



Undercover police and policing

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Undercover spy allegations cast campaigner verdict in doubt

Official body investigating miscarriages of justice says conviction could be unsafe due to alleged false evidence

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An official body has called into question the criminal conviction of a political campaigner after allegations that an undercover spy gave false evidence under oath during his prosecution.

The [Criminal Cases Review Commission](#), which investigates miscarriages of justice, has decided that environmental campaigner John Jordan will be tried again in a fresh hearing.

The CCRC has found that there is a "real possibility" that his conviction is unsafe. However, it has decided not to disclose to Jordan the reasons for accepting his appeal, arguing that some aspects of the case are too sensitive to be made public.

The challenge follows the publication of evidence by the Guardian and [BBC Newsnight](#) that an undercover police [officer concealed his true identity](#) from a court

when he was prosecuted alongside Jordan and others campaigners for occupying a government office during a demonstration.

The spy, whose real name is Jim Boyling, is alleged to have given a false name and occupation throughout the prosecution, from the moment he was arrested to the end of the hearing. A total of 56 convictions or attempted prosecutions of environmental campaigners have either been overturned, abandoned or called into question over the past two years after disclosures surrounding the activities of undercover police officers. The CCRC's decision follows sustained criticism of the conduct of undercover spies who have infiltrated political groups since 1968.

A two-year investigation by the Guardian has revealed how the spies routinely slept with women they had been sent to spy on, carried out surveillance on groups campaigning for a proper investigation into the murder of Stephen Lawrence, and stole the identities of dead children to create fake identities.

The CCRC's decision focuses attention on another technique used by the undercover officers. Police spymasters are also alleged to have authorised the spies to give evidence in court in the names of their alter egos, rather than their real names, as a tactic to bolster and maintain their cover. The ploy came to light in 2011 when documents suggested that it was used by Boyling, who infiltrated environmental and animal rights campaigners between 1995 and 2000 posing as a cleaner called Jim Sutton.

In August 1996, while pretending to be a committed campaigner in a group known as Reclaim the Streets, he was among a group of protesters who occupied the office of the chairman of London Transport and were arrested for disorderly behaviour.

During a series of court appearances and a three-day trial at Horseferry Road magistrates court in London, he maintained that he was Sutton and gave evidence as a defendant, according to the documents.

He and the others were cleared. Jordan was convicted of assaulting a police officer and unlawfully possessing a police helmet, and was given a conditional discharge for a year. Former undercover officer Peter Francis, a former undercover officer who worked alongside Boyling in a covert Scotland Yard unit and has now become a whistleblower, told the Guardian two years ago that, from time to time, police chiefs allowed the prosecutions of spies to proceed as this helped to boost their credibility with the activists they were infiltrating. Another spy, Bob Lambert who infiltrated environmentalists and animal rights campaigners in the 1980s, has admitted that on at least one occasion, he appeared in court under his fake name to "maintain cover".

Boyling's covert deployment remained secret until he was unmasked by activists in 2011. Jordan's lawyer, Mike Schwarz, then lodged an appeal with the CCRC.

The CCRC said : "Some of the material on which the referral is based is of a sensitive nature." Full details were therefore only given in a confidential document to the appeal court and the Crown Prosecution Service, but not Jordan or his lawyer. Instead Jordan and his lawyer were given a summary of the reasons.

Schwarz said that the situation was "Kafkaesque" and called on [Keir Starmer, the head of the CPS](#), to share all the documents with Jordan and himself.

Boyling [has previously stated that he did not commit](#) "any criminal misconduct" while carrying out his police duties. "My actions whilst deployed on SDS duties were with the approval of the Metropolitan Police," he has said.

The other convictions and attempted prosecutions of environmental campaigners were quashed or thrown into doubt after evidence gathered by the police spy [Mark Kennedy was withheld from them by](#) prosecutors or police.

Jordan said : "Given that these cases come from two officers, yet over 100 undercover officers have targeted political campaigners, the likely number of miscarriages of justice relating to the actions of undercover police officers will run into the hundreds, perhaps thousands.

"A public inquiry is needed to flush out and correct these miscarriages of justice."

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