

<b>DOUGLAS COUNTY SHERIFF'S OFFICE</b>		<b>Policy and Procedure</b>
<b>Commissions, Appointment and Permits</b>		<b>P&amp;P-F-101</b>
<b>Concealed Handgun Permits &amp; HR218</b>		
Effective Date: 06-27-18 Supersedes 02-01-18	Approval: Sheriff	Number of Pages: 5
References: Title 14 – Article 13, Title 18 – Article 12, 18-1-1001, 18-8-503, 18-12-102, 18-12-108, 18-12-214, 19-2-707 CRS., H.R.218 - Law Enforcement Officers Safety Act of 2004	Reevaluation Date: Annually or as needed Reviewed	Standards:

### **I. RELEVANT STATUTES**

- C.R.S. Title 14 – Article 13 *Civil protection orders*
- C.R.S. Title 18 – Article 12 *Offenses related to firearms and weapons*
- C.R.S. 18-1-1001 *Protection order against defendant - definitions*
- C.R.S. 18-8-503 *Perjury in the second degree*
- C.R.S. 18-12-102 *Possessing a dangerous or illegal weapon - affirmative defense - definition*
- C.R.S. 18-12-108 *Possession of weapons by previous offenders*
- C.R.S. 18-12-214 *Authority granted by permit – carrying restrictions*
- C.R.S. 19-2-707 *Mandatory protection order*
- H.R.218 - *Law Enforcement Officers Safety Act of 2004*

### **II. POLICY**

The Douglas County Sheriff's Office issues Concealed Handgun Permits in strict compliance with Colorado Revised Statutes (C.R.S.) Title 18, Article 12 *Offenses related to firearms and weapons*. The Concealed Handgun Permit (CHP) program shall be administered by the Civil & Warrants Section, which will establish Standard Operating Procedures to ensure statutory compliance, protect community safety, and preserve individual due process rights.

### **III. ACCEPTANCE OF APPLICATIONS**

Applications for Concealed Handgun Permits will be accepted only from:

1. Residents of Douglas County.
2. Individuals who maintain a secondary residence in Douglas County.
3. Persons who own or lease commercial property used in a business in Douglas County.
4. Those that are renewing a permit issued by another county, but the applicant has since moved to Douglas County.

### **IV. AVAILABILITY OF APPLICATIONS**

Applications will be available at the Records Section, on the Internet, and at all Douglas County Sheriff's Office substations.

### **V. PROCESSING, ISSUANCE, AND DENIAL OF APPLICATIONS**

- A. The Statutory Programs specialist or assigned investigator shall conduct a criminal history background investigation on all applicants pursuant to C.R.S. Title 18, Article 12, *Offenses related to firearms and weapons*.
- B. The Sheriff's Office shall either approve or deny a permit within 90 days of receiving a completed application.
- C. If the applicant resides in a municipality or town, the Statutory Programs specialist or assigned investigator shall consult with the police department of the municipality or town in which the applicant resides. Such consultation may also occur with other law enforcement agencies with which the applicant may have had contact.
- D. If the applicant is renewing a CHP that was previously issued by another county, the Statutory Programs specialist or assigned investigator shall contact the office of the sheriff who issued the permit and confirm that the issuing sheriff has not revoked or suspended the permit.
- E. Permits are statutorily required to be issued to an applicant who:
  1. Is a legal resident of the state of Colorado. 'Legal resident' includes someone who is a member of the armed forces and whose permanent duty station is in Colorado or has a member of their immediate family living in the state.
  2. Is twenty-one years of age or older.
  3. Is not ineligible to possess a firearm pursuant to C.R.S. 18-12-108 *Possession of weapons by previous offenders*, or a federal law.
  4. Has not been convicted of perjury under C.R.S.18-8-503 *Perjury in the second degree*, in relation to information provided or deliberately omitted on a permit application.
  5. Does not chronically or habitually use alcoholic beverages to the extent that their normal faculties are impaired. This prohibition does not apply if the applicant can furnish an affidavit signed by a professional licensed counselor that they are a recovering alcoholic who has not used alcohol for at least three years.
  6. Is not an unlawful user of or is addicted to any controlled substance as defined in C.R.S. 18-18-102 (5). *Possessing a dangerous or illegal weapon - affirmative defense - definition* This includes any substance included in schedules I thru V, including marijuana and marijuana concentrate. This determination must be in accordance with federal law and regulations.
  7. Is not subject to a protection order issued under C.R.S.18-1-1001 *Protection order against defendant - definitions* or C.R.S. 19-2-707 *Mandatory protection order* or a permanent or temporary protection order issued pursuant to C.R.S. Article 14, Title 13 *Civil protection orders* that is in effect at the time the application is submitted.
  8. Demonstrates competence with a handgun by submitting evidence of experience with organized shooting competitions; is currently in the military or was honorably discharged within the past three years or shows military pistol qualification within the past ten years; is a certified firearms instructor; is a retired law enforcement officer who qualified within the past ten years; submits a

training certificate from a handgun training class completed within the past ten years.

