

STATE OF MINNESOTA  
COUNTY OF RAMSEY

DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
JUVENILE COURT DIVISION

Court Case Number: 62-JV-15-1674

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In the Matter of the Welfare of:

VICTIM-1, a child identified in police reports;

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

VICTIM-3, a child identified in police reports.

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

Respondent:

The Archdiocese of Saint Paul and  
Minneapolis, a Minnesota corporation,  
777 Forest Street  
Saint Paul, MN 55106-3857

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1. The Archdiocese of St. Paul and Minneapolis (the "Archdiocese") entered into a Settlement Agreement dated December 17, 2015 with the Ramsey County Attorney's Office (the "RCAO"), which was amended by the parties on July 19, 2016 (the "Settlement Agreement").
  2. The Settlement Agreement contemplated that the Archdiocese would continue to enhance its Safe Environment Program, come into substantial compliance with the requirements of the Settlement Agreement by December 17, 2016 and file periodic reports with the Court twice a year. Each periodic report highlights the actions taken in the most recent six-month reporting period to enhance Safe Environments and comply with the requirements of the Settlement

Agreement.

3. On July 7, 2016, the Archdiocese appeared in Court and filed its first periodic report. On December 19, 2016, the Archdiocese appeared in Court and filed its second periodic report in which it outlined the steps it had taken to come into substantial compliance with the Settlement Agreement. The Ramsey County Attorney's Office filed a letter dated December 20, 2016 advising the Court that the Archdiocese was in substantial compliance as required by the Settlement Agreement. The Court found that the Archdiocese was in substantial compliance.
4. On behalf of the Archdiocese, Timothy O'Malley, Director of the Ministerial Standards and Safe Environment for the Archdiocese ("Director"), and Janell Rasmussen, Deputy Director of the Ministerial Standards and Safe Environment ("Deputy Director"), make this eighth and final Report to the Court and declare and report as follows:
5. As set forth in detail below, the Archdiocese remains in substantial compliance with the requirements of the Settlement Agreement.
6. The Archdiocese continues to provide timely briefings to the RCAO regarding Safe Environment issues and the requirements of the Settlement Agreement. The Archdiocese has met with the RCAO on a regular basis to provide specific updates on the progress made to implement this Agreement. The RCAO has provided feedback regarding these efforts. The Archdiocese has used the feedback and suggestions to continue compliance and promote a Safe Environment.
7. **Restorative Justice.** Since the Archdiocese first met with the RCAO and others on March 29, 2016 to discuss Restorative Justice work, it has made significant progress. The Archdiocese, as reported previously, has met the Settlement Agreement requirements regarding Restorative Justice sessions. Those sessions were beneficial and promoted healing.

As a result, the Archdiocese has continued to promote Restorative Justice in Parishes. Over the past six months, the Director, Deputy Director and newly hired Outreach Coordinator for Restorative Justice and Abuse Prevention, Paula Kaempffer, continue to work with: Victim/Survivors; Ramsey County Attorney John Choi; the Director of the Center for Restorative Justice and Peacemaking at the University of Minnesota School of Social Work, Dr. Mark Umbreit; retired Wisconsin Supreme Court Justice and Distinguished Professor of Law at Marquette Law School, Justice Janine Geske; faculty at the University of St Thomas School of Law; Archdiocesan Ombudsperson Tom Johnson; Archbishop Bernard Hebda and others on the development of a broader Victim/Survivor Program. Representatives from this group meet periodically, meeting as recently as September 20, 2019 to discuss next steps and customized approaches to serve individual Parishes. Two brochures were developed to promote events for and with Victim/Survivors, both in small group settings and then at the Parishes. See Exhibits A and B.

