

Summary of investigation and key findings

Background

1. Mark Wayne Duggan was 29 years old when he was fatally shot by a Metropolitan Police Service (MPS) officer on Thursday 4 August 2011 in Ferry Lane, Tottenham, north London.
2. Mr Duggan had been shot twice by the officer who for legal reasons is known as V53. His cause of death was recorded as a gunshot wound to the chest. He was pronounced dead at 6.41pm.
3. Shortly before his death, Mr Duggan was travelling in a minicab which was subject to a 'hard stop', by 11 specialist firearms officers (CO19). A hard stop is a police tactic that involves three police vehicles surrounding a suspect vehicle forcing it to a stop.
4. The hard stop was the result of an MPS intelligence led operation code-named 'Dibri' which started in January 2009 in response to what the MPS had assessed as rising tensions between organised criminal networks in north London.
5. As part of this operation, in the days leading up to his fatal shooting, the MPS received intelligence from the Serious and Organised Crime Agency (SOCA). The MPS assessed this intelligence to indicate that Mr Duggan was seeking to obtain a firearm.
6. Mr Duggan had been subject to a previous surveillance operation on 3 August 2011 but that operation was abandoned early that same evening

Independent Police Complaints Commission investigation

7. The IPCC was notified of the fatal police shooting by the MPS at 7.20pm on 4 August and immediately started an independent investigation into the circumstances surrounding Mr Duggan's death.
8. The independent investigation examined these issues:
 - The intelligence relating to Mr Duggan and its development - in particular during early August 2011.
 - The planning of the police armed surveillance operation that led to Mr Duggan's death.
 - What happened on 4 August 2011, in particular the full circumstances of:
 - the initial events of Mr Duggan's journey in a minicab

- the decision to stop the minicab and the timing and location of the stop
 - Mr Duggan's exit from the vehicle
 - whether Mr Duggan had a firearm when he left the vehicle
 - what V53 saw and what the nature of the threat to him/his colleagues was
 - why two shots were fired, and why V53 fired at Mr Duggan's chest
 - the finding of a non-police issue firearm at some distance from Mr Duggan's body and how it got there
9. The investigation considered complaints made by family members about the conduct of police officers in relation to the non police issue firearm found at the scene. These complaints were not upheld on the basis of some of the investigation findings.
10. During the IPCC investigation three judicial processes took place where evidence, some relevant to the IPCC investigation, was gathered and analysed and conclusions were drawn:
- On 18 September 2012 Kevin Hutchinson-Foster stood trial for a number of offences including transferring a firearm to Mr Duggan on 4 August 2011. Following a five-week trial, the jury failed to reach a verdict.
 - A re-trial began on 7 January 2013. On 31 January 2013, Mr Hutchinson-Foster was convicted of a number of offences including transferring a firearm to Mr Duggan on 4 August 2011.
 - Between 16 September 2013 and 9 January 2014 an inquest, before a jury, was held at the Royal Courts of Justice in central London. The jury made a number of findings and ultimately found, by a majority of eight out of ten, that Mr Duggan had been lawfully killed.
11. The IPCC investigation gathered its own evidence and also considered evidence that emerged from the criminal trials and the inquest. Further investigative work was undertaken as a result of those proceedings.
12. The investigation gathered more than 1200 documents, 500 witness statements and 340 exhibits.
13. In order to trace independent witnesses, IPCC investigators conducted a number of witness appeals, distributed leaflets and posters, travelled on board relevant

bus routes, and visited a large number of residential and commercial premises in the area of Ferry Lane where the shooting took place.

14. Investigators completed a CCTV trawl. A substantial amount of CCTV footage and other audio and visual material was gathered, viewed and utilised.
15. As the investigation progressed the IPCC sought reports from a number of experts in the fields of pathology; DNA profiling; firearms and ballistics; gunshot residue analysis; fibre analysis; toxicology; pharmacology; finger and palm print; and bio-engineering.
16. Further reports were required from a number of these experts as the evidential picture developed.
17. The investigation has concluded and the IPCC has published a report detailing the evidence obtained and its key findings and provisional recommendations.

