

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, 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.

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 an 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 death 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 98-68, on October 26, 1998. It was amended by the FSST Executive Committee by Resolution Number 18-62, on May 1, 2018.