The Drug Policy Alliance supports S.1760/A.1431 legislation that repeals the current "Blindfold Law" and brings early, open, and automatic discovery to our criminal legal system

Drug Policy Alliance urges the Legislature to pass and the Governor to sign comprehensive criminal discovery reform this session. We **strongly support** 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.

In New York, unlike most of the rest of the country, 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 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. It also includes drug lab results, even though medical examiners are supposed to be independent of law enforcement. 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 country has employed systems of broad access to both parties' evidence at an early stage of criminal cases for many years. Prosecutors and defense attorneys alike in these states consistently say broad discovery works and 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 its law in civil cases, where only money is at stake, not someone's liberty. In New York civil cases, both parties are required to turn over all of the information, though live testimony, called depositions, questions and answers, called interrogatories and 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 as they proceed to trial.

The Legislature should pass S.1760/A.1431, which would repeal the current "Blindfold Law" and bring early, open, and automatic discovery to our criminal legal system.