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SEXUALLY DANGEROUS PERSON CONSULTATION

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July 24, 2017

Paul Shanley
DOB: [REDACTED] (86)

REASON FOR REFERRAL:

I was retained by the Middlesex County District Attorney's Office in order to review records in order to offer an opinion regarding whether or not Mr. Paul Shanley currently meets criteria as a Sexually Dangerous Person as defined by MGL Ch. 123A, Sec, 1. I was asked to complete a pre-probable cause screening. I was told the information could be used by the District Attorney's Office to assist in determining whether they would petition for Mr. Shanley's commitment as a Sexually Dangerous Person.

On 7/10/17, I verbally informed the District Attorney's Office that in my opinion, Mr. Shanley **does not meet** statutory criteria as a Sexually Dangerous Person. I received a number of additional materials since offering my opinion on that date. My opinion remains the same, Mr. Shanley does not meet statutory criteria as a sexually dangerous person

According to his Board of Probation record, Mr. Shanley [REDACTED]

[REDACTED]

[REDACTED] The Commonwealth's sentencing memorandum identifies 23 male victims. As I understand it, only one victim went forward with the trial. [REDACTED]

I did not interview Mr. Shanley. He cannot be compelled to meet with me at this stage in the statutorily defined process.

SOURCES OF INFORMATION:

I reviewed:

- Mr. Shanley's Board of Probation record (CORI report) and FBI/Triple I Interstate criminal history;

[REDACTED]
investigative materials, police reports including victim statements completed at the time [REDACTED];

-Newspaper Articles describing Mr. Shanley's participation at the first ever invitational only Meeting of the North American Man Boy Love Association;

-Correspondence between Mr. Shanley in the Archdiocese of Boston, letters written in support of Mr. Shanley when he was a priest, letters written expressing concern regarding Mr. Shanley when he was a priest;

-Materials From the archdiocese of Boston including typewritten cards documenting Mr. Shanley's dates of transfer between parishes, transfer to California and New York City and defrocking;

-Correspondence from Mr. Shanley to the Archbishop describing his philosophy with regard to sexuality, particularly homosexuality, the need for ministry for this population and why, as well as requests for money and materials in the pursuit of this ministry. Included in this packet of 100 pages are the responses to Mr. Shanley from the Archbishop regarding his requests, including the diocese denial of Mr. Shanley's role as a representative of the archdiocese in the matter of sexual behavior and ultimate transfer to another role, specifically terminating his participation and involvement in sexual matters;

-Advertisements for Mr. Shanley's audiotapes on sexual topics including order forms;

-Materials from the civil case related to Mr. Shanley's sexual offending including depositions and other materials related to four alleged victims;

-Commonwealth's Sentencing summary by the Middlesex District Attorney's Office from 2005;

-Personnel Records concerning Mr. Shanley from the archdiocese;

-Vanity Fair article titled "Unholy Communion", 34 pages from 2008;

-20 minute telephone interview with a family member of one of the victims;

-Medical Records including documents related to [REDACTED]

RELEVANT HISTORY:

The following information was quoted from the Commonwealth's Sentencing Memorandum, authored by Deputy First Assistant Lynn Rooney and dated 2/15/05:

The defendant was ordained as a Catholic priest on February 2, 1960. His first assignment was on February 19, 1960 to St. Patrick's in Stoneham, where he remained until June 20, 1967. He was reassigned to St. Francis in Braintree. The defendant left St. Francis's Parish in June 1969 and was assigned to Campus Ministry at St. Anthony's in Allston where he remained until September 1969. He continued in Campus Ministry but was reassigned to the Warwick House in Roxbury on September 25, 1969. On March 5, 1970, he was reassigned to St. Philip's in Boston, continuing his work in Campus Ministry but designated specifically to work with 'Alienated Youth.' This designation continued for nine (9) years at several different locations - South Braintree, Boston and Milton.

On April 5, 1979, the defendant was removed from Campus Ministry and assigned as an Associate Pastor to St. Jean's Parish in Newton. On November 15, 1983, he was named the Administrator at St. Jean's Parish, and on January 1, 1985, he was designated the Pastor of St. Jean's. He remained at St. Jean's until he resigned on January 2, 1990.

At that point in time, the defendant was placed on "sick leave" and left the Commonwealth of Massachusetts. He remained in California, moving between Palm Springs and San Bernardino until February 1995. In February 1995, he moved to New York City where he resided at Leo House. He remained in New York until January 1998 when he returned to California and remained there, living in San Diego, until his arrest in May 2002. Although the initial "sick leave" was to last one year, in reality the defendant's "sick leave" was extended until he was granted Senior Priest Status on March 1, 1996. The defendant was never assigned to a parish within the Boston Archdiocese after resigning from St. Jean's in Newton in January of 1990.

