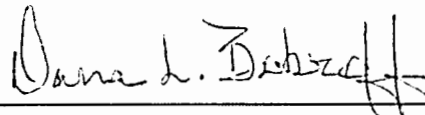




MEMORANDUM

TO: Honorable Seth Damon, Speaker
24th Navajo Nation Council

Honorable Otto Tso, Vice-Chairman
Law and Order Committee

FROM: 
Dana L. Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: April 29, 2022

SUBJECT: Legislation No. 0089-22 re Reassignment

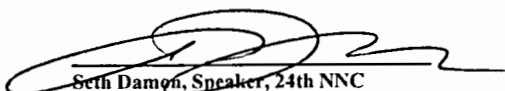
The Office of Legislative Counsel released Legislation No. 0089-22 before the title of the legislation had been updated to coincide with the appropriate committee authorities. The purpose of 0089-22 is to amend the Department of Public Safety's Plan of Operation. Aside from being assigned to the Law & Order Committee, 0089-22 should also be assigned to HEHSC because DPS is proposing to take over facility maintenance activities and HEHSC has oversight over the Facilities Maintenance Department. It should also be assigned to HEHSC because DPS is proposing to take over personnel functions that are under the oversight of HEHSC. In addition, 0089-22 should also be assigned to BFC because of the financial implications of the proposed changes.

In short, OLC is requesting that BFC and HEHSC be added to the committee assignments for 0089-22. LOC should remain as the final authority.

Thank you for your consideration of this request.

SPEAKER APPROVAL/CONCURRENCE:

Cc: Chad Abetya, OLC
Manuel Rico, OLS
Sherylene Yazzie, OOS

 5/3/22
Seth Damon, Speaker, 24th NNC Date

LEGISLATIVE SUMMARY SHEET

Tracking No. 0089-22

DATE: April 26, 2022

TITLE OF RESOLUTION: AN ACTION RELATING TO THE LAW AND ORDER COMMITTEE; APPROVING AND AMENDING THE PLAN OF OPERATION FOR THE NAVAJO NATION POLICE DEPARTMENT

PURPOSE: This resolution, if approved, will amend the Plan of Operation for the Navajo Nation Police Department. Certain parts of the following sections will be amended by this Resolution: *Section II.* Purpose and Objectives; *Section III.* Staffing and Organization; *Section IV.* Authority and Responsivities of the Navajo Nation Police Department, Responsibilities of the Chief of Police, and Responsibilities of Navajo Police Training Academy.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Jefferson
Website Posting Time/Date: 6:18pm, 04-27-22
Posting End Date: 05-02-22
Eligible for Action: 05-03-22

Budget & Finance Committee

Thence

Health Education & Human Services Committee

Thence

Law & Order Committee

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL -- Fourth Year, 2022

INTRODUCED BY:



OTTO TSO
(Sponsor)

TRACKING NO. 0089-22

AN ACTION

RELATING TO THE LAW AND ORDER COMMITTEE; APPROVING AND
AMENDING THE PLAN OF OPERATION FOR THE NAVAJO NATION
POLICE DEPARTMENT

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Budget and Finance Committee is a standing committee of the Navajo Nation Council with legislative oversight over the Office of the Controller, to review, recommend or propose the adoption, amendment or rescission of its Plan of Operation. 2 N.N.C. §§ 300(A), 301(B)(13).
- B. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council with legislative oversight over the Division of General Services. 2 N.N.C. §§ 400(A), 401(C)(1).
- C. The Law and Order Committee is a standing committee of the Navajo Nation Council empowered to review and approve plans of operation for all divisions, departments and programs under the Committee's oversight authority and to amend or rescind such plans of operation. 2 N.N.C. §§ 600(A), 601(B)(4).
- D. The Law and Order Committee serves as the oversight committee for the Judicial Branch of the Navajo Nation, all administrative legal tribunals including but not

1 limited to the Navajo Nation Labor Commission and the Office of Hearings and
2 Appeals, Office of the Public Defender, Office of the Prosecutor, Division of Public
3 Safety, the Office of Ethics and Rules, and the Department of Justice. 2 N.N.C. §
4 601(C)(1)(2).

5 6 **SECTION TWO. FINDINGS**

- 7 A. The purpose of this legislation is to amend the Plan of Operation for the Navajo
8 Nation Police Department. Certain parts of the following sections will be amended by
9 this Resolution: *Section II.* Purpose and Objectives; *Section III.* Staffing and
10 Organization; *Section IV.* Authority and Responsivities of the Navajo Nation Police
11 Department, Responsibilities of the Chief of Police, and Responsibilities of Navajo
12 Police Training Academy.
- 13 B. The amended plan of operation including an updated organizational chart is attached
14 as **Exhibit A** and new language is clearly indicated by using the underscoring method
15 pursuant to 2 N.N.C. § 164(A)(4).
- 16 C. The Navajo Nation Department of Justice has reviewed the amended Navajo Nation
17 Police Department's Plan of Operation and deemed it legally sufficient. The
18 Executive review is attached as **Exhibit B**.
- 19 D. LOCAP-08-18, attached as **Exhibit C**, is the current Plan of Operation for the Navajo
20 Nation Police Department that will be amended.

