

No.: 2139124-1 Court File No.:

2139124-1

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

COURT FILE NO.: _____

PROSECUTOR FILE NO.: 2139124

State of Minnesota,

Plaintiff,

v.

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

**GROSS MISDEMEANOR
CRIMINAL COMPLAINT**

Summons Warrant
 Order of Detention

Amended
 Certified Juvenile
 EJJ

Defendant.

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s):

COUNT 1

On or about the 20th day of June, 2012, in Ramsey County, Minnesota, the defendant, **THE ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS, A MINNESOTA CORPORATION**, by act, word, or omission encouraged, caused or contributed to the need for protection or services of VICTIM 1, a minor at the time of the offense.

Said acts constituting the offense of **Contribute to Need for Protection or Services** in violation of MN Statute: §260C.425.1(a)

Maximum Sentence: 1 year or \$3,000 fine, or both.

COUNT 2

On or about the 20th day of June, 2012, in Ramsey County, Minnesota, the defendant, **THE ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS, A MINNESOTA CORPORATION**, by act, word, or omission encouraged, caused or contributed to the delinquency or status as a juvenile offender of VICTIM 1.

Said acts constituting the offense of **Contributing to Status as Juvenile Petty Offender or Delinquency** in violation of MN Statute: §260B.425.1(a)

Maximum Sentence: 1 year or \$3,000 fine, or both.

COUNT 3

On or about the 20th day of June, 2012, in Ramsey County, Minnesota, the defendant, **THE ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS, A MINNESOTA CORPORATION**, by act, word, or omission encouraged, caused or contributed to the need for protection or services of VICTIM 2, a minor at the time of the offense.

Said acts constituting the offense of **Contributing to Need for Protection or Services** in violation of MN Statute: §260C.425.1(a)

Maximum Sentence: 1 year or \$3,000 fine, or both.

COUNT 4

On or about the 20th day of June, 2012, in Ramsey County, Minnesota, the defendant, **THE ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS, A MINNESOTA CORPORATION**, by act, word, or omission encouraged, caused or contributed to the delinquency or status as a juvenile offender of VICTIM 2.

Said acts constituting the offense of **Contributing to Status as Juvenile Petty Offender or Delinquency** in violation of MN Statute: §260B.425.1(a)

Maximum Sentence: 1 year or \$3,000 fine or both.

COUNT 5

On or about the 20th day of June, 2012, in Ramsey County, Minnesota, the defendant, **THE ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS, A MINNESOTA CORPORATION**, by act, word, or omission encouraged, caused or contributed to the need for protection or services of VICTIM 3, a minor at the time of the offense.

Said acts constituting the offense of **Contributing to Need for Protection or Services** in violation of MN Statute: §260C.425.1(a)

Maximum Sentence: 1 year or \$3,000 fine, or both.

COUNT 6

On or about the 20th day of June, 2012, in Ramsey County, Minnesota, the defendant, **THE ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS, A MINNESOTA CORPORATION**, by act, word, or omission encouraged, caused or contributed to the delinquency or status as a juvenile offender of VICTIM 3.

Said acts constituting the offense of **Contributing to Status as Juvenile Petty Offender or Delinquency** in violation of MN Statute: §260B.425.1(a)

Maximum Sentence: 1 year or \$3,000 fine, or both.

STATEMENT OF PROBABLE CAUSE

Your complainants are Sergeant Eric Skog of the Saint Paul Police Department and Investigator Eugene Leatherman of the Ramsey County Attorney’s Office. They base this complaint on their investigation and believe that the following facts establish probable cause to believe that the AD, by what it did, and failed to do, is guilty of the offenses charged herein:

I. Defendant, “The Archdiocese of St. Paul and Minneapolis.”

At all times relevant to this proceeding, “The Archdiocese of Saint Paul and Minneapolis” was and is incorporated, organized, and existing under Minn. Stat. § 315.16, with those powers, rights and privileges therein, as well as those under §§ 315.15 and 315.10. Its articles of incorporation were originally filed July 28, 1883 and have been periodically amended as permitted by statute. It is an active corporation in good standing under Minnesota law, and under Minn. Stat. § 260C.007, subd. 26, it is a “person.” It is and at all times relevant has been located in Ramsey County at 226 Summit Avenue, St. Paul, MN 55102.

At any particular time, the president of the corporation is the presiding Archbishop of Saint Paul and Minneapolis (hereafter “Archbishop”). As related to this proceeding, the following persons have held the position of Archbishop for the periods indicated:

John Robert Roach	May 28, 1975 to September 8, 1995;
Harry Joseph Flynn	September 8, 1995 to May 2, 2008; and
John Clayton Nienstedt	May 2, 2008 to present.

According to Canon Law, the Archbishop holds and exercises full and exclusive legislative, executive, and judicial power of the Catholic Church within the diocese to which he is appointed. He exercises legislative power himself; he exercises executive power personally or through vicars general or episcopal vicars; and he exercises judicial power personally or through a judicial vicar and judges. (1983 Code c.39, §1, 2.)

A “Vicar General” is appointed by the archbishop to assist in the administration and control of the diocese. Whereas the Archbishop may be characterized as a chief executive officer, the Vicar General may be characterized as the Archbishop’s chief of staff and chief operating officer. As related to this proceeding, the follow persons were the Vicar General for the periods indicated:

Fr. Kevin McDonough	July 1, 1991 to May 2008;
Bishop Lee Piché	May 2008 to July 1, 2009 (ordained Auxiliary Bishop of St. Paul and Minneapolis, June 29, 2008);
Fr. Paul Sirba	July 1, 2009 to November 2009;
Fr. Peter Laird	November 2009 to October 3, 2013.

Fr. Kevin McDonough, first as Vicar General and then as the “Delegate for Safe Environment” was charged with coordinating Respondent’s response to sexual abuse committed by priests over the relevant timeframe.

Defendant designed and operated the Promoter for Ministerial Standards Program, which it held out both publically and internally as “state of the art,” for the express purpose of monitoring and supervising

No.: 2139124-1 Court File No.:

2139124-1

offending clergy who had violated various policies, particularly those involving the sexual abuse of minors. Defendant retained and employed a person in such position (titled its “Promoter of Ministerial Standards”) specifically for this purpose. As related to this proceeding, the following person was, or the following person is, the Promoter of Ministerial Standards for the periods indicated:

Timothy Rourke	2005 to 2013
John Selvig	2012 to present

Additionally, Defendant has employed and retained, or continues to employ or retain, various chancellors, directors and other agents or persons authorized by the corporation to act on its behalf.

Defendant's control of its clergy and operations extends to the level of each local parish within the geographical boundaries of the St. Paul and Minneapolis Archdiocese. At ordination, each priest promises obedience to the Archbishop.

II. The Underlying Criminal Conduct and Conviction of Curtis Carl Wehmeyer.

A. Wehmeyer’s abuse of VICTIM 1 and VICTIM 2.

On June 21, 2012, St. Paul Police took a report from the mother of a fourteen-year-old boy, identified as VICTIM 1. The mother informed police that VICTIM 1 disclosed that Curtis Wehmeyer had been sexually abusing him. Wehmeyer was the family’s parish priest at the Church of the Blessed Sacrament (Blessed Sacrament), located at 1081 Lacrosse Avenue, St. Paul, Ramsey County. The Defendant assigned Wehmeyer to Blessed Sacrament in 2006, first as “parochial administrator,” and then promoted him to pastor in 2009.

On June 22, 2012, VICTIM 1 was seen and interviewed by staff at the Midwest Children’s Resource Center in St. Paul. During the interview, VICTIM 1 reported that Wehmeyer’s sexual abuse began in the summer of 2010, and continued throughout the summer of 2010. VICTIM 1 reported that Wehmeyer provided him beer and marijuana, and showed him pornographic videos and still images on a laptop computer in Wehmeyer’s camper trailer that was parked on parish grounds. VICTIM 1 reported that Wehmeyer had VICTIM 1 remove his pants and underwear. Wehmeyer then touched VICTIM 1’s penis with his hand. Wehmeyer also exposed his own penis to VICTIM 1 and touched his own penis during the viewing of the pornographic images. VICTIM 1 reported that his older brother VICTIM 2 was also present during some of these visits to Wehmeyer’s camper trailer.

VICTIM 1 reported that the last incident occurred one week before his 13th birthday. He stated that during that episode, in addition to Wehmeyer touching VICTIM 1’s penis, he also gave VICTIM 1 a hug while his pants and underwear were still down and, during that hug, Wehmeyer reached and grabbed VICTIM 1’s buttocks.

It was later revealed that VICTIM 2 was also abused by Wehmeyer. VICTIM 2 was interviewed by St. Paul Police and was seen at the Midwest Children’s Resource Center on July 9, 2012. VICTIM 2 stated Wehmeyer gave him and VICTIM 1 alcohol and cigarettes and showed them pornographic images on Wehmeyer’s computer. VICTIM 2 stated he went camping with Wehmeyer in July or August of 2010, and during that time, Wehmeyer provided VICTIM 1 and VICTIM 2 with beer and cigarettes, and offered them marijuana. He stated Wehmeyer told them to measure their penises. When VICTIM 1 was doing so, Wehmeyer

No.: 2139124-1 Court File No.:

2139124-1

told him that he was doing it incorrectly and Wehmeyer began to measure VICTIM 1's penis. Wehmeyer touched VICTIM 1's penis at this time.

VICTIM 2 reported that while camping, Wehmeyer would share a bed with him during the night. VICTIM 2 stated he would put up a barricade of pillows and blankets to try to separate himself from Wehmeyer while they slept but, when he would awaken, would find the barricade removed and Wehmeyer's hands touching his private parts. He stated at other times, Wehmeyer's arms and hands would be across his chest.

A forensic examination of Wehmeyer's computer on July 7, 2012 by St. Paul Police revealed fifteen (15) still images and three (3) video files depicting sex acts involving prepubescent males.

Wehmeyer pled guilty to three (3) felony counts of criminal sexual conduct with a minor, and seventeen (17) felony counts of possession of child pornography before the Ramsey County District Court on Thursday, November 8, 2012,

Because of Wehmeyer's abuse, VICTIM 1 and VICTIM 2 have received extensive counseling, treatment and other services. These services presently continue and are anticipated to be necessary into the future.

B. Wehmeyer's abuse of VICTIM 3.

On July 17, 2013, VICTIM 3 reported to St. Paul Police that Wehmeyer sexually assaulted him in the camping trailer Wehmeyer kept parked on the grounds of Blessed Sacrament. VICTIM 3 reported that in the early summer of 2008, he was in the camper along with Wehmeyer when Wehmeyer reached for a beer on the counter. While reaching around VICTIM 3, Wehmeyer brushed his hand over VICTIM 3's penis.

VICTIM 3 also reported that while on a camping trip in 2009, Wehmeyer provided VICTIM 3 with beer, alcohol, and marijuana. VICTIM 3 reported drinking two cans of Heineken beer and six to eight shots of Jägermeister. VICTIM 3 also reported Wehmeyer instructing him on how to smoke marijuana from a pipe. VICTIM 3 reported becoming intoxicated and waking up with Wehmeyer's hands in his pants. VICTIM 3 reported being 15 or 16 years of age at the time of the incident.

On November 10, 2014, Wehmeyer was charged in Chippewa County, Wisconsin with one count of second-degree sexual assault. VICTIM 3 reported that Wehmeyer abused him on a camping trip in the summer of 2011. Victim 3 stated that on the night of the incident, Wehmeyer provided him with alcohol and marijuana, which resulted in VICTIM 3 becoming intoxicated. VICTIM 3 remembers becoming sick, vomiting, and Wehmeyer walking him to a bed. During the night, VICTIM 3 woke to find Wehmeyer touching VICTIM 3's penis. VICTIM 3 reported that Wehmeyer was in the same bed. Wehmeyer also was "spooning" with him in bed.

Due to Wehmeyer's actions, VICTIM 3 received counseling, treatment, and other services.

III. Defendant by its acts, words, or omissions in the handling of Wehmeyer contributed to the need for services for victims in this case.

A. During Seminary, Defendant is alerted of concerns Wehmeyer is not a good fit for priesthood.

Wehmeyer was ordained a priest on May 26, 2001, after completing five years of seminary. Prior to beginning seminary, Wehmeyer had visited with Archbishop Flynn once every six weeks for a year. In January 1996, Flynn wrote one of Defendant's two co-vocation directors and indicated he would like the Vocation Office to proceed with processing Wehmeyer's application for seminary.

At the time of Wehmeyer's seminary admission in August of 1997, seminary officials were aware Wehmeyer had a history of abusing alcohol and marijuana, experimented with other drugs, was promiscuous with men and women, was on medication for low-level depression, and was in therapy. At the time of admission, officials expressed concerns about Wehmeyer's ability to function as a priest. The co-vocational director wrote, "It may be that he is setting himself up for failure by pursuing a vocation for which he will never be very effective and whose burdens he simply will not be able to carry."

Throughout his formation, seminary officials continued to express concerns about Wehmeyer; noting he had trouble functioning in social settings, had difficulty making decisions, vented his frustrations in ineffective and misguided ways, and appeared "needy" and "distant." In an annual reporting to Flynn after Wehmeyer's third year in seminary, it is noted that seminary officials were approached by two faculty, one staff member, and two pastors to express their concerns about Wehmeyer's ordination. The third year report asked, "whether priesthood really is a 'good fit' for Wehmeyer' personality." Flynn was told Wehmeyer could not articulate why he wanted to be a priest.

