

LAW AND ORDER CODE
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LAW AND ORDER CODE

ARTICLE I

GENERAL PROVISIONS

[NOTE: Except as otherwise noted, the provisions of Article I of the Law and Order Code were enacted on June 22, 1974 by Ordinance No. 26. As amended, Feb. 15, 1975 by Ord. No. 26C; May 7, 1976 by Ord. No. 26D; July 30, 1980, Ord. No. 26H; July 17, 1981 by Ord. No. 26I; June 12, 1982, Ord. No. 26P; November 13, 1982, Ord. No. 82-1; August 2, 1984, Ord. No. 84-9; December 13, 1985 by Ord. No. 85-6; August 29, 2001 by Ord. No. 02-01; December 11, 2001 by Tribal Council Resolution No. 201-01; April 11, 2003 by Ordinance No.01-03.]

CHAPTER A. JURISDICTION

Section 101. Personal Jurisdiction.

Subject to any limitations, restrictions or exceptions imposed by or under the authority of the Constitution or laws of the United States, or by the Constitution or By-Laws of the Tribes, or by ordinances of the Tribes, or by express provisions elsewhere in this Code, the courts of the Tribes shall have civil and criminal jurisdiction over the following persons:

- a. Any person residing, located or present within the Reservation for:
 - (1) any civil cause of action; or
 - (2) any charge of criminal offense prohibited by this Code or ordinances of the Tribes when the offense alleged to have occurred within the Reservation.
- b. Any person who transacts, conducts or performs any business or activity within the Reservation, either in person or by an agent or representative, for any civil cause of action or charge of criminal offense prohibited by this Code or ordinances of the Tribes arising from such business or activity.
- c. Any person who owns, uses or possesses any property within the Reservation, for any civil cause of action or charge of criminal offense prohibited by this Code or ordinances of the Tribes arising from such ownership, use or possession.
- d. Any person who commits a tortious act or engages in tortious conduct within the reservation, either in person or by an agent or representative, for any civil cause or action arising from such act or conduct.
- e. Any person who commits a criminal offense prohibited by this Code or ordinances of the Tribes, by his own conduct or the conduct of another for which he is legally accountable, if:

- (1) The conduct occurs either wholly or partly within the Reservation; or
- (2) The conduct which occurs outside the Reservation constitutes an attempt, solicitation, or conspiracy to commit an offense within the Reservation, and an act in furtherance of the attempt or conspiracy occurs within the Reservation; or
- (3) The conduct which occurs outside the Reservation constitutes an attempt, solicitation, or conspiracy to commit in another jurisdiction an offense prohibited by this Code or ordinances of the Tribes and such other jurisdiction.

None of the foregoing bases of jurisdiction is exclusive, and jurisdiction over a person may be established upon anyone or more of them as applicable.

Subject to the provisions of Section 102, nothing contained within this Code shall be deemed to constitute a waiver or renunciation of the sovereign immunity of the Tribes to suit, which immunity is hereby reaffirmed.

Section 102. Subject Matter Jurisdiction.

A. Notwithstanding any other provision of law, for purpose of this section, the term "Person" shall mean any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, a state of the United States, any county, city, municipality, district, or other political subdivision of a state, or any other group or combination acting as a unit but does not include the Colorado River Indian Tribes, any of its enterprises or subdivisions or any of its officers, agents or employees while acting in their official capacity.

B. Subject to any limitations, restrictions or exceptions imposed by or under the authority of the Constitution or laws of the United States, or by the Constitution or Bylaws of the Tribes, or by the ordinances or codes of the Tribes, or by express provision elsewhere in this Code, the courts of the Tribes shall have jurisdiction over all civil causes of action and over all controversies between any persons. Subject to the same limitations, restrictions or exceptions, the courts of the Tribes shall have criminal jurisdiction over all offenses prohibited by ordinances or codes of the Tribes.

C. The courts of the Tribes shall have jurisdiction to determine any claim of violation of Section 202 of Title II, P.L. 90-284 (82 Stat. 77) enacted by the Congress of the United States on April 11, 1968, the Constitution or Bylaws of the Tribes, or of any ordinances or codes of the Tribes and to grant appropriate relief for injustice or deprivation resulting directly and exclusively from such violation only upon an express and effective waiver of the Tribe's sovereign immunity from unconsented suit.

D. No action brought against the Tribes under this section shall be brought in the name of an enterprise, subdivision, agent or elected official of the Tribe but shall be brought in the name of

the Colorado River Indian Tribes.

