

Safe Environment and Ministerial Standards Task Force

Report and Recommendations to Protect Children from Clergy Sexual Abuse

*Submitted to the Episcopal Vicar
For Ministerial Standards of the
Archdiocese of Saint Paul and Minneapolis*

March 31, 2014

TABLE OF CONTENTS

| | Page |
|---|-------------|
| EXECUTIVE SUMMARY | 1 |
| I. INTRODUCTION AND BACKGROUND | 4 |
| A. Crisis Facing the Archdiocese..... | 4 |
| B. Formation of the Task Force | 7 |
| C. Task Force Work Plan..... | 8 |
| D. Focus on Structure and Process..... | 8 |
| E. Clergy Sexual Abuse: The Case of Father Curtis Wehmeyer | 10 |
| F. The Importance of Culture and Values | 11 |
| II. RECOMMENDATIONS..... | 12 |
| Recommendation One: Organizational Structure..... | 12 |
| A. Clergy Review Board..... | 12 |
| 1. One Unified Board Should Hear All Complaints..... | 12 |
| 2. Membership and Composition..... | 12 |
| 3. Duties and Responsibilities..... | 13 |
| 4. The Archbishop’s Relationship with the Clergy Review Board..... | 13 |
| 5. Meetings and Record Keeping..... | 14 |
| B. Delegate for Safe Environment..... | 14 |
| 1. Duties and Responsibilities..... | 14 |
| 2. Interface with the Clergy Review Board | 16 |
| 3. Record Keeping | 16 |
| C. Promoter of Ministerial Standards | 16 |
| 1. Duties and Responsibilities | 16 |
| 2. Interface with the Clergy Review Board | 16 |
| 3. Record Keeping | 17 |
| D. Victim Advocate | 17 |
| Recommendation Two: Auditing and Monitoring..... | 20 |
| A. Compliance Auditing and Monitoring (CAM)..... | 20 |
| B. Internal Monitoring | 20 |
| C. Outside Consultant | 20 |
| D. Annual Independent Audit..... | 20 |

| | Page |
|---|-------------|
| Recommendation Three: Record Keeping and Electronic Information | 22 |
| A. Establish Consistent and Central Record-Keeping Regarding Clergy Sexual Abuse of Minors | 22 |
| B. Acceptable Use Policy for Electronics | 22 |
| C. Disposal of Electronic Communication Devices | 23 |
| D. Record Retention Policies | 23 |
| Recommendation Four: Reporting Suspected Misconduct | 25 |
| A. An Anonymous Complaint Reporting Mechanism | 25 |
| B. Enhanced Availability of Information on How to Report Clergy Misconduct | 25 |
| C. Anti-Retaliation Policy | 26 |
| Recommendation Five: Seminary | 27 |
| A. Admission Procedure | 27 |
| B. Seminarian Evaluation and Education | 27 |
| Recommendation Six: “The Essential Three” | 28 |
| A. Background Checks | 28 |
| B. Safe Environment Training | 29 |
| C. Code of Conduct | 29 |
| III. CONCLUSION | 31 |
| APPENDICES | 33 |
| Appendix A: The Archdiocese and Sexual Abuse by Clergy: A Short History | 34 |
| Appendix B: The Task Force: Formation and Members | 39 |
| Appendix C: The Work of the Task Force | 43 |
| Appendix D: Glossary of Terms | 47 |

EXECUTIVE SUMMARY

Beginning in the fall of 2013, the **Archdiocese** of Saint Paul and Minneapolis (“the Archdiocese”) faced a crisis arising from media reports that it had mishandled complaints of sexual abuse of minors by its **clergy**. The media reports suggested a betrayal by the Church of its fundamental duty to protect children entrusted to its care. These allegations were irreconcilable with the commitment of the Church to provide a **safe environment** for all children, stated in The **Charter** for the Protection of Children and Young People (“**Dallas Charter**”) adopted by the **United States Conference of Catholic Bishops** in June 2002. The reports were also shocking and confounding given the Archdiocese’s difficult experience with similar misconduct decades before and the damage it caused to both victims and the Church.

Archbishop John C. Nienstedt responded on October 5, 2013, by establishing a new Office of **Episcopal Vicar for Ministerial Standards** to assume full responsibility for all issues related to clergy sexual misconduct. In turn, the Episcopal Vicar established “an independent, **lay** task force to review any and all issues related to clergy misconduct and to make specific recommendations regarding actions to be taken and policies and procedures to be implemented.”

The volunteer, seven-member Task Force appointed by the Episcopal Vicar agreed from the outset on a single overriding goal for its work: the protection of children. The Task Force did not undertake to investigate specific allegations of clergy sexual abuse of minors; rather, its focus was on the efficacy of the Archdiocese’s Safe Environment organizational structure and its processes related to preventing and detecting such abuse. The Task Force met 23 times between October 2013 and March 2014. Its members interviewed 32 individuals (including Archdiocese officials, parish priests, experts and advocates experienced in child abuse issues, and other members of the community) and reviewed thousands of pages of documents.

The Task Force’s work revealed serious shortcomings in the Archdiocese’s implementation of the Dallas Charter:

1. For many years, the Archdiocese concentrated too much power in one or two individuals to make decisions regarding allegations of clergy sexual abuse of minors. These individuals were not subject to adequate oversight nor their decisions and actions subject to monitoring and audit. Processes and decisions have appeared secretive and sequestered, even if that was not the intent.
2. Communication within the Archdiocese and with the faithful, the public, the media, and victims of abusive clergy about clergy sexual abuse of minors has been inadequate and, at times, non-existent. Information became compartmentalized which prevented decision-makers and relevant boards from knowing all the pertinent information, including early warning signs which could have suggested future problems.
3. The Archdiocese’s record-keeping regarding the performance and conduct of its clergy is not comprehensive or coordinated and relies on outdated systems. Among other things, facts that relate to clergy misconduct are often unavailable to decision-makers at important points in the process.

4. The Archdiocese has no meaningful compliance auditing and monitoring program to evaluate, test, and monitor compliance with policies and procedures that are designed to prevent and detect sexual abuse of minors.
5. The Archdiocese has a confusing and inadequate complaint-reporting mechanism.

The Task Force recommends the following:

1. The Archdiocese's Safe Environment organizational structure should be revised. There should be a single review board and the authority of this single **Clergy Review Board**, composed of a majority of laypeople, should be expanded to receive and review all allegations of clergy misconduct. The **Delegate for Safe Environment**, a lay person, should be the Archdiocese's responsible officer to manage its response to reports of all clergy misconduct, and should support and coordinate the activities of the Clergy Review Board, the **Promoter of Ministerial Standards**, the **Victim Advocate**, and the **Office for the Protection of Children and Youth**.
2. The Archdiocese should create a comprehensive **Compliance Auditing and Monitoring (CAM) Program** to ensure that its entire **Safe Environment Program** is effective. The CAM Program should be developed with the assistance of outside consultants, and implemented by the Clergy Review Board and the Delegate for Safe Environment. The Archdiocese's Safe Environment Program should also be subject to an annual independent external audit.
3. The Archdiocese should develop a more effective record-keeping procedure to ensure that information related to clergy sexual misconduct is compiled, centralized and made accessible to Safe Environment decision makers. It should also formulate policies for the acceptable use of electronic devices and communication; the screening of electronic devices prior to disposal; and the retention of documents and electronically stored information. These changes will help prevent and detect violations of Archdiocesan Safe Environment policies.
4. The Archdiocese should strengthen and expand its mechanisms to receive complaints of clergy sexual abuse (including anonymous reporting mechanisms), utilize web-based and traditional communication methods to educate the public on reporting clergy misconduct, and protect individuals from retaliation for making complaints.
5. The Archdiocese should continue to look to the Saint Paul Seminary as a resource in preventing clergy sexual abuse of minors. By strengthening the candidate selection process in the Archdiocese and maintaining a robust admissions and evaluation framework, by inviting evaluation by the entire faculty (including lay faculty), and by providing adequate education on these issues for seminarians, the Saint Paul Seminary can assist with the ultimate goal of protecting children.

6. The Archdiocese should enhance implementation of the “The Essential Three” components of its Safe Environment programming by improving its background check process, expanding its training, and updating its Codes of Conduct.

**REPORT OF THE SAFE ENVIRONMENT
AND MINISTERIAL STANDARDS TASK FORCE:**

Report and Recommendations to Protect Children from Clergy Sexual Abuse

I. INTRODUCTION AND BACKGROUND

A. Crisis Facing the Archdiocese

Beginning in late September 2013, Minnesota Public Radio (MPR) broadcast a series of reports describing sexual abuse of minors¹ by priests serving the Archdiocese of Saint Paul and Minneapolis.² MPR's initial reports focused on two priests: one who had been arrested in June 2012 for criminal sexual contact with minors, and another whose computer was found to contain pornographic images of young men. The reports stated that leading **clergy** in the Archdiocese had known about the misconduct but looked away and allowed the priests to remain in their parishes. MPR's investigations relied in large part on disclosures by an Archdiocese "insider": its former **Chancellor for Canonical Affairs** who left the Archdiocese in April 2013.

Within weeks of these revelations, key officials responsible for monitoring clergy misconduct resigned their positions within the Archdiocese. Members of the Catholic community were stunned by these reports that priests had harmed children entrusted to their care. They were even more shocked by the accusations that the Church's leadership failed to detect the misconduct; waited or declined to report misconduct to law enforcement authorities; and allowed offending

¹ This Report uses several shorthand phrases to describe sexual abuse by clergy of minors. The Dallas Charter and the John Jay Study adopt the same definition of "sexual abuse of a minor" to include "contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification for the adult." The activity need not involve explicit force or physical contact, and will be considered abusive even if it is initiated by the child or results in no discernible harm. The Minnesota statute that mandates the reporting of mistreatment of minors (Minn. Stat. § 626.556) defines "sexual abuse" to include activities prohibited as "criminal sexual conduct" under the state's criminal code (Minn. Stat. §§ 609.342 to 609.3451). The reader of this Report should consider its references to clergy sexual abuse to be broad enough to include these prohibited activities.

These references should be also be construed to include sexual abuse by clergy of any "**vulnerable adult**," defined to include an adult who possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction (1) that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and (2) because of the dysfunction or infirmity and the need for care or services, the individual has an impaired ability to protect the individual's self from maltreatment. See Minn. Stat. § 626.5572, subd. 21(a)(4). The Task Force's recommendations are meant to protect that group as well.

² Unless otherwise noted in this Report, the Task Force uses the term "Archdiocese" broadly to refer both to the 12-county jurisdiction of the Roman Catholic Church in Minnesota as established by the Holy See, and also to the **Chancery Corporation** organized under Minnesota law to manage the temporal affairs of the Archdiocese through the Chancery's administrative and program offices and departments. Parishes, their related schools and other separately incorporated Roman Catholic entities within the Archdiocese's geographic reach are not under the fiscal or operating control of the Chancery Corporation.

priests to continue to work without disclosing the misconduct to their parishes. Many felt that the Church had again betrayed its faithful by placing its children in jeopardy and failing to hold its clergy accountable for their abuse.

Attention to the problem of clergy sexual abuse of minors is nothing new to the Catholic Church in the United States or this Archdiocese. It has been acknowledged by this Archdiocese since at least the late 1980s, when the Archdiocese issued the first written policy in the nation designed to protect minors from clergy sexual abuse. **Appendix A** to this Report provides a summary of how awareness about this abuse emerged nationwide in the late 1970s and 1980s, and how the Church in Minnesota responded at the forefront of the problem.

Following the eruption of a major clergy sex abuse scandal in Boston in early 2002, Archbishop Harry Flynn led the development by the **United States Conference of Catholic Bishops** of a comprehensive national set of policies and procedures for dealing with child sexual abuse. In June 2002, the Conference met in Dallas and overwhelmingly approved the Charter for the Protection of Children and Young People. The Dallas Charter committed the Church in the United States to provide a safe environment for all children.³ The Conference also established the Essential Norms which required dioceses to follow specific procedures in the reporting and handling of allegations of clergy sexual abuse.⁴ Many of the elements of the Dallas Charter and the Essential Norms were modeled on policies that had been developed by this Archdiocese, most notably the appointment of clergy review boards in the dioceses to monitor priests accused of misconduct.

A National Review Board created by the Dallas Charter later commissioned a study on the nature and scope of the problem of sexual abuse of minors by clergy, which was released in February 2004.⁵ This landmark study, conducted by the **John Jay College** of Criminal Justice at The City University of New York (“John Jay Study”), analyzed allegations of sexual abuse during the time period from 1950 through 2002 gathered from surveys collected from 98% of dioceses nationwide.⁶ Based on these surveys, the John Jay Study reported 4,392 priests (or 4% of all active priests during that time period) with allegations of abuse made by 10,667 individuals that “were not withdrawn or known to be false.”⁷

³ United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People* (2002). <http://www.diocesephoenix.org/uploads/docs/charterProtection.pdf> The Charter remains in force after revisions in 2005 and 2011. United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People* (2011). <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/Charter-for-the-Protection-of-Children-and-Young-People-revised-2011.pdf>

⁴ United States Conference of Catholic Bishops, *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, December 8, 2002. <http://www.diocesephoenix.org/uploads/docs/2005EssentialNorms.pdf>

⁵ John Jay College Research Team, *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States: 1950-2002, A Research Study Conducted by the John Jay College of Criminal Justice*, February 2004. <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/The-Nature-and-Scope-of-Sexual-Abuse-of-Minors-by-Catholic-Priests-and-Deacons-in-the-United-States-1950-2002.pdf>.

⁶ *Id.* at 3.

⁷ *Id.* at 4.

The Archdiocese reviewed its own records in order to respond to the survey requested by the original John Jay research team. In December 2003, the Archdiocese issued a press release reporting the results of the review, which found that, in the past 50 years, “credible allegations” of child sexual abuse were made against 33 priests (26 diocesan priests and 7 priests from other dioceses who had worked in the Archdiocese).⁸ These priests represented 2.2% of diocesan priests, and 1.1% of all priests who worked in the Archdiocese during the time period.⁹

A second John Jay Study, completed in 2011, studied the causes and context of the 2004 report’s findings, stating that “[n]o single ‘cause’ of sexual abuse of minors by Catholic priests is identified as a result of our research.”¹⁰ The study also noted: “The count of incidents [of sexual abuse of minors by Catholic priests] per year increased steadily from the mid-1960s through the late 1970s, then declined in the 1980s and continues to remain low.”¹¹ Finally, this study found that it was difficult to predict whether an individual would commit sexual abuse, and that situational factors and opportunity to abuse played a significant role in the onset and continuation of abusive acts.¹²

The Task Force assumed, consistent with the John Jay findings, the report from the Archdiocese, and other research on child abuse, that the number of **clerics** who engage in child sexual abuse is a very small fraction of the clergy. That is not to say, however, that the problem is not serious.