Flynn was also told there were concerns that Wehmeyer may have trouble functioning as a priest once out of seminary, he would need close guidance, and would not function well on his own or in a large parish. The Priests Personnel Board, which is responsible for assigning priests to parishes, was advised in February of 2001, that Wehmeyer would need a pastor able to monitor Wehmeyer's responsibilities and that "someone from the personnel board should keep in regular contact with Curt should intervention become necessary."

B. Wehmeyer is ordained and appointed to his first parish.

Wehmeyer completed seminary formation and was ordained in May 2001. Defendant then assigned him as associate pastor to St. Joseph's Parish in West St. Paul, MN, where the supervising pastor was Fr. Lee Piché. Piché had not mentored or supervised an associate before Wehmeyer's assignment. Wehmeyer stayed at St. Joseph's until he was re-assigned to Blessed Sacrament in June 2006.

C. Wehmeyer receives a loitering citation in Crosby Park.

Wehmeyer received a citation for loitering in Crosby Park in St. Paul on January 9, 2004. A police report indicates that a "Donald Dalbert Wehmeyer," DOB 9/28/1964, was cited along with three other men for loitering in a back parking lot. The report indicates the parking lot is known to police as a location where men frequently seek anonymous sexual encounters with men.

No.: 2139124-1 Court File No.:

2139124-1

The report identifies “Donald Dalbert Wehmeyer” as having Minnesota driver’s license #W560128108749; an address of 1154 Seminole Ave., West St. Paul, MN; and driving a 1998 Toyota Pickup Truck with a vehicle identification number (VIN) of 4TAWM72NXWZ056026.

Further investigation shows that Curtis Wehmeyer’s date of birth is 9/28/1964; his father’s name is Donald Delbert Wehmeyer; the address of St. Joseph’s Parish is 1154 Seminole Ave., West St. Paul, MN; and the VIN number of the Toyota pickup truck reflects the owner to be Curtis Carl Wehmeyer.

Defendant’s records indicate that Fr. McDonough, then Vicar General, as well as Archbishop Flynn, were aware in February of 2005 that Wehmeyer had received an “obscure citation in a park.”

Wehmeyer later told a co-worker, A.O., about the citation, stating he had been “in the wrong place at the wrong time.”

D. Wehmeyer is seen exiting the boy’s bathrooms at St. Joseph’s School; he is told to stop, but does not.

During the 2004 school year, A.D., a school/parish worker at St. Joseph’s, saw Wehmeyer exiting the third-grade and fourth-grade boy’s bathroom. A.D.’s son also attended St. Joseph’s school and used this bathroom. The boy reported to his mother that Wehmeyer was in the bathroom all the time. A.D. reported the incident to Wehmeyer’s supervising pastor, Fr. Piché.

At a staff meeting, without singling out Wehmeyer, Piché advised staff that there was no reason for parish staff to be in school bathrooms. He instructed that parish staff had their own bathrooms and were to use them. This instruction was repeated not only by Piché but also by the school principal, J.N. Approximately two weeks later, A.D. again saw Wehmeyer leaving the boy’s bathroom. This second incident was again reported to Piché.

1. Defendant is notified of Wehmeyer’s misconduct.

After again seeing Wehmeyer exiting the bathroom, A.D. spoke with A.O., the parish employee, who knew Wehmeyer had received a citation at Crosby Park. A.D. and A.O. approached Fr. Piché with their concerns. Piché asked if the two would be willing to speak with Archbishop Flynn about Wehmeyer’s behavior. A.D. and A.O. met with Flynn in the spring of 2004. Piché met the two at the Chancery, but did not accompany them into the meeting with the archbishop.

During the meeting, A.D. relayed the concerns about Wehmeyer being in the boy’s bathroom and A.O. informed Flynn of the Crosby Park citation. Flynn gave A.D. and A.O. his assurance that he would take care of the matter. Flynn said he would see to it that Wehmeyer received any counseling or help he needed. Flynn also said he would act as Wehmeyer’s spiritual advisor on the matter. When the two left the archbishop’s office, Piché went in to meet with Flynn.

E. Wehmeyer approaches two younger-looking males about sex in a Barnes and Noble Bookstore.

On Thursday, May 13, 2004 at 10:30 p.m. at a Barnes and Noble Bookstore at Har Mar Mall in Roseville, MN, Wehmeyer approached two younger-looking males about sex. Wehmeyer first initiated conversation with C.K. and spoke of not being at the bookstore looking for books but looking for contacts. (C.K. reported that C.K. was also looking for business contacts.) After speaking for a few minutes, Wehmeyer

leaned in and told C.K. that he was “a veteran and had been doing this for a while now.” Wehmeyer then asked, “Are you fucking horny right now?” C.K. informed Wehmeyer that that was not the kind of contacts he was looking for.

Wehmeyer then struck up a conversation with the second man, A.C. Wehmeyer asked A.C. a series of questions that “seemed to be probing with regards to my views on homosexuality.” At one point, Wehmeyer led A.C. around a corner to another section of bookshelves, looked at the shelves, and said to A.C. that it probably did not look good “for a priest and a young good-looking man to be standing in front of the gay book section.” A.C. reported feeling very uncomfortable during the course of the conversation.

Wehmeyer shared with A.C. that he was a priest, from St. Joseph’s in West St. Paul, but that he was at the bookstore “incognito.” A.C. told Wehmeyer that his girlfriend attended St. Joseph’s parish in West St. Paul. Wehmeyer stopped, and immediately said that he needed to talk with C.K. to apologize because he had earlier told C.K. that he was an architect.

1. Defendant is alerted of Wehmeyer’s misconduct.

In late May 2004, P.M., whose sons attended youth programming at St. Joseph’s, learned of what had happened at the bookstore and became concerned. P.M. contacted Fr. McDonough to report the bookstore incident. He expressed his concern that C.K. and A.C. could pass for high school students.

P.M. had the two young men write statements about Wehmeyer’s conduct and actions in the bookstore. He provided the statements to McDonough, and expressed concern that Wehmeyer was involved with the youth groups at St. Joseph’s.

At a meeting with McDonough on May 27, 2004, McDonough told P.M. that he would take care of the matter. McDonough told P.M. that he considered Wehmeyer’s actions to be mere “thrill seeking, playing with fire, and a bit of a misunderstanding.” McDonough characterized the incident like going out to a park cruising for sex. P.M. felt McDonough was dismissive of his concerns.

P.M. then facilitated a meeting between McDonough and A.C. to discuss the incident and so McDonough could see how young A.C. looked. At this point, McDonough told P.M. and A.C. that Wehmeyer was going to be sent to St. Luke’s Institute for assessment, that restrictions would be placed on him, and that there would be a full disclosure to the leadership at St. Joseph’s. McDonough assured P.M. that Fr. Piché, Principal J.N., Director of Religious Education D.B., and Youth Minister G.B. would be informed of P.M.’s concerns.

In a February 2015 interview, P.M. said that his motivation and concern was that the two men approached by Wehmeyer at the bookstore looked very similar in age to his two young sons, who were then 15 and 17 years old and involved with youth programming at St. Joseph’s parish where Wehmeyer worked.

F. Wehmeyer is sent for evaluation at St. Luke Institute in Silver Spring, MD.

In response to the bookstore incident, on May 28, 2004, Fr. McDonough contacted Saint Luke Institute, a treatment center for clergy with sexual and psychological disorders. On June 1, 2004, McDonough provided St. Luke’s with a memorandum outlining Wehmeyer’s behavior and asked the staff at the St. Luke Institute to

No.: 2139124-1 Court File No.:

2139124-1

provide a psychological assessment of Wehmeyer. Prior to the assessment, McDonough informed Fr. Piché about the bookstore incident, telling him Wehmeyer is being sent to St. Luke's for assessment.

In the June 1 memorandum, McDonough provided St. Luke's a summary of the incident involving Wehmeyer. Rather than ask for a comprehensive evaluation, he posed three specific questions to the staff at St. Luke's, advising that the institute should only respond to these questions due to privacy concerns. McDonough attached the two written statements from the A.C. and C.K.

In his summary, McDonough characterized Wehmeyer's behavior to the St. Luke's staff as "imprudent risk taking" and not a pattern of "cruising" or "picking up sexual partners." McDonough then asked St. Luke's to comment on whether his characterization was consistent with what St. Luke's was to learn about Wehmeyer's "personality and commitments." At no point did McDonough relate P.M.'s concern that the men appeared young and could have been juveniles.

On June 2, 2004, McDonough wrote another memo to the St. Luke's staff to tell them he met with Wehmeyer on June 1. McDonough said he so was impressed with the work Wehmeyer had done in the four days since he had initially spoken to the assessment staff on May 28, that he considered cancelling the assessment. McDonough indicated, however, he would like to go ahead with the assessment even if only on a "rule out" basis.

On June 18, 2004, St. Luke's addressed a report to McDonough detailing the findings of their assessment. According to the report, Flynn also participated in an evaluation feedback session via telephone on Friday, June 11, 2004. During this session, the evaluation findings were presented to Wehmeyer.

The report from St. Luke's specifically comments on McDonough's request to limit the report. The report lists the eight-element protocol areas of assessment, and observes that, "[t]ypically, our written evaluation report summarizes the evaluatee's work in each of those areas." But it then notes that, "given your request that our feedback to the diocese focus only on the questions asked in your communique of June 1, 2004, much of the data collected during the evaluation interviews will be omitted from this report."

The report indicates that Wehmeyer acknowledged that Barnes and Noble was a place where people meet for sexual liaisons and that he engaged two young men in a conversation he admitted had "some sexual undertones to it."

Based on the assessment, St. Luke's made the following formal diagnoses:

Sexual Disorder, Not Otherwise Specified: Unintegrated Sexuality;
Adjustment Disorder with Mixed Anxiety and Depressed Mood;
Occupational Problem; and
Alcohol Abuse by History.

Among observations made in its report:

Wehmeyer "has grown farther away from friends and family and he is not as open as he use [sic] to be."

"Father Wehmeyer received two DUI's: one during his college years and another in 1990."

2139124-1

“Father Wehmeyer displayed considerable anxiety when talking about his sexual history. . . . He hinted at a considerable struggle maintaining his celibacy. . . . There appears to be a tension between his sexuality and celibacy. He will need to come to grips with his sexuality before he can adequately discern whether or not he can embrace celibacy.”

“These tests portrayed Father Wehmeyer as an [sic] depressed, anxious, and irritable individual who has difficulty managing routine affairs, lacks an outlet for intense emotions, and may experience difficulties with memory, concentration, or decision making.”

“Interpersonally, he tends to overvalue his own needs and appears at risk for underappreciating the impact that his actions have upon others.”

The report also notes several times that Wehmeyer’s current mental state made it difficult to understand his issues over the longer term. For example, a diagnosis of a personality disorder was deferred due to the current level of distress experienced by Wehmeyer. The evaluation noted Wehmeyer had prominent paranoid traits but until his current distress subsided, it would not be possible to get a clear picture of his personality dynamics.

St. Luke’s recommended the following course of therapy: (1) individual psychotherapy; (2) group psychotherapy; (3) spiritual direction; (4) being provided a pastoral mentor; (5) finding a “pastoral support group” of fellow priests; and (6) diocesan accountability. To the extent the recommendations proved to be insufficient, the institute indicated it would likely recommend inpatient residential treatment.

Wehmeyer never underwent another assessment at St. Luke’s nor did he complete inpatient residential treatment.

1. Fr. McDonough limits disclosure to staff at St. Joseph’s parish, and agreed-upon further disclosure within the parish never happens.

Following Wehmeyer’s evaluation, Fr. McDonough informed Fr. Piché that there was no cause to be concerned with Wehmeyer. McDonough stated Wehmeyer was getting into experimental behavior trying to figure out his sexuality. Piché was also told there was no reason to put Wehmeyer on restrictions. However, a memo from McDonough dated September 7, 2004 to Archbishop Flynn, indicates that McDonough had restricted Wehmeyer from participating in youth programming earlier in the summer.

The memorandum indicates that McDonough met with Piché and school principal, J.N., on September 3, 2004. The memo states the incident was described and the participants had an opportunity to ask questions. It further indicates the youth restriction would be lifted if Wehmeyer and Piché sit down and have a similar discussion with the St. Joseph’s religious education director, D.B., and the youth minister, G.B.

As reported later by J.N., the school principal, she, Wehmeyer and Piché did meet with McDonough at the Chancery. J.N. reported, however, that the participants only discussed Wehmeyer’s sexuality. G.B., the youth minister, also reported she was never informed of Wehmeyer’s behavior by anyone, nor was she or D.B. ever made aware of any youth restriction that had been placed on Wehmeyer.

2. P.M. seeks assurance that Defendant is responding appropriately to the bookstore incident.

On October 8, 2004, P.M. sent another letter to Fr. McDonough referencing a conversation the two had several weeks earlier. P.M. indicated he was told that there would be full disclosure to key leadership at St. Joseph's; that Wehmeyer would reestablish consistent counseling with his previous therapist; that Wehmeyer would participate in group therapy; that a reassessment within three months of the original assessment would occur such that a determination would be made regarding Wehmeyer's honesty and progress; and, lastly, if no significant change had taken place, a decision would be made about sending Wehmeyer for more intense long-term treatment.

