

LEGISLATIVE SUMMARY SHEET

Tracking No. 0236-15

DATE: July 8, 2015

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER,
NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING TITLE
2 REGARDING THE NAVAJO NATION POLICE COMMISSION

PURPOSE: The resolution's purpose is to approve the Navajo Nation Police Commission.

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

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 4:31pm 7/9/15
Posting End Date: 7/14/2015
Eligible for Action: 7/15/2015

Law & Order Committee
THENCE
Naa'bik'íyáti' Committee
THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL -- First Year, 2015
INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0236-15

AN ACTION
RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEES AND
NAVAJO NATION COUNCIL; AMENDING TITLE 2 REGARDING THE NAVAJO
NATION POLICE COMMISSION

BE IT ENACTED:

Section One. Findings.

- A. The Law and Order Committee of the Navajo Nation Council reviews and makes recommendations to the Navajo Nation Council proposed amendments to the Navajo Nation Code and exercises oversight over the Department of Public Safety. 2 N.N.C. § 601(B)(14) and (C)(1).
- B. The Naabik'íyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 164(A)(9), reviews proposed legislation which requires final action by the Navajo Nation Council.
- C. Enactments of positive law must be reviewed and approved by resolution by the Navajo Nation Council. 2 N.N.C. § 164(A).
- D. The Law and Order Committee's purpose is "[t]o enhance the operations and coordination of all departments within the Navajo Division of Public Safety in order to increase the availability, quality, and effectiveness of public safety services on the Navajo Nation" and "[t]o enable the Navajo Nation to more effectively provide efficient public

1 safety services on the Navajo Nation.. 2 N.N.C. § 600 (C)(5) and (6) (2012) *see also*
2 CJA-03-13.

3 E. Diné Traditional Law declares and teaches that “[t]he leaders of the Legislative Branch
4 shall enact policies and laws to address the immediate and future needs...” 1 N.N.C. §
5 203(D).

6 F. Diné customary Law declares and teaches that “[i]t is the right and freedom of the people
7 that every child and every elder be respected, honored and protected with a healthy
8 physical and mental environment, free from all abuse...” 1 N.N.C. § 204(E).

9 G. The Law and Order Committee believe creating the Navajo Nation Police Commission is
10 necessary in order to improve the immediate and future needs of the Navajo Nation. 1
11 N.N.C. § 203(D).

12 13 **Section Two. Amending Navajo Nation Code Title 2**

14 The Navajo Nation amends the Navajo Nation Code, Title 2 as follows:

15
16 Title 2. Navajo Nation Government

17 Chapter 3. Legislative Branch

18 Subchapter 11. Boards and Commissions

19 Article 8. Navajo Nation Police Commission

20 21 **§ 961. Establishment**

22 The Navajo Nation Police Commission is established as an independent commission within
23 the Navajo Nation Legislative Branch; receiving administrative support and assistance from the
24 Navajo Nation Police Department.

25 26 27 **§ 962. Purpose**

28 The purpose of this chapter is to create an independent commission whose mission is to
29 provide regulatory oversight of the Navajo Nation law enforcement and to act as the liaison
30

1 between the community, law enforcement, and the Navajo Nation's Executive and Legislative
2 branches.

3
4 **§ 963. Definitions**

5 The following words, terms and phrases as used in this chapter, shall be defined as follows:

6 A. *Commission* shall mean the Navajo Nation Police Commission.

7 B. *Commissioner and/or member* shall mean an authorized member of the Navajo Nation
8 Police Commission.

9 C. *Chairman* shall mean the Chairperson of the Navajo Nation Police Commission.

10 D. *Vice Chairman* shall mean the Vice-Chairperson of the Navajo Nation Police
11 Commission.

12 E. *Law Enforcement* shall mean an agency responsible for enforcing the laws of the Navajo
13 Nation.

14 F. *Law Enforcement Officer* or *Law Enforcement Official* shall mean any authorized
15 personnel delegated authority to enforce the laws of the Navajo Nation.

16
17 **§ 964. Commission membership, qualifications, removal and personnel**

18 A. Composition. The Navajo Nation Police Commission shall consist of six appointed
19 members.

20 1. The Navajo Nation President shall appoint three members with Law and
21 Order Committee review and confirmation by Naabik'íyáti' Committee.