[REDACTED]

[REDACTED]

Mr. Shanley has no other criminal history [REDACTED]

[REDACTED]

[REDACTED]

SEXUAL HISTORY

As noted in the Sentencing Memorandum, the first complaints to the Boston Archdiocese occurred in the fall of 1977, and "centered on comments the defendant made when he traveled and spoke as part of his Campus Ministry to the Alienated Youth." After a speech at the "Dignity/Integrity Meeting at a church in Rochester, New York, a letter was sent to the Archdiocese "complaining about certain statements made by the defendant." A woman was disturbed about some of Mr. Shanley's comments and was encouraged to document her concerns which were forwarded to the Archdiocese of Boston. According to correspondence from the Archdiocese of Boston, Mr. Shanley was never appointed to a position on behalf of the diocese. The letter noted:

He (Father Shanley) spoke of pedophilia (which is a non-coerced sexual manipulation of sex organs including oral-genital sex between an adult and child). He stated that the adult is not the seducer - - the "kid" is the seducer and that further

the kid is not traumatized by the act per se, the kid is traumatized when the police and authorities “drag” the kid in for questioning.

As noted in the Sentencing Memorandum, a number of individuals reviewed the notes taken by the woman who wrote to the Archdiocese and no one "refuted" the content of the notes or the complaints. In November, 1977 according to the Commonwealth's Sentencing Memorandum:

The response by the Boston Archdiocese as evidenced by the Most Reverend Thomas V. Dailey, the Auxiliary Bishop of Boston, in a letter written to Mrs. S. on December 2, 1977 —The position of the Archdiocese of Boston, is that while Father Shanley enjoys the Faculties of the Archdiocese of Boston, he alone must be held responsible for any statements regarding homosexuality.

According to an article dated 2/12/79 from an issue of Gaysweek, an “invitation only” gathering of the “first ever semipublic gathering in North America of men who are involved in relationships with male youngsters, of the boys themselves, as well as of assorted other professionals in some way connected with the issue of man boy love” or the North American Man Boy Love Association [NAMBLA] was held in Boston at the community church on 12/2/78. NAMBLA is a “pedophile and pederasty advocacy organization in the United States. It works to abolish age-of-consent laws criminalizing adult sexual involvement with minors and campaigns for the release of men who have been jailed for sexual contacts with minors that did not involve coercion.”¹ NAMBLA's website states that it is a political, civil rights, and educational organization whose goal is to end "the extreme oppression of men and boys in mutually consensual relationships". According to NAMBLA, some of the organization's positions include:

Supporting and promoting man/boy relationships: the organization says that when consensual, these relationships are not harmful or amount to child sexual abuse. They cite a controversial paper by Rind et al.^[2]

Age of consent reform: what NAMBLA describes as "empowerment of youth in all areas, not just the sexual."

Opposition to corporal punishment, kidnapping and rape.
In achieving these goals, NAMBLA aims to co-operate with the mainstream LGBT community and women's liberation movements.³

1 -Soto, Onell R. (2005). ['FBI targets pedophilia advocates: Little-known group promotes 'benevolent' sex'](#), San Diego Union-Tribune, 18 February.

-["Boston Magazine, Boy Crazy, By Benoit Denizet-Lewis, May 2001"](#). Bostonmagazine.com. Archived from [the original](#) on 2012-03-08. Retrieved 2009-10-07.¹

² Lilienfeld, SO (2002). ["When Worlds Collide: Social Science, Politics and the Rind et al. \(1998\) Child Abuse Meta-Analysis"](#) (PDF). [The American Psychologist](#). **57** (3): 177–187. [PMID 11905116](#). [doi:10.1037/0003-066x.57.3.176](#). Archived from [the original](#) (pdf) on 2003-04-29.

Onell R. Soto, a [San Diego Union-Tribune](#) writer, wrote in February 2005, "Law enforcement officials and mental health professionals say that while NAMBLA's membership numbers are small, the group has a dangerous ripple effect through the Internet by sanctioning the behavior of those who would abuse children".⁴

Mr. Shanley spoke at the conference. He was quoted in the 2/12/79 issue of Gaysweek:

Father Paul Shanley, representative of Boston's Cardinal Medeiros for outreach to sexual minorities, told the story of a boy who was rejected by family and society, but helped by a boy-lover. When his parents found out about the relationship, however, the man was arrested, convicted, and sent to prison. "And there began the psychic demise of that kid," Shanley commented. "He had loved that man . . . It was only a brief and passing thing as far as the sex was concerned, but the love was deep and the gratitude to the man was deep and when he realized that the indiscretion in the eyes of society and the law had cost this man perhaps twenty years, . . . the boy began to fall apart." Shanley concluded: "we have our convictions upside down if we are truly concerned with boys. . . the 'cure' does far more damage."

According to the Sentencing Memorandum:

A copy of this article was received at the Office of the Chancellor of the Boston Archdiocese on April 9, 1979. There is nothing within the files of the Boston Archdiocese that evidences any response on the part of the Cardinal or his staff. On April 29, 1985 a letter was sent to Cardinal Bernard Law, again complaining about the content of a speech made by the defendant. This time it was at Corpus Christi Church in Rochester, New York. Ms. Wilma H. wrote that the defendant

...made some outlandish statements regarding the people involved in a homosexual lifestyle, not merely in orientation. Here are some of the statements . . . When adults have sex with children, the children seduced them, Children may later regret having caused someone to go to prison, knowing that they are the guilty ones.

