

2019

Citizen Perceptions of Law Enforcement Shootings Involving Imitation Firearms

Kristine Angela Gregory
Walden University

Follow this and additional works at: <https://scholarworks.waldenu.edu/dissertations>

 Part of the [Public Policy Commons](#)

This Dissertation is brought to you for free and open access by the Walden Dissertations and Doctoral Studies Collection at ScholarWorks. It has been accepted for inclusion in Walden Dissertations and Doctoral Studies by an authorized administrator of ScholarWorks. For more information, please contact ScholarWorks@waldenu.edu.

Walden University

College of Social and Behavioral Sciences

This is to certify that the doctoral dissertation by

Kristine A. Gregory

has been found to be complete and satisfactory in all respects,
and that any and all revisions required by
the review committee have been made.

Review Committee

Dr. Clarence Williamson, Committee Chairperson,
Public Policy and Administration Faculty

Dr. Ross Alexander, Committee Member,
Public Policy and Administration Faculty

Dr. John Walker, University Reviewer,
Public Policy and Administration Faculty

Chief Academic Officer
Eric Riedel, Ph.D.

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.

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

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.

Table of Contents

List of Tables	v
List of Figures	vi
Chapter 1: Introduction to the Study.....	1
Introduction.....	1
Background: Focusing Event in Mesa County, Colorado	1
Problem Statement	3
Purpose.....	4
Research Questions.....	4
Conceptual Framework.....	5
Nature of the Study	5
Definitions.....	6
Assumptions.....	7
Scope and Delimitations	8
Limitations	8
Significance for Social Change.....	9
Summary	9
Chapter 2: Literature Review	10
Introduction.....	10
Literature Search Strategy.....	11
Development of Phrase “Imitation Firearm”	14
Review of Toy and Real Guns	15

Development of Key Research Phrase.....	16
Definition of Imitation Firearms.....	18
Conceptual Framework.....	19
Multiple Streams Approach.....	19
The Problem Stream.....	22
The Political Stream.....	25
The Policy Stream.....	29
California Legislation and the Multiple Streams Approach.....	30
Multiple Streams Approach Applied to Imitation Firearm Legislation.....	34
Original Focusing Event for Imitation Firearm Reform.....	34
Seminal Research on Imitation Firearms.....	36
Imitation Firearms Data Gaps.....	38
Existing Legal Considerations in Colorado.....	44
Summary and Conclusions.....	45
Chapter 3: Research Method.....	46
Introduction.....	46
Research Design and Rationale.....	46
Role of the Researcher.....	47
Methodology.....	48
Participant Selection.....	48
Geographic and Demographic Breakdown of Mesa County.....	49
Participant Groups.....	50

Interview Protocol.....	52
Data Collection	53
Standardized Interview Questions	53
Data Analysis	56
Trustworthiness and Ethical Considerations.....	57
Summary	57
Chapter 4: Results	59
Introduction.....	59
Setting 60	
Demographics	60
Data Collection	61
Secondary Data	61
Field Observations	63
Interviews.....	63
Data Analysis	66
Secondary Data	66
Field Observations	71
Interviews.....	72
Evidence of Trustworthiness.....	79
Summary	79
Chapter 5: Discussion, Conclusions, and Recommendations	81
Introduction.....	81

Interpretation of Findings	81
Research Question 1	82
Research Question 2	84
Research Question 3	86
Multiple Streams Approach	88
Other Findings	91
Limitations of the Study.....	92
Recommendations.....	93
Implications for Positive Social Change.....	94
Conclusion	95
References.....	97
Appendix A: Interview Handout.....	108

List of Tables

Table 1. Standardized interview questions	54
Table 2. Database analysis	69
Table 3. Database breakdown by state.....	70
Table 4. Review of Colorado police shootings involving an imitation firearm.....	71

List of Figures

Figure 1. Imitation firearm example	18
Figure 2. Visual of stream alignment.....	20
Figure 3. Taxonomic tree diagram example	76
Figure 4. Visual of imitation firearms shootings in Colorado	90

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 define 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