22 2. The Law and Order Committee shall appoint three members with
23 confirmation by Naabik'íyáti' Committee.

24 3. The Navajo Nation Police Commission's members terms shall be four
25 years, staggered. Two member's terms shall end two years after
26 confirmation, another two shall end three years after confirmation, and the
27 final two shall end four years after confirmation.

28 B. Qualifications. The Navajo Nation President and the Law and Order Committee shall
29 appoint three members each. An appointee is qualified based on education, experience, or office.

1 C. Removal. A Commissioner shall be removed only for cause by the Law and Order
2 Committee and upon ratification by the Naabik'iyáti' Committee of the Navajo Nation Council.
3 The Commissioner removed may appeal the removal to the Navajo Nation Supreme Court within
4 ten (10) calendar days of 2 N.N.C. § 221(C). For the purposes of this Subsection, "cause" means:

- 5 1. Incapacity. Physical or mental incapacity, where such incapacity extends
6 or is expected to extend longer than six months.
- 7 2. Nonfeasance. Failure to perform the duties of office including, but not
8 limited to, repeated and unexcused failure to attend the meetings and other
9 official functions of the Commission.
- 10 3. Ex parte violation. Participation in ex parte consultations with any
11 representative who is an appellant in a dispute before or with the
12 Commission.
- 13 4. Certain other acts. Any act that is a felony in the jurisdiction where
14 committed, or any act involving moral turpitude that is a misdemeanor in
15 the jurisdiction where committed.
- 16 5. A vacancy in the Commission, whether caused by death, removal, term
17 expiration or resignation shall be filled by an interim appointment to
18 complete the vacated term made in accordance with 2 N.N.C. §964(A)(1)
19 and (2).

20 D. Personnel. The Navajo Nation Police Commission shall receive administrative
21 support and assistance from the Navajo Nation Police Department and shall hire personnel and
22 approve Commission expenditures as provided for in the Navajo Nation Police Commission Plan
23 of Operation and the Navajo Nation operating budget.

24
25
26
27 **§965. Authority**

28 A. Oversight of all Tribal Law Enforcement programs. The Chief of Police and other Tribal
29 Law Enforcement Managers shall manage the daily operations of their respective program and
30

1 shall implement the Commission's policies and goals; the Chief of Police and other Tribal Law
2 Enforcement Managers shall report to the Commission.

3 B. Enact the overall policy, rules and regulations for the governance of Tribal Law
4 Enforcement and its personnel;

5 C. Prescribe penalties for violations of its rules and regulations;

6 D Form an Internal Review Board to conduct investigations and hearings on allegations of
7 law enforcement misconduct;

8 E. Hear final appeals from Law Enforcement Officers for discipline imposed by their
9 respective Law Enforcement Program Manager, Chief of Police or the Internal Review Board;

10 F. Review annual budgets prepared by Law Enforcement Program Managers and the Chief
11 of Police and make recommendations to the Navajo Nation President and Navajo Nation
12 Council;

13 G. Review the qualifications for each rank and grade in the law enforcement field and make
14 recommendations as necessary;

15 H. Review use of all property and equipment used by or in connection with the operation of
16 law enforcement departments/programs;

17 I. Advise the Chief of Police and other Tribal Law Enforcement Managers on law
18 enforcement community relations;

19 J. Submit an annual report to the Law and Order Committee;

20 K. All Commissioners shall have the authority to vote on issues coming before the
21 Commission;

22 L. To draft and administer by-laws of the Navajo Nation Police Commission;

23 M. To share relevant information/perspectives from other community groups, organizations
24 and/or constituencies with the Commission;

25 N. To represent the Commission at public events and other organizational meetings;

26 O. Serve on temporary committees or task groups that address specific work plan items;

27 P. Investigative subpoena power; and

28 Q. Serve as an outreach entity for citizens to submit law enforcement recommendations,
29 complaints and/or commendations.

1 **§ 966. Legislative oversight**

2 The Navajo Nation Police Commission shall operate pursuant to a Plan of Operation and
3 policies and procedures recommended by the Navajo Nation Police Commission and approved
4 by the Navajo Nation Council's Law and Order Committee.

