

STATE OF MINNESOTA  
COUNTY OF RAMSEY

DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
JUVENILE COURT DIVISION

Court Case Number: 62-JV-15-1674

---

In the Matter of the Welfare of:

VICTIM-1, a child identified in police reports;

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

VICTIM-3, a child identified in police reports.

**FOURTH 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

- 
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.
  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. On July 10, 2017, the Archdiocese appeared in Court and filed its third periodic report.

4. **External Audit of Settlement Agreement Compliance.** As set forth below in more detail, an external audit of the Settlement Agreement was conducted the week of August 21, 2017. The audit covered the Archdiocese's compliance with the Settlement Agreement through June 30, 2017. Based upon their review, the auditors concluded that the Archdiocese is in substantial compliance with the Settlement Agreement. The audit report, including its specific findings, will be posted on the Archdiocese website by January 5, 2018.
5. **Ombudsperson.** As set forth below, former Hennepin County Attorney Tom Johnson was selected by the Archdiocese and RCAO to serve as the Ombudsperson.
6. On behalf of the Archdiocese, Timothy O'Malley, Director of the Ministerial Standards and Safe Environment for the Archdiocese (the "Director"), and Janell Rasmussen, Deputy Director of the Ministerial Standards and Safe Environment, make this fourth periodic report to the Court and declare and report as follows:

**Summary of Ongoing Compliance**

7. As set forth in detail below, the Archdiocese remains in substantial compliance with the requirements of the Settlement Agreement.
8. 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 Archdiocese has provided the RCAO with documentary evidence to demonstrate compliance with different requirements. The RCAO has provided feedback regarding these efforts. The Archdiocese has used the feedback and suggestions to continue compliance and promote a Safe Environment.

### **Elements of Continued Compliance**

#### **9. Oversight**

**9.1. Board of Directors/Audit Committee.** Consistent with the requirements set forth in the Settlement Agreement, the Board of Directors is knowledgeable of the Safe Environment Program and is exercising appropriate oversight regarding the effectiveness of the program. The Board and the Board's Audit and Risk Management Committee met on June 29, 2017, August 22, 2017 and November 9, 2017. Both the Board and Committee received briefings during these meetings including updates on specific misconduct cases, processes regarding the overall approach to misconduct cases, the makeup and role of the MRB, Policy revisions and developments, an update on the POMS Program transition, the implementation status of the Settlement Agreement and the external audit by Stonebridge auditors. A copy of this Report will be provided to the Committee and to the full Board on or before January 5, 2018. [Settlement Agreement ("SA") at ¶¶ 2.1, 2.1.a.]

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

**9.3. Ministerial Review Board.** During the past 6 months, the MRB has been updated on Safe Environment operational matters. Cases have been presented to the MRB and fitness for ministry recommendations have been made. The MRB has been consulted, has

provided direction and has formalized written recommendations regarding all Priests who have transitioned from the POMS Program. The Director consults with the MRB regarding these and other matters on a regular basis. [SA at ¶ 2.3.]

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

**10.1. Clergy.** As of December 11, 2017 the Archdiocese confirmed that all 577 Clergy (priests and deacons) in ministry had completed the E3 requirements. The Archdiocese audits Clergy compliance annually. [SA at ¶ 5.6.c.] The Director maintains an electronic registry of Clergy compliance with the Essential 3 requirements. [SA at ¶ 5.6]

**10.2. Schools and Parishes.** As of December 14, 2017, the Archdiocese received Fall Audit Reports from 92 of 92 schools, 185 of 185 parishes and 5 of 5 other parish-like entities. Each entity responded with information regarding mandated record keeping for the Essential 3, overall safe environment requirements and curriculum implementation regarding child personal safety lessons. [SA at ¶ 5.6.b.]

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

**11.1. Seminaries.** As of December 14, 2017, each Seminary program submitted their Fall Audit Report which summarized the number of Seminarians, employees and adult volunteers who completed the Essential 3. The Archdiocese works with the Seminary on an annual basis to ensure that all Seminarians are Essential 3 credentialed as required. In addition, the Archdiocese maintains a record for each Seminarian in compliance with terms of the Settlement Agreement. [SA at ¶ 5.6.d.]

**11.2. Youth Organizations.** There are two Catholic organizations that, although not formally affiliated with the Archdiocese, regularly have contact with youth in Schools and Parishes: NET Ministries and Partnership for Youth. Both voluntarily assume the

completion of a background check and VIRTUS Safe Environment training. The institutions require that their employees and volunteers sign their own version of the Code of Conduct. As of October 15, 2017, the Archdiocese received Fall Audit Reports from both of these organizations, and both reported full compliance with the background check and Safe Environment training.

