



NEW YORKERS NEED REAL DISCOVERY REFORM S7722 (BAILEY/BENJAMIN) / A10135 (BLAKE)

New York's current DISCOVERY law leads to INCREASED wrongful convictions, INCREASED court delays, and INCREASED taxpayer dollars spent on pretrial detention.

New York's discovery law (CPL 240), which governs the process by which parties in court cases disclose evidence to each other prior to a trial, **is oppressive, inequitable, and leads to mass incarceration.** New York is one of four states (alongside Louisiana, South Carolina, and Wyoming) that have not modernized their discovery laws. This means that people charged with crimes have to make huge decisions about their case without information about the case against them - impacting their freedom and whether they and their families will suffer from a life-long criminal record.

- 25,000+ New Yorkers are held in jail on any given day because of a wealth and race-based pretrial system that routinely violates constitutional rights.
- In New York, prosecutors and police are not required to provide police reports and other crucial evidence until just before trial begins.
- The current discovery system is driven by unchecked prosecutorial power. People wait months and sometimes years waiting to see the most basic facts related to the charges being brought against them.
- 97% of criminal cases in New York end in a plea deal. This means that thousands of individuals being prosecuted in New York plead guilty before seeing the evidence collected by the police and prosecutors. People plead guilty because they feel like they have no other way to fight their case.

THE SOLUTION: S7722 (BAILEY/BENJAMIN) / A10135 (BLAKE) OPEN, EARLY, AUTOMATIC and MANDATORY DISCOVERY

- **ELIMINATE** uninformed guilty pleas;
- **REDUCE** wrongful convictions;
- **REDUCE** racial and socioeconomic disparities in the criminal justice system;
- **REDUCE** unproductive court appearances;
- **INCREASE** transparency;
- **INCREASE** the efficiency of court proceedings;
- **CREATE** opportunities for earlier resolutions in cases;
- **CREATE** a more equitable and fair system; and
- **SAVE** taxpayer dollars currently being spent on pretrial detention.

Open: Open-file discovery gives the defense access to all unprivileged information that is known or should be known to the prosecution, law enforcement agencies, or any other agencies working on behalf of the prosecution.

Early: A prosecutor's initial discovery obligation begins at the very start of a case.

Automatic and Mandatory Disclosures: Discovery material must be handed over in one initial phase then turned over automatically as prosecution gathers additional discovery material throughout the case. Disclosure of specified information is mandatory.

NEW YORK MUST PASS DISCOVERY REFORM - S7722 (BAILEY/BENJAMIN) / A10135 (BLAKE)

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