

S. W. S. T. CODE  
 Amendment  
 New Adoption  
Judicial Approved  
12-29-94  
Council Adopted  
02-08-95

CHAPTER 64

SISSETON-WAHPETON SIOUX TRIBE

TRIBAL CORONER

- 64-01-01 IDENTIFICATION OF NEED FOR A CORONER**  
Whereas, a need exists for a position of Coroner within the Sisseton-Wahpeton Sioux Tribe also known as the Sisseton-Wahpeton Dakota Nation, to protect the health and general welfare of the Tribe pursuant to ARTICLE VII, SECTION 1. (g) and (h) of the Sisseton-Wahpeton Sioux Tribe, also known as the Sisseton-Wahpeton Dakota Nation, Tribal Constitution.
- 64-02-01 CREATION OF POSITION OF CORONER OF THE SISSETON-WAHPETON SIOUX TRIBE ALSO KNOWN AS THE SISSETON-WAHPETON DAKOTA NATION**  
There is hereby created a position of Coroner of the Sisseton-Wahpeton Sioux Tribe also known as the Sisseton-Wahpeton Dakota Nation, Indian Reservation as provided in this Chapter.
- 64-02-02 TERM**  
The appointed Coroner shall serve a term of five (5) years and shall be appointed by majority vote of the Tribal Council. Compensation shall be at a rate as established by Tribal Council.
- 64-02-03 VACANCIES**  
All vacancies occurring shall be filled by the Tribal Council in the same manner as in Section 64-02-02.
- 64-02-04 QUALIFICATIONS**  
No person shall be appointed Coroner unless such person:
1. Is an enrolled member of the Sisseton-Wahpeton Sioux Tribe.
  2. Has at least a high school diploma or equivalent.
  3. Is thirty (30) years of age or older.
  4. Has not been convicted of a felony or misdemeanor within one year previous to assuming office.
  5. Is of good moral character.
  6. Demonstrates a knowledge of the South Dakota Law and Order Code and County procedures; has an understanding of Federal law and court procedures; and demonstrates a knowledge of Tribal legal requirements and sensitivity to tribal religious and cultural beliefs.

7. Training will be provided by the Tribe on how to appropriately perform duties as Coroner.

**64-03-01 SCOPE OF AUTHORITY OF CORONER**

The Coroner may investigate any human death if a determination of the cause and manner of death is in the public interest, without limitation, to include:

1. All deaths where there exists a suspicion of unnatural causes including all deaths involving accident, homicide, suicide and those from an undetermined manner, regardless of suspected criminal involvement in the death;
2. All deaths where the identity of the victim is unknown or the body is unclaimed;
3. All deaths of Tribal inmates of any state, county or municipality operated correctional facility, to include any mental institution, special school, or other manner of custody;
4. All deaths believed to represent a public health hazard at the discretion of the Coroner, all deaths of children under two years of age resulting from an unknown cause or if the circumstances surrounding the death indicate that sudden infant death syndrome may be the cause of death; and,
5. Any case in which the death was sudden and the person was in a state of health where the death was unexpected.

**64-04-01 JOINT CUSTODY OF DEAD BODIES AND EFFECTS - MOVEMENT PROHIBITED**

As to any death in which the Coroner determines that investigation into cause and manner if which is in the public interest, the 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 which demonstrate a potential criminal circumstance of death. No dead body subject to the investigatory control of the Coroner shall be immediately removed from the place of the death without the Coroner's permission unless the body directly obstructs a public transportation right-of-way or poses an immediate health hazard. Where a death is under investigation by the Coroner, the body may not be embalmed without the express authority of the Investigating Coroner.

**64-05-01 CERTIFICATE PREPARED BY CORONER**

The Coroner shall prepare a medical certificate for all deaths over which he assumes jurisdiction.

- 64-06-01 AUTOPSY ORDERED BY CORONER**  
If determined to be in the public interest, the Coroner may order an autopsy on those deaths falling within his jurisdiction as listed in Section 64-03-01.
- 64-07-01 CORONER'S INQUEST**  
The Coroner may hold an inquest upon any death occurring within his jurisdiction if he finds that a determination of the cause and manner of death is in the public interest and/or upon a suspicion that the death was caused by unlawful means.
- 64-07-02** When it appears that the deceased most probably came to his death by unlawful means, the coroner shall so notify the Tribe's Chief of Police.
- 64-07-03** When further inquiry is deemed necessary, the Coroner, with the aid of the Tribe's Chief of Police, shall summon three persons qualified by law to serve as jurors within the Tribal Court, to appear before the Coroner and Tribal Chief of Police at the place where the body is at or such other place within the reservation as may be designated by the Coroner and Tribal Chief of Police to inquire into the cause of death.
- 64-07-04** The jurors thus summoned must be sworn by the Coroner to inquire into who the person was and when, where, and by what means he came to his death and into the circumstances attending his death and to render a true verdict on the death according to the evidence offered to them or arising from the inspection of the body.
- 64-07-05** The jurors shall be selected at random from a listing of eligible jurors that is furnished to the Coroner by the Tribal Court's Clerk of Court. If any juror fails to appear, the Coroner shall summon up the proper number of jurors, three, from bystanders or substitutes, who shall then function the same as a juror.
- 64-07-06** In order to make further inquiry the Coroner may call and/or subpoena as necessary, utilizing the services of the Tribal Court, witnesses as deemed necessary to determine the circumstances of the death.
- 64-07-07** In any inquisition by the Coroner, when he deems it requisite, he may summon one or more physicians to make a further examination.
- 64-07-08** The finding and results of the inquest shall then be delivered up to the Tribe's Chief of Police for processing and coordination with other law enforcement entities as deems appropriate.

64-08-01 VIOLATION OF THIS CODE

Any violation of this Chapter shall be deemed a Class (1) Misdemeanor under Section 25-08-01.

64-09-01 SEVERABILITY

If any clause, sentence, paragraph, section, or part of this code shall, for any reason be adjudicated, to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgement shall have been rendered.

S.W.S.T. CODE

Amendment

New Adoption

Judicial Approved

02-24-88

Council Adopted

03-01-88