Today, 428 priests and 182 **deacons** serve 188 parishes and approximately 825,000 Catholics in the Archdiocese.¹³ The Task Force acknowledges that the vast majority of these clergy have served the Church, including the children, with devotion, humility and honor. The Task Force recognizes the possibility that erroneous, unfounded or false accusations, while rare, might result in innocent priests being unjustly accused of sexual abuse involving minors, and further recognizes that the fear of that happening is a concern for some clergy. While the Task Force recognizes these concerns, we note that nothing about the policies and procedures advanced in this Report will increase the risk of false accusations. Our goal is to advance policies and procedures that will prevent and detect clergy sexual abuse of minors.

The Task Force is united around a single goal: the protection of children. The unsettling disclosures in recent months suggest that the Archdiocese must direct greater attention and action

⁸ Press Release, “Archdiocese of St. Paul and Minneapolis Reports Child Protection Update, Statistics,” December 11, 2003, at 2.

⁹ *Id.*

¹⁰ John Jay College Research Team, *The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010*, (March 2011) at 2. <http://usccb.org/issues-and-action/child-and-youth-protection/upload/The-Causes-and-Context-of-Sexual-Abuse-of-Minors-by-Catholic-Priests-in-the-United-States-1950-2010.pdf>.

¹¹ *Id.*

¹² *Id.*

¹³ *Our History*. <http://www.archspm.org/about/our-history.php>

to those isolated cases where a few priests—if they remain undetected, unreported, untreated, and undisciplined—could put children and youth in jeopardy. The scope and severity of the problem, the public perception as influenced by the media attention, the devastating impact to the lay and religious communities in terms of eroding trust, and the public safety threat posed by inaction demanded a rapid but deliberate response by the Archdiocese.

B. Formation of the Task Force

In response to the public outcry over the MPR and other media reports, on October 5, 2013, Archbishop John C. Nienstedt established a new Office of Episcopal Vicar for Ministerial Standards to assume full responsibility for all issues related to clergy sexual misconduct, and appointed Reverend D. Reginald Whitt, O.P. to the position. The Archbishop also charged the new Episcopal Vicar with the duty "to establish an independent Task Force" so that "there can be no question as to the integrity" of the policies and procedures employed by the Archdiocese and its clergy in responding to reports of sexual misconduct.¹⁴

Father Whitt promptly established an independent, lay task force “to review any and all issues related to clergy misconduct and to make specific recommendations regarding actions to be taken and policies and procedures to be implemented” to protect children and youth from clergy sexual misconduct.¹⁵ He appointed seven lay members to the Task Force: Kathleen Erickson DiGiorno, Julie Oseid, Vicki Oster, Brook Schaub, Brian Short, Colleen Striegel and Michael Thompson. Father Whitt appointed Ms. DiGiorno as chair.

Biographical summaries of the Task Force members appear at **Appendix B** to this Report. All members of the Task Force volunteered their time, and all were in complete support of the Task Force’s primary goal: the protection of children.

The Archbishop and the Episcopal Vicar desired that the Task Force be formed and act independently of the Archdiocese to ensure the integrity of its findings and recommendations. To that end, the Task Force organized itself as a separate nonprofit corporation under Minnesota law.¹⁶ The Archbishop and the Episcopal Vicar promised full access and cooperation from the Archdiocese regarding information relevant to its review.

¹⁴ *Statement Regarding Safe Environment and Ministerial Standards Task Force*, October 6, 2013.

<http://www.archspm.org/news-events/news-detail.php?intResourceID=10134>.

¹⁵ Archdiocese of Saint Paul and Minneapolis, Clergy Bulletin, *Establishment of the Safe Environment and Ministerial Standards Task Force*, Volume XXXIX, Number 5 (October 6, 2013),

http://www.archspm.org/_uls/resources/Safe_Environment_and_Ministerial_Standards_Task_Force__2.pdf.

¹⁶ To preserve the Task Force’s independence, the Episcopal Vicar, as the incorporator of the nonprofit corporation, elected the members of the Task Force to serve as the first board of directors of the nonprofit corporation. That board, with the assistance of independent pro bono legal counsel, approved bylaws creating a governance structure that is neither accountable nor dependent on the Archdiocese for its existence or self-perpetuation.

C. Task Force Work Plan

The work of the Task Force spanned six months. It met as a full group 23 times, holding its first meeting on October 9, 2013, and its final meeting on March 27, 2014.¹⁷

Much of the time of the Task Force was devoted to interviews of individuals with knowledge of the Archdiocese's experience with clergy sexual abuse. The Task Force wanted input from several different perspectives. Specifically, the Task Force sought input from clergy, victims, Archdiocesan staff, Saint Paul Seminary staff, Clergy Review Board members, experts in child sexual abuse, and experts in clergy sexual abuse. The Task Force is extremely grateful to those individuals who agreed to be interviewed and appreciates their honest, candid responses. Their input allowed us to have deeper understanding of and insight into the issues and enabled us to complete our report.

Accordingly, the Task Force—as a group or through one or more of its members—interviewed 32 people. The individuals interviewed are identified in **Appendix C** to this Report. Because the Task Force could not compel participation, those who appeared for interviews did so voluntarily and with a spirit of cooperation. In only two instances—involving former Archdiocese officials represented by counsel—did individuals decline the Task Force's request for interviews. In another instance, the Archdiocese was unable to provide access to or contact information for another former Archdiocesan official.

The Task Force also reviewed thousands of pages of information in hard copy and electronic form. These included the Dallas Charter, the John Jay research studies, and other fundamental Church policy statements; relevant Clergy Bulletins and other Archdiocese policy and guidance documents; Clergy Review Board files; a sample of individual clergy files¹⁸; training materials; expert research and resources; applicable Minnesota statutes; and media reports. Those materials are also listed in **Appendix C**.

D. Focus on Structure and Process

The Task Force agreed early on that its job was not to investigate or make factual determinations about any particular allegation of clergy misconduct. Rather, it would focus on the Archdiocese's organizational structure, and on policies and procedures related to prevention and detection of clergy sexual abuse of minors. Specifically, the Task Force wanted to understand whether Archdiocesan policies and procedures in this area were adequate; what factors contributed to the breakdowns that allowed instances of abuse to occur despite the presence of policies and procedures designed to prevent it; and whether there were best practices either implemented in other archdioceses or recommended by experts that should be adopted in this Archdiocese.

¹⁷ Meetings were held October 9, 16, 23 and 29; November 6 and 27; and December 15 and 18, 2013; January 8, 9, 15, 22, 29; February 5, 12, 16, 19, and 26; March 5, 9, 16, 23, and 27, 2014. A typical meeting lasted between two and four hours.

¹⁸ The Task Force was aware that Kathleen McChesney and **Kinsale Management Consulting** were retained by the Archdiocese to conduct a comprehensive review of individual clergy files.

At the outset of its work, the Task Force identified the Dallas Charter and the Essential Norms as important foundational policy documents. This Archdiocese has been diligent in adopting policies and procedures to meet the requirements of the Dallas Charter and the Essential Norms. We encourage both the United States Conference of Catholic Bishops and this Archdiocese to continue to try to understand the behaviors that caused this crisis and how it has been allowed to continue. While we believe that the requirements of the Dallas Charter and Essential Norms will continue to provide the fundamental guidance to this and other dioceses, we encourage all those who have responsibility in these areas to remain vigilant and to review and revise policies and procedures in light of experience and new understandings.

In 1995, well before the Dallas Charter, the Archdiocese created a Clergy Review Board to handle all issues which related to clerical misconduct. However, as time went on, the Clergy Review Board seemed to focus solely on issues which related to clergy sexual misconduct. Recently, the Archdiocese created another review board, the **Ministerial Standards Board**. The Archdiocese concluded that the Clergy Review Board would deal only with issues related to clergy sexual misconduct with minors—the so-called Dallas Charter offenses—and the Ministerial Standards Board would deal with all other issues of misconduct, including sexual misconduct which did not involve minors. The Task Force believes that this division and restriction on the jurisdiction of the Clergy Review Board limits its effectiveness, and therefore recommends a single review board that will address all clergy misconduct.

For many years, one individual served as **Vicar General**¹⁹ and, after the position was created, as the Delegate for Safe Environment. The Vicar General is the principal deputy to the Archbishop. He is responsible for the day-to-day operations of the Archdiocese and supervises all clergy. The Delegate for Safe Environment, on the other hand, is a relatively new position. Although the position lacked a formal job description, the Task Force determined that the Delegate was responsible for managing the processes and procedures designed to prevent and detect sexual abuse of minors.

The Task Force concluded that the functions of the Vicar General and the Delegate are both distinct and demanding, and should not be held by the same person. Additionally, the Task Force found that both positions had been held too long by the same official; that he was allowed to exercise too much discretion in the handling of cases without oversight or review by the Clergy Review Board; and that he sometimes failed to inform the Clergy Review Board of allegations and violations of policy.

The recommendations of the Task Force are meant to address such shortcomings in the Archdiocese's organizational structure, policy, process, and practice.

¹⁹ The Vicar General also held the canonical title of Moderator of the Curia, the office responsible for the Archdiocese's administrative functions.

E. Clergy Sexual Abuse: The Case of Father Curtis Wehmeyer

Although its focus was not on individual cases, the Task Force did study in detail the Archdiocese's response to the misconduct of Father Curtis Wehmeyer, a St. Paul priest whose abuse of minors resulted in a conviction for criminal sexual conduct in 2012.²⁰

Between May 2004 and September 2009, Wehmeyer exhibited problematic sexual behavior. He was observed engaging in sexual banter with young men in a Roseville bookstore; questioned by police when they saw him "cruising" at a Maplewood park known to law enforcement as a place for those looking for anonymous sexual contacts; and arrested for Driving Under the Influence (DUI) in Spring Valley, Minnesota. For these behaviors, the Archdiocese placed him on a program for monitoring by its Promoter for Ministerial Standards. While he was being monitored, the Archdiocese received reports that Wehmeyer was camping with boys during the summers of 2009 and 2010, however, no one alerted the Promoter or the Clergy Review Board. Indeed, the Wehmeyer case never came before the Board.

Even acknowledging the benefit of hindsight and recognizing the complexity of predicting the likelihood that any individual will sexually abuse minors, the Task Force believes that there were sufficient warning signs to suggest the need for a more aggressive and coordinated response to Wehmeyer's misconduct, including referral to the Clergy Review Board. Some of these behaviors were noticed by parishioners, parish staff members and fellow priests. Some of these concerns were brought to the attention of senior members of the hierarchy. With respect to some of those reports there was apparent follow-up and monitoring; with respect to others there was none.

Wehmeyer's case illustrates structural deficiencies in the Archdiocese Safe Environment program and problems with the implementation of Archdiocesan policies. Several key decisions regarding how to respond to his misbehavior were made by a Vicar General who, by 2004, had supervised the handling of all cases of clergy misconduct for 13 years; this individual served as both the Delegate for Safe Environment and the Vicar General, effectively removing checks and balances that would result from separation of duties and a lay person in role of Delegate. Because Wehmeyer's misbehavior arguably had not yet risen to the level of offenses covered by the Dallas Charter, the Vicar General and other diocesan officials viewed it as outside the jurisdiction of the Clergy Review Board. The isolated reports of Wehmeyer's camping trips with boys were discounted and not shared with Archdiocese officials who were already monitoring the priest. While there is evidence that the VIRTUS training was successful in that it triggered reports by clergy and laypeople of what they viewed as "red flag" behavior by Wehmeyer, unfortunately those reports were not handled well by Archdiocesan officials, causing a delay that may have allowed further abuse to occur.

²⁰ The Task Force relied upon its counsel's review of Wehmeyer's file retained by the Archdiocese, as well as media reports regarding the priest's misconduct and the Archdiocese's response to it. A written summary of the file review has been submitted to the Episcopal Vicar confidentially under separate cover. We are submitting the summary in confidence for two reasons: first, it contains references to facts relating to Wehmeyer's victims and their family that are not all in the public record, and second, it contains confidential medical information. It is not the Task Force's place to release this information.

The Task Force views Wehmeyer’s case as an example of how important elements of the Archdiocese’s system for protecting children were not implemented and ultimately failed.

F. The Importance of Culture and Values

The Task Force considered the impact of cultural forces within the Church on the Archdiocese’s response to reports of clergy sexual abuse. Such factors included the hierarchical and exclusive nature of Catholic clergy, commonly referred to as “**clericalism**,” a tendency to view clergy misconduct through the prism of sin and forgiveness rather than accountability and discipline; and the priority given to privacy and discretion in protecting the reputation of the Church and its clerics. The Task Force makes no findings regarding the influence of these factors beyond noting the widespread perception among the lay community that they have weakened the Archdiocese’s approach to the problem and have fostered distrust and lack of transparency during the recent crisis.

The recommendations made in this Report will not be realized if they are not supported by the prevailing culture and values within the Archdiocese. Of course, the Task Force cannot mandate a change in institutional culture; that is the responsibility of the Archbishop and his leadership team. We simply ask the Archdiocese to be mindful of potential resistance to these recommendations and to consider how it can best lead its clergy past institutional obstacles to implementation of its Safe Environment program. We further urge the Archdiocese to strive for greater transparency around issues related to clergy sexual abuse as it would inspire confidence among the faithful and ultimately contribute to the protection of children.

II. RECOMMENDATIONS

Recommendation One: Organizational Structure

The Archdiocese’s Safe Environment organizational structure should be revised. There should be a single review board and the authority of this single Clergy Review Board, composed of a majority of laypeople, should be expanded to receive and review all allegations of clergy misconduct. The Delegate for Safe Environment, a lay person, should be the Archdiocese’s responsible officer to manage its response to reports of all clergy misconduct, and should support and coordinate the activities of the Clergy Review Board, the Promoter of Ministerial Standards, the Victim Advocate, and the Office for the Protection of Children and Youth.

A. Clergy Review Board

1. One Unified Board Should Hear All Complaints.

One Review Board should receive and consider all complaints about clergy misconduct of any kind. With respect to clergy misconduct, the Clergy Review Board should function as the Audit Committee (or Compliance Committee) of the Archdiocese.

2. Membership and Composition

The Clergy Review Board should be made up of at least seven, but not more than eleven members, appointed by the Archbishop, the majority of whom will be lay persons who are not in the employ of the Archdiocese. This review board should function as the review board called for by the Dallas Charter. In addition to the membership called for by the Dallas Charter, members should include an active or retired law enforcement officer with experience in sex crimes and a lay person with experience in compliance risk management.

The members should serve terms of office for three years with the possibility of renewing for one additional term (of three years). The terms of members should be staggered, so that the Board has experienced lay and clergy members at all times.

The Chair of the Clergy Review Board should be a lay member of the Board approved by the Archbishop who has at least three years of service on the Board and who is not employed by the Archdiocese or any affiliate of the Archdiocese. The Chair’s service on the Board may be extended beyond the two term limit in order to complete the term of service as chair. The term of service as chair should not exceed three years.