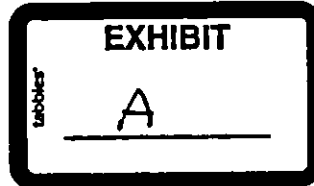
21 22 **SECTION THREE. APPROVING THE AMENDED PLAN OF OPERATION FOR** 23 **THE NAVAJO NATION POLICE DEPARTMENT**

24 The Law and Order Committee of the Navajo Nation Council hereby approves the
25 amended Plan of Operation, attached as **Exhibit A**, for the Navajo Nation Police
26 Department.

27 28 **SECTION FOUR. EFFECTIVE DATE**

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1 The Plan of Operation for the Navajo Nation Police Department, amended by this
2 Resolution, shall take immediate effect upon the approval by the Law and Order
3 Committee and certification by the Chairperson.
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NAVAJO POLICE DEPARTMENT
PLAN OF OPERATION

I. ESTABLISHMENT

There is hereby established the Navajo Police Department within the Navajo Division of Public Safety. The Chief of Police of the Navajo Police Department shall be under the direct supervision of the Executive Director of the Navajo Division of Public Safety.

II. PURPOSE AND OBJECTIVES

The purpose of the Navajo Police Department is to enforce all Navajo Nation laws within the territorial jurisdiction of the Navajo Nation, as defined by 7 N.N.C. § 254 and 18 U.S.C. 1151, to provide effective and efficient law enforcement services on a twenty-four (24) hour basis to protect life and property, and to screen all police personnel to determine their level of law enforcement skills and knowledge and provide them with the required law enforcement training to achieve full potential as Navajo Nation Commissioned Officers, by conducting comprehensive background checks of all qualified police applicants and to provide quality and professional police service to the people of the Navajo Nation. The application of these objectives is subject to the terms of the Department's Public Law 93-638 Contract.

III. STAFFING AND ORGANIZATION

- A. All personnel shall be employed and compensated in accordance with the applicable Navajo Nation Personnel Policies Manual, and the Chief of Police shall be selected by the Executive Director of the Navajo Division of Public Safety, in accordance with established Navajo Nation Personnel Policies Manual.
- B. The Navajo Police Department shall be staffed sufficiently to accomplish the purposes and objectives stated herein.
- C. The Chief of Police shall be authorized to make decisions regarding personnel staffing, and to request assistance from other agencies as needed to carry out the organizational purposes and objectives herein. The Chief of Police shall make changes to organizational structure based on the needs of the Navajo Nation. See Attachment 1, Organizational Chart. Additional positions shall be acquired within applicable rules and policies established for conducting the annual Navajo Nation budget process.
- D. There are hereby established seven (7) police districts within the Navajo Police Department. Each police district shall be

administered by a Police Captain and/or Lieutenant who shall be directly responsible to the Chief of Police.

- E. There shall be seven (7) police districts within the Navajo Police Department. The Chief of Police may unilaterally modify districts based on the factual assessment. The Chief of Police shall assign a commissioned supervisor for each police district who shall be responsible to the Chief Police or his or her designee.
- F. There is hereby established the Navajo Police Training Academy within the Navajo Police Department. The Navajo Police Training Academy shall be administered by a Captain and/or Lieutenant who is a commissioned supervisor who shall be directly responsible to the Chief of Police or his or her designee.
- G. There is hereby established the Navajo Public Safety Dispatch within the Navajo Police Department. The Navajo Public Safety Dispatch shall be administered by a supervisor who shall be selected by and directly responsible to the Chief of Police or his or her designee.
- H. There is hereby established the Auxiliary Services Section within the Navajo Police Department. The Auxiliary Services Section shall be administered by a supervisor who shall be selected by and directly responsible to the Chief of Police or his or her designee.
- I. There is hereby established the Professional Standards Section within the Navajo Police Department. The Professional Standards Section shall be administered by a commissioned supervisor who shall be selected by and directly responsible to the Chief of Police or his or her designee.

IV. AUTHORITY AND RESPONSIBILITIES

- A. The responsibilities of the Navajo Police Department shall include, but are not limited to, the following:
 - 1. To enforce all Navajo Nation laws, promote highway safety, respond to emergencies on roads within the territorial jurisdiction of the Navajo Nation and protect lives and property of the public served.
 - 2. To conduct investigations of major and minor crimes committed within the territorial jurisdiction of the Navajo Nation in

coordination and cooperation with other law enforcement agencies.

