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PRESS RELEASE

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Experts Tell Court Of Appeals in Cruz v. State That Welfare of Mother And Child Demands Treatment For Addiction, Not Criminal Prosecution

The Court of Appeals will consider tomorrow the opinion of more than 50 national medical, public health, child welfare, and drug treatment experts that prosecution of addicted mothers is counterproductive to the mother, the welfare of the child, and the interests of society.¹ A “friend of the court” brief filed by the Public Justice Center (“PJC”) and the National Advocates for Pregnant Women (“NAPW”) urges the Court to reverse the criminal conviction of a Talbot County woman indicted by the State’s Attorney on the theory that a positive toxicology screen at the birth of her child constituted a crime. The Circuit Court for Talbot County found Ms. Cruz guilty of violating the state crime of reckless endangerment of another, and the Maryland Court of Appeals agreed to hear her appeal. The brief by the PJC and NAPW argues that the Court must consider the well-established consensus of the medical community that prosecuting women for using drugs during pregnancy is a terrible public health policy that harms both the women involved and their children.

Specifically, these organizations and experts condemn the arrest and prosecution of women who use drugs during their pregnancy as a matter of law, logic and public health because:

- drug dependency is a disease that requires treatment, not a crime;
- such prosecutions are likely to deter pregnant women from seeking prenatal care, labor and delivery services, and treatment for drug addiction that is beneficial to them and their children;
- scientific and medical studies fail to substantiate the alleged harms underlying Cruz’s prosecution; and
- such punitive approaches fail to make use of drug treatment and child protective services which are less disruptive to families.

¹ Signing in support of the brief were the International Center for Advancement of Opioid Dependence, National Council on Alcoholism and Drug Dependence (National and Maryland Chapter), Maryland Society of Addiction Medicine, NAADC – the Association for Addiction Professionals, Obstetrical and Gynecologic Society of Maryland, and over 40 other organizations and experts in the medical community.

Lorna Hogan can attest first-hand to the benefits of treatment over punishment. While she was incarcerated, she was not offered treatment and her children were put into foster care. After her release, however, she was referred to a four month residential family treatment program and then an outpatient family program. Lorna said that “it was not incarceration, but rather treatment that helped turn my life around. In treatment, I was able to address the cause of my addiction, which was the years of domestic violence that I endured. Only then was I able to heal and learn parenting skills to repair my bond with my children.” Lorna has successfully lived without drugs for five years and she is now the Associate Director with the Rebecca Project’s Parent Advocacy Group Sacred Authority.

Roscoe Jones, Jr., Appellate Advocacy Fellow at the Public Justice Center also notes a recent Maryland case that makes clear that “the effect of imprisonment is the inhumane treatment of pregnant women, as shown by the case of Kari Parsons, who was forced to give birth alone in her jail cell without the benefit of any medical care whatsoever.”

Tomorrow, the Court of Appeals will have the opportunity to review whether a sufficient justification exists for the prosecution of addicted mothers when the medical, public health, child welfare, and drug treatment experts so consistently condemn the practice. Dr. Maureen Black, Ph.D., Professor of Pediatrics at University of Maryland Medical Center, said “the threat of arrest and prosecution for drug use by pregnant women operates as a barrier to pursuing drug treatment, prenatal care, and labor and delivery care. Don’t take a punitive approach, rather try to get people into services.”

Press interested in speaking with Lorna Hogan, Dr. Maureen Black, and other experts who can address misinformation about the effects of prenatal exposure to cocaine and the value of treatment can call the PJC and NAPW.

Tomorrow’s case is *Cruz v. State of Maryland*, No. 106, 05 Term. The amicus brief is available online at www.publicjustice.org and www.aclu-md.org and at www.advocatesforpregnantwomen.org The full text of the open letter from Top Medical Doctors and Scientists Urge Major Media Outlets to Stop Perpetuating “Crack Baby” Myth with a complete list of signatories is attached. It is also available at: <http://www.jointogether.org/sa/files/pdf/sciencenotstigma.pdf>

Ms. Cruz is represented by the American Civil Liberties Union of Maryland, and by lawyers from Morrison and Foerster in Washington D.C., and Schulman, Treem, Kaminkow, Gilden and Ravenell in Baltimore.