

ALLIANCE NEWS



Alliance for Better Communities

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MAJOR OVERALL IN NEW YORK CRIMINAL PROCEDURE LAW TAKES EFFECT

By: Martin J. Rothschild, J.D.

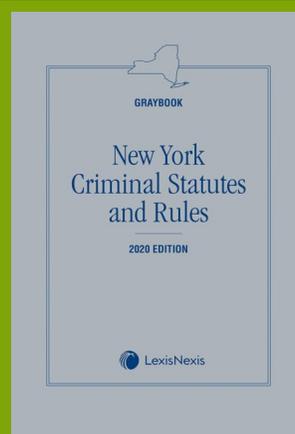
For years, prosecutors in New York has exercised a distinct, and many would argue grossly unfair, advantage over defendants in criminal cases. **“Trial by ambush”** has been the norm where prosecutors have had free rein to delay turning over essential evidence until late stages of criminal proceedings, pressuring defendants and their lawyers to make difficult decisions about whether to accept a plea deal or take their chances at trial based on limited disclosure of crucial and often exculpatory information. The New York state legislature has now passed a reform package aimed at increasing fairness in the criminal justice system.

Under the new law, the prosecution must turn over all evidence gathered against criminal defendants within 15 days of arraignment, a major change for the state that previously had no such deadlines. While there has long been a requirement to provide exculpatory evidence, under the new law, police reports, witness statements, electronic recordings, grand jury transcripts, any and all electronic recordings, 911 calls, crime scene photographs, lab reports, expert opinion evidence and other material must be given to the defense without delay.¹ However, Prosecutors have argued that the newly enacted disclosure rules place an undue burden on their offices, require the hiring of new staff, and limit their ability to expeditiously resolve cases.²



Vision: To have a community that is fully committed to the health and safety of its residents.

Mission: To reduce underage drinking and substance abuse and expeditiously address any emerging threats.





An even more controversial part of the new legislation eliminates bail in most cases and removes impediments to speedy trials. Pretrial detention and cash bail is eliminated as an option in an estimated 90 percent of arrests. For the remaining cases, judges will maintain the option of setting cash bail. Judges must release most

charged with misdemeanors and nonviolent felonies either on their own recognizance or with release conditions designed to ensure that the individual returns to court, such as pretrial supervision and text message reminders for court dates. In almost all violent felonies and certain nonviolent felonies, such as sex offenses and witness tampering, judges will retain the option to set cash bail.³

There has been strong opposition to the bail reform portion of the procedural overall among prosecutors and law enforcement. Felony-level burglary, drug sales and drunken driving charges, will no longer be subject to bail requirements for defendants. With the new laws, drug dealers — unless identified as major traffickers — would not be subject to bail. Also,



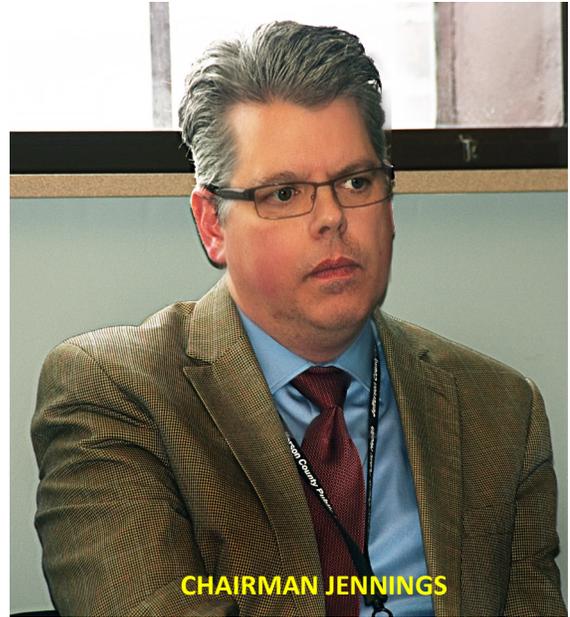
in one of the more controversial parts of the law, those accused of two violent felonies — second-degree burglary and second-degree robbery in some cases — also will not have to post bail for pretrial freedom. There is deep concern that many defendants will fail to show for court appearances, offenders will be out of jail and free to commit further crimes, and substance abusers will be likely to continue using drugs and face increased risk of overdose.⁴

Evolution of statutes, laws and rules applicable in criminal and civil proceedings is not unusual, it is the norm. While the new disclosure rules will require increased workload for the prosecution, defendants will be given their constitutionally mandated right to defend themselves fairly and effectively. Bail reform will create new challenges for tracking those who are arrested, but the many defendants who cannot afford bail will no longer be unfairly blocked from pre-trial release.

ALLIANCE MEETING HIGHLIGHTS



ANITA LEADS THE MEETING



CHAIRMAN JENNINGS



D.A. KYRISTYNA S. MILLS IS INTRODUCED



D.A. MILLS DISCUSSES NEW CRIMINAL PROCEDURE LAW

Community survey efforts surpass expectations; unveiled at recognition ceremony

Excerpted from:

https://www.nny360.com/news/jeffersoncounty/community-survey-efforts-surpass-expectations-unveiled-at-recognition-ceremony/article_1153cbb8-c096-59f9-b018-e91bd2eaa1f5.html



Anita Seefried-Brown of the Alliance for Better Communities, and Timothy Fayette of the Watertown Urban Mission, celebrate the work of Getting Ahead program graduates in data collection for the State Opioid response community survey on Thursday in Watertown. Julia Hopkins/Watertown Daily Times

REFERENCES:

- 1.Center for Court Innovation, *Discovery Reform In New York*, May 2019, retrieved from: https://www.courtinnovation.org/sites/default/files/media/document/2019/Discovery-NYS_Full.pdf
2. Barron, S., Mangual, R., *Big risks in discovery reform; N.Y.'s new law tips the balance way too far in favor of defendants*, New York Daily News, June 2019, retrieved from:<https://www.nydailynews.com/opinion/ny-oped-discovering-huge-holes-in-discovery-reform-20190603-7dczo26lu5fc7e46wvny4chfy-story.html>
3. Clark, D., *NY Bail Reform Would Be Curbed Under GOP Proposals in State Legislature*, Law.com, New York Law Journal, Nov. 2019, retrieved from: <https://www.law.com/newyorklawjournal/2019/11/07/ny-bail-reform-would-be-curbed-under-gop-proposals-in-state-legislature/?slreturn=20191123113552>
4. Dewitt, K.,NCP, *Pushback from GOP and law enforcement to N.Y. bail reform laws*, Nov. 2019, retrieved from: <https://www.northcountrypublicradio.org/news/story/39906/20191108/pushback-from-gop-and-law-enforcement-to-ny-bail-reform-laws>

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NEW DRUG OVERDOSE AWARENESS SYSTEM IMPLEMENTED

MICHAEL HILL Associated Press, excerpted from: <https://abcnews.go.com/Health/wireStory/battle-opioid-crisis-track-overdoses-real-time-67893440>

ALBANY, N.Y. -- Drug overdose patients rushed to some emergency rooms in New York's Hudson Valley are asked a series of questions: Do you have stable housing? Do you have food? Times and location of overdoses are noted, too. The information is entered into a new overdose-tracking system that provides near real-time glimpses into the ravages of the opioid-fueled drug crisis. The Hudson Valley Interlink Analytic System is among a number of surveillance systems being adopted around the country by police, government agencies and community groups. While the number of drug overdose deaths appears to have fallen nationally in 2018 for the first time in nearly three decades, the overdose death rate remains about seven times higher than a generation ago.

If there's a spike in overdoses, the system will sent text alerts to health administrators and community workers.