



Ohio Attorney General's Office Bureau of Criminal Investigation Investigative Report



2025-3317

Officer Involved Critical Incident - 1444 N. High St.,
Columbus, Ohio 43201

Investigative Activity: Review of Evidence
Involves: Ta'Shawn Davis
Activity Date: 11/20/2025
Activity Location: 1560 State Route 56 SW, London, OH 43140
Authoring Agent: SA James Gore

Narrative:

On the morning of the officer-involved critical incident, October 12, 2025, investigators discovered that the weapon that was possessed by Ta'Shawn Davis was a replica handgun. Throughout the course of the investigation, Ohio Bureau of Criminal Investigation (BCI) Special Agent James Gore (SA Gore) conducted additional research regarding the make and model of the replica, and the findings are as follows.



Figure 1: Crime scene photo DMH_6788, image of recovered weapon

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Figure 2: Crime scene photo DMH_6816, image of recovered weapon



Figure 3: Closeup of crime scene photo DMH_6788, showing model number GUW017

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It was determined that the weapon was a model GUW017, .177 caliber BB gun, manufactured by Umarex, made to closely resemble a real Generation 3 Glock model 17 handgun. The following screenshot is from the official Umarex website:

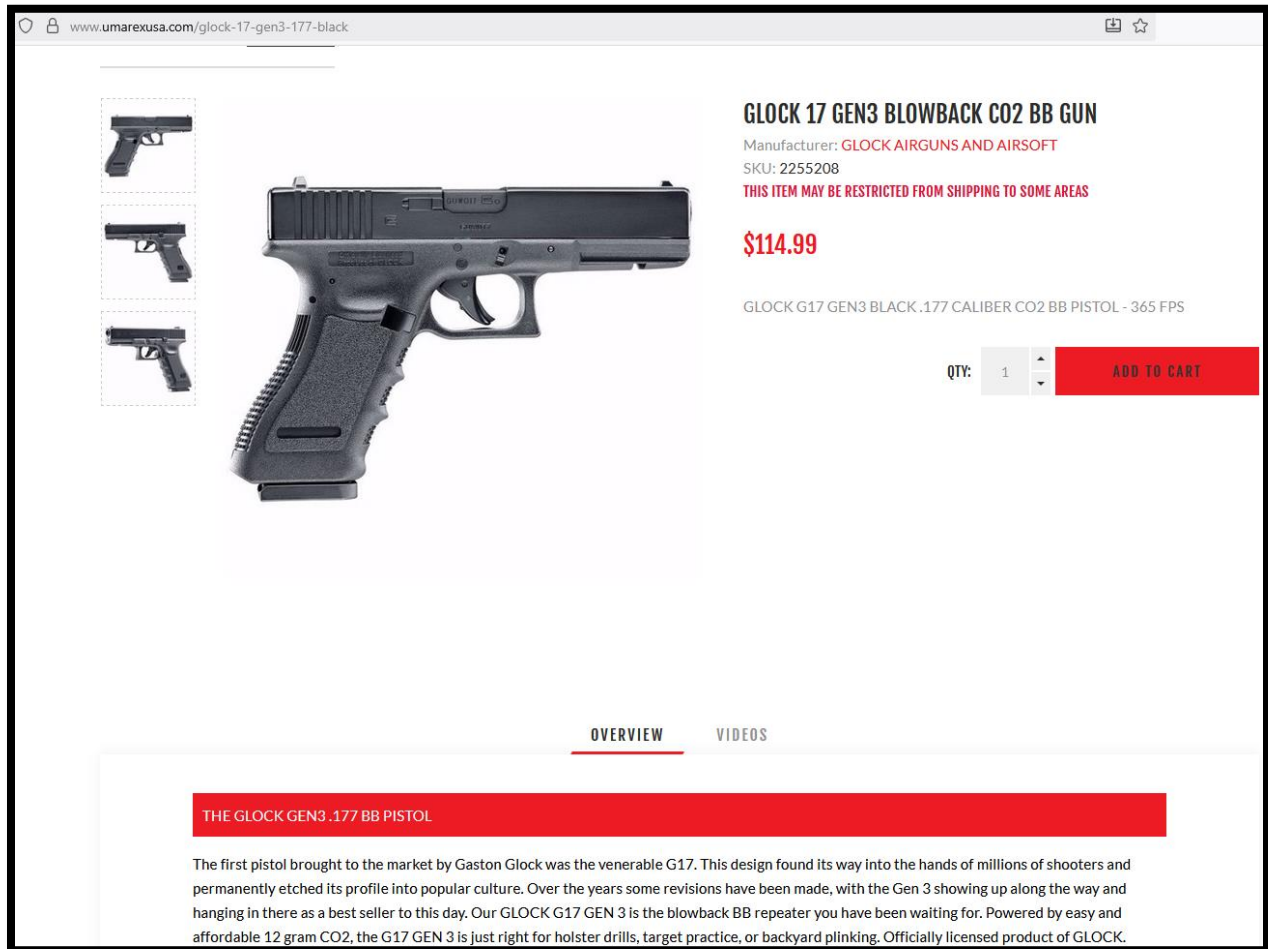


Figure 4: Screenshot from www.umarexusa.com/glock-17-gen3-177-black

For comparison, the following screenshot of a real Glock model 17 was taken from the official Glock website:

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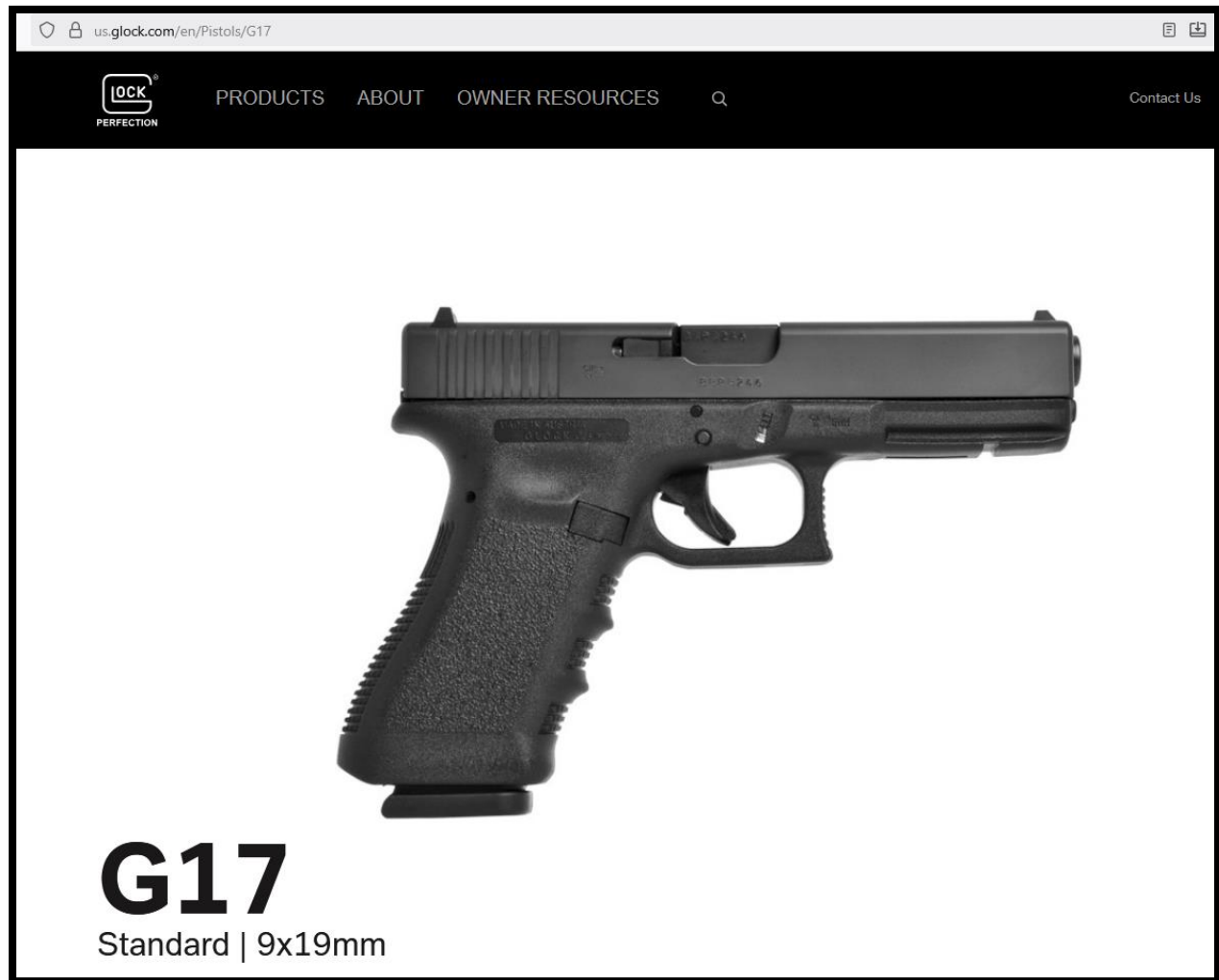


Figure 5: Screenshot from <https://us.glock.com/en/Pistols/G17>

The full manufacturer webpages for both the real and replica Glock 17 models are available for review as attachments to this report.

In addition to the manufacturer data, SA Gore located an abundance of news and research articles from throughout the United States and Canada regarding the prevalence of police encounters with persons armed with replica firearms. The articles

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Columbus, Ohio 43201

were combined into one document and attached to this report for informational purposes only.

References:

See attachments.

Attachments:

1. Umarex Webpage - GLOCK 17 GEN3 Blowback CO2 BB Gun _ Umarex USA
2. Glock Webpage - Discover the GLOCK G17 9mm Pistol
3. Compilation of news articles, research studies re. police replica encounters - open source 11-20-2025

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GLOCK 17 GEN3 BLOWBACK CO2 BB GUN

EXCITING COMBO OFFERS

FAMILY FUN BUNDLE



GLOCK 17
GEN3
BLOWBACK
CO2 BB GUN

+



UMAREX 12
GRAM CO2
CARTRIDGES
FOR
AIRGUNS
AND
PAINTBALL
GUNS 12
PACK

+



UX X-SHOT
SLINGSHOT

+



UX 75CT
SLINGSHOT
AMMO
1/2INCH
HARDENED
GLASS

+



UMAREX
STEEL BBS
FOR
AIRGUNS
1500 COUNT

THE TOTAL BUNDLE AMOUNT WILL BE **\$144.97**

8.00 % OFF

ADD TO CART











GLOCK 17
GEN3
BLOWBACK
CO2 BB GUN

UMAREX
SHOOTING
GLASSES

UMAREX 12
GRAM CO2
CARTRIDGES
FOR
AIRGUNS
AND
PAINTBALL
GUNS 12
PACK

CHAMBER
LUBE
AIRGUN
MAINTENANCE
WITH OIL
NEEDLE

UMAREX
STEEL BBS
FOR
AIRGUNS
1500 COUNT

THE TOTAL BUNDLE AMOUNT WILL BE \$138.87

8.00 % OFF

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AXEON MPL1 LIGHT COMBO



GLOCK 17
GEN3
BLOWBACK
CO2 BB GUN

AXEON
OPTICS MPL1
COMPACT
TACTICAL
PISTOL
HANDGUN
MINI LIGHT :
UMAREX USA

THE TOTAL BUNDLE AMOUNT WILL BE \$134.98

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AIR GUNS





Manufacturer: **GLOCK AIRGUNS AND AIRSOFT**

SKU: 2255208



2 review(s) | Add your review

THIS ITEM MAY BE RESTRICTED FROM SHIPPING TO SOME AREAS

\$114.99

GLOCK G17 GEN3 BLACK .177 CALIBER CO2 BB PISTOL - 365 FPS

QTY:

1



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OVERVIEW

VIDEOS

THE GLOCK GEN3 .177 BB PISTOL

The first pistol brought to the market by Gaston Glock was the venerable G17. This design found its way into the hands of millions of shooters and permanently etched its profile into popular culture. Over the years some revisions have been made, with the Gen 3 showing up along the way and hanging in there as a best seller to this day.

Our GLOCK G17 GEN 3 is the blowback BB repeater you have been waiting for. Powered by easy and affordable 12 gram CO2, the G17 GEN 3 is just right for holster drills, target practice, or backyard plinking. Officially licensed product of GLOCK.

- .177 Caliber BB
- 12g CO2 Power
- Blowback Action
- 18-Shot Drop Free Magazine
- 365 FPS





PRODUCT TAGS

BB GUN (5) , GLOCK AIRGUN (1)

CUSTOMERS WHO BOUGHT THIS ITEM ALSO BOUGHT

RELATED PRODUCTS

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INFORMATION

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AIRGUNS



★★★★★

**UMAREX 12 GRAM CO2 CARTRIDGES
FOR AIRGUNS AND PAINTBALL GUNS**

\$8.99



★★★★★

**HORNADY .177 BLACK AIRGUN STEEL
BBS**

\$4.99



**AXEON OPTICS MPL1 COMPACT
TACTICAL PISTOL HANDGUN MINI**

~~\$39.99~~ **\$20.00**



★★★★★

**UMAREX STEEL BBS FOR AIRGUNS
1500 COUNT**

\$3.99



right

2023

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AIRGUNS



★★★★★

**UMAREX 12 GRAM CO2 CARTRIDGES
FOR AIRGUNS AND PAINTBALL GUNS**

\$8.99



★★★★★

**HORNADY .177 BLACK AIRGUN STEEL
BBS**

\$4.99

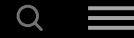


★★★★★

GLOCK G17 GEN 3 18 RD MAG .177

\$36.99





G17

Standard | 9x19mm

[Home](#) > [Pistols](#) > G17[Jump To](#)[Buy Now](#)

GLOCK 17 – The Original

Designed for professionals, the GLOCK 17 is trusted by law enforcement officers and military personnel around the globe because of its unsurpassed reliability, optimal magazine capacity of 17 rounds in the standard magazine and its low weight. With the signature "Safe Action" trigger system, the GLOCK 17 9 mm Luger pistol is safe, easy, and quick - precisely what you need in critical situations.

Share [f](#) [x](#)[+ Compare](#)[+ Wishlist](#)

WARNING

**WARNING****ADVERTENCIA**

TECHNICAL DATA

**Caliber**
9x19mm**System**
Safe Action®**Mag. Capacity**
Standard: 17
Optional: 19 / 24 / 31 / 33 / 10**Barrel Length**
114 mm | 4.49 inch

**Weight**

without magazine
625 g | 22.05 oz

**Weight**

with empty magazine
705 g | 24.87 oz

**Weight**

with loaded magazine
915 g | 32.28 oz

**Trigger Pull**

28 N

DIMENSION

1	Length (Overall)**	204 mm 8.03 inch
2	Slide Length	186 mm 7.32 inch
3	Width (Overall)	32 mm 1.26 inch
4	Slide Width	25,5 mm 1.0 inch
5	Height incl.Mag.	139 mm 5.47 inch
6	Line of Sight (Polymer)	165 mm 6.50 inch
	Line of Sight (Steel)	164 mm 6.46 inch
	Line of Sight (GNS)	163 mm 6.42 inch
7	Trigger Distance**	72 mm 2.83 inch

*FOR GEN4/GEN5 MODELS: Check out the Gen5 and Gen4 Technology area for medium/large backstraps.

Technical Data are rounded and do not reflect tolerances – they may be altered without notice! Subject to technical changes.



[⊕ Compare](#) [⊕ Wishlist](#)

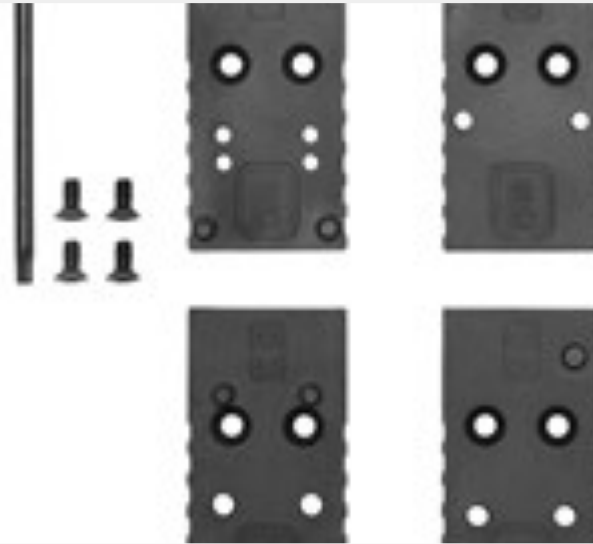
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FATAL FORCE

10,429

people have been shot and killed by police from
2015 to 2024

See how the years compare

James Junior Holder, 41

killed on Dec. 31, 2024
in Chattanooga, Tenn.

Moses Alik, 22

killed on Dec. 31, 2024
in Celina, Ohio

Kenneth Thaddeus Roberts Jr., 48

killed on Dec. 30, 2024
in Indianapolis, Ind.

See all victims 

Updated Dec. 31, 2024

[Read our methodology →](#)

[View data on GitHub →](#)

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EDITOR'S NOTE

The Washington Post will no longer track police shootings starting Jan. 1, 2025. However, it will continue updating its database with shootings that occurred between Jan. 1, 2015, and Dec. 31, 2024. The data during covering that time will still be available to readers here and on [GitHub](#).

On average, police in the United States shoot and kill more than 1,000 people every year, according to an analysis by The Washington Post.

After [Michael Brown, an unarmed Black man, was killed](#) in 2014 by police in Ferguson, Mo., a Post investigation found that data reported to the FBI on fatal police shootings was undercounted by more than half. That gap has widened in recent years. By 2021, only [a third of departments' fatal shootings](#) appeared in the FBI database.

This is largely because local police departments are not required to report these incidents to the federal government. Also compounding the problem: an updated FBI system for reporting data and confusion among local law enforcement about reporting responsibilities.

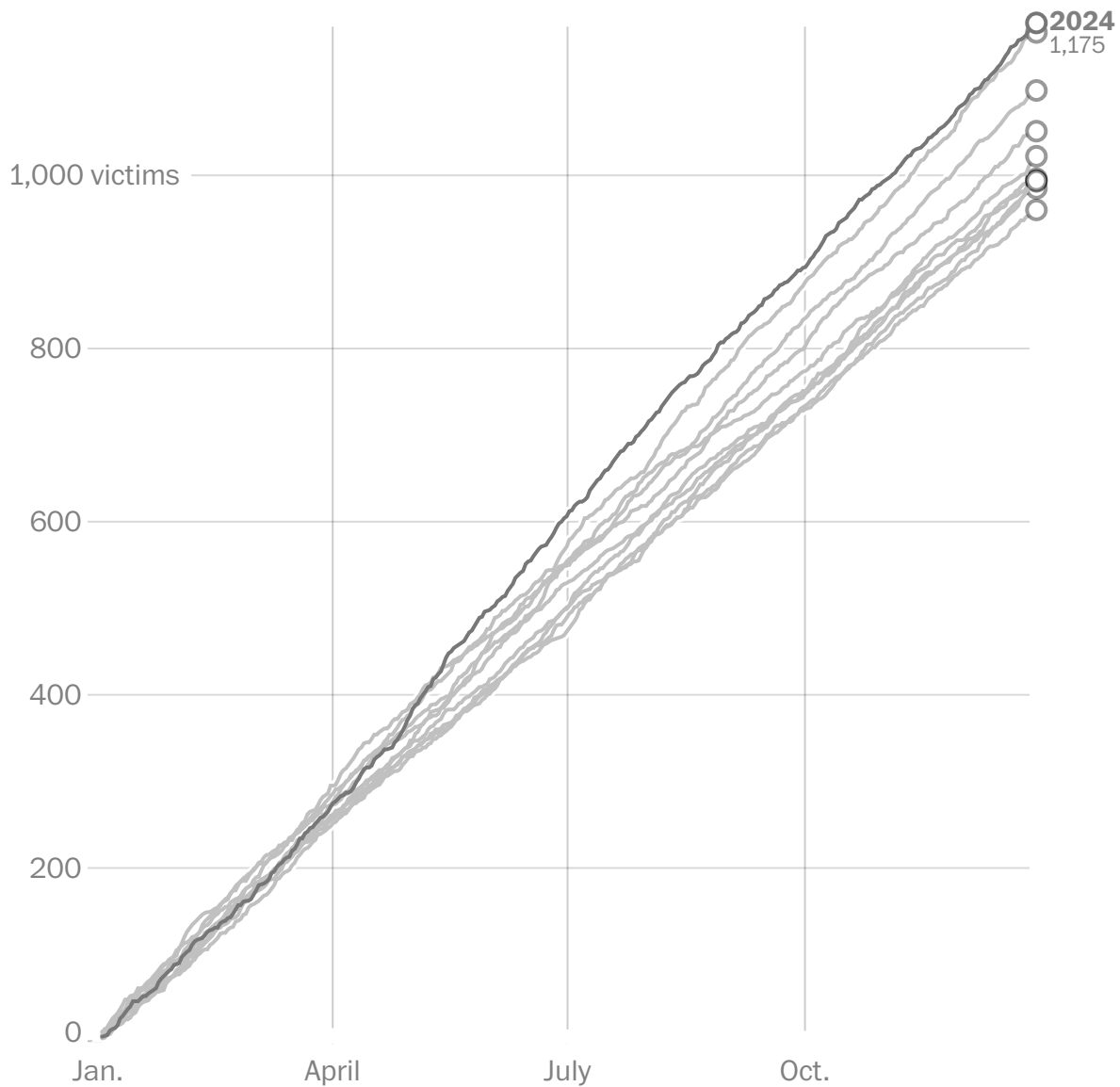
[\[Mass shootings: Tracking gun violence in the U.S.\]](#)

As part of its investigation, The Post began in 2015 to log [every person shot and killed](#) by an on-duty police officer in the United States. It updated the data in 2022 to standardize and publish the names of the police agencies involved, to better measure accountability at the department level. The Post continued its work through the end of 2024 — recording the fatal shootings by police of more than 10,000 people over the past decade.

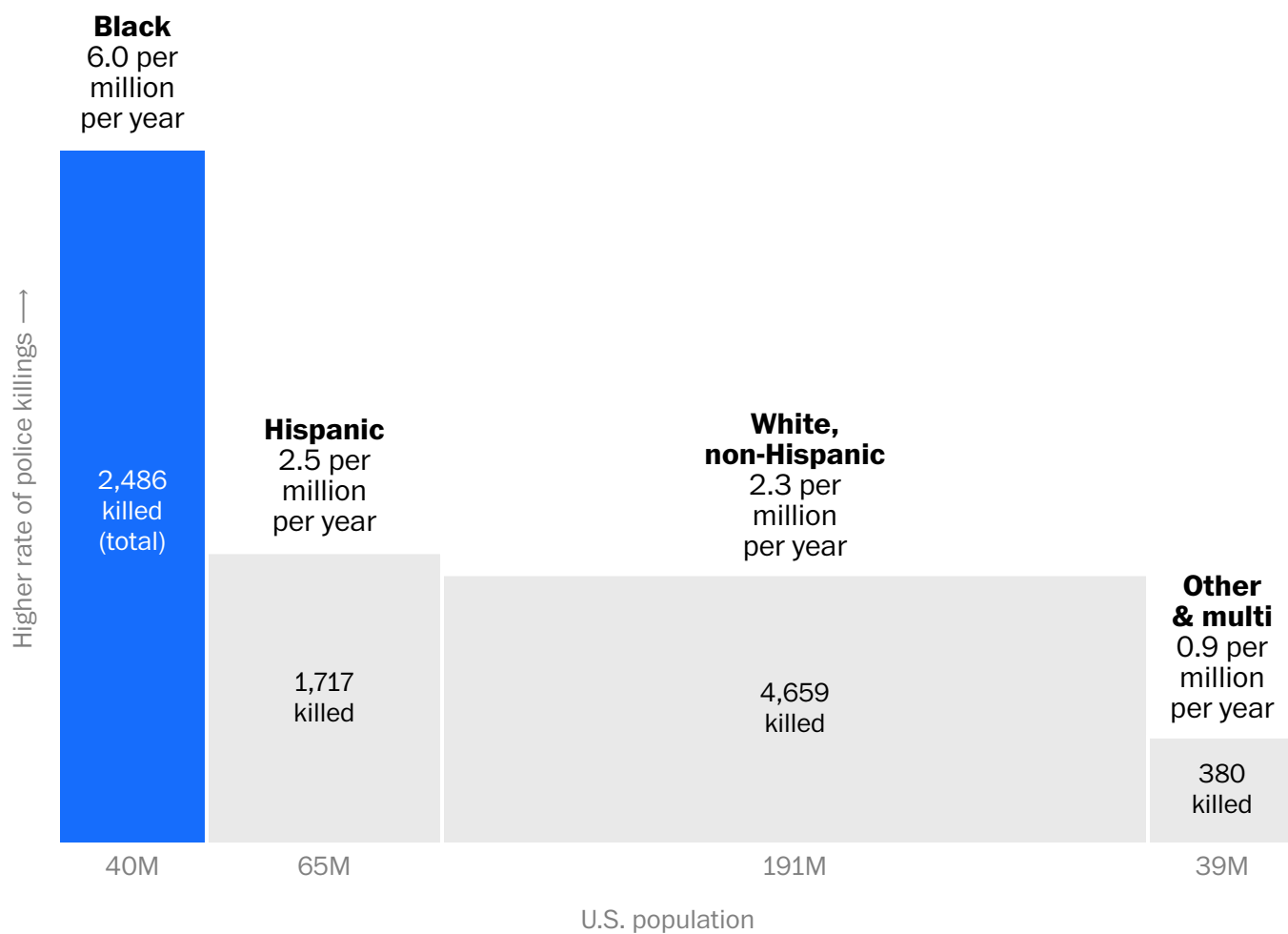
How 2024 compares with previous calendar

years

The number of fatal police shootings has risen in recent years. Police killed the highest number of people on record in 2024.



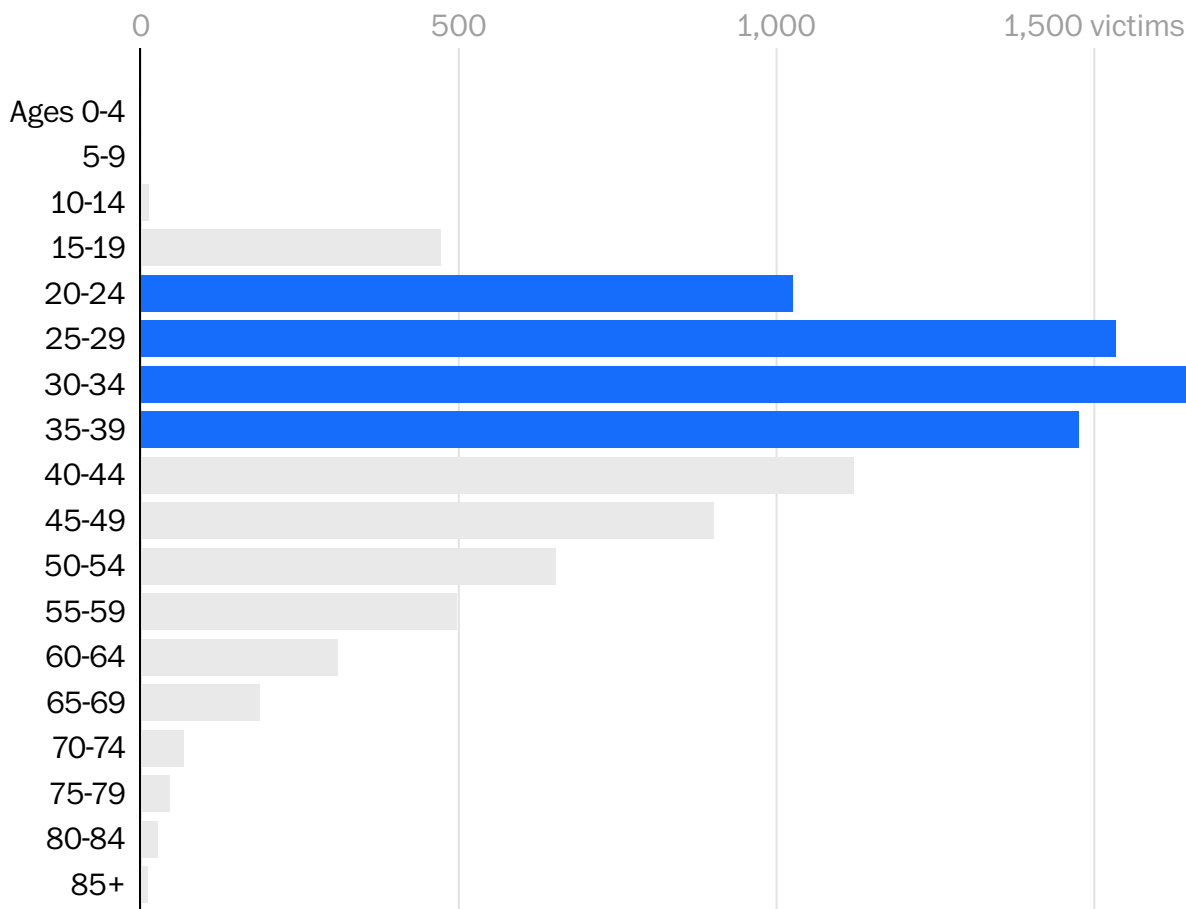
Black Americans are killed at a much higher rate than White Americans



Although half of the people shot and killed by police are White, [Black Americans are shot at a disproportionate rate](#). They account for roughly 14 percent of the U.S. population and are killed by police at more than twice the rate of White Americans. Hispanic Americans are also killed by police at a disproportionate rate.