P.M. expressed frustration that Wehmeyer was not reassessed as had been originally promised. P.M. also indicated that McDonough told him in mid-September that full disclosure took place with the Director of Religious Education and Youth Minister at St. Joseph's. P.M. expressed his concern that Wehmeyer's issues are no longer a priority, and restrictions have not been placed on his ministry. P.M. was also concerned that Wehmeyer was never sent for reassessment and was allowed to chaperone a youth trip to Valleyfair over the summer, as he had no restrictions on his ministry. P.M. expressed that he felt he will one day read a police log about Wehmeyer.

On October 11, 2004, McDonough responded to P.M.'s letter. He clarified the St. Luke's recommendations but states that neither group therapy nor group work was recommended by the institute. This statement is directly contrary to the St. Luke's recommendations.

G. Defendant learns of another "bookstore incident" and confronts Wehmeyer.

On February 22, 2005, Fr. McDonough received a report from Fr. C.R. about a bookstore incident that occurred while C.R. studied in Jerusalem with Wehmeyer during seminary. C.R. had heard of the 2004 Barnes and Noble incident and felt the Jerusalem incident was similar enough to the Barnes and Noble incident to report to McDonough. C.R. reported in an interview with the Ramsey County Attorney's Office that he did not believe the two incidents were coincidental and that he saw a pattern with Wehmeyer and this was a red flag.

C.R. reported that while in Jerusalem, C.R. was walking down the street with Wehmeyer when they were approached by two young Israeli men who began to taunt Wehmeyer because he was gay. C.R. described the Israeli men as young. He said they could have been sixteen or they could have been twenty-two.

The young men apparently knew Wehmeyer from a bookstore, where they had offered him a female prostitute. When Wehmeyer showed no interest in a female prostitute, the young men then offered a male prostitute. When C.R. questioned Wehmeyer about the encounter, Wehmeyer said the young men had misunderstood the conversation in the bookstore.

McDonough thought C.R.'s report was important and described it in a memorandum to Archbishop Flynn as bearing "remarkable similarities to the situation at the book store last year." McDonough describes the young Israeli men as "two young men, adults [sic] but still young."

McDonough stated that, if true, Wehmeyer "should be confronted immediately. McDonough suggested that Wehmeyer be removed from parochial work and asked to undergo intensive psychotherapy. Alternatively,

McDonough advised simply removing Wehmeyer, putting him on reduced pay, and giving him time to get his life in order. McDonough asked Flynn how he would like him to proceed.

Ultimately, McDonough confronted Wehmeyer about the incident. There is no evidence Wehmeyer ever completed additional psychotherapy or was removed from ministry because of this incident.

G. Fr. McDonough concludes that Wehmeyer is not a danger.

Notwithstanding his earlier stance to deal aggressively with Wehmeyer, less than a month later, Fr. McDonough reported to Archbishop Flynn on March 21, 2005 that, after meeting with Wehmeyer and his therapist, McDonough heard nothing that ruled out Wehmeyer becoming a pastor. McDonough stated he was “confident, given the nature of the concerns raised and his seriousness in addressing them, that Father Wehmeyer would constitute absolutely no danger to anyone in the ministerial setting.” He mentioned that while Wehmeyer appeared to be making “some significant progress,” “[a]ll of this, of course, will be submitted eventually for outside assessment and verification.”

H. Wehmeyer completes VIRTUS training.

On August 30, 2005, Wehmeyer completed VIRTUS training. VIRTUS is part of the Archdiocese’s Safe Environment Program. It is a live three-hour training session designed to teach participants to identify child sexual abuse issues and to protect the children around them. VIRTUS training is required for all Diocesan employees. VIRTUS training includes training on the “warning signs” of grooming behaviors, pedophilia, and indicators of abuse.

I. Defendant begins its POMS Monitoring Program and asks Wehmeyer to join.

In 2005, defendant began implementing the “Promoter of Ministerial Standards” program (“POMS”). POMS is Defendant’s self-designed, self-implemented, and self-managed system for monitoring and supervising priests who sexually abused children or adults, or who have committed other types of misconduct. The program was created to “introduce clarity, formality, and regularity” into the monitoring of priests who have committed priestly misconduct. The goals of the POMS monitoring program are stated as: (1) “to protect people from their priests or other leaders abusing their office to harm them; (2) to help motivate priests to take steps to prevent re-offending; and (3) to reassure the Catholic faithful, and perhaps others, that the local archdiocese is taking steps to protect the common good.”

The POMS Monitoring Program was largely designed based on input from Deacon S.O. S.O had a history in law enforcement and sought to design POMS after a probation model. S.O was charged with recommending a monitoring program which “responsibly, accurately, fairly, justly, and accountably protected victims, the Church, the Archdiocese of Saint Paul and Minneapolis, and the offender, or alleged offender...”

S.O. reviewed Archdiocesan files as a part of his work to develop and design the POMS program. During his review, S.O. found files to be “incomplete, inaccurate, missing vital documents, contained multiple copies of reports (indicating lack of attention to file maintenance), lacked “follow-up” reports, had merged victims into same reports when cases were clearly separate incidences, lacked initial interview reports, and revealed lack of investigation of facts brought forward.”

S.O. submitted a list of six recommendations for the program. To the extent Respondent wanted a program that did not incorporate all of S.O.'s program recommendations, S.O. told Defendant he did not want any involvement with such a program. As the POMS program was implemented by Respondent, S.O. phased out his involvement.

One of S.O.'s recommendations was the "use of outside professionals employing established best practices, especially modern probation techniques, in monitoring." In order to carry out this recommendation S.O. further recommended "the use of polygraph and plethysmograph, or some type of psychological profile which gives honesty/level of deception."

S.O. also recommended the Archdiocese "attempt to get a clause in any settlement requiring the offender to cooperate with archdiocesan monitoring; and/or insist on cooperation if the offender is to continue to receive archdiocesan support or even limited use of faculties." There is no indication any of these recommendations were implemented by the Archdiocese and since its implementation, participation in POMS has always been voluntary.

Beginning in 2005, offending priests began to be placed on POMS. Priests were subject to individual monitoring criteria developed by McDonough and implemented by a POMS monitor. The POMS monitor is responsible for monitoring "archdiocesan personnel having violated their particular ministries through violations of the United States Conference of Catholic Bishops' "Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons" and/or other violations of Archdiocesan ministerial and policy standards."

Tim Rourke acted as the first POMS monitor. In his capacity, Rourke monitored priest compliance with the monitoring conditions specified by McDonough. Rourke was responsible for meeting with each offending priest throughout the year. Rourke then provided McDonough with annual reports on each priest's compliance. McDonough and the Archbishop would then review and sign off on a continuing monitoring plan. Rourke was the POMS monitor at the time Wehmeyer began monitoring.

As of 2010, Rourke was responsible for monitoring approximately 31 priests at one time. According to records, Rourke worked fifteen hours per week, or approximately sixty-two hours per month, until he was injured in 2011. After his injury, Rourke only worked about twenty hours per month until he resigned in 2013. John Selvig became the POMS monitor after Rourke.

1. Wehmeyer joins POMS monitoring.

On December 27, 2005, McDonough sent Wehmeyer a letter asking him to join the POMS monitoring program. McDonough indicates Wehmeyer is being asked to join the program not because he is believed to have abused children, but to formalize communication and because he is among a group of priests who has committed other kinds of misconduct. Wehmeyer is asked to sign a "contract" that will reflect agreements about ongoing counseling, disclosures, ministerial restrictions, support group participation, and "other aids to his health, holiness, and effectiveness in ministry." Wehmeyer officially began monitoring in February of 2006.

McDonough specified the following initial monitoring standards/criteria for Wehmeyer:

- a. "The Clergy Review Board will be reviewing this plan and could make further recommendations.

2139124-1

- b. Fr. Wehmeyer will provide information on his personal therapist and sign releases for POMS to receive information regarding his progress and attendance.
- c. Fr. Wehmeyer will provide information on any support group he is involved with and sign releases for POMS to receive information regarding his participation and attendance.
- d. Fr. Wehmeyer will maintain regular contact with his spiritual advisor. He will sign any necessary releases for POMS to receive information regarding his attendance.
- e. Fr. Wehmeyer will provide information on any 12-step program he is attending and have verification cards filled out and returned to POMS on a quarterly basis.
- f. Computer hard drives used by Fr. Wehmeyer may be randomly checked for sites in conflict with his recovery program.
- g. Visits by the Promoter of Ministerial Standards for the Archdiocese will be made at the living location, work sites or any other area deemed appropriate.
- h. Risk monitoring evaluation/assessment will be done on an annual basis with an appropriate diocesan official.
- i. Any material deviation from or violation of any of the monitoring criteria will result in an immediate report to the Vicar General and/or the Archbishop for determination and investigation and, if warranted, suspension of ministry, and referral to the Clergy Review Board for further recommendation to the Archbishop concerning continuation of ministry.
- j. Fr. Wehmeyer is to completely fill out the "Intake Data" form and appropriate information release forms allowing POMS to release pertinent file information and for reports from evaluators and therapists to be received."

As required under the program, Rourke provided a yearly summary of his work on Wehmeyer's case. Each year, the summaries were reviewed by McDonough and sent to the Archbishop. Despite repeated evidence that Wehmeyer did not comply with monitoring criteria, McDonough consistently indicated he was pleased with Wehmeyer's progress under the monitoring criteria. The archbishop reviewed and signed off on the monitoring plan each year.

2. Defendant knew or should have known that it's POMS monitoring program was ineffective, inadequate and essentially "window dressing."

The POMS monitoring program has been criticized for concentrating too much power in one or two individuals. Criticisms have included that priests were not subject to adequate oversight, monitoring, and audit, and that Fr. McDonough's nearly exclusive control and administration of the program, including that McDonough alone would "decree" or be able to slant the determination of which violators would be considered "safe."

In an interview with the St. Paul Police Department, Tim Rourke described the POMS monitoring program as “window dressing.” According to Rourke, the POMS monitoring program is voluntary in nature and provides few, if any, consequences for priests who do not comply with program requirements.

One of the POMS monitoring criteria was referral to the Clergy Review Board. The Clergy Review Board was created to review allegations of priestly misconduct. According to Father R.T., a current member of the Board, the Board relied on POMS monitoring information provided by McDonough to make recommendations to the Archbishop when allegations of priestly misconduct were received. According to R.T., McDonough determined the file content and the referral of the priest to the Board. The Board then provided recommendations to the Archbishop. The Archbishop then made the final decision on monitoring criteria and conditions. The Board was never informed of the final decision of the Archbishop and the degree of compliance by a priest.

3. POMS Monitoring of Wehmeyer is lax or nonexistent.

Wehmeyer’s case was never referred to the Clergy Review Board. In fact, review of Wehmeyer’s yearly POMS monitoring reports show that the monitoring criteria were frequently not followed and/or enforcement was lax or nonexistent. For example, Wehmeyer was allowed to self-report his involvement with his support groups. Wehmeyer also stopped individual psychotherapy in 2010, directly in contravention of his POMS monitoring requirements and in disregard of the St. Luke’s recommendations.

In addition, Rourke attempted to supervise the criterion that Wehmeyer’s computer hard drives be checked “for sites in conflict with his recovery program.” However, the number of computers Wehmeyer owned, used, or had access to was never determined. In addition, by his own admission, Rourke lacked the training to be able to check a computer in anything beyond a cursory manner, which consisted of checking the internet browsing history, which was not the monitoring requirement. Wehmeyer’s POMS requirement called for a check of the “hard drive for sites in conflict with his recovery.” Rourke recalled checking Wehmeyer’s computer “a few times,” but recalled he did not see anything of concern.

A check of Wehmeyer’s hard drive by St. Paul Police on April 2, 2015 shows Wehmeyer downloaded and stored at least some of the child pornography files on his computer on the following dates: May 16, 2007, September 5, 2007, and October 22, 2007. The respective files are named “2 12 yo boys in bed”, “12 yo boys playing sex”, and “13yo Football boy and coach_by car_sex.” According to the police report, there are also numerous other pornographic images which were recovered from “carved” space on the computer, meaning they had been deleted from the hard drive. Wehmeyer further admitted under oath that he is certain he used his computer to view child pornography “sometime after 2006.”

J. Wehmeyer is assigned to be parochial administrator at Blessed Sacrament.

On June 15, 2006, Archbishop Flynn appointed Wehmeyer Parochial Administrator of Blessed Sacrament Parish in St. Paul. The letter of appointment, signed by Archbishop Flynn, states Wehmeyer “will be responsible for the full spiritual and material administration of Blessed Sacrament parish including the celebration of mass.” According to church documents, a parochial administrator does not have the stability of office that a Pastor does, and can be removed from their position more easily than a pastor can.

K. Defendant learns that Wehmeyer is seen “cruising” a park over two consecutive days.

On July 28, 2006, one month after his appointment as a parochial administrator, a Ramsey County sheriff's deputy reported to Fr. McDonough that Wehmeyer was seen and stopped in the parking lot of a park that police know is commonly used as a place where men seek sexual encounters with one another. Wehmeyer offered the deputy “odd and inconsistent explanations” for why he was in the park, and eventually drove away. Later that evening, the Deputy saw Wehmeyer leaving a different area of the park, and even later, again saw him leaving a third area of the park. The following day, the same deputy saw Wehmeyer's truck again leaving the parking lot at the same park. The deputy told McDonough that he believed Wehmeyer was exhibiting behavior consistent with sexual addiction. The deputy said he wanted to put the Defendant on notice so Wehmeyer could get help.

