

# Wisconsin Department of Safety and Professional Services

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## DIVISION OF PROFESSIONAL CREDENTIAL PROCESSING

### PROCEDURES FOR CERTIFICATION OF PROFICIENCY TO CARRY A FIREARM

#### INTRODUCTION

An owner or officer of a licensed private detective agency (note that private security companies are licensed as private detective agencies) must obtain a permit from the Department of Safety and Professional Services for each officer or employee who will carry a firearm while on duty as a private security person. The permit is based on the certification of a department-approved firearms proficiency certifier that the owner or employee has successfully completed required firearms training. It is also conditioned on the following:

- The circumstances of an assignment give rise to a substantial need for being armed.
- The agency has submitted a firearms policy to the Department.
- The owner or employee is not prohibited from possessing a firearm by state or federal law.
- The person carrying the firearm must be in uniform and on duty.

#### APPLICATION FOR A PERMIT

The Department has developed 3 forms relating to certification of firearms proficiency:

Form #467 Firearms Certification of Proficiency - Initial Certification

Form #2117 Firearms Certification of Proficiency – Renewal

Form #2118 Firearms Certification of Proficiency - Change of Employer or Additional Employer

The first 2 forms contain information about the person who will carry the firearm and about the training he or she has received. They must be signed by an owner or officer of the private security company, by the firearms certifier and by the person who will carry the weapon. The third form must be submitted to the Department when a person transfers to a new employer or works for another employer and will carry a firearm when placed on duty by that employer.

#### QUALIFICATIONS OF A PERSON WHO WILL CARRY FIREARM

**Training.** A person for whom an initial permit is being obtained must have successfully completed the required 36 hours of training which is based on the latest approved edition of Firearms-A Training Guide for Law Enforcement Officers which the Law Enforcement Standards Bureau has approved for training law enforcement officers. The Wisconsin Administrative Code §RL 34.03 provides more information about the required training.

A person for whom a permit renewal is being obtained must complete a 6-hour refresher course which more briefly covers the contents of the 36-hour course.

A person who has not obtained a certificate of proficiency within the 5 years preceding the date of application for a permit, must complete the full 36-hour course.

A person from another licensing jurisdiction (state, province, etc.) for whom an initial permit is being obtained in Wisconsin may satisfy the training requirement by successfully completing the 6-hour refresher course, provided that the following conditions apply:

- The person had received at least 30 hours of firearms training in the other jurisdiction.
- The person was authorized by the other jurisdiction or a governmental agency to carry a firearm while on duty as a peace officer, a security person or a private detective at any time during the 5 years preceding application for a permit.

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**Conviction of Crime.** A person who has been convicted of a felony, unless pardoned, may not receive a firearms permit from the Department. A person who has been convicted of one or more misdemeanors may be approved, depending on the nature of the crime, the number of crimes, and evidence of rehabilitation.

## **REQUIREMENTS PERTAINING TO PEACE OFFICERS**

A person who is a peace officer, as defined in Wis. Stats. § 939.22(22), Stats., may carry on, about or near his or her person a firearm, concealed or otherwise, when acting as a private detective or private security person, if the peace officer obtains a firearms permit from the Department.

## **APPROVAL OR DENIAL**

The Department will review the application for permit and grant a permit for those who qualify. The permit will be valid for one year and the date of expiration will be printed on the permit.

If the Department denies the application, the Department will send the applicant a formal Notice of Denial and offer the applicant an opportunity for a hearing.

## **APPROVED FIREARMS CERTIFIERS**

Firearms certifiers must be approved by the Department before certifying that a person has completed the required firearms training. A form, entitled APPROVAL OF FIREARMS PROFICIENCY CERTIFIERS (Form #2154), and an application form is available from the Department. Firearms certifiers provide training in indoor or outside firing ranges which they own, lease or use. The Department maintains a current list of approved firearms proficiency certifiers on the Department's website at <http://dsps.wi.gov/prof/fire/form.htm>.

## **FALSIFICATION OF CERTIFICATION**

The urgency of certain situations may occasionally tempt a private detective/security guard agency to place a person on duty with a firearm before a permit has been obtained or may tempt a company or employee to falsify the certification of training. Such falsification would be ill-advised, considering that the Department will treat such matters seriously and pursue disciplinary action against the agency, and also considering the agency's liability exposure if an improperly trained person causes serious injury to another while on duty, and, finally, considering that those who provide false information on an application may be charged with the crime of false swearing.

## **RESTRICTIONS ON CARRYING A FIREARM**

**Loaded Firearm in a Vehicle.** Wis. Admin. Code §RL 34.011 states the conditions under which a security guard may carry a loaded firearm in a vehicle. One of the conditions is that the firearm must be in plain view. For example, the firearm may not be under the seat, in the glove compartment, under the security guard's uniform, in a briefcase, etc. If the firearm is a handgun, it must be in a holster. If it is other than a handgun (such as a shot gun), it must be in a device inside the vehicle which locks the firearm in position and prevents an unauthorized person from removing it from the locking device. Other conditions are: the person must be in uniform, the person must be on duty as a security guard and the person must have a valid firearms permit from the Department.

**Concealed Firearm.** No person, including persons who have received a permit from the Department, may carry a concealed weapon while on duty as a security guard (including a bodyguard), unless the person is a peace officer.