



PUEBLO OF ISLETA

P.O. BOX 1270 ISLETA, NM 87022

RESOLUTION NO. 2001-136

Office of the Tribal Prosecutor

At a duly called meeting of the Tribal Council of the Pueblo of Isleta, the following Resolution was passed:

WHEREAS, the Isleta Tribal Council is the Legislative branch of the Pueblo of Isleta Tribal Government; Pueblo of Isleta Tribal Constitution, Article V;

WHEREAS, The Tribal Council is empowered to appoint or authorize such committees, commissions, boards, pueblo chartered organizations or corporations, officials and employees not otherwise provided for in this constitution; Pueblo of Isleta Tribal Constitution, Article V, Section 2(g).

WHEREAS, the Tribal Council has determined it necessary to establish an Office of the Tribal Prosecutor to ensure the timely prosecution of crimes against the people of the Pueblo of Isleta and the Pueblo of Isleta and to ensure the collection of debts to the Pueblo of Isleta;

WHEREAS, the members of the Pueblo of Isleta are entitled to due process of law; Pueblo of Isleta Tribal Constitution, Article III, Section 1(h);

WHEREAS, the members of the Pueblo of Isleta are entitled to a speedy and public trial, to be informed of the nature and cause of the accusation, and to be confronted with witnesses against him, Pueblo of Isleta Tribal Constitution, Article III Section 1(f);

NOW, THEREFORE BE IT RESOLVED, that the Pueblo of Isleta Tribal Council hereby establishes and enacts the Pueblo of Isleta Office of the Tribal Prosecutor, as follows:

Section One Introduction

- A. There shall be created an Office of the Tribal Prosecutor.

Section Two
Appointment of the Tribal Prosecutor

- A.** The Tribal Prosecutor shall be appointed by the Tribal Council to enforce the laws of the Pueblo of Isleta.
- B.** The person appointed as Tribal Prosecutor shall be an attorney duly admitted to practice before the Pueblo of Isleta Tribal Courts and the Courts of New Mexico and shall meet such other qualifications as the Tribal Council shall establish from time to time in any job description, job vacancy posting or other written notice. Except as specifically described in this Resolution, the terms of compensation and employment of the Tribal Prosecutor shall be as determined by the Tribal Council.
- C.** The Tribal Prosecutor is an appointed official of the Pueblo and shall serve the Pueblo of Isleta in that position unless and until removed from office with cause by majority vote of the Tribal Council.
- D.** Upon appointment by the Tribal Council, the Tribal Prosecutor shall take an oath before the Isleta Tribal Council, to be administered by the Chief Judge of the Isleta Tribal Court, to uphold the Constitution and Laws of the Pueblo of Isleta.

Section Three
Duties of the Tribal Prosecutor

- A.** The Tribal Prosecutor shall represent the Pueblo of Isleta in all criminal and civil cases as follows:
 - 1.** In criminal cases, the Prosecutor shall:
 - (i)** Prosecute all criminal cases on behalf of the Pueblo of Isleta upon the Prosecutor's determination that sufficient evidence exists for the successful prosecution of a criminal case.
 - (ii)** Monitor any federal criminal prosecutions against persons committing criminal offenses against members of the Pueblo or the Pueblo itself. The Prosecutor shall take any necessary legal action to ensure that such persons are prosecuted.
 - (iii)** Ensure the exercise of the Pueblo's concurrent jurisdiction in criminal cases by prosecuting persons committing criminal offenses within the territory and jurisdiction of the Pueblo, even if federal authorities are prosecuting such person in federal court.

- (iv) If the Prosecutor determines not to prosecute a particular case, the Prosecutor shall prepare a formal written report identifying with specificity the reasons for not prosecuting such case.
 - (v) Upon the effective date of this ordinance, the Tribal Prosecutor must initiate all criminal prosecutions.
2. In civil cases, the Prosecutor shall:
- (i) Prosecute all civil cases on behalf of the Pueblo for the purposes of collecting debts owed to the Pueblo of Isleta. The Prosecutor is not authorized to settle or compromise any debt owed to the Pueblo, unless expressly approved by the Isleta Tribal Council by Resolution.
 - (ii) Prosecute any other civil case assigned to the Prosecutor by the Isleta Tribal Council. The Governor of the Pueblo may assign civil cases to the Prosecutor, with the approval of the Isleta Tribal Council by formal motion. This provision only applies to civil cases wherein the Pueblo is the party in interest. Civil cases for the benefit of a private person shall not be assigned to the Tribal Prosecutor.
3. Prosecute all cases in good faith.
4. Submit a written quarterly report to the Pueblo of Isleta Tribal Council and the Governor on the activities of the Office of the Prosecutor; including but not limited to the number, type and disposition of cases under his or her supervision.
5. Refrain from private legal practice and devote substantially all said person's professional time and energies to the Office of the Prosecutor while serving as the Tribal Prosecutor. Failure to comply with this provision, shall be grounds for immediate removal from office.
6. Shall not discuss the facts or merits of any criminal case with any elected or appointed official of the Pueblo of Isleta. Any communications concerning a specific criminal or civil case must be before a duly called Council meeting where all officials are provided notice of the purpose of such matter.
7. Shall immediately report to the Tribal Council and Governor any incidences of elected or appointed Pueblo officials attempting to influence the Tribal Prosecutor not to prosecute a specific case or otherwise communicate with the Tribal Prosecutor regarding the facts or merits of any criminal case. Failure to report such incidences shall be cause for immediate removal.

8. Submit a proposed budget to the Isleta Tribal Council for review and approval for the operations of the Office of the Tribal Prosecutor and administer said budget as approved.

Section Four
Amendment to Section 1-1-10(a) of Isleta Law and Order Code


- A. The current Section 1-1-10(a) of the Isleta Law and Order Code shall be replaced by the following language: All criminal cases shall be started by a written complaint signed by the Tribal Prosecutor. This complaint shall state the nature of the charges against the accused and specifically cite the relevant sections of the Isleta Law and Order Code alleged to have been violated. The complaint must be based upon the reasonable information and belief of the Tribal Prosecutor as obtained from a recognized police officer or witness(es).

CERTIFICATION

We, the undersigned, tribal officials of the Pueblo of Isleta, do hereby certify that the foregoing resolution was passed at a duly called meeting of the Tribal Council of the Pueblo of Isleta, held on the **14 day of November 14, 2001**, at which a quorum was present with **10** voting for, **0** opposing and **0** abstaining.



Ben Lucero, President
Isleta Tribal Council



Alvino Lucero, Governor
Pueblo of Isleta



Serejino Lente, Secretary
Isleta Tribal Council