1. McDonough confronts Wehmeyer.

McDonough immediately called Wehmeyer, who initially denied the deputy's report. McDonough and Rourke then met with Wehmeyer on August 3, 2006. In a file memorandum, McDonough documents that he told Wehmeyer he was concerned about Wehmeyers' cruising and lies. Wehmeyer asked to meet monthly with Rourke for a period of time, and in response to McDonough's request to speak with Wehmeyer's therapist, said his therapist was on vacation. McDonough indicates that either Rourke or he should receive a call in the week or so after the therapist returns. At the conclusion of the memo, as he had done in the past, McDonough concludes, “I do not believe that Father Wehmeyer actually goes to these parks to pick up other men. Rather, he likes to be around the environment where such things are happening, since it gives him some sort of thrill.” McDonough indicates, “[w]e will keep some pressure on him to “work his program” (quotes in original), and that, “No other steps appear to be called for currently.”

2. Flynn is alerted of Wehmeyer's behavior.

McDonough also wrote to Archbishop Flynn to describe the incident, classifying it as “similar to what caused us to intervene with him two years ago.” McDonough again characterized the incident as Wehmeyer “playing on the edge” and not doing anything “expressly illegal or immoral.”

L. Wehmeyer signs the Code of Pastoral Conduct.

On June 26, 2007, Wehmeyer advised Defendant that he has signed off on the Code of Pastoral Conduct and has the code filed at his parish office. The code requires pastors to “observe the norms of this Code of Conduct as a condition of my providing service to those whom I minister to, especially children, youth, and vulnerable adults. I understand that any action inconsistent with this Code of Pastoral conduct or failure to take action mandated by this code may result in remedial action as recommended by an immediate supervisor or by the Committee on Pastoral Responsibility.”

M. Wehmeyer tells another priest that he has been asked to take two boys camping.

In 2008, Wehmeyer went camping with Fr. M.M. During that trip Wehmeyer told M.M. that he is same-sex attracted. Wehmeyer also told M.M. that a mother who works for him wanted him to take her sons camping. M.M. strongly advised Wehmeyer against taking the boys camping as it is against the new code of conduct and contrary to VIRTUS training. Wehmeyer told M.M. he would not take the boys camping. M.M. did not report the incident at the time, as he believed based on Wehmeyer's response that there was nothing to report.

N. Nienstedt succeeds Flynn as Archbishop.

Archbishop Flynn retired on May 2, 2008. Archbishop Nienstedt succeeded Flynn the same day.

O. Wehmeyer is promoted to pastor of two merging parishes.

In early 2009, Wehmeyer raised a question about whether his status at Blessed Sacrament was that of pastor or parochial administrator. In a letter to Wehmeyer dated May 1, 2009 Archbishop Nienstedt indicates that Wehmeyer was installed as parochial administrator. The archbishop writes that he has not checked Wehmeyer's file, "so [he] was not sure what the issues are behind the hesitancy about making you a pastor." He offered to pursue the matter if Wehmeyer wanted.

Less than one month later, on June 1, 2009, Nienstedt appointed Wehmeyer pastor of both Blessed Sacrament Church and St. Thomas the Apostle Church. Wehmeyer was to oversee the merger of the two parishes.

Prior to this appointment, Jennifer Haselberger, Chancellor for Canonical Affairs, warned Archbishop Nienstedt not to appoint Wehmeyer pastor. Haselberger wrote a memo to Nienstedt on April 28, 2009, indicating Wehmeyer had issues and had engaged in some risky behavior that led to the decision that he not be appointed pastor. Haselberger suggested Nienstedt review Wehmeyer's file before making a decision on the appointment. In an interview with the Ramsey County Attorney's Office on April 27, 2015, Haselberger reported she also attached a copy of Wehmeyer's 2004 St. Luke's assessment and either a memo regarding the 2004 Barnes and Noble bookstore incident or the report from the 2006 park cruising incident to her memo.

In March 2015, during a call on the Global Tel Link monitoring system from the Lino Lakes Correctional Facility where Wehmeyer is incarcerated, Wehmeyer said at the time of his appointment Nienstedt knew a lot about him but chose not to be as concerned as he should have been. Wehmeyer said Nienstedt was aware he had been sent to St. Luke's and had drinking problems. Wehmeyer said he asked the archbishop a couple of times, "Are you aware of my past? Are you aware of my record?" Wehmeyer said that Nienstedt brushed it off and replied, "I don't have to look into that stuff."

P. Defendant conducts its first background check of Wehmeyer eight years after ordination.

Despite Defendant's 1993 policy that all Archdiocesan employees undergo a background check, Wehmeyer did not undergo a background check until February 6, 2009, fully eight years after he was ordained. The background check did not include a nationwide check of Wehmeyer's history and therefore did not include the 1990 DUI Wehmeyer received in his home state of Michigan.

Q. Wehmeyer discloses he has taken two of the victims camping.

On September 29, 2009, Wehmeyer had once again been camping with Fr. M.M. M.M. reported that the previous night, while in Wehmeyer's camper, Wehmeyer had placed his hand on M.M.'s knee. Wehmeyer later apologized for the incident and at this time told M.M. that he had taken the victims camping.

When Wehmeyer left the campsite to go to a local Kwik Trip gas station, M.M. used the opportunity to leave. M.M. reported he left the campsite early because he was not same-sex attracted and due to Wehmeyer's behavior, he was concerned for his safety.

R. Wehmeyer is arrested for DUI after approaching high-school-aged persons to ask whether they want to party.

On September 29, 2009, a Fillmore County Sheriff's Deputy responded to a complaint of a man who was at a Kwik Trip gas station in Spring Valley, MN asking "18 year olds where they live, go to school, and if they wanted to party with him." The reporting deputy described the youth as "high school aged kids" and "young people."

The complainant stated the male who approached the young people appeared intoxicated. The sheriff's deputy made contact with Wehmeyer as Wehmeyer sat in his vehicle. After admitting he had too many drinks to be driving, the deputy arrested Wehmeyer.

Wehmeyer called Fr. M.M. as M.M. drove home and asked M.M. to bail him out of jail. M.M. declined.

Wehmeyer ultimately pled guilty to Driving While Intoxicated in the Fourth Degree before the Fillmore County District Court on October 27, 2009.

1. Defendant knows of Wehmeyer's misconduct.

After the camping trip, Fr. M.M. called the office of the Vicar General to report Wehmeyer's behavior. M.M. reported to Bishop Piché, "I think you have a predator on your hands, you have to be careful." Piché told M.M. he felt Wehmeyer "could be a good priest." M.M. did not receive any additional follow-up or updating on his report.

M.M. then followed up with Fr. Sirba, who was then Vicar General, to ask whether Sirba had talked with the mother of the boys who had camped with Wehmeyer. M.M. informed Sirba that if Sirba did not speak with the mother, M.M. would. Sirba assured M.M. that he would speak to the mother.

On September 29, 2009, Sirba dated a memo to Archbishop Nienstedt indicating that Wehmeyer had been picked up for DUI. Sirba writes that he will be meeting with Wehmeyer later in the day to hear Wehmeyer's explanation. He also indicates that Wehmeyer has been under the supervision of the Clergy Review Board, Tim O'Rourke [sic], and his therapist, Paul Ruff. Nienstedt responds with a handwritten note on the memo that he looked into this and Wehmeyer was not under the supervision of the Clergy Review Board or Tim O'Rourke [sic].

On September 30, 2009, Sirba sent another memorandum to Nienstedt regarding Wehmeyer's DUI. In the memo, Sirba indicates that Wehmeyer reported that this was Wehmeyer's first DUI. It was not in fact Wehmeyer's first DUI, as he had received a previous DUI in 1990.

In the memo, Sirba outlines that Wehmeyer "has not been faithful to his program." Sirba mentions that Bishop Piché suggested that Sirba call McDonough because McDonough had worked with Wehmeyer on sexual boundary issues in the past. Sirba indicates that he is waiting on a call back from McDonough. There is no subsequent indication that he received that call.

On October 13, 2009, Nienstedt wrote in a memorandum that he had received a call from Wehmeyer in which Wehmeyer apologized for the embarrassment he caused the church with his DUI. Nienstedt concludes that Wehmeyer is repentant and concluded, “this has been a good lesson” for Wehmeyer.

In a deposition on April 2, 2014, Archbishop Nienstedt indicated that he never saw the police report relating to this incident, nor did any diocesan official convey to him that Wehmeyer was trying to pick up teenagers. Nienstedt also did not review the chemical health assessment ordered by the court at the time of sentencing until June 6, 2012, nearly three years after Wehmeyer’s offense.

Defendant took no action, disciplinary or otherwise, with respect to this admitted serious violation of policy.

2. M.M. follows up with Sirba about Wehmeyer taking the victims camping.

In October 2009, Fr. M.M. again followed up with Sirba to verify that Sirba had spoken with the mother of the victims about the camping trip. Sirba assures M.M. that he will follow up.

Sirba then spoke with Defendant’s Chancellor for Civil Affairs, Andrew Eisenzimmer, regarding his conversation with M.M. Eisenzimmer tells Sirba to take M.M.’s concerns seriously and to follow-up with Wehmeyer. Eisenzimmer suggests Sirba hand the issue off to Fr. Tiffany, who is Defendant’s “Director of the Office for the Life and Ministry of Priests.”

3. Wehmeyer admits to taking a boy camping alone and violating church policy.

On October 27, 2009, Fr. Sirba spoke to Wehmeyer about the camping trip with minors. Wehmeyer admits that he took VICTIM 1 camping alone but minimized the incident by saying that an older brother was supposed to go along as well. Wehmeyer stated that the victim was in constant contact with his mother, who trusts Wehmeyer. Sirba asked Wehmeyer if “anything happened,” to which Wehmeyer answered, “No.” Sirba told Wehmeyer there is a potential for scandal, and the trip was inappropriate. Wehmeyer said it would not happen again, and suggested Sirba call the mother to verify the camping trip was approved by her.

On November 3, 2009, Sirba spoke with the mother of VICTIM 1. In an interview with Saint Paul Police on April 1, 2015, Sirba stated that he spoke with the mother because of perceived “boundary violations.” Sirba spoke to the mother about “helping father to set boundaries,” “prudence,” and “not giving anyone reason to be concerned.” Sirba reported that the conversation was aimed at alerting the mother that there needs to be caution when it comes to these types of issues so as not to jeopardize Wehmeyer’s status as a priest or the safety of the children.

In an interview with the Ramsey County Attorney’s Office on April 16, 2015, the mother reported the tone of the conversation with Bishop Sirba was not about the safety of the children; rather it was about protecting Wehmeyer’s image as a priest.

Defendant took no formal disciplinary action with respect to Wehmeyer’s admitted violation of policy. Nienstedt did write Piche, Sirba and Fr. Tiffany (then Respondent’s Director of the Office for the Life and Ministry of Priests) on October 13, 2009, documenting that he had received a telephone call from Wehmeyer on Saturday afternoon, October 10, 2009. Wehmeyer apologized for embarrassing the church. Nienstedt wrote that

2139124-1

he believed Wehmeyer was “repentant” and indicated he had promised Wehmeyer “we would work through this together.” Nienstedt concluded that the experience had been “a good lesson” for Wehmeyer.

S. Parish staff observes alarming behavior.

During the 2009-2010 school year, J.T., a staff member at St. Thomas the Apostle, observed Wehmeyer ask a fourth-grade boy whether he would like a tour of the rectory. J.T. reported being concerned because priests are not supposed to be alone with children and are not supposed to take them into the rectory. Due to her concern, J.T. followed Wehmeyer into the rectory so that he could not be alone with the boy.

In July of 2010, Wehmeyer made a concerning comment to J.T. after church on a Sunday afternoon. He commented, “What a cute kid, it’s like he belongs on the back of a milk carton – if I (Wehmeyer) were going to snatch a kid, it would be somebody like that.”

At the time, J.T. did not report the behavior. However, she did report to Eisenzimmer, in January of 2011.

T. Wehmeyer goes camping with Fr. D.B., who sees Wehmeyer in bed with one of his victims.

In August of 2010, Fr. D.B. went camping with Wehmeyer at Savannah Portage State Park in McGregor, MN. D.B. recalls arriving on a Sunday evening to the campsite and, upon arrival, discovered Wehmeyer camping with two boys. D.B., who did not know the name of either boy, guessed that one was between 7 to 8 years of age and the other was between 10 to 11 years of age. These boys were VICTIM 1 and VICTIM 2.

D.B. was not aware that the boys would be there, and questioned Wehmeyer about it. Wehmeyer said something to the effect that the family was going through a difficult time. D.B. then went to bed. D.B. said the sleeping arrangements were: Wehmeyer in the front of the camper in a bed; the two boys in the “kitchen-table bed,” and D.B. slept in the back of the camper on a pop-out bed.

The morning after the second night, D.B. woke up and saw Wehmeyer in bed with VICTIM 1. D.B. confronted Wehmeyer, who explained the boys had been arguing, so he put one of the boys in his bed with him. D.B. did not recall hearing any arguing during the night. D.B. left mid-morning the same day.

D.B. reported the incident to a priest friend, M.R. M.R. advised D.B. to report the incident to Piché.

