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JOINT FORCE HEADQUARTERS WISCONSIN
WISCONSIN NATIONAL GUARD
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WING-Z

30 October 2020

MEMORANDUM FOR The Department of Military Affairs

SUBJECT: Concealed Carry of Non-Military Weapons (CCW) - TAG POLICY
MEMORANDUM 23

1. References:

- a. Wisconsin Statute. 175.60, License to Carry a Concealed Weapon
- b. Wisconsin Statute. 939.48, Self-Defense and Defense of Others
- c. Wisconsin Statute. 941.23, Carrying Concealed Weapon
- d. 18 USC § 926B, Carrying of Concealed Firearms by Qualified Law Enforcement Officers
- e. AFI 31-117, Arming and Use of Force by Air Force Personnel, 29 June 2012
- f. Army Regulation 190-11, Physical Security of Arms, Ammunition and Explosives, 17 January 2019
- g. 32 U.S.C. 709, Technicians: employment, use, status
- h. DoD Directive 5210.56, Arming and the Use of Force, 18 November 2016

2. Purpose: To allow Wisconsin Department of Military Affairs (DMA) employees, who have been approved with this policy memorandum, to carry a concealed weapon in DMA facilities for the sole purpose of self-defense as defined in Wisconsin Statute 939.48. It also provides authority to conceal carry when in uniform and off installation.

3. Responsibility: Employees electing to carry a concealed weapon under this policy make a personal choice to carry a weapon, consistent with Wisconsin law, and assume the associated risk.

a. Employees authorized by this policy are not acting in the line of duty and their actions fall outside the scope of their employment and official duties.

b. Injuries sustained by an employee, as a result of carrying a concealed weapon, will not be covered by applicable worker's compensation or other insurance policies provided by Wisconsin Department of Military Affairs.

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c. Employee may be held personally liable for injuries to other personnel and damage to property.

d. The DMA, the Department of Defense or any subcomponent, will not indemnify, represent, or defend an employee against any cause of action brought against them as a result of exercising their privilege under this policy.

e. Refer to the Wisconsin Department of Justice (DOJ) website to get the most up-to-date information on Wisconsin's Concealed Carry Law (Wisconsin Act 35, The Personal Protection Act). <https://www.doj.state.wi.us/>.

4. Applicability: This policy applies to all DMA employees in good standing. This is inclusive of active guard reserve members (AGRs), Title 32 technicians, state active duty, Title 5 National Guard employees, and DMA state employees (herein after Employees). This policy does not apply to any member carrying a government-issued weapon, to contractors or civilian guests/visitors; and does not permit concealed carry on active duty military installations. This policy remains in effect until rescinded by the undersigned authority.

5. Policy:

a. DMA personnel who possess a valid concealed carry license (CCL) or are a current law enforcement officer, may concealed carry a personally owned weapon, subject to the restrictions further outlined in this policy memorandum.

b. Unit/facility commanders and supervisors may implement reasonable restrictions beyond the scope of this policy (e.g. restricting concealed carry on a flight line) and will ensure the respective Deputy Adjutant General is aware of restrictions.

6. Authorization: Employees who elect to carry a concealed weapon in a DMA facility, as permitted in this memorandum, must obtain approval by their designated approval authority using Enclosure 1 (Request Authorization). Further delegation is not authorized.

a. For the Wisconsin Army National Guard, approval authority is the company/battery commander.

b. For the Wisconsin Air National Guard, approval authority is the G-series order commander.

c. For Title 5 employees, approval authority is the first GS-12 or higher in their supervisory chain.

d. For Title 32 Technicians, approval authority is the first line supervisor in their supervisory chain.

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e. For DMA employees, approval authority is the Directorate or Section Chief.

7. Wisconsin National Guard (WING) Facilities: Notwithstanding, any other provision contained in this policy, authorization to carry a concealed weapon into WING facilities, is restricted as follows:

a. Employees of WING facilities on Fort McCoy and Army Reserve bases must comply with the installation commander's policy.

b. Employees are responsible for understanding and complying with all posted concealed carry notifications at all WING controlled facilities, such as air bases and Army Aviation Support Facilities (AASFs).

8. General Services Administration (GSA) and state owned vehicles: Carrying a personally owned weapon in a government vehicle is authorized.

9. Approval Authority Responsibilities:

a. Will counsel employee on the responsibilities of CCW, rules for the use of force, and actions around WING security forces and law enforcement officers utilizing Enclosure 2 (Mandatory Counseling Information). This can be documented on DA Form 4856, Developmental Counseling Form (Army), AF 174, Record of Individual Counseling (Air Force), or DMA Policy Acknowledge memorandum (Employees).

b. Employee possesses a valid/current WI CCL or other state CCL the WI DOJ recognizes through their reciprocity agreement. Document the state which issued the CCL, license or reference number, and expiration date of the CCL on the counseling form.

c. Validation of employee by reviewing their personnel records/file for adverse information and other background queries as a tool to assist in proper vetting.

d. Annually review each approved CCL authorization using the above procedures.

e. Upon discovery of derogatory information on an employee previously authorized to carry a concealed weapon, the approval authority will perform a risk assessment to determine if revocation of the privilege is warranted.

f. The approval authority will conduct annual refresher CCW training for all employees to ensure everyone understands the policies and responsibilities associated with carrying a concealed weapon.

