

Promoting Social Justice

Equity in the End: The Challenges of Death and Burial

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This Promoting Social Justice essay brings attention to public sector death management, especially where equity concerns could arise. Based on interviews with deathcare professionals, some issues can include challenges of death certificates, land use at cemeteries, and coroner versus medical examiner systems. Research questions for future study are included in each section.

During the height of the COVID-19 pandemic, one image circulated widely on social media—drone footage of workers burying bodies in a potter’s grave on New York’s Hart Island. Hart Island is a public cemetery with a long history of burials for those who cannot afford it, who die alone, who are forgotten. According to reporting from the Columbia J-School Stabile Center (2021), nine out of ten ZIP codes where the most burials were sent to Hart Island were 90% non-White, and six of those neighborhoods are double the Bronx’s poverty level. Inequity is the foundation of Hart Island, with mass burials beginning in 1875 and inmates from Rikers Island doing the burials until 2021 (Hart Island Project 2022).

While public administration scholarship necessarily focuses on equity for the living, another area ripe for inquiry is death and death management. At the core of the issue are questions of social justice and equity—access to similar resources while not demanding sameness (McCandless and Guy 2012). The questions also are a contemporary manifestation of embedded structural racism in the United States. Colonialism, slavery, Jim Crow laws, redlining, policing—all are areas entrenched in structural racism (Berry-James et al. 2021). In this essay, I use stories from interviews with 35 municipal managers and 18 medical examiners and coroners throughout the United States to pose questions for future research regarding social equity in deathcare. Core issues I encountered include the challenges of death certificates, land use at cemeteries, and coroner versus medical examiner systems. To be clear, the examples I give are not exhaustive; rather, they are illustrative of equity issues that persist after death. And the categories are not mutually exclusive.

The points, questions, and tensions herein point to the complex intertwining between the living and dead. Death management does not begin when someone dies. It is a complex interaction of people, policies, rules, regulations, and laws that govern our lives. Those public servants who have dedicated their lives to working with the dead do so with the goal of improving lives for those still here. This was a common refrain I heard again and again from deathcare professionals. Stories reflect social equity challenges faced when dealing with death-related practices.

Why should we care about social equity even in death? While there are myriad ways to answer that question, two are addressed here: ontologically and practically. Ontologically, death extends life’s questions of being—who counts as an individual and how? Indeed, grounded within foundational U.S. governing documents is the idea that anyone who is not a wealthy, White, male property owner is less than, indeed not, a full person. Effects of this embedded racism are felt today in “the history of an official status of inferiority established by law; of rampant discrimination in employment; of ghettoization; of segregated and tangibly inadequate schooling; and of the denial of access to societal power” (Sedler 1987, 678). Hierarchical ontological thinking creates this conceptual and practical barrier, excluding people from full inclusion in democratic processes because of continued othering (Stout and Love 2021).

This ontological thinking—in literal black-and-white terms—extends into policies, rules, and regulations. In the United States, there is a history of erasing history when people die, especially for Africans and African Americans. This is another structural

problem deeply rooted in American history. As Anthony (2015) details, when English settlers took over New Amsterdam to create New York, burial practices changed. Trinity Church, for instance, no longer allowed anyone of African descent to be buried in its cemetery. Today, many slave burial grounds remain unknown, in disrepair, or marked only modestly. Additionally, the country's medicolegal death investigation system's resources are not equitably distributed, leaving some communities behind, especially smaller ones without access to abundant resources. The answer to Longoria's (2014) question of whether we are all equal in death is *no*.

The Challenges of Death Certificates

One element that came up repeatedly during interviews, especially with coroners and medical examiners, was the challenges associated with death certificates. Death certificates are important because they contain the cause and manner of death, key items for public health, and epidemiological tracing. Yet, there is inadequate training for medical students and doctors on how to properly fill out the form (Gill and Joseph 2020; Lakkireddy et al. 2007). During the ongoing COVID-19 pandemic, for instance, this gap widened as medical systems were overstressed and attending physicians had less time to focus on properly filling out death certificates.

