

Dear Lawmakers and Staff,

We, the below named Public Defenders, Conflict Defenders, Assigned Counsel Administrators, and leaders of the Public Defense Community, stand in staunch opposition to any roll backs to the 2019 discovery reforms. These reforms were desperately needed to bring New York's regressive laws more in line with the rest of the country, and to prevent wrongful convictions, coerced pleas, and unwarranted pre-trial detention.

Changes to crucial legislation should always be based on evidence and subject to public debate and scrutiny. Thus far, the process that has led us to this moment has been entirely clandestine and undemocratic. Not only has it excluded all of us and even more critically, the people directly impacted by the criminal legal system, it has also excluded elected lawmakers and those they represent.

Rather than entertaining these closed-door 11th-hour policy proposals during budget negotiations, we urge you to take up the funding mandates that both houses outlined in their one house budget proposals. Funding for both prosecutors and defenders will finally realize the full potential of the 2019 discovery reform, known as "Kalief's Law." Historically, before any substantive changes to the law are considered this majority has steadfastly engaged in a deliberative evidence-based process. To that end, after the law has been fully funded, the existing implementation working groups convened by both the Governor and the NYC Mayor can collectively offer their findings and suggestions to improve implementation of the law. However, it remains to be seen if this will ever be needed as there has never been a fulsome effort to entirely implement the law with the funding it requires. Similarly, the same types of stakeholder efforts could be replicated across the state in order to assess any technological improvements and do a forward-looking assessment of the impact of discovery reform on case outcomes and fairness,

In fact, the work that has been done by the committees convened by the Governor and NYC Mayor have demonstrated that this sort of evidence-based, deliberative process works to form practical, targeted solutions to problems of implementation. For instance, through its meetings of stakeholders, the Governor's committee on discovery identified that the main problem interfering with discovery compliance was the fact that the police and prosecutors did not have computer systems that enabled them to effectively share materials. This prompted the NYPD to begin development of a new technology that will solve that problem. With more funding, committees like this one can make the changes needed to effectively implement the existing law.

Any consideration of substantive changes to discovery practices should be based on *all*-stakeholder input. In fact, the infrastructure to enable a deliberative process already exists and that combined with funding will allow us to fully realize the promise of the 2019 reforms.

We thank you for continuing to hold the line on discovery reform and for recognizing the desperate need for funding in this space.

Sincerely,

Statewide Defenders and Advocates  
(list in formation)

Allegany County Public Defender's Office  
Appellate Advocates  
Brooklyn Defender Services  
Broome County Assigned Counsel Program  
Broome County Public Defender  
The Center for Appellate Litigation  
Chemung County Public Advocate  
Chemung County Public Defender's Office  
Chief Defenders Association of New York  
Erie County Assigned Counsel Program  
Essex County Conflict Defender's Office  
Essex County Public Defender's Office  
Frank H. Hiscock Legal Aid Society  
Franklin County Public Defender  
Genesee County Public Defender  
Greene County Public Defender  
Legal Aid Bureau of Buffalo  
Legal Aid Society of Nassau County  
Legal Aid Society of Suffolk County  
Legal Aid Society of Westchester County  
Livingston County Conflict Defender  
Madison County Assigned Counsel Program  
Monroe County Assigned Counsel Program  
Monroe County Conflict Defender's Office  
Monroe County Public Defender  
Neighborhood Defender Service of Harlem

New York County Defender Services  
New York State Association of Criminal Defense Lawyers  
New York State Defenders Association  
Oneida County Public Defender - Criminal  
Onondaga County Assigned Counsel Program, Inc.  
Ontario County Office of the Conflict Defender  
Ontario County Public Defender  
Orleans County Public Defender's Office  
Queens Defenders  
Saratoga County Conflict Defender  
Saratoga County Public Defender  
Schenectady County Public Defender's Office  
Schoharie County Assigned Counsel Program  
Schuyler County Public Defender's Office  
St Lawrence County Conflict Defender's Office  
St. Lawrence County Public Defender  
Steuben County Public Defender's Office  
Sullivan County Assigned Counsel Program  
Sullivan County Legal Aid Panel  
The Bronx Defenders  
The Legal Aid Society  
Tioga County Public Defender  
Tompkins County Assigned Counsel Program  
Ulster County Public Defender  
Wayne County Public Defender  
Wyoming County Public Defender