

ALLIANCE TO PROTECT
Kalief's Law

March 3, 2025

Contacts:

Redmond Haskins
RHaskins@legal-aid.org
929.441.2384

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

Alliance to Protect Kalief's Law Holds Advocacy Day, Calls on Lawmakers to Reject Governor's Proposal to Repeal New York's Discovery Laws

Instead of Rollbacks, Albany Must Continue to Allocate Funding to Both DA, Public Defender Officers to Ensure Discovery Compliance

Albany Should Also Enact Myrie/Lasher Proposal to Grant DAs Direct Access to Police Evidence Databases

(ALBANY, NY) - **The Alliance to Protect Kalief's Law**, a coalition of exonerees, impacted New Yorkers, public defenders, advocates, and concerned citizens, held an advocacy day in Albany calling on lawmakers to preserve New York's common-sense and successful discovery statute, also known as "Kalief's Law."

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.

“Discovery reform is not the problem. The problem is a management issue created by the District Attorneys’ failure to face the reality that the required changes to the law necessitated adjustments in their practices,” said **Tina Luongo, Chief Attorney of the Criminal Defense Practice at The Legal Aid Society**. “In a previous budget cycle, all the New York City public defender and local prosecutor offices issued a joint letter calling on the City and State to fund staffing increases and technology. If the DAs focused on using the funds effectively instead of spending year after year trying to roll back the law, this issue would be resolved. Reverting to a practice that denies accused individuals access to the evidence in their cases does nothing to enhance public safety. Instead, it perpetuates an unjust system, causes wrongful convictions, and leads to court delays.”

“The Legislature must reject the Governor’s proposal to decimate discovery reform. Don’t be misled by District Attorneys’ claims and vague anecdotes that cover up their disdain of the reforms and reluctance to comply with their discovery obligations. Thousands of cases are *not* being dismissed on ‘technicalities.’ Before policymakers take any action on the discovery law, they should read court decisions that explain the standard for compliance and describe the effort or lack thereof prosecutors have put into compliance,” said **Susan Bryant, Executive Director, New York State Defenders Association** “District attorneys should focus on following the law as is and use the state funds allocated for discovery implementation to build their staff and tech capacity to facilitate information sharing. New York has finally ensured fairness and transparency when the discovery law was enacted, and we must never return to the days of the blindfold – which fuels mass incarceration and wrongful convictions. The discovery law must not be changed.”

“The discovery reforms instituted in 2020 are fair, just and working in Nassau and Suffolk County,” said **Scott Banks, the Attorney in Chief at the Legal Aid Society of Nassau County**. “After initial growing pains during the pandemic years, and as a result of better training of prosecutors and increased State funding for technology to help implement discovery reform, the law is having its intended effect by permitting defense attorneys and their clients an ability to review the entire scope of the evidence in a case so the client can make an informed decision whether to accept a plea or not, or go to trial. In Nassau County there are significantly less speedy trial dismissals because of discovery violations because the District Attorney’s Office is working with law enforcement to obtain all discovery within the statutory time periods, and cases, felony and misdemeanor, are being resolved on a timely basis. Sweeping changes to the discovery law as proposed by the Governor and prosecutors will only increase the number of coercive pleas, the potential for wrongful convictions, and in many instances prolong pretrial detention of individuals charged with crimes.”

“During her Joint Legislative Public Protection Hearing testimony on February 13th, 2025, current Bronx DA and formerly the Judge in Kalief Browder’s case, Darcel Clark, bashed NY’s Discovery Law and expressed a desire to ‘level the playing field’ by ‘closing loopholes’,” said **Kevin Stadelmaier, First Deputy Defender of the Erie County Assigned Counsel Program**. “Clearly, by ‘leveling the playing field’ she means to return NY to pre-2020 days of DA/Law Enforcement control of the discovery process; a system that caused non-transparent pleas, trial by blindfold, wrongful convictions, and case delays like those which caused Kalief Browder to remain incarcerated for almost three years on a case that was ultimately dismissed after disclosed discovery exonerated him. The only ‘field’ she, and NYC DAs desire is the inherently unfair one Kalief’s Law sought to, and has in fact, corrected. We cannot go back.”

“District attorneys have falsely characterized the Governor’s proposal to overhaul the state’s discovery laws as mere tweaks,” said **Lisa Schreibersdorf, Executive Director of Brooklyn Defender Services**. “Do not be misled. This proposal would return New York to the days of the ‘Blindfold Law,’ rife with wrongful convictions and injustice as people suffered in jail in the dark about evidence in their cases. Rather than make the operational adjustments to comply with the law, prosecutors have attempted to push rollbacks every year since the law’s enactment. We urge state lawmakers to protect Kalief’s Law and reject this dangerous proposal.”

