

# INQUEST TOUCHING UPON THE DEATH OF MARK DUGGAN

Form 2

## Record of an inquest

The following is the record of the inquest (including the statutory determination and, where required, findings) –

1. Name of the deceased (if known):  
**Mark Wayne Duggan**
2. Medical cause of death:  
**Gunshot wound to the chest**
3. How, when and where, and for investigations where section 5(2) of the Coroners and Justice Act 2009 applies, in what circumstances the deceased came by his or her death:
  - a) when;  
**4 August 2011 at 18.41**
  - b) where;  
**Ferry Lane**
  - c) how;

### Question 1

In the period between midday 3<sup>rd</sup> August and when state Amber was called at 6.00pm on 4<sup>th</sup> August 2011, did the MPS and SOCA do the best they realistically could have done to gather and react to intelligence about the possibility of Mr Duggan collecting a gun from Mr Hutchinson Foster?

**Yes**  **10**  **No**  **Not enough information**

If no, what more could have been expected of them?

- **With respect to the Trident investigation, there was not enough current intelligence and information on Kevin Hutchinson Foster. There was no emphasis on exhausting all avenues which could have affected reaction and subsequent actions.**
- **Insufficient information regarding any relevant intelligence gathering or activity on Mark Duggan or Kevin Hutchinson Foster between 9pm on 3 August (after surveillance lost him) until new intelligence came in from A10 on 4 August.**

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**Question 2**

Was the stop conducted in a location and in a way which minimised to the greatest extent possible recourse to lethal force?

**Yes**

**No**

If no, what more could have been expected of them?

**Question 3**

Did Mr Duggan have the gun with him in the taxi immediately before the stop?

**Yes**

**No**

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### **Question 4**

How did the gun get to the grass area where it was later found?

**8:2**

**The Jury, in a majority of 9:1, concluded that Mark Duggan threw the firearm onto the grass.**

**Of the 9, 8 have concluded that it is more likely than not, that Mark Duggan threw the firearm as soon as the minicab came to a stop and prior to any officers being on the pavement.**

**1 concluded that Mark Duggan threw the firearm whilst on the pavement and in the process of evading the police.**

**1 juror was not convinced of any supposition that Mark Duggan threw the firearm from the vehicle or from the pavement because no witnesses gave evidence to this effect.**

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**Question 5**

When Mr Duggan received the fatal shot did he have the gun in his hand?

If you are sure that he did not have a gun in his hand then tick the box accordingly and then go on to consider unlawful killing, lawful killing or an open conclusion;

8

**We are sure that he did not have a gun in his hand**

If you find that it was more likely than not that he did have a gun in his hand tick the box accordingly and then go on to consider lawful killing or an open conclusion;

1

**We believe it is more likely than not that he did have a gun in his hand**

if you conclude that it is more likely than not that he did not have a gun in his hand then tick the box accordingly and go on to consider lawful killing or an open conclusion.

1

**We believe it is more likely than not that he did not have a gun in his hand**

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### Conclusions - lawful/unlawful killing and open conclusion

**Unlawful.** You have to be sure that the act was unlawful – that is that it was not done in lawful self defence or defence of another or in order to prevent crime. It is not for V53 to prove that he did act lawfully – before you conclude that his act was unlawful, you must be sure that it was unlawful.

Any person is entitled to use reasonable force to defend himself or another from injury, attack or threat of attack. If V53 may have been defending himself or one of his colleagues then go on to consider two matters:

- 1) Did V53 honestly believe or may he honestly have believed, even if that belief is mistaken, that at the time he fired the fatal shot, that he needed to use force to defend himself or another; if your answer is NO then he cannot have been acting in lawful self defence and you can put that issue to one side; if your answer is YES then go on to consider:
- 2) Was the force used – the fatal shot – reasonable in all the circumstances? Obviously if someone is under attack from someone he genuinely believes is violent and armed – then that person cannot be expected to weigh up precisely the amount of force needed to prevent that attack. But if he goes over top and acts out of proportion to the threat then he would not be using reasonable force and his action would be unlawful.

The question whether the degree of force used by V53 was reasonable in the circumstances is to be decided by reference to the circumstances as V53 believed them to be – but the degree of force is not to be regarded as reasonable in the circumstances as V53 believed them to be if it was disproportionate in those circumstances.

(Alternatively a police officer may use lawful force to prevent crime. Here two points arise:

- 1) Did V53 shoot Mark Duggan in order to prevent crime; and
- 2) Was the force used reasonable or unreasonable in all the circumstances?)

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Only if you are sure that Mr Duggan was killed unlawfully will you come to this conclusion and record it as such.

**Lawful killing.** If you conclude that it was more likely than not that the fatal shot which killed Mark Duggan was the use of lawful force – then you would return a conclusion of lawful killing.

**Open conclusion.** An open conclusion should be recorded when there is insufficient evidence to the necessary standard of proof for you to record any other “substantive” conclusion as to how Mark Duggan came to his death.

You may record an open conclusion if:

- 1) You are not satisfied so that you are sure that Mark Duggan was unlawfully killed; and
- 2) You are not satisfied that it is more likely than not that Mark Duggan was killed lawfully.

4. Conclusion of the jury as to the death:

**Unlawful  
killing**

**Open  
Conclusion**

**Lawful  
Killing**

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5. Further particulars required by the Births and Deaths Registration Act 1953 to be registered concerning the death:

| Date and place of death                 | Name and surname of deceased     | Sex         | Date and place of birth | Occupation and usual address   |
|---|----------------------------------|-------------|-------------------------|--|
| <b>Ferry Lane<br/>4 August<br/>2011</b> | <b>Mark<br/>Wayne<br/>Duggan</b> | <b>Male</b> | <b>15/09/1981</b>       | <b>Clothes<br/>retailer.<br/>13 Rowland<br/>Hill Avenue<br/>London N17<br/>7LU</b> |

Signature of Coroner (and jurors):

**Signature of Coroners**

**Signature of Jurors**