Independent Investigation of Tenth Presbyterian Church

Final Report & Recommendations

November 21, 2023

GRACE
Godly Response to Abuse in the Christian Environment

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I. Introduction

Tenth Presbyterian Church ("Tenth"), of Philadelphia, Pennsylvania has existed since 1829, and currently hosts a large congregational body and tremendous outreach to the Philadelphia area and beyond.[1] Tenth's "hope and vision for Tenth Presbyterian Church is that through the power of the Holy Spirit we will see the making and maturing of committed followers of the Lord Jesus to the glory of God the Father."[2]

Tenth engaged Godly Response to Abuse in the Christian Environment (GRACE) in June of 2022 after they learned of the arrest of Bruce Garner, an elder and nursery volunteer, for sexual crimes against minors. GRACE prepared a survey which was distributed by Tenth in August of 2022 to all current congregants and as many former congregants as information was available for, dating back to the year 2016.

Survey responses produced allegations against ten other reported offenders either currently or formerly associated with Tenth. After communication with Tenth leadership regarding the additional allegations and receiving Tenth's approval to investigate all allegations, the investigation broadened to include the additional allegations received during the investigation. Subsequent interviews revealed one additional allegation of significant misconduct against a former member of Tenth.

This Final Report presents the scope and methodology of the GRACE process, findings and analysis, and proposed recommendations. These include GRACE's assessments regarding Tenth's response, protocols, and culture.

Tenth and its leadership should feel encouraged by their proactive approach in initiating an independent, third-party investigation into the challenging issues discussed in this report. Further, Tenth should be commended for the desire for truth inherent in their decision to expand the investigation to include all reported allegations of abuse or misconduct. Conducting independent investigations is fundamental in authentically addressing allegations of past abuse, while also evaluating the organization's awareness of the abuse and its response to the situation.[3] Tenth's willingness to engage an independent third party to investigate a broad range of allegations is evidence of Tenth's desire to safeguard and shepherd the congregation under their care.

As Tenth grapples with the difficult information included in this report and as the proposed recommendations are considered, Tenth can count on the prayers of GRACE. A popular

[1] *See* https://www.tenth.org/about/.
[2] *See* https://www.tenth.org/about/vision/.
[3] GRACE. (n.d.). Independent investigations. Retrieved [June 20, 2023], from https://www.netgrace.org/independent-investigations

verse and common refrain may provide helpful guidance in addressing the issues raised within the report: "Act justly… love mercy… and walk humbly with your God." (Micah 6:8) While it can be difficult to balance each of these commandments when faced with the challenges and complexities inherent in receiving an allegation of abuse or misconduct, GRACE believes that Tenth has taken an important step towards justice, mercy, and humility by engaging in this thoroughly introspective process.

II. Scope and Methodology

GRACE's investigation was confined to the defined scope in the Engagement Agreement with Tenth Presbyterian Church. The investigation involved semi-structured qualitative interviews with 48 individuals, a survey garnering 318 responses, and qualitative content analysis of pertinent documents. The following section outlines the scope and methodology of the investigation.

A. Scope

The scope of GRACE's investigation at Tenth Presbyterian Church is as follows:

> *1. GRACE shall conduct an independent investigation into whether or not any misconduct was committed by Bruce Garner against anyone associated with Tenth Presbyterian Church. If the investigation uncovers significant misconduct related to another individual at Tenth Presbyterian Church, it shall also be investigated. Behavioral misconduct shall include physical, sexual, and emotional misconduct. As part of this assessment, GRACE will evaluate Tenth Presbyterian Church's processes, policies and culture; identify areas of improvement; and provide recommendations regarding:*
> *a. Safety.*
> *b. The selection and training of volunteers.*
> *c. Tracking those disqualified for ministry or presenting a known risk to church attendees.*
> *d. Ensuring survivors are supported.*
> *2. GRACE shall provide the parties identified in Section I a Final Report that outlines the investigation findings. GRACE shall also provide recommendations based on those findings, best practices, Scriptural values, and SAMHSA's Six Principles of Trauma-Informed Practice.*
> *3. GRACE shall meet with Tenth Presbyterian Church to more fully review the investigative findings and proposed recommendations, as outlined in the Report.*[4]

[4] The existence of additional allegations that GRACE was informed of via survey responses was conveyed to Tenth leadership shortly after the survey was launched in August of 2022. Given the

B. Survey

GRACE launched a survey as a means of gathering information relevant to the scope of this investigation. The survey link was provided by Tenth to current congregants and former congregants dating back to the year 2016. Survey questions centered around the discovery of information relevant to the environment and culture at Tenth towards sexual misconduct, knowledge of policies and practices relevant to sexual misconduct, misconduct by Bruce Garner, and misconduct by any others associated with Tenth. A total of 318 survey responses were received and reviewed by GRACE investigators. Survey responses will be discussed in relevant sections throughout the report.

C. Witness Interviews and Documentation Evidence

GRACE conducted 50 witness interviews[5] over the course of this investigation, and reviewed and considered 895 transcribed pages of interviews. Prior to being interviewed, witnesses signed an agreement acknowledging that any information they communicated to GRACE could be used in report(s) issued by GRACE to Tenth. Because this investigation was not a judicial proceeding, GRACE did not have the power to subpoena witnesses or documents. All information GRACE received was provided voluntarily to GRACE.

GRACE received documentation evidence from witnesses and Tenth leadership. Types of documents included, but were not limited to, policies, governance documents, emails, letters, personal notes, session reports, meeting minutes, and documentation relevant to reported offenders. GRACE received, reviewed, and considered a total of 232 documents, consisting of a total of approximately 1500 pages, which were provided by Tenth and others.

In order to protect the identities of the victims and witnesses, pseudonyms are used throughout this report, and certain identifying information has been redacted or modified so as to maintain the confidentiality of witnesses.

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scope's original inclusion of the following passage, the scope of the investigation was not expanded: "*If the investigation uncovers significant misconduct related to another individual at Tenth Presbyterian Church, it shall also be investigated.*" *See* GRACE's Engagement Agreement with Tenth.

[5] Inclusive of two follow-up interviews.

III. Summary of Investigative Findings

Notice of Sensitive Material: This section of the report contains explicit content and language that could trigger individuals who have experienced abuse, harassment, or trauma. Readers who may find the content difficult are advised to proceed with care and consider speaking to a professional before reading further. Additionally, we recommend that parents and caregivers review the report before allowing interested youth to read it.

GRACE's findings included allegations against one member of Tenth's current leadership, five members of Tenth's former leadership, and five members or attenders of Tenth. GRACE learned of 23 reported victims of significant misconduct by a person associated with Tenth over the course of the investigation, two of which were under the age of 18 at the time of the alleged significant misconduct. Nine reporting victims elected to communicate with GRACE investigators. Types of significant misconduct alleged include, but are not limited to, sexual misconduct against minors and adults, behavioral misconduct, abuse of power, spiritual abuse, and emotional abuse. The significant misconduct alleged will be discussed and analyzed in various sections throughout the report.

To better understand the complex dynamics discussed in this section of the report, it is beneficial to first review the following definitions:

Sexual Misconduct is defined as any verbal, nonverbal and/or physical acts of an immoral, indecent, improper, or sexual nature that are 1) unwelcome or 2) performed without consent or 3) committed by one in a position of authority upon a subordinate or 4) committed by an adult upon someone under the age of 18 regardless of consent.

Examples include, but are not limited to, derogatory or indecent statements about a person's body; slurs, epithets, anecdotes, jokes, or innuendos of a sexual or intimate nature; verbal advances, propositions, or invitations of a sexual or intimate nature; suggestive or obscene gestures or communications; unwanted attention such as leering or staring; "groping" or any unwanted touches of a sexual or intimate nature, adult sexual assault, and sexual abuse of a minor.

"**Without consent**" means that consent is not freely given or obtained, and is accomplished through force, intimidation, violence, manipulation, coercion, threat, deception, aggressive come-on, disregard for nonverbal cues of discomfort, or misuse of authority or power.

Adult sexual assault is any type of sexual contact of an adult (a person 18 years of age or older) where consent is not freely given or obtained, and is accomplished through force,

intimidation, violence, coercion, manipulation, threat, deception, or abuse of authority. Any person who is mentally or physically incapacitated is not capable of providing consent.

Sexual abuse of a minor is any sexual activity-- verbal, visual, virtual, or physical-- upon a minor (a person 17 years of age or younger). The minor is considered unable to consent due to developmental immaturity and an inability to understand sexual behavior. An offender may perform acts involving sexual abuse against the minor, or the minor may be told, forced, or in any other way, the offender may cause the minor to engage in sexual behavior with the adult. This also includes nude or sexually suggestive or explicit photographic images of a child which are produced, possessed, or distributed by any person.

Behavioral misconduct is any verbal, virtual, nonverbal and/or physical acts which are improper, immoral, indecent, or unlawful. For the purposes of this investigation, behavioral misconduct includes sexual misconduct, physical misconduct, and emotional misconduct.

Physical Misconduct refers to any offensive or harmful behavior that involves physical contact or actions that violate personal boundaries or safety. Physical misconduct may include, but is not limited to, acts that amount to or threaten physical assault; any form of non-consensual physical contact of one's person, their clothing, or personal artifacts; and/or acts that utilize physical presence to intimidate, threaten, coerce, put a person in apprehension of immediate physical harm, violate a person's boundaries, or violate a person's sense of safety.

Emotional Abuse refers to the consistent use of power and authority by someone in a position of trust to manipulate and dominate others. Emotional abuse is achieved through various harmful behaviors, including but not limited to degrading, insulting, shaming, bullying, dismissing, threatening, intimidating, or humiliating.

Emotional abuse may include **spiritual abuse**, which refers to the manipulation and domination of individuals through religious means. Similar to emotional abuse, spiritual abuse involves a pattern of coercive or controlling behavior in a religious context that relies at least in part on the alleged offender's formal or informal position of pastoral or spiritual leadership.

First discussed are the criminal actions of Bruce Garner, which were the impetus of Tenth's decision to engage GRACE for this independent investigation. This section also addresses findings related to Garner's involvement at Tenth and Tenth's knowledge of and response to Bruce Garner's criminal actions. In following sections, allegations of significant misconduct against other individuals and Tenth's knowledge and response are discussed in chronological order according to the time in which the misconduct was alleged to have occurred.

A. Findings Related to Bruce Garner

Bruce Garner visited conferences at Tenth for many years prior to regularly attending Tenth beginning in 2015 or 2016. Bruce became a member of the church in December of 2017. By December of 2019, Bruce became ordained as an elder, and served on the Session and as a parish elder for the western suburbs. Bruce explained that he did not have the experience to be an elder at Tenth, but fell into the role by "default" as there was a need for elders.[6] Bruce also co-led a Bible study with another elder. Bruce was described by one session member as "gentle" and as a "nice man."[7] He was also known to be theologically intelligent and to commonly engage in conversations with others about theology. After Tenth received information that Bruce had been arrested for sexual crimes against minors, Bruce was removed as an elder, suspended from attendance, and suspended from taking the sacraments at PCA-associated churches.

1. The Crimes Committed by Garner

Bruce, a bus driver for Marple Newton School District since 2015, was discovered taking videos up the skirts of female juveniles he was transporting to and from elementary school.[8] The videos focused on the vaginal and buttock areas of female juveniles aged 6 to 14.[9] On May 20, 2022, he faced 139 charges for sexual abuse of children, unlawful contact with minors, invasion of privacy, and criminal use of a communication facility, totaling 556 charges. Additionally, he was charged with endangering the welfare of children and possessing an instrument of crime, each carrying one count.[10] According to the affidavit, "During some of the videos, Garner engages the child/victims in conversation in an effort to slow them down or have them stop in the area of his camera, helping him to capture better images of the child/victims pubic area."[11] Within the 139 videos reviewed by law enforcement, 21 victims were identified.[12]

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[6] Bruce Garner Transcript, at 4.
[7] Witness Transcript, at 9.
[8] Alex Rose, "Former bus driver charged with 558 counts for 'up skirt' videos," The Delaware County Daily Times, May 20, 2022, https://www.delcotimes.com/2022/05/20/former-bus-driver-charged-with-558-counts-for-up-skirt-videos/.
[9] *Id.*
[10] *Id.*
[11] *Id.*
[12] Alex Rose, "Former school bus driver pleads guilty to making videos of female students," The Delaware County Daily Times, February 28, 2023, https://www.delcotimes.com/2023/02/28/former-bus-driver-pleads-guilty-to-making-videos-of-female-students/.

Bruce was also interviewed by a police investigator. According to the affidavit when he was asked what the time period was for taking the videos and how many he took, Bruce said "he shot the videos during the school year"[13] and he had done it "more than once, that's for certain."[14] Soon after Bruce sought out sex offender treatment through his attorney and counseling that was paid for by Tenth.

On February 28, 2022, Bruce entered open guilty pleas to 21 counts each of attempted creation of child pornography, unlawful contact with minors and invasion of privacy as well as one count each of endangering the welfare of children, criminal use of a communication facility and possessing an instrument of crime.[15]

On June 1, 2023, Bruce was sentenced to 21 to 48 months in a state prison. A Deputy District Attorney stated that of the 21 victims that were identified in the videos that were taken by Garner, 16 were elementary age under the age of 13 with two of the victims being six-year-old kindergartners.[16] Along with prison time and probation, Bruce will also be registered as a sex offender for 25 years and can not have contact with minors or schools in any capacity.[17]

Alex Rose from The Delaware County Daily Times wrote:

> Garner spoke briefly through tears, apologizing to his victims and their families for breaking the trust placed in him, inflicting trauma on his students and failing in his responsibilities to keep the children safe. "I may have done that physically, but I did not do that to the full extent of my responsibility," he said. "I misused my position of authority and took advantage of those I was assigned to serve. Every time I think back on those days, I am filled with disgust for what I have done and for who I became. I am a monster. I have done a monstrous thing. My actions will forever haunt me, will never leave me for the rest of my days." Garner did not ask for forgiveness, but said he hoped that his victims would one day be able to move past the trauma he caused.[18]

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[13] *Id.*
[14] *Id.*
[15] *Id.*
[16] Alex Rose, "'I am a monster': Bus drive who made 139 'up-skirt' recordings of young girls gets 21 to 48 months." The Delaware County Daily Times, June 2, 2023, https://www.delcotimes.com/2023/06/02/i-am-a-monster-bus-driver-who-made-139-up-skirt-recordings-of-young-girls-gets-21-to-48-months/ A previous article listed the victims as being between the ages of nine to 14. The district attorney clarified that there were two that were younger.
[17] *Id.*
[18] *Id.*

Given Bruce Garner's admissions, physical evidence obtained by law enforcement, and the conviction and sentencing of Bruce, it is unnecessary to analyze or assess whether Bruce committed sexual crimes against minors under his care as a school bus driver. However, it is important to note that Bruce's criminal behavior meets the definition of sexual abuse of minors as Bruce produced and possessed sexually suggestive and explicit videos and images of at least 21 children between the ages of 6 and 14. The children involved did not have the ability to consent to Bruce's violating actions, given their developmental maturity, their level of understanding of sexual behavior, and the power differentials inherently present through Bruce's position as a caretaker and school employee. Further, evidence supports Bruce's concerted efforts to conceal his actions in regularly taking the videos and retaining them for several years.

2. Misconduct by Garner at Tenth

During his tenure at Tenth, Bruce supervised minors and volunteered with teenage minors while serving in the nursery. Desiring to uncover whether any abuse had occurred at Tenth after learning of Bruce's arrest, Tenth leadership contacted GRACE to conduct this independent investigation. GRACE reached out to the parents of the juvenile volunteers and requested consent to conduct a forensic interview.[19] Out of 8 juvenile volunteers identified by Tenth leadership, GRACE received the consent of two parents and conducted forensic interviews of 2 female minors, who each reported minimal to no contact with Bruce Garner while he volunteered in the nursery.

GRACE did not receive any reports of misconduct by Bruce toward any minors associated with Tenth. GRACE cannot state with certainty whether any misconduct occurred at Tenth, as the children in the nursery are aged 0-2 and are unlikely to report due to their level of development and inability to recognize sexual behavior. The police confiscated one cell phone, and it remains uncertain if it's the same phone Bruce used while children were in his custody at Tenth. Given the secretive nature of his crimes, it might never become clear.

3. Survey Responses Relevant to Garner

Two survey responses, albeit anonymous, spoke of concerns they had regarding Bruce. A former member who no longer attends Tenth said in response to the question "Do you know of any other person that has experienced at any time any form of sexual misconduct

[19] A forensic interview is a neutral information gathering interaction that is conducted by a specially trained individual utilizing a multi-disciplinary response to any allegations in child maltreatment. The interviews were conducted by a forensic interview specialist who has conducted over 2900 children interviews. They are a national speaker, child advocate, certified law enforcement instructor and author of many peer reviewed articles specific to child abuse and forensic interviewing of children.

from Bruce Garner?": "I regretfully recall being told that Bruce had odd and sort of sexual photos on his phone, but neglected to follow-up in any way."[20]

A current member who stated they have attended for over 21 years, shared concerns of Bruce's quick rise to eldership, and wrote, "I thought it odd that Bruce was elected Deacon rather quickly, was asked to teach Sunday School and installed as an Elder. People that have attended Tenth for years are not asked to be an Elder."[21]

GRACE did not receive any additional responses regarding abuse or concerns about Bruce via survey responses. While uncorroborated, the survey response indicating that "odd and sort of sexual" photos were seen on Bruce's phone suggests that at least one person at Tenth had knowledge of questionable behavior by Bruce. This report raises concerns about the type and subject of the photos, the communities' general understanding of the type of behavior that requires follow up, the authority to whom reports should be made, and the extent of support provided by the community for others to report suspicious conduct.

4. Garner's Response

GRACE conducted an in-person interview with Bruce in July of 2022. Prior to meeting with him, Bruce reportedly assured the Session that he had not committed any crimes at Tenth.

Bruce said he not only volunteered in the nursery (9am, 11am, and 6:30pm services) but also with the homeless ministry and the adult Bible school. Regarding his involvement in the nursery, Bruce said he volunteered in the 9:00 am service "maybe once," the 6:30 pm service "probably three or four times," and in the 11:00 am service possibly "once."[22] Tenth was not able to provide a list of dates and times in which Bruce volunteered in the nursery, however, nursery staff stated that soon after the nursery re-opened during COVID-19, Bruce primarily volunteered in the 11am service. Once COVID restrictions lessened, Bruce reportedly transitioned to solely volunteering in the evening service.[23]

When asked if he worked with teenage volunteers, Bruce said it was probable but he was most commonly working with adult volunteers.[24] He did not recall specific individuals.

[20] Survey Response.
[21] Survey Response.
[22] BG Transcript at 7.
[23] Nursery staff email, December 11, 2022.
[24] "I'm sure there were probably because at 9:00 and 11:00, sometimes we had like four or five volunteers if everybody showed up...But mostly, overwhelmingly, it was all adults. Everybody's younger than me. I'm 70 years old so, but yeah, all adults." BG Transcript at 27.

According to nursery staff, teenagers are typically only volunteers during the 11 am service, as they are generally attending youth group services at 9 am and 6:30 pm.[25]

Regarding hygiene related assistance, Bruce attested to escorting a child to the restroom while in the Carriage House[26] and occasionally changing the diapers of infants in the nursery.[27]

One witness stated that when she checked in on the nursery she would notice that Bruce would always be on his phone and not interacting with the children. When asked if he frequently used his phone while in the nursery, Bruce became upset and denied the claim, stating, "That's not true. I will not tell you that I never looked at my phone… I sat on the floor a lot and played with the kids."[28] Bruce then admitted to taking one video of the children playing to show to his wife.[29] Bruce was asked if he had ever taken or looked at explicit pictures or videos while in the nursery, and responded that he had not.

When asked for his opinion, Bruce explained that if another person would have committed the same crimes against his own children, or if others view explicit images of children, an appropriate punishment would be therapy. He said, "My mind, with specifically those kinds of charges, to help, therapy, there's something wrong that needs to be fixed."[30] He categorized the crimes of taking images/photographs and viewing explicit picture/videos of children differently than more violent crimes. Bruce said, "My opinion. Looking as wrong as it is, it's not kidnapping, it's not rape. It's not…it's different, right?"[31]

In response to whether his criminal actions could have been prevented through accountability or shepherding by Tenth leadership and mentors, Bruce said, "I did this. I did this. Nobody…There's no lack of support that caused this."[32] He did state that further accountability or shepherding "couldn't hurt" and inferred that Satan's attacks on him were the cause of his criminal actions. Bruce told GRACE, "We are to shepherd our flock but to shepherd each other because we have targets. Satan is after leaders of the church more

[25] Nursery staff email, December 11, 2022.
[26] "I think I did that once. I opened the door for them and closed the door. I was never in the bathroom. Heck, I don't know if I took them to the bathroom. The bathroom is right there [in the Carriage House]." BG Transcript at 26.
[27] "On occasion, I did [change diapers]…usually, I was able to avoid that." BG Transcript at 26.
[28] BG Transcript at 25.
[29] "I took one thing of a little video of we had a bubble machine at 6:30, and we ran the bubble machine. And the kids were jumping all over the place. And I took it to show my wife." BG Transcript at 27. GRACE did not have access to Bruce's phone to verify his statement as the phone was in police custody as evidence.
[30] BG Transcript at 29.
[31] BG Transcript at 30.
[32] BG Transcript at 31.

than anyone. Scripture even talks about that. We have to guard against that."[33] In chapter 4 of James we are reminded that the inward condition of the heart is chiefly responsible for the sins of man. In summary, we do what we do, because we want what we want. If our desires are not humbly submitted and often transformed to God's they will harm us and others. While the temptation of leaders by Satan is referenced in letters to the early church, the number of passages that remind Christians to take responsibility for and direct their hearts towards God far outweigh warnings of attacks by Satan on leaders.

