

01 March 2022

Dear Criminal Cases Review Commission,

My name is Dr Rebecca Helm, and I am director of the Evidence-Based Justice Lab, an interdisciplinary research group examining the operation of the justice system in practice, at the University of Exeter Law School. I have been researching the reasons that people plead guilty for the last ten years, and am recognised as one of the leading experts on guilty plea decision-making in the UK and internationally (for a list of publications see: <https://evidencebasedjustice.exeter.ac.uk/publications/#cat-0>). My work has been cited by scholars from across the world and in court judgments, including by the United States Court of Appeals (see *Alvarez v City of Brownsville*, 2018). I have been asked by the team making an application to you on behalf of the late Christine Keeler to provide an opinion on what might have led Ms Keeler to plead guilty, whether her plea decision was voluntary, and whether she might have pleaded guilty despite being factually innocent. The obvious challenge in assessing the case is that it is no longer possible to speak to Ms Keeler about her motivations for pleading guilty. Nonetheless, in my opinion there is a significant amount of evidence to suggest that Ms Keeler is likely to have pleaded guilty as a result of vulnerability and pressure, and thus her guilty plea should not present an obstacle for the referral of her case to the Court of Appeal, or, ultimately, for her acquittal. In fact, as I will discuss below, the case exemplifies many of the factors that we now know (but did not know at the time) underlie unreliable and involuntary guilty pleas.

As you are of course already aware, guilty pleas are not reliable indications of guilt, and many defendants who plead guilty are later acquitted of the crimes that they have been accused of. Three of the key factors that have been identified as leading defendants to feel pressure to plead guilty regardless of factual guilt are (1) disproportionate difficulties that might be faced at trial making trial practically inaccessible (Helm, 2019), (2) vulnerabilities that undermine autonomy and promote compliance (Helm et al., 2022), and (3) young age (Helm, 2021). Each of these factors can lead defendants to plead guilty regardless of the probability of conviction at trial and regardless of factual guilt. Each of these factors are also clearly present in the guilty plea of Christine Keeler.

First, for some defendants, significant difficulties that might be faced at trial make actually having a full trial seem inaccessible to them. They simply can't envision being able to cope with the pressures involved in a full trial. In my own work, I have heard first-hand reports of defendants pleading guilty because they do not perceive that they can cope emotionally with a trial and / or they feel desperate to get the legal process over with (Helm et al., 2022: 152). Christine Keeler's case is about the strongest case you can imagine for a person not feeling that they could cope with actually having a trial. Ms Keeler was a young woman (aged 21, note that the influence of her age is discussed in more detail below) who was a victim of violence, was being vilified by the public, and had only recently endured a high profile and difficult trial. She had not received the protections that a victim of violence would receive today which made her experience with the justice system particularly harrowing. For example, at her trial as a victim of abuse, she was cross-examined by the person who had abused her (and is now acknowledged to have abused her by all involved), which must have been a hugely traumatic experience. Eggs were being thrown at her in the street, and she was being labelled a "whore," "tart," and "slut." Imagining anyone having the resilience and determination to exercise their right to a full trial in these circumstances is very difficult, let alone expecting this from a very young woman with an

acknowledged history of living in fear and having been subjected to abuse, violence, and controlling behaviour. In fact, research specifically shows that trial may seem particularly inaccessible to female defendants due to the specific pressures that they can face. In the context of false confessions, research has shown that women are more likely than men to react to conflict by acquiescing, particularly in situations where they are left to feel powerless (Carli, 1999). By pleading guilty, Christine Keeler likely acquiesced with a system she did not have trust in, was traumatised by, and felt powerless to challenge.

