

# ROSEBUD SIOUX TRIBAL COURT

## POLICIES AND PROCEDURES

### II. Procedures for Tribal Court

#### A. Criminal Court

The purpose of Criminal Court is to cover the entire field of criminal proceedings with the exception of proceedings against juveniles. It is the intention of Criminal Court to provide simplicity in procedure, fairness in administration and to eliminate expense and delay.

1. Preliminary proceedings must start with a Complaint. The Complaint must include the names of the person accused plus whatever description of the person accused is known; where the offense was committed; name and code designation of the offense; a short, concise statement of the specific acts of omission to act complained of; the name of the person whom or against whose property the offense was committed; the date and approximate time of the commission of the offense; and the name of the person filing of the complaint.
2. Upon the issuance of the complaint, a warrant of arrest or a summons will be issued to bring the defendant in the complaint before a Judge or Magistrate of the Tribal Court. The warrant or summons will specify the Court before which the defendant is to appear.
3. As soon as reasonably possible, but not more than 72 hours after arrest on a warrant, a defendant will be brought before a Judge or Magistrate of the Tribal Court. In the event of a summons has been issued the defendant will appear at the time designated in the summons. If the defendant does not have counsel and desires to be represented, he will be given a reasonable time to secure counsel before entering his plea. The defendant will be provided with a copy of the complaint if he is not received one; it will be read to him and he is advised of his rights. The defendant will enter a plea of guilty to the offense charged or not guilty and the Court will then advise the defendant of the sentence or bail as is appropriate.
4. Upon the entering of a plea of guilty by a defendant the Court will determine from the defendant that the plea was voluntarily made and that the defendant understood the nature of the charge and the consequences of a guilty plea. In the event the defendant refuses to plead or that the Court does not accept a plea of guilty, the Court will enter a plea of not guilty. Upon the defendant entering a plea of not guilty to the offense charged in the complaint, the Court will set a time for trial of the matter and will

determine whether the defendant desires a trial by jury or a trial to the Court. Appropriate bail will be set by the Court and the defendant released on bail or remanded to custody pending the trial of the matter. A defendant may be released upon his own recognizance at the discretion of the Court and upon his promise to appear for Court.

5. The Court will, upon motion of either party, or upon its own motion hold a pretrial conference. Defenses or objections that are capable of determination other than at trial must be raised at the pretrial conference.
6. A subpoena is an order of Court issued by a Judge, Magistrate, or the Clerk of Courts commanding a person to attend and give testimony, a subpoena may also direct the person to bring some object or piece of evidence before the Court. Subpoenas can be served any place within the exterior boundaries of the Rosebud Reservation. Failure to obey the served subpoena may be deemed contempt of court.
7. All criminal trials will be by the Court without a jury, unless the defendant requests a jury trial at the time of arraignment. There will be no jury trials for class B and C crimes. Juries will have six (6) members unless consented to by the defendant.
8. The admissibility and the competence and privileges of witnesses will be governed by the Federal Rules of Evidence, except as herein otherwise provided.
9. The Court will decide if an interpreter is needed to translate under an oath as required by the Court.
10. The court on motion from the defendant or on its own motion, will order the entry of a judgement of acquittal of one or more offenses charged in the complaint after the evidence of either side is closed if the evidence is insufficient as a matter of law to sustain a conviction of such offense.
11. It will be the duty of the Court to properly instruct the jury at such time during the trial as the Court determines appropriate.
12. The verdict of the jury will be unanimous. It will be returned by the jury to the Judge in open court and in the presence of the defendant.
13. A judgment of conviction will set forth the pleas, the verdict of findings, and the adjudication and sentence when imposed. If the defendant is found not guilty or for any other reason entitled to be discharged, judgement will be entered accordingly. Sentences will be imposed without unreasonableness delay. A pending sentence, the Court may commit the defendant to jail or continue or alter the bail.

14. After imposing sentences in a case which has gone to trial on a plea of not guilty, the court will advise the defendant of his right to appeal. A notice of appeal must be filed within ten (10) days of the entry of the final judgement. The Clerk of Tribal Court will prepare and submit to the Appellate Court the records of the case appealed to Appellate Court within thirty days (30) of the filing of the appeal.
15. A search warrant is hereby authorized and may be issued only by a Tribal Judge on the request of a Tribal Prosecutor, or any police officer or other law enforcement officer authorized to make arrests on the Rosebud Reservation.
16. Prosecution evidence discoverable by the defendant, Defense evidence is discoverable by Prosecution.
17. Upon pleadings, pretrial motions and defenses and objections rose by motions made by the defendant the court must be raised prior to trial.