For instance, the line for an underlying cause of death is what triggered the series of fatal events in the body. Centers for Disease Control and Prevention (CDC) rules changes in April 2020 "requiring COVID-19 to be the underlying cause, and therefore, the train of events was reorganized: any long-term conditions, no matter how serious, were then relegated to Part II of the Death Certificate as 'contributing' causes" (Armstrong 2021, 1618). As one medical examiner in a large Florida county explained to illustrate this point: "Are we trying to figure out if people are dying *with* Covid or *of* Covid? So, if someone was shot, I don't really care if they have Covid." Given these death certificate classification changes, epidemiological tracing is not accurate, meaning some people and communities might lose access to resources, such as federal funding meant to offset pandemic-related challenges.

In addition to COVID-19 confusion, another area of concern with death certificates relates to someone's name. What happens when someone is transgender

and their new name and identity do not match a birth certificate? Transgender rights and equity are important as gender identity becomes more fluid, pushing the public sector to create policies for equitable workplaces (Elias et al. 2018). Yet, we have a gap in our knowledge when it comes to creating policies for equity in death. Transgender individuals face an extra hurdle when preparing last wishes, ensuring wills are up to date, matching government documentation with their gender identity, and navigating familial challenges regarding who has rights to the decedent's body. Misgendering someone at death risks erasing their identity from any public record and mourning (Whitstone, Giles, and Linz 2020). For example, Weaver (2018) details the cases of two transgender women who were detransitioned after their deaths by being misgendered and disowned by family. "The posthumous detransitioning of transgender women plays a part and impacts grieving processes for the bereaved" (Weaver 2018, 60). For instance, family members estranged from one decedent who used her dead name and refused to use her new name in obituaries and memorials. Photographs accompanying any tributes were those taken before she transitioned.

The case of Christopher Lee, a transgender man, highlights the problems coroners and medical examiners face in states and jurisdictions without laws about respecting someone's identity at death. The autopsy report indicated characteristics such as a beard, mustache, and female genitalia, so an "F" for female was recorded on the death certificate (Dembosky 2015). The case led to the California's Respect After Death Act, which was passed "to respect the gender identity of the deceased, to diminish additional pain and suffering faced by the bereaved, to not hold liable coroners and funeral directors for information contested by the deceased's friends and families" (Weaver 2018, 62). Other states and jurisdictions such as Washington state, New York, New Jersey, and Washington DC have included space on death certificates to include someone's preferred name and gender identity (NYC Health 2019).

Challenges surrounding death certificates are not new. In detailed reporting for *The Atlantic*, Epps (2018) outlines how birth and death certificates were used to foster segregation and so-called racial purity. Misclassifying a person's race or gender on a death certificate might not only dehumanize the person but also affect public health and epidemiological surveillance

(Centers for Disease Control and Prevention 2023). Returning to the ontological view in the introduction, this means there is in death a continuation of static thinking; thinking that a person's identity cannot change through time. This leads to questions for future research including:

- 1) What administrative burdens are related to death certificates for doctors and families? How could those burdens be addressed? Are there states with best practices in these areas, and if so, what do those look like?
- 2) What barriers remain regarding access to death certificate training? What role does the public sector play in these trainings? How can public servants filling out death certificates prepare for bureaucratic changes? What can theories of organizational performance tell us here?

Land Use at Cemeteries

Another concern I highlight is land use at municipal cemeteries. This manifests in two ways: slave sections of cemeteries being seen as "available" space and land use policies that match community burial preferences. Underlying burial concerns is another equity issue: economic ability to pay for funerals (Longoria 2014). As burial trends move more toward cremation, even that is expensive, and the costs can be devastating for families.

Historically, Black cemeteries in the United States have faced infrastructure challenges and fallen into states of disrepair. This matters because vital history is lost due to poor management (Rainville 2009). Cemeteries are important historical and archaeological sites because they give insight into African and African American slave burial customs (Brooks 2011). Many existing slave graves are not marked or are simply identified with stones or other smaller markers.

