

A88 Families of the Missing: Forensic Obligations to Families During the Identification Process

Robin C. Reineke, PhD*, Southwest Center, University of Arizona, Tucson, AZ 85721; Mirza M. Monterroso, MA, Tucson, AZ 85705; Mercedes Doretti, MA, Argentine Forensic Anthropology Team, Brooklyn, NY 11233; Carmen E. Osorno Solís, Brooklyn, NY 11201; Rachel Daniell, MPhil, Argentine Forensic Anthropology Team (EAAF), Brooklyn, NY 11233; Eduardo Canales, BS, South Texas Human Rights Center, Falfurrias, TX 78355

Learning Overview: After attending this presentation, attendees will leave with a useful framework for ethically engaging with families of missing migrants during the forensic identification process.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by providing ethical guidelines tailored toward protecting and respecting families of missing migrants. Adhering to such guidelines will improve rates of identification as well as the social outcomes of the identification process.

Modern international borders pose both unique and familiar problems to the field of forensic anthropology. From the condition of remains upon discovery to bureaucratic and jurisdictional ambiguities, forensic scientists face deep challenges in their work to identify the dead. However, these difficulties pale in comparison to those faced by families of missing migrants. They often live in a different country from where their loved one disappeared, do not speak the same language as forensic investigators, and face safety and security threats due to their status as migrants themselves or as residents of politically unstable countries. All of this is on top of the trauma that any family of a missing person endures. These sociopolitical issues impact the forensic process and should inform the ethical approach of forensic practitioners involved in any stage of the examination and identification process.

The context of extreme vulnerability for most international migrants means that special care must be taken to interact with families in a way that is ethical. There are three stages in the forensic investigation process, during which time special ethical considerations should be considered by forensic practitioners: (1) discovery and reporting, (2) examination and identification, and (3) release of remains. The following guidelines are based on extensive experience working closely with families of Latin American migrants who have disappeared in Mexico or the United States. These guidelines are also informed by the International Committee of the Red Cross (ICRC) Handbook, “Accompanying the Families of Missing Persons.”¹

During discovery and reporting, forensic practitioners should understand that one of the primary challenges families face in searching for a missing loved one is reporting. Families of missing migrants are often unable to report to United States law enforcement due to local jurisdictional boundaries, fear, language, or a combination of these. Forensic practitioners have a variety of options to support the family reporting process, including working closely with foreign consulates and Non-Governmental Organizations (NGOs), supporting the family in reporting to law enforcement, or taking a forensically relevant missing person report one’s self.

In addition to following established ethical guidelines and laboratory Standard Operating Procedures (SOPs), forensic practitioners can be mindful of practices that can ethically protect the needs of families of missing migrants during the process of examination and identification. As so many migrants are discovered without identification media, or with false documents, the first ethical consideration is to treat remains as unidentified until a strong correlation is made with a missing person’s report submitted by a family. Family must be involved directly or through a third party such as consulate or NGO for an identification to be valid. Other ethical considerations have to do with the language used and imagery collected during examination. Dehumanizing language and hate crimes against Hispanics and Latinos are increasing nationally.² Forensic practitioners should consider the impact of the language they use, not only on the family but also on public discourse. Similarly, photographs should be evaluated for their potentially harmful impact on next of kin or public discourse before being shared with the press, on social media, or in public presentations.

Finally, special ethical considerations should be made during the release of remains as either identified or unidentified. In both cases, it is recommended that any personal effects or property are kept separate from the remains and accessible by next of kin. Also in both cases, cremation without consent from family should be avoided at all costs. In the case of identified remains, the notification process is one of the most ethically complicated areas of work, challenged by the fact that most families of missing migrants live very far from the forensic investigation facility. This presentation will include best practices for the ethical notification of families of missing migrants, including examples of translated identification reports that can be made available to next of kin.

Reference(s):

1. International Committee of the Red Cross (ICRC). *Accompanying the Families of Missing Persons: A Practical Handbook*. Geneva, 2013. Accessed August 1, 2019. <https://www.icrc.org/en/publication/4110-accompanying-families-missing-persons-practical-handbook>.
2. Federal Bureau of Investigation (FBI). *Uniform Crime Report: Hate Crime Statistics, 2017*. Washington, 2017. Accessed August 1, 2019. <https://ucr.fbi.gov/hate-crime/2017>.

Ethics, Families, Migrants