“The New York State Association of Criminal Defense Lawyers (NYSACDL) worked for more than a decade to ensure true discovery reform so that people would no longer be forced to make life altering decisions without first seeing the evidence against them,” said **NYSACDL President Jessica Horani**. “We have seen too many people suffer at the hands of prosecutors who decided unilaterally what was discoverable and did so deliberately and slowly. We’ve stood strong to insist that both prosecutors and defense attorneys work diligently to ensure that we reach fair and equitable results. Any amendment that removes accountability for police and prosecutors, disincentivizes diligence and/or restricts the open flow of information are not simple tweaks. They are a complete repeal. We urge our legislators to Reject and Omit Part B of the Governor’s proposal.”

“Innocent people are the greatest victims of the Governor’s proposed changes to the discovery bill,” said **Derrick Hamilton, co-founder of Families and Friends of the Wrongfully Convicted & Deputy Director of the Perlmutter Center of Legal Justice at Cardozo Law**. “When you are innocent, you can’t know the evidence against you because you literally do not know what happened. I was ambushed at trial under the blindfold law and it enabled my wrongful conviction. More than 200 other people in New York were also wrongfully convicted because prosecutors withheld evidence. I told the innocent people I was incarcerated with that I would continue to fight for them on the outside, strengthen pathways for them to prove their innocence, and reform the system so no other innocent person has to go through what I went through. The Governor’s proposal takes a hammer to due process and New York should reject this effort to roll back discovery reform.”

“The Governor’s toothless proposal elevates the District Attorneys to the gatekeepers of all discovery with near total impunity. There is no question this will be a return to the blindfold law,” said **Andrew Correia, Wayne County Public Defender**. “They say we should trust them to give us what we need, when we need it, to defend our clients. The truth is the only thing that currently drives timely delivery of discovery is the threat of dismissals. Without the threat of real consequences, there will be no compliance.”

“New York’s discovery reform, coupled with reforms to the bail setting statutes, have protected the presumption of innocence, strengthened due process, and made New York safer. Without these important legal protections, we have an unfair two-tiered system of justice, which often benefits the wealthy, while penalizing everyone else,” said **Erin George, National Director of Policy at The Bail Project**. “To prevent countless numbers of legally innocent people from suffering the tragic, unacceptable fate of Kalief Browder, we must maintain these critical discovery laws, and institute systems that provide prosecutors with timely access to police information. New Yorkers deserve due process, and we cannot allow those who peddle misinformation to tip the scales of justice by denying people evidence. We urge state lawmakers to protect Kalief’s Law and reject the Governor’s dangerous proposal.”

“Governor Hochul’s proposal is a betrayal of justice, and does nothing to further public safety. If passed, it would drag New York back to the dark days when prosecutors could withhold evidence, pressure innocent people into guilty pleas, and destroy lives—just like what happened to Kalief Browder,” said **Rebecca Garrard, Interim Co-Executive Director at Citizen Action of New York**. “This isn’t about fixing a broken system; it’s about DAs yielding to the NYPD’s refusal to abide by state law. Lawmakers must reject the Governor’s dangerous rollback and stand up for truth, transparency, and the rights of every New Yorker.”

“State lawmakers must stand firm: protect Kalief’s Law and ensure that every New Yorker has the right to see the evidence against them,” said **Juval O. Scott, Executive Director of The Bronx Defenders**. “Having access to evidence is fair, transparent, and just—not to mention constitutional. Rolling back discovery reform would take us back to a system that kept people in the dark, coerced innocent people into plea deals, and enabled wrongful convictions. Kalief Browder’s story showed us the human cost of a system that hides evidence. The Governor and District Attorneys ignore the human cost and continue to promote a false narrative—that public safety is tied to conviction rates rather than common sense policies that improve access education, healthcare, housing, and financial security—and lawmakers should reject it outright.”

“Informed people make good decisions. It is in the interest of the criminal justice system for every individual to be as informed as possible. The Governor’s proposal to obliterate discovery reform would take us back to the days of the government withholding crucial information from our clients, their attorneys, the judges and juries. The result would be injustice, innocent people wrongfully convicted and judicial inefficiency. The New York Criminal Bar Association stands with the Alliance to Protect Kalief’s Law to reject the Governor’s proposed repeal of discovery reform,” said **Jacob Mitchell, President of the New York Criminal Bar Association**.