Second, vulnerabilities specific to a defendant can make them less able to exercise meaningful autonomy, and more likely to comply with suggestions that they are guilty. For a defendant, being able to exercise autonomy requires not only the ability to make a choice but also conditions that promote empowerment and safety to make that choice in an appropriate way (Helm et al., 2022). The available evidence suggests that Ms Keeler was not in a position where she was empowered to make her guilty plea decision independently and in a way that appropriately reflected wrongdoing. Not only was she making the decision in the context of a system that had beaten her down and vilified her (see discussion above) she was also likely to have been particularly vulnerable to compliance with authority and even to internalise alleged wrongdoing. Research has shown that women are particularly susceptible to falsely confess because public shaming inherent in criminal prosecution encourages an “acceptance of guilt that is built upon a generalised acknowledgment of wrongdoing” (Peay & Player, 2018: 947). Empirical research provides specific evidence that women who feel bad about their way of life can assume they are guilty or feel morally guilty and accept that something they have done is deserving of punishment, when in fact it may not be (Jones, 2011; Worrall, 1990). A feeling of guilt about their lifestyle is thought to lead women to more easily accept that something they have done is deserving of punishment (Jones, 2011). Christine Keeler’s case seems a potentially paradigmatic example of these mechanisms that can lead women to accept and internalise guilt. Ms Keeler was demeaned and shamed not only by those who abused her, but by widespread public and media opinion across the country and even internationally. Her lifestyle, choices, and actions were criticised in a very public way and on a very large scale, and at the same time she held herself to a moral code, that she has said that she lived by when interviewed by the media. It is very unsurprising that she would come to ‘accept’ she had done wrong and deserved punishment. This possibility is made even more likely by Ms Keeler’s status as a victim of abuse. Research has shown that false confessions generally are associated with a tendency to believe that one’s life is controlled by powerful, authoritarian figures (Forrest et al., 2006). More broadly, research acknowledges that levels of autonomy can be reduced as the result of violence and abuse (Nolet et al., 2020). By apparent acknowledgment of everyone involved, Ms Keeler had spent much of her life being controlled by powerful figures – the judge sentencing her for perjury explicitly recognised: *“I have no doubt at all that you were under pressure, under fear and certainly for some time, under domination in the past...”*. The available evidence suggests that Ms Keeler was particularly susceptible to complying with and internalising suggestions that she had done wrong and deserved punishment as a result of her gender, her treatment, and the abuse and control that she had been subjected to.

Third, it should be noted that all of the pressures above and their potential to compromise the voluntariness and accuracy of Ms Keeler’s guilty plea were likely exacerbated by her age. She was only 21 when she entered a guilty plea, and 21 or younger when she suffered the significant pressures described above. Many of the vulnerabilities that have been identified in child defendants would likely have applied to Ms Keeler at the time, particularly given research in the field of neurological development, showing that most people don’t reach full maturity until the age of 25 (see Johnson et al., 2009; Sentencing Council Scotland, 2020). Research into guilty pleas in children demonstrates clear additional vulnerability resulting from age (Helm, 2021; Evidence Based Justice Lab, 2021). Importantly, this work suggests that young people are particularly susceptible to feeling that trial is inaccessible to them due to the pressures involved in trial, that young people are particularly susceptible to external pressures to plead, that young people are particularly susceptible to pleading guilty when they do not understand charges against them, and that ultimately young people are particularly

susceptible to pleading guilty when innocent. Ms Keeler's age exacerbated the other factors that likely undermined the reliability of her guilty plea, and provides another, independent reason that her guilty plea should not be seen as reliable.

Finally, it should be noted that our knowledge about the psychological impact of abuse and stigmatisation, and our knowledge of guilty plea decision-making has progressed significantly since the time of Christine Keeler's conviction. The first work suggesting that guilty pleas generally may not be reliable indications of guilt in England and Wales was published in the 1970s (see, for example, Sowell et al., 1999). Today, the potential pressures she would have faced and the impacts that these pressures would likely have had on her plea are widely recognised. In my opinion, Christine Keeler's guilty plea was significantly compromised and I would go as far as to say that in these extreme circumstances it is highly likely that the plea was entered due to the practical inaccessibility of trial for Ms Keeler (given the pressures she faced) and her compliance leading to internalisation of wrongdoing. The unreliable nature of her plea provides a convincing reason for her conviction to be referred and ultimately overturned.

