



## Law and Order Committee grants final approval for Window Rock Judicial District temporary facility project funding

**FOR IMMEDIATE RELEASE:** March 24, 2021

**WINDOW ROCK, Ariz.** — The Law and Order Committee (LOC) of the Navajo Nation Council returned to Legislation No. 0022-21, sponsored by Council Delegate Otto Tso (Tó Nanees Dizí), at its Mar. 15 regular meeting and provided its approval of an appropriation for the Window Rock Judicial District. The legislation included a funding request of \$2,734,406 from the Judicial Public Safety Fund to the Window Rock Judicial District for the purchase of a modular building to house a proposed three new courtrooms and multiple administrative offices.

“There’s a number of people that really worked hard to get this legislation through,” said Tso. “We are infusing monies into the Judicial Branch so that they can continue their services with the Navajo Courts and what they’re charged by law to carry out.”

Court administrators have been working to expand the facilities at the Window Rock Judicial District in Fort Defiance for more than three years, said Stephen Etsitty, administrative director of the Navajo Nation Administrative Office of the Courts, which oversees district courts.

“The needs of the Window Rock Judicial District are very, very critical,” said Etsitty. “They did not have adequate space for their hearings, for their staff and for the important work that they do for the Fort Defiance Agency.”

Etsitty said the effort to identify land and to secure funding for facilities involved close work with Fort Defiance Chapter officials, Council Delegate Wilson Stewart, Jr. (Crystal, Fort Defiance, Red Lake, Sawmill), district court administrators and construction planners.

The planned location for the new building will be located in approximately six acres of a former Indian Health Service (IHS) housing development within the Fort Defiance community. Etsitty said the temporary facility will meet the immediate need of the judicial district while also contributing to the rehabilitation of the area for the surrounding community.

Verlena Hale, court administrator for the Window Rock Judicial District, attested to the difficulty the court has experienced since vacating the Window Rock District Public Safety Building in 2017 after sewage backup problems and natural gas leaks. After leasing space from the Navajo Nation Shopping Center facility in Window Rock, the court again vacated the leased office space in 2018 after mold problems and indoor air quality issues. Since then, the court has operated out of the Supreme Court office complex in the Peacemaking Program office space while the district court judges use the Supreme Court court room or the Law and Order Committee Conference Room for hearings.

The Window Rock Judicial District reported growing caseloads before the coronavirus (Covid-19) pandemic. In the two prior years, the number of cases filed grew from 3,068 to 3,283. In

fiscal year 2020, during the pandemic, that number dropped to 1,644. It was also reported that, in September 2019, the Navajo Nation Occupational Safety and Health Administration (NNOSHA) observed overcapacity issues in Window Rock courts.

The district court facility will be a temporary facility for up to 10 years while a permanent facility is completed. That permanent facility project began last year and is expected to continue for the next few years.

Recognizing the immediate needs of the Judicial Branch in protecting employee health and to support continued direct services through the Window Rock Judicial District, the Navajo Nation Council approved \$103,000 in reimbursable emergency supplemental funding for the Administrative Office of the Courts in April 2020 at the start of the pandemic. However, that funding was ultimately line item vetoed.

The Navajo Nation Council again tried to fund the Judicial Branch's Covid-19 response needs in June 2020 by approving a \$10 million allocation of CARES Funds that was also line item vetoed. Further funding was line item vetoed after the Council's approval of \$1,133,684 for the Judicial Branch's unmet needs in the fiscal year 2021 comprehensive budget in November 2020.

The LOC's approval of the funding request using the Judicial Public Safety Fund was ultimately the best route for the Judicial Branch project to be approved, indicated Tso. The fund management plan does not require the expenditure to be sent to the Navajo Nation President.

As of Dec. 31, 2020, the Navajo Nation Office of the Controller (OOC) stated the unaudited and unexpended balance of the Judicial Public Safety Fund was \$14,967,745. In the quarter ending Dec. 31, 2020, the OOC also shared \$3,117,095 in contributions to the Fund were made and \$8,397 was added as investment income.

At the Mar. 8 LOC meeting, Tso asked the committee to table the legislation to allow time for technical details in the attached budget forms to be corrected. The committee accepted an amendment to the cost of the building and provided the final vote for the appropriation with a vote of three in favor, none opposed, one not voting in addition to the chair not voting. Tso thanked the committee for approving the measure, noting the Judicial Branch has worked hard and needed the assistance.

"I appreciate this. This is something that will really help the Judicial Branch," said Tso.

The Judicial/Public Safety Facilities Fund was established through Navajo Nation Council Resolution No. CJA-03-07. The attendant fund management plan regulates the special revenue fund in order to provide funding for judicial and public safety facilities. The plan allows final approval of expenditures by the LOC from among a fund priority list. The Fund is supported through a 25 percent diversion of Navajo Nation Sales Tax revenues.

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