

Diné Justice

The Official Newsletter of the Judicial Branch of the Navajo Nation

JULY 2012
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Navajo Nation a leader in restorative justice

The Navajo Nation has been a leader in implementing restorative justice within its justice programs. Restorative justice is a concept that emphasizes restoring harmony after a crime occurs. This concept takes into account the victim and rehabilitation of the offender. Our goal with restorative justice is to restore harmony and society. Through programs such as the Peacemaking Program and pilot projects such as the Aneth Community Court, the Judicial Branch has done its part to ensure that Diné justice is incorporated into our present system.

Restoration after disorder is part of our Diné teachings. In our teachings, the first law that came about when there was disorder was k'é. K'é is the foundation of Diné laws and must always be a part of our justice system. K'é encompasses our clan relationships and relationships within our communities.

Our people are making use of programs that incorporate Diné teachings to better their family relationships. One example is situation where a young girl was getting into trouble, running away

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Need a passport? Supreme Court accepts and transmits applications

The Navajo Nation Supreme Court office accepts and transmits applications for U.S. passports. Applicants may come in Monday through Friday from 8 a.m. to 4:30 p.m. (closed noon to 1 p.m.). The office is located at the Butler building near the capital area of Window Rock.

To apply for a passport, applicants must appear in person and bring a completed application, proof of citizenship, proof of identity and passport photograph. The proof of citizenship may include a certified state birth certificate (to be sent and returned with passport) or a naturalization certificate. A valid proof of identity may be a driver's license, previous U.S. passport, school identification or government identification. The photograph must measure 2 in. by 2 in. and must be taken with the last six months.

Children under the age of 16 must appear in person with a parent or parents. Both parents must also sign

the application or provide consent through DS13-50.

Individuals may apply for a passport book, a passport card or

both. The card allows for people to enter the United States from Canada, Mexico, Caribbean and Bermuda by land or sea. The book may be used for international travel by air, land or sea. Both are valid for 10 years for adults and 5 years for minors under 16.

A passport card only is \$55 for adults and \$40 for children under 16. Expect 4-6 weeks for routine processing.

A passport book costs \$135 for adults and \$105 for

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About us

Judicial Branch of the Navajo Nation

The sovereign Navajo Nation has the authority to enact laws, apply its laws, and enforce its laws. The Navajo Nation Council enacts the laws; the Executive Branch executes those laws; and the Navajo Nation courts interpret and apply those laws.

The Navajo Nation courts make up the Judicial Branch of the Navajo Nation. The Judicial Branch is one of the three branches of the Navajo Nation government. The other two branches are the Legislative Branch, made up of the Navajo Nation Council, and the Executive Branch, headed by the President of the Navajo Nation. The Judicial Branch is equal to the other two branches.

The Navajo Nation operates a two-level court system: the trial courts and the Navajo Nation Supreme Court. Cases begin in the trial courts. Appeals of trial court decisions and quasi-judicial administrative bodies' decisions go to the Navajo Nation Supreme Court, which sits in Window Rock. Individuals have their rights protected and claims settled fairly in the Navajo Nation courts. The Navajo Nation courts handle over 75,000 cases per year.

The Navajo Nation courts presently consist of 11 judicial districts. There is a district and family Court in each judicial district. The judicial districts further support community-based peacemaking services. In 1988, judicial districts in the Navajo Nation had numbered seven -- Chinle, Crownpoint, Kayenta, Ramah, Shiprock, Tuba City, and Window Rock. The satellite courts of Alamo and To'hajiilee, that had earlier been included in the Ramah Judicial District, became the distinct Alamo/Tó'hajiilee Judicial District effective April 4, 2006. The Dilkon Judicial District was also added at that time. The tenth judicial district, Aneth, was created by the Judiciary Committee on August 10, 2007, serving the northern portion of the Navajo Nation. The Dził Yijiin Judicial District was created by the Law and Order Committee on May 29, 2012.

