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**Grounds to reopen the investigation of the killing of Mark Duggan. 4 August 2011**

London, 27 February 2020

Dear Mr Lockwood,

Further to our 12 February 2020 meeting with members of your staff, I am pleased to write to you with a summary of the grounds that we believe are sufficient to reopen the original IPCC investigation into the killing of Mark Duggan, including three expert reports that were unavailable to the IPCC investigators.

IOPC policy [[LINK](#)] states that an investigation may be reopened when:

1. there is significant new information which, had it been available, may have led, wholly or partly, to different decisions on discipline, performance and/or referral to the CPS; or
2. the original investigation may be flawed in a manner which had a material impact on subsequent decisions' on discipline, performance and/or referral to the CPS; and
3. it is necessary, in the public interest, to reopen the investigation.

We contend that, together, the enclosed expert reports and Forensic Architecture (FA)'s own investigation (a report on which you have received on 5 February 2020) constitute 'significant new information' as required by the first criterion.

We believe that these materials might also meet the second criterion, since together they question a number of assessments made by the original IPCC investigation, though this is not essential in view of the enclosed new information that this letter makes available to you.

Lastly, concerning the third criterion, we believe that, given the circumstances and consequences of Mr Duggan's death, and the tensions and mistrust that have endured since, the public interest in reopening this investigation is overwhelming.

Toward that end, we enclose links to the reports below, having received the permission of Mr Duggan's mother, Pamela Duggan. Please note that the following reports contain some graphic image material.

**Jeremy J. Bauer PhD** [\[LINK\]](#)

The evidence previously considered by the IPCC did not contain a highly detailed analysis of the body position and physical movements that would have been required of Mr Duggan, had he been throwing a gun as he was shot (as the IPCC report concludes is most probable). Consequently, the report could not effectively address the question of whether V53 could have failed to see such a throwing action. The required detail is provided for the first time in Dr Bauer's biomechanical analysis. Dr Bauer concludes:

- *'Had Mr. Duggan tossed a gun over the fence, he would have had to toss the gun directly to his right side ... with a large sweeping motion of his arm.'* (p13)
- *'A large sweeping motion of the arm away from his body (to Mr. Duggan's right side) is the only motion that would both be consistent with Mr. Duggan's injuries and produce the rest position of the gun. **Such a large motion would be readily observable** by people both in front of, or behind Mr. Duggan.'* (p14)
- *'I conclude, to a reasonable degree of scientific and biomechanical certainty, that ... **Mr. Duggan likely could not have tossed, or even held, the gun after being shot by V53**; and ... Had Mr. Duggan been able to toss the gun after being shot, **numerous officers would have witnessed the swinging arm motion** required to toss the gun to the grass from the area where Mr. Duggan was shot.'* (p19)

**Professor Derrick Pounder** [\[LINK\]](#)

In addition to the analysis carried out for the IPCC's own investigation, Professor Pounder conducted an analysis for the Duggan family's legal representatives in 2019. This analysis was conducted under a different set of starting assumptions; when commissioned by the IPCC, Professor Pounder was asked to assume that Duggan was holding a gun at the time that he was shot. However, when he was subsequently commissioned by the Duggan family's lawyers, he was not asked to begin from this assumption, and consequently he made the following, substantially different, conclusion:

- *'I cannot conceive of how MD could have thrown the Bruni gun forwards and to his right in an arc over fencing to where it is said to have been found, 7-8m away, using what would need to be an extended underarm throw ... I am reinforced in this view by the fact that such a throwing movement, with the hand moving up and away from the body, **was not witnessed by the shooter V53 or police officers W70 and R68 who had direct line of sight of his hands at the time**. The Bruni gun would need to **have travelled in the air towards and in front of V53**.'* (p19)

**Dr Kostas Papagiannopoulos** [\[LINK\]](#)

Dr Papagiannopoulos, a thoracic expert, was also commissioned by the lawyers for Mr Duggan's family. His report addresses the question of whether the traumatic impact of the injuries sustained by Mr Duggan would have impaired his capacity to throw the gun to where it was found during the period of the shots. Dr Papagiannopoulos concludes:

- *'In my opinion, and on the balance of probabilities, the deceased **would not have had the physical ability to throw the Bruni gun above the railing/fence/brick wall into the grassed area** given the extent of injuries as well as his body and arm position at the time of injury.'* (p8)

## **Forensic Architecture**

FA's investigation synthesises the above reports with other information, including testimonial evidence and biomechanical and spatial facts. Thanks to this process, FA has been able to reach additional conclusions which themselves constitute significant new information. Specifically, FA's investigation delineates a range of possible positions for Mr Duggan and V53, recreates the required physical movements on a digital model of Mr Duggan's body, and further demonstrates how those movements would have appeared from the viewpoints of different witnesses. This reconstruction provides new means to ask critical questions of the testimony V53 and other officers, including:

- What movements must have occurred, for Mr Duggan to have thrown the gun as he was shot?
- What must those movements have looked like from the perspective of V53, and other officers?
- Had Mr Duggan thrown the gun during the period of the shots, could V53 have failed to see it?

Examining these and other questions strongly challenges the account of the incident presented by V53. Had the above material been available at the time of the original IPCC investigation, it would surely have impacted on subsequent decisions on discipline, performance and/or referral to the CPS.

Further, FA's investigation has deployed new techniques to analyse the video material known as the 'Witness B footage', and to recreate the movements of individuals seen in the footage, providing new means to more fully consider other possible explanations for the gun's location, such as the possibility, discussed at the inquest, that the gun was moved from the vehicle by officers following Mr Duggan's death.

As discussed in our meeting, we would be pleased to put our methods of spatial and media analysis at the disposal of the IOPC for the purposes of reviewing and ultimately reopening the original investigation into the killing of Mark Duggan.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Eyal Weizman', with a long horizontal flourish extending to the right.

Prof. Eyal Weizman FBA MBE