E. Service of process in any action brought against the Tribes shall be individually made both on the Chairman of the Colorado River Indian Tribes and the Tribal Attorney of the Colorado River Indian Tribes. Notwithstanding any other provision of law, service made in any other manner on the Tribe will be invalid and ineffective.

F. Nothing contained in subsection (C) shall be deemed to constitute a waiver or renunciation of the sovereign immunity of the Tribes for any purpose.

[As Amended December 13, 1985, Ord. No. 85-6.]

Section 103. Concurrent Jurisdiction.

The jurisdiction invoked by this Code over any person, cause or subject shall be concurrent with any valid jurisdiction over the same of the courts of the United States, any state, or any political subdivision thereof; provided, however, this Code does not recognize, grant, or cede jurisdiction to any other political or governmental entity which jurisdiction does not otherwise exist in law.

CHAPTER B. ADMINISTRATIVE PROVISIONS

Section 104. Definitions and Construction.

a. In this Code, except where otherwise specifically provided or unless the context otherwise requires, the following terms and expressions shall have the meanings defined below wherever they are utilized in this Code.

- (1) "Code" means this Law and Order Code of the Colorado River Indian Tribes, consisting of Article I (General Provisions), Article II (Courts and Procedures), Article III (Criminal Offenses), Article V (Removal of Non-Members) and Article VI (Traffic Control and Operations of Vehicles), together with all the amendments, additions or modifications which may be enacted from time-to-time by the Tribal Council.
- (2) "Colorado River Indian Tribes" means the membership and the organization of the Colorado River Indian Tribes of the Colorado River Indian Reservation, under and pursuant to its Constitution and By-Laws, as amended, ratified July 17, 1937 and approved August 13, 1937, in accordance with the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended.
- (3) "Tribal Council" means the Tribal Council of the Colorado River Indian Tribes existing and functioning pursuant to the Constitution and By-Laws of the Colorado River Indian Tribes.

- (4) "Reservation" means the Colorado River Indian Reservation as established, existing and geographically defined under the Laws of the United States, encompassing all territory within its exterior boundaries as now or hereafter prescribed or ascertained, including fee patented lands, allotted lands, townsites, roads, waters, bridges, and lands and rights of way owned, used and claimed by any person.
- (5) "Tribe" means the Colorado River Indian Tribes, and "tribal" means belonging or pertaining to the Tribes.
- (6) "Tribal Court" means the court created, existing and operating under the provisions of Chapter A of Article II of this Code, and the judges of that court, collectively and individually, serving and acting in that office and capacity.
- (7) "Appeals Court" means the court created, existing and operating under the provisions of Chapter B of Article II of this Code, and the judges of that court, collectively and individually, serving and acting in that office and capacity.
- (8) "Juvenile Court" means that division of the Tribal Court created, existing and operating under the provisions of Article IV [now Article 1 of the Domestic Relations Code] and Section 201.e. of Chapter A of Article II of this Code, and the judges of that court, and the judges of that court, collectively and individually, serving and acting in that office and capacity.
- (9) "Courts of the Tribes" means the Tribal Court, including the Juvenile Court, and the Appeals Court.
- (10) "Court" means that one of the courts of the Tribes to which the reference is intended to apply as determined by the particular section of this Code in which the reference is made, and all and each of the judges of that court acting collectively and individually in that office and capacity.
- (11) "Judge" means a judge of the court which is the subject of the particular section of this Code in which the reference is made.
- (12) "Criminal" means a reference to these offenses under this Code and any other ordinance of the Tribes for which upon conviction a person may be subject to a fine or be imprisonment, or both and to the cases involving such offenses or alleged offenses, and to the procedures for trial or other disposition of them.
- (13) "Civil" means a reference to all non-criminal issues, matters, subjects, cases and controversies between or among any persons.
- (14) "Person" means any natural individual or person, of any age, and also any

corporation, partnership, association, company, agency, (public, private, or governmental), institution or other identifiable entity whether or not it had legally recognizable status.