In addition, Justice Janine Geske traveled to the Archdiocese and participated in Restorative Justice and Healing events on October 26, 2019 at the Church of the Assumption in St. Paul. Father Dan Griffith, pastor of our Lady of Lourdes in Minneapolis and Liaison for Restorative Justice and Healing for the Archdiocese of St. Paul and Minneapolis, led participants in a presentation on restorative justice in a biblical and theological context. Retired Justice Janine Geske led a conversation on restorative justice from her experience and work and introduced participants to healing circles. This event and the events below also included comments from Director O'Malley, Dr. Mark Umbreit and Father Dan Griffith. These are some of the Restorative Justice and Healing events that were held primarily throughout the Archdiocese:

- In July 2019 Sacred Heart Parish in Hackensack, MN, held a weekend of preaching on Restorative Justice and offered Healing Circles led by Father Dan Griffith for

parishioners to discuss Restorative Justice and Healing in response to the clergy abuse crisis.

- In August 2019 at Our Lady of Lourdes in Minneapolis, Father Dan Griffith led a morning session regarding Restorative Justice and led attendees in the experience of healing circles.
- In September 2019 the parish of St. John Newmann in Eagan, MN, held a weekend of preaching on Restorative Justice and offered healing circles for parishioners who wanted to talk and share their experience of the clergy abuse crisis. This was led by Outreach Coordinator Paula Kaempffer and Father Dan Griffith.
- On October 1, 2019 at Our Lady of Lourdes in Minneapolis, there was a book discussion and panel presentation on Bishop Robert Barron's book, "Letter to a Suffering Church." The panel was comprised of Father Dan Griffith, Ombudsperson Tom Johnson and Parishioner Julie Craven.
- On October 25, 2019 the Fall Symposium on Restorative Justice, Law and Healing was held at St. Thomas School of Law. Panel discussions and presentations from many experts in the field made up the day. Archbishop Bernard Hebda and Ramsey County Attorney John Choi along with Director Tim O'Malley and Assistant Ramsey County Attorney Stephanie Wiersma participated on a panel to discuss the work of the Settlement Agreement and the resulting changes over the past 4 years. See Exhibit C.
- On November 9-10, 2019 the parish of Nativity of Mary, Bloomington, held a weekend of preaching and healing circles. This was led by Father Dan Griffith and Outreach Coordinator Paula Kaempffer.
- On November 12, 2019 a monthly support group for family members of Victims/Survivors of clergy sexual abuse met. This support group is led by Outreach Coordinator Paula Kaempffer.
- On November 18, 2019 at St. Odilia's parish in Shoreview, MN, a healing circle was held facilitated by parishioner Larry Voeller and Outreach Coordinator Paula Kaempffer.
- On November 20, 2019 an evening event was held in St. Paul for Victim/Survivors with the topic being "How Do I Tell My Family?" This was facilitated by Outreach Coordinator Paula Kaempffer.
- On December 14 and 15, 2019 at the parish St. Thomas More in St. Paul, a weekend of preaching and healing circles was facilitated by Father Dan Griffith.

In addition to the Restorative Justice events, Peace Circles are being held.

[SA at ¶¶ E, F].

The Restorative Justice & Reconciliation Conference was held January 23, 2020, in accordance with Paragraph E of the Settlement Agreement. See Exhibits E and F.

- 8. Third External Audit of Settlement Agreement Compliance.** The third external audit took place the week of September 16, 2019. The audit covered the Archdiocese's compliance with the Settlement Agreement from July 1, 2018 to June 30, 2019. The RCAO again had unrestricted access to auditing personnel and underlying audit work product. Attorneys from the RCAO were present at the Archdiocese for portions of the audit work and interviews, and also attended off site Parish and School site visits. The Audit Report from the auditing firm, StoneBridge, an independent audit firm with demonstrated competencies and significant experience, has been provided to the RCAO and will be made publicly available by no later than January 28, 2020. See Exhibits G and H. [SA at ¶¶ 14.2, 14.2.a-e]
- 9. Internal Audit and Review.** In the seventh Report to the Court, the Archdiocese described the work being done to review the Safe Environment Program, including the VIRTUS Program. That work continues. As previously reported, an Office for the Protection of Children and Youth (OPCY) Advisory Committee was established in 2018 to evaluate the operations and effectiveness of the Safe Environment Office. The Committee is comprised of representatives from Schools, Parishes, Clergy, Victim/Survivors, and others who serve in the various roles to promote Safe Environments throughout the Archdiocese. In addition, the Archdiocese continues to evaluate its background check process and provider. The Archdiocese is working with the Minnesota Bureau of Criminal Apprehension, which has created a committee to evaluate the "Rap Back" fingerprint project, an advancement that could enhance current background procedures. Assistant Director Campion, the former