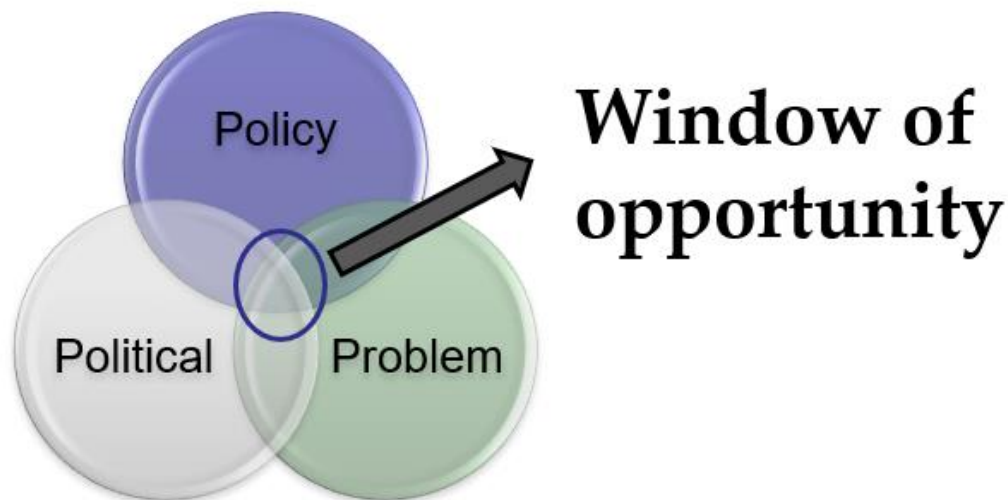


Figure 2. Visual of stream alignment.