- (15) "Party" means any person who is a participant, or involved in or the subject of or to, whether active or inactive, voluntary or involuntary, including one made a party by the action of another person, in or to any case, trial, hearing, controversy, matter, relationship or proceeding which is encompassed within any procedure under this Code.
- (16) "Property" means realty and personal, of whatever nature, including fixtures, money, claims, and intangible rights and interests in property.

b. In construing the provisions of this Code, unless the context otherwise requires, the following shall apply:

- (1) This Code shall be liberally construed to effect its purpose and to promote justice.
- (2) Words in the present tense include the future and the past tenses.
- (3) Words in the singular number include the plural, and words in the plural number include the singular.
- (4) Words of the masculine gender or neuter include masculine and feminine genders and the neuter.
- (5) The prosecution of all criminal offenses and the conduct of all procedures pertaining to their trial or other disposition shall be in the name and for the benefit of the Tribes.
- (6) Each appointment to be made by the Tribal Council under the provisions of this Code shall be by resolution requiring the affirmative vote of at least six (6) members of the Tribal Council, except for the temporary appointment of judges to the Tribal Court and Appeals Court, which appointments shall require only a majority vote of a quorum at a special or regular meeting of the Tribal Council.

[As Amended July 30, 1980, Ord. No. 26H, § 1; November 13, 1982, Ord. No. 82-1; August 29, 2001, Ord. No. 02-01.]

Section 105. Judicial Clerk.

a. A person shall be appointed by the Tribal Council, with the approval of the Chief Judges of the Tribal Court and the Appeals Court, to serve all of courts of the Tribes as clerk, and such person shall be designated as Judicial Clerk. Upon the recommendation of the Chief Judges of

the Tribal Court and the Appeals Court, the Tribal council may appoint assistants for the Judicial Clerk. The Tribal Council shall prescribe the salaries of the Judicial Clerk and any assistants, which shall be paid by the Tribe. The salary of a person appointed and serving as Judicial Clerk or as an assistant Judicial Clerk shall not be reduced while he is so serving without the approval of the Chief Judges of the Tribal Court and the Appeals Court. Any person serving as Judicial Clerk or as an assistant Judicial Clerk may be discharged from that position only by the joint decision of the Chief Judges of the Tribal Court and the Appeals Court.

b. The Judicial Clerk shall be responsible to the courts of the Tribes for the administrative functioning of those courts, and for such other administrative and ministerial duties as may be prescribed by this Code or assigned to him by the Chief Judge of either the Tribal Court or the Appeals Court. The duties of the Judicial Clerk shall include but shall not be limited to, the following:

- (1) Maintaining records of all court proceedings, to include identification of the title and nature of the case, the names of the parties, the substance of the complaint, the names and addresses of all witnesses, the dates of hearings and trials, names and addresses of all parties and witnesses appearing at all hearings or trials, all court and jury rulings, findings, orders and judgments, and other facts or circumstances designated by the judges of the courts and deemed of importance by the Judicial Clerk;
- (2) Maintaining all pleadings, documents, and other materials filed with the courts;
- (3) Maintaining all evidentiary materials, transcripts, and records of testimony filed with the courts;
- (4) Collecting and accounting for fines and other moneys and properties taken into custody of the courts;
- (5) Preparing and serving notices, summons, subpoenas, warrants, rulings, findings, opinions and orders as prescribed by this Code and as may be designated by the judges of the courts;
- (6) Assisting other persons in the drafting and the execution of complaints, petitions, answers, motions and other pleadings and documents for court proceedings; provided, however, the Judicial Clerk and his assistants shall not give advice on questions of law, nor shall they appear or act on behalf of any other person in any court proceeding;
- (7) Administering oaths and witnessing execution of documents;
- (8) Maintaining a supply of blank forms to be prescribed by the courts for use by all persons having business before the courts;

- (9) Providing copies of documents in court files to other persons upon request, and upon receipt of a charge therefor to be prescribed by the Judicial Clerk to cover the cost of such service; provided, however, there shall be no charge for such service to the judges of the courts and, provided further, no copies of documents or material shall be provided from files which are to be kept confidential or unavailable for public inspection pursuant to any provisions of this Code or other ordinance of the Tribes, or if prohibited by any court order;
- (10) Providing security for all files, documents and materials filed with or in the custody of the courts, and insuring that they are not removed from the offices of the Judicial Clerk and the courts except upon the specific instructions of a judge of the courts;
- (11) Maintaining a library of laws, regulations, orders, opinions, and decisions of the United States and its administrative agencies and courts, the Tribal Council and the courts of the Tribes, and of the various states, insofar as they may be pertinent to the administration of justice for the Tribes and within the Reservation. The acquisition of such materials shall be subject to appropriations of funds therefor by the Tribal Council. Materials in the library shall be available for use in the office of the Judicial Clerk during normal working hours by any person subject to the jurisdiction of the courts of the Tribes, and his authorized representatives.

