforcement's ability in this way on such a critical public safety issue. More importantly, it is misleading to the public to let them believe we are able to conduct any serious review of applicants when we cannot.

Under Section 1231.70 of the proposed administrative rules, the Illinois State Police ("ISP") is the only law enforcement entity with the authority to conduct a LEADS search on an applicant. Pursuant to Section 15 of the Act, ISP must submit an objection to any applicant with 5 or more arrests for any reason or 3 or more arrests for gang-related offenses entered into LEADS within the last 7 years. Clearly, ISP will conduct a thorough review of each applicant's LEADS search results to verify whether the applicant triggers ISP's statutorily required objection. Again, ISP will be both searching and analyzing extensive criminal background data that the Cook County Sheriff's Office does not even have access to. Thus, ISP is in the best position to identify an applicant that has a background that includes my threshold for objection: one or more arrests for domestic violence or gun possession entered into LEADS within the last 7 years and all applicants with any known gang affiliation. Therefore, I make a blanket objection to applicants that fall within these criteria as identified upon ISP's review of each applicant's LEADS search results.

Alternatively, I request that ISP provide the Cook County Sheriff's Office with the LEADS criminal background search results for each applicant that meets the objection standards set forth above. It is my intention to file an objection on any application that meets this standard. It is impossible to be consistent and thorough without full access to each applicant's criminal background data. It is imperative that my office be able to have the broadest possible view of an applicant's criminal background, which only LEADS can provide. If ISP is unwilling to modify the rule prohibiting law enforcement from utilizing LEADS in this process, law enforcement agencies must then be provided the comprehensive criminal background information ISP accesses in connection with its consideration of every application.

Thank you.

Sincerely,



Thomas J. Dart
Sheriff of Cook County