



Eastern Band of Cherokee Indians

TRIBAL PROSECUTOR II

Position Description

Program:	Criminal Law Department	Reports to:	Senior Tribal Prosecutor
Division:	Office of the Attorney General	Position Number:	931017004
Classification:	Professional	Revision Date:	10/01/2022
Pay Level:	17	Safety Sensitive:	No

PERFORMANCE EXPECTATIONS

In performance of their respective tasks and duties all employees of the Eastern Band of Cherokee Indians (EBCI) are expected to conform to the following:

- Uphold all principles of confidentiality to the fullest extent.
- Adhere to all professional and ethical behavior standards of the Tribal Government.
- Interact in an honest, trustworthy, and respectful manner with employees, Tribal members, visitors, and vendors.
- Participate in departmental staff meetings, quality management activities and educational programs.
- Embody respect and understanding of EBCI traditions and values.
- Display willingness, initiative, and teamwork, to perform other duties as requested.

POSITION PURPOSE

Prosecutes criminal and juvenile charges in Cherokee Court. Provides assistance and advice to investigators in the field at crime scenes and during investigations. Assists in training Cherokee Police Department in the investigation techniques and the development of criminal cases for successful prosecution. Engage in quality control measures to ensure criminal justice system is operating for successful prosecutions. Prosecutes criminal cases in Federal Court as a Special Assistant United States Attorney (SAUSA). Communicates and coordinates assistance on a regular basis with Federal and state officials who have concurrent jurisdiction over criminal and juvenile matters on Cherokee land.

ESSENTIAL DUTIES, FUNCTIONS, & RESPONSIBILITIES

- Develop and prosecute criminal cases occurring within the jurisdiction of the Eastern Band of Cherokee Indians (EBCI), including delinquency.
- Pursues and maintains SAUSA cross-deputization in the Federal courts.
- Maintains good community relations by providing efficient and comprehensive quality of service for the Tribe.
- Assists in drafting legislation affecting criminal and juvenile law for consideration by Tribal Council, as directed by Legal Director of the Criminal Law Department.
- Ensures successful Prosecution of criminal cases by engaging in continuous quality improvement methodologies to improve the overall criminal justice system.
- Is aware and identifies the causes or barriers to successful prosecution.
- Takes action to address and remedy system failures to successful prosecutions.
- Assists Director of Criminal Law Department with training of Cherokee Police Department regarding investigation and prosecution of both criminal and juvenile matters.
- Works closely with Chief of Police to develop training modules and locate outside trainers as necessary.
- Confers with Director of Criminal Law Department, Cherokee Attorney General and United States (U.S.) Attorney in making referrals and developing cases that must be prosecuted in Federal or State Court.
- Complies with all applicable rules of legal ethics including the North Carolina Rules of Professional Conduct as they relate to criminal prosecutions.
- Attends and provides leadership at multi-disciplinary team meetings, Advisory Committee meetings, and other community based meetings as directed by the Director.

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- Performs job duties according to established safety guidelines and Tribal policies.

Scope of Supervision:

Assist in supervision as requested by Legal Director of Criminal Law Department. As directed by the Legal Director of the Criminal Law Department. Works under the direct supervision of the Director of the Department and concurrent supervision of the U.S. Assistant Attorney General when prosecuting federal crimes in federal district court. The U.S. Attorney will update the Director of the Department on performance of duties as a SAUSA.

MINIMUM MANDATORY QUALIFICATIONS

Education: Juris Doctor Degree required.

Licenses & Certifications: Valid, insurable NC Driver's License required. Being a member in good standing of the North Carolina State Bar is required.

KNOWLEDGE, SKILLS, & ABILITIES

Key Job Knowledge:

- Requires a thorough knowledge of the laws, policies, procedures, and guidelines of the Eastern Band of Cherokee and the Cherokee Court.
- Must be able to compile and analyze legal data.
- A thorough knowledge of Tribal, Federal, and State criminal law and procedure and Indian law as it relates to criminal jurisdiction is required.
- Requires knowledge of North Carolina State Bar Code of Ethics.
- Good communication skills, both verbal and written, are required.
- Must be able to work independently.
- Requires ability to operate a computer, facsimile, copy machine, and other related office equipment is required.
- Must have the ability to plan, organize, take initiative to ensure the Tribal criminal justice system operates to provide justice to tribal members and residents of the EBCI.
- Must be a member in good standing of the North Carolina State Bar.
- Nine (9) months would be required to become proficient in most phases of the job.