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

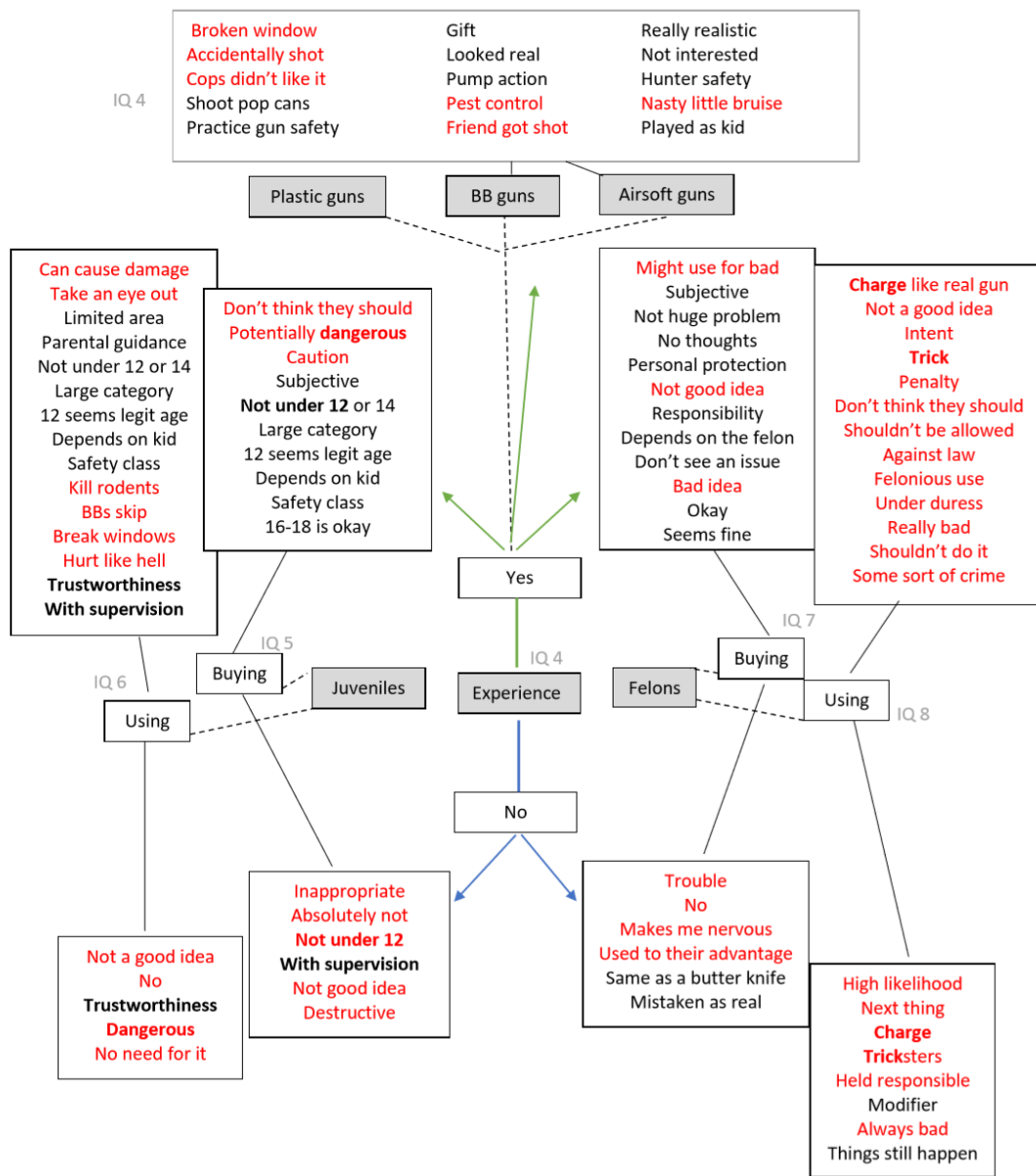


Figure 3. Taxonomic tree diagram example.

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.

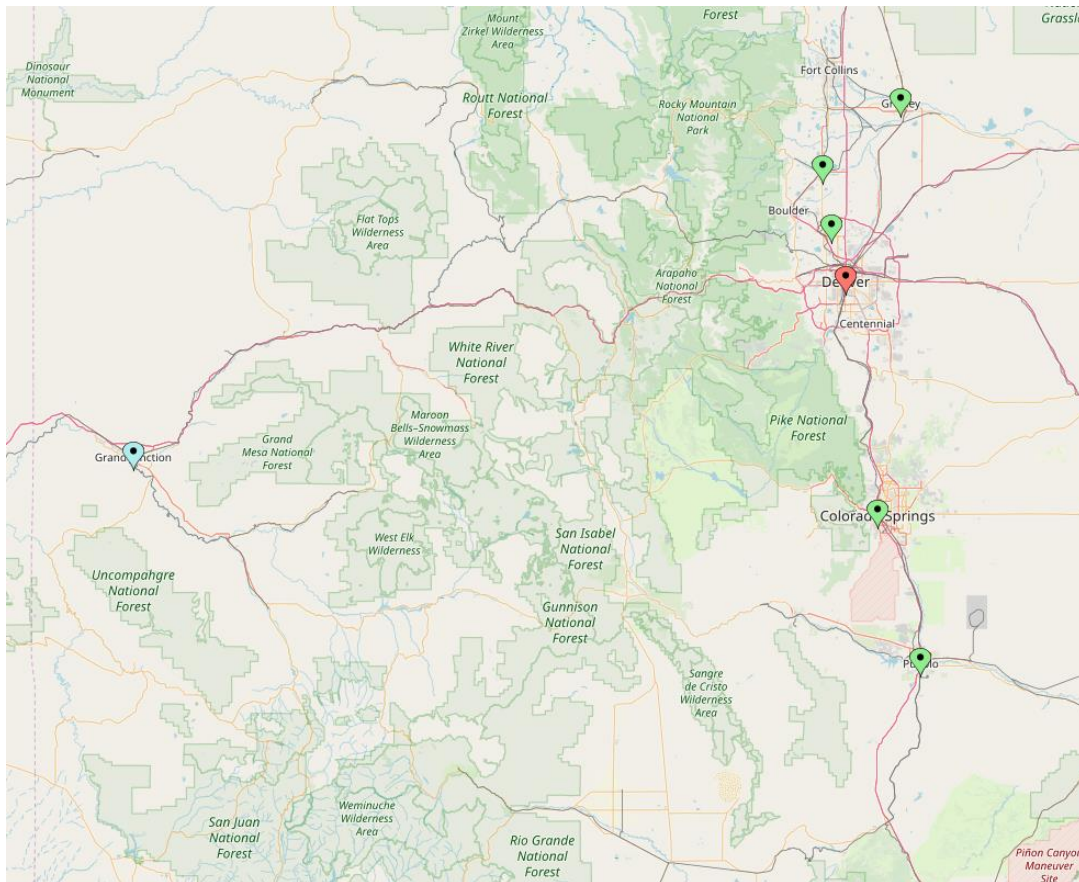


Figure 4. Visual of imitation firearm shootings in Colorado.

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.

