



Media Release

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ACLU Settlement with Lake County Will Ensure Proper Medical Treatment For Pregnant Mothers in County Jail

MISSOULA, MT — A Montana mother who was denied medication that can prevent the serious risks of opiate withdrawal during pregnancy — which includes the risk of miscarriage — has reached a settlement with Lake County. The settlement includes a change in policy that will protect other pregnant prisoners from similar treatment. Bethany Cajúne is represented by the American Civil Liberties Union of Montana and the ACLU Reproductive Freedom Project.

“Women don’t give up their right to medical treatment or their right to have a healthy pregnancy when they are incarcerated,” said Jennifer Giuttari, Staff Attorney with the ACLU of Montana. “Under this policy, pregnant women incarcerated at Lake County Detention Center cannot be denied the obstetrical care and medication they need. We are extremely hopeful that this change in practice at Lake County Detention Center means that no other pregnant women will be treated the way our client was treated.”

The settlement includes a new policy establishing necessary medical care for pregnant inmates with opiate dependency. That policy requires immediate referral to an obstetrical provider for a medical evaluation and plan of care, including treatment to prevent pregnant inmates from undergoing opiate withdrawal while in the Jail. It also requires the County to train its officers on implementation of the policy, and to ensure all pregnant inmates are fully informed about the policy.

In March 2009, Cajúne voluntarily reported to Lake County Detention Center to complete an outstanding short-term sentence for traffic violations. At that time, she was approximately four months pregnant, raising five small children at home and successfully participating in a medication-treatment program for a diagnosed addiction to opiate drugs. Despite attempts by Cajúne’s treating physician and drug treatment counselor to ensure that Cajúne could continue receiving her medication to prevent withdrawal while in Lake County Jail, and repeated warnings of the serious risk abrupt withdrawal posed to her health and pregnancy, including miscarriage, the facility continued to deny Cajúne her medication. It took the intervention of a public defender, and a court order, to secure Cajúne’s release after nine days of being denied care so that she could resume the treatment.

Lake County Detention Center’s treatment of Cajúne was contrary to established standards of care for pregnant women who are receiving treatment for opiate addiction. Medical experts, the federal government, and the National Commission on Correctional Health Care uniformly advise that pregnant patients should not be withdrawn from opiate treatment.

“By adopting this Policy, Lake County has come in line with the prevailing medical standard of providing obstetrical care and treatment to prevent withdrawal for pregnant women with opiate dependency. This is an important step in providing women who are incarcerated with the full range of care necessary for safe and healthy pregnancies,” said Diana Kasdan, Staff Attorney with the ACLU Reproductive Freedom Project.

The case is *Cajúne v. Lake County*. Lawyers on the case include Betsy Griffing, Legal Director and Giuttari, Staff Attorney, ACLU of Montana; Kasdan, Staff Attorney, and Talcott Camp, Deputy Director, ACLU Foundation; and pro bono counsel, Gregory S. Munro.

To read the complaint and text of the new Lake County Detention Center Policy, “Medical Care for Pregnant Inmates with Opiate Dependency”: www.aclumontana.org