Most victims are young

More than half of people shot and killed by police are between 20 and 40 years old.



An overwhelming majority of the victims are male — over 95 percent.

Explore the data

This database contains records of every person shot by an on-duty police officer between Jan. 1, 2015, and Dec. 31, 2024, as well as the agencies involved in each event. Fatal shootings after Jan. 1, 2025 are not being added to the database, but as new facts emerge about prior shootings, those entries will be updated.

▼ Filter results

100% of victims shown (10,430 victims)

Show 10 ▼

First < 1 of 1043 > Last

Dec. 31, 2024
No body cam footage

James Junior Holder
A 41-year-old White man, armed with a gun, killed in a parking lot in Chattanooga, Tenn.
Departments involved: Hamilton County Sheriff’s Office (Tenn.)
Sources: Local 3 News • WDEF

Dec. 31, 2024
No body cam footage

Moses Alik
A 22-year-old man, armed with a knife, killed in a gas station in Celina, Ohio.
Departments involved: Mercer County Sheriff’s Office (Ohio)
Sources: WANE • WHIO

Dec. 30, 2024
Fleeing by car • No body cam footage

Kenneth Thaddeus Roberts Jr.
A 48-year-old Black man, armed with a gun, killed in Indianapolis, Ind.
Departments involved: Indianapolis Metropolitan Police Department (Ind.), Lawrence Police Department (Ind.)
Sources: Fox59 • Indianapolis Star

Dec. 30, 2024
Mental illness related • Body cam footage

Unknown
An unidentified 38-year-old man, armed with a knife, killed in Sacramento, Calif.
Departments involved: Sacramento County Sheriff’s Department (Calif.)
Sources: KCRA • CBS Sacramento

Dec. 30, 2024
Fleeing by foot • No body cam footage

Timothy Woods
A 26-year-old Black man, armed with a gun, killed in Orlando, Fla.

Departments involved: Orlando Police Department (Fla.)

Sources: WESH • Fox 35 Orlando • WFTV

Dec. 30, 2024

Mental illness related • No body cam footage

Nathan Paul

A 43-year-old man, armed with an unknown weapon, killed in West Point, Utah.

Departments involved: Clinton Police Department (Utah)

Sources: The Salt Lake Tribune • Gephardt Daily • KSL

Dec. 29, 2024

Mental illness related • No body cam footage

Jordan Parisien

A 32-year-old man, killed in Belcourt, N.D.

Departments involved: Bureau of Indian Affairs (N.D.)

Sources: KFYR • KVRP

Dec. 29, 2024

No body cam footage

Benjamin Prince Bradley

A 47-year-old White man, armed with a gun, killed in a motel in Woodland Hills, Calif.

Departments involved: Los Angeles Police Department (Calif.)

Sources: NBC 4 Los Angeles • KTLA

Dec. 29, 2024

Mental illness related • No body cam footage

Joshua Musselman

A 29-year-old White man, killed in an apartment in Spokane, Wash.

Departments involved: Spokane Police Department (Wash.)

Sources: KHQ • KREM • KREM

Dec. 28, 2024

No body cam footage

Joseph Dominic Mason

A 66-year-old White man, armed with an unknown weapon, killed in Travelers Rest, S.C.

Departments involved: Greenville County Sheriff's Department (S.C.)

Sources: WYFF • FOX Carolina

About this story

The Washington Post's database contains records of every fatal shooting in the United States by a police officer in the line of duty between Jan. 1, 2015 and Dec. 31, 2024.

In 2015, The Post began tracking more than a dozen details about each killing — including the race of the deceased, the circumstances of the shooting, whether the person was armed and whether the person was experiencing a mental health crisis — by culling local news reports, law enforcement websites and social media, and by monitoring independent databases such as Killed by Police and Fatal Encounters. The Post conducted additional reporting in many cases.

The Post supplemented this database in 2022 by publishing police agency names and appending each agency's unique federal identifying code. This work involved some manual cleanup. Agencies with multiple offices — such as state police departments and federal law enforcement agencies — were often combined into one code for ease of comparison against other full departments.

The Post is documenting only those shootings in which a police officer in the line of duty, shoots and kills a civilian — the circumstances that most closely parallel the 2014 killing of Michael Brown in Ferguson, Mo., which began the protest movement culminating in Black Lives Matter and an increased focus on police accountability nationwide. The Post is not tracking deaths of people in police custody, fatal shootings by off-duty officers or non-shooting deaths.

The FBI and the Centers for Disease Control and Prevention log fatal shootings by police, but officials acknowledge that their data is incomplete. Since 2015, The Post documented more than twice as many fatal shootings by police as recorded on average annually by these agencies.

The Post's database is updated as facts emerge about individual cases. The Post seeks to make the database as comprehensive as possible. To provide information about fatal police shootings between Jan. 1, 2015, and Dec. 31, 2024, send us an email at policeshootingsfeedback@washpost.com.

For a full data dictionary and methodology on the data collection, see [here](#).

Originally published May 30, 2015. Re-released with department data on Dec. 5, 2022.

Credits

Research and Reporting: Hayden Godfrey, Steven Rich and Andrew Ba Tran.

Design and development: Chris Alcantara, Katlyn Alo, Emma Baker, Aaron Brezel, Armand Emamdjomeh, Jake Kara, Paige Moody, James O'Toole and Leslie Shapiro.

Editing: David Fallis, Reuben Fischer-Baum, Meghan Hoyer, Courtney Kan and Angela

Mecca.

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More on police shootings



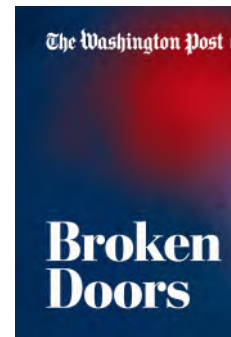
The hidden billion-dollar cost of repeated police misconduct

March 9, 2022



What to know about no-knock warrants

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Listen to the Bro

April 6, 2022

Study of Fatal and Nonfatal Shootings by Police Reveals Racial Disparities, Dispatch Risks

Analysis, thought to be one of the first published studies that captures both fatal and nonfatal injurious shootings by police nationally, also highlights risks of well-being checks

Published **March 15, 2024**

[GUN VIOLENCE](#) | [DATA](#) | [VIOLENCE](#)



A new study from researchers at the Johns Hopkins Center for Gun Violence Solutions and Vanderbilt University found that an average of 1,769 people were injured annually in police shootings from 2015 to 2020, 55 percent of them or 979 people, fatally. The study covered a total of 10,308 incidents involving shootings by police. The Center is based at the Johns Hopkins Bloomberg School of Public Health.

The majority of victims in shootings by police—84 percent overall—were reported as armed with a firearm or other weapon, such as a knife or vehicle, during the six-year study period.

The analysis found that overall, when injuries occurred, police responses initiated by a call to emergency dispatchers were 46 percent more likely to end with a fatal shooting injury than incidents where an officer was already on scene. Calls to police to check on the well-being of individuals were 74 percent more likely to be associated with fatal injury than police responses to an incident where shots had already been fired. This includes wellness checks that did not explicitly involve threats or harm before an encounter with police.

The study was published online March 13 in the *American Journal of Public Health*.

The new findings also suggest that injury disparities among racial groups are underestimated when looking only at fatal shootings. Among people nonfatally injured in police shootings, victims identified as non-Hispanic Black comprised 29 percent (2,226) of race-identified (those with racial data included in records) injured people in this study. In comparison, a 2015 study examining fatal shootings by police in a single year found that 26 percent of victims were non-Hispanic Black people.

The study found that, relative to white victims, non-Hispanic Black people were disproportionately injured in nonfatal shootings by police and had 35 percent lower odds of fatal injury when shot.

Firearm research often focuses on fatalities, as they are listed as the cause of death and reported to the Centers for Disease Control and Prevention. Currently, there is no database that consistently and reliably tracks nonfatal firearm injuries for the general population. As for shootings by police, reporting by law enforcement agencies to the federal government's data systems is voluntary, and death certificate inclusion of law enforcement involvement is inconsistent. Researchers say this makes official reporting unreliable. The researchers undertook this study to get a fuller picture of shootings by police.

For their study, researchers manually reviewed publicly available records on police shootings maintained by the Gun Violence Archive that resulted in a fatal or nonfatal injury from 2015 to 2020. The Gun Violence Archive, a nonpartisan nonprofit founded in 2013, maintains a database of fatal and nonfatal gun violence using thousands of sources including media, law enforcement, government, and commercial. Fifteen trained Bloomberg School students and researchers manually reviewed and coded the incidents at least once. The team then cross-referenced fatal incidents with Fatal Encounters, a database that tracks fatal shootings by police officers.

Incidents in which mental or behavioral health conditions were named in association with the shooting comprised 23 percent (2,404) of all shootings by police. Injuries associated with behavioral health needs were more likely to be fatal. Sixty-seven percent (1,611) of all shootings by police involving someone suffering from a mental or behavioral health episode were fatal.

"The data we reviewed suggests that behavioral health calls are a common interaction preceding injurious shootings by police," says Cassandra Crifasi, PhD, MPH, co-director of the Johns Hopkins Center for Gun Violence Solutions. "We recommend improving social services to make responding to behavioral health calls safer for everyone. Public support is high for these approaches including nonpolice mobile units, diversion to mental health services, and a police and mental health co-responder model."

The analysis found that the odds of a fatal shooting by police were significantly higher if the victim was armed. In more than half of these fatal shootings—57 percent or 3,356—someone other than a police officer was also armed with a firearm. Overall, 364 (3 percent) of injured people possessed a replica or BB gun and 1,531 (14 percent) were armed with a knife. In contrast, in 955 (9 percent) of shootings, the injured person was not armed.

Of all shootings by police involving no other weapon, i.e., from victims or others, 40 percent of victims (785) were described as non-Hispanic white, 35 percent were non-Hispanic Black, and 21 percent were Hispanic.

"While this study improves our understanding of injurious shootings by police, there is a clear gap in systematic reporting of all shootings by police, fatal and nonfatal," says Daniel Webster, ScD, Distinguished Research Scholar at the Center for Gun Violence Solutions. "Law enforcement agencies at all levels of government should commit to gathering comprehensive, detailed, and standardized data to inform efforts to prevent future injurious shootings by police."

The authors note that the study has limitations. Because the analysis relies on media stories, data rely on assumptions of newsworthiness, accurate reporting, and resulting news coverage.

The authors also note that public safety reforms should require reporting nonfatal as well as fatal shootings by police to assess overall impact among groups disproportionately affected.

First author Julie Ward, RN, PhD, MN, conceptualized the study when she was completing her PhD at the Bloomberg School. She is now an assistant professor at Vanderbilt University.

["National Burden of Injury and Deaths From Shootings by Police in the United States, 2015–2020 \(https://ajph.aphapublications.org/doi/10.2105/AJPH.2023.307560\)"](https://ajph.aphapublications.org/doi/10.2105/AJPH.2023.307560) was written by Julie A. Ward, RN, PhD, MN, Javier Cepeda, PhD, MPH, Dylan B. Jackson, PhD, MS, Odis Johnson Jr, PhD, Daniel W. Webster, ScD, MPH, and Cassandra K. Crifasi, PhD, MPH.

The study was supported by New Venture Fund, Joyce Foundation, and Robert Wood Johnson Foundation.



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NATIONAL

Lax laws on realistic-looking fake guns leave room for tragic results

JUNE 18, 2025 · 5:00 AM ET



HEARD ON MORNING EDITION

By Ryan Denham

3-Minute Listen

[PLAYLIST](#)

[TRANSCRIPT](#)

Toy guns are part of the childhood memories of many Americans. But there's a style of fake guns that police say are indistinguishable from the real ones. And that makes them dangerous.

STEVE INSKEEP, HOST:

BB guns are part of many Americans' childhood memories. If you didn't have one, maybe you saw the kid in "Christmas Story." But police say some fake guns are so sophisticated now, they are indistinguishable from the real thing, and that makes fake guns dangerous. From member station WGLT, Ryan Denham reports.

RYAN DENHAM, BYLINE: Before his confrontation with police, 15-year-old Cole Turner from Normal, Illinois, had something to show off to his friends - his new gun. It wasn't a real gun, but it sure looked like it. The Sig Sauer P365 BB gun is nearly identical to its bullet-firing twin. Authorities say his friends saw it up close and thought it was real. So did police. Two days after Turner bought that gun, police in nearby Bloomington, Illinois, say he pointed it at officers who cornered him in an apartment parking lot, as captured in this police body cam.

(SOUNDBITE OF ARCHIVED RECORDING)

UNIDENTIFIED OFFICER: What's going on today, man? Why are you like this?

COLE TURNER: What do you mean? I didn't do nothing.

UNIDENTIFIED OFFICER: OK, why don't you just drop the gun?

DENHAM: He didn't. He allegedly pointed it at police, who shot and killed him. Prosecutors who reviewed the case say the officers were legally justified in part because they couldn't tell the gun was fake.

(SOUNDBITE OF ARCHIVED RECORDING)

JAMAL SIMINGTON: There are no markings on this weapon which identifies the gun as a replica of a real weapon, nor identifies it as a nonlethal handgun.

DENHAM: That's Bloomington Police Chief Jamal Simington speaking after the February shooting.

(SOUNDBITE OF ARCHIVED RECORDING)

SIMINGTON: In this incident, four of our community members observed this individual with a gun. All four feared for their safety, as did the involved officers.

DENHAM: Turner is only the latest person to carry an imitation gun with deadly results. 12-year-old Tamir Rice was shot and killed by police at a Cleveland park a decade ago while playing with a toy gun. A 2024 study by the Center for Gun Violence Solutions at Johns Hopkins and Vanderbilt found 364 people injured in police shootings between 2015 and 2020 had a replica or BB gun. That same study found the odds of a fatal police shooting were far higher if the victim was armed. And unlike real guns, lookalikes are barely regulated.

ADAM SKAGGS: Honestly, this is not an area that I've seen a lot of attention focused on.

DENHAM: That's Adam Skaggs, with the Giffords Law Center to Prevent Gun Violence.

SKAGGS: Our position is that if you're selling a product that any observer is going

to think is a firearm, but is not, it'd be appropriate to require that those have, you know, bright colors so that they wouldn't be mistaken for a weapon.

DENHAM: There are federal regulations that require certain lookalikes, like toy guns and water guns, to be marked as fake, but that does not apply to traditional BB, paintball or pellet-firing air guns. Richard Pearson with the NRA affiliate, Illinois State Rifle Association, says it wouldn't work anyway. People would just spray paint an orange gun black.

RICHARD PEARSON: You have to look at the other side of it. We want to take action against people who do the wrong thing, but then punish the people who do the right things.

DENHAM: He says these types of guns are useful for training and target practice. So why do they need to look so realistic?

PEARSON: People want them all over the world. They want those things.

DENHAM: And here in Illinois, police say realistic fakes are especially attractive to juvenile offenders for whom guns are a status symbol. Illinois merely prohibits sales of BB and airsoft guns to those under 13. State police records show Cole Turner bought his from another teenager who he met in eighth grade. Online, a BB gun like this sells for a hundred and thirty dollars. Bloomington police officer Bryce Janssen says they see fake guns frequently.

BRYCE JANSSEN: There's many cases a year where, you know, a juvenile will have a realistic gun sitting on the back seat or in their backpack.

DENHAM: For now, police here are sharing intelligence with each other about suspects known to have a fake gun, hoping to avoid another tragic ending.

For NPR News, I'm Ryan Denham.

(SOUNDBITE OF MUSIC)

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Laws around realistic-looking fake guns leave room for fatal results

WGLT | By **Ryan Denham, Lauren Warnecke**

Published May 22, 2025 at 8:00 AM CDT

Updated May 23, 2025 at 7:06 AM CDT



▶ LISTEN • 5:59



Ryan Denham / WGLT File

Bloomington Police Chief Jamal Simington holds up the type of realistic-looking BB gun that the 15-year-old had when officers fatally shot him. Simington said it's impossible for officers to tell the difference between this BB gun and its real counterpart.

This is Part 3 of a series about gun violence in Bloomington-Normal. You can also read [Part 1](#) (about trends police are seeing) and [Part 2](#) (about how to interrupt juvenile gun crime).

Before his **fatal confrontation with police**, 15-year-old Cole Turner of Normal had something to show off to his friends: His new gun.

It wasn't a real gun, but it sure looked like it. The **Sig Sauer P365 BB gun** is nearly identical to its bullet-firing twin. Authorities say his friends saw it up-close and thought it was real.

So did police. Two days after Turner bought the gun, Bloomington Police say he pointed it at officers who cornered him in an apartment parking lot. They shot and killed him. Prosecutors who reviewed the case say they were legally justified, in part, because they couldn't tell the gun was fake.

"There are no markings on this weapon which identifies the gun as a replica of a real weapon. Nor identifies it as a non-lethal handgun," Police Chief Jamal Simington said about the shooting. "In this incident, four of our community members observed [Turner] with a gun. All four feared for their safety, as did the involved officers."

Turner was not the only young person in Bloomington-Normal with an imitation gun. Local police say they're encountering them more frequently, often among young people for whom guns are a status symbol. Like all commodities, fakes can be an easy way to get what you want.

And unlike real guns, imitation guns – which can threaten others and get you killed – are barely regulated. And even those regulations have loopholes.

"This is not an area where I've seen a lot of attention focused on," said Adam Skaggs, chief counsel and vice president at the [Giffords Law Center to Prevent Gun Violence](#). "There is more attention, from all sides of the political issue, and much more concern about regulating actual firearms than there is about toy or imitation firearms."

*Sig Sauer*

Sig Sauer markets the P365 BB gun as a “low-cost alternative” to its popular bullet-firing sibling, complete with a blowback slide that mimics the real thing. It sells for \$130.

One group that is paying attention is Bloomington-Normal police.

“It is frequent. There are many cases a year where a juvenile will have a realistic gun sitting on the back seat or in their backpack, something of that nature,” said Officer Bryce Janssen, a Bloomington Police spokesperson.

It happens enough that Normal Police collect and share intelligence about people known to have a realistic-looking fake gun, said Officer Brad Park, an NPD spokesperson.

“Because the officers need to know [that] we know that this person was located as having an airsoft gun that looked like a realistic firearm. Because we know they’re going to use that gun to try and make it look like they had a real firearm,” Park said.

McLean County State’s Attorney Erika Reynolds said her office hasn’t seen a lot of cases involving imitation guns, but the ones they have seen “are very serious.”

“There have been instances where a fake gun is actively used to threaten police officers and others, and no one but the person possessing the fake gun is aware,” she said. “When those incidents occur, the individuals are arrested and then often charged with a felony offense of aggravated assault. Those are most commonly seen in situations where individuals with mental health issues are using the fake gun to

threaten others.”

Why do they exist?

Toy guns have long been part of American culture. Today’s imitation guns are far more sophisticated.

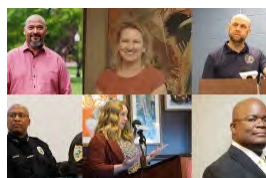
It appears Turner bought the BB gun from an acquaintance who he met while they were in 8th grade together, according to records obtained by WGLT from the State Police investigation of Turner’s death. Police reports show text messages between the two acquaintances. The seller allegedly admitted to selling Turner a BB gun during an interview with investigators on March 13, documents show.

Turner’s BB gun didn’t even work, authorities said.

Had he wanted, Turner could have bought a new one on Sig Sauer’s website for \$130, with free shipping. He would’ve had to check a single box to certify he was at least 21 – a flimsy barrier that many children can bypass. Sig Sauer markets the BB gun as a “low-cost alternative” to its popular bullet-firing sibling, complete with a blowback slide that mimics the real thing. Sig Sauer did not respond to a request for comment for this story.

Ostensibly, a BB gun like this is meant for training and target practice.

“People want them, all over the world. They want those things,” said Richard Pearson, executive director of the Illinois State Rifle Association [ISRA]. “You have to look at the other side of it, the people who are doing the right thing. We always want to take action against people who do the wrong thing, but then we punish the people who do the right things.”



Local News

Why juveniles pick up a gun, and how a community can intervene

▶ LISTEN • 10:40

There are federal regulations that apply to certain lookalikes, like toy guns and water guns, requiring bright markings (often orange) or another obvious indicator that it’s

fake. That requirement **does not apply** to traditional BB, paintball, or pellet-firing air guns.

States vary in how they regulate them. Illinois merely **prohibits sales to those under 13**.

"If you're selling a product that any observer is going to think is a firearm, but is not, it'd be appropriate to require that those have bright colors in color, so that they wouldn't be mistaken for a weapon," said Skaggs, with the Giffords Law Center.

Pearson, with the ISRA, said that wouldn't work.

"Well, we tried that, all they do is paint it black. They buy a can of black spray paint and they sprayed the thing. They used to have an orange tip on them, right? And so what happened? They either took the orange tip off or they spray-painted it black," he said.

Pearson said parents should control juvenile access to imitation guns like this.

"You can't regulate something that's ubiquitous particularly well. You have to teach the people who potentially handle these things what the right and wrong way to do it is," he said.

Pearson said you "can't make a law because of one or two incidents."

But it's not one or two incidents. Nationally, there were 210 people killed and another 154 injured in police shootings involving a BB or replica gun between 2015 and 2020, **according to the Center for Gun Violence Solutions at Johns Hopkins**. That's about 3.4% of people injured in police shootings during that five-year period.

"One serious concern that these kind of lookalike firearms have is that they can be mistaken for a real gun, whether by law enforcement or by another individual. If you see someone carrying what you think is a gun, you may perceive a threat that's not present," Skaggs said.



Updated: May 23, 2025 at 7:06 AM CDT

This story has been updated from its original version to reflect new information obtained by WGLT through a records request from State Police, pertaining to where the 15-year-old allegedly obtained the BB gun.

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NATIONAL

Deadly run-ins, replica guns

By John Sullivan, Jennifer Jenkins, Julie Tate, Shaun Courtney and Jordan Houston

The Washington Post

Updated December 19, 2016 11:18 AM | Gift Article



Various police departments *Courtesy*



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On a warm September evening in Columbus, Ohio, panicked witnesses called police to report that a group of boys had robbed a man at gunpoint and fled into a maze of alleys and fences on the city's east side.

In the fading light, Officer Bryan Mason cornered two of the boys in an alley,

where, according to police, 13-year-old Tyre King pulled a gun from his waistband. Mason fired three rounds, striking the teen in the head, chest and torso.

The black gun police recovered at the scene looked like their own department-issued, polymer-framed Smith & Wesson Military and Police semiautomatic pistol. It even had a laser sight. But police would soon learn that King's weapon was a BB gun – a facsimile of the gun Mason used to shoot and kill the teen.

At a news conference the next day, Columbus Police Chief Kim Jacobs waved a stock photograph of the BB gun. "Our officers carry a gun that looks practically identical to this weapon," she said. "... It looks like a firearm that could kill you."

Police across the country say that they are increasingly facing off against people with ultra-real-looking pellet guns, toy weapons and non-functioning replicas.

Such encounters have led police to shoot and kill at least 86 people over the past two years, according to a Washington Post database of fatal police shootings nationwide. So far this year, police have fatally shot 43 people wielding the guns. In 2015, police also killed 43.

The Post analysis is the first accounting of fatal police shootings involving people armed with air guns, toys or replicas, a phenomenon last studied in depth more than 25 years ago, when Congress first sought to address the problem of police shootings involving toy guns. The 86 shooting deaths are among the nearly 2,000 people shot and killed by police since 2015, which The Post is tracking, something no government agency does.

Police recovered a wide variety of the weapons in the fatal shootings, but almost all had one thing in common: They were highly realistic copies of firearms. Of those, 53 were pneumatic BB or pellet guns that fire small-caliber metal balls or pellets. An additional 16 were Airsoft guns, which use compressed air cartridges to fire plastic BBs. Thirteen were replicas, two were toys, one was a starter pistol and one was a lighter.

Experts who study the domestic market for pellet and Airsoft guns said consumer demand for replica firearms has grown.

“They are red hot,” said Tom Gaylord, an industry consultant who runs a popular blog for the Ohio-based Pyramyd Air, one of the largest air gun retailers in the country. Pyramyd Air declined to comment.

Police say it is virtually impossible to train officers to identify imitation firearms from any distance. Short of eliminating the guns, police have little choice but to assume the guns are lethal.

Efforts to stop production of the guns or radically alter their appearance have mostly failed because of resistance from gunmakers and gun rights groups, such as the National Rifle Association.

“We’re talking about this 26 years later, and I’m not sure anything has really changed except that tragic occurrences continue to happen,” said Chuck Wexler, who runs the Police Executive Research Forum, a policing policy think tank that studied the issue in 1990 for Congress. “A toy gun in a country with 300 million real guns is hard to distinguish.”

The role of imitation firearms in fatal police encounters reemerged as a national issue in 2014, when Cleveland police fatally shot 12-year-old Tamir Rice, who was playing with a BB gun in a park. Police were responding to a call about a man with a gun outside a local recreation center. The shooting was among a spate of controversial and deadly encounters with police that helped galvanize the Black Lives Matter movement.

Of the 86 fatal shootings involving imitation firearms since 2015, the most common theme was mental illness: 38 of those killed had a history of it, according to their families and police reports. Fourteen of the calls were domestic disturbances. Ten others began as robberies. The remaining circumstances range from patrolling neighborhoods to serving arrest warrants to making traffic stops.

Of the people killed, 50 were white men. The oldest person killed was Robert Patrick Quinn, 77, who was fatally shot in Pittston, Pa., as he rode his motorized scooter outside an apartment complex while waving a realistic-looking pellet gun.

Half of the shootings happened at night. In almost every case, police said the victims failed to comply with an officer’s orders. In 60 cases, police said they pointed guns at officers.

Among the dead are Ernesto Flores, a mentally distraught 52-year-old man who after a standoff with police in April 2015 stepped out of a pink stucco home in Montclair, Calif., holding a BB gun. Police opened fire, killing Flores in front of his family.

One of only five women killed by police was 17-year-old Shelly Haendiges, who was shot in Kokomo, Ind., after police responded to a robbery call and found her pointing a pellet gun at a store clerk. Her family said she suffered from mental illness.

Two of the most recent shootings happened in October in Elkton, Md., where police shot and killed Brandon Jones and Chelsea Porter, both 25 and of Dover, Del., after they pointed BB guns at police who were trying to arrest them.

The BB gun recovered after police killed King, the Ohio teenager, was made by Umarex USA, one of the largest air gun and firearm manufacturers in the world and the self-proclaimed “king of replicas.”

Umarex makes air guns under the Beretta, Colt, Smith & Wesson, HK, Ruger and Browning brands. It sells BB guns that are copies of such firearms as the iconic Colt Peacemaker, which was first produced in the 1870s, and the Heckler & Koch MP5 submachine, a mainstay of specialized military and police units. The Umarex 40XP BB gun that King allegedly brandished sells for about \$50 in stores, including Walmart.

Gunmaker Sig Sauer makes air guns that are advertised as “carbon copies” of their most popular lethal firearms, including the P226 semiautomatic handgun. A commercial on the Sig Sauer website displayed the BB gun and the lethal P226 as reflections of each other in a mirror.

