

RESOLUTION OF THE  
NAABIK'ÍYÁTI' COMMITTEE OF THE  
NAVAJO NATION COUNCIL

23<sup>rd</sup> NAVAJO NATION COUNCIL - Second Year, 2016

AN ACTION

RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES; AND NAABIK'ÍYÁTI' COMMITTEES IS REQUESTING THE UNITED STATES ATTORNEY GENERAL LORETTA E. LYNCH'S OFFICE TO INVESTIGATE THE WINSLOW POLICE DEPARTMENT IN RESPONSE TO THE SHOOTING OF LOREAL TSINGINE A TRIBAL MEMBER OF THE NAVAJO NATION BY A WINSLOW POLICE OFFICER

WHEREAS:

- A. The Navajo Nation established the Law and Order Committee (LOC) as a Navajo Nation Council standing committee and as such empowered LOC to review and recommend resolutions regarding coordination between the Navajo Nation and the federal government. 2 N.N.C. §§ 164 (A)(9), 600 (C)(7), 601 (B)(1)(a), 601 (B)(13) (2015); see also CO-45-12.
- B. The Navajo Nation established the Health, Education, and Human Services Committee (HEHSC) as a Navajo Nation Council standing committee and as such empowered HEHSC to review and recommend resolutions relating to the health and human services and to coordinate with the state and federal governments on proposed legislation and other actions affecting health. 2 N.N.C. §§ 164 (A)(9), 400 (A), 401 (B)(6)(A), 401(B)(7)(A) (2015).
- C. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'íyáti' Committee to review and continually monitor the programs and activities of federal and state departments. 2 N.N.C. §§ 164 (A)(9), 700 (A), 701 (A)(7) (2015); see also CO-45-12.
- D. The Navajo Nation has a government-to-government relationship with the United States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.

- E. On, March 27, 2016 at approximately 4 p.m., the Winslow Police Department dispatched an officer to investigate a shoplifting report at the Circle K convenient store, located 323 N. Williamson Avenue, according to the City of Winslow press release. Felicia Fonseca, *Police: Woman killed by Winslow, Arizona, officer held scissors*, The Arizona Republic, Apr. 13, 2016, <http://www.azcentral.com>.
- F. The Circle K clerk's report to officer Austin Shipley described the suspect as a Native American woman wearing gray sweatpants and a white top. See generally Felicia Fonseca, *Police: Woman killed by Winslow, Arizona, officer held scissors*, The Arizona Republic, Apr. 13, 2016, <http://www.azcentral.com>.
- G. Officer Austin Shipley approached Loreal Tsingine (Loreal), on the sidewalk a couple of blocks from Circle K, a twenty-seven (27) year old woman, who fit the description of the suspect; officer Austin Shipley attempted to take Loreal into custody and a struggle ensued causing the officer to shoot Loreal five times resulting in her immediate death; the justification for using deadly force against Loreal, is Loreal had threatened officer Austin Shipley with scissors, according to the Arizona Department of Public Safety spokesman Raul Garcia. See generally Felicia Fonseca, *Police: Woman killed by Winslow, Arizona, officer held scissors*, The Arizona Republic, Apr. 13, 2016, <http://www.azcentral.com>.
- H. The Winslow Police Department's goal is to protect and serve the citizens of the community, the business owners, and our visitors; their approach is to provide a safe and secure environment where everyone can enjoy the special culture of Winslow; the Winslow Police Department has failed to meet its goal of protecting Loreal, a citizen of the Winslow community, and essentially failed to provide a safe and secure environment when she was fatally shot multiple times by officer Austin Shipley. CITY OF WINSLOW, ARIZONA, <http://www.winslowaz.gov/police-department/4578866690>, (last visited Apr. 13, 2016).

- I. The Navajo Nation is requesting the United States Department of Justice (USDOJ) Attorney General, Loretta E. Lynch, to authorize and conduct an independent investigation into the fatal shooting of Loreal and the discriminatory practices of police officers racially profiling and targeting members of the tribe who live in nearby border towns (small towns along the boundaries of the reservation), as in the case of Loreal, and those who frequently travel to nearby border towns. See Letter from LoRenzo Bates, Speaker, 23<sup>rd</sup> Navajo Nation Council, to Honorable Loretta E. Lynch, Attorney General of the United States, United States Department of Justice (Apr. 7, 2016), attached as Exhibit A.
- J. The Navajo Nation is aware Lt. Jim Sepi of the Winslow Police Department immediately requested for an external investigation and the Arizona Department of Public Safety is also investigating the fatal shooting; the Navajo Nation continues to raise concerns about the use of excessive force by law enforcement officers in towns surrounding the Navajo Nation. See generally Felicia Fonseca, *Police: Woman killed by Winslow, Arizona, officer held scissors*, The Arizona Republic, Apr. 13, 2016, <http://www.azcentral.com>; See Letter from LoRenzo Bates, Speaker, 23<sup>rd</sup> Navajo Nation Council, to Honorable Loretta E. Lynch, Attorney General of the United States, United States Department of Justice (Apr. 7, 2016), attached as Exhibit A.
- K. The Navajo Nation is urging the USDOJ to assign the Civil Rights Division led by Vanita Gupta, Principal Deputy Assistant, to conduct an independent investigation into the fatal shooting of Loreal and the discriminatory practices of the Winslow Police Department regarding racial profiling of Native Americans; the continuation of racial profiling of Native Americans, especially members of the Navajo Nation, causes a legitimate concern as to the health, safety and welfare of the Navajo people. See Letter from LoRenzo Bates, Speaker, 23<sup>rd</sup> Navajo Nation Council, to Honorable Loretta E. Lynch, Attorney General of the United States, United States Department of Justice (Apr. 7, 2016), attached as Exhibit A.

