



PRESS RELEASE

New York State
Unified Court System

Hon. Lawrence K. Marks
Chief Administrative Judge

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Staten Island Launches Innovative Court to Address Opioid Crisis

Staten Island, New York – Chief Administrative Judge Lawrence K. Marks and New York City Criminal Court Administrative Judge Tamiko Amaker, in partnership with Richmond County District Attorney Michael E. McMahon and key stakeholders, today announced the opening of a Staten Island court targeting eligible drug offenders at high risk of overdose and those suffering from addiction illness who commit certain low-level offenses, offering them immediate access to health and treatment services in lieu of jail, with prosecution of their case suspended during the stabilization process.

The New York City Criminal Court has designated a specialized part, AP7, to function as the Staten Island Heroin Overdose Prevention and Education (HOPE) 2.0/Overdose Avoidance and Recovery (OAR) Court. HOPE 2.0 and OAR will work collaboratively to address substance use and overdose risk for individuals charged with misdemeanors.

The Staten Island HOPE 2.0/OAR Court builds on the success of several recent initiatives: OAR courts launched this past year in Bronx County's Criminal Court and Manhattan's Midtown Community Court under the direction of Hon. George A. Grasso, Supervising Judge of New York City Criminal Court, Bronx County; and Staten Island's HOPE 1.0 program for low-level drug offenders, implemented in 2017 by the Richmond County District Attorney's Office in conjunction with the NYPD and other justice partners.

HOPE 2.0 is an arraignment/post arraignment diversion program that will expand the existing HOPE 1.0 programming and services to individuals, who, due to their specific charges or more extensive criminal histories (such as more graduated misdemeanor charges, some misdemeanor victim crimes and/or felony arrests dating back at least five years) are not eligible to participate in HOPE 1.0. The Staten Island OAR Court will provide a calendar for judicial supervision of individuals participating in the HOPE 2.0 program. The court, a defense attorney or the Richmond County District Attorney's Office may also refer cases that are ineligible for HOPE 2.0 to AP7 or OAR to be screened for high risk of overdose.

Drug offenders who opt to have their case proceed in the Staten Island HOPE 2.0/OAR Court will either be released on their own recognizance or placed on supervised release, depending on the circumstances. Participants who comply with the requirements of the court, which include meaningful engagement with services designed to address their substance use disorder and abate their risk of overdose and death, will have the case dismissed and sealed; or in some instances will receive an adjournment in contemplation of dismissal (ACD) with an order of protection. For those participants who fail to meet the agreed-upon conditions, the case will move forward with prosecution. Defendants who decline to participate in the newly-designated court will in no way be penalized, with the case proceeding via the traditional court process.

Staten Island's HOPE 2.0/OAR Court is a collaborative effort of the New York State Unified Court System, Richmond County's District Attorney's Office, the County's defense bar, local service providers and other justice partners, with Judge Grasso overseeing the court's planning and roll-out at the direction of Chief Judge Janet DiFiore and Chief Administrative Judge Marks.

The nation's premier opioid intervention court for high-risk drug offenders was launched in upstate New York in Buffalo City Court; the Bronx OAR Court was the first of these court models to be implemented in New York City. Along with deferring prosecution of cases during the stabilization process, other key elements of the opioid intervention court model include rapid engagement in evidence-based treatment, frequent judicial supervision and intensive case management. Additionally, the HOPE program utilizes peer recovery mentors to serve as the initial face of the program and provide support throughout the participant's trajectory. This role is crucial as the peers have experience navigating the criminal justice and substance use treatment systems.

“I am thankful to Judges Amaker and Grasso, District Attorney McMahon, the Richmond County defense bar and our other justice system partners for their tremendous efforts in bringing this innovative court model to Staten Island, where the opioid crisis has taken a devastating hold. Undoubtedly, the aptly named Staten Island HOPE 2.0/OAR Court will help save and transform the lives of those caught in the addiction cycle, working to enhance the safety and stability of Richmond County’s families and communities,” said Chief Administrative Judge Lawrence K. Marks, who with Chief Judge DiFiore have made the statewide expansion of the opioid intervention court model a topmost priority.

“The Office of Court Administration and New York City Criminal Court are pleased to collaborate with D.A. McMahon, the defense bar and the provider community to bring HOPE 2.0 and the Overdose Avoidance and Recovery Court to the citizens of Richmond County. This innovative drug treatment court model will complement and expand upon existing resources for opioid-addicted individuals in Staten Island Treatment Court. I would like to thank Judge Grasso and D.A. McMahon for their tireless efforts to bring this program to fruition,” said Judge Amaker.

“I am very grateful to all of the Staten Island stakeholders for their passion, focus and commitment to working with the Criminal Court to establish this new, lifesaving court. Working together, we are building on the foundation of HOPE 1.0 and the Bronx and Manhattan OAR Courts to create an early-engagement court model designed to help, in real time, the maximum number of people struggling with opioid dependency. This is the essence of what a 21st century criminal court should look like. I am honored to have had the opportunity to coordinate these laudable efforts,” said Judge Grasso.

“The national opioid epidemic, fueled by deadly fentanyl, continues to plague Staten Island. While we have made great progress in convicting dealers, we must also help those who suffer from addiction. Building on the success of our HOPE program, I am proud to join our partners to announce a new court offering a wider array of lifesaving services to individuals who have committed certain misdemeanor crimes fueled by substance abuse. The HOPE expansion will allow us to provide this essential program and other critical resources to even more people in need, while OAR will help identify and divert high-risk or repeat overdose victims into treatment before it is too late—saving lives and making a lasting impact in our mission to end the borough’s

drug crisis and reduce crime. I want to thank Chief Administrative Judge Marks, Judge Grasso and all our partners for their ongoing support in this fight,” said D.A. McMahon.

The Staten Island HOPE 2.0/OAR Court will operate on Wednesdays. New York City Criminal Court Judge Gerianne Abriano will preside over the specialized part.

To date, nearly 300 cases have been deemed eligible via screening for the Bronx and Manhattan OAR Courts, with over 50 participants completing the program.

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