Umarex USA and Sig Sauer did not return repeated calls seeking comment.

Gun rights groups, including Gun Owners of America, based in Virginia, have lobbied against laws that seek to alter air guns to make them distinguishable from firearms.

Michael Hammond, a legal adviser to the pro-gun group, said the alterations never seem to be enough for those who dislike guns. “It all arises out of this

general animus and media-fed fear of anything that has to do with guns,” Hammond said.

The NRA declined to comment.

In Ohio, where King and Rice were killed, the state does not regulate BB guns and also allows firearms to be openly carried.

The day after Rice’s death, black legislators in Ohio tried to regulate the guns, introducing a law requiring all BB and pellet guns sold in the state to have special markings or be brightly colored. The bill died in committee.

Two years later, police shot King. “Why is it that a 13-year-old would have nearly an exact replica of a police firearm on him in our neighborhoods, an eighth-grader involved in very, very dangerous conduct in one of our neighborhoods?” Columbus Mayor Andrew Ginther, a Democrat, said at a news conference after the shooting.

In the 1980s, a string of police shootings of children prompted Congress to pass the first and only federal regulations on toy guns.

In 1983, 5-year-old Patrick Andrew Mason was alone in his Stanton, Calif., home when an officer who was called to the unit to do a welfare check mistook the boy with his red toy gun for a burglar; the boy was fatally shot while his single mother was away at work, according to news reports.

In 1988, officers in San Francisco responding to a report of shots fired mistook a plastic toy gun for a .22-caliber pistol and shot a 13-year-old mentally disabled boy in the head, killing him.

Parents began to push manufacturers to make the guns appear less realistic. Retailers such as Toys “R” Us stopped carrying realistic toy guns, and toy manufacturers began adding an orange plug to toy guns.

After several states restricted the use of imitation firearms, Congress in 1988 passed a law requiring the bright orange barrel plug on all toy guns. The law applied to water guns, many replicas and Airsoft guns that fire nonmetallic projectiles, but it exempted BB, pellet guns and replicas of antique firearms.

The law also mandated two studies on whether the new orange tips would prevent shootings.

In one study, FBI recruits were confronted by assailants carrying firearms or guns with orange tips. The recruits had two seconds to decide whether to shoot. When faced with unmarked replica pistols or guns with orange tips, officers shot 95 percent of the time.

“It is clear from this study that the orange plug marking system does not help police officers distinguish between toy guns and real guns,” concluded the 1989 report, which was managed by the National Institute of Justice.

The second study a year later reached the same conclusion, saying that police response when confronted with the guns was linked to environmental factors – such as what a police dispatcher tells an officer. Calls for service in a high-crime area, for example, might lead officers to consider “a worst case scenario,” said the report, overseen by the Police Executive Research Forum.

But it was the behavior of the person holding the toy gun that mattered most.

“If they are told there’s a person with a gun acting in a threatening manner, that’s what they respond to,” said David Carter, a professor at Michigan State University who spoke to officers in 27 law enforcement agencies for the 1990 study.

Last year, Congress revisited the issue when Sen. Barbara Boxer, D-Calif., introduced a bill that would force the country to enact a law similar to California’s, which requires the entire surface of all toy and BB guns be painted

a bright color.

“No child should ever die because a police officer or anyone else mistakes a toy gun for a real weapon,” Boxer said in a news release at the time.

The bill stalled in committee.

Twelve states and the District and Puerto Rico have banned the guns or imposed restrictions on their use, according to the National Conference of State Legislatures. In the District, realistic-looking toy or air-powered guns cannot be possessed in public. In 2012, , Washington, D.C., police seized about 450 imitation guns, according to the most recent data available.

Baltimore’s City Council this month passed a similar ban, responding to an April shooting and wounding by police of a 14-year-old carrying a BB gun.

In 2015, Boston outlawed imitation firearms in public. The law allows police to confiscate those guns, and they have seized 139 this year. Boston Police Commissioner William Evans said if a facsimile gun has been used in a crime, police will charge a suspect with possession of a real gun.

“They are the exact same unless you have it in your hand and take it apart,” Evans said.

In March in Gainesville, Fla., Alachua County sheriff’s officers were called to a parking lot where they encountered 16-year-old Robert Dentmond, who was armed with what appeared to be an AR-15 assault rifle.

Dentmond was a high school sophomore who had lived in foster care, according to police reports. His mother went to prison and his father physically abused him, the records show. He was on probation for burglary.

One bright spot for Dentmond was Cayla Todd, his girlfriend of one month.

But on the night of March 20, Todd said they fought online and that she ended the relationship. Dentmond sent her a Facebook message, which investigators later found.

“I’m finna have the police shoot me,” Dentmond wrote.

At 10:07 p.m., Dentmond called police and said that he was at the Majestic Oaks Apartments with an M-16.

When deputies and officers from the Gainesville Police Department arrived, they saw the 6-foot tall Dentmond, dressed in gray pajama pants and a blue jacket, in the middle of a dimly lit parking lot holding a gun.

Crouching behind dumpsters and parked cars, police ordered him to drop the gun, according to police.

“Drop it now, or you will be shot!” officers yelled.

After 24 minutes, Dentmond leveled what looked to officers like an assault-type rifle and began walking. Nine officers opened fire and didn’t stop until the gun fell from his hand. He died at a hospital.

After the shooting, police saw Dentmond’s weapon had broken in two, according to a state report. When picking up the pieces, an officer noticed that their weight “did not feel right” and they seemed to be plastic.

Officers did not learn until the next morning that Dentmond’s gun was a toy, an Airsoft rifle with the orange tip removed.

“Some of them broke down in tears,” Alachua County Sheriff Sadie Darnell said. “It’s not a high-five situation. It’s a devastating career-long and lifelong impact.”

Grant McDougall, the psychotherapist who evaluated the deputies after the

shooting, said they all wished that they could go back and change the outcome.

“Every single one of them – some of them very graphically – grieved the loss, even if they would sit here and tell me they did the right thing,” McDougall told The Post.

A grand jury investigating the shooting cleared the officers and suggested that the state ban imitation firearms.

“It is dangerous and unfair to all for law enforcement to confront a situation where to all appearances a real weapon is involved, only to be subjected to intense second-guessing after the fact when that turns out not to have been so,” the jury said.

Dentmond’s family could not be reached for comment.

Todd told The Post that police could have done more.

“He was only 16 years old. He didn’t need to die,” she said.

Three months later, it almost happened again.

In June, Alachua County deputies got a call that two groups of young men were driving around with AK-47s.

The department sent every available unit, and they quickly came upon a black Honda Civic and a black Toyota Camry. Men wearing werewolf masks were hanging out the cars’ sunroofs waving what appeared to be Heckler & Koch MP5 machine guns, according to Darnell and records.

Police disarmed the men. The guns were plastic toys, and the gunmen, university students were making a movie for a film contest.

“This is what those of us in law enforcement are so concerned about,” Darnell said. “You never know what’s real or what’s not, so part of the solution is to ban

the sale of toy or replica guns.”

In Columbus, Ohio, Chief Kim Jacobs has spent the past few months explaining to outraged community members why one of her veteran police officers fatally shot a 13-year-old carrying a BB gun. She wants people to understand how a mix of panicked reports of armed mayhem and a real-looking gun can turn deadly.

Complicating the matter is that the officer, Bryan Mason, had been involved in three shootings since 2009, one of them fatal. In 2012, Mason shot and killed a man who was pointing a firearm at another person. In all cases, Mason’s use of force was ruled justified by the department. Jacobs said Mason would not be allowed to comment until the conclusion of the investigation.

Jacobs said the shooting has taken its toll on everyone, including Mason.

“You go to work and you do your job, and then all of the sudden you’re under criminal investigation,” Jacobs said.

King’s family has no sympathy for Mason. “Ain’t nobody held accountable,” said his father, Maurice Cardwell. “There’s no wrongdoing over there it seems. And you’re killing kids?”

Sept. 14 started out like most days for Tyre King. His parents described him as an astute child who worked selling candy, cutting grass and trimming hedges.

After King returned from school that day, he finished his homework and left his house. At 7:42 p.m. witnesses called 911 to report a robbery. The callers said a gunman wearing a hoodie and baggy pants fled the scene. The robbery victim came on the line and told dispatchers, “I’m not going to mess with it over \$10.” Another witness said seven or eight armed men were running away with police chasing them.

“Oh, he’s shooting them. Oh my God,” a caller said, apparently describing

police shooting King.

Chanda Brown, an attorney for the family, said they had serious doubts that King was involved in the robbery and that he did not own a BB gun. Police have not disclosed the source of the gun. Brown said that she believes King was shot running away, not pulling a gun.

The only person charged in the robbery is Demetrius Braxton, 19. His attorney, Lodema M’Poco, told The Post last week that Braxton admits he used the gun to commit the robbery while King and others waited nearby. M’Poco said Braxton then passed the gun to King, who put the weapon in his pants. Braxton said that after police ordered him and King to the ground, King ran and Mason shot him. M’Poco said Braxton did not see King pull the BB gun from his pants.

Braxton pleaded guilty last month to felony robbery charges. In court he described the episode as a “lapse in judgment. As the oldest, I should have been the one to tell everybody, ‘Let’s not do this,’” the Columbus Dispatch reported.

Brown, the King family’s attorney, said police failed to train officers how to deal with children with BB guns.

“Anyone that takes the blame and puts it on a 13-year-old instead of an officer that’s been trained – or should be trained – in how to evaluate and respond to situations like this, I think they’re missing the bigger picture here,” Brown said. “Shooting should be the last resort.”

For Jacobs and other officers, they seldom have the benefit of weighing all the evidence and making a decision.

“People don’t really understand the dynamics of a police-involved situation, how fast they occur,” Jacobs said. “They all have families, they want to go home at the end of their shift.”

Lee Powell, Teaganne Finn, Josephine Peterson and Taylor Hartz contributed to

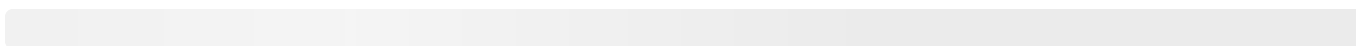
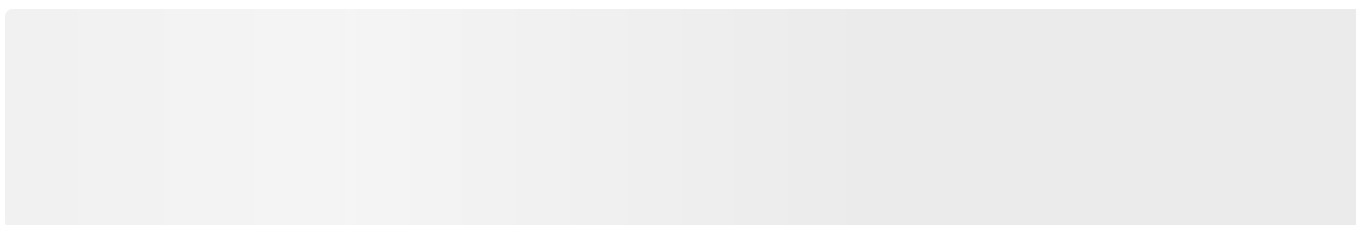
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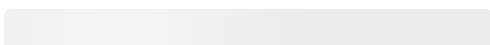
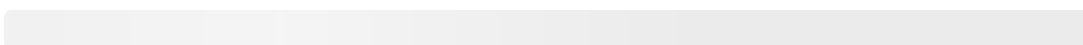
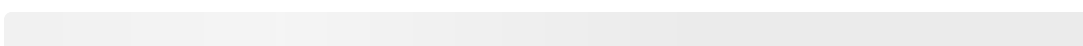
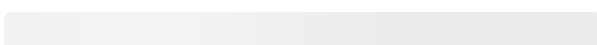
This article was produced in partnership with the Investigative Reporting Workshop at American University, where Courtney, Houston, Finn, Peterson and Hartz are students.

toy-guns

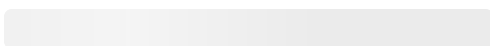
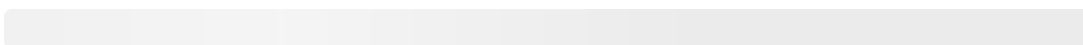
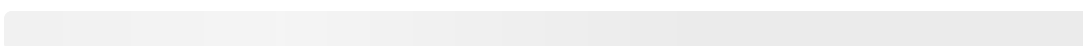
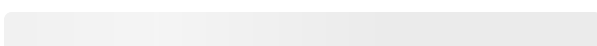
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- **Tamar Rice killed by police while in possession of BB gun**
- **Lawmaker wants bright colouring to distinguish air guns**

Mon 24 Nov 2014 15.27 EST
First published on Mon 24 Nov 2014 11.56 EST

As Cleveland officials investigate a police shooting of a [12-year-old African American boy](#) who was brandishing a fake gun at a Cleveland playground, one state lawmaker is calling for such toys to be specially marked.

The boy, identified over the weekend by the Cuyahoga county medical examiner's office as Tamir Rice, was shot outside a city recreation center by a Cleveland police officer responding to [a 911 call](#) from a witness who reported "a guy" was waving a "probably fake" gun and pointing it at people. Rice died from his wounds on Sunday.

Police said the two officers dispatched to the scene saw the child tuck what they believed to be a gun in his waistband. When police told him to put his hands in the air, Rice reportedly raised his shirt, revealing what the officers thought was a real gun, police said. The child then, police claim, reached into his waistband and pulled the replica handgun. An officer fired twice, striking the boy at least once in the torso. The gun was later identified as an airsoft, BB-gun-type pistol with the orange safety cap removed that police said resembled a semi-automatic handgun.

Police said the officers have been placed on administrative leave while the department's investigation takes place, which is standard protocol in such instances. The officers are a "first-year rookie and a 10-year department veteran", the Cleveland Plain Dealer [reported](#). The investigation will look into the shooting incident, as well as what information dispatchers relayed to the officers who responded to the scene.

Police said Monday a video of the shooting is clear about what happened and shows the officer was less than 10ft away from the boy.

On Sunday state representative Alicia Reece of Cincinnati proposed a bill that would require all BB guns, air rifles and airsoft guns sold in [Ohio](#) be brightly colored or to have fluorescent strips, clearly distinguishing them from the real things.

"This bill is but one small step in addressing this tragedy and helping to prevent future deadly confrontations with someone who clearly presents little to no immediate threat or danger. With Saturday's deadly shooting of a 12-year-old in Cleveland, it is becoming crystal clear that we need this law in Ohio," Reece said in a statement.

Reece, who serves as the president of the Ohio Legislative Black Caucus, said she introduced the bill in response to the fatal shootings of the boy and of [22-year-old John Crawford III](#), who was shot and killed by police officers following reports that he was carrying a gun in a Walmart store. It was later discovered that Crawford was actually holding an air rifle for sale at the store.

"I fully support Ms Reece in her efforts to pass legislation that would make imitation and actual firearms more easily distinguishable," said John Crawford Jr. the father of

the 22-year-old. “This legislation is necessary to make sure that a tragedy like the one that took my son John Crawford III’s life never happens again.”

Reece’s bill is modeled after one introduced in California in response to the fatal shooting of two teenagers by law enforcement officers who mistook their toy guns for real guns.

She said she began working on the legislation after a special grand jury declined to bring any charges in Crawford’s death. The US Department of Justice is investigating the shooting.

Speaking over the weekend from the gazebo where his son was killed, Rice’s father, Gregory Henderson, asked why the officers had to use deadly force.

“Why not taze him?” the [father asked](#), according to the Plain Dealer. “You shot him twice, not once, and at the end of the day you all don’t shoot for the legs, you shoot for the upper body.”

[Experts say](#) less-lethal force is not always appropriate in certain circumstances, especially when a suspect is wielding a weapon at a close range. In fact, officers are trained to “shoot to kill”, not “shoot to wound”, because the threshold for firing a weapon is such that they should only use their gun when they or the public is under imminent and deadly threat.

The family is also conducting its own independent investigation into the incident, Timothy Kucharski, an attorney for the family, said.

Kucharski said he did not know the details that led to the fatal shooting of the child. “I don’t want to make a rush to judgment,” he said, adding that he wanted to speak to more witnesses and gather more facts before drawing any conclusions.

“We’re ultimately going to find out what happened,” he said.

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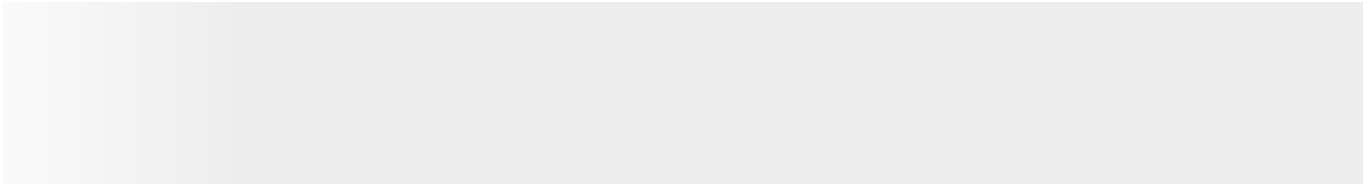
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NEW YORK CITY

Fake Gun, Real Crime: Police Notice Uptick in Replicas

A lookalike weapon is at the center of last week's fatal police shooting of Tyre King in Columbus, Ohio

By Michael Rubinkam • Published September 18, 2016 • Updated on [September 18, 2016 at 8:53 pm](#)

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Whether they shoot BBs, pellets, paintballs or nothing at all, imitation guns can be indistinguishable from the real thing -- it's one reason why some criminals gravitate toward them. Plus they're cheap and easy to get.

As Ohio authorities investigate the [fatal police shooting of a 13-year-old boy](#) who officers said pulled a realistic-looking BB gun from his waistband, law enforcement agencies are grappling with the use of fake guns to commit very real crimes.

"If I can't go get a real gun, it's easier for me to waltz into Wal-Mart or whatever store sells these things and go get a replica. Because if I go to a store to hold it up, the guy behind the counter isn't going to know it's not real," said Geoffrey Alpert, a criminal justice professor at the University of South Carolina.

While the federal government does not track criminals' use of toy or replica guns, some individual police departments say they've noticed an uptick.

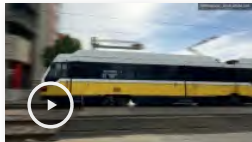
In Edmonton, Canada, police said imitation guns were involved in 1,598 incidents in 2015 -- up 38 percent from a year earlier.

In Arlington, Texas, suspects are increasingly using lookalike guns, including an incident earlier this year in which a man carjacked a woman using an air gun that resembled a real pistol, and another case involving a teen who threatened an officer with a replica gun. The officer managed to knock it out of the teen's hand and tackle him.

Arlington police Lt. Christopher Cook said that between March and August, nearly 20 percent of the weapons seized by police after they were used in crimes turned out to be lookalikes.

Local

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13 HOURS AGO

'We're not going anywhere': Sands prepares for long road to casino gaming

So far, police haven't had to use deadly force. But Cook said that could change in an instant.

"There's no training in the world that we know of where an officer can readily distinguish a real gun from a fake gun," he said. "That's not realistic, because officers have to make split-second decisions to ascertain whether it's a firearm or not."

A lookalike weapon is at the center of last week's fatal police shooting of Tyre King in Columbus, Ohio.

An officer responding to a report of a \$10 armed robbery shot the teen after he pulled out a BB gun that looked "practically identical" to the weapon that police officers use, Columbus police said.

A 19-year-old who said he was the boy's friend told a newspaper that Tyre had a real-looking BB gun, was out to rob someone and ran from police. But an attorney for Tyre's family has called for an independent investigation, saying the family believes the boy's involvement in an armed robbery would be "out of character" and the police version of events "might not be true."

However the facts shake loose in Columbus, the use of replica guns in crime has long vexed law enforcement.

In the late 1980s, after a rash of high-profile police shootings of suspects carrying toy or lookalike guns, Congress authorized a study that found thousands of robberies and assaults to have been committed with imitation weapons between 1985 and 1989. The study also identified more than 250 cases in which an officer used force -- deadly or otherwise -- on a suspect brandishing an imitation gun.

More recently, Associated Press research found at least 25 deaths involving lookalike guns mistaken by police for actual firearms across the country in the last two decades, dating to the 1994 slaying by a housing police officer of a 13-year-old New York City boy.

"It's horrible, it's horrible, when these kids are displaying these firearms and a life is lost, and after the fact it turns out it's not real," said Allentown, Pennsylvania, police Capt. Richard London.

But he added it can be nearly impossible to tell an imitation gun from a firearm that shoots real bullets.

"It's human nature to defend yourself in the face of that," he said.

At least 12 states, Washington, D.C., and Puerto Rico have laws restricting the sale or use of imitation firearms, according to the National Conference of State Legislatures, while many cities and towns have their own ordinances on lookalike guns.

Federal law requires imitation guns to have orange plugs in the barrel to distinguish them from real firearms, but the tips are easily removed and experts question their effectiveness.

Associated Press researcher Rhonda Shafner in New York contributed to this story.

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Commitment to Professionalism - Reduced Crime & Victimization - Investigative Excellence
- Increased Efficiency & Effectiveness

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Fake Gun, Real Danger



The Edmonton Police Service developed the **Fake Gun, Real Danger** public education campaign to build awareness around imitation guns, encourage their safe use, and reduce the number of incidents requiring police response.

The materials were developed in consultation with the airsoft community, retailers, parents, the city's school boards, and officers from the EPS and the RCMP.

The message is simple: Police can't tell if your gun is real or fake. Avoid a confrontation. Don't show imitation guns in public.



What is an Imitation Gun?

An imitation gun is a copy of an actual firearm. Sometimes a fake gun is indistinguishable from a real gun because of the attention to detail.

Imitations can include:

- Airsoft, BB or pellet guns
- Replica or prop guns
- Paintball guns
- Toy or novelty guns

Imitations can be fun to play with, but they can pose safety hazards and create fear and panic if used in public places.

People might mistake a fake gun for a real gun and call police, which could have serious consequences.

Police Response to Gun Calls

Police respond to numerous incidents where firearms are reported, but later upon close



examination, the guns are revealed to be realistic imitations.

In 2014, imitation guns were involved in approximately 1,160 EPS files from mischief to weapons complaints to serious crimes. In 2015, imitation guns were involved in approximately 1,598 EPS files, an increase of 438 occurrences or 38 per cent in just one year.

Because of their realism, imitation guns have also been involved in numerous police shootings and close calls across North America. Of the 23 officer-involved shootings investigated by the Alberta Serious Incident Response Team in 2014 and 2015, four involved imitation guns (two deaths and two serious injuries).



Police take firearms complaints seriously due to the threat to public and officer safety, and will respond quickly with appropriate resources, tactics and level of force. It could be a potentially deadly confrontation.

If it looks like a gun it is treated like a gun by police. Even under ideal conditions, it can be challenging to determine if a gun is real or fake.

Imitation Guns and the Law

Because of the potential risks involved, you cannot show or use imitation guns in public places.

Depending on the circumstances, you can be fined, arrested, or charged and have your gun seized.



- **City of Edmonton Bylaw #14614** – Possessing a loaded weapon capable of firing a projectile, or firing a projectile in a public place, can result in a fine between \$500 and \$10,000, a mandatory court appearance and up to six months in jail.
- **Canadian Firearms Act** – There are legal requirements for the ownership, safe use, transportation and storage of certain types of air guns. Check with the RCMP Canadian Firearms Program or your retailer for more information.
- **Criminal Code of Canada** – Using an imitation firearm to commit a crime results in the same penalties as using a real firearm. Possession of an imitation gun can cause individuals to breach their court-imposed conditions.

Imitation Gun Safety Tips

Please use imitation guns in a safe, responsible and lawful manner:

- Never play with an imitation gun in public places such as malls, parks or schools.
- Use air gun imitations only at designated play areas, gun ranges, or on private land outside of the city.
- Do not point an imitation gun at another person, even if you are joking.
- Handle air gun imitations with care to avoid injuries, and consider taking a safety class.
- Set rules for children playing with imitation guns so they understand the dangers of misusing them.
- Keep imitation guns out of sight and locked in a case to prevent misunderstandings, accidents or theft.
- If you are carrying an imitation gun and are approached by police, put the gun down and obey their instructions.



Multimedia Materials

- Posters
 - Looks Can Be Deceiving
 - Can You Spot the Difference?
 - Real or Replica?
 - Learn About Imitation Gun Safety
 - Fake Gun, Real Danger (For Kids)
- Imitation Gun Safety Brochure
- Video
- Comic Book (For Kids):

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Helpful Links

- RCMP – Canadian Firearms Program

The EPS Fake Gun, Real Danger public safety campaign was launched on June 29, 2016.

EDUCATION

Police killing of boy, 13, with pellet gun spotlights foiled attempts to regulate replicas



by Susan Ferriss

October 25, 2013

Reading Time: 3 minutes

The tragic fatal police shooting of a 13-year-old California boy carrying a replica gun is drawing new attention to a history of foiled legislative efforts to require markings that distinguish fake firearms from real ones.

The [Santa Rosa Press Democrat newspaper](#) has detailed emotional [protests alleging excessive force](#) by Sonoma County law enforcement after a sheriff's deputy on Tuesday fired at teenager Andy Lopez, killing him. Deputies came across the boy in his "wine country" community around 3:15 p.m. as he was walking down a road, on his way home, carrying a pellet gun fashioned to closely resemble an AK-47. The pellet gun belonged to a friend.

Taking cover behind vehicle doors, deputies told the boy, whose back was to them, to drop what they believed was a real gun. Andy began to turn toward them, according to law enforcement officials. A deputy reportedly thought the boy was raising the gun and fired. Andy was [hit seven times](#), according to reports.

In 2012, [the Center for Public Integrity](#) reported on how pressure from retail stores and the National Rifle Association helped defeat a bill by Sen. Kevin de Leon, a Los Angeles Democrat, who came up with the



U.S. Attorney General Eric Holder, center, and Secretary of Education Arne Duncan, left, address the media at an October 2009 press conference in Chicago.

John Smierciak/AP

proposal in response to similar police shootings of boys playing with replica guns.

The bill would have required replica guns like the one Andy was carrying be made with transparent bodies or in certain neon colors. The measure had the support of Los Angeles Police Chief Charlie Beck, who invoked the tragic 2010 shooting of another 13-year-old boy who was paralyzed when L.A. police officers came upon boys playing with toy guns and ended up shooting one.

“Backers said the measure (de Leon’s) was designed to try to prevent shootings of innocent young people by police officers who have to make split-second decisions,” the Center’s story said.

The *Press Democrat* reported that authorities are [promising a full investigation](#), and are suggesting that the deputy on Tuesday faced one of those split-second decisions — with a heartbreaking outcome.

“The deputy’s mindset was that he was fearful that he was going to be shot,” said Santa Rosa Police Lt. Paul Henry, whose department is involved in the investigation.

The newspaper reported that a witness told police he heard a deputy call out, “Put the gun down,” twice, and then firing fatal shots seconds later.

Sonoma County Sheriff Steve Freitas issued a statement that said as the “father of two boys about this age, I can’t begin to imagine the grief this family is going through. This is a tragedy on many levels.”

Educators at Lawrence Cook Middle School, where Andy was a student, said he loved basketball and the trumpet and that other students are devastated by this death. “He was a very popular student,” the school’s assistant principal, Linsey Gannon, said. “He was a handsome young man with many friends and a lovely family. [He will be missed.](#)”

The Santa Rosa shooting occurred one day after a [Sparks, Nev. 12-year-old boy](#) killed himself at his middle school after wounding two students and killing a teacher with a semiautomatic pistol he brought to the campus.

Democrat & Chronicle

NEWS

What is a replica gun? What to know about fake gun in Rochester police fatal shooting



David Robinson

New York State Team

Jan. 3, 2024, 3:20 a.m. ET

A 46-year-old Rochester man [fatally shot by a police officer](#) on Christmas Eve added to the hundreds of Americans previously killed by police while in possession of a fake gun over the past decade.

The Rochester police shooting death of Todd Novick comes after state and federal laws aimed to curb access to realistic-looking imitation weapons. That included [a new state law last year](#) that tightly restricted the appearance of toy guns sold in New York.