Commissioner for the Minnesota Department of Public Safety, is serving on that committee as a representative of the Archdiocese. Assistant Director Campion participated in the first meeting of this committee on September 17, 2019 and will participate in upcoming meetings.

[SA at ¶¶ 5.15; 5.23; 14.2.e; 14.3]

## **Elements of Continued Compliance**

### **10. Oversight**

**10.1. Board of Directors/Audit Committee.** Consistent with the requirements set forth in the Settlement Agreement, the Board of Directors of the Archdiocese of Saint Paul and Minneapolis Corporation is knowledgeable of the Safe Environment Program and is exercising appropriate oversight regarding the effectiveness of the program. The Board and the Board's Audit and Risk Management Committee met on September 18, 2019 and November 20, 2019. Director O'Malley attended the September meeting to discuss the Settlement Agreement audit and other topics. Deputy Director Rasmussen attended the November meeting to discuss the Settlement Agreement and the plan to continue the Archdiocese's efforts to maintain Safe Environments after the expiration of the Settlement Agreement. During these meetings, both the Board and the Committee received updates on misconduct cases, Policy revisions and development, ongoing implementation of the Settlement Agreement, audit reports by StoneBridge and bishop accountability processes. A copy of this eighth and final Report to the Court will be provided to the Committee and to the full Board on or before January 28, 2020. [Settlement Agreement ("SA") at ¶¶ 2.1, 2.1.a.]

**10.2. The Archbishop.** The Archbishop and the Director are in near daily contact and

meet frequently, usually multiple times each week. The Archbishop is knowledgeable about the Safe Environment program and Policies. [SA at ¶ 2.2.]

**10.3. Ministerial Review Board (MRB).** Over the past six months, the MRB met on September 19, 2019, November 7, 2019 and January 16, 2020. The MRB has been updated on Safe Environment operational matters, Policies, Restorative Justice efforts and the annual external audit conducted by StoneBridge. At the September 19, 2019 meeting, auditors from StoneBridge and Assistant Ramsey County Attorneys met with the MRB. This meeting was held privately with no employees or representatives of the Archdiocese present. Additionally, at the January 16, 2020 meeting, the MRB reviewed and approved the proposed Safe Environment Plan that will be in place at the expiration of the Settlement Agreement. See Exhibit I. Several cases have been presented to the MRB and fitness for ministry recommendations have been made. The Director consults with the MRB regarding these and other matters on a regular basis. [SA at ¶ 2.3.]

**10.4. Lay Advisory Board.** The recent establishment of the Lay Advisory Board was announced in the seventh Report to the Court. The Lay Advisory Board consists of representatives from regions throughout the Archdiocese. Goals for the Lay Advisory Board include finding ways the Archdiocese can help members of the Archdiocese affected in any way by clergy sexual abuse and the ensuing bankruptcy. The Board met on October 9, 2019 and on January 8, 2020.

In addition to discussing the above noted topics, Lay Advisory Board representatives also present questions and discuss concerns with the Archbishop.