A majority of the Board may recommend to the Archbishop the removal of any member.

3. Duties and Responsibilities

All formal complaints about a cleric that come to the attention of the Archdiocese should be submitted to the Clergy Review Board by the Delegate for Safe Environment. The Board has the authority to request additional investigation, including access to the clergy files, and also has the authority to delegate matters involving unsatisfactory work performance or minor infractions to other Archdiocese officials as it deems appropriate. The Board has the power to monitor every issue it wants to keep track of regarding clergy misconduct.

At every meeting, the Clergy Review Board should receive updates on all individuals being monitored by the Promoter of Ministerial Standards (the Promoter). The Promoter is the individual responsible for monitoring clerics who have violated conduct policies. This update can be a summary report, particularly if the status has not been changed for a member of the clergy being managed through a monitoring plan administered by the Promoter. This monitoring program is referred to as a POMS plan; in Archdiocese vernacular, a member of the clergy being managed under such a plan is “on POMS.”

The Clergy Review Board may decide whether any individual cleric should remain on the monitoring program or whether the program should be modified. If the Board decides that the program should be modified or the individual cleric should be released from the program, it should communicate those recommendations to the Archbishop through the Delegate for Safe Environment. Modification of any POMS program, including releasing any cleric from a POMS program, must be approved by the Archbishop, based on the recommendation of the Board.

It is one of the responsibilities of the Clergy Review Board to ensure implementation of a robust Compliance Auditing and Monitoring (CAM) Program, as recommended below. The CAM Program should be administered by the Delegate for Safe Environment and subject to the oversight of the Clergy Review Board. The Safe Environment Program should be reviewed—or audited—by an independent audit or risk management firm.

The members of the Clergy Review Board should receive continuing training and education on issues likely to be presented to the Board in programs administered by the Delegate for Safe Environment.

4. The Archbishop’s Relationship with the Clergy Review Board

In order for the Clergy Review Board to fulfill its essential mission, it should continue to operate as an independent body, supported but not controlled by the **Chancery**. The Task Force recommends that the Archbishop maintain a high level of visible support for the Clergy Review Board and its work. As one of the ways to do that, we recommend that the Archbishop meet at least once per year with the full Board at one of its regular meetings to review its work; have an open conversation about the Board’s advice regarding policy, procedure, and process related to the Safe Environment Program; and explore ways to improve its effectiveness.

The Clergy Review Board's recommendations about how to handle any specific case of misconduct by clergy should be sent in a confidential written report to the Archbishop, through the Delegate for Safe Environment. The Archbishop should report back to the Board on whether recommendations are accepted. The Archbishop's response to the Clergy Review Board, while confidential, should be part of the permanent record of the Clergy Review Board which should be subject to compliance audit.

5. Meetings and Record-Keeping

Once the Clergy Review Board is fully constituted, and the new Delegate appointed, the Board should meet at least monthly through its first year; thereafter it can determine how frequently it should meet. The Board should develop a written charter, including expectations and guidelines for board members, to clearly define its scope of work and establish procedures for accomplishing its mission. The charter and guidelines should be reviewed by the Board, with input from the Delegate for Safe Environment, on an annual basis.

The chair of the Clergy Review Board, assisted by the Delegate, should determine the agenda; hold members accountable for attendance and participation; and ensure that notes are prepared that sufficiently describe and explain its decisions to permit meaningful review and audit. The Board's records should include meeting notes that are specific enough to explain the rationale behind Board recommendations. Although the meeting notes can be confidential, they must be subject to review by the outside compliance auditors.

B. Delegate for Safe Environment

1. Duties and Responsibilities

The Delegate for Safe Environment will be responsible for managing Archdiocesan processes for handling allegations of clergy misconduct and for developing and leading the Archdiocesan Safe Environment Program. The Delegate should be a lay person, a full-time employee of the Archdiocese, and should report directly to the Archbishop.

The Archbishop, with assistance of his senior advisors and possible outside consultants, should develop a job description and qualifications for the Delegate for Safe Environment position, consistent with the Task Force recommendations. The Archbishop should conduct an annual performance review of the Delegate.

Every complaint about a cleric must be forwarded immediately to the Delegate. The Delegate will develop an incident management record-keeping system to document the management of complaints regarding clergy misconduct.

The Delegate is responsible for reporting complaints of clergy sexual misconduct involving minors to law enforcement. The Delegate should act as if he or she is a mandatory reporter under Minn. Stat. § 626.556 and follow the statutory standard and timeline for reporting. The Delegate should report allegations of clergy sexual misconduct involving minors first to law enforcement, and additionally to social services when circumstances warrant. Adhering to the Minnesota

statutory standard ensures consistency with a longstanding practice familiar to law enforcement and **child protection** professionals, and enables the Archdiocese to utilize the training and counseling protocols that rely on that standard. The Delegate will develop working relationships with appropriate law enforcement partners, and will continually exercise a bias in favor of reporting.

The Delegate will coordinate with the Chancellors for Civil and Canonical Affairs on all issues related to clergy misconduct.

The Delegate will develop a job description and qualifications, and prepare an annual performance evaluation for the Promoter position, consistent with the Task Force recommendations and other Archdiocesan requirements. The Delegate will determine the staffing needs for the Promoter position, such as whether full-time or part-time employment is appropriate, and will supervise the Promoter and coordinate information from the POMS program with the Clergy Review Board. The Delegate will conduct an ongoing review of the policies and procedures related to the POMS program. The Delegate will work with the Promoter to establish guidelines for the handling of any modification of a cleric's individual POMS program, including a priest's transition and removal of priests from supervision under the POMS program.

As noted above, the Delegate will support the Clergy Review Board and should attend all of its meetings. The Delegate will be responsible for coordinating the activities of the Clergy Review Board, the Promoter, the Victim Advocate, and the Office for the Protection of Children and Youth, and for working with the Chancellors for Civil and Canonical Affairs on issues related to clergy sexual misconduct involving minors.

The Delegate will have authority to engage outside resources for legal, investigative, and auditing/monitoring purposes.

The Delegate will receive and review proposed clergy transfer lists associated with the **Comprehensive Assignment Board**. He or she will provide the Archbishop with any information related to clergy under consideration by the Comprehensive Assignment Board prior to any letters of assignment being initiated. The Delegate will coordinate with the Promoter, the Office for the Protection of Children and Youth, the Victim Advocate, and the Chancellors for Civil and Canonical affairs to ensure all available information has been considered during the assignment process.

The Delegate will coordinate with the Archdiocese Information Technology department to ensure that policies relating to the Acceptable Use Policy, disposal of electronic media, and the design of the Archdiocese website ensure the safety of children. The Delegate should assist with the development and implementation of policies related to electronic communications of clergy being monitored by the Promoter.

The Delegate should be the individual at the Archdiocese who is responsible for communicating with any person who reports clergy sexual abuse, including responding to questions regarding status or outcome. In appropriate circumstances, the Delegate may assign the responsibility for communicating with these individuals to another person, such as the Victim Advocate.

2. Interface with the Clergy Review Board

The Delegate for Safe Environment should serve as the senior Archdiocesan staff person for the Board. The Delegate should attend all Clergy Review Board meetings. The Delegate will act as a facilitator for the Board. At the direction of the chair, the Delegate will coordinate preparation for meetings, develop agendas, ensure that appropriate records are kept, manage an ongoing log of incidents of alleged clergy misconduct, and present case summaries and details to the Clergy Review Board. The Delegate will facilitate communication between the Board and the Archbishop, and will coordinate appearances of clergy and witnesses before the Clergy Review Board.

3. Record-Keeping

The Delegate should maintain records regarding allegations of clergy misconduct, and work with other appropriate officials of the Archdiocese to develop a more effective record-keeping system to ensure that relevant information regarding clergy misconduct is consistently maintained. The Delegate should ensure that clergy personnel files contain notations related to misconduct and that such files are appropriately accessible to the Clergy Review Board.

The Delegate should work with the Promoter, the Office for the Protection of Children and Youth, and the Victim Advocate to create uniform methods/forms to document misconduct to ensure all available information is captured.

C. Promoter of Ministerial Standards

1. Duties and Responsibilities

The Promoter of Ministerial Standards should be the direct “hands on” manager responsible for implementation of all individual clergy monitoring programs developed by the Clergy Review Board. The Promoter should report directly to the Delegate for Safe Environment, who will develop the qualifications and job description for the Promoter and annually evaluate the Promoter’s performance.

If an individual who is subject to a POMS monitoring plan does not comply with any aspect of the POMS program, the Promoter should immediately report the noncompliance to the Delegate for Safe Environment and the Archbishop.

2. Interface with the Clergy Review Board

The Promoter should attend all Clergy Review Board meetings and participate in other investigative panels as appropriate. If the Promoter is unable to attend a Clergy Review Board

meeting, he or she should provide a report to the Delegate for Safe Environment prior to the Board meeting so the Delegate can update the Board on the status of all individuals on a POMS program.

3. Record Keeping

The Promoter will work with the Delegate for Safe Environment to develop an adequate incident management/record-keeping system. The Promoter will also develop forms and protocols to ensure that personnel files reflect the status and disposition of any investigation.

D. Victim Advocate

The Task Force believes that it is important for the Archdiocese to identify a resource whose primary responsibility is to work with victims of clergy misconduct, including clergy sexual abuse of minors. This resource, which may be either a full or part time employee or an independent contractor, should help victims obtain appropriate referrals to needed social or counseling services.

Under the general direction of the Delegate for Safe Environment and in close collaboration with the Office for the Protection of Children and Youth, the Victim Advocate will perform a variety of duties related to the support and advocacy for the rights and protection of victims of clergy sexual abuse of minors and related concerns. The Victim Advocate, either directly or through an outside resource, will be responsible for the assessment of the individual victim's needs and fulfilling those needs through counseling, general advocacy and support, and referral to other resources as necessary or required. The Delegate for Safe Environment will develop the job description for the Victim Advocate.

The Delegate for Safe Environment should also consider other activities for the Victim Advocate in the area of awareness and prevention as they relate to sexual abuse and misconduct that could help support the Office for the Protection of Children and Youth. In this regard, it will be important for the Delegate for Safe Environment to demand close collaboration between the Victim Advocate and the Office for the Protection of Children and Youth.

Task Force Comment on Recommendation One:

The Task Force found that the Archdiocese's Safe Environment policies and procedures were adequate, and indeed that the Archdiocese had been a leader in developing policies and procedures in the area of clergy sexual misconduct. Unfortunately, the policies and procedures were not always followed, and the organizational structure of the Archdiocese was not adequate to detect and correct this.

In this section of the Report, the Task Force recommends a number of structural changes at the Archdiocese. These changes are based on several underlying principles, including (1) greater lay involvement in evaluating complaints of clerical misconduct, (2) recognition of the value of creating a team approach toward managing issues related to the protection of children,

including issues of clergy sexual abuse of minors, and (3) a call for leadership around these issues from the Archbishop, including a high level of involvement and engagement. The Task Force's proposed organizational structure establishes the Delegate for Safe Environment as the point person for all issues related to clergy sexual abuse of minors and the leader of a team within the Archdiocese that is charged with protecting children. The proposed organizational structure strengthens the role of the Clergy Review Board by emphasizing its primary role as a board to review and monitor all allegations of clergy misconduct of any kind.

Clergy Review Board: *The Task Force's recommendation for a single board to handle all aspects of clergy misconduct is based on our conclusion that, in order to fulfill the mission established by the Dallas Charter, one review board must be aware of all complaints of clerical misconduct of whatever kind. Complaints concerning substance abuse, financial improprieties, pornography, boundary violations, or anger management should be considered by one review board as it advises the Archbishop on clerical misconduct. The Board need not keep control of every issue, such as issues related to alleged Canonical violations. The key point is that the Board should know about all issues of misconduct and then decide which matters it should continue monitoring.*

The Task Force strongly recommends that the Archbishop maintain open lines of communication with the Board and provide strong leadership to the broader community with respect to issues that come before the Board. This Board serves as the audit committee or compliance committee regarding all issues of clergy misconduct. The lines of communication between the Archbishop and the Board must be direct, short and frequently used.

The majority of the Clergy Review Board should be laypeople. The term limits of three years, renewable for one additional term, are based on good governance and audit standards in the corporate world, which relies on a "fresh set of eyes" to ensure the integrity of the process. The Board's members are called upon to make difficult decisions and to exercise good judgment. It is not reasonable to expect any individual to perform the rigorous and challenging duties required by service on the Board for more than six years.

Delegate for Safe Environment: *The Task Force has designated the Delegate for Safe Environment as the senior leader in the Archdiocese who going forward will have the managerial responsibility for all issues related to clergy misconduct, especially issues potentially related to clergy sexual abuse of minors. The Delegate will be responsible for the day to day operation of the reinvigorated Clergy Review Board.*

The Delegate should be a layperson and should report directly to the Archbishop. Within the Chancery, the Delegate will collaborate closely with his or her colleagues, and will build and manage a team that will collectively implement the Archdiocese's Safe Environment Program. The Delegate position is a significant, full time leadership role. The Delegate should function at a high level within the organization and be supported with sufficient financial resources and staff.

Promoter for Ministerial Standards: *The Promoter manages the monitoring programs developed by the Clergy Review Board to restrict or monitor clerics whose conduct the Board*

has determined requires monitoring. The Task Force believes these monitoring programs are an important component of the Safe Environment Program, and should address all clerical misconduct, not just sexual misconduct.

The POMS program needs written policies and procedures, including consequences for lack of compliance, that are effective and efficient. The placement of the POMS program under the Delegate for Safe Environment helps ensure that all misconduct information is centralized and known to the Clergy Review Board and the Archbishop. The policies of the POMS program should also establish criteria for the removal of clergy from the program. The policies should be developed by the Delegate for Safe Environment and the Promoter, subject to the review and approval of the Clergy Review Board.

The Task Force also found that it is important for the Promoter to have a complete picture of the facts related to all instances of clergy misconduct that are addressed at the Clergy Review Board meetings. It is important for the Promoter to hear the complete discussion, thoughts, and concerns of the Clergy Review Board. The Promoter will report to the Board on all clerics then subject to the Promoter's monitoring including updates on each individual cleric's progress on his plan.

Victim Advocate: *The role of the Victim Advocate is an important support service that the Archdiocese should make available to victims of clergy sexual abuse. The current role of the Advisor/Advocacy Services Coordinator, who serves as the Victim Advocate, needs to be modified and upgraded to meet the current needs of the Archdiocese in the protection of children, youth, and vulnerable persons from clergy sexual misconduct.*

The Task Force found that the role of Victim Advocate in this Archdiocese has historically been one of an empathetic listener who provides resources as needed to those reporting sexual abuse and other concerns. The role of the Advisor/Advocacy Services Coordinator is not clearly defined and the incumbent receives very little direction or support. The Task Force also found that the Office for the Protection of Children and Youth and the Coordinator of Advisor/Advocacy Services do not work together in a collaborative manner. The two offices do not have meetings together or share important information with each other about their respective activities to promote awareness and prevent the sexual abuse of minors. In fact, there is virtually no communication with senior Archdiocesan officials about the complaints being received by the Coordinator nor are there any meetings to discuss what the Coordinator is hearing or responding to with respect to clergy misconduct or other inappropriate behavior. As the role is currently structured, the Coordinator works in isolation without strong support from other Archdiocesan officials.

