

STATE OF MINNESOTA  
COUNTY OF RAMSEY

DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
JUVENILE COURT DIVISION

Court Case Number: 62-JV-15-1674

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In the Matter of the Welfare of:

VICTIM-1, a child identified in police reports;

VICTIM-2, a child identified in police reports; and

VICTIM-3, a child identified in police reports.

**THIRD REPORT BY THE  
ARCHDIOCESE ON ITS STATUS  
AND PROGRESS OF  
IMPLEMENTATION OF THE  
SETTLEMENT AGREEMENT**

Respondent:

The Archdiocese of Saint Paul and  
Minneapolis, a Minnesota corporation,  
226 Summit Avenue  
St. Paul, MN 55102

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1. The Archdiocese of St. Paul and Minneapolis (the “Archdiocese”) entered into a Settlement Agreement dated December 17, 2015 with the Ramsey County Attorney’s Office (the “RCAO”), which was amended by the parties on July 19, 2016 (the “Settlement Agreement”).
  2. The Settlement Agreement contemplated that the Archdiocese would continue to enhance its Safe Environment Program, come into substantial compliance with the requirements of the Settlement Agreement by December 17, 2016 and report to the court approximately every six months for the duration of the SA.

3. On July 7, 2016, the Archdiocese made its first report to the court and filed its first periodic report. On December 19, 2016, the Archdiocese appeared in Court and filed its second periodic report in which it outlined the steps it had taken to come into substantial compliance with the Settlement Agreement. The Ramsey County Attorney's Office filed a letter dated December 20, 2016 advising the Court that the RCAO then considered the Archdiocese to be in substantial compliance as required by the Settlement Agreement. The Court found that the Archdiocese was in substantial compliance.
4. On behalf of the Archdiocese, Timothy O'Malley, Director of the Ministerial Standards and Safe Environment for the Archdiocese (the "Director"), and Janell Rasmussen, Deputy Director of the Ministerial Standards and Safe Environment, now make this third periodic report to the Court and declare and report as follows:

**Summary of Ongoing Compliance**

5. As set forth in detail below, the Archdiocese remains in substantial compliance with the requirements of the Settlement Agreement.
6. The Archdiocese continues to regularly brief the RCAO regarding Safe Environment issues and the requirements of the Settlement Agreement. The Archdiocese has met with the RCAO on a regular basis to provide specific updates on the progress made to implement this Agreement. The Archdiocese has provided the RCAO with documentary evidence to demonstrate compliance with different requirements. The RCAO has provided feedback regarding these efforts. The Archdiocese has used the feedback and suggestions to continue compliance and promote a Safe Environment.

## Elements of Continued Compliance

### 7. Oversight

- 7.1. Board of Directors/Audit Committee.** Consistent with the requirements set forth in the Settlement Agreement, the Board of Directors is knowledgeable of the Safe Environment Program and is exercising appropriate oversight regarding the effectiveness of the program. The Board met on January 19, 2017 and March 30, 2017. The Board's Audit and Risk Management Committee met on January 19, 2017 and March 30, 2017. Both the Board and Committee received updates from the Director during these meetings including updates on specific misconduct cases, processes regarding the overall approach to misconduct cases, the makeup and role of the Ministerial Review Board, Policy revisions and developments, and the implementation status of the Settlement Agreement. A copy of this Report is provided to the Committee and to the full Board concurrent with its submission. [Settlement Agreement ("SA") at ¶¶ 2.1, 2.1.a.]
- 7.2. The Archbishop.** The Archbishop meets with the Director frequently, usually several times each week, and is knowledgeable about the program and Policies. [SA at ¶¶ 2.2.]
- 7.3. Ministerial Review Board.** During the past 6 months, the MRB has been updated on Safe Environment operational matters. Cases have been presented to the MRB and fitness for ministry recommendations have been made by the MRB. The MRB has been consulted and is providing direction on Priests transitioning from the POMS Program. The MRB has also provided feedback and recommendations on newly developed and revised Policies. [SA at ¶ 2.3.] The MRB had one vacancy in the past 6

months and filled that position. As required, the Archdiocese consulted with the Ramsey County Attorney's Office prior to filling that vacancy. [SA at ¶¶ 10.1, 10.5, 10.6].

