



U.S. Department of Justice

Office of the Chief Information Officer

Washington, D.C. 20530

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]

Dear [REDACTED],

The Department of Justice (DOJ), CJIS Systems Officer (CSO) is submitting a request on behalf of the [REDACTED] [REDACTED] Prosecutor's Office to be granted Originating Agency Identifier(s) (ORIs) by FBI CJIS. I have reviewed the below documentation and believe it is sufficient to grant the issuance of a full access ORI.

To support this request, please find the attached documentation as submitted by the [REDACTED] Prosecutor's Office

- Attachment 1 – Proof that the primary function of the agency is the administration of criminal justice
 - *Appendix A - Codes that grant prosecutor with specific authority (contained in Title 2: Tribal Court Criminal Actions)*
 - *Appendix B - Appointment of Prosecutor (contained in Title 4: Tribal Court Rules of Procedure)*
- Attachment 2 – Proof that the primary budget allocation of the agency is for the administration of criminal justice.

[REDACTED] [REDACTED] Prosecutor's Office contact information:

[REDACTED], Court Officer
[REDACTED] Prosecutor's Office

[REDACTED]
[REDACTED]
[REDACTED]
email: [REDACTED]

Upon issuance of the ORI(s), please provide the ORI number(s) to me in an official communication. Should you have any additional questions, please contact [REDACTED] at tribalaccess@usdoj.gov.

Respectfully,

Michael Roosa
Assistant Director, Law Enforcement Services CJIS Systems Officer
Department of Justice/JMD/OCIO

Attachment 1: Proof that primary function of the agency is the administration of criminal justice

- **Appendix A** - Codes that grant prosecutor with specific authority (contained in Title 2: Tribal Court Criminal Actions)
- **Appendix B** - Appointment of Prosecutor (contained in Title 4: Tribal Court Rules of Procedure)

DOCUMENTATION REQUIREMENTS FOR ORIGINATING AGENCY IDENTIFIER (ORI)

NON-LAW ENFORCEMENT CRIMINAL JUSTICE AGENCY (NLE-CJA) :

OFFICE OF THE RESERVATION ATTORNEY – [REDACTED] TRIBAL PROSECUTOR

1. Proof that the primary function of the agency is the administration of criminal justice.

Documentation that shows that more than 50% of the agency's functions must be devoted to the administration of criminal justice which includes the criminal justice duties, functions, and powers of the agency and the underlying authority granting these powers.

- A. Various Tribal Codes within the [REDACTED] Code of Laws specifically address the authority and duties of the [REDACTED] Tribal Prosecutor in criminal proceedings. The authority and duties of the prosecutor in criminal proceedings which include but are not limited to filing of a criminal complaint, application for search warrants, probable cause determinations, bail and release conditions, and discovery can be found in Title 2 – Tribal Court Criminal Actions.

The Codes which grant the prosecutor with specific authority include the following:

2.02.025 Summons in lieu of Citation; 2.02.030 Warrant for Arrest – Generally; 2.02.050 Search Warrants; 2.03.045 Probable Cause Determination; 2.03.050 Review of Bail; Amendment or Revocation of Order of Release; 2.04.010 Complaints – Contents and Filing; 2.05.10 Arraignment; 2.05.030 Discovery; 2.05.045 – Dismissal; 2.05.060 Material Witness Warrants; 2.06.090 Probation; 2.08.030 Appeals by Tribal Prosecutor (Appendix #1)

- B. Appointment of Prosecutor is located under Tribal Code 4.04.030 within Title 4 Tribal Court Rules of Procedure. (Appendix #2)

NON-LAW ENFORCEMENT CRIMINAL JUSTICE AGENCY (NLE-CJA)

OFFICE OF THE RESERVATION ATTORNEY – [REDACTED] TRIBAL PROSECUTOR

APPENDIX #1

TITLE 2 – TRIBAL COURT CRIMINAL ACTIONS

TITLE 2

CODE OF LAWS
TRIBAL COURT CRIMINAL ACTIONS

Enacted: Resolution S-13 (10/7/74)

Amended: Resolution 79-97 (8/6/79)
Resolution 2003-092 (8/4/03)
Resolution 2007-081 (5/22/07)
Resolution 2009-192 (11/10/09)

TITLE 2
CODE OF LAWS
TRIBAL COURT CRIMINAL ACTIONS

Table of Contents

Chapter 2.01 General Provisions

2.01.001	Civil Rights	1
2.01.003	Court Rules for Criminal Proceedings.....	1
2.01.004	Other Procedures Applicable	1
2.01.005	Procedure in the Absence of Rule or Code	1
2.01.010	Jurisdiction - Generally.....	1
2.01.020	Concurrent Jurisdiction.....	1
2.01.030	Extradition.....	1
2.01.040	Remand of Juvenile to Adult Court.....	2