References

- The Associated Press. (2016, July 31). Beginning of an Era: The 1966 University of Texas Clock Tower Shooting. *NBC*. Retrieved from <https://www.nbcnews.com/news/us-news/gay-rights-pioneer-dick-leitsch-who-held-sip-protest-dies-n885996>
- Bamforth, A. (2015, January 22). Senator Boxer proposes “look-alike weapons safety” bill to curb future police shootings. *Truth in Media*. Retrieved from <http://truthinmedia.com/senator-boxer-proposes-look-alike-weapons-safety-bill-to-curb-future-police-shootings/>
- BB Devices, S. 199 (2014).
- Beland, D. (2016). Kingdon reconsidered: Ideas, interests and institutions in comparative policy analysis. *Journal of Comparative Policy Analysis: Research and Practice*, 18(3), 228-242. doi: 10.1080/13876988.2015.1029770
- Beland, D., & Howlett, M. (2016). How solutions chase problems: Instrumental constituencies in the policy process. *Governance*, 29(3), 393-409. doi:10.1111/gove.12179
- Black, H. C., Nolan, J. R., & Nolan-Haley, J. M. (1991). *Black's Law Dictionary with Pronunciations* (6th ed.). St. Paul, MN: West Publishing Company.
- Broome, R. E. (2016). A phenomenological psychological study of the police officer's lived experience of the use of deadly force. *Journal of Humanistic Psychology* 54(2), 158-181. doi: 10.1177/0022167813480850
- California Penal Code § 16700 (2017).

- Cairney, P., & Zahariadis, N. (2017). Chapter 6: Multiple streams analysis: A flexible metaphor presents an opportunity to operationalize agenda setting processes. In *Handbook of Public Policy Agenda Setting* (pp. 87-105). Cheltenham, UK: Edward Elgar Publishing.
- Carter, D. L., Sapp, A. D., & Stephens, D. W. (1990, June). *Toy Guns: Involvement in Crime and Encounters with Police*. Research Project mandated by the United States Congress and published by the Police Executive Research Forum, Washington, DC.
- Cavaliere, V. (2015, August 12). Los Angeles to pay \$15 million to teen with pellet gun paralyzed by police. *Reuters*. Retrieved from <https://www.reuters.com/article/us-usa-california-settlement/los-angeles-to-pay-15-million-to-teen-with-pellet-gun-paralyzed-by-police-idUSKCN0QI0CS20150813>
- City of Grand Junction Website. (2018). Retrieved from <http://www.gjcity.org/>
- Coalition to Stop Gun Violence (2018). Retrieved from <https://www.csgv.org/>
- Daisy. (2018). Retrieved from <https://www.daisy.com/product/Red-Ryder-Model-1938/?itemnumber=991938-011>
- Denzin, N. K., & Lincoln, Y. S. (2013). Chapter 1: Introduction: The discipline and practice of qualitative research. In *The landscape of qualitative research* (4th ed., pp. 1-44). Thousand Oaks, CA: Sage Publications.
- DiCicco-Bloom, B., & Crabtree, B. F. (2006). The qualitative research interview. *Medical Education*, 40(4), 314-321. doi: 10.1111/j.1365-2929.2006.02418.x
- Dickey-Wicker Amendment, 104th Cong. Rec., 2nd Session (1996).

- Durr, R. H. (1993). What moves policy sentiment? *American Political Science Review*, 87(1), 158.
- Dzau, V. J., & Rosenberg, M. (2018, March 21). Congress hasn't banned research on gun violence; It just won't fund it. *The Washington Post*. Retrieved from https://www.washingtonpost.com/opinions/how-research-can-help-us-address-gun-violence/2018/03/21/ecde2128-2c4d-11e8-8ad6-fbc50284fce8_story.html?utm_term=.3bd182b3c2ac
- Eaton, W. J. (1988, May 11). House approves ban on guns made of plastic. *Los Angeles Times*. Retrieved from http://articles.latimes.com/1988-05-11/news/mn-2598_1_plastic-guns
- Ekstrand, L. E. (2003). [Letter to The Honorable Edolphus Towns, House of Representatives]. General Accounting Office Archive (GAO-03-1135R, Use of Toy Guns). Retrieved from <https://www.gao.gov/new.items/d031135r.pdf>
- Fatal Encounters. (2018). Retrieved from <https://www.fatalencounters.org/>
- Ferriss, S. (2012, January 13). Fatal Texas shooting highlights struggle to regulate replica guns: Toys, BB guns and pellet guns subject to a confusing patchwork of laws. *The Center for Public Integrity*. Retrieved from <https://www.publicintegrity.org/2012/01/13/7870/fatal-texas-shooting-highlights-struggle-regulate-replica-guns>
- Fisher, J. (2013, December 25). Police involved shooting statistics: A national one-year summary. *Jim Fisher True Crime*. Retrieved from <http://jimfishertruecrime.blogspot.com/2013/12/>

