

## **Nez Perce Tribal Code Chapter 2**

### **CHAPTER 2-1**

#### **RULES OF CRIMINAL PROCEDURE**

##### **Rule 9. Fresh Pursuit**

(a) Any arresting officer may continue in fresh pursuit of a person including outside the boundaries of the Nez Perce Reservation, if the person:

- (1) is reasonably believed by the officer to have committed an offense on the reservation;
- (2) has committed, or attempted to commit, any offense or civil infraction on the reservation in the presence of the officer; or
- (3) is named in an outstanding warrant of arrest for a criminal offense.

(b) When an arrest following fresh pursuit occurs outside of the boundaries of the Nez Perce Reservation but within the state of Idaho the arresting officer may return the arrested individual to the reservation. When an arrest following fresh pursuit occurs outside the state of Idaho, then the arresting officer shall turn the arrested person over to the local police officials pending extradition.

##### **Rule 20. Extradition**

(a) A written request seeking the extradition of any individual found within the exterior boundaries of the Nez Perce Reservation to any state, tribal or federal jurisdiction shall be submitted to the chief judge of the Nez Perce Tribal Court and shall be accompanied by:

- (1) a certified exemplified copy of the warrant; or
- (2) other reliable information that the warrant exists.

(b) If the chief judge, after receiving the extradition request is satisfied as to its validity, he shall issue an arrest warrant. The person named in the warrant shall be taken into custody by the tribal police officers with the assistance of the other law enforcement officials involved if requested and held by tribal police for arraignment by the Tribal Court.

(c) Once the person suspected of being the one named in the extradition request is in custody of the tribal police, the police shall notify the jurisdiction which issued the request.

(d) Within three (3) business days after arrest, the person arrested shall be brought before the chief judge of the Tribal Court. The court shall inform the person of the demand for his surrender

and of the crime with which he is charged, that he has a right to representation of legal counsel at his own expense and to request a hearing to challenge the extradition request. If a hearing is requested, the judge shall fix a reasonable time for the hearing release the person on bail, release the person with out bail or hold him in custody until the date of the hearing. If the hearing is waived, the person shall be promptly turned over to the custody of the appropriate authorities.

(e) Following an extradition hearing conducted by the chief judge of the Tribal Court, if the judge determines that the person brought before the court is in fact the person named in the extradition request and that there is probable cause to believe that the he committed the offense complained of, an extradition order shall be issued and the person immediately turned over to the custody of the appropriate authorities.