

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.

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

Respondent:

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

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1. The Archdiocese of St. Paul and Minneapolis (the "Archdiocese") entered into a Settlement Agreement dated December 17, 2015 with the Ramsey County Attorney's Office (the "RCAO"), which was amended by the parties on July 19, 2016 (the "Settlement Agreement").
  2. The Settlement Agreement contemplated that the Archdiocese would continue to enhance its Safe Environment Program and come into substantial compliance with the requirements of the Settlement Agreement by December 17, 2016.
  3. 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 second periodic report to the Court pursuant to its obligations under this Court's Order dated February 10, 2016, and declare and report as follows:

### **Summary of Substantial Compliance**

4. As set forth in detail below, the Archdiocese is in substantial compliance with the requirements of the Settlement Agreement.
5. The Archdiocese has regularly briefed 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 achieve compliance and promote a Safe Environment.

### **Elements of Substantial Compliance**

#### **6. Oversight**

- 6.1. **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 Director has met with the Board on February 2, 2016; June 23, 2016; July 6, 2016; August 17, 2016; and November 9, 2016. The Board has established an Audit and Risk Management Committee to assess and evaluate the Safe Environment Program. The Director has met with the Audit and Risk Assessment Committee on February 2, 2016; March 16, 2016; June 28, 2016; and August 17, 2016. Both the Board

and Committee have received updates from the Director during these meetings including updates on specific misconduct cases, processes regarding the overall approach to misconduct cases, the makeup and role of the MRB, Policy revisions and developments, and the implementation status of the Settlement Agreement. A copy of this Report will be provided to the Committee and to the full Board on December 19, 2016. This Report will be filed by the Archdiocese in the court record as a publicly-available document. [Settlement Agreement (“SA”) at ¶¶ 2.1, 2.1.a.]

6.2. **The Archbishop.** The Archbishop meets with the Director frequently, often several times each week, and is knowledgeable about the program and Policies. [SA at ¶¶ 2.2.]

6.3. **The Director.** The Director is charged with creating and maintaining a Safe Environment throughout the Archdiocese. The Director’s position description has been updated to include the requirements from the Settlement Agreement. The Director is responsible for the coordination of the Ministerial Review Board (“MRB”), the POMS Program, the Victim Advocacy Office, and the Office for the Protection of Children and Youth (“OPCY”). The Director’s position description also includes that the Director has the authority to refer employees or Adult Volunteers of the Archdiocese to attend additional Safe Environment Programs or trainings. On August 9, 2016, the Archdiocese documented in writing with its Human Resources Department the Archbishop’s commitment to consult with the MRB and the Archdiocese Board of Directors regarding candidates to fill any vacancy for the position of the Director. On August 9, 2016, the Archdiocese also documented the commitment of the Director to provide notice to the MRB and the Archbishop as soon as practicable if he intends to leave his position as Director. [SA at ¶¶ 2.4, 5.4., 13.12, 13.12.a]

6.4. **Ministerial Review Board.** The MRB is a twelve-member advisory body (comprised of ten lay people and two Clerics) who review allegations of misconduct by clergy, including allegations relating to the sexual abuse of a minor, advise the Archbishop and the Director and make recommendations regarding fitness for ministry. The MRB is also charged with reviewing and making recommendations regarding Policies and procedures addressing clergy misconduct. During the past year, the MRB has been updated on the Policies and Safe Environment operational matters. The Director consults with the MRB regarding those matters on a regular basis. Two MRB members serve as representatives on a Policy Review Group that reviews each revised or newly developed Policy and provides feedback and recommendations. [SA at ¶ 2.3.]

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

7.1. **Clergy.** As of July 6, 2016, the Archdiocese confirmed that all 576 Clergy (priests and deacons) in ministry have completed their Essential 3 requirements. The Archdiocese will audit 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]

7.2. **Safe Environment Coordinators.** The Archdiocese has requested that each Parish, School and Seminary designate a Safe Environment Coordinator. As of June 3, 2016, the Archdiocese confirmed that each School, Parish and Seminary had an appointed Safe Environment Coordinator in each location. On November 3, 2016, the Director sent a letter to all Parishes, Schools, Seminaries and Safe Environment Coordinators regarding this requirement and included a list of all Safe Environment Coordinators in the

Archdiocese. The recipients were asked to respond to the OPCY office if the information needed updating. [SA at ¶¶ 7.7, 7.7.a.] The OPCY office has provided training to all 389 Safe Environment Coordinators in this reporting period and will continue to provide training every three years in accordance with the Settlement Agreement. [SA at ¶¶ 7.7.a-b]

**7.3. Schools and Parishes.** As of July 5, 2016, the Archdiocese received a Spring Audit Report from 92 of 92 Schools, 187 of 187 Parishes and 6 of 6 other Parish-like entities within the Archdiocese. For these reports, each entity provided a self-assessment of its current level of compliance with the Essential 3 requirements. After reviewing those Spring Audit Reports, the Archdiocese sent letters and emails to the Safe Environment Coordinator, Parish administrator, and board of trustees of 77 Schools or Parishes asking them to address certain aspects of their respective Safe Environment Program. In addition, the Archdiocese sent letters and emails to the Safe Environment Coordinator, Parish administrator, and board of trustees of an additional 32 Schools or Parishes in which the report reflected instances where a Parish or School employee or Adult Volunteer needed to be re-credentialed with the Essential 3 standards (i.e., background check, Code of Conduct acknowledgement or training). The Archdiocese has received responses from each of these Schools and Parishes committing to address the issues identified by the Archdiocese. The Archdiocese intends to repeat this assessment process annually. [SA at ¶ 5.6.b.]