1. Defendant is informed Wehmeyer shared a bed with Victim 1 while camping.

Fr. D.B. reported Wehmeyer in bed with VICTIM 1 to Bishop Piché on September 12, 2010. At the time of the report, Piché was at D.B.’s church to re-dedicate an altar. (Contemporaneous church bulletins document Piche being at the church that day for this purpose.)

Following the service and community reception, D.B. walked Piché to his car. In the parking lot, speaking to Piché one-to-one, D.B. told Piché what he had seen at the campground. D.B. reported that Piché listened and replied, “Father Curt Wehmeyer has many skeletons in his closet.” Piché thanked D.B. for the information. D.B. never heard anything further about the incident.

In an interview with St. Paul Police, Bishop Piché stated he could not remember the report from D.B.

U. VIRTUS training raises questions and concerns from parishioners about Wehmeyer's behavior.

In late 2010, J.T., a staff member at St. Thomas the Apostle, contacted J.B., a VIRTUS trainer. J.T. contacted J.B. because Wehmeyer's churches did not comply with VIRTUS training requirements. J.B. also reported that Blessed Sacrament was not current on its mandatory audits regarding VIRTUS trainings and background checks. Wehmeyer was required to sign off on these yearly audits.

According to correspondence, Wehmeyer had not completed any of the required ongoing VIRTUS training bulletins as required by the Defendant under its Safe Environment Program. A February 7, 2011 email from the Protection of Children and Youth Initiative Office indicates that Wehmeyer had not completed any of the 64 training bulletins that were required. That email, as well as a memo dated August 29, 2013 from Joseph Kueppers, Chancellor for Civil Affairs, acknowledges that many priests were not current in their trainings.

On January 9, 2011, J.B. taught a VIRTUS training session on site to parishioners and staff of St. Thomas the Apostle and Blessed Sacrament. During the training, many participants from Blessed Sacrament asked J.B. about priests and boundary violations. J.B. was specifically asked, whether it was okay for a priest to take children on a camping trip, or into the rectory alone.

The training raised concerns for J.T., who had earlier seen Wehmeyer attempt to take a boy into the rectory alone, and had heard Wehmeyer comment about snatching a child. After the training, J.T. raised her concerns with J.B. J.B. was also concerned because she had never conducted a training before where such concerns were reported.

1. Defendant is informed of the VIRTUS-trainer and parishioners' concerns.

After the training, J.B. called the Office for Protection of Children and Youth at the Chancery. She was referred to Vicar General Peter Laird, but learned he was out of town. Sometime during the week of January 10-14, 2009, J.B. spoke with Laird and conveyed her concerns about Wehmeyer taking children camping and taking children into the rectory.

In a separate instance, J.T. called the Chancery to voice her own concerns. She was directed to Andrew Eisenzimmer. J.T. told Eisenzimmer about Wehmeyer's offer to show a boy the rectory, about his snatching-a-child comment, and about Wehmeyer taking children camping. Eisenzimmer indicated he knew about the camping. He offered to follow-up with J.T. J.T. said she did not need a report back; she simply wanted to report her concerns.

V. Archbishop Nienstedt signs off on Wehmeyer's changed POMS monitoring requirements.

On February 3, 2011, Archbishop Nienstedt again signed off on Wehmeyer's POMS monitoring requirements. Notably, as of 2011, it is no longer a requirement that Wehmeyer's hard drives be checked for sites in conflict with his recovery. There is no explanation for the change.

W. Defendant chooses not to disclose Wehmeyer's history to anyone in his parishes.

In a May 9, 2011 memorandum, Fr. McDonough told Rourke that he recommends no workplace disclosure be made about Wehmeyer's history. Rather, he suggested Wehmeyer disclose his history to "responsible priest friends." McDonough reasoned, "[d]isclosure in the church-rectory-office setting is aimed at preventing a priest from misusing his position as a priest to obtain impermissible favors (sex, money, information) from those to whom he ministers." Ignoring Wehmeyer's continued questionable behavior, McDonough states that Wehmeyer's only "troublesome behavior" is cruising parks and that Wehmeyer "engaged a man in a suggestive conversation in a *Borders* bookstore." (emphasis added). There is no mention of Wehmeyer camping with minors.

Again, McDonough minimizes Wehmeyer's behavior as "playing with fire" to obtain some stimulation rather than interest in an actual sexual encounter. McDonough reasons that such behavior would not show up in the workplace and says that he agrees with Wehmeyer, disclosure would only serve to "out his sexual identity."

X. Wehmeyer abuses VICTIM 3 in the summer of 2011.

A criminal complaint from the Chippewa County (Wisconsin) District Attorney's Office dated November 7, 2014, alleges that Wehmeyer sexually assaulted VICTIM 3 during a camping trip in Wisconsin during the summer of 2011. Wehmeyer is charged with second-degree sexual assault of an unconscious victim. This case is ongoing.

Y. Defendant learns that Wehmeyer is struggling in his ministerial responsibilities and personal life.

Beginning in January 2011, Defendant received reports from at least twelve persons, some of whom made more than one report, complaining of Wehmeyer's behavior. Bishop Piché outlined many of these complaints in a May 15, 2012 memo addressed to Archbishop Nienstedt. Complaints concerned Wehmeyer's uncontrolled anger, demeaning outbursts, mistreatment and verbal and emotional abuse of staff and parishioners. One report concerned Wehmeyer allegedly embarrassing a second-grade girl when she forgot how to make her first confession.

1. Defendant acknowledges that Wehmeyer's recovery is "fragile."

In a March 22, 2011 memorandum to Vicar General Laird, Fr. McDonough advised about "two priests in fragile recovery," one of whom was Wehmeyer.

McDonough again attributes Wehmeyer's cruising behavior as having been motivated by Wehmeyer liking "the sense of danger and possibility there, [and] not because he ever intended to move beyond watching." McDonough notes Wehmeyer still does not appreciate that his "previous behavior was seriously wrong." He also comments that Wehmeyer displays "annoyance and anger" at having to participate in POMS monitoring and observes that although Wehmeyer has claimed to be in counseling and support groups, he does not demonstrate "the depth of growth in self-awareness that we would like to see."

McDonough again states Wehmeyer is not a danger to those he serves, but notes that because the Archdiocese has intervened, their credibility may be at stake should Wehmeyer fall back into his previous behavior.

McDonough copies Rourke and Eisenzimmer on the memo.

2. A parish trustee resigns and alerts Defendant of Wehmeyer's behavior.

On March 30, 2012, Fr. Piché reports in a memo to Archbishop Nienstedt and Fr. Laird that he met with E.G., a parish trustee who resigned on March 1, 2012. During the meeting, E.G. related detailed accounts of phone conversations with Wehmeyer between February 27, 2012 and March 6, 2012 in which Wehmeyer indicated he was smoking marijuana and drinking alcohol to excess. E.G. related that he had seen Wehmeyer intoxicated on a number of occasions, usually at the rectory alone. E.G. also advised that Wehmeyer had purchased a gun. E.G. reported Wehmeyer had shown the gun to him and another parishioner. At the meeting, E.G. indicated that he resigned because he felt he might have been acting as an “enabler” for Wehmeyer.

Z. Defendant discusses intervention for Wehmeyer.

In March of 2012, Defendant begins conversations about intervention for Wehmeyer. A memorandum from Bishop Piché dated March 30, 2012, stated that any intervention should be handled carefully as Wehmeyer shows signs of extreme paranoia and may be edging toward despair. Piché notes in the memorandum that Wehmeyer has purchased a gun. Nienstedt responds to the memo with a handwritten note reading, “[t]his sounds serious. What do we do next? I go there for Mass on April 14.”

Six weeks later, on May 15, 2012, Piché writes a memorandum to Nienstedt indicating that Nienstedt had requested “concrete examples” of the behavior parishioners had been reporting about Wehmeyer. The memo outlines reports of Wehmeyer’s erratic behavior dating back to February 2012, and again calls attention to E.G.’s report of alcohol abuse and marijuana use. Other complaints included a parishioner, J.B., reporting that he believed Wehmeyer was a sick man and needed help and a report from another parishioner, R.D., from April 11, 2012 in which she says that Wehmeyer’s dependence on smoking and liquor may be part of the problem.

A May 30, 2012 memorandum authored by Nienstedt to the file of Curtis Wehmeyer indicates that Nienstedt confronted Wehmeyer about the letters from parishioners concerning his behavior and his alcohol abuse. The memo indicates Wehmeyer denied abusing alcohol. The memo also indicates Nienstedt had contacted Guest House in Rochester to inquire about their ability to deal with anger management and alcohol addiction for Wehmeyer. Nienstedt tells Wehmeyer he should have had him do an alcohol evaluation when he received his DUI in 2009. Wehmeyer indicates he did, in fact, have an evaluation at that time and Nienstedt asks for a copy of the evaluation. Nienstedt asks to attend a therapy session with Wehmeyer and his therapist to discuss issues that have been raised.

On June 6, 2012, Nienstedt writes a memorandum to Piché and Laird reporting that he received Wehmeyer’s chemical health assessment from 2009. Wehmeyer reported that he completed the Alcohol/Drug Awareness program and found it very helpful. Wehmeyer is again referred for continuing counseling. Relying on the 2009 assessment and Wehmeyer’s self-reporting, Nienstedt notes Wehmeyer is making progress.

In an interview with Saint Paul Police on March 7, 2015, Laird indicated that he had expressed concerns to Nienstedt regarding the reports that Wehmeyer was smoking marijuana and drinking excessively. Laird stated, he told Nienstedt Wehmeyer was not fit for ministry. According to Laird, Nienstedt replied that Laird was biased.

AA. The abuse of VICTIM 1, 2 and 3 is reported to law enforcement, it is discovered Wehmeyer provided the victims with beer, alcohol, marijuana, and/or cigarettes and the need for protection or services for the victims is established.

On June 20, 2012, the Defendant reported to St. Paul Police that Wehmeyer had sexually abused VICTIM 1. On June 20, 2012, Archbishop Nienstedt initiated a preliminary church/canonical investigation into allegations that Wehmeyer “supplied alcohol and sexually explicit images to a minor, and fondled or attempted to fondle the minor’s genitals.”

Wehmeyer was arrested by St. Paul Police on June 22.

VICTIM 1 was interviewed regarding Wehmeyer’s abuse at the Midwest Children’s Resource Center on June 22, 2012. VICTIM 1 detailed the sexual abuse by Wehmeyer and reported Wehmeyer supplied VICTIM 1 with beer.

On July 5, 2012, the mother of the Victims reported to St. Paul police that VICTIM 2 was also abused by Wehmeyer. VICTIM 2 was interviewed at the Midwest Children’s Resource Center on July 9, 2012. VICTIM 2 detailed the sexual abuse by Wehmeyer and reported Wehmeyer supplied VICTIM 2 with beer, cigarettes, marijuana, and showed VICTIM 2 pornography on multiple occasions.

On July 17, 2013, VICTIM 3 was interviewed by St. Paul Police and reported he was abused by Wehmeyer. VICTIM 3 also reported that Wehmeyer supplied VICTIM 3 with beer, Jägermeister alcohol, marijuana, and cigarettes. VICTIM 3 was repeatedly hospitalized between 2007 and 2008 for duodenal ulcers. VICTIM 3 has received psychological services due to the abuse.

IV. Defendant acknowledges it did not do enough to keep children safe.

On June 26, 2012, following Wehmeyer’s arrest, P.M., the person who originally reported the 2004 Barnes and Noble bookstore incident, contacted Nienstedt to express his concern that Fr. McDonough had not done enough in regards to Wehmeyer. P.M. notes that he had numerous conversations with McDonough regarding his concerns that Wehmeyer would abuse children.

On June 28, 2012, Nienstedt sends a response to P.M. Nienstedt states that he is unable to explain how or why the Archdiocese did not respond appropriately to P.M.’s concerns.

On September 23, 2013, Fr. Laird sent a statement to Clergy, parish trustees, parish business administrators, Catholic school principals and presidents, Archdiocesan Finance Council, leaders of Catholic universities, Catholic Charities, and the Catholic Community Foundation regarding local news stories criticizing the Defendant for failure to timely report Wehmeyer’s abuse. The statement acknowledges that in 2009 concerns were brought to the attention of the Defendant that Wehmeyer was camping alone with a minor and an Archdiocesan official spoke to Wehmeyer reminding him about the need to maintain appropriate boundaries in accord with the Pastoral Code of Conduct. The statement also says that the Defendant spoke with the family of the minor about the boundary violation. The statement acknowledges that in hindsight, the Defendant recognizes that the handling of the past concerns regarding Wehmeyer could have been better addressed.

On September 28, 2013, Laird sends a memo to Nienstedt asking him to either publicly clarify the advice he gave regarding Wehmeyer or put a written acknowledgement in his personnel file that Laird counseled against Wehmeyer being in active ministry.

On October 5, 2013, Nienstedt established the Office of Episcopal Vicar for Ministerial Standards. The stated purpose of the office is to oversee all issues of clergy sexual misconduct. The Episcopal Vicar was tasked with convening an independent lay Safe Environment and Ministerial Standards Task Force (Task Force). The Task Force was responsible for reviewing “any and all issues related to clergy misconduct and to make specific recommendations regarding actions to be taken and policies and procedures to be implemented.” The Task Force evaluated the efficacy of the Defendant’s Safe Environment organizational structure and its processes related to preventing and detecting clergy sexual abuse of minors.