3. To develop, ~~and~~ implement, and administer a rapid response computer based records management system and other databases to store records and to ensure that information is provided immediately to field sections.
4. To develop and provide community programs that encourages members of the public to take an active role in the prevention of crime within the territorial jurisdiction of the Navajo Nation and to enhance community relations.
5. To coordinate investigation activities with the patrol and district criminal investigation sections.
6. To conduct thorough investigations with a high degree of professionalism and impartially, and to refer in a timely manner accurate reports and investigative information to proper authorities for purposes of prosecution, including prosecution in state and federal courts.
7. To provide personnel management by conducting qualification assessments of all referred applicants that is consistent with the Nation's personnel policies manual, including comprehensive background checks of applicants and current employees.
8. To provide fiscal management by developing comprehensive budgets, financial data and analysis reports for each police district and other administrative components within the department.
9. To provide property management, in consultation with Property Management Department of the Office of the Controller, by conducting inventory and inspection of all Nation property issued to all commissioned and civilian personnel with the department.
10. To provide facility maintenance and inspections of all department buildings and machinery, in consultation with the Facilities Maintenance Department of the Division General Services, so as to maintain a safe working environment for employees, and to ensure structural integrity of its facilities.

11. To conduct compliance reviews and inspections of all commissioned personnel's training and Navajo Peace Officer Standards & Training certification records.

12. To actively recruit on and off the Navajo Nation in efforts to seek qualified individuals to provide public safety services throughout the Navajo Nation.

B. The responsibilities of the Chief of Police of the Navajo Police Department shall include, but are not limited to the following:

1. To manage and control activities of the Navajo Police Department and to ensure cooperation and coordination between the Department and other law enforcement agencies operating within the territorial jurisdiction of the Navajo Nation.
2. To supervise, control and administer the Navajo Police Department in compliance with all applicable Navajo Nation laws, rules and regulations, and other applicable grant and contract provisions.
3. To coordinate communication among all law enforcement agencies involved in a criminal investigation within the territorial jurisdiction of the Navajo Nation.
4. To report directly to the Executive Director regarding all activities of the Navajo Police Department on a regular basis.
5. To collect accurate statistics on criminal and operational activities to evaluate law enforcement activities, practices and personnel and make recommendations necessary to improve the efficiency and effectiveness of the Department.
6. To ensure that every employee is provided the necessary training and education to effectively and efficiently carry out his/her duties and responsibilities.
7. To negotiate contracts, grants and agreements on behalf of the Navajo Police Department in compliance with all Navajo Nation laws, rules and regulations.
8. To monitor fiscal matters and to develop an annual budget for the Navajo Police Department.

9. To ensure that every employee is provided the necessary training and education to effectively and efficiently carry out their duties and responsibilities.
 10. To oversee the Navajo Police Training Academy.
 11. To oversee the Navajo Public Safety Dispatch.
 12. To oversee the Auxiliary Services Section consisting of fiscal management, personnel management, information & technology management, property management and facility management.
 13. To oversee the Professional Standards Division consisting of background investigations, advanced training and recruitment, compliance, and inspections units.
- C. The responsibilities of the commission supervisor shall include, but are not limited to, the following:
1. To provide consistent public safety leadership within respective communities.
 2. To provide basic and advance law enforcement education and training to police personnel and other individuals and agencies as needed or requested.
 3. To process and maintain personnel and investigative files, records and forms at each respective district within the Navajo Police Department.
- D. The responsibilities of the Navajo Police Training Academy shall be:
1. To provide physical facilities for training of all personnel within the Navajo Division of Public Safety.
 2. To provide basic and advance law enforcement education and training to police personnel and other individuals and agencies as needed or requested.
 3. To maintain training certification records of commissioned officers verifying compliance with law enforcement standards approved by the Navajo Nation.

4. To provide advice to the Navajo Nation General POST for basic and advance law enforcement education and training curriculum and standards for police personnel.
- E. The responsibilities of the Navajo Public Safety Dispatch shall be to operate and maintain an efficient public safety dispatch and public safety answering point for incidents which occur within the territorial jurisdiction of the Navajo Nation.
- F. The responsibilities of the Auxiliary Services Section shall be to operate and maintain an efficient administrative components and support service for the continuity of law enforcement services within the territorial jurisdiction of the Navajo Nation.
- G. The responsibilities of the Professional Standards Division shall be to ensure the integrity of the department is maintained through a system of comprehensive background checks in the selection of all qualified police applicants, including annual compliance reviews and inspections of all commissioned personnel training records and peace officer certifications.