## **B. Civil Court**

The purpose of Civil Court is to govern all actions of a civil nature, except where different rules are specifically prescribed. The distinctions between actions at law and suits at equity and the common law forms of all such actions and suits are hereby abolished in the Tribal Courts. All actions to which these rules apply will be known as civil actions. Civil court is construed to secure a just, speedy and inexpensive determination of every civil action.

1. A civil action is commenced by filing a written Complaint and Summons with the Clerk of the Tribal Court and by delivery of copies of the Summons and Complaint by the Plaintiff or his attorney to the appropriate officials for a purpose of service on the Defendants. The Defendant will be required to answer to the Complaint exclusive of the day of service. The Defendant must serve a copy of the answer to the Plaintiff thirty (30) days after service of the Summons and Complaint. If the Defendant fails to file an Answer, judgement by default may be rendered against him for relief requested in the Complaint.
2. The Summons and Complaint may be served within the exterior boundaries of the Rosebud Indian Reservation by any law enforcement officer or Tribal member who is a resident of the Rosebud Indian Reservation of the age of 18 years or older and who is not a party to the litigation. Service may be made by leaving a copy of the Summons and Complaint at the Defendant's dwelling house and delivered to a member of the Defendant's family or household over the age of 14 years. Service of Summons and Complaint may be made in the manner prescribed for service of process in that jurisdiction.

3. The pleadings which will be allowed will be a Complaint, and an Answer, a Counterclaim, a Cross claim, a reply to a Counterclaim, and Answer contains a Cross claim, a third party Complaint, and a third party Answer, if a third party complaint served. No other pleadings will be allowed except that the Court may order a reply to an Answer or a third party Answer.
4. A defendant will serve his Answer within 30 days after the service of the Complaint and Summons upon him. Any party served with a pleading stating a counterclaim or cross claim against him will serve an Answer within 20 days after service of the Answer, or if a reply is ordered by the Court, within 20 days after service of the Order unless modified by the Court.
5. Trials of all civil actions will be to the Court without a jury unless a party to the action files a request for a jury trial and pay a fee of \$100.00 at the time of filing his initial pleadings. Any party wishing to secure a trial date in a civil jury or non-jury where a responsive pleading has been filed will make his application for a trial date by a certificate for readiness. When a party against whom a judgment for affirmative relief is sought has failed to make an appearance or plead or otherwise defend as provided by these rules, his default will be proved by affidavit and judgment by default may be granted to the opposing party.
6. A money judgment upon a verdict of a jury will be signed by the Clerk and filed. All other judgments will be signed by the Judge and filed with the Clerk. A judgment is complete and will be deemed entered and effective for all purposes when it is signed and filed as provided herein and when proof of service of notice of entry of judgment on the opposing party has been filed with the Clerk.
7. At any time 30 days after entry of judgment awarding money or costs against a party, it is made to appear to the Court that the judgment debtor had been served notice of entry of judgment and has not paid the judgment in full or is not current in making installment payments in a manner agreed to by the parties in writing and filed with the Court, the Court will, upon motion of the judgment creditor heard ex parte, order the Tribal Police to levy and execute upon the personal property of the judgment debtor as provided herein.

### **C. Children's Court**

It is the purpose of Children's Court to provide each child before the Court such care, guidance and control, preferably in his/her own home as will his/her welfare and the best interests of the Rosebud Sioux Tribe; to preserve and strengthen family ties; to preserve and strengthen the child's cultural and Tribal identity; too secure for any child removed from his/her home that care, guidance and control as nearly equivalent to that which he or she should have been given by his/her parents to help them develop into responsible, well-adjusted

adults; to improve any conditions or home environment which may be contributing to his/her delinquency; and at the same time, to protect the peace and security of the community and its individual residents from juvenile violence or law breaking.

