

**CRAIG POLICE DEPARTMENT**  
**Office of Chief of Police**  
**General Order**

**Date Issued:** January 15, 1997

**Revision Date:** August 16, 2007

**Subject:** Conduct While Off-Duty

**Reference:**

**TO:** ALL OFFICERS

**I. POLICY**

The conduct of police officers, as well as police employees, while off duty, is expected and required to be commensurate with the high level of public trust placed upon the law enforcement profession. Any public action, interaction, attitude or opinion of police personnel, which can be interpreted as unprofessional or unworthy, tends to undermine and detract public respect of law enforcement. Public respect must be earned by exemplary conduct on duty, as well as off duty.

**II. PROCEDURE**

Under law, both on duty and off duty officers have peace officer authority as to any public offense committed or which there is probable cause to believe has been committed in his/her presence, and with respect to which there is immediate danger to person(s) or property, or the escape of the perpetrator of such offense. Off duty officers, who take police action, immediately are considered on duty, and subject to the provisions of city and department regulations, rules, and policies. However, on duty officers outside the city limits who are not acting within the scope of their employment as Craig police officers on matters of direct concern to the city or under a mutual aid request, and off duty officers both inside and outside of the city limits are to give first consideration to causing the appropriate action to be effective by the responsible law enforcement agency. Such officer should then act only after consideration of the tactical situation and of their possible liability and that of the City of Craig. Except under the most extreme cases, Reserve Officers are directed not to take law enforcement action while off-duty unless it is in an extreme emergency.

A. Authority Outside of the State

Peace officer powers of Craig police officers do not extend beyond this state, except as provided for in the Uniform Act on Fresh Pursuit and the Law Enforcement Officers Safety Act. Officers who are outside the boundaries of this state for extradition or other matters of direct concern to the city, are not to engage in police activities unless necessary in the performance of their duties as an agent of the City, and then only after consideration of the tactical situation.

B. Law Enforcement Officers Safety Act

In 2004, the United States Congress enacted the *Law Enforcement Officers Safety Act*, 18 U.S. Code 926B and 926C. This federal law allows two classes of persons — the "qualified law enforcement officer" and the "qualified retired law enforcement officer" — to carry a concealed firearm in any jurisdiction in the United States, regardless of any state or local law to the contrary, with certain exceptions.

However, there are two types of state laws that are not overridden by the federal law, these being "the laws of any State that (1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or (2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park." This does not mean that LEOSA-qualified persons are prohibited from carrying concealed firearms in such areas, but only that they must obey whatever state laws apply on those two points. They are free to disregard all other state and local laws that govern the carrying of concealed firearms.

The LEOSA overrides state and local laws, but not other federal laws. Thus, LEOSA-qualified individuals must continue to obey federal laws and agency policies that restrict the carrying of concealed firearms in certain federal buildings and lands.

### **Qualified Law Enforcement Officer:**

In order to be covered as a "qualified law enforcement officer," a person must meet each and every one of the following criteria: He or she must be (1) "an employee of a governmental agency"; (2) "is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law"; (3) has "statutory powers of arrest"; (4) "is authorized by the agency to carry a firearm"; (5) "is not the subject of any disciplinary action by the agency"; (6) "meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm"; and (7) "is not prohibited by Federal law from receiving a firearm." In addition, the privilege conferred by the law applies only when the individual "is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance."

In order to exercise the privilege, the LEOSA-qualified individual must carry "the photographic identification issued by the governmental agency for which the individual is employed as a law enforcement officer."

**Retired Law Enforcement Officers:** *(This section is primarily for educational information should an officer contact someone who meets these criteria.)*

In order to be considered a "qualified retired law enforcement officer," one must be a person who "(1) retired in good standing from service with a public agency as a law enforcement officer, other than for reasons of mental instability; (2) before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest; (3)(A) before such retirement, was regularly employed as a law enforcement officer for an aggregate of 15 years or more; or (B) retired from service with such agency, after completing any applicable probationary

period of such service, due to a service-connected disability, as determined by such agency; (4) has a nonforfeitable right to benefits under the retirement plan of the agency; (5) during the most recent 12-month period, has met, at the expense of the individual, the State's standards for training and qualification for active law enforcement officers to carry firearms . . ."

Even if the retiree does qualify under each numbered requirement quoted above, he must possess one of two types of permissible identification: Either "(1) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm;" OR "(2)(A) a photographic identification issued by the agency from which the individual retired from service as a law enforcement officer; *and* (B) a certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm."

**Approved by:**

**Date:**

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**Walter K. Vanatta**  
**Chief of Police**