

**FINAL REPORT
OF THE
INDEPENDENT OVERSIGHT COMMITTEE
OF THE
COLORADO INDEPENDENT RECONCILIATION
AND REPARATIONS PROGRAM**

December 1, 2020

I. Background and Summary of the Colorado Independent Reconciliation and Reparations Program

Because of incidents of historic sexual abuse of minors by priests in the Catholic Church, for many decades the three dioceses in Colorado—the Archdiocese of Denver, the Diocese of Colorado Springs, and the Diocese of Pueblo (the "Colorado Dioceses")—have had individual programs to help victim-survivors of that abuse. Since 2003, under the national Charter that governs all dioceses in the United States, the Colorado Dioceses have provided care and services to survivors of abuse by diocesan priests under a unified, national approach. Starting in 2008, the Archdiocese of Denver engaged a group of Colorado community leaders (a Colorado judge, the Lakewood Chief of Police, and a vocational rehabilitation specialist) to assist in settling claims of historic abuse. That group of independent professionals asked all survivors to come forward, evaluated their claims, and determined settlement amounts that the Archdiocese would pay to survivors who came forward.

The 2019 Independent Reconciliation and Reparations Program ("IRRP") is another step in the continuing effort by the Catholic Church in Colorado to responsibly address this historic sexual abuse issue. In January of 2019, the Colorado Dioceses—led by Archbishop Aquila and supported by Colorado Attorney General Phil Weiser—openly shared their records to allow a full study of the issue of sexual abuse of minors. This work included the Attorney General and the Church hiring an independent investigator to evaluate the current policies and practices in place for protecting minors from abuse. The Church and the Attorney General agreed that the most important aspects of this review were to help

survivors, especially those identified for the first time as a result of this 2019 study, and to ensure the Church has strong protections in place to prevent abuse.

The 2019 study was led by Colorado's former United States Attorney Bob Troyer and resulted in a written report that Mr. Troyer delivered to the Colorado Dioceses and Attorney General Weiser last year. Mr. Troyer completed a supplemental report based on any individuals who came forward to the IRRP or the Attorney General after the release of the 2019 study. Together, Mr. Troyer's reports identify 212 children who were abused by 52 diocesan priests in the Colorado Dioceses from 1950 through 1999. Many of these survivors had previously come forward and received help from the Church. Other survivors came forward for the first time in the IRRP. As a measure of transparency, these reports identify by name the diocesan priests with substantiated allegations of sexual abuse. We commend the Church, the Attorney General, and Mr. Troyer for voluntarily cooperating in this independent inquiry—which was separate from our work—as a further effort to reconcile this history and acknowledge these survivors.

The IRRP was created to further acknowledge the historic wrongs endured by victim-survivors and offer an opportunity for them to receive needed services and compensation. With input from the Colorado Dioceses and Attorney General Weiser, the IRRP was designed by nationally known compensation program administrators, Kenneth Feinberg and Camille Biros ("Administrators"). The IRRP established a non-adversarial process that allowed survivors to voluntarily submit claims that were evaluated by the Administrators. The Administrators had complete independence to determine the eligibility of individual claims and they alone determined the amount of compensation offered to any survivor.

Throughout the IRRP, Attorney General Weiser's office served as a liaison for victim-survivor support services. Survivors contacting the Attorney General's office were connected with organizations providing the most appropriate form of support services.

The IRRP was overseen by an Independent Oversight Committee ("IOC") chaired by former United States Senator Hank Brown. The IOC also includes retired Pueblo County District Court Judge David Crockenberg; former manager of the Office of Victims Programs within the Colorado Department of Public Safety Nancy Feldman; community leader and Latina activist Laura Morales; and former El Paso County District Attorney Jeanne Smith.

The IRRP was designed and administered with special emphasis on confidentiality for victim-survivors and the Church's transparency. Survivors had the opportunity to confidentially file claims to protect their privacy. At the same time, survivors had the right (but certainly no obligation) to publicly disclose details about their abuse, their experience with the IRRP, and the Administrators' determination of their claims. From the outset, the Colorado Dioceses shared information learned through the program with the IOC, the Attorney General's office, and local law enforcement.