## **VI. SUSPENDED, REVOKED, OR DENIED PERMITS**

- A. If the applicant or permittee fails to meet any one of the requirements listed in section IV, Paragraph D above, the permit will be denied, revoked or not renewed. Regardless of whether an applicant meets the above criteria, if the Sheriff's Office has a reasonable belief that documented previous behavior by the applicant makes it likely the applicant will present a danger to himself or others if a permit is issued, the Office may deny the permit. In the event that such a denial is judicially challenged, the Office will be required to prove that the decision was based on clear and convincing evidence.
- B. Following the issuance of a permit, if the Office has a reasonable belief that the permittee no longer meets the criteria established in section IV, paragraph D. above, the permit may be suspended pending final resolution / decision.
- C. If the Civil & Warrant Section sergeant determines that the incident makes the permit holder ineligible to possess a CHP, or would otherwise warrant the revocation of a permit, the sergeant will prepare a Letter of Denial / Revocation and follow the Standard Operating Procedure regarding permit denial or revocation.
- D. An applicant or permit holder whose application is denied or whose permit is suspended or revoked has a statutory right to a second review by the Sheriff, or to a judicial review, or both. The following procedure shall constitute a second review by the Sheriff:

A three-member Review Board will make a determination on appeals and information submitted by applicants or permit holders.

1. The Review Board will consist of three division captains. They can review independently and make their decision, will meet as needed, or upon order of the Sheriff.
2. The Statutory Programs specialist will create a packet of documents and information received from the applicant / permit holder to the Review Board for review. The review board will review the packet independently.
3. The reviewing captains will not hear testimony. Their decision will be based solely on written information provided by the Civil & Warrants Section, the applicant / permit holder, file documents, and Colorado Revised Statutes governing the administration of Concealed Handgun Permits.
4. After the Board's review, it will decide to either; issue / re-issue the permit to the applicant / permit holder, or to uphold the findings of the Civil & Warrants Section.
5. The ruling shall be determined by a majority vote of the Board.
6. The Statutory Programs specialist will report the findings to the Civil & Warrants Sergeant. All findings will be documented on the Review Board report form.

7. The Sheriff will review the findings and make the final decision. The Statutory Programs specialist will prepare and mail the Sheriff's decision, via certified mail, to the applicant/permit holder.

## **VII. NON-COMMISSIONED SHERIFF'S OFFICE MEMBERS**

In accordance with Douglas County government policy, the carrying of weapons by non-commissioned personnel shall be prohibited in the workplace regardless of the possession by the member of a valid conceal/carry permit issued pursuant to C.R.S. 18-12-214 *Authority granted by permit – carrying restrictions* unless specifically required to do so in the performance of the non-commissioned member's normal duties (armoring of weapons, Sheriff's Office sanctioned events, etc.).

Exceptions to this policy may be granted by the member's assigned chief deputy if the non-commissioned member can articulate a specific credible threat to their personal safety. Such permission shall be documented in writing and forwarded to the Professional Standards Captain for retention.

Nothing in this policy shall supersede the policies of carrying weapons in the detention center, or in the combined courts.

## **VIII. REQUIRED REPORTS**

The Sheriff is required to annually prepare a report containing certain specified data regarding concealed handgun permits during the previous calendar year. This report must be prepared and submitted to the Colorado general assembly on or before March 1 each year. In addition, the report must be provided to any member of the public upon their request. The report must contain the following information:

- The total number of permit applications received.
- The number of permits issued.
- The number of permits denied and the reason(s) for the denial.
- The number of permits revoked and the reason(s) for the revocation.

The report shall not contain the names of any person who applied for a permit, regardless of the disposition of the request.

The Statutory Programs specialist and the sergeant of the Civil & Warrants Section will prepare the report and forward it to the Sheriff no later than March 1 of each year.

## **IX. RETIRED LAW ENFORCEMENT NEW AND RENEWAL PERMITS**

Also referred to as HR 218/Law Enforcement Officers Safety Act (LEOSA).

The Statutory Programs specialist or clerk will accept applications for the retired law enforcement permits Monday - Friday at the main Sheriff's Office in Castle Rock. The applicant must meet the following requirements:

- Has separated from service in good standing with a government agency as a law enforcement officer for an aggregate of 10 years or more, or separated from such an agency due to a service-connected disability after completing any applicable probationary period of such service;

- Was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or the incarceration of any person for any violation of law;
- Had statutory powers of arrest or apprehension under the Uniform Code of Military Justice;
- Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance;
- Is not prohibited by Federal law from possessing a firearm.

The Statutory Programs specialist or clerk will collect a \$13 Colorado Bureau of Investigations (CBI) fee made payable to Douglas County Sheriff's Office, along with an application and current range qualification from the applicant. A copy of the application will then be forwarded to CBI for their background check and approval. New permits will be issued within 90 days. Renewal permits will be issued at the time of renewal application.

By Order of the Sheriff