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

***Legal Aid: Governor Hochul Continues to Mislead New Yorkers, Distort the Facts About New York’s Widely Successful and Modernized Discovery Laws***

(ALBANY, NY) - The Legal Aid Society issued the following statement in response to Governor Kathy Hochul’s misleading comments earlier today, which distorted the facts about New York’s widely successful and modernized discovery laws:

“Governor Hochul continues to peddle falsehoods about discovery reform that do not reflect the reality statewide. Cases are not being dismissed because a prosecutor fails to turn over a piece of paper. New York State’s highest court [reaffirmed](#) that ‘the statute does not require or anticipate a perfect prosecutor’ — only a diligent one. Diligent prosecutors are not penalized for inadvertent mistakes.

“Moreover, dismissal rates in large population centers outside of the five boroughs have [largely remained unchanged](#) since the reform took effect, and dismissal rates in New York City can be explained by the New York City Police Department’s (NYPD) intransigence toward complying with the law on lower-level offenses like misdemeanors. As we see every day in our criminal courts, the NYPD routinely fails to timely share case evidence with prosecutors. When explaining delays in court, prosecutors regularly report that officers won’t return their calls, won’t respond to emails, and won’t identify evidence that exists.

“Acknowledging the NYPD’s obfuscation, at the behest of District Attorneys, lawmakers introduced [legislation](#) to ensure that prosecutors are not reliant on local police departments to provide evidence by giving them direct access to the police evidence databases. This confirms the NYPD’s egregious failure to help their law enforcement colleagues comply with basic discovery obligations. Governor Hochul has offered no explanation for why she is not supporting that legislation rather than eviscerating the discovery statute.

“Effectively repealing this key reform that has furthered justice while having no reasonable connection to public safety is simply not the answer. There is no evidence that thousands of domestic violence cases have been dismissed based on ‘technicalities.’ The Governor relies on cherry picked anecdotes, without documentation from cases where the NYPD failed to comply with the discovery law. Using these anecdotes and survivors of domestic violence to justify rolling back laws that protect fundamental fairness also ignores the reality that too many [survivors are criminalized themselves](#), facing charges, in need of access to the evidence against them.

“Measures like the bill discussed above and continued funding to both prosecutors and public defender offices, which the initial reform lacked, to help with compliance is the path forward. Lawmakers must preserve this fundamental reform that they fought so hard to enact just years ago.”

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*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For nearly 150 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>*