The Task Force believes that the proposed restructuring of the Victim Advocate role will provide the level of authority and responsibility required to effectively support victims of sexual abuse and misconduct. The Task Force also believes that having the Victim Advocate report to the newly restructured Delegate for Safe Environment position will bring the role out of isolation and promote team work with other units, especially with the Office for the Protection of Youth and Children.

Recommendation Two: Auditing and Monitoring

The Archdiocese should create a comprehensive Compliance Auditing and Monitoring (CAM) Program to ensure its entire Safe Environment Program is effective. The CAM Program should be developed with the assistance of outside consultants, and implemented by the Clergy Review Board and the Delegate for a Safe Environment. The Archdiocese’s Safe Environment Program should also be subject to an annual independent external audit.

A. Compliance Auditing and Monitoring (CAM) Program

The Archdiocese should create a Compliance Auditing and Monitoring (CAM) Program to ensure that its Safe Environment programming is effective. The CAM Program should cover all Archdiocesan Safe Environment programming, including (1) all policies and procedures that are focused on creating a safe environment for minors and (2) any other aspects of Archdiocesan policy that address clergy sexual abuse of minors.

B. Internal Monitoring

The CAM Program should include internal monitoring and testing conducted in accordance with a monitoring plan that is developed with an eye toward risk, as well as formal periodic internal auditing.

C. Outside Consultant

The Archdiocese should retain an outside resource with expertise in compliance auditing and monitoring to assist in developing and implementing the CAM Program. This resource might be a regional or national audit or risk management firm, and the team should include a subject matter expert in the area of clergy sexual abuse. The CAM Program will be reviewed and approved by the Clergy Review Board and administered by the Delegate for a Safe Environment.

D. Annual Independent Audit

As part of its risk management process, the Archdiocese should on an annual basis retain an independent firm with demonstrated competencies to conduct an annual Compliance Audit of the Safe Environment Program. The results of the audit should be formally presented by the independent firm to the Archbishop and the Clergy Review Board.

Task Force Comment on Recommendation Two:

The Task Force found that the Archdiocese has good policies and procedures that are specifically designed to protect minors from clergy sexual abuse, and that the Archdiocese has been a leader in developing policy and procedure in the area of clergy sexual misconduct. The

Task Force also found, however, that failure to follow those good policies and procedures was a factor in the current cases involving clergy sexual abuse of minors that have been reported recently in the media. The Task Force also found that the Archdiocese does not have controls in place to identify failure to follow policies and procedures.

Reasons that complaints were not handled pursuant to the controls that were in place, or reasons that red flags were ignored, include resource constraints, poor judgment and a general lack of focus.

*Since 2004, the United States Conference of Catholic Bishops has “audited” the Archdiocese as called for by the Dallas Charter, but those “audits” appear to be largely self-reporting by archdiocesan staff based on self-reporting by each of the parishes, with little or no third party testing. The audits also focus on whether volunteers have complied with the “Essential Three”—background checks, **VIRTUS** training, and signing the volunteer **Code of Conduct**. The current auditing is not targeted at clergy compliance with policy, or at Archdiocesan compliance with process in matters involving allegations of clergy sexual abuse of minors. Compliance auditing and monitoring are an important aspect of a sophisticated Safe Environment Program that will protect children and regain public trust. Thus, the policies and procedures the Archdiocese develops to protect minors and vulnerable adults from clergy sexual abuse should include the following elements:*

Auditing: *All Archdiocesan Safe Environment policies and procedures must be subject to internal and external audit. Auditing is an independent, objective assurance activity designed to add value and improve the Archdiocese’s program to prevent clergy sexual abuse of minors. Auditing will help the Archdiocese accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes which will be part of the program to prevent abuse. Coordination and accountability for the internal and external audit process should reside with the Delegate for Safe Environment. Audit results and recommendations for corrective action should be communicated in writing to the Clergy Review Board and require, in appropriate circumstances, documented follow-up to ensure the recommendations have been implemented. The Task Force recommends that an annual external audit be conducted by an independent (i.e., independent from the Archdiocese) professional services firm. The results of that audit should be reported directly by that professional services firm to both the Clergy Review Board and the Archbishop.*

Monitoring: *Compliance monitoring often will be less structured than auditing, though audit techniques may be employed. It involves on-going checking and measuring, and can take the form of periodic spot checks, including daily/weekly/monthly tests. Monitoring may be used to identify the need for targeted auditing. Monitoring is designed to make sure that processes are working as intended.*

Objectives for monitoring should include (1) proactively evaluating processes and programs for compliance and testing for gaps and weaknesses, (2) instilling a level of organizational discipline, awareness and formality that is not currently present, (3) real-time, risk-based data review to minimize surprises, (4) producing data for use in evaluating program effectiveness, and (5) ensuring that record-keeping standards improve and are maintained.

Monitoring is an effective continuous detection control that identifies outliers and risk areas that may call for targeted auditing. The Delegate for Safe Environment should monitor compliance with Safe Environment requirements (policies and procedures designed to prevent abuse of minors) and give reports on that to the Clergy Review Board on a regular basis—at least annually.

The implementation of the auditing and monitoring program discussed in this recommendation will serve as a way for the Archdiocese to understand whether its practices are effective. Targeted monitoring and auditing will strengthen the Safe Environment program and will ultimately help protect children.

The expertise to develop the CAM Program could be found in a number of disciplines. Any professional risk management services firm, with experience in compliance and compliance audit programs should be in a position to analyze the specific needs of this Archdiocese. A regional or national accounting firm could have the necessary expertise to help the Archdiocese develop such a program. The Task Force recommends to the Archdiocese that it work with a national audit or risk management firm to develop the CAM Program, and further recommends that the outside firm's team include a subject matter specialist in clergy sexual abuse.

Recommendation Three: Record Keeping and Electronic Information

The Archdiocese should develop a more effective record-keeping procedure to ensure that information related to clergy sexual misconduct is compiled, centralized, and made accessible to Safe Environment decision makers. It should also formulate policies for the acceptable use of electronic devices and communication; the screening of electronic devices prior to disposal; and the retention of documents and electronically stored information.

A. Establish Consistent and Central Record Keeping Regarding Clergy Sexual Abuse of Minors

The Archdiocese should make it a priority to implement a sound record management system and develop policies to ensure effective and efficient record management practices. The Archdiocese should consult an expert in record keeping and document control systems to help it develop consistent and centralized recordkeeping protocols. Specifically, the Archdiocese should develop a consistent and central way to record all allegations of clergy misconduct and a consistent and central way to file all information and correspondence related to clergy sexual abuse of minors.

B. Acceptable Use Policy for Electronic Communications

All parishes should be required to adopt the Archdiocese of Saint Paul and Minneapolis **Chancery Corporation's** Acceptable Use Policy. Implementation of any other Acceptable Use Policy should require approval by the Archdiocese. All parties covered under the policy will receive a copy of the Acceptable Use Policy and sign an acknowledgement that they have

received and understood the policy. Clergy should be required to use Chancery-approved emails accounts or other Archdiocesan-approved email accounts for their church-related activities.

C. Disposal of Electronic Communication Devices

All parishes should be required to submit electronic communication devices to the Archdiocese Information Technology (“IT”) department, prior to disposal of magnetic or electronic media. The IT department should develop written policies to screen electronic media for violations of the Acceptable Use Policy or other misconduct prior to disposal. The policy should include the methods for documenting and the preservation of data, a reporting mechanism for violations of the Acceptable Use Policy, and a policy for reporting suspected criminal violations. The Chancery Corporation should provide funding support for the policy, and purchase screening software and a secure method for the storage of media in the IT department.²¹

D. Record Retention Policies

The Archdiocese should develop written policies regarding the retention of documents and electronic information. All policies related to record retention and the disposal of electronic communication devices should be subject to the compliance and audit procedures.

Task Force Comment on Recommendation Three:

***Better Record Keeping.** Any organization requires an effective record keeping system, and it became apparent through the Task Force’s work that the Archdiocese lacks one. Uniform archiving and documentation of instances of clergy misconduct will be necessary for the Archdiocese to conduct the kind of auditing and monitoring that the Task Force recommends. The Task Force found that information which may have prevented Dallas Charter violations was not available to all decision makers at the times decisions were made. Behaviors were reported to various individuals and no single person was aware of all the facts. No central repository for incidents of clerical misconduct existed. And in some cases, decision makers did not have access to information which could have been important.*

*The Task Force recommends that the Archdiocese adopt comprehensive policies and systems designed to retain and make accessible information on clergy misconduct. The Delegate for Safe Environment should have access to the central repository of information related to clergy misconduct. Policies and procedures should be established to ensure the identification, preservation, collection, and review of information, and that it is available to decision makers and boards as appropriate. The **Chancellor for Civil Affairs** should work in conjunction with the Delegate for Safe Environment to develop policies and systems that adequately protect*

²¹ The policy should include procedures to document where the media originated from, and a chain of custody initiated on received and disposed of media. In cases where no violations are noted, the screening report should be archived and the media cleaned to remove any confidential information prior to reuse or disposal. In cases where violations are noted, the screening report should be archived and distributed according to policy and the media secured until a disposition has been decided.

confidential or privileged information. The policies should cover record retention and account for the need to preserve information required for litigation and other claims. The policies should include a standard form for the documentation of information and a form to be placed in the official clergy personnel file alerting any viewer that additional information about the member of the clergy is being archived by the Delegate for Safe Environment.

Beyond the framework described above, the Task Force is not equipped to detail the specific protocols for an updated record-keeping system for the Archdiocese. Rather, it recommends consultation with experts who will advise the Archdiocese on best practices regarding record-keeping, incident management, and document control. The Task Force recommends a focus on making certain that all documents which relate to allegations of clergy misconduct—not simply allegations of clergy sexual abuse of minors—are searchable and accessible, by all appropriate decision makers including the Delegate for Safe Environment and the Clergy Review Board. Finally, the Task Force recommends that the Archdiocese consult with the experts about issue tracking software for personnel data and job performance information. The record-keeping policies and procedures should be part of the auditing and compliance review.

Acceptable Use Policy: *The Archdiocese Acceptable Use Policy is a comprehensive document. Its purpose is to ensure the safety of children through personal responsibility by all users of the Archdiocese network and electronic communication devices as well as Internet access obtained or purchased with parish or Archdiocese funds. Currently, the Acceptable Use Policy only covers the use of electronic communication devices in the Chancery Corporation. The Archdiocese has a vested interest in maintaining the privacy and safety of personal information related to communications between employees, parishioners, and clergy. In addition, adopting the Chancery Corporation's Acceptable Use Policy will ensure that uniform policies are in place throughout the Archdiocese that comply with telecommunication rules and regulations, comply with the fair use doctrine and other copyright laws, and serve to protect personal information with a clear and concise uniform policy. The Task Force believes that these changes will help ensure the protection of children.*

Disposal of Electronic Devices and Record Retention: *A comprehensive policy to reuse, reclaim, or dispose of media is an important element of protecting the safety of confidential information. Computer media or other electronic devices that are purchased with parish funds, or donated for parish use, shall be covered under this policy. This policy should include desktop media, laptops, iPads, tablets, cell phones, and removable media. Copy machines containing hard drives that lack embedded cleaning software shall also be covered under these policies.*

Electronic communication devices and the Internet have steadily replaced other forms of communications and document storage. The improper disposal of electronic media can allow for identity theft and confidential information to be accessed and/or recovered by parties outside of the Archdiocese's control.

A policy that provides for the screening of media prior to disposal assists in the protection of documents, counseling notes, downloaded Archdiocese papers, and email. It also identifies violations of policy. It can allow for early identification and intervention by the Archdiocese of parties who may be in violation of the Code of Conduct or state and federal laws. Violations of

the Acceptable Use Policy or Code of Conduct would allow for a program of more intensive monitoring to be established. A comprehensive screening program, and the archiving of the results, may also be used to confirm or exonerate accusations of clergy misconduct.

The disposal and retention policies should be part of the Compliance Auditing and Monitoring Program. This recommendation to monitor compliance at the disposal stage should not preclude the Archdiocese from considering real-time monitoring of its electronic equipment and networks as circumstances warrant and available technology permits.

Recommendation Four: Reporting Suspected Misconduct

The Archdiocese should strengthen and expand its mechanisms to receive complaints of clergy sexual abuse (including anonymous reporting mechanisms), utilize web-based and traditional communication methods to educate the public on reporting clergy misconduct, and protect individuals from retaliation for making complaints.

A. An Anonymous Complaint Reporting Mechanism

The Archdiocese should establish an anonymous third party hotline where concerns regarding misconduct or suspected misconduct can be reported. The hotline should be available 24/7 and allow for reports to be made by phone or through a confidential web-based reporting mechanism. The hotline vendor²² should be chosen based on its expertise in call intake and incident management capabilities. All reports related to clerical sexual misconduct involving minors should be transmitted by the hotline vendor directly to the Delegate for Safe Environment; all other reports from the hotline should go to a responsible Archdiocesan official according to a framework to be developed by Archdiocesan staff and approved by the Clergy Review Board.

B. Enhanced Availability of Information on How to Report Clergy Misconduct

Information regarding the reporting of sexual misconduct should be consistently and prominently communicated throughout the Archdiocese. The Task Force proposes that the Office for the Protection of Children and Youth implement this recommendation. In doing so, the Office for the Protection of Children and Youth needs to ensure that all parish websites emphasize that concerns and suspicions of clergy sexual abuse of minors should be reported to law enforcement. The reporting hotline and information on contacting the Victim Advocate also needs to be prominently displayed on the websites. In addition to parish and archdiocesan websites, the Task Force recommends that the Archdiocese use various communication pathways to educate the public, including web-based communications (Archdiocese and parish websites, social media presence, etc.), traditional methods (e.g. church bulletin boards, parish newsletters, and weekly bulletins), and in person presentations by experts in the field.

²² Examples of recognized leaders in the industry are EthicsPoint, MySafeWorkplace, The Network, and Global Compliance.

C. Anti-Retaliation Policy

The Archdiocese should establish a policy that prohibits retaliation against any clergy, employee, parishioner, or other individual who in good faith reports complaints or suspicions of sexual misconduct.

Task Force Comment on Recommendation Four:

The Task Force found that the Archdiocese does not have the type of established system for managing and reporting concerns that is standard for most corporations. The Task Force recommends that the Archdiocese adopt an incident management system, including hotline functionality that would allow for anonymous telephonic or online reporting of concerns about clergy sexual misconduct. This type of process, if managed correctly, will help ensure that concerns or suspicions of clergy sexual misconduct will be brought forward.

