

# Defensive Strategies



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Today I was teaching one of my favorite courses, Responsible Use of Lethal Force. It includes topics that range from how to determine, for virtually any situation, whether a lethal force response is justified to using pepper spray correctly.

One of the topics raised was “What should you do if you are properly licensed, carrying your gun, and for some reason you are pulled over by the police?” Four people in the room had four different answers for how they would handle that situation.

The legal answer to that varies by state. Some places require you to inform the police that you have a gun. Some places do not. I just found a website that says only the following states have that requirement: AK, AR, LA, MI, NC, NE, OH, OK, SC and TX. Do I believe that list is current, accurate, and to be relied on? No, I do not. You need to check a reliable resource for this kind of information where you live, and wherever you might travel with your gun.

## What To Do If Stopped By Police

In some places the cops will find out, whenever they run a license plate, if the person who owns that car has a firearms license. That is the case in my state, Massachusetts, and once when I was stopped for not strictly obeying a traffic law, I wondered why it was taking so darn long for the officer to decide whether to give me a warning or a citation after taking my license and registration back to his cruiser. I was on my way to the airport, about to catch a flight, so I had no gun with me, no reason to mention my license. After a long, long time, I noticed another cruiser had pulled up near the first one. That first cop had called for backup before daring to approach me again! I didn’t want to risk missing my plane, so I didn’t have time to get into a conversation about why backup had been summoned, but I’m pretty sure it was either standard practice for that agency or just an opportunity to try procedures that weren’t standard but might be occasionally necessary when encountering someone who probably had a gun. The only way they could have known was by running my license plate.

If you know for an absolute certainty that you are in a state where you don’t have to tell the officer you are carrying, and you are also confident that you are being stopped for something having nothing to do with your gun (speeding, coasting through a stop sign, unpaid parking tickets, broken tail light, and so on) then the best thing to do is not to say or

do anything about your gun. Just have the same interaction with the officer that you would have if you weren’t carrying.

The rest of this article will assume you are in a part of the country where you must let the police know you are carrying. Here is what you never want to say: “Officer, I have a gun.” No matter how calmly and politely you say that, the officer will likely go from Condition Yellow (relaxed alertness) to nearly Condition Red (the highest level of danger), instantly, and in ways that might not turn out well for you.

So, what can you say or do instead? One good option is to say, “Officer, I have a LICENSE to carry and I am carrying now. How would you like to handle this?” By leading with the word “license” you are giving the police a chance to recognize that you are one of the good guys, not a threat to the officer. By not using the word “gun” at all, you are further keeping the interaction low key, and you are avoiding any tragic mistake that might be made by the officer’s partner or another person nearby who might hear the word “gun” out of context and leap to the wrong conclusion.

After you say “How would you like to handle this?” sit still and wait for the answer. Don’t reach for anything—not your driver’s license, not your firearms license, not your registration—any of those actions might make the cop think you might be reaching for

your gun.

Another excellent option is to, before the officer gets close to your car, take your license, registration, insurance (whatever you are required to provide in a traffic stop) AND license to carry, put them all together on your dashboard so they will be easily seen, and hand them together to the officer. You don't have to say anything at all.

If the cop "invites" you to get out of your car, it is most likely because something has raised his or her level of concern. If you have not mentioned your license before, this would be a good time to do so. If the officer notices your gun before you have made him or her aware its presence, whatever trouble you are in will have just become greatly magnified.

What if the cop politely asks something like, "Do you mind if I look through your car?" You have the right to refuse, and I've been told by knowledgeable legal folk that you should refuse, even if you have nothing to hide. You should refuse carefully, and politely. Some of the best advice I've been given to deal with this situation is to say, "I do mind if you look through my car. I am not giving you permission to do so." Put your car keys where the officer can see and reach them (on the hood, for example), move away from them and say "There are my keys. I'm not preventing you from searching my car if you have probable cause to do that, but I'm not giving you permission to search."

You cannot prevent the police

from searching your car if they have probable cause to do so. If the officer thinks he or she has probable cause your vehicle will be searched, but it is more likely that the cop knows there is no probable cause, that you are within your rights to refuse a search, and will let you go on your way.

Ask your local knowledgeable attorney or gun owners' group what the laws are with respect to informing police about license holders stopped for unrelated reasons.

The next time I'm pulled over for anything, not being in a state where notification is required, I'll just sit tight and see how that goes. Maybe that cop won't feel the need to call for backup, and I will be on my way sooner.

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