Chapter 2.02 Citation; Summons; Arrest Warrant; Search

2.02.010	Citation in lieu of Detention.....	3
2.02.020	Citation - Contents.....	3
2.02.025	Summons in lieu of Citation	3
2.02.030	Warrants for Arrest – Generally	3
2.02.032	Warrants for Arrest on Finding of Probable Cause	4
2.02.035	Bench Warrants	4
2.02.050	Search Warrants.....	4

Chapter 2.03 Arrest; Release from Custody; Bail

2.03.005	Arrest	5
2.03.010	Bail and Release from Custody.....	5
2.03.015	Bail.....	6
2.03.030	Bail Schedule.....	6
2.03.045	Probable Cause Determination.....	6
2.03.050	Review of Bail; Amendment or Revocation of Order of Release	6

Chapter 2.04 Commencement of Criminal Proceedings

2.04.010	Complaints - Contents and Filing.....	7
2.04.020	Limitation on Filing of Complaints.....	7
2.04.030	Joinder of Offenses or Defendants	7

Chapter 2.05 Pre-Trial Proceedings

2.05.005	Management of Calendars and Caseloads	7
2.05.010	Arraignment	8
2.05.015	Service and Filing of Papers.....	8
2.05.020	Speedy Trial	8
2.05.030	Discovery	10
2.05.040	Pre-Trial Motions	12
2.05.045	Dismissal.....	12
2.05.050	Video and Telephonic Conference Proceedings	12
2.05.060	Material Witness Warrants.....	12
2.05.070	Insanity at the Time of Offense and Competency to Stand Trial.....	13

Chapter 2.06 Pleas; Trial Procedure; Sentencing; and Probation

2.06.020 Standard of Proof.....16
2.06.025 Defendant’s Voluntary Absence from Trial.....16
2.06.028 Trial on Stipulation16
2.06.035 Plea Negotiations.....16
2.06.040 Pleas16
2.06.050 Compromise of Misdemeanor17
2.06.060 Sentencing.....17
2.06.070 Fines and Court Costs.....17
2.06.080 Enforcement of Order for Restitution.....17
2.06.090 Probation18

Chapter 2.07 Habeas Corpus

2.07.010 Who May Prosecute Writ.....19
2.07.020 Writ for Purpose of Bail.....19
2.07.030 Application for Writ - Contents.....20
2.07.040 Content of Writ - When and to Whom Issued.....20
2.07.050 Service of the Writ.....20
2.07.060 Return of Writ - Contents.....20
2.07.070 Hearing on Return20
2.07.080 Judgment20

Chapter 2.08 Motions for Reconsideration; Relief from Judgment; Appeal

2.08.010 Motions for Reconsideration.....20
2.08.020 Relief from Judgment or Order20
2.08.030 Appeal by Tribal Prosecutor21
2.08.040 Discretionary Review by Court of Appeals21
2.08.050 Procedure for Criminal Appeals.....22

NON-LAW ENFORCEMENT CRIMINAL JUSTICE AGENCY (NLE-CJA)
OFFICE OF THE RESERVATION ATTORNEY – [REDACTED] TRIBAL PROSECUTOR

APPENDIX #2

TITLE 4 – TRIBAL COURT RULES OF PROCEDURE



TITLE 4
██████████ CODE OF LAWS
TRIBAL COURT RULES OF PROCEDURE

Enacted: Resolution S-13 (10/4/1974)

Amended Resolution 2003-092 (8/4/2003)
Resolution 2007-081 (5/22/2007)
(Emergency Adoption of ██████ §4.01.050; expired 9/19/2007)
Resolution 2016-014 (1/5/2016)

TITLE 4
██████████ CODE OF LAWS
TRIBAL COURT RULES OF PROCEDURE

Table of Contents

Chapter 4.01 General Courtroom Conduct

4.01.010 Conduct.....	1
4.01.020 Court Decorum.....	1
4.01.030 No Discussion with Judge.....	1
4.01.040 Swearing-in Witnesses.....	1

Chapter 4.02 Evidence

4.02.010 Exhibits.....	1
4.02.020 Rules of Evidence.....	1

Chapter 4.03 Jury Trials

4.03.010 Rules Governing Jury Trials.....	2
4.03.020 Jury Duties.....	2
4.03.030 Jury Instructions - Generally.....	2
4.03.040 Jury Instructions - Civil.....	2
4.03.050 Jury Instructions - Criminal.....	2
4.03.060 Jury Instructions by a Party.....	3
4.03.070 Jury Instructions - Final.....	3
4.03.080 No Discussion with Jurors.....	3

Chapter 4.04 Counsel

4.04.010 Right to Counsel at Party's Expense.....	3
4.04.020 Right to Counsel.....	3
4.04.030 Appointment of Prosecutor.....	3

Chapter 4.05 Witnesses

4.05.010 Subpoenas.....	3
4.05.020 Service of Subpoenas.....	3
4.05.030 Witnesses.....	3

Chapter 4.06 Contempt of Court

4.06.010 Contempt of Court.....	3
4.06.020 Civil Contempt - Summary Process.....	4
4.06.030 Civil Contempt - Civil Process.....	4
4.06.040 Criminal Contempt - Disrupting Proceedings.....	4
4.06.050 Default on Fine - Order to Show Cause, Summons or Warrant, Seizure.....	4
4.06.060 Appeal.....	4

guilty, but if they do not believe beyond a reasonable doubt that he is guilty, then they should find him not guilty. The Court will give other instructions as are appropriate.

