

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

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.

**FIRST 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 (the “Settlement Agreement”) with the Ramsey County Attorney’s Office (the “RCAO”).
  2. The Settlement Agreement contemplated that the Archdiocese would continue and enhance its Safe Environment Program as set forth in the Settlement Agreement.
  3. The Settlement Agreement became effective on January 28, 2016.
  4. The Civil Proceedings were stayed by this Court by Order dated February 10, 2016.

5. The Archdiocese makes this first periodic report to the Court pursuant to its obligations under the Stipulation to Stay Proceedings dated December 17, 2015, and this Court's Order dated February 10, 2016.

6. 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, declare and report as follows:

**Summary of Progress**

7. The Archdiocese has made significant progress implementing the requirements set forth in the Settlement Agreement. Significant work also remains to be completed to be in full compliance with the requirements set forth in the Settlement Agreement. The Archdiocese is on track to be in substantial compliance with the requirements of the Settlement Agreement on or before December 17, 2016, as contemplated by that agreement.

8. The Archdiocese has periodically briefed the RCAO regarding its progress and safe environment issues.

9. ***Oversight.*** Consistent with the requirements set forth in the Settlement Agreement, the Board of Directors is knowledgeable of the Safe Environment Program and has established a Committee that has met with the Director and has oversight responsibility for the effectiveness of the Safe Environment Program. A copy of this Report will be provided to the Committee. In addition, the Archbishop is knowledgeable about the program and regularly meets with the Director. [Settlement Agreement ("SA") at ¶¶ 2.1, 2.1(a), 2.2]

10. ***Workgroups.*** In an effort to include broad representation from all areas of the Archdiocese, workgroups, representing Parishes, Schools and different communities, were established to assist with assessment and implementation of the Settlement Agreement. The

workgroups include the following: Policy Review and Recommendation; Parish/School; Ministerial Review Board; Seminary; and Restorative Justice. Representatives of the following groups are included in the workgroups: school principals and presidents, parish administrators and priests, representatives from the College of Consultors and Seminary and lay representatives from the Ministerial Review Board. By including representation and engaging different representatives from throughout the Archdiocese, we expect the resulting work product will be best suited to needs and requirements and more easily put into practice.

11. **Policies.** The Settlement Agreement calls for certain policy requirements, some of which have been fulfilled. The Archdiocese has substantive work still to be completed in order to fulfill all of the Settlement Agreement's policy requirements, including revising certain policies. The Archdiocese is in the process of a comprehensive policy review to ensure full compliance. The Archdiocese has taken the following steps since December 17, 2015:

a. The Archdiocese has put in place a policy review process. Each new or revised policy goes through a cycle of reviews and approvals before being implemented. Senior Management and representatives from the workgroups participate in this policy review cycle for each policy prior to implementation. [SA at ¶¶ 2.2-2.4a; 10.4.]

b. The Archdiocese has developed and distributed to Parishes a Use of Parish Property Model Policy, which was completed and distributed to all Parish Administrators on April 8, 2016 (prior to the due date set forth in the Settlement Agreement). [SA at ¶ 13.10.]

c. The Archdiocese is reviewing a revised background check policy. The revised policy will include that all clergy, employees and Adult Volunteers are

subject to an initial background check and a re-check no less than every 3 years and that the background check must be completed prior to the start of service. Further, clergy shall be required to report to the Director any arrest or citation involving conduct that violates the Archdiocese Policies. Criteria for evaluating results of a background check will be included in the policy. [SA at ¶¶ 5.13, 5.14, 5.16-5.20.]

d. The Policy Review and Recommendation Workgroup is also currently drafting an Acceptable Use of Technology policy and a revised Sexual Abuse policy. These policies will include guidelines for the acceptable use of technologies including how to properly use social media and cellular phones, including text messages and procedures of access to email, voicemail and computers. The revised sexual abuse policy will include all of the requirements from the Settlement Agreement. [SA at ¶¶. 3.2-3.5, 6.1-6.10.]

e. As required, the Archdiocese is developing a comprehensive policy book. [SA at ¶ 3.1.]

12. **Essential 3.** The Archdiocese has taken significant steps towards implementation of the Settlement Agreement with regard to the Archdiocese “Essential 3” Requirements. Under the Settlement Agreement, all clergy, employees and adult volunteers who have regular or unsupervised contact with unrelated minors (“Adult Volunteers”) shall do the following: (i) acknowledge and review the Code of Conduct; (ii) take specialized child protection training, and (iii) be subject to a criminal background check. [SA at ¶ 5.1.] Since December 17, 2015, the Archdiocese has taken the following steps to ensure compliance with the Essential 3 Requirements.

a. ***Safe Environment Coordinators.*** As of June 3, 2016, the Archdiocese confirmed each School and Parish had an appointed Safe Environment Coordinator in each location. [SA at ¶ 7.7.]

