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**BRONX DA, NYS COURTS ANNOUNCE NEW YORK CITY'S FIRST COURT  
OFFERING PRE-PLEA TREATMENT TO OFFENDERS AT RISK OF  
OPIOID OVERDOSE**

**“Overdose Avoidance And Recovery” Diversion Program Aims To End  
Cycle Of Substance Abuse And Arrest;  
Court Opened Eight Weeks Ago, 52 Defendants in Treatment**

Bronx District Attorney Darcel D. Clark and Bronx County Criminal Court Supervising Judge George A. Grasso today announced the first court-based program of its kind in New York City to offer treatment in lieu of incarceration for offenders with substance abuse, in an effort to combat the opioid crisis in the Bronx.

District Attorney Clark said, “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.”

Judge Grasso said, “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

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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.”

District Attorney Clark said her Alternatives to Incarceration Bureau and other trained Assistant District Attorneys will offer defendants charged with seventh-degree Criminal Possession of a Controlled Substance (NY Penal Law 220.03) the opportunity to take part in OAR. In addition to linking defendants with intensive treatment, Bronx Community Solutions will offer job training, housing and other needed services.

Those who are assessed as high-risk of overdose and accept the program will have their cases adjourned to one of two specialized drug court parts presided over by Judge Grasso and Criminal Court Judge Linda Poust-Lopez, with prosecution of the case withdrawn pending the OAR outcome.

Participants who meaningfully engage in and fulfill treatment will, upon consent of the Court, have their cases dismissed and sealed, eliminating the burden of a criminal record. There are no penalties for defendants who forego the use of OAR and their cases will move ahead in the criminal court process.

District Attorney Clark said her Office began planning OAR in May, 2017 with the goal of reducing the number of individuals with opioid addiction from entering the criminal justice system and stemming overdoses in the Bronx.

According to data, from January 2013 to July 2017, 879 people died of opioid use in the Bronx, and 551 of those people had prior involvement with the criminal justice system in the Bronx, for an average of 8.9 arrests each. The most frequent top charge was NYPL 220.03.

The OAR program began on December 4, 2017, and has screened 250 cases, out of which 176 were eligible for OAR, and 52 defendants entered the program. The Bronx District Attorney’s Alternatives to Incarceration Bureau is overseeing the initiative, with the assistance of the Trial Division and the Complaint Room/Arraignments Bureau.

Chief Administrative Judge Lawrence Marks said, “This latest iteration of the drug court model addresses the specific needs of justice-involved individuals struggling with

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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.”

Maria Almonte, project director of Bronx Community Solutions, said, “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.”

Peter Jones, Attorney-in-Charge of The Legal Aid Society’s Bronx Criminal Defense Practice, said, “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.”

Alice Fontier, managing director of the Bronx Defenders' Criminal Defense Practice, said, “Opioid addiction has destroyed or stolen the lives of far too many Bronx residents. 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.”

District Attorney Clark thanked her Strategic Enforcement and Intergovernmental Relations Division, Executive Assistant District Attorney Odalys Alonso, Deputy Division Chief Carmen Facciolo, ATI Bureau Chief Aisha Greene, and Director of Mental Health Ginger James for their efforts to create the program.