The IRRP applied to all claims made against diocesan priests in Colorado, but it did not apply to claims made against religious order priests or priests from other dioceses. Caring for victim-survivors of those priests rests with the responsible religious order or other diocese, not the Colorado Dioceses. Under the IRRP, when claims were made against a religious order priest or a priest from another diocese, the Colorado Dioceses still reported those allegations to law enforcement and notified the responsible religious order or diocese so that those survivors can receive support from the organization that employed the offending priest.

We commend the Colorado Dioceses for continuing their outreach to survivors through the IRRP, which we, the members of the IOC, have overseen. As explained further below, 81 survivors received reparations offers from the independent Administrators and 95% of those survivors accepted the recommended offers. We were heartened that so many survivors chose to trust the independence of the IRRP and receive help. We also thank Attorney General Phil Weiser for his support of the IRRP and the important work of helping survivors heal.

II. Claims Process

Immediately after the IRRP claims period opened in early October 2019, the Administrators sent a claims packet to all individuals who previously reported a claim of abuse to or sought assistance from the Colorado Dioceses or the Office of Child and Youth Protection ("OCYP") of the Colorado Dioceses. The Colorado Dioceses used their own records and the assistance of a private investigator to find current mailing addresses for known victim-survivors. Individuals who had not previously reported abuse to or sought assistance from the Colorado Dioceses or the OCYP could register for preliminary claim review on the Program website (www.ColoradoDiocesesIRR.com).

To publicize the IRRP at the time it launched in early October 2019, the Colorado Dioceses worked with the Administrators, Attorney General Weiser, and the IOC to host a press conference and issue a press release that described the program in detail. As a result, most local newspapers, television networks, and news radio stations covered the launch of the program and information about how survivors could register for preliminary claim review. In addition, announcements about the program and the registration process were made for several weeks in church bulletins and from the pulpit in every parish within the Colorado Dioceses. If a survivor contacted the Colorado Dioceses or one of their parishes, employees of the Dioceses and their parishes were trained to inform the survivor about the IRRP and how to contact the Administrators. Finally, the Attorney General's office had a hotline for receiving claims of abuse and forwarding that information to the Administrators.

Although registration of new claims closed at the end of November 2019, several claimants contacted the Administrators after that time. Based on the recommendation of the IOC, the Administrators and the Colorado Dioceses agreed to allow these additional claimants to participate in the program.

The IRRP was available to all eligible claimants regardless of when the harm occurred. The statute of limitations was not a consideration—a claimant could seek compensation regardless of whether they were time-barred from bringing a claim in a court of law. Claimants completed a short claim form, and they had the opportunity to provide additional materials and speak with the Administrators before final determination of their claims. During this process, claimants were allowed, but not required, to be represented by legal counsel. Claimants also had access to mental health resources and support services through the Colorado Attorney General's office.

After reviewing all the information submitted, the Administrators determined each claimant's eligibility and the monetary reparations that should be paid considering the nature and extent of the harm suffered by the claimant, the impact of the abuse on the claimant's life, and all other circumstances. Independent legal counsel was provided free of charge to unrepresented claimants concerning the language and binding nature of the Release that claimants were required to sign as a condition of receiving a reparations payment from the Colorado Dioceses. Claimants originally had 60 days to accept or reject

a settlement offer. The IOC worked to ensure that claimants accepting a settlement after the 60-day deadline remained eligible to receive the settlement payment. No claim was rejected or denied for failing to meet this or any other deadline. Any decision by the Administrators was fully binding on the Colorado Dioceses, and neither the IOC nor the Colorado Dioceses had authority to modify or reject any eligibility or compensation determination made by the Administrators.

III. IOC Oversight

The IOC was tasked with overseeing the program to ensure that it was administered consistent with the IRRP protocol and in a manner that was both survivor-centered and positive for the community. The IOC received periodic updates from the Administrators and had the opportunity to request information about program details. The Administrators fully cooperated with all the IOC's requests for information. The IOC also prepared periodic reports and press releases to keep the community apprised of the IRRP's progress. The IOC was contacted by one claimant with process issues and was able to work with the Administrators to resolve the concerns expressed by that claimant.