The Task Force also identified a concern regarding inconsistencies in communication about how to report sexual misconduct. On some parish websites it was clear who to contact to report concerns regarding sexual misconduct while others did not clearly indicate how to report concerns.²³

Reporting misconduct, especially sexual misconduct, can present a number of challenges to victims who have been traumatized or are afraid to come forward. Those who suspect abuse or witness warning signs or boundary issues can also be reluctant to report. A confidential and anonymous third party hotline can remove obstacles to reporting inappropriate behavior for those who are, for whatever reason, afraid or reluctant to contact law enforcement or Archdiocesan officials directly. Anonymous reporting hotlines have become standard best practice in many organizations and have proven to be very effective in encouraging reporting of concerns and suspicions of misconduct. The hotline is not a substitute for other reporting channels, but another tool to help facilitate the reporting of inappropriate behavior, especially clergy sexual abuse of minors.

Making the sexual misconduct complaint reporting mechanism highly visible, accurate, and consistent on all websites can encourage proper reporting of sexual misconduct concerns and suspicions. It also makes it easy for a complainant to quickly find out how to report a concern or suspicion. In the case of the hotline, a complainant can easily find how to anonymously report a concern without having to ask someone for the information.

Finally, the Archdiocese informed the Task Force that it has yet to develop and approve a policy statement prohibiting retaliation. An anti-retaliation policy should be an important feature of a Safe Environment program that encourages individuals with information to come forward, and

²³ There are also inconsistencies in the reporting process on the Archdiocese website under the Office for the Protection of Children and Youth and the Office for Victim Advocacy and Victim Assistance (although both offices do indicate the first point of contact for clergy sexual misconduct involving minors should be the civil authorities).

they should be explicitly assured that a report of clergy sexual abuse will not result in an adverse consequence in their relationship with the Church.

Recommendation Five: Seminary

The Archdiocese should continue to look to the Saint Paul Seminary as a resource in preventing clergy sexual abuse of minors. By strengthening the candidate selection process in the Archdiocese and maintaining a robust admissions and evaluation framework, by inviting evaluation by the entire faculty (including lay faculty), and by providing adequate education on these issues for seminarians, the Saint Paul Seminary can assist with the ultimate goal of protecting children.

A. Admission Procedure

Admission to the Saint Paul Seminary (“Seminary”) is currently based on input from both the Archdiocesan Vocations Office and the Seminary’s Admissions Committee. The Task Force recommends that the Vocations Office obtain and accept input from a second (or more) “set of eyes” to review candidates referred to the Seminary. While no one can guarantee flawless candidate vetting, the addition of another reviewer will enhance reliability and validity in candidate selection with the intent of screening out candidates who are not suited for the seminary. The Task Force also recommends that the Admissions Committee of the Seminary continue to make an independent assessment of candidates presented by the Vocations Office. Having both offices exercise independent judgment is an important safeguard.

B. Seminarian Evaluation and Education

The process of student evaluations should involve lay and non-priest faculty, and the Archdiocese in general and the Seminary in particular should foster a culture that values the input of lay faculty. The Task Force recommends that lay and non-priest input during formation may be an area for compliance monitoring going forward.

Task Force Comment on Recommendation Five:

The Task Force looked into admissions and evaluations at the Saint Paul Seminary as part of its inquiry. The screening, evaluations, and education that the Archdiocese and Seminary provide as part of the clergy formation process are important opportunities to flag potential issues that may indicate a lack of readiness or incapability for the priesthood, and to make sure that newly ordained men have a solid understanding of the causes and effects of clergy sexual abuse of minors.

Admissions: *The Seminary is the primary source of new clergy in the Archdiocese. The Seminary does not have its own recruitment process for seminarians; rather, referrals of seminarian candidates are originated by the Director of Vocations at the Archdiocese. The Admissions Committee of the Seminary then performs its own review of the selected candidates.*

It is the role of the Vocations Office to identify and recruit candidates for the priesthood; it is the Seminary's role to form and train them.

*Candidates seeking admission into the Seminary, and ultimately the priesthood or **diaconate**, first apply to the Archdiocesan Vocations Office. The application process includes interviews, in-depth biographical questions and statements, and a rigorous psychological evaluation. The Director of Vocations makes the selection decision, subject to approval of the Archbishop. The Archbishop typically approves the decision of the Director based on the Director's recommendation and without further inquiry, although on occasion, the Vocations Director will bring questions to the Archbishop about the background of a particular candidate. When the Archbishop approves the decision, the candidate is sent on to the Seminary Admissions Committee.*

The Seminary Admissions Committee cannot unilaterally accept or reject any candidate put forth by the Archdiocese; the Seminary Rector has final authority. The Seminary accepts virtually all candidates screened and approved by the Archdiocese. The Task Force found that though this gives the impression of being a "rubber stamp" arrangement, the Archdiocese's vetting of candidates appears strong. The Seminary Admissions Committee's common concurrence likely results from the Archdiocese's diligence in screening, not because of pressure exerted by the Archdiocese on the Seminary to automatically accept all candidates brought forth. The Task Force notes the importance of access to critical information in the psychological evaluation to the Seminary Committee's process, and encourages continued controlled access to that information.

***Seminarian Evaluation:** Based on concerns about the Seminary's evaluation process that were raised during several interviews, the Task Force inquired about lay involvement in the evaluation process, in particular, and in the seminarians experience, in general. The Seminary's policy on the evaluation process clearly requires input from all faculty and staff, lay or clerical. The Seminary will benefit by ensuring that the input of lay faculty and staff involved in a seminarian's training is accepted and considered during all phases of formation. Providing lay faculty the opportunity to evaluate their students offers the Seminary alternative viewpoints of a seminarian's in-process progress as compared to priest-only evaluations.*

Recommendation Six: "The Essential Three"

The Archdiocese should enhance implementation of the "The Essential Three" components of its Safe Environment programming by improving its background check process, expanding its training, and updating its Codes of Conduct.

A. Background Checks

The Archdiocese should enhance and upgrade its background check process and policy with respect to clergy. Specifically, clergy should be subject to new background checks when they receive a new assignment through the Comprehensive Assignment Board process or every six

years, whichever is sooner. The Archdiocese should require, to the extent permitted by law, that clergy and employees report arrests to the Chancellor for Civil Affairs and the Delegate for Safe Environment.

B. Safe Environment Training

The Archdiocese should expand the Safe Environment training beyond the current “once in a lifetime” model. The Archdiocese should adopt a schedule for expanding and updating abuse awareness training for clergy, and should mandate and document completion of regular updates. The Archdiocese should also update and extend VIRTUS to all interested adults and teenagers ages 16 and up, and should implement a comprehensive and consistent record-keeping system to track training.

In addition to the current Safe Environment training and the additions to that training recommended above, the Archdiocese should provide formal training for those clergy, employees, and volunteers who are “mandated reporters” under Minn. Stat. §§ 626.556 and 626.557.

C. Codes of Conduct

The Archdiocese currently has two separate Codes of Conduct. The Code of Pastoral Conduct governs the conduct of clergy and seminarians, as well as Chancery, parish, and school employees. Volunteers who have regular or unsupervised contact with children must read and sign the Volunteer’s Code of Conduct. The Archdiocese is in the process of updating the Code of Pastoral Conduct, and plans to update the Volunteer Code later. The Archdiocese should develop training to accompany the launch of the new Codes, and participation in such training should be tracked. Obviously, it will be important for both Codes to be consistent with Archdiocesan policy and procedure related to clergy sexual abuse of minors, but the Task Force recognizes that the Codes are a comprehensive statement of the Archdiocese’s values.

Task Force Comment on Recommendation Six:

The Archdiocese Office for the Protection of Children and Youth administers programs to comply with requirements set forth in the Dallas Charter. There are three aspects to the Archdiocesan Safe Environment Program, which are referred to as the “Essential Three:” (1) background checks, (2) attendance at a VIRTUS: Protecting God’s Children for Adults awareness session, and (3) execution of the Code of Conduct.²⁴ The Task Force found that these programs, while laudable, should be bolstered with respect to their application to clergy.

Each of these programs is a onetime event for priests, deacons, and seminarians, as well as for adult volunteers who work with children. To be as effective as possible, each of these programs should be reviewed and revised. Clergy should be provided with frequent training opportunities,

²⁴ In addition, the Archdiocese requires lessons from approved curricula be offered on a regular basis for children at Catholic schools and in parish faith formation programs.

including mandatory training, and clergy training should be tracked and reported.²⁵ Relevant Codes of Conduct should be regularly reviewed and updated. Background checks should be enhanced and the process should provide for regular updating.

Background Checks: *The Task Force understands that the Archdiocese's processes have been enhanced in the last year, and supports those enhancements, which include: (1) a tracking system whereby timely return of completed forms by clergy is tracked and follow-up is conducted to ensure completion of a background check, (2) making sure that background checks are retained in clergy files, (3) enhanced background checks for international clergy, including use of private investigators where local searches are not readily available, and (4) background checks for members of religious communities who previously were allowed to work in the Archdiocese based on a letter of suitability from the superior of their community.*

The Task Force finds that in addition to these enhancements, the Archdiocese should implement a formal background re-check policy and practice. Some schools and parishes re-check according to their own policies, and if a volunteer or employee has an interruption of service of more than a year a new background check is required. For clergy and seminarians, however, the current practice is a single background check, never updated. This is not adequate.

VIRTUS Training: *The Task Force found that training of parish volunteers can be an effective tool for bringing to light instances of clergy sexual abuse of minors. The most recent audit of this Archdiocese conducted by the United States Conference of Catholic Bishops showed that compliance was very high at the parish level for required training in the identification and reporting of concerns and suspicions of sexual misconduct. The training focuses on educating and raising awareness about sexual abuse and is required for all clergy, teachers, parents, volunteers, and other adults who interact with children. The Task Force found that in at least one case, the training helped participants to identify and report concerns and suspicions about clergy sexual abuse to the Archdiocese. In the case that the Task Force looked at most closely, members of a parish came forward with concerns after participating in a VIRTUS training session.*

The Office for the Protection of Children and Youth oversees Safe Environment training in the Archdiocese and is responsible for the training of facilitators, who are primarily volunteers. The Office for the Protection of Children and Youth also tracks compliance with the training requirements. Keeping up with the turnover of facilitators is a major challenge. Tracking compliance without a comprehensive and consistent tracking system is also a challenge.

The Archdiocese does not currently have a robust training and education program for clergy in the area of safe environment. Clergy are required to attend VIRTUS once. While continuing Safe Environment training is available, participation or completion of that training is not tracked,

²⁵ The Office for the Protection of Children and Youth is responsible for the annual audit that is required under the Charter, and complies faithfully with its requirements. Unfortunately, that audit focuses only on compliance with the Essential Three and heavily on whether volunteers have met the requirements. While the Task Force strongly supports providing volunteers and indeed all Catholics with information and training opportunities, it believes that the Archdiocese should be focusing on clergy training and background checks.

and there is no mandate for clergy beyond one-time participation in VIRTUS. The Task Force encourages the Archdiocese, through the Office for Protection of Children and Youth, to implement additional Safe Environment training for clergy.²⁶

Additional training for clergy, all of which should be documented, should include monthly VIRTUS updates (note that these updates are available and should be provided electronically to all parish volunteers who work with children), as well as periodic small group discussions at all-priest meetings, perhaps using Critical Conversations materials.²⁷ It is the Task Force's understanding that the Archdiocese recently provided additional in-person Safe Environment training for parish representatives, Chancery employees, and clergy, but that the training was not required for clergy and attendance was not tracked; this was a missed opportunity.

Code of Conduct: *The Office for the Protection of Children and Youth and parishes put considerable effort into making sure that volunteers execute the Volunteer Code of Conduct, but there is no training or follow up on the Code. The Task Force recommends that the Archdiocese invest in the launch of the Code to make it a significant training event.*

III. CONCLUSION

Any sexual abuse of a child—or any person for that matter—is an act of violence. The instances of clergy sexual abuse of minors that have occurred in this Archdiocese are tragic, dreadful, and heartbreaking. They are made even more horrible because they were committed by persons held in esteem and authority, who are entrusted with the care and spiritual development of our children. Sadly, these crimes might have been prevented if the archdiocesan officials in positions of authority over the abusers had responded appropriately to misconduct.

The media attention and litigation during recent months have suggested that decisions by this Archdiocese put children at risk. Behavioral warning signs were minimized or inappropriately rationalized. The work of the Task Force revealed that, despite Archdiocesan policies and procedures designed to protect against clergy sexual abuse of minors, a flawed organizational structure with little oversight and accountability created opportunities for some priests to harm children.

²⁶ While the Task Force will not mandate what training program the Archdiocese should use, a program called “Critical Conversations” came to the Task Force’s attention as a vehicle for in person and online training for clergy.

²⁷ Critical Conversations is described as follows on the VIRTUS website: “The Critical Conversations program is an educational training and prevention program that presents case studies for priests, deacons and lay ministers. This training differs from the Protecting God’s Children program [the current VIRTUS training offered by the Archdiocese] in that there are separate and distinct case studies specifically designed for priests, deacons and lay ministers... Protecting God's Children will always be "ground" floor and required initial training for any new priest, deacon, employee, lay minister and volunteer. However, Critical Conversations tests the fundamental and required competencies learned in these previous trainings and then takes priests, deacons and lay ministers to a new level of understanding conveyed via a distinct form of education. The focus in Critical Conversations is on unhealthy and healthy adult boundaries and the emerging role of technology and the Internet.”

<http://www.virtus.org/virtus/criticalconversations.cfm>

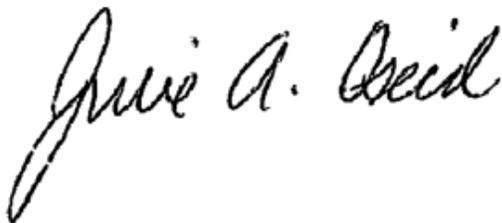
While Task Force members came from a variety of backgrounds and brought a variety of views to their work, this document represents the work of the entire Task Force, and all of the members are in agreement with its recommendations. We recognize that some of these recommendations will be adopted over time as part of a plan to improve the Archdiocese's organizational structure and accountability. Other recommendations require staffing changes. We hope the Archdiocese moves forward with these recommendations as quickly as is possible. In addition to our specific recommendations, we also urge the Archdiocese to foster a culture that places victims first, as well as a culture that welcomes sincere inquiry and criticism, and seeks input from laypeople.

Finally, this Report cannot undo the damage that has been done to many people within the Archdiocese. The Task Force's hope is that our recommendations will help prevent future clergy sexual abuse of minors.