**7.4. Seminaries.** As of June 1, 2016, both Seminaries submitted Spring Audit Reports indicating they were in full compliance with the Essential 3 requirements. The Archdiocese works with the Seminaries 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.]

**7.5. Other Youth Organizations.** In addition to Schools and Parishes, there are two Catholic organizations that regularly have contact with minors in Schools and Parishes: Net Ministries and Partnership for Youth. Both have voluntarily assumed the Essential 3 requirements. As of June 1, 2016, the Archdiocese received Spring Audit Reports from those two organizations, and both reported full compliance with the Essential 3 requirements.

**7.6. Site Visits.** The Settlement Agreement requires that the Archdiocese conduct Parish audits every 7 years and complete no less than 15% of the audits annually during this Agreement. To comply with this requirement, the Archdiocese must audit at least 43 Parishes and Schools each year. Between December 17, 2015 and December 16, 2016, the Archdiocese completed Safe Environment Site Visits for 48 Parishes and Schools and 4 follow-up visits. During these Parish and School site visits with Parish and School leaders, the Archdiocese was informed about the programs and work being done and documented the efforts to protect children. Prior to a visit, Parish and School staff complete a self-assessment to determine how well Policies and procedures are known, understood and implemented. Parishes, Schools and Seminary's are required to maintain the acknowledgement forms/records for each employee, Adult Volunteer, or Seminarian. The completed assessment is used as a guide during the site visit. Following the site visit, OPCY prepares a summary report highlighting the strengths and challenges in promoting and maintaining a Safe Environment, and makes recommendations for the

Parish or School to consider implementing. As of December 20, 2016, the Archdiocese provided the summary report of the Parish site visit audit to the Pastor, Safe Environment Coordinator and the Parish Board of Trustees for each of the 48 visited Parishes and Schools. The Archdiocese recommended that the summary reports be publicly posted by the Schools and Parishes. [SA ¶ 4.7, 14.4.]

- 7.7. **Adult Volunteers.** The Settlement Agreement requires that the Archdiocese create an Adult Volunteer Application Form listing at least 6 specific questions as outlined in the Settlement Agreement. The form was developed on August 5, 2016 and was provided to all Safe Environment Coordinators. The form is included in the OPCY Resource Book that has been provided to Safe Environment Coordinators. In a letter sent on November 3, 2016, from Director O'Malley to Pastors, parochial administrators, Seminary rectors, School administrators and Safe Environment Coordinators at all Parishes, Schools, and Seminaries, he requested that all Adult Volunteers be prohibited from beginning volunteer service until the application had been completed. [SA at ¶ 5.3.]
- 7.8. **Third Parties.** In a letter sent to Pastors, parochial administrators, Seminary rectors, School administrators and Safe Environment Coordinators at all Parishes, Schools, and Seminaries on November 3, 2016, the Director requested that each Seminary, Parish, and School that utilizes the services of a third-party person or entity under circumstances where that third-party has regular or unsupervised contact with minors be made aware of the existence of the Policies and the option to attend Safe Environment training. [SA ¶ 5.5.]
- 7.9. **Audit Upon Change of Leadership.** In the letter sent to all Parishes, Schools, Seminaries 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. [SA at ¶ 14.5.]

## **8. Policies**

The Settlement Agreement requires certain Policy revisions and development. Over the past year, the Archdiocese has established a Policy review process and assembled a Policy Review Group that reviews existing Policies and develops new Policies. The group includes representatives from the Parishes, Schools, the Deans, the Ministerial Review Board, the Archdiocese staff and Senior Management. [SA at ¶¶ 2.2-2.4a; 10.4.] The Archdiocese has conducted a comprehensive review of all Safe Environment Policies and has made the necessary revisions to ensure compliance as set forth below.

- A comprehensive and organized set of documents encompassing all Policies relating to the protection of minors was created and is in place. The web developer is scheduled to complete website enhancements by the end of December 2016 and all Policies will be then available on the Archdiocese website. [SA at ¶ 3.1.]
- In order to create Policies that were easy to read and understand, a new template was created resulting in across-the board uniformity in format and appearance with a goal of enhanced clarity. [SA at ¶ 3.1.a.] The new format includes a section in each Policy for defined key terms. [SA at ¶ 3.1.b., 5.7.]
- The Policies define what behavior constitutes misconduct involving minors, including sexual exploitation of minors and sexual harassment of minors. [SA at ¶ 3.1.b.i.]
- The Policies define what constitutes child abuse. [SA at ¶ 3.1.b.ii.]