IV. Colorado Dioceses' Cooperation

The Colorado Dioceses were fully cooperative and helpful during the IRRP process, providing all information requested by the Administrators and the IOC and timely paying all settlements determined by the Administrators and accepted by claimants. Based on reports from the Colorado Attorney General and the Administrators, and based on the IOC's own experience, the Colorado Dioceses were completely open and transparent in providing all files and information needed to facilitate the IRRP.

V. Final Program Statistics

Through November 17, 2020, the IRRP has processed claims as follows:

- 98 people filed claims with the Administrators.
- 81 were determined to be eligible for compensation.
- 79 completed the claims process. There are two incomplete claims that will be eligible for compensation once complete materials are submitted.
- 77 claimants accepted settlement offers from the IRRP Administrators (which means 95% of settlement offers were accepted).

- The IRRP has paid or authorized payments in the total amount of \$7,312,500 (which includes amounts paid to 77 claimants and amounts offered to the two claimants with incomplete claims).
- Of the 81 eligible claims, the most recent alleged abuse occurred in 1999, and the oldest allegation dates back to 1950. No survivor alleged abuse within the last 20 years, nor were there claims of abuse by a priest currently in active ministry.
- Allegations involved 30 priests, 9 of whom were unknown prior to the IRRP. All accused priests are either out of ministry or deceased.

VI. Access to Ongoing Support Services

The Colorado Dioceses remain committed to providing support for all survivors of clergy abuse, regardless of whether the person participated in the IRRP. The OCYP established by each of the Colorado Dioceses will continue to coordinate services tailored to the specific needs of the survivor. A claimant's acceptance of reparations through the IRRP does not preclude that person from accessing services through the Colorado Dioceses' survivor support services. In addition, the Colorado Attorney General's office will keep its hotline open and refer survivors to support services.

VII. The IOC's Concluding Evaluation of the Program

Judge Crockenberg said, "When this program began, it was our hope that victim-survivors of clergy abuse would have the opportunity to have their claims heard in a confidential and compassionate way. With the help of the Independent Claims Administrators, the Attorney General's office, the Colorado Dioceses, and the Independent Oversight Committee, we believe the program has accomplished its goals. It is our further hope that all survivors will continue to heal knowing that their claims have been recognized and addressed."

Jeanne Smith stated, "Sexual abuse remains one of the most underreported crimes, too often hiding in shadows. The IRRP is one more step toward acknowledging the damage caused to these individuals by persons they trusted. Thanks go to the Colorado Dioceses

for supporting this effort financially, and to the victim-survivors who were willing to join the process and, hopefully, reach out for healing."

Laura Morales commented, "Being part of the Independent Oversight Committee has been a meaningful experience. It brings me some comfort knowing that survivors of childhood sexual abuse have been given the opportunity to be heard and acknowledged. The compensation they received will help but it cannot erase the pain that they lived through. In addition, the survivors will have access to services and resources they can use to continue to heal."

Nancy Feldman added, "The IRRP program gave victim-survivors an opportunity to have their abuse acknowledged as well as receive support and monetary reparations. I am pleased that so many people were able to utilize this non-adversarial program and I hope this process provided some comfort to them. Services do not end with the conclusion of this program and I hope survivors who would like additional support and resources will contact the Attorney General's office or one of the Colorado Dioceses."

Senator Brown concluded, "The IOC is pleased with the administration and outcomes of the IRRP. The IOC recognizes that there is no one way to heal the trauma suffered by survivors of clergy abuse. However, the IRRP was an important step in the Colorado Dioceses' ongoing work to assist survivors with the process of healing. Employing a non-adversarial and survivor-centered process, the IRRP created an opportunity for survivors to be heard, have their claims reviewed by a neutral and independent third party, and receive acknowledgement and financial assistance. The IOC commends the courage demonstrated by all claimants, especially those coming forward for the first time. The IOC also commends the Colorado Dioceses for financing the program and all settlements paid to survivors. The IOC has worked to ensure that mental health services were available to survivors throughout the program and will remain available. It is the IOC's sincere hope that the IRRP assisted in the healing process for survivors of abuse and the community at large."