An example from a large North Carolina town illustrates this point. The cemetery manager explained that the town has several cemeteries, many old and historic with poor record keeping. "Yes . . . near the dorm yes, that is African American, and those rocks are their headstones. So, the town . . . has a cemetery board, and they hired someone to come out and pin every rock so we would know where these people are at rest." That particular cemetery, she explained, began as a slave cemetery but expanded to include many of the town's elite. "It's

a lot of unknowns out there. They did erect a memorial out there." When it comes to cemeteries, they are at once public parks, places of mourning, and museums rich with historical significance. Letting cemeteries fall into disrepair, not listening to community burial needs, and not being flexible to industry demands, risks an additional equity burden in death.

As such, sustainability is a related equity challenge when it comes to burial practices. Coutts et al. (2018) describe how traditional U.S. burial practices involving embalming and burying in sprawling cemeteries are not sustainable and are an environmental justice issue. "It may commit land and potential natural habitat to a single-use, consumes significant resources for caskets and vaults, and introduces a host of toxic byproducts into the environment—from the embalming fluids used to preserve bodies to the petrochemicals needed to maintain manicured landscapes" (Coutts et al. 2018, 177). As lands develop for housing or businesses, communities might also be severed from their traditional burying grounds and are forced to leave behind ancestral connections (Banerjee 2014).

Trends in the funeral industry toward alternative burial types also pose equity concerns, especially related to costs. Longoria (2014) notes the close tie between what he calls death competence, culture, and cemetery demand. Cemetery managers must know their communities, including disposal practices and access to resources to afford burial. Cremation is one of the more popular alternatives to burial, with nearly 57% of U.S. decedents choosing this option in 2021, up from about 33% in 2006 (Cremation Association of North America 2022). Burial costs, too, are on the rise in the United States, with a traditional burial averaging \$7,848 and a cremation funeral averaging \$6,971 (National Funeral Directors Association 2022). In his study, Longoria (2014) found that some lower-income families in Austin, Texas, especially Black and Latino households, are at risk of spending nearly 25–30% of their annual income on funeral costs, highlighting the equity concerns related to body disposition. One cemetery manager in New Mexico explained that the costs are worse when there is a sudden death versus someone who has the means to pre-plan and pre-pay. Death, then, risks bankrupting someone. "We don't take payments. That's just one thing I personally struggle with. I just think that it's very expensive to die, and so I don't know the answer, but I'm not sure what other people do with that."

Another means of alternative land use is natural

burial, which is seen as a more environmentally friendly solution, but there are parameters to meet and costs to consider. Natural burial might address environmental justice concerns but exacerbates social justice and cultural competency burial concerns. A story from a cemetery manager in a small Massachusetts town illustrates the struggle with developing and implementing policies for green burials. “People don’t want a cement vault. They don’t want a wooden casket, and they don’t want to be cremated because they feel all of those take energy and take up space on earth,” she explained. As such, she is looking into how to do natural burials in a cost-effective manner, especially when the nearby private cemetery is charging nearly \$10,000. She is working with the town’s cemetery commission to ensure not only are green practices followed but also that cemetery workers are equipped to handle bodies only wrapped in shrouds. Indeed, the cemetery has equipment to lower caskets but would need additional tools to handle bodies in shrouds that become “extremely heavy because it’s dead weight,” she said. “You don’t want a litigation suit against you because somebody fell. These are all the smaller details you have to consider with the services you’re offering.”

Not only are municipal cemeteries looking at alternative burial types, but they are also striving for environmental justice when it comes to trees and landscaping. It takes a lot of resources and energy to maintain a cemetery. For a cemetery manager in a large North Carolina city, he sees landscaping as a way to bring the cemetery to life. “Sextons [cemetery managers] don’t usually like trees because they mess up the granite, but I’m sort of outnumbered. I’m a firm believer that trees and cemeteries can get along really well depending upon where you plant the trees.”

In addition to natural burial and treescapes, cemetery managers are turning toward extended land use policies to ensure enough burial space. This becomes a social equity issue when there is not enough space for burial and when alternative burial means are expensive. Who can access burial and how? Extended land use policies are one way to address space limitations, but even those arrangements are expensive. To illustrate, a cemetery manager in a large Montana city said their cemeteries began offering extended land use in the 1980s thanks to community demand. “It’s so funny how they decided how many [burials] to allow,” he said.