This language was hauntingly similar to the language that the Boston Archdiocese had been put on notice about in 1977 and 1979 - specifically that the defendant was essentially espousing the sexual molestation of children. Disturbingly, the response to the Wilma H, letter was the same as the earlier responses. When the then Reverend John B, McCormack met with the defendant to discuss the H. letter, he noted [Paul] feels she basically misunderstood him - I have no reason to believe Paul was supporting efforts of homosexual atrocity A minimal review of the defendant's personnel file even at this early stage easily suggested a reason to be concerned.

3

Soto, Onell R. (2005). ['FBI targets pedophilia advocates: Little-known group promotes 'benevolent' sex'](#), San Diego Union-Tribune, 18 February.

On March 14, 1988, the Boston Archdiocese received the first complaint about the defendant's conduct. It came from a young man [T.], who had been hospitalized at McLean's Hospital in Belmont, Massachusetts in the summer of 1987. T. complained of inappropriate behavior by the defendant when he came to counsel him at McLean's. T. described how the defendant had talked about sado-masochistic behavior and, in his opinion, 'came on to him.' When the defendant was questioned about the incident, "He became irate at first ... he indicated he remembered the person and the incident, but did not remember anything in the conversation." The Boston Archdiocese contacted T. on March 19, 1988 and Reverend Robert Banks noted "I telephoned T. and told him that Father Shanley had denied the allegation, and that there really was nothing I could do."

The next documented complaint concerning the defendant is undated, but the context suggests it arrived at the Boston Archdiocese in the early 1980's. A family accused the defendant of masturbating their young son. The defendant categorically denied the allegation -"I swear to you as God is my Judge that I did not masturbate this boy here or anywhere else at that date or any other date, so help me God." The defendant maintained that he had counseled the family for a number of years, that the boy was in need of psychiatric services, and that there was a question of a large sum of money having been stolen from the family's business. A notation on the defendant's written denial to the allegation: "Father Shanley's answer to the attached charges, accepted as true."

On December 9, 1991, Reverend John B. McCormack wrote a memorandum to Bishop Hughes in which he discussed information he had received from Dr. Ned Cassem who had written a letter on November 16, 1991 regarding the defendant. At the time, Dr. Cassem was Chief of Psychiatry at Massachusetts General Hospital. Dr. Cassem's observations were as follows:

[REDACTED]

Reverend McCormack's response in 1991 was:

"It is clear to me that Paul Shanley is a sick person. I really question the advisability of asking Father Shanley to return to Boston for a psychiatric consultation with the view that he would be able to return to active ministry."

In November, 1992, Jacqueline G., a member of the St. Jean's Parish, directly confronted Cardinal Law about the defendant. Ms. G. reported that the defendant had sexually assaulted a young boy. There was no response from the Boston Archdiocese and in fact, in 2002, the Boston Archdiocese initially stated that they were unaware of any earlier complaints by Ms. G. The facts, however, speak otherwise. The defendant proclaimed at a Mass at St. Jean's that a 'woman' was

making accusations against him and that she should be ignored. The parishioners knew exactly whom he was speaking of earlier that month, Jacqueline G. had disrupted a Mass at St. Jean's and had been "told by the defendant that she was no longer welcome at the Church."

On July 28, 1993, a 45 year old man complained about being abused by the defendant when he was 12 years old at St. Patrick's Church in Stoneham. By this time, the complaints against the defendant had been brought into a review process that had been established for priests who were alleged to have committed sexual misconduct. In 1993, the then Reverend John B. McCormack was in charge of this department.

On December 6, 1993, a Review Board was convened to examine the allegations against the defendant.

Two men around forty years of age and the mother of a young man who [REDACTED] [REDACTED] reported that the priest had sexually abused them in their early teenage years. The allegations basically involved his masturbating them.

Response: The priest (the defendant) came in with his lawyer. The lawyer reported that he did not dispute the substance of the allegations.

The December 1993 review board determined that it was best that the defendant return to his out of state residence and not 'enjoy the faculties of the Archdiocese of Boston.' The defendant returned to California in January 1994 where he remained for the ensuing year.

On March 12, 1994 an anonymous complaint from "John" was received at the Boston Archdiocese. "John" wanted to make sure that the defendant was no longer in active ministry and he was assured that the defendant was on "sick leave" and in a closely supervised situation. John related that in 1970 he read an advertisement the defendant had put in a newspaper relating to his work with troubled youth. John contacted the defendant and the defendant picked him up in Boston. What followed from that was years of "sexual molestation by the defendant."

By August of 1994, Reverend McCormack wrote a memorandum to the defendant's file questioning how to appropriately deal with the defendant.

[REDACTED]

As was required by the Archdiocesan policy on "priest sexual misconduct," the defendant's case was brought before the Review Board a year later. On October 3, 1994, the Review Board convened and this time the discussion focused on the

assessment from the Institute of Living, which had been conducted in November 1993.

The following information was quoted in the Sentencing Memorandum from that assessment from the Institute of Living:

[REDACTED]

The review board also noted the following:

[REDACTED]

According to Sentencing Memorandum, the Archdiocese' noted they had little "hope" that Father Shanley would improve. He was allowed to remain in California. He was monitored by the Delegate to the Cardinal in charge of sexual misconduct.

