



**NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE**

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Submitted via email

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Tel: [REDACTED]

[REDACTED], Counsel to the Board of Parole
Department of Corrections and Community Supervision
1220 Washington Avenue, Building 4
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**Re: Parole Board Decision Making for Minor Offenders - N.Y.
St. Reg. CCS-32-25-00001-P**

Dear [REDACTED]:

The New York City Department of Health and Mental Hygiene (NYC Health Department) submits this comment in response to the Department of Corrections and Community Supervision's (DOCCS) proposed rule regarding Parole Board decision making for minor offenders who are incarcerated for life, which would clarify what the Board must consider when conducting an interview and rendering a decision.

The NYC Health Department appreciates this opportunity and supports the intent of DOCCS' proposed rule change to help improve fair and consistent parole decisions for individuals who are serving life sentences for crimes committed as minors.

Expanding parole eligibility for minor offenders and youth who are incarcerated is an opportunity to reduce health disparities. An extensive body of research links incarceration to a wide range of adverse health outcomes. Such outcomes include infectious diseases such as HIV and HCV, chronic diseases, substance use disorder, and premature death due to suicide and drug overdose. These adverse health impacts inequitably impact the health and well-being of people who directly experience incarceration, and compromise the health of their families and communities, especially among Black, Indigenous, and People of Color.

We agree that incorporating the recognition of the "distinctive attributes of childhood and heightened capacity for change" and

the directive to place great weight on minor offender characteristics are important steps. Elevating those youth-specific factors aligns with scientific consensus on adolescent brain development, better humanizes the parole review process, and encourages recognition of individuals' growth over the years, which can improve the fairness of the system, foster community and family reunification while safeguarding community safety. However, we recommend that the amendments be strengthened in order to achieve the stated aims.

Below are our **recommendations**, with supporting rationale, for how New York State can apply the most recent science and findings of other states' examples of parole policy and law changes to meaningfully reduce unnecessarily long and unjust prison stays.

1. Expand the definition of “minor offenders” (Section 8002.8) to include youth up to age 25

The proposed rule limits “minor offender” to individuals serving a maximum life sentence for crimes committed under age 18. However, experts across the fields of neuroscience, sociology, and psychology agree that juvenile and emerging adult defendants share similarities in their reduced culpability and developmental immaturity.¹ Specifically, people between the ages of 18 and 25's brains are still developing; their cognitive functions are not fully matured. As such, emerging adults have maturity levels more like individuals who have not fully developed. Therefore, we recommend that the definition of “minor offenders” be modified to include youth up to the age of 25.

2. Expand the definition of “minor offender” to include those serving long determinate sentences for offenses committed as minors

Every year in New York, nearly 1,000 people are sentenced to ten or more years in prison. Over 5,000 people—more than 10% of people in prison—have been in prison for 15 years or longer. New York State has one of the harshest sentencing practices in the country and holds the third-largest population of people serving life sentences.² New York also has the fourth highest number of individuals serving life or virtual life sentences for offenses committed as minors (under 18 years of age) at 461 in 2020, according to a 2024 nationwide report by the Sentencing Project.³ Therefore, we recommend that the definition of “minor offender” include individuals serving long determinate sentences for offenses committed as minors to ensure consistency in applying youth-development principles.

By background, other jurisdictions have implemented parole reforms regarding “minor offenders” serving life and/or virtual life sentences that recognizes the unique capacity for growth and change among youth. New York can model its procedures after other states that have enacted laws and rules that more comprehensively reflect humane policies and practices rooted in creating greater opportunity for rehabilitation in the criminal legal system and incorporate the accepted scientific evidence of emotional and cognitive immaturity of the brain in people under age 25. Examples include:

¹ Report: Still Cruel and Unusual: Extreme Sentences for Youth and Emerging Adults - <https://www.sentencingproject.org/reports/still-cruel-and-unusual-extreme-sentences-for-youth-and-emerging-adults/#footnote-ref-28> (last visited Sept. 16, 2025).

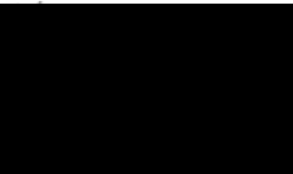
² Second Look Act fact sheet, Justice Road Map NY - <https://www.justiceroadmapny.org/wp-content/uploads/2021/12/CNC-Second-Look-Act.pdf> (last accessed Sept. 16, 2025).

³ Report: Still Cruel and Unusual: Extreme Sentences for Youth and Emerging Adults - <https://www.sentencingproject.org/reports/still-cruel-and-unusual-extreme-sentences-for-youth-and-emerging-adults/#footnote-ref-28> (last visited Sept. 16, 2025).

- **Connecticut** passed legislation in 2015 that allows juvenile offenders who are serving sentences longer than ten years to become eligible for parole after serving 60% of their total sentence, or 12 years, whichever is greater.⁴⁵ When reviewing these cases, the parole board is required to apply special criteria tailored to juvenile offenders. Additionally, it is recommended that each eligible individual receive assistance from legal counsel to help them prepare for their parole hearing.⁶
- **Massachusetts** in 2014 initially amended its law for juvenile offenders who were convicted of first-degree murder and given mandatory life sentences without parole, allowing them to become eligible for a parole hearing after serving 15 years. Then, Massachusetts enacted a law reforming how juveniles aged 14 to 17 are sentenced for first-degree murder. The law requires life imprisonment but allows parole eligibility at least after serving 20 years, depending on the nature of the crime.

Thank you for the opportunity to comment on this on this important issue. Our comments include citations to supporting research and documents for the benefit of DOCCS in reviewing our comments. We direct DOCCS to the items cited and made available to the Department through the hyperlinks, and we request that DOCCS consider these, along with the full text of our comments as part of the formal administrative record on this proposed rulemaking.

Sincerely,



Dr. H. Jean Wright II
Executive Deputy Commissioner

⁴ Connecticut Senate Bill No. 796 - <https://www.cga.ct.gov/2015/ACT/pa/pdf/2015PA-00084-R00SB-00796-PA.pdf> (last visited Sept. 16, 2025)

⁵ Juvenile Sentencing Project, 2025 - <https://juvenilesentencingproject.org/legislation-eliminating-lwop/> (last visited Sept. 16, 2025)

⁶ Connecticut Public Act No. 15-84, <https://www.cga.ct.gov/2015/ACT/pa/pdf/2015PA-00084-R00SB-00796-PA.pdf>