Looking at the ledgers where cemetery records were kept, “they’re like I can type in this margin here

and this margin here and get a total of three names. It was a very utilitarian decision.” This means now three people can use one traditional plot, meaning one casket and two cremated remains. Policies such as these, though, can lead to fraud especially when there is poor record keeping. “We found that people will have a great-great-grandfather who was interred in like 1905, and they’ll come in and say that is my great-great-grandfather, I don’t know his name and I don’t know how we are connected, [but] I’d like to be buried in my great-great grandfather’s grave.” He said often people do this to try to save money, so now the city has started mandating documentation to prove familial relations linked to extended land use.

In sum, land use is a critical environmental justice question from a cultural justice perspective, which reflects the “historical and culturally rooted community-environment relationships” (Banerjee 2014, 809). Lawn-park cemeteries in the United States began as a means to remove death from city centers and everyday lives. But as the population grew, so did the need for additional burial spaces. Today, burials are expensive, and industry demands are changing to cremation and green burial, placing traditional cemeteries in liminal space. Communities that still want traditional burials are fighting for equity even in death. As such, some research questions to consider include:

- 1) What are the core questions surrounding municipal cemeteries and environmental justice? What are the trade-offs?
- 2) How can municipal cemetery managers remain culturally competent while facing increased demands for their land? What elements of cultural competency are important to consider? How can qualitative interviews help understand what people need/want in terms of burial access?
- 3) What is the role of appointed cemetery boards in ensuring fair land use in cemeteries? What can we learn from land trusts? What lessons can nonprofit board governance theories teach us?
- 4) What challenges come with extended land use policies, specifically related to social equity? How can theories from urban planning better integrate with public management practices to address these challenges?

Coroner versus Medical Examiner Systems

A final challenge I highlight is the variety that exists in death investigation systems in the United States, where there are more than 2,000 death investigation jurisdictions serving the population. State statutes dictate which cases are the responsibility of a medical examiner or coroner (ME/C). Typically, it is any suspicious, unattended (meaning not in the care of a medical doctor), or unusual death. ME/Cs are at the intersection of medicine and law. They are the chief agents responsible for medicolegal death investigation, which is designed to gain understanding of how someone died. Medical examiners are board-certified forensic pathologists appointed to their roles, while coroners are elected officials who may or may not have a medical background. Some states require coroners to be doctors as well, but not all. This is a lingering tension in the debate about the efficacy of medical examiner versus coroner systems of death investigation.

Equity concerns are embedded in U.S. death investigation systems. The coroner system was imported to the United States by colonists, who embedded religion in the process. “Plymouth and Massachusetts Bay colonies, for example, followed strict Puritan laws based on a literal interpretation of the Bible. In contrast, Virginia and Maryland, Anglican and Catholic, respectively, operated exclusively under English common law” (Jentzen 2009, 11). As such, religion was a central point of earlier coroner inquests, harming those not following the religion of the area.

As colonies collaborated to form the American system of government, “the office of the coroner, once a public service where men performed in accordance with republican ideals of citizenship, was now influenced by politics and funded by patronage” (Jentzen 2009, 18). It was through this tension that the split between coroners and medical examiners (at the time, these were physicians called in to do death investigations) emerged—along with a Progressive Era push to reform the coroner’s office and expand into a medical examiner system.

Our field pays attention to mass fatality management, but this question reveals a gap in our knowledge: What exactly constitutes a mass fatality incident? It is clear if, say, a plane crashes, a train derails, a building collapses, or there is another mass shooting. People think of large numbers of decedents needing attention;

however, a mass fatality event is any number of deaths that exceeds local capacity for response. What happens in smaller jurisdictions? Depending upon the death management system in place, equity concerns emerge including what personnel serve a region, access to medical examiner resources, and coordination needed to respond to a mass fatality. Some quotes from ME/Cs explain this occurrence (emphasis added):

“If we have more than probably *30 to 35 people who die*, we can’t put them anywhere.”

