

# HUMAN REMAINS DISCOVERY AND NOTIFICATION

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# OVERVIEW OF STATE LAWS RELEVANT TO HUMAN REMAINS

- **AS 11.46.482(a)(3)**, which applies to all lands in Alaska, makes the “intentional and unauthorized destruction or removal of any human remains or the intentional disturbance of a grave” a class C felony.
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- **AS 41.35.200**, which applies only to State lands, makes the disturbance of “historic, prehistoric and archeological resources” (including graves, per definition) a class A misdemeanor.
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- **AS 18.50.250**, which applies to all lands in Alaska, requires permits for the disinterment, transport, and reinterment of human remains. These permits and guidance are available from the Bureau of Vital Statistics.
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- **AS 12.65.005**, which applies to all lands in Alaska, requires immediate notification of a peace officer of the state (police, Village Public Safety Officer, or Alaska State Trooper) and the State Medical Examiner when death has “been caused by unknown or criminal means, during the commission of a crime, or by suicide, accident, or poisoning.”
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- **AS 12.65.005 to 100**, Jurisdiction of State Medical Examiner, which applies to all lands in Alaska. The State Medical Examiner (SME) has jurisdiction over all human remains in the state (with rare exceptions, such as military aircraft deaths), regardless of age.

# WHEN A DISCOVERY OF HUMAN REMAINS HAS BEEN MADE, YOUR CONTACTS SHOULD BE:

- • The Alaska State Troopers/Missing Persons Bureau
- • The Alaska State Medical Examiner's Office
- • Local law enforcement
- • The Alaska Office of History and Archaeology
- • The landowner
- • Any other parties that have been specified in an existing agreement document.

## STATE MEDICAL EXAMINERS OFFICE (SMEO): ROLE IN HUMAN REMAINS DISCOVERIES

- Generally, contact SMEO with all discoveries.
- When reporting human remains discoveries to the SMEO:
- Include as much information as possible, including:
  - Exact location of discovery including lat-longs
  - Context that the remains were discovered in (sand, dirt, water, etc.)
- Individual who made the discovery & contact information
- Whether this was a known archaeological site
- If there are any known burial sites in the area

## AFTER CONTACT, THE SMEO WILL REQUEST:

- Photographs from all sides of the bone/bones with a scale
- Bones be left in place or secured by law enforcement until the photographs can be reviewed.
- If able to make a determination from the photographs that the remains are of no forensic value (they are ancient, or archeological) then they would be released by the SMEO.
- If a determination cannot be made from the photographs then the bones would be sent to the SMEO for examination. The SMEO contracts with the King County Medical Examiner's Office in Seattle for forensic anthropology services when necessary.

# HUMAN REMAINS FOUND ON STATE LAND

- • Requires field Judgement call regarding:
  - - the age of the remains,
  - - confidence in the evaluation, and
  - - whether further investigation by a specialist is warranted.
- - Peace officers and the SME generally regard archaeologists competent to make the determination of ancient or modern.
- - With regard to ancient remains (> 100 years old), the SME and AST will generally require no further criminal investigation. Keep remains undisturbed.

# HUMAN REMAINS FOUND ON STATE LAND

- • Determination of ethnicity
- • Contact next of kin or appropriate tribal group.
- • For Disinterment/ reinterment permit or Burial Transit Permit contact the Alaska Bureau of Vital statistics.

# ALASKA OFFICE OF HISTORY AND ARCHAEOLOGY'S ROLE IN HUMAN REMAINS DISCOVERIES

- 1) OHA is on the HR discovery notification list: have MOU to coordinate with State Troopers, and State Medical Examiner's Office
- 2) Put Human Remains sites on AHRS if not already
- 3) Provide Human Remains guidance for discoveries on state lands for:
  - a) Before-the-fact language guidance in documents: PA's, monitoring plans, etc.
  - b) Discussion with callers reporting human remains discoveries