

REPEAL THE BLINDFOLD LAW

Enact the New York State Bar Association's Discovery Bill!



JUST BECAUSE JUSTICE IS BLIND, DOESN'T MEAN THAT DEFENDANTS SHOULD WALK INTO A COURTROOM BLINDFOLDED

THE PROBLEM:

- In New York, unlike most of the rest of the country, prosecutors and police are not required to provide police reports and other crucial evidence, or “discovery,” to people facing criminal allegations or their attorneys until trial begins – months or years after an arrest.
- More than 95% of cases never make it to trial; they either end in plea deals or dismissals. That means nearly everybody who is charged with a crime might never see all the evidence collected by police and prosecutors. In short, they are blindfolded.
- The “Blindfold Law” contributes to mass incarceration, wrongful convictions and court delays:
 - **Mass incarceration:** On any given day, approximately 25,000 people are held in local jails across New York State, most of whom are detained pre-trial, presumed innocent but unable to afford the bail set by the court. They may spend months or years inside awaiting trial without ever learning the basis of the charges against them.
 - **Wrongful convictions:** New York outpaces almost every other state in the number of wrongful convictions. While some innocent New Yorkers plead guilty to crimes under the threat of long prison sentences, many are wrongfully convicted at trial because their attorneys do not have the ability to investigate discovery materials in advance. In other cases, prosecutors actually withhold evidence that later proves a wrongfully convicted person’s innocence.
 - **Court delays:** The Blindfold Law requires defense attorneys and prosecutors to argue over access to evidence in a long series of competing motions, which is time-consuming, expensive and unnecessary. While both sides litigate, witnesses, defendants and their families may be forced to return to court more than a dozen times, missing work or school or—for defendants who can’t make bail—waiting out their case in a jail cell.

THE SOLUTION:

New York State should follow in the footsteps of every other major jurisdiction and require early, automatic “open file” discovery.

A.7292 would improve fairness in the criminal legal system, save the state money, and bring New York in line with best practices around the country.

The bill is based on language drafted by the New York State Bar Association, which is comprised of judges, prosecutors and defense attorneys. Will you co-sponsor A.7292?