But restrictions can vary based on the type of fake gun, with laws treating toy weapons differently than BB guns, air pistols and other devices that expel projectiles without using gun powder.

Police say Novick had a "replica gun" and images they released show it was Crosman C11 air pistol, a BB gun.

What follows are key details about how laws apply to everything from replica and toy weapons to BB guns and air pistols, as well as what is known about cases where police shot civilians in connection to fake guns.

Are replica guns the same as toy guns?

New York state law describes an "imitation weapon" as any device or object made of plastic, wood, metal or any other material which substantially duplicates or can reasonably be perceived to be an actual firearm, air rifle, pellet gun, or "B-B" gun.

Police shooting: [Man shot by police officer displayed replica gun; identity released](#)

That law, which took effect last year, banned imitation weapon sales, unless they were completely covered with a bright color, such as orange, red, yellow or white. These toy weapons may also comply with the new requirements if they are made of completely transparent materials.

It replaced old state standards that only required toy guns to have an orange stripe and an exterior color different from a traditional weapon. Federal law separately regulates the appearance of toy guns, requiring that they contain the characteristic blaze orange plug inserted into the barrel.

What about BB guns and air rifles?

Federal and state laws treat toy guns differently than non-powder guns, which include BB, air, and pellet guns that expel projectiles (usually made of metal or hard plastic) through the force of air pressure, CO-2 pressure or spring action, according to the [Giffords Law Center](#), the legal arm of the eponymous gun-control advocacy group.

By contrast, actual firearms use gunpowder to generate energy to launch a projectile.

National: [Just a hobby or reckless marketing gimmick? The world of kid gun influencers.](#)

Federal law prevents states from prohibiting the sale of traditional BB or pellet

guns, but explicitly allows states to prohibit the sale of these weapons to minors. New York is among 13 states that have those age-restrictions.

New York City also bans the sale or possession of any air pistol or air rifle (defined as any instrument in which the propelling force is air or a spring) without an appropriate license, the group noted.

How many toy guns seized in New York?

New York State Police on Thursday said they lacked statistics for the number of toy guns seized in connection with the state law enacted last year.

A prior [state Attorney General's investigation](#) found giant retailers sold nearly 6,500 prohibited toy guns to New York consumers from 2012 to 2014. The retailers paid over \$300,000 in fines for those sales under a settlement deal, which included measures aimed at ending illegal toy gun sales. In cracking down on toy guns in 2003, [New York City noted federal regulators](#) reported more than 31,000 imitation guns were seized nationally during crime-related incidents from 1985 to 1989.

How many fatal police shootings connected to toy guns?

From 1994 through November 2022, there were at least 63 shootings from actual firearms in New York related to the use of a toy gun, according to the attorney general's office. From these incidents, at least eight people have died.

The office didn't provide the number of cases that involved police.

Federal officials have historically lacked solid data on the number of times police fatally shot a civilian who had a fake gun, but [The Washington Post's](#) police shooting database puts the tally at more than 250 since 2015.

Asher Stockler of USA TODAY Network contributed to this report

METRO

Upstate NY teen fatally shot by police after allegedly flashing pellet gun: 'Oh my god!'

By **Patrick Reilly**

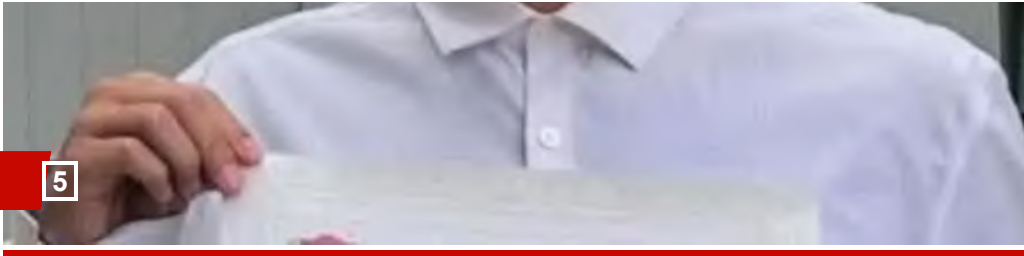
Published June 29, 2024, 9:16 p.m. ET

An upstate New York city is outraged after a 13-year-old boy was shot and killed in a struggle with cops after allegedly flashing a pellet gun, according to police.

Nyah Mway was fatally shot by a Utica police officer around 10:20 p.m. on Friday night after police stopped him and another minor while they were walking down the street, police said.

Video **circulating on social media** shows three officers chasing the boy down a dark street and one tackling him to the ground. The two other cops join in the fray as bystanders yell at the officers.





Nyah Mway was shot and killed by Utica Police on Friday night.

Nyah Mway family

A woman can be heard yelling “Careful, careful, yo, careful. You’re on camera.”

Suddenly, a gunshot rings out.

EXPLORE MORE



Jasmine Crockett offers pathetic explanation for wrongly accusing Republicans of taking money from Jeffrey Epstein



Slain teenage cruise passenger's stepbrother, 16, is 'suspect' in her killing — as his dad is accused of abusing him



Ex-GOP aide paid fetish artist to mutilate her, claimed it was an anti-Trump attack: court docs

“Oh my God! Yo! He just shot him!” one shocked witness exclaims.

Community members expressed anger and demanded justice at Saturday’s **emotional press conference**, with people at times shouting over local officials.

The press conference was originally intended to be for media members only, but when officials saw the large crowd that had gathered outside city hall — including 50 of Mway’s family members

saw the large crowd that had gathered outside City Hall — including Co. 31 Mway's family members — they decided to let the public attend, according to Syracuse.com



The mother of the 13-year-old boy who was shot and killed by Utica Police cries after listening to a translator inside City Hall in Utica.

via REUTERS

One person was seen holding a sign that said “Our parents did not flee war for their kids to be shot by police,” [Syracuse.com](#) reported.

Mway’s heartbroken mother was present and broke down and screamed as officials’ remarks were translated into her native Burmese, according to the outlet.

“There’s a lot of emotions in this room,” Utica Police Chief Mark Williams said at one point.

“But you’re asking us to be transparent, and when you shout over us, it makes it very difficult to do so.”

Mway, who is Asian, displayed what appeared to be a handgun as he was running from police, Williams said Saturday.



Utica Police Chief Mark Williams and Mayor of Utica Michael Galime spoke to the public at a press conference on Saturday.

Daniel DeLoach/Utica Observer-Dispatch / USA TODAY NETWORK

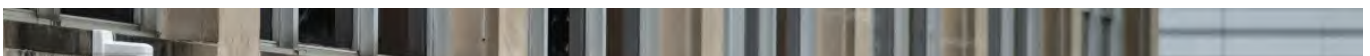
The officers tackled the teen to the ground and fired one shot “during a ground struggle” the chief said.

The boy was shot in the chest and died from his wounds at Wynn Hospital in Utica, cops said.

A replica Glock pellet gun with a detachable magazine was recovered, according to police.

Utica Mayor Michael Galime said that while the police stop was routine, “it became tragic in mere moments.”

“I cannot express, in words, that this point cannot change what has forever changed as of yesterday evening,” Galime said.





A large crowd, many of them Mway's family members, lined up outside Utica City Hall on Saturday morning.
Daniel DeLoach/Utica Observer-Dispatch / USA TODAY NETWORK

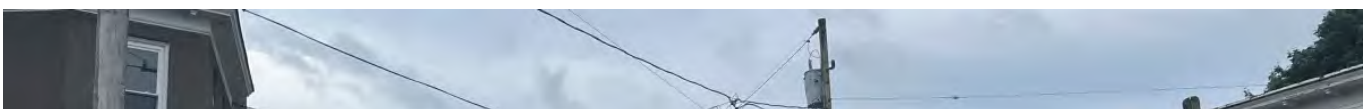
"Our condolences to the families, the community and all of Utica and the surrounding areas for what is going on during this event."

After the news conference, Galime approached the boy's mother and explained that body camera footage will be released.

As they spoke, a man yelled in the background that the officers needed to be charged with first-degree murder, according to Syracuse.com.

Another person in the crowd yelled about the community members having run "from the persecution from the Burmese army."

Utica has a large Burmese population, according to the outlet.





Police said the teenager flashed a pellet gun as they chased him.

AP

The Attorney General's office will be investigating the shooting, the mayor said.

It will also be internally investigated by the Utica Police Department.

"This is a tragic and traumatic incident for all involved," Chief Williams said.

What do you think? [Post a comment.](#)

The three officers involved have been placed on paid leave.

Their names will be released "in a short period of time," he said.

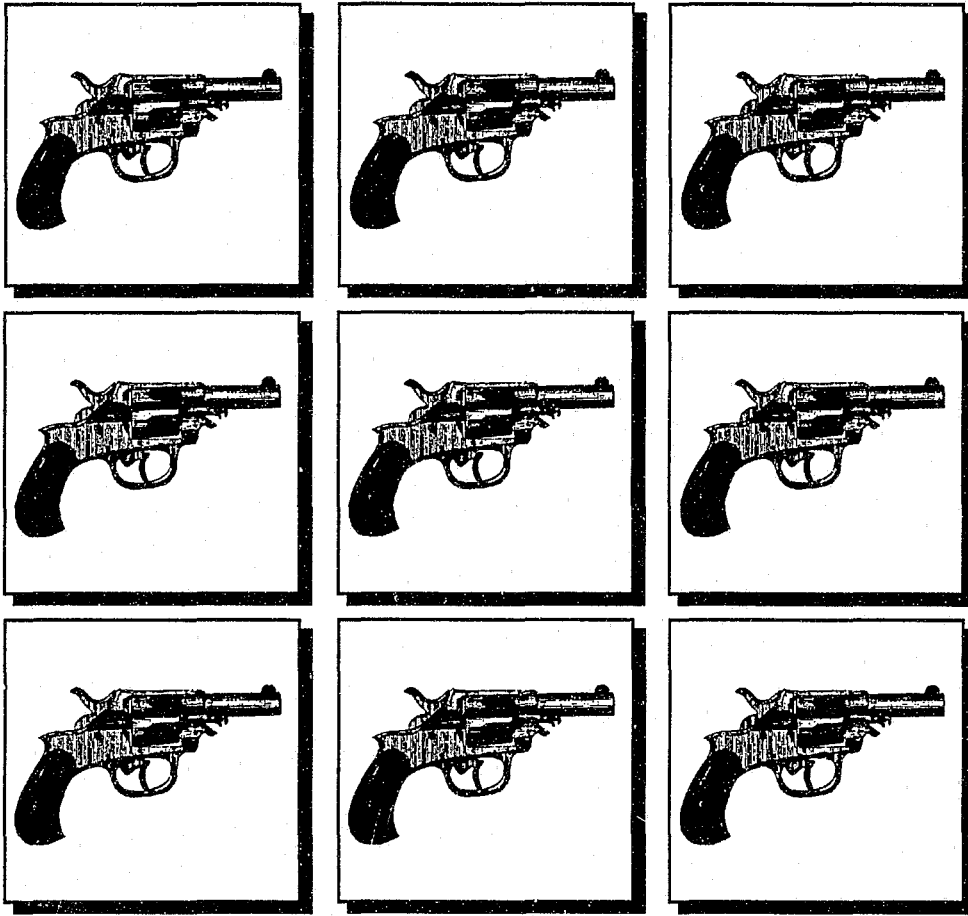
Police confirmed that they are aware of the video of the shooting online but said in a statement it "does not portray the incident in its entirety."

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Citizen Perceptions of Law Enforcement Shootings Involving Imitation Firearms

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Kristine A. Gregory

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Walden University
2019

Abstract

Citizen Perceptions of Law Enforcement Shootings Involving Imitation Firearms

by

Kristine A. Gregory

MA, University of Saint Francis, 2012

BS, Western Illinois University, 2000

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy and Administration

Walden University

May 2019

Abstract

The purpose of this qualitative ethnographic study was to explore citizen perceptions of the phenomenon of law enforcement shootings involving an imitation firearm. A secondary purpose was to document knowledge of current imitation firearm policies and thoughts on the effectiveness of said policies. Kingdon's multiple streams approach was used as the theoretical framework. This theory addressed the sources of power that influence policy decisions, the stakeholders involved in agenda setting, and factors that shape policy debates. Data were collected using a combination of secondary data analysis, field observations and semi structured, face-to-face interviews with 23 citizens. Sampling strategies included a combination of snowball, purposeful, and variation sampling to identify interviewees from four specific subject groups: law enforcement, parents of children aged 10-17-years-old, citizens with no law enforcement experience and no children aged 10-17-years-old, and leaders in the community. Results from domain and taxonomic coding revealed the themes of safety, responsibility, and accountability. Specifically, subjects wanted to ensure both law enforcement and citizens were safe in the community, they wanted to see parents take responsibility for their children, and they wanted to see legislation that held people accountable for their actions when using imitation firearms during the commission of a crime. Findings may be used for positive social change by enhancing imitation firearm policies, recognizing ways to improve data tracking, and identifying educational opportunities for both citizens and law enforcement. Enhanced firearm policies can also help mitigate unnecessary shootings and reduce community conflicts between citizens and police.

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Acknowledgments

Special thanks to Hannah, Becky, and Rob for patiently waiting while I researched and revised at all hours. Dad, thanks for believing in me. Eric, I appreciate the brainstorming sessions and research support. Ernie Einstein, I am sorry for the delays. And Max, much obliged for always keeping me company.

Dr. Williamson, Dr. Alexander, and Dr. Walker, thank you for helping me through the dissertation journey. I would not have finished without your support and guidance.

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Chapter 1: Introduction to the Study

Introduction

Law enforcement in Mesa County, Colorado, recently reported an increase of imitation firearms in the community. The issue elevated in significance after a tragic shooting in 2016 (McDaniel, 2016). Reporters suggested the issue was not isolated to western Colorado. Over the last decade, hundreds of people across the country were killed by law enforcement while holding a realistic-looking fake gun (Gregory & Wilson, 2018; Spector, 2016; Steinmetz, 2013; Sullivan, Jenkins, Tate, Courtney, & Houston, 2016). This qualitative ethnographic study was conducted to gather information on citizen perceptions of the phenomenon of law enforcement shootings involving imitation firearms.

This chapter will briefly discuss the shooting in Mesa County, gaps in research, flaws with tracking databases, and the assumptions, scope, and limitations. Also introduced are the research purpose, the nature of the study, the guiding conceptual framework, and implications for positive social change.

Background: Focusing Event in Mesa County, Colorado

In the fall of 2016, police were dispatched to an unusual call at a two-story apartment complex in Mesa County, Colorado (McDaniel, 2016). The anonymous caller told 911 that an agitated man was in the area with a handgun. The scenario quickly unfolded, and less than an hour after the call, a radio transmission announced shots fired. In the aftermath of the shooting, law enforcement expressed concerns about realistic-looking fake guns.

The incident started with an emergency call for an ambulance. The unidentified caller said Michael Camacho accidentally shot himself and was bleeding from the chest (McDaniel, 2016). When police arrived, Camacho stood on a balcony overlooking the parking lot. He refused to talk with the officers. Camacho briefly went into his apartment before returning to the balcony with something dark in his hands. Officers heard Camacho yell unintelligible words before he slowly lifted his hands and extended his arms outward toward the parking lot. A reporter wrote that Camacho threatened the police and “pointed what appeared to be a large gun” at an officer (McDaniel, 2016, para. 4). Police repeatedly told Camacho to put down the weapon, but he refused. A corporal, with over a decade of experience, fired his rifle, injuring Camacho. Investigators later revealed the weapon Camacho pointed at police was a realistic-looking BB gun.

Police held a lessons-learned presentation after the shooting. The seasoned officer that shot Camacho said the BB gun looked real and nothing he saw suggested it was a fake; not the shape, color, or markings on the barrel. The debriefing sparked a conversation about imitation firearms in the county. Officers talked about finding pellet guns on shoplifting suspects, having juveniles point BB guns at them, and almost discharging their service weapon because a toy looked real. Most of the officers said their incident was not documented because it did not meet reporting requirements. The personal statements from local law enforcement suggested an undiagnosed problem in Mesa County with realistic-looking firearms.

Problem Statement

Police across the nation have reported officer-involved shootings where the subject was holding an imitation firearm (Gregory & Wilson, 2018; Spector, 2016; Steinmetz, 2013; Sullivan et al., 2016). From 2014-2015, at least 86 people died in police shootings while holding an imitation firearm (Sullivan et al., 2016). In 2016, 5% of all police shootings involved a realistic-looking BB gun or airsoft gun (Fatal Force, 2018). The last detailed study of imitation firearms occurred in the late 1980s (Carter, Sapp, & Stephens, 1990) and the data in that study were considered “dated and insufficient for providing a national perspective” (Ekstrand, 2003, para. 3). Social scientists, limited by legislative loopholes, funding restrictions, and a lack of tracking databases, have been unable to define the scope of the problem. To help fill the research gap, I conducted a qualitative study to gather the perceptions of Mesa County citizens regarding the phenomenon of police shootings involving an imitation firearm.

A condition elevates to the level of a problem when an indicator, or focusing event, leads people to believe something needs to be done (Beland, 2016; Kingdon, 1995). In Mesa County, the indicator was the previously discussed Camacho shooting (McDaniel, 2016). In the aftermath of the incident several concerns were identified; experienced officers struggled to differentiate a nonlethal BB gun from a real handgun during a tactical situation, law enforcement reported an increase of realistic-looking fake guns in the area, and the county did not have any legislation specific to imitation firearms. Researching the phenomenon in Mesa County provided invaluable information

that may reduce officer-involved shootings and provide insights to guide policy writers, police administrators, community educators, and health and safety officials.

Purpose

The purpose of this qualitative study was to examine citizen perceptions of the phenomenon of police shootings involving subjects holding imitation firearms. A secondary purpose was to document knowledge of current imitation firearm policies and thoughts on the effectiveness of said policies. The geographic boundary for the study was Mesa County, Colorado. This project was unique because, at a national level, minimal research has been done on imitation firearms (Ekstrand, 2003), and locally, no research has been done on the topic in Mesa County. The goal of this ethnographic research was to gain a deep understanding of the phenomenon with the intent of enhancing imitation firearm policies, recognizing ways to improve data tracking, and identifying educational opportunities for both citizens and law enforcement.

Research Questions

The following three research questions guided this study:

RQ1: How does encountering a subject armed with an imitation firearm alter the perspective of Mesa County law enforcement towards amending BB gun and airsoft gun legislation in Colorado?

RQ2: How does law enforcement in Mesa County, Colorado, address the challenges of safely policing despite the increased presence of imitation firearms in the community?

RQ3: How do current imitation firearms policies shape the attitudes of Mesa County parents towards allowing their 10-17-year-old children to possess BB guns and airsoft guns?

Conceptual Framework

The conceptual framework for this study was Kingdon's policy window model, known as multiple streams approach. This theory addressed the sources of power that influence policy decisions, the stakeholders involved in agenda setting, and factors that shape policy debates (Jones, Peterson, Pierce, Herweg, Bernal, Raney, & Zahariadis, 2016). Kingdon acknowledged all the participants in the policy process, including citizens, interest groups, and the media, making his theory the best approach to frame this study (1995). Proponents of Kingdon appreciated his flexible application across a wide variety of disciplines and the accessible nature of his writing (Beland, 2016). Critics targeted Kingdon's lack of emphasis on the relationship between ideas and interests (Beland, 2016). Chapter 2 elaborates on both the pros and cons of multiple streams approach and explains how it applied to imitation firearm policy reform. Applying Kingdon's conceptual framework guided my research design to ensure that the data aligned with the needs of the community, the police department, and policy makers.

Nature of the Study

The nature of the study was qualitative, using a basic ethnographic approach. Applying an inductive ethnographic methodology allowed me to understand the perspectives and lived experiences of the participants. Data were collected through a combination of secondary data analysis, field observations, and semistructured

interviews. The use of multiple data collection methods allowed for triangulation and validity testing. Sampling strategies included a combination of snowball, purposeful, and variation sampling to identify interviewees from four specific subject groups: law enforcement, parents of children aged 10-17-years-old, citizens with no law enforcement experience and no children aged 10-17-years-old, and leaders in the community (e.g. managers, policy makers, or city administration).

Definitions

The following list of definitions is not all inclusive. The terms are provided to help understand imitation firearms research from a legal standpoint in Colorado.

Adult: person 18-years of age and older (Keatley, 2017).

Air gun: gun that uses compressed air to fire a projectile; also called airsoft gun, air rifle, or pellet gun (Oxford English Dictionary, 2018).

Child: person under 10-years-old. Per Colorado statute, subjects that are under age 10 are not considered culpable for criminal activity (Keatley, 2017).

Firearm: “instrument used in propulsion of shot, shell, or bullets by the action of gun powder exploded within it” (Black, Nolan, & Nolan-Haley, 1991, p. 438).

Handgun: includes pistols, revolvers, and other firearms with barrel length not exceeding 12 inches (Keatley, 2017).

Imitation: likely to induce the belief that it is genuine (Oxford English Dictionary, 2018).

Imitation Firearm: any BB or pellet gun, toy, replica, or other device so similar to a real gun that a reasonable person would think it was real (Gifford’s Law Center, 2017).

For the purposes of this study, the term imitation firearm includes airsoft guns, air guns, BB guns, pneumatic guns, and replicas that a reasonable person would perceive as a real weapon.

Juvenile: person at least 10-years-old but under 18-years-old (Keatley, 2017).

Replica guns: “full size working reproductions of firearms, manufactured so they are unable to fire” (Carter et al., 1990, p. viii).

Assumptions

This qualitative research study was impacted by four assumptions. The first was the definition for *imitation firearm*. During the Camacho debrief, law enforcement talked about fake guns, but no one used the term imitation firearm. During this study, it was assumed the phrases *BB gun*, *air gun*, *airsoft gun*, *fake gun*, *replica*, and *pellet gun* were interchangeable with the term *imitation firearm*. The second assumption was that the phrases *police shooting*, or *officer-involved shooting*, referred to any type of law enforcement professional, such as deputies, troopers, rangers, police officers, and game wardens. The third assumption was that information provided during interviews was accurate and honest to the best of the subject’s recollection. And the fourth assumption was that interviewees understood and accepted the purpose of the study. The study was designed to learn from the perspectives of Mesa County participants regarding police shootings involving imitation firearms, not to gather opinions on national gun control policies.

Scope and Delimitations

The scope of this research was Mesa County citizens' perceptions of officer-involved shootings with a realistic-looking fake gun. Though the scope limited the research boundary to Mesa County, the information has transferability to locations with a similar demographic. During the literature review, a variety of imitation firearm articles were discovered that were written as a catalyst to discuss controversial topics like gun control, race relations, or police use-of-force. Delimitations are choices made by the research designer to include or exclude certain variables (Simon & Goes, 2013). Argumentative topics, like gun control or racism, were excluded so the focus stayed on the perceptions and lived experiences of the subjects. If an interviewee elected to disclose personal opinions on contentious topics, they were redirected to discuss only the original scope of the research.

Limitations

Three main limitations impacted this research. First, the data were limited by the personal experiences of the interviewees. A participant with minimal knowledge of the policies, or no experience with imitation firearms, provided vague answers that lacked depth. Second, participant answers were limited by undisclosed biases. Selecting subjects from four different groups mitigated the impact of knowledge gaps and personal bias. The last limitation was that qualitative studies are hard to replicate (Wiersma, 2000) which impacts the perceived validity of the study. Ethnographic triangulation was used to increase the validity and reliability of the results.

Significance for Social Change

The social impact of police shootings extends beyond the officer-involved and the subject injured or killed (Frazzini, 2016). The emotional aftermath of a deadly force encounter has ramifications on the police department, the family and friends of the subject, the police officer, the officer's family and friends, and the community (Rice & Hoffman, 2015). This qualitative research gathered the opinions and personal experiences of Mesa County citizens, including law enforcement. Future policy proposals that incorporate those opinions and thoughts may lead to positive social changes and help "build effective, accountable and inclusive institutions at all levels" (United Nations, 2015, para. 16).

Summary

Police officers in Mesa County identified a problem with people holding fake guns that looked real. Most of the encounters were not documented, which made it hard to quantify the issue. In other parts of the country, similar encounters resulted in officer-involved shootings. This qualitative research study, using an ethnographic approach, helped determine the nature of the problem in Mesa County. The next chapter reviews the literature addressing the problem of police shootings when subjects were holding imitation firearms and explains the gap in research and literature.

Chapter 2: Literature Review

Introduction

In 2005, the National Academy of Sciences (NAS) published a 100-plus page report on firearms and violence (Wellford, Pepper, & Petrie, 2005). The NAS emphasized three problems for scientists conducting empirical research: a lack of useful data, data full of errors, and data obtained from improperly designed studies (Wellford et al., 2005). Imitation firearms research was hindered by all three obstacles. The lack of useful and accurate imitation firearm data made it hard for legislatures to develop effective policies. Less than 3% of gun control bills proposed during the 114th Congressional sessions made it through the policy process (Govtrack, 2018). Many of the failed bills cited a lack of data as the reason for not gaining ground with all constituents (O'Donovan, 2017), which meant the gap in quality research was impacting the ability of policy makers to develop useful legislation.

The purpose of this qualitative ethnographic research was to examine citizen perspectives on the phenomenon of police shootings involving subjects holding imitation firearms and to use the information to guide the development of policies and educational programs. This chapter explains my literature review strategy, discusses my development of the phrase “imitation firearm,” reviews the conceptual framework, and examines practical examples of imitation firearm policy reform via the lens of the multiple streams approach.

Literature Search Strategy

This study was completed using a traditional style literature review. Information was sorted and organized using Excel. A traditional literature review involves assessing the theories, methods, and results of a study while stressing the background and circumstantial elements (Jesson, Matheson, & Lacey, 2011). The literature search focused on peer-reviewed articles published between 2015 and 2018, excluding earlier articles unless they were necessary for historical relevance. News articles, open records requests, online databases, and police reports supplemented the content of the literature review. Standard Boolean operators provided the limits and parameters for keyword searches.

A three-part literature review started with a search for imitation firearms and officer-involved shootings articles, followed by a review of the conceptual framework. The last step of the literature review was a search of existing gun research conducted under the framework of the multiple streams approach. A major research gap was discovered during the first phase of my literature review. It was nearly impossible to identify how many people were killed by police while holding a realistic BB gun because “no reliable national database recording police shootings” existed (Sneed, 2014, para. 7). In addition to no databases, there was no research on the topic in nearly 3 decades. This gap in existing imitation firearms literature was a driving force behind the necessity of my study.

The initial keyword search of *imitation firearms* in the Academic Search Complete database returned zero results. Similarly, the same phrase returned zero results in the Bureau of Justice Statistics, Criminal Justice, EBSCO, Homeland Security Digital

Library, and the ProQuest Central databases. Changing the term to *fake guns* still produced no results. Shifting the focus to the phrase *gun control* produced a staggering 389 results in the Academic Search Complete database. After excluding countries outside the United States, the results dwindled to 109, of which only 9 articles were applicable to imitation firearms. Conducting an analysis for trends was difficult due to the lack of existing research on imitation firearms.

A switch in databases and keywords slowly produced results. Combining *imitation* with *firearm* in Proquest: Criminal Justice Database provided 10 articles, but only one related to imitation firearms. Other word combinations included *fake* and *gun*, *imitation gun legislation*, *look-alike gun*, *realistic-looking gun*, *toy gun issues*, *police* and *toy guns*, *gun legislation*, *Firearms Safety Act*, *replica guns*, *BB guns*, and *airsoft guns*. Most of the authors focused on police use-of-force, ethnic disparities in lower economic neighborhoods, school shootings, racial threat theory, Islamist exploitation, mass shootings, community policing, restorative justice, and body cameras. One interesting article discussed removing toy guns from circulation and melting down the plastic to generate electricity. Several articles appeared multiple times with references to carrying guns in drug markets, the use of fake guns by drug dealers, and medical articles discussing the prevalence of juvenile injuries from BB and pellet projectiles. Additional themes involved the European Union, Kosovo, stop motion animation, and social learning theory. The most applicable articles discussed research completed by the Police Executive Research Forum (PERF) under Congressional mandate (Carter et al., 1990), and statistics documented by the Centers for Disease Control and Prevention.