- L. The Civil Rights Division under the USDOJ is charged with upholding the civil and constitutional rights of all Americans, particularly some of the most vulnerable members of our society; Native Americans, consist of 0.8 percent of the population and comprise 1.9 percent of police killings; evidencing the Native American population as one of the most vulnerable members of our society, especially in terms of police killings. CIVIL RIGHTS DIVISION, <https://www.justice.gov/crt> (last visited Apr. 13, 2016); See, Mike Males, Center on Juvenile and Criminal Justice, *Who Are Police Killing?* (Aug. 26, 2014); E.g., Center on Juvenile and Criminal Justice, <http://www.cjcj.org/news/8113>, (last visited Apr. 13, 2016).
- M. The Civil Rights Division enforces federal statutes prohibiting discrimination on the basis of race, color, sex, disability, religion, familial statute and national origin; according to a study by the Center on Juvenile and Criminal Justice, "[t]he racial group most likely to be killed by law enforcement is Native Americans, followed by African Americans, Latinos, Whites, and Asian Americans"; Loreal is a Native American female, raising concerns regarding her race, color, and sex, which consist of three of the seven categories listed under the federal statutes and issues investigated by the Civil Rights Division. Mike Males, Center on Juvenile and Criminal Justice, *Who Are Police Killing?* (Aug. 26, 2014); See Center on Juvenile and Criminal Justice, <http://www.cjcj.org/news/8113>, (last visited Apr. 13, 2016).

**NOW THEREFORE, BE IT RESOLVED:**

- A. The Navajo Nation requests an independent investigation to be conducted by the Civil Rights Division of the United States Department of Justice and for the investigation to be authorized by the United States Attorney General, Loretta E. Lynch.
- B. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation Speaker, the Navajo Nation Chief Justice and their designees, to advocate for an independent investigation to be conducted by the Civil Rights Division into the fatal shooting of Loreal Tsingine and into the discriminatory practices of the Winslow Police Department.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23<sup>rd</sup> 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 13 in favor, 0 oppose, this 26<sup>th</sup> day of May, 2016.

A handwritten signature in black ink, appearing to read "LoRenzo Bates", with a large, stylized initial "L" and "B".

LoRenzo Bates, Chairperson  
Naabik'íyáti' Committee

Motion: Honorable Lee Jack, Sr.  
Second: Honorable Leonard Tsosie

# NAVAJO NATION

RCS# 426

Naa'bik'iyati Committee

5/26/2016

05:23:39 PM

Amd# to Amd#

Legislation No.0137-16

PASSED

MOT Jack

Requesting the U.S. Attorney

SEC Tsosie

General Loretta E. Lynch Office  
to Investigate Winslow P.D.

**Yea : 13**

**Nay : 0**

**Not Voting : 11**

**Yea : 13**

Begay, K  
BeGaye, N  
Bennett  
Chee

Damon  
Filfred  
Hale

Jack  
Slim  
Smith

Tso  
Tsosie  
Yazzie

**Nay : 0**

**Not Voting : 11**

Bates  
Begay, NM  
Brown

Crotty  
Daniels  
Perry

Pete  
Phelps  
Shepherd

Vacant  
Witherspoon



## 23rd Navajo Nation Council

April 7, 2016

Honorable Loretta E. Lynch  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

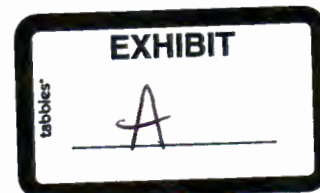
Re: Demand for Investigation

Dear Attorney General Lynch:

We, the Navajo Nation Council, respectfully urge the U.S. Department of Justice to investigate the fatal shooting of Loreal Tsingine by a Winslow Police Department Officer in Winslow, Arizona on Easter Sunday (Mar. 27, 2016). We understand the main purpose of the Civil Rights Division is to uphold the civil and constitutional rights of all Americans, particularly some of the most vulnerable members of our society. We also understand the Civil Rights Division enforces federal statutes prohibiting discrimination on the basis of race, color, sex, disability, religion, familial status and national origin. As understood, the Civil Rights Division, led by Vanita Gupta, Principal Deputy Assistant, is the office that conducts investigations of this magnitude, for example the shooting in Ferguson, Missouri.