10. Approval authorities and chain of command are reminded they should use a 'whole person concept' during their approval assessment. Approval authority may deny or revoke authorization for an employee to carry a concealed weapon if the employee no

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longer meets the requirements to carry a concealed weapon under state law, or if granting such permission is not in the best interest of the command. In such case, the approving authority shall notify the employee in writing with a brief statement on a counseling form as to the reason permission is being denied or revoked.

11. Other Considerations:

a. Service members, technicians, National Guard employees, state employees, guests, and visitors may continue to transport lawful non-military weapons in their personal vehicle as provided for by state law, regulations, federal installations, or other policies established by the local commander's policy regarding possession of CCW.

b. DMA personnel (to include those who serve as law enforcement personnel) may not carry a personally owned concealed weapon at the same time they are carrying a military issued weapon.

c. Unit commanders/supervisors must assess and communicate restrictions and limitations to employees with CCWs for collective training events and state active duty missions.

d. This policy does not supersede other prohibitions which are in place by both other governmental agencies and private civilian businesses.

e. Each employee is solely responsible for maintaining control and properly securing their concealed weapon and ammunition at all times, with safety being the preeminent consideration.

f. Employees transferring to other WING units or organizations must reapply for permission to carry a concealed weapon under this policy. Upon a service member's transfer, permission to carry a concealed weapon at a WING facility is automatically revoked until granted approval by the gaining approval authority.

g. Employees have the responsibility to inform their supervisor and obtain the supervisor's concurrence with the approving authority to get authorization to carry a concealed weapon.

h. Employees will carry a completed and current copy of Enclosure 1 with them at all times when exercising this policy and report/disclose to security personnel their status when entering a site/installation with security personnel on duty and/or facility manager, unit/business point of contact.

12. Reporting: This policy requires TAG Friendly Force Information Requirement (FFIR) for concealed carry report to be immediately made to the WI-JOC when:

a. Any act involving an employee drawing their concealed weapon.

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b. A discharge under any circumstance.

c. Any unsafe or reckless incident involving a concealed carry weapon under this policy can be reported by the person witnessing the unsafe act or receiving a report from a witness to the unsafe act.

d. The loss or theft of a personally owned weapon while the authorized employee is on the premises of a WING facility.

13. WING Rules for the Use of Force, as approved by the Attorney General, does not apply to concealed carry weapons. Wisconsin Statute, 939.48, applies to personal concealed carry in that:

“A person may only use force likely to cause death or great bodily harm to stop an imminent threat of death or great bodily harm to themselves or another person. Individual weapons should not be drawn, brandished, or displayed unless in response to a direct and imminent threat of death or great bodily harm to yourself or another person.”

14. Authorized employees in possession of their concealed weapon during an active shooter incident will not provide, or attempt to provide, assistance to security staff or any other law enforcement officials, or engage with an active shooter unless directly and imminently threatened with deadly force.

15. Reckless and unsafe behavior will result in revocation of the privilege to carry under this policy. Failure to comply with the mandates, requirements, and restrictions of this policy, or any local, state, federal law, ordinance, military order, or regulation, may result in disciplinary action.

16. Military service members will not open carry a personally owned weapon while in uniform.

17. POC for this memorandum is the WING J34 Provost Marshal Office at 608-242-3576 or ng.wi.wiarng.mbx.js-j34-grp@mail.mil.



PAUL E. KNAPP
Maj Gen, Wisconsin National Guard
The Adjutant General

2 Encls

1. Request and Authorization for
Concealed Carry of Privately
Owned Weapons

2. Mandatory Counseling Information

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MEMORANDUM 23 Enclosure 1

**Wisconsin National Guard
Request and Authorization for Concealed Carry of Privately Owned Weapon**

I, _____, request permission as an employee, as defined under paragraph 4. of TAG Policy Memorandum 23, from my commander/supervisor to carry a privately owned concealed weapon during the course of my employment, and (initial most appropriate):

Further, I certify that (initial):

_____ I am a resident of the State of Wisconsin, and I currently hold a valid license to carry a concealed weapon, issued by the Wisconsin Department of Justice (WI DOJ); or

_____ I am a resident of another state, and I currently hold a valid license to carry a concealed weapon from my resident state, and the WI DOJ has determined that it is appropriate to grant reciprocity to concealed carry licenses issued by that state.