I searched newspapers to identify imitation firearm indicators and focusing events. Information was excluded if the source was biased or the statistics were not authenticated. The verbiage from the focusing events was used to conduct a second search of Walden peer-reviewed journals. The results were still vague and minimal. Keyword searches for specific shooting victims or recent legislation, such as *Andy Lopez*, *Tamir Rice*, *Dedric Colvin*, *Imitation Firearm Safety Act*, *Senator Muse*, and *Alicia Reece* segued to articles about neighborhood disparities, graphic novels, the Black Lives Matter movement, racketeering, mental illness, and the demilitarization of police. There continued to be a lack of focus on the issue of police shootings involving imitation firearms.

During the second phase of my literature review, hundreds of peer-reviewed articles were found in the Walden Library that discussed multiple streams approach. An initial search in Pro-Quest on the words *Kingdon* and *theory* showed 649 possible articles. The results were narrowed to 174 by specifying *Kingdon* and *three streams theory*. After reviewing all 174 articles, the list was reduced to 17 articles. I continued to search themes via keywords, tapering the focus until authors, ideas, and theories repeated. The secondary sources were coupled with Kingdon's seminal book; *Agendas, Alternatives, and Public Policies* (1995). Originally published in 1984, Kingdon released an update in 1995 adding a tenth chapter to discuss the continued relevance of multiple streams as evidenced in three historical events; the Reagan revolution, the tax reform act of 1986, and health care initiatives from the Clinton administration (Kingdon, 1995). Kingdon also released a third edition in 2010 adding an epilogue on health care reform

comparing the presidential administrations of Clinton and Obama. The second edition of Kingdon's book was used as the primary source for my research because it was the most relevant.

During the third phase in my literature review, scholarly databases were searched for *multiple streams approach* and *guns* but found minimal references. One meta-review was conducted that analyzed all articles that referenced the multiple streams approach between 2000 and 2013. The author suggested there were at least 311 references to the theory, in 22 different fields, but nothing specific to guns, or imitation firearms (Jones et al., 2016). One additional article was found during an open internet search. The author did reference both multiple streams approach and guns, but the purpose of the article was policy agenda shifts between the liberal and conservative continuum (Durr, 1993).

After completing my literature review, I determined my research was necessary and timely. There were no national databases that tracked imitation firearm related injuries or deaths. Historically, only one study was completed on the topic of toy guns and crime in the last 30 years, and no studies were conducted in the area of Mesa County, Colorado. The rest of this chapter elaborates on why this qualitative ethnographic research was necessary.

Development of Phrase "Imitation Firearm"

One limitation to this study was the use of the phrase imitation firearm. A linguistic review of the words determined the phrase was not universally known, but the concept, or meaning of the phrase, was understood across the United States. For example, typing the phrase *imitation firearm* into the general search field of Walden peer-reviewed

articles returned zero results. The limited return suggested the topic was understudied, or the phrase was unknown. A content analysis of online news articles also produced minimal returns. Changing the phrase to *fake gun*, *imitation gun*, or *look-alike gun* produced a larger list of articles. The top news entries described subjects involved in criminal behavior while holding a toy gun that looked real, or police shooting subjects holding a non-firing gun they thought was real. None of the articles defined the words imitation firearm. To fully understand the intent of this research, it was imperative to dissect and defined the phrase imitation firearm.

For this research, guns were divided into three categories; *toy*, *real*, and *other*. There was little debate over the definition of toy guns and real guns. The *other* category, however, was a challenge. In the following section, the terms *toy* and *real guns* are defined, my selection of the term *firearm* over the word *gun* is explained, and finally, the word *imitation* is analyzed. At the end of this section the term *imitation firearm* has a working definition most readers can understand.

Review of Toy and Real Guns

The National Rifle Association (NRA), a U.S. nonprofit that advocates for gun rights, has approximately 6 million members that strongly support the second amendment (National Rifle Association, 2018). The National Association for Gun Rights (NAGR), a group self-proclaimed as more conservative than the NRA, has over 4.5 million members (National Association for Gun Rights, 2018). In opposition to the NRA and the NAGR, the Coalition to Stop Gun Violence is a group of nearly 50 different organizations that believe in their mission to stop American gun violence through advocacy and education

(Coalition to Stop Gun Violence, 2018). Altogether, this represents a lot of citizens talking about guns and gun control.

Despite their differences, both sides agreed on what constituted a toy gun and what was considered a real gun. Toy guns were items manufactured specifically for children's playtime (Carter et al., 1990), such as water pistols, cap guns, or laser tag guns. Toy guns were usually bright colored pieces of plastic with obvious markings indicating it was meant as a toy. Real guns included any type of firearm that discharged ammunition by the "action of an explosive" (Gun Control Act of 1968, 1968, p. 1214).

Development of Key Research Phrase

I elected to use the word *firearm* in place of *gun* in the key research phrase. This qualitative study was conducted in Mesa County, Colorado, and per Colorado Revised Statutes, a *firearm* was "any handgun, automatic, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges" (Keatley, 2017, sec. 18-1-901(3)(h)). The term firearm encompassed the intent of the study. The term *gun* lacked a comprehensive definition in the revised statutes. On the other side of the spectrum, the word *weapon* was overly descriptive and included knives, arrows, brass knuckles, and other dangerous items. As such, the best option for this study was the word firearm instead of gun or weapon.

Now that toy and real guns were identified, and the term firearm was validated, the final issue was describing the third category of guns labeled *other*. In section II of the Police Executive Research Forum report, three types of weapons were identified and described; toys, pneumatic guns, and replica guns (Carter et al., 1990). Toy guns were

already discussed above, which leaves pneumatic guns and replica guns. Pneumatic guns are guns that propel a projectile through the air from the force of pneumatic pressure. Replica guns were full size guns designed to look real but not function as a gun (Carter et al., 1990, p. viii). Per the authors, pneumatic weapons were “clearly not firearms but they also could not be classified as a toy” (Carter et al., 1990, p. 16).

Pneumatic weapons and replicas were excluded as firearms based on semantics. The previously used definition of firearm emphasized the word explosive as the means of propulsion. Real guns used some type of explosive charge to propel the ammo, cartridge, or bullet forward. Pneumatic guns also propelled an object forward, but they used the power of air. The terminology alone excluded pneumatic guns from qualifying as firearms per Colorado law. Similarly, replica guns were defined as such because they were unable to fire, which also excluded them as a firearm in Colorado.

Pneumatic weapons and replicas were eliminated from the toy category based on marketing and intended purpose. Pneumatic weapons, which include BB guns and air guns, contain warnings and safety considerations. Daisy, the company that manufactures the iconic Red Ryder Model 1938 BB gun, marketed the lever action weapon to ages 10 and over, with adult supervision (Daisy, 2018). A red warning square on the box specifically said, “NOT A TOY” and “MAY CAUSE SERIOUS INJURY”. Replica guns were considered collectible items, like ceramic figurines, or model airplanes, none of which were marketed to children as play things. If the pneumatic weapons were not firearms, but they were also not toys, what were they?

A report published in 1990 used the term *imitation gun* to reference realistic-looking water guns, BB guns, air guns, and replicas (Carter et al., 1990). Imitation means an object simulates or copies something else (Oxford English Dictionary, 2018). As previously discussed, the term firearm was used in place of gun, which led to the phrase imitation firearm to cover items like pneumatic guns and replicas.

Definition of Imitation Firearms

California's definition of imitation firearms was comprehensive, defining them as "any BB device, toy gun, replica of a firearm, or other device that [was] so substantially similar in coloration and overall appearance to an existing firearm that a reasonable person would perceive that the device [was] a firearm" (California Penal Code § 16700, 2017, para. (a)(1)). Based on the above information, the phrase imitation firearm was defined as any BB gun, airsoft gun, pellet gun, replica, or other device, that a reasonable person would believe was a real firearm because of the shape, color, or overall appearance. Figure 1 is an example of a realistic-looking BB gun, or imitation firearm. The weapon in the figure is the same model involved in one of the 2018 police shootings



Figure 1. Imitation firearm example (Umarex USA, 2019).

analyzed in Chapter 4.

Conceptual Framework

Several theories and concepts apply to the policymaking process, such as the Advocacy Coalition Framework (ACF) from the 1980s and the Institutional Analysis and Development (IAD) framework designed by Elinor Ostrom. The Advocacy Coalition Framework suggested there was more than one interpretation to a problem and uncertainty can be reduced by providing an abundance of new information on the topic (Pierce, Peterson, Jones, Garrard, & Vu, 2017). Institutional Analysis and Development was a systemic method that attempted to explain and predict outcomes (McGinnis & Blomquist, 2017). Both approaches had their place in policymaking reform, however, the work of Kingdon's multiple streams approach focused more on the source of the policy initiative and the unique alignment of problems with politics and agenda setting to create an open window of opportunity (1995). As such, the multiple streams approach was the best framework to use for this research study.

Multiple Streams Approach

Kingdon introduced the multiple streams approach to policy reform after spending four years studying policy agenda setting in the health and transportation fields (1995). Kingdon conducted nearly 250 interviews of congressional staff, executive branch members, lobbyists, journalists, consultants, academics, and researchers, using a snowball technique, panel style approach (Kingdon, 1995). The independently, double coded interviews, were paired with public opinion surveys, case studies of policy initiatives, and publicly available records from congressional agendas, hearings, and

reports (Kingdon, 1995). The outcome was Kingdon's influential publication discussing indicators, focusing events, problem recognition, and the inevitable cycles of policy reform.

Multiple streams approach was developed from realistic personal experiences that other conceptual frameworks failed to address (Zahariadis, 2014). Kingdon suggested that policy agenda setting was predominantly impacted by three streams; the policy stream, the problem stream, and the politics stream (1995). Per Kingdon, all three streams needed to align in a coupling process if a policy window of opportunity was to open (1995). Figure 2 demonstrates the coupling process. Kingdon proposed that policy

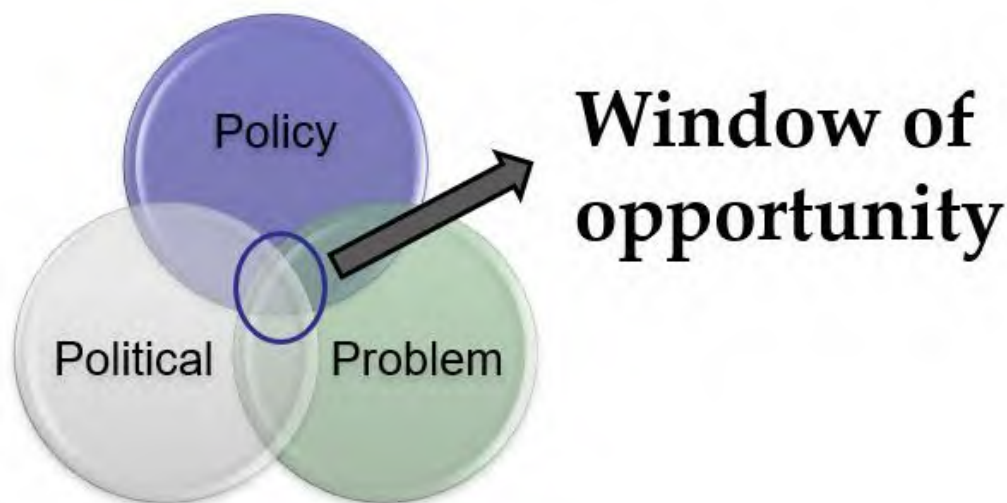


Figure 2. Visual of stream alignment.

windows were opened when streams crossed, and during that brief opportunity, policy reform was possible because of the alignment of solutions with problems (1995). The process was non-linear. Proponents appreciated the flexibility of the approach because it could be applied to a variety of disciplines (Cairney & Zahariadis, 2016). Critics argued that the malleable aspect was a weakness that “undermine[d] conceptual development”

(Jones et al., 2016, p. 31). I agreed that Kingdon's approach was very adaptable, but also that some of Kingdon's descriptions of open windows and coupling logic were overly academic.

A content analysis of scholarly works that applied Kingdon's concept suggested hundreds of researchers reference Multiple Streams Approach, but very few practitioners "applied] the framework as a whole" (Herweg, Hub, & Zohlnhofer, 2015, p. 435). To avoid that pitfall, I thought of the policy, political, and problem streams as one entity within the same stream. This adaptation of Kingdon's original approach allowed me to apply Kingdon's concept of coupling in a cohesive manner.

I visualized the problem stream as a flowing river of water. The bottom of the river, or riverbed, represented Kingdon's policy stream and the earthy sides of the river, or riverbank, symbolized the political stream. The depth of the water shifted based on the level of the riverbed, or the more policy resources available for a given problem. Similarly, the political stream, or riverbank, was higher if there was a lot of opposition and lack of coordination between the political parties addressing the problem. Additional earth stacked on the side of the riverbed, or political pushback, made it harder for the problem stream to flood. A rock, or boulder, inserted into the river (problem stream) represented a focusing event. Small scale events created a ripple in the river but did not impact the flow of the water. Large scale events blocked the flow of water forcing it offline.

If the riverbed was high enough (i.e., policy resources were feasible and valued), and the riverbank was low enough (i.e. interest groups and political parties receptive to

proposals), the river exceeded the edge of the channel and leaked into the surrounding area, creating awareness from both citizens and leadership. Coupling, or the process of the streams crossing, was replaced with the idea that all three components of policy reform (the water, the riverbed, and the riverbank) had conditions that aligned at the right moment to allow the river to overflow and flood the community. The open window of opportunity that Kingdon mentioned was represented by the pooling of water outside the river. Shallow flooding provided a short window of opportunity to change policies and deep flooding opened the window for longer. The flooding allowed leadership to implement policies and plans that were previously ignored. This alternative visual of a river flooding allowed me to unify each aspect of Kingdon's framework.

The Problem Stream

Researchers conducting a meta-review of Kingdon's multiple streams approach found that most scholars focused only on the problem stream, ignoring the other two streams (Jones et al., 2016). The impact of the problem stream was more noticeable from the legislative perspective. Four operational subcomponents comprised the problem stream; indicators, focusing events, load, and feedback (Kingdon, 1995). Indicators, load, and feedback had a slow impact on the problem stream while focusing events offered an accelerated effect on the stream.

The problem stream was always moving, with new issues emerging, forgotten obstacles evaporating, and leadership focus shifting from one wave to another based on how big the impact would be if the water overflowed. Indicators, load, and feedback were essential elements to solving any dilemma. Indicators were statistics or conditions that

raised awareness for a potential problem (Jones et al., 2016). News reports often quote indicators, like unemployment rates or suicide statistics, to draw attention to topics. Load referred to the number of problems an organization handled before pushback led to informing leadership about the issues (Kingdon, 1995). Problem processing was influenced heavily by the beliefs and values of each person or organization (Zahariadis, 1996, 2003, 2007).

Example focusing event in the news. All states had some form of gun control, whether it was an age restriction to purchase a weapon, an ammunition limit, or a conceal carry policy that required registration and licensing. All states were also impacted by 15 U.S. Code § 5001 which required a blaze orange tip on the end of toy guns (1988). United States Code, Title 15 (Commerce and Trade), Chapter 76, Imitation Firearms, or 15 U.S. Code § 5001, declared that toy, look-alike, and imitation firearms needed to be manufactured with a blaze orange tip, or plug, recessed from the barrel at least six millimeters from the end of the muzzle (1988). The definition in the code excluded antique firearms made before 1898, traditional BB guns, paintball guns, and airsoft guns firing pellets (Penalties for entering into commerce of imitation firearms, 1988).

The new rule was implemented to help reduce tragedies involving toy guns, unfortunately, tragedies continued to occur. Over the last few years, several states reported a juvenile was injured or killed while holding an imitation firearm. A statistical analysis of all officer-involved shootings in the year 2011 suggested that nearly 50 subjects involved in a police shooting were holding an imitation firearm (Fisher, 2013). The imitation firearms involved in these tragic cases either failed to comply with, or were

not governed by, 15 U.S. Code § 5001. Each tragedy became a focusing event that opened the policy window and provided an opportunity for local laws to change (Kingdon, 1995). In Ohio, the focusing event was the untimely death of 12-year-old Tamir Rice in 2014.

The Rice case was rife with controversy, however, this research only focused on the imitation firearms aspect. On November 23, 2014, Rice was with friends at a playground in Cleveland. Rice, like many boys his age, had a toy pistol with him. A concerned citizen called and reported seeing someone with a weapon at the recreation center (Ray, 2017). Police responded, and disastrously, Rice was shot and killed by the officers on scene. News reports initially indicated Rice was holding a toy gun “functionally identical” to a Colt handgun (Howell, 2015, para. 1). After an extensive inquiry, investigators reported that the orange tip required to be on the gun per 15 U.S. Code § 5001 had been removed (Shapiro, 2015).

Rice’s death was a focusing event for imitation firearm reform in Ohio. After his death, two laws were proposed to prevent accidental shootings involving toy guns; one from Democrat Alicia Reece and one from Democrat Bill Patmon. Reece’s bill proposed a ban on the sale of imitation firearms and punishment for altering toy guns to make them look real (Sneed, 2014). The bill was modeled after California’s Senate Bill 199 (Bamforth, 2015). Patmon’s bill suggested a restriction to the manufacture, sale, and modification of a gun to make it look like a replica or toy (Prohibit imitation firearms, 2014). Both bills stalled in the Ohio House committee (Higgs, 2015). One representative believed the issue was a “disconnect between the priorities of [the Democratic

representative] constituents and the priorities of those at the Statehouse” (Higgs, 2015, para. 3). These differing priorities were representative of Kingdon’s political stream.

Though Rice’s death was a catalyst for change, all three streams were not aligned, thus the policy window was not technically opened. In the case of the flood, the riverbed was stacked with policy opportunities, the boulder of change was large enough to impact the flow of the water, but the political riverbank was too high, effectively blocking a flood.

The Political Stream

In the Rice case, a focusing event created awareness for an issue, but policy reform was unsuccessful because the political stream was not aligned with the problem and policy stream. Without full alignment the window of opportunity does not open.

Pushback in Ohio included manufacturers that believed airsoft guns should look like the real thing to remind children they are dangerous (Sneed, 2014), legislatures that thought the proposed changes would be more dangerous (Higgs, 2015), and gun advocates that were generally opposed to weapon restrictions. Attempts to research imitation firearms legislation was tricky.

A nonpartisan website that tracked the progress of the United States Congress allowed users to search based on subject areas. A drop-down box included dozens of legislative categories, including commerce, families, education, law, civil rights, sports and recreation, crime and law enforcement, and health. Imitation firearms belonged in several of the listed categories. An advanced online search for legislation regarding gun control produced nearly 12,000 results for the 114th Congress in 2015 (Govtrack, 2018). Sample topics included second amendment enforcement, assault weapon bans, secure gun

storage, homemade guns, buyback programs, and convicted criminals' access to firearms. Some items had dozens of cosponsors while others had zero. Both republicans and democrats alike had a nearly equal number of sponsored bills. The search included drafts that were introduced, bills that passed the House of Representatives, ideas that passed the Senate, proposals that were vetoed or overruled, and fully enacted legislation. The original search showed that of the staggering results, almost 10,000 were introduced but never made it passed the House or Senate, and only 327 bills (or 3%) were signed by the President and officially enacted (Govtrack, 2018). A keyword search of the 115th Congress showed only one proposed bill regarding imitation firearms, aptly named the Imitation Firearms Safety Act of 2015 (Govtrack, 2018). The bill was introduced by Senator Richard Blumenthal of Connecticut, with zero cosponsors, and a prognosis that suggested it would not pass (Govtrack, 2018). In other words, during the last Congressional session, very few imitation firearms laws were passed, and in the current Congressional session, the only proposed bill had a bleak future.

Proposals will not be successful without the alignment of the political stream. A plethora of factors impact the political stream, like the current presidential regime, the national mood, the time of year (e.g., is it an election year), interest and activist groups, and lobbyist knowledge. Interviews with policy advocates showed they were hesitant to propose a policy if they anticipated strong pushback from dominant interest groups (Herweg et al., 2015). Another interview suggested a major problem with gun legislation, regardless if the bill applied to toy guns, real guns, or imitation firearms, was the fact the bills were labeled gun control issues instead of public-health concerns (Gregory &

Wilson, 2018). As previously mentioned, depending on an advocate's angle of interest, imitation firearm policies could be labeled a sports and recreation problem, a gun control issue, a health and safety concern, a manufacturing dilemma, or even a criminal justice matter. How a problem or proposed policy was labeled had a strong impact on the political stream.

At a minimum, a proposed policy was ineffective if the content of the problem was not properly analyzed and researched. Worst case scenario, a lack of research could result in the policy proposal failing to advance forward during legislative sessions. The keywords in a policy summary have a huge impact on successful alignment with political constituents. For example, labeling the untimely death of a 12-year-old boy a gun control issue versus a health and safety issue effected the resources available to address said problem.

The CDC use applied research to keep the United States of America healthy and safe (CDC, 2018). A search of the CDC research database for gun related articles led to an entry on nail gun safety, a report on emergency room statistics covering the treatment of gun related injuries, and one article described BB and pellet gun injuries from 1992-1994 (CDC, 2018). Switching the search term from *gun* to *firearm* produced historical reports on firearm deaths from 1968-1991, firearms related potential life lost from 1980-1991, and California firearm deaths from 1995-1996 (CDC, 2018). The only recent research was a 2014 summary of information related to gun deaths listed on the National Violent Death Reporting System (CDC, 2018). The CDC was considered a leading

source of research information, but it failed to capture the gravity of firearms related deaths because of political hurdles.

The Dickey Amendment was a provision inserted as a rider in the 1996 federal government omnibus spending bill (Dickey-Wicker Amendment, 1996). Proposed by Arkansas republican Jay Dickey, the amendment restricted the CDC from using government funding to research gun control related issues. Representative Dickey implied to Congress that gun related research done by the CDC crossed the line from researching diseases into the realm of political advocacy (Dickey-Wicker Amendment, 1996). The National Rifle Association pushed for the amendment in response to a CDC study on homicide and guns in the home. Dr. Mark Rosenberg headed a 1993 CDC research study that showed homes with a firearm were at a higher risk for homicide compared to homes without a firearm (Kaplan, 2018). Gun advocates rejected the final report and suggested the CDC research was bias and an unnecessary duplication of other research (Dickey-Wicker Amendment, 1996). The Dickey Amendment was approved, and money previously used for CDC gun research became earmarked for studying traumatic brain injuries.

The effect of the Dickey Amendment was not just monetary, it was a political message that cautioned scholar practitioners. The Dickey Amendment “delivered a powerful message: Pursue research on hot-button questions about guns and face the wrath of lawmakers who control the agency’s funding” (Greenfieldboyce, 2018, p. 8). Johns Hopkins Center for Gun Policy and Research dealt with similar restrictions. Grants and government funding for doctoral or postdoc research related to gun policy was not

available (Wexler, 2017). Funding restrictions, political pushback, and legislative loopholes kept the field dedicated to gun research very small. Additionally, advocates believed “the federal government hamper[ed] the collection and distribution of data that could significantly enhance the understanding of gun violence” (Wexler, 2017, p. 5).

The Policy Stream

Practical, feasible solutions to problems develop slowly, and in the aftermath of a large, media-centric focusing event, there are limited resources to dedicate to developing a solution. As such, “policy entrepreneurs develop solutions in anticipation of future problems” (Cairney & Jones, 2016, p. 40). The policy stream focused on the technical feasibility of a solution and the available resources. It was not uncommon for policy entrepreneurs to have several solutions ready for implementation. In these cases, the policy entrepreneurs are waiting for an opportunity, or problem, to emerge that fits the criteria of the given solution. Kingdon referred to these initiatives as policy communities (1995).

The policy stream focus adjusted based on changes in administration, shifts in the national mood because of a focusing event, or because of a major event in the political stream (Kingdon, 1995). Any shift in the policy stream created a new set of priorities. Policy entrepreneurs not only developed solutions before a problem emerged, they also tested for political acceptability. Policy windows opened for a finite time and it was important that advocates promoted and endorsed proposals with the greatest likelihood of success. If an interest group, like the NRA, provided strong pushback against a policy

proposal, entrepreneurs were reluctant to fight for the policy change during that political administration.

California Legislation and the Multiple Streams Approach

California provided a solid example of the ebb and flow of imitation firearm policy reform. California had the most restrictive imitation firearms legislation to date. California also had the most comprehensive definition of what constituted an imitation firearm. The development of California's legislation started with a tragic series of injuries and deaths related to imitation firearms. Kingdon cautioned researchers not to fall victim to infinite regression (1995). As such, it was not beneficial to try and pinpoint the original cataclysmic event, however, understanding a historical snapshot from the state provided pertinent information about the legislative process from the perspective of the Multiple Streams Approach.

Despite a lack of comprehensive databases documenting the injuries and deaths associated with police shootings and imitation firearms, California's history of violence was traced by way of newspaper articles. A statistical review of officer-involved shootings in 2011 revealed California was considered the 'most deadly state' with 183 police related shootings (Fisher, 2013). In addition, three of the top five cities with the highest per capita shooting rate were in California; Fresno led the pack with Oakland in fourth and San Jose rounding out the fifth spot (Fisher, 2013). The 2011 report did not include a breakdown of incidents involving imitation firearms in California, but it did annotate that about 50, of the 1,146 reported shootings, involved imitation firearms. Considering California had the most shooting incidents, and news reports mentioned

various imitation firearm tragedies in California, it was fair to assume a large portion of the 2011 tragedies involving fake guns occurred in California.

Focusing events involving juvenile victims were the most influential for California policy reform. In 2010, Rohayent Gomez Eriza, 13, was paralyzed in a police shooting in Los Angeles when his pellet gun was mistaken for a real firearm (Cavaliere, 2015). Investigators revealed that Gomez Eriza was tragically shot while he was holding what appeared to be a 9-millimeter Berretta handgun (Cavaliere, 2015). The tragic shooting in Los Angeles opened legislatures eyes to a possible issue with imitation firearms. The next year, one California school district reported expelling 70 students for bringing fake guns to school, and suspending another 1,330 kids (Ferris, 2012). Punishing students for having toy guns at school might not seem like a controversial issue, however, the documented numbers show that at least 1,400 children had access to guns that looked real. Based on the school information, it was no surprise that in 2013 Andy Lopez, another 13-year-old, was shot by police while carrying a toy AK-47 assault rifle in Santa Rosa (Steinmetz, 2013).

Fast forward two years and the list continued; Ernesto Flores of San Bernardino, Richard Perkins in Oakland, Lamontez Jones in San Diego, Gino Paredes in Modesto, Alberto Hernandez in San Ysidro, Aaron Marchese in Fresno, Matt Coates of Sacramento, Adrian Hernandez near Bakersfield, and John Sawyer in Calimesa (Fatal Force, 2018). Many of these incidents involved criminal activity on behalf of the person killed, which placed them in a different category from the juvenile victims. Regardless of the circumstances, these cases represented a negative trend in California where subjects

were dying in association with realistic-looking fake guns. The focusing events led to movement in the policy stream and changes in agenda setting.

Senator Kevin De Leon from District 24 took an interest in the topic of imitation firearms after the Gomez Eriza incident (Imitation Firearms Safety Act, 2014). Senator De Leon wrote Senate Bill 798 in partnership with then Los Angeles Police Chief Charlie Beck, proposing that BB guns should be included with previous legislation demanding bright colored exteriors (2011). The Bill passed the democratic controlled senate with a vote of 21-16, but vigorous opposition by the NRA led to eventual failure at Assembly Public Safety Committee (Ferris, 2012). The following year, Senator De Leon introduced Senate Bill 1315 based on modifications made to the rejected SB 798. The new bill allowed cities within Los Angeles County to implement local laws more restrictive than state laws regarding the manufacture, sale, use, and possession of BB guns, toy guns, and replica guns (Imitation Firearms: County of Los Angeles, 2012).

Initial attempts to change legislation after the paralysis of Gomez Eriza were partially successful. The tragic shooting was the focusing event that opened the policy window, however, the pushback of interest groups meant the window was not completely open for reform. Modifications to the bill, reducing the geographic focus to a specific county in California, gained the approval of the policy stream allowing the window to fully open and the bill to pass. Gomez Eriza's incident was tragic, but not tragic enough to demand the full attention of the constituents involved in the agenda process. The death of Lopez, however, caused public opinion on the topic to shift, thus opening the imitation firearm policy window even further.