Respectfully submitted,



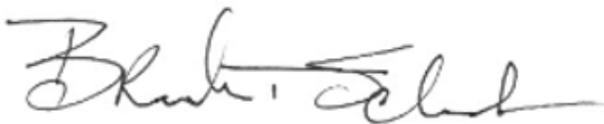
Kathleen Erickson DiGiorno, Chair



Julie Oseid



Vicki Oster



Brook Schaub



Brian Short



Colleen Striegel



Michael Thompson

APPENDICES

Appendix A: The Archdiocese and Sexual Abuse by Clergy: A Short History

Appendix B: The Task Force: Formation and Members

Appendix C: The Work of the Task Force

Appendix D: Glossary of Terms

APPENDIX A--THE ARCHDIOCESE AND SEXUAL ABUSE BY CLERGY: A SHORT HISTORY

Today, the Archdiocese of Saint Paul and Minneapolis (the “Archdiocese”) covers a 12-county area. Its 428 priests and 182 deacons serve 188 parishes and approximately 825,000 individuals.²⁸ During the time period relevant to the Task Force’s work, the Archdiocese has been led by Archbishop John C. Nienstedt (since 2008), Archbishop Harry J. Flynn (1995-2008), and Archbishop John Roach (1975-1995).²⁹ Archdiocesan policies, as issued by the Archbishop and set forth in the Clergy Bulletins, are binding on all parishes, offices, schools and other institutions within the Archdiocese.³⁰

Attention to the problem of sexual abuse by clergy is nothing new to the Catholic Church in the United States or our Archdiocese. Nationwide, awareness to this abuse emerged in the late 1970s and 1980s, and the Church in Minnesota was at the forefront of the response to the problem. For example, in June 1985, the United States Conference of Catholic Bishops (“USCCB”)³¹ met at Saint John’s Abbey in Collegeville, Minnesota. A report was released that same month entitled “The Problem of Sexual Molestation by Roman Catholic Clergy: Meeting the Problem in a Comprehensive and Responsible Manner.” The bishops at the meeting were briefed on the 95-page report, which proposed creating a crisis control team and policy and planning group to address the issue.³²

Early on, the Archdiocese faced scandals and lawsuits forcing it to pay six-figure damage awards to victims of the abuse. One prominent case involved Father Thomas Adamson, whose abuse of minors in 1960s and 1970s was the subject of several lawsuits against the Archdiocese and the Diocese of Winona beginning in February 1987.³³ As Archbishop John Roach noted in 1992: “We had one of the earliest cases, and we had to deal with the issue in a graphic way. . . It forced us to really look at the way we deal with this issue, too.”³⁴

In April 1988, the Minnesota Legislature amended the state statute mandating certain individuals to report suspected child abuse so that it would include members of the clergy as mandated reporters, with the exception of information learned in the confessional.³⁵ That same year, the Archdiocese issued its first written policy regarding sexual misconduct by clergy and held

²⁸ *Our History*. <http://www.archspm.org/about/our-history.php>

²⁹ *Our Bishops*. <http://www.archspm.org/bishops/past-bishops.php>

³⁰ *Policies*. <http://www.archspm.org/reference/policies.php>

³¹ <http://usccb.org/>

³² Thomas C. Fox, “What they knew in 1985,” *National Catholic Reporter*, May 17, 2002. http://www.natcath.org/NCR_Online/archives/051702/051702a.htm

³³ “Suit says Church hid sex abuses by priest,” *Star Tribune*, February 4, 1987.

³⁴ “Archdiocese expands its policy on sexual misconduct,” *Star Tribune*, November 6, 1992.

³⁵ Minn. Stat. §626.556, Subd. 3(a)(2).

workshops for priests and Church personnel on ministry-related sexual misconduct.³⁶ The 1988 policy was one of the first in the nation.³⁷

During the early 1990's, the Archdiocese embarked on a significant project to develop a more extensive set of policies to promote safety in ministry, involving over 2,000 individuals.³⁸ In 1991, Archbishop Roach appointed Father Kevin McDonough as Vicar General and **Moderator of the Curia**; in this role, Father McDonough handled the Archdiocese's response to both offending priests and victims when allegations were made regarding sexual abuse of minors. In November 1992, the Archbishop issued a Clergy Bulletin entitled "Understanding Sexual Issues in Ministry," which established the Advocacy and Victim Assistance Office.³⁹ This policy also required criminal background checks, and by September 1993, background checks began for all clergy, employees, and volunteers in the Archdiocese.⁴⁰

In 1995, Archbishop Roach established the Clergy Review Board, a panel of laypersons to advise the Archbishop on matters related to clergy misconduct. Also in 1995, Archbishop Flynn succeeded Archbishop Roach.⁴¹

In 1998, the sexual misconduct policy was updated again, in a Clergy Bulletin issued by Archbishop Flynn entitled "A Time to Heal: Ministry-Related Sexual Misconduct." Victims were encouraged to step forward, procedures for responding to allegations were defined, and background check procedures were further enhanced for candidates in all orders. Vicar General McDonough was quoted as saying: "It's just our attempt to stay out front. It's very easy to close your eyes, because it's too painful."⁴²

In January 2002, a major clergy sex abuse scandal erupted in the Archdiocese of Boston after disclosures that Cardinal Bernard F. Law reassigned Father John Goeghan, Jr. from parish to parish despite accusations that the priest had molested dozens of children. Eventually, the Boston Archdiocese released the names of 80 priests accused of sexual abuse over the decades, and the Massachusetts attorney general reported that at least 789 children had been sexually abused by 250 priests in that Archdiocese since 1940.⁴³

³⁶ Archdiocese of Saint Paul and Minneapolis, Office for the Protection of Children and Youth, *History and Context*. http://www.archspm.org/_uls/resources/History_and_Context_2014__3.pdf

³⁷ Minnesota Public Radio, "Church get tough, archdiocese sex abuse policy," November 5, 1992. <http://archive.mprnews.org/stories/19921105/church-get-tough-archdiocese-sex-abuse-policy>

³⁸ Archdiocese of Saint Paul and Minneapolis, Office for the Protection of Children and Youth, *History and Context*, *supra* Note 36. Note that, according to *Restoring Trust*, this effort involved approximately 1,000 individuals.

³⁹ *Id.*

⁴⁰ Memo from Joseph Kueppers and Sara Smith Kronholm to the Safe Environment and Ministerial Standards Task Force, November 4, 2013.

⁴¹ Archdiocese of Saint Paul and Minneapolis, Office for the Protection of Children and Youth, *History and Context*, *supra* Note 36.

⁴² "Archdiocese Updates Sex-Abuse Policy," *Star Tribune*, October 30, 1998.

⁴³ "A history of secrecy, coverups in Boston Archdiocese," *The Boston Globe*, January 6, 2002. http://www.boston.com/globe/spotlight/abuse/extras/coverups_archive.htm

In the wake of the national spotlight on the Boston scandal, Archbishop Flynn led the United States Conference of Catholic Bishops' Ad Hoc Committee on Sexual Abuse in early 2002, which developed and proposed to the bishops a comprehensive national set of policies and procedures for dealing with child sexual abuse. (Before his arrival in Saint Paul, Archbishop Flynn had previously served the Diocese of Lafayette, Louisiana, and was credited with healing that diocese after a series of child sex abuse allegations occurred there.⁴⁴)

In June 2002, the United States Conference of Catholic Bishops met in Dallas and overwhelmingly approved the Charter for the Protection of Children and Young People ("Dallas Charter"). The Charter noted:

Since 2002, the Church in the United States has experienced a crisis without precedent in our times. The sexual abuse of children and young people by some deacons, priests, and bishops, and the ways in which these crimes and sins were addressed, have caused enormous pain, anger, and confusion. As bishops, we have acknowledged our mistakes and our roles in that suffering, and we apologize and take responsibility again for too often failing victims and the Catholic people in the past. From the depths of our hearts, we bishops express great sorrow and profound regret for what the Catholic people have endured.

Among other things, the Dallas Charter mandated permanent removal from ministry of priests who had committed even a single act of sexual abuse of a minor; called for cooperation with law enforcement authorities in reporting and investigating allegations of abuse; required dioceses and parishes to establish "safe environment programs" and form clergy review boards; and established a National Review Board to monitor compliance.⁴⁵ The Dallas Charter was revised in 2005 and 2011.⁴⁶

Shortly after the Dallas meeting, the National Review Board commissioned a study of the nature and scope of the problem of sexual abuse of minors by clergy. That study, conducted by the John Jay College of Criminal Justice at The City University of New York, analyzed allegations of sexual abuse gathered from surveys collected from dioceses nationwide, and was released in February 2004.⁴⁷

⁴⁴ "Could Flynn be a savior in Boston? The Twin Cities Archbishop might get the 'toughest job in the Catholic Church,'" *Star Tribune*, April 28, 2003.

⁴⁵ United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People*, 2002. <http://www.diocesephoenix.org/uploads/docs/charterProtection.pdf>

⁴⁶ United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People*, 2011. <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/Charter-for-the-Protection-of-Children-and-Young-People-revised-2011.pdf>

⁴⁷ John Jay Research Team, *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States: 1950-2002*, A Research Study Conducted by the John Jay College of Criminal Justice, February 2004. <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/The-Nature-and-Scope-of-Sexual-Abuse-of-Minors-by-Catholic-Priests-and-Deacons-in-the-United-States-1950-2002.pdf>.

As part of that study, our Archdiocese conducted a review of its records, and reported in December 2003 that, in the past 50 years, “credible allegations” of child sexual abuse were made against 33 priests (26 diocesan priests and 7 priests from other dioceses who had worked in the Archdiocese).⁴⁸ The Archdiocese also reported the results of an audit conducted by an outside entity, The Gavin Group.⁴⁹ This audit found that 69 individuals within the Archdiocese had alleged that they were sexually abused by priests as minors, all prior to 1988.⁵⁰ The audit found that the Archdiocese was in full compliance with the articles of the Dallas Charter, and recommended the following suggestions for the Archdiocese:

- assigning a single official to be responsible for reacting to allegations and engaging the problem of sexual abuse;
- streamlining and centralizing of record keeping of sexual abuse allegations;
- developing clear standards of conduct for all clergy and volunteers and ongoing communication of those standards; and
- implementation of stronger monitoring of confirmed offenders who have retired or left the ministry.⁵¹

The press release quoted Archbishop Flynn, who stated: “the steps we are taking to comply with and go beyond the [Dallas] Charter reflect our commitment to advance our learning about this painful chapter in our Church’s long history, to restore trust and to work ceaselessly toward the day when there will no more victims.”⁵²

In 2005, the VIRTUS Training Program was established by the Archdiocese.⁵³ The program was described as: “a three hour awareness session which better equips adults to protect children in the world around them. It is required of all clergy, deacons, school and parish employees as well as all volunteers who are in regular or unsupervised contact with children under the age of 18.”⁵⁴

In March 2007, a Clergy Bulletin was released entitled: “Restoring Trust: With God All Things Are Possible.”⁵⁵ This edition of the sexual misconduct policy included two “key developments”: permanent removal of any member of the clergy who has committed even one act of sexual abuse against a minor and strengthened safe environment programs within the Church. In announcing this revision, Archbishop Flynn stated:

⁴⁸ Press Release, “Archdiocese of St. Paul and Minneapolis Reports Child Protection Update, Statistics,” December 11, 2003, at 2.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.* at 3.

⁵³ Archdiocese of Saint Paul and Minneapolis, Office for the Protection of Children and Youth, *History and Context*, *supra* Note 36.

⁵⁴ Office for the Protection of Children and Youth. <http://www.archspm.org/departments/opcy/virtus.php>.

⁵⁵ Archdiocese of Saint Paul and Minneapolis, Clergy Bulletin, *Restoring Trust: With God All Things are Possible*, Volume XXXII, Number 3, March 15, 2007. http://www.archspm.org/_uls/resources/RestoringTrust.pdf

The Church in 2007 is facing an enormous task, a daunting task. But at the very same time, we have been given a significant opportunity. Out of this time of pain, anger, and sadness the Church is being challenged to renew its relationship with its people, to restore trust and to strengthen its commitment to the faithful. We have a wonderful opportunity for healing and for the emergence of a Church stronger and more full of love and hope than we humanly could ever have imagined.

A second John Jay research study, completed in 2011, studied the causes and context of the 2004 study's findings, seeking "to understand why the sexual abuse of minors by Catholic priests occurred as it did by integrating research from sociocultural, psychological, situational, and organizational perspectives."⁵⁶ The second study concluded that "[n]o single 'cause' of sexual abuse of minors by Catholic priests is identified as a result of our research."⁵⁷ The study also noted that "The count of incidents [of sexual abuse of minors by Catholic priests] per year increased steadily from the mid-1960s through the late 1970s, then declined in the 1980s and continues to remain low."⁵⁸ Finally, this study found that it was difficult to predict whether an individual would commit sexual abuse, and that situational factors and opportunity to abuse played a significant role in the onset and continuation of abusive acts.⁵⁹

Meanwhile, in the Archdiocese, *Restoring Trust* remained the operative clergy bulletin on the issue until it was revised in September 2013.⁶⁰ Shortly thereafter, the Archdiocese's most recent crisis arose with Minnesota Public Radio's reports regarding the handling of cases involving Father Curtis Wehmeyer and Father Jonathan Shelley. Also, earlier in the year, the Minnesota Legislature approved the Child Victims Act, which reopened otherwise time-barred civil damage claims against institutions that failed to prevent child sexual abuse.⁶¹

Against this backdrop, Archbishop Nienstedt established the Office of Episcopal Vicar for Ministerial Standards in October 2013, and appointed Fr. Reginald Whitt to this position. The Episcopal Vicar is to "assume full responsibility for all issues related to clergy sexual misconduct" and appoint "an independent lay Task Force to review any and all issues related to clergy sexual misconduct and to make specific recommendations regarding actions to be taken and policies and procedures to be implemented."⁶²

⁵⁶ John Jay College Research Team, *The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010*, March 2011. <http://usccb.org/issues-and-action/child-and-youth-protection/upload/The-Causes-and-Context-of-Sexual-Abuse-of-Minors-by-Catholic-Priests-in-the-United-States-1950-2010.pdf>.

⁵⁷ *Id.* at 2.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Archdiocese of Saint Paul and Minneapolis Clergy Bulletin, *Strengthening Trust*, Volume XXXIX, Number 1, September 18, 2013. http://www.archspm.org/_uls/resources/Strengthening_Trust_XXXIX_1__2.pdf

⁶¹ Minn. Stat. §541.073.

