



MEMORANDUM OF SUPPORT
S.1716 (Bailey) /A.1431 (Lentol) – The 2019 Discovery for Justice Reform Act
February 6, 2019

VOCAL-NY 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.

VOCAL-NY is a grassroots, membership-based organization that does statewide organizing and policy work with people directly impacted by our four core issue areas: ending mass incarceration, ending the war on drugs, ending homelessness and ending the epidemic of HIV/AIDS. Many of our members throughout the state have personal experience as victims of New York’s archaic discovery laws and this is one of our top legislative priorities for 2019 (as it has been in previous years).

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.”

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. It’s time for New York to join them, we cannot wait.

Again, VOCAL-NY urges the legislature to pass and the Governor to sign comprehensive discovery reform this year. Thank you for your time and consideration.

If you have any questions, please feel free to reach out to Nick Encalada-Malinowski, Civil Rights Campaign Director, at nick@vocal-ny.org.