

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0268-19

**DATE:** September 6, 2019

AN ACTION RELATING TO THE LAW AND ORDER, HEALTH, EDUCATION & HUMAN SERVICES COMMITTEES, AND THE NAABIK'ÍYÁTI' COMMITTEE; STATING THE OFFICAL POSITION OF THE NAVAJO NATION CONCERNING VIOLENCE AGAINST WOMEN AS PRESENTED IN WRITTEN TESTIMONY TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF VIOLENCE AGAINST WOMEN IN CONJUNCTION WITH THE 14<sup>TH</sup> ANNUAL GOVERNMENT -TO- GOVERNMENT TRIBAL CONSULTATION.

**PURPOSE:** Approving the official position of the Navajo Nation concerning violence against women as presented in written testimony to be submitted to the United States Department of Justice, Office of Violence Against Women as part of the government-to-government tribal consultation.

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 review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: High  
Website Posting Time/Date: 5:37 PM 9-6-19  
Posting End Date: 9-11-19  
Eligible for Action: 9-12-19

Law & Order Committee  
Thence  
Health Education & Human Services Committee  
Thence  
Naabik'íyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL—FIRST YEAR, 2019

INTRODUCED BY

Primary Sponsor

TRACKING NO. 0268-19

AN ACTION

RELATING TO THE LAW AND ORDER, HEALTH, EDUCATION & HUMAN  
SERVICES COMMITTEES, AND THE NAABIK'ÍYÁTI' COMMITTEE; STATING THE  
OFFICAL POSITION OF THE NAVAJO NATION CONCERNING VIOLENCE  
AGAINST WOMEN AS PRESENTED IN WRITTEN TESTIMONY TO THE UNITED  
STATES DEPARTMENT OF JUSTICE, OFFICE OF VIOLENCE AGAINST WOMEN IN  
CONJUNCTION WITH THE 14<sup>TH</sup> ANNUAL GOVERNMENT –TO-GOVERNMENT  
TRIBAL CONSULTATION.

WHEREAS:

**Section One. Authority**

- A. The Navajo Nation established the Law and Order Committee to, in part, protect the rights and interests of the Navajo People. 2 N.N.C. §600(C)(2)
- 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 health within the Navajo Nation. 2 N.N.C. § 400(C)(1).
- C. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee. 2 N.N.C. § 700 (A) (2012) *see also* CJA-03-13.

- 1 D. The Naabik'iyáti Committee has the power to coordinate all requests for information,  
2 appearances and testimony related to proposed federal legislation. 2 N.N.C. § 701  
3 (A)(6).
- 4 E. The Navajo Nation has a government-to-government relationship with the United  
5 States of America, Treaty of 1868, Aug. 12, 1868, 15 Stat. 667.
- 6

7 **Section Two. Findings**

- 8 A. The United States Department of Justice's Office of Violence Against Women  
9 Government-to-Government Tribal Consultation (U.S. DOJ-OVW) occurred August  
10 21-22 in New Buffalo, Michigan and was held pursuant to Public Law 109-162, Title  
11 IX, Section 903 of the Violence Against Women Reauthorization Act of 2005. See  
12 Exhibit B.
- 13 B. The deadline for submitting official written testimony to the U.S. DOJ-OVW is  
14 September 30, 2019.
- 15 C. The official written testimony, as found at Exhibit A, attached, is a collaborative  
16 effort between the Executive, Legislative and Judicial branches of the Navajo Nation  
17 as well as contributed information and data from various Navajo programs and  
18 organizations supporting the efforts of combatting violence against Navajo women,  
19 children and law enforcement.
- 20 D. The written testimony, as found at Exhibit A, supports the Navajo Nation's position  
21 for the reauthorization of the Violence Against Women Act because grant funding  
22 (i.e. shelter services and victim advocates) and technical support is provided to the  
23 Navajo Nation through health and social services programs.
- 24 E. Additionally, the reauthorization of the Act would expand protections for children  
25 and law enforcement caught in the crossfire of domestic violence disputes, sex  
26 trafficking and transitional housing for victims of violence.
- 27 F. The Navajo Nation finds it to be in the best interest of the Diné to approve as the  
28 official position of the Navajo Nation the written testimony and support for the  
29  
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1 Violence Against Women Act as found at Exhibit A.  
2