b. ***Schools.*** As of June 30, 2016, the Archdiocese has received Spring Audit Reports from 91 of 92 Schools reporting their current level of compliance with the Essential 3 Requirements. In instances where a School has not completed its Spring Audit Report or was not able to report full compliance with the Essential 3 Requirement, the Archdiocese works with the School to become fully compliant. It also provides notice to the pastor, Safe Environment Coordinator and the Parish's Board of Trustees. [SA at ¶ 5.6.b.]

c. ***Parishes.*** As of July 5, 2016, the Archdiocese has received Spring Audit Reports from 187 designated Parishes and 6 other parish like entities reporting their current level of compliance with the Essential 3 Requirements. In instances where a Parish has not completed its Spring Audit Report or was not able to report full compliance, the Archdiocese is working with the Parish to become fully compliant. It will also provide notice to the pastor, Safe Environment Coordinator and the Parish's Board of Trustees. [SA at ¶ 5.6.b.]

d. ***Seminaries.*** As of June 1, 2016, the Archdiocese has received Spring Audit Reports from both the St. Paul Seminary and the St. John Vianey Seminary. Both Seminaries have provided documentation that they are in full compliance with the Essential 3 Requirements. [SA at ¶ 5.6.d.]

e. ***Other Youth Organizations.*** In addition to Schools and Parishes, there are two Catholic organizations that regularly have contact with youth in Schools and Parishes

that have voluntarily assumed the Essential 3 Requirements: NET Ministries and Partnership for Youth. As of June 1, 2016, the Archdiocese has received Spring Audit Reports from those two organizations. Both organizations have reported full compliance with the Essential 3 Requirements.

f. **Clergy.** As of July 6, 2016, the Archdiocese has confirmed that all 576 Clergy (priests and deacons) currently in ministry have completed their Essential 3 Requirements. [SA at ¶ 5.6(c)]

g. **Parish Site Visits.** The Settlement Agreement requires that the Archdiocese conduct audits every 7 years and complete no less than 15% of the audits annually during this Agreement. [SA at ¶ 14.4] To comply with this requirement, the Archdiocese must audit at least 45 Parishes and Schools each year. Between December 17, 2015 and June 10, 2016, the Archdiocese completed Safe Environment Site Visits for 25 Parishes and Schools, and as of June 30, 2016 the Archdiocese provided a summary of the audit to the pastor, Safe Environment Coordinator and the Parish Board of Trustees. The Archdiocese recommended that the summary be publicly posted by the Schools and Parishes.

13. **Training.** Since December 17, 2015, the Archdiocese has conducted the following trainings:

- o **Safe Environment Training.** Summer of 2015, the Archdiocese obtained and distributed an updated version of its Safe Environment training. The Safe Environment Training is now available in English, Spanish, Vietnamese, Polish, French, Korean. [SA at ¶ 5.2.]
- o **Code of Conduct Training.** On August 19, 2015, Director Tim O'Malley conducted a Code of Conduct training. A recording of the training was posted on the website on June 16, 2016 at <http://safe-environment.archspm.org/essential-3/>. [SA at ¶ 5.12.]
- o **Safe Environment Coordinator Training.** On February 2, 2016 and April 22, 2016 the Archdiocese conducted training for 31 Safe Environment Coordinators. [SA at ¶ 7.7.]

- In addition to the foregoing required training, the Archdiocese has also conducted the following training to further enhance Safe Environments:
  - Training for approximately 300 priests, parish administrators and other parish leaders on March 15, 2016 on mandatory reporting of child abuse.
  - Ministerial Standards and Safe Environments staff provided training to 60 Youth Ministers on April 21, 2016.
  - Training was provided to 23 new Virtus Facilitators on June 23, 2016 on mandatory reporting of child abuse.
  - Safe Environment training was provided to the seminarians at the St. Paul Seminary on November 18, 2015 and will be provided annually going forward.

14. **Resources to Seminaries.** Director O'Malley and Deputy Director Rasmussen met with Monsignor Callaghan, Sister Katarina Schuth, Father Peter Williams and Father Jeff Huard on May 5, 2016 and planned how to enhance safe environment training and provide other resources. Additional steps will be taken once classes resume in the fall. [SA at ¶ 7.6, 7.6(a), 7.6(b)]

15. **Reporting Abuse and Investigations.** All areas of the Settlement Agreement regarding investigations have been implemented.

a. **Notifying Law Enforcement.** Since December 17, 2015, the Archdiocese has received three credible allegations of child sexual abuse (an allegation is deemed "credible" if the allegation is not manifestly false or frivolous). [SA at ¶ 9.2.] Those allegations were directed to the Director, and law enforcement was notified. [SA at ¶ 6.4.] The Archdiocese took no other action (including notification of the priest, removal from ministry, public disclosure or commencement of an investigation) until the law enforcement investigation was completed or law enforcement authorized the Archdiocese to take action, as required in the Settlement Agreement. [SA at ¶ 6.4.]