On September 13, 1995, the Reverend Brian Flatley reviewed Father Shanley's history and Reverend Flatley wrote a memorandum to Reverend Monsignor Edward O'Donnell, stating that the Boston Archdiocese had become aware of Father Shanley's "past history of aberrant sexual involvements" and that he had been assessed at Institute of Living, which concluded that Father Shanley [REDACTED]

The Commonwealth's 2005 Sentencing Memorandum noted:

There were four young men who made formal complaints to the Archdiocese of Boston about Father Shanley. There has been a financial settlement in one of the cases; another is close to settlement. Father Shanley admits to both heterosexual and homosexual behavior in the past and presently characterizes himself as predominantly homosexual in orientation. Because of his history, Father Shanley has been removed from active ministry.

The memo went on to state:

In May 27, 1997, the individual who was now the Delegate to the Cardinal in the area of priest sexual misconduct was Reverend William F. Murphy. He wrote to the defendant who was now living in New York City and noted a new complaint of sexual misconduct. On June 5, 1997, Reverend William F. Murphy wrote a memorandum to Cardinal Law in which he noted that the defendant was seeking permission to become the Director of Leo House in New York City but that Father Paul Shanley is a retired priest of the Archdiocese. He admitted to past sexual misconduct with minors.

Permission was denied and the defendant returned to California in the fall of 1997. On March 3, 1999, Reverend Murphy wrote to the defendant noting that have received further allegations against you Paul." On March 16, 1999, Reverend William F. Murphy wrote a memorandum to the Most Reverend William Murphy and Reverend Paul E. Miceli in which he noted that "Paul has had a significant history of sexual misconduct, with both adolescent and adult minors."

On February 19, 2004, Pope John Paul II made a decision to remove the defendant from his duties as a priest. Boston Archbishop Sean Patrick O'Malley wrote the defendant a letter, dated May 3, 2004, notifying him that he had been "defrocked."

SEXUAL OFFENSES:

Mr. Shanley [REDACTED]. According to the Sentencing Memorandum, 23 male victims were identified in the Commonwealth was prepared to go forward on their cases. Only one victim decided to go forward with the criminal proceedings.

Mr. Shanley was convicted for sexual offenses against a single victim, Paul B. He was 24 years old at the time he reported the sexual assaults in 2002. The offenses occurred between 1983 and 1990. The offenses occurred when Paul B. was between six and 12 years of age.

The following information was quoted from the sentencing memorandum that provided a summary of the details involved in the assaults against Paul. He was identified as Male 3 in the Sentencing Memorandum.

Male 3 attended CCD classes at St. Jean's Parish beginning when he was six years old. At trial, Male 3 testified that the defendant took him out of his CCD class on Sunday mornings on a regular basis between 1983 and 1986, Male 3 was either sent or brought to one of four places, the confessional room on the first floor of the church, the bathroom in the basement of the church, the pews in the main body of the church or the rectory. Once there, the defendant sexually assaulted Male 3. On

numerous occasions, the defendant fondled Male 3's penis with his hands and forced Male 3 to touch his penis. The defendant forced Male 3 to put his own penis into the defendant's mouth. The defendant anally raped Male 3, forcing his finger into Male 3's anus. The majority of this sexual abuse occurred between the years of 1983 and 1986, when Male 3 was between six and nine years of age. Male 3 recalls that, the oral and digital rapes did not continue after 1986 but that the defendant continued to indecently assault him until 1990 when the defendant resigned from St. Jean's Parish.

Male 3 recalls the defendant standing in the doorway of the bathroom watching him go to the bathroom. The defendant would fondle Male 3's penis while his pants were unzipped. He also would put his mouth around Male 3's penis, 'play with it' and tell him how it was supposed to be done. On other occasions, when Male 3 was taken into the rectory, Male 3 recalls the defendant playing the card game "War" with him, with the losing player being required to remove his clothing. Male 3 remembers that he always lost, but then would somehow get on a winning streak and defendant would take his own clothes off. At the end of the game, the defendant would assault Male 3.

On the occasions when Male 3 was taken into the confessional room, Male 3 was never allowed to kneel behind the defendant on the kneeler designated for the confessional. The defendant would undress Male 3 and himself and stand with Male 3 in front of the mirror so he could look at both of them naked together. The defendant would put his arm around Male 3 and penetrate his anus with his finger.

On other Sundays, the defendant would bring Male 3 into the body of the church to perform "special duties." This involved placing pamphlets in the pews of the church in preparation for the 10 o'clock Sunday Mass. The defendant would then sit Male 3 down in a pew and sit beside him. The defendant would put his right arm around the shoulders of Male 3 and fondle his penis with his left hand. The defendant also would take Male 3's hand and force him to rub the defendant's penis over his clothing.

Male 3 did not tell anyone about the abuse while it was happening. The defendant often warned Male 3, "Nobody will believe you if you tell." Male 3 saw how the community of St. Jean's worshiped the defendant and he had no reason to doubt that no one, not even his own father, would believe his word over that of a priest. So he kept silent, choosing to push the abuse to the back of his mind where it remained for many years.