⁶² *Statement Regarding Safe Environment and Ministerial Standards Task Force*, October 6, 2013. <http://www.archspm.org/news-events/news-detail.php?intResourceID=10134>

APPENDIX B – THE TASK FORCE: FORMATION AND MEMBERS

A. Formation and Charge

On October 5, 2013, Archbishop John Nienstedt established an Episcopal Vicar for Ministerial Standards (“the Vicar”), with “full authority to oversee all issues of clergy sexual misconduct.”⁶³ One of the Vicar’s duties was to establish an independent Task Force to provide recommendations related to clergy sexual misconduct.⁶⁴ Archbishop Nienstedt’s stated goals were to “ensure that there can be no question as to the integrity of (a) the policies and procedures employed by the Archdiocese, and (b) of those in ministry in the Archdiocese.”⁶⁵ Reverend Dwight Reginald Whitt was appointed as the Vicar.⁶⁶

Father Whitt established the independent, lay Safe Environment and Ministerial Standards Task Force⁶⁷ to “review any and all issues related to clergy misconduct and to make specific recommendations regarding actions to be taken and policies and procedures to be implemented.”⁶⁸ The Vicar received a number of suggestions from a variety of sources for the

⁶³ Archdiocese of Saint Paul and Minneapolis Clergy Bulletin, *Establishment of the Office of Episcopal Vicar for Ministerial Standards*, Volume XXXIX, Number 4, October 5, 2013.

http://www.archspm.org/_uls/resources/Episcopal_Vicar_for_Ministerial_Standards.pdf.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Statement Regarding Safe Environment and Ministerial Standards Task Force*, October 6, 2013.

<http://www.archspm.org/news-events/news-detail.php?intResourceID=10134>.

⁶⁷ The membership of the Task Force was specified as follows, “The Task Force will consist of at least six members, who will be persons of outstanding integrity and good judgment, all of whom will be lay persons who are not in the employ of the Archdiocese or any of the parishes of the Archdiocese. The members will receive a formal letter of appointment from the Vicar for Ministerial Standards to serve as members of the Task Force. Said Vicar will appoint one of the members to serve as the Chairperson of the Task Force.” Archdiocese of Saint Paul and Minneapolis Clergy Bulletin, *Establishment of the Safe Environment and Ministerial Standards Task Force*, Volume XXXIX, Number 5, October 6, 2013.

http://www.archspm.org/_uls/resources/Safe_Environment_and_Ministerial_Standards_Task_Force__2.pdf.

⁶⁸ *Id.* The Task Force was authorized to undertake the following actions:

1. Review all documents of the Archdiocese relating to its policies and procedures for preventing, investigating, and responding to sexual misconduct by clergy and all documents relating to the protection of children, youth, and vulnerable adults from such misconduct. It is responsible for providing recommendations that will ensure that the Archdiocese has effective policies and procedures for preventing, investigating, and responding to sexual misconduct by clergy that are in compliance with norms of civil and **canon law**.
2. Interview staff members of the Archdiocese, former staff members of the Archdiocese, and others at its discretion, including victims of clergy sexual misconduct and clergy who have been accused of misconduct.
3. Review any and all issues related directly or indirectly to clergy sexual misconduct in the Archdiocese, and prepare a report to the Vicar for Ministerial Standards that will recommend actions to be taken by the Archdiocese regarding these issues. The Archdiocese will cooperate fully with the Task Force, and *inter alia*, provide access to (a) records of the Archdiocese related to clergy sexual misconduct and (b) policies and procedures of the Archdiocese related to the handling of clergy sexual misconduct and the protection of children, youth, and **vulnerable adults** from such misconduct.

Task Force Membership – some potential candidates were recommended by people within and outside the Chancery, other potential candidates came forward on their own and volunteered to participate, still other candidates were specifically sought out for their expertise in a particular subject area. The Task Force was directed to present its findings and recommendations in a report to Father Whitt, who would then ensure that it is in compliance with civil and canon law, publish the final findings and recommendations, and implement the final recommendations.⁶⁹

B. Members of the Task Force

Chair: Kathleen Erickson DiGiorno

Kathleen DiGiorno is Senior Legal Director, Litigation at Medtronic, Inc. DiGiorno graduated with honors from the University of Notre Dame in 1985. She received her J.D. from the University of Minnesota Law School, where she was a member and Note and Comment Editor for the Minnesota Law Review and ran the bookstore, in 1988. Following law school, she clerked for Judge Frank Magill at the Eight Circuit Court of Appeals. She was an associate and shareholder at Briggs and Morgan, P.A., practicing in the area of complex litigation until 1998, when she left the firm to join the Medtronic legal team. At Medtronic, DiGiorno has held a number of positions. She started her career in Medtronic's Cardiac Rhythm Disease Management Division, where she developed a specialty in the area of human subject research and clinical trials and managed a team of lawyers and paralegals. From 2006 – 2010 she served as Medtronic's Chief Ethics and Compliance officer, reporting to the CEO and with responsibility for building an Ethics and Compliance function across Medtronic's US enterprise and implementing Medtronic's Corporate Integrity Agreement. Since moving back into the legal department, she has been responsible for implementing Medtronic's Preferred Legal Network, managing the litigation staff, and managing a portfolio of Medtronic litigation. DiGiorno and her family have been members at Corpus Christi parish since 1985. At Corpus Christi, she has been involved with numerous ministries, including teaching 5th grade and confirmation in the religious education program, service on the finance committee, and singing and playing violin with several music ensembles. She and her husband have four children, ages 19, 17, 14, and 12.

Julie Oseid

Professor Julie Oseid teaches at the University of St. Thomas Law School in Minneapolis, MN. Oseid received her J.D. from the University of Minnesota Law School, magna cum laude, Order of the Coif, in 1986. Oseid clerked for Judge John T. Noonan, Jr. at the Ninth Circuit Court of Appeals in San Francisco, CA. In law school, she clerked for the Hennepin County Attorney's Office, Minneapolis, in the Criminal Division. She was an associate in the Business Litigation department of Oppenheimer Wolff & Donnelly for five years. Between 1991 and 2004 Oseid was at home raising her three children. Her husband Jeff is a pediatrician. She is a member of Christ the King parish.

⁶⁹ *Id.*

Vicki Oster, M.D.

Dr. Vicki Oster is a general pediatrician at Southdale Pediatric Associates, Ltd, where she has been in practice since 1994. She has served as the group's president for the past 10 years. For more than 25 years, she has been a member of the parish of Our Lady of Lourdes in Minneapolis, where she has taught safe environment lessons for the past seven years to sixth through ninth graders in faith formation classes. Oster holds a BS in chemistry from the University of Minnesota. She graduated from the University of Minnesota Medical School in 1990 and completed four years of pediatric residency at the University of Minnesota hospital, the final year as chief resident. She lives in Eden Prairie with her husband and two teenaged sons.

Brook T. Schaub

Brook Schaub is a retired Saint Paul Police Sergeant and a graduate of the Southern Police Institute at the University of Louisville. He is a prior Sex Crimes investigator and wrote the initial grant starting the Minnesota Internet Crimes Against Children Task Force. Schaub worked with the legislature to update laws relating to electronic evidence, child pornography, and child luring. He has taught courses on child abduction and child exploitation to over 1000 local and federal law enforcement officers in the United States and other countries. He is a consultant with the child abduction rapid response Team Adam program of the National Center for Missing & Exploited Children, and Necrosearch International. Schaub is the manager of computer forensics and e-discovery at the accounting firm Eide Bailly LLP. As part of the Forensic and Valuation Unit, he performs computer forensics and e-discovery consultations to businesses and law firms. Schaub is an investigator for the Hennepin County Bar Association Ethics Committee.

Brian P. Short

Brian P. Short is the Chief Executive Officer of Leamington Co., a holding company with interests in transportation, community banking, agricultural production, and real estate. He also currently serves as a legal mediator and previously served as a United States Magistrate. He is an Independent Director of CH Robinson Worldwide Inc. and previously served as a Director of Allina Hospitals and Clinics. He also serves on the Board of Clearway Minnesota, Inc., a nonprofit established to eliminate the harm caused by Tobacco and on the Advisory Council to the Notre Dame Law School and the Board of Governors of the Law School of the University of St. Thomas. He has also served on a number of non-profit boards including Catholic Charities of the Archdiocese of St. Paul and Minneapolis, St. Joseph's Home for Children, the Monogram Club of the University of Notre Dame and William Mitchell College of Law. He is a member of the Federal, Minnesota State, and Ramsey County Bar Associations and Federal Magistrate Judges Association. Short holds a bachelor's degree from the University of Notre Dame and a law degree from the University of Notre Dame Law School.

Colleen Striegel

Colleen Striegel is Director of Human Resources and Administration, American Refugee Committee (ARC). Striegel was part of the first international team to investigate allegations of sexual exploitation and abuse of refugees by aid workers in West Africa in the early 2000s and presented the findings to the United Nations High Commissioner for Refugees in Geneva. Through her work with ARC, she has developed and implemented systems and policies to prevent and address sexual exploitation and abuse of vulnerable populations. She also serves as ARC's primary investigator of sexual abuse claims. She previously served as the Director of Human Resources at the University of St. Thomas, as well as Minnesota State University. Striegel holds a Bachelor's degree in Business Administration from Regis University in Colorado and a Master's degree in Human Development from Saint Mary's University in Minnesota.

Michael D. Thompson, MSW, Psy.D.

Dr. Michael Thompson is a private practice forensic psychologist in Minneapolis. He has worked primarily in the area of sexual offender evaluation and treatment since 1996. He has a bachelor's degree in sociology from the University of Minnesota, a master's degree in clinical social work from Fordham University, New York City, and a doctorate in clinical psychology from Pacific University, Portland, Oregon. He completed his doctoral internship in clinical and forensic psychology at Mendota Mental Health Institute and the University of Wisconsin, both in Madison, Wisconsin. Thompson is the three-time President of the Minnesota Association for the Treatment of Sexual Abusers and recently served on the Sexual Offender Civil Commitment Task Force, appointed by the Commissioner of Human Services, which recommended changes to the state's sexual offender civil commitment process. Additionally, Dr. Thompson is a court-appointed psychological examiner in criminal and civil court proceedings involving issues of mental illness, risk assessment and management, and civil commitment release petitions.

C. Individuals Assisting the Task Force

The following individuals were critical in aiding the Task Force in its work, and thus the Task Force expresses particular gratitude to:

Larry Dole, Medtronic Inc. (retired)
Project Manager

Donald Lewis, Nilan Johnson Lewis
General Counsel to the Task Force

Kimberly Lowe, Fredrickson & Byron
Counsel to the Task Force (corporate governance issues)

Nancy Novack, Leamington Co.
Administrative Assistant

APPENDIX C– THE WORK OF THE TASK FORCE

The work of the Task Force spanned six months. Our work began on October 9, 2013. The Report was submitted on March 31, 2014.

A. Number of Meetings

The full Task Force met twenty-three times between October 9, 2013 and March 27, 2014.

B. Interviews Conducted

The Task Force wanted input from several different perspectives. Specifically, the Task Force sought input from clergy, victims, Archdiocesan staff, Saint Paul Seminary staff, Clergy Review Board members, experts in child abuse, and experts in clergy sexual abuse. The Task Force is extremely grateful to those individuals who agreed to be interviewed and appreciate their honest, candid responses. Their input allowed us to have deeper understanding of and insight into the issues and enabled us to complete our report.

The Task Force interviewed the following knowledgeable individuals (presented in alphabetical order):

1. Sister Dominica Brennan, former Chancellor for Canonical Affairs
2. Monsignor Aloysius Callaghan, Rector, Saint Paul Seminary
3. Andrew Eisenzimmer, former Chancellor for Civil Affairs
4. Most Reverend Harry Flynn, Archbishop Emeritus
5. Edward Fox, former Chair of the Clergy Review Board
6. Father Dan Griffith, current Delegate for Safe Environment
7. Father David Haschka, S.J., provincial's office, Wisconsin Province of the Society of Jesus
8. Gary Johnson, Independent Computer Forensic Examiner
9. Father Patrick Kennedy, former Vocations Director for the Archdiocese
10. Sara Kronholm, Associate Chancellor for Civil Affairs
11. Joseph Kueppers, Chancellor for Civil Affairs
12. Father Charles Lachowitz, Vicar General and Moderator of the Curia
13. Carolyn Levitt, M.D., Midwest Children's Resource Center
14. Kathleen McChesney, Kinsale Management Consulting
15. Susan Mulheron, Chancellor for Canonical Affairs
16. Officers of the Saint Paul Police Sex Crimes Unit
17. Most Reverend John Nienstedt, Archbishop
18. Matthew Peterson, IT Help Desk for Archdiocese
19. Most Reverend Lee Piche, **Auxiliary Bishop**
20. Father Troy Przybilla, current Vocations Director for Archdiocese
21. Tim Rourke, former Promoter of Ministerial Standards
22. Sister Paul Therese Saiko, SSND, Saint Paul Seminary Faculty
23. Greta Sawyer, current Director of Victim Advocacy
24. Deacon Robert Schnell, current Chair of the Clergy Review Board
25. Gary Schoener, psychologist

26. Sister Katerina Schuth, OSF, Ph.D., Saint Paul Seminary Faculty
27. John Selvig, current Promoter of Ministerial Standards
28. Paul Sterud, Network Administrator for Archdiocese
29. Father Ralph Talbot
30. Father Paul Treacey
31. Deacon John Vomastek, Clergy Services Director
32. Phyllis Willerscheidt, former Director of Victim Advocacy

The Task Force also consulted clergy and other experts outside the Archdiocese.

C. Other Individuals Contacted

The Task Force requested interviews with Father Kevin McDonough, former Vicar General, Moderator of the Curia, and former Delegate for Safe Environment, and Jennifer Haselberger, former Chancellor for Canonical Affairs. Through counsel, both declined to be interviewed. The Task Force wanted to talk to Father Peter Laird, the former Vicar General and Moderator of the Curia, and attempted to contact him through the Archdiocese. However, the Archdiocese informed the Task Force that Father Laird was on leave and that it did not have contact information for him.⁷⁰

D. Documents Reviewed

The Task Force also reviewed thousands of pages of documents. These documents can be categorized as follows: (Note: this is not an exhaustive list)

Archdiocese of Saint Paul and Minneapolis documents

- Sample clergy files (including files where the accusation of sexual abuse of a minor was found to not be credible)
- Clergy Review Board records (including monitoring plans and summaries, meeting notes, memos and correspondence, governance documents)
- Policies and Procedures
- Human Resources (including organizational charts, manuals, job descriptions)
- Audit plans and reports (related to VIRTUS)
- Seminary – related materials (applications)
- Clergy Bulletins (Clergy Review Board, Ministerial Standards Board, Strengthening Trust)

⁷⁰ On 3/27/14, three weeks after the Task Force asked to speak to Father Laird, we learned that the Archbishop had received a letter from Father Laird dated 3/13/14 requesting to speak with the Task Force. In the letter, he provided a cell phone number and indicated we could reach him via his Archdiocese email (despite the fact that the Archdiocese had represented that they had no way to contact him). Our work was complete by that time, so we did not speak with Father Laird before finalizing this Report. The Task Force is disappointed that the Archdiocese was not more transparent with respect to the situation with Father Laird. The Task Force sees this failure to communicate and lack of urgency as an example of the kind of issue that the Archdiocese needs to address to change its culture.