- The Policies define what constitutes a “credible allegation” and “substantiated claim”. A “credible allegation” is one that is not manifestly false or frivolous and bears a semblance of truth. A “substantiated claim” is one that is supported by sufficient evidence establishing reasonable grounds to believe that the abuse occurred. [SA at ¶ 3.1.b.iii.]
- The Archbishop is required to review and sign off on each Policy.
- Each of the revised Policies and newly implemented Policies have been provided to the RCAO.

8.1. **Model Policy of Priestly Residence.** As documented in the First Report to the Court, the Archdiocese developed and distributed to all Parish administrators a Use of Parish Property Model Policy on April 8, 2016. [SA at ¶ 13.10.]

8.2. **Codes of Conduct**

8.2.1. The Code of Conduct for Clergy, the Code of Conduct for Church Personnel and the Code of Conduct for Adult Volunteers have been revised to include specific requirements from the Settlement Agreement and define key terms. These Codes were finalized on December 6, 2016 and will be posted on the website on December 20, 2016. [SA at ¶ 5.7]

8.2.2. The Codes prohibit employees and Adult Volunteers from being alone with any unrelated minor while serving as an employee or volunteer of the Archdiocese, a School, a Seminary or a Parish, subject to common sense exceptions, such as emergency situations, interactions with a minor that are incidental and not extended, and parents transporting the children of friends and neighbors. [SA at ¶ 3.3.]

8.2.3. Clergy are prohibited from being alone with any unrelated minor except when a Cleric is hearing confession in a confessional, and except for common sense exceptions such as emergency situations or circumstances where interaction is incidental and not extended. [SA at ¶ 3.4.]

8.2.4. Policies continue to prohibit Clergy from traveling alone or taking overnight trips alone with any unrelated minor and from sleeping in the same private space with any unrelated minor. [SA at ¶ 3.5.]

8.2.5. The Codes prohibit the viewing of pornographic materials [SA at ¶ 5.8] and the showing of such material to minors as well as the illegal provision of alcohol, tobacco, or drugs to minors. [SA at ¶ 5.9.]

8.2.6. The Codes contain provisions for pastoral counselors and spiritual directors that address and define proper boundaries and improper conduct, including physical contact, with persons they counsel. [SA at ¶ 5.10.]

8.2.7. The Codes also contain a provision stating that Clergy are responsible for establishing and maintaining clear, appropriate boundaries in counseling relationships. [SA at ¶ 5.10.a.]

8.2.8. The Codes contain provisions on how to report unethical or unprofessional conduct. [SA at ¶ 5.11] The Code of Conduct for Clergy also requires that Clergy must report to the Director any arrest or citation involving conduct that violates the Policies. [SA at ¶ 5.14.c.]

8.2.9. The Codes contain information of what constitutes misconduct involving a minor as part of training and training related materials, including what is considered “appropriate” vs. “inappropriate” physical contact. [SA at ¶ 3.1.c.]

8.2.10. The Code contains provisions requiring that, within thirty days of the assignment of a Cleric or Seminarian, or employment or continuing volunteer service, the acknowledgement form (or electronic record) is to be collected and filed certifying that the individual received the Policies, understands them and will comply with them. [SA at ¶¶ 4.1, 4.2, 4.3.] The Code states the Director shall request annually that each Parish, School and Seminary provide records demonstrating compliance with this requirement. [SA at ¶¶ 4.4, 4.5] Clergy, Seminarians, employees, or volunteers of the Archdiocese who fail to adhere to the Policy requirements are subject to corrective and disciplinary measures. [SA at ¶ 14.1] Moreover, any who are non-compliant with the requirements of the Essential 3 will, at a minimum, be removed from service involving regular or unsupervised contact with minors until they have completed all requirements. The Archdiocese requests that Parishes, Seminaries, and Schools remove Parish/Seminary/School employees and Adult Volunteers who are non-compliant with the requirements of the Essential 3 from service involving regular or unsupervised contact with minors until they have completed all requirements. The Director notifies the Archbishop and the Parish, Seminary or School Board of Trustees if an employee who is not compliant has not been removed from his or her job or position. A letter was sent on November 3, 2016 to Parishes, Schools, Seminaries and Safe Environment Coordinators reminding them of this requirement. [SA at ¶¶ 14.1.a.-b.i.]