5
6 **Section Three. Codification**

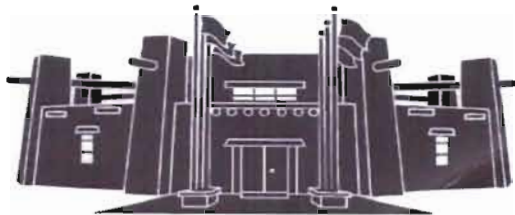
7 The provisions of the Act which amend or adopt new sections of the Navajo Nation Code
8 shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall
9 incorporate such amended provisions in the next codification of the Navajo Nation Code.

10
11 **Section Four. Savings Clause**

12 Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court
13 or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court,
14 the remainder of the Act shall remain the law of the Navajo Nation.

15
16 **Section Five. Effective Date**

17 The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).



MEMORANDUM

TO: Honorable Kee Allen Begay, Jr.
Navajo Nation Council Delegate

FROM: CWGT Taylor
Carolyn R. West-Taylor, Attorney
Office of Legislative Counsel

DATE: July 8, 2015

SUBJECT: AN ACTION RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI'
COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING TITLE 2
REGARDING THE NAVAJO NATION POLICE COMMISSION

As requested, I prepared the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge. You are encouraged to review the proposed resolution to ensure this is drafted to your satisfaction.

If you are satisfied with the proposed resolution, please sign as "Primary Sponsor" and submit to the Office of Legislative Services where the proposed resolution will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0236-15_____ SPONSOR: Kee Allen Begay

TITLE: An Action Relating To Law and Order, Naabik'ivati' Committees and Navajo Nation Council; Amending Title 2 Regarding the Navajo Nation Police Commission.

Date posted: July 9, 2015 at 6:39pm

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) 871-7590

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.: 0236-15

SPONSOR: Honorable Kee Allen Begaye Jr.

TITLE: An Action Relating To Law and Order, Naabik'iyati' Committees and Navajo Nation Council; Amending Title 2 Regarding the Navajo Nation Police Commission.

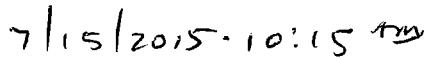
Posted: July 9, 2015 at 6:39 pm

5 DAY Comment Period Ended: July 14, 2015

Digital Comments received: *No comments received.*



Policy Analyst
Office of Legislative Services



Date/Time

**LAW AND ORDER COMMITTEE
23rd NAVAJO NATION COUNCIL**

FIRST YEAR 2015

COMMITTEE REPORT

Mr. Speaker,

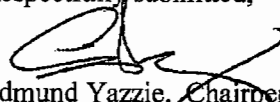
The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation #0236-15: An Action relating to Law and Order, NAABIK'IYATI' Committees and the Navajo Nation Council; Amending Title 2 Regarding the Navajo Nation Police Commission. **Sponsor: Honorable Kee Allen Begay, Jr**

Has had it under consideration and reports the matter as DO PASS with no amendments

and thereafter the matter will be referred to the **NAABIK' IYTATI' Committee.**

Respectfully submitted,



Edmund Yazzie, Chairperson.
Law and Order Committee of the
23rd Navajo Nation Council

Date: August 19th, 2015

Motion: Honorable Raymond Smith, Jr

Second: Honorable Otto Tso

VOTE: 3 - 0

NOTE: A quorum of 4 members were present



NAABIK'ÍYÁTI' COMMITTEE REPORT

23rd NAVAJO NATION COUNCIL—FIRST YEAR 2015

LEGISLATION 0236-15

Introduced by the Honorable Kee Allen Begay, Jr.

An Action Relating To Law and Order, Naabik'iyati' Committees and Navajo Nation Council; Amending Title 2 Regarding the Navajo Nation Police Commission

TO THE NAVAJO NATION COUNCIL:

The Naabik'iyáti Committee, to whom has been referred Legislation 0236-15, has had it under consideration and reports a **DO PASS** recommendation with no amendments.

Thence referred to the **NAVAJO NATION COUNCIL** on this 14th Day of October, 2015.

Honorable LoRenzo C. Bates, Chairman
NAABIK'ÍYÁTI' COMMITTEE

Motion: Honorable Davis Filfred
Second: Honorable Herman Daniels, Jr.
Vote: 10 in favor, 5 opposed, 0 Abstention

REFERRAL MOTION

Refer back to Law and Order Committee for a work
Session; no time limit

Motion: Honorable Alton Joe Shepherd
Second: Honorable Otto Tso
Vote: 7 in favor, 8 opposed, 0 Abstained
Motion Failed