- Gifford's Law Center. (2017). Retrieved from
<http://lawcenter.giffords.org/category/state-law/state-non-powder-guns/>
- Govtrack. (2018). Tracking the United States Congress. Retrieved from
<https://www.govtrack.us/>
- Greenfieldboyce, N. (2018, March 23). Spending bill lets CDC study gun violence; But researchers are skeptical it will help. *NPR*. Retrieved from
<https://www.npr.org/sections/health-shots/2018/03/23/596413510/proposed-budget-allows-cdc-to-study-gun-violence-researchers-skeptical>
- Gregory, S., & Wilson, C. (2018, March 22). 6 real ways we can reduce gun violence in America. *Time*. Retrieved from <http://time.com/5209901/gun-violence-america-reduction/>
- The Guardian. (2018) Retrieved from <https://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database>
- Gun Control Act of 1968, Pub. L. No. 90-618 (1968).
- Gun Violence Archive. (2018). Retrieved from
<http://www.gunviolencearchive.org/reports/mass-shooting?page=3>
- H.R. 879, (2016).
- Herweg, N., Hub, C., & Zohlnhofer, R. (2015). Straightening the three streams: Theorising extensions of the multiple streams framework. *European Journal of Political Research*, 54, 435-449. doi: 10.1111/1475-6765.12089
- Higgs, R. (2015, November 20). Laws proposed in response to Tamir Rice's death stalled in the Statehouse. *Cleveland.com*. Retrieved from

https://www.cleveland.com/metro/index.ssf/2015/11/laws_proposed_in_response_to_t.html

Holcomb, M. (2019, January 19). 14-year-old with a replica gun shot dead by an officer in Arizona, police chief says. Retrieved from

<https://www.cnn.com/2019/01/19/us/tempe-police-shooting/index.html>

Howell, K. (2015, December 29). Tamir Rice’s toy gun “functionally identical” to real weapon: prosecutor. *The Washington Times*. Retrieved from

<https://www.washingtontimes.com/news/2015/dec/29/tamir-rices-toy-gun-functionally-identical-to-real/>

Imitation Firearms, S. 798 (2011).

Imitation Firearms: County of Los Angeles, S. 1315 (2012).

Imitation Firearms Safety Act Signed by the Governor. (2014, September 30). Retrieved from <http://sd24.senate.ca.gov/news/2014-09-30-imitation-firearms-safety-act-signed-governor>

Ingram, C. (1988, April 13). Bill outlawing realistic toy guns passed by senate panel. *Los Angeles Times*. Retrieved from http://articles.latimes.com/1988-04-13/news/mn-1051_1_toy-guns

Jamieson, C. (2013). Gun violence research: History of the federal funding freeze.

American Psychological Association 27(2). Retrieved from

<http://www.apa.org/science/about/psa/2013/02/gun-violence.aspx>

Jennings, J. T., & Rubado, M. E. (2017). Preventing the use of deadly force: The relationship between police agency policies and rates of officer-involved gun

- deaths. *Public Administration Review*, 77(2), 217-226. doi:10.1111/puar.12738
- Jesson, J. K., Matheson, L., & Lacey, F. M. (2011). *Doing your literature review: Traditional and systematic techniques*. Los Angeles, CA: Sage.
- Jones, M. D., Peterson, H. L., Pierce, J. J., Herweg, N., Bernal, A., Raney, H. L., & Zahariadis, N. (2016). A river runs through it: A multiple streams meta-review. *Policy Studies Journal*. doi:10.1111/psj.12115
- Kalesan, B., & Galea, S. (2017). Patterns of gun deaths across U.S. counties 1999-2013. *Annals of Epidemiology*, 27, 302-307.
- Kaplan, S. (2018, March 12). Congress squashed research into gun violence. Since then, 600,000 people have been shot. *NY Times*. Retrieved from <https://www.nytimes.com/2018/03/12/health/gun-violence-research-cdc.html>
- Keatley, R. (Ed.). (2017). *Colorado peace officer's handbook* (34th ed.). Park City, UT: Blue 360 Media.
- Kingdon, J. W. (1995). *Agendas, alternatives, and public policies* (2nd ed.). New York, NY: HarperCollins College Publishers.
- Look-Alike Weapons Safety Act of 2015, S. 213, 114th Cong. § 1 (2015).
- Lowery, W. (2014, September 8). How many police shootings a year? No one knows. *The Washington Post*. Retrieved from https://www.washingtonpost.com/news/post-nation/wp/2014/09/08/how-many-police-shootings-a-year-no-one-knows/?utm_term=.76c74abe0d41
- Majchrzak, A., & Markus, M. L. (2014). *Methods for policy research: taking socially responsible action*. Los Angeles, CA: Sage.