### **8.3. Background Check Policies**

8.3.1. A revised and enhanced Background Check Policy for the Archdiocese was finalized on September 29, 2016 and includes requirements from the Settlement Agreement. The Settlement Agreement requires that all Clergy shall be subject to a

background check upon their initial assignment and no less than every 5 years thereafter. The Policy requires that this be done upon initial assignment and then every 3 years thereafter. [SA ¶ 5.14.a.] The Settlement Agreement requires that a Cleric's service in excess of thirty days may only continue after such Cleric has successfully completed a criminal background check. [SA ¶ 5.14.b.] The Archdiocese Visiting Clergy Policy requires that any Cleric in the Archdiocese for more than 21 days must complete the Essential 3, which includes a criminal background check. The Background Check Policy also requires that Clergy report to the Director any arrest or citation involving conduct that violated the Archdiocese Policies and that the Director shall gather available, relevant documentation and assess whether the particular matter should be forwarded to the Archbishop or the MRB, or both. [SA ¶ 5.14.c] The Policy also requires that prospective Archdiocese employees complete a criminal background check [SA ¶ 5.14.d.] and that Adult Volunteers may only start service after having completed a criminal background check. [SA ¶ 5.14.e.] The Policy includes criteria for evaluating the results of a background check and provides guidance for determining what constitutes disqualifying offenses for employment and volunteer positions. Specific factors from the Settlement Agreement are listed in the Policy. [SA ¶ 5.16, 5.16.a, 5.16.b.] At the request of the Archdiocese, the background check service also permits the Archdiocese and any Parishes and Schools that have online access to the service to determine whether any prior background check has been performed on the same individual, by that service, on behalf of another Parish, School or Seminary or similar entity within the Archdiocese. [SA ¶ 5.17.] All background checks for Clergy, Archdiocese employees, and Archdiocese Adult Volunteers are maintained by the Director. [SA ¶ 5.19.] The Policy

includes that the Archdiocese shall not recommend an employee for a position that provides access to minors if the employee has a substantiated claim or pending credible allegation of sexual abuse of a minor against them. [SA at ¶ 7.5.] Director O'Malley and Deputy Director Rasmussen met with personnel from the MN Bureau of Criminal Apprehension to explore the feasibility of using fingerprint technology in the background check process. They then met with the RCAO and discussed the BCA's information. The Archdiocese will continue to explore adding this component to its process based on future developments. [SA ¶ 5.15.]

8.3.2. A Model Background Check Policy was also created for Parishes, Schools and Seminaries on September 29, 2016 and will be sent to all Parishes, Schools, Seminaries by the end of December with a request that they adopt and follow the Policy. [SA at ¶¶ 5.13, 5.18.] A reminder of this provision of the Settlement Agreement was included in a letter from the Director on November 3, 2016. The Seminary, Parishes and Schools maintain background check files for Seminarians, their respective employees and Adult Volunteers. [SA ¶ 5.20.]

8.4. **Visiting Clergy Policy.** The Visiting Clergy Policy was revised in October 2016 and the Application for Faculties and Authorization Letter have been updated to reflect the gathering of additional information and scrutiny of prior conduct. [SA ¶ 5.1.i.]

8.5. **Ministerial Review Board Policy.** On November 22, 2016, the Ministerial Review Board policy was revised as set forth below in Section 11. [SA ¶ 7.2.]

8.6. **Acceptable Use of Technology Policy.** The Acceptable Use of Technology Policy was updated on December 15, 2016 to include guidelines for acceptable use. Under the Policy, the Archdiocese has the authority to inspect, review, audit, intercept, or access all

matters on systems of the Archdiocese, including Archdiocese employee email, voicemail, and computer systems at any time, with or without notice. The guidelines also include acceptable use of social media, cell phones and text messaging. The Acceptable Use Policy requires that all Archdiocese employees use their Archdiocese issued email account when sending any communication related to their job function. [SA at ¶¶ 3.2, 3.2.a., 3.2.b., 9.3., 12.1.]

**8.7. Handling Evidence Policy.** A policy to address how Archdiocese employees handle evidence was finalized on December 9, 2016. [SA at ¶ 12.1.d.]

**8.8. Sexual Abuse Policy.** The existing Policy was updated on December 15, 2016 to include all requirements from the Settlement Agreement. It clearly states that a report to the Archdiocese does not relieve individuals from reporting known or suspected abuse as is required under Minnesota law. [SA at ¶ 6.1.] The Policy has a section dedicated to mandatory reporting requirements under state law including directions regarding who must report, what must be reported and to whom the report must be made. [SA at ¶ 6.1.a.] The Archdiocese has continued its Policy that Clergy, employees, and Adult Volunteers shall be trained on mandatory reporting obligations within thirty days of their hire and shall receive refresher updates at least every three years thereafter. [SA at ¶ 6.1.b.] The Policy requires that an employee or Adult Volunteer in the Archdiocese who has reason to suspect sexual abuse of a minor that would be subject to mandatory reporting shall immediately notify civil authorities in compliance with state law. [SA at ¶ 6.2] The policy also provides guidance on the proper channels for reporting. The first report of suspected abuse of a minor shall be to civil authorities. Any person who makes such a report to authorities is required to report the same information to the Director. The