The Navajo Nation judiciary has three appellate judges who sit on the Supreme Court. One appellate judge is the Chief Justice and two are Associate Justices. Seventeen trial judges preside in the district and family courts. The Chief Justice supervises the judges and judicial hearing officers and heads the Judicial Branch. The Chief Justice directs the preparation of the budget, sets and implements policies, and oversees Judicial Branch operations.

The Judicial Branch Employee Personnel Policies and Procedures was approved by the Judiciary Committee on November 5, 2012 and applies to Judicial Branch employees who are not judges. Judges work within the bounds of Title 7 of the Navajo Nation Code, the Navajo Nation Code of Judicial Conduct, Judges' Personnel Rules, various court rules, and the Chief Justice's supervision.

Judicial Branch Vision

It is our vision that the present judicial system, consisting of an adversarial-style tribal court system modeled on Anglo courts, a peacemaking system modeled on Diné original dispute resolution methods, and Probation and Parole Services, will fully embody the values and processes of the Navajo People, including family and clan-centered Navajo values. Our justice system as a whole will truly reflect the heart and soul of the Diné. It will be one that the People recognize as their own and fully participate in the spirit of nábináháazlaago.

Judicial Branch Mission

The Judicial Branch will provide stability in the Navajo Nation government by providing court, peacemaking, and probation and parole services, to adjudicate cases, resolve disputes, rehabilitate individuals and families, restore harmony, educate the public, agencies, services and other governments in Diné bi beenahaz'áanii and protect persons and property pursuant to Navajo Nation laws, customs, traditions and applicable federal laws. Pursuant to Diné bi beenahaz'áanii, the Judicial Branch will carefully develop a justice system that fully embodies the traditional values and processes of the Navajo people.

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Send submissions and ideas for our newsletter to karenfrancis@navajo-nsn.gov.

Branch news

Branch staff train in Justware case management system

From May 14-18, 2012, staff from the Judicial Branch received training in using the Justware system from New Dawn Technologies out of Denver, Colorado.

Administrators for the new case management system first received administrators' training for three days near the end of April. At that time, they were shown Justware to get familiar with the system and learn what it does. Subject matter experts were selected to serve as the local system administrator/trainer at each district location and to be designated as the individual to discuss modifications and authorize updates for recommended changes to Justware.

This training was to teach configuration to relevant staff, especially since more districts will be going live this fall. The staff will continue with configuration activities.

New Dawn trainers were Marc Muhlesteing, project implementer, and Jed Judd, project manager.

"Our objective is to train the trainer so when we leave they can do it and just call us for support," said Judd.

New Dawn will continue to come back to conduct more training sessions as more districts are ready to go live with the new system, but most training will be done internally by the Navajo Nation.



Judicial Branch staff receive training in Justware from New Dawn Technologies trainers.

Justware is an object-based integrated case management system which will be used by the courts, prosecutor, public defender, probation services and peacemaking program. The advantage of the system is that it is configurable and will allow all districts to use the same database. The courts and other entities will be able to see the history of a person, for example, no matter which district they are from. It has been funded by a combination of Navajo Nation, federal and state grants. ■

Legislation No. 0043-12 to approve supplemental funding for the Nabinahaazlaago case management services to juveniles was considered by the Navajo Nation Council on May 25, 2012. It failed to pass.

Legislation No. 0049-12 to approve the Three Branch Chief agreement was approved by the Navajo Nation Council on May 25, 2012. The agreement includes funds to repair the roof at Chinle Judicial District and to move Window Rock District Court staff from current location.

Legislation No. 0105-12 to establish the Dził Yijiin Judicial District in Pinon was approved by the Law and Order Committee on May 29, 2012.

Legislation No. 0229-12 to reallocate \$16.7 million

Legislative Update

from the Crownpoint judicial/public safety business unit to Chinle judicial/public safety facility construction was approved by the Law and Order Committee on June 26, 2012.