IPCC findings

The intelligence relating to Mr Duggan

Finding 1

It was reasonable for Operation Dibri to have identified and focussed on Mr Duggan as one subject of Operation Dibri.

Finding 2

It was reasonable for the police to have made Mr Duggan the subject of the armed deployments on 3 and 4 August 2011.

Finding 3

The IPCC has verified both the specific intelligence that led to Mr Duggan being the subject of the deployments on 3 and 4 August 2011, and the background intelligence which caused Mr Duggan to be a focus of Operation Dibri. The specific intelligence and background intelligence justified the authorisation of an armed surveillance operation against Mr Duggan.

The planning of the police operation

Finding 4

Officers working on Operation Dibri did not know where the firearm connected to Mr Hutchinson-Foster was located and, given the intelligence picture, it is reasonable that Operation Dibri officers did not apply for a search warrant relating to the firearm

controlled by Mr Hutchinson-Foster, nor make Mr Hutchinson-Foster the subject of surveillance.

Finding 5

Based on the intelligence held and the inability to obtain a search warrant to locate Mr Hutchinson-Foster's firearm, the tactic adopted to follow Mr Duggan with armed officers in support was a logical and legitimate decision.

Finding 6

The IPCC agrees with the findings and recommendations of the review of the planning and authorisation of the operations conducted by the ACPO appointed Firearms Advisor, Superintendent Helen McMillan.

The initial events on 4 August 2011

Finding 7

Mr Duggan took a mini-cab from Micawber Court, near Hoxton, to Vicarage Road, Leyton.

Finding 8

Mr Duggan did not have a box with him when he got into the minicab.

Finding 9

In the vicinity of Vicarage Road and Burchell Road, at around 6pm, Mr Hutchinson-Foster handed Mr Duggan a River Island shoebox containing the BBM Bruni firearm, JMA/1, in a black sock. The minicab, carrying Mr Duggan and the box, continued to Ferry Lane, being followed by the police.

The decision to stop the minicab and the timing and location of the stop

Finding 10

It was reasonable for the Tactical Firearms Commander to decide to stop the minicab to attempt to recover the firearm, detain Mr Duggan and secure any evidence.

Finding 11

The stop was carried out at an appropriate location considering all of the circumstances.

What happened after the stop of the minicab

Finding 12

Mr Duggan was shot around four seconds after the minicab stopped.

Finding 13

Mr Duggan voluntarily got out of the minicab from the rear sliding door onto the pavement as soon as the minicab stopped and was out of the vehicle on the pavement at the time he was shot.

Finding 14

The evidence suggests the CO19 officers did attempt to inform Mr Duggan that they required him to stop after they had got out of their vehicles. There is insufficient evidence to conclude that the CO19 officers did, or did not, shout 'Armed police'.

Finding 15

It is not possible to determine the precise positions of V53 and Mr Duggan at the time the shots were fired. However, the evidence indicates:

- Mr Duggan was moving on the pavement somewhere in the vicinity of the rear area of the minicab;
- V53 was ahead of Mr Duggan on the pavement, and it is more likely than not that he was slightly to the right of Mr Duggan (from Mr Duggan's perspective);
- W42 [CO19 specialist firearms officer] was on the pavement behind Mr Duggan.

Finding 16

V53 fired two shots at Mr Duggan.

Finding 17

At the time Mr Duggan received the shot to his chest he was more likely than not to have been stooped but based on the evidence below the IPCC cannot say to what degree.

Finding 18

The front lower left hand-side of Mr Duggan's jacket was folded up and over the right hand side of his chest as he was shot.

Finding 19

The two shots were fired in rapid succession. One of the bullets hit Mr Duggan in the right arm and one bullet hit him in the upper right chest. The IPCC is not able to reach a conclusion about the sequence of the two shots.

