



FLANDREAU SANTEE SIOUX TRIBE REQUEST FOR PROPOSALS TRIBAL PROSECUTOR

DATED: March 3, 2016

The Flandreau Santee Sioux Tribe (the “Tribe”), located in Flandreau, South Dakota, hereby requests proposals for the part-time position of Tribal Prosecutor. The Tribal Prosecutor will be tasked with the responsibility of prosecuting the Tribe’s Law and Order Code, and will work closely with Tribal Police and other local state and federal agencies to fulfill the position’s obligations.

The position will be directly supervised by the FSST Tribal President. The prosecutor will handle all adult criminal and juvenile delinquency matters for the Tribe, and other assigned matters from the Tribal President. Applicants must pass a P.L. 101-630 compliant background check and a pre-employment drug and alcohol screening before employment. The prosecutor will be required to work at least one full day weekly in Flandreau, South Dakota, and on other days as assigned.

TRIBAL PROFILE

The Tribe is comprised of descendants of the Mdewakantonwan Sioux, a member of the Isanti division of the original Great Sioux Nation. They referred to themselves as Dakota, which means “friend” or “ally” or specifically Wakpa Ipaksan which means “bend in the river”. The Dakota Sioux were historically domiciled in Minnesota and Wisconsin where they lived a semi-nomadic existence for many years. As the United States began to expand westward, the Dakota Sioux faced increasing pressure from white settlers. In 1851, the Isanti ceded their land and entered a reservation in 1851.

In 1862, the Santee revolted against reservation life. The Santee believed the government did not meet its treaty obligations. Further, white traders prevented the distribution of food and provisions to the Santee pursuant to their treaties with the United States. This uprising, led by Little Crow, was quickly downed by U.S. troops. Twelve hundred Indians, many who were innocent of any involvement in the uprising, surrendered to the United States. Over 306 Santee people were sentenced to death by a military tribunal. Following the grant of some pardons by President Lincoln, 38 were hung on December 26, 1862. The survivors who remained were sent to concentration camps (prisons) in Davenport, Iowa and Ft. Thompson, South Dakota.

In 1866, the Ft. Thompson and Davenport groups were re-united at Santee Agency at the mouth of the Niobrara in Nebraska. Approximately one-third of those converted to Christianity. In 1869, twenty-five families gave up the tribal rights and annuities afforded to the Santee Sioux to become citizens of the United States. The latter group left the reservation in Nebraska, and acquired homesteads along the Big Sioux River at an area that would become Flandreau, South Dakota.

In 1873, those members built their Presbyterian Church in what was to become Flandreau. Later that fall, were joined by fifteen additional Tribal families. To the present day, after approximately 142 years, this church is one of the oldest continually used churches in South Dakota. The graveyard memorializes many of those early Christian names taken on by the Tribal members who shared in the journey to Flandreau. As noted above, in 1934, the Flandreau Santee Sioux Tribe was formally organized and recognized under the authority of the Indian Reorganization Act of 1934.

The Tribe is governed by a seven-member Executive Committee whose members are elected by the Tribe. The Executive Committee has the authority to manage all economic affairs of the Tribe and to appropriate funds for public purposes. The Executive Committee appoints a non-voting Treasurer as its eighth member. The Executive Committee President serves as the administrative head of the tribal government and serves, along with the Tribe's other officers. The elected terms are staggered in years and candidates must live within the defined reservation to be elected.

The Tribe's headquarters are located in Flandreau, South Dakota which is located in Moody County. The total area of the Tribe's reservation is approximately 6,000 acres, of which approximately half is trust land and the other half is owned by the Tribe in fee simple. The total membership of the Tribe is approximately 760 members, of which approximately 320 live on the reservation.

Major economic activities occurring on the Tribe's reservation are buffalo ranching, farming, convenience stores, hunting and fishing guides services, arts and handicrafts, short-term lending and a gaming resort and hotel. The Tribe's reservation offers many opportunities for hunting, and fishing.

The Flandreau reservation is a small community that offers many services to Tribal members. Royal River Casino and Hotel, First American Mart convenience store and gas station, Fitness Center, Bowling Alley, Tribal Court, Flandreau Health Clinic, Tribal Office, Department of Natural Resources, Tribal Road Maintenance, Flandreau Indian School, Grace Moore Elderly Center, Rooster River Hunting Lodge, FSST Housing Authority, and Prairie Junction Truck stop on Interstate 29 just seven miles west of Flandreau. The City of Flandreau provides customary municipal services such as fire, police, parks and recreation, and waste disposal.

TRIBAL COURT

The Flandreau Santee Sioux Tribal Court is court of general jurisdiction established by Article IX of the Tribe's constitution. The Tribe Court also has an appellate court that handles appeals from the Tribal Court. There is a separation of power between the tribal judiciary and the tribal government body. The Tribal Court generally meets weekly and handles both criminal and civil matters. All of the judges of the Tribal Court are law trained and members in good standing of the Tribal Bar Association. The Court further employs a full-time clerk of courts.

