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

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Welcome

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Disclaimer

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Implementing NAGPRA: *Connecting medical examiner and coroner offices to tribal partners*

Dr. Veronica Pasfield, Reylynne Williams, Dr. Bruce Anderson, Dr. Ellen Lofaro, and Megan Kleeschulte, M.A

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

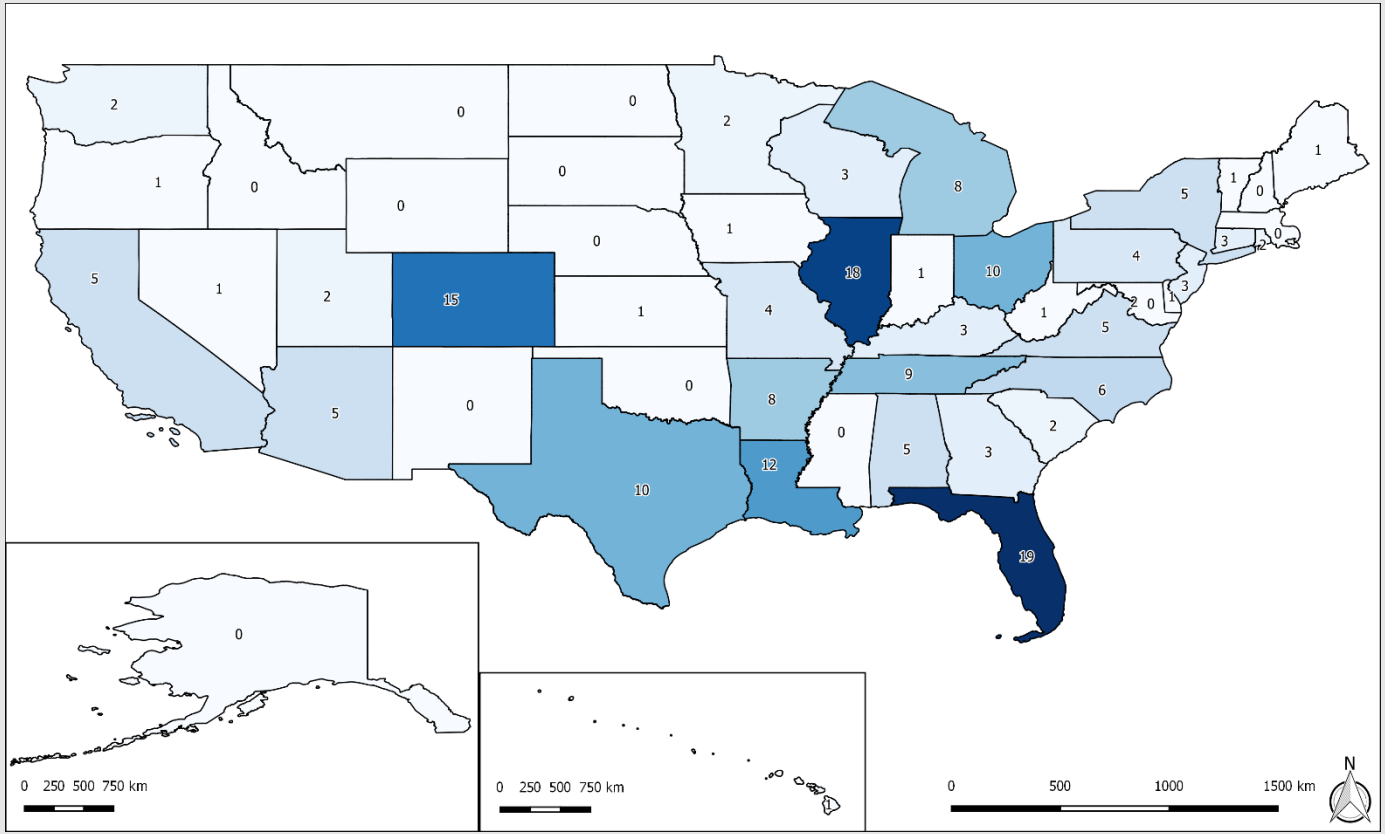
Any institution or **State or local government agency** (including any institution of higher learning) **that receives Federal funds** and has **possession** of, **or control over**, Native American cultural items" (25 U.S.C 3001 (8)).

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

Compliant Offices

FEDERAL REGISTER
The Daily Journal of the United States Government

Notice

Notice of Inventory Completion: Pima County Office of the Medical Examiner, Tucson, AZ

A Notice by the National Park Service on 10/15/2015

FEDERAL REGISTER
The Daily Journal of the United States Government

Notice

Notice of Inventory Completion: Pima County Office of the Medical Examiner, Tucson, AZ

A Notice by the National Park Service on 11/27/2019

FEDERAL REGISTER
The Daily Journal of the United States Government

Notice

Notice of Inventory Completion: San Bernardino County Sheriff-Coroner, San Bernardino, CA

A Notice by the National Park Service on 06/14/2017

OFFICAL DISPOSITION PROTOCOL

Categories	Percentage	Count
Contact/give to archaeologists	26.31	15
Transfer to university/museum/historic commission/preservation office	28.07	16
Notify local Native Americans	14.03	8
Pass responsibility to forensic anthropologist	8.77	5
Follow state protocol	8.77	5
Retain/use for education purposes	10.52	6
Rebury/reinter	5.26	3
Unsure	14.03	8

UNOFFICIAL DISPOSITION PROTOCOL

Categories	Percentage	Count
Contact/give to archaeologist	30.43	14
Transfer to university/museum/historic commission/preservation office	19.56	9
Notify local Native Americans	15.21	7
Pass responsibility to forensic anthropologist	15.21	7
Follow state protocol	6.52	3
Retain/use for education purposes	8.69	4
Rebury/reinter	0	0
NAGPRA Regulations	4.34	2
Unsure	13.04	6

Questions?

Please feel free to contact us!

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