—coroner, small Idaho county

“For us, *probably 5 would be on that verge of something massive* for us because currently we have storage issues.”

—coroner, medium-sized Washington county

“At a local level, *in a small county a plane crash with two people in it could be a mass fatality for a county*. They may just exhaust all the resources they have. In a city like Columbus or Cleveland, if you send a commercial jetliner into a football stadium you have a big difference in a mass fatality.”

—coroner, large Ohio county

Depending upon the kind of medicolegal death investigation system in a jurisdiction, access to resources may be limited, thus making networking and coordinating with other emergency service providers paramount. I see this as a social equity issue worth studying further, given only about 14% of coroner offices are accredited, and only 29% of city, county, district, or regional medical examiner offices are accredited as of 2018 (U.S. Bureau of Justice Statistics 2021). There are about 890 trained forensic pathologists serving the entire country, which means some jurisdictions might not have access to autopsy services. A chief medical examiner in a large Arizona county explained the inequities within the systems:

So, you may have someone in coroner jurisdiction where they’re the lead death investigator who is responsible for overseeing all of that. . . . In order to run for office, they need to be 21 years old, registered to vote, and not have any felonies. They don’t understand the medicine yet are still responsible for overseeing the signing of death certificates.

Some might sign them themselves. Compare that to a more professionalized system where physicians are making decisions about what cases meet jurisdictional requirements under law.

Equity problems are built into the medicolegal death management infrastructure in this country, and this becomes exacerbated depending upon the geographic location, existing networks, and type of death management system. Given this history, some research questions include:

- 1) How can historical analysis, as a methodological approach, help our present understanding of medicolegal death investigation in the United States?
- 2) What racial disparities emerge when it comes to access to deathcare and access to deathcare resources? What can resource-dependence theory help us learn?
- 3) What resources might those in rural areas need when it comes to medicolegal death investigation? How can those be obtained?
- 4) What barriers do public servants face when obtaining additional resources? What burdens do families face? What can network theories help us learn when it comes to death management infrastructure in rural communities?

Conclusion

In this essay, I have drawn attention to some of the social equity concerns I saw in my data related to public sector death management. Ontologically, if someone is denied the right to exist in life, this exclusion extends in death—unless the living do something to change it. Including space on death certificates for other names is one example of this. This is an example of dynamic rather than static being, whereby existence is in flux and changing (Stout and Love 2021). This brings about additional questions for future research:

- 1) What aspects of death management bureaucracy can shift to focus on equity? How can public managers ensure all people are represented?
- 2) What steps can public managers take to ensure culturally competent deathcare?

Throughout the essay, I have given suggestions for possible future research. Some ways to tackle these questions can include but are not limited to:

- Historical analysis of medicolegal death investigation in the United States, specifically related to bureaucratic structures.
- Organizational analysis, looking to see where death managers are situated within the organization and if it makes a difference in resource access and distribution. (In other words, does it matter whether death management is under the aegis of public health versus an independent agency versus parks and recreation?)
- Political party as a variable to understand resource distribution. In other words, does it matter what party affiliation elected officials have when it comes to allocating resources to death management?
- Public-private partnership analysis, especially when comparing medicolegal death investigation jurisdictions. Does contracting out matter? If so, how?
- Qualitative interviews with deathcare professionals to understand their roles in complex response networks, focusing on resource equity.
- Text analysis of cemetery management policies to understand differences across states and municipalities. What equity issues might emerge when we look at how policies are written?
- Widespread survey analysis of public sector death managers regarding their roles, specifically focusing on elements of publicness and equity. Variables could include income, political affiliation, kind of government and level of government, elected versus appointed medicolegal agent, and burial preferences of community members.

As detailed in the introduction, this is not the universe of possibilities but rather reflective of some challenges deathcare professionals face when it comes to issues of social justice. I have outlined several research questions worthy of further investigation. Public administration scholars should focus attention on what the living can learn from the dead—that is what public servants in these roles do each day.

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