On February 11, 2002, Male 3's then girlfriend telephoned him in Colorado at Petersen Air Force Base where the defendant had been stationed since September of 2000. Until that day, Male 3 was considered to be an exceptional airman, chosen to participate in the Elite Guard and given a promotion designated 'Below the Zone'

which is a rare honor given only twice a year to outstanding airmen. That all changed with one telephone call.

During this telephone conversation, Male 3 was overwhelmed by memories of the sexual abuse he had suffered at the hands of the defendant. Male 3 fell apart physically and psychologically and eventually was honorably discharged from the Air Force. Although he had requested an extended leave in order to try to get well, the Air Force noted that unless he was able to do his job as a military police officer, his position could not be maintained and he had to leave.

Male 3 struggled for the next two years, working in construction, for Comcast Cable, and was unemployed for a period of time. Throughout these years, he suffered from panic attacks, anxiety, and agoraphobia. Male 3 secured a position with the Fire Department in April 2004, was married in August 2004, and has slowly begun to put the pieces of his life back together.

I was provided with transcripts and information from a civil trial that indicated that a number of the victims described a similar pattern of sexual offense including the grooming aspect of the offenses, without having had any access or knowledge of the other victims' experiences.

RESPONDENT'S VERSION OF THE SEXUAL OFFENSES

I did not interview Mr. Shanley. [REDACTED]

ADDITIONAL INFORMATION:

A civil case was initiated by men and their families who alleged that Mr. Shanley sexually abused them when he was priest in Massachusetts.

According to a Vanity Fair article from 2008, a young man named Kevin [REDACTED] spoke to Maureen Orth in an article dated 4/18/08 about his relationship with Mr. Shanley. [REDACTED] indicated that he met Mr. Shanley as Mr. Shanley celebrated as

...a weekend supply priest in big Bear Lake, a Southern California ski resort. Shanley had been transferred to California from Boston as a "priest in good standing"; he was stationed in San Bernardino an hour away. Shanley noticed the 6'4" blonde [REDACTED] during mass and invited him to dinner. After learning that the 17-year-old Virgin was recovering from a breakdown and confused about his sexuality, Father Shanley trotted out an old routine that had apparently worked in Massachusetts for three decades. He said he could help, [REDACTED] remembers, and took [REDACTED] back to the rectory with him. He would make it easy for the teenager to

determine whether he was gay. He was willing to let [REDACTED] use his body for experimentation. "He did terrible things-perverted things," as [REDACTED], now 30, who has suffered several breakdowns and undergone years of therapy. "I felt so guilty-I felt evil all over."

According to [REDACTED], Father Paul wanted sex two or three times a day, and before long he was inviting Kevin down to Palm Springs, where he lived during the week in a raucous gay motel he co-owned with another errant Boston priest, Jack White, an old seminary classmate [REDACTED]. Dale Ligase, Shanley's quiet, nondescript, non-clerical roommate since 1972, was usually a member of the party. [REDACTED] did not know it, but this was an old pattern of Shanley. Back in Boston in 1976, when he was sharing an apartment with Ligase at 391 Beacon St., he would allegedly propose three-way sex with Ligase to another of his teen sex partners, confiding, "they likes to dress up as a woman and have sex with me." That teenager is now one of more than a dozen victims pressing civil charges against the archdiocese of Boston, claiming that Shanley sexually abused him beginning at age 15.

The article went on to describe the accusations made by several victims in Boston. The article also indicates that Mr. Shanley was a co-owner of a hotel in California that catered to homosexuals while he was a priest. He reportedly inherited money from his mother. He traveled to Thailand and Costa Rica both areas that are known for sexual activity involving children. The article went on to specifically identify additional victims alleging sexual assault by Mr. Shanley while he was a priest in Boston. Some of the boys had problematic family environments at the time of the abuse. Other boys were from stable homes. The article also discusses the correspondence between Cardinal Medeiros and Mr. Shanley as well as some of the letters written to the Archdiocese regarding Mr. Shanley's statements in public regarding homosexuality and the sexual behavior between men and children.

I was provided the opportunity to speak to the mother (Mom 1) of one of the victims who elected not to go forward at the trial. I informed her that I was unable to speak to her about the case but that I would be willing to listen to any information she wanted to offer. She was respectful and direct throughout the conversation.

According to our conversation, Mom 1 indicated that she was aware that there were female victims created by Mr. Shanley. She indicated that she had spoken to a woman who reported that she had been sexually assaulted by Mr. Shanley. Mom 1 indicated that she was unsure if this individual went forward with a formal statement, but believed the female victim was identified in the records held by the attorneys in the civil proceedings. Mom 1 also discussed the fact that her "entire family" had been impacted by the assault against her child. She indicated that she "knew" Mr. Shanley when he was a priest and that her mother worked at the church where he was present. She indicated that Mr. Shanley had the ability to "look someone in the eye and lie to their face."