MINIMUM QUALIFICATIONS AND SERVICE REQUIREMENTS

1. Licensed attorney in good standing with a state bar association.
2. Past criminal law experience is preferred.
3. No felony or misdemeanor convictions involving a crime of moral turpitude.
4. Knowledge of tribal laws and codes, modern tribal court practices, judicial procedure, and rules of evidence.
5. Knowledge of applicable federal, state and local laws, regulations, ordinances and requirements.
6. Knowledge of federal laws and regulations pertaining to Native Americans and tribal organizations.
7. Knowledge of tribal governments and criminal and civil procedures.
8. Ability to work with judges, law enforcement, probation, social services, the legal department, and court staff in a professional manner.
9. Ability to confer and cooperate with neighboring jurisdictions in a professional manner.
10. Ability to establish and maintain professional relationships with individuals of varying social and cultural backgrounds and with co-workers at all levels.
11. Ability to exercise independent judgment and negotiate legal actions.
12. Eligibility and maintenance of professional liability insurance in an amount acceptable to the Tribe.

DUTIES

Applicants can expect typical duties to include the following:

1. Represent the Tribe as a Prosecutor and Child Welfare Attorney in Tribal Court to enforce the criminal laws, child welfare laws, and related tribal court orders of the Tribe;
2. Appear in court on all related arraignments, trials, and sentence hearings, and child welfare matters;
3. Engage in or lead pretrial investigations;
4. Train, assist, and advise the Tribal Police in the prosecution of criminal cases, and the preparation and execution of requests for arrest and search warrants (where relevant, train other tribal staff regarding criminal procedures);
5. Evaluate, research, and prepare criminal and child welfare cases;

6. Prepare, file, and prosecute charging instruments in Tribal Court;
7. Prepare reports as assigned, to be expected on a quarterly, budgetary, and annual basis, including development and implementation of an annual operation plan, identifying accomplishments, unmet needs and priority recommendations;
8. Research, develop, and institute procedures, manuals, pleading forms, prosecutions plans, child welfare plans, and other needed materials;
9. Work closely with the Federal Bureau of Investigations, U.S. Department of Justice, U.S. Attorney's Office, and other federal or state enforcement agencies in ensuring that serious crimes committed on the Reservation are adequately prosecuted;
10. Recommend to the Office of Tribal Attorney revisions and amendments the Tribe's Codes and other codes as needed with respect to crimes and child welfare matters;
11. Assist the Tribal Attorney with public relations and legislative efforts related to drug law enforcement issues, including, but not limited to advising committees/commissions, staff, client, presenting at public meetings concerning criminal and child welfare laws;
12. Advise and consult the Office of the Tribal Attorney regarding the function and development of the tribes' criminal justice system;
13. Meet with the Executive Committee, Tribal Attorney, Law Enforcement and other subordinate committees of the Tribe, when requested;
14. Abide by the disciplinary rules and other requirements of the bar associations of which the attorney is a member, as well as any disciplinary rules adopted by the Tribe to govern attorney practice on the Reservation and maintain a high level of professionalism and ethics at all times; and
15. Comply with tribal laws and administrative policies.

SELECTION PROCESS

The Flandreau Santee Sioux Tribe Executive Committee, Human Resources Department, and Legal Department will handle the scheduling of interviews, review of applications, and will otherwise perform all of hiring processes.

PROCESS SCHEDULE

The Tribe will attempt to follow this timetable, which would result in the implementation of an agreement by May 3, 2016:

Issue RFP & Advertise	March 3, 2016
Deadline for Submissions	April 1, 2016 by 5:00 P.M. (CST)
Interviews (if needed)	April 4-April 8, 2016
Selection of Successful Proposal	April 11-15, 2016
Service Agreement Signed	April 22, 2016
Implementation of Services	May 3, 2016

REQUIREMENTS OF THE PROPOSAL

Please include the following in your proposal:

- **Experience** – summarize experience relevant to prosecution services. Include resumes of all attorneys who will provide prosecution services. Please also include information regarding experience in Indian Country, working with Tribal Governments, and other Indian Law work.
- **Method of Service Provision** – describe method of service delivery, philosophy and approach, and what makes you or your firm, unique with respect to providing prosecution services.
- **Proposed Fee Structure** – identify your proposal regarding compensation. Also, describe what expenses would be incurred by the Tribe. Identify whether you would charge for travel time and best describe any and all expenses incurred by the Tribe.
- **References** – Identify three references who can attest to your experience and capabilities as they relate to services requested. References should include contact name, address, and telephone number.
- **Native American and Veteran Preference** – The Flandreau Santee Sioux Tribe seeks to hire the best-qualified individual for all jobs. The Tribe will give preference within this process to qualified proposals based on the following classifications: Tribal Member Veterans, Tribal Members, Indian Veterans, Indians, lineal descendants of the Flandreau Santee Sioux Tribe. Please specifically state if you meet any of these classifications.
- **Additional Information** – Please also include any other relevant information that you wish that the Tribe consider.

TIME AND PLACE FOR SUBMITTAL OF PROPOSALS

All proposals must be submitted by April 1, 2016 by 5:00 P.M. (CST), and late proposals will not be considered. Proposals may be mailed and submitted electronically to Seth Pearman, Tribal Attorney to the following addresses:

By Mail:

**Seth Pearman, Tribal Attorney
Flandreau Santee Sioux Tribe
603 West Broad Avenue
Flandreau, SD 57028**

By Electronic Mail:

spearman@fsst.org.

QUESTIONS

Questions about the position may be directed to the Seth Pearman, Tribal Attorney at (605) 573-4206 or e-mailed to spearman@fsst.org.