



PRESS RELEASE

**New York State
Unified Court System**

**Hon. Lawrence K. Marks
Chief Administrative Judge**

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New Bronx Drug Courts Aim to Divert Opioid Drug Offenders at High Risk of Overdose

New York City – With the alarming number of opioid overdose fatalities in the Bronx and throughout New York State, Chief Administrative Judge Lawrence K. Marks, in partnership with Bronx County District Attorney Darcel D. Clark and key stakeholders, today announced the launch in Bronx County Criminal Court of two specialized court parts that specifically target low-level offenders at high risk of overdose.

The first such drug courts in New York City, the Overdose Avoidance and Recovery (OAR) tracks, under the direction of Bronx County Criminal Court Supervising Judge George A. Grasso, offer intensive treatment in lieu of incarceration to misdemeanor offenders charged with criminal possession of a controlled substance in the seventh degree (NY penal law, section 220.03) who are at high risk of overdose. Eligible offenders who complete the OAR program will have their cases dismissed and sealed, averting the collateral consequences of a potential conviction – a strong incentive for participation in this voluntary court initiative.

Cases considered appropriate for OAR are flagged for preliminary screening upon the consent of the defendant and defendant's attorney. (Cases in which there is an order of protection against the offender are not eligible for OAR.) The preliminary screenings are conducted by Bronx Community Solutions (BCS), which operates in the courthouse, linking eligible offenders to drug treatment, job training, housing and other services to help them get back on track.

Defendants who opt to undergo the preliminary screening and are found to be at high risk of overdose will have the case proceed in one of two specialized OAR parts presided over by Judges Grasso and Linda Poust-Lopez, with the District Attorney's office suspending

prosecution of the case pending its outcome in the specialized court part. For those defendants requiring immediate admission to treatment, the case is adjourned for approximately six weeks; where immediate treatment is not indicated, the case is adjourned to the following week, with BCS presenting its treatment plan to the judge during that court appearance.

Depending on the circumstances, defendants are either released on their own recognizance or placed on supervised release. OAR participants who fulfill all treatment and other requirements will, upon the consent of the court and District Attorney, have the case dismissed and sealed; those enrolled in the specialized track who fail to satisfy all agreed-upon conditions will have the case transferred to an appropriate court part for regular processing. Those defendants who decline to participate in OAR will in no way be penalized, with the case moving forward via the traditional court process.

“This latest iteration of the drug court model addresses the specific needs of justice-involved individuals struggling with substance use disorders who are at high risk of overdose, combining overdose prevention strategies, individualized treatment and services to save and transform lives, all with a focus on balancing the public safety. I commend District Attorney Clark and Judge Grasso for their tireless efforts in launching the OAR parts and for their commitment to the advancement of innovative approaches aimed at halting the devastating cycle of addiction and crime. Additionally, I would like to thank our other key partners, including the defense bar and Bronx Community Solutions, for their ongoing support in bringing these innovative courts to fruition,” said Chief Administrative Judge Marks.

“The OAR track is an important Criminal Court innovation that will save lives. OAR is not about ‘crime and punishment,’ but about ‘compassion and recovery.’ Individuals placed on the OAR track are provided with the network of support and services they need to overcome the deadly disease of addiction and avoid becoming another tragic statistic. This focused, collaborative effort by the Criminal Court in partnership with the District Attorney, defense bar and Bronx Community Solutions provides an immediate response to an at-risk individual that was previously lacking in the criminal justice system. I am proud to be part of it,” said Judge Grasso.

“The Overdose Avoidance and Recovery (OAR) program is an innovative tool for confronting a scourge that has ravaged the Bronx far too long and ruined hundreds of lives. Last year, our borough had the second highest rate of opioid overdose deaths in the state. My office has a duty to stem this health crisis by addressing defendants who cycle through the criminal justice system because of crimes fueled by drug abuse. I’m proud to introduce the City’s first such drug diversion program, which will operate in newly established Bronx court parts. I want to thank Chief Administrative Judge Lawrence K. Marks, Judge Grasso, Bronx

Community Solutions and the defense bar for their support and assistance in fighting this public health crisis by establishing this pioneering court. OAR will save and reshape lives,” said District Attorney Clark.

“Bronx Community Solutions, a project of the Center for Court Innovation, is pleased to team up with Bronx Criminal Court, the Bronx District Attorney’s Office, The Legal Aid Society and Bronx Defenders on this important, life-saving initiative to combat the opioid epidemic in the Bronx. Since 2005, Bronx Community Solutions has worked to improve public safety and reduce incarceration by delivering social services and community service to thousands of people involved in the criminal justice system,” said Maria Almonte, project director of BCS.

“OAR is an opportunity for people struggling with substance abuse to voluntarily obtain individualized treatment without the stigma of conviction or the hurdle created when unnecessarily jailed for a low-level offense. This creates a meaningful chance for someone to seek help and, if successful, return and contribute to their community,” said Peter Jones, Attorney-in-Charge of The Legal Aid Society’s Bronx Criminal Defense Practice.

“Opioid addiction has destroyed or stolen the lives of far too many Bronx residents,” said Alice Fontier, managing director of the Bronx Defenders' Criminal Defense Practice. “We applaud the Court for recognizing that addressing this crisis will rely on a solution that prioritizes treatment, not incarceration. In particular, we appreciate that the Bronx OAR’s approach does not rely on the threat of incarceration, a significant improvement over other treatment models. Our goal must remain finding ways to treat the opioid epidemic as the health crisis that it is, outside of the criminal justice system entirely.”

The OAR program began screening cases last month. To date, 250 cases have been screened, out of which 176 were deemed eligible for OAR. There are currently 55 defendants participating in the program.

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