b. ***Public Notification of Allegations.*** Since December 17, 2015, once approved by law enforcement to take action, the Archdiocese notified the public of the three credible allegations (Father Timothy Dolan, February 20, 2016; Father Gregory Poser, May 10, 2016, and Father Marvin Klaers, May 12, 2016). In each instance, the name of the priest was included in the posting by the Archdiocese on its website. Of these three priests, Father Dolan was in ministry in the Archdiocese and was taken out of ministry pending the investigation. Father Poser was in ministry outside of the Archdiocese, and he took leave. Father Klaers was named in a civil complaint and was no longer in active ministry. [SA at ¶ 9.2.]

In addition to those three cases noted above, the Archdiocese also notified the public of leaves from ministry taken by Father Anthony Criscitelli and Father Baldwin, two priests of the Franciscan Friars of the Third Order Regular (TOR), a religious order headquartered in Pennsylvania. One of those priests, Father Anthony Criscitelli, was criminally charged in Pennsylvania based on his supervision of another TOR religious Brother who had sexually abused minors in Pennsylvania. Father Baldwin was named in the Pennsylvania complaint and may have played a role in the supervision of the same TOR Brother, but he was not criminally charged. The names of both priests were included in the posting by the Archdiocese on its website.

Further, the Archdiocese conducted in-person presentations regarding the temporary removal of the priests and the investigative and review processes that would occur at the following locations:

- Sunday, February 21, 2016 at 4:00 pm at Saint William, Fridley, regarding the removal of Father Timothy Dolan (Bishop Cozzens and Director O'Malley)



- Monday, March 21, 2016 at 6:30 pm at Saint Austin, North Minneapolis (combined with Saint Bridget) regarding the removal of Father Anthony Criscitelli, TOR (Vicar for Clergy Father DeGrood and Director O'Malley)
- Thursday, March 31, 2016 at St. Gerards Majella in Brooklyn Park regarding the removal of Father Baldwin (Vicar General Lachowitz and Director O'Malley)

c. In February 2014, there was a media report suggesting that the Archdiocese may have failed to comply with its obligations to make an immediate public notification of the allegation against Father Dolan. In fact, in that case, the Archdiocese was cooperating with the Edina Police Department and, consistent with its obligations not to interfere with an ongoing law enforcement investigation, the Archdiocese delayed notification to the priest and the public until authorized by law enforcement. Once authorized by law enforcement, the Archdiocese made its public notification and removed the priest from ministry pending an investigation. Law enforcement completed its investigation and the county attorney did not file criminal charges. The Archdiocese has commenced its own investigation, which is ongoing. At the conclusion of our investigative and review process, the Archdiocese will make a public announcement regarding the outcome.

16. ***Communications.***

a. **Website**

- The website displays how to report allegations of sexual abuse. Victims are encouraged to come forward. [SA at ¶ 8.2.]
- A link has been provided to the Minnesota Sheriff's Association website that lists all law enforcement contacts along with a map with the appropriate jurisdiction and who to contact. [SA at ¶ 8.3.]
- Not all website requirements have been implemented. For example, we are in the process of identifying a web developer who can provide an assessment on improvements to the Safe Environment resources on the website and to assist with creating a location where all policies, including the sexual abuse policy link, are easily accessible on the website. [SA at ¶¶ 8.1, 8.4.8.5]

**b. Publications/ Other Communications**

- 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 of a minor to contact law enforcement to make a report of the abuse. [SA at ¶ 6.8.] On February 4, 2016, and June 23, 2016 the Archdiocese made such a publication in the Catholic Spirit and is scheduled to make additional publications on September 16, 2016 and November 23, 2016.
- The Archdiocese provides Parishes and Schools with posters and brochures encouraging the reporting of sexual abuse. [SA at ¶ 6.6, 6.9.] Posters and brochures were previously distributed to all Schools and Parishes in June of 2015. Parishes and Schools are checked 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.
- Materials regarding reporting abuse have been developed and are available to Seminaries, Parishes and Schools electronically. [SA at ¶ 6.6, 6.9.]
- The Archdiocese and its Office of Communications serves as a media resource to Schools and Parishes to assist them in responding to media inquiries regarding allegations of sexual abuse. [SA at ¶ 9.1.] Archdiocese staff met with and assisted Parish and School staff on the below dates:
  - February 19, 2016 St. Williams, Fridley
  - March 15, 2016 St. Bridgets, Minneapolis
  - March 17, 2016 St. Rose, Roseville
  - March 22, 2016 St. Gerards, Brooklyn Park

- The Archdiocese works with Parishes and Schools to make public presentations at the parishes regarding decisions to return a priest to ministry.

