

ARIZONA STATE, TRIBAL & FEDERAL COURT FORUM
Sandra Day O'Connor United States Courthouse, 2nd Floor
Phoenix, Arizona

Approved Minutes of the
October 24, 2008 Meeting

Court Forum Members Present:

Hon. Patrick Irvine
Arizona Court of Appeals, Division One

Hon. Ted Armbruster
Fountain Hills Municipal Court

Hon. Earl Carroll
U.S. District Court

Hon. Victor J. Clyde
Chinle Justice Court

Amy Courson (by phone)
State Bar, Indian Law Section

Sue Hall (by phone)
Clerk of Superior Court, Apache County

Pat Henson
Public Member

Vincent Kirby
U.S. Attorney's Office

Mary O'Grady
Arizona Office of the Attorney General

Hon. William O'Neil
Pinal County Superior Court

Hon. Delbert Ray
Salt River Pima-Maricopa Indian Com. Court

Administrative Office of the Courts (AOC) Staff Present:

David Withey

Brenda Lee Dominguez

Participants/Visitors Present:

Sheri Freemont

David Gonzales

Jeff Harman

Ronnie Honey

Diane Humetewa

Paul Julien

Alida Montiel

Jan Morris

Kay Radwanski

Allyson Thomas

Brian Utsey

Edd Welsh

Hallie Bongar White (by phone)

II. Call to Order and Greeting

Judge Irvine called the meeting to order at 10:14 a.m. Judge Irvine welcomed the attendees and invited everyone to introduce themselves.

Ronnie Honey, Chief Deputy Clerk, gave an overview of the District Court and conducted a tour of the court building.

III. Approval of Minutes

Two technical changes were made to April's meeting minutes. Hon. William O'Neal made a motion to approve the minutes with the amendments. Pat Henson second the motion, which was unanimously approved.

IV. Matters Addressed

A. U.S. Marshals Service - Duties

U.S. Marshall for the District of Arizona, David Gonzales gave a presentation on the duties of the U.S. Marshalls. The duties include: the protection of judges, U.S. Attorneys and the Courts; tracking down fugitives on a federal, state and local levels; tracking sexual offenders; manage Witness Protection program; manage the transportation of prisoners and border protection.

B. Tribal Court Involuntary Commitment Process

Alida Montiel, Health Systems Analyst, Inter Tribal Council of Arizona provided an update on the Tribal Forum on Involuntary Commitment, which occurred August 28, 2008. The Forum's notes were provided in the materials for this meeting. A group consisting of tribal and state behavioral health officials, private behavioral health services providers, and Intertribal Council of Arizona personnel will continue to meet on a monthly basis to address issues about which Ms. Montiel provided information including the following: IHS psychiatrist's role, availability of local inpatient mental health treatment, coordination with RBHA's and TRBHAs, eligibility for Medicaid, processing of tribal court orders by the state courts, early completion of the AZ state hospital admissions packet, guardianship orders, discharge planning, and enrollment in AHCCCS.

Brian Utsey informed the Forum that the Salt River Pima-Maricopa Indian community is having problems with timely admission of patients into the Arizona State Hospital. The problem appears to stem from the requirement that the mandatory local treatment must be completed before admitting patients to the Arizona State Hospital even when a tribal judge had stated the individual should go straight to the state hospital. Another problem is that the list of local treatment options is not available except through the RHBA. Mary O'Grady offered to refer the matter to Katherine Plumb of her office.

C. Enforcement of Orders of Protection

David Withey led the discussion regarding how an order of protection is enforced on a reservation when a non-Indian has violated a state or tribal order. These orders are afforded full faith and credit under state and federal law and are subject to enforcement through both civil and criminal penalties in state court.

Hallie Bongar White stated that non-Indians cannot be criminally prosecuted for violation of orders of protection on tribal land. No Federal crime has been committed, except for crossing jurisdictional lines. The tribal authorities can hold a non-Indian from 24 to 48 hours but these individuals cannot be prosecuted in tribal court due to the lack of criminal jurisdiction over non-Indians. Following is link to Creative Civil Remedies Against Non-Indian Offenders In Indian County: <http://www.swclap.org/articles.html>

(first on list under publications) which addresses this problem through use of civil jurisdiction.

David Withey requested this matter be on the next agenda in January.

Lunch

The meeting adjourned for lunch at 12:20 p.m. Special thanks to Judge Carroll for arranging the meeting to be held at the court building. The Clerk's office provided lunch.

Meeting reconvened at 1:15pm by Judge Irvine.

D. U.S. Attorney – Indian Country Report

U.S. Attorney Diane Humetewa handed out the 2008 Indian Country Report by the U.S. Attorney's Office and led the discussion regarding the report's findings. Some of the issues described by Ms. Humetewa were: meth on the reservations, drive by shootings, RICO, amendments need to the Federal Endangerment Act, and lack of child neglect statutes.

E. Arizona Domestic Violence Training Summit

Paul Julien presented information regarding the "Memorandum of Understanding Between the Administrative Office of the Courts and the Glendale Police Department" The meeting materials contain an executive summary and goals and objectives of a domestic violence prevention summit to be funded by a grant and sponsored by the Glendale Police Department, the Glendale City Court, the Maricopa County Adult Probation Department, the Arizona Coalition Against Domestic Violence, the Administrative Office of the Courts and the Court Forum.

Mr. Julien also invited all Tribal Judges to participate in the upcoming Judicial Conference. The conference will be held at the Camelback Inn next June 17, 18 and 19.

F. Open Forum

David Withey stated that all tribal judges will receive a copy of the meeting minutes.

Honorable Victor Clyde would like to see § 25.124(A) amended to include tribal judges in performing civil marriage ceremonies. David Withey requested Honorable Victor Clyde provided information via email regarding this subject matter, which he will submit to the Arizona Judicial Council. This matter is to be addressed at the January meeting.

VI. Adjournment

The meeting adjourned at 2:20pm.

A member of the U.S. Marshalls team conducted a tour of the prisoner holding facilities located in the court building.