1. Child custody proceeding means any voluntary or involuntary administrative or judicial action which may result in the removal (temporary or permanent) of a child from its parent(s), the child being an enrolled member of the Rosebud Sioux Tribe (or eligible for enrollment) or who lives within or near the original boundaries of the Rosebud Indian Reservation.
2. The Juvenile Court will have original jurisdiction over any Indian child domiciled or residing upon or found upon the Reservation, or who has been transferred to the Juvenile Court under the Indian Child Welfare Act, and over all persons having care, custody, or control of such children.
3. The proceedings in children's cases before the Juvenile Court are commenced by a petition. All proceedings in Juvenile Court will be closed to the public.
4. The Petition may be prepared and filed by the Presenting Officer, Probations Officer, Police Officer, parent, guardian, or representative of the Tribal Social Services, BIA Social Services, South Dakota Department of Social Services or other tribally-recognized agency or concerned individual with knowledge of the facts. All petitions will be screened by the Presenting Officer or Prosecutor. At any time after the petition is filed, the Court may make an Order for Temporary Custody of the child. The Court will promptly issue a Summons after the petition is filed.
5. The Court will adjudicate and make findings of facts upon which are bases its jurisdiction over the child and will enter its decree. Upon such adjudication, the Court may make the dispositions by Court Order.
6. No Judgment, Order, or Decree of the Tribal Juvenile Court will operate after the child becomes eighteen years of age unless the Court deems that it is in the best interest of the individual or the Tribe to discontinue its jurisdiction.
6. An appeal to the Tribe Appeals Court may be taken from any Order, Decree, or Judgment of the Tribal Juvenile Court. Such appeal must be taken in the same manner in which appeals are taken from Judgments or Decrees of the Tribal Court. Except as provided elsewhere in this Code, the appeal must be taken within thirty (30) days from the entry of the Order, Decree, or Judgment appealed from.
7. Except as otherwise provided by law, penalties and forfeitures imposed and collected by the Court will be disbursed in the same manner in which they are disbursed in Tribal Court.

8. The Court will assess a filing fee for all petitions or applications in all actions excluding Minor-In-Need-Of-Care, Juvenile Offender, and Criminal Complaint actions. Said a filing fee may be waived upon a showing to the Juvenile Court of Petitioner's /Applicant's indigence.
9. The Court records will be sealed and may be opened only at the discretion of the Judge and only upon a Petition to the Juvenile Court, indicating the reasons for opening the records.

#### **D. Supreme Court**

Supreme Court will undertake all proceedings that come before it for reconsideration. The Supreme Court can review or reverse a lower court's decision.

1. A timely filing of a Notice of Appeal commences the appellate process. The Notice to Appeal will be filed with the Clerk of Court of Tribal Court within thirty days of notice of entry judgment in all civil cases. Appeals will be filed within ten days of notice of entry of the final judgment or other appealable order in all criminal cases. No extensions of these deadlines will be granted. The Clerk of Court of the Tribal court will within ten days transfer a certified copy of the Notice of Appeal to the Clerk of the Court of Appeals.
2. The Appellant will be required to post an appellate bond of \$50.00 for civil matters. In criminal matters the bond will be set in the Tribal Court bond schedule for each offense being appealed.
3. The party taking the appeal will also file with the Clerk of Courts of this Court a Designation of Record indicating all pleadings and papers filed with Tribal Court which will constitute the record of appeal.
4. All briefs will be served and filed in accordance with the applicable provisions of the Law and Order Code of the Rosebud Sioux Tribe, governing action.
5. The Clerk of Court will enter a Scheduling Order. Failure of either party to file briefs in a timely manner, as required by this Code, will be sanctioned by the Court by subjecting the case to summary dismissal, unless the failure to file is specifically excused by the Appellate panel.
6. In all cases where oral argument is granted, Appellant and Appellee will be limited to thirty minutes each to present their case, unless otherwise ordered by the court.
7. All motions to the Court of Appeals will be considered only if accompanied by

memoranda in support of motion.

8. The parties may at any time, file a Motion for Summary Disposition, Summary Affirmance, or Summary Reversal.

#### **E. Small Claims Court**

Provides a simple, informal, and inexpensive procedure for the determination of claims in the nature of contract and tort in which plaintiff does not claim as a debt or damages, more than Two Thousand Dollars (\$2,000.00).

