

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.

**SIXTH 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 sixth periodic report to the Court and declare and report as follows:
  5. As set forth in detail below, the Archdiocese remains in substantial compliance with the requirements of the Settlement Agreement.
  6. The Archdiocese continues to provide timely briefings to the RCAO regarding Safe Environment issues and the requirements of the Settlement Agreement. The Archdiocese has met with the RCAO on a regular basis to provide specific updates on the progress made to implement this Agreement. The RCAO has provided feedback regarding these efforts. The Archdiocese has used the feedback and suggestions to continue compliance and promote a Safe Environment.
  7. **Restorative Justice.** The Archdiocese continues to make significant progress in the area of Restorative Justice. The Archdiocese, as reported previously, has met the requirements with the Restorative Justice sessions required by the Settlement Agreement. Those sessions were

beneficial and promoted healing and as a result, the Archdiocese has continued to work to promote Restorative Justice in Parishes. Over the past six months, the Director and Deputy Director 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, Ombudperson 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 December 12, 2018, to discuss customized approaches to serve individual Parishes.

A three parish pilot project led initially by a Victim/Survivor and now by the individual Parishes along with Dr. Mark Umbreit, has continued with several events taking place at the Basilica, Our Lady of Lourdes and St. Joseph the Worker. Each individual Parish is moving forward with Restorative Justice Events that are customized to address the members of the Parish. Two events were held at the Basilica. The first on September 20, 2018 – A Path to Healing where Dr. Umbreit and Justice Geske spoke (Jeanne Bishop was not in attendance). See Exhibit H. A second event occurred on November 18, 2018 to highlight Crucial Response – a Community Conversation on clergy sexual abuse. See Exhibit C. St. Joseph the Worker hosted a Path to Healing event on October 23, 2018 with Dr. Mark Umbreit. See Exhibit E. Our Lady of Lourdes held an evening for Justice, Peace and Healing on November 14, 2018. The first part consisted of a mass. See Exhibit G. The second part focused on Restorative Justice and Healing Circles. See Exhibit F. St. Odilia Catholic Community in Shoreview held an Evening for Justice, Peace and Healing on December 3, 2018. The Archbishop spoke to

the community and the Director shared what has been done to create safe environments at the event. Discussion circles were held. There were 300 attendees at this event and some of the discussion focused on next steps in the Parish, as well as the Archdiocese. See Exhibit D.

On November 29<sup>th</sup>, 2018 the Archdiocese held a Formation Day where retired Justice Janine Geske spoke to nearly 500 attendees employed within the Archdiocese. The discussion included healing circles and focused on “A Durable Hope – Sustaining Faith in a Time of Darkness”.

These efforts are ongoing and the Archdiocese continues to work with additional Parishes that are requesting to hold Restorative Justice events. [SA at ¶¶ E, F].

**8. Second External Audit of Settlement Agreement Compliance.** The second external audit took place the week of September 17, 2018. The Audit covered the Archdiocese’s compliance with the Settlement Agreement from July 1, 2017 through June 30, 2018. The RCAO again had unrestricted access to auditing personnel and underlying audit work product during the audit, attorneys from the RCAO were present at the Archdiocese for selected portions of the audit work and interviews, and also attended off site Parish and School Site Visits. On September 18, 2018, certain allegations were made in the bankruptcy proceedings that the Archdiocese was not in compliance with the Ramsey County Settlement Agreement. We immediately notified the Ramsey County Attorney’s Office with the allegations. We also provided the allegations to our external auditors and the Ramsey County Court. The external auditors then included these topics within their audit. The external auditors determined the Archdiocese is in substantial compliance with all requirements of the Settlement Agreement. Accordingly, the allegations were incorrect. The Final Report from the auditing firm, StoneBridge, an independent audit firm with demonstrated competencies and significant

experience, is attached, has been provided to the RCAO and has been made publicly available.

[SA at ¶¶ 14.2, 14.2.a-e]

**9. Internal Audit.** In the fifth report, we shared the work being done to review the Safe Environment Program, including the VIRTUS Program. An Advisory Committee had been established to evaluate the operations and effectiveness of the Safe Environment Office. The Advisory Committee reviewed results of an internal Kaizen (a process for continuous improvement) and Lean (a process to eliminate unnecessary steps) which were conducted of Safe Environment operations. Results and recommendations were made to the Office for the Protection of Children and Youth (OPCY) Advisory Committee. The first meeting of this committee occurred on April 12, 2018. The second took place on September 11, 2018 and the most recent occurred on December 10, 2018. The committee is comprised of representatives from Schools, Parishes, Clergy, Victims, and those that serve in the various roles affected by our Safe Environment work. The Committee made recommendations, which were accepted by the Archdiocese and implemented. A restructuring of the OPCY office has taken place over the past four months, which has resulted in four OPCY Program Liaisons being assigned to work directly with the Parishes and Schools to support them in their work of keeping environments safe and putting into place best practices to create safe environments. [SA at ¶¶ 5.23; 14.2.e; 14.3]