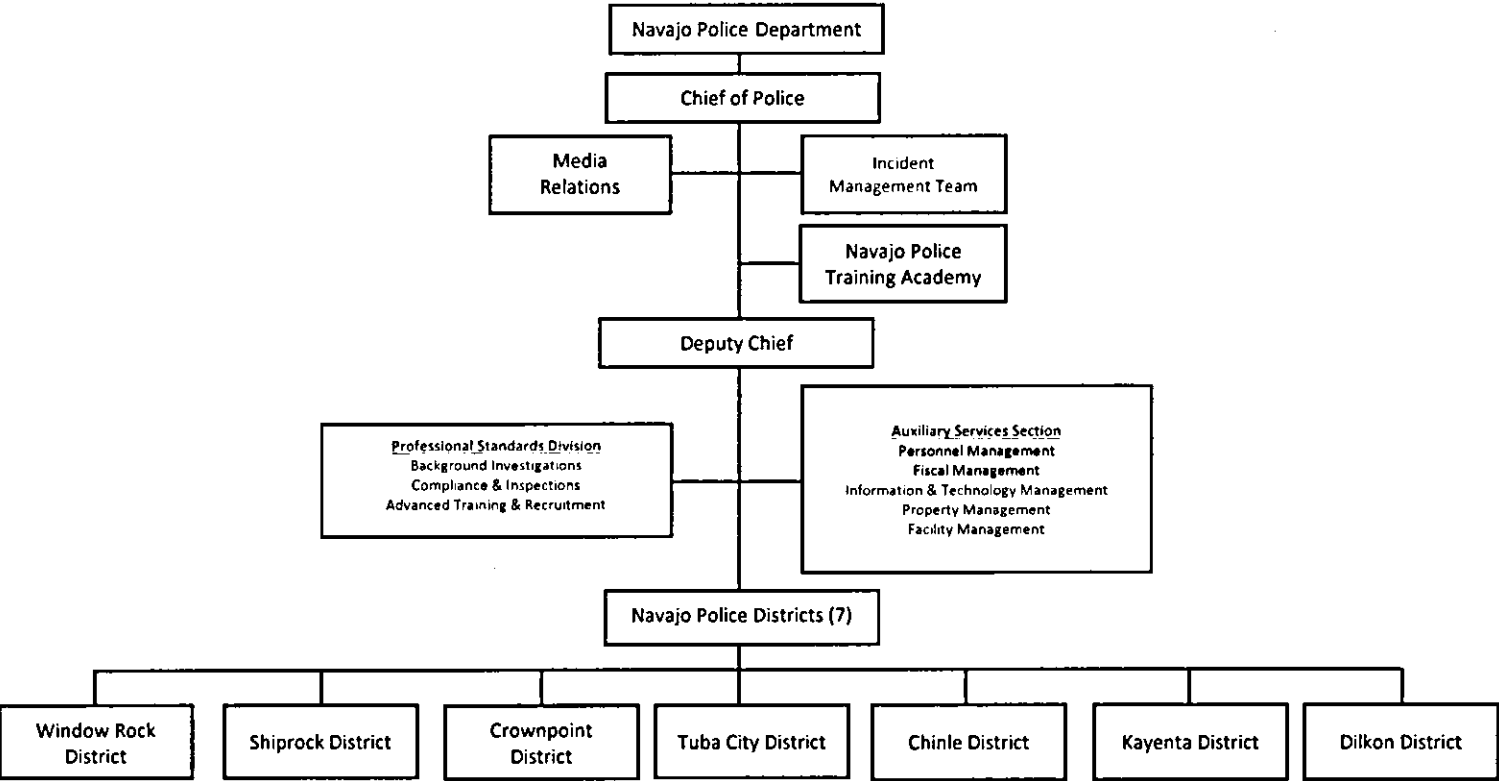
V. LEGISLATIVE OVERSIGHT

The Navajo Police Department, Navajo Division of Public Safety, shall operate under the legislative oversight of the Law and Order Committee of the Navajo Nation Council, pursuant to the powers granted at 2 N.N.C. § 601 et seq.

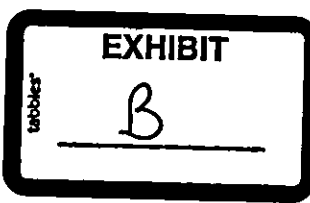
VI. AMENDMENTS

- A. For purposes of maintaining provisions up-to-date, the department shall review its Plan of Operation at least every five years, beginning January 2020. It shall recommend any necessary amendments.
- B. Pursuant to 2 N.N.C. § 601, this Plan of Operation may be amended from time to time by the Law and Order Committee of the Navajo Nation Council as deemed appropriate.

NAVAJO POLICE DEPARTMENT
Organization Chart



Revised: February 16, 2022

Document No. 018227Date Issued: 03/02/2022**EXECUTIVE OFFICIAL REVIEW**Title of Document: Plan of Operation Amendment for NPD Contact Name: SILVERSMITH, RONALD D.Program/Division: DIVISION OF PUBLIC SAFETYEmail: rsilversmith@navajo-nsn.gov Phone Number: 928-637-3146

- ☐ **Business Site Lease** Sufficient Insufficient
1. Division: _____ Date: _____ ☐ ☐
2. Office of the Controller: _____ Date: _____ ☐ ☐
- (only if Procurement Clearance is not issued within 30 days of the initiation of the E.O. review)
3. Office of the Attorney General: _____ Date: _____ ☐ ☐

- ☐ **Business and Industrial Development Financing, Veteran Loans, (i.e. Loan, Loan Guarantee and Investment) or Delegation of Approving and/or Management Authority of Leasing transactions**

1. Division: _____ Date: _____ ☐ ☐
2. Office of the Attorney General: _____ Date: _____ ☐ ☐

- ☐ **Fund Management Plan, Expenditure Plans, Carry Over Requests, Budget Modifications**

1. Office of Management and Budget: _____ Date: _____ ☐ ☐
2. Office of the Controller: _____ Date: _____ ☐ ☐
3. Office of the Attorney General: _____ Date: _____ ☐ ☐