Director shall notify the Archbishop of the report, confirm that law enforcement has been notified and document that notification in writing. If authorized by law enforcement and the abuse occurred at or during a Parish/School activity or involved Parish or School personnel or volunteers, the Director shall notify the principal or the Pastor of the Parish or School, unless the suspected abuse involved the Pastor or the principal, in which case the Director shall notify the Parish or School Board of Trustees. If the abuse involved a Cleric, the Director shall request all reports from the Parish, School or Seminary. The Policy provides that the Archdiocese shall not assign a Cleric for a position in public ministry or a position that provides access to minors if he has a substantiated claim or pending credible allegation, or if the Cleric is not otherwise suitable for ministry. [SA at ¶¶ 6.3.a-d, 6.5, 7.3]

8.9. **Clergy File Policy.** The Clergy File Policy was revised on December 14, 2016 to include specific language from the Settlement Agreement prohibiting the destruction of Clergy files. [SA at ¶ 12.5.]

8.10. **Whistleblower Policy.** The Whistleblower Policy was revised on December 14, 2016 to include specific language from the Settlement Agreement prohibiting retaliation against any Cleric, employee, Adult Volunteer, parishioner, or other individual who in good faith reports sexual abuse of a minor or suspicions of sexual misconduct. [SA at ¶ 6.7.]

## 9. Training

9.1. **Archdiocese Safe Environment Training.** The Archdiocese Human Resources Office maintains a list of all Archdiocese employees and requires that Safe Environment training be completed within 30 days of employment. The Human Resources office

audits this requirement and all Archdiocese employees hired during this reporting period were compliant. [SA at ¶¶ 5.2, 5.21, 5.22.]

**9.2. Code of Conduct Training.** The Archdiocese has developed a training conducted by Director O'Malley that was posted on the Safe Environment website on June 16, 2016 at <http://safe-environment.archspm.org/essential-3/> [SA at ¶ 5.12.] The Archdiocese will update the Code of Conduct Training within 60 days following the finalization and posting of the revised Code of Conduct. [SA at ¶ 5.12.]

**9.3. Safe Environment Coordinator Training.** The OPCY office has provided training to all 389 Safe Environment Coordinators in this reporting period and will continue to do so every three years. [SA at ¶¶ 7.7.a-b]

**9.4. Archdiocese Mandatory Reporting Training.** Consistent with Archdiocese Policies, the Archdiocese continues to provide mandatory reporting training for all Clergy, employees, and Adult Volunteers through the VIRTUS training module and other specialized training. [SA at ¶ 6.1.b.]

**9.5. Seminary Training.** The Archdiocese has worked closely with both Seminaries over the past six months. Director O'Malley and Deputy Director Rasmussen have met with staff and the rectors at both Seminaries. Policies, practices and curriculum have been reviewed and discussed. On November 7, 2016 Director O'Malley and a survivor of Clergy sexual abuse as a minor met with all 4<sup>th</sup> year Seminarians, the Rector, and professors at the St. Paul Seminary. The survivor made a presentation and then participated in a discussion regarding Safe Environments. On November 16, 2016, Director O'Malley provided training on Safe Environment Policies, practices and laws to all 4<sup>th</sup> year Seminarians as a part of their course work. On December 4, 2016, Director

O'Malley provided training on Safe Environment Policies, practices and laws to Seminarians, the rector and professors at St. John Vianney Seminary. [SA at ¶¶ 7.6, 7.6.a.]

9.6. **VIRTUS Training.** The OPCY periodically evaluates the VIRTUS training materials to provide updates to the training. [SA at ¶ 5.23.]

## 10. Reporting Abuse, Investigations and Public Disclosures

10.1. **Independent Mechanism for Reporting.** The Archdiocese has continued to maintain an independent resource, Canvas Health, to receive reports of misconduct. The service is available 24/7 and can be done by phone or website. <http://safe-environment.archspm.org/feature/pledge-to-heal/> [SA at ¶ 13.4.]

10.2. **Law Enforcement Allegation Notification.** The Archdiocese has made notifications to law enforcement each time an allegation of sexual abuse of a minor has been received whether or not the allegation was deemed credible. RCAO was notified of each allegation received and reported. [SA at ¶ 6.3.b.i.]

10.3. **Address Change Notification.** The Archdiocese revised its Sexual Abuse Policy to require the notification of law enforcement in the appropriate jurisdiction of a known residential address of any Cleric who has a substantiated claim or a pending credible allegation of sexual abuse of a minor. The Archdiocese has been making these notifications. Each notification has been reviewed with RCAO. [SA at ¶ 13.9.]