- Mapping Police Violence. (2018). Retrieved from <https://mappingpoliceviolence.org/>
- McDaniel, J. (2016, November 02). Officer will not be charged in Monument Inn shooting. *KJCT8*. Retrieved from <http://www.kjct8.com/content/news/Officer-will-not-be-charged-in-Monument-Inn-shooting-399672571.html>
- McGinnis, M. D., & Blomquist, W. (2017). Reflections on the Ostroms' contributions to the social sciences. *Journal of the Indiana Academy of the Social Sciences*, 16(1), 4-11.
- Mesa County Website. (2018). Retrieved from <https://www.mesacounty.us/>
- National Association for Gun Rights. (2018). Retrieved from <https://www.nationalgunrights.org/about-nagr/faqs>
- National Rifle Association. (2018). Retrieved from <https://home.nra.org/>
- Newton, I. (1687). *Mathematical Principles of Natural Philosophy*. Cambridge, England: Trinity College Library.
- O'Donovan, K. (2017). Policy failure and policy learning: Examining the conditions of learning after disaster. *The Review of Policy Research*, (4), 537).
- Oxford English Dictionary. (2018). Retrieved from <https://en.oxforddictionaries.com/definition/imitation>
- Patton, M. Q. (2015). *Qualitative Research & Evaluation Methods* (4th ed.). Los Angeles, CA: Sage.
- Penalties for entering into commerce of imitation firearms, 15 U.S. Code § 5001 (1988).
- Pierce, J. J., Peterson, H. L., Jones, M. D., Garrard, S. P., & Vu, T. (2017). There and back again: A tale of the Advocacy Coalition Framework. *Policy Studies Journal*,

45, S13-S46. doi:10.1111/psj.12197.

Prohibit imitation firearms, H.B. 153, 132nd Ohio General Assembly (2014).

Ravitch, S. M., & Carl, N. M. (2016). *Qualitative Research: Bridging the conceptual, theoretical, and methodological*. Thousand Oaks, CA: Sage Publications.

Rawat, P., & Morris, J. C. (2016). Kingdon's 'Streams' Model at Thirty: Still relevant in the 21st century? *Politics & Policy*, 44(4), 608-638. doi:10.1111/polp.12168

Ray, Z. (2017, November 22). This is the toy gun that got Tamir Rice killed 3 years ago today. *Newsweek*. Retrieved from <https://www.newsweek.com/tamir-rice-police-brutality-toy-gun-720120>

Rohrlich, T., & Thackrey, T. (1987, August 20). Intruder with toy gun puts KNBC off air. *Los Angeles Times*. Retrieved from http://articles.latimes.com/1987-08-20/news/mn-3662_1_toy-gun

Rubinkam, M. (2016, September 18). Fake gun, real crime: Police notice uptick in replicas. *Associated Press*. Retrieved from <https://apnews.com/99a1b40cf1c14bf48f88b1544e7d3bf5>

Savali, K. W. (2016, April 27). 13-year-old boy with toy gun shot by Baltimore police officers. *The Root*. Retrieved from <https://www.theroot.com/13-year-old-boy-with-toy-gun-shot-by-baltimore-police-o-1790855152>

Shapiro, E. (2015, December 28). One of these is the toy gun Tamir Rice was holding: Prosecutors. *ABC News*. Retrieved from <https://abcnews.go.com/US/toy-gun-tamir-rice-holding-prosecutors/story?id=35982086>

Simon, M. K., & Goes, J. (2013). *Dissertation and scholarly research: Recipes for*

success. Seattle, WA: Dissertation Success LLC.