3 **NOW THEREFORE, BE IT RESOLVED:**

4 The Navajo Nation hereby supports as the official position of the Navajo Nation the  
5 written testimony as found at Exhibit A and authorizes it's submission to the United  
6 States Department of Justice Office of Violence Against Women.  
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## Written Testimony: Navajo Nation

U.S. Department of Justice – Office of Violence Against Women  
14<sup>th</sup> Annual Government-to-Government Tribal Consultation  
August 21-22, 2019 – New Buffalo, Michigan

### Introduction

Thank you for the opportunity to provide a written testimony on behalf of the Navajo Nation to address the issue of missing and murdered Navajo relatives, as well as relatives who go missing in rural and urban areas near and outside the Navajo borders. Navajo Nation President Jonathan Nez, Vice President Myron Lizer, and the 24<sup>th</sup> Navajo Nation Council would like to thank the U.S. Department of Justice and the Office of Violence Against Women for conducting the annual government-to-government consultation on this important issue impacting Navajo communities and Indian Country. We also extend our gratitude to Navajo Nation Council member Council Delegate Amber Kanazbah Crotty for her gracious support with the research and testimony that she provided to the U.S. Senate Committee on Indian Affairs in December 2018.

Delegate Crotty has been a fierce advocate for issues that span several areas that are affecting our Navajo people: domestic violence, sexual violence, human trafficking, and more recently, the Missing & Murdered Diné Relatives (MMDR) initiative. Through Delegate Crotty's leadership, she organized a working group of dedicated MMDR Team members who provide research, support, and subject matter expertise to Navajo leadership as they begin to delve into developing action plans, coordination, advocacy, and awareness to Navajo communities.

We also appreciate the leadership of Council Delegate Charlaine Tso for providing the verbal testimony at the consultation in New Buffalo on behalf of the Navajo Nation. Our Nation is working diligently to create solution-based pathways to address violence against women, children, and all vulnerable populations on the Navajo Nation. Again, we extend our sincere thanks to the U.S. DOJ-OVW for engaging in a government-to-government tribal consultation with our Navajo leadership.

### Background

The Navajo Nation is the largest land-based federally recognized Native American tribe within the United States with more than 356,890 tribal members with 173,667 living within the Navajo Nation, according to the 2016 American Census Survey. The basis of our federal-tribal government-to-government relationship was established by the Treaty of 1868 between the United States and the Navajo Nation, which was ratified by the United States Senate on June 24<sup>th</sup>, 1868 and signed by President Andrew Johnson on August 12<sup>th</sup>, 1868. Our government-to-government relationship is further supported by federal executive orders, court decisions, and case law.

The Navajo Nation spans over 27,427 square miles within the states of Arizona, New Mexico, and Utah. Unemployment hovers at around 57.6%, while the median annual household income being roughly around \$27,389. While infrastructure development has improved, there remains much work to be done to address basic infrastructure needs for Navajo communities. Together, these issues contribute to the safety and well-being of our Navajo families.

### Public Safety



According to the U.S. Federal Bureau of Investigations, violent crime on the Navajo Nation is increasing. From 2010-2016, the Navajo Nation Department of Public Safety (NDPS) received an average of over 200,000 emergency calls annually. Half of these calls involved violence. Currently, NDPS has about 200 police officers and 30 criminal investigators that cover approximately 18 million acres of Navajo land. This means there is only 0.85 officers for every 1,000 Navajo citizens. The national average for law enforcement officers is 3 police officers for every 3,000 citizens.

Navajo law enforcement responds to an average of 40 homicides per year within the Navajo Nation, which makes murder within the Navajo Nation 4 times the national average on a population per capita basis. The FBI reported that there were 2,534 violent crimes, 2,311 aggravated assaults, and 160 rapes reported to law enforcement in 2017. This data is comparable to crimes in major U.S. cities.

### **Violence Against Navajo Women**

According to a congressional testimony provided by Council Delegate Amber Kanazbah Crotty to the U.S. Committee on Indian Affairs on December 12, 2018, violence on the Navajo Nation is a multi-generational and culturally pervasive phenomenon. Furthermore, like our national counterparts, the accurate rates of violence against Navajo women are not truly reflected in the data since many victims of domestic violence (DV) or dating violence do not report their abuser to law enforcement for fear of retaliation, shaming, or the involvement of drugs or alcohol during the assault.