Legislation No. 0252-12 to approve the grant application for \$73,497 to the Edward Byrne Memorial Justice Assistance Grant to assist the Navajo Nation Diversion and Alternative Sentencing Peacemaking Project from August, 1, 2012 to July 31, 2012, was approved by the Law and Order Committee on July 9, 2012. ■

Justice Days

Districts celebrate 2012 Justice Days

Participants at the To'Hajiilee Court's Justice Day on May 18, 2012, heard about the history of the Navajo court system. Justice Day celebrates the creation of the Navajo courts on April 1, 1959.

District Court Judge William J.J.

Platero also explained new laws that have been enacted and affect the Navajo people First he spoke about the Violence Against Family Act. The new law was signed in February by President Ben Shelly and the main effect is that the penalty now includes jail time and fines. If there is proba-

ble cause, there is a mandatory arrest.

Judge Platero also spoke about the Children's Code, which now puts timelines on cases, and the Sex Offender Registration Notification Act. Anyone who has been convicted of a sex offense must register with

Navajo Nation law enforcement under this act. There are three tiers of offenses with requirements for how long and how often an offender must register.

Judge Platero further explained that there are requirements regarding child restraint. There must be a booster seat for children ages 5-12 or who are under 4 ft. 9 in. in vehicles.

Furthermore, Judge Platero said that animal control measures will be implemented due to a proclamation signed by the president on May 9, 2012. The proclamation states that the Navajo Nation Dog and Cat Control law in 13 N.N.C. § 1701 et seq will be fully enforced.

In explaining the history of the courts, Judge Platero noted that long ago, there were disputes between people that lived by each other or with each other. Nataanis were recognized among the people that lived near each other and they would be appointed to resolve disputes. These



May 18, 2012—District Court Judge William Platero and court administrator Regina Roanhorse give a certificate of appreciation to peacemaker Rita Wilson.



May 18, 2012—Community members celebrate the To'Hajiilee Court's Justice Day.



May 18, 2012—To'Hajiilee Court staff help to serve participants lunch at Justice Day.

Justice Days

disputes would often be between families and range from simple to complex disputes. The nataani would listen to both sides, share traditional teachings and try to resolve using traditional way of thinking.

During the time spent at Fort Sumner, there were 12 nataanis selected for the 12 camps that were set up and they were required to speak about and resolve issues within their group. This was the first historical note taken on the selection of a nataani but the Navajo people had already practiced this type of dispute resolution. Nataanis would resolve disputes across communities while at Fort Sumner. For example, two nataanis would come together to listen to disputes from among their groups and then work together to resolve. That same idea was brought back from Fort Sumner and the Navajo Courts of Indian Offenses was established.

Then came a time when the federal government wanted to eliminate Indians' traditional ways. Laws were passed to get rid of ceremonial rights and boarding schools were established. The state court was trying to take over the Indian courts at this time. The Navajo Tribal Council passed a law to establish a Navajo court system and the courts opened April 1, 1959. This prevented the state from taking over Navajo jurisdiction.

“Our courts are very elaborate and very advanced,” said Judge Platero. Because of the action taken, we have our own justice system, he said. Judge Platero encouraged attendees to pass down the history and information to young

people and to be proud of our court system.

During the Justice Day at To’Hajiilee Court, members of the community and court employees were recognized with certificates of appreciation. Chapter officials also expressed their appreciation for the court system. Community members were invited to a morning run/walk and enjoyed a meal together for lunch.

The Chinle Judicial District held its Justice Day on April 27, 2012. Activities included service provider booths, open house, tours and a luncheon served for participants. The theme for the Chinle Justice Day was, “Improving Navajo Justice Through Technology.” ■



April 27, 2012—Service providers from the Chinle area were part of the open house at Chinle’s Justice Day celebration.



April 27, 2012—Service providers set up informational booths at the Chinle Justice Day.