As part of Bruce's indictment by the session, he was not allowed to be on the property at Tenth and he could not participate in communion. During his interview, Bruce conveyed his desire to return back to Tenth for worship and that he would "definitely like to be, sooner rather than later be allowed to take supper, even before I'm allowed physically to return because at least I could take it at another church."[34] Bruce felt that being "indefinitely forbidden to come to supper"[35] was a "great loss."[36] When asked how Tenth would know if he took communion at another church, Bruce replied, "It's a matter of trust."[37]

Consideration of Bruce's belief in therapy as a sufficient punishment for his crime is an indication of a lack of awareness and ownership of the gravity and consequences of his actions. Often, victims of technology-facilitated child sexual abuse report a heightened trauma intensity from knowing that the images taken of the themselves continue to live on the internet, despite the physical sexual abuse ceasing.[38] Images taken of children live on in perpetuity, and therefore present an ever present risk that the child will be re-victimized by someone discovering the images. Spiritual teachings like Matthew 18:6 emphasize the seriousness of offenses against children, and highlight the necessity of addressing such actions with utmost severity, suggesting that the weight of the consequences should be akin to having a heavy millstone tied around one's neck and being cast into the depths of the sea.[39] Often, children unwittingly suffer a life sentence at the hands of their abuser by taking on the blame for their own abuse, and having to learn to rebuild trust in caregivers, romantic partners, and their own bodies. Often necessary to a survivor's healing is the need for the locus of blame and responsibility to be rightfully placed on the offender's shoulders. At times, this is achieved through the legal system, but often this requires the combination of an offender's admission or pronouncement of guilt and consequences that result in meaningful impact on the offender while attempting parity with the lifelong impact

[33] *Id.*
[34] BG Transcript at 9.
[35] *Id.*
[36] BG Transcript at 20.
[37] BG Transcript at 19.
[38] Peters, R. Technology Facilitated Child Abuse. *Handbook of Interpersonal Violence Across the Lifespan*, 2020.
[39] Matthew 18:6.

on the child. Therapy, like surgery, can be difficult or painful, but it is not a punishment. Therapy is a means to genuine understanding, remorse, and transformation, and would alone be an inadequate response to sexual crimes against children, as it necessarily is only a benefit to the offender.

Victor Veith, in his article "What Would Walther Do," points out the importance of earthly consequences for child molesters:

> When a pastor provides a healthy dose of the law, the child molester is forced to realize how much damage he has done and the consequences of his actions…Consider, for example, the two thieves crucified with Jesus. Although both thieves recognized their crimes, one of the men was not repentant, choosing instead to mock Christ and demanding that Jesus take this criminal from the cross. The other thief, though, did not ask to be excused from earthly consequences for his sins, acknowledging "(w)e are punished justly, for we are getting what our deeds deserve." This repentant sinner simply threw himself upon the mercy of his Lord. In response, he received the gospel: "I tell you the truth," Jesus said, "today you will be with me in paradise."… It was this genuine repentance, a repentance that did not seek relief from earthly consequences to sin, that Jesus responded to with unmerited grace.[40]

Bruce's stated desire to "sooner rather than later be allowed to take supper, even before I'm allowed physically to return because at least I could take it at another church" seems to convey a desire to be released from earthly consequences, and to be accepted within a faith community once again. Further, Bruce did not seem to consider the potential negative effects that his victims or other survivors of abuse may experience through his presence in a common place of worship. While Bruce admitted to the crimes for which he was arrested and convicted, Bruce's requests to be released from earthly consequences, inadequate assessment of an appropriate punishment for his crimes, and placement of blame on "Satan's attacks" suggests a lack of accountability and true repentance.

B. Tenth's Knowledge and Response to the Arrest of Garner

On May 18, 2022 Carroll Wynne, the Care and Ministries Pastor, was contacted by Bruce and his wife asking him to come over to their residence as Bruce would soon be arrested

[40] Vieth, Victor. *What What Walther Do?* at 41. *See* https://www.netgrace.org/resources/what-would-walther-do.

for "crimes against minors."[41] Carroll contacted Tenth's senior leadership to let them know.[42] When he arrived, Bruce "confessed to 'up-skirting' (using his phone to photograph and record images under minors' skirts) the children he drove on his school bus. He informed Wynne of his deep remorse for the shame he had brought upon the Name of Jesus Christ his Lord, confusion of his reasons for doing these immoral acts ('because I was able to do so?'), and his fear of the pain and shame he had (and was about to inflict) on those he loved (his wife and two daughter[s])."[43] Bruce told Carroll that the police had confronted him at his workplace, taken his phone, and confessed to the police that he had taken the videos. Tenth's documentation reflects that Carroll spoke and prayed with Bruce, and then took him to an attorney to seek counsel.[44] On the morning of May 19th, Bruce was arrested and taken to jail.

Reported actions by Tenth in response to Bruce Garner's arrest include:

- Friday, May 20, 2022: An elder of the western parish learned of Bruce's arrest and reached out to another elder. Together they called Bruce's wife, and met with her on the following day. One elder stated they continued to "[try] to support them."[45]
- Saturday, May 21, 2022: A morning emergency elder meeting was held to discuss action steps regarding Bruce's arrest. A decision was made to remove Bruce from his leadership roles and remove him from the Tenth website. At this point in time, the entirety of the staff was unaware of Bruce's arrest. A receptionist told GRACE that she learned through reviewing voicemails that Bruce Garner had been arrested and contacted the church administrator. After reviewing the nursery schedule, she became aware that Bruce was scheduled to volunteer in the nursery at the 6pm service the following day. The receptionist reported that she took it upon herself to notify the nursery directors of Bruce's arrest.
- Sunday, May 22, 2022: A statement was read from the pulpit about Bruce Garner's arrest.
- Tuesday, May 24, 2022, 8:01PM: An email was sent from Tenth to nursery parents and volunteers about Bruce's arrest, and stated in part: "Dear Nursery Parents and Volunteers, I am writing to you to inform you that one of our nursery volunteers has recently been arrested and accused of child sexual abuse. Specifically, he was charged with taking 'up-skirt' pictures of teenage girls.[46] The incidents all occurred in

[41] Tenth's Indictment of Bruce Garner, June 4, 2022, at 3.
[42] *Id.*
[43] *Id.*
[44] *Id.*
[45] Witness Transcript 1 at 4.
[46] At the time of the email, The Delaware Daily Times had published a story on May 20, 2022 that stated: "Montella said there is no evidence that Garner ever had physical contact with any of the eight alleged victim students identified to date, who ages range from 9 to 14 years old, according to an affidavit of probable cause for Garner's arrest…" Alex Rose, "Former bus driver charged with 558 counddt of 'up skirt'videos," The Delaware County Daily Times, May 20, 2022,

Delaware County. We have no indications of any kind of inappropriate behavior at Tenth or within the Tenth community. We want to reassure you that Tenth follows recommended practices to ensure that our nurseries are safe places for our children and nursery workers (employees and volunteers). These include (but are not limited to) requiring background checks, ensuring that no worker is ever alone with children (two or more workers should always be present), having diaper changing stations in a centralized and visible location to the room, and requiring the bathroom door to be ajar when we assist our newly potty-trained children in the bathroom. Also note that Tenth nursery workers are mandated reporters and are required to report any suspected child abuse to the proper authorities."[47] The email also included contact information for staff to answer any questions or to receive a report of sexual misconduct.[48] As of July 2022, no reports were received that a staff member had received questions or allegations from nursery parents or volunteers.

- Wednesday, May 25, 11:38AM: The above mentioned email was emailed to the Session and Diaconate Executives.
- Saturday, May 28, 2:08PM: The same email was distributed to the Children's Bible School (Sunday School) parents and volunteers.
- Tuesday, May 31, 2022: The Presbytery was notified of Bruce Garner's arrest.
- Thursday, June 2: Bruce was bailed out of jail.
- Saturday, June 4: Three session members visited Bruce at his daughter's house and gave him the Session's indictment.[49] The charge stated that "due to the scandalous nature of these actions, [Bruce will] immediately be indefinitely suspended from the Sacraments and suspended from the office of ruling elder."[50] Bruce was also not allowed to be on church property.[51]

A care team was established for Bruce, his wife and two adult children. The care team consisted of Carroll Wynne and two other elders.[52] Deaconesses at Tenth came alongside

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https://www.delcotimes.com/2022/05/20/former-bus-driver-charged-with-558-counts-for-up-skirt-videos/.

[47] Tenth's Announcement to Nursery Parent and Volunteers Email, sent May 24, 2022.

[48] "If you are concerned that something inappropriate of a sexual nature may have occurred at Tenth or at a Tenth function, we encourage you to reach out to abuseconcerns@tenth.org. A trained abuse advocate will contact you to discuss your concerns and recommend any next steps, if appropriate." Tenth's Announcement to Nursery Parent and Volunteers Email, sent May 24, 2022.

[49] The Session's charges, authored by Carroll Wynne, against Bruce included the breaking of the first, fifth, seventh, eighth and ninth Commandments. May 24, 2022, Executive Session Minutes.

[50] May 24, 2022, Executive Session Minutes at p. 8. Indefinite suspension was defined in the document as to be "administered to the impenitent offender until he exhibits sign of repentance, or until by his conduct, the necessity of the greatest censure be manifest." Id. at 9.

[51] *Id.* "It was agreed unanimously that Mr. Bruce Garner would be barred indefinitely from the building." *Id.* at 9.

[52] One member of the care team stated that since December of 2022, the team had met with Bruce four times. They had also met with Bruce's wife. "So that's hard, because she as a wife, she has

Bruce's wife and one of his children, who attended Tenth. Bruce's daughter recalled that care team members conveyed to her and her mother that they were their "top priority."[53]

Later, Bruce's wife stated that her expectations of care were not met, and that the assigned care team "has been abysmal."[54] At the time of the second interview, she expressed that the care team had not been to their home to speak with them in almost four months.[55] According to Bruce's wife, "I don't see anything happening on Tenth's part in that they are desirous of restoration with Bruce."[56] She saw Bruce as repentant, and wanted to see him restored back to the congregation.[57] Care team members recalled common questioning from Bruce and his wife regarding the signs of repentance.

Bruce's wife also attested to Tenth's offer to pay for counseling for her, her daughter, and Bruce. According to Bruce, he visited in person a local and well-known psychologist who specializes in sexual addictions, anxiety, marital distress, and trauma recovery. The sessions were paid for by Tenth and a release was signed so that Carroll Wynne could receive updates on behalf of Tenth to assess Bruce's level of repentance and accountability.[58]

On June 28, 2022, Bruce was scheduled to appear before the session. According to Bruce, he and his wife got two flat tires while driving into the meeting, and were unable to attend.[59] The minutes read in part: "The clerk noted that Mr. Bruce Garner had read the indictment of May 24, 2022…and submitted a confession to the charges. He noted then that a trial without process was in order (BCO 38-1). Mr. Garner did attend, and submitted

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responsibility before the Lord, how to be a wife. And we continue to tell her, her options are open and that we'll figure this out. And she doesn't need to make a rash decision and go one way or the other. She needs to work through it and we are there to support her." Witness Transcript at 4,5. The team also met with the grown children in September of 2022: "So we met with the daughters as well and talked about their thoughts about their dad and some things along those lines. They've asked questions about what the path to repentance looks like as well." Witness Transcript at 5.

[53] Witness Transcript at 4. "We have felt very loved." *Id.*

[54] Witness Transcript #2 at p. 1.

[55] *Id.*

[56] *Id.*

[57] Bruce's wife believed her opinion of Bruce's repentance differed from Tenth's. "As [a Tenth leader] has said to me several times, "We're handing him over to Satan." Well, I mean, that verse in Corinthians was for an unrepentant sinner. And that's how they're seeing him, as unrepentant." Witness Transcript #2 at p. 3.

[58] After allegations were raised against Carroll Wynne via survey response, GRACE requested that another person be appointed as the recipient of updates on Bruce Garner's counseling. Tenth was unable to honor this request, citing difficulties in removing Carroll from this position, as such would be a "disciplinary action" subject to a defined BCO process.

[59] Bruce Garner Transcript at p. 17.

the following for the Session as well as address the Session."[60] It is unclear why disparate accounts of Bruce's presence at the meeting were provided.

On July 26, 2022, Bruce appeared before the Session and was "indefinitely suspended from the Sacrament of Communion, deposed from the office of elder, and forbidden from the church building indefinitely."[61]

During the time between Bruce's arrest, bail, and sentencing there were several prayers offered from the pulpit for Bruce to repent and for the healing and well-being of the victims of his crimes. Bruce's wife, who continued to attend Tenth, was not made aware of the prayers beforehand and described them as "deeply impactful to me because I wasn't aware that he was doing it, and it hurt me."[62] Bruce's wife reportedly asked Tenth leadership to give her advance notice of the prayers so that she "could either be prepared or not be here."[63]

Tenth Leadership should be commended for quickly acting to remove Bruce from his leadership position and volunteer roles, and for swiftly engaging GRACE to conduct this independent investigation. However, had a receptionist not received word of Bruce's arrest through a concerned congregant who learned of the arrest through the news, it is possible that Bruce, eligible for bail, could have resumed his volunteer role in the nursery and gone undetected by the nursery staff. An immediate announcement to the nursery staff by Tenth leaders regarding Bruce's arrest would have increased the degree of safety, trustworthiness, and transparency in Tenth's initial response.

1. Restoration of Bruce Garner to the Sacraments

Witnesses in communication with Garner post-arrest commonly spoke about Bruce's strong desire to be restored to the sacraments, and his insistence that he had attained a level of repentance sufficient to resume the sacraments.

On May 2, 2023, Bruce Garner appeared before the Session to present his confession and was asked questions "about his spiritual state."[64] Bruce reportedly stated "I own this" as part of his confession to the Session.[65] The Session conveyed to Bruce, "Whereas, you, Bruce Garner, have been debarred from the Sacraments of the Church, but have now manifested such repentance as satisfies the church, we the Session of Tenth Presbyterian

[60] June 28, 2022, Session Minutes.
[61] July 26, 2022, Session Minutes.
[62] Witness Interview #2 at p. 16.
[63] *Id.*
[64] May 2, 2023, Session Minutes.
[65] Discussion with Tenth Leadership, November 2023.

Church, do hereby, in the name and by the authority of the Lord Jesus Christ, absolve you from the said suspension from the Sacraments and do restore you to the full communion of the Church."[66] The Session restored Bruce Garner to be able to participate in communion but did not make a decision as to whether to allow Bruce back onto Tenth's property. The minutes read, "To be clear, because we have not received the final report of the Grace investigation, we are unable to grant you access into the sanctuary at this time but want you to know our desire to share Communion with you and pray we may during a public worship service in the near future."[67] As Garner is now permitted to take communion, it is possible that he has attended another local church to do so prior to his incarceration, and that he will resume that practice upon his release.

Looking to Scripture, a genuinely repentant person is appalled by sin (Isaiah 6:5); makes amends (Luke 19:1-10); accepts consequences (Luke 23: 40-43); feels the depth of the pain they've caused (Isaiah 64:6); changes behavior (Acts 9); and grants space to heal (Gal. 5:22). Although Bruce admitted to committing the crimes, indicating a sense of ownership, his initial explanation for taking explicit photos of minors—simply because he could—and his emphasis on the harm caused to Tenth and his family, rather than acknowledging the victims, do not demonstrate that Bruce fully grasps the appalling nature of his actions or that he feels the depth of the pain he has caused. Victor Vieth wrote,

> An offender who is confessing sexual misconduct but is unwilling to address the physical or emotional needs of his victim, to disclose the abuse to his spouse or to seek sex offender treatment may be seeking forgiveness but is giving no indication of an intention to repair the damage inflicted or to reform his behavior. Given the serious criminal nature of the conduct, an offender unwilling to turn him or herself into the police should be subjected to church discipline—not the recipient of sacraments.[68]

Further, Bruce's persistent requests to be reinstated to the sacraments, without demonstrating a clear understanding of the seriousness of his offenses, hinders the acceptance of consequences, denies the sacrament-sharing community the opportunity to heal, and inhibits leaders' ability to responsibly assess and respond to any potential signs of repentance.

2. Commendation Letter filed for Bruce Garner's Sentencing

On June 1, 2023, Bruce Garner was sentenced as aforementioned. Several Tenth leaders were present at the sentencing, and expressed their desire to be present to support

[66] *Id.*
[67] May 2, 2023, Session Minutes at p. 2.
[68] Vieth, Victor. *What What Walther Do? See* https://www.netgrace.org/resources/what-would-walther-do.

Bruce's wife and children.[69] One pastor, Carroll Wynne, wrote and filed a letter of commendation and request for leniency in support of Bruce.[70] According to Carroll, he did not know Bruce very well, and had only met him a few times prior to his arrest.[71]

> During the last three years I have known Bruce Garner as one of his pastors and fellow elder at our church. As he was taking up duties as a leader, we would meet from time to time to share about specific concerns in our fellowship and how we may pray, alleviate financial stresses, and be present with them in their spiritual struggles. Bruce has a compassionate heart and is knowledgeable of the Bible. It is why this contradiction in his behavior is so difficult to understand.
>
> Due to his age and weakened health, I would plead for mercy from the court in his sentencing. His shame and guilt weigh heavily upon him and his family, who have stood beside him as do we as church fellowship.[72]

The last sentence of this letter, "His shame and guilt weigh heavily upon him and his family, who have stood beside him as do we as church fellowship" and other demonstrated support by Tenth leaders during Bruce's trial may be viewed by others, including the testifying minors who are survivors of Bruce's abuse, as a commendation of Bruce's sexual crimes. BCO 8-2 requires that elders "possess a competency of human learning and be blameless in life… exhibit a sobriety and holiness of life becoming of the Gospel. He should rule his own house well and should have a good report of them that are outside the Church."[73] Though Carroll possessed knowledge that Bruce had been convicted of sexual crimes against minors, he elected to commend Bruce's compassion, plea for mercy on Bruce, stand "beside him" publicly as Bruce advocated for lesser accountability measures, and portray the harm that Bruce experienced while making a single reference to the crimes as a "contradiction in [Bruce's] behavior."[74] Further, Carroll signed the letter "Reverend Carroll Wynne" and indicated that the "church fellowship" stands beside Bruce in support. Matthew 18 warns, "It is not what goes into the mouth that defiles a person, but what

[69] Discussion with Tenth Leadership, November 2023.
[70] Apart from Bruce's family, Carroll Wynne stated that there were about a dozen people from the church present to support Bruce and the family. CW Transcript at p.18.
[71] CW Transcript at p. 5.
[72] Letter to Judge from Carroll Wynne, March 8, 2023. Though Carroll spoke on behalf of the church, the letter was not sent on church letterhead. Note: Carroll did not ask Bruce how old the children were that he was "upskirting." When asked by GRACE if it would make a difference if the children were in elementary school or high school, Carroll said, "No, it's a crime." As mentioned earlier, out of the 21 minors that were identified as victims, 16 were in elementary school with two children being in kindergarten. Carroll Wynne Tr. at 7.
[73] PCA's Book of Church Order, 8-2.
[74] Letter to Judge from Carroll Wynne, March 8, 2023.

comes out of the mouth."[75] Carroll's commendation and public support of Bruce during his sentencing may have "defiled" Carroll and Tenth in the minds of testifying victims and others by advocating for a lesser sentence in direct contradiction to the justice sought by the victims.

In brief summation, Tenth acted quickly and appropriately by removing Bruce Garner from office and volunteer roles, initiating a disciplinary process, notifying Tenth congregants, providing care and compensation for counseling to Bruce and his family, and engaging GRACE for the purpose of identifying whether or not Bruce committed abuse at Tenth. These actions suggest a desire to care for and shepherd their flock, but sadly, were undercut by Tenth leaders' public support of Bruce and requests for leniency. Given the serious nature of Garner's crimes, Tenth's promotion of Garner and oversight responsibilities, and Tenth's status as a pillar of the Philadelphia community, additional trauma informed responses would have been and may still be beneficial, such as a notification to law enforcement that Bruce was an elder, collaboration with law enforcement to assess the probability of abuse by Garner at Tenth, collaboration with the school of the victims to assist the victims in obtaining care and support, and an escalated notification to appropriate nursery and other staff and volunteers.

C. Findings Related to Paul Jones

Paul Jones is a well known organist and served as the organist and music director for Tenth from 1998 to 2014.[76] During his tenure as music director, Paul Jones offered music lessons to congregants and locals, managed worship services and the worship team, composed and produced music, and orchestrated concerts.

Prior to Jones' role as music director for Tenth, Jones taught music classes at a local university. In 2001, allegations surfaced at the university that Jones had committed sexual misconduct against students at the school.[77] Jones reportedly admitted to the conduct alleged and was released from his position at the university.[78]

Jones continued to serve as the Music Director at Tenth until 2014, at which point he was asked to resign by Tenth leadership.[79] This decision was a result of his failure to comply with imposed restrictions, which were implemented after Tenth received allegations of misconduct against Jones involving his music students.[80] Tenth's knowledge and response

[75] Matthew 18:10 ESV.
[76] Timeline Document.
[77] *See* Section III. C. 2. *Also see* Section III. D. 1.
[78] Witness Tr. at 3.
[79] *See* Section III. D. 3-4.
[80] *See* Section III. D. 1-2.

to the allegations will be discussed further in this section after a summary of the allegations against Paul Jones is presented.

