

Native American Graves Protection and Repatriation

337.1 PURPOSE AND SCOPE

Federal

This policy is intended 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).

337.1.1 DEFINITIONS

Federal

Definitions related to this policy 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 - Objects 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.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

337.2 POLICY

Federal

It is the policy of the Syracuse Police Department that the protection of Native American human remains, funerary objects, sacred objects or objects of cultural patrimony on federal lands is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

337.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Federal

Upon discovery or arrival upon a scene where it reasonably appears that 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.).

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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. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land - New York State Office of Parks, Recreation and Historic Preservation
- Tribal land - Responsible Indian tribal official

337.4 EVIDENCE AND PROPERTY

Federal

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

337.5 STATE LAWS

State

The following statutes may be applicable when encountering a situation involving the disturbance of a Native American grave site:

- (a) Indian cemetery or burial grounds - Tampering with or removing items from a state-designated Indian burial ground (Indian Law § 12-a).
- (b) Body stealing - The unlawful removal of a human body or body parts (Public Health Law § 4216).