



Testimony Concerning HB 315

“Juvenile Law – Juvenile Interrogation Protection Act”

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Position: SUPPORT

Dear Delegates Clippinger and Atterbeary,

I, Dr. Jeff Kukucka, Associate Professor of Psychology at Towson University, strongly support HB 315. I specialize in the scientific study of wrongful convictions. In my career, I have published 23 peer-reviewed papers and given over 60 invited presentations on this topic, and I have testified as an expert witness at several criminal trials. This testimony represents my own views based on the extant scientific literature and does not necessarily represent the views of Towson University.

To quote the Supreme Court’s ruling in *J.D.B. v. North Carolina* (2011), “children cannot be viewed simply as miniature adults.”¹ Rather, there is ample scientific evidence that **juveniles are cognitively, socially, and neurologically different from adults** in ways that impair their legal decision-making and thereby disrupt the administration of justice.²

First, juveniles struggle to comprehend their *Miranda* rights, which precludes a “knowing and intelligent” waiver. In one study, for example, **31% of defendants aged 11 to 17 exhibited an inadequate understanding of their *Miranda* rights.**³ As such, the American Bar Association has urged “legislative bodies... to support the development of simplified *Miranda* warning language for use with juvenile arrestees.”⁴

¹ *J.D.B. v. North Carolina*, 564 U.S. 261 (2011).

² See Hayley M. D. Cleary, *Applying the Lessons of Developmental Psychology to the Study of Juvenile Interrogations: New Directions for Research, Policy, and Practice*, 23 PSYCH., PUBLIC POLICY, & LAW 118 (2017).

³ Jodi L. Viljoen et al., *Adjudicative Competence and Comprehension of Miranda Rights in Adolescent Defendants: A Comparison of Legal Standards*, 25 BEHAV. SCI & LAW 1 (2007).

⁴ American Bar Association, Resolution #102B (2010). See https://www.americanbar.org/groups/criminal_justice/policy/index_aba_criminal_justice_policies_by_meeting/

Second, juveniles are more compliant and suggestible than adults, and hence **more vulnerable to giving false statements** while being interrogated. Moreover, by virtue of their still-developing brains, juveniles prioritize short-term rewards over long-term consequences, which often prompts the impulsive decision to give a false statement. Indeed, 94% of interrogation experts agree that “compared to adults, **adolescents who are interrogated are at greater risk to confess to a crime they did not commit**”⁵—thus leaving the true perpetrator free to re-offend.

HB 315 provides juvenile suspects with two critical safeguards—namely, *Miranda* warnings in “age-appropriate language” and mandatory “consultation with an attorney” prior to being interrogated. Without equivocation, **the extant scientific research suggests that these safeguards will benefit the administration of justice**—and indeed, both are explicit recommendations in the American Psychology-Law Society’s official policy paper on police interrogations.⁶

In order to both protect public safety and guard against miscarriages of justice, I urge your favorable consideration of HB 315.

Sincerely,



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⁵ Saul M. Kassin et al., *On the General Acceptance of Confessions Research: Opinions of the Scientific Community*, 73 AMERICAN PSYCHOLOGIST 63 (2019).

⁶ Saul M. Kassin et al., *Police-Induced Confessions: Risk Factors and Recommendations*, 34 LAW AND HUMAN BEHAVIOR 3 (2010).