**8. Safe Environment Compliance (Essential 3-Background Check, Code of Conduct and Virtus Training)**

**8.1. Clergy.** The Archdiocese audits Clergy compliance annually. [SA at ¶ 5.6.c.] As of May 15, 2017, the Archdiocese confirmed that all 588 Clergy (priests and deacons) in ministry had completed the E3 requirements. As part of the Archdiocese's three year cycle for all clergy to be re-credentialed, 46 Clergy completed re-credentialing requirements during this 6-month reporting period. The Director maintains an electronic registry of Clergy compliance with the Essential 3 requirements. [SA at ¶ 5.6]

**8.2. Schools and Parishes.** Spring Audit Reports are due to be submitted to the Archdiocese prior to July 1<sup>st</sup> each year. As of June 30, 2017, the Archdiocese received Spring Audit Reports from 92 of 92 schools, 185 of 185 parishes and 5 of 5 other parish-like entities. Each entity provided a self-assessment of its current level of compliance with the Essential 3 requirements. Each entity that submitted a Spring Audit Report received electronic confirmation that the report was received. After completing a review of the Spring Audit Reports, the Archdiocese will send letters and emails to the Safe Environment Coordinator, administrator, and board of trustees of Schools or Parishes with compliance issues asking them to address certain aspects of their respective Safe Environment Program. At a minimum, these sites will be required to submit an improvement plan in early September detailing how they will address compliance shortcomings. Sites that need further assistance will be required to complete Safe Environment Coordinator Training, submit a mid-year report in February, and possibly

complete an onsite visit. In addition, the Archdiocese will send letters and emails to the Safe Environment Coordinator, administrator, and board of trustees of Schools or Parishes in which the report reflected instances where a Parish or School needed to rectify short-falls in their audit report (i.e. credentialing, youth personal safety lessons, or leadership signatures). Employees and Adult Volunteers at these sites will be restricted from employment or volunteer service if it includes interacting with youth until completing re-credentialing. The Archdiocese provides a verification of receipt of the audit letter which must be signed by the Pastor, Principal (if there is a school), the Safe Environment Coordinator and a Trustee or School Board Officer and returned to the Office for the Protection of Children and Youth. The Archdiocese will repeat this process annually. [SA at ¶ 5.6.b.]

**8.3. Seminaries.** As of May 15, 2017, each Seminary program submitted their Spring Audit Report indicating they were in compliance with the Essential 3 requirements. The Archdiocese works with the Seminary on an annual basis to ensure that all Seminarians are Essential 3 credentialed as required. In addition, the Archdiocese maintains a record for each Seminarian in compliance with terms of the Settlement Agreement. [SA at ¶ 5.6.d.]

**8.4. Other Youth Organizations.** In addition to Schools and Parishes, there are two Catholic organizations that, although not formally affiliated with the Archdiocese, do regularly have contact with youth in Schools and Parishes: NET Ministries and Partnership for Youth. Both have voluntarily assumed the Essential 3 requirements. As of May 15, 2017, the Archdiocese received Spring Audit Reports from those two organizations, and both reported full compliance with the Essential 3 requirements which

includes their own Code of Conduct. Staff sign the Archdiocesan code when they provide services at a Parish or School.