1. *Allegations against Jones*

Through documented evidence and witness interviews, GRACE investigators learned about seven reported victims of Paul Jones during the course of the investigation. All reported victims are believed to have reached the age of 18 prior to the sexual misconduct alleged. Investigators reached out to each reported victim, however all but one either declined to be interviewed or did not respond to interview requests.

GRACE interviewed one witness who alleged sexual misconduct by Jones while he was both a student at the local university and a congregant at Tenth. He informed investigators that Paul Jones was a family friend and encouraged him to attend the local university, reside in Jones' home as a tenant, attend Tenth, and participate in private music lessons.[81] The reporting victim said, "I was groomed by Paul Jones early, probably around 14, where the serious nature of the grooming began. And then the abuse itself happened when I was 19."[82]

The witness believed that Jones waited until he was above the age of consent to perpetrate sexual abuse, and said

> Paul Jones was very aware of minor rules. He was very aware of statute of limitation law in Pennsylvania. He would make mention of it, and he would commend me for being loyal to him for not revealing this. That I knew him forever. And we were family friends, and people wouldn't understand...
>
> I was beaten. My friend was beaten, and my other friend was beaten several times to the point where right now he is in a psychological institution.[83]

Another reported victim spoke to Tenth leadership in January of 2014. A record of this conversation included:

> In the late 1990's when Paul Jones was teaching at the college while also the Music Director at Tenth... Paul noticed [the reported victim's] gifts and sought him out and stressed to [the RV] the need to be disciplined and committed to music, the study of opera, etc. [RV] liked the idea of studying under such a gifted teacher and mentor. At the same time he was living in the same house with X and Z (both of whom also would report physical abuses to various

[81] Reported Victim Tr. at 8.
[82] *Id.*
[83] *Id.*

> extents- Z suffering from "multiple times"). On one occasion [RV's] commitment slipped and Paul reminded him that he would beat [RV] (he pointed to a paddle in his office) unless he made a turn for the better. This seemed to work for a while but again it slipped. At this point, Paul (in the house where they were living) asked [RV] to strip naked and Paul proceeded to spank him 30 times. According to [RV] "the pain lasted for days." This occurred once. It occurred while [RV] was a student for Paul, as well as singing in the Tenth choir, who was employed at [the local university] and Tenth.[84]

A staff member at the local university informed GRACE that concerns were received in 2001 that confirms the allegations of the reported victims discussed above:

> [W]e received word that Dr. Jones had been involved with a treatment of students that was, in our view, inappropriate. It involved physical discipline with students, male students… [I] did know that they were at least in their underwear, if not naked.[85]

Additionally, reports recorded in Tenth's documentation in 2011 indicate that Paul Jones hosted college aged male students in his home overnight and on vacations, hosted parties in his home in which his students were shirtless, and engaged in "extensive levels of massaging."[86]

Certain reported acts by Paul Jones are consistent with common grooming tactics used by sexual offenders. Grooming refers to manipulative tactics employed to target potential victims, create and fill the needs of the target, isolate the victim to test boundaries and avoid detection, desensitize the victim to physical and sexual contact, and maintain control and secrecy.[87]

GRACE's findings indicate that most or all reporting victims were attending college and/or Tenth at the time of the alleged abuse, and seemed to have an interest in music, ministry, and the opportunity to advance their careers under Jones' tutelage. Jones reportedly

[84] Jones' Commission Interview with "Y," January 26, 2014.
[85] Witness Tr. at 2,4.
[86] 2011 Jones Committee Session Records. The 2011 Jones Committee learned, "Paul had taken an intern with him to Florida for a conference, as well as 'parties' at Paul's house in which young men were running around shirtless and extensive levels of massaging." *Id.*
[87] Elizabeth L. Jecglic, Georgia M. Winters, and Benjamin N. Johnson, *Identification of red-flag child sexual grooming behaviors*, 136 CHILD ABUSE & NEGLECT (Feb. 2023), https://www.sciencedirect.com/science/article/pii/S0145213422005324.

endeavored to fill the needs of the victims by providing music lessons, residence, meals, vacations and other trips, spiritual leadership, and professional connections. Jones is also reported to have participated in these activities one-on-one with the reported victims, and to have tested physical boundaries by hosting parties wherein his students were shirtless and by participating in massages. Reports indicate Jones' attempts to maintain control and secrecy through intentionally delaying the perpetration of sexual misconduct until the reported victims had reached adulthood, thereby avoiding possible consequences for crimes against minors; and by encouraging the continued secrecy of the victims, citing their responsibility to be loyal due to their longstanding familiarity and family connections.[88] Jones reportedly discouraged victims from confiding in others, stating "people wouldn't understand."[89] Ultimately, reports suggest that Jones aggrandized his position of authority and spiritual power over the victims and normalized the sexual misconduct, distorting his actions as Biblically appropriate and beneficial for the diligence and future success of his music students.

It should be noted that reference to Paul Jones' abusive behavior as "spanking" minimizes the severity of the abusive acts disclosed. One reported victim described the abuse as beatings. Another recalled having pain for days after he was required by Jones to strip naked and accept an excruciating 30 batterings with a paddle. The severity of the beatings described is analogous to abuses that are commonly investigated by legal authorities, prosecuted by governments, and subject to convictions or penalties.

Specifically, Jones' admitted abuses[90] meet the definition of sexual misconduct as "physical acts of an immoral, indecent, improper, or sexual nature that are 1) unwelcome or 2) performed without consent or 3) committed by one in a position of authority upon a subordinate."[91] Further, the physical beatings described by reported victims of Jones meet common law articulations of sexual battery as "unwanted contact with intimate parts of another person's body. 'Intimate parts' is a term that can mean a person's genitals, anus, buttocks, or groin…"[92]

Reports also indicate that Jones, a spiritual leader and mentor, perpetrated emotional and spiritual abuse on the victims by consistently using his power, authority, and position of trust to manipulate and dominate the reported victims through religious means.[93] The

[88] Reported Victim Tr. at 8.
[89] *Id*.
[90] *See* Section III. C. 2. for more information regarding Jones' admissions.
[91] *See* Section III for applicable definitions.
[92] *See* Black's Law Dictionary, 2nd ed. at https://thelawdictionary.org/article/the-difference-between-sexual-battery-sexual-assault-rape/.
[93] *See* Section III. C. 2.

Bible warns of this and encourages leaders to guard against this behavior in Matthew 7:15, "Beware of false prophets, who come to you in sheep's clothing but inwardly are ravenous wolves."[94]

2. *Jones' Response*

Paul Jones did not respond to GRACE's interview requests. However, conversations with Jones that were relayed by witnesses and documentation evidence provide insight into Jones' perspective.

One witness was a staff member at the local university when Paul Jones was terminated, and was tasked with confronting Paul Jones after the allegations were received by school leadership. Paul Jones reportedly explained to the witness that he had entered into an agreement with the students where the students agreed to subject themselves to Jones' disciplinary approach.[95] The witness said, "he didn't deny it and tried to explain why it was acceptable… In fact, he wanted to meet with the parents of the student to tell them why he had the student's best interest in mind."[96] The witness further elaborated:

> There was always this sense of, "I'm sorry I put you through this. I'm sorry I put the institution through this"… I've never heard him say or anyone close to him say he is repenting for what he's done and asking for forgiveness. In the immediate [2001], he's scared, and he knows the noose is tightening, and he was younger, and he just thought, "I'm going to try to explain this away." But it's been 21 years, and he still won't own it.[97]

In 2014, one reported victim traveled to Tenth to confront Paul Jones, in the presence of another elder Jones asked to attend.[98] The reported victim said, "He not only admitted to the abuse, but I confronted him on abusing my friend, and I confronted him on abusing my other friend…He was able to manipulate. Halfway [through], there are crocodile tears."[99]

Tenth's documentation of conversations with Jones record the consistency of Jones' insistence that his behavior was appropriate:

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[94] Matthew 7:15 ESV
[95] Witness Tr. at 3.
[96] Witness Tr. at 9.
[97] *Id.*
[98] The elder mentioned as attending the meeting of the victim and Paul Jones is now deceased.
[99] Reported Victim Tr. at 6.

- "The Session began to investigate those allegations…Paul was not forthcoming in anything that looked like a confession or repentance."[100]
- "Paul Jones provided some details about his sin to these men [Tenth leaders]. He said that there was one student, and explicitly denied that there were any others. The men knew that Paul exercised corporal punishment on a student to a student's bare bottom… [and] understood a flat implement being used for the punishment. Paul Jones said that this was done at the student's request. Paul Jones said this was a homeschooled student and this was the discipline practiced in the home. He said that the student requested that Paul discipline him likewise."[101]
- In 2011, when meeting with a Session Committee, Jones reportedly said that the "student was 'asking' for punishment… because the student would feel better about not doing the work,"[102] and referenced the Proverb regarding "spoiling the child due to lack of a rod."[103]

Similar indications of a lack of repentance when comparing the responses of Bruce Garner and Paul Jones include a lack of ownership of the severity of the abuse and an absence of remorse to the victims. Jones' response, recalled by witnesses and recorded in documentation evidence, also extended blame to the victims by claiming they had agreed to the abuse, and justified the abuse as Biblically sound and as a necessary discipling practice. Reports reflect Jones' vigorous defense of this perspective, going so far as to offer justifications for the abuse to the victim's parents. Dr. Jennifer Freyd articulated the DARVO principle (Deny, Attack, and Reverse the Victim and Offender), which is frequently employed by perpetrators as a manipulation tactic.[104] According to Dr. Freyd, denial of abuse is not evidence of guilt; rather, it becomes indignant and self-righteous if the abuse accusation is true. The focus shifts to ridiculing the accuser, portraying the abuser as the wronged party because the accuser disclosed the abuse, and labeling the victim or concerned observer as the offender. A DARVO response, as seemingly displayed by Jones, is not demonstrative of true repentance, accountability, or a willingness to change future behavior.

[100] Witness Tr. at 4, 5.
[101] Meeting Notes from Meeting with Former Tenth Leader, May 27, 2014.
[102] 2011 Jones Committee Session Records.
[103] *Id.*
[104] Freyd, J. II. *Violations of power, adaptive blindness, and betrayal trauma theory. Feminism & Psychology*. 7 (1): 22–32. February 1997.

D. Tenth's Knowledge and Response to Allegations against Paul Jones

Tenth received information about the allegations and concerns about Jones on various occasions throughout Jones' 16 year employment at Tenth. Each instance is discussed in this section:

1. 2001 Knowledge and Response

In 2001, three years after Jones became the music director, a former leader of Tenth became aware of the termination of Jones employment at a local university.[105] While Tenth's former leader ("FL") did not agree to speak with GRACE, his recollection of the events in 2001 is recorded in meeting notes taken on May 27, 2014:

> [FL] said that he first learned of this sin from Paul Jones… Paul Jones asked for counsel from [FL] regarding whether he should resign from [the local university]. [FL] counseled him to resign if that is what the school was requesting. Paul Jones said that he was asked to resign from [the local university] for mistreating a student. [FL] said it was his practice to have such weighty matters processed by a number of elders. [FL] invited [two elders' named redacted] to hear the matter. [Another elder's name redacted] was also brought in, primarily in the capacity of representing Paul Jones' interests, something that was commonly done in matters of discipline at Tenth. Paul Jones provided some details about his sin to these men. He said that there was one student, and explicitly denied that there were any others. The men knew that Paul exercised corporal punishment on a student to a student's bare bottom. [FL] said that he understood a flat implement being used for the punishment. Paul Jones said that this was done at the student's request. Paul Jones said this was a homeschooled student and this was the discipline practiced in the home. He said that the student requested that Paul discipline him likewise. [FL] said that the men made it clear to Paul that this was abusive. They directly asked him if it was sexual, and Paul Jones said it was not.
>
> [FL] met with [a leader of the local university] to gain more information. [The local university leader] said that Paul Jones was not being fired for cause, that the circumstances regarding why he was being asked to resign would not be disclosed…. [the local university leader] also said that the incident was not being viewed by [the local university] as sexual misconduct. [FL] accepted

[105] Meeting with Former Leader, May 27, 2014.

> [the leader's] account of the event. He told [the leader] that on the basis of what they had learned, Tenth likely would not be firing Paul Jones. He said that seemed agreeable to [the local university leader].[106]

However, a different leader at the local university who had confronted Paul Jones reported that he also met with the former leader of Tenth in 2001, and conveyed information that indicates that FL learned more from the local university than stated during the mediation. The witness conveyed that the former leader was aware of Jones' physical discipline of students and recalled telling FL "Look, you need to ask these questions… Ask a student. Ask them what they were or weren't wearing."[107]

At this time, Jones had multiple young men residing with him as tenants, many of whom were either students at the university or interns at Tenth, or both.[108]

Tenth's documentation of the sequence of events in 2001 reflects the instatement of an "unofficial committee" which "went to [Jones' home] to investigate and learned that [Jones] had paddled a young man on the naked buttocks."[109] The documentation further states "This information did not press alarm bells and was not passed on to the full session for formal investigation and disciplinary action"[110] and that the informal committee did not investigate "beyond a visit to the home of [Jones] where a number of the young men were present with Jones."[111]

A reported victim recalled the visit made by the informal committee to Paul Jones' residence, where the reported victim resided. The reported victim said that a former pastor, three session members, and a former pastor's widow participated in the visit. The reported victim recalled that a former pastor pulled the reported victim aside to "ask questions and find out what happened" while Jones was in the vicinity.[112]

A decision was made by the informal committee after the visit to maintain [Jones'] position at Tenth "full-time on the basis of his profession of repentance… we permitted him to continue working unsupervised with young men, entertaining them in his home, having them sleep over at his house, accompanying him on concert trips, and even going with him on vacations."[113]

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[106] Meeting with Former Leader, May 27, 2014.
[107] Witness Tr. at 22.
[108] Reported Victim Tr. at 10.
[109] Statement to Reported Victims, March of 2014.
[110] *Id.*
[111] *Id.*
[112] Reported Victim Tr. at 10.
[113] Statement to Reported Victims, March of 2014.

Tenth leadership later sent a "Statement to the Victims" of Paul Jones. Within this apology statement, Tenth acknowledged many of their failures in 2001.

> Here was an authority figure; a great mentor; an influential musician with the power to make or break careers; a friend of the family; their landlord; and a professor at their university. Every one of those elements would prohibit these young men from feeling free to speak up. At this point we erred in not understanding their predicament, in not investigating further, in not interviewing the young men separately in a neutral venue, and asking them if they had suffered similar treatment, after giving strong assurances that they were safe to speak up and that steps would be taken to ensure there were no academic or personal or future career repercussions for speaking the truth… At the very least, a committee or a commission should have had the job of overseeing and scrutinizing every aspect of his work and interactions with young men. This failure endangered other interns and allowed [Jones] to believe his sin was forgotten.[114]

Tenth's acknowledgment and apology for the harm caused is respectable and correctly identified barriers to disclosure by victims during the committee's inquiries in the presence of Jones in 2011. Each failure mentioned in this statement warranted ownership, apology, and a change in behavior. Given the knowledge of the abuse of Paul Jones, a report to authorities and escalation to the session and Presbytery was also warranted. Further, Tenth's failure to remove Jones from his position and access to Tenth's music interns enabled Jones to perpetrate additional misconduct and placed individuals under Tenth's care in danger.

2. 2011 Knowledge and Response

By 2011, both Tenth and the local university had experienced a change in senior leadership. A leader at the local university who was involved in Jones' termination learned that a student was participating in an internship at Tenth and pulled the student out of the internship due to concerns about Paul Jones' presence at Tenth. The leader explained:

> I was very concerned about what was going on at the church, and… because the church did not remove him, we no longer allowed students to serve in internships or be involved in church. Now, the dilemma was, because Paul was continuing in that position… some students were assuming, "Well, [the local university is] just overreacting as a fundamentalist school, and [Tenth is] taking a more restorative approach and trying to help him, and what he must have done couldn't have been that bad, because he's still down here." So

[114] *Id*.

> getting students to stop attending that church was very difficult. But we nixed the internships, such that… I found out that there was a student doing an internship [at Tenth], I could not believe it and right away put the brakes on and said, "No one can be down there. No one can be with him [Jones]."[115]

The newly appointed Tenth leader met with the local university leader to inquire about the situation and was informed that Jones was not allowed on the premises indefinitely and that students of the university were prohibited from interning at Tenth because of Paul Jones' presence there.[116]

Upon hearing this information, the Tenth leader initiated the formation of a special committee. Session records of the "Jones Committee" dated October 1, 2011, stated the following "Guiding Principles for the Committee":

1. It is the desire of the committee to protect the ministers of Tenth, the congregation at Tenth and the name of our Lord Jesus Christ in our investigation
2. It is the desire of the committee to protect as much as possible the good name and reputation of Dr. Paul Jones.
3. It is the desire of the committee to perform a thorough and godly investigation of the allegations of misconduct by Dr. Jones by the [leader of the local university]… this means that the investigation will be to seek the facts and to apply godly wisdom and insight into those facts. This is not meant in any capacity to be a witch hunt.[117]

One committee member said, "we talked to a number of people. We talked to former students. We talked to members of the congregation. We talked to Paul himself."[118] Information uncovered by the 2011 Jones Committee includes concerns from men on the music staff at Tenth of "emotional hardship of working with Paul in a staff/student relationship with Paul. On one occasion, the staff person's professional career was threatened if he did not do things the way Paul wanted,"[119] and reports that "Paul had taken an intern with him to Florida for a conference, as well as 'parties' at Paul's house in which young men were running around shirtless and extensive levels of massaging."[120]

[115] Witness Tr. at 7.
[116] *Id.*
[117] 2011 Jones Committee Session Records.
[118] Witness Tr. at 6-7.
[119] 2011 Jones Committee Session Records.
[120] 2011 Jones Committee Session Records.

While the 2011 committee did not speak to reporting victims of the misconduct that led to Jones termination from the local university, Session records reflect Jones' admissions to the prior misconduct in his conversations with the 2011 committee.[121] In Session records from 2011, meeting notes from a discussion with Paul Jones and the 2011 committee on October 6, 2011 stated "The meeting began with [Jones] giving an overview of the 2001 incident in which [Jones] physically punished a student for his laziness and indifference."[122] Meeting notes also reflect that Jones reiterated his stance that the "student was 'asking' for punishment… because the student would feel better about not doing the work."[123] Jones reportedly admitted that his behavior was "immature" and indicated "poor judgment."[124] However, Jones is later recorded as referencing the Proverb regarding "spoiling the child due to lack of a rod."[125] Meeting notes further reflect Jones' defense that by inviting college students to lunch or to his home, he was ministering in their lives and sharing the joy of learning music.[126]

The Session Committee determined:

> There were no accounts of physical abuse like what we had heard about the 2001 incident; the majority had more to do with "emotionally" related instances (threats or bargains, etc.) as well as fear that prevented them from speaking to a higher authority. No specific instance was reported at that time that credibly reached the level of impropriety of 2001.[127]

The committee prepared a report and submitted recommendations to the Session of Tenth that a "Review Committee" be appointed to "offer counsel and accountability for the work of the Music Director [Jones], its interns and its budgetary issues,"[128] that "Session create a Pastoral Care/Oversight for the spiritual maturing and growth of Dr. Jones,"[129] and that "the Personnel Committee… review policies considering all of our interns."[130]

The statement Tenth offered to the victims reflects Tenth's viewpoint of the failures of the 2011 committee:

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[121] *Id.*
[122] *Id.*
[123] *Id.*
[124] *Id.*
[125] *Id.*
[126] *Id.*
[127] *Id.*
[128] *Id.*
[129] *Id.*
[130] *Id.*

> In 2011 when session heard he was still barred from the campus at [the local university], session immediately acted to erect a committee with the charge to investigate. Their investigation was not as thorough as it should have been; their initial report was inconclusive but the committee remained in place and gave reports regularly. We failed to reach out to the first victim or to make contact with other young men who had been [Jones'] tenants and interns to ask them pertinent questions. Through the committee we addressed the [Jones] non-attendance to the sermons (he and his interns regularly retired to his office during the sermons as later reported)... The committee reported of [Jones'] poor judgment, lack of wisdom, and lack of discretion in overseeing Tenth's interns. We put guidelines in place and barred him from entertaining any young men in his home, or taking them on vacation. However we failed in, once again, not consulting an expert on this kind of behavior who would have given us more insight than we had.[131]

In the year 2011, Tenth was aware of Paul Jones' troubling history, which had previously resulted in his dismissal from a local school. Despite possessing this awareness, Tenth chose not to effectively address reports characterized by controlling and manipulative behavior. These reports included threats to job security, isolation as a grooming tactic, and desensitization to physical contact by a person in authority over a subordinate.[132] Further, the 2011 Committee's stated objective to "protect as much as possible the good name and reputation of Dr. Jones,"[133] did not prompt the committee to interview prior victims, tenants, or interns of Paul Jones.[134] Additionally, the church understood that Jones did not acknowledge the wrongfulness of his actions or grasp the gravity of his behavior.[135] Tenth appropriately acknowledged and expressed regret for not seeking guidance from experts who could have alerted them to the signs of grooming and concerning misconduct.

