

DEBUNKING THE RHETORIC ON DATA

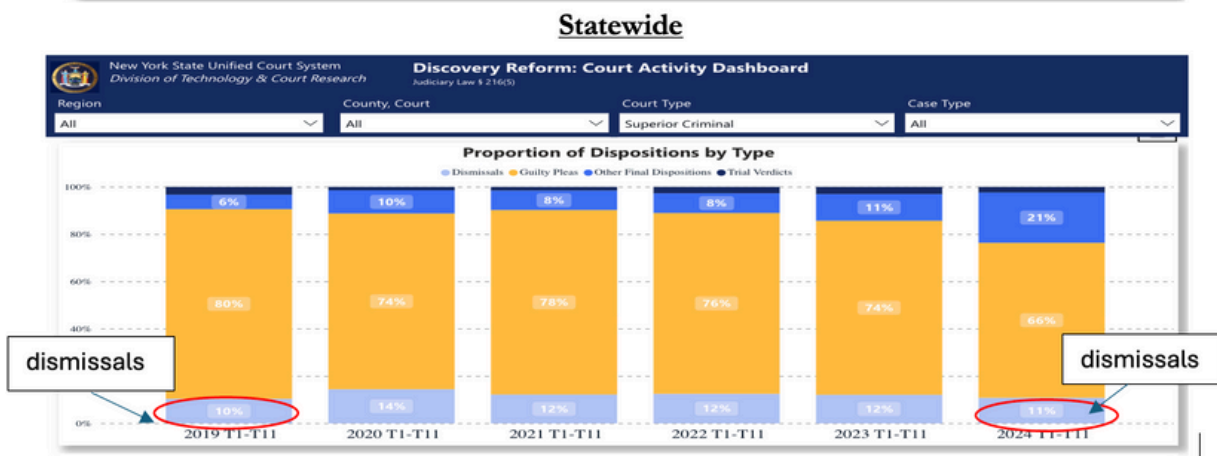
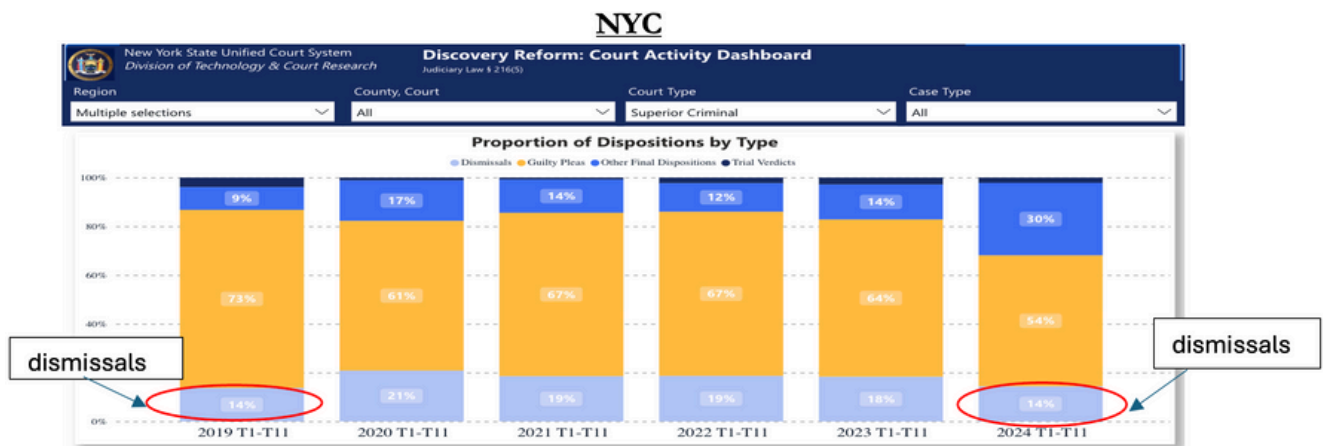
Are 41% of Felony Cases Prosecuted in NYC Being Dismissed? NO!

This data is derived from DCJS data that tracks the disposition of cases based on arrest charges and not charges at arraignments. These metrics are not useful in assessing discovery reform's impact. Arrest charges are what the police write down on their paperwork—not what ultimately gets charged in court. This is an important difference because it is common knowledge in the criminal legal system that police officers frequently make “felony arrests” for offenses that do not amount to felony conduct.

In order to prosecute a felony to trial, a prosecutor must present the case to a grand jury and obtain an indictment. At that point, the case is transferred from local criminal court to superior court. With the limited exception of disclosing a person's own statements to police, prosecutors aren't required to provide ANY discovery in felony cases until after the case is indicted. Therefore, in order to meaningfully assess the impact of the discovery law on felony case dismissals, we must look at superior court data.

Has Discovery Reform Resulted in More Dismissals in Superior Court? NO!

