

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT
JUVENILE COURT DIVISION

Court Case Number: 62-JV-15-1674

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.

FIFTH 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,
777 Forest Street
Saint Paul, MN 55106-3857

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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 file periodic reports with the Court twice a year. Each periodic report highlights the actions taken in the most recent six month reporting

period to enhance safe environments and comply with the requirements of the Settlement Agreement.

3. On July 7, 2016, the Archdiocese appeared in 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 Archdiocese was 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 ("Director"), and Janell Rasmussen, Deputy Director of the Ministerial Standards and Safe Environment ("Deputy Director"), make this fifth periodic report to the Court and declare and report as follows:
 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 provide timely briefings to 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 RCAO has provided feedback regarding these efforts. The Archdiocese has used the feedback and suggestions to continue compliance and promote a Safe Environment.
 7. **Restorative Justice.** The Archdiocese continues to make significant progress in the area of Restorative Justice. In the last report, the Archdiocese reported the work being done in

coordination with the RCAO and Dr. Mark Umbreit, the Director of the Center for Restorative Justice and Peacemaking at the University of Minnesota School of Social Work. Dr. Umbreit has facilitated three Restorative Justice sessions for the Archdiocese and continues to work with the Archdiocese and Victim/Survivors on implementing Restorative Justice initiatives. This work includes a parish pilot project on restorative justice and healing which was developed with a Victim/Survivor. Two of these sessions took place on April 29, 2018, one in Maple Grove and one in Minneapolis. [see attached Exhibits A and B] These sessions were led by a retired Wisconsin Supreme Court Justice and Distinguished Professor of Law at Marquette Law School, Janine Geske, and attended by many Victim/Survivors, the Archbishop, an assistant Ramsey County attorney and others who have been impacted. Another session took place on February 25, 2018 at the Basilica of St. Mary's in Minneapolis. This event focused on a panel leading a community conversation. In addition to the Restorative Justice sessions required by the Settlement Agreement, and the parish pilot project, the Director and Deputy Director continue to work with Victim/Survivors, Ramsey County Attorney John Choi, Dr. Umbreit, Justice Geske, Senior Distinguished Fellow at the University of St Thomas School of Law Hank Shea, Ombudperson Tom Johnson, Archbishop Hebda and others on the development of a broader Victim/Survivor Program. These efforts are ongoing. [SA at ¶¶ E, F].

8. **Second External Audit of Settlement Agreement Compliance.** The second external audit has been scheduled for the week of September 17, 2018. The Audit will cover the Archdiocese's compliance with the Settlement Agreement from July 1, 2017 through June 30, 2018. On May 11, 2018 the Archdiocese and the RCAO conducted a planning meeting with the lead auditor from StoneBridge, an independent audit firm with demonstrated

competencies and significant experience, who conducted the prior audit. A timeline and sampling procedure was requested by RCAO at that meeting and provided by StoneBridge on May 21, 2018. The RCAO will again have unrestricted access to auditing personnel and underlying audit work product during the audit and for a reasonable period of time thereafter. The audit report will be provided to the RCAO and will be made publicly available. [SA at ¶¶ 14.2, 14.2.a-e]

9. Internal Audit. As contemplated by the Settlement Agreement, the Archdiocese is conducting a review of the Safe Environment Program, including the VIRTUS Program. An Advisory Committee has been established to evaluate the operations and effectiveness of the Safe Environment Office. The first meeting of this committee occurred on April 12, 2018. The committee is comprised of representatives from Schools, Parishes, Clergy, Victims, and those that serve in the various roles affected by our Safe Environment work. An internal Kaizen (a process for continuous improvement) and Lean (a process to eliminate unnecessary steps) were conducted of Safe Environment operations. Initial results and recommendations are expected in the Fall of 2018. [SA at ¶¶ 5.23; 14.2.e; 14.3]