Tenth clearly delineated boundaries in 2001 and reasserted these boundaries in 2011, only for them to be actively violated by Jones.[136] This violation created an atmosphere in which evading accountability appeared permissible. Paul took advantage of this leniency, continuing to host college-aged men at his home and even vacationing with them, revealing a troubling and recurring pattern of behavior. Tenth's passivity towards Jones confused others, leading them to believe that "what [Jones] must have done couldn't have been that bad,"[137] making Jones seem like a safe and trusted person. This lack of intervention exacerbated the situation, allowing problematic behavior to persist. Given Tenth's

[131] Statement to Victims, March 2014.
[132] 2011 Jones Committee Session Records.
[133] 2011 Jones Committee Session Records.
[134] Statement to Victims, March 2014.
[135] Statement to Victims, March 2014.
[136] *See* Section III.D.1-4.
[137] Witness Tr. at 7.

awareness of Jones' prior abuses and the concerns raised in 2011, it was essential to report these issues to the appropriate authorities without waiting. It is important for current leadership to understand that the actions of the past cannot be changed, but that God promises to meet His people, as in Romans 6 where the people of God are commanded to put right what has been done wrongly, in restoration of all things to God's order.

3. 2013 Knowledge and Response

In 2013, Tenth leadership received information that Paul Jones had violated the restrictions in place which barred Jones from "entertaining any young men in his home, or taking them on vacation."[138] One elder said, "we found out that one of the students had gone to his house, and had stayed overnight with him."[139]

A timeline was prepared by an elder to present to the Session at an unknown date near the end of 2013, and stated in part,

> Recently when parents complained that Paul Jones had invited their son out for a meal while they were abroad, the Committee held further meetings with Paul Jones in which he confirmed that he indeed had a man in his home overnight on repeated occasions, and had given him the key to his apartment. Session upgraded the Committee to Commission level to deal efficiently with the escalating revelations. Paul Jones had not avoided 'the appearance of evil.' He had failed to obey the clear instruction of Session. He had consistently lied to the Commission. Therefore, for the honor of the church of Jesus Christ, the Commission recommended Paul Jones' termination from Tenth which was accomplished November 18, 2013.[140]

While Session records do reflect the decision to terminate Jones' employment on November 18, 2013, witness testimony and documentation evidence indicates that Jones retained his employment at Tenth until February of 2014.[141] One elder present during these discussions provided insight into the reasoning behind the extension of Jones' employment:

> [We] came to the decision as a session that he could not continue as director of music, but it was very difficult because he was very charismatic. He had a following at Tenth. The people loved him. I loved him too. He was just a wonderful man and [ran] a very good program and things like that... The

[138] Statement to Victims, March 2014.
[139] Witness Tr. at 11.
[140] 2013 Timeline Presented to Session.
[141] *See* Section III. D. 4.

> session agreed that we would terminate him, but then the problem was when would he go? We were all over the place. I had talked to an employment attorney, our attorney in Philadelphia, and she had pretty well said, "He needed to go then right away, it just needed to be clean," she advised. I reported that to the session, not all session agreed that it should be immediate. We had the Christmas program coming up... And unfortunately there were a couple staff members who were supporting him. It was just very, very difficult.[142]

In the context of spiritual leadership, charisma and expertise often play a significant role, as noted by Dr. Diane Langberg.[143] Charismatic leaders possess the ability to unite divided communities, inspire enthusiasm, and propel people into action. Their powerful presence can create an aura of success, making their followers believe that the leader is solely responsible for the positive outcomes within the community. Consequently, any criticism or attack on such leaders is met with denial or disbelief, as followers perceive a threat to the leader as a threat to the entire community. This demand for expertise and charisma can provoke a leader's anxiety, pushing them to resort to unethical means, such as using people or engaging in illicit behaviors to alleviate their insecurities and maintain their facade of success. Consistent with the 2011 committee's priority to "protect as much as possible the good name and reputation of Dr. Jones,"[144] Tenth's leaders reportedly continued to prioritize charisma, reputation, and other self-interests over safety promotion, accountability, and advice from Tenth's attorney in 2013 and early 2014 by allowing Jones to remain in his public-facing role as Music Director until after holiday concerts were concluded.

Moving forward, it is crucial for Tenth to strike a balance between charisma and accountability within its leadership. Recognizing the value of charismatic qualities is important, but it should not overshadow the necessity of promoting safety, fostering accountability, and addressing past wrongs. Transparency, honesty, and a willingness to confront difficult truths are essential in building a spiritually grounded community. Jesus' ministry on Earth was replete with examples of confronting difficult truths. From his call away from a culture of hypocrisy in Matthew 23 to rebuking the violent spirits in his own disciples in Luke 3 - Jesus expects his followers to take note of his example in community building. While this work can be intimidating, we take comfort in passages like Philipians 4:6 that promise a present and trustworthy Father who offers peace when we pursue righteousness with Him. Other scriptures that forbid faith leaders from engaging in violence are 1 Corinthians 13, Titus 1:7, 1 Timothy 3:3, and 1 Peter 5:3. Embracing these

[142] Witness Tr. at 6-7.
[143] Langberg, Diane. *Redeeming Power*, at 127-128.
[144] 2011 Committee Session Records.

values can lead to genuine growth and resilience, ensuring that the church remains a place of trust, support, and understanding for its members.

4. 2014 Knowledge and Response

During 2014, the following events occurred:

- On January 13, 2014, Tenth sent a letter to Paul Jones which included a non-disparagement agreement.[145]
- On January 22, 2014, one reported victim of Paul Jones contacted Tenth's Session and informed them of the abuse he experienced by Jones. The reported victim also confronted Paul Jones in person in the presence of his own pastor and a Tenth elder of Jones' choosing. The reported victim was told that the elder present planned to bring up the topic in a later session meeting.[146]
- On January 26, 2014, a different reported victim was interviewed by an elder on the Jones' Committee and described a prior incident where Jones asked the reported victim to strip naked before beating the reported victim 30 times with a paddle.[147]
- On January 31, 2014, a concert entitled "Voice and Verse" was held at Tenth which served as a farewell party for Paul Jones and as a celebration of his time and contributions to Tenth during his tenure.[148] One elder said, "It turned out to be a fanfare for Paul Jones."[149] The celebration concert was reported to have included "several tributes… written in the bulletin and on the internet" regarding Jones.[150] Additionally, "special farewell services with major receptions were held on February 2, 2014 (both in the morning and the evening)."[151]
- On February 2, 2014, Tenth entered into a separation agreement with Paul Jones, which included notice of Jones' resignation effective February 2, 2014.[152] The separation agreement was signed by Paul Jones on February 20, 2014.[153]
- During the session deliberations regarding the removal of Jones, a letter of commendation was filed by Pat Canavan, Tenth's administrator at the time, and another elder.[154] This letter of commendation provided a thorough explanation of Paul's accomplishments at Tenth and beyond, and concluded "We commend Dr.

[145] Tenth's Non-Disparagement Agreement with Paul Jones, January 13, 2014.
[146] Reported Victim Tr. at 6. The elder referenced in this paragraph is now deceased.
[147] 2014 Jones Committee Records. *See* Section III.C.1.
[148] Charge of Tenth to Philadelphia Presbytery, 2015.
[149] Witness Tr. at 6-7.
[150] Charge of Tenth to Philadelphia Presbytery, 2015.
[151] *Id*.
[152] Settlement Agreement, February 2, 2014.
[153] *Id.*
[154] Commendation letter for Paul Jones, February 2014.

Jones gifts and skills as musician and director of our church's music ministry, and pray for the Lord's blessing on his future service in His kingdom."[155]

- On March 15, 2014, two reported victims attended a session meeting in which they disclosed the abuse they experienced from Paul Jones to the session. One said, "I met with their entire Presbytery and their elders and detailed to the point where I hadn't gone to therapy yet. And told them, of the actual abuse that happened where I was beaten. My friend was beaten, and my other friend was beaten several times to the point where right now he is in a psychological institution."[156] The session meeting also involved abuse experts.
- On March 17, 2014, Tenth's Session elected to form the following committees: "Discovery Committee- to work with legal counsel to discover the extent of Jones sins and offenses"; "Victims committee to support and provide pastoral care for victims of Paul Jones"; and the "Pastoral Committee for Paul Jones- to provide pastoral care for Paul Jones."[157] Additionally, a motion was made, seconded, and unanimously approved that, "We the Session at Tenth Presbyterian Church have with due diligence and great discipline demanded from Dr. Paul S. Jones explanations concerning reports affecting his Christian character. These efforts have resulted in a strong presumption of guilt and therefore the Session shall institute disciplinary process against Dr. Paul Jones and take action to appoint a prosecutor as soon as possible."[158]
- Tenth publicly discussed Paul Jones' resignation and issued a statement to the congregation on March 30, 2014. The statement to the congregation stated in part:
  "13 years ago Paul was terminated from his position on the faculty of… [local university] because of personal misconduct…. We looked into the situation and decided to keep Paul on staff.
  Three years ago Paul's situation came up for review and, again, he was found fit to continue, but was required to be accountable to a special three person committee which would shepherd him and monitor his personal conduct.
  This past fall, the committee received information indicating that Paul was not adhering to the committee's guidelines. The committee reported this to the Session and the Session voted to terminate Paul's employment. Subsequently, with the help of an advocate (a former Tenth elder) Session permitted him to resign instead of being fired and extended the effective date of his departure until after the Christmas season. Paul's last date as organist and music director was February 2.
  You should know that, at his request, Paul has participated in the preparation of this statement and concurs in making it public to you today. He acknowledges that his

[155] Commendation letter for Paul Jones, February 2014.
[156] Reported Victim Tr. at 4.
[157] Tenth's Session Minutes, January 2014.
[158] Tenth's Session Minutes, March 17, 2014.

failure to comply with the committee's guidelines is a major factor in Tenth's current troubles, and he humbly seeks your forgiveness."[159]

- An elder also spoke to the congregation on March 30th, and informed the congregation that Tenth leaders had not heard from reported victims until after Paul Jones resigned,[160] and said, "Dr. Jones' past mistreatment of individuals under his authority, his willful concealment of these incidents from previous and current elders at Tenth church, and his refusal to observe Session protocols with respect to students and interns under his authority created an environment of mistrust, risk, and concern."[161]
- One reported victim said the March 30th congregational statements were reviewed by him but "not approved by me or any of the other victims. In fact, we said, 'Don't put that statement out. That is a really weak statement, and you are going to get sued.' We didn't know that they had already signed a non-disparagement agreement with Paul Jones."[162]
- In April of 2014, Paul Jones filed suit against Tenth and certain Tenth leaders for defamation due to the statements made to the congregation and posted online by Tenth on March 30, 2014. GRACE did not receive documentation pertaining to this litigation.
- During the litigation on May 4, 2014, Tenth's Session hired a consultant and voted at this time to pause the disciplinary process initiated against Paul Jones, and to suspend Jones from participating in the Lord's Table.[163]
- In October of 2014, a motion was unanimously approved that "Tenth Church in its services not use any music composed or arranged by Dr. Paul Jones."[164]

It should also be noted that despite knowledge that Tenth obtained in January of 2014 from two reported victims and Tenth's previous knowledge through Jones' admissions that he had physically disciplined his students while they were unclothed,[165] a Tenth leader testified at a later trial on the subject:

> I found out about a form of abuse that had taken place from a member of the staff who's been named. I took it immediately to the session. They set up a group to investigate. They could come up with no evidence against the person… In 2013, we got enough evidence to work on that something had

[159] March 30, 2014 Congregational Statement.
[160] The Elder stated to the congregation, "[A]fter Dr. Jones resigned, the Session received testimony from individuals of additional allegations of sin, which included an abuse of power and significant harm by Dr. Jones." March 30, 2014 Elder's Statement to Congregation.
[161] March 30, 2014, Elder's Statement to Congregation.
[162] Reported Victim Tr. at 12.
[163] *Id.*
[164] Tenth's Session Minutes, October 28, 2014.
[165] *See* Section III. D. 2.

> occurred, not spanking at this point, and we moved to fire him from his position....It was only after we announced that he was leaving, that victims of his behavior came forward, encouraged by that fact that we were firing him without him having anywhere to go. They came forward and we immediately knew we had done the right thing but we also then strove to protect the victims we knew -- We didn't find out the nature of the abuse until after we fired the man. Had we known the nature of the abuse, it would have been a different thing all together. At that point we went to the police. We were told that the statute of limitations had run out on bodily violence, which would've been the charge.[166]

Examining the events surrounding Paul Jones' departure from Tenth, it is evident that there were damaging lapses in Tenth's response which were contrary to Scripture. Passages like Ezekiel 33:1-9, Genesis 37, Exodus 20:16, Proverbs 10:9, Ephesians 4:25, and Colossians 3:9-10 underscore the significance of speaking the truth, walking in transparency, being vigilant for the sake of others, and avoiding false witness. Integrity, closely related to trustworthiness and transparency, requires leaders to be consistent in their public statements and private actions. Craig Johnson, in *Meeting the Ethical Challenges of Leadership*, emphasizes that leaders with integrity practice what they preach and are honest in their interactions with others.[167] Transparency in leadership fosters an environment of trust, encouraging teamwork, cooperation, and risk-taking among team members.

The events discussed in this section highlight certain actions by Tenth that demonstrated a lack of trustworthiness and transparency. The non-disparagement agreement, seemingly designed to appease Jones, not only appeared unprompted but also had the potential to hinder justice to abuse victims and transparency with Tenth's community. Scott McKnight wrote,

> It's a matter of moral obligation for the Christian workplace to have a stronger moral standard than the secular workplace. The Christian workplace ought to operate on the law of love and justice. It ought to nurture... a wise mentoring and confident flourishing of each worker.
>
> Now, let's also say in a Christian workplace we don't call them "workers" or "employees" but persons with a name and a history. And we don't even call it a Christian "workplace" but a ministry, a calling, a gift. Let's also admit the shifting of such terms makes a difference.

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[166] 2017 Trial Testimony.

[167] Craig Johnson (2012) Meeting the Ethical Challenges of Leadership: Casting light or shadow. P. 85. Thousand Oaks, CA: SAGE Publications.

> It is my contention that when churches nurture this kind of culture they would never in the world enter into an NDA, a non-disparagement agreement that silences the capacity of a person to tell the truth or to be transparent in exchange for severance or employment. That's called a bribe in that so-called secular workplace.[168]

The announcements on March 30, 2014 and a Tenth leader's later statement avoided transparency about the extent of Tenth's understanding and the timeframe of the victim's direct disclosures to Tenth, stating they occurred after Jones' resignation when they had been received a month prior. Additionally, the March 30 announcement insisted on Jones' "willful concealment of these incidents from previous and current elders at Tenth,"[169] despite numerous reports of Jones' repetitive statements to elders in 2001 and 2011 portraying the abusive acts as Biblically sanctioned corporal punishment.

Further, the decision to celebrate Jones with a concert due to his resignation was highly inconsiderate of the victim's disclosures, and created confusion about the circumstances of his departure. Additionally, Tenth's decision to allow Jones to resign in February rather than terminate his employment after receiving direct disclosures from reported victims in January 2014 could have conveyed that the victims were unheard or unsupported.

Moving forward, Tenth should embrace a trauma-informed approach, grounded in principles of honesty, accountability, and empathy. To rebuild trust and create a safe environment, Tenth should openly acknowledge past mistakes, engage in active listening to survivors, and commit to implementing trauma-informed practices with a goal of creating a culture where survivors are respected, heard, and supported. Such an undertaking requires ongoing education for staff and leaders to ensure a deep understanding of trauma's impact and how to respond effectively. Transparency should be at the core of all communications, with a focus on fostering an atmosphere where survivors feel safe to come forward, confident that their voices will be heard and validated. By embracing these principles, Tenth can begin the journey toward healing, reconciliation, and ensuring the safety and well-being of its members.

[168] McKnight, Scott. *NDA's in the Church? See* https://scotmcknight.substack.com/p/ndas-in-the-church.
[169] March 30, 2014, Elder's statement to congregation.

5. 2015 Knowledge and Response

On September 18, 2015, one reported victim of Paul Jones filed a charge with the Presbytery to engage in a process of Biblical Discipline against Tenth's Session regarding their response to the allegations against Paul Jones.[170] The charge partially read,

> Having raised these issues personally before the entire session on three occasions… I see no further recourse other than to appeal to the Presbytery as a court of the church to pursue this matter in accordance with Matthew 18:15-20 and the Book of Church Order of the PCA. The purity and peace of the Church remains tainted by the unwillingness of Tenth Presbyterian's Session to respond Biblically to these sins. Moreover, until repentance occurs the pattern of sin remains.
>
> It seems remarkable that the committee accepted Dr. Jones account that a student desired to be spanked on his bare buttocks, that they felt comfortable increasing his influence in the church, and that they required no fruit of repentance from Dr. Jones– not even the modest fruit of requiring professional counseling…[171]

On September 24, 2015, Jones' lawsuit against Tenth settled through a mediation process that involved financial components.[172] The announcement by a committee to Tenth's Session stated,

> Both Dr. Jones and Session prefer to put the matter entirely behind us. During the controversy surrounding Dr. Jones in 2013 and 2014, members of the Session made intemperate statements about Dr. Jones; these members regret those statements and personally apologized to Dr. Jones. We have agreed not to disparage or speak ill of each other going forward. As part of our legal agreement, we will take no questions about the matter nor discuss it at this time. Dr. Jones will do the same… We know that some of you are still in contact with him. We encourage you to remain in touch with him.[173]

On October 13, 2015, after the litigation between Jones and Tenth was resolved, plans were made to release related information to the Congregation.[174] Session minutes reflect that the Session unanimously approved the motion that,

> [W]hen the [information] about Tenth and Dr. Jones becomes available it be kept in the custody of and on the premises of Tenth's attorney [name redacted], and only available to active Tenth elected ruling and teaching

[170] Charge of Tenth to Philadelphia Presbytery, 2015.
[171] *Id.*
[172] Committee Letter to Session regarding Paul Jones Settlement, 2014.
[173] *Id.*
[174] Tenth's Session Minutes, December 11, 2014.

> elders to read but not copied or photographed. That a committee consisting of ruling elders [four names redacted], be tasked to read and review the [information], to compose an endorsed summary of it to be presented to Session at its next stated meeting or called meeting, and to recommend to Session at that time when and how (with action steps) a complete [summary of information] (with names redacted) should be released to the congregation and to the Presbytery.[175]

The related information was made available to current, registered members of Tenth until December 31, 2015. Viewers were required to sign a confidentiality agreement, review the information at Tenth in a private setting, and were not permitted to have electronic devices, take copies, or take notes.[176]

At some point in 2015, Tenth's Session self-accused to the Presbytery of Philadelphia for their handling of the allegations. On October 26, 2015, the Philadelphia Presbytery charged Tenth's Session for violating the 5th Commandment by "neglecting to 'instruct, counsel, and admonish" Dr. Paul Jones, and to 'protect' their flock and Dr. Jones' students,"[177] and the 9th Commandment by "'concealing the truth' and keeping 'undue silence in a just cause.'"[178]

GRACE also received a report that Tenth's Session publicly apologized during a sermon on an unknown date for idolizing Paul Jones' music.[179]

In 2015, Tenth took a step towards transparency by releasing the consultant's information about Paul Jones to the congregation, by apologizing for idolizing Jones' music, and by self-reporting to the session. However, certain limitations in place to view the related information, such as current membership constraints, confidentiality agreements, the inability to take notes, and security restrictions, might have discouraged or entirely prevented some individuals associated with Tenth, including victims, from accessing the information.

Also of note is the implication of the Matthew 18 process by the reported victim's charge against Tenth, which will be discussed more fully in a separate analysis.[180] Looking to possible future improvements, it is evident that if Tenth had responded effectively to earlier concerns, the situation might not have escalated to litigation and a Presbytery

[175] *Id.*
[176] Letter to Tenth leadership, October 13, 2015.
[177] Philadelphia Presbytery Charge and Specification, October 26, 2015.
[178] *Id*.
[179] GRACE Meeting with Tenth Leaders, November 2023.
[180] *See* Section IV. J. 1.

charge. Concrete steps to foster an environment of openness, trust, and responsiveness are essential to prevent similar harm and promote a safer community within Tenth.

6. Presbytery Admonishment of Tenth in 2017

On February 27, 2017, a meeting was held between the Philadelphia Presbytery and Tenth's Session in response to the charges brought by the reported victim in 2015. An Admonition to Tenth's Session[181] was issued, which concluded:

- The 2001 Session of Tenth Presbyterian Church was guilty of negligence in failing to fulfill their responsibilities to care for the church community according to the higher law of Christ.
- The 2001 Session neglected to thoroughly investigate the events related to the dismissal of an employee from another institution, failed to provide proper pastoral care and oversight, and did not protect others from potential abuse. The elders who were aware of the abuse did not inform the entire Session, and the church leadership did not insist on a comprehensive investigation. This lack of action led to the perception that the church condoned such behavior.
- The 2011 pastoral staff and leadership were also found negligent for not providing proper care to the employee and the victims, and for misrepresenting the reasons for his departure to the congregation. These findings highlighted the failure of the church leadership to fulfill their moral obligations, emphasizing the need for accountability, transparency, and genuine pastoral care within the church community.[182]

Tenth's Session was again charged with violating the 5th and 9th commandments.[183] The Presbytery also encouraged Tenth to address these issues, and to foster an environment of trust, honesty, and genuine concern for the well-being of its members.[184]

In summary, Tenth's failure to respond adequately to concerns regarding Paul Jones indicated a lack of transparency and accountability, contrary to the principles of honesty and integrity outlined in Scripture. Misleading statements and celebratory events surrounding Jones' resignation further eroded trust and created confusion. Moving forward, Tenth should adopt a trauma-informed approach, embracing transparency, active listening, and commitment to survivors. By openly acknowledging past mistakes, fostering an atmosphere where survivors feel safe to come forward, and ensuring ongoing education

[181] Philadelphia Presbytery Admonishment of Tenth, February 27, 2017.
[182] *Id.*
[183] *Id.*
[184] *Id.*

for staff and leaders, Tenth can promote healing, reconciliation, and the safety of its members.