**11.3. Site Visits.** The Settlement Agreement requires that the Archdiocese conduct Parish/School visits every 7 years and complete no less than 15% of the visits annually during this Agreement. To comply with this requirement, the Archdiocese must visit at least 43 Parishes and Schools each year. In Spring 2017, the Archdiocese conducted 22 Safe Environment site visits of Parishes and Schools in accordance with the Settlement Agreement. In the past six months, the Archdiocese conducted 28 Safe Environment site visits. During these site visits with Parish and School leaders, the Archdiocese was informed about the programs and the work being done and then documented child protection protocols and efforts. Prior to each visit, Parish and School staff completed a self-assessment to determine how well policies and procedure are known, understood and implemented. Following the site visits, the Archdiocese (Office for the Protection of Children and Youth) prepared a summary report highlighting the strengths and challenges in promoting and maintaining a Safe Environment as well as setting forth action steps to be taken over the course of the next seven years. As of December 21, 2017, the Archdiocese provided a summary report to all 28 sites that were visited in this reporting period. [SA ¶ 4.7., 14.4.]

**11.4. Audit Upon Change of Leadership.** In a letter sent to all Parishes, Schools, Seminaries and Safe Environment Coordinators on November 3, 2016, the Archdiocese

requested that an external review of Safe Environment and finance compliance be conducted each time there is a change of Pastor or leader and that the results of that review be provided to the Director. On May 26, 2017, the Archdiocese sent a letter to all recently assigned Pastors requesting they audit these areas and offered to provide Archdiocese resources to assist the newly assigned Pastors with this effort. In addition, OPCY created an audit checklist for recently assigned Pastors to use when auditing their programs. OPCY has also communicated with the newly assigned Pastors to answer any questions and, in the past six months, has provided audit assistance to three Parishes. [SA at ¶ 14.5.]

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

### **13. Training**

**13.1. Code of Conduct Training.** A Code of Conduct training video was posted on the VIRTUS site on January 13, 2017 and continues to be available to, and used by, Parishes and Schools throughout the Archdiocese to promote Safe Environments with employees and volunteers. [SA at ¶ 5.12.] [SA at ¶ 5.12.]

**13.2. Seminary Training.** The Archdiocese continues to work closely with both Seminaries. In the past six months, Director O'Malley and Deputy Director Rasmussen have continued to meet and communicate with staff and the Rectors at both Seminaries. The curriculum continues to be reviewed to look for opportunities to add relevant curriculum regarding Safe Environments. The role and involvement of the Office of

Ministerial Standards and Safe Environments in the curriculum for the 2017/2018 school year has been expanded. On November 5, 2017, a Victim/Survivor and the Director met with the 4<sup>th</sup> year Seminarians at the Major Seminary. The Victim/Survivor shared his story and spoke with the Seminarians to better prepare them for the issues and circumstances they will face in their future roles. The Director and Deputy Director have also consulted with the Seminary on the selection, formation, evaluation and fitness for ministry determination processes for Seminarians. [SA at ¶¶ 7.6, 7.6.a.]

#### **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 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. <http://safe-environment.archspm.org/>. [SA ¶¶ 9.2, 9.4, 9.5]

**15. Ministerial Review Board.** The MRB had two vacancies in the past 6 months and has filled those positions. The Archdiocese consulted with the Ramsey County Attorney's Office prior to filling those vacancies. [SA at ¶¶ 10.1, 10.5, 10.6].

#### **16. Communications**

**16.1.** The Archdiocese is required to publish no less than four times a year in the Catholic Spirit a statement urging those subject to sexual abuse to contact law enforcement to make a report of the abuse. This has been done. The most recent publication of the statement was in the December 7, 2017 edition of the Catholic Spirit. [SA at ¶ 6.8]

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

**17. Clergy Assistance Plan.** The Archdiocese, with assistance from the Presbyteral Council and College of Consultors, has developed and is implementing a Clergy Assistance Plan. The Clergy support workgroup described in prior reports to the Court has completed its comprehensive review of Clergy formation services and assistance programs. The workgroup's report and recommendations were provided to the Archbishop, the Presbyteral Council and the Director. Implementation of the recommendations is ongoing. Specific implementation steps in the past six months include: a) consultation with the MRB regarding prioritization and implementation of the workgroup's recommendations; b) reorganization of the Parish & Clergy Services Division; a Vicar of Clergy has been appointed to oversee all of these services; he is supported by a Parish Services Team led by a Deacon and by a Clergy Services Team led by another Deacon; c) establishment of teams of Clerics that offer advice on policies and best practices, and provide one-on-one mentoring to Clerics in need of assistance; d) planning with staff at the Seminary regarding the improvement of formation



processes for newly ordained priests transitioning into full-time ministry; e) providing a week-long, in-service training for priests assuming the duties and responsibilities of a Pastor. [SA at ¶ 13.5]

