



## NAVAJO NATION HUMAN RIGHTS COMMISSION

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### **NNHRC's clients reveal one critical communication staple**

SAINT MICHAELS, Navajo Nation--The Navajo Nation Human Rights Commission learned from their clients about the importance of one communication staple—the public payphone.

Public payphones still play a critical role in today's society to contact the police and EMT services.

On Friday, August 10, 2012, NNHRC staff members met with the Interim District Attorney Thomas Tapia and the Victim Advocate Sharon Valdez of the 13<sup>th</sup> Judicial District Attorney's office, clients and their families to update everyone collectively about their ongoing case, asserting their rights, and about the court system in general at the Baca-Prewitt Chapter House in Prewitt, Navajo Nation (N.M.).

“While the Navajo victims were assured that there is progress in their cases, information provided by the District Attorney's office also indicate significant protection of the defendants' rights,” said NNHRC Executive Director Leonard Gorman in an interview. “Often times it appears to Navajo victims that the perpetrators have more protection than they do.”

***The client fired back and said, “There are no payphones in Grants. You have to have a cell phone.”***

Gorman explained that part of this understanding of the American judicial system is the often anticipated outcome of a trial where a Navajo is the victim would entirely lose faith in the judicial system by filling the system with continuances.

Tapia shared how competitive the court system is. He explained that being proactive builds a stronger case in the competitive system.

In this case, proactive means taking ownership of issues that are raised.

#### **A self-defeating cycle**

“The other factor that the defendants rely on is the condition of the victims,” said Gorman. He continued and said, “These conditions often are the state of being unable to productively contribute to the trial. The adage to the competitive and often vicious cycle is the fact that when the defendants pled insanity they go through a prolonged evaluation.”

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In this case, the perpetrator, Shawn Longoria, pled insanity and was evaluated over a period of one year, causing the Navajo victims to increasingly question the American judicial system.

Further, Tapia noted that as time passes, people who work in the court system are likely to advance or move on in their careers, leaving victims with new and unfamiliar case workers. Tapia also explained the non stop process of his extremely busy office where a great majority of the cases relate to drugs and alcohol. He reported a 90 percent conviction rate of cases which run the full procedural gamut but that only 50 percent of cases actually do so.

NNHRC wants to ensure these victims' cases are not in jeopardy for failing to run the full course of court procedures.

Each rescheduled hearing sends victims to return to their lives and in some cases beaten again allegedly.

After the completion of presentations, a question and answer sessions opened.

"Where are the police?" One client, who attended the meeting, said, "Two of the accused people who attacked us are involved in a homicide." In attempt to raise a point, he questioned where the police were when needed and said, "When you don't need them they're there."

The client explained how one person who lives on the street was cut by someone. A police officer was not around he explained.

Tapia explained when incidents aren't reported to law enforcement, an investigation cannot be conducted.

The client fired back and said, "There are no payphones in Grants. You have to have a cell phone."

He doesn't have a cell phone.

### **Asserting rights**

Another client changed the tone of the meeting and asked if a case goes to trial, would they need to testify.

"Absolutely," said Tapia.

In response, the client said, "Where does our protection stand when we testify?"

Sharon Valdez explained to him to call the Navajo Nation Human Rights Commission and her office.

The client who was concerned about his protection listened.

"I know that doesn't make you feel safe," said Valdez. "I know it's scary and I'm not on the streets to protect you."

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“We can’t force you to testify. But we encourage you to,” said Valdez.

After learning that all questions had been answered, Tapia said, “You call anytime. I respect you greatly.”

Without a way for victims to call law enforcement is a concern for the Navajo Nation Human Rights Commission.

To break this questioning session, family members pled for their family members to sober up. In their pleas, they explained who is solely responsible, the victims themselves. In response, the client asking about his protection said, “I want to remind you that even because they are drinking, they have rights.”

Rights they have, asserts the Navajo Nation Human Rights Commission.

What the Navajo Nation Human Rights Commission significantly depends on is the roles of family members. From a Navajo traditional perspective, family is a unit that defies the desperate conditions the Navajo victims face in a border town. It is within the Navajo family that the core traditional values of K’é and hozhoojí are taught and nurtured with discipline.

#### **NNHRC role**

Valdez said, “I want to thank the Navajo Nation Human Rights Commission for keeping in contact with the victims.” She continued and said to those who were present, “They have been instrumental in keeping you updated with hearing dates. It is unheard of to have this many victims and have current contact information.”

NNHRC Investigator Varvara Phillips said, “We have a high volume of cases, too, and it is important to be proactive in your case.”

NNHRC with the MOU in place will address how to improve safety measures to City officials including payphones or call boxes similar to ones on university campuses across the nation in high crime related areas.

In the meantime, NNHRC urges family members to encourage victims to report incidents to the police to help build their case. When a call is made to 911, remember to ask for the dispatcher’s name, write the time the call was made, and write how long it takes for law enforcement to arrive for your documentation. Build a record.

Also, if citizens see any harm against anyone, report the incident to the police.

*NNHRC sends their appreciation to the Baca-Prewitt Chapter staff members for their assistance in hosting the meeting.*

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