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IDEAS | DAVID SCHARFENBERG

18-year-olds can barely rent cars. Are they old enough for jail?

By David Scharfenberg GLOBE STAFF
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SPRINGFIELD

IN FEBRUARY OF 2012, just a few months after his 18th birthday, Daniel Almodovar got high and, with his stepbrother, made a terrible decision: The two of them attempted a carjacking in a supermarket parking lot.

In the weeks and months that followed, Almodovar's case would take some crucial turns. The judge would set bail high or low, and the lawyers would either work out a plea bargain or go to a jury. But in one crucial respect, the young man's fate had been sealed more than a century before.

In 1899, at the height of the Progressive era, a group of reformers including Jane Addams convinced the state of Illinois to create the world's first juvenile court — built around the notion that young people aren't just smaller adults, but a different class entitled to different treatment.

The idea was to be less punitive and more rehabilitative, and it quickly spread. By 1925, there were family courts in 45 other states, including Massachusetts, and 16 other countries.

The early reformers, though, made one decision that would exclude Almodovar and hundreds of thousands like him. They drew the line for the juvenile justice system at the 18th birthday — or in some states, the 17th or 16th.

They had to draw the line somewhere, of course. But the cut-off was arbitrary, based on the custom of the day and little else. More than a century later, it's still not clear that they got it right. A growing number of social scientists and lawmakers say it's time to raise the age for the juvenile justice system substantially — perhaps as high as 25.

Neuroscience tells us the brain is still maturing into the mid-20s, with the most important changes taking place in the prefrontal cortex and cerebellum, which are involved in planning, reasoning, and emotional control. As the parent of any 18- or 19-year-old can attest, young adults are more impulsive, more susceptible to peer influence, and less future-oriented than full-grown adults.

Moreover, our social expectations for this age group have changed dramatically in recent decades. Marriage, parenthood, and steady work — milestones that correlate with big drops in criminal activity and other reckless behavior — come much later than they once did.



GORDON STUDER FOR THE BOSTON GLOBE

“We have this weird paradox of infantilizing our young people, to some extent, but then dropping the law on them,” says Abigail Baird, a professor of psychology and neuroscience at Vassar College. “It’s very strange: ‘we’ll let you be kids for a longer time, but then we’ll punish you like adults.’”

Strange, yes, but also inequitable. In a host of ways — from higher education to the health insurance market — middle-class Americans have retreated from the idea that a child becomes a fully responsible adult promptly upon turning 18. Advocates say poor kids in the criminal justice system deserve the same benefit of the doubt.

European countries have already embraced the idea. The age of majority in Germany has been 21 for decades, and in the Netherlands, it’s 23.

A handful of states are toying with the notion, too. Last year, Vermont [passed a law](#) creating a hybrid juvenile-adult system for offenders up to age 21. Connecticut lawmakers are considering a similar proposal. And in Massachusetts, the state Legislature is deciding whether to add 18-year-olds to its own system.

But the Bay State proposal, like others around the country, has met with sharp resistance from prosecutors. And even if it passes, it will be too late for Almodovar, an undeniably bright young man who came undone during his three-year prison bid.

There were searing moments, like the stabbing just across the cell block — blood smearing the floor and trickling into the hallway. But there was constant anxiety, too; he never knew what sort of dangerous prisoner he might encounter.

All of it came on top of the trauma of a childhood spent shuffling between foster parents and camping out in abandoned houses, and the gut-wrenching news, early in his prison term, that his older brother had died on the outside, his bloated body washed up on the shore of a Connecticut river, identifiable only by the tattoos.

Almodovar, brimming with rage and sorrow, brawled his way into solitary confinement — a teenager with no one to talk to about his considerable struggles. “When you walk into the cell, you can hear your echo,” he’d later say, “because there’s nothing there.”

When he finally got out of prison in 2015, he couldn’t be around other people. He hardly spoke. He’d only sleep for three or four hours per night. And after a few months, he seemed poised to return to prison.

Daniel Almodovar was back in court.

THE TRUTH is, we’ve never had a firm grasp on when adulthood begins. We’re kind of all over the place. Baird, the Vassar neuroscientist, has an amusing [riff](#) on the subject, and it goes something like this.

At 16, she says, we trust kids with 4,000 pounds of steel that can travel 100 miles per hour. We let them drive. But they better not have sex in that car. Seventeen is the age of consent in many states. And they better not drive to the polls, either. They’ve got to be 18 to vote.

At 18, they can enlist in the military, too. But they can't party too hard before deployment. They've got to be 21 to buy a drink.

And while 21 may seem like the final marker of adulthood, it isn't. Not really.

"There's one thing you still can't do at 21 that a lot of 22-, 23-year-olds want to do," Baird says. "Rent a car." You've got to be 25 to do that — or you've got to pay a hefty surcharge if you're underage. "And I'll tell you why," she says. "Insurance companies have a lot more information than scientists."