Finding 20

One bullet was found in the radio of W42 and one was found inside an orange Sainsbury's carrier bag located in the rear of the minicab on the floor between the driver and front passenger seat. Both bullets contained Mr Duggan's DNA but it is not possible to establish which bullet caused which wound to Mr Duggan or how one bullet got into the carrier bag.

Finding 21

The IPCC investigation has not found material evidence to undermine V53's assertion that he had an honestly held belief: (1) that he saw a firearm in Mr Duggan's right hand and Mr Duggan's right arm beginning to move; and (2) that his life or that of his colleagues was in imminent danger.

V53's first shot was aimed at Mr Duggan's central body mass and, because he still perceived the threat, he fired a second shot at Mr Duggan. These two shots occurred in rapid succession and in the context of V53's honestly held belief (as asserted) constituted the use of reasonable and proportionate force by V53.

Finding 22

JMA/1 was found on the grassed area adjacent to the pavement of Ferry Lane; as a guide, this was approximately 4.35m [14.25 feet] from Mr Duggan's body as it was positioned during the laser scan survey conducted at Ferry Lane.

Finding 23

There is no credible evidence that JMA/1 was thrown or planted by the police. JMA/1 was found by either CO19 officer R31 or Z51 approximately 8 minutes after the shooting.

Finding 24

The most plausible explanation for the location of the firearm, JMA/1, is that Mr Duggan was in the process of throwing the firearm, JMA/1, to his right as he was shot.

Provisional Recommendations

18. Following an IPCC investigation the lead investigator can make provisional recommendations. Recommendations may relate to improving practice, updating policy or changes to training.

19. The IPCC commissioner can then decide whether to issue formal recommendations to the police.

20. If formal recommendations are made to a police force it must respond to each recommendation. They do not have to carry out the recommendation but they do have to say what action they have taken, or plan to take; or why they have not taken, or do not plan to take, any action. They must usually provide responses within 56 days which must be published.

Provisional Recommendation 1

ACPO, or its successor organisation (the National Police Chief's Council), should work with the National Offender Management Service (NOMS) to ensure that effective information exchange arrangements are in place between all police forces and NOMS, so that confidential and sensitive information can be shared in confidence in order to protect the public and prevent serious harm.

Provisional Recommendation 2

ACPO, or its successor organisation (the National Police Chief's Council) and the College of Policing, should explore and report on the feasibility of recording all radio communications taking place during covert firearms operations. The recipients should consider at what time during a firearms operation the recording should/could occur to ensure, as far as possible, that 'relevant information' is collated. Relevant information includes: the decision-making (and timing thereof) of the Tactical Firearms Commander, Operational Firearms Commander and other relevant officers (including when and why state 'amber' and state 'red' are called); the dissemination of information/intelligence to the surveillance / firearms officers (what information and when disseminated); and, information which informs when and where an intervention takes place.

Provisional Recommendation 3

Further to the Coroner's concern 6 (see paragraphs 88-90 of the Coroner's Report to Prevent Future Deaths), the Metropolitan Police Service should ensure that: their covert armed response vehicles are fitted with in car data recording systems (otherwise known as 'Incident Data Recorders' IDRs); that the relevant data is retained in any circumstance when either death or personal injury occurs or where any other referral is made to the IPCC further to the Police Reform Act 2002; and that the existence of the data is made known to the IPCC designated investigator, or other relevant investigative agency.

Provisional Recommendation 4

ACPO, or its successor organisation (the National Police Chief's Council) and the College of Policing, should explore and report on the feasibility of fitting audio/visual recording devices in covert armed response vehicles which are active throughout an armed operation.

Provisional Recommendation 5

The Metropolitan Police Service gives careful consideration to the recommendations detailed in the ACPO Advisor's report, as listed in full in Chapter 9. In particular, the IPCC considers that Recommendation 3, concerning the provision of a separate tactical advisor to provide advice to the Tactical Firearms Commander during the firearms operation, should be implemented by the Metropolitan Police Service.