

**TITLE 22  
TRIBAL CORONER**

**CHAPTER 1  
GENERAL PROVISIONS**

**Section 22-1-1. Creation of Tribal Coroner Position/Authority.** There is hereby created the position of Tribal Coroner. The Tribal Coroner shall have authority to investigate all deaths occurring on the Flandreau Santee Sioux Reservation as provided in this ordinance. The Tribal Coroner shall be appointed by Resolution of the Executive Committee for a four (4) year term. The Coroner shall be under the supervision of the Executive Committee and shall report to it from time to time or as requested. Any vacancy shall be filled in the same manner.

**Section 22-1-2. Qualifications for Tribal Coroner.** No person shall appointed as the Tribal Coroner unless such person:

1. Is a member of the Tribe;
2. Has at least a high school diploma or equivalent;
3. Is Twenty-five (25) years of age or older;
4. Has never been convicted of a felony or of a misdemeanor within a one year period prior to being appointed;
5. Is of good moral character;
6. Demonstrates a knowledge of the FSST Law and Order Code; and
7. Agrees to receive appropriate training upon appointment.

Any person appointed under this provision shall not assume the duties of Coroner until he/she has completed the proper training for the Coroner position.

**Section 22-1-3. Removal of Coroner.** Any Coroner duly appointed under this Ordinance shall be subject to removal for cause only as provided in 22-1-4 under the following conditions:

1. If removal is sought, the Coroner shall be given notice of intent to remove including the grounds for removal and of the right to respond to such charges.

2. If the Coroner requests a hearing on the allegations for removal, a hearing shall be held before the Executive Committee with proper notice to the Coroner of the date, time and place of said hearing.
3. After the hearing, the Executive Committee shall make a final determination and give notice to the Coroner of such decision.

The decision of the Executive Committee shall be final.

**Section 22-1-4. Grounds for removal.** The Tribal Coroner shall be subject to removal only upon one of the following grounds:

1. Conviction of crime;
2. Willful failure to fulfill duties as required by this Ordinance; or
3. Misuse of authority granted under this Ordinance.

**Section 22-1-5. Deaths to be investigated by the Tribal Coroner.** The Tribal Coroner shall investigate any human death on the reservation if a determination of the cause and manner of death is in the public interest and such death falls within any of the following categories:

1. All deaths by unnatural means or if there is a suspicion of unnatural means, including deaths of a accidental, homicidal, suicidal or undetermined nature, regardless of suspected criminal involvement in the death;
2. All death where the identity of the victim is unknown or the body is unclaimed;
3. All deaths believed to represent a public health hazard;
4. At the discretion of the Coroner, all deaths of children under two years of age resulting from unknown cause or if the circumstances surrounding the death indicate that sudden infant death syndrome may be the cause of death;
5. Any case in which the death was sudden and the person was in a state of health where the death was unexpected.

**Section 22-1-6. Joint Custody of Dead Bodies and Effects- Movement prohibited.** As to any death, the cause and manner of which is in the public

interest, the Tribal Coroner and law enforcement agency exercising investigative control over such death shall jointly take charge of and exercise complete control over all dead bodies and all effects affixed thereto to determine the physiological cause of death. The investigating law enforcement officers shall have control over all other elements of evidence demonstrating a potential criminal circumstance of death. No dead body subject to control by the Coroner having investigative control may be moved from the scene of death without the coroner's permission unless the body directly obstructs a public transportation right-of-way or poses an immediate health hazard. No dead body subject to Coroner control under this section may be embalmed without express authority of the investigating Coroner.

**Section 22-1-7. Coroner's Report/Certificate.** When a Coroner's inquest is completed, the Coroner shall prepare and file a final report with law enforcement and the tribal court. The Coroner shall prepare a certificate of death for all deaths over which he/she assumes jurisdiction, listing the official cause of death.

**Section 22-1-8. Autopsy Ordered by Coroner.** If any death occurring on the reservation appears to be by unlawful means, the Coroner may order an autopsy on those deaths falling within his/her jurisdiction mentioned in sub-divisions (1) to (5), inclusive, of Section 22-1-2.

This Ordinance was enacted by the FSST Executive Committee by Resolution Number 98-108, on Oct. 26, 1998.

