

COMMUNITY BOARD RESOLUTION

In Support of Kalief's Law and Preserving Due Process, Enhancing Transparency, Preventing Wrongful Convictions, and Supporting Effective Mechanisms to Aide the Criminal Discovery Process in New York State

WHEREAS, the 2019 discovery reforms, known as Kalief's Law, were enacted to ensure fairness, transparency, and due process in the criminal legal system by mandating timely and full disclosure of evidence to the defense;

WHEREAS, Kalief Browder a 16-year-old from the Bronx who was wrongfully accused of stealing a backpack in 2010, languished on Rikers Island for three years awaiting trial because his family could not afford bail and because he had no access to the government's evidence in his case. Emotional and psychological challenges led to his death by suicide shortly after his release;

WHEREAS, prior to these reforms, New York operated under the so-called "blindfold law," which allowed prosecutors to withhold critical evidence until the eve of trial, leading to wrongful convictions, coercive plea deals, and prolonged pretrial detention;

WHEREAS, the National Registry of Exonerations has documented that withholding exculpatory evidence has been a key factor in wrongful convictions in New York, and rolling back discovery laws would increase the risk of such injustices;

WHEREAS, prosecutors should not be in the position of determining what evidence the defense does and does not need since an effective defense cannot be prepared without knowing the full scope of the evidence in a case;

WHEREAS, the Governor has proposed sweeping rollbacks in the FY2026 NYS budget bill that would undermine the principles of justice by granting prosecutors unilateral discretion over what evidence is deemed relevant, allowing them to withhold or redact documents without judicial oversight, effectively returning to a the "blindfold law";

WHEREAS, the proposed changes would eliminate the enforcement mechanism that holds prosecutors accountable for discovery violations, effectively returning to a system where noncompliance carries no meaningful consequences;

WHEREAS, the proposed changes would shift the burden to defense to accurately guess what evidence may exist in a case in order to avoid waiving the right to that evidence;

WHEREAS, the Governor's justification for these proposals is that they are necessary to close "loopholes" that lead to "automatic" dismissals based on "technicalities," data from the Office of Court Administration (OCA) data found no significant increase in case dismissals in counties outside of New York City, and found that case dismissals in New York City have only significantly increased in local criminal court where misdemeanor cases are prosecuted;

WHEREAS, NYC misdemeanor case dismissals should not be blamed on Kalief's Law; many discovery related case dismissals occur because prosecutors' review of the discovery revealed the cases were weak and unsupported or proved that the wrong person was accused.

WHEREAS, dismissals that occur because a prosecutor was unable to comply with the discovery law, are the result of a lack of prosecutorial diligence, NYPD's resistance to evidence sharing, or both. Notably, this period coincided with the reinstatement of Stop and Frisk practices at NYPD and an increase in arrests for minor offenses;

WHEREAS, prosecutors also face real challenges in obtaining evidence from law enforcement agencies, such as NYPD, and staffing their offices and solutions should focus on efficiency rather than undermining fairness;

WHEREAS, inefficiencies in the discovery process are best addressed through improved resource allocation and enhanced data-sharing mechanisms, such as the proposed legislation (A825/S613) to grant prosecutors direct access to police databases, rather than through regressive policy changes;

WHEREAS, the connection between discovery and recidivism is not based on science; robust discovery laws ensure due process and uphold prosecutors' constitutional and ethical duties and recidivism is driven by social factors like housing and reentry support, not evidence sharing;

WHEREAS, strong discovery laws protect public safety by ensuring that innocent or overcharged individuals are not wrongfully prosecuted or coerced into plea deals due to lack of evidence access and protect cases by ensuring that prosecutorial decisions are made with the full complement of evidence available; and

WHEREAS, the root causes of case dismissals are complex and deserve to be fully investigated and addressed by the legislature and should not be resolved in a budget bill;

THEREFORE BE IT RESOLVED, [Community Board Name] urges state legislators to reject any proposals that dismantle the existing robust discovery law, weaken enforcement of discovery obligations, or otherwise erode the due process protections enshrined in Kalief's Law; and

THEREFORE, BE IT ALSO RESOLVED, [Community Board Name] also urges state legislators to support [A825/S613](#) which is the most effective solution to improving discovery practices in New York City and to empower prosecutors to fulfill their constitutional obligations, which will also improve discovery practices across the state.