James Lynch is privy to a lot of that information. He's the chief actuary for an industry group called the Insurance Information Institute. His office is filled with certificates from the Casualty Actuarial Society, right alongside a photograph of his pipe-smoking father, a dead ringer for the author F. Scott Fitzgerald.

He doesn't put too much stock in the voting or drinking ages. Those are political judgments, he says. But the insurance industry's decades-old imposition of higher rates on young adult drivers is different, he says. It's rooted in hard numbers.

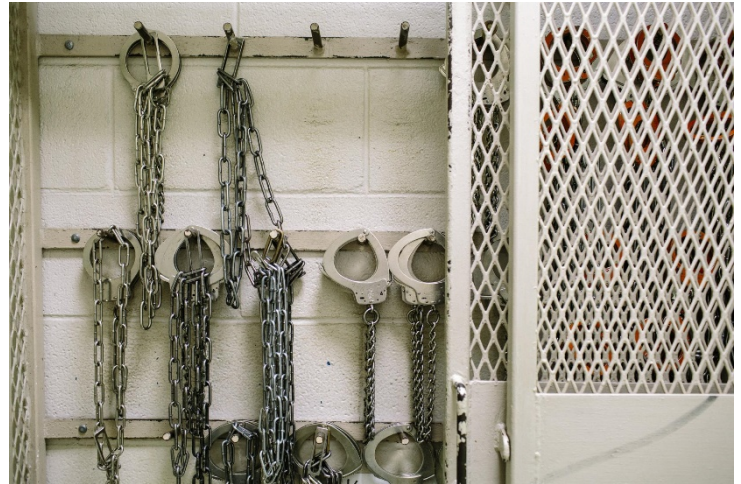
The data show a significant decline in the number of accidents for drivers over the age of 25, because they're more experienced and more mature. And property casualty insurers — more than 2,000 in all — have to retest that proposition year after year, in order to justify the elevated rates to state regulators.

"It's like, 'OK, here we are in Arkansas — well, looks like we're going to be drawing the line at 25, 26 again,'" Lynch says. "Now, we're looking at Massachusetts — oh, there we are again." The industry, he says, has known for decades what the white coats in the lab are now confirming.

"We were there," he says, "long before the neuroscientists."

SO, IN A WAY, was a substantial swath of middle-class and well-to-do America. For generations now, families of means have been providing young adults with a remarkably effective shield against their indiscretions.

"It's called college," says Vincent Schiraldi, a former director of juvenile corrections in Washington, D.C., and probation commissioner in New York City. "Forget the education part for a minute. If you just wanted to design something that could keep kids out of trouble during this period, you'd send them to a residential program where people understand their stupid adolescent behavior, they're productively occupied, and, to the degree they're hanging out with peers, they're hanging out with pro-social peers."



WILLIAM WIDMER/THE NEW YORK TIMES

Handcuffs inside Lafayette Parish jail in Lafayette, La., on April 19, 2016. Louisiana and some other states with criminal justice systems that treat 17-year-olds as adults appear to be on the verge of raising the cutoff to the more standard age of 18.

A young man who gets into a fight on a Harlem street corner goes to jail. A young man who gets in a fight in his dorm does not.

“Even the cops are nice” on college campuses, says Schiraldi, now a senior research scientist at Columbia University’s School of Social Work. “They’re not looking to formalize your bad behavior, because the notion is, you’re going to get past this as you age.”

You’re going to get past this as you age. It’s true. And not just for the college kids. A bell-shaped trend line, universal in Western cultures, shows criminality peaking in the late-teens and early-20s and dropping off sharply after that. Many youthful offenders simply “age out” of crime as they mature and take on adult responsibilities.

That’s the big idea behind the push to raise the age for the juvenile justice system to 21, 23, or 25. You can hold young adults accountable by sending them to juvenile lock-ups and keeping them on probation after release. But spare them time in adult prisons, where they’re likely to absorb counterproductive lessons from seasoned criminals. And spare them felony convictions that will haunt them for decades, making it difficult to find work and housing. Together, that could change the trajectory of hundreds of thousands of lives.

“If you can get them out of their 20s without a felony conviction, the chances that they’ll ever have a felony conviction plunge,” Schiraldi says. “They’re less stupid when they’re older. They get more mature.”

LAST MONTH, a group of Massachusetts district attorneys wrote a letter to the president of the state Senate declaring their opposition to much of a sweeping criminal justice reform bill before the Legislature.

They sharply criticized several sections of the legislation. But they held out particular scorn for a provision that would add 18-year-olds to the state’s juvenile justice system — and for the rationale used to justify it.

“There is nothing in the ‘new’ science around juvenile brain development that human beings haven’t understood for millennia, i.e. an 18 or 20 year old does not make decisions as well as a 30 or 40 year old,” they wrote. “But science also shows conclusively that 18 and 19 year olds well understand the difference between right and wrong and can act on them.”

