

PUBLIC NOTICE/PRESS RELEASE

Big Horn County Attorney's Office Announces Immediate Crackdown of Pregnant, Expecting Mothers Consuming Alcohol or Dangerous Drugs, Particularly Methamphetamine and Opioids

January 11, 2018

Hardin, Montana —

Due to the high rates of reported drug and alcohol use by pregnant, expecting mothers in Big Horn County, the Big Horn County Attorney's Office is announcing an immediate crackdown policy of civilly prosecuting any expecting mothers found to be using dangerous drugs or alcohol. Under this approach, the State will seek an order of protection restraining a pregnant female from any non-medically prescribed use of drugs or alcohol. In the event there are provable violations of any such protective court orders, the State will further prosecute on a contempt basis and seek incarceration in order to incapacitate the drug or alcohol-addicted expecting mother.

Statement from County Attorney Gerald "Jay" Harris: "It is simply not satisfactory to our Community that the protection of innocent, unborn children victimized in this manner and subject to a potential lifetime of disability and hardship relies exclusively on social workers removing the child from the custody of the mother at birth. This approach is not timely and has not proven to be a sufficient deterrent to this *dangerous, unacceptable behavior and will no longer be the State's policy in Big Horn County*. Other jurisdictions have sought criminal prosecution of mothers after delivery, but that is a retroactive and not proactive approach that does virtually nothing to protect the specific victim. I strongly encourage Montana's county attorneys and district attorneys all across the country to take an aggressive stand against this nationwide problem, which has the potential to deeply scar future generations with the tragic legacy of substance abuse. I will write specifically to the Crow and Northern Cheyenne Tribal Prosecutors, calling upon them to make similar initiative in seeking to protect our local community from the long-term dangers of drug and alcohol use by expecting mothers. In the event an expecting mother chooses to abort an unborn child instead of refraining from drug or alcohol use and litigation extends beyond our local courts, we trust Attorney General Fox will make the right decision on behalf of all Montanans and continue this fight to the extent necessary to ensure justice is afforded to the most vulnerable of our society."

This policy rests upon a legal concept known as the "Natural Law," which provides that all human beings are afforded inherent legal rights by virtue of their humanity. Article II, Section 3 of the Montana Constitution decrees that all persons are born free with certain inalienable rights, including the right of enjoyment of life and liberty and the right to seek health and happiness — all of which are tremendously impacted by being born with fetal alcohol syndrome or exposed to the minimally understood long-term ramifications of methamphetamine use by expecting mothers. Because every person has this natural and constitutionally-recognized right to a life in which the pursuit of happiness can be made without the adverse impacts caused by careless decisions of a person entrusted by law with a duty of care and support, the State will seek vindication and preservation of such rights, in the name of the public, especially where no vindication or preservation can be made by the victim.

The County Attorney's Office is prepared to present scientific evidence in court as to the dangers of alcohol and drug use by expecting mothers from public reports and findings of the United States Surgeon General and the National Institutes of Health.

In furtherance of this crackdown policy, the County Attorney's Office is asking the public to report any known instances of pregnant females using drugs or alcohol to the Big Horn County Sheriff's Office by using the County CrimeStoppers Hotline, by calling the Child Abuse Hotline of the State Department of Public Health and Human Services Division of Family Services or by submitting notarized affidavits with the affiant's contact information to the Big Horn County Attorney's Office. Standard forms will be made available by the County Attorney's Office. Reporters must be willing to testify in court.

Expecting mothers acknowledging their own drug or alcohol addiction problems should immediately self-report to the Department of Public Health and Human Services and enroll in voluntary daily substance abuse monitoring in order to avoid prosecution.

The crackdown policy is a further implementation of the January 2015 zero tolerance policy on the investigation and prosecution of dangerous drugs announced by the Big Horn County Attorney and Big Horn County Sheriff, along with the March 2016 proclamation by the County Attorney's Office of methamphetamine users and distributors as Big Horn County Public Enemy Number 1, and is in general recognition of the need for immediate action.

**Big Horn County Sheriff's Office CrimeStoppers:
(406) 665-9800**

Montana Public Health and Human Services Child Abuse Hotline: (866) 820-5437

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