



February 7, 2019

MEMORANDUM IN SUPPORT

Citizen Action of New York strongly supports passage of S.1716 (Bailey)/A.1431 (Lentol), The 2019 Discovery for Justice Reform Act

Citizen Action of New York, a membership organization dedicated to social, racial, economic and environmental justice with members in eight chapters and affiliates across New York State, strongly supports the Discovery for Justice Reform Act, S.1716 (Bailey)/A.1431 (Lentol), which will repeal the current "Blindfold Law" and bring early, open, and automatic discovery to our criminal legal system. We urge the Legislature and Governor Cuomo to enact comprehensive discovery law reform this session.

In New York, unlike most of the nation, prosecutors and police are not required to provide copies of police reports and other crucial documents or information or evidence related to their case to people facing criminal allegations or their attorneys until the trial begins -- months or years after an arrest. Because the vast majority of cases end in either dismissals or plea deals, rather than trials, nearly everybody who is accused of a crime in New York may never see all of the evidence. In short, they are "blindfolded." This includes police reports, witness statements, exculpatory information, and more. That is why many call New York's discovery law the "Blindfold Law."

This unfair law fuels mass incarceration, case delays, and wrongful convictions. It prevents people facing criminal accusations from making informed decisions about plea offers, forcing many to choose between pleading guilty or suffering the well-documented brutality of jail while fighting the charges against them without access to crucial evidence.

Nearly every other state in the nation has for many years employed systems of broad access to the evidence of both parties at early stages of criminal cases. Prosecutors and defense attorneys alike in these states consistently say broad discovery works. No state that has reformed its discovery statute has since gone back to reverse its progress.

New York's antiquated criminal discovery laws stand in stark contrast to the law in civil cases, even though someone's liberty is at stake in criminal cases. In civil cases, both parties are required to turn over virtually all information, through depositions, interrogatories and the production of documents. Yet, people facing jail or prison, a criminal record, and a lifetime of related consequences, like loss of employment, housing, educational opportunity and deportation are not currently afforded even the most basic information prior to making a decision about whether to plead guilty or to proceed to trial.

Citizen Action therefore strongly urges enactment of S.1716/A.1431 this year. Please contact Erin George at (408) 691-7372 or egeorge@citizenactionny.org or Bob Cohen at (518) 465-4600 x104 with any questions.