Section 106. Counsel.

- A. Any person or entity who is a party in a civil or criminal matter before any of the courts of the Tribes may be represented by:
- (1) himself or in the case of an entity, a duly appointed agent;
 - (2) any member of the Tribes, except the Judicial Clerk, an assistant Judicial Clerk, a judge of any of the courts of the Tribes, a member of the Tribal Council, or any Tribal law enforcement official;
 - (3) an advocate or professional attorney who is not a member of the Tribes but who is employed by the Tribes to represent persons or entities before the courts of the Tribes.
 - (4) a professional attorney who is not a member of the Tribes but who is licensed hereunder to practice law before the courts of the Tribes. Any party desiring the services of a professional attorney shall arrange for and bear the expenses of such representation.
- B. The Tribes may be represented by a person, advocate or professional attorney employed,

retained, under contract or otherwise duly authorized to represent the Tribes.

- (1) No such person, advocate or professional attorney shall be appointed to represent any person or entity in any civil or criminal matter, in any of the courts of the Tribes.
- (2) Notwithstanding any other provision of law, no such person, advocate or professional attorney shall be prohibited or prevented from representing the Tribes in any civil or criminal matter before any of the courts of the Tribes except by express action of the Tribal Council.

C. No person or entity shall be entitled to representation provided at the expense of the Tribes in any civil or criminal matter before any of the courts of the Tribes.

D. No person, advocate or professional attorney shall be appointed to represent any person or entity before the courts of the Tribes except as specifically authorized by ordinance of the Tribes.

E. All criminal trials will be prosecuted before the Tribal Court by a member of the Tribal Police Department, who shall be designated by the Chief of that Department, unless either:

- (1) The complaining witness or person claiming to be injured by the alleged offense gives a written notice to the Chief of the Tribal Police Department, at least three days prior to trial, that he elects to serve as prosecutor, in which event, unless the Tribal Council appoints a prosecutor, he shall be entitled to so act, personally but not by counsel, in addition to appearing as a witness; or
- (2) The Tribal Council appoints a prosecutor for that trial, or for trials during a prescribed period of time to be designated by the Tribal Council and which includes that trial. If such a prosecutor is appointed, he shall conduct the prosecution of the trial to the exclusion of all other persons except for their appearance as witnesses. Such a prosecutor must be appointed by the Tribal Council for any trial in which any member of the Tribal Police Department is a defendant or for which more than one complaining witness or allegedly injured person seeks to serve as prosecutor.

F. The Tribal Council shall appoint a person to represent the prosecution in appeals of criminal trials and matters from the Tribal Court to the Appeals Court. This appointment may be either for individual cases or matters, or it may be a continuing appointment for such cases and matters which may be subject from time to time for such appeals. The appointment in individual cases may be of the complaining witness or person claiming to be injured by the alleged offense, but he shall serve personally and not by a counsel.

G. Professional attorneys who are not members of the Tribes may appear on behalf of any

party (except for a complaining witness in a criminal case or for a person claiming to be injured by the alleged criminal offense), in any trial or proceeding before the courts of the Tribes, provided that they have a license in force to practice law before the Courts of the Tribes, issued by the Judicial Clerk and approved by the Chief Judges of the Tribal Court and the Appeals Court. Such a license shall be issued and approved upon the applicant complying with all of the following requirements:

- (1) Filing with the Judicial Clerk an affidavit that the applicant is licensed to practice law before a United States District Court and the Supreme Court of a state of the United States.
- (2) Filing with the Judicial Clerk an affidavit that the applicant has studied and is familiar with the Constitution and By-Laws of the Tribes, this Code, all other ordinances of the Tribes, Title 25 of the United States Code, and Title 25 of Code of Federal Regulations.
- (3) Paying an annual license fee as prescribed by the Tribal Council.
- (4) Taking the following oath before the Judicial Clerk:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and By-Laws of the Colorado River Indian Tribes;

"I will maintain the respect due to the Courts of the Colorado River Indian Tribes and their judicial officers;

"I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly valid or debatable under the law;

"I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and I will never seek to mislead any judge or jury by any artifice, or by false statement or misrepresentation of fact or law;

"I will employ in the conduct of my duties the highest degree of ethics and moral standards with which my profession is charged, and I will be guided at all times by the quest for truth and justice;

"In the conduct of my duties as an attorney I will not impugn the morals, character, honesty, good faith, or competence of any person, nor advance any fact prejudicial to the honor of reputation of any person unless required by the justice of the cause with

which I am charged."

