

GUIDANCE FOR JOURNALISTS:

What to know when covering a story of someone being criminalized for how their pregnancy ended.

if
when
how

INTRODUCTION

Our research on the criminalization of self-managed abortion, and our experience working directly with clients on their criminal cases, has repeatedly shown us that police and prosecutors misrepresent cases of reproductive criminalization to media outlets. This misrepresentation can have devastating impacts on the people at the center of the story. We hope that this guidance will equip journalists with the resources needed to navigate these complicated cases in a way that can reduce harm to the person being criminalized for normal reproductive outcomes, like abortion, miscarriage, and stillbirth.

If/When/How offers backgrounders with any reporter on pregnancy criminalization to provide a more in depth understanding of how to ethically report on these cases.

Please email communications@ifwhenhow.org.

WHY ARE PEOPLE CRIMINALIZED FOR THEIR PREGNANCY OUTCOMES?

While self-managing an abortion, having a miscarriage, or experiencing a stillbirth are not crimes, people have been criminalized for these common pregnancy outcomes. There is no right way for a person to respond when they experience a pregnancy loss, and there shouldn't be. But stigma in the U.S. surrounding pregnancy loss and abortion can make people quick to judge and punish people for how they respond when their pregnancy ends.

For example, after [a woman in Ohio](#) experienced a miscarriage on the toilet, unsure of what to do with the product of her miscarriage, she attempted to clean up the bathroom and flushed the toilet—an extremely common response when having a miscarriage. But when she sought medical care following her pregnancy loss, a nurse called the police and she was arrested and charged with abuse of a corpse.

HOW TO SPOT CASES OF REPRODUCTIVE CRIMINALIZATION

Reproductive criminalization is happening, but these common police tactics are often used to obscure reproductive criminalization cases. One is the type of charges attached to the case. Because most criminal abortion laws prohibit charging the pregnant person, some of the most common charges we have seen since the Dobbs decision are often related to how someone disposed of the fetal remains after experiencing a pregnancy loss. These charges have inflammatory names like “abuse of a corpse” and “concealment of a birth.” Additionally, you may also see charges related to child abuse, child endangerment, and murder, even in situations where law enforcement is aware that the person did not deliver a living infant.

Another common police tactic is referring to fetal remains as a “baby.” If police do not share the age of an infant, but instead broadly use the term “baby” or “infant” it is important to seek further information to ensure you do not misrepresent information about the case.

Remember, you only know what police are telling you.

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In most of our cases police and prosecutors have used the media to create public narratives that demonize and punish people for how their pregnancy ends. When reporters and media outlets take police at their word, public narratives that stigmatize and punish the person at the center of the story can move rapidly. It's important to remember that you don't know what happened, you know what police and prosecutors are sharing publicly.

There are many ways that police can misrepresent cases. We have seen police describe someone having a miscarriage as giving birth, and conflate the gestational age of a fetus with the age of a child. Police have also shared "quotes" with media outlets that they say come directly from the person being criminalized, but are actually the police's own language and interpretation of events.

IMPACT OF POLICE DRIVEN REPORTING

Both our research on self-managed abortion criminalization, and our experience working directly with clients criminalized for how their pregnancy ends, have shown us that media coverage can have horrifyingly detrimental impacts on the lives of the people at the center of these stories. People criminalized for their pregnancy outcome have lost their jobs, housing, family, friends, and community as a result of police driven media narratives. Their lives have been turned upside down because of how police and prosecutors used media outlets to create their own public narrative about someone's pregnancy loss. And unlike a criminal charge, which can be fought, sensationalized media coverage follows a person for the rest of their life.

DOS AND DON'TS:

- Don't use negative or stigmatizing frames about the people who self-manage their abortion or those who support them. This includes avoiding words like "illegal abortion" or "unsafe abortion," or characterizing their actions or decisions as motivated by desperation or a desire for secrecy or concealment.
- Except in one state it is NOT illegal for someone to end their own pregnancy. Calling abortion pills or self-managed abortion "illegal" is not factually accurate and it confuses people who need an abortion.
- Don't use mugshot images or other images that the person has not consented to have shared.
- Don't take the language coming from police and prosecutors as fact. Police and prosecutors can misrepresent cases—just because it's in a police report doesn't mean it's factually true. Avoid sharing unsubstantiated claims and narratives, especially those created by police and prosecutors.
- Don't report extensive details about how people are accessing pills. When you talk about specific locations, show pictures of packing, details about how someone operates, you are opening them up to law enforcement investigation and putting thousands of people at risk for being investigated, arrested, or prosecuted. AND you are potentially cutting off access to this system.
- Do share resources for people facing legal action for their pregnancy outcome. Stories about people being criminalized for their abortion, miscarriage, or birth can create a lot of fear among pregnant people. If/When/How's Repro Legal Helpline and the M+A Hotline are here to help people navigate pregnancy loss.