California Senate Bill 1315 allowed the County of Los Angeles to implement imitation firearms regulations more restrictive than the state. The bill enabled the County to regulate BB guns, replica firearms, and any “device...so substantially similar in coloration and overall appearance to an existing firearm as to lead a reasonable person to perceive that the device [was] a firearm” (Imitation Firearms: County of Los Angeles, 2012, para. 1). Barely a year after Senate Bill 1315 was signed, Lopez was killed in Santa Rosa while holding an imitation AK-47. Lopez’s death shifted the interests of policy advocates.

In response to the shooting, hundreds of citizens marched in protest, holding signs and demanding action (Steinmetz, 2013). Politicians answered by drafting the *Imitation Firearms Safety Act* (BB Devices, 2014). Simultaneous with the Senate Bill, the family of young Lopez filed a civil rights lawsuit. The legislative process was a long and winding road, and eventually, Senate Bill 199 was approved with an expected start date of January of 2016. The bill prohibited “purchasing, manufacturing, shipping, transporting, distributing, or receiving an airsoft gun unless the entire exterior surface of the device [was] white” or a bright color like red, orange, yellow, green, blue, pink, or purple, or the item was transparent “permit[ting] unmistakable observation of the device’s complete contents” (BB Devices, 2014).

Gomez Eriza’s tragic encounter with police created initial awareness for imitation firearm problems, but it failed to grab the attention of enough advocates. Lopez’s subsequent death harnessed the focus from the Gomez Eriza event and catapulted the issue forward. Senator De Leon drafted several bills, modifying and adjusting his focus

based on pushback from the political stream. Eventually, Senate Bill 199 was approved and implemented, but not all legislatures were that successful. Similar to Senate Bill 199, Senate Bill 213, sponsored by Senator Barbara Boxer, attempted to amend 15 U.S. Code § 5001 from just requiring a blaze orange tip on toy guns to requiring manufacturers to permanently paint the entire outside of the toy, look-alike, or imitation firearm either white, or any of the following bright colors; red, orange, yellow, green, blue, pink, or purple (Look-Alike Weapons Safety Act of 2015, 2015). The new regulation would have extended the impact of the bill to include airsoft guns firing nonmetallic projectiles, traditional BB guns, and pellet guns that use air for projection. In Senator Barbara's case, the political stream was not aligned with the other two streams.

Multiple Streams Approach Applied to Imitation Firearm Legislation

Original Focusing Event for Imitation Firearm Reform

The multiple streams approach suggests that an indicator or focusing event evolves from a condition into a problem when all the streams merge together and a policy window opens (Kingdon, 1995). Policy makers prioritize incoming requests to change legislation based on which problem was most relevant compared to all the current problems (Herweg et al., 2015). The 1980s were peppered with various events that could trigger policy reform; Mount St. Helens erupted causing environmentalists to question available tracking devices, John Lennon was assassinated creating inquiries into gun control, the Challenger exploded motivating engineers to review their processes, and AIDS was first reported inducing a panic in the health sector. Each of these focusing events impacted policy agenda setting in different ways. In the world of imitation

firearms, the focusing event was a hostage situation that was broadcast on live television (Rohrlich & Thackrey, 1987).

In 1987, a 34-year-old man snuck onto the set of KNBC-TV and pressed a handgun into the back of veteran reporter David Horowitz. The hostage taker said he would shoot Horowitz unless he read a rambling statement on-air about aliens and the CIA (Rohrlich & Thackrey, 1987). The issue was safely resolved, and the weapon was identified as a .45-caliber replica handgun. Horowitz was a consumer reporter known for his Emmy-winning show on low-quality businesses and products. After the incident, Horowitz used his advocacy knowledge and local celebrity status to demand Congress change toy gun regulations. Horowitz even went to a meeting held by the House Energy and Commerce subcommittee and demonstrated how hard it was to tell the difference between a toy gun and a real firearm (Ingram, 1988; Vollmer, 1987).

Horowitz's efforts paid off; the following year Public Law 100-615, also known as 15 U.S. Code § 5001, was introduced. Per the new law, toy gun manufacturers needed to insert a blaze orange plug in the barrel of all toy, look-alike, or imitation firearms (Penalties for entering into commerce of imitation firearms, 1988). In addition to the manufacturing requirements, the Bureau of Justice Statistics (BJS) was directed to study the criminal misuse of toy guns and the National Institute of Justice (NIJ) was directed to do a technical evaluation of the proposed blaze orange tip marking system to determine effectiveness (Penalties for entering into commerce of imitation firearms, 1988). This incident demonstrated how all the streams can align at once and open a policy window in

a way that allows legislative reform. The incident also showed how a new bill can contain additional caveat statements, such as expectations to conduct follow-up research.

Seminal Research on Imitation Firearms

After Horowitz was held at gunpoint with a realistic-looking fake gun, Public Law 100-615 was enacted. The new law mandated orange tips for toy guns, and it directed follow-up studies regarding look-alike guns. One of the directives tasked the Bureau of Justice Statistics with studying the criminal misuse of toy guns. The two main goals of the study were to document the number of crimes committed with a toy gun and to document the number of times police encountered people with realistic-looking toy guns (Carter et al., 1990). The final report became the seminal research product on imitation firearms.

The study implemented a mixed-methods, three-pronged approach to answer their research questions. First, analysts formed a baseline of possible issues and trends by scouring databases and online sources to find any police type news reports that mentioned toy guns. The second step was to distribute surveys to any law enforcement agency that served a population of at least 50,000 people (Carter et al., 1990). The response rate for the surveys was about 70% (Carter et al., 1990). The final action was to conduct interviews at law enforcement agencies to gather information about police encounters with toy guns. A total of 27 agencies were visited across the United States (Carter et al., 1990). The date parameters for the research included incidents that happened between January 1985 and September 1989 (Carter et al., 1990).

Researchers were able to gather groundbreaking information that revealed a portion of crimes were committed with fake guns. During the prescribed time period, about 15% of all robberies were committed with a realistic-looking fake gun and over 31,000 imitation guns were seized by police because they were associated with criminal activity (Carter et al., 1990). Researchers also showed that of the 186 departments that responded to the survey, at least 252 cases were documented where an officer said they had to use force against a person that was holding a fake gun the officer thought was real (Carter et al., 1990). These numbers seemed staggering, however, there were no other reports to use as a comparison. In addition to a lack of previous data on the topic, the process of gathering information for the study was flawed.

The two main flaws were department policies and human error. Most departments did not have a policy requiring officers report imitation firearm related events. Several officers admitted they had an encounter with a subject holding a toy gun that was not documented because it did not meet reporting requirements (Carter et al., 1990). In addition to a lack of reporting, none of the participating agencies had a database that tracked incidents with imitation firearms separate from real firearms (Carter et al., 1990). Instead, employees from participating departments hand gathered the data by rifling through years of dusty files to find applicable reports. Possible human flaws, such as missing a file, were unintentional. These deficiencies (no formal reporting process and accidental human error) meant the numbers gathered by researchers during the study were lower than the actual numbers of imitation firearm incidents.

Despite the ground-breaking nature of the report, the authors did not make future recommendations or develop a general conclusion based on their limited statistics. The report labeled the problem as “elusive” (Carter et al., 1990, p. 41) and said there was “no clear answer to the question” (Carter et al., 1990, p. 41). The most substantial part of the final report were the statements made by officers during interviews. When law enforcement personnel were asked their thoughts on the new marking standards for toy guns, the officers said they were “ineffective,” “insufficient,” and a simple inconvenience that could easily be altered (Carter et al., 1990, p. 37). Another statement said that the current toy gun designs were overly realistic and even under optimal lighting the officer could not differentiate a toy from the real thing (Carter et al., 1990). “The fact remains...law enforcement personnel interviewed in this project had significant concerns about realistic-looking appearances of pneumatic pistols” (Carter et al., 1990, p. 20).

Imitation Firearms Data Gaps

The research endeavor handled by the Bureau of Justice Statistics was a cooperative effort meant to dissect the impact of imitation firearms and crime. One result of the study identified police officer concerns with realistic-looking toy guns (Carter et al., 1990). Sifting through the final report, I identified several areas of interest that were not in the summary; no universal tracking databases for police shootings involving realistic-looking fake guns, no consistent reporting standards for unlawful usage of imitation firearms, no national agreement on what constitutes an imitation firearm, and omissions in 15 U.S. Code § 5001. A review of these gaps determined that a decade after the report was published, none of the issues were addressed on a national level.

House of Representatives member Edolphus Towns requested information on toy guns and crime from the Homeland Security and Justice Issues department in 2003 (Ekstrand, 2003). Laurie Ekstrand responded to his request via a letter titled *Information Generally Not Available on Toy Gun Issues Related to Crime, Injuries or Deaths, and Long-Term Impact* (2003). The letter suggested existing databases were flawed and deficient leading to limited information on crimes and injuries involving toy guns (Ekstrand, 2003). The inadequacies ranged from a lack of useful information to legislative rules restricting the type of data gathered. For example, a hospital ER database was not able to separate statistics on toy gun shootings, and The National Violent Death Reporting System (NVDRS), the only national database created to gather information on violent deaths, was not in operation (Ekstrand, 2003). One database was able to separate output to include a variable for toy guns, but because of their mission statement, they chose not to track incidents involving law enforcement or crime.

Since the 1980s, there has been a lack of statistical data documenting imitation firearms and crime (Carter et al., 1990; Ekstrand, 2003). Law enforcement agencies are encouraged to self-report, but per the Justice Department, there are no comprehensive databases for officer-involved shootings (Lowery, 2014). This lack of data made it hard to analyze imitation firearm trends. The reasons for not tracking the information was varied, to include the Dickey Amendment, department policies, and a lack of understanding what information was essential for quality analysis. Multiple online searches showed there were no available online sources that specifically tracked imitation firearms, but there were a few that tracked police shootings involving imitation firearms.

The Center for Homicide Research, a non-profit volunteer organization, did not provide statistics but it listed hyperlinks to databases claiming to track officer-involved shootings.

A disclaimer at the top of the list said The Center for Homicide Research did not endorse the list; they were just providing a resource (2018). Many of the links were location specific, such as New York, Utah, San Diego County, Indianapolis, Jacksonville, Orlando, Georgia, Chicago, and Dayton, Ohio. None of the databases included information specific to Colorado. The Department of Justice hyperlink was non-functioning, and the subscript noted the database was a concept initiated in 2016. Attempts to find the database were unsuccessful. The link to the database Deadspin worked, but the content was several years old. I assumed the site was defunct and excluded it. I reviewed all other hyperlinks for national databases, including Fatal Encounters, Killed by Police, The Counted, Fatal Force, and Mapping Police Violence.

Of the five databases searched, three were excluded as reliable sources of information. Databases were excluded as a viable research option if the content was biased, if a search field did not exist, or if the information was a copy and paste from another database with no additional analysis. The three excluded databases were Killed by Police, The Counted, and Mapping Police Violence. The two useful sites were Fatal Force and Fatal Encounters.

Killed by Police was a personal effort by a single contributor attempting to provide information on police shootings. The site opened with a request for donations then segued to a simple list of shootings sorted by date, state, and name with hyperlinks to relevant news sources. The list did not have any search features and the information

was clearly gathered from another source. The site organizer did not provide any analysis of the information and the cases listed on the Killed by Police site would not provide scholarly additions to my research.

The Counted, hosted by The Guardian newspaper, claimed to be “the most thorough public accounting” of shootings, but admitted it was an “imperfect work in progress” (The Guardian, 2018, para. 2). The purpose of the database was twofold; first to ensure anyone killed by law enforcement in 2015 and 2016 was not forgotten, and second, to initiate an open conversation about police use-of-force (The Guardian, 2018). The Counted gathered information from news reports and other databases, like Fatal Encounters. Though professional in appearance, the site only contained data for two years and it lacked the details necessary to analyze imitation firearms related shootings. Subjects that allegedly had weapons on them during the shooting but did not attempt to use the weapon were listed as unarmed for the site’s statistical purposes (The Guardian, 2018). Also, BB guns were listed in the *other* category, which also contained incidents where a person was armed with a machete or sword (The Guardian, 2018). These labeling irregularities made it hard to track BB gun and pellet gun incidents. The Counted was excluded to avoid duplicates with its source database, Fatal Encounters.

The final exclusion was Mapping Police Violence, another site that gathered info from news reports, obituaries, open records, and other databases like Fatal Encounters. The site suggested that a little over 1,000 people were killed by police annually from 2013-2017 (Mapping Police Violence, 2018). Comments posted on the site suggest the responsible parties for the information are biased against police. For example, the site

host wrote, “We cannot wait to know the true scale of police violence against our communities” (Mapping Police Violence, 2018, para. 2). This last site was excluded because of perceived bias against law enforcement.

After excluding sites that were biased, databases with no search features, and repeat references to other sources, Fatal Force and Fatal Encounters were the remaining resources. Both databases provided basic statistics that were used as secondary sources when developing my research study. Fatal Force was more user friendly, but Fatal Encounters was more useful, providing thousands of records in addition to analysis and recommendations.

Fatal Force, a database hosted by The Washington Post, specifically tracked shootings by on-duty police officers. The site did not track in-custody deaths or shootings by off-duty officers. Fatal Force contained statistics from 2015 to 2017 with six-months of 2018 data. As new information becomes available from police reports or news releases, editors update existing entries. Some of the search fields included state, gender, race, age, mental illness, and weapon. Clicking on a search field produced a drop-down list allowing the user to sort the overall results. The weapon field contained seven sorting options; gun, knife, vehicle, toy weapon, other, unarmed, and unknown. Unfortunately, BB guns and pellet guns do not automatically appear under the toy gun category.

Fatal Encounters, the most comprehensive public database, documented over 24,000 records of deaths associated with police interactions since 2000 (Fatal Encounters, 2018). In addition to the compiled statistics, the site questioned if modified policies and training could lead to a reduction in police shootings (Fatal Encounters, 2018). The site

also recommended focus areas that could benefit from additional research. Three interactive buttons on the main page allowed a user to search the database, download the database, or use Tableau software to visualize the data via graphs and charts. The search feature was user friendly, but Boolean search terms did not work.

Fatal Encounters was searched with a variety of keywords until the high-profile case (Tamir Rice) was listed in the returns. My first search phrase, *toy gun*, returned twenty-two items, but *Tamir Rice* and *Ohio* were not listed. Substituting the term *fake gun* returned nineteen results but Rice still did not appear. *Imitation gun* as a keyword search only showed one result. *BB gun* revealed 105 hits, including Tyre King of Ohio, and at least four incidents in Colorado, but not Rice. Rice's case was only listed when the single word *fake* was searched. Using the word *fake* produced forty-five non-firearm results, with entries for fake names, prescriptions, checks, grenades, bullets, and license plates. Searches for *airsoft gun*, *pellet gun*, and *replica gun* respectively returned, eight, ninety-nine, and fourteen incidents. Sifting through each case showed several repeat incidents involving BB guns, pellet guns, and airsoft guns.

Cases appearing under multiple keyword searches made it difficult to track overall incidents with imitation firearms. A basic filtered search, eliminating repeat cases, showed at least 305 cases of subjects shot by police while holding imitation firearms between January 2000 and July 2018. This number did not account for non-fatal shootings. The number was not all encompassing, but it did show an ongoing problem with citizens pre-maturely dying in relation to realistic-looking fake guns.

Existing Legal Considerations in Colorado

Police officers working in Colorado are guided by Colorado Revised Statutes (CRS). A review of the CRS determined there were no state-wide charges specific to imitation firearms. Title 18 inside the book covers the criminal code throughout the state. Conducting a digital search of the CRS for the keyword *firearm* returned 146 results. Most references to firearms occurred in Article 12, Offenses Related to Firearms and Weapons. The types of categories covered under CRS include illegal discharge of a firearm, unlawfully providing a handgun to a juvenile, defaced firearms, concealed weapons, possession of weapons by previous offenders, and prohibited use of weapons (Keatley, 2017). Other offenses regarding firearms, such as possession of a loaded firearm in a vehicle or discharging a weapon from a moving vehicle, were found in the motor vehicle section (Keatley, 2017). Additional searches for *gun* and *weapon* returned similar results. None of the listed offenses include imitation firearms.

A separate search for the keywords *BB gun*, *pellet gun*, *pneumatic gun*, and *gas gun* produced nine results. *Airsoft* and *air soft* searches produced zero results. The most relevant reference was a misdemeanor charge of third-degree assault if a suspect used a BB to strike a victim's vulnerable areas (Keatley, 2017). Other references to BB guns appeared in the Children's Code to specify that a BB gun or pellet gun did not count as a firearm when determining if an armed juvenile was considered a danger to themselves or others (Keatley, 2017).

Using the keyword *imitation* returned 62 results, including a definition and criminal charges for possessing, selling, using, or making imitation controlled substances,

counterfeit money, fake dairy products, and faux turquoise (Keatley, 2017). There were no entries specific to imitation firearms.

Summary and Conclusions

Each of the above legislative examples were driven to change by a tragic catalyst or as Kingdon would say, a focusing event. Decisions were made following the event based on the demands of the community. When the political stream, policy stream, and problem stream align, a window of opportunity opens. During that opening, policy entrepreneurs can propose changes to existing policies or implement new policies. Unfortunately, the window closes quickly, and most policy advocates are unable to gather data or research to support the recommended legislative changes. Attempts to change policies showed that proposals that lacked adequate research were unlikely to succeed. Mesa County, Colorado does not currently have specific regulations on imitation firearms. The county also lacks a reservoir of useful data to use when making informed decisions. Conducting this study will allow the county to gather important information on imitation firearm legislation prior to a focusing event.

Chapter 3 articulates the research methodology and design and explains how the pertinent information will be gathered for the study. The information can help policy entrepreneurs develop viable solutions to problems that have yet to emerge.

Chapter 3: Research Method

Introduction

Chapter 2 discussed the lack of research on imitation firearms at the local and national levels. Chapter 2 also identified a gap in statistics because imitation firearm issues were not uniformly tracked. As such, attempting to define the problem of imitation firearms using quantified data was a difficult task. To understand the nature of the issue in Mesa County, a qualitative ethnographic research study was the best approach. This chapter outlines the research design, the role of the researcher, the methodology, participant selection, data collection, and data analysis of the study.

Research Design and Rationale

This research was designed as a qualitative ethnographic study using a combination of secondary data, observations in the field, and interviews. Ethnography, a research methodology linked to anthropology, provides an opportunity to gain a contextualized meaning of a phenomenon (Ravitch & Carl, 2016). This inductive process can produce rich and descriptive data that can help change awareness of a specific issue or situation (Ravitch & Carl, 2016). Gathering information from multiple sources allowed me to triangulate and enhance the validity of the results (Patton, 2015). The research design was place-based and activity-focused. The place was the geographic area of Mesa County and the activity was the phenomenon of police shootings involving subjects holding imitation firearms. The index case driving the study was the 2016 shooting of Camacho in Mesa County. The high impact case guiding the study was the fatal shooting of Rice in Ohio in 2014.

I originally planned to start with field observations, followed by secondary data, and interviews. Instead, I switched the order and did secondary data analysis first to fully understand the scope of the issue on a national level. I intended to complete field observations by walking through local businesses, attending sporting events where imitation firearms were used (i.e. airsoft tournaments or shooting competitions), and visiting local parks where citizens were known to play with fake guns. Attendance at sporting events and visiting local parks were excluded after discussions with the Walden Institutional Review Board (IRB).

Conducting field observations helped me understand the nature and source of the problem from multiple perspectives. Visits to local businesses helped me gather first-hand awareness of imitation firearms packaging and placement, warning labels, and the appearance and feel of the guns. After the field observations, in-person interviews were completed. Conducting in-person interviews allowed me to develop a deep understanding of citizen perspectives (Patton, 2015) and translate their personal experiences into themes and trends that provided enhanced meaning (DiCicco-Bloom & Crabtree, 2006). The notes and data gathered from field observations and personal interviews were coupled with my secondary data analysis, which enhanced the credibility of the findings.

Role of the Researcher

The role of the researcher in this study was two-fold; to be a good observer and to protect the welfare of the subjects. My first role was to be a detached and neutral witness. It was imperative to maintain a nonjudgmental and objective mindset to avoid inadvertently tainting the results with personal bias. My second role was to protect the

rights and welfare of all participants. Interviewees signed an informed consent that said their participation was voluntary, there was no compensation, they were free to stop the interview, or withdraw participation at any time, and their identity would be kept confidential.

Methodology

The primary tool used for data gathering was in-person, quasi-standard interviews. Standardized primary questions were used to minimize interviewer effects and variation (Patton, 2015). Follow-up probes were used to clarify responses and follow unexpected lines of inquiry that emerged during the process. The combined interview approach provided structure while allowing flexibility. In the following section, participant selection, interview protocol, data collection, and data analysis are described in detail.

Participant Selection

Participant selection for the study was designed to ensure feedback from four groups; subjects with a law enforcement background, parents of children aged 10-17, citizens with no law enforcement background and no children aged 10-17-years-old, and local leadership or policy makers. The groups were identified based on the structure of the county, the general demographics of the area, and the intent of the research. Participant selection is described below, starting with a general description of the geographic area, followed by the demographic breakdown as identified by the U.S. Census Bureau. After identifying relevant background information, the rationale behind the four groups of participants is explained.

Geographic and Demographic Breakdown of Mesa County

This research focused on the geographic area of Mesa County, Colorado. Mesa County is situated on the far western boundary of Colorado sharing a border with Utah. The county was established in 1883 when neighboring counties merged together to form the 3,300 square mile area (Mesa County, 2018). The largest city in the county is Grand Junction with an average population of 60,000 citizens (City of Grand Junction, 2018). Approximately 72% of the land is publicly owned by the U.S. Forest Service and the Bureau of Land Management (Mesa County, 2018), which creates a unique geographic footprint. The area is locally known as the Grand Valley. The Grand Valley is secluded from the surrounding areas by the sheer rock walls of the Colorado National Monument, the powerful Colorado River, the fragile desert landscape of the Bookcliffs, and the largest flattop mountain in the world, known as the Grand Mesa. These natural barriers mean there is an abundance of outdoor recreational activities available, but it also means the population has limited options for banking, retail, and health care needs. The natural seclusion provided by the terrain also means the population diversity in the Valley rarely fluctuates.

Per the 2017 data published by the U.S. Census Bureau, the local area has just over 150,000 citizens with an almost even divide between male and female (2018). Juvenile subjects, under aged eighteen, account for just over a quarter of the population (U.S. Census Bureau, 2018). The population is predominantly white (94%) with less than one percent of citizens claiming African American, Native Hawaiian, or Asian descent (U.S. Census Bureau, 2018). Hispanic or Latino citizens were the second most dominant

of the reported population, followed by American Indian at 1.5% (U.S. Census Bureau, 2018). Of the non-white families, only about 6% reported speaking a language other than English at home (U.S. Census Bureau, 2018) which led me to believe the interviews, release forms, and subsequent paperwork would only need to be printed in English.

Participant Groups

Based on the demographic information reported for the county, and the high-profile case (Tamir Rice) focusing on juvenile involvement in imitation firearms incidents, the first participant group was identified as parents of children aged 10-17. About a quarter of the reported population was under 18-years-old, suggesting a portion of the community would have unique concerns as parents trying to raise children safely in the Valley. The age range was adjusted to parents of children aged 10-17 because a child under age 10 in Colorado was not considered mentally culpable, and a subject 18-years-old or over was considered an adult (Keatley, 2017).

The second group of participants included adults that did not partake in parenting a child aged 10-17 years-old and had no law enforcement background. The non-parent group had different thoughts on BB guns and airsoft guns. Law enforcement personnel have training and experience specific to the legal system, firearms familiarity, and criminal activity that changed the way they viewed imitation firearms. Ensuring only one interview group consisted of law enforcement personnel provided unique perspectives while limiting bias. Non-parent, non-law enforcement participants were contacted through snowball sampling.

The third group of participants were subjects with a law enforcement background. Based on the Camacho debrief, several sworn police officers in the area reported having experiences with imitation firearms. Interviewing those subjects provided firsthand descriptions of the phenomenon of encountering a subject holding a fake gun that looked real. Law enforcement personnel, by the nature of their job, encountered armed subjects more often than the average citizen. Dissecting those contacts, including the mental processing to determine if a weapon was real or fake, and the emotional aftermath of the incident, provided thoughts and feelings that were not captured in a sterile police report. Law enforcement participants were contacted via email invitation.

The last group, policy makers, community leaders, and higher-level managers were the smallest group of interviewees due to a limited participation pool. The county was divided into four categories that all reported to the Board of Commissioners; county attorneys, Board of Health, Board of Human Services, and county administration. The administration group was subdivided into the Justice Services Division, resource management, and operations (Mesa County, 2018). Each of those divisions had separate leaders and policy makers. For the purposes of the research, the group of interviewees consisted of any person employed in a leadership or policy making capacity, regardless of their normal focus area. The intent of interviewing a subject involved in policy reform was the same even if the focus of their work was environmental concerns, medical issues, or infrastructure design. Policy leaders had a different view of what was considered relevant to amending or proposing legislation (Apollonio & Bero, 2016). Purposeful sampling was used to gather participants from the leadership group.

To recap, subjects from four groups were asked their opinions of police shootings involving imitation firearms and current BB gun legislation in Mesa County. The four groups were identified based on the geographic area, demographics, and intent of the research. The groups were labeled as subjects with a law enforcement background, parents of children aged 10-17, citizens with no law enforcement background and no children aged 10-17-years-old, and local leadership or policy makers. The goal was to have at least 10% non-white participants, and about 50/50 split for males and females. Gathering interviewees from the four groups with the additional specifications on ethnicity and gender constituted a representative sample from the Grand Valley.

Interview Protocol

Interviews were conducted in a quiet, safe environment as a one-on-one, in-person conversation. The process started with introductions, greetings, and a review of the informed consent documents. While completing the consent paperwork, basic background information was gathered via casual conversations. Background facts included if the participant had children aged 10-17-years-old, if the subject had law enforcement experience, if the interviewee held a leadership position, and the gender and ethnic background. The introduction phase ended with a reminder that the interview was voluntary, and the participant could stop at any time. Prior to starting the interview, the purpose of the study was discussed along with the expected timeframes and protocols.

The main interview was recorded using a digital handheld device. Handwritten notes were minimal, allowing me to focus on the body language, emotional expression, and content of what the participant was telling me. The ten standardized questions and

two planned follow-up probes used during the interview are discussed in detail in the next section. The process was semistructured allowing for impromptu follow-up probes as needed for clarification. The interviews concluded after the standardized questions were answered. None of the subjects elected to stop mid-interview. One interviewee requested a copy of the final dissertation summary. All participants were asked if they experienced any emotional trauma during the interview process and needed counseling resources; all declined. Audio recordings were saved to an external hard drive which was not connected to a network. The files were transcribed verbatim using Dragon Naturally Speaking software.

Data Collection

Data collection throughout the study included secondary data analysis, field observation notes, and recorded interviews. The field notes and secondary data analysis were compiled and sorted using tables in Microsoft Word and Excel. The only software used was Dragon Naturally Speaking to transcribe the interviews verbatim. Additional details about the data collection process appear in detail in the next chapter.

Standardized Interview Questions

Interview questions were developed based on existing imitation firearm legislation and research conducted by the Police Executive Research Forum (PERF). The questions varied in type to illicit a range of responses from the interviewees. Each question is dissected below along with the rationale for the order of the questions. Also discussed are possible challenges and an action plan to bridge gaps.