E. Findings Related to Carroll Wynne

Carroll Wynne ("Wynne") began attending Tenth in the 1980's and served in the role of youth director from 1998 until 2009.[185] In 2009, Wynne attained his current position as the Minister of Pastoral Care.[186] Wynne has also served as an elder for Tenth throughout his tenure.[187] As the Minister of Pastoral Care, Wynne's responsibilities include shut-in and hospital visits, counseling intake, premarital counseling, and new membership courses.[188]

Wynne initially served as liaison between GRACE and Tenth at the outset of the investigation. Upon receiving allegations against Wynne of sexual misconduct against a minor via survey response in August 2022, GRACE requested a new liaison be appointed. GRACE received confirmation from Tenth leadership that the allegations against Wynne be investigated, and investigated the same as part of this independent investigation.

1. Allegations against Wynne

GRACE received various allegations that during his tenure at Tenth, Wynne committed behavior involving sexual misconduct against minors, inappropriate and sexualized comments, physical misconduct, and improper handling of a disclosure of distribution of sexual images of a minor.

A. Sexual Misconduct against Minors

GRACE interviewed two witnesses who alleged sexual misconduct against minors by Carroll Wynne, and received an additional eye witness report via survey response. The first incident is alleged to have taken place in 2007, while Wynne was serving as the youth director. One survey respondent said, "Carroll Wynne abused his position of power while in the presence of myself and multiple minors. He slapped my friend's butt and exclaimed something along the lines of 'wow, that was a big target.' My friend was a child at the time. She was shocked and scared."[189] Another eye witness reported, "I did witness him at some type of retreat, slapping my friend's butt and then making a comment."[190] Witnesses alleged that this incident took place at a wooded retreat in Pennsylvania, and that the

[185] Carroll Wynne Tr. at 1.
[186] Carroll Wynne Tr. at 1-2. *Also See* https://www.tenth.org/multi_author/carroll-wynne/
[187] Carroll Wynne Tr. at 1.
[188] Carroll Wynne Tr. at 3.
[189] Survey Response. The Survey Respondent did not agree to be interviewed.
[190] Witness Tr. at 4; *Also see* Survey Response.

alleged victim was approximately 12 or 13 years old at the time.[191] GRACE was unable to ascertain the identity of the reported victim, due to the witness' impression that the reported victim did not want to be identified or contacted.

Later in the investigation, GRACE spoke to an individual who is a parent of a reported victim of Carroll Wynne. The reported victim's parent said his child became involved in the Maranatha youth program at Tenth in 2003, when she was in the sixth grade.[192] The parent described the reported victim as "on fire for the Lord" at this time, and spoke of the great spiritual benefit of the Maranatha program on the reported victim. The parent said in approximately 2006 or 2007, when the reported victim was approximately 13 or 14 years old, "it was like a switch went off. She no longer took communion and she was just very sullen… it was just a radical change of personality."[193] In approximately 2019, the parent said the reported victim told him randomly, "You know how I lost my faith? It was when Carroll Wynne patted me on the bottom at Maranatha."[194] The parent described his initial response as "shock" and "disbelief" and said he did not acknowledge the victim's disclosure directly at the time. However, desiring to apologize, the parent followed up with the reported victim on May 1, 2023, about the reported victim's disclosure. The parent recalled the reported victim's response to the apology being, "Yeah, it happened to me, and it happened to some of the other young girls in Maranatha."[195] The parent indicated that he was unaware whether there were witnesses to the incident or of the identity of the other young girls mentioned by the reported victim as suffering similar conduct. The parent also stated that the reported victim would prefer not to be contacted by GRACE.[196]

It cannot be said with certainty that the events described by the eye witnesses to the incident and the parent of the reported victim are one and the same, as the eye witnesses did not disclose the identity of the reported victim they were aware of according to the reported victim's preferences. Similarities include the nature of the conduct, the location and time-frame of the conduct, the estimated age of the reported victim, and the preference not to be contacted.

When asked whether he had ever hit a student on the butt, Wynne responded "I don't think so… not that I know of or it would've been in fun… like an athletic thing or something along that line. Never in anger and never in discipline."[197] Wynne's response to these allegations demonstrate an incomprehension that physical contact with a minor's intimate parts is never appropriate, especially when the adult is a spiritual leader.

[191] Witness Tr. at 6.
[192] Witness Tr. at 1.
[193] *Id.*
[194] *Id.* at 2.
[195] *Id.*
[196] *Id.*
[197] Wynne Tr. at 48.

GRACE also received allegations that during youth group in an unknown year when Wynne was the youth director, "he [Wynne] opened his laptop and porn was playing on it." GRACE received confirmation of these allegations from one witness and one survey respondent who alleged that while they were minors in the youth group, they witnessed a pornographic video playing on Wynne's computer and in view of other minors in the youth group.[198]

Wynne stated "One time I hit a porn site," but that it was accidental and there were no teenagers in the room when it happened. Wynne explained that he accessed the porn site accidentally while "helping someone who had come in to us," and that he "had no idea that Abercrombie & Fitch had such images."[199] Wynne claimed to have informed two individuals in pastoral leadership immediately after the incident.[200]

Wynne's reported act of a slap or pat on the buttocks of a minor meets the definition of sexual misconduct against minors as physical sexual activity upon a person under the age of 18, and the common law articulation of sexual battery as "unwanted contact with intimate parts of another person's body."[201] The common law articulation includes "buttocks" as an "intimate part" of a person's body.[202]

Further, one witness and one survey respondent confirmed that they had seen pornography playing on Wynne's laptop in the youth group while they were minors.[203] The Pennsylvania Penal Code prohibits the knowing dissemination of sexually explicit material to a minor.[204] Dissemination of pornography to minors is also a well-recognized and established grooming tactic used by offenders aimed at normalizing a would-be victim to sexually explicit material and contact. [205]

Carroll's alleged perpetration of sexual misconduct against minors as a Pastor of youth also qualifies as clergy sexual abuse–a heinous act that can profoundly impact a victim's

[198] Witness Tr. at 5. The witness also recalled common preaching against the "sin of watching porn" and said it was spoken of in the youth group "like every 5 minutes." *Id.* at 5. *Also see* Survey Response. GRACE confirmed that the witness and the survey respondent were separate individuals. The survey respondent did not agree to be interviewed.
[199] Wynne Tr. at 46.
[200] Wynne Tr. at 46.
[201] *See* Black's Law Dictionary, 2nd ed. at https://thelawdictionary.org/article/teId.difference-between-sexual-battery-sexual-assault-rape/.
[202] *Id.*
[203] Witness Tr. at 5. *Also see* Survey Response.
[204] Pennsylvania Penal Code § 5903 (c)(1)
[205] *See* Winters, G., Jeglic, E.L, & Kaylor, L. (2020). Validation of the sexual grooming model of child sexual abusers. Journal of Child Sexual Abuse

spirituality. Dr. Diane Langberg points out that clergy sexual abuse is "an abuse of power and a desecration of the name of Christ… The safety of God's sheep results from His character not theirs. And so it should be for the broken, confused, wounded sheep in our communities. They should be safe because of the shepherd's character and where they are not, a shepherd's character is exposed as being abusive of power, deceptive and clearly unlike the character of the one he calls Master."[206]

The abuse had a profound impact on one reported victim, who credited it as the reason for lost faith. The spiritual impact upon a person who is abused by an offender who is a spiritual leader can be devastating. Victor Vieth highlights that, "When the perpetrator is a member of the clergy, the impact on the victim's spirituality may be even more pronounced. . . . The religious cover used by clergy abusers is often communicated to the victims in a manner that irreparably damages their spirituality. Specifically, church attendance of these survivors decreases, they are less likely to trust God, and their relationship with God often ceases to grow."[207] When clergy sexual abuse occurs, the faith that once provided solace and guidance is significantly shaken. The very individual entrusted with nurturing others' relationship with God has instead inflicted immeasurable harm, causing survivors to question the authenticity of their beliefs and the trustworthiness of spiritual leaders.

B. Inappropriate and Sexualized Comments

A witness attested that Wynne consistently directed comments of a suggestive nature towards women occupying leadership roles or volunteers, such as remarks like "Oh, that's sexy" or "Oh, you look nice, why are you dressed up? Do you have a date?"[208] The witness recollected that these comments prompted her to be particularly mindful of her attire to prevent any comparable remarks from Wynne.

One leader at Tenth attested to receiving a comment from Carroll Wynne when she wore a particular outfit.[209] She conveyed that the comment made her uncomfortable and that she never wore that outfit again.[210]

When asked whether he has made comments to females about their appearance, Wynne responded "I try to compliment them" and provided examples such as "You look nice today.

[206] Langberg, Diane, *Sexual Abuse in Christian Organizations* 15. *Available at* https://static1.squarespace.com/static/5b0a335c45776ee022efd309/t/5be936628a922d4a291eb2af/1542010466315/Sexual+Abuse+Within+Christian+Organizations+-+Langberg.pdf.
[207] Victor Vieth, What would Walther Do? Applying Law and Gospel to Victims and Perpetrators of Child Sexual Abuse, 40 J. PSYCHOL. & THEOLOGY 257, 261 (2012).
[208] Witness Tr. at 25.
[209] GRACE Meeting with Tenth Leaders, November 2023.
[210] *Id.*

That suits you well."[211] Wynne denied that he had ever used the word "sexy" within his comments.[212]

The impact of suggestive or sexualized comments made by individuals in positions of spiritual leadership can have profound negative effects on the spiritual and emotional well-being of those targeted. According to Dr. Langberg, verbal sexual abuse encompasses a range of behaviors, including sexual threats, lewd remarks, harrassment, and suggestive comments, all of which can erode a person's sense of safety and trust.[213] In her book *Redeeming Power,* Dr. Langberg points out that the abuse of power within the body of Christ is akin to a cancer, corrupting the very essence of the faith community, "We simply keep repeating theological words almost like a mantra: leader, head, submission, authority, God ordained. We need to drag into the light those things we cover with familiar and good words and test them to see whether our labels and our applications are of God. Many are not."[214] Recognition of these warning signs and active work to challenge harmful power dynamics can create a safe and nurturing environment where women are empowered without fear of lewd remarks, harassment, or suggestive comments.

C. Physical Misconduct

On January 31, 2023, GRACE learned of allegations of physical misconduct by Carroll Wynne against a congregant that allegedly took place during a meeting on January 30, 2023.[215] The meeting was planned after Wynne learned of a conflict related to an infant's presence during communion among two deaconesses and four congregants. While objected to by witnesses involved, Wynne scheduled the meeting on a Sunday in between services, allotting a half-hour for the meeting. Wynne invited eight others via email to the meeting, which included elders, deacons, deaconesses, and other leaders.[216] In the scheduling emails to the group, Carroll wrote,

> Please accept this email as an invitation to my office this Sunday between the services so we might be able to talk about "the fussy baby" incident. As sisters and brothers in Christ we need to have an open conversation, and "clear the air" before our next season of communion, both for our own soul's sake as well as the honor of Christ.
>
> [Reporting Victim's Name], I would urge you to come with an open heart.

[211] Wynne Tr. at 49.
[212] *Id.*
[213] Langberg, Diane. *Redeeming Power*, at 93-94.
[214] Langberg, Diane. *Redeeming Power*, at 93-94 (Emphasis in original).
[215] Tenth email to GRACE, January 31, 2023.
[216] Wynne email to leaders and congregants, January 24, 2023.

> Let me bring up two reasons for gathering together on Sunday: 1) Our God's glory in redemption will be tarnished by our own selfishness to hold on to those things which are dividing us; 2) we need to have these relationships restored to love and unity before our next communion time so we may not have to avoid the sacrament (because we are cherishing sin in our hearts), nor come to the Table in hypocrisy (and self-vindication). [As your pastor, let me point out the catch-22 of this missive: If someone doesn't show up on Sunday, I'll assume I need to be in touch with you because you are still wrestling with sin…and your soul is worth the time and (perhaps) painful conversation…and we want to be restored in fellowship altogether.][217]

The reporting victim ("RV") did attend the meeting and was seated while holding an infant on their lap. RV reported that Carroll Wynne was speaking when she asked if she could ask a question. RV said, "he wouldn't let me speak and yelled over me… [Wynne] put his hand under my hair and started squeezing my shoulder and shaking."[218] The witness reported that she told Wynne twice to "get your hands off of me" and that she "tried to get up and he [Wynne] pushed me back down in my chair."[219] The witness reported that Wynne responded "Oh, I'm sorry. I'm so sorry," and removed his hand from their shoulder after two other witnesses told him to remove his hand.[220]

GRACE interviewed both witnesses who had visibility of Wynne's hand and who were reported to have asked Wynne to let go of the witness. One witness confirmed that he said "Get your hands off [the witness]."[221] The other stated,

> As Caroll was talking about what had happened, [the witness] was getting more upset. She didn't like what he was saying, and she was like, "Well, I'm just going to leave." And he put his hand on her shoulder and said, "No, you need to stay. We need to talk about this." And then that became, "Oh, you put your hands on my wife. And what are you doing? How dare you do that?"… It was extremely pastoral. There was no aggression. Again, that's not in Caroll's nature even to be that way.[222]

Wynne described the interaction as follows:

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[217] Wynne emails to leaders and congregants, January 24, January 25, and January 26, 2023.
[218] Reported Victim Tr. at 10.
[219] Reported Victim Tr. at 10-11.
[220] Witness Tr. at 11.
[221] Witness Tr. at 12
[222] Witness Tr. at 10.

> Once everyone was seated, I started a narrative of what had gone on. Towards the end of my narrative, [the witness] asked if she could speak, and I said no, not yet. I touched her on her shoulder… I was thinking of doing that to encourage her the time would come, but not yet… but she left in anger.[223]

Wynne stated that he was holding the witness' shoulder for "five, ten seconds."[224] Wynne informed investigators that after the incident, he learned that the witness had shoulder and back pain and a history of "church authority issues."[225]

Without confirmation of his intent, the nature of the spiritual power displayed by Wynne in emails to schedule the meeting appeared to be controlling and domineering, through demands of attendance (while characterizing it as an "invitation") and specific address to the reporting victim to "come with an open heart" while conveying that a lack of attendance or restoration would be selfish, tarnishing "God's glory in redemption," and demonstrating "sin" in need of follow up and "painful conversation."[226]

Though accounts differ on the nature of the physical contact, each witness established that Wynne placed his hand on RV's shoulder in an attempt to subdue her. In this meeting, Carroll misused physical power, which is defined by Dr. Langberg as "embodied power" that can be seen through someone's physical presence. Langberg said,

> A presence that is scintillating, charismatic, and energetic can overwhelm. Heads turn, and the energy is felt and draws attention… Most of us are keenly aware of the physical power of others. We have some sense of when we are vulnerable, especially when that power is obvious. We are often less aware of what our own presence communicates to others… Whether we use our presence to overpower others or deflect attention, others will feel its impact, just as we feel the effect of their presence.[227]

Dr. Langberg's insights on embodied power serve as a valuable reminder that the impact of our presence on others can be significant and can cause significant harm. Recognizing the misuse of spiritual and physical power is crucial in fostering a safe and respectful environment within Tenth. Through education and open dialogue, Tenth can work towards

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[223] Wynne Tr. at 24.
[224] *Id.*
[225] *Id.*
[226] Wynne emails to leaders and congregants, January 24, January 25, and January 26, 2023.
[227] Langberg, *Redeeming Power,* at 63.

a future where such behaviors are swiftly identified and addressed, fostering an atmosphere of trust and support for all members.

D. Response to Information received Regarding Disbursement of Child Sexual Materials

One witness reported that when she was sixteen years old and a member of Tenth's youth group while Wynne was the director, "there was a boy in my youth group and he requested that I send him inappropriate pictures all the time harassing me. I was not interested in him whatsoever. In fact he repulsed me, but I at the time had no money, nothing. My plan was like, okay, well if you pay me 50 bucks for a photo in my underwear, then I'll send it to you and you'll leave me alone."[228]

The witness did send the photo and was later informed that the boy's mother learned about the photo, and informed Wynne. The witness said, "Carroll Wynne brought me into his office… he screamed at me for an hour and told me I was a terrible person… at that time I thought it would be worse if I shared the details of what actually happened that this was someone who's harassing me and I decided to get out of it in the best situation I knew how."[229]

GRACE received no indication that this incident was reported to law enforcement. When asked by investigators if he ever responded to a situation involving sexual texting between minors, Wynne responded "It never came up while I was a leader."[230]

The dissemination of child sexual materials is a criminal offense in Pennsylvania.[231] It is imperative that Tenth's leaders, especially those in counseling positions, are thoroughly educated and trained on reporting protocols when confronted with information related to child sexual materials and their distribution. Further, in a situation where compassion, concern, and proactive steps were warranted, Wynne reportedly responded in a manner that blamed and shamed the subject of the child sexual materials. Looking ahead, Tenth should ensure leaders are well-informed and equipped to handle such situations by prioritizing comprehensive training and maintaining vigilant adherence to reporting guidelines and trauma-informed pastoral counseling. Committing to thorough education can help protect the well-being of children and foster a culture of accountability and security.

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[228] Witness Tr. at 4.
[229] Witness Tr. at 5.
[230] Wynne Tr. at 49.
[231] Pennsylvania Statutes, Title 18, §6312.

F. Tenth's Knowledge and Response to the Allegations Against Carroll Wynne

According to the witnesses who provided information alleging sexual misconduct against minors and inappropriate comments by Wynne, this information was not reported to Tenth leadership. GRACE received no other indications that Tenth had knowledge of these allegations.

However, the incident involving alleged physical misconduct was witnessed by many lay leaders, and was reported to pastoral leadership by the reporting victim. Tenth's Session appointed a committee in February to investigate the allegations of physical misconduct against Wynne. Wynne was placed on administrative leave from February until Easter of 2023 while the committee conducted its investigation.[232] The committee interviewed all individuals present at the meeting at issue and "cleared" Wynne, restoring him to his position as Minister of Pastoral Care.[233] Wynne said, "I was admonished for trying to do this [meeting] between services."[234] Tenth Session members reported that Wynne was also admonished for the physical conduct that occurred.[235]

Tenth leadership honored GRACE's request to remove Wynne as liaison to GRACE once allegations of sexual misconduct against minors were received and the nature of the same conveyed to Tenth. However, Wynne maintained his role as Minister of Pastoral Care throughout the investigation, excepting the time period where Tenth's Session was conducting an internal investigation of Wynne. Wynne also continued in his role as correspondent with Bruce Garner's professional counselor to obtain updates on Garner's progress towards repentance and accountability, despite GRACE's request to have a leader not subject to the investigation appointed to that role.

The allegations against Wynne of sexual misconduct against minors, physical misconduct, inappropriate comments to women, and improper response to disseminated child sexual abuse materials are deeply troubling and prompt serious concerns given Wynne's role as Pastor of Care and Counseling at Tenth. In light of these serious accusations, it is essential for Tenth to consider appropriate corrective actions including but not limited to the initiation of a disciplinary process.[236] Further, implementing clear policies mandating

[232] Wynne Tr. at 27. Wynne clarified, "the only thing I continued on with was premarital counseling." *Id.*
[233] Wynne Tr. at 27.
[234] Wynne Tr. at 27.
[235] GRACE Meeting with Tenth Leaders, November 2023.
[236] As noted in section 5, Abuses affect the entire community and qualify as a "general offense," causing others harm and distrust in spiritual leadership and also potential distrust in spiritual teachings.

suspension in cases involving sexual and other abuses, especially those related to child abuse, is crucial. Scriptures recognize children as precious and vulnerable members of our community, deserving of protection, care, and respect.[237] Alleged offenders of children that are allowed to remain in attendance without evidence of true repentance and changed behavior present a danger to children and the broader community. Tenth must prioritize the safety and well-being of its members, especially children, by ensuring that stringent safeguarding measures are in place. By taking proactive steps, Tenth can demonstrate its commitment to accountability, transparency, and the protection of its community members, fostering an environment where those under Tenth's care can feel secure and respected.

G. Findings Related to Carl Staico

Carl Staico initially came to work for Tenth as a sexton through a drug and alcohol rehabilitation program sometime in 2011 or prior.[238] Staico had previously struggled with alcohol and drugs and relapsed back into drug and alcohol abuse in 2011.[239] In connection with this relapse, Staico admitted misusing a church credit card totaling $5,404.70 from June to August 2011.[240] According to a discipline letter, Staico was given an opportunity to repay the church and not be terminated because he sought help, repented from his sin, and agreed to repay the church.[241] According to his 2013 FBI criminal history check, Staico also had charges in 2001 for forgery, receiving stolen property, theft by deception, and writing bad checks.[242]

Staico eventually served in the role as a sexton supervisor. During the time of the instant allegations in 2016-17, Staico was in his mid-fifties[243] and although records indicate he was married at one point, it is unclear if he was married during the relevant period. Staico was reportedly good friends with Canavan during the relevant actions of each of them discussed in this report.[244]

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[237] *See* Matthew 10:13-16, Matthew 18:10, and Psalms 127: 3-5.
[238] Philadelphia Access Center Covenant, dated approximately August 12, 2011, signed by Staico, his wife, Pat Canavan of Tenth, a representative of the South Philadelphia Prayer Community, and a representative of First Christian Assembly.
[239] Carl Staico Discipline Letter re: Misuse of Credit, dated 12/15/2011.
[240] *Id.*
[241] *Id.*
[242] Carl Staico Federal Criminal History Record, dated 02/05/2013.
[243] *Id.*
[244] RV2 Transcript at 8.

