

**Hastings, Nebraska  
Police Department  
General Order # HPD 11-009**

**Topic: Concealed Carry of Firearms by Off-Duty Police Officers**

**I. PURPOSE:**

The purpose of this order is to establish uniform guidelines for the carrying of concealed weapons by police officers in compliance with Chapter 44 of title 18, United States Code section 926B and to provide advisory information for retired police officers who elect to carry concealed weapons in compliance with section 926C.

**II. POLICY:**

The carrying of concealed weapons while off-duty is solely at the officer's discretion.

**III. PROCEDURES:**

Sworn personnel with arrest powers having met department standards by demonstrating their proficiency by qualifying within the previous twelve months may carry concealed weapons in compliance with the following procedures. Retired sworn personnel having met state standards by demonstrating their proficiency by qualifying within the previous twelve months may carry concealed weapons at their own volition.

**A. Qualification**

1. The Hastings Police Department shall conduct annual qualification for handguns on the second Tuesday and Wednesday in January, or later date.
2. Sworn personnel shall score a minimum of 80% (department standard).
3. Retired personnel shall score a minimum of 70% (State standard).

**B. Identification Card**

1. The department shall issue identification cards on an annual basis (after qualification).
2. The identification card shall contain:
  - a. department information
  - b. identification number
  - c. expiration date
  - d. a certification that the individual is
    1. a police officer or a retired police officer
    2. has the "power of arrest" (not included on retired ID)

3. is “authorized to carry firearms” (not included on retired ID)
  4. is “18USC 926B Firearms Qualified” for police officers
  5. is “18USC 926C Firearms Qualified” for retired police officers e. a telephone number to verify the validity of the identification card.
3. When having contact with other law enforcement officers, personnel shall identify themselves and advise that they are carrying concealed.
  4. Personnel shall present their identification upon demand or request.

### **C. Prohibitions (Active Personnel)**

1. Personnel affected by this policy shall NOT carry concealed weapons
  - a. when they have been suspended from duty
  - b. are under the influence of
    1. alcohol
    2. any other intoxicating or hallucinatory drug or substance
  - c. if they become prohibited by federal law from receiving a firearm
  - d. on private premises that prohibit or restrict the possession of concealed weapons
  - e. on federal, state or local government property, installation, building, base or park where the entity has restricted or prohibited the possession of concealed weapons.
1. Personnel are NOT authorized to carry
  - a. any machine gun (as defined in section 5845 of the National Firearms Act)
  - b. any firearm silencer (as defined in section 921 of Chapter 44 of title 18, United States Code)
  - c. any destructive device (as defined in section 921 of Chapter 44 of title 18, United States Code).
2. Department-owned weapons may not be carried off-duty while outside of the State of Nebraska.

### **D. Prohibitions for Retired Personnel**

1. The Department does not have any civil or criminal liability for retired personnel.
2. Section C, excluding 1(a) applies to retired personnel.
3. Behavior contrary to Section C may negate your authorization to carry concealed weapons under subsection 926C of the Act.

4. A violation of such may result in your arrest for carrying a concealed weapon.
5. It is suggested that personnel check with their insurance carrier prior to carrying a concealed weapon.
6. You are required to obtain a certification from the State of Nebraska.

## **E. Cautions**

1. No Police Authority
  - a. Neither this General Order nor the “Law Enforcement Officers Safety Act of 2004” extends extraterritorial police authority to police personnel.
  - b. Off-duty personnel are considered private citizens when outside of their jurisdiction and **DO NOT HAVE POLICE AUTHORITY!**
  - c. The authority to use deadly force varies from state to state.
  - d. The authority to use force in other states is different for private citizens.
  - e. Various jurisdictions may have different interpretations of the “Law Enforcement Officers Safety Act of 2004”.
2. When confronted by law enforcement officers
  - a. listen carefully
  - b. follow their directions
  - c. when appropriate, identify yourself as a police officer
  - d. advise that there is a verification number on the ID card
  - e. comply with their requests and process.
2. Verification of Identification Cards
  - a. Hastings Police Department identification cards.
    1. The Captain for Administrative Services will provide the 9-1-1 center with a list of valid identification cards issued to retired personnel.
      - a. A file containing the personnel firearms qualification is contained on the “L” drive in an Access file titled “Revised Firearms”.
    - b. External Identification Cards.

1. Personnel shall be cognizant of the possibility of fraudulent or fake Identification cards.
2. When appropriate, verify the validity of an Identification card with the issuing agency.

The “Law Enforcement Officers Safety Act of 2004” and its subsequent amendments will cause police officers to encounter armed off-duty police personnel. We wish to avoid a tragic confrontation between on-duty and off-duty police officers. Remember, that when you are confronted off-duty, that the police officers are going to presume that you are illegally armed until proven otherwise. It is important that you approach armed individuals in the same manner. Be careful! Your safety and the safety of your fellow officers are paramount.

Effective Date: January 1, 2011

By order of  
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