**8.5. Site Visits.** The Settlement Agreement requires that the Archdiocese conduct Parish/School visits every 7 years and complete no less than 15% of the visits annually during this Agreement. To comply with this requirement, the Archdiocese must visit at least 43 Parishes and Schools each year. Between January 2017 and May 2017, the Archdiocese completed 22 Safe Environment Site Visits for Parishes and Schools and one follow-up visit. During these site visits with Parish and School leaders, the Archdiocese was informed about the programs and the work being done and then documented child protection protocols and efforts. Prior to each visit, Parish and School staff complete a self-assessment to determine how well policies and procedures are known, understood and implemented. Following the site visit, the Archdiocese (Office of the Protection of Children and Youth) prepares a summary report that highlights the strengths and challenges in promoting and maintaining a Safe Environment as well as the action steps to be taken over the course of the next seven years. As of July 5, 2017, the Archdiocese provided the summary report of the Parish/School site visits to the Pastor/President, Safe Environment Coordinator and the Parish/School Board of Trustees for 22 of the 22 visited parishes and schools. The Archdiocese provides a verification of receipt of the site visit report which must be signed by the Pastor, Principal (if there is a school), the Safe Environment Coordinator and a Trustee or School Board Officer and returned to the Archdiocese. The Archdiocese recommends that the summary reports be publicly posted by the Schools and Parishes. [SA ¶ 4.7., 14.4.]

**8.6. Audit Upon Change of Leadership.** In a letter sent to all Parishes, Schools, Seminaries and Safe Environment Coordinators on November 3, 2016, the Archdiocese requested that an external review of Safe Environment and finance compliance be conducted each time there is a change of Pastor or leader and that the results of that review be provided to the Director. On May 26, 2017, the Archdiocese sent a letter to all recently assigned Pastors requesting they audit these areas and offered to provide Archdiocese resources to assist the newly assigned Pastors with this effort. [SA at ¶ 14.5.]

## **9. Policies**

The Settlement Agreement requires certain Policy revisions and development. Over the past 6 months, the Archdiocese has implemented a Policy Review Committee. This Committee will review all existing Archdiocesan Policies as well as newly proposed policies. [SA at ¶¶ 2.2-2.4a; 10.4.]

## **10. Training**

**10.1. Code of Conduct Training.** A Code of Conduct Training Video was added to the VIRTUS site on January 13, 2017. Office for the Protection of Children and Youth hosted two teleconference question and answer sessions following the training to review policies and procedures. [SA at ¶ 5.12.] [SA at ¶ 5.12.]

**10.2. Seminary Training.** The Archdiocese continues to work closely with both Seminaries. In the past six months, Director O'Malley and Deputy Director Rasmussen have met with staff and the rectors at both Seminaries. The curriculum continues to be reviewed to look for opportunities to add relevant curriculum regarding safe environments. Discussions are ongoing regarding expanding the involvement of the

Office of Ministerial Standards and Safe Environments in the curriculum for the 2017/2018 school year. [SA at ¶¶ 7.6, 7.6.a.]

**10.3. Other Training.** The Director and Assistant Director were invited to speak and did present at the Crimes Against Children in Indian Country Conference in Duluth Minnesota on April 25, 2017. This conference focused on protecting children in communities, schools and churches. The Director and Assistant Director explained the efforts undertaken in the Archdiocese, the vital roles school and church personnel play in the protection of children and the benefits of partnering with others to promote safe environments. The conference drew approximately 150 attendees from throughout Minnesota and 13 other states representing law enforcement, child protection, social services and other disciplines. The conference was in partnership with the National Criminal Justice Training Center, the US Attorney's Office, FBI, MN Bureau of Criminal Apprehension, Department of Justice and other state, local and tribal agencies. [SA at ¶ 2.4.a.]

## **11. Reporting Abuse and Public Disclosures**

**11.1. Law Enforcement Credible Allegation Notification.** As required by the Settlement Agreement, the Archdiocese has made notifications to law enforcement each time a credible allegation has been received. Five such notifications have been made in this six-month reporting period. None involved a Clergy member. A credible allegation of sexual abuse of a minor is one that bears a semblance of truth and is not manifestly false or frivolous. RCAO was notified of each allegation received and reported. [SA at ¶ 6.3.b.i.]



