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SEXUAL DANGEROUSNESS EVALUATION - UPDATED

REGARDING: Paul Shanley
DATE OF BIRTH: [REDACTED]
DATE OF REPORT: 07/26/17
EXAMINER: Mark Schaefer, Ph.D., Licensed
Psychologist, Consulting Psychologist

Identifying Information: Paul Shanley is an 86-year-old man who on 02/15/05 was [REDACTED]

[REDACTED] For these crimes, he was [REDACTED]

[REDACTED] Save for the governing offense, Mr. Shanley has no other charges on his criminal record. However, it should be noted that there were allegations that Mr. Shanley had offended against multiple minor children over a lengthy period of time. However, his trial and conviction involved a single victim. This evaluation was requested by the Middlesex County District Attorney's office to assist in their determination as to whether to file a petition under Mass. General Law c. 123A section 12(b) alleging that Mr. Shanley is a Sexually Dangerous Person.

I originally submitted a report to the Middlesex D.A.'s office on 05/18/17. Since that time, I have received some additional documents which I have reviewed. This report is an update of the original report. I then received additional documents, which I reviewed and this report has been updated again.

Legal Criteria for Determining a Sexually Dangerous Person:

Massachusetts General Laws, Chapter 123A, Section 1 defines a Sexually Dangerous Person as, "any person who has been convicted of (.) or adjudicated delinquent of youthful offender by reason of (.) a sexual offense and suffers from a mental abnormality or personality disorder which makes the person likely to engage in sexual offense if not confined to a secure facility."

Personality disorder is further defined as "a congenital or acquired physical or mental condition that results in a general lack of power to control sexual impulses."

Mental abnormality is 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 predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.”

Sources of Information: In preparing this report, I reviewed a packet of information sent to me by the Middlesex County D.A.’s office, including: Mr. Shanley’s [REDACTED]; [REDACTED]; police reports, victim witness reports, medical and psychological records of victims, Commonwealth’s Sentencing Recommendation, all related to governing offense; [REDACTED].

For this update, I reviewed medical records of Mr. Shanley; letter from his prospective landlord; Article in Vanity Fair magazine, by Maureen Orth, dated 04/18/08.

For the additional update, I reviewed the following: List of victims; Statements, letters and affidavits of victims; Letters to church attorneys regarding Father Shanley’s misconduct from victims and their attorneys; Letters to Father Shanley from attorneys representing victims; Correspondence between church officials and Father Shanley; Father Shanley’s assignment record; Internal church documents regarding Father Shanley; Report of church investigations; Deposition of Father Shanley; Deposition of Jacqueline G.; Deposition of Cardinal Bernard Law; Motion to Admit Evidence of Paul Shanley’s Sexual Molestation of Others; Deposition of other alleged victims of Father Shanley; Interrogatories of other alleged victims of Paul Shanley; Responses of Cardinal Law to Plaintiff’s Request for Admissions; Letters from Father Shanley to Cardinal Law, Cardinal Medeiros and other church officials; Settlement agreements; Article, National Young Adult Reporter, United States Catholic Conference; Newsletter produced by Father Shanley; Database of publicly accused priests in the U.S.; (It should be noted that a number of these documents have redactions, usually to protect the names of individuals.)

Brief Relevant History: As noted in the Commonwealth’s Sentencing Memorandum, prepared by Deputy First Assistant Lynn Rooney, dated 02/15/05:

“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."

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." As noted in the Sentencing Memorandum, quoting from that letter:

"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. This led to a second memorandum being sent to the church in November, 1977 by a Ms. S. As noted in the 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.'

A year later on December 2, 1978, the defendant attended an 'invitation

only' gathering at Boston's Community Church. It was 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. This conference has been heralded as the initial meeting of the North American Man Boy Love Association [NAMBLA]. The defendant spoke at the conference and was quoted in the February 12, 1979 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.'"

Again, as noted in 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.

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 died [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.

'Father Shanley is so personally damaged that his pathology is beyond repair. It cannot be reversed. . . How do we protect others from him? Could he be laicized?'

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 evaluation at Institute for Living had made the following assessment of Father Shanley, as quoted in the Sentencing Memorandum:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As noted in the Sentencing Memorandum, the Archdiocese' conclusion of the assessment was that there appeared little "hope" that Father Shanley would improve, and it was decided to allow him to remain in California, 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 noted (as quoted in the Sentencing Memorandum):

"Father Shanley was assessed at the Institute for Living in 1993. [REDACTED]

However, the Doctor says

The following day, 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 had

As quoted in the Sentencing Memorandum, that memo detailed the earlier allegations, specifically:

"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 further noted:

"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 'I 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.'

