

CHEYENNE RIVER SIOUX TRIBE  
PROSECUTOR  
TRIBAL PROSECUTOR'S OFFICE – JUDICIAL DEPARTMENT

DESCRIPTION OF WORK

General Statement of Duties: The Prosecutor shall prosecute and assist in such cases as are assigned by the Attorney General or his/her designee. Guidelines will be the Cheyenne River Sioux Tribal Constitution, the Indian Civil Rights Act, Law and Order Code, ordinances, policies, all applicable Federal laws, rules of evidence, including Federal, State and local court decisions affecting the Indian people in Indian country; and the applicable code of professional conduct as adopted by the American Bar Association.

Supervision Received: Will be under the general supervision of the Attorney General and reports to the Attorney General. May also be required to report to Tribal Council and any related committees.

Supervision Exercised: Supervises the program staff as delegated by the Attorney General. General Supervision to the Background Investigator.

EXAMPLE OF DUTIES (Duties may include but are not limited to the following):

Approves all criminal complaints filed in Tribal court with the exception of any complaints wherein the Prosecutor feels that he or she may be prejudiced or where there is a relationship as provided in the Tribal Code.

Uses discretion in prosecuting cases before the Tribal court and may take or refuse any case on adequate grounds. The Prosecutor shall upon request furnish written reasons for the refusal to prosecute any case.

Exercises discretion, once a complaint is filed, as to whether to seek the issuance of a summons, or warrant for arrest against the defendant from Tribal court.

Acts on behalf of the Cheyenne River Sioux Tribe, not the individual complaining witness. In this capacity, the Prosecutor shall have the authority to make criminal complaints on his or her own information and belief if he or she believes that a crime has been committed against the peace and dignity of the Cheyenne River Sioux Tribe and there is no complaining witness.

Prepares all adult criminal cases for trial, including the interviewing of witnesses, legal research, preparation of pleadings and the presentation of evidence. The Prosecutor shall file all criminal appeals resulting from petitions or complaints filed by the Office of the Prosecutor and shall prosecute same as directed.

Takes advantage of all training offered in the gathering of evidence, the presenting of evidence, courtroom procedure, criminal procedure, witness interviewing, and any other training in law on or off the reservation as budgeting limitations allow.

Other job related duties as assigned.

## MINIMUM QUALIFICATIONS

Required Knowledge, Skills and Abilities: Must be familiar with any federal or state laws and ethical standards applicable to persons within the jurisdiction of the Tribal court. Knowledge of the Tribal Law and Order Code rules of criminal procedure and rules and know its provisions together. Knowledge of criminal law, juvenile law, the Tribal constitution, codes and ordinances, rules precedents, any case law, and relationships affecting jurisdiction on criminal court cases. Knowledge of Tribal customs, traditions, constitution and ordinances to be able to protect the sovereignty and customs of the Tribe and protect the rights of the people. Knowledge of the Indian Civil Rights Act and all its provisions and have full understanding of due process. Must demonstrate fitness and competency for the appointment including familiarity with the Cheyenne River Sioux Tribal Constitution and Code and Judiciary.

Education: Must be a law school graduate (Attach Juris Doctor/Jurisprudence, J.D.). Admission to a state bar required (Attach license to practice law); must be in "good standing" with that bar.

Experience: Must have some working experience in law, this may include any internship.

Special Requirements: Must be able to pass Federal, State, and Tribal Criminal Background Checks in accordance with P.L. 101-630, P.L. 101-647 and Resolution No. 86-2013-CR. This position is subject to mandatory drug and alcohol testing in accordance with the Cheyenne River Sioux Tribe Drug and Alcohol Free Workplace Policy. Must have never been convicted of any Tribal/local, Federal, or State felony offenses or convicted of a misdemeanor one (1) year prior to appointment.

Revised Date: 09.28.17