



Memorandum of Support:

S.1716 (Bailey) /A.1431 (Lentol) – The 2019 Discovery for Justice Reform Act

February 8th 2019,

Make the Road New York (MRNY) submits this letter of support for the **Discovery for Justice Reform Act**, S.176 (Bailey)/A.1431 (Lentol), which will repeal the current “Blindfold Law” and bring early, open, and automatic discovery to our criminal legal system. On behalf of our growing membership of over 23,000 members in Westchester, Long Island, and New York City, we urge the Legislature to pass and the Governor to sign this bill and ensure comprehensive criminal discovery reform this session.

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. That is why many call New York’s discovery law the “Blindfold Law.”

Our community centers are located in predominantly Black and Latinx communities where our members, their family and neighbors are disproportionately pushed through the criminal legal system. To end decades of mass criminalization and mass incarceration, New York’s elected officials must reform the policies that fuel racial inequities across the state. Our current Discovery 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.

BROOKLYN
301 GROVE STREET
BROOKLYN, NY 11237
TEL 718 418 7690
FAX 718 418 9635

QUEENS
92-10 ROOSEVELT AVENUE
JACKSON HEIGHTS, NY 11372
TEL 718 565 8500
FAX 718 565 0646

STATEN ISLAND
479 PORT RICHMOND AVENUE
STATEN ISLAND, NY 10302
TEL 718 727 1222
FAX 718 981 8077

LONG ISLAND
1090 SUFFOLK AVENUE
BRENTWOOD, NY 11717
TEL 631 231 2220
FAX 631 231 2229

For a more fair and just criminal justice system, Make the Road New York urges the legislature to pass and the Governor to sign comprehensive discovery reform this year.

If you have any further questions, please contact Kesi Foster, 646.404.4947
kesi.foster@maketheroadny.org