As noted, numerous documents were supplied to this examiner by the Middlesex District Attorney's office as this evaluation progressed. There was ample documentation of allegations from numerous individuals as to Mr. Shanley's sexual misconduct between 1960 and 1989. There was ample documentation of the subsequent psychological distress and disorders exhibited by both the victim of the governing offense, as well as the numerous other individuals who alleged that Mr. Shanley sexually assaulted them. After 1989, there were documents related to church officials questioning Mr. Shanley's lifestyle during the period he was in California. There was also an article in Vanity Fair in 2008 which provided more details as to that lifestyle in California, as well as Mr. Shanley's interactions and negative impact on a 17-year-old male with whom he had a sexual relationship while in California. However, this examiner saw no indication that Mr. Shanley was criminally charged for any type of sexual misconduct which occurred after 1990.

Mr. Shanley [REDACTED]

Official Version of the Governing Offense: Though there were allegations made by numerous individuals against then-Father Shanley, he was tried [REDACTED]

[REDACTED] at the time he spoke to police in 2002. Mr. B. stated that the offending occurred between 1983 and 1990, when he was between the ages of six and twelve. As summarized in the Sentencing Memorandum (where Mr. B. is referred to as "Male 3."):

"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.

Defendant Version of Governing Offense: On the Department of Correction Classification Report, it was noted that “inmate disagrees with O.V. (official version.)

Other Sexual Offenses: In the Sentencing Memorandum cited earlier in this report, the victim of the governing offense was one of 23 alleged victims of Mr. Shanley. All were male, and ranged in age between six years of age and mid-to-late adolescence. Offending allegedly occurred as early as 1960, and continued until 1990. In all allegations, Mr. Shanley knew the victims either by being their priest, counselor, or a supportive figure, since Mr. Shanley worked with teens with significant issues, including running away from home. With at least one of the alleged victims, Mr. Shanley had sexual contact with the individual into adulthood.

Treatment History:

[REDACTED]

[REDACTED]

[REDACTED]

Clinical Formulation and Assessment of Risk: Paul Shanley is an 86-year-old man, who, on 02/15/05,

[REDACTED]

Currently, to be found Sexually Dangerousness in the Commonwealth, it must be shown that the individual suffers from a mental abnormality or personality disorder that would lead to a strong likelihood that the person would re-offend without being placed in strict security. “Likely” is defined in case law as “reasonably to be expected in the context of the particular facts and circumstances at hand.”

Mr. Shanley was alleged to have sexually assaulted over twenty separate minor children over the course of a period of approximately thirty years. [REDACTED], with the boy between the ages of six and twelve when the offending occurred. According to the DSM-5, the definition of Pedophilic Disorder is as follows:

- A. *Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).*
- B. *The individual has acted on these sexual urges, or the sexual urges or fantasies causing marked distress or interpersonal difficulty.*
- C. *The individual is at least 16 years and at least 5 years older than the child or children in Criterion A.*

As noted, based solely on his contact with the victim of the governing offense, Mr. Shanley would meet the psychiatric criteria for Pedophilic Disorder, as the boy was clearly pre-pubescent when the offending began. Moreover, in addition to allegations that he had sexual contact with other pre-pubescent boys, as early as 1977, Mr. Shanley was making public statements that condoned sex between men and boys and that such sexual relationships were natural and could be helpful to the boy. Indeed, those who heard Mr. Shanley speak stated that he took the position that any damage to the boy’s psyche was related to the boy feeling guilty about the negative consequences that occurred to the man after it was disclosed he had a sexual relationship with the boy. In regard to the statute, Mr. Shanley’s pedophilic interest in young males led to a “predisposition” toward the “commission of criminal sexual acts,” which is the statutory definition of a mental abnormality.

[REDACTED] Mr. Shanley has no other criminal behavior on his record, other than a [REDACTED] after allegations had been made against him. It cannot be shown that he meets the psychiatric criteria for a personality disorder, or that he has shown a “general lack of control of sexual impulses,” which is the statutory definition of a personality disorder.

