

Sisseton-Wahpeton Oyate

Job Description

Job Title: Tribal Prosecutor

Reports to: Vice Chairman/woman

Term of Appointment: Four (4) years

Summary:

It is the duty of the Prosecutor, among others, to administer justice, and carries the responsibility that defendants are accorded procedural justice and that guilt is decided upon the basis of proof beyond a reasonable doubt, as required by the Law and Order Code of the Sisseton-Wahpeton Oyate. The Prosecutor is responsible for the prosecution of all crimes and civil infractions that occur within the jurisdiction of the Lake Traverse Reservation, prosecute all juvenile cases including but not limited to child abuse, neglect, and dependency, unruly and delinquent cases.

Essential Functions:

1. Review all charges and complaints of violations of Tribal criminal and civil law and determine what, if any, charges to bring and whom to charge.
2. Prosecute individuals with criminal violations in the Sisseton-Wahpeton Oyate Tribal Court system, including appellate court and administrative proceedings. This includes, but is not limited to, tribal members and any and all defendants charged pursuant to the Violence against Women's Act, tribal provisions and/or the amended Indian Civil Rights Act, as well as prosecution pursuant to the Tribal Law and Order Act. May handle civil litigation and perform other duties as required;
3. Work closely with the Tribal Court Administrator and Tribal Judge(s) to improve the delivery of services within the Tribal Court and to assist the Court in case management and docket preparation;
4. Responsible for bringing involuntary civil commitment proceedings in mental health and chemical dependency addictions cases;
5. Establish a working relationship with local, state, federal jurisdictions to establish protocols for coordinating criminal investigations and prosecution;
6. Provide advice and recommendation to the Tribal Council and Legal Counsel regarding the adoption of laws, or amendments to existing law, which are reasonable or necessary to promote the health, safety and general welfare of the Sisseton Wahpeton Oyate; and
7. Serve as presenting officer in matters arising under the SWO Elder/Adult Services and Protection Code (or any successor law), the Juvenile Code (or any successor law), and/or child protection cases in the Tribal Courts and, at the request of Tribal Social Workers, to

- represent the Tribe in Indian Child Welfare Act cases involving children enrolled (or eligible for enrollment) with the Tribe arising in the state jurisdictions;
8. Review police records, medical examiner's files and reports on physical evidence.
 9. Interview suspects, victims and witnesses;
 10. Conduct legal research for precedents of actions or decisions in similar cases.
 11. Analyze the facts and issues of cases;
 12. Develop prosecution strategies;
 13. Ability to file appropriate court documents, such as pleading, answers, and motions on a timely basis, as well as attending pretrial hearing and conferences;
 14. Performs administrative duties related to the prosecutor's office;
 15. Must maintain a working relationship with Tribal Council, Tribal Law Enforcement, neighboring law enforcement agencies, Tribal Programs and Tribal for-profit entities;

Additional Responsibilities May Include:

1. Receives, directs, and resolves citizen complaints.
2. Coordinates some office functions with other County departments or divisions.

Knowledge, Skills, and Abilities:

1. **Considerable knowledge of:** General office management practices and procedures of the Sisseton-Wahpeton Oyate;
2. Federal and tribal statutes governing crimes, must also have knowledge of Indian Law and state law cases including but not limited to jurisdictional issues;
3. Basic bookkeeping and accounting methods;
4. The criminal and civil functions of the tribal law enforcement and its interrelationship with other jurisdictions' departments;
5. Interpersonal communication skills;
6. Computer operation and programs unique to civil document processing requirements;
7. Various computer applications including word processing, data entry, and spreadsheets;
8. **Working knowledge of:** Administrative procedures; legal processes associated with the maintenance of public records and documents; interpersonal communication skills;
9. **Skill in:** Superior writing skills, verbal communication, and legal-research skills;
10. **Ability to:** Maintain cooperative relationships with those contacted in the course of work activities; distill relevant and useful elements from vast amounts of information.

Qualifications:

1. Licensed attorney and current member of any bar, with good standing;
2. Must be licensed as an attorney/advocate in the Sisseton-Wahpeton Oyate Tribal Court;
3. Must possess at least one year of experience working in criminal justice, preferably working as a Tribal Prosecutor or in juvenile justice;
4. Possess a working knowledge the Sisseton-Wahpeton Oyate Tribal Codes and of all relative federal, state, and tribal laws, rules and regulations;

Job Requirements:

1. Pre-employment background check and drug-use screening test is required;
2. Must sign a Confidentiality Statement upon hire and adhere to policy;
3. Must have a valid driver's license.

Approved  Date 5/14/21

Employee _____ Date _____