

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACT

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT,
NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C.
§§ 1060 - 1067 AND 17 N.N.C. §§ 101 - 104 BY ENACTING THE NAVAJO
NATION PEACE OFFICER STANDARDS AND TRAINING CERTIFICATION ACT

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the Navajo Nation Council on amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§ 164 (A)(1), 600 (A), and 601(B)(14).
- B. The Resources and Development Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the Navajo Nation Council on amendments to and enactments in the Navajo Nation Code for law enforcement agencies within the Division of Natural Resources and the Navajo Environmental Protection Administration. 2 N.N.C. §§ 164 (A)(1), 501 (B) (2)(g) and 501 (C)(1).
- C. The Naabik'iyáti' 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. CO-45-12.
- D. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. § 164 (A).

SECTION TWO. FINDINGS

- A. The Navajo Nation is a sovereign government responsible for providing critical governmental services to and protecting its people.

- B. The Navajo Nation employs a large number of law enforcement officers, including police officers, rangers, fish and wildlife and forestry officers, environmental protection officers, executive security officers, and criminal investigators. Law Enforcement officers, within the Navajo Nation, currently receive training through standards of states and the federal government.
- C. It is in the best interest of the Navajo Nation, a sovereign government, to set its own standards and training requirements for law enforcement officers serving within the Navajo Nation within existing appropriated, budgeted funds. There is no need for additional appropriations for this Commission.

SECTION THREE. APPROVING AND ENACTING THE NAVAJO NATION PEACE OFFICER STANDARDS AND TRAINING CERTIFICATION ACT

The Navajo Nation hereby amends 2 N.N.C. §§ 1060 - 1067 and 17 N.N.C. §§ 101-103 by enacting the *Navajo Nation Peace Officer Standards and Training Certification Act* as follows:

Title 2

**Navajo Nation Government
Chapter 5. Executive Branch**

Subchapter 4. Navajo Nation Peace Officer Standards and Training Commission

§ 1060. Establishment and Purpose; Navajo Nation Peace Officer Standards and Training Commission

- A. There is hereby established a Navajo Nation Peace Officer Standards and Training Commission.
- B. The purpose of the Commission is to assist Navajo Nation law enforcement agencies in providing qualified, trained, and certified peace officers to serve the Navajo People. The Commission will accomplish this task by administering and managing matters of initial and re-qualification, training, basic training certification requirements, and certification of Navajo Nation Peace Officers.
- C. The Commission shall adopt, administer, and enforce regulations it promulgates.

D. The Commission is a non-budgeted entity within the Executive Branch of the Navajo Nation Government.

§1061. Membership

A. The Commission shall be composed of five (5) members, who shall be the following:

1. Chief Prosecutor of the Navajo Nation;
2. Chief of Police, Navajo Nation Police Department;
3. A Commissioned Law Enforcement officer employed within the Division of Natural Resources, selected by Division of Natural Resources commissioned law enforcement officers;
4. Chief of Police, Navajo Nation Ramah Police Department;
5. Supervisor of the Navajo Environmental Protection Agency's Criminal Enforcement Section.

B. A quorum shall consist of three (3) voting members. A motion will pass only if it receives a majority of votes of those members present and voting, which shall constitute the final action of the Commission.

C. Meetings shall be held quarterly or more frequently as requested by the Chairperson or by the written request of three (3) members of the Commission or by the President of the Navajo Nation.

§1062. Powers

A. The Commission shall function independently, but in cooperation with all of the criminal law enforcement agencies on the Navajo Nation.

B. The Navajo Nation Peace Officer Standards and Training Commission shall:

1. Establish rules for the governance and conduct of the Commission, including meeting times, matters to be placed on the agenda of each meeting, and selection of a Chairperson, Vice Chairperson, and Secretary;

2. Make recommendations, consistent with this Act, to the President, the Speaker of the Navajo Nation Council, the Navajo Nation Council, or any Committee of the Navajo Nation Council;
3. Set standardized minimum qualifications, or re-qualifications, for the certification of peace officers of the Navajo Nation. The qualifications shall relate to physical, mental, and moral fitness, and shall govern the recruitment, appointment, and retention of all individuals assuming or exercising the powers of arrest or search and seizure;
4. Prescribe minimum standards for training of peace officers, including in-service requirements, firearms qualifications and re-qualification, and programs for continuing training, education, and professional development of peace officers of the Navajo Nation;
5. Recommend curricula for advanced courses and seminars in peace officer education and criminal intelligence gathering training in local institutes of higher learning.
6. Develop policies and procedures to ensure that all certified peace officers of the Navajo Nation and the departments, offices, or entities that employ them are adhering to the standards for recruitment, appointment, basic training certification, retention, in-service training, re-qualifications, and training established by the Commission in accordance with this Chapter;
7. Grant, deny, suspend, revoke, or cancel the certification of a peace officer who is not in compliance with the qualifications, or based upon a finding of misconduct or lacking good moral character as established by the Navajo Nation Peace Officer Standards and Training Commission;
8. Provide training and related services to assist state, tribal, and local peace officer agencies to better serve the Navajo People;
9. Enter into contracts to carry out its powers and duties;

10. Administer oaths, subpoena persons, and take testimony on any matter within the Commission's jurisdiction; and
11. Perform all other acts appropriate to the development and operation of peace officer training and education.