1. The procedure will involve the payment of a filing fee but without a summons, and without requirement, except by order of the Court, or any other pleading than a statement to the Clerk of Court or Judge, who will reduce the same to concise written form in a docket kept for the purpose.
2. The Clerk will fix the time set for hearing. The time fixed should be sufficient to enable registered or certified mail by regular course, or personal service, to reach Defendant and to enable Defendant to appear in person or attorney before the Court.
3. All actions begun under this procedure will be decided by the Court without Jury and no right to appeal will exist.
4. The Defendant within the time for answer may, claim any setoff or counterclaim with the jurisdiction of the Court.
5. If the Plaintiff does not appear at the time set for hearing, the Court may dismiss the claim for want of prosecution or enter a finding on the merits for the Defendant or make such other disposition as may be proper.
6. The Court may order that the judgment will be paid to the prevailing party or, if it so orders, into Court for the use of the prevailing party at a certain date or specification installments, and may stay the issue of execution during compliance with such order.

#### **Judges, Court Personnel, and Attorney's**

The Rosebud Sioux Tribal Court personnel will address all matters that come before them in a professional and timely manner and will perform their respective duties as clarified and stated.

#### **A. Role of Chief Judge**

The Chief Judge will be responsible for the Administration of the following divisions of the

Rosebud Sioux Tribal Court, including the Tribal Juvenile Court, which will be administered by the Juvenile Court Judge under the supervision of the Chief Judge, and the Chief Judge will supervise all Associate Judges, Court Service Officers and Court Administrator. The Chief Judge will be responsible for assignment of cases and management of the Courts calendar and business. The Chief Judge will designate the Associate Judge to act as Chief Judge in his/her absence.

**B. Role of Associate Judge**

The Associate Judge will administer justice and discharge all duties imposed upon him by law and will hear and decide matters of a judicial nature and enter judgments and orders disposing of such matters. In the absence of the Court Clerk, a Judge may perform the Clerk's duties in addition to his/her own and may receive cash bail or bonds whenever a Clerk or other authorized person is not available. The Associate Judge will perform duties assigned to him/her by the Chief Tribal Judge will be designated to act as a Chief Judge.

**C. Role of Appellate Judge**

The Appellate Justice will sit in review of appeals presented and granted for review of appeals presented and granted for review. The Appellate Justice will conform their conduct to the Code of Judicial Conduct as adopted by the American Bar Association and the Rosebud Sioux Tribe Law and Order Code.

**D. Role of Court Administrator**

The Court Administrator is directly responsible to the Chief Judge. The Court Administrator serves as the Chief management advisor to the Rosebud Sioux Tribal Court. In Coordinating Policy decisions and developing management programs, this office provides administrative assistance and support services to the Rosebud Sioux Tribal Court system. Through regular meetings with the Court Judges, administrative issues are discussed and policy decisions made which are implemented by the Court Administrator.

To assist the Chief Judge in all administrative matters relating to personnel subject to rules and regulations adopted by the Rosebud Sioux Tribal council, to fix the compensation of employees of the Court when compensation is not otherwise fixed by the Rosebud Sioux Tribal Council or the Judiciary Committee.

The Court Administrator is also responsible for the revisions of personnel rules, and for the activities related to recruitment of new personnel for the Court. This includes publications of notices for open positions and coordinating of interviews with prospective employees.

To prepare and transmit monthly reports to the Chief Judge statistical data and reports as to the business of the Court.

To submit to the Chief Judge quarterly reports and activities of the administrative office and the state of business of the Court and to make any recommendations as to the business of the administrative office.

To determine and recommend for payment necessary office expenses and other expenses of the Court Judges and those court expenses allowable by the Rosebud Sioux Tribal Council; to disburse monies as authorized by the Chief Judge appropriated for the maintenance and operation of the Rosebud Sioux Tribal Court.

To recommend and make authorized purchases, exchanges, transfers, distribution and custody of law books, equipment and supplies needed for the maintenance and operation of the Rosebud Sioux Tribal Court.

To audit vouchers and accounts of the Rosebud Sioux Tribal Court and their clerical and administrative personnel.

Will stimulate, create, and develop and conduct or provide for the conducting of programs for the continuing education and training of the Rosebud Sioux Tribal Court employees including Judges, Clerks of Court, Probation Officers, Court Counselors and Prosecuting Attorneys.

Provide administrative support for Court personnel and assist in fund raising, monthly reports and records management.

Will be responsible for making certain the Court complies with all contracts it has entered into.

#### **E.     Role of Chief Clerk**

Perform clerical duties for the Rosebud Sioux Tribal Court and Appellate Court and supervises the Deputy Clerks of the court.