Elements of Continued Compliance

10. Oversight

10.1. Board of Directors/Audit Committee. Consistent with the requirements set forth in the Settlement Agreement, the Board of Directors of the Archdiocese of Saint Paul and Minneapolis corporation is knowledgeable of the Safe Environment Program and is exercising appropriate oversight regarding the effectiveness of the program. The Board and the Board's Audit and Risk Management Committee met on February 15, 2018 and May 17, 2018. Both the Board and Committee received briefings during these

meetings including updates on specific misconduct and conflict of interest cases, processes regarding the overall approach to misconduct cases, Policy revisions and developments, the implementation status of the Settlement Agreement and the first external audit report by Stonebridge auditors. A copy of this fifth report to the Court will be provided to the Committee and to the full Board on or before July 18, 2018. [Settlement Agreement (“SA”) at ¶¶ 2.1, 2.1.a.]

10.2. The Archbishop. The Archbishop and the Director are in near daily contact and meet frequently, usually multiple times each week. The Archbishop is knowledgeable about the program and Policies. [SA at ¶ 2.2.]

10.3. Ministerial Review Board. During the past 6 months, the MRB has been updated on Safe Environment operational matters. At the November 11, 2017 meeting, a new chair was selected. The new chair has been a member of the MRB since 2015. At the April 19, 2018 meeting, two Victim/Survivors shared their stories with the MRB, offered insights, expressed expectations and thanked MRB members for the work that they do. The MRB also met on February 20, 2018. Several cases have been presented to the MRB and fitness for ministry recommendations have been made. The Director consults with the MRB regarding these and other matters on a regular basis. [SA at ¶ 2.3.]

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

11.1. Clergy. As of June 29, 2018, the Archdiocese confirmed that all 571 Clergy (priests and deacons) in ministry had completed the E3 requirements. The Archdiocese audits Clergy compliance annually. [SA at ¶ 5.6.c.] The Director maintains an electronic registry of Clergy compliance with the Essential 3 requirements. [SA at ¶ 5.6]

11.2. Schools and Parishes. As of June 29, 2018, 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 responded with information regarding mandated record keeping for the Essential 3, overall Safe Environment requirements and curriculum implementation regarding child personal safety lessons. As in the past, every school and parish who are not in full compliance must follow an implementation plan to achieve compliance. In addition, this year, the Archdiocese assigned staff to remediate deficiencies at each non-compliant entity identified in the first external audit in an effort to achieve 100% compliance. [SA at ¶ 5.6.b.]

12. Parishes, Schools and Seminaries

12.1. Seminaries. As of June 29, 2018, each Seminary program submitted their Spring Audit Report, which summarized the number of Seminarians, employees and adult volunteers who completed the Essential 3. The Archdiocese works with each 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.]

12.2. Youth Organizations. There are two Catholic organizations that, although not formally affiliated with the Archdiocese, regularly have contact with youth in Schools and Parishes: NET Ministries and Partnership for Youth. Both voluntarily assume the completion of a background check and VIRTUS Safe Environment training. The institutions require that their employees and volunteers sign their own version of the Code of Conduct. As of June 29, 2108, the Archdiocese received Spring Audit Reports

from both of these organizations, and both reported full compliance with the background check and Safe Environment training.

12.3. 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. In the Fall of 2017, the Archdiocese conducted 28 Safe Environment site visits of Parishes and Schools in accordance with the Settlement Agreement and provided summary reports to those 28 sites. In the Spring of 2018, the Archdiocese conducted an additional 16 Safe Environment site visits of Parishes and Schools in accordance with the Settlement Agreement. 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 completed a self-assessment to determine how well policies and procedure are known, understood and implemented. Following the site visits, the Archdiocese (Office for the Protection of Children and Youth) prepared a summary report highlighting the strengths and challenges in promoting and maintaining a Safe Environment as well as setting forth action steps to be taken over the course of the next seven years. As of June 29, 2018, the Archdiocese had provided a summary report to all 16 sites that were visited in this reporting period. [SA ¶ 4.7., 14.4.]