Mom 1 indicated that she felt she had an obligation to bring forward her concerns to the individuals involved in reviewing Mr. Shanley and offering opinion with regard to their assessment of his risk of sexual offense. She stated, "I could not live with myself if I did not give it my best." She indicated that she felt that the current protocol utilized to assess Mr. Shanley's risk was "inadequate." She indicated that she felt age should not be a factor as "he never stopped victimizing people, even after he left Boston." She indicated that she was aware that he continued to sexually assault children of both genders, as well as people with handicaps. She indicated this information was brought up "in court." She quoted Dr. Cassem, a priest and psychiatrist at Mass General Hospital who was quoted earlier in my report indicating that Mr. Shanley was [REDACTED]. She also indicated that [REDACTED]. She indicated that she felt that his age was not a mitigating factor stating, "He is lethal, as long as he has a voice, he could do it by proxy."

Mom 1 in my opinion, earnestly expressed her concerns about his risk and my review of Mr. Shanley. She was very respectful but indicated that she felt that if I did not "put the standards and statistics aside and really think about this long and hard. The protocol is not adequate and that if I were to "do what you do now (find him not sexually dangerous), you are doing what the church did," which she explained meant that by participating in his potential release, I would be participating in a similar process because it would be transferring him from one place to another instead of addressing him directly, as she felt the church had done.

Mom 1 stated that her son was "suicidal and brilliant" and that it "hurts [her] to think about how his life would have been" had Mr. Shanley "never arrived on her doorstep." She stated that "I brought [her son] up to do the right thing and report what happened and he did."

Mom 1 stated to me, "You have a voice. I would like you to use it, if there is a way to have him placed somewhere. I would bet my life he will reoffend." She indicated that I had an "ethical obligation to the public to consider all the information and put the standards and statistics aside. Can you state that he will absolutely not reoffend again if he is released?" She asked me if "I wanted my name to be associated with letting him out." She indicated to me that "my name would be in the papers tomorrow" and encouraged me to think "long and hard" on developing my opinion.

INCARCERATION AND TREATMENT:

The following information was quoted from the [REDACTED]

INCARCERATION SUMMARY

Current Review Comments

[REDACTED]

[REDACTED]

[REDACTED]

There is no restraining order history noted.

Visits

[REDACTED]

STATIC-99 R

In reviewing Mr. Shanley's risk from an actuarial perspective, the Static 99R, a commonly accepted actuarial tool, yields a result of -1, which places him within the "below average risk" range of sexual reoffense.

The Static 99R was developed to estimate the probability of sexual and violent recidivism among adult males who have already been convicted of at least one offense against a child or non-consenting adult. The measure contains ten variables. The evaluator rates the offender's status on each of these ten variables, and the total score is then viewed in the context of risk categories. In general, the higher the total score the sex offender obtains on the Static 99R, the greater the risk he will commit a future sexual offense.

With regard to Mr. Shanley's scores on these 10 variables are:

Age at the time of assessment:	Item score:	[REDACTED]
Ever lived with (single):	Item score:	[REDACTED]
Index Offense conviction for non-sexual violence:	Item score:	[REDACTED]
Prior conviction for non-sexual violence:	Item score:	[REDACTED]
Number of prior charges/convictions for sexual offenses:	Item score:	[REDACTED]
Number of prior sentencing dates:	Item score:	[REDACTED]
Any convictions for non-contact sexual offenses:	Item score:	[REDACTED]
Any unrelated victims:	Item score:	[REDACTED]
Any stranger victims:	Item score:	[REDACTED]
Any male victims:	Item score:	[REDACTED]

Translating Static 99R Scores into Risk Categories:

Score	Label for Risk Category
-3 to -2	I. Very Low Risk
-1 to 0	II. Below Average Risk
1, 2, 3	III. Average Risk
4 to 5	IVa. Above Average risk
6 and Above	IVb. Well Above Average Risk

Based **only** on Mr. Shanley's obtained raw score of -1 on the Static 99R, he would be

seen as being at a “Below Average” risk for committing a future sexual offense.

As recidivism estimates provided by the Static 99R are group estimates based upon reconviction; and were derived from groups of individuals with these characteristics. These risk estimates do not directly correspond to the recidivism risk of an individual offender. However, they do provide a gross estimate of recidivism potential and in Mr. Shanley’s case, show a “Below Average” risk to re-offend. Mr. Shanley does not demonstrate characteristics that would suggest he is substantially different from than the individuals in the norm group utilized in the development of the Static 99R. According to the static 99R recidivism estimate the routine sample, the individual with a -1’s estimated five year sexual recidivism rate is 1.9%.

Mr. Shanley received points for having unrelated and male victims. He did not receive a point for never having lived with a consenting intimate sexual partner for continuous period of two years. He was a priest. Therefore, scoring manual recommends he received a score of zero on this item indicating that he should not be penalized for not having an intimate two year live in sexual relationship with another individual due to his vocation. However, he may have lived with an intimate sexual partner who was also involved in pedophilic sexual activity for two years. The Vanity Fair article indicates he lived with a non-clerical man who was involved in “three ways” and “enjoyed dressing up as a woman and having sex” with Mr. Shanley.