Organizes the court calendar for Rosebud Sioux Tribal Court, accept and record fines and fees, perform record keeping and filing functions for the court, and maintain appropriate court records for the judicial reporting system. Assist and informs the public about the schedule of the court, proper filing procedures, and other matters of public interests.

Consults with the Chief Judge and Chief Justice of the Rosebud Sioux Tribal Court and Appellate Court in reference to the court calendars; enter orders in procedural matters at specified in the Rosebud Sioux Tribal Law and Order Code.

Meets with the Court Administrator periodically to discuss the needs and problems of the Clerk's offices, develop solutions, revise the clerk's procedures manual, and make

recommendations to the Chief Judge regarding administrative and legislative changes.

The Chief Clerk supervises the performance of the Deputy Clerks in each department and is authorized to take necessary, disciplinary action to ensure the efficient performance by each Deputy Clerk. The Clerk of Courts provides technical assistance and training to current and new Deputy Clerks.

The Chief Clerk of Courts will perform pursuant to the guidelines specified in the Rosebud Sioux Tribal Law and Order Code, the Personnel Policies and Procedures manual of the Court, The Clerk's Procedure manual, and the Clerk's Code of Ethics.

In addition to the above specified duties, the Chief Clerk of Courts is responsible for ensuring that the court calendar proceeds proficiently. To accomplish this goal, the Chief Clerk of Courts must follow guidelines listed above.

Once procedures are learned, there should be very little difficulty in implementing them. Timing is extremely important in some matters. It is therefore, of the utmost importance that a time schedule and docket system be developed in each proceeding to assist each clerk in identifying what needs to be done.

There is very little originality involved in this position. The duties of the Chief Clerk of Courts are specified in the Rosebud Sioux Tribal Law and Order Code. However, the Chief Clerk of Courts must use personal judgment in supervising the Deputy Clerks. The Chief Clerk of Courts may meet with the Chief Judge, Chief Justice and Court Administrator on any procedural changes that he or she identifies as necessary in providing for the efficient functioning of the court.

The purpose of the Chief Clerk of Courts position is to maintain the dockets, scheduled and records of the court.

Contacts are with the Judges/Justices, Court Administrator, Prosecutors, Public Defenders, Attorneys, Co-workers, and most importantly the Public.

The Chief Clerk of Courts is responsible for locking up the files and the offices in order to safeguard the records of the court.

The Chief Clerk of Courts will be in contact with persons who are unfriendly and belligerent. The Chief Clerk of Courts will need to possess the ability to deal with these persons in a professional manner.

#### **F. Role of Deputy Clerk**

The Deputy Clerk will organize the court calendar for Rosebud Sioux Tribal Court, accept and record fines and fees, perform record keeping and filing functions for the court, and maintain appropriate court records for the judicial reporting system.

The Deputy Clerk will assist and inform the public about the schedule of the court, proper filing procedures, and other matters of public interests.

The Deputy Clerk will meet periodically with the Chief Clerk of Courts to discuss the needs and problems of the Deputy Clerk's duties and/or procedures to enable the Chief Clerk of Courts to develop solutions with the Judges/Justices and Court Administrator.

The Deputy Clerk will perform pursuant to the guidelines specified in the Rosebud Sioux Tribal Law and Order Code, the Personnel Policies and Procedures manual of the Court, the Clerk's Procedure Manual, and the Clerk's Code of Ethics.

Once the procedures are learned, there should be very little difficulty in implementing them. Timing is extremely important in some matters. It is therefore the utmost importance that a time schedule and docket system be developed in each proceeding to assist each clerk in identifying what needs to be done and when.

The clerk of Courts must use personal judgment in supervising the Deputy Clerks. The Chief Clerk of Courts may meet with the Chief Judge, Chief Justice, and Court Administrator on any procedural changes that he or she identifies as necessary in providing for the efficient functioning of the Court.

#### **G. Role of Data Entry Clerk**

The Data Entry Clerk will develop a data base for all relevant data from Civil and Criminal Court records/documents regarding domestic violence, rape and other crimes into computer data base.

The Data Entry Clerk will be responsible for an ongoing update of the data base.

The Data Entry Clerk will be involved in development of a system/program for coordinating pertinent information sharing between the Civil and criminal courts.

#### **H. Role of Law Clerk**

The Law Clerk will assist the Rosebud Sioux Tribal Court Judges with case law, statutory law research and jurisdictional research.