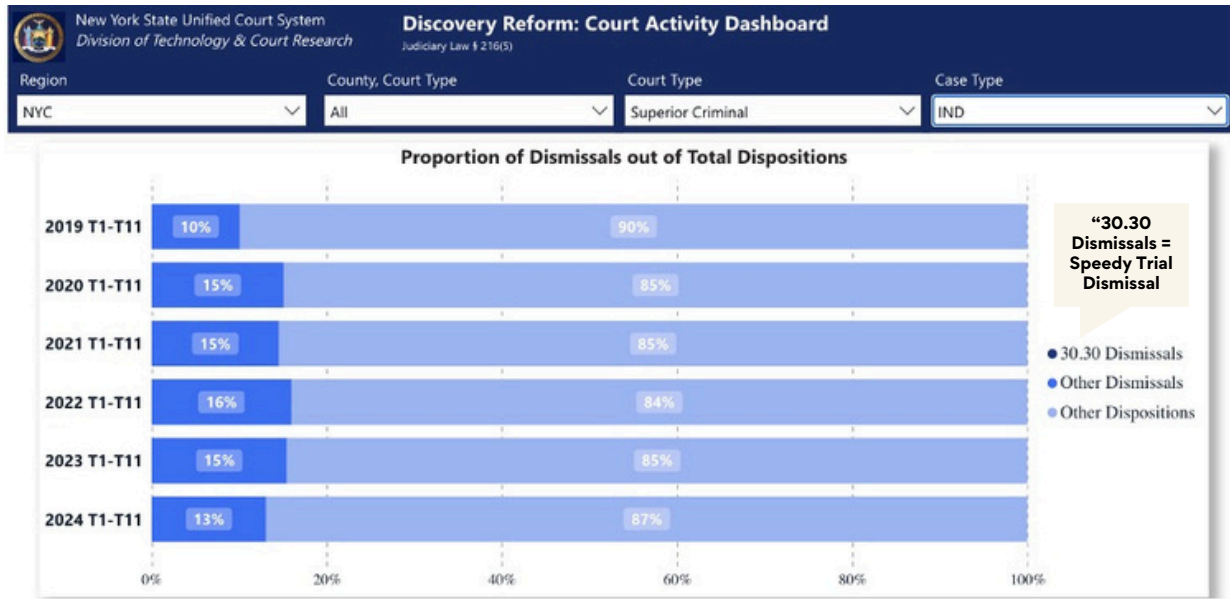
Dismissal rates in Superior Courts (where felonies get prosecuted) are THE SAME now as they were before discovery reform.



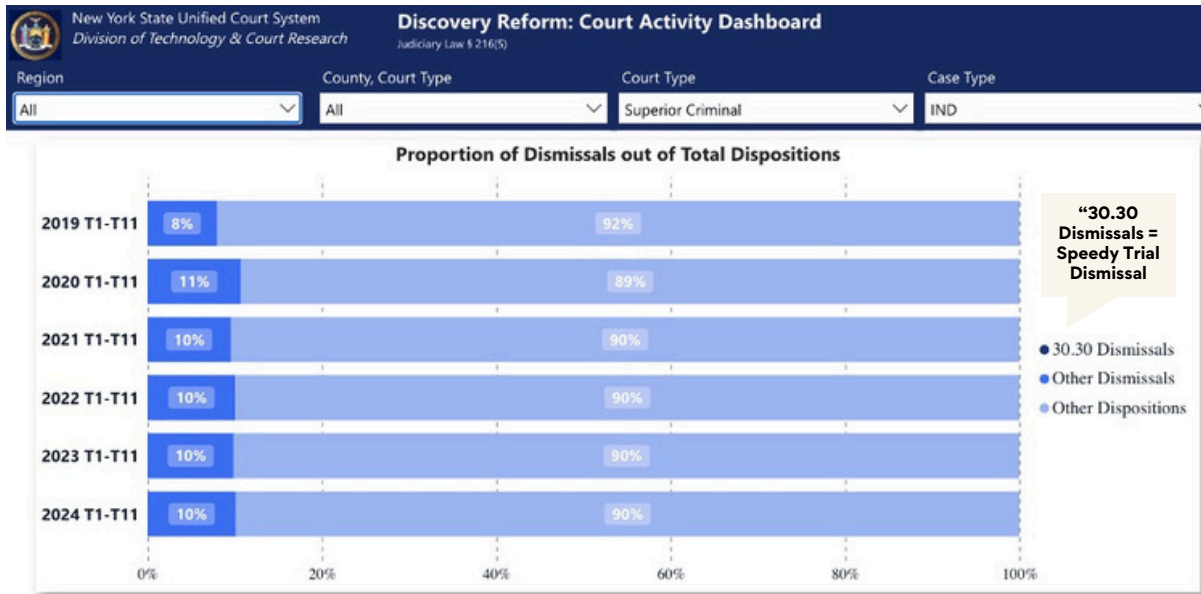
Are all Dismissals Related to Discovery? NO!

The only form of dismissal that results from discovery non-compliance, is speedy trial dismissal. Since 2019, speedy trial dismissals have accounted for fewer than 1% of dismissals in superior courts across the state, including in NYC.

NYC



Statewide



Bottom Line: serious cases are not being dismissed at a higher rate because of discovery reform.