

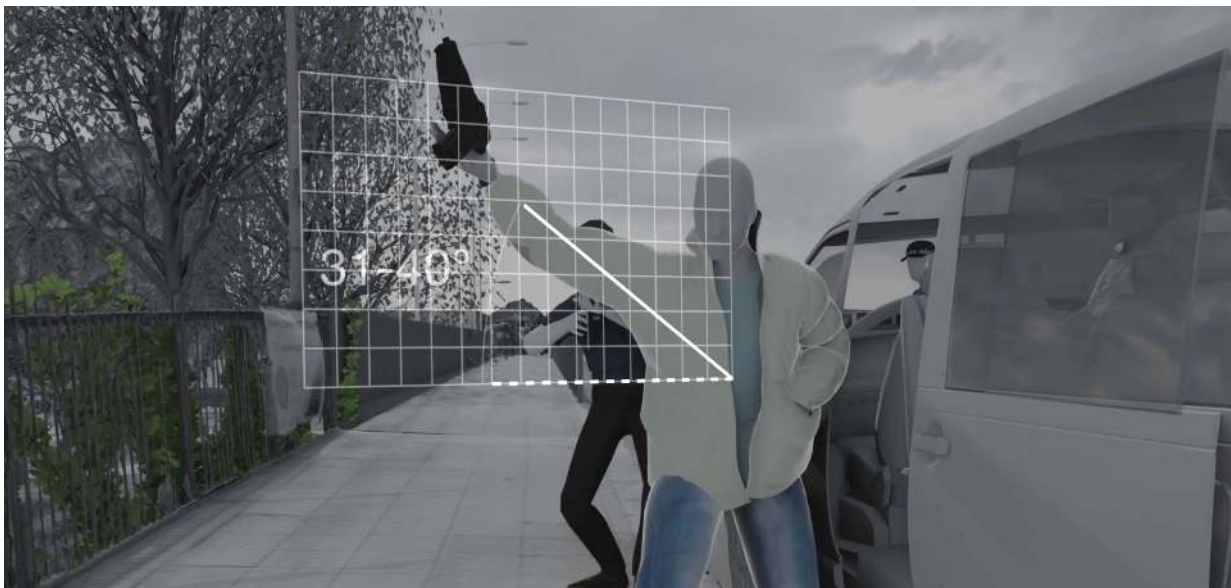
Concerning the IOPC's refusal to re-open the IPCC investigation into the killing of Mark Duggan

On 26 May 2021, after more than a year of deliberation, the Independent Office of Police Complaints (IOPC) [refused](#) Forensic Architecture (FA)'s [request](#) to reopen the investigation by its predecessor, the Independent Police Complaints Commission (IPCC), into the killing of Mark Duggan in August 2011. In doing so, the IOPC has chosen to ignore new evidence provided to them, evidence which served to undermine the very basis on which the original investigation had concluded that V53, the officer who killed Duggan, had no case to answer.

New biomechanical evidence by Dr. Jeremy Bauer

The IOPC has ignored altogether the central evidence of Dr. Jeremy Bauer, an expert in forensic biomechanics. [That evidence](#) [caution: some graphic content] was not previously available to the IOPC or its predecessor, the IPCC, until it was shared with them by FA and the Duggan family's lawyers in 2020.

Bauer's evidence is that, *if* Duggan had been holding the gun, and had thrown it to in the location where it was found, the required throw would have been a "large, sweeping motion of his arm ... consistent with throwing a flying disc or 'Frisbee'". Critically, Bauer goes on: "The biomechanics of a sweeping throw to the side would have been easily visible to anyone positioned in front of, or behind Mr. Duggan." The motion as described by Bauer was digitally modelled by FA:



A screenshot from The Killing of Mark Duggan, in which Bauer's evidence is modelled. (Forensic Architecture)

This is significant because the IPCC concluded that Duggan "was in the process of throwing the firearm... as he was shot". The officer V53 was standing around 3m away from Duggan at the time, and claimed that his attention was closely focused on Duggan's hands throughout. From Bauer's evidence, it follows that if Duggan threw the gun as the IPCC claims, V53 would have seen it. In fact, according to their testimony, neither V53 nor any other officer at the scene saw any such thing. As such, Bauer's evidence calls into question the very basis for the IPCC's conclusion, which in turn was the basis on which the IPCC was said that V53 had no case to answer.