§ 1063. Categories of Peace Officers

- A. After approval and certification by the Commission, all individuals will be certified as peace officers of the Navajo Nation.
- B. The Navajo Nation Peace Officer Standards and Training Commission may create categories for which an individual may be certified as a peace officer as may be required by the needs of the Navajo Nation.

§ 1064. Appeal of Adverse Decisions

An individual may appeal any adverse decision made by the Commission concerning their application or certification as a peace officer of the Navajo Nation to the Navajo Nation Office of Hearings and Appeals.

§ 1065. Retention and Continuation of Previously Commissioned Officers

All Navajo Nation peace officers, police officers, Rangers, Wildlife Conservation Officers, Forestry Officers, Navajo Nation Environmental Protection Officers or Criminal Investigators, Executive Security Officers, and Navajo Nation Criminal Investigators wherever commissioned to enforce the laws of the Navajo Nation shall not forfeit any duly held peace officer or law enforcement commission by passage of this Act, and will be issued a Navajo Nation peace officer certification by the Navajo Nation Peace Officer Standards and Training Commission.

**Title 17
Law and Order
Chapter 1. Enforcement of the Criminal Code**

§ 101. Responsibility

The Navajo Nation assumes responsibility for the enforcement of the Criminal Code, including such amendments thereof and additions thereto as may hereafter be enacted.

§ 102. Requirements to Become a Navajo Nation Peace Officer

- A. All personnel assuming or exercising the power of arrest, search and seizure, or any person who is a law enforcement officer vested by law with a duty to maintain public order or make arrests whether that duty extends to all offenses or is limited to specific classes of offenses within the Navajo Nation must be qualified, trained, and certified as a peace officer of the Navajo Nation in accordance with the requirements set forth by the Navajo Nation Peace Officer Standards and Training Commission.
- B. The provisions concerning the certification of peace officers of the Navajo Nation may be referred to as the "Navajo Nation Peace Officer Standards and Training Certification Act."

§ 102 103. Authority to enter into cooperative agreements with federal and state agencies

§ 103 104. Authority to enter into cooperative agreements for incarceration of Navajo prisoners in Navajo correctional facilities

SECTION FOUR. EFFECTIVE DATE

The act enacted herein shall be effective pursuant to 2 N.N.C. §221(B).

SECTION FIVE. CODIFICATION

The provisions of the act shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate all provisions of the act in the next codification of the Navajo Nation Code.

SECTION SIX. SAVINGS CLAUSE

Should any provision of the Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those provisions of the Act not determined invalid shall remain the law of the Nation.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the 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 15 in Favor and 01 Opposed, on this 19th day of July 2018.



Jonathan L. Hale, Speaker Pro Tem
2rd Navajo Nation Council

July 27, 2018

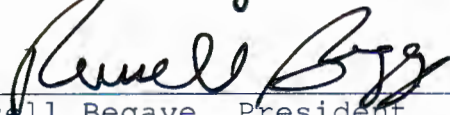
Date

Motion: Honorable Steven Begay
Second: Honorable Kee Allen Begay, Jr.

Speaker Pro Tem Hale not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(10), on this 6th day of August 2018.



Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (c)(11), on this _____ day of _____ 2018 for reason(s) expressed in the attached letter to the Speaker

Russell Begaye, President
Navajo Nation

NAVAJO NATION

RCS# 1200

2018 Summer Session

7/19/2018
04:58:25 PM

Amd# to Amd#	Legislation 0198-18: Amending	PASSED
MOT Begay, S	2 NNC Sec 1060-1067 and 17 NNC	
SEC Begay, K	Sec 101-104 by Enacting the NN Peace Officer Standards & Trng..	

Yea : 15 Nay : 1 Excused : 1 Not Voting : 7

Yea : 15

Bates	Brown	Perry	Smith
Begay, K	Chee	Phelps	Tso
Begay, S	Damon	Shepherd	Witherspoon
Bennett	Daniels	Slim	

Nay : 1

Tsosie

Excused : 1

BeGaye, N

Not Voting : 7

Begay, NM	Filfred	Jack	Yazzie
Crotty	Hale	Pete	