

Dikos Ntsaaígíí – 19
(COVID-19)



The Navajo Nation

Quarantine/Isolation/Closure Issues & Enforcement

Jennifer Henry, Acting Chief Prosecutor

Department of Justice | Navajo Office of the Prosecutor

As of November 11, 2020

12,818 Cases, 596 Deaths

29,316 Cases, 546 Deaths



Area: 27,413 square miles
Population: ~174,000

Area: 24,038 square miles
Population: ~1.8 Million



ORDERS & LEGISLATION

- **March 11th: Navajo Nation Public Health State of Emergency Declared**
- **March 13th: Government closed via Executive Order**
- **April 3rd: (Legislation) Navajo Nation-owned and -maintained roads closed to all visitors and tourists**
- **August 17th: Government reopened via Executive Order**
- **Public Health Emergency Orders (Department of Health) (28 total)**

PUBLIC HEALTH EMERGENCY ORDERS

- Issued by the Navajo Department of Health - 28 total
 - ✓ *March 20th: “Stay at Home” (Shelter in Place)*
 - ✓ *March 29th: Daily curfew 8 PM – 5 AM*
 - ✓ *April 5th: 57-hour weekend lockdowns (8 PM Friday – 5 AM Monday)*
 - ✓ *April 17th: Mask mandate*
 - ✓ *May 14th: Addressing voting issues (voting essential activity)*

 - ✓ *June 5th: “Safer at Home” replaces “Stay at Home”*

 - ✓ *July 5th: “Stay at Home” (Shelter in Place) reissued*
 - ✓ *August 6th: Daily curfews updated to 9 pm – 5 am and implementing 32-hr weekend lockdowns Saturday 9 pm – Monday 5 am.*

 - ✓ *August 16th: “Stay at Home” (Shelter in Place) rescinded → “Safer at Home”*



PUBLIC HEALTH EMERGENCY ORDERS

- ✓ September 22nd
 - ✓ “*Stay at Home*” (*Shelter in Place*) re-issued
 - ✓ 57-hr weekend lockdowns reinstated
- ✓ October 16th
 - ✓ “*Safer at Home*” (*Shelter in Place*) rescinded
 - ✓ “*Safer on the Navajo Nation*” implemented
 - ✓ 56-hr weekend lockdowns implemented
- ✓ November 2nd: election day requirements/prohibitions
- ✓ November 4th: 56-hr weekend *curfews* implemented



EFFORTS & COORDINATION

- **Leadership meetings and daily team briefings**
- **Coordination through Health Command Operation Center/Unified Command Group**
- **Public Education – Town Halls, radio forums, Facebook**
- **Operation 1st of the Month – assisting elders with local shopping**
- **Community food distribution throughout 110 Chapters**
- **Police Departments – checkpoints, information dissemination**
- **FEMA, National Guard, Doctors Without Borders**
- **24/7 phone lines through Office of the Prosecutor for questions**

COVID-19 REOPENING STATUS SCHEDULE

Status	Reopening Conditions
Red	<p>Grocery stores: 10 persons or less in the store Gas stations: 5 persons or less in the store Laundry facilities: 10 persons or less and 2 people per household Dining or waiting establishments: allowed drive-thru only (food, banks, financial institutions) Adhere to compliance with the curfew</p> <p>Not Allowed in Red Phase: Youth Programs, Casinos and video poker, museums, barber shops, hair salons, nail salons, flea markets, roadside markets, marinas, parks, gyms, recreation facilities</p>
Orange	<p>25% of maximum occupancy allowed for most businesses Dining or waiting establishments: allowed drive-thru only (food, banks, financial institutions) Barber shops/Hair Salons: Appointment only and allow time for cleaning between appointments Marinas and parks: Adhere to strict compliance for places of businesses and appointment only</p> <p>Not Allowed in Orange Phase: Youth Programs, Casinos and video poker, museums, flea markets, roadside markets, gyms, recreation facilities, movie theaters.</p>
Yellow	<p>50% of maximum occupancy allowed for all businesses Marinas and parks: Adhere to strict compliance for places of businesses and appointment only</p> <p>Not Allowed in Yellow Phase: Casinos and video poker, museums</p>
Green	<p>75% of maximum occupancy allowed for all businesses</p>



LEGAL ENFORCEMENT (OFFICE OF THE PROSECUTOR)

- (Criminal) Criminal Nuisance – ≤30 jail and/or ≤\$1,000 fine
- (Criminal) Criminal Entry – ≤90 days in jail and/or ≤\$1,000 fine
- (Criminal) Criminal Trespass – ≤30 days in jail and/or ≤\$100 fine
- (Criminal) Violation of Closure Order for Navajo Forests and Woodlands – fine not to exceed \$2,500

(Non-Natives subject to civil prosecution for each of the above offenses)

- (Civil) Health Commitment Act – court-ordered testing and/or health commitment orders
- (Civil) Exclusion Proceedings – non-members

UP-FRONT CHALLENGES TO LIMITING SPREAD

- High instances of underlying health conditions (e.g., diabetes, high blood pressure)
- Limited electricity
- Multi-generational housing
- Lack of water and sanitation infrastructure
- Shortages of medical staffing & medical staff shortages/burn-out
- Limited health facility infrastructure
- Limited specialty services

CHALLENGES TO ENFORCEMENT

- Sheer size of the Nation
- Business non-compliance (formal and informal economies)
- Difficulties closing the Nation – checkerboard areas, main access points are state highways, reliance on border towns for goods and services
- Jurisdictional opposition to closures and curfews
- Exceptions to the PHEO curfews and lockdowns are confusing
- Detention facilities – lack of PPE and ability/willingness to hold COVID-19 positive or symptomatic arrestees and inmates
- Lack of isolation and quarantine sites
- Judicial Branch open; courts accessible for “essential services”
- Rolling government office closures and restricted services
- Basic cultural challenges to Diné ways of life



WHAT'S NEXT?

- Goal remains preservation of lives (and safe re-openings)
- Stay at Home? Stay on the Nation? Additional closures?
- Enforcement measures evolve as isolation/quarantine sites become available, curfew violation citation dates approach and neighboring states increase or decrease restrictions.
- Re-evaluating return-to-work plans for offices and individuals
- Legislative action - new enforcement tools?



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