

ALLIANCE TO PROTECT
Kalief's Law

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

***State Lawmakers Hold Press Conference in Support of New York's Successful,
Modernized Discovery Statute***

***District Attorneys, Police Departments Must Utilize Funding to Hire Staff,
Upgrade Technology to Assist with Discovery Compliance***

***Governor Hochul's Proposal to Repeal Discovery Reform Will Lead to Wrongful
Convictions, Coerced Pleas, Increased Jail Populations, and Case Delays***

(ALBANY, NY) - New York State Senators and New York State Assembly Members held a press conference today in support of New York's widely successful and modernized discovery statute, calling on their colleagues to reject Governor Kathy Hochul's misguided effort to repeal the landmark reform.

At the behest of law enforcement, Governor Kathy Hochul included a sweeping proposal in her Fiscal Year 2026 Executive Budget that would overturn the current statute and restore a system allowing police and prosecutors to withhold evidence until the eve of trial. This would keep New Yorkers and their defense attorneys in the dark, preventing them from investigating, preparing a defense, or making informed decisions about their cases. This practice has contributed to the state's high rates of wrongful convictions, coerced pleas, and prolonged pretrial incarceration.

The Governor, law enforcement, and other critics of the reform have cited data from the New York State Department of Criminal Justice Services (DCJS) as evidence that discovery reform has led to a surge in dismissals. However, this DCJS dataset tracks cases based on arrest charges, which are often downgraded at arraignments, after prosecutors review the evidence. This practice has long been common in the criminal legal system, predating the passage of the 2019 reform.

According to data from the New York State Office of Court Administration, which is based on *arraignment* charges, dismissal rates in counties outside of New York City with large population centers have either remained unchanged, slightly increased, or slightly decreased since 2019. This suggests that discovery reform, despite claims from critics, has had no discernible impact on dismissal rates.

NYS Office of Court Administration Dismissal Rates in Counties Outside of NYC With Large Population Centers

County	2019 Speedy Trial	2019 Total Dismissals	2024 Speedy Trial	2024 Total Dismissals	Speedy Trial % Change	Total Dismissals % Change
Albany	1.62%	35.20%	1.52%	39.48%	-.10%	4.28%
Erie	.17%	46.91%	.13%	46.00%	-.04%	-.91%
Monroe	12.46%	47.80%	20.71%	41.37%	8.25%	-6.43%
Nassau	1.15%	37.95%	1.55%	32.91%	.40%	-5.04%
Onondaga	.00%	52.37%	.56%	54.74%	.56%	2.37%
Suffolk	.83%	44.70%	2.25%	43.32%	1.42%	-1.38%
Westchester	.01%	35.12%	4.00%	38.30%	3.99%	3.18%

Take Monroe County for example: overall dismissals from 2019 to 2024 actually *decreased* from 48 percent to 41 percent, respectively. Suffolk County experienced a similar trend, with dismissals *declining* 45 percent in 2019 to 43 percent in 2024.

Where prosecutors fail to disclose evidence within the ample time frames provided by law — 90 days for misdemeanors and six months for felonies — cases may be dismissed for speedy trial violations. But when examining *these* dismissals, the trends mirror the overall dismissal rates. For example, speedy trial violations in Erie County decreased from .17 percent in 2019 to .13 percent in 2024, and in Albany County, from 1.62 percent in 2019 to 1.52 percent in 2024.

In New York City, where dismissal rates have increased on misdemeanor cases, the NYPD is the common denominator. When explaining delays in court, prosecutors often report that NYPD officers fail to return calls, respond to emails, identify evidence, or turn over body-worn camera footage. The reasons for this behavior are not always clear, but in many cases, the explanation seems to lie in a culture of intransigence, which contributes to the higher dismissal rates in the city compared to the rest of the state.

Instead of calling for discovery rollbacks, prosecutors should utilize the tens of millions of dollars allocated by Albany since 2022 to hire staff and implement technological systems that assist with discovery compliance. Additionally, they should advocate for legislation — supported by public defenders — that would provide District Attorney offices with direct access to NYPD evidence databases.

New York State Under “The Blindfold Law”

Prior to 2020, New York State was a [national outlier](#), as prosecutors and police were not required to provide police reports or other crucial evidence — known as “discovery” — to individuals facing criminal charges until the day of trial. This often occurred months or even years after an arrest and was colloquially called “The Blindfold Law.” In cases where people accepted a guilty plea, they and their attorneys never saw the evidence at all, as a trial never occurred.

Without timely access to discovery, defense attorneys could not investigate the government’s case or help innocent individuals clear their names while awaiting trial. [With the overwhelming majority of cases never](#)

[making it to trial](#) because of plea agreements or dismissals — under the old statute, nearly everyone charged with a crime lacked access to the evidence collected by police and prosecutors.