A full list of sources referenced in this letter is provided below. Please do not hesitate to contact me if I can provide any further information.

Yours sincerely,



Dr. Rebecca K. Helm  
*Director, Evidence-Based Justice Lab, and UKRI Research Fellow  
University of Exeter.*

**This opinion has been endorsed by:**

Professor Jill Peay (j.peay@lse.ac.uk), Professor of Law at the London School of Economics, and Honorary Associate Tenant at Doughty Street Chambers, a leading expert in mental health and criminal justice processes.

Professor Mike McConville (mikemcconville@cuhk.edu.hk), Honorary Professor at the University of Nottingham and Emeritus Professor at the Chinese University of Hong Kong, a renowned authority on guilty plea systems (see letter attached).

## Reference List

Alvarez v City of Brownsville, No. 16 40772 (5<sup>th</sup> Cir. 2018).

Baldwin, J., McConville, M, Campbell, C. M., and Wiles, P. (1977). *Negotiated Justice – Pressures to Plead Guilty*.

Carli, L. L. (1999). Gender, interpersonal power, and social influence. *Journal of social issues*, 55(1), 81-99. doi: 10.1111/0022-4537.00106.

Evidence Based Justice Lab (2021). *Incentivized Legal Admissions in Children. Part 2: Guilty Pleas*. Available at [https://evidencebasedjustice.exeter.ac.uk/wp-content/uploads/2021/09/ChildGuiltyPleas\\_FullReport.pdf](https://evidencebasedjustice.exeter.ac.uk/wp-content/uploads/2021/09/ChildGuiltyPleas_FullReport.pdf).

Forrest, K. D., Wadkins, T. A., & Larson, B. A. (2006). Suspect personality, police interrogations, and false confessions: Maybe it is not just the situation. *Personality and Individual Differences*, 40(3), 621-628. doi: 10.1016/j.paid.2005.09.002.

Helm, R. K. (2019). Constrained waiver of trial rights? Incentives to plead guilty and the right to a fair trial. *Journal of Law and Society*, 46(3), 423-447. doi: 10.1111/jols.12169.

Helm, R. K. (2021). Guilty pleas in children: legitimacy, vulnerability, and the need for increased protection. *Journal of Law and Society*, 48(2), 179-201. doi: 10.1111/jols.12289.

Helm, R. K., Dehaghani, R., & Newman, D. (2022). Guilty plea decisions: Moving beyond the autonomy myth. *The Modern Law Review*, 85(1), 133-163. doi: 10.1111/1468-2230.12676.

Johnson, S. B., Blum, R. W., & Giedd, J. N. (2009). Adolescent maturity and the brain: The promise and pitfalls of neuroscience research

Jones, S. (2011). Under pressure: Women who plead guilty to crimes they have not committed. *Criminology & Criminal Justice*, 11(1), 77-90. doi: 10.1177/1748895810392193.

Nolet, A. M., Morselli, C., & Cousineau, M. M. (2021). The social network of victims of domestic violence: A network-based intervention model to improve relational autonomy. *Violence Against Women*, 27 (10), 1630-1654. doi: 10.1177/1077801220947169.

Peay, J., & Player, E. (2018). Pleading guilty: Why vulnerability matters. *The Modern Law Review*, 81(6), 929-957. doi: 10.1111/1468-2230.12374.

Scottish Sentencing Council (2020) The development of cognitive and emotional maturity in adolescents and its relevance in judicial contexts. <https://www.scottishsentencingcouncil.org.uk/media/2044/20200219-ssc-cognitive-maturity-literature-review.pdf>

Sowell, E. R., Thompson, P. M., Holmes, C. J., Jernigan, T. L., & Toga, A. W. (1999). In vivo evidence for post-adolescent brain maturation in frontal and striatal regions. *Nature Neuroscience*, 2(10), 859-861. doi: 10.1038/13154.

Worrall, A. (1990). *Offending Women: Female Lawbreakers and the Criminal Justice System*. Routledge.