

Native American Graves Protection and Repatriation

386.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001). The protection of Native American human remains, funerary objects, sacred objects or objects of cultural patrimony on federal lands while in the performance of duties is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

386.2 DEFINITIONS

Definitions related to NAGPRA include (43 CFR 10.2):

Native American Human Remains - The physical remains of the body of a person of Native American ancestry.

Funerary Objects and Associated Funerary Objects - Items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Sacred Objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

Objects of Cultural Patrimony - Items having ongoing historical, traditional or cultural importance central to the Indian tribe or Native Hawaiian organization itself, rather than property owned by an individual tribal or organization member.

386.3 COMPLIANCE WITH NAGPRA

Upon discovery or arrival upon a scene where it reasonably appears a Native American grave, human remains, funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene, other than scene preservation activity, must cease (43 CFR 10.4 et seq.).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene (43 CFR 10.4(d)):

- Federal land - Appropriate agency at the U.S. Department of the Interior
- Tribal land - Responsible Indian tribal official

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386.4 EVIDENCE AND PROPERTY RELEASE

If the scene has been investigated as a possible homicide prior to identification as a NAGPRA site, investigators shall work with other agencies and individuals to ensure the proper transfer and repatriation of material collected, photographs and other records, to the appropriate agency or individual responsible for disposition of the site, and that any remains or artifacts are expediently processed (43 CFR 10.6).