



### A98 Broken Link: The Role of Forensic Anthropology in Cultural Resources Management

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The goals of this presentation are to: (1) inform the medicolegal community, specifically medical examiners, coroners, and forensic anthropologists, of the lack of standardization and protocol faced by the archaeological and Native American communities when attempting to obtain a legal identification of human remains; (2) share the process developed in San Diego, CA, to attempt to mitigate for the missing link; and, (3) call on the forensic science community to adopt a standard definition for the identification of archaeological bone.

This presentation will impact the forensic science community by bringing awareness to a long-standing problem that has affected many people within the archaeological and Native American communities. After learning the obligations of the forensic community to archaeological human remains and the consequences the lack of a standardized process has on people, the community will want to adopt standardized identification language and try to help fix a broken system.

It is commonly stated that people who work in the medicolegal field “speak for the dead.” There are many well-trained individuals who practice forensic anthropology within the defined space of legal jurisdiction; however, there is a place where many people are unspoken for, a place where forensic science, anthropology, the law, and human rights to bury the dead all intersect.

In the Cultural Resources Management (CRM) field, the chain is broken. The pathway from bone being discovered to the identification as human to the determination of Native American (or not) is a gray area that has little to no standardization. As one can imagine, circumstances in which archaeological bone is discovered is often treated as a nuisance and a potential hazard for the project budget. In practice, contractors look to archaeologists to make the identification and preferably identify as non-human. This high-pressure environment, the lack of experts in the field, and the lack of awareness of the medicolegal community may lead to human remains being labeled as other than human.

Archaeological bone is often passed over by the medicolegal community for a number of reasons, primarily because they are busy with forensic cases, understaffed, and/or assume it is not their jurisdiction; however, in many states and in federal policy, the coroner/medical examiner is the person or office that is responsible for the legal identification. Without guidelines, policy, or identification of a legal procedure, bones are not properly identified. Without proper identification by a skilled and legally authorized person, many Native American communities do not have any rights to claim or bury those remains as they see culturally fit.

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#### **Osteology, Archaeology, Identification Process**