



Sheridan Police Department
Policies and Procedures
28.13
Chapter 28 – Call Response
Section 13 – Citizens Carrying Firearms

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Signature:

The Sheridan Police Department recognizes the right of qualified citizens to carry a firearm while recognizing the risks to safety by firearms in the hands of criminals.

28.13.1 Openly Carrying Firearms

- A. Carrying a firearm in the open is not a crime.
- B. 18 U.S.C. section 922(g) prohibits certain people from possessing a firearm or ammunition which has been shipped in interstate or foreign commerce.

28.13.2 Person(s) Who May Legally Carry a Concealed Firearm

- A. Legal requirements for carrying a concealed firearm and how to obtain a permit are contained in Wyoming Statute 6-8-104.
- B. Persons authorized to carry a concealed firearm include:
 - 1. Peace officers;
 - 2. A person who possesses a Wyoming permit to carry a concealed firearm;
 - 3. A person who meets certain requirements for a Wyoming permit whether or not they obtain such permit; and
 - 4. A person who holds a permit to carry a concealed firearm issued by a state agency in another state, and:
 - a. That state recognizes Wyoming permits; and
 - b. The permit is valid statewide in the issuing state.

28.13.3 Concealed Firearm Permit Application Procedure

- A. Concealed firearm permits are issued by the Wyoming Attorney General's Office.
- B. Concealed firearm permit applications may be obtained from the Sheridan County Sheriff's Department.
- C. The chief of police oversees the handling of the concealed firearms permit applications by the department.
 - 1. The sheriff's department will forward a copy of the application, the chief of police checklist, and any comments pertaining to the applicant's ability to carry a concealed weapon, to the police department for the purpose of a records check.
 - 2. The records division will attach any and all pertinent information to the application and submit it to the chief's office for review.
 - 3. Upon completion of the review, any additional comments will be added and the application will be returned to the Sheridan County Sheriff's Department for submittal to the Wyoming Division of Criminal Investigation for processing.

28.13.4 Concealed Firearm Carry

- A. Persons carrying a concealed firearm pursuant to a permit shall display the permit and proper identification upon request of a peace officer.
- B. A person carrying a concealed weapon without a permit based on meeting the necessary qualifications must:
 - 1. Have been a Wyoming resident for six (6) months (Wyoming Statute 6-8-104(b)(i));
 - 2. Be at least twenty-one (21) years of age (Wyoming Statute 6-8-104 (b)(ii));
 - 3. Not suffer from physical infirmity that prevents the safe handling of a firearm (Wyoming Statute 6-8-104 (b)(iii));
 - 4. Not have been committed to a mental institution (Wyoming Statute 6-8-104 (b)(ix));
 - 5. Not be currently adjudicated to be legally incompetent (Wyoming Statute 6-8-104 (b)(viii));
 - 6. Not be precluded from possession of a firearm as a result of a conviction for a violent felony or a felony violation of interference with a police officer (Wyoming Statute 6-8-102).
 - 7. Not have been convicted in any court of a crime punishable by imprisonment for more than one year (18U.S.C. section 922(g)(1));
 - 8. Not have been committed to a facility for the abuse of a controlled substance within the past year (Wyoming Statute 6-8-104 (b)(v)(A));
 - 9. Not have been convicted of a felony violation for controlled substances identified in Wyoming Statutes 35-7-1001 through 35-7-1057 (Wyoming Statute 6-8-104 (b)(v)(B));
 - 10. Not have been convicted of a misdemeanor violation for controlled substances identified in Wyoming Statutes 35-7-1001 through 35-7-1057 within the past year (Wyoming Statute 6-8-104 (b)(v)(C));
 - 11. Not chronically or habitually use alcoholic liquor and malt beverages to the extent that his or her normal faculties are impaired (Wyoming Statute 6-8-104 (b)(vi));
 - 12. Not be an unlawful user of or addicted to any controlled substance (18U.S.C. section 922(g)(3));
 - 13. Not be a fugitive from justice (18U.S.C. section 922(g)(2));
 - 14. Not be an alien illegally in the United States (18U.S.C. section 922(g)(5)(A));
 - 15. Not have been dishonorably discharged from the armed forces (18U.S.C. section 922(g)(6));
 - 16. Not be subject to a court order that restrains him or her from harassing, stalking, or threatening an intimate partner (18U.S.C. section 922(g)(8)(B)); or
 - 17. Not have been convicted of a misdemeanor crime of domestic violence (18U.S.C. section 922(g)(9)).

