



Staff Memorandum

EXECUTIVE COMMITTEE Agenda Item #5

REQUESTED ACTION: Approve the creation of the Task Force on Criminal Discovery Reform, the Special Committee on Voter Participation, the Special Committee on Prisoner Re-entry, and the Special Committee on Human Trafficking.

Background

At its April 2009 meeting, the Executive Committee approved the Special Committee on Committees' (ComCom) recommendation that the proposal for the creation of any new standing committee, special committee or task force be presented in written form to the Executive Committee for approval.

Pursuant to ComCom's recommendation, set forth below is a description of each of the proposed new entities. Each new entity promotes the purposes of the Association as set forth in its Bylaws. The Bylaws state in pertinent part:

"The purposes of the Association are to cultivate the science of jurisprudence; to promote reform in the law; to facilitate the administration of justice; to elevate the standard of integrity, honor, professional skill and courtesy in the legal profession; to cherish and foster a spirit of collegiality among the members of the Association; to apply its knowledge and experience in the field of the law to promote the public good . . ."

Task Force on Criminal Discovery Reform

Although there are expansive rights to discovery in civil cases dealing with property interests, there are severe limitations on opportunities to exchange information in criminal cases dealing with the freedom of the defendants involved. New York is one of the least liberal discovery states. The Task Force on Criminal Discovery Reform will explore possible solutions to these issues in New York State, including reforms to the Criminal Procedure Law that would require prosecutors to turn over all exculpatory material, and provide early, broad and automatic criminal discovery. It will also consider reforms undertaken in other states, including provision of statements with protective orders, open-file discovery laws, required disclosure to defense attorneys only, discovery before guilty plea, reciprocal provision of materials by defense after receipt of prosecution information, and deposition of witnesses. The Task Force will

produce a report and recommendations for criminal discovery reforms in New York State.

Expected duration: The Task Force will aim to complete its work by January for the start of the legislative session.

Special Committee on Voter Participation

In the United States, voting is one of our most fundamental rights, ensuring our ability to participate in the electoral process. The rate of voter participation in New York State is frequently ranked among the lowest in the nation. Measures to remove barriers to registration and voting and to encourage participation could go a long way to improve citizenship and civic engagement and enhance our democracy. The Special Committee on Voter Participation will consider possible reforms to remove obstacles to registration and voting, such as automatic voter registration and modernization of the registration process, extended cut-off dates for advance registration, increased penalties for voter intimidation and deceptive election practices, genuine early voting (permitting voters to vote on a voting machine in a designated location prior to Election Day), and no-fault absentee balloting (allowing voters to use absentee ballots without meeting defined criteria). The special committee will produce a report and recommendations with regard to reforms that could enhance civic participation in New York State.

Expected duration: 1 Year

Special Committee on Prisoner Re-entry

Former prisoners face many challenges in reintegrating into their communities after serving their sentences. These challenges can include problems accessing public assistance benefits, difficulty finding appropriate substance abuse treatment and mental and physical healthcare after their release, and trouble obtaining housing and employment due to discrimination based on their incarceration and other issues. The Special Committee on Prisoner Re-entry will explore steps that can be taken during incarceration and the re-entry process to help bridge the gap between prison and participation in free society, including educational programs during and after incarceration and other initiatives aimed at curbing recidivism. The special committee will develop a report and recommendations including a consideration of collateral consequences that can have an impact on re-entry, as well as proposals for assisting former prisoners with obtaining necessary public assistance and improving the transition from incarceration back into our communities.

Expected duration:

Special Committee on Human Trafficking

Human trafficking is frequently referred to as “modern-day slavery.” Thousands of people – often women and children – are taken from their families and forced into hard labor or prostitution by human traffickers. They are often threatened and physically abused, and issues such as immigration status can render some victims especially vulnerable to intimidation. Many people are not aware of the magnitude of the problem in the United States, and even here in New York State. A 2008 study of the New York State Interagency Task Force on Human Trafficking reported that New York State was outranked by only three other states in the number of federal human trafficking cases opened between 2001 and 2005.

Previous studies have suggested a number of possible reforms, including enhanced identification of trafficking victims, assisting in provision of services to victims (such as housing and public benefits, and improving cooperation between law enforcement agencies and service providers. The committee will consider these and other possible reforms, culminating in a report and recommendations to address the problem of human trafficking in New York State, considering both international and domestic trafficking issues.

Expected duration:

Projected Cost/Expense and Staffing

The cost of each of the above listed Task Force and Special Committees will be covered by the current budget line item enabling the President to create new committees. The staffing needs for each of these entities will be absorbed by the current staff of the Association.

Each committee will have 15-20 members and necessary expenses will include meetings and travel for committee members, with no extraordinary expenses contemplated.

No other existing entity is appropriate for accomplishing these purposes, and each of these new entities would further the Association’s mission by promoting reform in the law and facilitating the administration of justice.