

JUDICIAL BRANCH OF THE NAVAJO NATION



FACILITY NEEDS

REPORT TO THE NAVAJO NATION COUNCIL

Fall Session

October 20, 2015

I. INTRODUCTION

Court houses and judicial facilities are the embodiment of justice in a community. These facilities represent how society views justice. They provide the space for crucial dispute resolution services to the public. Having a strong and independent judicial system, with the infrastructure to support it, increases economic development for a nation. These are all critical reasons why having adequate judicial facilities are important for our Navajo Nation.

The Navajo Nation took control of its own judicial system in 1959, and in 1985 developed a separate and independent Judicial Branch that now consists of a Supreme Court and 11 judicial districts, each with civil, criminal and family courts, restorative probation and parole services, and peacemaking program services to adjudicate cases, resolve disputes, rehabilitate individuals and families, restore harmony, and protect persons and property pursuant to Navajo Nation laws, customs, traditions, and applicable federal laws.

The branch operates its courts and programs through the creed that it is our duty to provide services to the public at the local level. Our stated strategic goals include to ensure access to the judicial system by the public and to address facilities' needs. Therefore, our facilities must be adequate, safe and accessible not only for our employees but for the public that we serve.

The Judicial Branch has sought to address its facility needs for our employees and the public they serve through the years. The branch has been grateful for appropriations from various sources that have assisted in constructing new facilities and in addressing immediate needs. While some of the needs have been met, the branch remains in dire need of facilities for a majority of judicial districts and for its programs. These needs grow more urgent each year that they are not addressed and the cost to construct increases with each passing year. This report gives a brief overview of the immediate and long-term facility needs, projects currently in progress, judicial districts that do not require new facilities at this time and recommendations.

II. IMMEDIATE FACILITY NEEDS

The following are our immediate facility needs. They represent immediate needs for the Judicial Branch staff and the public that we serve due to deteriorating, insufficient and/or no facilities.

Supreme Court/Administrative Offices of the Courts – The Supreme Court justices and AOC staff offices had been located at the Damon Building at the intersection of Highway 264 and Indian Route 12 for approximately eight years. In June 2015, the building was shut down by order of the Navajo Occupational Safety and Health Administration and the justices and staff have since relocated to three different sites in the Window Rock area. Each of these is a short term solution and office space must be secured immediately for 19 AOC staff, 4 Supreme Court staff and 2 Supreme Court justices. The lease will expire for the building that AOC Special Projects and Information Technology staff currently occupy in November 2015. Fiscal Services, Human Resources and Probation staff are temporarily stationed at the Department of Information

Technology. The Supreme Court office is overcrowded with four occupants where there had previously only been two. There is no office space for the Chief Justice. This situation is extremely inefficient for the offices that provide support for all judicial districts and programs across the Navajo Nation. There is a need for our staff to be under one roof, or at least in close proximity.

The Judicial Branch is seeking supplemental funding to complete construction of modular buildings for the Supreme Court and the Administrative Office of the Courts. The modular buildings are currently set up where the former central judicial offices had been located east of the Veterans Park. All fifteen sections for the Supreme Court and the Administrative Office of the Courts have been assembled and secured on their permeant foundations. However, due to insufficient funds, construction stopped on October 15, 2015, and remaining work still needs to occur, i.e., interior work (HVAC connections, electrical wiring, lighting, flooring), exterior work, design and installation of a new electrical connections, installation of new water line and utility connections, site access, parking lot and sidewalk installation. Once completed, these modular buildings will allow for the Supreme Court and the AOC to be centralized and to continue to provide support services for all judicial districts and programs. In the meantime, there is still a need to identify short-term, temporary office space immediately for our staff and justices.

Dził Yijiin Judicial District – The Dził Yijiin Judicial District has operated out of temporary facilities since it was created in 2012. The court staff currently occupies half of the Regional Business Development Office (RBDO) in Whippoorwill, Arizona, to provide services with limited office space and no hearing room for court cases to be heard. A temporary modular facility in Whippoorwill is available for use by the court; but will need major renovations. An assessment by Navajo Design and Engineering Services (NNDES) estimated the cost of the renovations at \$340,725 for these renovations, including site drainage development, structural improvements, a new roofing system, electrical wiring, floor tiles, appliances, hardware and new HVAC system. A supplemental request has been submitted to the 164 review process and shared with the Navajo Nation Council Delegate representing the service area.

Recent notice of the Whippoorwill RBDO staff relocating to Chinle, Arizona, has opened an alternative option in which Dził Yijiin Courts could occupy the entire facility to house staff and develop a hearing room. There are currently discussions taking place regarding this possibility, but no decisions have been made. An assessment will be forthcoming of needed renovations and repairs for this option.

Window Rock Judicial District – The Window Rock Judicial District is currently located in a building that was built in 1959. A 2008 report from Fiberquant Analytical Services identified areas in the court that contain asbestos. A 2010 letter from the Indian Health Services Office of Environment Health stated that the facility has frequent roof failures that cause interior damage and growth of mold. Some concrete support beams and columns have severely deteriorated due to soil movement and shifting. The court has previously had to shut down due to issues with its

HVAC, and in the past, has had to arrange its schedule to open and close its offices early to continue to serve the public.