Table 1

Standardized Interview Questions

	Question	Type	Source
1	What does the phrase 'imitation firearm' mean to you?	Open-ended, knowledge	Colorado Revised Statutes, 2017; Senate Bill 213; Oxford dictionary
2	If I were new to the area and asked you the rules for BB guns and airsoft guns in Mesa County. What would you tell me?	Open-ended, Role playing	Colorado Revised Statutes, 2017; Vizzard, 2015
3	What is your opinion of the current BB gun and airsoft gun laws in Mesa County??	Open-ended, opinion & value	Colorado Revised Statutes, 2017; Scales, 2017
4	Tell me about a personal experience you had involving an imitation firearm? F/U probes: How did that make you feel? What was the outcome, or end result, of the incident you described?	Open-ended, Feeling, with follow-up probes	Carter, Sapp, & Stephens, 1990
5	What are your thoughts on kids (under 18-years-old) <i>buying</i> BB guns and airsoft guns?	Open-ended, opinion and value	Ekstrand, 2003; Firearms Act 1968
6	And on kids <i>carrying, or using</i> , BB guns or airsoft guns, in the neighborhood, without adult supervision?	Open-ended, opinion and value	Ekstrand, 2003; Firearms Act 1968
7	What are your thoughts on felons <i>buying</i> BB guns and airsoft guns?	Open-ended, opinion and value	Ekstrand, 2003; Firearms Act 1968
8	And on felons <i>carrying, or using</i> , imitation firearms during the commission of a new crime?	Open-ended, opinion and value	Ekstrand, 2003; Firearms Act 1968
9	In 2016, a local officer shot and injured a man holding a realistic-looking BB gun. What are your thoughts on police shootings involving subjects holding imitation firearms?	Open-ended, Illustrative example, opinion and value	Carter, Sapp, & Stephens, 1990
10	What would you like to see happen in Mesa County with imitation firearm rules?	Open-ended, closing question	Beland & Howlett, 2016; Rawat & Morris, 2016; Kingdon, 1995

The interview was designed to start with two knowledge-based questions to determine a baseline for the subject. If an interviewee was unable to answer the first two questions because of a knowledge gap, their answers to any subsequent questions would lack depth. Interviewees that provided vague answers to the first two questions were provided an approved handout to review (see Appendix A). The handout combined words and images to define a toy gun, a real gun, and an imitation firearm. A special annotation was added to the interview notes if a participant required the handout. The handout was approved by the Walden IRB under #01-17-19-0424926.

The third question asked the participants their opinion of local legislation. Multiple streams approach suggests that a focusing event or indicator, like the tragic shooting of Rice, creates a unique window of opportunity for policy reform because the community focuses on the problem (Kingdon, 1995). The Mesa County community was not affected by a mass media event that could impact the direction of policy agenda setting. Most interviewees were unaware of the Camacho shooting in 2016. Asking participants their thoughts on current legislation without the impact of a focusing event, or indicator, provided a more neutral response.

The fourth question was an open-ended, feeling based question with two follow-up probes. Initially, the question seemed more relevant to law enforcement, however, research showed the parents of young children were also impacted by personal experiences with guns. A quantitative study at the Yale School of Public Health questioned parents on their attitudes toward firearms (Davis & White, 2016). The

research suggested the parents of children that were injured by a BB or pellet gun were more likely to have negative views of firearms in the home (Davis & White, 2016).

Asking all four interview groups the question helped determine the type of experiences that impacted the feelings of citizens when making decisions about imitation firearms.

This directly related to the work of Kingdon and the idea that policy reform often focused on challenging or reinforcing existing beliefs and values (Cairney & Zahariadis, 2016).

Interview questions five through eight, and question ten, were specific to policy reform. Drafting useful legislation needs to involve input from the community. Also, legislation that does not specifically address the values and beliefs of citizens will be overlooked when a policy window opens (Cairney & Zahariadis, 2016).

Question nine asked specifically the opinion of the interviewee on officer-involved shootings when the subject had an imitation firearm. This question was placed towards the end of the conversation in case it elicited an emotional response. Starting with simple, less emotional questions helped me gauge the interviewees reactions to questions (Patton, 2015). The dialogue that transpired with the first eight questions, plus the introductory conversation, helped establish rapport and build trust so the interviewee felt safe discussing fatal shootings. This approach worked and the answers provided for question nine contained a lot of depth.

Data Analysis

Data was managed in Excel spreadsheets and analyzed using trend analysis, domain and taxonomic coding, and word frequency analysis. Trend analysis was specific to the secondary data found in police reports, news articles, and public databases. Domain

and taxonomic coding were applied to the interviews. These coding options helped me transform the interviews into detailed topic lists and themed category indexes. Word frequency analysis allowed me to combine the themed and coded lists from my interviews and field observation notes to identify subgroups that emerged. The process was time consuming, but personally completing each step in the analysis plan provided immersive engagement (Ravitch & Carl, 2016).

Trustworthiness and Ethical Considerations

All participants were given a copy of the informed consent agreement that was approved by the Walden IRB under #01-17-19-0424926. Interviewees were reminded that participation was voluntary, and they could stop at any time. No incentives were offered. All interview transcripts, audio files, and coded data was stored on a password-protected external hard drive with no network access. Also, paper copies of notes, consent forms, and drafts were secured in a locked filing cabinet. All materials will be maintained for five years, after which they will be properly destroyed.

Summary

Imitation firearm policies are not currently driven by facts and figures. Some of the policy reforms documented in the literature review were byproducts of leadership reacting to the emotional outcry of citizens after a tragic event. This type of response cannot be documented and analyzed using numbers. Asking pivotal questions of an engaged audience was the only way to understand how an experience changed the thoughts and feelings of a person. This chapter described the selection process for choosing participants, the types of groups interviewed, data collection and analysis

methods, and a brief overview of the researcher's role. The above process was approved by the Walden IRB on January 17, 2019, under #01-17-19-0424926, with an expiration date of January 16, 2020.

Chapter 4: Results

Introduction

The objective of this study was to examine Mesa County citizens' perceptions of the phenomenon of police shootings involving subjects holding imitation firearms. A secondary objective was to document citizen knowledge of current legislation and to annotate their thoughts on the effectiveness of existing policies. Understanding the phenomenon from the perspective of community members may help guide policy makers, law enforcement administration, and safety officials regarding imitation firearm legislation. The research was guided by the following questions:

RQ1: How does encountering a subject armed with an imitation firearm alter the perspective of Mesa County law enforcement towards amending BB gun and airsoft gun legislation in Colorado?

RQ2: How does law enforcement in Mesa County, Colorado, address the challenges of safely policing despite the increased presence of imitation firearms in the community?

RQ3: How do current imitation firearm policies shape the attitudes of Mesa County parents towards allowing their 10-17-year-old children to possess BB guns and airsoft guns?

Data gathering occurred in three separate phases. Phase 1 involved collecting secondary data to explore the prevalence of officer-involved shootings where the subject had an imitation firearm. Phase 2 was field observations. Secondary data and field observations were coupled with Phase 3, in-person interviews, to provide triangulation

and increased credibility. This chapter outlines the data gathering process, participant selection, interview sessions, transcription, coding, and analysis.

Setting

This was a place-based ethnographic study, using the geographic boundary of Mesa County, Colorado. Field observations and interviews were completed within the borders of the county. Also, all interviewees were county residents. Field observations were done in sports stores, supermarkets, multipurpose stores, and other vendors in the local area. Names of each establishment are not provided to maintain confidentiality. The specific setting for each interview will be discussed in detail in the interview section. In general, interviews were completed at local cafes, business offices, conference rooms, and libraries.

Demographics

Per the 2017 data published by the U.S. Census Bureau, Mesa County had just over 150,000 citizens with an almost even division between male and female (2018). Juvenile subjects, under age 18, accounted for about a quarter of the population (U.S. Census Bureau, 2018). A breakdown of race showed the area was predominantly white (94%) with less than 1% of citizens claiming African American, Native Hawaiian, or Asian descent (U.S. Census Bureau, 2018). Hispanic or Latino citizens were the second most dominant of the reported population, followed by American Indian at 1.5% (U.S. Census Bureau, 2018). To account for area demographics, I ensured at least 10% of interviewees were non-White and the gender ratio was near 50/50.

Participation was subdivided into four groups: subjects with a law enforcement background, parents of children aged 10-17, citizens with no law enforcement background and no children aged 10-17-years-old, and local leadership or policy makers. The groups were identified based on the structure of the county, the general demographics of the area, and the intent of the research. Additional details about each group appear below in the participant selection area.

Data Collection

Secondary Data

In Chapter 2, it was noted that a meta-analysis for trends was unsuccessful because of limited existing imitation firearm research. There were no national databases that tracked imitation firearm injuries or deaths, imitation firearm related crimes, or officer-involved shootings when the subject had an imitation firearm. As such, my secondary data analysis was completed using various online forums, news articles, police reports, and journal entries. After excluding sites that displayed obvious bias, databases that lacked a search feature, and repeat entries, at least 305 cases emerged that involved law enforcement, an imitation gun, and a fatal shooting between January 2000 and July 2018 (Fatal Encounters, 2018; Fatal Force, 2018). The primary database sites selected were Fatal Encounters and Fatal Force. After sorting and coding 2018 shootings, I conducted an additional search for secondary data involving incidents specific to Colorado.

The Fatal Encounters database was a user-friendly and transparent site that provided information on fatal encounters with law enforcement dating back to 2000

(2018). The executive director of the site acknowledged data gaps for incident disposition, race, and mental status, and he was up-front about possible errors related to data acquisition from outside sources (Fatal Encounters, 2018). Scouring Fatal Encounters for secondary data started with a keyword search. The methodology of this research study was guided by two relevant cases. The index case was the 2016 shooting of Camacho in Colorado. Since Camacho was injured, not killed, his case was not visible in the Fatal Encounters database. The high impact case was the 2014 shooting of Rice in Ohio. Rice died from his injuries so his incident should appear in the database. Keyword phrases were continually input into the search engine until I found the Rice case. The keywords included *BB gun*, *toy gun*, *plastic gun*, *replica gun*, *fake gun*, *airsoft gun*, and *pellet gun*. The Rice incident was discovered under the search phrase *fake gun*.

The Fatal Force database was also user-friendly, allowing visitors to sort the incidents by state, gender, race, age, mental illness, weapon, and body camera (Fatal Force, 2018). Fatal Force provided four full years of information on police shootings (2016-2018). The Washington Post started the project in 2016 by populating the database with information compiled from news reports, social media, and police websites. When feasible, The Washington Post filed an open-records request for additional details on officer-involved shootings (Fatal Force, 2018). Per the methodology section on the website, the initiative started in response to the death of Michael Brown in Missouri (Fatal Force, 2018). I applied the same keyword search technique to the Fatal Force database as previously described for Fatal Encounters.

The information acquired from both databases was combined with information found during an open internet query for missing incidents. All incidents were researched individually to ensure accuracy of details. In addition to the database query, I conducted a separate search for shootings in Colorado, from 2003 to 2018. I analyzed the Colorado specific shootings for commonalities that could apply in Mesa County. Details about how the secondary data was dissected appear below in the data analysis section.

Field Observations

Field observations were the shortest phase of data gathering. I visited 17 businesses in the local area and held 46 different imitation firearms. Locations for field visits included a sporting goods store, an outdoor adventure outlet, a gun shop, a grocery store, and a discount supermarket. Conducting the field observation and physically holding the guns gave me firsthand experience that translated into additional meaning during the face-to-face interviews. Interview question 4 asked participants to talk about a personal experience they had with imitation firearms. I was able to visualize the BB or airsoft gun referenced by each participant which helped me better contextualize their experience.

Interviews

Walden IRB approval was granted on January 17, 2019. Interviews were scheduled and conducted between January 18, 2019 and January 31, 2019. All interviews happened in Mesa County, and all participants were residents of the county. Each participant chose their interview location, which included local cafés, a restaurant, library, conference rooms, desk cubicles, and a sedan. Five to six subjects from each

group volunteered to participate for a total of 23 interviews. The four previously identified groups were subjects with law enforcement experience (6 interviews), parents of children aged 10-17-years-old (6 interviews), citizens with no law enforcement experience and no children aged 10-17-years-old (6 interviews), and leaders in the community (5 interviews). Interviewees were assigned a letter number nomenclature to organize my notes and transcriptions. The letters used in the nomenclature referred to the interviewee category (LM for leader / manager, P for parent, O for nonparent with no law enforcement background, and LE for law enforcement), and the number referred to the order of the interviews.

I used purposeful sampling to identify subjects in the law enforcement and leadership categories. Those participants were contacted via an email invitation approved by the Walden IRB. The leadership category was the biggest recruiting hurdle because it was hard to find candidates with free time to discuss the topic. A combination of purposeful and snowball sampling was used to identify interviewees from the parent group. Two subjects contacted me after a research invitation was announced in the open mic session of a school meeting. The other subjects volunteered after an email invitation. All volunteers in the non-law enforcement, non-parent group were identified via snowball sampling. All scheduling for interviews was done via phone or email.

All non-law enforcement interviews were conducted first, followed by the subjects with police experience. Standard probes were used to validate interview responses, checking for candor and memory. The average duration for non-law enforcement interviews was 4 minutes and 34 seconds. Interviews with law enforcement

subjects were nearly three times as long with one lasting 36 minutes. Six of the non-law enforcement interviewees had an advanced degree. Occupations for non-law enforcement ranged from an aesthetician to a psychologist, with contributions from a construction worker, billing clerk, speech therapist, social worker, teacher, missionary, housing authority manager, and an IT tech. The positions and business names for subjects in the leadership group were excluded for confidentiality. Law enforcement participants were both male and female, with three subjects having less than five years of experience and three considered mid-career. Interviewees ranged in age from early 20s to late 60s. Eleven participants were female, 12 were male, and 13% said they were a race or ethnicity other than White (Native American, Indian, and Hispanic).

All interviews were recorded, with subjects' permission, on a digital handheld recorder. Interviews started with an unrecorded conversation about the purpose of the study and interview expectations. The initial conversation also included informed consent. All participants signed an informed consent document and were provided a copy for their records. The signed consent forms were bundled in a folder and secured in a filing cabinet. After informed consent was discussed, all interviewees were reminded their participation was voluntary, there was no compensation, and they could stop at any time. Participants were also reminded that I was a mandatory reporter, which meant disclosure of certain criminal activities would have to be reported to law enforcement. All subjects verbally acknowledged understanding.

I reviewed all interview recordings at least three times. The first review included a transcription via Dragon software. The second review corrected any errors or omissions

on the draft transcription. Dragon software was about 95% accurate. I included all pauses, non-verbal elements, like laughter or a deep sigh, and all filler words (oh, um, ah). All non-law enforcement interviews were conducted and transcribed before I interviewed police officers. Police officer interviews included unique terms, acronyms, and legal jargon. With law enforcement transcription, Dragon software was about 90% accurate. Again, a second scrub of the interviews corrected initial transcription mistakes and the third round checked for correct placement of pauses, non-verbal cues, and filler words.

Transcription documents were analyzed using domain and taxonomic coding. Specific details about the coding process are in the next section. After they were analyzed, interview notes and transcription documents were sorted in a three-ring binder and stored in a locked file cabinet. The digital files were stored on the same external hard-drive holding electronic notes, research, and dissertation drafts. The drive does not have any network connectivity. The hard drive was stored in a locked filing cabinet.

Data Analysis

Secondary Data

Secondary data was analyzed in three parts using Excel spreadsheets to sort and catalog the information. First, I reviewed all the incidents listed in Fatal Encounters and cross referenced those incidents with shootings found in Fatal Force. Second, I conducted an open internet search for any missing incidents and shootings specific to Colorado. The information found was compiled into a general list of possible imitation firearm incidents. The last step was a detailed review of each shooting on the list. News articles,

open access reports, and journals were used to gather details. After reviewing all the incidents on the list, I consolidated the numbers and tried to conduct a trend analysis.

I identified two gaps while searching for data using the Fatal Force site. A user on the site could select different dropdown boxes (state, gender, age, and weapon) to sort the data. Information was available for all of 2015, 2016, 2017, and 2018, and part of 2019. Unfortunately, many of the shootings useful for my research were listed under the modifier *toy weapon*. As discussed at length in Chapter 2, by definition, a BB gun or airsoft gun is not a toy.

Despite categorizing dozens of shootings under the label toy gun, in the scenario description for each event the phrase toy gun was not used. The terms used included *replica* four times, *BB gun* five times, *pellet gun* two times, and *airsoft* or *air rifle* two times. The inaccurate use of the toy gun label emphasized two research gaps; first, journal articles or research that cited the Fatal Force site would be flawed unless the person did a deep dive and researched each individual scenario, and second, incorrect use of terminology changed the entire meaning of the research. Both of those gaps were kept in the forefront of my mind as the study progressed.

Searching the Fatal Encounters database for each variation of keywords led to discovering at least 22 incidents in 2018 where law enforcement fatally shot a subject that was holding a realistic-looking gun. Similarly, 11 incidents were listed for 2017, 10 for 2016, followed by 13, 8, and 6 respectively for 2015, 2014, and 2013. It was difficult to discern if a BB gun, airsoft gun, or replica was involved in the incidents because many reports contained generic terminology. Regardless of the actual type of fake gun

involved, the underlying fact was that every year, since 2000, individuals were killed because an imitation weapon was perceived as real by law enforcement.

A search in Fatal Force, a database hosted by The Washington Post, identified an additional 18 incidents involving BB guns and airsoft guns in 2018. Under the *toy gun* search field, 16 relevant incidents were listed. Of those incidents, two involved unnamed subjects and one involved a subject holding a paint spray gun. I excluded those three incidents and analyzed the remaining 13. After those were analyzed, I selected the modifier *other*, sifted through the 106 returns, and found two additional shootings that involved BB guns. In total, I found statistics for 15 fatal shootings that were not on the previous list from the Fatal Encounters database.

I researched each incident separately and gathered statistics to help paint a more comprehensive picture of the overarching problem. Fatal Encounters showed the subjects were predominantly male ranging in age from 17-years-old to 63-years-old. Thirteen different states were identified as having a fatal incident, with California and Georgia at the top of the list with four incidents per state. The states next in line were Florida, Ohio, and Virginia, with two shootings each. Rounding out the list, with one incident each, were Arizona, Maine, Montana, Oklahoma, Pennsylvania, Tennessee, Texas, and Utah. Understanding the demographics involved in recent incidents may help shape future educational opportunities in Colorado. Four states were represented in the Fatal Force database; Florida and Indiana, with one incident each, Georgia with two shootings, and California with a staggering 11 fatal engagements.

In addition to understanding the basic demographics, it was helpful to dissect the type of incident reported. Based on the scenario description provided, I categorized the incidents using codes suicide, crime, and threat. Suicide referred to a planned event where the subject persuaded police to use deadly force to end their own life. Crime was used to label any scenario involving an active crime or the follow up arrest for a recently committed crime. Threat involved shootings where police felt threatened by the subject's imitation firearm. On the Fatal Encounters site, threat had the most incidents, with 10 out of 22, or 45.5% of the shooting scenarios, followed by crime (nine shootings) and suicide (three incidents). I applied the same codes to the Fatal Force scenarios and found seven threat incidents, four crime related shootings, and two suicides. Table 2 provides a clear visual breakdown of the 2018 secondary data by code, gender, and age.

Table 2

Database Analysis

	Fatal encounters	Fatal force	Total
Domain code			
Crime	9	6	15
Threat	10	7	17
Suicide	3	2	5
Gender			
Male	20	14	34
Female	2	1	3
Age of subject			
<20 years old	4	1	5
20-29 years old	3	5	8
30-39 years old	3	4	7
40-49 years old	5	3	8
50-59 years old	3	2	5
≥60 years old	2	2	4

Note. Details were not available for all shootings. The numbers above do not account for all 40 documented incidents.

Per the combined statistics, in 2018 there were at least 40 fatal incidents involving realistic-looking fake guns. I was unable to identify a concrete number for the year. The dominant code was threat, with 17 incidents, followed closely by crime at 15 incidents. Suicide codes were applied in five incidents. Based on gender and age, males were involved in most of the incidents, however, the age range was so varied I could not identify a pattern. Geographically, shootings in California were the most frequent with 15, or 37.5% of the reported 2018 incidents, followed by Georgia with six, and Florida with three. Table 3 shows the breakdown of shootings by state.

Table 3

Database Breakdown by State

	Fatal encounters	Fatal force	Total
Arizona	1	0	1
California	4	11	15
Florida	2	1	3
Georgia	4	2	6
Indiana	0	1	1
Maine	1	0	1
Montana	1	0	1
Ohio	2	0	2
Oklahoma	1	0	1
Pennsylvania	1	0	1
Tennessee	1	0	1
Texas	1	0	1
Utah	1	0	1
Virginia	2	0	2

Note. Details were not available for all shootings. The numbers above do not account for all 40 documented incidents.

None of the incidents researched above occurred in Colorado. To understand more about the scope of the issue in the state, I conducted a separate search looking for imitation firearm related shootings in Colorado in the last 15 years. Eight incidents were

uncovered but one incident was excluded because the officer involved deployed his taser, not his duty weapon. The remaining seven shootings happened between 2006 and 2017, involving six males and one female, ranging in age from 21-years-old to 56-years-old.

Details about the shootings appear in Table 4.

Table 4

Review of Colorado Police Shootings Involving an Imitation Firearm

Incident Date	Gender	Age	Location in Colorado	Code
Jan 2006	F	56	Longmont	Crime, threat
Jul 2009	M	25	Denver	Suicide, threat
Jun 2011	M	21	Broomfield	Suicide
Feb 2012	M	40	Denver	Threat
Aug 2012	M	21	Pueblo	Crime, threat
Aug 2014	M	21	Greeley	Crime, threat
Aug 2017	M	45	Colorado Springs	Crime, threat

Note. Information obtained from various news and police reports.

I coded the Colorado shootings using the same secondary analysis codes; crime, suicide, and threat. Four shootings were directly related to a recent crime (bank robbery, shoplifting, breaking windows, and shooting a gun in the neighborhood) and six incidents (or 85.7% of the incidents in Colorado) were coded threat because the subject pointed a weapon at police. The 2011 suicide incident was an obvious suicide-by-cop situation and the 2009 suicide / threat incident was assumed to be a suicide attempt. In both suicide scenarios the family disclosed mental health concerns prior to the incident.

Field Observations

I handled 46 different types of toy, BB, airsoft, and replica guns, noting the size, texture, color, and warning labels. Seven of the products were lightweight flimsy plastic

with bright or see-through colors. Those packages were in the toy department near cap guns and water guns. Seventeen products were predominantly black, or camouflage colored, with a hint of orange at the end of the barrel, near the handle, or on the cylinder. While handling a version of a 9mm pistol, the orange safety tip accidentally fell off without any effort to remove it. Most of those guns felt lighter than a regular weapon, but the general shape and size were modeled after the real firearm. Thirteen of the guns had a very real appearance. Minor marks on the barrel or handle identified the item as a BB or airsoft gun. Most of those firearms contained special instructions on the box, like age restrictions and safety recommendations. The last nine guns I handled were incredibly realistic in appearance and feel. Those items were marketed as exact replicas of the real thing.

Interviews

Analysis and coding summary. Twenty-three interviews were completed in two different phases. Phase one focused on non-law enforcement participants and phase two involved subjects with a police background. All interviews were transcribed verbatim, including nonverbal cues, sighs, long pauses, laughter, and filler words, such as “oh” or “um.” Copies of the verbatim transcripts were printed, and folk terms were highlighted. Folk terms refer to culturally specific words or phrases (Saldana, 2016). Folk terms were more prevalent in the law enforcement transcripts.

After I identified folk terms, I completed first and second cycle coding using the domain and taxonomic approach. Within the domains, I looked for semantic relationships and repeat terms that indicated a major theme. In addition to the similarities, I looked for

differences within the domain and completed a componential analysis. During first phase coding, I used taxonomic tree diagrams to help visualize the data subsets (an example diagram appears below in Figure 3). I also applied analytic terms, or my own code phrases, if there were no folk terms or the participant's verbatim expression was inappropriate.

The three codes applied to my secondary data research (threat, crime, and suicide) were based on the action of the subject shot by police. Those codes did not apply to the content of the non-law enforcement interviews. Instead, I used the preplanned codes policy, political, and problem, with four sub-categories under the problem code (indicator, focusing event, load, and feedback). The interview codes were based on the open window process outlined in Kingdon's multiple streams approach. During the seventeen non-law enforcement interviews, after first cycle coding, I coded zero statements political, zero statements focusing event, and only two statements policy. Most of the non-law enforcement statements fell into the problem domain under the indicator, load, and feedback sub-category. During second cycle coding, the primary themes of safety and responsibility emerged from the non-law enforcement interviews.

The codes threat, crime, and suicide were relevant for law enforcement interviews that discussed personal situations involving imitation firearms. The code threat appeared five times, crime appeared three times, and suicide appeared twice. Similar to secondary data analysis, several codes overlapped during a single incident. One law enforcement officer disclosed a late-night shoplifting call for a juvenile that had a BB gun. That type of incident was coded both crime and threat. I also used the Kingdon codes (problem,

policy, and political) during Phase 1 analysis and found most law enforcement interviews were also coded problem under the sub-category indicator, load, or focusing event. During second cycle coding, law enforcement interviews led to a third primary theme of accountability.

Synopsis of questions 1 – 3. Interview question 1 asked individuals to define imitation firearms. Answers were varied and included BB gun, mockup, replica, toy, harmless, no ammo, fake, potentially dangerous, look alike, not real, airsoft, and non-fatal. The phrases BB gun and toy appeared the most. Interview question 2 asked subjects what they would tell someone new in town about local imitation firearm rules. Non-law enforcement respondents hesitated to answer question 2, interjecting sighs, head tilts, and giggles. Law enforcement answered directly with confidence. Sixty-nine percent of non-law enforcement subjects answered with some variation of, “I don’t know.” Other answers included “don’t shoot people,” “don’t point at animals,” and “don’t shoot at all.” Only one non-law enforcement subject correctly answered the question about local rules. The respondent admitted he only knew the local rules because of a personal experience involving imitation guns. Because many subjects said they did not have an answer for question 2, they skipped answering question 3, which asked the interviewee their opinion of the current laws in Mesa County. Law enforcement had various opinions ranging from agreement with current laws to yearning for stricter penalties. One law enforcement interviewee said he thought the county would have less issues if they implemented a similar restriction to BB guns as the adjacent city. Per city municipal codes, BB guns should not be discharged anywhere inside city limits.

Synopsis of questions 4-8. Figure 3 (below) demonstrates how I used a taxonomic diagram to sort non-law enforcement subject answers from interview questions four through eight. Question four asked participants to discuss a personal experience. Documenting a personal experience helped establish depth during the analysis process. Question five asked subjects how they felt about juveniles buying imitation firearms, and question six asked how they felt about the same juveniles using imitation firearms in the neighborhood without adult supervision. Question seven asked for interviewee opinions of felons purchasing imitation firearms and question eight asked for the subject's feelings on a felon using an imitation firearm during the commission of a new crime.

Participants that answered yes to question four were separated from subjects that said no. Separating the answers allowed me to visually see how the yes group differed from the no group when they answered questions five through eight about juveniles and felons purchasing and using imitation firearms. Quotes from the yes group are at the top of the figure and comments from the no group are at the bottom. I found it interesting that

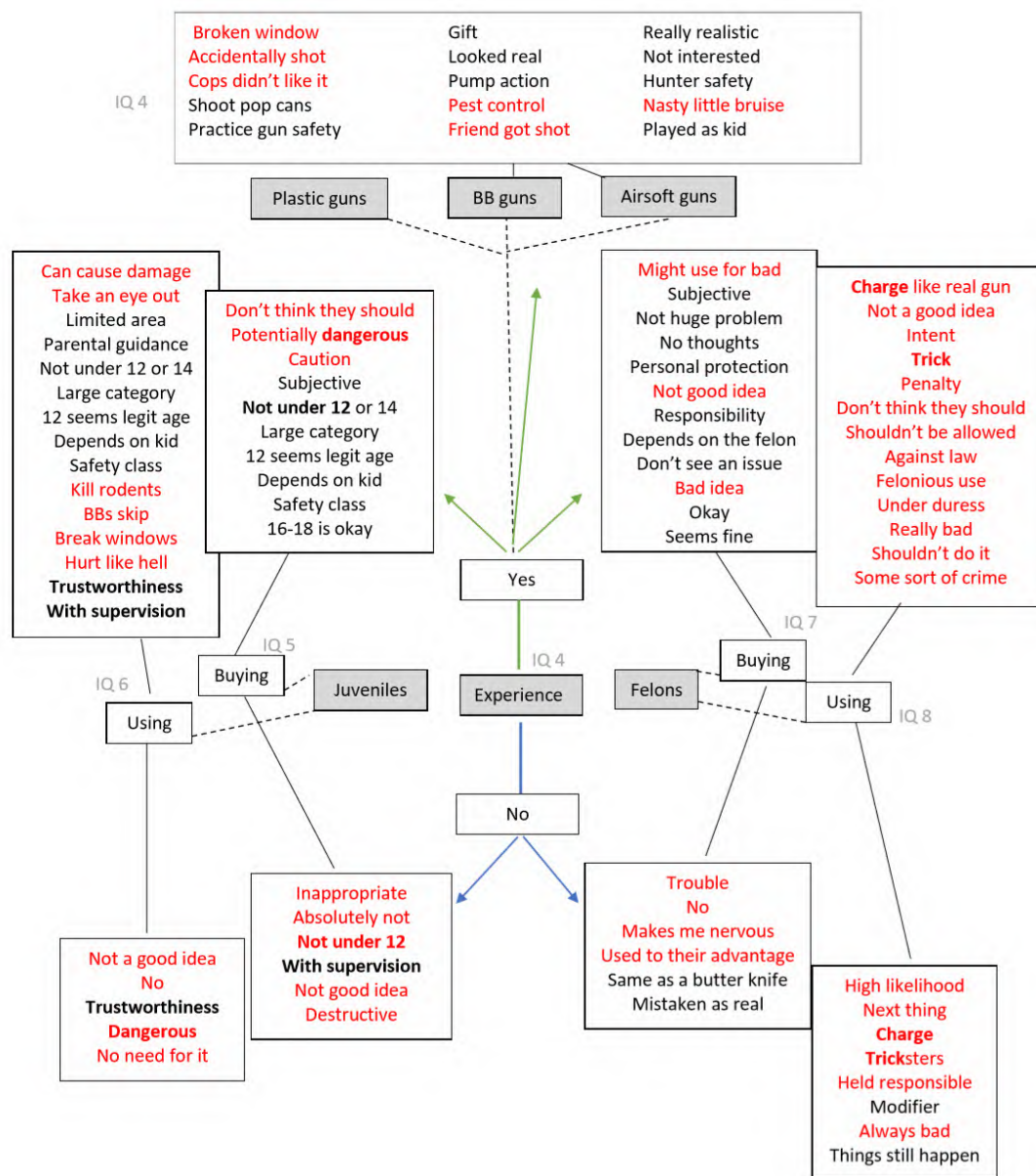


Figure 3. Taxonomic tree diagram example.

interviewees with some type of imitation firearm experience provided more detailed and vivid responses to the opinion-based questions.