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

**11.1. Clergy.** The Archdiocese has assigned an OPCY Program Liaison to audit Clergy compliance. As of June 30, 2019, the Archdiocese confirmed that all 574 Clergy (priests and deacons) in ministry had completed the Essential 3 requirements. [SA at ¶ 5.6]

## **12. Parishes, Schools and Seminaries**

**12.1. Seminaries.** The Director and Deputy Director continue to be involved at the two Seminaries in the Archdiocese (the Saint Paul Seminary and the Saint John Vianney Seminary). The OPCY Program Liaison assigned to the Seminaries, as a result of the OPCY restructuring, continues to work directly with the Seminaries on Essential 3 compliance and related processes pertaining to that compliance. During the 2019-20 school year, the Director and Deputy Director are participating in the St. Paul Seminary formation meetings. In addition, Deputy Director Rasmussen has been added as member of the Admissions Committee at the St. Paul Seminary. On October 2, 2019 Ombudsperson Tom Johnson and Deputy Director Rasmussen presented to Seminarians at the Rectors Conference. The presentation included an overall summary of how children are protected in the Archdiocese, and also addressed how to report abuse and the many resources that are available to Seminarians and others. On October 21, 2019 Director O'Malley, Deputy Director Rasmussen and two Victim/Survivors met with the fourth year Seminarians at the St. Paul Seminary. The Victim/Survivors spoke to the Seminaries about their abuse and how it has impacted their lives and their faith. The Victim/Survivors answered questions and advised the Seminarians about how to be most effective in working with Victim/Survivors. On October 30, 2019 Deputy Director Rasmussen spoke to the fourth year Seminarians about their responsibilities related to the Charter for the Protection of Youth, the Settlement Agreement and how to report abuse and maintain Safe Environments. Director O'Malley



presented on a range of Safe Environment matters to the first year Seminarians at the St. John Vianey Seminary on December 10, 2019. [SA at ¶ 5.6.d.]

**12.2. Site Visits.** The Settlement Agreement requires that the Archdiocese conduct Parish/School visits every 7 years and complete no less than 15% of the visits annually during this Agreement. To comply with this requirement, the Archdiocese must visit at least 43 Parishes and Schools each year. In the past year, OPCY staff conducted 62 site visits. [SA ¶ 4.7., 14.4.]

**12.3. Policies.** In the past 6 months, there have been no changes to any existing Safe Environment Policies. All Archdiocesan Policies can be found at archspm.org. As contemplated in the Settlement Agreement, the Archdiocese is committed to ongoing improvement in areas of Policies and Procedures. A comprehensive evaluation of all Policies will be conducted in 2020. That evaluation will include a comparative analysis of Archdiocesan Policies with those of other dioceses in the United States, consideration of practical lessons learned over the past four years, and input from the RCAO as well as outside experts in Policy development and organizational compliance programs. [SA at ¶¶ 2.2-2.4a; 10.4.]

### **13. Training**

**13.1. Seminary Training.** The Archdiocese continues to work with the St. Paul Seminary regarding curriculum focus and development. As set forth above, in the past six months, the Director and Deputy Director have continued to meet and communicate with staff and the Rectors at both Seminaries. The curriculum continues to be reviewed to look for opportunities to add relevant instruction regarding Safe Environments. See section 12.1

for additional information related to Seminary Training. [SA at ¶¶ 7.6, 7.6.a.]

**13.2. Safe Environment Training.** The Settlement Agreement requires the Director to provide training to Parish and School Safe Environment Coordinators upon their assumption of that role and then every three years thereafter. Since July 1, 2019, OPCY conducted 121 Safe Environment training sessions. In the last twelve months, OPCY conducted 275 Safe Environment training sessions. These numbers reflect a combination of required new Safe Environment training, refresher training for existing coordinators, and supplemental, targeted training for sites needing additional support.

**13.3. Virtus Training.** The current Virtus training curriculum is under evaluation. Recently, a group including Archdiocesan staff and a Victim/Survivor reviewed the existing training and modified the training process for Victim/Survivors of sexual abuse who are preparing to volunteer in Parishes and Schools. This new approach has been fully implemented and well received by Victim/Survivors. Further evaluation of VIRTUS continues. [SA at ¶ 5.23.]

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

**14.1. Law Enforcement Credible Allegation Notification.** As required by the Settlement Agreement, the Archdiocese has made notifications to law enforcement each time a credible allegation has been received. A credible allegation of sexual abuse of a minor is one that bears a semblance of truth and is not manifestly false or frivolous. The Archdiocese also notified the RCAO of each allegation it received and reported. [SA at ¶ 6.3.b.i.]