The Law Clerk will draft opinions for cases within the Rosebud Sioux Tribe Court system. The Law Clerk will assist with development and implementations of Diversion Mediation

Program and provide ongoing coordination of the Diversion Mediation Program.

The Law Clerk will coordinate mediation services, including reviewing case files, conducting interviews with non-arrested parties (victims, complainants, others).

The Law Clerk will conduct follow-up and monitoring of mediated cases and assist with coordinating activities related to the successful resolution of conciliated cases.

#### **I. Role of Attorney General**

As Chief Law Enforcement Officer is the primary law enforcement officer of the Rosebud Sioux Tribe and will enforce tribal criminal, tribal civil, treaty and federal Indian law; as well as direct the Prosecutor's Office.

#### **J. Role of Chief Prosecutor**

The Prosecutor will institute proceedings before Judges of the Rosebud Sioux Tribal Court for the arrest and conviction of person(s) charged with offenses against Rosebud Sioux Tribe or the people of the Rosebud Reservation.

The Prosecutor will prosecute or intervene for the Rosebud Sioux Tribe in all Tribal Courts in all civil cases in which the Rosebud Sioux Tribe may be interested or concerned, when in the opinion of the Judiciary Committee of the Rosebud Sioux Tribe, the interests of the Rosebud people demand such interventions.

The Prosecutor when directed by the Judiciary Committee of the Rosebud Sioux Tribe to prosecute civil actions in the Rosebud Sioux Tribal Courts against those convicted of criminal offenses for the restitution of any property or money due to the Rosebud Sioux Tribe.

The Prosecutor will keep a record of the activities of the Prosecutor, and enter every action prosecuted, criminal or civil, the proceedings and the results.

The Prosecutor will consult on a frequent basis with the Attorney General, Judiciary Committee, and Tribal Council, and act within the discretion committed to him/her by the Rosebud Sioux Tribal Council for the good of the Rosebud people.

The Prosecutor will propose and submit legislation to the Judiciary Committee in the criminal area of law for consideration by the Rosebud Sioux Tribal Council, in the area of criminal law proposed by the Federal Government or any states in which the Rosebud Sioux Reservation is located.

The Prosecutor will attend meetings held by the Judiciary Committee of the Rosebud Sioux Tribe when said meetings do not conflict with his/her official duties.

The Prosecutor will assist in training the police officers of the Rosebud Sioux Tribal Law Enforcement in criminal procedures and in Court procedures to enable the police officers to function adequately.

The Prosecutor will perform other duties as may be required of him/her by law, and by the Rosebud Sioux Tribal Council, Chief Judge, or the Attorney General. The Prosecutor and the Prosecutor's Office will be under the direct supervision of the Attorney General.

The Prosecutor will also act as Presenting Officer for Juvenile Court and in that connection will represent and present evidence on behalf of the Rosebud Sioux Tribe at all hearings and proceedings held under the Juvenile Code.

#### **K. Role of Assistant Prosecutor**

The Assistant Prosecutor will institute proceedings before judges of the Rosebud Sioux Tribal Courts for the arrest and conviction of persons charged with, or suspected of offenses against the people of the Rosebud Reservation.

The Assistant Prosecutor will file petitions and complaints on behalf of the Rosebud Sioux Tribe as provided in the Law and Order Code of the Rosebud Sioux Tribe.

The Assistant Prosecutor will keep a record of all criminal and civil procedures of the Prosecutor's Office including actions, proceedings, and the results therein.

The Assistant Prosecutor will perform such other duties as the Court and Chief Prosecutor may order.

The Assistant Prosecutor will act as Presenting Officer for Juvenile Court.

#### **L. Role of Deputy Prosecutor**

The Deputy Prosecutor will institute proceedings before judges of the Rosebud Sioux Tribal Courts for the arrest and conviction of persons charged with, or suspected of offenses against the people of the Rosebud Reservation.

The Deputy Prosecutor will file petitions and complaints on behalf of the Rosebud Sioux Tribe as provided in the Law and Order Code of the Rosebud Sioux Tribe.

The Deputy Prosecutor will keep a record of all criminal and civil proceedings of the Prosecutor's Office including actions, proceedings, and the results herein.

The Deputy Prosecutor will perform such other duties as the Court and Chief Prosecutor may order.

The Deputy Prosecutor will act as Presenting Officer for Juvenile Court.

