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*****For Immediate Release*****

As Budget Negotiations Continue, Brooklyn Defenders Urges Legislature to Resist Proposals to Upend Discovery and Speedy Trial Reforms

(BROOKLYN, NY) – Brooklyn Defender Services released the following statement urging lawmakers to reject changes to New York’s discovery laws amid continuing budget negotiations:

“For many years, New York’s discovery statute allowed police and prosecutors to withhold evidence in cases until the eve of trial, threatening people with long periods of incarceration if they did not plead guilty even without access to this crucial information, fueling mass incarceration and wrongful convictions.

In 2019, New York sought to address these decades of harm and injustice by enacting new discovery laws to ensure that people accused of crimes had timely access to evidence in their cases.

Now, Governor Hochul and New York City District Attorneys are seeking to gut these critical reforms behind closed doors in the state budget, threatening to send New York back to the ‘Blindfold Law’ era. This secretive and last-minute process is anything but democratic, with people impacted by pretrial incarceration, defenders, advocates, and the public at large deliberately excluded.

The reported proposed changes are not mere ‘tweaks’ or ‘fixes’, but would effectively overturn the discovery laws by shifting the burden of discovery from prosecutors to defense attorneys. This dramatic reversal would end both automatic discovery and the connection of speedy trial to discovery disclosures, erasing prosecutorial accountability and needlessly delaying cases.

These dangerous proposals are an affront to transparency and fairness, and worse, would lead to more Black and Latine New Yorkers languishing in dangerous and deadly jails for longer.

We can’t go back. We once again call on New York’s legislators to resist the governor’s and prosecutors’ attempts to weaken these critical reforms, and urge lawmakers to instead use the budget to fulfill the promise of the discovery laws with proper resources.”

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Brooklyn Defender Services is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms. www.bds.org