

Guidance for the Unanticipated Discovery of Human Remains

The Connecticut shoreline and the banks of our major rivers were first settled by Native Americans thousands of years ago and these same areas supported generations of Native people. The graves and remains of Native Americans are present in many areas that are now residential neighborhoods. Colonial graves and other historic burials may also be found outside of formally marked cemeteries and burial grounds. These remains are highly sensitive and are protected from unreasonable destruction under Connecticut state law. The following guidance is intended to provide you with an understanding of what the legal protections for human remains are and what steps you and your contractors need to take should you encounter possible graves or human remains during the course of construction on your project. Exposure of graves or human bones is a rare event, but you need to understand your responsibilities if this occurs on your property.

Connecticut General Statute Sec. 10-388 requires that anyone who knows or reasonably believes that human remains are being exposed or disturbed shall immediately notify the Chief Medical Examiner and the State Archaeologist of this fact.

Section 10-388 (a) Any person who knows or reasonably believes that any human burials or human skeletal remains are being or about to be disturbed, destroyed, defaced, removed or exposed shall immediately notify the Chief Medical Examiner and State Archaeologist of such fact. If human burials or human skeletal remains are encountered during construction or agricultural, archaeological or other activity that might alter, destroy or otherwise impair the integrity of such burials or remains, the activity shall cease and not resume unless authorized by the Chief Medical Examiner and the State Archaeologist provided such authorization shall be made within five days of completion of the investigation of the Chief Medical Examiner pursuant to subsection (b) of this section.

Once notified, the Chief Medical Examiner and the State Archaeologist will consult to determine if the remains are human and whether the remains are archaeological in nature. If both of these conditions are true, the State Archaeologist will determine whether the remains are Native American or non-Native in origins and initiate consultations with the property owner and other parties. Within 72 hours, the State Archaeologist, in consultation with the property owner, will determine the appropriate course of action, which may include, where feasible, preservation in place, or relocation.

If preservation in place is not feasible, the State Archaeologist will work the other parties to respectfully recover and relocate the remains and any associated materials from the property. Most such recovery efforts are completed in five days or less.

Failure to immediately notify the State Archaeologist and Chief Medical Examiner when graves or human remains are discovered may subject you and/or your contractors to legal penalties under Section 10-390. Those penalties include fines of up to \$5,000 and imprisonment for up to five years.

When to notify.

It is important to be cautious when any medium to large sized bones are encountered. Although skulls (crania), teeth, and the bones of the hands and feet are distinctive and relatively easy to recognize when complete, many remains are fragmentary. Bones found in dark soils or with artifacts, such as pottery, copper, or shell, beads, are more likely to be human. For historic burials, grave shafts are often visible in the soils and fragments of wood from caskets may also be found near the bone. If you encounter bones which you suspect *may* be human, contact the State Archaeologist for guidance. If you encounter buried

remains which are clearly human, stop all work in the area of the discovery and notify the State Archaeologist and the Chief Medical Examiner immediately.

Who to notify:

State Archaeologist

University of Connecticut, Storrs

Dr. Brian Jones

Brian.Jones@uconn.edu

(860) 486-5248

Chief Medical Examiner

James R. Gill, MD

jgill@ocme.org

1-800-842-8820 (CT only)

(860) 679-3980