10.4. **Public Disclosures.** The Archdiocese continues to make timely disclosures of credible allegations and substantiated claims of sexual abuse of a minor by Clerics. [SA at ¶ 9.2]. The Archdiocese website contains a section posting notices of such

substantiated claims and pending credible allegations. <http://safe-environment.archspm.org/>. [SA at ¶¶ 9.2, 9.4, 9.5]

10.5. **Archdiocese Investigations.** The Settlement Agreement requires that when the Archdiocese receives a report of child sexual abuse and makes a mandated report to law enforcement, that the Archdiocese shall not conduct an internal investigation, and will not interfere in any way with law enforcement until law enforcement concludes its investigation, closes its file without investigation, or authorizes the Archdiocese to take action. Further, the Settlement Agreement requires that in each case where a Cleric has been found not guilty of criminal conduct by a court of law, or has been investigated by civil authorities without prosecution, the Archdiocese shall make an independent inquiry into and determination of the given Cleric's fitness for ministry. One example of a case where this process was followed was the Edina Police Department's investigation of Father Dolan. The Archdiocese assisted the Edina Police Department during its investigation and took no actions that could have interfered with the law enforcement investigation. Once authorized by law enforcement, the Archdiocese made its public notification and removed the priest from ministry. Law enforcement completed its investigation and the Hennepin County Attorney did not file criminal charges. The Archdiocese then commenced its own investigation, which has been completed. This case is now under review by the Ministerial Review Board and the Director. Their recommendations regarding Father Dolan's fitness for ministry will be provided to the Archbishop for his consideration as he decides Father Dolan's future status. At the conclusion of this process, the Archdiocese will publically disclose the outcome. [SA at ¶¶ 6.4., 7.2.]

## 11. Ministerial Review Board

- 11.1. Upon recommendation from County Attorney Choi, Ms. Patty Wetterling became a member of the MRB in July of 2016 and has since attended 3 meetings. [SA at ¶ 10.1.]
- 11.2. The MRB has written policies governing its conduct and defining what types of issues are to be reviewed. The policy includes guidelines the MRB will follow when making a recommendation in each case. The MRB policy is available on the policy section of the Archdiocese website. [SA at ¶¶ 10.2.a-c].
- 11.3. The MRB policy includes a selection process provision for appointing new members that directs the Director to consult with specific parties, as required in the Settlement Agreement, when making a recommendation and considering candidates for the MRB. [SA at ¶¶ 10.1, 10.5, 10.6].
- 11.4. The MRB policy includes a provision that the MRB will be notified if there are any allegations of sexual abuse of a minor involving the Archbishop or any Auxiliary Bishop. [SA at ¶ 6.10]
- 11.5. Minutes are taken at each MRB meeting and retained by the Director. The minutes include date and time of meetings, meeting attendees, agenda items, a summary of any advisory assessments on clergy and a summary of consultation by the MRB on any other matters. [SA at ¶ 10.3].

## 12. Website

- 12.1. The Settlement Agreement required the Archdiocese to consult with web developers by December 31, 2016 to improve the presentation of and access to Safe Environment resources. [SA at ¶ 8.1] Archdiocese personnel began meeting with web developers on August 8, 2016. The Archdiocese contracted with one web developer to complete an

update of the existing Safe Environment Site and to develop a new site to house all Archdiocese Policies. On October 13, 2016, Deputy Director Rasmussen demonstrated a test site for the RCAO, and the RCAO provided additional suggestions for improvements. As required by the Settlement Agreement, the website continues to encourage victim/survivors to report abuse, displays how to report allegations of sexual abuse, and provides a link to the Minnesota Sheriff's Association website that lists all law enforcement contacts. [SA at ¶¶ 8.2, 8.3, 8.4, 8.6, 13.1.] The web developer currently estimates that the revised and enhanced website will go live on December 20, 2016.

12.2. The website improvements will also include a reorganized section where all Policies will be located and easily accessible. The Policies are currently on the Safe Environment site. [SA at ¶ 8.5.]

### **13. Communications**

13.1. 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. [SA at ¶ 6.8] On February 4, 2016; June 23, 2016; September 16, 2016, November 23, 2016 and December 8, 2016 the Archdiocese made such a publication in the Catholic Spirit.

13.2. The Archdiocese also provides Parishes and Schools with posters and brochures encouraging the reporting of sexual abuse. [SA at ¶¶ 6.6, 6.9., 13.1.] Posters and brochures were previously distributed to all Schools and Parishes in June 2015. Parishes and Schools are inspected during audits to make sure that posters and brochures are prominently displayed. Parishes and Schools are also asked in their self-assessment whether they display these posters and brochures. The Archdiocese purchased additional

posters and brochures to have available upon request by Schools and Parishes. These materials are also readily available electronically to Parishes and Schools in a format to permit printing for posting. [SA at ¶ 13.1.]

**13.3. 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. The Archdiocese Office of Communications provides this assistance and helps to serve as a media resource to Schools and Parishes to assist them in responding to the media. In addition to the specific incidents of assistance in our First Report, the Office of Communications has continued to provide assistance throughout this reporting period. [SA at ¶ 9.1.]