The lack of resources to ensure the safety of Navajo women—combined with the socio-economic challenges within the Navajo Nation, gang violence, poverty, and low educational attainment—perpetuate a systemic culture of violence within Navajo families and communities.

### **Missing & Murdered Diné Relatives (MMDR)**

Currently, the Navajo Nation does not provide a comprehensive victim services program for all victims of violent crimes. Available funding right now is for intimate-partner violence, which includes domestic violence, dating violence, sexual assault, and some shelter services. To address the void in services, the Navajo Nation relies on a "patchwork" of limited services from under-resourced service providers from different tribal programs and offices with the support of non-governmental non-profit organizations.

Below are examples of tragic cases of Missing & Murdered Diné Relatives. The ages of each person, their geographical location, and date they were reported missing vastly differs in each case, indicating that violent crime targets all age groups, genders, and regions within the Navajo Nation:

- 26-year-old Amber Webster, a married mother-of-three, was murdered in Florence, Kentucky on December 2018. Amber was employed as a construction worker that had traveled out of state to provide income to her family on the Navajo Nation. 32-year-old Jesse James brutally stabbed her to death while staying at the same hotel as her. The two had no prior interactions with one another preceding to the incident.
- 26-year-old Katczinzki Ariel Begay went missing in July 2017 on the southeastern edge of the Navajo Nation in Arizona. Ariel was picked up from her residence by her boyfriend and never came back home. Efforts were made by law enforcement and a search ensued on the Navajo Nation in New Mexico and Arizona. Sadly, her remains were found in October 2017 in Querino Canyon, Arizona. Her case remains unsolved today.



- 23-year-old Ryan Shey Hoskie, 42-year-old Teri Benally, and 32-year old Fredrick Watson were three transgender Navajo Nation members who were found beaten to death in Albuquerque, New Mexico in January 2005, July 2009, and June 2009 respectively. All three victims' bodies were found in the southeast side of town within a block of one another laying in a street or alley. The details of each of their deaths remain unknown and no suspects have been detained.
- 63-year-old Marena Holiday, mother of three and grandmother, was murdered in Comb Ridge, Utah on December 2015. Marena was killed within the boundaries of the Navajo Nation after she was beaten then shot in the head by a neighbor. In disposing of the body, the perpetrator tied a rope around Holiday's ankles to the back of his truck and dragged her body to hide under a tree. She was found the next day and the perpetrator was later indicted by a federal grand jury for first-degree murder and sentenced to just 22 years in prison.

The shortfalls for each case tragically highlight critical realities of public safety within the Navajo Nation—the delayed response time of law enforcement, jurisdictional complexities between tribal, state and federal law enforcement, and the lack of services provided to victims' families. It should also be noted that in 2019 additional people have been reported missing within the Navajo Nation.

Delegate Crotty and the MMDR Team have been actively collaborating with the Navajo Nation Missing Persons Updates group and Sovereign Bodies Institute to obtain further data information that has been collected at the community level. According to their reports, 164 missing Navajo persons cases have been documented starting from 1951-2019, and it was found that 38% of the cases are missing persons and 62% are murder cases. To further illustrate where these cases are occurring, 41% occurred on the Navajo Nation, 10% occurred in rural off-reservation areas, and 49% occurred in urban communities.

The reports from both community-based organizations also indicated that the average age of a Navajo missing person is 31, and 22% of the cases reported involved young girls under the age of 18. 32% of the cases involved domestic violence and 4% involved sexual assault. Although there is little data reported regarding LGBTQ and unsheltered relatives, both organizations continue to monitor and collect information on the Navajo Nation and in surrounding border town areas.

Recently, the Navajo Nation Public Safety Division met with the MMDR Team to begin developing a community action kit to empower Navajo communities to coordinate and mobilize search parties, understand the missing persons reporting process, data collection, and to support law enforcement when a person goes missing.