It’s a flawed argument: 13- and 14-year-olds can tell the difference between right and wrong, too, but we still agree to treat them differently than full-fledged adults. Still, the letter gestured at one



AP PHOTO/MATT ROURKE

Paulette Carrington, center, a participant in Uplift Solutions’ job training program for former inmates, is embraced by her classmates during their graduation ceremony in Philadelphia, on Oct. 16. The release of dozens of former juvenile lifers, set in motion by a Supreme Court ruling early in 2016, raises a host of questions about how those freed will navigate life on the outside.

indisputable point: 18-, 19-, and 20-year-olds are different from 13- and 14-year-olds. They may not be mature adults, but they're no longer adolescents, either. They're something in between.

Jeffrey Arnett, a professor of psychology at Clark University, has been making that argument for years. When he started interviewing people in their 20s about a quarter-century ago, he thought he might find a sort of extended adolescence. "But gosh, they were so different," he says. "They were so much more self-reflective, and insightful about their own behavior and other peoples' behavior. And yet, they didn't seem fully adult either."

Arnett first explained his theory of "emerging adulthood" in 2000 in the journal *American Psychologist*, and the idea quickly caught on, striking a chord in a culture trying to make sense of all the 21-year-olds coming home after college.

Policymakers have adopted the idea here and there. The Affordable Care Act, for instance, allows young adults stay on their parents' health insurance until 26. And in the last couple of years, the notion has spawned some intriguing experiments in criminal justice.

In 2015, San Francisco's district attorney and probation chief launched a Young Adult Court for 18- to 24-year-olds. It won't take cases involving serious bodily harm or deadly weapons. But offenders charged with robbery or assault can avoid felony convictions if they attend life skills classes, check in with a judge weekly, and keep clean records.

Last year, a National Institute of Justice survey found six such courts around the country, from Bonneville County, Idaho, to Manhattan. Since then, another has sprouted in Chicago.

There's a parallel effort to develop separate prison units for young adults, including a newly launched unit for 18- to 25-year-olds at a tough prison in Cheshire, Conn., known as "The Rock."

It looks like a traditional cell block — 50 cells, spread over two levels, with a blue linoleum floor at the center. But the culture is entirely different. Inmates gather in meeting spaces with names like the "Expression Room" and "Spiritual Space," and thumb through Malcolm Gladwell's "Blink" and Franz Kafka's "The Trial" in a small library that includes books donated by an offender's parent.

Corrections officers trained in brain development sit and chat with offenders. And hand-picked mentors, many of them lifers plucked from the general population, lead the young men in nuanced conversations about poverty, pain, and second chances.

"A lot of us in this situation, we just want to go back to our 18-, 19-year-old selves and give them some knowledge, give them some foresight," says Caesar Oneil, 41, a mentor serving time for murder.

One of his mentees, 23-year-old David Concepcion, says the experience has been transformative. Now he talks about taking responsibility for his actions ("I did something wrong"), and repairing his relationship with the mother of his child ("we were just lying to each other").

"This is something beautiful," he says of the young adult unit, smiling as he runs his hands through his tightly braided cornrows. "Dudes get soft in here."

They do. Prison officials say there hasn't been a single fight between inmates or assault on the guards since the program's launch in January and a fraction of the disciplinary issues that normally arise among this age group.

ALMODOVAR BEAT the charge he picked up shortly after getting out of prison for the carjacking. But he was still struggling.

It took a nonprofit called Roca, aimed at emerging adults, to pull him out of his downward spiral. The program has built a national reputation for its relentless pursuit of the hardest-to-reach young men — staffers knocking on the door and knocking again, sticking with clients through the inevitable relapses, and providing job training.

Almodovar learned carpentry at the group's Springfield offices, gutting and rehabbing a pair of small, detached buildings out back. And eventually, he joined the carpenters union and began building something like a normal life.



GLOBE STAFF

The Roca young mothers program, at the Chelsea Roca center.

He's not in the clear yet. He sliced off a portion of his pointer finger in a work accident. And he still hears the siren of the street. "There's a lot more to be done before I'm completely safe," says Almodovar, now 24. "I still feel like I need to mature. I'm not even a grown man, yet."

But the promise of Roca and the young adult courts and prisons poses some difficult questions: Do we need to create a third criminal justice system, wedged between the juvenile and adult courts? If we recognize a new life stage — emerging adulthood — are we obliged to build institutions around it?

The answer is probably yes. But just because we're obliged doesn't mean we'll do it. Individual programs will continue to sprout here and there. But a whole new bureaucracy is a different matter. Even groups like Roca — partial to a third way — have recognized that, and are lending their full-throated support to raising the age for the juvenile justice system.

It's a system that's firmly entrenched, more than a century old. And expanding it — with some adjustments, perhaps, for its older charges — may represent our best shot at rescuing the next young man who gets high on the streets of Springfield and makes a decision that could leave his life in tatters.

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