**18. POMS Program.** The POMS Program has been eliminated and all participating clerics have transitioned to a newly developed, individualized assistance and accountability program. The Director has continued to consult with the RCAO and the MRB regarding the transition to the new program. Specific plans for individual priests have been developed, documented and implemented. [SA at ¶¶ 11, 11.1, 11.1.a, 11.2, 11.3, 11.3.a-b]

**19. External Audit of Settlement Agreement Compliance.** An external audit of the Settlement Agreement was conducted the week of August 21, 2017. The audit covered the Archdiocese's compliance with the Settlement Agreement through June 30, 2017. On January 3, 2018, the Archdiocese received the audit report from StoneBridge, an independent audit firm with demonstrated competencies and significant experience. As contemplated by the Settlement Agreement, the RCAO received a copy of the audit report directly from StoneBridge the same day. The Archdiocese also provided a copy of that audit report to the Court. Additionally, the Archdiocese has provided a copy of the audit report to the Archbishop, the Director, a Victim/Survivor group that has been assisting the Archdiocese with Restorative Justice and other areas of the Settlement Agreement, the Archdiocese Board of Directors, the Archdiocese Finance Council, Presbyteral Council, Ministerial Review Board, Chancellor for Canonical Affairs and Chancellor for Civil Affairs. Throughout the audit, the RCAO had unrestricted access to auditing personnel and their work. The Archdiocese cooperated fully with the auditors. The Archdiocese provided unrestricted access to Archdiocesan personnel and documents, and arranged for direct communications between the auditors and Volunteers,

Victim/Survivors, and others not employed by the Archdiocese. The audit report will be posted on the Archdiocese website by January 5, 2018. An executive summary will also be posted and will be published in an upcoming edition of the Catholic Spirit. [SA at ¶¶ 14.2, 14.2.a-e]

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

**20.1. Letter of Apology; Meeting with Victims.** The AD has offered assistance to the Victims, maintained communications with them through their attorneys and an immediate family member, and deferred to them regarding the nature and frequency of interactions. [SA ¶ D]

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

**20.3. Ombudsperson.** Former Hennepin County Attorney Tom Johnson was selected by the Archdiocese and RCAO to serve as the Ombudsperson. A copy of Mr. Johnson's professional biography is attached as Exhibit A. In the past six months, he has begun his role by participating in meetings with Victims/Survivors, the Archbishop, Director and Deputy Director, the RCAO, abuse survivor's attorneys and Archdiocesan leaders. Mr. Johnson has also participated in Restorative Justice work and has been a part of planning and communications relating to the development and implementation of Victim/Survivor support groups. [SA at ¶ 13.8.]

**20.4. Restorative Justice.** The Archdiocese has made significant progress in the area of Restorative Justice. Since the last report and in coordination with the RCAO, we have been working closely and regularly with Dr. Mark Umbriet, the Director of the Center for Restorative Justice and Peacemaking at the University of Minnesota School of Social Work. Dr. Umbriet has facilitated 3 Restorative Justice sessions for the Archdiocese. The Archbishop, Director O'Malley and Deputy Director Rasmussen have participated in these sessions with Victim/Survivors when requested and as appropriate. In addition to the Restorative Sessions required by the Settlement Agreement, Dr. Umbriet has been working with Victim/Survivors, Ramsey County Attorney John Choi, retired Minnesota Supreme Court Justice Christopher Dietzen, retired Wisconsin Supreme Court Justice and Distinguished Professor of Law at Marquette Law School Janine Geske, Senior Distinguished Fellow at the University of St Thomas School of Law Hank Shea, Ombudperson Tom Johnson, Archbishop Hebda, Director O'Malley, Deputy Director Rasmussen and others on the development of a broader Victim/Survivor Program. These efforts are ongoing. [SA at ¶¶ E, F].

**20.5. Victims Fund and the Bankruptcy Proceedings.** The Bankruptcy Proceedings remain ongoing. The Archdiocese continues to offer counseling services to victim/survivors of clergy abuse (through an outside, independent service and private professionals). The Archdiocese's proposal in the Bankruptcy Proceedings included a provision for a fund for ongoing Victim counseling.

