



The Human Rights Impacts of Burial Practices on Forensic Investigations of Unidentified Migrant Death in South Texas



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SUMMARY: Haphazard and undignified burial practices in South Texas hinder the positive identification of migrant decedents.

INTRODUCTION

- Thousands of individuals have died crossing the U.S. southern border from Mexico and Central America as a result of Prevention Through Deterrence policies that funnel migrants into remote and dangerous desert terrain.
- The difficulty of recovering remains from vast landscapes and the slow-moving nature of the crisis serve to conceal the scope of the disaster and the suffering experienced by missing migrants and their families.
- Due to a fragmented, overwhelmed, and under-resourced medicolegal system, the majority of unidentified migrant decedents recovered in South Texas are buried in local cemeteries without having been forensically examined or sampled, contrary to state law.
- The way individuals are buried, including the extent to which their graves and case information are documented, greatly impacts the preservation of evidence and the ability to re-locate burials for future exhumation—which is often the only opportunity individuals have for positive identification.
- The present study examines the burial practices related to all unidentified migrant remains cases that have been exhumed by Operation Identification (OpID) (See Jasinski et al. and Herrmann et al., HHRRC 2021) across three South Texas counties since 2017 in order to assess the effects that burial practices have on identification efforts and the dignity and respect with which migrant decedents are treated.

METHODS

- Forensic excavation and records data were collected for 103 unidentified migrant burials that have been exhumed to date by OpID and colleagues from four cemeteries across three South Texas counties: Brooks (n=45), Starr (n=19), and Willacy (n=39).
- Frequencies were calculated for 66 variables pertaining to five major categories: grave markers, burial traits, additional interred case information, condition of remains, and associated case records from the National Missing and Unidentified Persons System (NamUs).
- Chi-square and Fishers Exact tests were run to test for significant relationships between variables and across counties.

RESULTS

- Table 1 highlights frequency data results from each of the five variable categories.**
- Grave markers:** Of the 103 burials, 30 contained grave markers (29.1%), 19 of which had legible case information that could assist in identification efforts (18.4%).
- Burial traits:** Bundle burials and the use of biohazard bags were significantly more prominent in Brooks County. No coffins were present in Willacy County. The relationship between clothed remains and facedown interments was statistically significant.
- Additional case info:** Case information was interred with remains in 43 burials (41.7%), with tags being the most common. Ten cases had two or more types of interred case information.
- Condition of remains:** Starr County autopsied most cases, but submitted DNA for just one.
- Case records:** Eight cases had both NamUs records and grave markers (7.8%). Eleven had both NamUs records and interred case information (10.7%).

DISCUSSION

- Burials of unidentified migrant decedents are haphazard and often undignified, with some county differences in the use of grave markers, burial containers, and provision of forensic services.
- There is a significant relationship between grave markers, buried case information, and NamUs records, supporting the observed pattern in which a few decedents receive more thorough investigative attention than the majority of cases.
- The high number of unmarked graves and non-sampled unidentified remains are in direct violation of the Texas Criminal Code of Procedure.
- Biohazard and trash bags signify waste disposal and should never be utilized as burial containers.
- No individual should ever be buried facedown or with material refuse of any kind.
- Lobbying for the standardization of burial practices in South Texas, including the use of permanent grave markers, body bags, non-degradable case information, and records tracking will ensure that migrant decedents have the best opportunity to be identified and returned to their families.



Figure 1. Bundle burial with a biohazard bag.



Figure 2. Medical waste gloves found inside a burial.

Table 1. Frequency data for burial practices and records

Category	Variable	N	% of 103 burials
Grave markers	Grave markers	30	29.1
	Legible markers	19	18.4
Burial traits	Head to the west	54	52.4
	Head to the east	10	9.7
	Head to the north	6	5.8
	Stacked	9	8.7
	Bundle	30	29.1
	Facedown	7	6.8
	Body bags	81	78.6
	Coffins	31	30.1
	Biohazard bags	18	17.5
	Garbage/plastic bags	24	23.3
Additional case info	Medical waste	41	39.8
	Trash	20	19.4
Additional case info	Additional case info	43	41.7
	Legible case info	26	25.2
Condition of remains	Autopsy	46	46.9*
	DNA sampling	18	18.4*
	No DNA sampling	66	67.3*
Case Records	NamUs records	14	13.6
	NamUs DNA info	8	7.8

* Percentages for 98 sets of human remains, as some burials were of only personal effects or faunal remains



Figure 3. Unmarked cemetery area containing four burials of unidentified migrant individuals.

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