- May 18, 2016 - Assisted Saint Rita's with responses/information after Parish learned of lawsuits filed against it for alleged sexual abuse of minor(s) by Clergy
- May 26, 2016 - Assisted Saint Alphonsus with responses/information after Parish learned of lawsuits filed against it for alleged sexual abuse of minor(s) by Clergy
- August 1, 2016 - Assisted Saint William (Father Tim Dolan's former Parish) with ongoing communications
- September 6, 2016 - Assisted new Saint William Parish business administrator with communications material as Parish continues addressing a priest being removed from ministry
- September 17-18, 2016 - Assisted Saint Michael, Prior Lake, with communications and media after former employee arrested for criminal sexual conduct

- September 20, 2016 - Assisted Pastor and trustee at Saint Mark (Saint Paul) after Father Forcelle allegation and his removal from ministry by the Diocese of Sioux Falls. Also notified other Parish where Father Forcelle had served in Archdiocese
- October 1, 2016 - Notified Pastors where former priest, Joseph Wajda, served that he was dismissed from the clerical state and offered communications assistance
- November 12, 2016 - Notified Pastors of Parishes where Father Joseph Forcelle served in the Archdiocese that the Diocese of Sioux Falls reinstated him to ministry in Sioux Falls
- November 28, 2016 – Assisted St. Gerard’s Parish with communications regarding a priest previously removed from ministry and who will not be returning to the parish.

14. **Clergy Assistance Plan.** The Archdiocese, with assistance from the Deans and College of Consultors, has developed a Clergy Assistance Plan under which Clergy can contact Canvas Health, a company contracted by the Archdiocese, to consult regarding issues that may arise during spiritual counseling as well as to serve as a referral source for Clergy seeking assistance with personal needs. A written document outlining the Plan was distributed to all Clergy on June 14, 2016 along with a letter from Archbishop Hebda. In addition, a workgroup comprised of priests and deacons, and chaired by Bishop Cozzens, was established on October 5, 2016. The Archbishop instructed this group to conduct a comprehensive review of Clergy formation services and assistance programs that are available throughout a priest’s lifetime – from seminary through retirement. The workgroup is scheduled to report its findings, conclusions and recommendations for improvements in April 2017. [SA at ¶ 13.5]

15. **POMS Program.** The Archdiocese and the Director have determined to phase out the POMS Program and transition participating clerics to a new Clergy assistance plan program. The Director has consulted with the RCAO regarding this plan, and those discussions remain ongoing. [SA at ¶¶ 11, 11.1, 11.1.a, 11.2, 11.3, 11.3.a-b]
16. **Safe Environment Budget.** Separate line items for the fiscal year 2017 budget were included (i) to permit the Director unilaterally, or the MRB as a body, to retain outside legal counsel regarding the matters of ministerial standards and Safe Environment and (ii) to conduct an assessment of the website. [SA at ¶¶ 8.1, 13.11.]
17. **Record Keeping** [SA at ¶ 12]
- 17.1. **Clergy.** Clergy files contain signed documents as required under the Policies: copies of all returned background checks; internal memoranda or documentation regarding Clergy misconduct; records of any allegation of sexual abuse of a minor; records of any mandatory report made to law enforcement about the Cleric; records of any internal investigations; records relating to reviews by the MRB; and any information pertaining to POMS or other assistance programs. [SA at ¶¶ 12.2, 12.4, 12.7.a-b]
- 17.2. **Essential 3 Requirements.** Records for the Safe Environment Program are retained by the OPCY, contain information related to the Essential 3 records and track recertification dates to ensure timely compliance by Archdiocesan employees and Archdiocesan Adult Volunteers. [SA at ¶ 5.6]
- 17.3. **Training Sessions.** The Office of the Director maintains records of training sessions and educational requirements through the OPCY. OPCY has a software program that tracks training sessions and maintains all attendance rosters. [SA at ¶ 12.3.]

17.4. **Background Checks.** Background checks for Clergy, Archdiocese employees, and Archdiocese Adult Volunteers are maintained by the Director. [SA at ¶¶ 5.19, 5.20.]

17.5. **Electronic Records.** The Archdiocese has implemented a records management system that maintains and tracks electronic records for the Archdiocese. [SA at ¶ 12.6.]

18. **External Audit of Settlement Agreement Compliance.** The Archdiocese is required to have an external auditor conduct an audit of the Archdiocese's compliance with the Settlement Agreement from December 17, 2015 through June 30, 2017. The Archdiocese received a proposal on August 25, 2016 from StoneBridge, an independent audit firm with demonstrated competencies and significant experience, to conduct the audit. The Director provided the RCAO with a copy of the StoneBridge proposal. StoneBridge has been selected to perform the outside audit. The RCAO will have unrestricted access to auditing personnel and underlying audit work product during the audit and for a reasonable period of time thereafter. The audit report will be provided to the RCAO and will be made publicly available. It is expected that this will occur in late summer 2017. [SA at ¶¶ 14.2, 14.2.a-e]

18.1. **Internal Audit:** The OPCY conducts periodic internal reviews to evaluate the Safe Environment Program and makes changes to the Program as needed. [SA at ¶ 14.3.]