On February 4, 2013, Piché wrote a memorandum to Nienstedt and Laird about the criminal sentencing of Wehmeyer and an effort to meet with the family of the victims. In the memo, Piché suggests meeting with the family now that Wehmeyer has been sentenced to allow them to express their pain. Piché cautioned that the meeting should not be publicized but that attempting to meet would allow the Defendant “to say truthfully that they reached out to the family with compassion.” He also noted that the meeting would diminish the risk that the media could criticize their efforts to help the family. In an interview with the Ramsey County Attorney’s Office, the mother of the victims reported she has never had a meeting with Nienstedt.

On March 31, 2014, the Task Force issued a final report. The task force specifically reviewed the case of Wehmeyer and found “even acknowledging the benefit of hindsight and recognizing the complexity of predicating the likelihood that any individual will sexually abuse minors, the Task Force believes that there were sufficient warning signs to suggest the need for a more aggressive and coordinated response to Wehmeyer’s misconduct, including referral to the Clergy Review Board.” The Task Force noted that parishioners, parish staff members, and fellow priests noticed Wehmeyer’s behaviors. While some of the concerns were brought to members of the hierarchy and followed-up on, others were not. For example, the Task Force found that reports of Wehmeyer’s camping trips with boys were discounted and not shared with Archdiocese officials who were already monitoring Wehmeyer. The Task Force also found that reports of Wehmeyer’s behaviors caused red flags; however, these reports “were not handled well by Archdiocesan officials, causing a delay that may have allowed further abuse to occur.”

The Task Force noted in a separate confidential report that the case of Wehmeyer “provides a suitable case study of failed institutional oversight of processes designed to confront and remedy sexual misconduct by clergy.”

V. **At all times relevant to this case, the defendant seemingly had policies and procedures in place to prevent harm to children, but these policies and procedures were not followed with respect to Wehmeyer’s conduct and Victims 1, 2, and 3.**

The Archdiocese of St. Paul and Minneapolis is an organization that has historically held itself out to be a leader in efforts to protect children from sexual misconduct. The Defendant has publicly committed itself numerous times to protecting the children entrusted to its care. Despite having these policies and procedures in place to protect children, the investigation by the Ramsey County Attorney’s Office and St. Paul Police Department revealed that enforcement was lax and the policies and procedures lacked enforcement and institutional oversight, ultimately contributing to the need for services and to the delinquency of the victims in this case.

The history of the policies, as well as the current policies that should have worked to prevent the abuse of the victims in this case, as well as illustrative examples of how the policies failed or were not followed in the case of Curtis Wehmeyer are as follows:

A. First Sexual Abuse of Minors Policy (1986).

The first written policy by the Defendant regarding sexual abuse of minors by clergy was issued by Archbishop Roach in 1986. The policy called for investigation of the accusation by an Archdiocesan official. The priest was to be temporarily suspended from ministry and the civil authorities were to be contacted. A review board was to be convened immediately to determine the appropriate action. The policy also called for treatment of the priest including vocational rehabilitation for 2 to 4 years outside of parish ministry. During rehabilitation, the priest was to have ongoing therapy from psychologists. The priest would not receive permanent assignment in a parish. The priest would be considered for a permanent non-parish assignment after 5 to 6 years of treatment.

B. “Understanding Sexual Issues in Ministry” (1992).

In 1992, Archbishop Roach published the first edition of the current sexual abuse policy entitled, “Understanding Sexual Issues in Ministry.” The Church continued to update the policy, publishing two additional versions in 1998 and 2007. The policies were aimed at dealing with instances of sexual misconduct. They instituted Safe Environment programming to provide education and training around issues of sexual abuse. This education and training included background checks, and publishing a code of pastoral conduct designed to prevent sexual misconduct.

C. Background Check Policy (1993).

On September 1, 1993, the Defendant’s background check policy became effective. The policy required all regularly salaried and hourly wage personnel, part-time and full-time employees to undergo a background check. All priests were required to have background checks.

In 2012, the United States Conference of Catholic Bishops Audit of the Defendant found that the Archdiocese did not have a mandated renewal period for background checks of employees.

Wehmeyer did not undergo a background check until 2009, fully eight years after he was ordained as a priest.

D. Clergy Review Board (1995).

In 1995, Archbishop Roach created the Clergy Review Board. Under the guidance of the Archbishop, the mandate of the Board was to, “in all cases of allegations against clergy of sexual abuse, exploitation, or harassment:

- i. Review and make recommendations regarding the continuation in ministry of such clergy. The Board may also review past cases in which the priest or deacon continues to exercise some form of ministry.
- ii. Review and make recommendations regarding the return to ministry of priests and deacons following their withdrawal from active ministry.

2139124-1

- iii. Review, to the extent necessary to carry out the above purposes, current programs for treatment, rehabilitation, and supervision of such clergy.
- iv. Review periodically prior decisions relating to the method of clergy assignments and the process involved therein, particularly in view of the discovery or development of new data or procedures by the healing professions.
- v. Make recommendations concerning changes to existing policies or the adoption of new policies involving such allegations.
- vi. To review such other and further cases as I may direct and to further assist me as I may request.”

The policy states the Review Board is directly responsible to the Archbishop and is not accountable to any other official in the Archdiocese. The Board is comprised of nine members consisting of priests or deacons, lay persons, lay Catholics, victims, and an at-large member. It is only recently that the Board had had access to all information in the possession of the Defendant when reviewing priest files. Previously, Fr. McDonough controlled which information was seen by the Board.

Wehmeyer's case was never reviewed by the Clergy Review Board despite years of concerning behavior and the POMS monitoring requirement that his case be reviewed by the Board.

E. The Charter for The Protection of Children and Young People (2002).

In 2002, the United States Conference of Catholic Bishops (USCCB) published the Charter for the Protection of Children and Young People (Charter). The Charter committed to: “1) promote healing and reconciliation with victims of the sexual abuse of minors; 2) guarantee an effective response to allegations of sexual abuse of minors; 3) ensure the accountability of diocesan procedures; and 4) protect the faithful in the future.” The Charter provides that a clergy member who is guilty of one act of sexual abuse of a minor shall be permanently removed from ministry.

The Charter requires dioceses to have policies and procedures in place to promptly respond to any allegation where there is reason to believe abuse of a minor has occurred. The Charter also mandates that each diocese have a confidential review board that reports to the bishop. The board is mandated to review diocesan policies and procedures for dealing with sexual abuse of minors on a regular basis. The Charter requires clear and well-publicized diocesan standards of ministerial behavior and appropriate boundaries for clergy and any other paid personnel or volunteers who have regular contact with children and young people. The Charter does not specify what these standards are. The Charter also requires safe environment training, a clear standard of conduct for clergy, and background checks for all priests, deacons, paid personnel and volunteers.

Wehmeyer's parishes did not comply with required safe environment trainings. Wehmeyer did not undergo a background check until 2009.

F. VIRTUS Training (2005).

In 2005, VIRTUS training is implemented. VIRTUS training is a live three-hour training session designed to teach participants to identify child sexual abuse issues and protect the children around them. VIRTUS training is required of all clergy, deacons, school and parish employees, as well as volunteers who are in regular or unsupervised contact with children under the age of 18. The training is only required at the beginning of employment or volunteer service. There is no periodic refresher training. Clergy members and some lay leaders are required to complete monthly VIRTUS “online training bulletins” on safe environment topics.

The majority of Wehmeyer’s parish employees and volunteers did not complete the required VIRTUS training until January 9, 2011.

G. Promoter of Ministerial Standards Program (POMS) (2005).

In 2005, the Promoter of Ministerial Standards Program (POMS) was implemented. According to church documents, the POMS monitoring program was started in response to the clergy sexual abuse crisis brought to light in Boston in 2002. The POMS monitoring program was designed and implemented internally by the Defendant. POMS monitoring applies to those who violate state or federal law, archdiocesan ministerial and policy standards and/or the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests and Deacons. POMS monitoring places priests under supervision and criteria may require spiritual counseling, professional counseling, chemical-dependency treatment, group therapy, supervised ministry, removal from ministry, and restricted or removed faculties. Once an individual is placed under a monitoring plan, the individual is subject to corrective measures and/or discipline for violating any condition in the monitoring plan. A POMS monitor was hired to oversee the program and implement supervision plans for offending priests. The supervision plan for each priest is reviewed and signed off on a yearly basis by the Archbishop. Participation in POMS monitoring is voluntary.

Wehmeyer began POMS monitoring in February of 2006. He frequently did not comply with the requirements of his monitoring plan, yet Archdiocesan officials continued to sign off on the program and insisted that he continued to make progress.

H. Essential Norms for Diocesan/Eparchial Policies (2006).

In May of 2006, the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (Essential Norms) is published by the USCCB. The Essential Norms shares much of the same language as the Charter, requiring a written policy on sexual abuse of minors by priests, deacons, and other church personnel, creating a review board, removing a priest from ministry for a single act of abuse of a minor, and requiring the diocese to comply with civil laws and authorities. The Essential Norms state at all times the diocesan bishop has executive power of governance, within the parameters of the universal law of the church, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry.

I. Restoring Trust: With God All Things Are Possible (2007).

In 2007, the policies regarding sexual misconduct were once again updated under the name “Restoring Trust: With God All Things Are Possible.” The updated policies included provisions for the removal of any clergy member who committed an act of sexual abuse of a minor in accord with the requirements of the Charter, and strengthened existing safe environment programs. The policies aimed at preventing sexual abuse focused on continued community education, mandatory background checks, the publishing of a Code of Pastoral Conduct,

2139124-1

psychological screening of prospective candidates before ordination, and the screening and education of Parish Personnel.

J. Justice in Employment (2007).

In March of 2007, the Defendant revised their employment policies entitled “Justice in Employment.” The policies became effective as of July 1, 2007. The policies apply to all employees of the Archdiocesan Corporation, parishes within the archdiocese, and their related schools. As part of this policy, each new employee was provided an orientation packet that would have included, among other things, expectations regarding attitudes, behavior, and practices that promote the mission of the parish or institution, and the policy handbook. “Justice in Employment” allows the employment relationship to be broken for poor employee performance, improper conduct, violation of work rules, and other violations of the employer/employee relationship. The policy allows for immediate discharge for any of the following acts; illegal discrimination or harassment, theft, misappropriation, falsification of records, misconduct at the work place which endangers others, insubordination or breach of professional ethics, working under the influence of illegal or controlled substances, consumption of alcohol (unless authorized) or drugs at work or prior to work, so as to affect the employee’s performance, public conduct which is inconsistent with the faith, morals, teachings and laws of the Catholic Church, and other gross violations of the employer/employee relationship.

In March of 2012, the Defendant is notified that Wehmeyer is consuming alcohol to the point of intoxication and using marijuana while on the grounds of Blessed Sacrament.

K. Acceptable Use and Responsibility for Electronic Communications (2011).

In 2011, the Defendant had in place an Acceptable Use and Responsibility Policy for Electronic Communications. This policy prohibited using any Archdiocese electronic communication systems, devices, or materials and Users of personal devices and materials on the premises under circumstances when the Archdiocese may become implicated. The policy prohibits activity that would violate any federal, state, or local laws or regulations, violate any Archdiocesan codes of conduct, ethics, safe environment, or other Archdiocesan policies. The policy also prohibited the upload, download, viewing or otherwise receiving or transmitting indecent, sexually explicit, or pornographic material. Consequences for violating the policy include suspension of electronic communication privileges, confiscation of any electronic communication device or materials, and disciplinary action pursuant to the Archdiocesan policy found in Justice in Employment, termination of employment, canonical review, referral to law enforcement, and other appropriate disciplinary action.

On November 8, 2012, Wehmeyer pled guilty to seventeen felony counts of possession of child pornography. A check of Wehmeyer’s hard drive shows that he downloaded child pornography on May 16, 2007, September 5, 2007, and October 22, 2007. Beginning in 2006, a requirement of Wehmeyer’s POMS monitoring was a regular check of his hard drives for sites in conflict with his recovery program. Wehmeyer’s internet browsing history was only checked a couple of times during the five years this was a requirement of POMS monitoring. Wehmeyer’s hard drive was not checked by the POMS monitor.

VI. Defendant’s acts, words, and omissions in Wehmeyer’s case are not isolated or unique from its acts, words, and omissions in multiple other similar situations involving other Archdiocesan priests.

A review of Archdiocesan priest files reveals a long history of an institutional failure to prevent and responsibly respond to child sexual abuse by clergy under the employ of the Defendant.

In a meeting of priests, attended by Archbishop Nienstedt, and in response to the increased media publicity highlighting the failure of the church to protect children, Bishop Piché commented that in such an environment the church was now facing “a new reality.” Bishop Piché observed:

“I think there is a new reality, too, there’s a new norm, in terms of what is expected for suitability for ministry for our priests. The bar has been raised. And, uh, in the past it may have been the case that, certainly the bishop, but maybe also the Clergy Review Board, gave every possible benefit of the doubt to that priest so as not to shipwreck a vocation, keep him in ministry.

Well that’s all different now; it’s all different. Now the atmosphere is very, very strong: “When are you going to stop protecting priests and protect the children?”

The following examples are illustrations of how the Defendant has historically and inconsistently dealt with child sexual abuse perpetrated by its priests, leading to the need for services for the juvenile victims in each case.

A. Kenneth LaVan.

Fr. Kenneth LaVan served in ministry within the Archdiocese of St. Paul and Minneapolis for nearly forty years. During his time as a priest, there were allegations that he sexually abused two minor girls and three adult women, including a vulnerable adult. The abuse spans between 1965 and 1985. The first case of abuse was reported to the Defendant in 1985. Because of these allegations of abuse, the Defendant repeatedly sent LaVan for therapy during the 1980’s and nineties when his victims began coming forward. LaVan was not formally removed from ministry until 2013.