1. *Allegations against Staico*

An unknown female ("Reported Victim 1" or "RV1") apparently emailed Tenth's lead pastor as early as 2013 to report unwanted romantic advances by Staico from 2010.[245] The email, provided by Tenth with a handwritten note by an unknown author dating it June 5, 2013, states:

> I copied you on an email to Pat [Canavan]. I had offered to paint the front door again for free and left a voicemail three weeks ago. He just finally responding [sic].
>
> I have been forced to work for Carl Staico who pursued an inappropriate relationship with me for months in 2010.
>
> I never would have taken any work for Tenth if I had any financial security at all.
>
> Is this okay for Tenth? Why are women treated so poorly?
> I can't even worship there anymore.[246]

Another female ("RV2") first began working at Tenth in 2015 and also described receiving unwanted advances from Staico.[247] RV2 reported a series of incidents where she received inappropriate text messages from Staico over an extended period of time.[248] RV2 felt that Staico was pursuing her through the text messages he sent her.[249] Some of the messages included asking her to run with him, asking where her husband was on a Saturday, suggesting that he buy her cookies and coffee, asking if she is mad at him, and implying that he would have stayed to see RV2 but because he did not see her, he was upset.[250] In another text message, Staico asked RV2 if she was in the following day and when she

[245] Portion of email to Tenth leader, with handwritten note on the printout, dating 06/06/2013, 1:30pm (hereinafter "RV1 2013 Email").
[246] *Id.*
[247] Although RV2 was a volunteer in a Tenth program prior to her 2015 employment with Tenth beginning, her interview did not indicate her as the author of the 2013 email or that her interaction with Staico began prior to 2015. Because of the time period, Staico's termination letter referencing "a previous incident," and RV2 allegedly being told that Staico "had a history" and that "an incident with another woman apparently that did go out of hand," the author of the 2013 email appears to be someone other than RV2. *See* RV2 Transcript at 11.
[248] *Id.* at 8.
[249] *Id.*
[250] Text Messages between Staico and RV2, 10/28/2016 - 11/01/2016

replied yes, he responded by stating: "Oh good cause I'm out Thursday and I couldn't bare not seeing you till Monday lol."[251]

Staico's text messages continued and eventually RV2 showed one or more messages to her husband because she was so alarmed.[252]

RV2 stated that it was not only Staico's active pursuit of her that was concerning, but also that she felt obligated to respond to his text messages, otherwise he would confront her at work.[253] She stated: "Carl kept pursuing me through text. And then I don't respond to them. Then he'll see me in the office and confront me. But hey, did you get my texts? Did you get my texts?"[254]

RV2 also alleged that Staico used his supervisory role with Tenth to control her engagement with him. She notes that in her work with Tenth, a lot of her efforts required the assistance of sextons and other work.[255] At some point in her role, Staico began insisting that she go through him whereas previously she felt free to ask individual sextons for assistance.[256] If she did not comply with Staico's directives or speak in a manner he didn't like, RV2 alleges that he would make her job more difficult:

> [S]ometimes I felt if I wasn't on his side per se, that he was not going to make it nice for me. You, what I mean? Really just more, he wasn't going to cooperate the way I wanted it to be done. I would be upset. There was a point I just felt I had to be on guard to please him. I'm talking about a conversation. And if I didn't say a certain way that he wasn't going to cooperate.[257]

RV2 also alleged that Staico made inappropriate comments to her while they were working, specifically related to showering at the office. On the floor of Tenth where RV2 worked,

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[251] Text Messages between Staico and RV2, 11/1/2016, 10:11PM.
[252] "[H]e was sending me inappropriate texts and I just remember specifically one day when I was so alarmed, I showed it to my husband right away. I'm like, '[husband's name], look at this. This is really weird.' And he just said, 'Yeah, that is really weird.' He goes, 'You you need to say something to somebody.'" RV2 Transcript at 8.
[253] *Id.* at 8.
[254] *Id.* at 8-9.
[255] *Id.* at 9.
[256] "So a lot of the things that I was doing, it required sexton's [sic] and work for setup. You know what I mean? I had to go through him. He was insistent. I was to go through him to make this work. Before I would be, 'Hey [Name], could you set this up for me?' This and that. But no, I was instructed always go through him." RV2 Transcript at 9.
[257] *Id.* at 9 .

there was a bathroom that had a shower in it.[258] She stated that Carl would walk in front of her desk and announce that he was going to get in the shower and that he was going to close the door, so she's not tempted.[259] RV2 describes herself as being "grossed out" by Staico's comments.[260] RV2 went so far as to request that the shower be removed, ask for a no shower policy, and finally had one of the sextons remove the shower head.[261]

Finally, RV2 notes that Staico would touch her shoulder or arm unnecessarily and outside of her comfort level for their work relationship.[262] She notes that she thought of it as Staico indulging himself and thought, "You don't need to touch my shoulder to talk to me or my arm here… he did that a lot. And I called that a self indulgence. You don't need to do that when you talk to me. You can just talk to me."[263]

RV2 would attempt to avoid Staico[264] and began to hate seeing when he had already arrived at work.[265] Her interactions with Staico changed how she responded in the workplace: "I'm nice to everybody. But ever since the whole situation I'm done…. It's all business. And I really shut myself out a lot."[266] In reporting Staico's actions, she describes herself on more than one occasion as "crying tears of anger" and basically begging the pastor of Tenth for it to stop.[267]

RV2 just wanted Staico to "stop and leave her alone."[268] She also hoped that he would be repentant and answer for what he did to her.[269] In the course of holding Staico accountable,

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[258] *Id.* at 15.
[259] *Id.*
[260] *Id.*
[261] RV2 noted: "I had enforced about getting rid of [the shower]. Can you please get rid of that shower? There should not be shower [sic] policy here. I'd asked that. No one should be taking a shower here, period. We're not a gymnasium, we're not a gym and so I had asked one of the sextons at that time to remove the shower head, the faucet so that people can't. They still haven't gotten rid of it as far as the shower. And I know people have, I've noticed people use their tools and go back and turn it back on. I don't know who showers there, but somebody does. They should not be showering there." *Id.*
[262] *Id.* at 22-23.
[263] *Id.* at 22.
[264] "I was going out of my way just to avoid him. And there was a time I had to not come at the same time he's coming to work." *Id.* at 8-9.
[265] *Id.* at 9.
[266] *Id.* at 10.
[267] *Id.* at 11.
[268] *Id.* at 12.
[269] "But what I wanted at that time, fool me, I wanted to have two [sic] repentance out of Carl. For him to see what he did with me, that wasn't appropriate. I want him to answer to me in front of my face. I wanted that. For him to truly be repentant and to ask for forgiveness. I wanted to handle it the Matthew 18 way." *Id.*

RV2 reports that she lost trust in some elders who were part of the process.[270] Once Staico was finally terminated, RV2 reports that, "it was just a huge relief because he's gone."[271]

Staico's alleged actions meet the definition of emotional abuse through "the consistent use of power and authority by someone in a position of trust to manipulate and dominate others." Using his role as a sexton to attempt to force interpersonal engagement and responses to his non-work related communication made his victims feel trapped between performing their jobs but not wanting to endure unwelcome advances. While we don't have specifics about specific statements to CS-RV1, Staico's innuendo about the shower toward CS-RV2 were also unwelcome, indecent remarks that meet the definition of sexual misconduct. Finally, his repeated and unnecessary touching of CS-RV2 may also qualify as physical misconduct.

That each of these victims of Staico felt unprotected as women working within Tenth is an indictment of a culture that lacked: clear reporting mechanisms, behavioral expectations and consequences, an understanding of abuse, and care for victims. They had each verbally reported Staico's behavior, it appears, to multiple parties and even taken some matters into their own hands, such as CS-RV1 sending an email and CS-RV2 removing the showerhead, and still the behavior was allowed to continue for years. Even though Staico was eventually terminated, the significant deficiencies in the process along the way damaged both victims' trust in Tenth as an institution and its leaders in their failure to protect them. Addressing all of these failures will be important steps to prevent and address similar future conduct.

Carl Staico did not respond to GRACE's interview requests.

2. Survey Responses Relevant to Staico

Several survey responses described what they knew of Staico's behavior, any allegations, and Tenth's responses. One response stated that Staico "stalked [RV2] and followed her in his car because she refused to let him give her a ride home."[272] When asked about how the allegations were handled, the respondent described Staico as being "eventually, though reluctantly, fired" and that Staico later found a job at Jefferson Health.[273] This surprised the respondent who expected that Staico's conduct relative to RV2 would have come up on a background check if it were reported.[274]

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[270] *Id.* at 13.
[271] *Id.* at 12.
[272] Survey response #253.
[273] *Id.*
[274] *Id.*

Another respondent listed one of the allegations, seeming to refer to Staico, as: "Head Sexton was texting inappropriate things to a woman on staff (sexting). Both were married and she asked him to stop every time."[275] The respondent also notes that it was their understanding that those allegations were reported to an elder, two pastors, and others.[276] When asked how the matter was handled, the respondent described, "[Elder's name redacted] brought sexton to apologize to the female staff, who had to forgive him. I heard about it and addressed the whole session asking why this was the response given that we had full proof of his texts. They responded by firing the guy."[277]

One respondent said they heard that, "a sexton made comments about [RV2's] legs. Then he was fired."[278] Another respondent did not describe any specific allegations against Staico, but noted that it was unknown to him or her how Tenth handled allegations against Staico.[279]

H. Tenth's Knowledge and Response to the Allegations against Staico

It appears that as early as 2013, leadership at Tenth had information that Carl had been harassing a female employee several years prior.[280] There was no indication that Tenth knew of the behavior in 2010 or prior to the 2013 email. There is also no indication that Tenth reprimanded or responded to the behavior at the time in 2010 or when it was reported via email in 2013.

With respect to RV2, she states that she reported Staico's behavior to various leaders at Tenth on multiple occasions over time, including Pat Canavan, an elder, and other pastors.[281] She affirms that the responses felt dismissive:

> I have said something to different people about it. And I think when I did mention it to Pat too, again, he didn't really do anything about it."[282]

[275] Survey response #265.
[276] *Id.*
[277] *Id.*
[278] Survey response #118.
[279] Survey response #201.
[280] RV1 2013 Email; RV2 Transcript at 11.
[281] RV2 Transcript at 10.
[282] *Id.* at 9.

> A couple of comments like "Well he's from South Philly. He's like that." I was just like... What? "That's the way they talk." No. I'm telling you, I know when somebody's hitting on me. You know what I mean?"[283]

RV2 reports, "But I remember there would be times I'm getting off work and I'm just in tears of anger and I would call [a Tenth leader], I'm like... 'this has to stop.' And I don't want to sound I'm trying to get anybody in trouble. But I guess if we're going to be completely frank, he [the Tenth leader] did make a comment at one point. He goes, 'I should have fired him earlier.'... I was told he also has a history. Which I'm like if he has a history, why is he still employed? That is a big issue."[284]

Eventually, the Tenth leader helped advocate for her and sought discipline of Staico. RV2 notes however: "But to be honest with you, I had to keep pursuing it."[285]

At some point, possibly in December 2017, there was a meeting between RV2, a pastor at Tenth, another elder, and a female advocate in which RV2 more formally reported Staico's behavior. It appears that Staico may have been present as well. RV2 describes it:

> I had requested the pastor and another woman advocate. She was there too, and another elder and met in one of the pastor's office on the third floor. And he was there too. And again, he wasn't fired at that point. My motive was not to get him fired, but just for him to stop. Stop and leave me alone. I want to be able to work professionally. No more of nothing. That's what I wanted. That was my goal. So he admitted it at that time. I had no idea if he was repentant, I didn't feel that. But a woman advocate was there as well as the pastor and an elder.[286]

We were not provided with any records specific to this meeting.

Staico was given a letter on December 9, 2017, noting that a co-worker had reported "unwanted advances and potentially inappropriate suggestions of friendship beyond ordinary ministry workplace relationships" and concluding that Staico's actions were unprofessional, inappropriate, and in violation of Tenth's "Harassment in the Workplace" policy.[287] The letter instructed Staico to maintain professional relationships free from

[283] *Id.* at 10.
[284] *Id.* at 11. RV2 also felt conflicted about reporting things to her supervisor because, "I also know that I have to limit myself as to how much I want to overwhelm him with things. Cause he's a senior minister. I should be assisting him with a lot things, with his duties and so forth." *Id.*
[285] *Id.* at 11.
[286] *Id.* at 12.
[287] Tenth Warning Letter to Staico, dated 12/19/2017. GRACE was not provided with the "Harassment in the Workplace" Policy.

harassment, warned against any retaliation, and required Staico's signature.[288] However, this process was not communicated to RV2.[289]

RV2 recalls that she was aware that elders would be meeting with Staico about her report, but that after the meeting, Staico left with a smile on his face[290] and no one sought to connect with her to tell her the results of the meeting.[291] She describes her anguish in that moment:

> And he comes out and these two elders were just heading upstairs as if they're not even going to come tell me how the meeting went. They were right there and they weren't going to tell me how the meeting went. Carl goes downstairs happy as can be. So I get out of my desk and I said, "Can you guys tell me what happened? What's going on?" "Oh, well yeah. We gave him a warning or something, whatever it was." I'm like that's it? Again, I don't remember all the words, but this is what I do remember I said. I don't trust you guys. That's what I told both of them. I said, I will never trust the two of you right here, mark my words. So I told it and I was in tears. And I think this is my, after that, I just, that's when I called [the Tenth leader] and I said, this is ridiculous. Yeah, it was ridiculous.[292]
>
> They weren't going to tell me I had to stop them....I felt they thought, this is petty. This is no big deal.[293]
>
> I cannot believe they're just giving [sic] upstairs, not giving me an update about how that meeting went, while Carl was walking downstairs, whistling away. That was awful. As if my deal was not a big deal.... Totally disrespectful.[294]
>
> [A]fter Carl was confronted about this and he wasn't fired yet at that time. I don't know how many years he would take at this point.[295]

Staico's employment was eventually terminated on April 4, 2018 for "recent inappropriate pursuit of sexual relationships as well as a previous incident."[296] Staico's letter of

[288] *Id.*
[289] CS-RV2 Transcript at 13.
[290] *Id.*
[291] *Id.*
[292] *Id.*
[293] *Id.*
[294] *Id.* at 14.
[295] *Id.* at 11.
[296] Tenth Termination Letter to Staico, dated 04/04/2018.

termination from Tenth went on to say that his actions displayed a "pattern of poor judgment, and [were] incompatible with Tenth's harassment policies."[297]

RV2 reports that she was not told Staico would be fired or when he was actually fired, as she was out of the office that day.[298] She returned the next day and learned of Staico's termination.[299] She notes that at least two coworkers were upset that Staico was fired and that she felt blamed, enough that she reached out and asked to speak with them about it.[300]

Dr. Diane Langberg said,

> Jesus interacted with all kinds of women and protected, blessed, healed, encouraged, and lifted them up. He never told them to submit to evil or wrongdoing. He didn't silence them. Much of masculinity in Christendom looks nothing like Jesus… We are doing great damage to countless vulnerable people and to God's church because people destroyed by abuse perpetrated by the powerful cannot use the fullness of their God-given gifts to bless his body.[301]

While Staico was eventually removed from his position, responding to physical safety needs, this action required multiple efforts of the reporting victim. These efforts include an initial email to Tenth leadership where RV1 disclosed Staico's inappropriate relationship pursuit, financial desperation leading to her job acceptance, mistreatment of women, and her resulting inability to worship at Tenth. Despite RV2 reporting similar behavior, action was only initiated after she expressed significant emotion, shedding tears, while directing her concerns to the pastor. Prior to that, she had to personally address the situation by

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[297] *Id.*

[298] RV2 Transcript at 17.

[299] *Id.*

[300] RV2 stated, "I got such a horrible… From two of the ladies that were there at Tenth, older ladies. They were very upset with me [because Staico got fired]. I come to work the next day, I could just tell the total treatment from these two ladies in particular. And I actually emailed them and I said can we talk about this? I try to maintain a good still relationship and friends with them, whatever. One of them ended up retiring anyway. The other one's still there. It's just relationships, whether you're Christians or not, it's always hard. Just hard whether from friends or whatever. But because they got along with him. They were friends with him…. I can hear them. It's a borderline flirtation relationship, the way they're talking about stuff. that wasn't for me. what But they had that and obviously, I mean it's one of those things, I don't think anything would happen between the two of them." RV2 Transcript at 17. "Well these two ladies were upset that he was gone. It was clearly evident that they were upset that he was gone. And in a sense I felt I was being the one that's being blamed for him being fired." *Id.* at 18.

[301] Langberg, Diane. *Redeeming Power*, at 93-94 (Emphasis in original).

arranging the removal of shower hardware. Even when Staico was confronted, this information was not communicated to RV2. Further, the disciplinary measures taken against Staico did not adequately reflect the seriousness of his actions and their impact on the reported victims.

I. Findings Related to Royson Duvin

1. Background Information on Duvin

According to witness interviews, Royson Duvin is an Asian male in his forties who attended Tenth and is possibly a member of Tenth.[302] He attended a small group around 2011 and then services intermittently until he attempted to return regularly to Tenth in approximately 2021.

2. Allegations against Duvin

Although he was in his forties, Duvin was attending Tenth's young singles group (targeted toward twenties and thirties[303]) around 2011, during the early period of his attendance at Tenth.[304] Witnesses describe Duvin as having an agenda to date and marry a woman from church. Allegedly, while Duvin was attending the young singles group, he was speaking to women who did not want to talk to him, putting his hands on women, "requesting, offering, demanding, grabbing hugs," as well as "kiss[ing] someone on the cheek in a Bible study."[305]

After being told by one or more elders/pastors of Tenth to not attend the young singles group, Duvin allegedly continued to harass young women while attending the regular service and a nearby public park afterward.[306] Specifically, one witness notes:

> He started coming to the service, and he was still talking to girls at the service. The young women and young people in the church would go out to the park afterwards, and he would just show up in the park. Well, we can't control the park. I never observe this, but he's in the park, talking to people. He would sort of say, "I'm being friendly and offering hospitality by offering hugs and requesting hugs and those stuff." So, he's not aware of what was going on. So, that was bad. I actually observed him in one case sort of, hey, why don't you give me your phone number, to a young woman, and why don't you give me a hug? She was like, "Okay, whatever weirdo. I'll give you

[302] Witness Tr. at 25.
[303] Witness Tr. at 12.
[304] Witness Tr. at 25.
[305] *Id.*
[306] *Id.*

> my phone number and a hug." And then, she left, and I could see she was not comfortable doing, but she did it anyway. Give him a hug.[307]

Another elder described a cycle of behavior:

> At times he would focus in on one, and that woman would let us know that she's uncomfortable. We would start the rotation or we would be more intense in our monitoring of him. When I say we, me and the other men who were overseeing the young adults ministry. Now there were also women who were helping on a leadership team, but for different periods. But the other guys who I trusted, I would say, "Hey, we got to keep an eye on him." That just kept escalating and he figured out what we were doing, and he would get really mad and start making what you might consider threats. Just him getting intense at us, and so we had to try and find ways to just defuse the situation.[308]

Duvin's conversations with women were described as "so intense that I would just have a rotation of guys following him around, making sure that he couldn't get alone with a woman.[309]

In the course of challenging Duvin about his actions at the time, multiple elders interviewed suggested that Duvin may be suffering from mental health challenges because he made statements to the effect that he "own[ed]" the church, that he worked for MI-5 in England, and that the Queen of England knew.[310] One described an encounter with one man at Tenth who sought to curb Duvin's behavior as Duvin suggesting he'd use a broken bottle as a weapon if he were challenged in how he acted toward women.[311]

Only one survey response mentioned Duvin by name and actions possibly attributable to him, stating that he was "pushy and assaultive towards young women at [T]enth."[312]

Royson Duvin did not respond to GRACE's interview requests.

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[307] *Id.*
[308] Witness Tr. at 12-13.
[309] Witness Tr. at 12.
[310] *Id.*; *see also* Witness Tr. at 25.
[311] Witness Tr. at 14.
[312] Survey response #8.

J. Tenth's Knowledge and Response to Allegations against Duvin

According to several leaders at Tenth (current elders / pastors) who were interviewed by GRACE, Duvin was told on multiple occasions that he was "not allowed to come to this young person's meeting. You're too old for this group. What you're doing is wrong. We've asked you to stop, and you haven't stopped."[313] He was also allegedly told that his similar behavior at services and in the park toward young women was wrong.[314]

After these warnings and continued behavior, a pastor and an elder at Tenth each describe that they attempted to meet with Duvin on several occasions and finally met with him in a park to inform him that he was being banned from the campus of Tenth until he received at least six counseling sessions, that the church would pay for, from a counseling practice that had a relationship with Tenth.[315] The Tenth leaders stated that they would not initiate church discipline at that time while they waited for Duvin to receive counseling.[316] It appears from the interviews that the behaviors went on, at least intermittently, for up to ten years before this meeting.[317]

Tenth leaders indicate that they established a relationship with a local counseling practice and indicated to the congregation that it could cover the cost of mental health counseling if congregants couldn't cover it and that they wanted them to get care.[318]

Duvin did not attend counseling and attempted to return to Tenth where, according to one witness, Duvin stated something to the effect, "I own this church. I'm going to call the police. You have to let me in."[319] Duvin also reportedly met with a pastor in a nearby park to inquire about returning to Tenth, and when he was told he would not be allowed to return, began "kicking" the pastor.[320] At this time, Tenth was apparently still in the process of attempting to verify receipt of a certified letter informing Duvin that he was being subjected

[313] Witness Tr. at 25.
[314] *Id.* at 25-26.
[315] *Id.* at 26.
[316] *Id.*
[317] Interviewees describe that Duvin first began attending the young adult group in approximately 2011. They approximate the meetings where counseling was required and church discipline threatened as during the COVID pandemic, around 2021, and that the letter notifying Duvin of church discipline was still in process of being delivered in 2023 while interviews were being conducted.
[318] Witness Tr. at 28.
[319] *Id.* at 27.
[320] Witness Tr. at 49.

to church discipline.[321] According to one leader of Tenth, the allegations relate to violations of the fifth commandment, sexual violations as an older, mature person taking advantage of younger women.[322]

Duvin's alleged harassment of young women at Tenth meets the definition of "verbal sexual abuse" as articulated by Dr. Langberg.[323] Further, Duvin's alleged acts of "requesting, offering, demanding, grabbing hugs," and "kiss[ing] someone on the cheek" misuse physical power in a way that was overpowering of the young women at Tenth, who reluctantly gave Duvin hugs or contact information in an attempt to disengage with him.