**14.2. Public Disclosures.** The Archdiocese continues to make timely disclosures of

credible allegations and substantiated claims of sexual abuse of a minor by Clerics. [SA ¶ 9.2] The Archdiocese website contains a section posting notices of substantiated claims of sexual abuse of a minor. Within the past six months, the names of six offenders have been added to the public disclosure lists on the website. <http://safe-environment.archspm.org/>. [SA ¶¶ 9.2, 9.4, 9.5]

## **15. Communications**

- 15.1.** The Archdiocese is required to publish no less than four times a year in the Catholic Spirit a statement urging those subject to sexual abuse to contact law enforcement to make a report of the abuse. In the past year, ads have been published four times. In the last six months, ads ran in the following issues of the Catholic Spirit: August 8<sup>th</sup>, 2019 and November 7<sup>th</sup> 2019. See Exhibits J and K. [SA at ¶ 6.8]
- 15.2. Parish Assistance.** The Settlement Agreement requires the Archdiocese to provide assistance to Pastors and principals so that they may appropriately respond to media inquiries and provide accurate media responses to reassure the community that abuse allegations are taken seriously. In the past six months, the Archdiocese Office of Communications has provided this assistance and served as a resource to Schools and Parishes to assist them in responding to the media. [SA at ¶ 9.1.]
- 15.3. Clergy Assistance Plan.** As contemplated by the Settlement Agreement, the Archdiocese has developed a comprehensive Clergy Assistance Plan. In addition to the advancements described in previous Reports, the Archdiocese has taken other steps to assist Clergy to be healthy and better prepared to serve. On August 20, 2019, in collaboration with the Coalition of Ministries Association, an association of lay ministers serving in

various parish capacities, the Archdiocese sponsored Professional Development Day with a theme of, “Managing Stress and Wellbeing at Work.” Both Clergy and lay professional ministers participated. In early September 2019, the Office of Parish and Clergy Services hosted a series of in-service events around the Archdiocese for Parish Pastoral Councils and Finance Councils to outline the working relationship of clergy within a governance structure emphasizing lay leadership. In the course of the four in-service meetings, over 700 people attended representing 70% of Parishes in the Archdiocese. Also in September 2019, the annual Pastor’s Workshop was held and focused on skill development for Pastors in a variety of areas. In the later fall months, as a part of the efforts related to preparation for the 2021 Archdiocesan Synod, an initiative was explored with the Catholic Leadership Institute to utilize their expertise in best practices throughout the country. A survey to assess individual priest’s ministerial strengths and challenges, and to assist in making assignments that match skills with needs, is included in this initiative. An element of the initiative is also to develop a stronger mentor program for priests that utilizes trained laity as resources to enhance priest growth and development. The Catholic Leadership Institute presented this proposal to the Presbyteral Council, and there have been subsequent discussions with other groups of priests regarding this opportunity.

#### **Other Requirements under the Settlement Agreement**

**15.4. Meetings with Other Victim/Survivors of Clergy Sexual Abuse.** In the past six months, leaders of the Archdiocese, including the Archbishop, have continued to meet with Victim/Survivors of clergy sexual abuse (abuse in this Archdiocese and elsewhere). The Archbishop, Director, Deputy Director and Outreach Coordinator have participated in these meetings and are involved in ongoing efforts to maintain Safe Environments with input from

these Victim/Survivor meetings. [SA at ¶¶ 13.2, 13.3]

