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Contact:

Redmond Haskins, The Legal Aid Society, (RHaskins@legal-aid.org)

Lupe Todd-Medina, New York County Defender Services, (LToddmedina@nycds.org)

Dan Ball, Brooklyn Defender Services, (dball@bds.org)

Anthony Chiarito, The Bronx Defenders, (ACHiarito@bronxdefenders.org)

Emily Whitfield, Neighborhood Defender Service of Harlem, (ewhitfield@neighborhooddefender.org)

Brian Schatz, Queens Defenders, (bschatz@queensdefenders.org)

*****FOR IMMEDIATE RELEASE*****

Defenders Laud NYC Council's Progressive Caucus for Urging NYS Senate Leadership to Oppose Rollbacks to Discovery, Speedy Trial Reforms

Council Members Call on Lawmakers to Prioritize Funding for Discovery Obligations Over Proposals to Erode Key Reforms

(NEW YORK, NY) — The Legal Aid Society, The Bronx Defenders, Brooklyn Defender Services, Neighborhood Defender Service of Harlem, New York County Defender Services and Queens Defenders lauded the Progressive Caucus of the New York City Council for urging, in a recently issued [letter](#), New York State Senate Majority Leader Andrea Stewart-Cousins and New York State Senate Deputy Majority Leader Michael Gianaris to oppose the last-minute efforts from Governor Kathy Hochul and local District Attorneys to rollback New York's successful discovery and speedy trial reforms (also known as "Kalief's Law").

Instead of pushing for additional rollbacks to discovery and "Kalief's Law", the Progressive Caucus called on Albany lawmakers to appropriate funding to both District Attorney and public defender offices, which the 2019 reformed failed to include, to ensure that these reforms live up to their full intended promise.

Prior to the 2019 reforms, New York's discovery law was among the [four most regressive](#) in the country. The old law, commonly referred to as the "[Blindfold Law](#)," prevented Black and Latinx New Yorkers from reviewing the evidence against them, led to indefinite pretrial jailing, wrongful convictions, and countless coerced pleas. The [landmark 2019 reform](#) brought New York state in line with the rest of the country.

Under the previous statute, prosecutors were not required to obtain all information and material known to the police and other witnesses. Whatever they did gather was not required to be turned over to the defense until the eve of trial.

Although trials could not go forward until the defense actually received evidence, the law allowed prosecutors to stop the speedy trial clock from running without obtaining or disclosing any of the evidence.

This meant that prosecutors could, without consequence, withhold material and avoid obtaining it for months or years, delaying an actual trial from taking place. Meanwhile, Black and Latinx New Yorkers accused but not convicted of any crime put their lives on hold, often while sitting in deadly jails across the state. During this pre-trial nightmare, prosecutors would make offers to plead guilty to a lesser crime and lower sentence than a person would face if convicted after a trial. As time wore on, and without access to all the evidence against them, many innocent or overcharged people [accepted these pleas to make it all stop](#).

The proposals to rollback these reforms, lobbied for by New York City District Attorneys in the 11th hour, will past any opportunity for meaningful legislative oversight or stakeholder input, would fundamentally alter “Kalief’s Law.”

[These rollbacks are not “minor tweaks”](#), and the proposed change would once again require a person accused of a crime to demand evidence or risk forfeiting their right to it. It would also enable prosecutors to strategically avoid the risk of speedy trial dismissal even when they have not provided all of the evidence to the defense.

The letter states:

Changes to the discovery rules without authentic input from both parties promise more injustice, especially at a time of deadly jails and high attrition from both defense and prosecutor offices. We urge you to reject any proposal to rollback “Kalief’s Law” and instead focus on fulfilling the promise of funding to both prosecutors and defenders for technology and staffing upgrades. As well as continue to employ your oversight to pursue evidence-based solutions in collaboration with all stakeholders.

“This is a shameful last-minute effort from Governor Hochul and local prosecutors to revert our state back to an era when evidence was hidden from the defense and our clients languished at Rikers Island for years at a time,” said **Tina Luongo, Chief Attorney of the Criminal Defense Practice at The Legal Aid Society**. “Funding is the solution, not rollbacks, to ensure that these reforms live up to their full intended promise. The Legal Aid Society lauds the City Council’s Progressive Caucus for their advocacy on this issue, and we call on Albany lawmakers to hold the line against this 11th hour hijacking of the budget to gut these successful reforms.”

“The attempt from Governor Hochul and district attorneys to upend our state’s discovery laws is an affront to transparency and fairness, and worse, would lead to more New Yorkers languishing in dangerous and deadly jails for longer,” said **Yung-Mi Lee, Legal Director of Brooklyn Defender Services’ Criminal Defense Practice**. “Fulfilling the goals of discovery reform requires resources, not legislative changes that will send us back to the era of the ‘Blindfold Law.’ We thank the New York City Council’s Progressive Caucus for standing strong against rollbacks, and urge our state legislators to reject the governor’s and prosecutors’ efforts to weaken the law.”

“Ironically, these discussions about rollbacks to discovery and speedy trial statutes – laws crafted to ensure greater transparency and procedural fairness for those facing criminal charges – are taking place behind closed doors, without the input of public defenders and others,” said **Alice Fontier, Managing Director of Neighborhood Defender Service of Harlem**. “Perhaps this is why Governor Hochul seems to be peddling the false idea that these are small tweaks to the law. We appreciate the City Council’s Progressive Caucus principled stand against these rollbacks, which would significantly undercut people’s rights to access the evidence in their cases and will cause more delays. We call on our state lawmakers to continue to champion the rights of the people.”

“Our state budget is now 24 days late. Many important issues have yet to be negotiated, and some have even been jettisoned entirely. Instead, our elected leaders in Albany appear to have squandered these precious days plotting to secretly roll back the historic, long-overdue, and widely-hailed discovery reforms passed in 2019,” said **Stan Germán, Executive Director of New York County Defender Services**. “This approach is a solution in search of a problem. Genuflecting in this manner to the baseless fear mongering of three NYC district attorneys would represent a dereliction of duty by our lawmakers. We are deeply grateful to the City Council’s Progressive Caucus for speaking out against the proposed gutting of Kalief’s Law that will only serve to harm the communities they represent and that we all serve.”

“It has become clear that New York City District Attorneys’ offices have been lobbying behind closed doors to include rollbacks to New York’s transformative discovery and speedy trial laws in the State budget. We stand with the Progressive Caucus in condemning this undemocratic process and urge lawmakers not to accept these changes,” said **Ann Mathews, Managing Director of the Criminal Defense Practice at The Bronx Defenders**. “What is being proposed is not a small ‘tweak,’ but a wholesale change which would ensure that the promise of

Kalief's law is never realized. It will inevitably lead to increased wrongful convictions, coerced pleas, and more pretrial incarceration for Black, brown and poor New Yorkers. These efforts must be rejected.”

“Since 2020’s discovery reform laws were enacted, they have leveled the playing field for legal defense providers and countless New Yorkers facing criminal charges,” said **Lori Zeno, Executive Director of Queens Defenders**. “Closed door negotiations to ram through regressive, bad policy is no way for our State to lead the way on criminal justice reform. We applaud the New York City Council’s Progressive Caucus for their leadership and commitment to transparency, fairness, and a more just criminal legal system in New York, and call on our State’s lawmakers to follow suit and stand against this last-minute effort by the Hochul administration to undermine the legal defense of New Yorkers.”

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