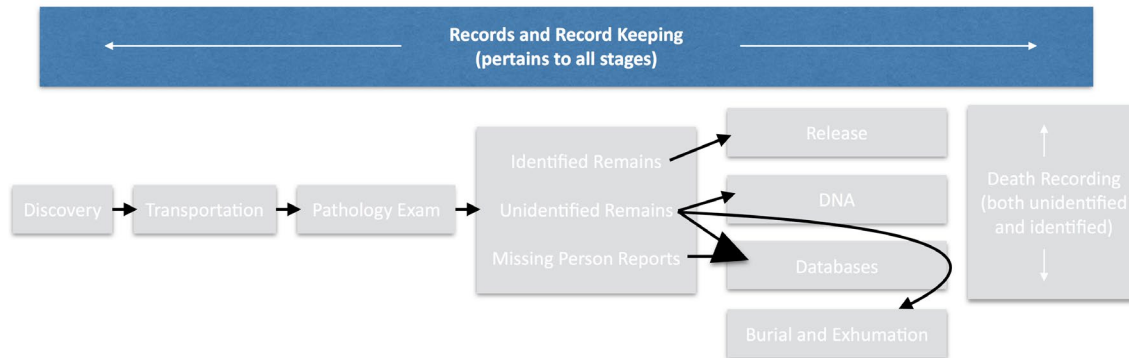


Section 11: Records and Record Keeping



INTRODUCTION

In the border region, medico-legal officers must contend with issues specific to migration. In desert climates such as Arizona's, such officers commonly deal with the discovery of skeletal remains. Death investigation in this area is much different than death investigation in other places, because it cannot proceed based on eyewitness accounts, or even accounts of those who knew the decedent. Moreover, migrants are not from the area and do not necessarily travel with people they know. Given these circumstances, the process of systematic record-keeping and data dissemination between agencies plays a much more substantive role in the task of identifying unknown remains than in normal circumstances.

ISSUES

Decentralization

1. Decentralization of record-keeping prevents building of evidence in the short and long terms, for criminal investigations, counting those who die, or establishing trends to dictate public policy.
2. A lack of systematic record keeping also prevents establishing accountability for ensuring decedents are adequately examined before release.

Family members cannot be relied upon to coordinate details

Although family members are typically able to provide other details which, when cross-checked against other information may help to ascertain identity, these individuals may be difficult, if not impossible to locate. Thus, data gathering and record-keeping processes by investigation officials plays a bigger role in the investigation of UBC deaths than in normal circumstances.

Archiving and cross-referencing records is not consistently occurring. Record-keeping is not being systematically coordinated between agencies with access to such records

This prevents records from being accessible as individual or groups conduct their investigation [51].

A lack of a clear chain of custody causes misplacement of information and does not ensure the availability of evidence [13]

There are various governmental offices included in the chain of custody of remains and each is responsible for generating specific reports (see Figure 17). For example, the sheriff is responsible for generating reports on the scene, a medical examiner is responsible for pathology reports. If a coroner or Justice of the Peace is involved, inquest forms may be housed in a separate office than the pathology reports. When contracted private entities are also involved, such as funeral homes or private cemeteries, records are not often maintained at a level needed for identification purposes.

