

## **ARTICLE X. TRIBAL PROSECUTOR**

### **A. Power and Authority of Tribal Prosecutor**

In any and all child welfare cases, criminal proceedings or other violations of Tribal law, the Tribal Prosecutor shall have the power and authority, on behalf of the Tribal membership as a whole, to sign, file and present any and all complaints, subpoenas, affidavits, motions, process and papers of any kind and to appear before all courts, commissions or tribunals in any such proceeding within the Tribe's jurisdiction.

### **B. Appointment of Prosecutor**

1. The Tribal Prosecutor shall be appointed by an affirmative vote of six (6) of the nine (9) members of the Tribal Council.
2. Assistant prosecutors may be appointed by an affirmative vote of six (6) of the nine (9) members of the Tribal Council.

### **C. Eligibility for Appointment and Service**

1. A person may be eligible to serve as a Tribal Prosecutor only if the person:
  - a. is not a Tribal Council member or the Chairperson or Vice-Chairperson;
  - b. is not a judge or justice of the Tribal Court or the Tribal Appellate Court; and
  - c. is an attorney licensed to practice in the Tribal Court and courts of a state in the United States.
2. It is preferred, but not mandatory, that the prosecutor be at least one fourth (1/4) North American Indian.

### **D. Term of Office**

The Tribal Prosecutor shall serve for terms of three (3) years without limitation on

reappointment. Assistant prosecutors, if any, shall serve for terms of two (2) years without limitation on reappointment.

**E. Compensation**

The Tribal Council shall have the power and responsibility to establish reasonable levels of compensation for the Prosecutor(s).

**F. Independent Function**

1. The Tribal Council shall enact such laws as it deems necessary to protect the office from inappropriate influence, and to ensure that the discretionary decision-making authority of the office remains unimpaired.

2. The Prosecutor shall have the authority to hire administrative staff as needed to fulfill the duties of this office subject to budget approval of the Tribal Council.

**G. Funding Mandate.**

The Prosecutor shall prepare and present an annual budget directly to the Tribal Council for funding. Funding for the Prosecutor shall be based on the need to fulfill the duties of this office.

**H. Removal**

The Tribal Prosecutor and assistant prosecutors may be removed in accordance with Article XIII (C).