The IOPC describes Bauer's evidence, and FA's modelling of that evidence, as within the scope of what was already considered in the IPCC's initial investigation, and so not 'new' when compared to, for example, the evidence of Professor

Jonathan Clasper (also referenced in the letter). However, Clasper's report provides no modelling, and made no claim as to the visibility of the throw from the position of V53, or other officers. To say then that 'there is no particular reason to prefer Dr Bauer's evidence over that of Professor Clasper' is to wilfully ignore the fact that part of Bauer's evidence is not covered by Clasper.

Professor Derek Pounder

The IOPC has also ignored the significance of the expert opinion provided in 2019 by the eminent forensic pathologist Professor Derrick Pounder. Their reasoning for ignoring the evidence within that report is at best an inexcusable misreading of the facts, and at worst, a lie.

The letter of 26 May states that "the family of Mr Duggan, within their instructions, asked Professor Pounder to prepare the report beginning with the assumption that Mr Duggan was not holding the firearm when he was shot. This is distinctly different to the IPCC who instructed Professor Pounder to prepare the report on the basis that Mr Duggan was holding the firearm at the time he was shot". Later, the letter concludes that "Professor Pounder offers an alternative opinion due to the starting point he was instructed to provide the expert report on".

This assertion by the IOPC is demonstrably not true. As is clear from Professor Pounder's 2019 report as well as the instructions sent to him by the family – which FA have seen – he was not at asked to make the alleged assumption in any shape or form. Indeed, the questions he was asked to address speak for themselves:

1. *What were the probable trajectories of the bullet tracks through Mark Duggan's body?*
2. *Was there any significant deflection of the bullets within Mark Duggan's body?*
3. *What was Mark Duggan's likely body position, including the position of his right arm, at the time of each shot?*
4. *What was the sequence of the two shots?*
5. *Which of the shots hit W42 and which ended up in the minicab?*
6. *What injuries did each bullet cause to Mark Duggan?*
7. *Describe the likely impact of injury on the ability of Mark Duggan to throw the Bruni gun.*
8. *Is it probable that Mark Duggan would have been able to throw the Bruni gun a distance of approximately 7-8m on to the grass verge after sustaining the injuries caused by the two shots?*
9. *Are there pathology aspects of statements made by other experts at the inquest, either in writing or in oral evidence, which you would particularly support or reject?*

Further, a key component of FA's objections to the IPCC's original findings is precisely that the IPCC *did* make such an assumption, stipulating that Professor Pounder and other experts assume Duggan was holding a gun when he was shot. This assumption takes for granted that the officer who shot Duggan was telling the truth, and in this way, the IPCC answered their own question before it was asked. As an "investigatory body", the IOPC's failure to recognise this as a fundamental flaw in the original investigation should be deeply embarrassing; to go further, and accuse FA of behaving in the same way, is an act of egregious bad faith.

Conclusion

In respect of both expert opinions, and of the IPCC's original investigation, the IOPC is evidently guilty either of a wilful misinterpretation or an embarrassing misunderstanding of the available evidence. In either case, this represents a shameful dereliction of duty on the parts of Sal Naseem, David Emery, and the IOPC, and underlines that the UK public can have little faith in the IOPC as an impartial monitor of police practices.

We at FA look forward to sharing our investigation and its findings with our fellow Londoners at the Institute of Contemporary Arts from 6 July, in partnership with Tottenham Rights.