Duvin's verbal response of "I'm being friendly and offering hospitality by offering hugs and requesting hugs" displays a lack of awareness of the effect his presence has on others. Dr. Langberg articulated the dynamic, "Whether we use our presence to overpower others…others will feel its impact, just as we feel the effect of their presence.[324]

Duvin also responded to Tenth leaders aggressively, making threats and using physical force. Duvin's alleged "kicking" of a Tenth pastor can be better understood by looking to the common law definition of battery: "Any unlawful beating or other wrongful physical violence or constraint, inflicted on a human being without his consent."[325]

Tenth acted appropriately in keeping an eye on Duvin when he interacted with women in the young adult group and by later prohibiting Duvin from the premises and from attending the young adult's group when they did not witness a repentant spirit and change in behavior. Despite difficult and potentially criminal responses from Duvin, Tenth prioritized the safety of young women within its community by removing Duvin from their vicinity.

K. Findings Related to Lucas Saenz

In 2013, Lucas Saenz ("Saenz") was a part of the International Ministry at Tenth.[326] Saenz had come to the United States from Columbia, where he was a physician, to go to medical school in the US.[327] At that time, Saenz was residing in the home of a Tenth pastor

[321] *Id.*
[322] *Id.* at 29.
[323] *Redeeming Power* at 70. Dr. Langberg states, "Verbal sexual abuse can also be more covert. When it is subtle, the victim may be confused and feel uncertain about the inappropriateness of a comment." Id. at 70. Dr. Langberg's quote is included as general information and is not a definite statement that any particular person at MLC committed verbal abuse.
[324] Langberg, *Redeeming Power.* at 63.
[325] *See Black's Law Dictionary,* 2nd ed., at https://thelawdictionary.org/battery/.
[326] Lucas Saenz Transcript at 3.
[327] *Id.*

("Pastor/Landlord"), who was renting a room to Saenz.[328] At that time, Saenz was also dating the reported victim ("RV"), who had also been attending the international ministry at Tenth around the same time. RV was from Japan. [329] Multiple witnesses described RV as a "seeker", rather than a full-fledged member of Tenth.[330] Saenz is said to been involved at Tenth for a longer period of time, even longer than some pastors involved in investigating and mediating allegations against Saenz.[331] Importantly, Saenz is regarded as a friend to a pastor at Tenth to this day. [332]At the time, RV was also close friends with a young man who was a member of Tenth and was living in the home of his mother ("Witness"), also a member at Tenth. [333] RV's friend also spoke Japanese, having recently returned back to Philadelphia from Japan. [334]

At one point during 2013, the pastor and his wife took a trip out of the country to Thailand.[335] Saenz was instructed to not take RV to the upstairs floor of the pastor's house while the pastor/landlord was out town. Their interactions were to be restricted to the living room of the residence. [336]

During the course of this investigation, GRACE investigators made several attempts to communicate with RV and her friend, but did not receive a response.

1. Allegations against Lucas Saenz

In 2013, RV called her friend, who was at his mother's home when he received the call. [337] In reference to the call, the witness stated that:

> [RV] was screaming and sobbing on the phone, and she was begging [Witness' son] to come and pick her up. And it was horrifying to hear her so upset. And we got something out of her that he needed to come immediately and come pick her up, and she had been locked in the house and her phone had been taken away and she couldn't get out. And now she just got out and, 'Please, please come and get me.'[338]

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[328] Former Pastor Transcript at 2.
[329] Witness Transcript at 11.
[330] Elder Transcript at 3
[331] *Id.*
[332] *Id.*
[333] Witness Transcript at 12.
[334] *Id* at 11.
[335] Former Pastor Transcript at 2.
[336] *Id.*
[337] Witness Transcript at 11
[338] *Id.*

The witness reported that she and her son then left, and picked up RV, who was wearing clothing and had a blanket.[339] After being picked up, RV told the Witness and her son that while at the pastor/landlord's house, she ended up sleeping in the same bed as Saenz and woke up to discover that Saenz "had penetrated her without a condom on and cum inside of her." [340] The witness reported that "[from RVs] definition, he [Saenz] had raped her."[341]

The witness stated that RV told her that " she was asleep and sort of half awake, and she [RV] did say no, but she didn't push him [Saenz] off her . . ." [342] A Tenth leader confirms this account of the sexual act, testifying in court that "[RV] had woken up in the morning having sex with her boyfriend, discovered it was unprotected, said it was rape." [343] The Tenth leader later states that "[the pastor and his wife] had a meeting with this girl . . . and at the meeting, the girl admitted it wasn't rape."[344]

Additionally, RV stated that she got upset and Saenz became desperate to keep RV quiet. [345] RV told the witness that Saenz physically restrained her, took her phone away, and closed all the windows to the house, and locked the doors.[346] Though Saenz currently denies memory of this physical restraint to GRACE investigators,[347] the pastor/landlord stated Saenz admitted that he did in fact try restraining RV during her emotional response after the sexual act.[348] The Witness stated that she understood RV to only have made escape once Saenz decided they needed to go to a pharmacy to get a morning after pill, at which point RV was able to call her friend from a phone.[349] The Witness stated that she and her son picked RV up, that RV stayed with them for two or three days, and asked them to "please protect her."[350]

2. Saenz's Response to Allegations

Saenz was interviewed by GRACE investigators, and gave a substantially similar version of events as RV and the witness. Saenz stated to GRACE investigators that at the time the pastor/landlord was out of town, he and RV were staying at the pastor/landlord's house.[351]

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[339] *Id.*
[340] *Id.*
[341] *Id.*
[342] *Id.*
[343] Transcript for First Ruling at 57.
[344] *Id.*
[345] Witness Transcript at 11.
[346] *Id.*
[347] Lucas Saenz Transcript at 14
[348] Pastor/Landlord's Transcript at 6
[349] Witness Transcript at 11.
[350] Witness Transcript at 11.
[351] Lucas Saenz Transcript at 78

Saenz stated the pastor advised Saenz that it was not the best idea to have RV stay at the house, but if she needed a place to stay, it would be okay. [352] Saenz also stated that the pastor reminded him of the "rules as Christians." [353] Saenz stated that it was his idea to have RV stay in his room. [354]

Saenz stated "I woke up, and I asked her to be together, and we were together. And I think what happened is that she was expecting me to naturally avoid a pregnancy and I did not do that."[355] Saenz stated that he and RV had had sex at least one time before, attempting the same method of pulling out. Once again, Saenz doubled down on his belief that RV "freaked out" because she was expecting him to do the same, and he did not.[356]

Notably and troublingly absent from Saenz's retelling of these events is any recollection from Saenz where RV indicated her consent, either in fact or implied, to the request for sex that Saenz made that morning. [357] Specifically, Saenz states that "when I recall the whole situation, that's the most logical answer I have. I never heard a, "No." I never heard, 'I don't want to be here.' And the moment that she realized that I didn't avoid natural pregnancy, in that instant... everything changed." Saenz stated that RV became "severely disappointed. She got out of the position we were . . . She started to scream." [358] He goes on:

> She cried a lot, a lot, and she said that she would have preferred me to have hit her... then I was concerned that she was so out of it that she was going to do something to herself. I asked her to calm down. After probably two or three hours in that situation, she calmed down and she called someone. I think it was the family that was with her and that took care of her after that.[359]

Soon thereafter, Saenz disclosed the incident to a different Tenth pastor, with whom he is still friends with to this day. [360] Saenz reports rebuked by the pastor for pre-maritial sexual

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[352] *Id.*
[353] *Id.*
[354] *Id.* The pastor/landlord states in his interview that Saenz stated in the later meeting with Saenz, RV, the pastor/landlord and his wife, and the witness and her son that RV herself went up to his room. [Name] went on to state that "[RV] was sitting there, and didn't deny it." Former Pastor Transcript at 2.
[355] *Id.*
[356] *Id.* at 8.
[357] *Id.*
[358] *Id.*
[359] *Id.*
[360] *Id.* at 11.

relations, that the allegation was escalated by the pastor to the pastor/landlord who was involved, but that ultimately that he felt supported by the pastors at Tenth. [361]

3. Meeting at the Pastor/Landlord's Home

All parties interviewed by GRACE investigators regarding the allegations against Lucas Saenz are in agreement that some days after the incident, there was a meeting between Lucas Saenz, [RV], the witness and her son, and the pastor/landlord and his wife at the pastor/landlord's residence.[362] Parties are in conflict at who requested the meeting. The pastor/Landlord claims that RV, the witness and her son requested the meeting,[363] while the witness reports that the pastor/landlord and Saenz asked for the meeting.[364]

However, all parties agree also that a main focus of the meeting whether or not RV would become pregnant and whether Saenz and RV should get married.[365] Most descriptively, the witness describes:

> I did get a call from [the pastor who was friends with Saenz] And his idea was that they should get married... he counseled him to go get an engagement ring and propose to her. She did not particularly want to marry him, although she liked the idea of getting an engagement ring and getting married.[366]

Throughout various descriptions of the meeting, consistent themes of the meeting dynamics arise across the parties. One of those themes is the one-sided nature of the retelling of the events, namely that Saenz was more communicative of his thoughts on the incident, yet RV was mostly silent. The witness describes the meeting this dynamic as follows:

> [I]t was really awful and very painful because basically the young man wanted to describe blow-by-blow what he did, every little detail. And [RV] was excruciatingly embarrassed . . . It's just that in that meeting, there was no consideration or concern given to [RV]. The young man was not really held accountable . . . he did not deny restraining her. He did not deny taking her

[361] *Id.* at
[362] Witness Transcript at 12. *See also* Saenz Transcript at 10; Pastor/Landlord Transcript at 4.
[363] Pastor/Landlord Transcript at 3.
[364] Witness Transcript at 12.
[365] *See* Pastor/Landlord Transcript at 5, stating that Saenz said "if she got pregnant, [Saenz] was willing to marry her. In fact, he even went out and bought a diamond ring expecting to marry her." *See also* Saenz Transcript at 12, indicating that after this incident that Saenz tried to keep in contact with RV for two months, and that if she wanted to get married, he would have married her. He admits he got a ring for her.
[366] Witness Transcript at 12.

> phone away. He didn't deny closing the windows. He was petrified because if anything came out that he raped her or did anything like that, that he would lose the ability to have a medical license in the United States.[367]

The witness continued to elaborate, stating that very little of RV's perspective was relayed at the meeting. She states that:

> . . . it was mainly Lucas recounting what happened and how he carefully did not rape her. He was very concerned about disputing that allegation. And to tell you the truth, the main thing with [RV] was she was so disrespected and so ... I don't know. Anyway, but they did not ask at all for her perspective. And if there was any said in [RV's] defense, it was from [Witness' son] and myself just saying, "Look, this is not right. This is how it's viewed in Japan.[368]

Saenz confirms this dynamic, stating "I think [RV] was not vocal, and to be honest, I don't think she was vocal too much." [369] Saenz attributed this to the fact that RV was "probably mad because what happened with everything. That's why she didn't want to talk to me, I guess." [370]

Multiple witnesses to this meeting do confirm that during the course of the meeting, RV stated that no "rape" had occurred.[371] The witness stated that during the meeting her son had explained that in Japan, having sex with someone without a condom on is akin to rape in the United States.[372] The witness' son, it seems, took on a primary role of insisting that the allegation be addressed and insisting on the label of "rape".[373] The pastor/landlord, admits that such insistence caused him to speculate that the witness' son was jealous of Saenz. The pastor/landlord states that:

> It was only [the witness' son] who kept insisting on that. Because of that, it caused me to wonder what were his motivations. He spoke Japanese, she was attractive, they had a good relationship and I don't know his thoughts, feelings or whatever, but I can only guess that somehow he felt some jealousy about that relationship she had with Lucas. But I can't speak for what he is actually thinking, of course.[374]

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[367] *Id.*
[368] *Id.*
[369] Lucas Saenz Transcript at 11.
[370] *Id.*
[371] Witness Transcript at 13; Pastor/Landlord Transcript at 15.
[372] *Id.* at 16.
[373] *Id.*
[374] *Id.*

Once the meeting concluded, it seems as though this was the last time that anyone in Tenth's leadership spoke to RV.

L. Tenth's Knowledge and Response to Allegations Against Lucas Saenz

In addition to the informal meeting at the pastor/landlord's house, both involved pastors make clear that the executive elder Session discussed these events. Confusion arises in the timeline of those discussions in Session. The pastor who was a friend of Saenz indicates that he believed that the Session engaged with the allegation near to the time of the event, stating that he had heard there was a complaint addressed by the Session.[375]

The pastor/landlord attributes this allegation being addressed in Session only after this allegation was mentioned as a part of a later civil action in 2017.[376] Notably, the pastor/landlord also indicated that a different elder was "investigating the situation" and that he believed the elder met with RV one-on-one.[377] When asked whether a written report of such an investigation would have been made for the Session, the pastor/landlord stated that likely would have been the case, but no report has been located by GRACE investigators.[378]

GRACE investigators were also not able to locate any indication that RV was ever spoken to alone about these allegations or that law enforcement authorities were ever notified regarding these allegations, despite Saenz himself agreeing that law enforcement authorities should have been called.[379]

It is clear from the facts uncovered from speaking with witnesses and in review of various documents that it would impossible at this time to determine whether Lucas Saenz did or did not commit a Rape or False Imprisonment against RV under the law. The primary reason for this impossibility is the fact that RV herself cannot be reached to discuss these events. That being said, there is enough evidence corroborated through the statements amongst all parties that indicate a sufficient basis that a criminal investigation should have been completed. All parties agree that there was a sexual act that took place without RV's consent. Additionally, all parties also all agree to some degree that RV's physical liberty was restrained immediately after the sexual act took place. Both of these acts could constitute criminal acts in the State of Pennsylvania.

[375] Pastor Transcript at 2.
[376] Pastor/Landlord Transcript at 6. The pastor/landlord goes on to say that the complainant brought these allegations up "to find every possible way to bring shame and trouble at Tenth church."
[377] *Id.*
[378] *Id*. at 8.
[379] Lucas Saenz Transcript at 11

Therefore, it must be stated at the outset that the failure to call law enforcement and the decision to attempt handling the allegations internally was improper on all parties, RV's friends included. However, the minute that Tenth leaders became aware of these allegations, authorities should have been called and a neutral, third-party investigation completed.

Taking that aside, it should be noted that the facts and circumstances surrounding RV's disclosure to the witness would be given significant weight in a court of law, and her descriptions of the events as reported through the witnesses would be a violation of the laws of the State of Pennsylvania. Specifically, the standard Rules of Evidence in criminal trials all across the country allow for statements made while the statement maker is under the emotional impact of the recent events to be re-told to the jury.[380] In this case, the witness and her son would have been able to testify what RV had told them in those precious minutes and hours after being in Saenz's bedroom. That the authorities were not called immediately ensured that evidence of this type was not and could not have been preserved.

Here, it is important to reference SAHMSA's Six Principles of Trauma Informed Practice[381], holding that Trauma Informed practices of 1) Safety, 2) Trustworthiness 3) Peer Support 4) Collaboration and Mutuality, 5) Empowerment and Voice, and 6) Cultural, Historical, and Gender Issues are best practices. From the facts elicited from statements by the parties involved in this allegation, many of these six concepts were not followed, if not outright ignored.

First and foremost, it cannot be understated how the act of bringing RV into a meeting with the man that she had just had an unwanted sexual encounter with days before violates the first principle of Safety, as is an improper application of Matthew 18's principles, as will be discussed in a later analysis. Note that even the unwanted sexual act of unprotected sex to ejaculation without RV's consent is still violative. To then bring her into the same room as Saenz days after this incident, but before she has had a chance to speak to law enforcement authorities and trauma informed mental health providers and seek medical attention is a flagrant violation of the principle of Safety.

Unfortunately, this was not the only violation of these principles, as it is also very clear from the transcripts that RV did not speak much, if at all, during this meeting. Saenz reportedly was given the change to give his version of the facts, her friend reportedly spoke, as did others. Nowhere in the record is there evidence that RV was given the time and space to speak and tell her story. In addition, it is clear that a primary concern of Saenz and the

[380] Pennsylvania Rule of Evidence 803(2).
[381] *See* SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach (July 2014)

involved pastors was whether or not Saenz and RV should get married. It seems that this conversation was taking place amongst the parties despite no one asking RV if that is something that she would even want. In many ways, RV's voice was literally and figuratively silenced. Agency over her own life and decisions was removed. Such actions lack empowerment and violate the fifth principle.

That these two violations occurred, on their own, likely had an extreme chilling effect on RV's desire and ability to speak out. It is, then, no surprise that she has had little if any contact after these events with the parties involved, and was not interested in speaking with GRACE investigators regarding these allegations.

Adding to this, additional violations of these principles occurred. First, the repeated discussion and conversation regarding RV as a "seeker" while regarding Saenz as a "more mature believer." Because of this, it appears for more credibility was given to Saenz's version of events, rather than RV's. Along with this fact, it is also clear that the fact that people tasked with initially engaging with these allegations were two pastors at Tenth. These pastors were not neutral and unbiased, but rather the landlord and close friend of Saenz. Failing to miss the inherent biases present in these decisions is a significant deviation from best practices.

These biases are further demonstrated in a number of ways. Most significantly, the pastor/landlord's reductive explanation that the witness' son was in love with RV, so was pushing the issue is bizarre but telling. There is no evidence of this fact in the record, yet this reason was used to dismiss and explain away an allegation of sexual assault. Similarly, biases in favor of Saenz played a large role in the way these allegations were handled by Tenth leaders. Specifically, the fact that rape allegations would impact Saenz's career is present throughout the statements. Assumptions like these, especially that result in the minimization and dismissal of allegations, is improper. That these biases emerged should reemphasize to Tenth leaders the need to immediately refer such serious allegations to third party investigators, lest bias be introduced. Such actions represents a violation of the principle of collaboration and mutuality.

Finally, what the exact definition of rape in Japanese culture looms large in this allegation. All parties interviewed brought this topic up. Yet, throughout all of the conversations, there is no mention that anyone consulted a cultural expert or resourced RV to go and speak with a trauma informed, culture informed neutral party. Attempting to investigate these allegations without making necessary and good faith steps to employ the assistance of culturally attuned care givers and investigators was also a violation of best practices.

M. Findings Related to Unknown Offender 1

GRACE also received allegations against an individual whose identity is unknown. The alleged victim of this incident had attended Tenth on and off for approximately 30 years prior to the incident of misconduct. She described her feelings about Tenth at the time, "I revered Tenth Church. It was my safe space…"[382]

In January of 2013, the reporting victim ("RV") was attending an artist's luncheon in the catacombs of Tenth, when she went to use the restroom. In the sanctuary, there was a meeting with the homeless ministry. When she left the restroom, an unknown man in a suit emerged toward her, which caused her to back into a corner and "fr[ee]ze."[383]

RV recalled that the man leaned down and was "stroking [RV's] legs."[384] RV explained,

> *He was touching me. I did not want him to touch me. And he had sort of come closer to me and I sort of backed up, and then I was in a corner and I couldn't go anywhere. And he was six inches from my face and leaning down. He was very … Anyway, so obviously, I don't even know. I don't think he had an erection. He wasn't exposing himself. But for me, that was a sexual approach.*[385]

RV recalled being afraid and unsure of what the man was going to do next. Another unknown man approached and told the unknown offender, "Come on, don't do this. You don't want to do this. You need to leave her alone. Come on, get away from her."[386] RV considered what happened to her a sexual assault.[387]

RV then walked upstairs and told some men volunteering with the homeless ministry about the incident, and the volunteers required the unknown offender to leave the building.

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[382] Reported Victim Transcript, at 21.
[383] Reported Victim Tr. at 6.
[384] *Id.*
[385] Reported Victim Tr. at pg 9.
[386] Reported Victim Tr. at pg 6.
[387] Communication from RV to GRACE, August 28, 2023. "…a quite painful and lengthy experience regarding my own sexual assault experience in the church basement during a Sunday afternoon meeting…" Id.