**11.2. Public Disclosures.** The Archdiocese continues to make timely disclosures of credible allegations and substantiated claims of sexual abuse of a minor by Clerics. [SA ¶ 9.2] The Archdiocese website contains a section posting notices of substantiated claims of sexual abuse of a minor. <http://safe-environment.archspm.org/>. [SA ¶¶ 9.2, 9.4, 9.5]

## **12. Communications**

**12.1.** The Archdiocese is required to publish no less than four times a year in the Catholic Spirit a statement urging those subject to sexual abuse to contact law enforcement to make a report of the abuse. This has been done. The most recent publication of the statement was in the March 23, 2017 edition of the Catholic Spirit. [SA at ¶ 6.8]

**12.2. Parish Assistance.** The Settlement Agreement requires the Archdiocese to provide assistance to Pastors and principals so that they may appropriately respond to media inquiries and provide accurate media responses to reassure the community that abuse allegations are taken seriously. In the past six months, the Archdiocese Office of Communications has provided this assistance and served as a resource to Schools and Parishes to assist them in responding to potential media inquiries on five occasions. [SA at ¶ 9.1.]

**13. Clergy Assistance Plan.** The Archdiocese, with assistance from the Presbyteral Counsel and College of Consultors, has developed a Clergy Assistance Plan under which Clergy can contact Canvas Health, a company contracted by the Archdiocese, at any time to consult regarding issues that may arise during spiritual counseling as well as to serve as a referral source for Clergy seeking assistance with personal needs. In addition, the Clergy support workgroup previously described in the second periodic report comprised of priests and

deacons, and chaired by Bishop Cozzens, has completed its comprehensive review of Clergy formation services and assistance programs. The workgroup's report and recommendations were provided to the Archbishop, the Presbyteral Council and the Director. Discussions and planning for implementation of the recommendations are underway. [SA at ¶ 13.5]

**14. POMS Program.** The Archdiocese and the Director have been phasing out the POMS Program and transitioning participating clerics to a newly developed and individualized assistance and accountability program. The Director has consulted with the RCAO regarding this plan, and those discussions remain ongoing. The Director has been consulting the MRB. The MRB has assisted with the development of the new program and has made recommendations on the specific plans for individual priests. As part of this new process, all priests participating in the POMS program met individually with the Vicar for Clergy or his designee and discussed the POMS program and how to implement a new model that would provide appropriate assistance and interaction with the priest and meet the needs and requirements of the Archdiocese. Director O'Malley or Assistant Director Campion – or both – then met individually with priests whose past misconduct involved minors. Next, the case for each priest participating in POMS was assigned to an MRB member. Members reviewed their assigned cases, including the information gathered in the recent individual meetings, and presented the case at an MRB meeting. The MRB deliberated and made recommendations for individualized approaches for each priest. That MRB recommendation and a recommendation from the Director were then presented to the Archbishop for consideration and decision. Once a plan is finalized, it is provided to the MRB, discussed with the priest and implemented by the Office of Ministerial Standards and Safe

Environment. This process is ongoing and it is anticipated that it will be completed prior to the fourth periodic report. [SA at ¶¶ 11, 11.1, 11.1.a, 11.2, 11.3, 11.3.a-b]

**15. External Audit of Settlement Agreement Compliance.** An external audit has been scheduled for the week of August 21, 2017. The Audit will cover the Archdiocese's compliance with the Settlement Agreement from December 17, 2015 through June 30, 2017. The Archdiocese received a proposal on August 25, 2016 from StoneBridge, an independent audit firm with demonstrated competencies and significant experience, to conduct the audit. The RCAO will have unrestricted access to auditing personnel and underlying audit work product during the audit and for a reasonable period of time thereafter. The Archdiocese has met with the RCAO to discuss details of the audit. The audit report will be provided to the RCAO and will be made publicly available. [SA at ¶¶ 14.2, 14.2.a-e]

**16. Other Requirements under the Settlement Agreement**

**16.1. Letter of Apology; Meeting with Victims.** The Archdiocese offered to meet/send a letter to the Victim's family. This is still being considered by the Victim's family. [SA ¶ D]

**16.2. Meetings with Other Victim/Survivors of Clergy Sexual Abuse.** In the past six months, leaders of the Archdiocese, including the Archbishop, have met with victim/survivors of clergy sexual abuse (abuse in this Archdiocese and elsewhere). The Archbishop, Bishop, Director and Deputy Director have been involved in these meetings and are involved in ongoing efforts to enhance services and improve safe environments. [SA at ¶¶ 13.2, 13.3]

**16.3. Ombudsperson.** The Director has worked with the RCAO to identify an Ombudsperson to be available to individuals who may be seeking help or have questions.

