



CHIEF PROSECUTOR
Office of Tribal Prosecutor

Reports To: Tribal Chairman
Salary Range: 77
FLSA Status: EXEMPT

VALID DRIVER'S LICENSE REQUIRED
PD Revised: 02/20/2019

INTRODUCTION

This position is responsible for executive and administrative control of the Hopi Office of the Prosecutor ("Office"), as well as the investigation and prosecution of crimes committed by adult and juvenile offenders within the exterior boundaries of the Hopi Reservation, and presentation of minor in need of care matters in the Hopi Children's Court. The Chief Prosecutor ensures that the Office performs professional attorney-level legal work in carrying out these responsibilities in the highest ethical manner. Participates as directed in specialty dockets such the Hopi Family Wellness Court and Veterans' Court; responds to inquiries from citizen and governmental offices relating to tribal court procedures and violations of Hopi Tribal laws prosecuted in the Hopi Trial Court.

KEY DUTIES AND RESPONSIBILITIES

(The following examples of duties are intended to be illustrative only and are not intended to be all inclusive or restrictive.)

1. Manage all aspects of the Office's operations. Supervises the hiring, training, evaluating and work of one or more Deputy Prosecutors (bar licensed and/or non-licensed) and the support staff; reviews current annual operating budgets for the Office and approves expenditures thereunder; seeks approval for budget modifications and increases as appropriate; pursues external sources of funding, including federal grants, responsible for the timely filing of all routinely required reports and financial documents; and takes any other administrative actions necessary to the continuity of office operations.
2. Ensure that the Office properly represents the Hopi Tribe throughout all phases of adult and juvenile criminal cases, including: evaluation of law enforcement investigations and filing of appropriate criminal charges; appearing at initial hearings, arraignments, pretrial conferences and motions hearings; preparing for and conducting bench/jury trials, sentencing and probation revocation hearings; preparing appellate briefs and arguing before the Hopi Appellate Court; all while professionally and ethically protecting the rights, safety and property of all persons within the jurisdiction of the Hopi Trial Court. This includes appearances in Hopi Trial Court specialty dockets such as the Hopi Family Wellness Court and Veterans' Court and serving as a member of the Hopi Family Wellness Court Team.
3. Assign responsibility within the Office for appearing as Presenting Officer for Minor In Need of Care (MINOC) cases and related matters investigated by the Hopi Tribe Social Services Program; appears in other civil matters, including the filing and litigation of civil petitions for involuntary commitment.
4. Confer with defense attorneys, pro se defendants and /or witnesses/victims and negotiate plea agreements when it is in the best interest of the Tribe, with particular attention given to the victims of crimes, especially intimate partner or family domestic violence, and preservation of family units in juvenile offender cases.
5. Assist and advise Hopi law enforcement agencies in all aspects of investigations for criminal and civil matters handled by the Office, including, e.g. witness interviews, report writing, drafting of criminal complaints, processing of crime scenes/preservation of evidence, compliance with suspects' rights under the Hopi Code and the Indian Civil Rights Act; prepare and present requests for arrest and search warrants; advise on protocol for roadside safety checkpoints, provide routine training for law enforcement other tribal staff regarding adult criminal and juvenile procedures.
6. Participate in legislative efforts to revise and update the Hopi Code and Children's Code, as well as any other Hopi ordinances and laws enforceable in the Hopi Trial Court. Work closely with the Law and Order Committee and the Tribal Council to keep the Legislative Branch fully informed of issues and needs in the Hopi criminal justice system; communicate with and answer questions from Hopi villages regarding law enforcement and prosecution issues of general interest on Hopi.
7. Work closely with the Hopi Tribe Domestic Violence Program (including having overall supervisory authority for the Program if so required by the Chairman or designee), Hopi Behavioral Health Services, the Hopi Tribe Social Services Program, Public Defender's Office and other agencies in devising and obtaining treatment for defendants, victims and their families, where appropriate, especially in juvenile cases.
8. As directed, work closely and cooperatively with the BIA, the FBI, U.S. Department of Justice and other federal agencies to ensure that crimes committed on the reservation are adequately prosecuted in Federal court where appropriate; participate in the Multi Disciplinary Task Team meetings related to sexual and violent crimes committed against minors.
9. Keep abreast of legislation and case law directly or indirectly affecting tribal court cases and operations; attend Continuing Legal Education seminars and other training, consultations and conferences, and provide relevant training opportunities for the Deputy Prosecutors and staff.
10. Perform other duties as assigned or authorized by the Chairman or designee to accomplish Tribal criminal justice goals and objectives.