- Office for the Protection of Children and Youth Resource materials (including 2013 Resource Book on Protection of Children and Youth, resource material posted on Archdiocese website)
- Victim Advocacy information pamphlets
- Codes of Conduct (including the proposed revised Code of Conduct for Church Personnel dated 02.17.2014)
- Parish Materials
 1. VIRTUS Training Material
 2. Policies and procedures (background checks)

United States Conference of Catholic Bishops documents:

- Dallas Charter
- UCCSB Charter for the Protection of Children and Youth
- United States Conference of Catholic Bishops Website

Expert Resources

- Reports from other organizations experiencing similar issues (Penn State Report)
- Documents and Task Force Reports from other Archdioceses (including Chicago, Boston, Allentown, San Francisco, and others)
- John Jay College of Criminal Justice, City University of New York, reports on Criminal Sexual Abuse
- Child protection organizations (e.g. National Center for Missing & Exploited Children)
- Kinsale Management Consulting (presentation on clergy sexual abuse of minors, update on report for the Archdiocese of Saint Paul and Minneapolis)
- Law Enforcement (e.g. records, procedures)
- Policies and procedures on handling sexual abuse from other organizations (American Refugee Committee and University of St. Thomas)
- American Academy of Pediatrics policy statement on child sexual abuse
- Materials from national presentations by experts on child sexual abuse

Laws

- Minnesota Statutes

Other

- Informational materials regarding best practice from other Archdioceses and Dioceses
- News outlets
- Information from clergy-centered treatment facilities
- Child protection resources

E. Several individuals and groups contacted the Task Force

The Task Force was also approached by several individuals and groups, including victims, victim advocacy groups, families of victims, Catholic faithful, parishioners, groups representing the parishes where a pastor was sexually abusing minors, and concerned citizens.

APPENDIX D – GLOSSARY OF TERMS

A

Archbishop - The title given automatically to bishops who govern archdioceses. *Source: United States Conference of Catholic Bishops website*

Archdiocese - The chief diocese of a religious region. It is governed by an archbishop. A particular church; the ordinary territorial division of the church headed by a bishop. *Source: United States Conference of Catholic Bishops website*

Auxiliary Bishop - A bishop assigned to a Catholic diocese or archdiocese to assist its residential bishop. *Source: United States Conference of Catholic Bishops website*

B

Bishop - The highest order of ordained ministry in Catholic teaching. Most bishops are diocesan bishops, the chief priests in their respective dioceses. But some (auxiliary bishops) are the top assistants to their diocesan bishops, and some priests are made bishops because of special posts they hold in the church, such as certain Vatican jobs. Diocesan bishops and their auxiliaries are responsible for the pastoral care of their dioceses. *Source: United States Conference of Catholic Bishops website*

C

Canon law, Canonical - A code of ecclesiastical (religious) laws governing the Catholic Church. Canon law touches on all aspects of the life of the Church: governance and temporal affairs, the administration of the sacraments, penal law and processes, and the relationships between the Archdiocese, its parishes and institutions, and clergy and laity. With the exception of questions relating to declarations of nullity, the Chancellor for Canonical Affairs handles queries related to canon law. Use of the term **Canonical** is an adjective used to describe that which relates to laws which govern the Church. *Source: United States Conference of Catholic Bishops website and Archdiocese of Saint Paul and Minneapolis website*

Chancellor - The chief archivist of a diocese's official records. Also a notary and secretary of the diocesan curia, or central administration; he or she may have a variety of other duties as well. *Source: United States Conference of Catholic Bishops website*

Chancellor for Canonical Affairs - The Chancellor for Canonical Affairs provides general canonical counsel to the Archbishop, other departments within the Archdiocese, priests, parishes, and members of the lay faithful. *Source: Archdiocese of Saint Paul and Minneapolis website*

Chancellor for Civil Affairs - The Chancellor for Civil Affairs serves as the Archbishop's attorney and represents the Archdiocese in civil legal matters, and offers legal (civil) advice to the diocesan bishop and parishes on a variety of issues from property law to employment law. *Source: Archdiocese of Saint Paul and Minneapolis website*

Chancery Corporation - Refers to all administrative and program offices and departments of the Corporation named The Archdiocese of Saint Paul and Minneapolis (the Chancery Corporation). *Source: Archdiocese of Saint Paul and Minneapolis website*

Charter - Formally known as the *Charter for the Protection of Children and Young People*, the “Charter” was developed by the Ad Hoc Committee for Sexual Abuse of the United States Conference of Catholic Bishops. It was approved by the full body of U.S. Catholic bishops at its June 2005 General Meeting, and the second revision was approved at the June 2011 General Meeting. Also known as the Dallas Charter (see also Dallas Charter). *Source: United States Conference of Catholic Bishops website*

Child Protective Services (CPS) - A state governmental agency that responds to reports of child abuse or neglect. *Source: Minnesota Department of Human Services website*

Cleric - Refers to an individual that is ordained—bishops, priests, and deacons—all are members of the clergy but individually they are referred to as a *cleric*. *Source: Merriam Webster Dictionary*

Clericalism - A policy of maintaining or increasing the power of a religious hierarchy. *Source: Merriam Webster Dictionary*

Clergy - In Catholic usage, a collective term referring to all those ordained—bishops, priests and deacons—who administer the rites of the Church. *Source: United States Conference of Catholic Bishops website*

Clergy Review Board - A board that serves as a resource to the Archbishop and his staff in regard to clergy misconduct. Required by the Charter for the Protection of Children and Young People and the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (the “Charter” also known as the “Dallas Charter”) and provides that each bishop establish a review board to function as a confidential, consultative body to the bishop on matters related to the response of the local Church to issues surrounding the sexual abuse of minors by clergy. *Source: Clergy Bulletin September 18, 2013 Volume XXXIX, Number 2 Archdiocese of Saint Paul and Minneapolis*

Code of Conduct - The Pastoral Codes of Conduct for Employees and Volunteers establishes standards of ministerial behavior and appropriate boundaries for clergy and parish, school and diocesan employees as well as volunteers who have regular or unsupervised contact with minors. *Source: Archdiocese of Saint Paul and Minneapolis website*

Compliance Auditing and Monitoring (CAM) Program - The Task Force recommends that the Archdiocese work with outside experts to develop an internal auditing and monitoring program to ensure that its Safe Environment Program is effective. This program is referred to as the Compliance Auditing and Monitoring Program, or CAM Program. This program should include internal monitoring and testing conducted in accordance with a risk-based monitoring plan, as well as formal periodic internal auditing of compliance with safe environment policies and procedures. While the Task Force's recommendations focused on Safe Environment programming, the Archdiocese could expand this program to cover other types of policy and procedure. *Source: Text of Task Force Report.*

Comprehensive Assignment Board - This board assists the Archbishop with the selection of priests and deacons to canonical appointments. It does this by providing counsel and offering recommendations regarding specific appointments. *Source: Clergy Bulletin, September 10, 2009 Comprehensive Assignment Board, Archdiocese of Saint Paul and Minneapolis*

D

Dallas Charter - Formally known as the *Charter for the Protection of Children and Young People*, the “Charter” was developed by the Ad Hoc Committee for Sexual Abuse of the United States Conference of Catholic Bishops. It was approved by the full body of U.S. Catholic bishops at its June 2005 General Meeting, and the second revision was approved at the June 2011 General Meeting. *Source: United States Conference of Catholic Bishops website*

Deacon, Diaconate - In the Catholic Church, the diaconate is the first of three ranks in ordained ministry. Deacons preparing for the priesthood are *transitional deacons*. Those not planning to be ordained priests are called *permanent deacons*. Married men may be ordained permanent deacons, but only unmarried men committed to lifelong celibacy can be ordained deacons if they are planning to become priests. *Source: United States Conference of Catholic Bishops website*

Delegate for Safe Environment - Appointed by the Archbishop, the Delegate for Safe Environment’s duties include coordinating the Safe Environment team, supervising the Promoter of Ministerial Standards and the Advocacy and Victims Assistance coordinator, participating in disciplinary interventions with clergy, meeting, listening and responding to victims of abuse, assisting parishes responding to situations or allegations of abuse, providing ongoing assessment and analysis of current policies and procedures related to clerical discipline and performing other duties as assigned by the Archbishop or the Vicar General. *Source: August 2013 Letter of engagement from Archbishop Nienstedt to Father Griffith, current Delegate for Safe Environment*

E

Episcopal Vicar - A priest or auxiliary bishop who assists the diocesan bishop in a specific part of the diocese, over certain groups in the diocese, or over certain areas of Church affairs. Some large dioceses, for example, are divided geographically into several vicariates or regions, with an episcopal vicar for each; some dioceses have episcopal vicars for clergy or religious or for Catholics of certain racial or ethnic groups. See *vicar general*. Source: *United States Conference of Catholic Bishops website*

Episcopal Vicar for Ministerial Standards - An ecclesiastical office with full authority to oversee all issues of clergy sexual misconduct created in the Archdiocese of Saint Paul and Minneapolis. Source: *Clergy Bulletin October 5, 2013 Volume XXXIX, Number 4*

J

John Jay College - A senior college of The City University of New York, it is a national and international leader in educating for justice. It is not affiliated with the Catholic Church. The John Jay College Research Team produced the two reports presented to the United States Conference of Catholic Bishops: *The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010*, (March 2011) and *The Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States, 1950-2002*, (February 2004). Source: *John Jay College website and materials provided by Sister Katarina Schuth, O.S.F., Saint Paul Seminary School of Divinity, University of St. Thomas, and a member of the research team at the John Jay College*

K

Kinsale Management Consulting - Nationally-recognized firm retained by the Archdiocese of Saint Paul and Minneapolis to conduct a third-party review of clergy files. Kinsale was founded by Kathleen McChesney, Ph.D., the former number three official at the Federal Bureau of Investigation and head of the US Conference of Catholic Bishops Office for Child and Youth Protection, where she developed and oversaw a national compliance mechanism to ensure that all Catholic dioceses complied with civil laws and internal policies relative to the prevention, reporting and response to the sexual abuse of minors. Source: *Statement Regarding Hiring of Outside Firm for Clergy File Review, Archdiocese of Saint Paul and Minneapolis website*

L

Laicization - The process by which a priest is returned to the lay state. It is sometimes used as a penalty for a serious crime or scandal, but more often it comes at the request of the priest. A laicized priest is barred from all priestly ministry with one exception: he may give absolution to someone in immediate danger of death. The Pope must approve all requests for laicization. When a priest is laicized without his consent, for a crime such as living in concubinage, committing child sexual abuse or using the confessional to solicit sex, it is sometimes called *defrocking* or *unfrocking*. Those terms, which are not used in Church law, should be restricted to forcible laicizations, since they connote a penalty. *Source: United States Conference of Catholic Bishops website*

Lay, Laity - In canon law, anyone not ordained a deacon, priest or bishop is a layperson. In this legal sense women religious (sisters) and unordained men religious (brothers) are laity. In the documents of the Second Vatican Council, however, the laity are those who are neither ordained nor members of a religious order. The Vatican II sense is the one usually intended in most discussions of laypeople and their role in the Church. *Source: United States Conference of Catholic Bishops website*

M

Ministerial Standards Board - A confidential, advisory, consultative body that advises the Archbishop in his assessment of allegations of acts of misconduct by clergy, other than those involving sexual abuse of a minor. Allegations involving sexual abuse of a minor would be referred to the Clergy Review Board. Acts of misconduct would include sexual misconduct by clergy with adults, including adults with whom the member of the clergy had a pastoral relationship. It may also include other instances of misconduct, including, but not limited to, gambling, drug or alcohol violations, financial crimes, criminal lewd conduct, possession of some forms of sexually explicit materials, other boundary violations and other inappropriate behavioral actions. *Source: Clergy Bulletin September 18, 2013 Volume XXXIX, Number 3*

Moderator of the Curia/Vicar General - The Vicar General is the principal deputy of the Archbishop in the exercise of administrative authority. The Vicar General assists the Archbishop in the general care and administration of the diocese. The Moderator of the Curia is appointed by the Archbishop to coordinate the ministries and services of the diocese. *Source: Archdiocese of Saint Paul and Minneapolis website*

O

Office for the Protection of Children and Youth - The Office for the Protection of Children and Youth of the Archdiocese of Saint Paul and Minneapolis helps provide safe environments for all children, youth and vulnerable adults in our local Church. The Office for the Protection of Children and Youth is charged with implementing the requirements of Articles 6, 12 and 13 of the *Charter for the Protection of Children and Young People* issued by the United States Conference of Catholic Bishops, and the policies of the Archdiocese concerning the protection of minors. *Source: Archdiocese of Saint Paul and Minneapolis website*

P

Promoter of Ministerial Standards - Monitors Archdiocese personnel in violation of ministerial standards and policy. *Source: Archdiocese of Saint Paul and Minneapolis policy statement 2005*

S

Safe Environment - A term used to refer to the wide assortment of practices that contribute to preventing child abuse of any kind. *Source: United States Conference of Catholic Bishops website.*

Safe Environment Program - In this Archdiocese, all policies, procedures and programming that contribute to the protection of children and vulnerable adults. The Delegate for Safe Environment is responsible for managing this broad program, which under the framework recommended by the Task Force will include but not be limited to activities of the Delegate, the clergy review board, the POMS program, and the Victim Advocate office, related activity at the parish level, as well as the Compliance Audit and Monitoring (CAM) program. *Source: Text of Task Force Report.*

Seminary - An educational institution for men preparing for the priesthood. *Source: United States Conference of Catholic Bishops website*

U

United States Conference of Catholic Bishops - The national membership organization of the Catholic bishops of the United States, through which they act collegially on pastoral, liturgical and public policy matters affecting the Catholic Church in the United States. *Source: United States Conference of Catholic Bishops website*

V

Vicar General - A priest, auxiliary bishop or coadjutor bishop who assists the diocesan bishop in the governance of the entire diocese. *Source: United States Conference of Catholic Bishops website*

Victim Advocate - Formally known as **Advisor/Advocate Coordinator** - a position within the Archdiocese that advises and/or coordinates advocacy services for victims of ministry-related sexual misconduct. The Advisor/Advocate Coordinator does not intervene with clergy on their own, but instead helps the victim make further connections. *Source: Archdiocese of Saint Paul and Minneapolis website*

VIRTUS - VIRTUS training is a three hour awareness session which better equips adults to protect children in the world around them. It is required of all clergy, deacons, school and parish employees as well as all volunteers who are in regular or unsupervised contact with children under the age of 18. *Source: Archdiocese of Saint Paul and Minneapolis website*

Vulnerable adults - The term *vulnerable adults* can apply to people with a physical, mental, or emotional condition or an illness that renders them unable to defend themselves, protect themselves, or get help for themselves when injured or emotionally abused. *Source: Archdiocese of Saint Paul and Minneapolis website*