**M. Role of Legal Secretary/Lead Secretary**

The Legal Secretary is to provide secretarial services for the Prosecutor's Office and to perform various administrative duties in the absence of the Prosecutor and/or as assigned by the managing Prosecutor of this office.

The Legal Secretary will prepare legal documents at the direction of the Prosecutor.

The Legal Secretary will transcribe from dictating equipment or notes into correspondence, reports and court orders.

The Legal Secretary will take telephone messages for the Prosecutors or answer inquiries in their absence. Will make referral, as necessary to an appropriate agency or organization.

The Legal Secretary will organize and keep inventory of supplies.

The Legal Secretary will distribute all memos of an administrative nature.

The Legal Secretary will prepare quarterly statistics for office and give to the Prosecutor for their narrative.

The Legal Secretary will acquire police reports from the police department in a timely manner to prepare for arraignments.

The Legal Secretary will prepare all paperwork necessary for a mental health commitment.

The Legal Secretary will perform a background search on an individual as requested by the Prosecutor.

The Legal Secretary will assist other Prosecutors when the other secretarial staff is on leave or absent from work.

The Legal Secretary will take notes and make recommendations in court when the Prosecutor is unavailable.

The Legal Secretary will assist the public with their questions.

**N. Role of Domestic Violence Prosecutor's Secretary**

The Secretary will prepare all correspondence and legal documents for the domestic violence Prosecutor.

The Secretary must track all relevant cases from arrest, jail, arraignment, trial, sentencing and post-sentencing compliance and maintain records of these described activities and outcomes.

The Secretary must keep detailed statistics on all cases.

The Secretary at times may be required to perform some secretarial duties for the STOP Program.

The Secretary must work closely with the STOP Program Coordinator and keep the Coordinator and other relevant STOP employees informed as to the progress of each case.

The Secretary at times may need to assist the Prosecutor's Secretary.

**O. Role of Public Defender**

The Public Defender will interview clients charged in a criminal complaint, provide representation for defendants that have not obtained defense counsel.

The Public Defender will represent defendants in all stages of the criminal proceedings including arraignments, probable cause hearing, suppression hearing, and trial.

The Public Defender will take cases to appeal at the request of the defendant.

The Public Defender will act as Counsel in Juvenile cases when appointed by one of the Judges of the Rosebud Sioux Tribal Court.

**P. Role of Assistant Public Defender**

The Assistant Public Defender will perform legal work in the defense of defendants in criminal cases, children's court cases, mental illness, alcohol commitment and appeals.

The Assistant Public Defender will work under the supervision of the Public Defender.

**Q. Role of Legal Secretary**

The Legal Secretary will provide secretarial duties for the Public Defender and Assistant Public Defender and to perform various administrative duties in the absence of the Public Defender and Assistant Public Defender.

The Legal Secretary will prepare documents at the direction of the Public Defender or Assistant Public Defender.

The Legal Secretary will transcribe from dictating equipment or notes into correspondence, reports and court orders.

The Legal Secretary will take telephone messages for the Public Defender and Assistant Public Defender or answer inquiries in their absence. The Legal Secretary will make referral, as necessary to an appropriate agency or organization.

The Legal Secretary will organize and keep inventory of supplies.

The Legal Secretary will distribute all memos of an administrative nature.

The Legal Secretary will prepare quarterly statistics for office and give to Public Defender for their narrative.

The Legal Secretary will perform a background search on an individual as requested by the Public Defender or Assistant Public Defender.

#### **R. Role of Secretary/Receptionist**

The Secretary/Receptionist will answer the Court's telephone in a professional manner and directs the caller to the proper office or staff person for information requested.

The Secretary/Receptionist will display courtesy when greeting the public who comes to the Court for scheduled hearings or other business and direct them to the proper office or staff person.

The Secretary/Receptionist will be responsible for incoming and outgoing mail and its distribution.

The Secretary/Receptionist will prepare legal pleadings and other documents at the direction of the supervisor.

The Secretary/Receptionist will assist the Clerks with filing.

#### **S. Role of Court Process Server**

The Court Process Server will personally serve summons or other court paper issues from the Rosebud Sioux Tribal Court.

The Court Process Server will keep a daily log for travel and contacts made.  
The Court Process Server will perform other duties assigned by the Chief Judge.

