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**Charging pregnant woman with criminal endangerment for drug use  
unconstitutional and dangerous  
Activist prosecutor and judges place woman and all Montanans at risk**

(Helena, MT) – The prosecutor who charged a Ravalli County woman in early pregnancy with criminal endangerment for using drugs, succeeded one week earlier in preventing her from going to drug treatment because it would interfere with his trial schedule.

Ravalli County Deputy Attorney Thorin Geist charged 21-year-old Casey Allen with criminal endangerment, on August 27, for putting her fetus at risk after she tested positive for illegal drugs the day before. He argued for bail high enough to keep her in jail pending trial. “The reality for some of these women is the need for drugs is stronger than any maternal instinct they have,” Geist told Justice of the Peace Jim Bailey. Bailey then told Allen he was setting her bail at \$100,000 to save her “baby.”

The Montana Reproductive Rights Coalition condemns these actions as infringements of Allen’s constitutional and human rights and as a dangerous precedent that threatens the health and well-being of Montanans.

“There is no legal basis for charging Allen with criminal endangerment,” said Maggie Moran, executive director of NARAL Pro-choice Montana. “The prosecutor and judges in this case simply wanted to make a point that they think they know what is best for pregnant women and think they have a right to control them.”

Six days earlier, Geist successfully [argued against Allen’s request for a continuance for her trial to attend drug treatment](#) at the Montana Chemical Dependency Center in Butte, effectively preventing her from getting the treatment she needed and requested.

“Apparently the only thing that’s happened here is the defendant now has found out that she’s pregnant and is, apparently, just attempting to delay the trial until the time she when she arguably would appear physically more sympathetic to the jury,” Geist said.

“I mean, somebody like Ms. Allen, it’s pretty obvious that kind of treatment would have been appropriate for a long time,” said Haynes, adding, “I don’t know why I should have to scurry around, change my trial schedule.”

Allen’s defense attorney argued that she had been waiting for a bed at the facility, and had only just found out one was available for her. Geist and District Court Judge James Haynes were unmoved.

“Denying Allen the opportunity to attend drug treatment and then penalizing her less than a week later for testing positive for drugs is the height of hypocrisy,” said Niki Zupanic, public policy director for the ACLU of Montana. “Montana law and our state and federal constitutions clearly protect pregnant women from criminal prosecutions like these. Sending a pregnant woman to jail for drug addiction does not serve Allen or the people of Montana.”

The Court’s actions also go against the recommendations of health care professionals, who universally say that drug addicted women should be treated during pregnancy not criminalized.

Policies that threaten women with criminal prosecution and the loss of their children drive women away from health care and discourage them from seeking invaluable prenatal and pregnancy-related care.

“We should be encouraging healthy pregnancies by promoting access to prenatal care and substance abuse treatment, not by putting pregnant women in jail,” said Planned Parenthood of Montana CEO Martha Stahl. “Criminalizing drug addiction keeps pregnant women from the health care they need by causing them to avoid health care providers, and the threat of prosecution could prompt some women to get an abortion they would prefer not to have.”

A [report](#) recently released by the ACLU of Montana, “Reproductive Lockdown: An Examination of Montana Detention Centers and the Treatment of Pregnant Prisoners,” shows a lack of adequate policies in Montana’s jails puts pregnant prisoners at risk of inferior medical care.

The Montana Reproductive Rights Coalition serves as a clearinghouse and catalyst for identifying threats to reproductive rights, and providing the resources to articulate the values of the pro-choice vision. The Coalition includes the ACLU of Montana, Blue Mountain Clinic, the Montana Coalition Against Domestic and Sexual Violence, Montana Human Rights Network, NARAL Pro-Choice Montana and Planned Parenthood of Montana.

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