

RESOLUTION OF THE  
LAW AND ORDER COMMITTEE OF THE  
22<sup>ND</sup> NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL - Third Year, 2013

AN ACTION

RELATING TO LAW AND ORDER; APPROVING PLAN OF OPERATION  
FOR OFFICE OF PROBATION AND PAROLE SERVICES

BE IT ENACTED:

**Section One. Purpose and Findings**

1. Navajo Nation law provides:

"The Judicial Branch of the Navajo Nation shall also consist of such additional Judicial Branch divisions, departments, offices or programs that further the purposes of the Courts as may be created, subject to amendment or abolishment, by the Judiciary Committee through adoption of their plans of operation." 7 N.N.C. §201(C).

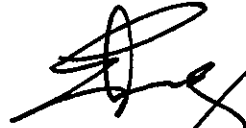
2. The Judiciary Committee of the Navajo Nation Council no longer exists. However, by Navajo Nation Council resolution CAP-10-11, the Law and Order Committee of the Navajo Nation Council assumed its duties and responsibilities.

**Section Two. Approving Plan of Operation**

Pursuant to 2 N.N.C. §601(B)(4), the Law and Order Committee of the Navajo Nation Council hereby approves the Plan of Operation for Office of Probation and Parole Services, Navajo Nation Judicial Branch, as provided in Exhibit "A" attached hereto.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Law and Order Committee of 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 3 in favor and 0 opposed, this 16<sup>th</sup> day of December 2013.



Edmund Yazzie, Chairperson  
Law and Order Committee

Motion: Duane Tsinigine  
Second: Russell Begaye

Plan of Operation  
Office of Probation and Parole Services  
Judicial Branch of the Navajo Nation

I. ESTABLISHMENT

There is established the Office of Probation and Parole Services within the Administrative Offices of the Courts of the Judicial Branch of the Navajo Nation.

II. PURPOSE

A. To enhance the safety of the community by reducing the incidence of criminal acts by persons convicted of a crime.

B. To facilitate or perform needs assessments for adult and juvenile client-offenders, persons in diversion programs, and defendants, whether in the community or in detention, and/or their families.

C. To provide case management, referrals for treatment/counseling, and probation and parole supervision to adult and juvenile client-offenders, persons in diversion programs, and defendants, both in the community and in detention, utilizing the inter-disciplinary approach and family and community participation in order to enable their reintegration back into society as law-abiding and productive members of the community.

D. To perform indigency determinations.

III. STAFFING AND ORGANIZATION

A. STAFFING

1. The following positions are established within the Office of Probation and Parole Services:

a. Chief Probation Officer who, under the general direction and guidance of the Chief Justice of the Navajo Nation or designee shall be responsible for carrying out the above purposes of the Office of Probation and Parole Services and overseeing its overall administrative functions in compliance with all applicable laws.

b. Senior Probation Officers who, under the general supervision of the Chief Probation Officer, shall be responsible for regional or district administrative functions and services.

c. District Court Probation Officers, who shall perform services under the direct supervision of Senior Probation Officers and general supervision of the Chief Probation Officer.

d. Other positions as deemed necessary by the Chief Probation Officer in accordance with applicable laws.

2. The Navajo Nation Judicial Branch Employee Policies and Procedures shall be applicable to all Office of Probation and Parole Services personnel.

#### B. ORGANIZATION

The organization structure for the Office of Probation and Parole Services is attached Exhibit "B."

#### IV. RESPONSIBILITY AND AUTHORITY

The Office of Probation and Parole Services shall have the following powers and responsibilities:

A. To implement the administrative structure and operating policies and procedures necessary to effectuate its legislated purposes in compliance with established Judicial Branch rules, regulations and policies.

B. To perform its functions and services within the judicial districts of the Navajo Nation presently established and which may be established in future.

C. To ensure that an adult or juvenile person in diversion, probation, or supervised release fulfils the conditions and obligations imposed by the sentencing court. This includes the power and responsibility:

1. to monitor supervisees;
2. to assist the supervisee if hardship prevents fulfillment of conditions;
3. to return to court with a recommendation for modification of conditions;
4. following a needs assessment, to make treatment referrals, to independently specify details when the court has imposed general conditions, and to require traditional group education as a condition of supervision without need for a court order.

D. To gather, exchange and maintain information and ideas in order to provide more efficient probation and parole services to the Navajo people.

E. To provide information to courts, agencies and the community. This power and responsibility includes provision of information to courts and agencies through assessments, reports and testimony; and to schools, organizations and the community through community outreach and education in order to ensure the reintegration of supervisees and the safety and participation of the community.

F. To perform independent investigations and question individuals, including families, friends, schools and agencies for information-gathering purposes in order to generate necessary assessments and recommendations.

G. To ensure public safety through appropriate supervision of adult or juvenile persons in diversion, probation or on supervised release under the jurisdiction of the Navajo Nation Courts, including courtesy supervision to transferees from other jurisdictions, and supervision of federal probationers or parolees in partnership with federal agencies as permitted by law. This power and responsibility includes visits to homes, schools and places of employment and the ability to perform drug and alcohol tests.

H. To ensure rehabilitation, accountability and personal responsibility by using all practical resources to encourage community re-integration, competence, self-worth and self-improvement.

I. To make recommendations to the courts calculated to assist the client's reintegration into the community in a well-structured manner that includes community and family engagement.

J. To provide efficient pre-disposition reports, needs assessments and indigency determinations where proper and necessary.

K. To access adults and juveniles in detention in order to obtain information for assessments and reports; and to provide case management services for purposes of ensuring their well-being in detention and smooth reentry back to the community.

L. To partner with the Peacemaking Program in facilitating and providing direct traditional services.

M. To continually develop and maintain secured, current and accurate case records.

N. To promote community wellness and harmony.

#### V. LEGISLATIVE OVERSIGHT

The Law and Order Committee of the Navajo Nation Council shall provide oversight for the Office of Probation and Parole Services.

VI. AMENDMENTS

This Plan of Operation may be amended by the Law and Order Committee of the Navajo Nation Council.