

LEGISLATIVE MEMO:

WE SUPPORT



Discovery for Justice Reform Act

S.1716 /Bailey - A.1431 /Lentol

This bill would repeal the current “Blindfold Law” and bring early, open, and automatic discovery to our criminal legal system. The current law does not require a prosecutor to provide copies of police reports, statements of witnesses, and other evidence to the person accused of crime until trial begins, which can be months or years after arrest! The accused and his/her attorney are “blindfolded” – and this has got to change.

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New York State is one of the few states that do not require the prosecution to share its file with the person accused of a crime. Fears about witness tampering have been largely unfounded, and in the rare instances, adequately addressed by existing laws. None of the other states that have employed broad discovery laws have complaints nor have any reversed themselves on the issue of open discovery.

This unfair law keeps people accused of crimes from making informed decisions about the case. It forces many to choose between pleading guilty for a shorter, known punishment and “rolling the dice” on getting a much higher and unknown period of incarceration regardless of innocence or guilt. No one should be forced to make decisions about his/her liberty without knowing what evidence has been compiled against him/her. By way of contrast, in civil cases where only money or property is at stake, both parties are required to openly share their files.

People facing jail or prison, a criminal record, and a lifetime of related consequences -- such as suppressed voting rights, employment, housing, and educational opportunities; deportation for new immigrants; and even serious mental health and post-traumatic stress disorders must have the information needed to make an informed decision as early as possible. District Council 37 stands in support of the repeal of this law that has decimated many member’s families and communities and has helped to fuel mass incarceration.

On behalf of our 125,000 members and 50,000 retirees, District Council 37 urges the passage of this bill.

February 6, 2019