12.4. 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. In addition, the Office for the Protection of Children and Youth created an audit checklist for recently assigned Pastors to use when auditing their programs and has communicated with the newly assigned Pastors to provide direct assistance and answer specific questions. In addition, in the past six months, staff members have been assigned to assist Pastors in auditing their existing Safe Environment programs and have worked with them on plans to maintain compliance. Three Parishes have been provided individual auditing assistance in the past six months. [SA at ¶ 14.5.]

13. Policies. The Settlement Agreement required certain Policy revisions and development, which have already occurred. Over the past 6 months, the standing Archdiocese Policy Review Committee has continued to review and revise Policies as contemplated by the Settlement Agreement. This Committee reviews all newly proposed policies and, at least annually, reviews all existing policies. [SA at ¶¶ 2.2-2.4a; 10.4.]

14. Training

14.1. Seminary Training. The Archdiocese continues to work closely with both Seminaries. In the past six months, the Director and Deputy Director have continued to meet and communicate 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. The role and involvement of the Office of Ministerial Standards and Safe Environments in the curriculum for the 2017/2018 school year expanded. On February 28, 2018, the Director and Deputy Director provided training to the 2nd year

Seminarians at the Saint Paul Seminary on Ministerial Standards and Safe Environment. On May 3, 2018, the Director met with a class of recently ordained Deacons at the St. Paul Seminary and presented a Safe Environment course to prepare them for ministry. The Director and Deputy Director have also consulted with the Seminary on the selection, formation, evaluation and fitness for ministry determination processes for Seminarians. This consultation is ongoing. [SA at ¶¶ 7.6, 7.6.a.]

14.2. Virtus Training. The current Virtus Training curriculum was recently evaluated. Plans are in place for a modified training process for Victim/Survivors of sexual abuse who are preparing to volunteer in parishes and schools. Changes have been made as a result of victim impact and the overall approach is being reviewed by the Safe Environment Advisory Committee. [SA at ¶ 5.23.]

15. Reporting Abuse and Public Disclosures

15.1. 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. A credible allegation of sexual abuse of a minor is one that bears a semblance of truth and is not manifestly false or frivolous. The Archdiocese also notified RCAO of each allegation it received and reported. [SA at ¶ 6.3.b.i.]

15.2. 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]

16. Communications

16.1. 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 May 24, 2018 edition of the Catholic Spirit. [SA at ¶ 6.8]

16.2. 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 the media. [SA at ¶ 9.1.]

17. Clergy Assistance Plan. As contemplated by the Settlement Agreement, the Archdiocese continues to develop a comprehensive and robust Clergy Assistance Plan for all Clergy. During the past six months, the following actions have been taken to achieve that goal: 1) the Minister to Clergy has worked with priests/deacons to provide individualized support; 2) a new Minister to Clergy – Chemical Dependency position was created and has been filled, and a team of Clergy to assist priests/deacons in alcohol or chemical dependency recovery has been established and is actively providing assistance; 3) a work group has been assembled to study and propose a Pastor review process, which was presented to the Presbyteral Council in May 2018 for feedback; 4) a new review process was completed with a group of Pastors before their appointment to a second term of office; 5) newly ordained priests were assigned to a mentor priest to help in their transition to priestly living and parish

life; 6) priests who are under consideration to be appointed as Pastors were assigned as Parochial Administrators under the tutelage of a supervising Pastor to provide transitional support; and 7) the Parish Services Team updated its assistance plan for parishes being assigned a new Pastor. In addition, the Vicar for Clergy has met twice with the Hazelden Betty Ford Foundation Executive Director at Center City and other Hazelden staff to explore partnering with Hazelden for ongoing services for clergy in need of assistance.

