



## Testimony Concerning HB 624

### “Juvenile Law – Child Interrogation Protection Act”

#### Submitted to the House Judiciary Committee

February 13, 2020

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#### Position: SUPPORT

Dear Delegates Clippinger and Atterbeary,

I, Dr. Jeff Kukucka, Assistant Professor of Psychology at Towson University, strongly support HB 624. My research examines the causes and consequences of wrongful convictions in the criminal justice system. In my career, I have published 18 peer-reviewed papers on this topic and presented my work at professional conferences over 50 times. This testimony represents my own views based on the extant scientific literature and does not necessarily represent the views of Towson University.

Since 1989, the National Registry of Exonerations has catalogued over 2,500 wrongful convictions in the United States. In 12% of these cases, it was later discovered that an individual had confessed to a crime they did not commit. Over that same time period, psychologists have developed a thorough understanding of the personal and situational factors that can induce an innocent person to give a false confession.

Archival and laboratory studies overwhelmingly indicate that **juvenile suspects are more likely than adults to give a false confession**, which almost invariably leads to wrongful conviction. In a survey of 87 psychological experts, 94% agreed that “adolescents who are interrogated are at greater risk to confess to a crime they did not commit.”<sup>1</sup>

The reasons for juveniles’ heightened vulnerability are grounded in basic developmental psychology and amply supported by research. First, due to their relative cognitive immaturity, juveniles often show inadequate comprehension of their *Miranda* rights and thus cannot waive these rights

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<sup>1</sup> Saul M. Kassin et al., *On the General Acceptance of Confessions Research: Opinions of the Scientific Community*, 73 AMERICAN PSYCHOLOGIST 63 (2019).

“knowingly and intelligently.” Second, juveniles tend to be more compliant and suggestible than adults, which renders them especially susceptible to psychologically manipulative interrogation tactics. Third, by virtue of their still-developing brains, juveniles prioritize short-term rewards over long-term consequences, which results in impulsive decision-making—such as the short-sighted decision to give a false confession.

HB 624 would provide juvenile suspects with two important safeguards, namely, *Miranda* warnings in age-appropriate language and consultation with an attorney prior to being interrogated. Psychological research unequivocally suggests that these safeguards would benefit the administration of justice—and indeed, both are recommended in the official white paper of the American Psychology-Law Society.<sup>2</sup>

To provide juvenile suspects with safeguards that will minimize the risk of miscarriages of justice, I urge your favorable consideration of HB 624.

Sincerely,



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<sup>2</sup> Saul M. Kassin et al., *Police-Induced Confessions: Risk Factors and Recommendations*, 34 LAW AND HUMAN BEHAVIOR 3 (2010).