CRITERIA FOR DETERMINING IF A PERSON IS SEXUALLY DANGEROUS:

“any person who has been convicted of or adjudicated as a delinquent juvenile or youthful offender by reason of a sexual offense and who suffers from a mental abnormality or personality disorder which makes that person likely to engage in sexual offenses if not confined to a secure facility, has been charged with a sexual offense and was determined incompetent to stand trial and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in sexual offenses if not confined to a secure facility, or a person previously adjudicated as such by a court of the Commonwealth and whose misconduct in sexual matters indicates a general lack of power to control his sexual impulses, as evidenced by repetitive or compulsive sexual misconduct by either violence against any victim or aggression against any victim under the age of sixteen, and who, as a result, is likely to attack or otherwise inflict injury on such victims because of this uncontrolled or uncontrollable desire.”

Personality disorders are further defined as “congenital or acquired physical or mental condition that results in a general lack of power to control sexual impulses.” **Mental abnormalities** are further defined as “a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposed the person to the commission of criminal sexual acts to a degree that makes a person a menace to the health and safety of other persons.”

DISCUSSION:

First, [REDACTED]

Second, in my opinion, Mr. Shanley's behavior **meets** the threshold required by the statute for Mental Abnormality. He demonstrates a persistent or chronic deviant sexual interest in prepubescent and under aged male children. In my opinion, Mr. Shanley suffers from a condition that predisposes him to the commission of criminal sexual acts and makes him a menace to the health and safety of others as required by the statute.

In addition, in my opinion, Mr. Shanley's presentation reaches the diagnostic threshold of a clinical sexual disorder or paraphilia, specifically Pedophilic Disorder. The Diagnostic and Statistical Manual 5, Fifth Edition (2013) (DSM 5) identifies Pedophilic Disorder as consisting of the following diagnostic criteria:

- A. Over a period of at least six months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally aged 13 years or younger).
- B. The person has acted on a sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.
- C. The person is at least 16 years of age and at least five years older than the child or children in Criterion A.

Note: do not include an individual in late adolescence involved in an ongoing sexual relationship with a 12-or 13-year-old

Specify whether:

Exclusive Type (attracted only to children)

Nonexclusive Type

Specify:

Sexually attracted to males

Sexually attracted to females

Sexually attracted to both

Specify if limited to incest

Mr. Shanley demonstrated an ongoing, enduring and persistent deviant sexual interest in prepubescent boys. In my opinion he meets diagnostic criteria for Pedophilic Disorder, Nonexclusive Type, Sexually Attracted to Males. He reported having had sexual experiences with females however he is predominantly oriented towards males.

In addition to Mr. Shanley's sexual interest in prepubescent male children, he demonstrates a sexualized interest in what appeared to be pubescent newly sexually mature/maturing, but under age males. He has a history of allegations that he repeatedly sexually assaulted boys who were between 14 and 17 years old. While it is not necessarily deviant to be sexually aroused to physiologically mature males who are young and underage, it is both criminal and deviant to act out on that sexual arousal. Mr. Shanley also allegedly repeatedly sexually assaulted boys in that age bracket. His behavior also indicated that he was fully aware that his sexual behavior directed towards children was against the law, against the rules, and against his Catholic religion. He was also aware that his homosexual orientation was an issue with regard to his Catholic faith. Despite this knowledge, he repeatedly engaged in sexual assaults directed towards prepubescent and under aged males. There have been no reports that he sexually assaulted females of any age.

Mr. Shanley has demonstrated a sexualized interest in prepubescent male children since the early 60s, fairly immediately after his appointment as a priest. Pedophilic Disorder is considered a chronic disorder; it does not spontaneously remit. Sexual interest remains stable throughout an individual's lifetime. However, an individual who is emotionally and physically mature demonstrates the willingness and ability to control their sexual behavior as it relates to their sexual interests, both healthy and deviant.

For example, a bisexual individual may at some point elect to be involved in a monogamous relationship. This does not mean that their sexual interest in the other gender disappears, it just means that they are electing to act on their sexual interest involving one specific gender, their partners. Further, if one individual enjoys certain sexual behaviors that are not enjoyable to their partner, they elect not to act out on that sexual interest, but it does not disappear. Pedophilic Disorder does not disappear with age or treatment. Individuals learn to manage their sexual interests by discussing their deviancy and their cycle of offending in great detail and develop skills designed to address the elements of their cycle to prevent them from completing the cycle with a sexual offense.

Factors identified through research on sexual recidivism can be roughly broken down into two basic categories, known as static and dynamic factors. These factors have been associated with three general dimensions or pathways; deviant sexual arousal, antisocial orientation and treatment response. The following factors have been associated with recidivistic sexual violence.

With regard to the issue of **sexual deviancy**, the available data indicates that Mr. Shanley experiences a chronic and enduring deviant sexual interest in prepubescent and barely pubescent under aged males. He utilized his power and position as a priest to access the victims, to maintain his compliance and secrecy, and to manipulate him throughout the repeated sexual assaults.

The research has identified sexual deviancy as a robust factor associated with individuals who sexually reoffend. Mr. Shanley's deviant sexual interest reaches the threshold of an identifiable sexual disorder. In this manner, Mr. Shanley displays significant persistent sexual deviancy.