# Flandreau Santee Sioux Tribe

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## RESOLUTION NO. 18-62

**WHEREAS,** the Flandreau Santee Sioux Tribe is a recognized Indian tribe organized pursuant to a Constitution and By-laws approved by the Secretary of Interior and Commissioner of Indian Affairs on April 24, 1936, amended February 7, 1941, and further amended November 16, 1967, and further amended November 14, 1984, and further amended May 17, 1997; and

**WHEREAS,** Article III of the Tribe's Constitution and By-laws provides that the governing body of the Tribe shall be the Executive Committee; and

**WHEREAS,** the Flandreau Santee Sioux Tribe has an interest in investigating all deaths on the Flandreau Santee Sioux Reservation. Consequently, the Tribal Coroner Ordinance was codified under Title 22 of the Flandreau Santee Sioux Tribe Tribal Law and Order Code. The ordinance creates a Tribal Coroner position and sets forth minimum qualifications for the Tribal Coroner; and

**WHEREAS,** under the current Tribal Coroner Ordinance, the Tribal Coroner must be a member of the Flandreau Santee Sioux Tribe. The Tribe finds that tribal employees and contractors of the Tribe are also qualified candidates for appointment of Tribal Coroner; and

**WHEREAS,** the Tribe further finds that tribal interests will be served by expanding the pool of qualified candidates so that the Tribal Coroner position remains occupied.

**NOW THEREFORE BE IT RESOLVED** that the Flandreau Santee Sioux Tribe Executive Committee hereby approves the appointment of a tribal employee or tribal contractor to serve as Tribal Coroner.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Flandreau Santee Sioux Tribe Tribal Law and Order Code be amended to reflect this change in accordance with the attached amendment.

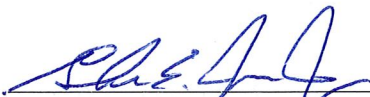
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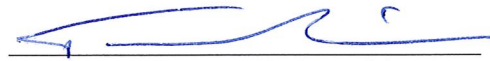
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**CERTIFICATION**

The foregoing Resolution was duly enacted and adopted on this 13<sup>th</sup> day of April, 2018, by the Executive Committee of the Flandreau Santee Sioux Tribe during a duly called meeting with a quorum was present of 6 In Favor, 0 Opposed, 0 Abstaining, and 1 Not Voting, as follows:

Vice President, Andrew Weston:	<input checked="" type="radio"/> YES	NO	ABSTAIN	NOT PRESENT
Secretary, Gordon Jones, Jr.:	<input checked="" type="radio"/> YES	NO	ABSTAIN	NOT PRESENT
Trustee I, Jean Paul Roy:	<input checked="" type="radio"/> YES	NO	ABSTAIN	NOT PRESENT
Trustee II, David Kills-A-Hundred:	<input checked="" type="radio"/> YES	NO	ABSTAIN	NOT PRESENT
Trustee III, Norman Kitto:	<input checked="" type="radio"/> YES	NO	ABSTAIN	NOT PRESENT
Trustee IV, John Jason Armstrong:	<input checked="" type="radio"/> YES	NO	ABSTAIN	NOT PRESENT
President, Anthony Reider ( <i>If Required</i> ):	YES	NO	ABSTAIN	NOT PRESENT

  
\_\_\_\_\_  
Gordon Jones, Jr., Tribal Secretary

  
\_\_\_\_\_  
Anthony Reider, Tribal President

# Flandreau Santee Sioux Tribe

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## ATTACHMENT TO RESOLUTION NO. 18-62

Below is the current language of the relevant code under the Flandreau Santee Sioux Tribe Tribal Law and Order Code:

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**Section 22-1-2. Qualifications for Tribal Coroner.** No person shall appointed as the Tribal Coroner unless such person:

1. Is a member of the Tribe;
2. Has at least a high school diploma or equivalent;
3. Is Twenty-five (25) years of age or older;
4. Has never been convicted of a felony or of a misdemeanor within a one year period prior to being appointed;
5. Is of good moral character;
6. Demonstrates a knowledge of the FSST Law and Order Code; and
7. Agrees to receive appropriate training upon appointment.

Any person appointed under this provision shall not assume the duties of Coroner until he/she has completed the proper training for the Coroner position.

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The following amendment to the Flandreau Santee Sioux Tribe Tribal Law and Order Code adds language to include tribal employees and contractors as qualified as Tribal Coroner, shown via underline.

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**Section 22-1-2. Qualifications for Tribal Coroner.** No person shall appointed as the Tribal Coroner unless such person:

1. Is a member of the Tribe, is a tribal employee, or is an independent contractor with an active contract with the Tribe;
2. Has at least a high school diploma or equivalent;
3. Is twenty-five (25) years of age or older;
4. Has never been convicted of a felony or of a misdemeanor within a one year period prior to being appointed;
5. Is of good moral character;
6. Demonstrates a knowledge of the FSST Tribal Law and Order Code; and
7. Agrees to receive appropriate training upon appointment.

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