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NEWS

Reconstruction casts doubt on conclusion that officers acted in self-defence when they shot dead confused German

There are indications that the National Police Investigation into the death of German influencer Sammy Baker has faltered. For example, the conclusion that shooting officers came to the aid of a colleague after he landed on the ground does not appear to be correct.

Maud Effting and Willem Feenstra 27 September 2023, 20:06



3D model of the courtyard in Amsterdam where German Sammy Baker was shot dead by cops.

Image Forensic Architecture and Forensis

This is a result of a reconstruction by *Argos* in collaboration with the British research group Forensic Architecture, affiliated to the University of London. The 23-year-old Baker was shot dead in a

confused state by Amsterdam police in 2020. After consuming cannabis, he had possibly fallen into psychosis. In a courtyard garden in Amsterdam-West, after a police chase, he eventually put a knife to his throat and the situation escalated. Officers drew their weapons, a dog handler ran at Baker from behind with a dog and took him down. In the ensuing chaos, two officers shot him dead with multiple bullets.

After investigation by the National Criminal Investigation Department, the public prosecutor (OM) concluded in 2021 that the officers acted in self-defence and did not need to be criminally prosecuted. It now turns out that facts were presented differently in that investigation. For example, three officers falsely stated that they intervened after the dog handler who had pulled Baker to the ground ended up on the ground together with the 'suspect'. 'They fell down together, whereupon the officers decided to come to the aid of the dog handler,' the prosecution concluded.

Unrevealed video footage presented by Argos now shows that at no point was the dog handler on the ground, or near it. This raises questions about other parts of the police statements. Together, these formed the basis for the conclusion that there was self-defence.

'Helpless' position

There are no clear images of the moment Baker was shot. Officers stated that he made stabbing motions towards colleagues with a knife. But according to Forensic Architecture (FA), a 3D reconstruction, based on 17 videos from witnesses, shows that Baker was in contact with the ground with his buttocks and lower back at that moment, and was not in an attacking position. 'The officers had the ability to step backwards at any time,' FA concluded. Earlier, it

was also revealed that no damage could be found on the vest of an officer who claimed to have been stabbed.

Only 1.1 seconds, FA failed to reconstruct the events in 3D. In theory, Baker could have been wielding a knife in this, and there may have been self-defence. Yet according to the researchers, it is also certain that he was in the same 'helpless' position during this period and that the danger to the officers was very small.

'If the facts are so obviously wrong, something should be done about it,' says Marijke Malsch, professor at the Open University and fellow at the Netherlands Study Centre on Crime and Law Enforcement (NSCR), who researched incorrect police statements. 'You would want the investigation to be reopened or a judge to pass judgment.'

No neighbourhood survey

Lawyer Richard Korver, who is assisting Baker's next of kin, strongly questions the National Criminal Investigation Department's investigation. For instance, no neighbourhood investigation took place after the deadly incident, so the National Criminal Investigation Department relied mainly on statements made by officers. Korver: 'It is striking that some officers state exactly the same thing, while those statements are obviously incorrect. And we know that there was prior contact between these officers.'

According to Professor Malsch, incorrect statements by agents are often not made deliberately. 'It can also be about distorted recollection.' For this very reason, she says, it is 'an omission' that no neighbourhood investigation took place. 'It may reveal findings that agents did not see, that they ignored or experienced differently.'

The police said Argos and FA's conclusions were 'in our view far removed from reality'. 'The impact on first and foremost his parents, but also the police officers involved, cannot be put into words to this day.' However, the police do say they want to learn from this, also because they are increasingly facing persons in mental distress. 'Patients who don't really mean any harm, but (can) be life-threatening (...).'

The prosecution says it is not aware of the 3D reconstruction. 'But we have repeatedly informed the next of kin of the possibility of filing an Article 12 complaint with the court.'