Comments that had a negative connotation, like “nasty little bruise” or “bad idea” appear in red text. Comments that were neutral, or positive, like “hunter safety” or “shoot pop cans” are in black ink. Bold text means the answer repeated amongst interviewees from both groups. The bold text became the main themes from phase one coding; trustworthiness, not under 12, only with supervision, and charge like a real gun.

I did a similar diagram (not pictured) for law enforcement, however, all law enforcement said yes to question 4, so the taxonomic tree was divided by the type of encounter the officer experienced. Interviewees that discussed a criminal incident were placed at the top of the tree and interviewees that talked about feeling threatened during a casual contact were at the bottom of the tree. I noticed similar words and phrases like “tweaker,” “doper,” and “drug case” when reviewing criminal incidents, and words such as “surprised,” “hiding in a backpack,” and “tucked in the waistband” to describe the threat related scenarios.

Synopsis of questions 9 and 10. Question 9 asked the volunteers how they felt about police shootings involving a subject holding a realistic-looking BB gun. The answers from non-police interviewees were unanimously in favor of law enforcement. Surprisingly, all respondents assumed the subject was involved in some sort of criminal activity at the time of the shooting. Most respondents used male pronouns when answering the question. None of the interviewees addressed alternate scenarios, such as a child holding the imitation firearm, or an accidental incident like a group of teens playing

airsoft in the park. Non-law enforcement subjects answered question 9 with phrases like, “make their best judgment call,” “snap judgements,” and “have the right to fire”. One respondent said they “wouldn’t want to get close enough to find out” and another answered that those types of shootings were “unfortunate but 100% justified.”

Law enforcement answers to question 9 directly related to the experiences they described in question 4. For example, an officer that told me about finding a BB gun on a man arrested for drugs used the same example when telling me his thoughts for question 9. The officer told me he thought people with a criminal record, or people planning to commit crimes, preferred a BB gun to a real gun because they knew they would not get a new charge for “special offender” or “POWPO” (possession of weapon by previous offender). Similarly, another officer used his example from question 4 to hypothesize a scenario in question 9 where he had to shoot the suspect instead of just arrest him. The officer said he had to physically handle the weapon before he realized it was a fake.

Question 10 asked interviewees their thoughts and opinions on future imitation firearm laws in Mesa County. Non-law enforcement with no prior experience had vague, superficial answers. One respondent simply said, “have some” referring to local BB gun legislation. Non-law enforcement with an imitation firearm experience were more thoughtful in their responses, suggesting age restrictions for purchasing and increased supervision requirements. Law enforcement interviewees leaned towards increased penalties for subjects committing a crime with an imitation firearm.

Evidence of Trustworthiness

Credibility, transferability, dependability, and confirmability are elements of research trustworthiness (Patton, 2015). Throughout my research, I attempted to increase both internal and external validity. I enhanced credibility and confirmability by interviewing subjects from four different groups, including law enforcement, parents, leaders, and subjects with none of those backgrounds. The purpose of the research was to gather the insights of Mesa County citizens and apply those perspectives via the lens of Kingdon's multiple streams approach. As such, asking input from various groups provided the depth and richness necessary for a thorough analysis. Domain and taxonomic coding allowed me to identify commonalities and differences and highlight the overarching themes. I tried to enhance transferability by accurately documenting all the contextual factors that shaped the research, including the setting, participants, data gathering, and analysis. Dependability, or the stability of the data, (Ravitch & Carl, 2016) was enhanced by triangulating the data obtained from secondary sources, field observations, and in-person interviews.

Summary

Analyzing secondary data sources was not fruitful from the perspective of a quantitative research design, however, for the purposes of qualitative triangulation, the act of filtering hundreds of incidents provided a deeper understanding of the phenomenon. Similarly, visiting local stores and holding dozens of imitation firearms created additional awareness and allowed me to fully immerse myself into the interview responses. Secondary analysis and field observations were coupled with face-to-face

interviews. All the information was analyzed resulting in the major themes of safety, responsibility, and accountability, which will be discussed in detail in the next chapter.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

I analyzed hundreds of pieces of secondary data, completed field observations at 17 locations, and conducted 23 in-person interviews with Mesa County citizens to understand citizens' perceptions of the phenomenon of law enforcement shootings when the subject had an imitation firearm. The result was an inside perspective on the thoughts, feelings, and experiences of four subgroups of individuals regarding officer-involved shootings, current legislation, and future policies. During the analysis process, the code words *threat*, *crime*, and *suicide*, were applied to identify the action of the subject holding the imitation firearm, and the codes policy, political, and procedure were used to identify trends within the conceptual framework of the multiple streams approach. The primary themes identified after domain and taxonomic coding were *safety*, *accountability*, and *responsibility*. Each of these codes and themes will be described in depth in the following sections.

Interpretation of Findings

In this section, I interpret the information I gathered and analyzed in Chapter 4 using my original research questions and my conceptual framework as guidance. The results contribute to a more thorough understanding of Mesa County citizens' perceptions of the phenomenon of officer-involved shootings where the subject was holding a realistic-looking fake gun. The research process revealed new information about the phenomenon, but it also confirmed gaps identified during the literature review and substantiated by Kingdon's open window model.

Research Question 1

How does encountering a subject armed with an imitation firearm alter the perspective of Mesa County law enforcement towards amending BB gun and airsoft gun legislation in Colorado?

Theme 1: accountability. The first major theme that emerged was accountability. I answered RQ1 by using analysis from secondary data and IQ 4, 9, and 10. Interviews and secondary data confirmed the assumption that law enforcement are encountering imitation firearms at a higher rate than in previous years. These repeat contacts with imitation firearms during police-related calls have changed the perspectives of law enforcement. All law enforcement participants in the research wanted to see legislation that held subjects accountable for their actions when using imitation firearms during a crime.

To ensure validity and reliability, all subjects were asked the same interview questions regardless of their background. Interviewees from all groups provided answers that either focused on accountability or were generic and did not give a preference one way or another. Interviewee answers that were not focused on criminal charges and accountability were vague. Non-law enforcement participants who had no experience with imitation firearms suggested oversight from a responsible adult or gave no opinion on the topic. LM2 said, “Since I don’t know the rules, I’m not sure.”

The reaction of officers was surprising. Officers focused their frustration and anger at the judicial system, not at the subject holding the imitation firearm. Law enforcement expressed disappointment that an apprehended criminal would not get

charged with a weapons offense despite having a very real looking gun on, or near, their person at the time of the crime. Per the examples given, most of the situations involved delinquent youths, drugs, and crimes like shoplifting. Follow-up research confirmed the officer's frustrations; many states do not convict criminals for the same level of crime if they used a fake gun instead of a real firearm (Washington v U.S., 2015).

Law enforcement officers wanted to see subjects held accountable with increased penalties for felons that used a fake gun during the commission of a new crime. Similarly, law enforcement wanted criminal charges involving an imitation firearm to parallel regular firearm charges. In other words, law enforcement wanted to see a more uniform approach to charging subjects involved in criminal activity regardless of the operability of the associated firearm.

LE3, a transfer to the area with over 5 years of experience, said he saw the same problems up north. Per LE3, low level drug dealers preferred to carry an imitation firearm because they knew law enforcement could not charge them with a weapons violation. Another law enforcement interviewee had similar thoughts. LE2 told me he saw a lot of "tweakers," or subjects high on methamphetamine, with BB guns in their backpacks. When I asked LE2 his thoughts on the abundance of imitation firearms related to drug activities he said it was about cost and access. Specifically, LE2 believed drug addicts, or lower level dealers, felt a sense of security having any type of gun and the BB guns were cheap and easy to get, especially if the person already had a felony conviction.

Several interviewees agreed with law enforcement participants about the need for accountability regarding imitation firearms. During interview question 4, P1 said he had a

lot of experience with BB guns as a kid, playing with friends in the neighborhood. P1's experience shooting pop cans led him to believe imitation firearms could cause damages to both people and property, such as breaking windows or losing an eye. When asked his thoughts on police shootings involving BB guns, P1 provided a thoughtful statement about law enforcement "mak[ing] their best judgment call" when they "don't have time to distinguish" real from a look-alike. As such, P1 thought future legislation should ensure anyone committing a crime with a fake gun should be "treated as though it were an actual firearm". Similarly, LM1 said, "it should be against the law" and using an imitation gun during a crime is serious and should have the "same implications as using a bona fide weapon."

The attitudes and feelings of interviewees that wanted to see increased penalties were related to the underlying reason for an adult subject choosing an imitation firearm during the commission of a crime. Study participants believed the use or presence of an imitation firearm was for the sole purpose of threats and intimidation. None of the interviewees could think of a viable reason for an adult to possess a BB gun or airsoft gun out in the community unless they were supervising children or actively participating in a tournament or game.

Research Question 2

How does law enforcement in Mesa County, Colorado, address the challenges of safely policing despite the increased presence of imitation firearms in the community?

Theme 2: safety. The second major theme that emerged was safety. RQ2 was answered using input from IQ 4, 9, and 10. All four sub-groups provided answers that

focused on safety. Mesa County law enforcement addressed the challenge of safely policing, despite the increased presence of imitation firearms, by treating all weapons as real until proven otherwise.

P3 answered question 9 with a poignant statement. He said, “You know, I think about it from the officer’s perspective. And protecting themselves.” P3 continued on to say the officer had to consider all weapons as real because “they don’t know. And I wouldn’t want to get close enough to find out.” The sentiment P3 stated was replicated by most law enforcement interviewees. LE5 said he planned to go home to his family after each shift, so he refused to let his guard down and assume something was fake. When asked about imitation firearms specifically, he said he treated all weapons like they were real because he remembered what happened to Deputy Geer. LE5 said, “The kid that shot Geer was only, what, 17...I don’t care if it’s a kid with a BB gun. I’m not taking the chance.”

Knowing law enforcement saw an increase in imitation firearms in the community did not reduce their expectations to police with safety and tactics. None of the study participants assumed an orange tip or bright color meant the weapon was less deadly. If officers disregard training and procedures because they assume something is a toy, or less lethal, then criminals could capitalize on that false belief. It would be just as easy to paint the barrel of a 9mm orange, as it would be to remove the orange tip on a BB gun. LE4 added an interesting element to his interview. LE4 told me some real firearms are made brightly colored for aesthetics. LE4 said, “My wife has a pink gun. A little thing that fits in her purse. You know, for protection. At a glance, it looks fake. But it’s deadly.”

When the idea of altering the appearance of a weapon was introduced, RQ2 intertwined with RQ1. Participants viewed any action to alter a weapon, whether it was making a real gun look fake, or making a fake gun look real, as manipulation, deceit, and trickery. Officers agreed that not only should having an imitation firearm during the commission of a crime be a chargeable offense, they believed any alterations to a firearm or imitation firearm should also result in criminal charges.

Research Question 3

How do current imitation firearm policies shape the attitudes of Mesa County parents towards allowing their 10-17-year-old children to possess BB guns and airsoft guns?

Theme 3: responsibility. RQ3 was answered using analysis from IQ 2-8, and 10 and the themes that emerged were safety and responsibility. Mesa County parent opinions were not shaped by existing policies. Parent opinions were impacted by experiences with imitation firearms, not knowledge of the rules. Non-law enforcement subjects were interviewed prior to individuals with a police background. Conducting and coding the non-law enforcement interviews before adding the experiences of law enforcement provided an alternative perspective. I viewed the coded analysis of non-law enforcement subjects with a blank slate. Surprisingly, most citizens, including county leadership, did not know the local rules for imitation firearms. Non-verbal cues, like sighs, giggles, and smirks, preceded answers like “I don’t know,” and “I’m not sure.”

As previously stated, interview subjects that lacked personal experience with imitation firearms provided answers with less depth and richness. P2 answered “no” to

question 4 and subsequently said, “Um, probably just make sure there are rules in place” for question 10. O1 also answered “no” to question 4 and solidly answered question 10 with the statement “they should be banned”. Eighteen interviewees gave answers specific to age restrictions and adult supervision that provided a nuanced perspective.

P5, a transplant to the state from the southeast, was wearing a t-shirt with the Colorado flag logo on the front. A closer look at the logo revealed the background was a series of small gun silhouettes. P5 disclosed that he was a huge proponent of the second amendment and owned guns, including BB and airsoft guns. P5 told me some of his BB guns looked so realistic they “fall into a bad spot” and he had to keep them just as safe from his kids as a real gun. P5 also said he believed the sale and possession of imitation firearms should have an age limit. When asked for clarification, P5 said, “Maybe not 18. But in the later teens. Or of a teen age.” P5 said he bought his first air rifle when he was 12-years-old, saying, “I think that’s a legit age.” O2, an aesthetician, said “I think you should have to be 18 and have a clear record to buy them.” P1 specified that no one under “maybe 12, or 14, should be able” to buy an imitation firearm. P1 clarified and said, “I mean, under 18 is a big category...but I think you can be too young.”

In addition to specifying age restrictions for juveniles purchasing or using imitation firearms, interviewees wanted to see more parental supervision. P4 said it depended on the kid. P4 named a family from her childhood neighborhood and passionately said, “If [he] had a BB gun, and was just wandering around, I’d feel uncomfortable.” Another parent thought it was okay for kids to use imitation firearms without a parent on scene, but the adult had to know what the kids were doing, and the

area should be enclosed. LM2 summed up the trend with her statement, “Probably not a good idea unless they have some parental supervision.”

Multiple Streams Approach

During the coding process, I used the terms policy, politics, and problems in addition to crime, threat, and suicide. The first set of codes kept me aligned with the multiple streams approach while the second set kept me focused on the action of a subject holding an imitation firearm when contacted by police. The codes led me to the major themes of accountability, safety, and responsibility. Specifically, law enforcement wanted to see legislation that charged a subject criminally if they had an imitation firearm during the commission of a crime. Law enforcement also wanted to see subjects charged if they altered the appearance of a weapon. Non-law enforcement interviewees supported the input from police and deputies; however, they were less interested in policy reform and more interested in parents being responsible for their children.

A focusing event can lead to a policy window of opportunity, however, an indicator does not have enough impact to align policy, politics, and problems together (Kingdon, 1995). The input of interviewees suggested that the local case that guided research development would not fit the criteria of a focusing event. None of the non-law enforcement participants mentioned the Camacho shooting or gave any indication they remembered the incident. Similarly, non-law enforcement participants were unaware of the high-profile death of 12-year-old Rice when they answered interview question 9. A comment made by O3 summarized the thoughts of participants regarding policy reform. O3 started his answer to question 10 with the statement, “if officer involved shootings

were an issue.” O3’s use of the conjunction “if” indicated he did not consider officer-involved shootings a concern.

The 40 shooting deaths researched during secondary data analysis happened outside the state of Colorado. In Colorado, I found seven imitation firearm related shootings since 2006. I plotted each of the shootings and found the geographic focus was on the eastern side of the state. Figure 4 below demonstrates the locations of the shooting incidents. At the far left, or west, is a light blue indicator marking Grand Junction, the county seat of Mesa County. The green indicators on the east side mark the cities that had one shooting each (Longmont, Broomfield, Pueblo, Greeley, and Colorado Springs). The red marker points to Denver where two incidents occurred. The average distance between Grand Junction and the cities that experienced a police shooting when the subject had an imitation firearm was 277 miles, or about a 6-hour drive. The abundance of green on the map shows several national forests and a large elevation gap. In other words, the geographic landscape provides a buffer between the events on the east side of the state versus the west side.

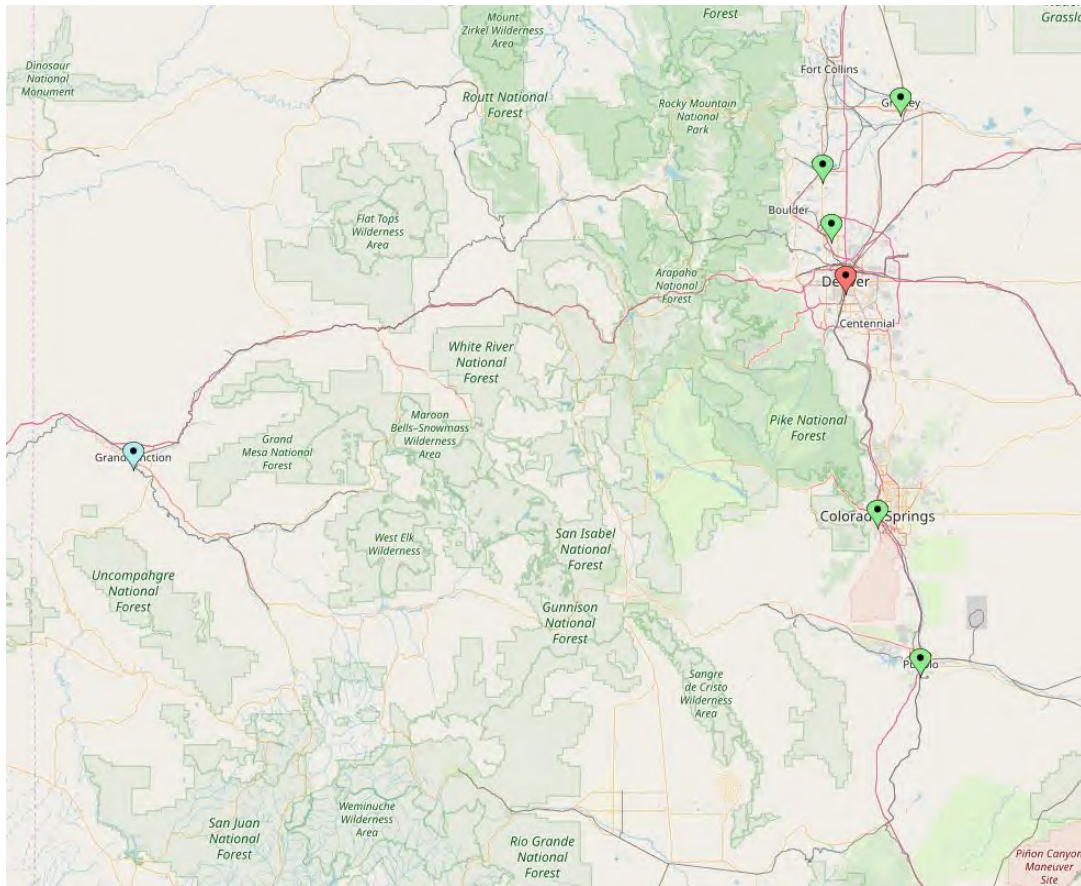


Figure 4. Visual of imitation firearm shootings in Colorado.

Parent opinions about imitation firearms were impacted by personal experience, not their existing knowledge of the rules or awareness of past shootings. Similarly, law enforcement opinions were influenced by personal experiences in the field, not understanding of existing legislation. Those experiences, either positive or negative, were the driving force behind an interviewee's input on changing current imitation firearms legislation. According to multiple streams approach, legislative changes will not be successful if the politics, policy, and problem are not aligned (Kingdon, 1995). During first cycle coding of interviews, I coded zero statements political and only two statements

policy. Most of the interviewee comments were coded problem with a sub-category of indicator or load, not focusing event. Based on those codes, a proposal for imitation firearm legislation within the county would not currently have alignment because an open window does not exist.

Other Findings

After the Horowitz hostage situation in 1987, legislation passed a new law and the Police Executive Research Forum conducted follow-up research. The research identified law enforcement concerns with the realistic appearance of many fake guns and the increase of crimes committed by imitation firearms (Carter et al., 1990). After reading the report, I identified additional concerns from that era, like a lack of tracking databases, no consistent imitation firearms reporting standards, and verbiage omissions in the new legislation that excluded BB guns and airsoft guns. After sifting through secondary data and talking to interviewees, I determined the same gaps still existed three decades later.

In Chapter 4, I mentioned that the Fatal Force database filed the Rice incident under the modifier *toy gun*. After I found the Rice shooting under the wrong classification, I reviewed dozens of other shootings in the database and found at least 13 other incidents misclassified under the *toy gun* category. The inaccurate classification meant two possible research gaps existed. First, articles or books citing Fatal Force, or The Washington Post, would be flawed unless the researcher did a deep dive and dissected each scenario separately. Second, incorrect use of firearm terminology would perpetuate confusion and inefficient policies. If a BB gun is referred to as a toy, then a citizen could assume the object is governed by 15 U.S. Code § 5001 (Penalties for

entering into commerce of imitation firearms, 1988). 15 U.S. Code § 5001 does not govern BB guns, airsoft guns, or replicas, which fall into a non-toy, non-firearm limbo zone.

Limitations of the Study

During methodology development, I identified three possible limitations to the research. The first limitation, personal experience, had an impact on data gathering. Subjects that did not have personal experience with imitation firearms provided vague answers that lacked depth and richness. This was overcome by interviewing a variety of subjects with diverse backgrounds. Similarly, the second limitation, undisclosed bias, was also addressed by interviewing subjects from four different sub-groups. The final limitation, perceived validity, was addressed by using triangulation to analyze the information obtained from secondary data, field observations, and interviews.

Two new limitations arose during the interview phase of the research. IRB approval to start interviews was received on January 17, 2019. On January 18, 2019, an armed subject was reported in the area of a Mesa County school, causing three facilities to go into lockdown mode (Western Slope Now, 2019). Investigators revealed the suspect was a 17-year-old student and the weapon was a BB gun (Western Slope Now, 2019). This could have affected the parent group by inserting additional bias. All parents associated with the schools received a text alert about the lockdown. Only one interview subject mentioned the lockdown during his interview, but he did not seem biased by the event. His input was offset by gathering data from five parents not associated with the schools placed in lockdown.

The second added limitation was an officer-involved shooting where the subject was a juvenile with an imitation firearm. The incident happened two days before I received IRB approval and was publicized within the law enforcement community. The shooting occurred in Tempe, Arizona, the decedent was identified as a 14-year-old boy, and the weapon was a replica 1911 pistol (Holcombe, 2019). Similar to the lockdown event, the incident could have led to undisclosed bias that influenced interview answers; however, none of the participants mentioned awareness of the Arizona shooting.

Recommendations

The first recommendation is a proposal to change local legislation regarding imitation firearms. Policy changes should include a municipal charge for altering an imitation firearm to look real or for altering a real firearm to look fake. Policy changes should also include a charge for anyone using or possessing an imitation firearm during the commission of a crime. This second policy change would include a sub-section for charging felons in possession of any type of firearm, including imitation firearms. Based on citizen input, it would not behoove the county to push for stricter manufacturing specifications on imitation firearms. It would also be ill advised to change county regulations to restrict the purchasing or possession age for imitation firearms.

The second recommendation is to continue researching the topic. Kingdon completed hundreds of interviews over a four-year period, including follow-up interviews with the same subjects (1995). If feasible, a continuation of this study would provide extra insight into the reasons citizen's perceptions change regarding legislation over time. In addition to second or third interviews, it would be beneficial to administer a survey

across the county asking for opinions on the recommended policy changes mentioned in the previous paragraph.

The third recommendation is to encourage local law enforcement leadership to track imitation firearm incidents separate from regular firearms. A review of current practices showed the police department had a drop-down box when booking evidence that included a BB gun or airsoft gun, however, when typing a case report there was no special field for documenting the type of weapon. Correctly tracking the frequency and type of weapons used would provide a more comprehensive picture of the problem.

The final recommendation is implementation of a local imitation firearms training program at the police department. Currently, local law enforcement host classes on a variety of topics from correct installation of a car seat to auto theft prevention. The courses are free for the community to attend and range from 30-minutes to 3-hours. A similar course, intended for juveniles aged 8-15-years-old, that highlighted airsoft and BB gun safety, could help curtail injuries and reduce high-risk behaviors. Three interviewees mentioned the benefits of attending hunter safety courses prior to handling firearms as a child. The course could parallel the format used for hunter safety curriculums.

Implications for Positive Social Change

The results of this research may have implications for positive social change in the areas of policy reform, health and safety, and the criminal justice system. The results may also be used to address larger concerns in the areas of police use-of-force, recidivism, and decision making during critical situations. Research on imitation firearms

over the last three decades was limited and the lack of data led to ineffective legislation. Creating positive social change requires both evidence and meaning (Majchrzak & Markus, 2014). This research provides a deeper insight into the meaning behind the phenomenon of officer-involved shootings where the subject has an imitation weapon.

Conclusion

The Police Executive Research Forum (PERF) published their toy gun study results in 1990. One of the pivotal themes of the research was that current toy gun designs were overly realistic and even under optimal lighting conditions, officers could not differentiate a toy from the real thing (Carter et al., 1990). Nearly three decades after the PERF research, the same themes still exist; BB guns and airsoft guns are overly realistic and even in the best conditions officers struggle to identify a fake.

Interviewing citizens about their perceptions and experiences led to data that may provide community leadership with information needed to make informed decisions about imitation firearm policies in Mesa County. In the absence of quality information, policy reform loses focus and becomes a knee-jerk reaction instead of an intelligent process. The opportunity for policy reform is limited and requires alignment of the problem with the current political climate (Beland, 2016; Jones et al., 2016; Kingdon, 1995). In recent years, a dozen states attempted to implement imitation firearm legislation more restrictive than federal laws. A small percentage of proposed bills made it through the policy process (Govtrack, 2018). Legislatures cited various reasons for a bill failing to advance, including a lack of useable data to support the proposal (Govtrack, 2018). The results of this qualitative study help fill a gap in understanding the phenomenon from the

perspective of Mesa County citizens, which in turn can lead to more effective local policies.

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Appendix A: Interview Handout

Interview Handout

Toy guns are manufactured for children's playtime and they are federally regulated under 15 U.S. Code § 5001. Toy guns need to have a blaze orange tip or have brightly painted exteriors.



Real Guns are federally and locally regulated. By definition, a real gun, or firearm, is capable of discharging bullets, cartridges, or other explosive charges. The keyword is 'explosive' referring to gunpowder.



BB guns, airsoft guns, and replica antiques are NOT considered firearms or toy guns.

These items are not manufactured for children and they do not shoot via an explosive charge. BB guns, airsoft guns, and replica antiques are excluded from 15 U.S. Code § 5001 and from standard firearm regulations.



For the purpose of this research study, the term **Imitation Firearm** refers to any BB gun, airsoft gun, pellet gun, replica, or other device, that a reasonable person would believe was a real firearm because of the shape, color, or overall appearance.