



25TH NAVAJO NATION COUNCIL

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Law and Order Committee hosts public hearing for Title 17 at Utah Navajo Health Services



Law and Order Committee convened at the Utah Navajo Health Services to discuss the amendments to Title 17, Navajo Nation Criminal Code.

MONTEZUMA CREEK, UTAH — On Tuesday, the Law and Order Committee (LOC) convened for a public hearing at the Utah Navajo Health Services (UNHS) facility in Montezuma Creek, Utah, to receive a detailed report from UNHS and the Navajo Nation Office of the Prosecutor (OTP) on the intersection of behavioral health and criminal justice and how it affects Title 17, the Navajo Nation Criminal Code.

“These public meetings ensure that the community knows about the changes being made to Title 17 and that their voices are heard as we work to strengthen the criminal code for the Navajo Nation,” said LOC Chair Eugenia Charles-Newton. “We want to educate our communities, gather their recommendations, and move forward with a criminal code that truly protects our people.”

UNHS leadership and victim advocates from the Navajo Nation OTP presented a comprehensive report on funding challenges affecting victim advocacy programs and the broader behavioral health system.

Byron Clark, UNHS Chief Operating Officer, detailed the organization’s emergency medical services, behavioral health operations, and clinic locations across the three states where the Navajo Nation resides: Utah, Arizona, and New Mexico.

LOC Vice Chair Nathan Notah raised a critical question during the hearing, asking whether UNHS has ever conducted a competency evaluation for criminal offenders. The question carries significant implications for how justice is administered on the Navajo Nation and how communities are protected from individuals who repeatedly enter the criminal justice system without receiving appropriate mental health care.

UNHS Behavioral Health Director Rick Hendy told the committee that the organization has only been asked once to assist with a competency examination in his 13 years as Behavioral Health Director.

While UNHS employs master's-level licensed therapists and psychiatrists and has the capacity to potentially provide such services, Hendy acknowledged the complexity involved in formal competency evaluations and noted that UNHS generally limits clinical services to Utah, with some services extending to other areas through grant programs.

Currently, the Office of the Prosecutor conducts competency assessments only after a court order is issued. Chief Prosecutor Vernon Jackson emphasized the need to establish clear procedures so that all parties, including the courts, defense counsel, and behavioral health providers, understand how the process should work and who bears responsibility at each stage.

Chair Charles-Newton recommended that the committee schedule a dedicated meeting involving the Judicial Branch, the Department of Justice, the Public Defender's Office, the Navajo Department of Public Safety, the Office of the Prosecutor, and behavioral health entities to formalize the competency evaluation process.

She also asked whether the Office of the Prosecutor could contract a physician to conduct evaluations when courts make the request, potentially funded through the Department of Justice's consulting resources.

Chair Charles-Newton highlighted the growing problem of fraudulent traditional practitioners who claim to be traditional medicine men or women and exploit that position of trust to commit crimes, including sexual assault and exploitation.

Recent federal prosecutions have brought national attention to these abuses. The LOC discussed whether Title 17 should be strengthened to specifically criminalize exploitation under the guise of spiritual treatment and whether traditional practitioners should be required to adhere to formal ethics codes and licensure standards.

Chair Charles-Newton also raised concerns about the absence of laws on the Navajo Nation preventing registered sex offenders from accessing school grounds or being placed in homes with children. The LOC agreed to review existing state-level laws and develop recommendations for incorporating similar protections into Title 17 to safeguard children across the Navajo Nation.

The Law and Order Committee will continue its series of public hearings on Title 17 throughout June, July, and August. The next public hearing will be held at the Many Farms Chapter House on June 8.

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