

Opioid courts expand in Erie, Niagara counties to tackle epidemic



Judge Craig D. Hannah presides over the first opioid intervention court in the nation in Buffalo in this 2017 photo. The court's services are expanding to the rest of Erie County, and Amherst and Niagara Falls are opening their own opiate courts. (Sharon Cantillon/News file photo)

By [Stephen T. Watson](#) | Published October 25, 2018 | Updated October 25, 2018

Buffalo's opiate intervention court, meant to help addicts facing criminal charges get badly needed treatment, drew national attention after it opened last year.

Now, court administrators want to expand this service to those arrested outside the city.

Both the Town of Amherst and City of Niagara Falls plan to open their own opiate courts in the coming months.

And the Buffalo and Niagara Falls courts soon will serve as hubs providing interventions and access to treatment for people facing opioid-related charges throughout Erie and Niagara counties.

"I really feel that this is a priority and needs to get done. Everyone's looking for a solution to this epidemic, and I'm offering at least a creative way to start chipping away at it," Amherst Town Justice Kara Buscaglia said. Buscaglia was announcing the new town initiative at a fundraiser Thursday evening for the foundation that supports Amherst's drug court.

Fatal opioid overdoses in Erie County have declined in the past two years, but court officials say opioid addiction remains a problem here.

Buffalo's opiate intervention court, the first of its kind nationwide, offers defendants a chance to delay their legal case while they receive addiction treatment. If they successfully complete the program, they can receive a break in their sentence.

Amherst wants to provide that opportunity to its residents. And the push to expand the Buffalo and Niagara Falls courts follows a recommendation from the state's highest ranking judge, who wants to see a similar initiative in New York's 62 counties.

Both Buffalo and Amherst have long had drug courts.

But Buffalo in May 2017 opened a court focusing its attention on people who abuse heroin, hydrocodone or a similar drug. [City Judge Craig D. Hannah](#) and other court officials realized they needed an intensive approach to help those defendants.

The court steers people to an inpatient or outpatient program, often involving medication-assisted treatment, while putting criminal charges on hold. It's open to people charged with misdemeanor or nonviolent felony crimes.

For at least the first 30 days of the intervention, defendants typically return to court each day so that Hannah can track their progress.

After that, people scale back their court appearances to twice or once per week. After 90 days, or sometimes longer, the court takes up the criminal charges again while factoring in how well the defendant followed the course of treatment.

"The cases are just put on hold," Hannah said. "We promise them nothing."

Jeffrey Smith, project director for the Eighth Judicial District that covers Western New York, said 432 people have gone through Buffalo's opiate court over 18 months.

Smith said 430 remain alive. Two have died of drug overdoses, including one woman who never followed through after her initial acceptance into the program.

"If they're still living and breathing as we're talking today, we've done our job," said Smith.

The initial daily court appearances provide a supportive structure for people dependent on opiates that Amherst's drug court, which meets once a week, can't offer, Buscaglia, the Amherst justice, said.

"That accountability is what keeps them going," she said.

About 160 defendants now participate in Amherst's drug court, and probably 90 percent are opiate addicts, Buscaglia said.

Amherst's opiate court, which could open in early January, will handle misdemeanors and require Buscaglia and fellow Town Justice Geoffrey Klein to expand their court hours. Donations from the drug court foundation, and additional town funds, should cover any added costs, she said.

The city's opiate court may process Amherst defendants on days when the town can't. However, Buffalo's opiate court will play a larger role on behalf of other town and village courts starting next month, Hannah and Smith said.

Defendants outside Buffalo charged with a misdemeanor traceable to their opioid dependency will have their prosecution in that jurisdiction delayed while they go through Buffalo's opiate court.

The Niagara Falls opiate court, under City Judge James J. Faso Jr., will launch in the next three weeks, Smith said. It will serve only city defendants for a few months before expanding its reach to the rest of Niagara County.