

ORDINANCE NO. 58-7

BE IT ENACTED by the San Carlos Council, in council assembled:

CORONER CODE

SECTION 1. General Provisions.

The Chief Judge of the San Carlos Apache Tribal Court shall act as Ex-Officio Coroner, within the San Carlos Apache Reservation.

The Medical Officer in charge of the United States Public Health Service on San Carlos Reservation shall act as Chief Deputy Coroner and shall act in the absence or unavailability of the Coroner.

Should the Coroner and the Chief Deputy Coroner both be unavailable, the Medical Officer of the United States Public Health Service on duty at the time shall act in behalf of the Coroner.

SECTION 2. Duties of the Coroner.

The Coroner shall be notified of all deaths occurring on the San Carlos reservation where a qualified physician was not in attendance upon the deceased

B. When a Coroner is informed that a person has been killed or has committed suicide, or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death was occasioned by the act of another by criminal means, the Coroner shall go to the place where the body is located, and forthwith summon six persons, qualified by law to act as jurors to appear before him forthwith at the place where the body is located, to inquire into the cause of the death.

SECTION 3. Limitation of Number of Inquests.

A. There shall be only one inquest upon a body, unless the inquest is set aside by the Court. There shall be only one inquest conducted upon several persons who were killed by the same cause and who died at the same time.

B. When it appears that an error in the identity of the body has been made by the jury, the Coroner may order another inquest and a memorandum of the error shall be entered upon the erroneous inquisition.

SECTION 4. Duties and Oath of Jurors.

When the Jurors attend, they shall be sworn by the Coroner to inquire as to who the deceased person was, and when, where and by what means he came to his death, and into the circumstances attending death, and to render a true verdict thereon, according to the evidence offered or arising from inspection of the body.

SECTION 5. Procedure on Inquest and Adjournment.

- A. After the jury has been sworn and charged by the Coroner, it shall go together with the Coroner to view and examine the body of the deceased. The Jury shall not proceed upon the inquest until it has viewed the body.
- B. After the jury has viewed the body, the Jurors may retire to a convenient place to hear the testimony of witnesses and deliberate upon its verdict, and for this purpose the Coroner may adjourn the inquest from time to time as necessary.

SECTION 6. Summoning Witnesses, Punishment for Disobedience, Medical Examination.

- A. The Coroner may issue subpoenas for witnesses, returnable forthwith, or at such time and place as he appoints. The subpoena may be served by any competent person. The Coroner shall summon and examine as witnesses, every person who, in his opinion, or that of the jury, has any knowledge of the facts.
- B. A witness served with a subpoena may be compelled to attend and testify, or be punished by the Coroner for disobedience, in the same manner as upon a subpoena issued by a judge of the San Carlos Apache Tribal Court.
- C. A Coroner shall summon a qualified physician to examine the body, and if necessary order an autopsy made by a qualified pathologist, who shall give an opinion as to the cause of death, unless a medical examination has already been made and such opinion has already been rendered. All statements shall be signed by a qualified physician.
- D. The securing of a medical examination and certification as to medical cause of death, unless directed by the jury shall be discretionary with the Coroner, if no qualified physician is readily available at the place where the inquest is held.
- E. Any such medical examination, autopsy, or certification required by a qualified pathologist and so ordered by the Coroner or the Coroner's jury, the costs thereof shall be legal charge to be the San Carlos Apache Tribe, and payment thereof shall ordered by the Coroner.

SECTION 7. Witnesses Transcript of Testimony.

- A. The testimony of witnesses examined before the Coroner's jury shall be reduced to writing by the Coroner or under his direction.
- B. The transcript shall be forthwith filed by the Coroner, with the inquest in the office of the Clerk of the San Carlos Apache Tribal Court.

SECTION 8. Verdict of the Jury.

After inspecting the body and hearing the testimony, the jury shall render its verdict in writing, signed by the jurors and setting forth the identity of the person killed, when, where and by what means he came to his death, criminal means, who is the guilty person.

Coroner Code

SECTION 9. Finding of Murder or Manslaughter, Binding over Witnesses.

If the jury finds that a murder or manslaughter has been committed, the Coroner may bind over the witnesses against the accused to appear and testify before a Federal Grand Jury. The recognizance shall be in writing and subscribed by the parties bound thereby.

If a witness refuses to sign such recognizance, the Coroner may commit him as in the examination of an accused person by a Judge of the Court.

SECTION 10. Warrant of Arrest.

A. If the jury finds that the person was killed by another under circumstance not excusable or justifiable by law, or that his death was occasioned by the act of another by criminal means and the identity of the person committing the act is ascertained by the inquisition and such person is not in custody, a Coroner shall issue a Tribal warrant, signed by him, with his name of office and direct that it be served anywhere on the San Carlos Apache Reservation, for the arrest of the person charged.

B. If the jury finds that murder or manslaughter has been committed and a warrant is issued and the accused is in custody, the findings of the jury together with the person of the accused shall forthwith be turned over to the authorities of the United States having jurisdiction over such matters.

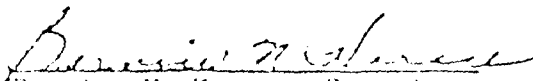
SECTION 11. Burial of Indigent Deceased, Disposal of Property.

A. When an inquest is held by the Coroner and no other person takes charge of the body of the deceased, the Coroner shall cause it to be decently interred. If there is not sufficient property in the estate of the deceased to pay for the necessary expenses of the burial, the expenses are a legal charge against the Tribe.

B. Within ten days after an inquest, the Coroner shall deliver to the Tribal Treasurer or the legal representative of the deceased person any money or property found upon the body.

CERTIFICATION

I, the undersigned, Secretary of the San Carlos Council, hereby certify that the San Carlos Council is composed of 11 members, of whom 11, constituting a quorum, were present at a regular meeting thereof held on this 2nd day of September, 1958; and that the foregoing Ordinance No. 58-7 was duly adopted by a unanimous vote of the council, pursuant to the provision of Section 1 (m), Article V, Amended Constitution and Bylaws approved April 19, 1954.


Bernice N. Horace, Secretary
SAN CARLOS COUNCIL

Approved: September 5, 1958