

February 6, 1943

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TEMPORARY JUDICIAL CODE FOR THE HEART MOUNTAIN RELOCATION CENTER

The purpose of this Temporary Judicial Code is to provide a more adequate judicial system and procedure for handling criminal cases occurring within the Heart Mountain Relocation Center, pending adoption of the permanent plan of Center government. The offices established or continued herein will function generally under the Community Services Division.

1. The Office of Judicial Clerk is hereby established in the Courthouse. The Judicial Clerk shall serve as executive officer and chairman of the Preliminary Hearing Board, and executive officer of the Judicial Commission.

2. There is hereby established a Preliminary Hearing Board, consisting of the following:

a. One member of the Judicial Commission. Each Judicial Commissioner shall serve on the Board for one week at a time, and membership of the Judicial Commissioners on the Board shall rotate in accordance with the alphabetical order of their surnames.

b. One representative of the Block Chairmen.

c. One representative of the Block Managers.

d. The Chief of Police.

e. The Head of the Public Welfare Section.

f. The Chief of Community Services.

g. The Project Attorney.

The Board shall meet regularly in the Courthouse each Monday, Wednesday, and Friday, unless notified by the Judicial Clerk that there are no matters pending before the Board. Special Sessions of the Board may be called at the request of the Project Director or the Chief of Police. A majority of the Board shall constitute a quorum.

3. The Temporary Judicial Commission is hereby continued in the Courthouse. Trial procedure of the Commission shall be determined by the Commission, but in general it shall be informal. A Judicial Commissioner who serves on the Preliminary Hearing Board on a particular matter shall not be qualified to serve on the Commission in connection with that matter if and when it comes before it. The Commission may require the presence at trials of any witness or party concerned, or any other resident who the Commission has reasonable cause to believe has knowledge of any pertinent facts in the matter.

4. Any resident or the Chief of Police may sign a written complaint concerning an offense which has been committed, or which he has reasonable cause to believe will be committed, within the Heart Mountain Relocation Area. Each complaint shall state the names of the parties concerned, the time and place of the offense, and a summary of the facts constituting the offense. Complaints may be made to either the Chief of Police or the Judicial Clerk. Complaints made to the Chief of Police will be forwarded immediately to the Judicial Clerk.

5. The Chief of Police may request the presence of any resident at the Police Station for questioning in connection with an offense which he has reasonable cause to believe has been or will be committed within the Area. The Police may arrest persons committing crimes, or to prevent commission of crimes, without a warrant, but such persons shall be brought before the Preliminary Hearing Board within 24 hours of their arrest.

6. Each complaint filed with the Judicial Clerk will be presented by him to the Preliminary Hearing Board at its first meeting after the complaint is filed.

7. The Preliminary Hearing Board may---

- a. Request the presence of any person residing in the Area in connection with any matter before it.
- b. Work out and effect a settlement of any matter before it, in the public interest.
- c. Issue warrants for arrest or for seizure of property stolen, embezzled or otherwise unlawfully obtained or possessed.
- d. Refer a matter to the Judicial Commission for trial, such trial to be public or private in accordance with the Board's determination; and bind over the accused for trial before the Judicial Commission.
- e. Decide whether the accused shall be held in jail or released on his own recognizance or in custody of a responsible resident, until trial.
- f. Refer a matter and the accused to the proper state, county, or federal officials, in the case of felonies, or other crimes outside the jurisdiction of the Heart Mountain Judicial system.

8. When the Board refers a matter to the Judicial Commission, the reference shall be in writing in the form of an information. The information shall specify the offense for which the accused is to be tried and whether the trial is to be public or private, and shall set the date for trial before the Judicial Commission. It also shall contain a summary statement of the facts and the name and address of the accused and of any witnesses or parties concerned. A copy of the information shall be delivered by the Chief of Police to the accused not later than one day after it is referred to the Judicial Commission. Each matter referred to the Commission shall be presented at the time set for trial by the Police Department.

9. The Judicial Commission shall---

- a. Try all matters referred to it by the Preliminary Hearing Board.
- b. Enter judgment in each case referred to it, which judgment may require confinement in jail for not longer than one year, or provide such other disciplinary action which the Commission deems proper.
- c. Transmit in writing to the Project Director the judgment in each case within 24 hours after it is entered, together with a transcript of proceedings at the trial and all other papers in the case.

10. The judgment of the Commission may be approved, revised, or modified by the Project Director. If the Project Director approves of a judgment, or takes no action in a case transmitted to him by the Judicial Commission within 48 hours after he receives the paper, the judgment of the Commission becomes final. When the final judgment of the Commission requires the accused to be confined, the Project Director will take such measures as may be necessary to have the accused confined in accordance with the judgment.

11. In general, offenses subject to trial and punishment by the Heart Mountain Judicial System are those defined under the laws of Wyoming and the laws of the United States as misdemeanors. Ordinarily, cases involving felonies will be referred to state and county or federal officials for proceedings under state or federal law.