Below are the dates and locations in which these meetings were held:

- Sunday, April 3, 2016 at Corpus Christi Church, Roseville, regarding the reinstatement of Father Robert Fitzpatrick (Bishop Cozzens and Director O'Malley)
- Monday, April 4, 2016 at 7:00pm at Saint Rose of Lima, Roseville, regarding the reinstatement of Father Robert Fitzpatrick. (Archbishop Hebda, Bishop Cozzens and Director O'Malley)

17. ***Ministerial Review Board (MRB)***. Since December 17, 2015, the Archdiocese has taken the following actions:

- Director O'Malley has consulted with the Ramsey County Attorney regarding MRB membership. The names of all MRB members are provided to the Ramsey County Attorney. [SA at ¶ 10.6.] Upon a recommendation from County Attorney Choi, Ms. Patty Wetterling became a member of the MRB in July of 2016.
- All members of the MRB are informed of new policies and members are updated regarding the status of policy development and implementation. Two members of the MRB are part of the policy review process recently put in place and they help to write and edit the policies. [SA at ¶ 10.4.]
- All decisions regarding fitness for ministry made by the Archbishop are based upon the recommendation of the MRB and the Director, and all such decisions have been reported back to the MRB and the Director. [SA at ¶ 7.3(a)]

18. ***Safe Environment Budget***. To facilitate implementation of the Settlement Agreement, in February 2016, a Deputy Director was hired to assist with the Safe Environment

Program. In addition, separate budget line items for the fiscal year 2017 budget were included allowing the Director to retain outside legal counsel (if necessary) and for an external website assessment. [SA at ¶¶ 8.1, 13.11.]

19. **Background Check.** On April 28, 2016, Director O'Malley and Deputy Director Rasmussen met with the Bureau of Criminal Apprehension (BCA) to explore options about the future application of fingerprinting technology as part of the background check. The Archdiocese will conduct more research and will consult with the Ramsey County Attorney's Office. [SA at ¶ 5.15.]

#### **Other Aspects of the Settlement Agreement**

20. **Letter of Apology.** 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 the letter at that time. Some months later, after consulting with, and receiving permission from counsel for Victims, the Archdiocese contacted the family of the Victims and offered to have Archbishop Hebda meet with the Victims' and the Victims' parents. That offer is currently under consideration by the Victims' family. [SA at ¶ D.]

21. **Meetings with Other Victims 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 with and supported a victim/survivor program Grief to Grace. Archdiocese leaders have also met with leaders of victim/survivor support groups. Archdiocese investigators have also met with individuals making allegations of sexual abuse as part of the investigative process.

22. **Restorative Justice.** The Archdiocese has met with the Ramsey County Attorney's Office and a Restorative Justice expert to begin the planning process for Restorative Justice sessions and a conference. 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 victims of clergy abuse on April 28, 2016. On April 29, 2016, the Archdiocese met again with the Restorative Justice expert to discuss the session that was held with the victims and to plan next steps in the Restorative Justice project. [SA at ¶ E, F.]

23. **Victims Fund and the Bankruptcy Proceedings.** On May 26, 2016, the Archdiocese submitted a Plan of Reorganization in the Bankruptcy Proceedings. As part of that plan, in addition to victim compensation, the Archdiocese seeks to establish a fund for victim counseling. [SA at ¶ H.] Furthermore, the Archdiocese asked that the Plan of Reorganization include the Settlement Agreement and its requirements as part of the reorganization plan. The Archdiocese currently offers counseling services (through an outside, independent service) to victims of clergy abuse.

24. **Amendment of the Settlement Agreement.** On or before July 8, 2016, the Archdiocese and the RCAO will agree to modify and amend the Settlement Agreement to add additional enhancements to the agreement.

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

Dated: 7-7-16

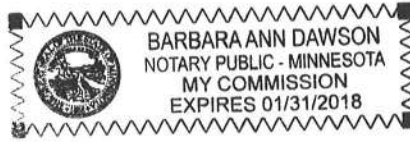
THE ARCHDIOCESE OF ST. PAUL AND  
MINNEAPOLIS, a Minnesota corporation

By: Timothy O'Malley  
Timothy O'Malley  
Director of Ministerial Standards and

Safe Environment for the Archdiocese

Subscribed and sworn to before me  
this 7<sup>th</sup> day of July, 2016

Barbara Ann Dawson  
Notary Public



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

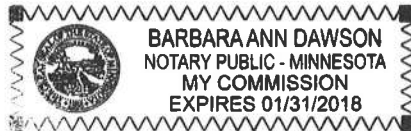
Dated: 7-7-16

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 7<sup>th</sup> day of July, 2016

Barbara Ann Dawson  
Notary Public



ACKNOWLEDGED:

Dated: 7/7/2016

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

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