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Failure to disclose presence of undercover officer forms basis for referral to Crown Court

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Referrals

The Criminal Cases Review Commission (CCRC) has sent a protestor's conviction back to the courts after it came to light that police had failed to reveal the presence of an undercover police officer at the demonstration.



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Barbara White was convicted of obstructing police and assaulting an officer in April 1978. In September 1977 as a member of the Communist Party of England (CPE) she took part in a march opposing a demonstration by the National Front in Barking, East London. During this, there was a confrontation which led to eight people being arrested.

One of the eight arrested was an undercover police officer, who stood trial in the name of 'Desmond Barry Loader' (HN13).

At the time of trial, evidence suggests the court was made aware there was an informant among the defendants, but it does not suggest the prosecutors, or the court were made aware that one of the defendants was an undercover officer.

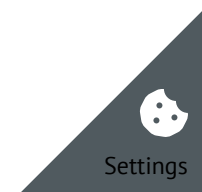
After a thorough review by the CCRC and an investigation looking into undercover police officers by the Undercover Policing Inquiry (UCPI), the CCRC believes there is a real possibility this conviction would be overturned by the Crown Court as an 'abuse of process'.

The CCRC is appealing for any of the other people convicted of offences connected with this protest to come forward so that their cases can also be considered.

[ENDS]

Notes to Editors:

1. The UCPI was set up in 2015 to examine undercover policing in England and Wales since 1968. It followed the review into undercover policing carried out by Mark Ellison KC. The UCPI's remit is to investigate the contribution of undercover policing towards



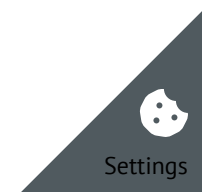
preventing and detecting crime, assess the adequacy of regulation at the time, and review the extent of the duty to make disclosure during an operation, identifying any scope for miscarriages of justice to have occurred where proper disclosure was not made. More information about the UCPI can be found on their website: (<https://www.ucpi.org.uk>) [Undercover Policing Inquiry: Official Website \(ucpi.org.uk\)](https://www.ucpi.org.uk) (<https://www.ucpi.org.uk/>).

2. The UCPI has an independent panel (which consists of senior members of the CPS and police) which considers cases where the UCPI believes a miscarriage of justice may have occurred. The panel considers if further action needs to be taken – including whether a case should be referred to the CCRC.

3. The CCRC is an independent body set up under the Criminal Appeal Act 1995. It is responsible for independently reviewing suspected and alleged miscarriages of criminal justice in England, Wales and Northern Ireland. It is based in Birmingham and is funded by the Ministry of Justice.

4. There are currently 10 Commissioners who bring to the CCRC considerable experience from a wide variety of backgrounds. Commissioners are appointed by the monarch on the recommendation of the Prime Minister in accordance with the Office for the Commissioner for Public Appointments' Code of Practice. The Chairman, who is also a Commissioner, is not involved in the casework decision-making process.

5. The CCRC usually receives around 1,500 applications for reviews (convictions and/or sentences) each year. Since starting work in



1997, the CCRC has referred around 3% of applications to the appeal courts.

6. The CCRC considers whether, as a result of new evidence or argument, there is a real possibility that the conviction would not be upheld were a reference to be made. New evidence or argument is argument or evidence which has not been raised during the trial or on appeal. Applicants should usually have appealed first. A case can be referred in the absence of new evidence or argument or an earlier appeal only if there are “exceptional circumstances”.

7. If a case is referred, it is then for the appeal court to decide whether the conviction is unsafe or the sentence unfair.

8. More details about the role and work of the Criminal Cases Review Commission can be found at [www.ccrc.gov.uk](https://ccrc.gov.uk/). (<https://ccrc.gov.uk/>)
The CCRC can be found on Twitter [@ccrcupdate](https://twitter.com/ccrcupdate) (<https://twitter.com/ccrcupdate>).

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