- ☐ **Navajo Housing Authority Request for Release of Funds**

1. NNEPA: _____ Date: _____ ☐ ☐
2. Office of the Attorney General: _____ Date: _____ ☐ ☐

- ☐ **Lease Purchase Agreements**

1. Office of the Controller: _____ Date: _____ ☐ ☐
- (recommendation only)
2. Office of the Attorney General: _____ Date: _____ ☐ ☐

- ☐ **Grant Applications**

1. Office of Management and Budget: _____ Date: _____ ☐ ☐
2. Office of the Controller: _____ Date: _____ ☐ ☐
3. Office of the Attorney General: _____ Date: _____ ☐ ☐

- ☒ **Five Management Plan of the Local Governance Act, Delegation of an Approving Authority from a Standing Committee, Local Ordinances (Local Government Units), or Plans of Operation/Division Policies Requiring Committee Approval**

1. Division: ICU del Date: 03/16/22 ☒ ☐
2. Office of the Attorney General: UG Date: 3/23/22 ☒ ☐

- ☐ **Relinquishment of Navajo Membership**

1. Land Department: _____ Date: _____ ☐ ☐
2. Elections: _____ Date: _____ ☐ ☐
3. Office of the Attorney General: _____ Date: _____ ☐ ☐

☐ **Land Withdrawal or Relinquishment for Commercial Purposes**

			Sufficient	Insufficient
1. Division:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Land Withdrawals for Non-Commercial Purposes, General Land Leases and Resource Leases**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Rights of Way**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. Office of the Attorney General:	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Oil and Gas Prospecting Permits, Drilling and Exploration Permits, Mining Permit, Mining Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **Assignment of Mineral Lease**

1. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **ROW (where there has been no delegation of authority to the Navajo Land Department to grant the Nation's consent to a ROW)**

1. NLD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2. F&W	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3. HPD	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4. Minerals	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5. NNEPA	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
6. DNR	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
7. DOJ	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
8. OPVP	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

☐ **OTHER:**

1.	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
2.	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
3.	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
4.	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
5.	_____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

NAVAJO NATION DEPARTMENT OF JUSTICE



REQUEST FOR SERVICES



DOJ
2/16/22 @ 11:04
DATE / TIME
RFS # 22-0277
UNIT: Hsqw

☐ RESUBMITTAL

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST: 2/14/2022	ENTITY/DIVISION: Division of Public Safety
CONTACT NAME: Ronald Silversmith, Captain	DEPARTMENT: Navajo Police Department
PHONE NUMBER: (928) 637-3146	E-MAIL: rsilversmith@navajo-nsn.gov

COMPLETE DESCRIPTION OF LEGAL NEED AND SERVICES REQUESTED (Attach Documents):
Legal review of amending Plan of Operation for NPDS and Navajo Police Department transfer of functions.

DEADLINE: None REASON:

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 2/16/2022 1:49pm REVIEWING ATTORNEY/ADVOCATE: LBJ PDCP

DATE TIME OUT OF UNIT: 2/17/2022 1:00pm PREPARED BY (initial): CP

DOJ ATTORNEY / ADVOCATE COMMENTS

See memo

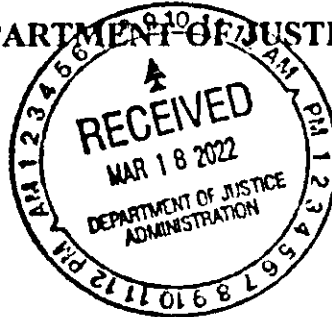
REVIEWED BY: (PRINT) *UJ* DATE / TIME: 2/16/22
 DOJ Secretary Called: *Emailed rsilversmith* for Document Pick Up on 2/17/22 at 1:00pm By: CP

PICKED UP BY: (PRINT) DATE / TIME:



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
3/18/22 @ 826
DATE / TIME
<input type="checkbox"/> 7 Day Deadline
DOC #: 18227
SAS #:
UNIT: Hsqn

☐ RESUBMITTAL

Xref- 22-0277

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE

DATE OF REQUEST: 3.18.22 ENTITY/DIVISION: DPS
CONTACT NAME: Lavina Willie N22 DEPARTMENT: NPD
PHONE NUMBER: 928 380 7357 E-MAIL: lwillie@navajo-nsn.gov
TITLE OF DOCUMENT: Plan of Operation for NPD

DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 3/18/2022 @ 11:27am REVIEWING ATTORNEY/ADVOCATE: PDCP
DATE/TIME OUT OF UNIT: 3/23/2022 @ 12:00pm

DOJ ATTORNEY/ADVOCATE COMMENTS

Sufficient

REVIEWED BY: (PRINT)	DATE / TIME	SURNAMED BY: (PRINT)	DATE / TIME
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DOJ Secretary Called: Emailed: Willie for Document Pick Up on 3/23/22 at 12pm By: CP

PICKED UP BY: (PRINT)	DATE / TIME:
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NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

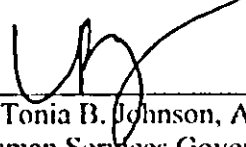
DOREEN N MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

MEMORANDUM

TO: Captain Silversmith, Delegated Deputy Chief of Police
Navajo Police Department
Division of Public Safety

FROM:


LaTonia B. Johnson, Assistant Attorney General
Human Services Government Unit
Department of Justice

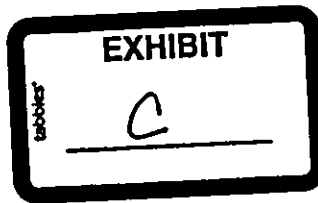
DATE: February 16, 2022

SUBJECT: RFS No. 22-0277: Review of Division of Public Safety's proposed amendments to the Plan of Operation.