**15.5. Ombudsperson.** Former Hennepin County Attorney Tom Johnson continues to serve as Ombudsperson. He continues to be contacted by Victim/Survivors and has been well received as an independent, outside resource for them. He has provided assistance to Victim/Survivors regarding matters both in this Archdiocese and elsewhere. He has assisted by referring some individuals to Director O'Malley and Deputy Director Rasmussen regarding concerns in this Archdiocese, and by coordinating with Director O'Malley to connect individuals with resources elsewhere. Mr. Johnson participates in meetings with Victims/Survivors, the Archbishop, the Director and Deputy Director, abuse survivors' attorneys and Archdiocesan leaders. He continues to participate in Restorative Justice work and has been a part of planning the January 23, 2020 Restorative Justice and Reconciliation Conference. He has participated in discussions with, and provided advice to, Archbishop Hebda and Director O'Malley regarding implementation of Pope Francis' moto proprio, *Vos estis lux mundi*, the recent Vatican legislation addressing bishop accountability globally. [SA at ¶ 13.8.]

**16. Bankruptcy/Restorative Justice and Reconciliation Conference.** The Archdiocese was discharged from bankruptcy and the bankruptcy case was closed on December 21, 2018. The Settlement Agreement requires that the Archdiocese convene and participate in a one-day "Conference for Restorative Justice and Reconciliation" within eighteen months of dismissal of the bankruptcy. The Archdiocese, the RCAO, Victim/Survivors and others jointly planned this conference, which took take place on January 23, 2020. See Exhibits E and F. [SA at ¶¶ E.]

**17. Best Practices and Continuous Improvement.** The Archdiocese continues to be asked to

participate on a national level to address best practices for Safe Environments. In early December 2019, Deputy Director Rasmussen participated in a United States Catholic Conference of Bishops webinar held in Washington D.C. to talk about best practices in auditing procedures and creating a culture of accountability and transparency. On December 5, 2019 Director O'Malley participated in the California Catholic Ministry Conference. See Exhibit D. He presented at the conference and also participated in facilitated discussions with attendees. In attendance were bishops and other diocesan leaders from several dioceses in the western United States, including clergy and laity from the dioceses of San Jose, Monterey, Seattle, Fresno, Phoenix, Sacramento, Salt Lake City and Stockton. Topics included addressing failures in leadership, driving cultural change, implementing Pope Francis' moto proprio, *Vos estis lux mundi*, (recent Vatican legislation addressing bishop accountability globally), improving responses to allegations of abuse, enhancing assistance to Victim/Survivors, reorganizing diocesan governance structures and expanding the role of laity in decision making. On January 22, 2020, Bishop Cozzens and Archbishop Hebda participated in the Minnesota Bureau of Criminal Apprehensions Law Enforcement and Faith-Based Communities Engagement Meeting along with the Commissioner of Public Safety, the Superintendent of the Bureau of Criminal Apprehension, and representatives from the United States Attorney's Office, the Federal Bureau of Investigation, the Department of Homeland Security and other Faith Based Community Leaders. Planning is well underway for the National Child and Youth Protection Catholic Leadership Conference to be held in the Archdiocese of St. Paul and Minneapolis from April 26-29, 2020.

### **Conclusion**

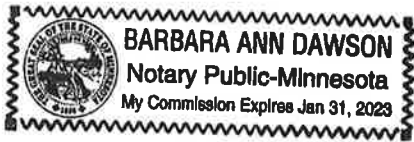
Based on the foregoing, we believe that the Archdiocese has substantially complied with the

Settlement Agreement. Therefore, the requirements of the Settlement Agreement have been met. However, the Archdiocese is committed to continuous improvement. To that end, the Archdiocese submits its Safe Environment Plan regarding its ongoing efforts. See Exhibit I.

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

Dated: 1/28/20

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



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

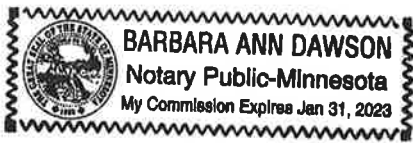
Subscribed and sworn to before me this 28th day of January, 2020

[Signature]  
Notary Public

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

Dated: 1/28/20

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



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


Subscribed and sworn to before me this 28th day of January, 2020

[Signature]  
Notary Public

ACKNOWLEDGED:

Dated: 1/28/2020

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

By:   
Archbishop Bernard A. Hebda  
Its President

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