Due to these ongoing issues, the Window Rock Judicial District Court is in need of immediate relocation. Branch staff continue to seek a temporary facility, but office space in this area is extremely limited. We must also consider that a temporary location would require space to hold hearings. To relocate to a temporary facility, the court is seeking additional funding for Fiscal Year 2016 for lease and rental.

III. LONG TERM FACILITY NEEDS

The following projects are permanent facilities that will meet the long term needs of the Judicial Branch and the public.

Supreme Court/Administrative Offices of the Courts/Peacemaking Program – While the Navajo Nation's judicial system has for decades been viewed as a leader in tribal court adjudication, the highest court of the tribal judicial system has never had a formal space to hear oral argument. In fact, there has never been a permanent facility for the Supreme Court staff or the administrative offices of the Judicial Branch and its ancillary programs.

As a result of long term planning, the branch is ready to begin construction on a permanent facility for the Supreme Court, AOC and Peacemaking Program. In 2006, the Navajo Nation Council appropriated \$1.5 million in planning funds to hire an architect to plan and design the complex. The final design is a Supreme Court building that embodies the Diné ideas of justice and conflict resolution. The project will utilize nine acres in Window Rock, Arizona, and is arranged in a campus style setting with facilities for the Supreme Court, the Peacemaking Program, Administrative Office, Probation and Parole Services, and an amphitheater. The existence of such a facility will enhance confidence in the judicial system. The total cost for this project is approximately \$18 million.

Additionally, the Resources and Development Committee of the 22nd Navajo Nation Council had approved the priority listing of road projects and identified funding in the amount of \$1.1 million through the Bureau of Indian Affairs' Indian Reservation Roads fund for the access roads. With technical assistance from the Navajo Nation Design and Engineering Services department, necessary surveys and legal descriptions have been secured and land has been withdrawn. The project is included in the priority listing of governmental facilities of construction-ready projects for the Navajo Nation.

Window Rock Judicial District – For a permanent judicial/public safety facility, a team that includes both judicial and public safety needs to be assembled. No land has been identified; however, there are several possibilities that are being explored for a facility. The estimated cost for a court facility is \$13 million.

Dzil Yijiin Judicial District – To build a permanent justice center in Pinon, Arizona, a total of approximately \$32 million is needed. This complex would house corrections, law enforcement and judicial in 53,000 square feet. This project is in the schematic design stage and land has been identified.

Shiprock Judicial District – The facility where Shiprock Judicial District staff is currently located opened on August 19, 1972. This building has had roof leaks and electrical issues and staff is in need of more space. To help resolve some of these issues, staff members with Probation and Peacemaking have moved into a new modular building, which opened on August 3, 2015. A site has been identified for a new judicial/public safety complex; however, the building that is now at that site must be demolished before a new facility can be built there. The estimated cost for the court is about \$13 million.

Kayenta Judicial District – The current facility for the Kayenta Judicial District opened in 1995. A new court house is necessary for the growing judicial district. There have been problems with the current facility in the past making it necessary for staff to temporarily vacate and operate out of extremely small storage facilities. A new design for this court must be secured. The overall plan has been to design and construct a building for a mid-size court similar to the court facility at Dilkon, which would cost an estimated \$6 million to \$7 million. Land has been identified as part of a master plan developed by the Kayenta Township.

Ramah Judicial District – Land has been identified for a new court facility for Ramah near the new corrections facility. A plan for a small court, which would be similar to the To'hajiilee and Alamo Courts, could be used for this court, which would cost an estimated \$6 million.

Aneth Judicial District – Aneth Judicial District currently operates out of a small modular that was provided by the Utah Navajo Trust Fund in 2007. The current facility is located near the Aneth Chapter house. There is no land identified for a new facility; however, there are several possibilities being explored. This court is also proposed to utilize a design similar to the To'hajiilee and Alamo Courts costing an estimated \$6 million.

IV. PROJECTS IN PROGRESS

The following are projects currently in progress and do not require significant funding at this time. These facilities are expected to open in a relative short amount of time.

Chinle Judicial District – Construction is in progress on the judicial/public safety complex. This project is proceeding on schedule and is expected to open in Summer 2016.

Pueblo Pintado Court – This project is near completion. The facility is fully constructed; however, there are issues with getting utilities to the modular building. The BIA had rejected the service line agreement with the utility company and a new one will be submitted. Land

withdrawal process for one acre will also begin. A certificate of occupancy must be issued before the court can be occupied.

V. FACILITIES NOT CURRENTLY NEEDED

The following do not require new facilities at this time.

- To'hajiilee Court opened January 16, 2004.
- Alamo Court opened February 25, 2005.
- Dilkon Judicial District opened July 31, 2009. No new facility is necessary; however, the architect and general contractor are replacing the exterior façade of the court and removing tiles and damaged exterior material at no cost to the courts.
- Western Navajo Diné Justice Center (Tuba City Judicial District) opened February 15, 2013.
- Eastern Navajo Diné Justice Center (Crownpoint Judicial District) opened March 8, 2013.

VI. RECOMMENDATIONS

To conclude, the Judicial Branch offers the following recommendations:

- Study the design for the courts that are a part of larger judicial/public safety complexes to determine if it is the most efficient design.
- Update the Judicial/Public Safety Priority Listing.
- Advocate for operations and maintenance for all courts to be covered by the Bureau of Indian Affairs.
- Approve a capital improvement budget.