### **Navajo Nation Developments**

The Navajo Nation, with limited resources, is working to address public safety with the following developments:

- Coordinating existing Navajo Nation working groups and available resources to address missing and murdered Navajo people
  - Navajo Nation Police Department is developing a Missing Persons Unit
  - Creation of a Missing & Murdered Diné Relatives Data Institute by the MMDR Team working group and partnering coalitions
- Expanding the Navajo Nation 911 emergency call services across the Navajo Nation, in coordination with Arizona, New Mexico, and Utah state law enforcement



- Bulking up the Navajo Nation Police Department's Information Management Section (NNPD-IMS) for data collection and hiring a crime data analyst
- Expanding tribal correctional detention facilities in major Navajo Nation communities
- Active recruitment for additional police officers and currently operating a Navajo law enforcement academy

### **Recommendations**

Notwithstanding these efforts, the Navajo Nation needs increased federal resources and support to keep our families and communities safe. Additionally, the Navajo Nation is collaborating with the MMDR Team and three non-profit organizations that support the following recommendations:

- Congress needs to reauthorize the Violence Against Women Act of 2019
- Increased funding for victims' services programs and victim advocates within tribal law enforcement and the tribal judiciary
- Increased federal funding for an inter-coordinated tribal Information Management System with judicial data tracking systems and training
- Funding for transitional housing for victims of violent crimes and their families
- Obtain federal funding and support for the Navajo Nation's proposed Missing & Murdered Diné Relatives Data Institute
- Encourage information/data-sharing agreements with our state and federal partners
- Increased resources for Navajo law enforcement

### **Conclusion**

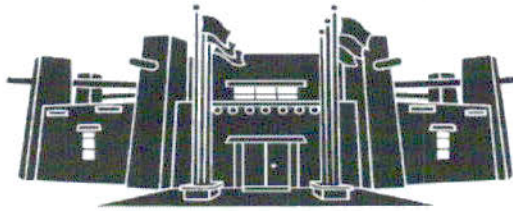
Thank you for the opportunity to provide this written testimony to the U.S. Department of Justice. Protecting Navajo women and children is critical to the future of the Navajo Nation and to the health and well-being of Navajo families and communities.

Navajo Nation President Jonathan Nez, Vice President Myron Lizer, and the 24<sup>th</sup> Navajo Nation Council formally invite you to conduct a true government-to-government consultation on the Navajo Nation. With your visit, you would be able to comprehend the magnitude of the issues this testimony briefly speaks to. As the largest land-based tribe in the United States comparable to the size of some states, we encourage our federal partners to engage in meaningful dialogue with our Navajo leadership and community advocates. Respectfully, we extend an invitation to your office.

Áhéhee' (thank you)!


Attachment: December 12, 2018 Testimony of the Honorable Navajo Nation Council Delegate Amber Kanazbah Crotty, before the U.S. Senate Committee on Indian Affairs, "Missing and Murdered: Confronting the Silent Crisis in Indian Country."





## MEMORANDUM

**TO:** Honorable Amber Kanazbah Crotty  
24<sup>th</sup> Navajo Nation Council

**FROM:**   
Edward A. McCool, Acting-Chief Legislative Counsel  
Office of Legislative Counsel

**DATE:** September 6, 2019

AN ACTION RELATING TO THE LAW AND ORDER, HEALTH, EDUCATION & HUMAN SERVICES COMMITTEES, AND THE NAABIK'ÍYÁTI' COMMITTEE; STATING THE OFFICAL POSITION OF THE NAVAJO NATION CONCERNING VIOLENCE AGAINST WOMEN AS PRESENTED IN WRITTEN TESTIMONY TO THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF VIOLENCE AGAINST WOMEN IN CONJUNCTION WITH THE 14<sup>TH</sup> ANNUAL GOVERNMENT –TO- GOVERNMENT TRIBAL CONSULTATION.

As requested, 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. Please ensure that this 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 Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. 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).

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

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0268-19

SPONSOR: Amber Kanazbah Crotty

TITLE: An Action Relating To The Law And Order, Health, Education & Human Services Committees, And The NAABIK'IYATI' Committee; Stating The Official Position Of The Navajo Nation Concerning Violence Against Women As Presented In Written Testimony To The United States Department Of Justice, Office Of Violence Against Women In Conjunction With The 14TH Annual Government-To-Government Tribal Consultation

*Date posted:* September 6, 2019 at 5:37 PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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.

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