Safety/Accuracy Focus:

Timeliness and accuracy are essential, and adherence to sound legal practices is paramount. Results of work have a great impact on the administration of justice in the Cherokee Court, Federal Court and on the lives of victims of crime and those who are charged with crimes.

Key Relationships:

Contacts include Tribal members, Tribal officials, Bureau of Indian Affairs (BIA) staff, law enforcement officers of Tribal, County, State and Federal agencies; attorneys; judges; state courts; state agencies; and the general public. Contacts are made to exchange ideas and information and a high degree of tact, courtesy, and professional decorum are required. Ensuring public respect for the Court is paramount at all times.

Resourcefulness & Initiative:

Follows well defined Tribal procedures and guidelines. Initiative is required to maintain accuracy, establish work priorities, and meet scheduled timeframes.

Discretion – Confidential Data:

Access to confidential and proprietary data and information which is not known by the public may occur during employment. Exercise excellent professional discretion regarding confidential and proprietary data and information, never disclosing or misusing such information. Has access to police investigation records, court records, legal documents, records and proceedings.

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All such matters are likely to be confidential until a final public decision is made by the Court. Must adhere to all tribal confidentiality policies and procedures in performance of job duties. Must follow North Carolina State Bar Rules

Complexity of Duties:

This position includes completing tasks of varying complexity levels. Ability to analyze complex legal and factual issues and to exercise skill and tact is essential. The greater parts of duties are performed independently. Requires the ability to solve problems, assess situations, and develop appropriate legal opinions. Must use judgment and initiative to maintain accuracy of work. Must be resourceful when responding to changing circumstances. Must be able to work well with law enforcement officials to maintain open lines of communication in an effort to assist with any and all necessary education and training required for successful investigations and prosecutions with both tribal and federal courts

PREFERRED QUALIFICATIONS

Prior criminal justice experience in the Cherokee Court.

WORK ENVIRONMENT

Work Environment: Unusual work schedule may be required to coordinate with police department in prosecution of criminal cases and juvenile cases, including nights and weekends as required. May be required to work long or difficult shifts to coordinate with enforcement officers and make necessary appearance before Courts or Council. May be required to travel beyond business office to scenes of current or recent criminal activities, in all conditions and at irregular times and will be required to travel to Asheville for federal court. May be required to conduct "ride-along" with law enforcement officers to provide legal advice in the enforcement of criminal offenses. Must occasionally travel to meetings, seminars, and other public events within the reservation, in Western North Carolina, and in other parts of the state and country.

Mental/Visual/Physical Effort: Must be able to lift 25 pounds and carry 5 pounds on a repetitive basis. High levels of concentration and attention to detail are required along with general observation necessary for problem solving. Job duties requires physical efforts of sitting, standing, walking, bending, reaching with arms and hands, good eye/hand/foot coordination, manual dexterity, and visual acuity. Must be able to hear and speak.

OTHER

Confidentiality: All employees must uphold all principles of confidentiality to the fullest extent. Sensitive information must be kept secure; a breach of these principles may be grounds for disciplinary action, up to and including immediate termination.

Background Investigation: All employees are required to complete a background investigation. Results of the background investigation will be evaluated against the requirements of the position, and as applicable to federal and state requirements. Candidates must be able to successfully pass all required background checks for data sensitive positions and for those positions subject to a 101-630 background check to ensure compliance with Public Law 101-630 "Indian Child Protection and Family Violence Prevention Act."

Drug Screening: All applicants must successfully pass a preemployment drug screening prior to beginning employment. Random drug testing will be carried out based upon position requirements.

***Disclaimer:** The information on this position description has been designed to indicate the general nature and level of work performance by employees in this position. It is not designed to contain, or be interpreted as, a comprehensive inventory of all duties, responsibilities and qualifications required of employees assigned to this position. Employees will be asked to perform other duties as needed.*

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ACKNOWLEDGMENT

I have reviewed the content of the **Tribal Prosecutor II** position description and have been provided a copy of such position description. I certify that I am able to perform the essential functions of this position as outlined in this description.

Employee (printed name)

Employee (signature)

Date

Supervisor (printed name)

Supervisor (signature)

Date