4.03.060 Jury Instructions by a Party

In all jury cases, all parties shall propose instructions to the jury which may be allowed by the trial judge if he finds that such instructions further the interests of justice.

4.03.070 Jury Instructions--Final

In all jury cases, the judge shall instruct the jury that they shall retire to consider the matter and that each juror shall be given an opportunity to state his opinion, that they shall elect a foreman and that their decision shall be by a unanimous vote in criminal cases and at least a four (4) person majority in civil cases.

4.03.080 No Discussion with Jurors

No person, including members of the Court's staff, any of the parties or witnesses, or any other person, shall discuss with any known juror, any case pending before such juror, or which may come before such juror, either before or during the trial and any juror who has any personal knowledge about the case or who has discussed it with any of the parties, witnesses or court officials shall be excused by the judge.

Chapter 4.04 Counsel

4.04.010 Right to Counsel at Party's Expense

Each litigant in a civil case and every defendant in a criminal proceeding shall have the right to have counsel of his choice represent him at his own expense.

4.04.020 Right to Counsel

(a) Every defendant in a criminal proceeding shall have the right to have counsel appointed by the Court to represent the defendant at the expense of the [REDACTED]

(b) Each parent or legal custodian of a minor child in a child dependency proceeding shall have the right to have counsel appointed by the Court to represent them at the expense of the [REDACTED]

4.04.030 Appointment of Prosecutor

The [REDACTED] may appoint counsel to represent the [REDACTED] in civil or criminal matters.

(a) No person shall be appointed as prosecutor unless the appointee is eligible to be admitted to practice before the Court as provided by these rules.

(b) The prosecutor is authorized to sign, file, and present any complaint, subpoena, affidavit, motion, or civil or criminal process on behalf of the [REDACTED]

Chapter 4.05 Witnesses

4.05.010 Subpoenas

Every judge of the [REDACTED] Tribal Court shall have the power to issue subpoenas for the attendance of witnesses either on his own motion, or by motion of any parties to the case. The subpoena shall bear the signature of the judge issuing it. Failure to obey a subpoena properly issued and served, as provided in this Code, is punishable as contempt of court.

4.05.020 Service of Subpoenas

Services of subpoenas shall be by any qualified member of the law enforcement staff, or other officer of the Court, or by any person qualified to serve process under this Code.

4.05.030 Witnesses

Witnesses shall be compensated for each day of trial that they are required to attend and mileage for travel to and from the witness's home and the Court, to be paid by the party who subpoenaed him, according to the Court's fee and mileage schedule approved by the [REDACTED] or its designee. In criminal cases where the defendant is found to be indigent, the witness fees and mileage shall be paid by the Office of the Public Defender.

Chapter 4.06 Contempt

4.06.010 Contempt of Court

Any person may be charged with contempt of court for any of the following reasons:

(a) Disorderly, contemptuous, or insolent behavior, committed in immediate view and presence of the Court and directly tending to interrupt its proceedings or to impair the respect

Attachment B
Office Of Prosecutor Budget

2. Proof that the primary budget allocation of the agency is for the administration of criminal justice.

A. Total Budget for the Prosecutor's Office for 2018 - \$ [REDACTED]

Funding Sources:

200.7120	Grant	\$ [REDACTED]
150.7120	General Fund	\$ [REDACTED]
Total		\$ [REDACTED]

\$ [REDACTED] of the 200.7120 budget amount is indirect costs. [REDACTED] is the account used for supplies and training. Approximately 50% of this budget is used for the prosecution of criminal cases. A total amount of \$ [REDACTED], or approximately 92% of the 2018 Prosecutor Budget is allocated to the administration of criminal justice

B. The Prosecutor's Office devotes the following staffing to prosecution of criminal cases.

POSITION	PERCENTAGE	SALARY PLUS FRINGE
Assistant Reservation Attorney	75%	\$ [REDACTED]
Deputy Prosecutor	100%	\$ [REDACTED]
Deputy Prosecutor	100%	\$ [REDACTED]
Staff Attorney I (ICW/ Juvenile Prosecutor)	50%	\$ [REDACTED]
Legal Assistant	100%	\$ [REDACTED]
Administrative Assistant	100%	\$ [REDACTED]
Total		\$ [REDACTED]