H. A license issued pursuant hereto may be revoked or suspended by the Tribal Court. Such action may be taken on its own motion by that court or upon sworn complaint by any member of the Tribes filed with it. Revocation or suspension shall be ordered only after written notice to the licensee of the motion or complaint and after a hearing before that court. Following such a hearing that court may revoke or suspend the license upon a finding that the licensee been disbarred or suspended from the practice of law by any court of the United States or any state, or has filed a false affidavit with the Judicial Clerk to obtain his license, or has violated his oath made before the Judicial Clerk, or has been guilty of misconduct or unethical conduct in the performance of his duties as an attorney, or has been guilty of contemptuous conduct toward one of the courts of the Tribes.

[As Amended May 7, 1976, Ord. No. 26D; June 12, 1982, Ord. No. 26P; August 2, 1984, Ord. No. 84-9.]

Section 107. Contempt of Court.

a. Willful and unjustifiable misbehavior by any person which disrupts, obstructs or otherwise interferes with the conduct of any proceeding by any of the courts of the Tribes, or which obstructs or interferes with the administration of justice by any of the courts of the Tribes, or which constitutes disobedience or resistance to or interference with any lawful summons, subpoena, process, order, rule, decree or command of any of the courts of the Tribes shall constitute contempt of the court.

b. When contempt of court is committed in the presence of such court it may be punished summarily by that court. In such case an order shall then be made reciting the facts constituting the contempt, adjudging the person guilty of contempt, and prescribing the punishment therefor.

c. When it appears to the court that a contempt may have been committed out of the presence of the court, the court may issue a summons to the person so charged directing him to appear at a time and place designated for a hearing on the matter. If such a person served with a summons fails to appear at a time and place so designated, the court may order his arrest and the delivery of him forthwith before the court for hearing. The court shall conduct a hearing, and if it finds him guilty of contempt, an order shall then be made reciting the facts constituting the contempt, adjudging the person guilty of contempt, and prescribing the punishment therefor.

d. Any person found in contempt of court as specified in this Section or elsewhere in this Code or any ordinances of the Tribes may be sentenced by the court by imprisonment for a period not to exceed thirty (30) days, or a fine not to exceed One Hundred and Fifty Dollars (\$150.00), or both.

Section 108. Notices and Service.

a. Any notice or process to any person or party which is required or may be given or served under any provision of this Code shall be served in accordance with one of the following provisions as applicable.

- (1) If to a natural person, by delivering it to him personally, or by leaving it at his usual place of residence with a member of his family of the age of eighteen (18) years or older.
- (2) If to any other than a natural person, by delivering it personally to any owner, proprietor, officer, director, partner, member, associate, principal stockholder, manager, foreman, or supervisor of such person, or by leaving it at any of its offices or places of business with its principal employee, agent or representative at that place.
- (3) In any trial, case or proceeding pending before any of the courts of the Tribes, if a person has made any appearance in that trial, case or proceeding, as a party or otherwise, by personal appearance, by counsel, or by filing a complaint, answer, motion or other pleading, then any subsequent notice in that same trial, case or proceeding may be served upon him by United States mail. Such a notice shall be addressed to him at the address indicated by or at his appearance, or his last known address, or the address of his counsel if his appearance was made by counsel.

b. Except as otherwise provided by this Code, any notice, order, summons, subpoena, judgment or command of, from or by one of the courts of the Tribes, and any such process or communication on behalf of the prosecution in any criminal case, shall be served or executed by the Judicial Clerk, an assistant Judicial Clerk, a member of the Tribal Police Department, or some other person designated for that purpose by that court. Any notice, complaint, pleading, instrument, or process of or by any party to any civil trial, case or proceeding before any of the courts of the Tribes may be served by any person of the age of eighteen (18) years or older who is not a party thereto. Upon the request of any party in such civil matter, such service will be made for him within the Reservation by the Judicial Clerk, or an assistant Judicial Clerk, and the expense thereof will be charged to that party. Any service or execution hereunder shall be verified by a certificate of the person making the service of execution, stating upon whom, when, how and where it was made. That certificate shall be filed with the court.

c. Alternative methods of service.

