Implementing the Native American Graves Protection and Repatriation Act (NAGPRA): Connecting Medical Examiner and Coroner Offices to Tribal Partners

November 22, 2021 | 1:00 PM ET

The webinar will begin shortly
Disclaimer

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The opinions, findings, and conclusions or recommendations expressed in this presentation are those of the authors and do not necessarily reflect those of the US Department of Justice.
Implementing NAGPRA: Connecting medical examiner and coroner offices to tribal partners

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November 22, 2021
The Native American Graves Protection and Repatriation Act

“In the larger scope of history, this is a very small thing. In the smaller scope of conscience, it may be the biggest thing we have ever done”

- Passed in 1990
- Considered Civil Rights, Indian, Property, and Administrative Law
- Requires federal agencies and museums to repatriate Native American remains and cultural items to claimant tribes
NAGPRA Basics

Part 1
Repatriation of items in existing collections
Requires federal agencies and museums receiving federal funds to repatriate human remains and associated funerary objects

Part 2
Deals with ownership and control of all Native American remains and objects found on federal and tribal land in the future

Part 3
Prohibits the trafficking in Native American human remains and cultural items without the full consent of the appropriate tribe or next of kin
NAGPRA Compliance

Museums

Any institution or State or local government agency (including any institution of higher learning) that receives Federal funds and has possession of, or control over, Native American cultural items” (25 U.S.C 3001 (8)).
How do medical examiner and coroner offices fall under NAGPRA?

- State law that mandates that an agency, agent, or committee determine the disposition of human remains, will put the remains or cultural items under the possession or control of the state agency
  - Majority of states have laws in this vein
- Addition of federal funding converts medical examiner and coroner offices to a museum for the purposes of NAGPRA
- While under examination as criminal investigations, NAGPRA does not apply
- Once the remains are determined to be non-forensically significant (generally 50 years or older) NAGPRA does apply, as it is a civil statute
IDENTIFYING THE ISSUE

- 2018 Nationwide survey

- Distributed to the National Association of Medical Examiners and various state medical examiner and coroner associations

- 185 Responses
NAGPRA’S Application to ME/C Offices

Are you aware of NAGPRA?

- 44.3% Yes
- 44.9% No
- 10.3% Maybe

Do you believe NAGPRA applies to ME/C offices?

- 62.7% Yes
- 4.8% No
- 32.5% Maybe
Presence of Protocol

- 34.1% official protocol
- 30.8% unofficial protocol
- 28.5% have no official or unofficial protocol
Compliant Offices

Notice of Inventory Completion: Pima County Office of the Medical Examiner, Tucson, AZ
A Notice by the National Park Service on 10/15/2015

Notice of Inventory Completion: Pima County Office of the Medical Examiner, Tucson, AZ
A Notice by the National Park Service on 11/27/2019

Notice of Inventory Completion: San Bernardino County Sheriff-Coroner, San Bernardino, CA
A Notice by the National Park Service on 06/14/2017
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<td>Pass responsibility to forensic anthropologist</td>
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<td>Retain/use for education purposes</td>
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## UNOFFICIAL DISPOSITION PROTOCOL

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Questions?

Please feel free to contact us!

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