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

19.1. **Seminary Resource.** Director O'Malley and Deputy Director Rasmussen have met with the Seminary Rectors and staff to discuss processes for the selection and evaluation of Seminary candidates and to offer assistance and resources in the processes. [SA at ¶ .6.b]

19.2. **Letter of Apology; Meeting with Victims.** In December 2015, the Archdiocese communicated with counsel for the Victims and offered to send a letter of apology from

the Archbishop. Counsel for the Victims asked the Archdiocese to refrain from sending a letter at that time. Some months later, after consulting with counsel for the Victims, the Archdiocese contacted the family of the Victims and offered to have Archbishop Hebda meet with the parents. That offer is currently under consideration by the Victims' family. The last outreach was in July 2016. [SA ¶ D]

19.3. **Meetings with Other Victim/Survivors of Clergy Sexual Abuse.** Since December 17, 2015, leaders of the Archdiocese, including the Archbishop, have met with victim/survivors of clergy sexual abuse (abuse in this Archdiocese and elsewhere). The Archdiocese has participated in, and supported, a victim/survivor program: Grief to Grace. Archdiocese leaders, as well as investigators, have also met with individuals making allegations of sexual abuse as part of both the investigative process and efforts to improve victim/survivor services. The Archdiocese has continued to meet with victim/survivors to discuss their needs as well as ideas for moving forward to include victim/survivor support groups, restorative justice sessions, meetings and conferences and speakers that may be helpful to victim/survivors. The Archbishop, Bishop, Director and Deputy Director have been involved in these meetings and are involved in ongoing efforts to enhance services and improve safe environments. [SA at ¶¶ 13.2, 13.3]

19.4. **Ombudsperson.** The Director has worked with the RCAO to identify an Ombudsperson to be available to individuals who may be seeking help or have questions. Former Hennepin County Attorney Tom Johnson has agreed to serve as the first Ombudsperson. His name and contact information will be posted on the Archdiocese website. [SA at ¶ 13.8.]

19.5. **Request to Remove Honors.** The Archdiocese has requested the removal of photos and any visible honors from public display for each cleric with a substantiated claim of sexual abuse of a minor. Specifically, on November 3, 2016, a letter from the Director was sent to all Parishes, Schools, Seminaries and Safe Environment Coordinators making this request. The Archdiocese is aware of instances where Parishes have taken action. [SA at ¶ 13.7.]

19.6. **Restorative Justice.** The Archdiocese has met with the RCAO and a Restorative Justice expert on the planning process for Restorative Justice Sessions and the conference for Restorative Justice and Reconciliation. Specifically, on March 29, 2016, the Archdiocese met with the Ramsey County Attorney's Office and others to plan for the sessions and discuss options for the conference. In addition, the Archdiocese facilitated a planning session with victim/survivors of Clergy abuse on April 28, 2016. On April 29, 2016, the Archdiocese met again with the Restorative Justice expert to discuss sessions that may be helpful to victim/survivors and to plan next steps in the Restorative Justice Project. Additionally, the Director has met with County Attorney Choi to discuss these efforts. A post-bankruptcy conference is contemplated in accordance with the Settlement Agreement. In addition, in the last few months, the Director has met with several victim/survivors who have offered to assist with future Archdiocese Safe Environment efforts. [SA at ¶¶ E, F].

19.7. **Victims Fund and the Bankruptcy Proceedings.** On May 26, 2016, the Archdiocese submitted a Plan of Reorganization in the bankruptcy proceedings. This plan was updated on November 15, 2016. As part of that plan, in addition to victim/survivor compensation, the Archdiocese seeks to establish a fund for

victim/survivor counseling as contemplated by the Settlement Agreement. [SA at ¶ H]

The Archdiocese currently offers counseling services to victim/survivors of clergy abuse (through an outside, independent service and private professionals).

19.8. **Confidentiality Agreements.** On July 20, 2016, the Archdiocese posted on its website the Settlement Agreement Amendment, setting forth the Archdiocese's agreement to release any victim/survivor of sexual abuse from any confidentiality agreement that might exist in any prior agreement with the Archdiocese. In addition, on December 12, 2016 the Archdiocese posted a statement reiterating its release of victim/survivors of any confidentiality agreement.

### **Conclusion**

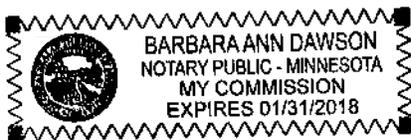
20. Based on the foregoing, we believe that the Archdiocese is in substantial compliance with the Settlement Agreement. The requirements of the Settlement Agreement are ongoing and we will to continue in our efforts in conjunction with the RCAO as contemplated by that Agreement.

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

Dated: 12/19/16

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



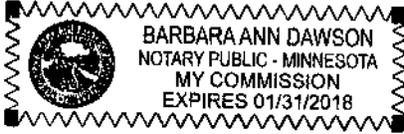
Subscribed and sworn to before me  
this 19<sup>th</sup> day of December, 2016

[Signature]  
Notary Public

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

Dated: 12/19/16

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 19th day of December, 2016

Barbara Ann Dawson  
Notary Public

ACKNOWLEDGED:

Dated: 12/19/16

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

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