April 27, 2012—Technology at the Chinle Judicial District allows for judicial staff to communicate across distance.

Branch news

Restorative justice *Cont'd. from p. 1*

from home, and had attempted suicide. Her case was brought to the attention of the prosecutor and the courts. Rather than labeling this young person as a troublemaker, she and her family went to a peacemaker and resolved their problems by talking things out. This is an important teaching in our traditional dispute resolution. The young girl realized how much her family loved her and is back in school after having left due to the nature of her problems.

There is another case where a young boy with anger issues was detained after making threats to his family. His case was also taken to the prosecutor. Rather than incriminate him, the prosecutor and probation officer worked with him and his family to get him treatment for his anger issues. He was treated with k'é by those who worked with him and he responded favorably.

These are the types of stories where the root cause of troubled behavior is addressed rather than placing a child in detention and where k'é was used to begin the rehabilitation process. This is what restorative justice can do.

To incorporate restorative justice practices, the Navajo Nation Judicial Branch has also established a community court in Aneth to test the community court approach in one of its judicial districts. Aneth Judicial District is located in southeastern Utah and northeastern Arizona, in a remote section of the Navajo Nation, far from the Nation's major justice resources such as police and prosecution.

The Aneth Community Court is centering its efforts on restorative justice as a core principle of the Navajo justice system. Navajo justice combines a high level of individual accountability with a community responsibility to rehabilitate and bring the offender back into the community.

The Community Court is a community-engaged court. It uses the power of the court to promote personal accountability while linking offenders to support services designed to rehabilitate and return them to the community. It uses alternative sentencing and creative sanctions to comprehensively address a wide range of problems faced by Navajo individuals and families. The Community Court empowers local

communities to participate in the court planning and decision-making process; and offers swift and comprehensive judicial restorative solutions based on Navajo fundamental law, customs, and tradition to restore and maintain community harmony and relationships.

The Community Court is about partnership and problem-solving, both within the justice system and with outside entities such as community residents, merchants, schools, and businesses. It has established a steering committee comprised of government agencies including prosecutors, law enforcement, social services, corrections, counseling services, local chapters and the court. The Aneth Community Court steering committee meets once a month to do strategic planning and has recently finished a procedural manual.

The Aneth Judicial District has been working intensively on this project for the past two years with the Center for Court Innovation under an existing Bureau of Justice Assistance grant.

Furthermore, the To'Hajiilee-Alamo Judicial District is working to implement a multi-community approach with the use of a U.S. Department of Justice grant. The approach includes a Healing to Wellness Court that utilizes a drug court model, the peacemaking program and Navajo court rules, procedures and processes. These are pilot projects that are underway at judicial districts on the Navajo Nation where both districts provide needed services to areas that are very remote and lack services that larger communities have.

Another pilot project underway within the Judicial Branch is the Navajo Peacemaking Youth Education and Apprentice Project, which is being implemented at schools across the Navajo Nation. This project by the Peacemaking Program allows for individuals whom have received training in traditional, Western, and faith-based counseling to provide services to students. The project has signed memoranda of agreement with Whitehorse High School and Seba Dalkai Boarding School and is working with 11 other local schools to get memoranda in place. The project is

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Branch news

Restorative justice

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able to provide services to project schools that include Diné traditional talking with individuals, families and student groups; peacemaking apprentice program; intervention for truancy, aggressive behavior, bullying and harassment; teenage parenting education and prevention; drop-out prevention; Diné traditional counseling for at-risk youth; and after-school group counseling and cultural activities.

The project has had success. A peacemaker held five sessions with two siblings who had unacceptable social behavior. Their behavior changed so that both had earned the privilege to participate in a week-long class field trip and their grandmother was very proud of them. The same peacemaker also held four sessions with another student who was expelled for drug use. The student referred herself to the project. She was promoted to the next grade level and is planning for her future after graduation.