New York was so far outside the mainstream that it was one of only four states with the most restrictive discovery rules — alongside Louisiana, South Carolina, and Wyoming. In contrast, traditionally Republican state governments, including [North Carolina \(2004\)](#), and [Ohio \(2010\)](#), enacted open discovery statutes long before New York, recognizing that such reforms are essential for both fairness and efficiency.

“We are never going back to the days where Discovery can be weaponized by the Prosecution to compel the innocent to plead guilty, the honest to lie and the free to be thrown in solitary confinement,” said **State Senator Cordell Cleare**. “Our landmark and fair pretrial discovery laws were enacted simply because the system was unfair, inequitable and abusive. Any attempt to roll back these reforms is simply a shameful license to kill.”

“The Executive's budget proposal to repeal New York's groundbreaking discovery laws would take us back to a system where police and prosecutors could withhold critical evidence, leading to wrongful convictions and coerced pleas. We must protect the progress we've made with Kalief's Law, which resulted from years of collaboration between impacted individuals and experts. It's time to stand up for the rights of New Yorkers and ensure that no one is left in the dark when it comes to their defense,” said **State Senator Gustavo Rivera**.

“New York changed discovery laws in 2019 to ensure that defendants and their attorneys have the information and evidence they need to mount a fair defense,” said **Assembly Gabriella A. Romero (D,WF-Albany, Guilderland, New Scotland)**. “Attempts to undo these reforms will send us back in time to prolonged waiting periods before trials. We've seen the benefits of discovery reform -- wrongful convictions decreased, as did dismissals. As a public defender, I saw firsthand how discovery reform impacted our legal system and helped defendants make informed decisions. Now, as state lawmakers, it's our responsibility to stand up for our discovery statute and protect New Yorkers involved in the justice system. We can't bend to pressure that would send us back into the dark days.”

“New York's changes to discovery laws almost six years ago have been accomplishing what they were meant to do: ensuring that every defendant has the evidence and the chance to mount an informed, meaningful defense,” said **Assembly Member Anna Kelles**. “The executive budget proposal to dismantle this law will once again leave the defense struggling to access evidence and lead to more coerced plea deals. Rolling back discovery would undermine all the good that these reforms have done by allowing prosecutors once again to hide evidence and would lead to an increase in wrongful convictions, a trend that has decreased after discovery reform was put into place. The Assembly and Senate must hold their ground in keeping these harmful changes out of our State Budget.”

State Senator Julia Salazar, Chair of the Committee on Crime Victims, Crime, and Correction, said: “When police and prosecutors withhold evidence from defendants and their attorneys, we see case delays, wrongful convictions, unnecessary demands on the prison system, avoidable costs to taxpayers, and suffering like Kalief Browder's--all of which is unfair and unjust. Kalief's Law went a long way toward mitigating these grievous ills, and that's why we must protect our 2019 discovery reforms today. New York's justice system must live up to its name, and lawmakers have a responsibility to make that happen.”

“New York passed Kalief's Law in 2019 to balance the scales and ensure that people accused of crimes and their counsel have the information they need to effectively defend themselves,” said **Assemblymember Emily Gallagher**. “These reforms have allowed our deeply flawed justice system to work a bit more justly, leading to fairer trials, more transparency, and fewer wrongful convictions. We remember the world before this law passed, and we are not going back to that regressive, opaque system. We will fight to protect Kalief's law so Kalief Browder's senseless suffering and death were not in vain.”

About the Alliance to Protect Kalief's Law

The Alliance to Protect Kalief's Law is a statewide coalition defending New York's successful discovery statute, known as Kalief's Law. The Alliance includes: Families and Friends of the Wrongfully Convicted, NAACP New York State Conference, Freedom Agenda, Citizen Action New York, Innocence Project, The Bail Project, Chief Defenders Association of New York, New York State Defenders Association, New York State Association of Criminal Defense Lawyers (NYSACDL), National Association of Criminal Defense Lawyers (NACDL), Erie County New York Assigned Counsel Program, Monroe County Assigned Counsel Program, Ontario County Public Defender, Wayne County Public Defender, Legal Aid Bureau of Buffalo, Albany County Public Defender's Office, Westchester County Legal Aid Society, St. John's University School of Law Defense and Advocacy Clinic, Nassau County Legal Aid Society, The Perlmutter Center for Legal Justice at Cardozo School of Law, The Bronx Defenders, The Legal Aid Society, Queens Defenders, Brooklyn Defender Services, New York County Defender Services, Neighborhood Defender Service of Harlem, New York Council of Defense Lawyers, New Hour for Women & Children, New York State Council on Churches and more. Go to www.protectkaliefslaw.com for the facts about New York's landmark discovery law.

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