Although a local investigation is currently being conducted by the Arizona Department of Public Safety ("AZDPS") regarding the fatal shooting of Loreal to determine whether excessive force was warranted resulting in the officer shooting her five times, we firmly believe intervention by the Civil Rights Division is necessary. History has proven that the small towns, or border towns, surrounding the Navajo Nation have discriminated against Native Americans. Loreal was a 27-year old Navajo woman and was allegedly holding a pair of scissors when she was shot five times after allegedly shoplifting from a convenience store a block and half away. On Tuesday, April 5, 2016 the Navajo Nation Human Rights Commission ("NNHRC") met with Chief of Police Stephen Garnett to discuss policy and procedures when a firearm is discharged and to collect data information; the NNHRC was informed that Garnett is prohibited from discussing the case unless the Winslow City Attorney is present. Thus, a follow-up meeting is scheduled for April 13, 2016.

While we understand the fatal shooting of Loreal is under investigation by AZDPS, the Navajo Nation Council has deep concerns about the use of excessive force by law enforcement officers in border towns that surround the Navajo Nation. What occurred in Winslow, Arizona on Easter Sunday is a tragic example of the concerns of the Navajo Nation Council. It is clear the death of a young Navajo lady who was 95 pounds and 5 feet tall does not fit the alleged shoplifting incident.

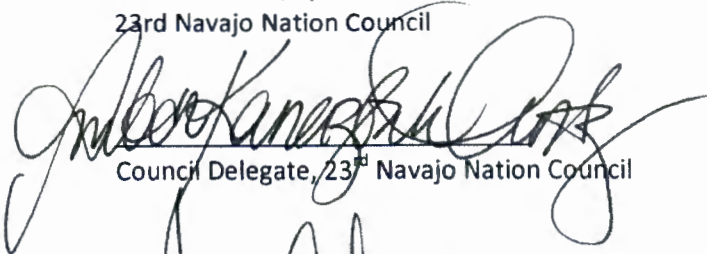


The Navajo Nation Council is demanding the U.S. Department of Justice, Civil Rights Division, formally investigate this tragedy and address the longstanding and deep seated concerns of unlawful police stops, use of excessive force, and other coercive activities of Navajos by the Winslow Police Department. Our Nation's peoples have lived with questionable border town law enforcement practice directed at Native People for many generations. Your assistance in addressing this matter is urgently needed and greatly appreciated. Thank you.

Sincerely,



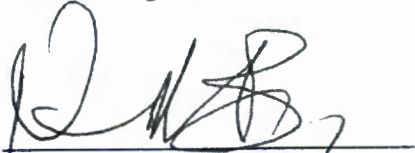
LoRenzo Bates, Speaker  
23rd Navajo Nation Council



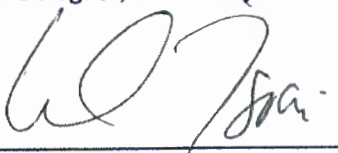
Council Delegate, 23<sup>rd</sup> Navajo Nation Council



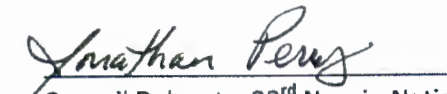
Council Delegate, 23<sup>rd</sup> Navajo Nation Council



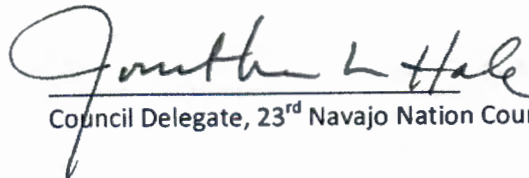
Council Delegate, 23<sup>rd</sup> Navajo Nation Council



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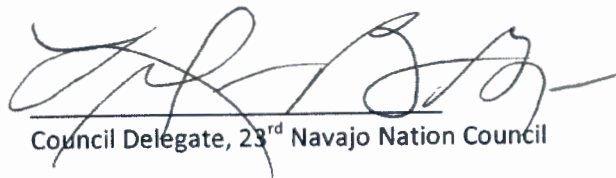
Council Delegate, 23<sup>rd</sup> Navajo Nation Council



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Council Delegate, 23<sup>rd</sup> Navajo Nation Council



Council Delegate, 23<sup>rd</sup> Navajo Nation Council

Cc: Vanita Gupta, Civil Rights Division, U.S. Department of Justice  
Tracy Toulou, Office of Tribal Justice, U.S. Department of Justice  
Arizona Senate Congressional Delegation  
New Mexico Senate Congressional Delegation