1. First adult victim reports abuse.

In 1985, LaVan’s first adult victim reports sexual abuse to the Defendant. LaVan is sent to New Mexico for assessment. During LaVan’s ongoing therapy sessions, his therapists consistently point out that LaVan is having trouble with mood swings and emotional issues.

In 1987, Archbishop Roach is informed by Vicar General Michael O’Connell that based on what officials know at the Archdiocese, they are potentially dealing with a very dangerous situation. At this time, LaVan resigned as Pastor at St. Richards. He is appointed as Co-Pastor at St. Joseph’s in Lino Lakes.

2. Two minor victims report abuse to Defendant.

In 1988, two minor victims reported abuse to the Defendant. LaVan admits to kissing one 16-year old and one other child. O’Connell meets with LaVan on September 30, 1988. As a result of the meeting, LaVan is subject to a list of requirements and consequences including no unsupervised relationships with minors or vulnerable adults and he is to have no contact with the two victims. He is told should he fail to comply with the restrictions he will be removed as a priest.

3. LaVan is sent to Treatment.

In 1988, Gary Schoener, LaVan's therapist, found in a preliminary report on his evaluation of LaVan, that LaVan poses no threat to young people. He prefaces the finding on a *future* assessment of two of LaVan's victims (emphasis added). In a follow-up report, Schoener notes that he cannot fully evaluate LaVan's behavior in regards to the minor victims because LaVan's denials make it impossible to discuss the incidents. Schoener found that given LaVan's history, it would be risky to have him in a pastoral or counseling role.

At the time of Schoener's reports, the two victims are receiving extensive counseling. One of the minor victims asked the Defendant to make LaVan's case public. O'Connell responded stating, "Please know the Archdiocese is working towards effective measures of prevention, education, intervention, treatment, restitution, and reconciliation in cases of abuse of which we are aware." LaVan's case is not made public.

In 1989, O'Connell told Archbishop Roach that LaVan's faculties should be suspended if he continues to deny the allegations. He states should LaVan admit to the allegations, he should be sent to St. Luke's for further treatment. O'Connell prohibits LaVan from exercising any of the offices of priest without written permission from him.

LaVan resigns from St. Joseph's and is again sent to treatment, this time at St. Luke's. St. Luke's finds that there were as many as four relationships where LaVan had sexual interaction. The assessment also finds that by his own admission LaVan abuses alcohol.

LaVan is diagnosed with a sexual disorder not otherwise specified and a personality disorder not otherwise specified with dependent and paranoid traits. Based on the findings, LaVan is sent to St. Luke's for inpatient treatment because it is believed he is likely to re-offend.

4. LaVan is reassigned.

In October of 1989, LaVan is reassigned to St. Joseph's on the condition that he is to participate in aftercare for four years and to avoid unsupervised contact with females at all times. O'Connell questions whether LaVan can maintain celibacy for the duration of his ministry. LaVan is told to find a sexaholics anonymous meeting, pursue individual therapy, and spiritual direction.

5. No disclosure is made to LaVan's parish.

Despite earlier findings that the allegations against him were credible, LaVan is not required to make disclosures to staff at St. Joseph's Parish until 1990. By 1992, Archbishop Roach says that the child abuse allegations appear to be groundless and LaVan's behavior has only involved adult women.

6. A fourth victim reports abuse.

In 1992, a fourth victim, a vulnerable adult, comes forward and reports to McDonough who is now Vicar General.

7. LaVan's behavior continues.

In 1993, McDonough wrote a letter to St. Luke's regarding LaVan's out of bounds behavior with a female staff member. LaVan had been making inappropriate comments and calling the staff member at home to discuss personal matters, leading her to be concerned. McDonough stated he sees this behavior as dangerous and asks that it be dealt with in upcoming therapy.

8. LaVan is the first case reviewed by the newly created Clergy Review Board.

LaVan is referred to the newly created Clergy Review Board in 1995. His file is the first to be reviewed by the Board. The Board recommended LaVan be allowed to continue in ministry, not be appointed pastor again, be subject to rigorous consistent monitoring and continued therapy, and be restricted from one-on-one ministry with women. McDonough discloses to parish staff in 1995 about LaVan's inappropriate relationships with adult women and tells staff that he is not a danger in the parish.

9. LaVan retires.

LaVan retired in 1998, but continued to offer weekend help with mass, and visitation of the sick.

10. Flynn questions abuse claims, refuses to reopen LaVan's case.

In 2005, McDonough brought LaVan's file to the attention of Archbishop Flynn, Bishop Pates, Chancellor for Canonical Affairs, Dominica Brennan, and Chancellor for Civil Affairs, Andrew Eisenzimmer wondering if the Charter for Protection of Children and Young People should cover LaVan. This is three years after the implementation of the Charter. McDonough stated that he forgot that there were allegations of abuse by teenage girls.

In 2006, Flynn told McDonough that originally, the allegations of the two teenagers seemed trustworthy but over time doubts were raised as to the truth of the allegations. Flynn stated he does not want to reopen LaVan's case. Nonetheless, LaVan began POMS monitoring in 2006. A condition of his POMS monitoring is that he has no supervision or control over females in any capacity.

11. LaVan remains in active ministry until 2013.

In 2011, McDonough wrote a memo to Laird regarding LaVan and other priests. McDonough indicated he would be sending a copy to Tim Rourke and Andrew Eisenzimmer as well. In the memo, McDonough states that he does not believe LaVan is a danger to anyone he ministers to. The purpose of the memo is to discern whether, given their misconduct, the priests can serve with any credibility. McDonough states that LaVan has undergone intense spiritual and psychological growth and is more effective now than in the past. McDonough states that LaVan was involved in at least two sexual relationships with adult women that could be characterized as exploitative. There is no mention of sexual abuse of minors. This investigation did not reveal any reports to law enforcement regarding LaVan's alleged abused.

LaVan was not removed from active ministry until 2013.

B. Robert Clark.

Robert Clark was ordained in 1984 and became a pastor in the Diocese of New Ulm. During Clark's ministry, there were multiple allegations of sexual abuse, including allegations by a fifteen-year-old female and

2139124-1

a twenty-one-year old male. Clark was also arrested in Loring Park for soliciting an undercover police officer posing as a male prostitute.

Due to his behavior and the outrage of parishioners within the Diocese of New Ulm, Clark is not able to exercise ministry within that Diocese. In 1997, Bishop Lucker of New Ulm and Archbishop Flynn agree to a transfer of Clark to the Archdiocese of St. Paul and Minneapolis. Clark is transferred but after coming under review by the Clergy Review Board in 2002, he is removed from ministry within the Archdiocese. Throughout his ministry, Clark was accused of abuse at least four times.

1. Clark is arrested for soliciting a prostitute and sent for therapy.

In 1994, Clark was arrested for soliciting a prostitute in Loring Park. At the time of the incident, Clark was in outpatient psychotherapy. Clark had also been evaluated in 1989 at St. Michael's Community in St. Louis due to a relationship with an unknown victim. In 1995, a memo is placed in Clark's file regarding a relationship he had with a young adult male who Clark had stay overnight with him in the rectory.

2. Clark takes administrative leave

In May of 1997, Clark took an administrative leave for evaluation, reflection, and prayer, as well as to discern the future direction of his ministry. He is allowed to identify himself as a priest during this time, but he cannot preach or celebrate public liturgy. He is required to undergo additional psychotherapy during his leave. Clark is directed to participate in spiritual direction, a support group, and continue meeting with his psychotherapist.

3. Clark is transferred to the Archdiocese of St. Paul and Minneapolis and appointed to teach at a school.

In 1997, Parishioners learned of the solicitation offense and began complaining to the New Ulm Diocese about Clark. In response to the complaints, New Ulm Bishop Lucker sends a letter to parishioners and states that Clark has never been *charged* (emphasis added) with any offense involving children or adolescents. However, at the same time, Lucker also began to doubt whether Clark could continue to work within the Diocese of New Ulm. Clark is sent for an psychiatric evaluation by Dr. John Gonsiorek, Ph.D.

In 1997, Monsignor Schuler, who is Pastor at St. Agnes in St. Paul, asks that Clark be allowed to teach at the St. Agnes School. Clark is transferred to the Archdiocese in 1997.

Before Clark is transferred, Bishop Lucker notes in a memorandum to Archbishop Flynn that Dr. Gonsiorek's assessment found that Clark has considerable difficulty dealing with people who differ from him, and that he tends to exercise poor judgment "when his affectional needs become too great." Lucker states he does not think Clark is ready for a parish assignment, and notes that Clark needs supervision.

In the same memo, Lucker states he is not opposed to a teaching position for Clark at St. Agnes School. This statement is made even though later on in the memo Lucker notes the priest personnel board has reservations about Clark teaching at a school. The memo stated the board is concerned about families and students finding out about Clark's gay orientation and arrest in Loring Park, as well as a concern about Clark favoring male students... "in such things as grading."

In a memo dated September 23, 1997 to Flynn, McDonough reminded Flynn that Lucker has expressed hesitancy about Clark being placed in a school. In an October 25, 1997 memo to Lucker, Flynn indicated Clark is currently residing at St. Agnes and Flynn is awaiting a recommendation for appointment from the Priest Personnel Board. Flynn informed Lucker he does not want Clark teaching in the school. Nevertheless, in 1998, Clark is given a teaching position at St. Agnes.

4. Defendant receives complaint of abuse of a minor.

In 2001, while Clark is teaching at St. Agnes, a young woman made a complaint that Clark abused her when she was a minor student at the school. McDonough dismisses the credibility of the complaint on the basis that the young woman's statements are not reliable. In a 2002 memorandum to the Clergy Review Board, McDonough indicates the complaint was never disclosed publicly. He writes that he urged the young woman to report to the civil authorities but there is no indication in the file that the incident was reported to police.

At the time of the complaint, McDonough did his own investigation and concluded that the allegation is false. Regardless, Clark is no longer permitted to teach at St. Agnes. It is recommended that Clark distance himself from the school and instead serve as a full-time associate pastor at St. Agnes.

5. Defendant acknowledges substantiated claim of abuse of a minor.

In January of 2015, Rev. Mark Moriarty, the current Pastor of St. Agnes, sent a letter to all St. Agnes alumni alerting them that Robert Clark had been named as a priest who had a substantiated claim of sexually abusing a minor. The letter states that Clark served as a religion teacher and assisted the parish part-time from 1998-2002. The letter goes on to state that "Archdiocesan concerns about Clark were brought to the attention of the Rev. George Welzbacher, former pastor of Saint Agnes, in March of 2002. To our understanding, Clark was immediately removed from Saint Agnes and the parish ministry altogether."

6. Clergy Review Board recommends termination.

In 2002, the Clergy Review Board reviewed Clark's file and unanimously recommended Clark's termination. No further assignment is given within the Archdiocese. There is no documentation in the file as to why the Clergy Review Board made this recommendation.

C. Michael Keating.

Michael Keating was ordained as a priest in the Archdiocese of St. Paul and Minneapolis in 2002. In 2006, he was accused of sexual abuse of a minor female in the 1990's. Keating is accused of rubbing the chest of a thirteen-year-old girl, putting his fingers in her mouth and rubbing her gums, and pulling her on top of him while both were clothed. These actions caused the victim to require in-patient psychiatric care and ongoing counseling. It appears the Defendant paid for the care in part. There are also allegations of Keating having improper relationships with a minor while he studied in Rome, and another young woman who is a consecrated virgin living in Michigan.

1. Defendant meets with victim's family and begins investigation.

In 2006, when McDonough learned of the allegations of abuse of the thirteen-year-old girl, he met with the victim's family. McDonough then suggested to Archbishop Flynn that Keating not be restricted from

ministry until the police had concluded their investigation. McDonough reported the case to the Chisago County Attorney's Office.

In April 2006, the assigned police investigator spoke with an assistant Chisago County attorney who, based on their conversation, stated there did not appear to be enough evidence to charge Keating. The entire investigative file, however, was not submitted for review.

In 2006, subsequent to the law enforcement investigation, McDonough began his own investigation. As part of the investigation, he spoke with the consecrated virgin living in Michigan. In a memo from McDonough to Flynn and Eisenzimmer, McDonough claimed the woman from Michigan was certain that Keating never had a relationship with a young person. McDonough does not lay out how she would be in possession of this information.

As part of the investigation, Eisenzimmer emailed the young woman from Rome. In a separate memo, McDonough outlined for Flynn the email exchange Eisenzimmer had with the young Italian woman. When asked via email about her relationship with Keating, she replied that the relationship had always been "correct." McDonough stated that this translates from Italian to "appropriate, moral, or gentlemanly." A review of the emails between Eisenzimmer and the Italian woman show that she indicated she speaks English well. The emails are conducted entirely in English.

In the same memo, McDonough outlined why Keating had been allowed to stay in ministry. McDonough relied on Keating's explanation that it was the young Italian girl who was too emotionally involved in the relationship, and that Keating explained to her that the relationship could go no further. Nonetheless, McDonough recommended Keating be sent for a psychological assessment to look at his ability to grasp his impact on others and boundaries in relationships.