28.13.5 Restricted Areas

- A. Other than peace officers, no person authorized to carry a concealed firearm may carry a concealed firearm into:
 - 1. Any facility used primarily for law enforcement operations without the consent of the chief administrator;
 - 2. Any detention facility, prison or jail;
 - 3. Any courtroom, except with judicial permission;
 - 4. Any meeting of a governmental entity;

5. Any meeting of the legislature or a committee thereof;
6. Any school, college or professional athletic event not related to firearms;
7. Any portion of an establishment licensed to dispense alcoholic liquor and malt beverages for consumption on the premises, which portion of the establishment is primarily devoted to that purpose;
8. Any elementary or secondary school facility;
9. Any college or university facilities without the written consent of the security service of the college; and
10. Any place where carrying firearms is prohibited by federal law or regulations or state law.

28.13.6 Response to Calls of People Carrying a Firearm

A. Dispatchers receiving a complaint of a person carrying a firearm should:

1. Obtain the caller's information and location;
2. Obtain the location of the incident and the manner in which the firearm is carried;
3. Request information from the caller about the activity or behavior of the person they are reporting;
4. If the person is aggressive, threatening, or suspicious, carrying the weapon in a prohibited location (see sub-section 28.13.5), or known to not be qualified to be in possession of the weapon (see sub-section 28.13.1.B or 28.13.4.B) officers shall be dispatched;
5. If there is no aggressive, threatening, or suspicious behavior (just carrying the firearm is not suspicious, threatening or aggressive), the firearm is not being carried concealed in a prohibited location, and no information is available to indicate the person is unqualified to possess a weapon, then the dispatcher should inform the caller that it is legal to carry a firearm and the police department cannot prevent the person from doing so;
6. If the caller is reporting an incident occurring on private property, inform the caller that an owner or employee has the right to ask the person to leave their property if they do not want him or her there;
7. If a property owner or representative wants the person to leave, but is afraid to ask them to leave, the dispatcher should offer to have an officer respond to do a civil standby while the owner or employee asks the person to leave;
8. If they request that officers respond to ask the person to leave the property, an officer should be dispatched with clear information on the request; and
9. A supervisor should be notified of all calls in which an officer is dispatched in response to an armed subject.

B. Officers responding to calls or encountering people carrying firearms should:

1. Remember that it is not a crime merely to carry a firearm and recognize the legal rights of citizens to possess them;
2. Treat citizens who are legally carrying firearms in a courteous and respectful manner. The manner in which officers deal with citizens legally carrying firearms will have a direct bearing on officer safety and the image that we portray to the public;
3. Recognize they do not automatically have justification or reasonable suspicion to conduct a Terry stop or investigate the individual:

- a. If the caller has articulated some threatening or other behavior that justifies investigation or intervention, officers should take appropriate action to ensure citizen and officer safety;
 - b. If there is no behavior or information that requires investigation or intervention, officers shall not stop or question the person.
4. If responding to do a civil standby while a property owner or employee requests the person to leave, the officers presence is only to keep the peace and seizing the person or firearm would not normally be appropriate;
5. If officers are responding to a request from a property owner or representative to ask the person to leave their property, the officer should explain that the property owner or representative has requested that they leave the property. The officer should not need to seize or secure the firearm during this process. If the person asks why they are being told to leave the officer should explain that the property owner has the right to trespass anyone and that notification of that trespass can come through law enforcement at the property owner's request.
6. Officers will only seize a firearm if:
 - a. The officer determines a person is carrying a weapon in violation of the law;
 - b. There is an articulable threat that is not constituted by the mere presence of the firearm; or
 - c. The firearm due to its nature is illegal to possess.
 - d. The firearm is evidence of a crime.