Anthony Martone, Executive Director of Queens Defenders, said “The proposal is not about “streamlining” discovery laws as the District Attorneys and the Governor are suggesting. Make no mistake, this proposal is a full repeal of the vital discovery laws that came into effect in 2020. We know that open discovery prevents wrongful convictions and coercive pleas. Moreover, the Court of Appeals has made it clear that a prosecutor who makes diligent efforts to comply with the law will not have their cases dismissed. Importantly, in Queens we have not seen any notable increase in dismissals of violent felony offenses. However, we have seen a marked increase in the disclosure of information that helps our clients to understand the charges and the evidence against them so they can make informed choices. We are proud to protect and uplift the memory of Kalief Browder and to join the fight to ensure that NY doesn’t return to the pre-2020 blindfold law.

Serena Martin, Executive Director of New Hour for Women and Children - LI, said, “The Governor’s proposed changes to Kalief’s Law will hurt many, including women, mothers and their children. Members of New Hour often languish behind bars while awaiting adjudication. This cruel practice will help no one. With the proposed senseless roll backs to bail, those found innocent will return to their families and communities worse off. We must protect New York’s common-sense discovery statute which has prevented wrongful convictions and held police and DOCCS misconduct accountable. Transparency on all sides can only be ensured when there is timely access to discovery by all parties. This must be a right without question.”

Piyali Basak, Managing Director of Neighborhood Defender Service of Harlem adds, “Kalief Browder died a tragic death after spending three years in jail without ever being convicted of a crime. We must continue to remember his name, and in his name, fight back against the Governor’s proposal to eviscerate discovery reform. Discovery reform was passed to ensure a fair and just system where a person accused actually knows the evidence against them. Contrary to District Attorneys’ claims, discovery reform is working as intended. The Governor’s proposal would eliminate any incentive for prosecutors to comply with the law. We must not return to the days in which a young man was unjustly incarcerated for years due to blindfold discovery laws.”

“It is shameful that The Governor is proposing rolling back discovery reform right now,” said **Darren Mack, Co-Director at Freedom Agenda**. “Three people died just last week in state prisons while guards illegally walked off the job because they want to be able to torture and kill people in their custody with impunity. Two people just died on Rikers Island last week while awaiting trial! When it is so clear that jails and prisons in New York are deadly to our community members, how could anyone with a conscience argue that we should send more people into them? How could anyone who cares about justice claim that denying people access to the evidence against them will make us safer? Our elected leaders cannot allow lies and half truths to deceive them into rolling back Kalief’s Law.”

Dani R. James, President of The New York Council of Defense Lawyers said: “NYCDL supports Kalief’s Law and opposes its amendment or repeal. Full and early discovery is the key to ensuring that criminal proceedings are fair and produce just outcomes. When defense lawyers have access to and understand the scope and nature of the evidence against their clients, they have sufficient time to prepare and investigate a defense. This levels the playing field, prevents trial by ambush, and avoids wrongful convictions and unjust sentences. Full discovery early in the process also makes the system more efficient, as early discovery often produces early pleas.”

The Reverend Peter Cook, Executive Director of the New York State Council of Churches said: “NYSCOC fought long and hard to eliminate the blind-fold law to ensure that New Yorkers could have a fair trial by having adequate time to review all the evidence against them before trial. It is unconscionable to us that the Governor wants to roll back in any way these lifegiving reforms. We cannot go back to the practice of people taking ill advised plea bargains resulting in a record, when, with full knowledge of the evidence, would have a better chance of being exonerated in court. We strongly support Kalief’s law and will rigorously oppose any weakening of it.”

Christina Swarns, Executive Director of the Innocence Project said: “There is no doubt that a decision to roll back New York’s 2019 discovery reform law will put more innocent people in jeopardy of wrongful conviction. Before the passage of this critical legislation, people charged with crimes were left in the dark about the evidence – or lack of evidence – against them and, in the face of this uncertainty, many pled guilty to crimes they did not commit. Indeed, 24% of the nation’s 3,600 known exonerees entered guilty pleas. Scaling back on this transformational pretrial law is not the answer. In the five years prior to 2020, 67% of overturned convictions involved withheld exculpatory evidence. Not one of the post-2020 New York convictions that were later overturned involved such a claim. We need to stand up for the just and equitable criminal legal system that New Yorkers deserve.”

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.

###