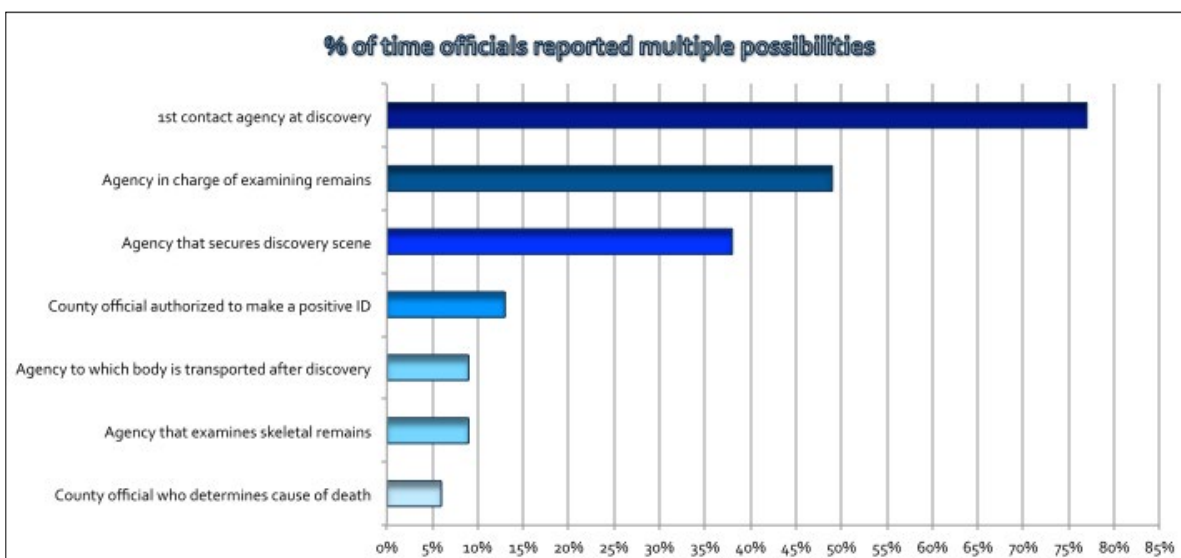


Figure 17: This graph demonstrates the stages of death investigation during which multiple agencies may be involved.

BEST PRACTICES

Record-keeping practices should ensure that UBC deaths are recorded as “UBCs”

1. The definition of UBCs must be standardized across the border. See the Criteria for Counting UBCs box in the Introduction.
2. Consistent recording of UBC deaths across the border improves the counting of this population.

Valuable information can be obtained from the material evidence and personal effects that are associated with human remains

Under the conditions along the border, a best practices approach to the collection and recording of data comes by way of autopsy reports that follow standards identified in a 2006 study, consisting of an expansion of the criteria used for classifying UBC recovered bodies, and thus, a more accurate accounting of border-crosser deaths along the border [6]. Medico-legal officers should thus use direct and significant circumstantial evidence, a preponderance of which can be used to identify UBCs including the following:

1. The decedent lacks a US Social Security number, permanent US residency card, or evidence of lawful US immigration status;
2. The decedent was of Hispanic ethnicity;
3. The decedent is foreign born, of a foreign nationality, foreign residency, foreign next-of-kin, died while in transit from Mexico to a US destination;
4. The body is discovered in a well-known migrant corridor, or found with or reported by other UBCs; and/or
5. Personal effects or documents associated with the deceased are typical of UBCs (e.g., water jugs, US & foreign currency, hygiene products, extra clothing, phone cards, phone numbers or addresses of contacts in a foreign country, and a backpack).

A national system for management and coordination of information should model systems established for the centralization of missing persons and the dead and missing in disasters

1. The Scientific Working Group for Forensic Anthropology [26] recommends that Forensic anthropologists with appropriate authority should contribute the results of their analyses of unidentified individuals to national databases of missing and unidentified persons (e.g. NamUs, NCIC).
2. Centralization and consolidation of information about the dead and missing is essential for increasing the possibility of finding a match between tracing requests for missing persons and available/known information of dead bodies. The tracing services of the American Red Cross and the International Committee of the Red Cross and Red Crescent Societies may assist in this task [13].
3. There should be a balance in the collection and maintenance of data gathered to identify unknown persons, with the privacy rights of all those concerned taken under consideration.

Death investigators may use a localized database to create standards of record-keeping and facilitate information sharing between agencies

Many data collection software programs are available on the Internet, or may be designed by the Medico-legal office (e.g., VertiQ used at PCOME)

A companion document for death certificates should include a checkbox indicating whether the decedent is a suspected UBC

1. A document such as the one illustrated by Figure 16 will allow for a systematic counting of UBC deaths.
2. It is a best practice that the data on these forms be centralized through a federal government agency or a reputable national NGO.

Roles of the family

1. Families should be involved in the process of locating missing persons by providing relevant documents (e.g., medical history) and data.
2. Families should be able to contribute data without fear of their information going into a criminal database, or of incriminating themselves if they are undocumented.
3. All pertinent death investigation and death records should be made available to the families of decedents.