



Anthropology Section - 2016

A5 **Death Along the United States-Mexico Border: A Comparative View of Policy and Practice in Arizona and Texas**

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After attending this presentation, attendees will understand how the differences in medicolegal investigation strategies in two states along the border impact identification efforts of undocumented migrants that die attempting to cross the United States-Mexico border.

This presentation will impact the forensic science community by highlighting alternative strategies for the positive identification of missing and unidentified migrants that die along the United States-Mexico border.

Until recently, the majority of migrant deaths occurred in Arizona despite the fact that the Texas-Mexico border covers 1,254 miles of the 1,900 miles of the entire border; however, in 2012, Texas surpassed Arizona in deaths with the majority occurring in the Rio Grande Valley and more specifically in Brooks County, TX.¹ Unlike most Arizona border counties, most Texas counties with migrant deaths do not keep official statistics or provide systematic medicolegal death investigation for the undocumented migrants that die along the United States side of the border. Therefore, it is difficult to address how many migrants have died in Texas, where they die, and the final disposition of death.

The purpose of this presentation is to explore the differences in medicolegal death investigation efforts for undocumented migrants in Arizona and Texas and the proximate and ultimate factors that contribute to migrant identification. The focus will be on Brooks County, TX, and the Pima County Office of the Medical Examiner in Tucson, AZ, due to their high numbers of migrant fatalities. Comparisons are made between the types of medicolegal systems in each county, a medical examiner system in Pima County that serves three additional counties versus a Justice of the Peace in Brooks County. Each county is reviewed for its identification protocol including number of deaths, identification rate, means of identification, and ultimate disposition of unidentified human remains.

Results indicate that decedents along the border in Arizona are systematically taken to a medical examiner's office, examined by a forensic pathologist or anthropologist, and entered into the National Missing and Unidentified Persons System (NamUs). Identification methods include fingerprints, dental comparison, or DNA and, in some cases, circumstantial evidence. In contrast, Brooks County functions under a Justice of the Peace system. Prior to 2013, when a migrant died in Brooks County, TX, the body was often identified on the spot if Identification (ID) cards were found associated with remains or was most often taken to a funeral home that would attempt identification. If the funeral home was unsuccessful, the remains were buried in a cemetery with no systematic record keeping as to where the remains were buried. Although required by the Texas Criminal Code of Procedures, DNA samples were rarely obtained from the undocumented migrants for submission to the Combined DNA Index System (CODIS), which also requires a NamUs submission.

Between 2001 and 2013, Pima County, AZ, received 2,203 remains of individuals suspected to be undocumented migrants and 1,463 were positively identified, providing an identification rate of 66.4%.² In Brooks County, TX, it was published that 129 migrants died in 2013. It is unknown how many migrants were identified and the means of identification. While the final disposition of undocumented migrants is largely known for Brooks County, TX, it is unknown for the rest of the border counties in Texas.

The Pima County Medical Examiner's Office is located in close proximity to the border, employed a forensic anthropologist, and has the ability to use governmental or private laboratories for DNA identification, which contributes to a high identification rate. While three medical examiners exist in close proximity to the Texas border, the lack of funding in Brooks County, prior to 2013, meant that undocumented migrants were not sent to a medical examiner's office or for a forensic anthropological analysis. The situation in Brooks County is similar to most counties along the Texas border. Case studies will be used to illustrate the difficulties of this humanitarian issue along the United States-Mexico border.

Reference(s):

1. United States Border Patrol 2012. Deaths by fiscal year. <http://www.cbp.gov/sites/default/files/documents/U.S.%20Border%20Patrol%20Fiscal%20Year%202012%20Sector%20Profile.pdf>
2. Pima County Office of the Medical Examiner 2013. Pima County Office of the Medical Examiner Annual Report – 2013. https://webcms.pima.gov/UserFiles/Servers/Server_6/File/Health/Medical%20Examiner/2013_AnnualReport_PCOME.pdf

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