### **Conclusion**

**21.** Based on the foregoing, we believe that the Archdiocese remains in substantial compliance with the Settlement Agreement. The requirements of the Settlement Agreement are ongoing

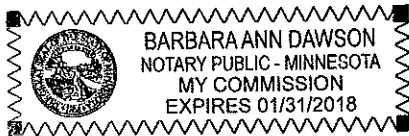
and we will continue our efforts in conjunction with the RCAO as contemplated by that Agreement.

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

Dated: 1/5/18

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

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



Subscribed and sworn to before me  
this 5<sup>th</sup> day of January, 2018

Barbara Ann Dawson  
Notary Public

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

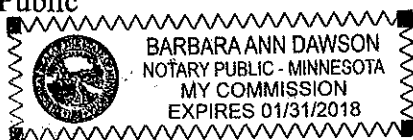
Dated: 1/5/18

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

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

Subscribed and sworn to before me  
this 5<sup>th</sup> day of January, 2018


Barbara Ann Dawson  
Notary Public



ACKNOWLEDGED:

Dated: 1/5/18

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

By:   
Archbishop Bernard A. Hebda  
Its President

# Thomas L. Johnson

Principal



Direct: 612.632.3207  
thomas.johnson@gpmlaw.com

Minneapolis, MN  
80 South 8th Street  
500 IDS Center  
Minneapolis, MN 55402  
Phone: 612.632.3000  
Fax: 612.632.4444

## Industries

- Higher Education
- Agribusiness & Food
- Health Care

## Practices

- Complex Investigations
- Business Litigation
- Investigations & White Collar Defense
- Environmental Law & Land Use Management
- Government Relations
- Real Estate Litigation
- Health Law
- Health Care Regulatory Counseling
- Nonprofit & Tax-Exempt Organizations
- Litigation

## Education

- London School of Economics, LL.M., with distinction, 1992
- University of Minnesota Law School, J.D., 1970
- University of Minnesota, with honors, 1967, Bachelor of Physics

Tom Johnson practices in the areas of internal investigations, regulatory and legislative affairs, and environmental and land use law. He represents a wide variety of public and private clients before local, state, and federal government. Tom was the Hennepin County Attorney from 1979-1991 and served on the Minneapolis City Council from 1973-1977.

He lectures frequently on legislative, regulatory, and environmental issues and has published numerous articles for both legal and business audiences. He has provided counsel in many sensitive matters including high-profile investigations of higher education institutions and the environmental review of the Gopher football stadium and the Twins' baseball stadium. He regularly assists developer and landowner clients in land use issues, particularly relating to environmental remediation, project financing, and development agreements.

Tom has been an adjunct professor at the University of St. Thomas Law School. He has also served on the board of directors for many state and national organizations and has been the recipient of numerous awards including the Environmental Protection Agency's Environmental Quality Award, the President's Award from the National District Attorney's Association, the Minnesota State Bar Association's Professional Excellence Award, and the Attorney Professionalism Award from the Hennepin County Bar Association.

## Honors / Activities

### Professional Activities

- Minnesota State Bar Association
- Hennepin County Bar Association
- Advisory Committee for Minnesota U.S. Attorney, member, 2009
- Minnesota Federal District Court Judicial Selection Committee, member, 2009

### Honors and Distinctions

- Attorney Professionalism Award, Hennepin County Bar Association, 2016
- "North Star Lawyers," Minnesota State Bar Association, 2012, 2014-2015
- CornerHouse Sweetheart for Kids Award, 2009
- Outstanding Service to the Profession, *Minnesota Lawyer*, 2008
- Council on Crime and Justice Equal Justice Award, 2008
- Minnesota Association of Black Lawyers (MABL) Profiles in Courage Award, 2008
- Environmental Protection Agency's Environmental Quality Award
- The President's Award from the National District Attorney's Association
- Minnesota State Bar Association's Professional Excellence Award

## **Community Involvement**

- University of Minnesota Institutional Conflict Review Panel
- Minneapolis Riverfront Partnership, board member
- Klobuchar for Minnesota 2018, president
- Project Innocence, past board member
- WATCH, past advisory board member
- Marcy Holmes Neighborhood Association, member
- Council on Crime and Justice, past president
- Bench and Bar Committee, Hennepin County Bar Association, former chair
- Advisor to numerous political candidates and campaigns at the local, state, and federal level