



## Testimony Concerning SB 53

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

Submitted to the Senate Judicial Proceedings Committee

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### Position: SUPPORT

Dear Delegates Smith and Waldstreicher,

I, Dr. Jeff Kukucka, Associate Professor of Psychology at Towson University, strongly support SB 53. I specialize in the scientific study of wrongful convictions. In my career, I have published over 30 academic papers and given over 70 invited presentations on the topic, and I have testified as an expert witness at numerous 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.”<sup>1</sup> 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.<sup>2</sup>

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

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

<sup>2</sup> 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).

<sup>3</sup> 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).

<sup>4</sup> American Bar Association, Resolution #102B (2010). See [https://www.americanbar.org/groups/criminal\\_justice/policy/index\\_aba\\_criminal\\_justice\\_policies\\_by\\_meeting/](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 thus **more likely to give false statements** when questioned by police. Moreover, by virtue of their still-developing brains, juveniles prioritize short-term rewards over long-term consequences, leading to impulsive decisions such as giving a false confession. 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**,”<sup>5</sup> which also leaves the true perpetrator free to re-offend.

SB 53 endorses two critical safeguards for juveniles—namely, *Miranda* warnings in “age-appropriate language” and mandatory “consultation with an attorney” prior to being questioned by police. Without equivocation, **the extant scientific literature indicates 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.<sup>6</sup>

In order to protect public safety and guard against miscarriages of justice, I urge your favorable vote on SB 53.

Sincerely,



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<sup>5</sup> Saul M. Kassir et al., [On the General Acceptance of Confessions Research: Opinions of the Scientific Community](#), 73 AMERICAN PSYCHOLOGIST 63 (2019).

<sup>6</sup> Saul M. Kassir et al., [Police-Induced Confessions: Risk Factors and Recommendations](#), 34 LAW AND HUMAN BEHAVIOR 3 (2010).

