

Good morning distinguished members of Congress. My name is Molly McDonald. I sincerely appreciate the time and attention you give me today to listen to my testimony regarding these important issues on Spirit Lake Reservation; child protection and the tribal justice system.

I am enrolled member of the Spirit Lake Tribe. I was raised on the Spirit Lake Reservation. I graduated from the reservation high school in 1987. I enlisted in the U.S. Navy in 1988 and I was honorably discharged in 1992 during Operation Desert Storm. I earned my associate degree in Criminal Justice in 1997 from United Tribes Technical College. I went on and earned my bachelor's degree in Criminal Justice at Minot State University in 2000 while working full time at the North Dakota State Penitentiary as a corrections officer. I was hired in October of 2000 as U.S. Probation & Pretrial Services Officer for the District of North Dakota in the Devils Lake office. I was specifically hired to work with my home reservation. I worked with this agency for almost 10 years where I gained a vast knowledge of the federal justice system and the investigation process from the police report to a conviction. In February 2010, I was appointed as the Associate/Juvenile Judge for the Spirit Lake Tribal Court. My appointment ended in March of 2012.

When I accepted the appointment as Associate/Juvenile Judge in February 2010, I was already aware of incidents of negligence which involved both BIA Law Enforcement and SLTSS in federal cases from my employment with U.S. Probation. One example of this is our office was supervising a juvenile from Spirit Lake. We were required to do a home contact with the juvenile at a minimum of once a month. Every home visit, the juvenile was locked inside of his home from the outside. We had to visit with the juvenile through the window. Because we were mandated reporters, we filed a 960 after each visit. The 960 was filed with Ramsey County Social Services in Devils Lake. Ramsey County Social Services sent the 960 on to Spirit Lake Tribal Social Services. Over and over again, the child continued to be locked in the home. Our office contacted the director of Spirit Lake Tribal Social Services Kevin Dauphinais and told him of the situation. He said he would begin investigating immediately. It should be noted the mother of this particular juvenile also worked at Spirit Lake Tribal Social Services. The child remained locked in the home throughout his supervision. This

juvenile was released from supervision upon his 18<sup>th</sup> birthday. He later shot and killed his aunt and then himself.

When I began my appointment, there were issues with BIA Law Enforcement which included not filing paperwork in a timely manner, not filing complaints and/or police reports, not showing up for trials, not completing investigations, and other problems. The Court contacted Elmer Four Dance with the Aberdeen Regional Office along with Marcus Babbit and Mario Redlegs and a meeting was held at the Court with these individuals along with officers from the Fort Totten Police Department. The meeting appeared to be successful with all BIA Law Enforcement present promising better work from their officers. However, problems continued to happen and the Court continued to document these issues through emails. Upon leaving the Court in March of 2012, the issues with BIA Law Enforcement were not resolved. In February 2014, I had a meeting with the tribal prosecutor, Joe Vetsch. Mr. Vetsch stated to me that there had been no improvements with BIA Law Enforcement since the time I had left the Court. In fact, at that time, there were 3 alleged rapes that occurred within 6 months that were reported directly to Mr. Vetsch by the victims because BIA Law Enforcement did not complete any reports or investigation in the cases. All three victims reported the incidents to law enforcement. Mr. Vetsch also stated to me that he himself contacted FBI for assistance on these particular cases. He was told by FBI “we offered to assist BIA Criminal Investigator Jeff White but he told us he had these cases covered and we didn’t want to step on anyone’s toes.”

Within the first months of my appointment as Associate/Juvenile Judge, SLTSS was requesting hearings for the foster care cases. However, when the hearings took place, there was no representation from SLTSS for the hearings. I met with Spirit Lake Tribal Social Services Director Kevin Dauphinais about this along with other issues. Mr. Dauphinais assured me these issues would be taken care of and it wouldn’t happen again. The Court continued to have the same issues. It got to the point where I began dismissing the cases and SLTSS had to re-file all the cases. On several occasions families were coming to the Court stating SLTSS removed their children from their homes and they wanted to know when the hearings were taking place so they could attend and work to get their children back. The Court had no documentation on the children being removed from the home. In some cases, the children were out of the home for a year without any documentation.

The Court attempted to contact SLTSS about these cases without success. In other cases, the Court became aware of physical, sexual and emotional abused children through I.H.S. clinic, I.H.S. Mental Health and the Suicide Prevention Coalition along with Victim Assistance where 960s were filed on these cases and no response from SLTSS as far as investigation process. If the proper investigations took place, the Court should have been involved in the process by completing background checks on the children and/or guardians. The same names continuously came up throughout time either through I.H.S. clinic, I.H.S. Mental Health or the Suicide Prevention Coalition. This indicated to me that the 960s filed were not being investigated. During my two year appointment as Associate/Juvenile Judge, SLTSS had went through ten workers who were either terminated or resigned. When a new worker was hired at SLTSS, he/she would come to the Court and request direction on what their duties were because the director did not properly train these individuals on how to do their job.

Before I began my appointment, there was an agreement made between the Court and SLTSS. In order to receive the state 4E funding for foster care, the state required specific wording in court orders. The Court paid for an employee of SLTSS to get the training for the wording in the court orders and SLTSS would complete their own orders. After I began at the Court, I noticed several delays in the orders being completed by SLTSS. Even on crucial cases, the Court would not receive the order for signature until approximately a month after a hearing. There were also many cases that didn't have court orders completed despite requests from the Court. In 2011/2012, when audits were taking place by BIA and the state on SLTSS, it is suspected some of the SLTSS orders were fraudulent; SLTSS taking a signature page from an order that I signed and manipulating it into another order to get in compliance.

I discussed these issues with the prior tribal council and the present Chairman along with the present social worker at SLTSS. I've been told that I have to stop living in the past. What about the children who have reached out for help from their situations? What about the 960s that were thrown away? How does the tribe intend to deal with this? How many more children have to die before we are willing to start dealing with what happened in the past? Our tribe continues to say that our children are sacred. So why are we willing to throw away their hurt and pain?