

# What to do if you get pulled over while legally armed – a cop's perspective

By Chris Wagoner

Published December 12, 2016

Recently, I was contacted by my local sheriff's office and asked to help them out by developing training material for their deputies. This material would specifically provide legal guidelines for a police officer to follow in the state of Florida if someone he or she encountered had a concealed firearms license and was carrying a firearm, or had a firearm legally in their vehicle. Since I am a full-time law enforcement trainer in the state of Florida, and a staunch supporter of the second amendment, I gladly agreed to help.

I sat down and wrote out a training curriculum for the deputies that included Florida's current state laws on firearms possession. I also used research from case laws regarding the rules and regulations of confiscations by police of citizens, including the notion of temporarily taking your firearm from you at a traffic stop. When all was said and done, the curriculum was well-received by the deputies and the sheriff's office, and continues to be used not only by them, but by several other departments, and it is being considered for inclusion in the basic law enforcement training curriculum for the state of Florida.

But in doing this, it also brought to mind the other side of the coin: what should a citizen do if stopped by the police while carrying a firearm legally in the vehicle, or with a concealed firearms license and a firearm on them while driving?

Since the laws vary from state to state, if I am referring specifically to the state of Florida law, I will denote it to be the case. Otherwise, my suggestions are generalities for anyone in any state who may be stopped by a police officer while concealed carrying, with different laws and guidelines depending on your location. In Florida, with more than 1.7 million CWL holders currently, the chances are growing monthly that police and CWL holders will encounter each other.

States are broken down into three categories: must inform, must inform if asked (such as Florida), and no inform. In other words, if you are stopped by a police officer in some states, the law says you must tell the police officer when they approach you that you are carrying a firearm on you or in your vehicle near you so that the police officer is aware of the firearm. In Florida, state statute 790.06 holds that a citizen need only inform the police officer that they are armed and licensed to carry a concealed weapon if the officer directly asks them if they are armed. Then, of course, you have the states that do not require you to inform the police officer that you are armed. Please check your state's laws to find out which apply to you if you carry a firearm in your vehicle legally or you are a CWL holder.

So, you are driving down the road, minding your own business, not doing anything whatsoever illegally. A police car suddenly appears behind you, turns on its emergency lights, and sounds

the siren to indicate that you need to pull over to the side of the road. Of course, being the law-abiding citizen that you are, you pull to the side of the road.

Now is where things can get dicey depending on your actions and demeanor from this point forward.

It is a common recommendation that once you have pulled over to the side of the road that you turn your emergency flashers on, and place your hands in plain sight at the top of the steering wheel so that the approaching officer can see, without any trouble, that your hands are empty. Police officers are taught to watch the hands because it is very unlikely that a driver is going to shoot the officer with their feet— the hands are the part of the body that can cause the officer harm. By placing your hands on the top of the steering wheel and rolling down your window, you are indicating to the officer that you are not a danger to them, and are willing to show them that. Do not make any sudden movements to the glovebox to get your registration. Do not reach under your seat to get your wallet that you dropped down there. Generally, just do not move around. Be still with your hands on the steering wheel until the officer is next to your vehicle and after you have spoken with the police officer to find out exactly what it is they want.

In many states, officers are taught to ask for the citizen's drivers license, registration and proof of insurance. If that is what the officer asks, and your firearm is located anywhere near where you will be reaching, it is advisable to inform the officer that "I am a legally armed citizen and my firearm is located (insert your location here). Do you still want me to get my registration for you?" It is generally accepted that informing the officer of where the firearm is and that you are a legally carrying citizen helps to defuse the situation in the officer's eyes, and will help go a long way to developing a calm and professional traffic stop.

Some officers recommend that you inform them that you have a firearm on you at the onset of the traffic stop. I personally do not follow that recommendation, as coming out with the word "gun" or "firearm" right at the start has a tendency, for some reason, to make police officers nervous, so I recommend waiting until you have engaged in conversation with the police officer before informing them. Also, when you retrieve your driver's license, it is not a bad idea to hand the officer your concealed carry license at the same time. Some officers will appreciate that. Some officers do not necessarily care. Either way, it cannot hurt to let them know that you are a lawful, licensed, firearms carrier.

As I noted, the state of Florida doesn't require you to tell the police officer that you are a concealed carry license holder unless they ask you specifically. But if the officer asks you if you have any *weapons* — and you say no because you are a technical person and know that Florida considers "firearms" and "weapons" to be separate — I would not want to try and be on your defense team should you run afoul because of it. Just tell the officer you are legally licensed and armed when asked about weapons or firearms.

Through years of being a Deputy on the road, and also later in my career, I've found that when someone was honest with me and told me directly that they had a CWL and a firearm on them, I had a tendency to be a lot more lenient. Most of the time, if you told me you were a CWL holder

and showed it to me, I would let you go with a verbal warning. I know many officers that would do the same.

Once you have informed the officer that you are armed, what if they want to take it from you because of “officer safety”? While I do not recommend arguing with a police officer on the side of the road, it is not in any case law or Florida law that an officer can do that. Officers should only be taking your firearm from you if you are a “danger” to them. And how is being a lawfully licensed firearm carrier a danger to the officer? In fact, in light of recent events in Florida where a citizen saved a deputy’s life by shooting a suspect that was beating the officer to death, I think officers would want you to keep that firearm. Plus, the less handling of a firearm on the side of the street, the less chance of an accident because an officer is handling a firearm he or she is not familiar with. You can calmly and politely ask the officer why they want to take your firearm. And if you want, you can also ask for a supervisor to respond to the scene. But under no circumstances should you argue or get in a physical confrontation with the officer over it. Better to follow the officers request and to discuss this later when you are not in the middle of a stop and tensions are possibly high. Officers should hopefully realize that lawfully carrying citizens pose no danger to an officer, even on a traffic stop, as that is not why citizens like myself carry firearms. It’s for self-defense.

The best way to get through a traffic stop or any contact with an officer when legally armed is to remain calm and honest. The officer will have a tendency to do the same. And if you happen to be stopped by one of my former students, or one of the officers I know, you may end up not getting a ticket and talking about what type of firearm you are carrying and how you like it. Know your state’s laws on informing the police when stopped, and follow those laws. It never hurts to be nice, either— many times, how you treat people is how they will treat you.

Carry on and carry always so that you can protect yourself and your family. I have been asked many times why I carry a firearm, and the standard answer is because a cop is too heavy to carry around in my pocket.

*Chris Wagoner is an OpsLens Contributor and U.S. Army Veteran. He has been in law enforcement the last 35+ years. He specializes in LE Firearms Instruction, and is in charge of a large police academy in North Florida.*