



A170 United States State Laws and Human Skeletal Remains: Are Old Bones Better Protected Than Forensic Cases?

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Learning Overview: After attending this presentation, attendees will appreciate that laws across the United States require osteological expertise for handling human skeletal remains found in an archaeological context but rarely for forensic cases.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by showing how state laws often place jurisdiction for handling forensic skeletal cases in the hands of coroners or medical examiners, who likely have limited experience in human osteology.

The ability to strengthen the field of forensic anthropology by recruiting more students ultimately rests on opportunities for employment. Berryman and Lanfear cite major incidents, such as the September 11 attacks, as the impetus for hiring forensic anthropologists, but it is also noted that these jobs are frequently eliminated or reduced in an economic downturn.¹ Passage of federal law in 1990 generated numerous jobs for human osteologists and influenced the passage of many state-level laws to protect unmarked graves on non-federal lands.² The goal of the present study was to review current laws to identify states that recognize osteological expertise as necessary for the recovery and analysis of human skeletal remains. Free online legal databases, such as FindLaw.com, were searched by state for terms including, but not limited to, “skeletal remains,” “anthropologist,” or “unidentified human remains.”

Results indicate that most states have laws protecting archaeological remains. An increasing number of states require a “skeletal analyst” with “a graduate degree in anthropology” to be consulted for both the excavation and scientific study of human remains from an unmarked grave determined to be 100 years old or older. However, only a small number of states, such as Georgia and Louisiana, have laws that recommend consultation with an anthropologist on medicolegal cases with no definition of expertise. Of these, Texas is the only state that requires a forensic anthropologist to hold a doctoral degree. By law in most states, coroners, medical examiners, and law enforcement officers are under no obligation to consult an anthropologist on a case involving human skeletal remains. An ideal situation would be for forensic anthropologists to work with licensed pathologists who understand how this expertise benefits death investigation. Yet in certain states, skeletal cases are handled by individuals with little to no education in human osteology. The discipline of forensic anthropology will be strengthened, and employment opportunities will arise, if modern medicolegal skeletal cases require osteological expertise as do archaeological remains.

Reference(s):

1. Berryman, H.E. and Lanfear, A.K. Forensic anthropologists in medical examiner’s and coroner’s offices: A history. In *A Companion to Forensic Anthropology*, edited by Dennis C. Dirkmaat, 534-548. West Sussex, UK: Wiley Blackwell, 2012.
2. Seidemann, Ryan M. NAGPRA at 20: What have the States done to expand human remains protections? *Museum Anthropology* 33, no. 2 (2010): 199-209.

State Laws, Skeletal Remains, Expertise