

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

AN ACTION

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

BE IT ENACTED:

SECTION ONE. AUTHORITY

- 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 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 Department of Corrections is a program within the Division of Public Safety. The purpose of the program is to oversee six adults and three juvenile facilities throughout the Navajo Nation. Based on 2017 data, the department served a total of 35,607 adult inmates and a total of 1,466 juveniles throughout the Navajo Nation. Facilities include 381 adult and 102 juvenile bed spaces.
- D. The plan of operation for the Department of Corrections was last amended January 5, 2011 through resolution GSCJA-06-11. The plan of operation for the department must generally be updated.

SECTION THREE. AMENDING PLAN OF OPERATION FOR DEPARTMENT OF CORRECTIONS

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

**NAVAJO DIVISION OF PUBLIC SAFETY
DEPARTMENT OF CORRECTIONS
PLAN OF OPERATION**

I. ESTABLISHMENT

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

II. PURPOSE

The purpose of the Department of Corrections is to provide for the health, safety and welfare of all adults and juveniles incarcerated within the territorial jurisdiction of the Navajo Nation, as defined by 7 N.N.C. § 254 and 18 U.S.C § 1151. In addition, due to the critical need for renovation and construction of outdated public safety facilities, the Department of Corrections will secure funding for and manage the renovation and construction of public safety facilities throughout the Navajo Nation.

III. STAFFING AND ORGANIZATION

- A. All personnel shall be employed and compensated in accordance with the Navajo Nation Personnel Policies Manual, and the Director of Department of Corrections shall be selected by the Executive Director and Navajo Division of Public Safety in accordance with established Navajo Nation Personnel Policies Manual.
- B. The Department of Corrections shall be staffed sufficiently to accomplish the purposes and objectives of the Department of Corrections as stated herein. See Attachment 1, organization chart.
- C. The Director shall be authorized to make decisions regarding personnel positions and to request professional and technical assistance as needed to carry out the organizational purposes and objectives as stated herein. Additional positions shall be acquired within applicable rules established for conducting the annual Navajo Nation budget process.

IV. AUTHORITY AND RESPONSIBILITY

- A. The responsibilities of the Department of Corrections shall include, but are not limited to, the following:
 - 1. To ensure that all incarcerated adults and juveniles are housed under humane conditions.
 - 2. To provide intervention services to incarcerated persons.
 - 3. To develop and implement policies and procedures for the effective and efficient operation of correction facilities within the territorial jurisdiction of the Navajo Nation.
 - 4. To secure funding for and to manage the renovation and construction of public safety facilities.
- B. The responsibilities of the Director of the Department of Corrections shall include, but are not limited to, the following:
 - 1. To coordinate and administer all correction facilities within the territorial jurisdiction of the Navajo Nation in compliance with all applicable Navajo Nation laws, rules and regulations.
 - 2. To coordinate services with other Navajo Nation divisions, departments and programs necessary to provide

mental health and substance abuse services to adults and juveniles incarcerated within the territorial jurisdiction of the Navajo Nation.

3. To ensure that accurate records and statistics are maintained regarding inmates detained in correction facilities within the territorial jurisdiction of the Navajo Nation.
4. To prepare an annual budget for the Department of Corrections.
5. To seek renovation and construction funds, and through supervision by appropriate Department of Corrections personnel, to manage all phases of design, engineering, construction and renovation of public safety facilities.
6. To negotiate contracts, grants and agreements on behalf of the Department of Corrections in compliance with applicable Navajo Nation laws, rules and regulations.
7. To report directly to the Executive Director regarding all activities of the Department of Corrections on a regular basis.

V. LEGISLATIVE OVERSIGHT

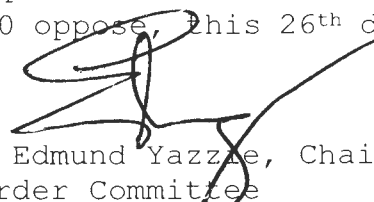
The Department of Corrections, Navajo Division of Public Safety, shall operate under the legislative oversight of the Law and Order Committee of the Navajo Nation Council, pursuant to the powers granted that committee at 2 N.N.C §§ 601 *et seq.*

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(B)(4), 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 26th day of March 2018.

A handwritten signature in black ink, appearing to be 'Edmund Yazzie', written over the printed name.

Honorable Edmund Yazzie, Chairperson
Law and Order Committee
of the 23RD Navajo Nation Council

Motion: Honorable Otto Tso
Second: Honorable Raymond Smith, Jr.