With regard to the second pathway, that of **antisocial orientation**, in my opinion, Mr. Shanley has demonstrated some empirically identified relevant characteristics. Researchers indicate that it is not necessary that an individual meet full diagnostic criteria for any disorder. It is the qualities that the research has identified as when present, suggest increased risk of sexual re-offense. He demonstrates a lack of concern for the rights of others with regard to the victim[s]. In addition, he according to the records, displays narcissistic characteristics that involved his position on his sexual behavior directed toward children. This position includes that the impact of his sexual assaults against the victims were healthy and beneficial to the victims. He also advocated that sex with pubescent children should not be illegal or immoral. At other times he demonstrated a callous disregard for the victims and sexually assaulted them when they were vulnerable due to their life circumstances at a time when they may have leaned on their religion and their priest for support and relief. He demonstrated no concern for the impact of his status as a priest on the emotional, spiritual and psychological development of the victims. Further, records indicate he had a large number of victims, individuals who have more than two victims are at increased risk of sexual re-offense. There have been reports of the number of victims being greater than the 23 identified in the sentencing memorandum, the Vanity Fair article, and from family members. Further, his sexual behavior did not stop after he was identified, sanctioned and transferred by the archdiocese. It appears that his sexual behavior also continued after he was defrocked. This factor is associated with an increase as well.

Additional static factors (that are considered unchangeable, other than deviant sexual arousal and antisocial orientation) generally associated with increased risk of sexual recidivism include: past criminal history, prior sex offenses, stranger or unrelated victims, male versus female child victims, number of victims (two or more) and diversity of sexual assaults are also considered in this category of factors. The use of weapons and force as measured by degree of physical harm and charges of violence incurred at time of sexual offenses are also considered, as is age at the time of the offense.

In Mr. Shanley's case, there are additional identifiable static factors associated with increased risk present. He was convicted of one victim. The Commonwealth's sentencing memorandum identified 23 male victims. The Commonwealth was prepared to go forward on all 23 victims. None of the victims were related to him. He was acquainted with all 23 of the victims and functioned as one of their parish priests during the sexual assaults. He sexually assaulted another alleged victim, over a period of six years. He hurt the male victim during acts of anal sex. On one occasion, after Mr. Shanley sexually assaulted the male victim, the victim ended up in the hospital after sitting on a pencil in CCD class and became "unglued" with no recollection of getting to the hospital. The identified victims were male.

Dynamic factors (those that are changeable) associated with increased risk of sexual offense recidivism include: the current age of offender (a child molesters risk of recidivism does not significantly decrease as their age increases until the age of 50, rapists' risk decreases as they approach 40). The influence of substances, both acute and historical, an absence of stable adult relationships, the presence of cognitive distortions, single/never married marital status (living with an adult lover for a consistent period of two years), sexual preoccupation with children, minimal or inadequate treatment history, an absence of probation or parole conditions is also associated with increased risk to re-offend sexually.

Mr. Shanley presents with dynamic risk factors suggesting an increase in risk. The quality of his recent adult relationships appears problematic. He demonstrates intimacy deficits. He demonstrated a sexual preoccupation with children. He demonstrated cognitive distortions. For example, he advocated that sex with children was healthy. He attended the first-ever meeting of the North American Man Boy Love Association where he expressed those views. He spent a lot of time involved in associated pursuits regarding sex and sexuality directed towards children, attention that did not result directly in a sexual assault but supported his sexual offending. He wrote numerous letters to the archdiocese requesting support for a ministry directed towards homosexuals in the 70s. He represented himself in a manner that implied to the public that he was representing the Boston Archdiocese in this regard. He created and sold audio tapes and lectured on the topic as well.

Age is a factor that can mitigate risk. Individuals who sexually assault children, victims under the age of 16, demonstrate the most precipitous decrease in risk at the age of 50. Mr. Shanley's current age 86 would suggest a mitigation in risk. Factors associated with age include health, motivation, and opportunity. He has not had the opportunity to engage in sexual behavior directed towards prepubescent or under aged males during the [REDACTED]

[REDACTED]

[REDACTED] He appears to require some level of assistance if not supervision in order to maintain himself safely on a daily basis. He recently left his hot pot on resulting in a significant incident involving the potential for a fire.

Probation is a factor that, when present, can reduce an offender's risk. [REDACTED]. I reviewed the court docket that indicated that on [REDACTED]

[REDACTED]

released from a secure facility. He would not be “reasonably expected” to commit a sexual offense if released from a secure facility.

CONCLUSIONS:

Mr. Shanley [REDACTED]
[REDACTED]

In summary, in my opinion, Mr. Shanley’s presentation **meets** the statutory criteria for Mental Abnormality.

Based on the nature and number of risk factors present in Mr. Shanley’s case, in my opinion, he **would not be** reasonably expected to re-offend sexually if released from a secure facility. He **is not likely** to reoffend **sexually** if released from a secure facility at this time.

In my opinion, Mr. Shanley **does not meet** statutory criteria as a Sexually Dangerous Person at this time.

Respectfully Submitted,



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Consulting Psychologist

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