### **Elements of Continued Compliance**

#### **10. Oversight**

**10.1. Board of Directors/Audit Committee.** Consistent with the requirements set forth in the Settlement Agreement, the Board of Directors of the Archdiocese of Saint Paul and Minneapolis Corporation is knowledgeable of the Safe Environment Program and is

exercising appropriate oversight regarding the effectiveness of the program. The Board and the Board's Audit and Risk Management Committee met on September 11, 2018 and November 8, 2018. Both the Board and Committee received briefings during these meetings including updates on specific misconduct and conflict of interest cases, processes regarding the overall approach to misconduct cases, Policy revisions and developments, the implementation status of the Settlement Agreement, audit reports by Stonebridge auditors and Bishop accountability processes. A copy of this sixth report to the Court will be provided to the Committee and to the full Board on or before January 10, 2019 [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.** Over the past six months, the MRB met on July 26, 2018; October 18, 2018; December 8, 2018 and December 13, 2018. The MRB has been updated on Safe Environment operational matters and the audit. Several cases have been presented to the MRB and fitness for ministry recommendations have been made. The Director consults with the MRB regarding these and other matters on a regular basis. [SA at ¶ 2.3.]

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

**11.1. Clergy.** As of December 18, 2018, the Archdiocese confirmed that all 587 Clergy (priests and deacons) in ministry had completed the E3 requirements. The Archdiocese audits Clergy compliance annually. [SA at ¶ 5.6.c.] The Director maintains an electronic registry of Clergy compliance with the Essential 3 requirements. [SA at ¶ 5.6]

**11.2. Schools and Parishes.** The Archdiocese received Spring Audit Reports from 92 of 92 schools, 185 of 185 parishes and 5 of 5 other parish-like entities. Each entity responded with information regarding mandated record keeping for the Essential 3, overall Safe Environment requirements and curriculum implementation regarding child personal safety lessons. Those Parishes and Schools that were not in compliance received a follow up letter and must follow an implementation plan to achieve compliance. Staff have been working individually with the Parishes and Schools on their individual implementation plans. [SA at ¶ 5.6.b.]

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

**12.1. Seminaries.** As a result of the recent OPCY restructuring, the Archdiocese has assigned a Program Liaison to work directly with the Seminaries on E3 compliance and processes pertaining to that compliance. The Program Liaison, Deputy Director and other Safe Environment staff have met on-site at the Major Seminary to improve and to simplify processes. Similar meetings will be held at the Minor Seminary. [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. This spring the staff did 16 site visits and 28 were done this fall for a total of 44 sites visited this year. [SA ¶ 4.7., 14.4.]

**13. Policies.** The Settlement Agreement required certain Policy revisions and development, which have already occurred. Over the past 6 months, the standing Archdiocese Policy Review Committee has continued to review and revise Policies as contemplated by the Settlement Agreement. This Committee reviews all newly proposed policies and, at least

annually, reviews all existing policies. There have been no changes to any existing Safe Environment Policies, but there have been several other policies implemented and revised, including a Records Retention Policy and a Litigation Hold Policy. [SA at ¶¶ 2.2-2.4a; 10.4.]

## **14. Training**

**14.1. Seminary Training.** The Archdiocese continues to work closely with both Seminaries. In the past six months, the Director and Deputy Director have continued to meet and communicate with staff and the Rectors at both Seminaries. The curriculum continues to be reviewed to look for opportunities to add relevant curriculum regarding Safe Environments. On September 5, 2018, the Director provided training to the 2nd year Seminarians at the Saint Paul Seminary on Ministerial Standards and Safe Environment. On November 26, 2018, a Victim/Survivor and the Director met with the 4th 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 Major Seminary on the selection, formation, evaluation and fitness for ministry determination processes for Seminarians. As a result, both the Director and Deputy Director are participating directly in the seminarian formation and evaluation processes and will continue to work closely with the Major Seminary as fitness for ministry determinations are made. [SA at ¶¶ 7.6, 7.6.a.]

**14.2. Virtus Training.** The current Virtus Training curriculum is under evaluation. A group including Archdiocese staff and a Victim/Survivor reviewed the existing training and made recommendations for a modified training process for Victim/Survivors of sexual



abuse who are preparing to volunteer in Parishes and Schools. The recommendations were presented at the OPCY Advisory Committee meeting on December 10<sup>th</sup>, 2018. The OPCY Advisory Committee approved the recommended changes and the OPCY Staff plan to implement the modified training process in January of 2019. Further evaluation of VIRTUS continues. [SA at ¶ 5.23.]

