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MEMORANDUM OF SUPPORT

S.1716 (Bailey) /A.1431 (Lentol) – The 2019 Discovery for Justice Reform Act
February 7, 2019

Robert F. Kennedy Human Rights 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.

Led by human rights activist and lawyer Kerry Kennedy, Robert F. Kennedy Human Rights has advocated for a more just and peaceful world since 1968. We work alongside local activists to ensure lasting positive change in governments and corporations. We are a proud member of the #FREEnewyork coalition and allies in the movement for comprehensive criminal justice reform led by New Yorkers directly impacted by the current unjust 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. 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.

Robert F. Kennedy Human Rights urges the legislature to pass and the Governor to sign comprehensive discovery reform this year.

Questions? Contact Amanda Jack, jack@rfkhumanrights.org; 347-977-1607.