The Department of Justice (DOJ) has reviewed the attached proposed amendments to the Division of Public Safety's (DPS) Plan of Operation (Attachment 1) and finds it sufficient to address DPS' departmental changes. In moving forward, please process the proposed amendments through the Executive Review process using the box for Plan of Operation and to be reviewed and signed by the DPS Division Director and DOJ before submitted to legislative for Law and Order Committee's review and consideration.

If you have any questions regarding this memorandum, please contact me via email at lajohnson@nndoj.org. Thank you.

LBJ/cp.72



LOCAP-08-18

RESOLUTION OF THE
LAW AND ORDER COMMITTEE
23RD NAVAJO NATION COUNCIL - Fourth Year, 2018

AN ACTION

RELATING TO LAW AND ORDER COMMITTEE; AMENDING PLAN OF OPERATION
FOR NAVAJO NATION POLICE DEPARTMENT

BE IT ENACTED:

SECTION ONE. AUTHORITIES

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 600 (A).
- B. The Law and Order Committee has oversight over the Department of Public Safety and its programs. 2 N.N.C. § 601(C)(1).
- C. The Law and Order Committee, pursuant to 2 N.N.C. § 601(B)(4), is authorized to approve and amend plans of operation for programs over which it exercises oversight authority.

SECTION TWO. FINDINGS

- A. Navajo Nation Council resolution CAU-50-59 provided and stated the functions of the Navajo Police Department. The functions of the Police Department were subsequently codified as section 1114 of Title 2 of the Navajo Nation Code. *Navajo Tribal Code, 1969 Edition*. Since then, there have been various amendments and enactments of Plans of Operation regarding the Police Department.
- B. Enabling legislation in 1995 was enacted by the Navajo Nation Council through resolution CO-86-95 establishing the Navajo Nation Division of Public Safety as well as the adoption of its Plan of Operation. By the same resolution, the Council acknowledged that Plans of Operation for various programs within the division would be enacted through standing committee. *Id.* Accordingly, through standing committee resolution GSCAU-61-95 (passed August 22, 1995), Plans of Operation for the various programs with the Division of Public Safety were approved.

- C. The Navajo Nation Police Department is a program within the Division of Public Safety, and its purposes include providing law enforcement services within the Navajo Nation. Its Plan of Operation was last amended in 2008 through resolution GSCJA-04-08 (incorporated herein by this reference). The Plan of Operation for the Police Department must be generally updated, clarifying duties and responsibilities of the program pursuant to its purposes and objectives.

SECTION THREE. AMENDING PLAN OF OPERATION FOR NAVAJO NATION POLICE DEPARTMENT

The Navajo Nation hereby amends the Plan of Operation for the Navajo Nation Police Department as follows:

NAVAJO POLICE DEPARTMENT PLAN OF OPERATION

I. ESTABLISHMENT

There is hereby established the Navajo Police Department within the Navajo Division of Public Safety. The Chief of Police of the Navajo Police Department shall be under the direct supervision of the Executive Director of the Navajo Division of Public Safety.

II. PURPOSE AND OBJECTIVES

The purpose of the Navajo Police Department is to enforce all Navajo Nation laws within the territorial jurisdiction of the Navajo Nation, as defined by 7 N.N.C. § 254 and 18 U.S.C. 1151, to provide effective and efficient law enforcement services on a twenty-four (24) hour basis to protect life and property, and to screen all police personnel to determine their level of law enforcement skills and knowledge and provide them with the required law enforcement training to achieve full potential as Navajo Nation Commissioned Officers. The application of these objectives is subject to the terms of the Department's Public Law 93-638 Contract.

III. STAFFING AND ORGANIZATION

- A. All personnel shall be employed and compensated in accordance with the applicable Navajo Nation Personnel Policies Manual, and the Chief of Police shall be selected by the Executive Director of the Navajo Division of Public Safety, in accordance with established Navajo Nation Personnel Policies Manual.
- B. The Navajo Police Department shall be staffed sufficiently to accomplish the purposes and objectives stated herein.
- C. The Chief of Police shall be authorized to make decisions regarding personnel staffing, and to request assistance from other agencies as needed to carry out the organizational purposes and objectives herein. The Chief of Police shall make changes to organizational structure based on the needs of the Navajo Nation. See Attachment 1, organizational chart. Additional positions shall be acquired within applicable rules and policies established for conducting the annual Navajo Nation budget process.
- D. There are hereby established seven (7) police districts within the Navajo Police Department. Each police district shall be administered by a Police Captain and/or Lieutenant who shall be directly responsible to the Chief of Police.
- E. There shall be seven (7) police districts within the Navajo Police Department. The Chief of Police may unilaterally modify districts based on factual assessment. The Chief of Police shall assign a commissioned supervisor for each police district who shall be directly responsible to the Chief of Police or his or her designee.
- F. There is hereby established the Navajo Police Training Academy within the Navajo Police Department. The Navajo Police Training Academy shall be administered by a Captain and/or Lieutenant who is commissioned supervisor who shall be directly responsible to the Chief of Police or his or her designee.