- (1) Registered Mail. If any person or party has not made an appearance in a trial, case or proceeding pending before the courts of the Tribes, so that the provisions of Section 108a. (3) are not applicable, and that person or party cannot be located within the Reservation but the whereabouts of that person or party outside the Reservation are known, service may be obtained by depositing a copy of the notice or process in the U.S. mails, addressed to the person or party to be served,

by registered or certified mail with request for a return receipt signed by the addressee only. Upon return through the United States mails of the receipt, signed by the addressee, the person so serving the notice or process shall file the return receipt with the court, together with an affidavit alleging, (i) the circumstances warranting the utilization of the procedure authorized under this Section 108c (i), (ii) that a copy of the notice or process was mailed to the person or party being served, (iii) that it was in fact received by said person or party as evidenced by the attached receipt, and (iv) the date of the return of the receipt to the serving person. The affidavit shall be prima facie evidence of personal service. Such service shall be with the same force and effect as if made pursuant to Section 108a. (1) or (2).

- (2) Publication. Service by publication shall be allowed only in or for a trial, case or proceeding affecting specific property or status or other proceedings in rem. Service by publication may be had upon unknown persons, a corporation which cannot be served because no person can be found upon whom such service can be made, a non-resident of the Reservation, a person who has departed from the Reservation without intention of returning, a person who conceals himself to avoid service of process, or a person whose whereabouts are unknown or who cannot be served by personal service.
 - a. The person or party desiring service of notice or process by publication shall file a motion verified by the oath of such party or of someone in his behalf for an order of publication. It shall state the facts authorizing such service, and shall show the efforts, if any, that have been made to obtain personal service, and shall give the address, or last known address, of each such person or party to be served or shall state that his address and last known address are unknown. The court shall hear the motion ex parte and, if satisfied that due diligence has been used to obtain personal service or that efforts to obtain the same would have been to no avail, it shall order publication of the notice or process in a newspaper published or publically distributed within the exterior boundaries of the Reservation, at least once a week for four successive weeks, and the service shall be complete on the day of the last publication. Within fifteen (15) days after the order, the person making the service shall mail a copy of the notice or process to each person whose address or last known address has been stated in the motion. Proof of service by publication shall be by affidavit of publication by the publisher, or his designee, of the newspaper in which it appeared, together with an affidavit of the person making the service as to the mailing of a copy of the notice of process.

D. At any time in its discretion and upon such terms as it deems, just, the court may allow any notice, process or proof of service thereof to be amended, unless it clearly appears the material prejudice would result to the substantial rights of the person or party against whom the

notice or process issued.

E. Subject to the exceptions expressly set forth below and elsewhere in this Code, no trial or hearing in any matter, case or proceeding shall be conducted by any of the courts of the Tribes unless all parties to it have been given at least five (5) days advance written notice, which notice shall include identification of the subject of the trial or hearing, and the time and place at which it will be conducted. Exceptions to that requirement are as follows:

- (1) No trial or hearing shall be conducted in any matter, case or proceeding less than twenty (20) days after both filing of the original complaint, application, or petition by which it was commenced and service of a copy of it upon all other parties, unless the other parties consent to an earlier trial or hearing; provided, however, that if original service in a trial, case or proceeding upon a person or party is obtained pursuant to the provisions of Section 108.C.(1) or (2), the time specified in this Section 108.E.(1) shall be thirty (30) days.
- (2) If any notice of any trial or hearing is given by mail pursuant to the provisions of Section 108.A.(3), an additional five (5) days shall be allowed prior to the trial or hearing.

Section 109. Assistance to the Courts.

A. In any trial, case or proceeding pending before one of the courts of the Tribes, the court on its own motion may request the advice and assistance of employees of the United States Bureau of Indian Affairs upon any issue or matter to be considered or decided by him. Any testimony on issues of fact by such an employee shall be given under oath in open court, and the employee shall be subject to cross-examination by any party, in the same manner and on the same basis as any other witness. Any advice or recommendations by such an employee to the court shall also be in open court, subject to rebuttal by any party. No testimony of such an employee shall be taken, nor shall his advice or recommendations be given, except at a scheduled trial or hearing preceded by notice to all parties.