PERSONAL CONTACTS

Contacts are with law enforcement personnel, probation officers, court personnel, victims of crime, witnesses, behavioral health providers, Hopi departments/agencies and elected officials; village governments and defense attorneys or lay advocates for professional purposes only.

PHYSICAL EFFORT & ENVIRONMENTAL FACTORS

The work is performed in a standard office environment, courtroom, and law enforcement environment and in the general community. The incumbent must be able to work under stressful conditions. The work may extend beyond the eight (8) hour daily schedule. Moderate travel on and off the Hopi Reservation is required.

MINIMUM QUALIFICATIONS

Education: Juris Doctorate, from an ABA accredited law school;

AND

Experience: Admitted to practice before the Supreme Court of the United States, a United States Circuit Court of Appeals, U.S. District Court, or the Supreme Court of any state, and in good standing. Prior prosecution experience, or related work in a criminal justice setting, is preferred but not mandatory.

KNOWLEDGE, SKILLS AND ABILITIES

- Tribal, state, and federal laws that relate to all phases of the criminal prosecution of Indian suspects, as well as those related to juvenile delinquency and minor children in need of care under the Hopi Children's Code;
- Judicial procedures; strong knowledge of the Federal Rules of Evidence and Criminal Procedure, and the Indian Civil Rights Act;
- Principles of jurisprudence and legal analysis/reasoning;
- Basic computer operations and software programs typically used in a legal office setting, including Microsoft Windows, Microsoft Word, Microsoft Outlook, Westlaw, Lexis or other computer-based legal research programs;
- Google and other software commonly used by the legal profession;
- Hopi Culture and Tradition, and way of life, generally applicable to criminal and Hopi Children's Court cases;
- The socio-economic realities typically existing on Indian Reservations;
- Fundamental social work principles applicable to Minor In Need of Care cases filed in the Hopi Family Court;
- Work on multiple projects and dockets while remaining organized, prioritizing matters to timely meet deadlines;
- Appear at court hearings and trials, representing the Tribe professionally, ethically and knowledgeably;
- Abide by the disciplinary rules and other requirements of the bar associations of which the incumbent is a member, as well as any disciplinary rules adopted by the Hopi Tribe to govern attorney practice on the Reservation. Maintain a high level of professionalism and ethics at all times;
- Work closely with tribal and other law enforcement agencies to pursue prosecution objectives, evaluate and process cases, provide training and legal advice;
- Comply with tribal laws and administrative policies;
- Exercise fair and independent judgement in resolving both criminal and civil matters concerning the Tribe and community;
- Clearly and succinctly articulate ideas and analytical reasoning both orally and in writing;
- Conduct computer-based legal research and write trial level and appellate level motions, briefs and other documents typical to criminal cases;
- Maintain effective working relationships with other employees, Tribal officials and the general public;
- Perform all physical requirements of the position, with or without accommodation;
- Communicate the law and complex ideas in a manner understandable to laypersons;
- Maintain a drug and alcohol-free workplace;
- Establish a relationship of trust with crime victims, their family members and other lay witnesses;
- To perform or direct routine office administrative functions.

NECESSARY SPECIAL REQUIREMENTS

1. Must possess a valid Arizona Driver's License and complete/pass the Hopi Tribe's Defensive Driving course.
2. Driving is an essential function of this position. Certification to operate a tribal vehicle for business purposes requires a valid Arizona driver's license. Incumbent must maintain a clear driving record to meet all necessary insurance requirements.
3. Possess or obtain within five (5) days of employment a License to Practice Law in the Hopi Tribal Courts and maintain such license.
4. Must complete and pass the pre-employment screening including fingerprint and background investigation in accordance with the Hopi Tribal policy.
5. Must be able to pass mandatory and random drug & alcohol screening.
6. Must never have been convicted of any felony or misdemeanor offense in any jurisdiction involving moral turpitude, violence/domestic violence, deceit, fraud, theft or misappropriation of funds. Conviction for any other misdemeanor may be reviewed by the Tribe on a case-by-case basis for possible waiver.