- Sneed, T. (2014, November 28). Police shootings involving toy guns spur push for regulation. *U.S. News*. Retrieved from <https://www.usnews.com/news/articles/2014/11/28/after-john-crawford-and-tamir-rice-ohio-lawmaker-seeks-to-regulate-toy-guns>
- Spector, N. (2016, October 07). In wake of accidental deaths, bans on toy guns gaining ground across America. *NBC News*. Retrieved from <https://www.nbcnews.com/business/consumer/wake-accidental-deaths-bans-toy-guns-gaining-ground-across-america-n660171>
- Steinmetz, K. (2013, October 25). Toy guns, deadly consequences. *Time*. Retrieved from <http://nation.time.com/2013/10/25/toy-guns-deadly-consequences/>
- Stroebe, W. (2016). Firearm availability and violent death: The need for a culture change in attitudes toward guns. *Analyses of Social Issues and Public Policy*, 16(1), 7-35.
- Sullivan, J., Jenkins, J., Tate, J., Courtney, S., & Houston, J. (2016, December 18). In two years, police killed 86 people brandishing guns that look real – but aren't. *The Washington Post*. Retrieved from https://www.washingtonpost.com/investigations/in-two-years-police-killed-86-people-brandishing-guns-that-look-real--but-arent/2016/12/18/ec005c3a-b025-11e6-be1c-8cec35b1ad25_story.html?utm_term=.74fb6b07e2b4
- Taylor, S. J., Bogdan, R., & DeVault, M. (2015). *Introduction to Qualitative Research Methods: A Guidebook and Resource*. Hoboken, NJ: John Wiley & Sons, Inc.
- Umarex USA. (2019). Retrieved from <https://www.umarexusa.com/>

- United Nations. (2015). Sustainable Development Goals; 17 goals to transform our world. Retrieved from <https://www.un.org/sustainabledevelopment/peace-justice/>
- Utter, G. H., & True, J. L. (2002). Saying “Yes,” “No,” and “Load me up” to Guns in America. *American Review of Public Administration*, 32(2), 216-241.
- Vizzard, W. J. (2015). The Current and Future State of Gun Policy in the United States. *The Journal of Criminal Law and Criminology*, 104(4), 879-904.
- Vollmer, T. (1987, August 26). ‘Threatening’ use of toy weapons is banned by county. *Los Angeles Times*. Retrieved from http://articles.latimes.com/1987-08-26/local/me-2652_1_toy-weapons
- Washington v. U.S. (2015).
- Wellford, C. F., Pepper, J. V., & Petrie, C. V. (Eds.). (2005). *Firearms and Violence*. Washington, DC: The National Academies Press. Retrieved from <https://www.nap.edu/read/10881/chapter/1>
- Western Slope Now. (2019, January 18). Suspect with BB gun sends schools into lockdown. Retrieved from https://www.westernslophenow.com/news/suspect-with-bb-gun-sends-schools-into-lockdown_20190119014951/1710682339
- Wexler, L. (2017). Gun shy: How a lack of funds translates to inadequate research on gun violence in America. *Hopkins Bloomberg Public Health*. Retrieved from <https://magazine.jhsph.edu/2017/fall/features/cassandra-crifasi-hopkins-moderate-gun-owner-gun-policy-researcher/how-the-dickey-amendment-affects-gun-violence-research.html>
- Wiersma, W. (2000). *Research methods in education: An introduction*. Boston, MA:

Allyn and Bacon.

Wood, R. H. (2009). Toy guns don't kill people – People kill people who play with toy guns: Federal attempts to regulate imitation firearms in the face of toy industry opposition. *City University of New York Law Review*, 12(2), 263-281.

Zahariadis, N. (1996). Selling British rail: An idea whose time has come? *Comparative Political Studies* 29(4), 400-422.

Zahariadis, N. (2003). *Ambiguity and Choice in Public Policy: Political Decision Making in Modern Democracies*. Washington, DC: Georgetown University Press.

Zahariadis, N. (2007). The Multiple Streams Framework: Structure, Limitations, Prospects. In P. A. Sabatier (Ed.) *Theories of the Policy Process* (2nd ed., pp. 65-92). Boulder, CO: Westview Press.

Zahariadis, N. (2014). Ambiguity and Multiple Streams. In P. A. Sabatier & C. M. Weible (Eds.), *Theories of the Policy Process* (3rd ed., pp. 25-58). Boulder, CO: Westview Press.

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.