The case was formally reviewed again by prosecutor's in 2013.. At the time of review, the Chisago County Attorney declined prosecution on the sole basis that the applicable statute of limitations had run. The county attorney specifically noted that declining criminal charges "should not be construed as an opinion about the sufficiency of the evidence. This office is simply prohibited from filing criminal charges due to the expiration of the statute of limitations."

2. Keating is sent for treatment.

In May of 2006, Keating is referred to Dr. Robert Barron for assessment. McDonough outlines the questions he would like answered by the assessment, including if there is any reason to believe that Keating has an inordinate and unhealthy attraction to younger people, and specifically to teenage females. In what appears to be reliance on Keating's self-assessment regarding his relationship with teenage females, Dr. Barron found that there appears to be no history or personality assessment that would indicate he would be prone to inappropriate emotional and/or sexual relationships with teenage females.

3. Defendant is warned Keating may reoffend.

Meanwhile, in June of 2006, Catherine Mollner, the minor victim's psychologist, wrote to Archbishop Flynn to outline the abuse suffered by the victim, as well as to express concerns that Keating is minimizing the seriousness of his behavior. She expressed concern that there will likely be other victims if Keating does not receive treatment.

4. The victim's family expresses frustration that their case is being ignored.

In June 2006, Greta Sawyer, the Defendant's victim advocate, wrote to Archbishop Flynn to express the frustration of the victim's family. They are reporting that little has been done about the situation. In July of 2006, McDonough questioned whether Keating would be covered under the Charter for the Protection of Children and Young People, because his actions took place prior to the time Keating was a deacon or priest and do not rise to the definition of abuse under the Charter.

5. The Clergy Review Board reviews Keating's case and partially restricts him.

In the fall of 2006, the Clergy Review Board began reviewing Keating's case. In a memorandum referring Keating's case to the Board, Eisenzimmer outlines Keating's case and refers to his conduct as physical and boundary violations.

The Board reviewed Keating's case a total of eight times between October 2006 and June 2007. The Board ultimately recommended that Keating not be suspended from ministry due to insufficient evidence to support a finding of sexual abuse of a minor and given his effectiveness in many areas of his work. The board did however recommend that Keating be restricted in activities such as retreats, spiritual counseling or mentoring, particularly of adolescents or young adults. Keating is to engage in psychological counseling, be assigned a supervisor to supervise his activities, and be referred to POMS monitoring. The Board also asked to be supplied with a report on the status of the priest's compliance with the restrictions and conditions one year after the adoption and implementation of the recommendations.

6. Nienstedt is alerted Keating was never started on POMS monitoring.

In 2008, it comes to the attention of Archbishop Nienstedt, that even though the Clergy Review Board recommended Keating be monitored by POMS, this was never put into place. Tim Rourke has an initial meeting with Keating in November of 2008, however POMS monitoring is never started. Bishop Piché stated that the monitoring was forgotten about because Keating spent a semester in Rome. POMS monitoring is not started until June of 2010. Nienstedt acknowledges that the terms of the Review Board's recommendations have never been implemented in regards to Keating. In October of 2008, Archbishop Nienstedt wrote a letter to the victim's father, admitting that his senior staff has dropped the ball on getting him proper information regarding Keating's case. Nienstedt also acknowledged that they "have been very lax in addressing these concerns with Keating."

7. Defendant does not disclose Keating is restricted from working with minor females.

In 2013, Susan Mulheron, who is the Chancellor for Canonical Affairs, certified to the Diocese of Santa Fe that she is unaware of anything in Keating's background that would render him unsuitable to work with minor children. This assertion is made even though Keating has a clause in his POMS monitoring that states, "Fr. Keating will not engage in giving retreats or spiritual directions where the primary recipient would be females under the age of twenty one, and that he will not perform any pastoral guidance to minors except in the performance of his duties at St. Thomas."

D. Joseph Gallatin.

Joseph Gallatin was ordained in 1997. In the summer of 1998, Gallatin is engaged in an incident where he stroked the chest of a 17-year-old male while on a mission trip in West Virginia. This incident is similar to a previous incident known to the Defendant, where Gallatin rubbed the chest of a college roommate. Gallatin admitted both incidents provided sexual gratification.

The incident was reported to the Defendant, and in September of 1998, the Clergy Review Board reviewed the case. The Board ordered Gallatin to be evaluated and to undergo therapy and monitoring. The Board also requested that McDonough and the Chancellor for Civil Affairs, at their discretions, provide for appropriate disclosure to staff, trustees, and possibly lay leadership at St. Bernard's, Gallatin's parish.

1. Gallatin is referred to therapy and he admits sexual attraction to teenage males.

Gallatin was referred for a psychological evaluation with Robert Barron. In a letter to Barron, McDonough characterizes Gallatin's behavior as a boundary issue and asks Barron to answer two questions: 1) "does this incident and whatever else you can learn from an assessment of Father Gallatin point to boundary problems which would make Father Gallatin a threat or danger to young people in the ministerial setting and 2) are there issues of personal psychosexual awareness or appropriate boundary training that emerged from this incident which we ought to encourage Father Gallatin to address?"

Barron found that Gallatin did not appear to be at high risk for future similar incidents. Nonetheless, he recommended that Gallatin be placed away from his current parish in a situation where he would have supervision around adolescents and youth until therapy was complete. At the time of the incident, Gallatin was put on temporary restricted status, restricting his ministry with youth. However, he remained at St. Bernard's, which was then associated with a school. In a memo dated October 1, 1998, Flynn directly communicates to Gallatin the status of his ministry as well as clarified the recommendations of the Board.

In January of 2000, Barron again assessed Gallatin. In the assessment, Gallatin admits that he is attracted to teenage, as well as adult males. Barron finds that while it is not possible to make predictions about future behaviors, he believes Gallatin is at low risk for future acting out in violation of sexual boundaries.

Gallatin is again assessed in December of 2001. In this assessment, Gallatin admits to having sexual attractions to males as young as 12, but admits his primary interest in older teenage males. Gallatin also admits that in the past he was preoccupied with having conversations with and seeing teenage males who attended the school in his parish, while admitting he knew he was not to have private contact with them. Gallatin continues to work at St. Bernard's during this time, where he has frequent contact with teenage males.

The assessment reveals that Gallatin is purposely being kept as an associate pastor until the seven-year statute of limitations passes.

In a memo from April of 2002, McDonough relays to Flynn that he has met with Gallatin and his psychologist and sees improvement. The memo indicates that because of the current sensitivity about priests and boundaries means that he cannot be made pastor for some time. McDonough also stated that while Gallatin has not been accused of abuse, rather a boundary violation, it is still important to be extra careful and this is the reason he has been restricted from unsupervised work with minors.

2. Gallatin's case is reviewed by the Clergy Review Board for a second time.

In December of 2002, the Clergy Review Board again reviewed Gallatin's case. They find that Gallatin has sufficiently addressed his issues and recommend that he be appointed pastor of a small to mid-size parish. They also recommend that he have "built-in support" so that he can "benefit from the growth and understanding he has experienced and prevent the possibility of reversion." Gallatin's case is to be reviewed every three years going forward by appropriate Chancery personnel.

3. Gallatin is assigned as Pastor.

Gallatin is again assessed in February of 2003. He self-reports that his interest in seeking out young males at the school has disappeared and that he has more interest in forming a pastoral relationship than a friendship relationship. Gallatin reports that should he be made a pastor, he would be careful in his interactions.

After the assessment, it is determined Gallatin can be assigned as pastor. He is assigned to two churches simultaneously. Disclosures about Gallatin's behavior were made to trustees of each parish.

4. Gallatin is placed on POMS monitoring without youth restrictions.

In 2005, Gallatin is placed on POMS monitoring as someone who is not considered to have violated the Charter for the Protection of Children and Young People. Youth restrictions are never part of the POMS monitoring criteria.

In 2006, Gallatin's therapist recommends that he be allowed to work one on one with minors.

5. Gallatin's involvement with youth is inconsistently handled.

In 2010, McDonough told Gallatin he should not attend a youth camping-mission trip due to his past behavior. McDonough stated, "Were you to be falsely accused of some impropriety in the upcoming mission trip, the Archdiocese would in turn be accused of knowingly exposing the young people to danger from you."

However, also in 2010, Gallatin is appointed Canonical Administrator and President of the Board of Directors of Faithful Shepherd Catholic School. He is allowed to administer mass at Camp Wapogasset for his Parish's confirmation students.

Gallatin took a leave of absence in 2013.

No.: 2139124-1 Court File No.:

2139124-1

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

COMPLAINANT'S SIGNATURE:

Eric J. Skog

Subscribed and sworn to before the undersigned this _____ day of _____, 20_____.

NAME/TITLE:

SIGNATURE:

COMPLAINANT'S NAME:

COMPLAINANT'S SIGNATURE:

Eugene A. Leatherman, Jr.

Subscribed and sworn to before the undersigned this _____ day of _____, 20_____.

NAME/TITLE:

SIGNATURE:

No.: 2139124-1 Court File No.:

2139124-1

Being authorized to prosecute the offenses charged, I approve this complaint.

Date: 06/03/2015

PROSECUTING ATTORNEY'S SIGNATURE:

Name: Stephanie Wiersma
Assistant Ramsey County Attorney
Attorney Registration #395741

Thomas E. Ring
Assistant Ramsey County Attorney
Attorney Registration #25082X

345 Wabasha Street North, Suite 120
St. Paul, MN 55102
651-266-3222/jh

No.: 2139124-1 Court File No.:

2139124-1

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense.

SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the **24th day of June, 2015 at 1:30 PM** before the above-named court at **Ramsey County Courthouse - Courtroom No. 1080, 15 W. Kellogg Blvd., St. Paul, MN 55102** to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

Execute in MN Only *Execute Nationwide* *Execute in Border States*

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the State of Minnesota, that the above-named Defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named Defendant continue to be detained pending further proceedings.

**Bail:
Conditions of Release:**

This complaint, duly subscribed and sworn to, is issued by the undersigned Judicial Officer this _____ day of _____, 20____.

**JUDICIAL OFFICER:
NAME:
TITLE:**

SIGNATURE:

Sworn testimony has been given before the Judicial Officer by the following witnesses:

COUNTY OF RAMSEY
STATE OF MINNESOTA

Clerk's Signature or File Stamp:

STATE OF MINNESOTA

Plaintiff,

vs.

THE ARCHDIOCESE OF SAINT PAUL AND
MINNEAPOLIS, A MINNESOTA
CORPORATION

Defendant.

RETURN OF SERVICE

*I hereby Certify and Return that I have served a copy of this
COMPLAINT upon the Defendant herein named.*

Signature of Authorized Service Agent:

No.: **2139124-1** Court File No.:

2139124-1

FINDINGS OF FACT

Probable cause found that defendant committed the offenses charged.

Ordered defendant's motion to dismiss denied.

Plea of not guilty to all counts entered.

Trial and hearing on all issues set.

Dated: _____

JUDGE OF DISTRICT COURT

No.: 2139124-1 Court File No.:

2139124-1

DEFENDANT DATA / CHARGE SHEET – ATTACHMENT A

DEFENDANT NAME:	THE ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS, A MINNESOTA CORPORATION	DOB:
Defendant alias name(s):		Alias DOB(s):
Defendant last known address:	226 Summit Avenue St. Paul, MN 55102	
State ID:		
Fingerprint ID:		
FBI ID:		
St. Paul PD ID:		
Offender ID:		

OTHER DEFENDANT / CASE IDENTIFIERS:		
Fingerprinted?	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Handgun permit?	<input type="checkbox"/> No	<input type="checkbox"/> Yes (Issuing Agency:)
Location of violation:		
IF DRIVING OFFENSE:		
Driver's License	Number:	Issuing State:
License Plate	Number:	Issuing State:
Accident Type:	<input type="checkbox"/> No injury/no damage	<input type="checkbox"/> Property Damage
<i>check all that apply</i>	<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Fatality
Blood Alcohol Concentration (BAC):		

No.: 2139124-1 Court File No.:

2139124-1

GROSS MISDEMEANOR SUMMONS COMPLAINT

CT NO	OFFENSE DATE	STATUTE TYPE	STATUTE NBR	STATUTE DESCRIPTION	OFFENSE LEVEL	MOC	G O C	AGENCY ORI CN NBR FUNCTION
1	06/20/2012	Charge	260C.425.1(a)	Contributes to need for child protection or services	G	I2059	N	St. Paul Police Dept. ORI - MN0620900 CN - 13225491 Charging
2	06/20/2012	Charge	260B.425.1(a)	Contributing to delinquency of a child or status as petty offender	G	I2059	N	St. Paul Police Dept. ORI - MN0620900 CN - 13225491 Charging
3	06/20/2012	Charge	260C.425.1(a)	Contributes to need for child protection or services	G	I2059	N	St. Paul Police Dept. ORI - MN0620900 CN - 13225491 Charging
4	06/20/2012	Charge	260B.425.1(a)	Contributing to delinquency of a child or status as petty offender	G	I2059	N	St. Paul Police Dept. ORI - MN0620900 CN - 13225491 Charging
5	06/20/2012	Charge	260C.425.1(a)	Contributes to need for child protection or services	G	I2059	N	St. Paul Police Dept. ORI - MN0620900 CN - 13225491 Charging
6	06/20/2012	Charge	260B.425.1(a)	Contributing to delinquency of a child or status as petty offender	G	I2059	N	St. Paul Police Dept. ORI - MN0620900 CN - 13225491 Charging