- G. There is hereby established the Navajo Public Safety Dispatch within the Navajo Police Department. The Navajo Public Safety Dispatch shall be administered by a supervisor who shall be selected by and directly responsible to the Chief of Police or his or her designee.

IV. AUTHORITY AND RESPONSIBILITIES

- A. The responsibilities of the Navajo Police Department shall include, but are not limited to, the following:
 - 1. To enforce all Navajo Nation laws, promote highway safety, respond to emergencies on roads within the territorial jurisdiction of the Navajo Nation and protect lives and property of the public served.
 - 2. To conduct investigations of major and minor crimes committed within the territorial jurisdiction of the Navajo Nation in coordination and cooperation with other law enforcement agencies.
 - 3. To develop and implement a rapid response computer based records management system to store records and to ensure that information is provided immediately to field sections.
 - 4. To develop and provide community programs that encourages members of the public to take an active role in the prevention of crime within the Territorial jurisdiction of the Navajo Nation and to enhance community relations.
 - 5. To coordinate investigation activities with the patrol and district criminal investigation sections.
 - 6. To conduct thorough investigations with a high degree of professionalism and impartiality, and to refer in a timely manner accurate reports and investigative information to proper authorities for purposes of prosecution, including prosecution in state and federal courts.

B. The responsibilities of the Chief of Police of the Navajo Police Department shall include, but are not limited to the following:

1. To manage and control activities of the Navajo Police Department and to ensure cooperation and coordination between the Department and other law enforcement agencies operating within the territorial jurisdiction of the Navajo Nation.
2. To supervise, control and administer the Navajo Police Department in compliance with all applicable Navajo Nation laws, rules and regulations, and other applicable grant and contract provisions.
3. To coordinate communication among all law enforcement agencies involved in a criminal investigation within the territorial jurisdiction of the Navajo Nation.
4. To report directly to the Executive Director regarding all activities of the Navajo Police Department on a regular basis.
5. To collect accurate statistics on criminal and operational activities to evaluate law enforcement activities, practices and personnel and make recommendations necessary to improve the efficiency and effectiveness of the Department.
6. To ensure that every employee is provided the necessary training and education to effectively and efficiently carry out his/her duties and responsibilities.
7. To negotiate contracts, grants and agreements on behalf of the Navajo Police Department in compliance with all Navajo Nation laws, rules and regulations.
8. To monitor fiscal matters and to develop an annual budget for the Navajo Police Department.
9. To ensure that every employee is provided the necessary training and education to effectively and efficiently carry out their duties and responsibilities.

10. To oversee the Navajo Police Training Academy.
 11. To oversee the Navajo Public Safety Dispatch.
- C. The responsibilities of the commission supervisor shall include, but are not limited to, the following:
1. To provide consistent public safety leadership within respective communities.
 2. To maintain current information on the condition of police facilities and an inventory of police equipment, supplies and resources.
 3. To process and maintain personnel and investigative files, records and forms at each respective district within the Navajo Police Department.
- D. The responsibilities of the Navajo Police Training Academy shall be:
1. To provide physical facilities for training of all personnel within the Division of Public Safety.
 2. To provide basic and advance law enforcement education and training to police personnel and other individuals and agencies as needed or requested.
 3. To maintain training certification records of commissioned officers verifying compliance with law enforcement standards approved by the Navajo Nation.
 4. To provide advice to the Navajo Nation General POST for basic and advance law enforcement education and training curriculum and standards for police personnel.
- E. The responsibilities of the Navajo Public Safety Dispatch shall be to operate and maintain an efficient public safety dispatch and public safety answering point for incidents which occur within the territorial jurisdiction of the Navajo Nation.

V. LEGISLATIVE OVERSIGHT

The Navajo Police Department, Navajo Division of Public Safety, shall operate under the legislative oversight of the Law and Order Committee of the Navajo Nation Council, pursuant to the powers granted at 2 N.N.C. § 601 et seq.

VI. AMENDMENTS

- A. For purposes of maintaining provisions up-to-date, the department shall review its Plan of Operation at least every five years, beginning January 2020. It shall recommend any necessary amendments.
- B. Pursuant to 2 N.N.C. § 601, this Plan of Operation may be amended from time to time by the Law and Order Committee of the Navajo Nation Council as deemed appropriate.