#### **T. Role of Domestic Violence Process Server**

The Domestic Violence Process Server will be responsible for serving court orders in domestic violence related matters which will include serving juror subpoenas, subpoenas for the Tribe's witnesses for domestic abuse criminal trials, and to serve ex parte protection orders, notice of hearing and petitioner witnesses for protection order hearings.

The Domestic Violence Process Server will be required to travel on a daily basis within the boundaries of the Rosebud Reservation serving subpoenas on the named individuals.

#### **U. Role of Court Service Officer**

The Court Service Officer will design and supervise Juvenile Diversion Program services.

The Court Service Officer will conduct juvenile and adult pre-sentence investigations and prepare related written reports and recommendations.

The Court Service Officer will provide probation services to juvenile and adult probationers and their families.

The Court Service Officer will place and supervise a juvenile offender paid victim restitution and fines, and develop and supervise juvenile and adult community service programs.

The Court Service Officer will plan and collect offender paid victim restitution and fines, and developing and supervising juvenile and adult community service programs.

The Court Service Officer will provide divorce custody investigations and mediation services, and monitor divorce custody visitations and adoption investigations.

The Court Service Officer will provide public education programs and manage community based service activities for juvenile and adult offenders.

The Court Service Officer will develop and maintain community work service sites.

The Court Service Officer will monitor individuals placed on work release.

#### **V. Role of Juvenile Court Service Officer**

The Juvenile Court Services Officer will investigate, write, and evaluate pre-dispositional reports to facilitate judicial decision-making and develop alternative dispositions for revocations.

The Juvenile Court Services Officer will supervise juvenile placed on probation, including work release programs, to ensure that the direct orders of the court are carried out.

The Juvenile Court Services Officer will formulate all necessary reports for the court to facilitate the determination of disposition and restitution plans.

The Juvenile Court Services Officer will travel to probationers' location and make contact with counselors, law enforcement officials, school, and other related agencies to monitor the progress and activities of the client.

The Juvenile Court Services Officer will serve as a counselor to the probationers' and as a mediator in crisis situations to resolve conflict.

The Juvenile Court Services Officer will collect fines, fees, restitution, and other case related costs to assure appropriate distribution.

The Juvenile Court Services Officer will attend court hearings, juvenile adjudication's, and dispositions and revocations to testify as a witness and act as advisor to the client and the court.

#### **W. Role of Mediator**

The Mediator will conduct mediation sessions for defendants and families in criminal cases referred to the Diversion Mediation Program primarily in cases involving inter and intra family disputes.

The Mediator will promote dialogue, defuse hostility, stimulate and organize negotiations, and help to develop paths toward settlement.

The Mediator will meet with disputants both jointly and individually in informal meeting.

The Mediator will document outcomes of each mediation sessions and track outcomes of each referral.

The Mediator will be responsible for compiling applicable statistics.

The Mediator will be responsible for monthly and quarterly reports to Court Administrator and Chief Judge.

The Mediator will be required to network with area resources in establishing support services for participants.

The Mediator will assist with evaluation of Diversion Mediation Program.

#### **X. Role of Information Technology Specialist**

The Information Technology Specialist will provide hardware and software support for PC

desktops, local area network, and database.

The Information Technology Specialist will be responsible for administration, support and maintenance of the court's computer hardware, software and applications.

The Information Technology Specialist will maintain and enhance existing systems, and manage multiple, simultaneous projects and tasks.

The Information Technology Specialist will troubleshoot/solve software and performance problems.

The Information Technology Specialist will provide maintenance, modification, and improvement of case management systems, including data access methods.

The Information Technology Specialist will perform all database administrative functions.

The Information Technology Specialist will support of trial, case management and mediation technology requirements.

The Information Technology Specialist will provide ongoing application training to court personnel.

The Information Technology Specialist will design and develop user-friendly website and provide ongoing website support and maintenance.

### **III. Personnel Policies and Procedures**

The Rosebud Sioux Tribal Personnel Policies and Procedures are herein incorporated according to

Ordinance No. 86-06.

**IV. Administrative Provisions of Tribal Court**

The provisions are herein incorporated according to Title Nine, Chapter 1 and 2 of the Rosebud Sioux Tribal Law and Order Code book.

**V. Code of Ethics for Court Clerks**

The Clerk's of Court for the Rosebud Sioux Tribal Courthouse will follow a Code of Ethics and Clerk Procedure manual.