Still, the question remains as to whether because of that mental abnormality, Mr. Shanley is likely to sexually re-offend unless confined to secure facility. Mr. Shanley’s history was rated on the Static-99R, an actuarial tool which correlates risk factors with rates of re-offending. 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 sexual offense against a child or non-consenting adult. The measure contains 10

variables. The examiner rates the sex offender's status on each of these 10 variables, and the total score obtained 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 sex offense.

Static-99R Coding Form

Number	Risk Factor	Codes		Score
1	Age at release	Aged 18 to 34.9 Aged 35 to 39.9 Aged 40 to 59.9 Aged 60 or older		1
2	Ever Lived With	Ever lived with lover for at least two years? Yes No		0 1*
3	Index non-sexual violence - Any Convictions	No		0*
4	Prior non-sexual violence - Any Convictions	No		0*
5	Prior Sex Offences	Charges	Convictions	1
6	Prior sentencing dates (excluding index)			1
7	Any convictions for non-contact sex offences			1
8	Any Unrelated Victims			1
9	Any Stranger Victims			1
10	Any Male Victims			1
Total Score		Add up scores from individual risk factors 0		

As recidivism estimates provided by the Static-99R are group estimates based upon reconvictions, 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 particular case, show a Below Average risk to reoffend.

When considering whether Mr. Shanley is likely to re-offend, so-called "protective" factors should also be assessed. These are factors which may be in place which would make it less likely that an individual would re-offend. In terms of protective factors,

[REDACTED]

Completion of a cognitive behavioral treatment program has been linked with somewhat reduced rates of re-offending. There was no indication that Mr. Shanley [REDACTED]

All criminal behavior, including sex offending, generally decreases with advancing age, with a more significant decrease after age fifty, and even more so after age sixty. Mr. Shanley is now 86 years of age, so that age should be a robust protective factor.

In sum, Paul Shanley is an 86-year-old man who was convicted for sexually assaulting one of his parishioners over a multi-year period, beginning when the boy was six years of age. Allegations were made by multiple individuals, all male, over an extended period of time, suggesting that Mr. Shanley was using his role as a priest, counselor and supportive figure, often working with troubled youth, to take advantage of those boys. Ultimately, he was only tried for behavior with one of those boys, but was [REDACTED]

[REDACTED] There is ample documentation to suggest that Mr. Shanley meets the psychiatric criteria for Pedophilic Disorder, which is felt to be an enduring and chronic condition. Also, there is no indication that Mr. Shanley [REDACTED], and he has disagreed with the official version of the offense.

However, Mr. Shanley is now 86 years of age, and current research would suggest that recidivism rates for sexual offending by individuals that age are extremely low. Of more importance is that Mr. Shanley's last reported offending occurred in 1990, over 25 years ago. Once Mr. Shanley was taken out of his church and was no longer in an "active" ministry position, as far as can be determined, there were no additional formal allegations about sexual misconduct. A magazine article in 2008, recounting Mr. Shanley's period in California, noted that while in California in the 1990's, he had been leading what appeared to be a sexually active lifestyle, including a sexual relationship with a male which began when the person was seventeen. While the article certainly raised questions about Mr. Shanley preying on vulnerable individuals, Mr. Shanley was not charged with any criminal conduct. Indeed, he remained in the community for over ten years before the first criminal charges were brought in 2002, (all about conduct before 1991) and, after being charged, he was released on bail for two years awaiting trial, again without additional allegations of new sexual misconduct. This would suggest that Mr. Shanley's offending was linked to his easy access to boys over whom he could be in a position of authority. Mr. Shanley does meet the psychiatric criteria for a mental abnormality. However, given his advanced age, that he shows few risk factors associated with higher rates of re-offending, that there have been no indications that he continued to re-offend once he was removed from his position of authority within the church, as well as the protective factor of [REDACTED] it cannot be said with a reasonable degree of professional certainty that Mr. Shanley is likely to sexually re-offend unless confined to a secure facility. As such, he does not meet the criteria for a Sexually Dangerous Person in the Commonwealth.

If Mr. Shanley [REDACTED] any infraction of a sexual nature, or

if he is charged with any offense of a sexual nature, his sexual dangerousness should be re-assessed.

Respectfully Submitted,

A handwritten signature in black ink that reads "Mark Schaefer Ph.D." The signature is written in a cursive style with a horizontal line underneath the name.

Mark Schaefer, Ph.D.
Licensed Psychologist
Consulting Psychologist