

## **Subpart D Administration of the Court**

### **D-1 Court Rules**

The Chief Judge of the Tribal Court shall promulgate rules to govern court proceedings, subject to the approval of Tribal Council, provided that such rules shall not abridge, enlarge or modify any substantive rights and shall preserve the right of trial by jury as provided in Subpart F-6 of this Code.

### **D-2 Filing Fees for Filing Criminal and Civil Petitions in Tribal Court**

(a) There will be a twenty dollar (\$20) filing fee assessed on anyone filing a Civil Petition or Criminal Complaint in Tribal Court against another party.

(b) Should the Tribal Court Judge rule in favor of the Petitioner, the Defendant will reimburse the filing fees and Court Costs to the Petitioner.

(c) Tribal Officials or Tribal Representatives acting in an official capacity on behalf of the Pueblo are excluded from filing fees.

### **D-3 Other Tribal Court Fees**

(a) One dollar (\$1) assessment in addition to each penalty assessed. The \$1 assessment shall be used to defray court costs.

(b) One dollar (\$1) assessment in addition to each penalty assessed. The \$1 shall be used for a court automation fund.

(c) One dollar (\$1) assessment in addition to each penalty assessed. The \$1 shall be credited to a judicial personnel education fund.

(d) Ten cents (\$.10) for a copy of each page of a legal document made by the Court Clerk.

(e) Twenty dollars (\$20) for each civil petition or criminal complaint docketed by the Court Clerk.

(f) Twenty dollars (\$20) for a default judgment rendered by the Court.

(g) Twenty dollars (\$20) for each traffic citation filed with the Court.

(h) Expenditure of court funds is subject to the Governor's approval.

(i) The court may waive fees in cases of indigency.

#### **D-4 Coroners**

(a) The Governor of the Pueblo of Pojoaque may appoint one or more coroners to serve the Pueblo of Pojoaque. Such coroners shall serve without pay but may be reimbursed for actual and necessary expenses upon presentation of proper vouchers of the Governor of the Pueblo.

(b) Whenever a coroner is informed that an Indian has died within the Pueblo, the coroner shall go to the place where the body is located and inquire into the cause of death.

(c) After inspecting the body and conferring with a physician, if the coroner himself is not a physician, the coroner shall make a written report stating the following facts, if known:

1. The name and census number of the dead person;
2. When and where he died and the circumstances of his death;
3. The cause of death;
4. Who caused the death, if caused by act, whether criminal or not;
5. What property is found on the body, other than clothing of ordinary value; and
6. Where the coroner is not a physician, the name and address of any physician consulted.

(d) The coroner shall submit copies of the report to the Pueblo of Pojoaque Police, to the Governor and to the Bureau of Indian Affairs Agency Superintendent.

#### **D-5 Tribal Police**

The Governor of the Pueblo shall be recognized as commander of the Tribal Police of the Pueblo of Pojoaque and shall be held responsible for the general efficiency and conduct of the members thereof. It shall be the duty of the Governor or his duly authorized representatives to keep himself informed as to the efficiency of the Tribal Police in the discharge of their duties, to subject them to regular inspection, to inform them of their duties and keep a strict accounting of the equipment issued them in connection with their official duties. It shall be the duty of the Governor to detail such Indian Policemen as may be necessary to carry out the orders of the Tribal Court and to preserve order during Court sessions. The Governor shall investigate all reports and charges of misconduct on the part of Pueblo policemen and shall exercise such proper disciplinary measures as may be consistent with existing regulations.

#### **D-6 Police Training**

(a) It shall be the duty of the Governor to maintain from time to time, as circumstances require and permit classes or instruction for the Tribal Policemen. Such classes shall familiarize the policemen with the manner of making searches and arrests, the proper and

humane handling of prisoners, the keeping of records of offenses and the duties of the police in relation thereto and other subjects of importance for efficient police duty. It shall further be the purpose of the classes to consider methods of preventing crime and of securing cooperation of Pueblo of Pojoaque residents in establishing better social relations.

1. A candidate must be in sound physical condition and of sufficient size and strength to perform the duties required.
2. He must possess courage, self-reliance, intelligence, and a high sense of loyalty and duty.
3. He must never have been convicted of a felony, nor have been convicted of any misdemeanor for a period of one year prior to appointment.

(b) The duties of a Pueblo policeman shall be:

1. To obey promptly all orders of the Tribal Police commissioner or the Governor when assigned to that duty;
2. To lend assistance to brother officers;
3. To report and investigate all violations of any law or regulation coming to his notice or reported for attention;
4. To arrest all persons observed violating the laws and regulations for which he is held responsible;
5. To inform himself as to the laws and regulations applicable to the Pueblo of Pojoaque and the laws of arrest;
6. To prevent violations of the laws and regulations;
7. To report to his superior officer all accidents, births, deaths or other events or impending events of importance;
8. To abstain from the use of intoxicants or narcotics and to refrain from engaging in any act that would reflect discredit upon the Tribal Police Department;
9. To refrain from the use of profane, insolent, or vulgar language;
10. To use no unnecessary force or violence in making an arrest, search or seizure;
11. To keep all equipment furnished to him in reasonable repair and order;
12. To report the loss of any and all property issued by the Federal Government in connection with official duties; and

13. To collect and issue receipts for bail.

**D-7 Dismissal**

The Governor may remove any Tribal Policemen for any noncompliance with the duties and requirements as set out in the police duty guidelines or for neglect of duty.

**D-8 Return of Equipment**

Upon resignation, death or discharge of any member of the Tribal Police, all articles or property issued him in connection with his official duties must be returned to the Governor or his representatives.