These are the types of successes that show that restorative justice works and that we must put this concept to use to bring harmony to our Navajo Nation. ■

Passports

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children. Applicants may also choose Expedited Processing and Expedited Processing with Express Mail for additional fees.

For both a passport book and card, the cost is \$165 for adults and \$129 for children. There are also options for Expedited Processing and Expedited Processing with Express Mail for additional fees.

The costs listed here must be paid in two separate money orders. Visit the Supreme Court webpage for the breakdown.

The Supreme Court office has been able to accept and transmit passport applications since 2000. In Fiscal Year 2011, the Supreme Court office accepted and transmitted for processing 48 U.S. Passport applications. In FY 2009, there were 65 applications accepted and transmitted for processing.

For a complete price listing, please visit the navajocourts.org website and click on the Supreme Court tab. The website also contains more information and a link to download the application.

Information: (928) 871-6763 ■



LEFT PHOTO: June 26, 2012—Associate Justice Eleanor Shirley and Peacemaking Program Coordinator Gloria Benally discuss the Navajo Nation justice system with guests from the Jemez Pueblo. The guests included the lieutenant governor, court administrator, court clerks and probation officers. The guests also visited the Window Rock District Court, the legislative offices, the executive offices, the chief prosecutor's office and the public defenders' office.

**Judicial Branch of the Navajo
Nation**

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Window Rock, Arizona 86515



Navajo Nation Judicial Branch Directory

Supreme Court of the Navajo Nation

T: (928) 871-6763
F: (928) 871-7016

Administrative Office of the Courts

Office of the Chief Justice
T: (928) 871-7669
F: (928) 871-6866

Judicial Administration

T: (928) 871-6762
F: (928) 871-6761

Human Resources

T: (928) 871-7023
F: (928) 871-6862

Fiscal

T: (928) 871-6900

Information Technology

T: (928) 871-7011

JUDICIAL DISTRICTS

Tuba City Judicial District

T: (928) 283-3140
F: (928) 283-3158

Window Rock Judicial District

T: (928) 871-6962/6984
F: (928) 871-7560

Shiprock Judicial District

T: (505) 368-1270
F: (505) 368-1288

Crownpoint Judicial District

T: (505) 786-2072
F: (505) 786-2086

Kayenta Judicial District

T: (928) 697-5549
F: (928) 697-5546

Aneth Judicial District

T: (435) 651-3545
F: (435) 651-3546

Chinle Judicial District

T: (928) 674-2070/2071
F: (928) 674-2089

Dilkon Judicial District

T: (928) 657-8134
F: (928) 657-8146

Ramah Judicial District

T: (505) 775-3218
F: (505) 775-3399

Alamo/To'Hajiilee Judicial District

Alamo Court
T: (575) 854-2668/2669
F: (575) 854-2660

To'Hajiilee Court

T: (505) 908-2817/2818
F: (505) 908-2819

Peacemaking Program Administration

T: (928) 871-6388
F: (928) 871-6120

Tuba City (928) 283-3143
Window Rock (928) 871-6940
Shiprock (505) 368-1276
Crownpoint (505) 786-2084
Kayenta (928) 697-5502
Aneth (435) 651-3545
Chinle (928) 674-2554
Dilkon (928) 657-8136
Ramah (505) 775-3218
Alamo (575) 854-2866/2868
To'Hajiilee (505) 908-2817

Probation Services

Chief Probation Officer
T: (928) 871-697-5500
F: (928) 697-5546

Tuba City (928) 283-3440
Window Rock (928) 871-6625
Shiprock (505) 368-1278
Crownpoint (505) 786-2082
Kayenta (928) 871-697-5500
Aneth (435) 651-3545
Chinle (928) 674-2552
Dilkon (928) 657-8134
Ramah (505) 775-3218
Alamo Court (575) 854-2668
To'Hajiilee Court (505) 908-2817

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