_____ I have read and understood the TAG Policy 23, "Concealed Carry of Non-Military Weapons," I understand that it is my responsibility to ensure that I monitor all relevant policies and Wisconsin Statutes for changes. I also understand that it is my responsibility to comply with all applicable laws and administrative rules, as well as the requirements of the TAG's concealed carry policy. I understand that those requirements include, but are not limited to: (A) carrying my weapon in a manner designed to conceal it's presence; (B) keeping my weapon in my physical possession at all times, in a properly secured carrying restraint that is within my reach at all times; and (C) storing my weapon under the double-lock protocol or in my vehicle when I am unable to carry my weapon into an area restricted by law, by posting, or at the request of the property owner.

_____ I understand that my choice to carry a concealed weapon under my license is my choice alone, that the Department of Military Affairs/Wisconsin National Guard neither encourages nor discourages me from carrying a concealed weapon. My supervisor has informed me that my decision to carry a concealed weapon, in itself, will have no adverse impact upon me. I understand that how I choose to handle or store my weapon in the course of my employment may lead to discipline, including prohibition of carrying a weapon, and/or Wisconsin Code of Military Justice action up to and including separation. I will never represent that I am required or entitled to carry a concealed weapon by virtue of my status as an employee, unless I am otherwise required to do so by my position description.

Typed/Printed Name of Employee	Signature of Employee	Date

Concurrence of FTUS Supervisor

(Will be used only if Supervisor is different from Approval Authority)

Typed/Printed Name of Supervisor	Signature of Supervisor	Date

Authorization

I have reviewed all required documentation and grant permission for the individual listed above to carry a concealed personally owned weapon during the course of employment.

Typed/Printed Name of Approval Authority	Signature of Approval Authority	Date

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MEMORANDUM 23 Enclosure 2

Mandatory Counseling Information

As the approving authority it is imperative to have the listed information below on a counseling form for the employee to reference. This information is not all inclusive and you may add additional information unique to your unit, office, and/or location. It is a requirement to do a face-to-face counseling session with the employee seeking permission to carry a concealed weapon while in uniform and/or at DMA facilities.

1. Inform employee on the responsibilities of carrying a concealed weapon while in uniform and ensure the employee understands the Rules for the use of Force as it applies to concealed carry.

Wisconsin Statute 939.48: Self-defense and defense of others:

A person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person by such other person. The actor may intentionally use only such force or threat thereof as the actor reasonably believes is necessary to prevent or terminate the interference. The actor may not intentionally use force which is intended or likely to cause death or great bodily harm unless the actor reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself.

2. Include the employee's CCL number, issuing authority (state of issue), and expiration date.

3. Employees carrying a personally-owned weapon under this policy have made the personal choice to carry a weapon; they are not acting in the line of duty and they are acting outside the scope of employment and official duties, making them personally liable for their own actions. The Department of Military Affairs will not indemnify, represent, or defend members against any cause of action brought against them as a result of that member exercising their privilege under this policy.

4. It is mandatory when carrying a concealed weapon the employee carry with them their CCL, completed enclosure #1 and a photo ID. All documents shall be presented to security staff or any other law enforcement official when requested.

5. There are only three instances when an employee carrying a personally owned weapon pursuant to this policy may remove the weapon from its secured location while in uniform, on or off duty, or at a WING facility or on an installation:

- a. To properly clear the weapon for a legitimate purpose;
- b. To temporarily surrender the weapon at the direction of security staff or law enforcement official, or the chain of command;
- c. To use the weapon in response to a reasonable belief that deadly physical force is immediately necessary for self-defense and the defense of others against another's use or attempted use of unlawful deadly physical force.

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MEMORANDUM 23 Enclosure 2

6. Employees will receive mandatory training every 12 months on the policies and regulations pertaining to CCW and proper protocol interacting with security staff or law enforcement officials during an incident.
7. Commanders/supervisors will conduct an annual background check on employees approved per TAG Policy Memorandum 23 to ensure compliance with laws pursuant to CCL privileges.
8. The employee has the responsibility to immediately self-disclose any derogatory information IAW Policy Memorandum 11.
9. Employees are responsible for advising and obtaining concurrence from their full-time supervisor, if different from the approval authority, prior to being approved to carry a concealed weapon.
10. Employees are responsible for understanding and complying with all conceal carry notifications, either posted or in policies, at all WING controlled facilities. Unique examples are as follows: Air bases and Army Aviation Support Facilities (AASFs).
11. The approval authority reserves the right to revoke the privilege to carry a concealed weapon pursuant to TAG Policy Memorandum 23 at any time.
12. Employees have the responsibility to self-identify they are carrying a concealed weapon when the situation dictates and as a courtesy to security staff or law enforcement officials.
13. Employees are responsible to ensure their weapon is completely and inconspicuously concealed at all times and if not in immediate reach, will use the double-lock (such as locked within two secured devices or containers) protocol to properly secure their weapon.