B. The court of the Tribes may request and obtain advice, recommendations and opinions on questions of law from attorneys of the Office of the Solicitor of the United States Department of the Interior, and the United States Department of Justice, and from the general attorney retained by the Tribes. Any such advice, recommendation or opinion obtained specifically to aid in the disposition of a pending trial, case, or proceeding thereto shall be written, and copies shall be made available to all parties thereto prior to any decision on the subject by the court.

Section 110. Law Applicable in Civil Actions.

A. In all civil cases the Tribal Court shall apply any ordinances or customs of the Tribes. Where any doubt arises as to the customs and usages of the Tribes, the Court may request the advice of tribal members familiar with the customs and usages.

B. In the event that a case or controversy arises which is not covered by the traditional customs and usages of the Tribes, or ordinances of the Tribal Council, the Court may be guided by appropriate Federal law and regulations or by the laws of the State of Arizona or California.

C. Repealed.

[As Amended December 11, 2001 by Tribal Council Resolution No. 201-01; and repealed April 11, 2003 by Ordinance No.01-03.]

Section 111. Appropriations.

A. The Tribal Council shall appropriate and authorize the expenditure of tribal funds for the operation of the courts of the Tribes. The amounts to be so appropriated shall be as determined by the Tribal Council, consistent with the needs of the courts for proper administration of justice within the Reservation and for the Tribes.

B. To assist the Tribal Council in making such appropriations, the Chief Judges of the Tribal Court and the Appeals Court shall submit proposed budgets and reports of expenses and expenditures to the Tribal Council, at such intervals and in such form as may be prescribed by the Tribal Council. Such budgets and reports shall include the operation of the office of the Judicial Clerk.

C. The Tribal Council may prescribe a system of accounting for funds received from any source by the courts of the Tribes and the Judicial Clerk.

Section 112. Effective Date, Repeals and Amendments.

A. This Code shall become effective on June 22, 1974.

B. Upon the effective date of this Code, the following are repealed:

- (1) Chapters I, II, III, (Sections 1 through 19), IV, V, VI and VIII of the Law and Order Code of the Colorado River Indian Tribes, each separately adopted by the Tribal Council on January 6, 1940.
- (2) Ordinance No. 4 of the Tribal Council adopted January 6, 1945, as amended April 19, 1969.
- (3) Ordinance No. 13 of the Tribal Council adopted November 3, 1956.
- (4) Ordinance No. 16 of the Tribal Council adopted November 13, 1965, as amended January 22, 1969.

[As Amended, Feb. 15, 1975 by Ord. No. 26C]

CHAPTER C. TRIBAL POLICE

Section 113. General Provisions.

There shall be a Tribal police department, to be known as the Colorado River Indian Tribes Police Department (CRIT P.D.), consisting of a Chief of Police, to be hired by the Tribal Council, and however many officers and supporting personnel as from time-to-time shall be hired by the Chief of Police.

Section 114. Chief of Police.

The duties of the Chief of Police shall be to supervise and direct the operations of the Police Department and its personnel and to act as a liaison to any other law enforcement agency.

Section 115. Officers.

The duties of Officers of the CRIT P.D. shall be to enforce the laws of the Colorado River Indian Tribes, and the laws of the United States where applicable, and to protect the property, safety and welfare of the community.

Section 116. Cross Deputization.

Officers of other police departments or law enforcement agencies may be deputized into the CRIT P.D.

Section 117. Commissioning of the Chief of Police and Officers.

The Chief of Police and Officers shall swear (or affirm) the following oath before the Chief Judge of the Tribal Court of the Colorado River Indian Tribes:

"I, _____, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the Colorado River Indian Tribes against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate, promote and protect the best interests of the Colorado River Indian Tribes in accordance with the Constitution and Bylaws of the Colorado River Indian Tribes."

The Chief of Police and each Officer shall be issued identification cards to certify their commission. The commission card of the Chief of Police shall be signed by the Chairman and the Secretary of the Tribal Council. The commission card of Officers shall be signed by the Chairman of the Tribal Council and the Chief of Police.

Section 118. Direction of Chief of Police and Officers.

The Chief of Police and, in his absence, the next in command, shall be under the direction of the Chairman of the Tribal Council, or his designee, who shall carry out the policies and mandates of the Tribal Council. All such actions of the Tribal Chairman, or his designee, shall be subject to subsequent action by the Tribal Council.

Section 119. Rules and Regulations.

The Tribal Council, by appropriate resolution, may provide rules and regulations governing the operation of CRIT P.D. and its personnel.

[As Amended, July 17, 1981 by Ord. No. 26I]