CERTIFICATION

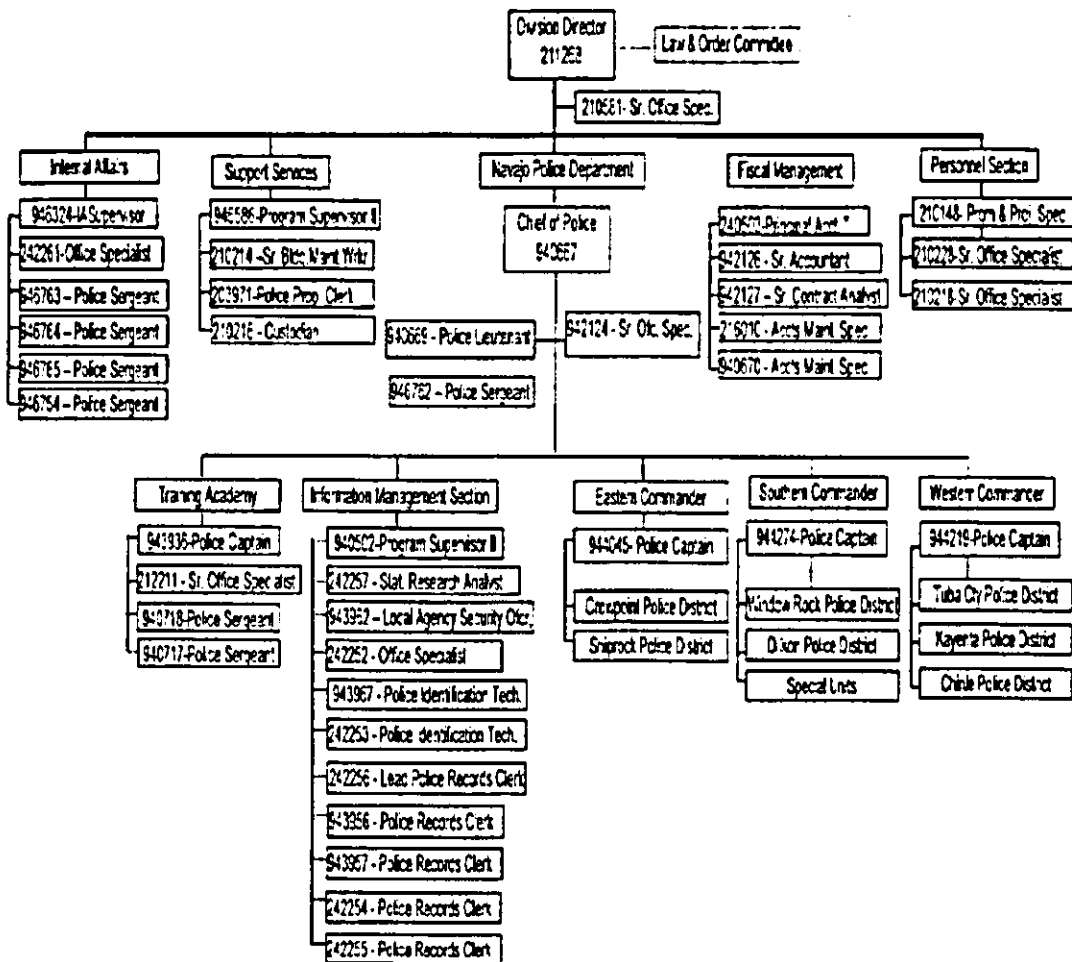
I, hereby certify that the foregoing resolution was duly considered by the Law and Order Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 3 in favor and 0 oppose, this 9th day of April 2018.



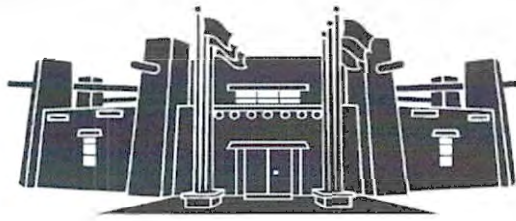
Honorable Herman M. Daniels
Pro Tempore Chairperson
Law and Order Committee
of the 23rd Navajo Nation Council

Motion: Honorable Edmund Yazzie
Second: Honorable Otto Tso

Division of Public Safety
Organizational Chart
Dept. 21



Revised 03/15/14



MEMORANDUM

TO: Honorable Otto Tso
24th Navajo Nation Council

FROM: 
Chad Abetya, Attorney
Office of Legislative Counsel

DATE: April 28, 2022

SUBJECT: **AN ACTION RELATING TO THE LAW AND ORDER COMMITTEE;
APPROVING AND AMENDING THE PLAN OF OPERATION FOR THE
NAVAJO NATION POLICE DEPARTMENT**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0089-22_

SPONSOR: Otto Tso

TITLE: An Action Relating to the Law and Order Committee; Approving and Amending the Plan of Operation for the Navajo Nation Police Department

Date posted: April 27, 2022 at 6:18PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0089-22

SPONSOR: Honorable Otto Tso

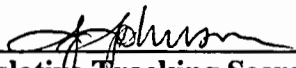
TITLE: An Action Relating to the Law and Order Committee; Approving and Amending the Plan of Operation for the Navajo Nation Police Department

Posted: April 27, 2022 at 6:18 PM

5 DAY Comment Period Ended: May 02, 2022

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

May 03, 2022; 8:20 AM
Date/Time