

The Impact of New York Discovery Reform

WHAT IS “DISCOVERY?”

Discovery is **any information related to a legal case** (i.e. witness statements, police and lab reports, and surveillance footage) that must be turned over to an opposing party. In a criminal case, this is primarily information that a person and their attorney are entitled to receive from the prosecution and review prior to trial. Regardless of whether or not the

prosecution deems certain information “relevant” to a case or believes the information will be introduced as evidence at trial, **all discovery must be turned over to the defense**. The prosecutor is required to turn over discovery in order to ensure that the person facing charges has the opportunity to prepare for trial.

HOW DID DISCOVERY REFORM CHANGE NEW YORK LAW?

Prior to 2020, New York was one of only four states that allowed prosecutors to withhold discovery without cause until right before the start of key court proceedings like hearings or trial.

New York lawmakers passed discovery reform to bring the state in line with the rest of the country in requiring **prosecutors to share the information within their**

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possession in a timely manner with people accused of crimes so that they and their attorney can make informed decisions and thoroughly prepare their case with all available information. This helped make New York law and practices more fair and just. Discovery reform ensures **transparency and the protection of constitutional rights**.

WHY WAS DISCOVERY REFORM NECESSARY?

Prior to reform, the practice of delayed discovery by prosecutors prevented New Yorkers accused of crimes from getting an effective defense, interfered with their ability to prepare for court proceedings, and undermined their constitutional right to a speedy trial. Significant delays led to **prolonged pretrial incarceration and made**

it more likely that a person would plead guilty out of desperation without knowing what evidence, if any, the prosecution had against them. Nearly every guilty plea prior to reform was entered without the person having the opportunity to review all the evidence against them. Discovery reform put an end to this practice.

DID DISCOVERY REFORM IMPACT SURVIVORS OF CRIMES?

The law did not **change any provisions related to crime survivor protection**. The revised legislation actually expanded the instances in which prosecutors may withhold the names and identifying

information of witnesses who have safety concerns based on the nature of the case and potential retaliation for testifying. Learn more at [JusticeNotFear](#).