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

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

**15.2. Public Disclosures.** The Archdiocese continues to make timely disclosures of credible allegations and substantiated claims of sexual abuse of a minor by Clerics. [SA ¶ 9.2] The Archdiocese website contains a section posting notices of substantiated claims of sexual abuse of a minor. <http://safe-environment.archspm.org/>. [SA ¶¶ 9.2, 9.4, 9.5]

## **16. Communications**

**16.1.** The Archdiocese is required to publish no less than four times a year in the Catholic Spirit a statement urging those subject to sexual abuse to contact law enforcement to make a report of the abuse. In the last six months, ads ran in the following issues of the Catholic Spirit: July 26, 2018; October 25, 2018; December 6, 2018. See Exhibit A. [SA at ¶ 6.8]

**16.2. Parish Assistance.** The Settlement Agreement requires the Archdiocese to provide assistance to Pastors and principals so that they may appropriately respond to media

inquiries and provide accurate media responses to reassure the community that abuse allegations are taken seriously. In the past six months, the Archdiocese Office of Communications has provided this assistance and served as a resource to Schools and Parishes to assist them in responding to the media. [SA at ¶ 9.1.]

17. **Clergy Assistance Plan.** As contemplated by the Settlement Agreement, the Archdiocese has developed a comprehensive and robust Clergy Assistance Plan for all Clergy. As documented in previous reports, the Archdiocese has also modified its individualized accountability and support program for a limited number of priests (formerly known as the POMS program). The objective of the new approach is to improve both accountability and support through meaningful and well-grounded interactions that take into account each participant's situation. Priests in the program are contacted regularly and in accord with their particular histories and current circumstances. For some, that means weekly contact with Assistant Director Michael Campion. Other archdiocesan and private sector individuals are also involved in measured contacts so as to provide an informed understanding of the priest's activities and environment. One goal is to ensure that priests are engaged in meaningful work or activity. Another is to be attentive to a priest's health and wellness, and be prepared to make adjustments as required. Over the past six months, the Deacon Review Committee is in the process of making recommendations based on feedback received specifically to the life of Deacons in the Archdiocese. This outreach and accountability approach continues to be evaluated by the MRB, Archdiocesan staff and participants. The Director has continued to brief the RCAO regarding the modified program.

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

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

**18.2. Ombudsperson.** Former Hennepin County Attorney Tom Johnson was selected by the Archdiocese and RCAO to serve as the Ombudsperson. We reported in the fifth report to the Court that several media outlets had published articles on Mr. Johnson's role and had provided information on how to contact him. Mr. Johnson has reported that he continues to be contacted by Victim/Survivors and has been well received as an independent, outside resource for them. Mr. Johnson also participates in meetings with Victims/Survivors, the Archbishop, the Director and Deputy Director, abuse survivor's attorneys and Archdiocesan leaders. Additionally, he has participated in Restorative Justice work and has been a part of planning and communications relating to the development and implementation of Victim/Survivor support groups. Mr. Johnson has been present at Restorative Justice sessions over the past six months where he has been introduced by the Coordinators/Facilitators to the attendees, and his role has been described along with information on how to contact him. Recently, Mr. Johnson and Director O'Malley co-authored an opinion piece that was submitted to the Star Tribune and published on December 16, 2018. See Exhibit B. [SA at ¶ 13.8.]

**18.3. Bankruptcy.** The Archdiocese has been 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 confirmation the dismissal date.” The Archdiocese is in discussion with Ramsey County and the planning is ongoing. [SA at ¶¶ E, H.]

**18.4. Letter of Apology; Meeting with Victims.** As stated in previous reports, the Archbishop has communicated with legal counsel for the Victims and family and had offered to send a letter of apology, meet with the Victims and the Victims family. Those offers remained under consideration. During this reporting period the Archbishop did meet with one of the Victims. [SA at ¶ D.]

### **Conclusion**

**19.** 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: 1/8/19

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

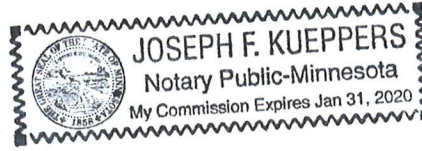
By: 

\_\_\_\_\_  
Timothy O'Malley  
Director of Ministerial Standards and

Safe Environment for the Archdiocese

Subscribed and sworn to before me  
this 8<sup>th</sup> day of January, 2019

Joseph F. Kueppers  
Notary Public



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

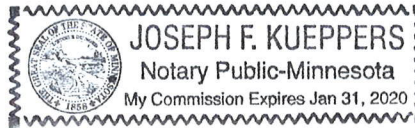
Dated: 1/8/19

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 8<sup>th</sup> day of January, 2019

Joseph F. Kueppers  
Notary Public



ACKNOWLEDGED:

Dated: 1/8/19

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

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