As documented in previous reports, the Archdiocese has also modified its individualized accountability and support program for a limited number of priests (formerly known as the POMS program). The objective of the new approach is to improve both accountability and support through meaningful and well-grounded interactions that take into account each participant's situation. Priests in the program are contacted regularly and in accord with their particular histories and current circumstances. For some, that means weekly contact with the Director or Assistant Director Michael Campion. Other archdiocesan and private sector individuals are also involved in measured contacts so as to provide an informed understanding of the priest's activities and environment. One goal is to ensure that priests are engaged in meaningful work or activity. Another is to be attentive to a priest's health and wellness, and be prepared to make adjustments as required. This outreach and accountability approach continues to be evaluated by the MRB, Archdiocesan staff and participants. The Director has briefed the RCAO regarding the modified program.

18. First External Audit of Settlement Agreement Compliance. As noted in the January 2018 report, the first external audit by Stonebridge found that the Archdiocese was in substantial compliance with the Settlement Agreement. Nevertheless, the auditors noted a few observations for the Archdiocese to consider. The auditors observed that record keeping at

some of the parishes and schools could be more specific and complete. In response to these observations, Archdiocesan staff have followed up with each location from the last audit to assist them with record keeping as needed. Staff have also developed a spreadsheet template for all parishes and schools to assist them track Essential 3 dates and improve their documentation.

The auditors also noted concerns were often raised by staff at parishes and schools regarding the length and complexity of the volunteer application. They suggested that revisions to the application be considered. In response, the Safe Environment Advisory Committee is considering revisions to the application with an eye toward streamlining the collection of information relevant to ensuring effective safe environments.

The auditors also suggested revisiting the website to evaluate instructions for reporting abuse that has occurred in the past. The Archdiocese is currently conducting a review of the website and planning for updates and changes.

19. Other Requirements under the Settlement Agreement

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

19.2. Ombudsperson. Former Hennepin County Attorney Tom Johnson was selected by the Archdiocese and RCAO to serve as the Ombudsperson. In the past six months, several media outlets have published articles on Mr. Johnson's role and have provided

information on how to contact him. Mr. Johnson has shared that he has been contacted by Victim/Survivors and has been well received as an independent, outside resource for them. Mr. Johnson has also participated in meetings with Victims/Survivors, the Archbishop, the Director and Deputy Director, the RCAO, abuse survivor's attorneys and Archdiocesan leaders. Additionally, he has participated in Restorative Justice work and has been a part of planning and communications relating to the development and implementation of Victim/Survivor support groups. [SA at ¶ 13.8.]

19.3. Victims Fund and the Bankruptcy Proceedings. In the past two months, positive developments have emerged during mediation to resolve the ongoing Bankruptcy Proceedings. In late June 2018, a new Joint Plan for Reorganization was filed by the Archdiocese and Unsecured Creditors Committee for consideration by the Bankruptcy Court. Although final resolution and discharge has not been achieved, the Archdiocese is optimistic that it will emerge from bankruptcy in the coming months. While the Joint Reorganization Plan was being developed, the Archdiocese was in communication with the RCAO regarding relevant elements of the proposed plan of reorganization that might implicate the Settlement Agreement, including the Victim's Counseling Fund and Restorative Justice and Reconciliation activities. In the coming months, the Archdiocese will work with the RCAO to determine if any amendments to the Settlement Agreement are needed. [SA at ¶¶ E, H.]

Conclusion

20. 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

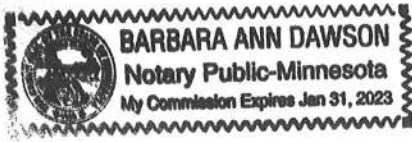
and we will continue our efforts in conjunction with the RCAO as contemplated by that Agreement.

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

Dated: 7/17/18

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 17th day of July, 2018

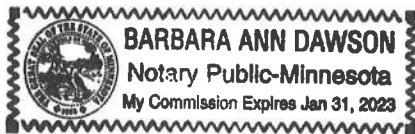
Barbara Ann Dawson
Notary Public

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

Dated: 7/17/18

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 17th day of July, 2018

Barbara Ann Dawson
Notary Public

ACKNOWLEDGED:

Dated: July 16, 2018

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

By: † Bernard A. Hebda

Archbishop Bernard A. Hebda
Its President