Former Hennepin County Attorney Tom Johnson has agreed to serve as the first Ombudsperson. In the past six months, he has participated in meetings with Victims/Survivors, the Archbishop, Director and Deputy Director. Additional meetings are being scheduled for him to meet with Victim/Survivors, the Ramsey County Attorney's Office, abuse survivor's attorneys and Archdiocese leaders. [SA at ¶ 13.8.]

**16.4. Restorative Justice.** The Archdiocese has continued to move its Restorative Justice efforts forward. The RCAO provided two recommendations for possible Restorative Justice experts who would be beneficial to use in the work we are doing. We reached out to both individuals and heard back from one, Dr. Mark Umbriet, the Director of the Center for Restorative Justice and Peacemaking at the University of Minnesota School of Social Work. Dr. Umbriet agreed to facilitate Restorative Justice sessions for the Archdiocese. Director O'Malley and Deputy Director Rasmussen met with Dr. Umbriet to discuss his experience and Restorative Justice methods. In the past six months, Dr. Umbriet has been working on two separate Restorative Justice efforts. One Restorative Justice effort is ongoing. Dr. Umbriet has met with a victim, Ramsey County Attorney John Choi and Archbishop Hebda in preparation for a Restorative Justice session to be facilitated by Dr. Umbriet. The facilitated session has not yet occurred. In the second Restorative Justice effort, Dr Umbriet met individually with a victim and an accused priest. After considering the potential benefits of holding a facilitated session, it was decided to not proceed to that step. Other Restorative Justice efforts are ongoing, including identifying and contacting potential participants for a third Restorative Justice effort. [SA at ¶¶ E, F].

**16.5. Victims Fund and the Bankruptcy Proceedings.** The Archdiocese continues to offer counseling services to victim/survivors of clergy abuse (through an outside, independent service and private professionals). The Archdiocese proposed plan in the Bankruptcy includes a provision for a fund for ongoing Victim counseling.

**Conclusion**

17. Based on the foregoing, we believe that the Archdiocese remains in substantial compliance with the Settlement Agreement. The requirements of the Settlement Agreement are ongoing and we will continue in our efforts in conjunction with the RCAO as contemplated by that Agreement.

I declare the foregoing to be true and correct to the best of my knowledge and belief.

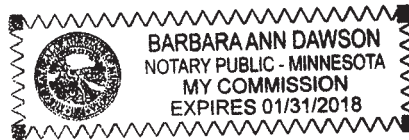
Dated: 7-10-17

THE ARCHDIOCESE OF ST. PAUL AND  
MINNEAPOLIS, a Minnesota corporation

By: Timothy O'Malley  
Timothy O'Malley  
Director of Ministerial Standards and  
Safe Environment for the Archdiocese

Subscribed and sworn to before me  
this 10<sup>th</sup> day of July, 2017

Barbara Ann Dawson  
Notary Public



I declare the foregoing to be true and correct to the best of my knowledge and belief.

Dated: 7-10-17

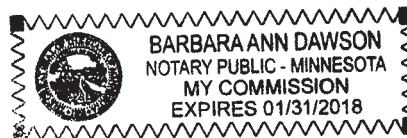
THE ARCHDIOCESE OF ST. PAUL AND  
MINNEAPOLIS, a Minnesota corporation

By: Janell Rasmussen  
Janell Rasmussen  
Deputy Director of Ministerial Standards and  
Safe Environment for the Archdiocese

Subscribed and sworn to before me

this 10<sup>th</sup> day of July, 2017

Barbara Ann Dawson  
Notary Public



ACKNOWLEDGED:

Dated: 7-10-2017

THE ARCHDIOCESE OF ST. PAUL AND  
MINNEAPOLIS, a Minnesota corporation

By: Bernard A. Hebda  
Archbishop Bernard A. Hebda  
Its President