N. Tenth's Knowledge and Response to Allegations against Unknown Offender 1

RV met with a Tenth Pastor the following Monday. The Tenth Pastor sent out an email to some of the deacons speaking of the incident: "I received a visit from a Tenth member today. She reported an incident yesterday that took place in the foyer outside the catacombs bathrooms. She had stepped off of the artist luncheon to take a phone call. While talking on the phone, a male dressed in a suit approached her, bent down and fondled her feet. He did this a couple of times. She got off the phone. He then repeatedly hugged her to the point of hurting her. Another male in a suit had also entered the foyer and stood aside. She confronted the person hugging her, warning him that she would call 911 if he continued. He did approach her again but stepped back into the assembly room. She then went through the catacombs and up the stairs where she met three men from the Community dinner ministry. She told her story to one man. The three of them found the offender and escorted him out of the building. I have spoken to [deacon] who will have the men file a report. Fortunately, the three men handled the manner well. When all of the information is gathered, there should be a plan of action for providing better security."[388]

RV stated that after the meeting she expected some type of follow up. She received none. She recalled,

> it left me feeling really dirty and kind of ashamed and mad at myself that I didn't do more. And there didn't seem to be a lot of sympathy. Not that [the pastor] needed to have sympathy for me, but … the affect was flat… [T]his guy was a pastor in my church, so it would've been nice if he had just made sure that I was okay. I don't know. So I don't know what to expect really.[389]

The member who escorted the unknown offender out of the premises wrote an email to the deacons outlining his actions and his memory of the event: "The lady approached [redacted] and me, stating that she had been hugged inappropriately in the basement of the church to the point of being attacked. She was very upset. I spoke with her while [redacted] went to look for the man, although he had gone back upstairs. We found him in the sanctuary and escorted him to the Delancey street side of the church where we confronted him on his actions. He didn't deny anything, but claimed the lady was not upset by him. After attempting to argue with us he finally left after we told him to leave or we would call the police."[390]

[388] Email from Pastor to various deacons, January 14, 2013.
[389] Reported Victim Transcript, at pg 10.
[390] Email forward from volunteer dispersed by the pastor to various deacons, January 15, 2013.

One of the deacons responded to the incident via email with some considerations: "There was an alleged assault and battery of a woman in the catacombs area around the time of the artists' meeting. From the way it was explained, it appears to have been a sexual assault. We should be thankful that the outcome was not more violent or deadly. Importantly, several became aware of the incident pretty quickly, and the alleged perpetrator was even identified and confronted by a few men at Tenth. However, no one called 911…That seems highly inappropriate."[391] The deacon also suggested that Tenth inform women and others about the incident as not telling would be "negligent and egregious."[392] He stated that it was possible the man could return and for the safety of women and children the information needed to be told.

It is unknown if the information was dispersed to the congregation. Actions taken by leadership included a meeting in a pastor's office on January 27th to "give an overview of what we currently do with several recommendations on improving security coverage."[393]

The available facts do not provide insight into the intentions of the unidentified offender. Nevertheless, it is reasonable to draw parallels between the unknown offender's actions and other instances of sexual misconduct. These acts, characterized by their improper and indecent nature, being unwelcome and lacking consent, are concerning.

In this particular case, Tenth was proactive in addressing the offender's behavior by engaging numerous volunteers in feeding the homeless, leading to swift detection and intervention. However, it is essential to acknowledge areas where improvement is necessary. Tenth should have extended further care, resources, and support to the victim. This support could have included helping her take concrete steps to recover from the incident, such as connecting her with professional counseling from a licensed therapist specializing in trauma. Additionally, it remains unclear whether Tenth leaders communicated with the victim about the possibility of reporting the incident to legal authorities, a crucial step that should have been taken.

Looking forward, it is imperative for Tenth to not only respond promptly to such incidents but also prioritize the well-being of victims. By offering comprehensive support, including mental health resources and appropriately facilitating communication with legal authorities, Tenth can create safer environments and empower survivors to seek justice and healing.

[391] Email from deacon to various staff, pastors and deacons, January 16, 2013.
[392] Id.
[393] Email from Pat Canavan to various deacons, staff and pastors, January 22, 2013. A deacon at the time did provide a 2 page document entitled "Tenth Security Recommendations".

O. Findings Related to Unnamed Offender 1[394]

Unnamed Offender 1 ("UO1") was a married male member of Tenth at the time of the events that gave rise to the allegations (estimated to be the spring of 2015).[395]

One former church member alleged that when she (referred to herein as "RV") and her husband were attending Tenth, UO1 was "making comments about what he and his wife do"… "[n]othing specific, really, but like, 'We leave the bedroom door open now that kids are out.'"[396] RV noted that UO1 was "very friendly" and that she "always felt just awkward around him."[397] In addition to the comments, on one occasion when her husband was out of town, RV alleged that at church UO1 "leaned in to kiss me on my cheek."[398] She contrasts that he had never done anything like that in front of her husband and that her sister-in-law, who was present for the kiss, also characterized it as "annoying."[399] While RV could not remember many examples of the comments from UO1 other than those described, she considered it problematic enough that "it needed to be handled."[400]

UO1 communicated with GRACE, but ultimately did not elect to participate in an interview and did not comment on the allegations. UO1 passed away prior to the conclusion of the investigation.

P. Tenth's Knowledge and Response to Allegations Against Unnamed Offender 1

RV stated that as far as she can remember, she and/or her husband reported UO1's behavior to Carroll Wynne who was serving as Tenth's Pastor of Care and Counseling.[401] Wynne then held a meeting with RV and her husband and UO1 and his wife.[402] RV states that Wynne "grilled" UO1 and then typed out RV's statements and had all four of them sign it.[403] She states: "It was documented. I don't know if it was saved, but it was documented, and I did appreciate that."[404] Although RV commented that, "it was handled

[394] Due to the nature of the allegations as behavioral misconduct without requisite corroboration of sexual misconduct elements, this alleged offender remains unnamed.
[395] RV Tr. at 8.
[396] *Id.* at 6.
[397] *Id.*
[398] *Id.*
[399] *Id.*
[400] *Id.*
[401] *Id.* at 7, 8.
[402] *Id.* at 6, 7.
[403] *Id.* at 5, 6.
[404] *Id.* at 6-7.

appropriately"[405] and that UO1 never bothered her after that,[406] she also felt that if her husband had not been involved and advocating for her, she doesn't know what would have happened because she observed that Tenth struggled with listening to women, especially single women.[407]

UO1's alleged act of kissing a Tenth member on the cheek without her consent constitutes behavioral misconduct as a physical act that is improper, indecent, and unwanted by the reporting victim. In this instance, Tenth appropriately confronted the offender for his actions. However, this confrontation took place in the presence of the reporting victim, which raises safety concerns as indicated in other sections and in a subsequent analysis of Matthew 18. Additionally, the available facts do not indicate that further steps were taken, such as assessing UO1's understanding of his wrongdoing and his willingness to change his behavior.

Q. Findings Related to Pat Canavan

Pat Canavan was employed by Tenth in some capacity from September 2003 to December 2017,[408] serving as an elder in the Western parish of Tenth, a leader on the administration side of the children's Bible school, and later as the church administrator.[409] In his administration and school roles, it appears that Canavan supervised other employees and participated in some hiring processes and/or decisions.[410] At some point, Canavan was also head of the adult Sunday school and in order to arrange teaching classes, people had to go through him.[411] Canavan was married, and during the time of much of his alleged inappropriate conduct, in his early sixties.[412]

One fellow elder noted that Canavan "was there all the time, always hustling to get stuff done around the church. From making sure the air conditioning was working, to the lights on, and whatever else worked. And he was very favorable with the kids."[413] "I had a good opinion of him. I thought he was easy to talk to. He always seemed appropriate with me."[414]

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[405] *Id.* at 6.
[406] *Id.* at 7.
[407] *Id.* at 5.
[408] Commonwealth of Pennsylvania Sexual Misconduct/Abuse Disclosure Release for Canavan, completed by Tenth for Lancaster County Christian School, dated 06/11/2019.
[409] Witness Transcript at 11.
[410] One interviewee noted that Canavan hired her. RV2 Transcript at 4.
[411] Witness Transcript at 3.
[412] Email dated 03/31/2018 regarding post-termination compensation for Canavan to cover health insurance until reaching age 65: Canavan and his wife were to turn 65 years old in 2018.
[413]Witness Transcript at 11, 12.
[414] Witness Transcript at 8.

1. Allegations against Canavan

In 2017, four women (hereinafter "RVs 1-4") of Asian descent and in their twenties[415] in the Metro parish of Tenth alleged that Canavan had engaged in inappropriate contact with them, primarily via email but also in face-to-face interactions.[416] The allegations, circumstances, events, and church response were reviewed through interviews with church leaders who investigated and responded to the allegations, as well as certain emails and related documentation. The majority of the documentation, including any written records of the specific allegations, investigation, and the emails themselves were not provided to GRACE, as they may not have been retained by the committee itself or its members.[417]

The interactions between Canavan and RVs 1-4 were described as not "explicitly sexual,"[418] more along the lines of inappropriate emotional attachment,[419] and "mostly nothing physical … it was more just inappropriately being singled out. Asked to lunch, asking to be involved with things. But it was a little too much one-on-one, for ice cream or lunch or something like that. And just lots of emails back and forth that were just a little too personal."[420] Canavan also may have exerted inappropriate pressure to meet up: "I remember them as being just overly friendly in terms of getting together. I think that there were instances where Pat may not have taken 'no, thank you' for an answer in terms of meeting at … the ice cream place, and so I think they were more along those lines."[421]

Canavan also maintained an "overly friendly" relationship with a minor (believed to be somewhere between 11-14 years old at the time)[422] (hereinafter Minor Victim 1 or "MV1"), who was also of Asian descent. She was apparently struggling, with few friends, which was part of the impetus for her connection with Canavan by her parents.[423] Although MV1's parents were aware of the relationship and may have even initiated Canavan's mentorship

[415] "They tended to be of Asian descent.... I think we're talking about 20 somethings as I recall." Witness Transcript at 2.
[416] Witness Transcript at 14.
[417] *See* Witness Transcript at 8, 9-10.
[418] Witness Transcript at 2.
[419] "My take on it was that he was a lonely guy and he was looking for some kind of emotional, I don't know, satisfaction in the company of these young women." Witness Transcript at 2.
[420] Witness Transcript at 4.
[421] Witness Transcript at 2.
[422] One witness on the investigative committee originally said she believed the minor to be 14 years old at the time, but recalled that she was in 6th or 7th grade making her 11 or 12. Witness T1 16, 17.
[423] Witness Transcript at 8.

of MV1,[424] the parents were not present on at least three outings (for ice cream) Canavan took with MV1 and were not copied on approximately 200 emails between Canavan and MV1 over the course of several years.[425] The emails included Canavan, who was married, speaking to MV1 as if she were an adult and saying things like, "I am glad you are looking out for me. I don't have a daughter so I need you to look out for me." and "You are sweet to care for me."[426] One committee member who reviewed all of the emails between Canavan and MV1 described it as "almost like it was a grooming tactic to me where it's luring somebody."[427] These actions raise concerns for behaviors that are consistent with grooming, as more fully analyzed in Section IV. C.

Although not part of the original allegations, a review of Canavan's emails by the committee uncovered extensive exchanges with RV5, a fellow employee of Tenth who was a married Asian woman in her twenties, similar to the profiles of RVs 1-4.[428] For at least five months during 2016, as reflected in emails provided to GRACE, Canavan subtly and overtly flirted with RV5 over email, requesting pictures of RV5 and her sister, calling them "stunning," "attractive," and gorgeous," calling her "my dear," and repeatedly requesting that she stay in touch with him.[429] In some exchanges, RV5 appeared to respond positively and encouragingly to Canavan's attention and engaged in similar flirtation.[430] It appears that email constituted only a portion of their communication as they referenced texting[431] and those were not provided. Specifically, Canavan referenced deleting their texts and warning PC-RV5 not to text him when he left his phone in someone's car and that he'd let her know when the "coast is clear."[432] It is difficult to reconcile this behavior with the PCA Book of Church Order description of an elder, "He that fills this office should possess a competency of human learning and be blameless in life, sound in the faith and apt to teach. He should

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[424] "[I]t seems like this girl…didn't have many friends in general…And I think, especially culturally, in the Asian culture in general, when somebody's willing to help in whatever capacity you take it. And emotionally, I think this girl was having issues emotionally. So I think that's her way of seeking help for this child. But the parents of course, therapy, mental health, I don't know whether they explored that avenue at all. I have no idea. But I think in a church setting its a lot easier to go to somebody in a position of authority who's willing to help say, 'Oh this person can help my child.'" Witness Transcript at 8.

[425] Witness Transcript at 6.

[426] Email chain of Tenth's Pat Canavan Investigative Committee, dated 10/09/2017 to 10/27/2017.

[427] Witness Transcript at 6.

[428] Emails between Canavan and RV5, dated 02/21/2016 to 09/13/2016.

[429] *Id.*

[430] *Id.* RV2 confronted RV5 about her relationship with Canavan: "And I confronted her too, just for the record, about it after he was let go. It seems she played into it too…. I just asking you as a sister in Christ, what happened? Do you think that was appropriate? And it seems like you egged it on too. They were both at it. I was very bold in asking her questions." RV2 Transcript at 7, 19.

[431] *Id.* dated 07/26/2016.

[432] *Id.* dated 07/26/2016 to 07/27/2017.

exhibit a sobriety and holiness of life becoming the Gospel. He should rule his own house well and should have a good report of them that are outside the Church."[433]

According to one elder, male staff members like Canavan were told they were not to meet with women privately outside of church or behind closed doors at all.[434] By accompanying a minor, MV1, one-on-one, Canavan violated Tenth's Child Protection Policy which states, "It is not permitted for workers to be one-on-one with a child or youth at any time in private."[435]

A former employee stated that in a church small group, a friend, now an adult, disclosed that while she was on a Tenth mission trip as a teen, Canavan walked in on her changing clothes.[436] The friend told her mother who, either at the time or later was a staff member of Tenth, "poo-pooed it."[437] It was unclear to the respondent whether that incident played a part in Canavan's termination.[438]

RV2, an Asian woman who reports being hired by Canavan, also felt like she had to "put her guard up" as soon as she met him and her husband felt that Canavan "had a crush" on her.[439] She witnessed Canavan make comments about needing an Asian woman on each floor of Tenth and felt that he had "something about Asian women. I think he likes Asian women."[440] She was bothered by how he looked at her.[441]

Although GRACE was unable to review the substance of Canavan's communications with his victims, his behavior as described by the committee that reviewed them meets the definition of at least behavioral misconduct given that he was married and exhibited a pattern of flirting, flattering, requesting photos, and developing emotional attachments to a specific profile of victims. This is further buttressed by the statement from an elder that Canavan violated a direct instruction not to meet with women privately outside of the church.

Given his influential role at Tenth as an elder, administrator, and with the school, and that at least one victim stated that Canavan hired her, his actions could also meet the

[433] PCA Book of Church order 2019. Chapter 8, 8-2.
[434] Witness Transcript at 15. "And prior to that, no more than a couple years before, we had made it very clear to our staff they were not to be meeting with women privately, outside the church and closed doors, that type of thing. So that raised a concern." *Id.*
[435] Tenth's Child Protection Policy (2018), at 3.
[436] Survey Response #188; Witness Transcript at 5.
[437]Witness Transcript at 5.
[438] Survey Response #188.
[439] RV2 Transcript at 4, 5.
[440] RV2 Transcript at 6.
[441] RV2 Transcript at 7.

definitions of emotional and spiritual abuse as he made requests and gave direction regarding communication that was unwelcome, so much so that four victims banded together to report him. In addition, he was also directing at least one woman (the committee notes that the interactions of Canavan with all of the victims were similar, so it is likely this was not isolated) to conceal their inappropriate exchanges which brings shame and confusion when a person in a role carrying spiritual authority is manipulating victims to protect his role and projecting that it is a mutual responsibility. The exchanges with the minor victim also appear to qualify as similar misconduct with the added layer that there was also a possible sexual grooming component.[442]

2. *Witness Testimony regarding the Impact of Canavan*

It appears that during the course of her interaction with Canavan, MV1's perspective on participating with the church youth group changed: "At one point she really enjoyed being part of the youth group but there was a point where she's like, 'I don't want to be part of…' This is what her parents disclosed, that her parents was [sic] like, 'Yeah, she doesn't like church, she doesn't want to be in the youth group.' So I don't know how frequently she was part of the youth group in general. So I don't know if that speaks to her emotional state."[443]

Multiple witnesses interviewed by GRACE indicated that RVs 1-4 and MV1 all no longer attend Tenth.[444]

The chair of the investigative committee notes: "It was quite a distressing, disturbing situation."[445]

Regarding the individual who alleged that Canavan walked in on her changing while on a Tenth mission trip, her friend relays that, "She was saying how she's serving as a chaperone on this [upcoming, same mission trip she took as a teen] and she's struggling because it's bringing back memories with her."[446]

3. *Survey Responses Relevant to Canavan*

The chair of the investigative committee responded on the survey: "I chaired the committee that investigated Pat Canavan. The Special Session Committee was created by a Session vote on October 1, 2017 in response to the situation where four women came forward with

[442] Elizabeth L. Jecglic, Georgia M. Winters, and Benjamin N. Johnson, *Identification of red-flag child sexual grooming behaviors*, 136 CHILD ABUSE & NEGLECT (Feb. 2023), https://www.sciencedirect.com/science/article/pii/S0145213422005324.
[443] Witness Transcript at 12.
[444] Witness Transcript at 19; Witness Transcript at 8.
[445] Witness Transcript at 14.
[446] Witness Transcript at 5.

complaints about Pat Canavan having inappropriate contacts with them, primarily via email and some face to face interaction. The committee was composed of [these members]."[447]

One survey respondent characterized Canavan's actions as that he "tried to groom several young AAPI women and befriended them inappropriately."[448] The respondent later noted in an interview that Canavan also used to text that respondent's wife, who is of Asian descent, when they attended Tenth and were apparently in their twenties.[449] Respondent also noted that Canavan was "eventually, though reluctantly, fired" and that apparently his case "was not bad enough though because he eventually came back as a congregant, which I found to be extremely upsetting and inappropriate."[450]

Another respondent noted, "I know of at least two families that left the church because Pat Canavan was allowed to attend services with victims."[451]

One respondent said it was unknown to them how the situation with Canavan was handled.[452]

One survey response disclosed the initial allegation of Canavan walking in on a teen girl changing clothes on a Tenth mission trip.[453]

4. Canavan's Response

At one point, Canavan apparently admitted that the relationships were not appropriate: "[H]e did fess up that although there was no physical contact, there were, I don't know, you might say emotional connections that were not fitting for an elder, for a staff member of a church with congregants, especially young women."[454] Canavan communicated with GRACE investigators but ultimately elected not to be interviewed.

R. Tenth's Knowledge and Response to the Allegations against Canavan

A Tenth Leader informed GRACE that In approximately 2015, a "group of Asian women (about a dozen) had spoken out about unwanted attention from Pat. These women

[447] Survey Response #8.
[448] Survey Response #253.
[449] Witness Transcript at 9.
[450] Survey Response #253.
[451] Survey Response #202.
[452] Survey Response #201.
[453] Survey Response #188.
[454] Witness Transcript at 2.

possessed copious emails to substantiate their claims."[455] The leader explained that the information was given to a former leader, who notified Pat that complaints had been made, but didn't take further action.[456]

Later complaints by four women were made together to a Tenth deacon and elder in the Metro Parish who then told a fellow Metro Parish elder.[457] The allegations were then reported to the session, which suspended Canavan with pay and revoked his access to emails, required that he turn over his work computer, and created a committee to investigate on October 1, 2017.[458] The committee consisted of two pastors, three ruling elders, and two deconnesses of Tenth. Because Canavan led the children's Sunday school program, parents of children were also notified.[459]

The committee first reviewed Canavan's emails, identifying those with the four reporting victims, as well as anyone else with a similar pattern.[460] This is how they identified the emails with the RV5 and MV1.[461] They also attempted to identify any additional women who had recently began attending Tenth (younger, Asian women) to see if Canavan had approached or communicated with any of them in a similar pattern.[462]

Committee members interviewed RVs 1-4 in groups of two deconnesses and one male committee member.[463] They also interviewed MV1 and MV1's parents.[464] A committee member notes that MV1 did not say much.[465] They also interviewed Canavan and his wife.[466]

The committee concluded that the interactions between Canavan and these women and MV1 were inappropriate. Specifically related to MV1, one member of the committee reflected, "I think everybody was like, 'Something was wrong. That's not normal behavior,' So I think collectively we agreed that this was wrong and something is not right and this child should not be involved in this capacity."[467] The committee found that "there's a problem here of inappropriate use of email and seeking to be an inappropriate level of

[455] Tenth Leader's Statement.
[456] *Id.*
[457] Witness Transcript at 14.
[458] Survey Response #8.
[459] Witness Transcript at 10; Survey Response #8.
[460] Emails among the Tenth Canavan Investigative Committee, 10/23/2017 to 10/27/2017.
[461] *Id.*
[462] *Id.*
[463] *Id.*; Witness Transcript at 14, 16.
[464] Witness Transcript at 3; Witness Transcript at 16.
[465] Witness Transcript at 6.
[466] Witness Transcript at 3.
[467] Witness Transcript at 9.

intimacy sought with these women"[468] and reported the results of their investigation to the session.[469]

One committee member reported that they felt that the situation "was somewhat aggravated because [Canavan] didn't immediately come forward in terms of acknowledging the inappropriateness of it...I feel like at the end of the game, he was authentically repentant. I felt that he had come to grips with what was wrong with what he did and how it negatively impacted his marriage. ... showed evidence of confession, of repentance," but could not articulate specific actions on the part of Canavan that suggested repentance other than having "this sense that he was sorry for what he did."[470]

The committee members considered whether they were required to report the interactions between Canavan and MV5 to the law enforcement or child abuse authorities, but concluded that it did not rise to that level because the child did not disclose anything.[471] They also discussed how cultural factors could have impacted how the women deferred to Canavan and responded.[472]

RVs 1-4 "were given an opportunity to confront him personally...but I think that they were given a legitimate opportunity to do what was best for them, not push forgiveness in a way that sometimes happened in churches where the victim almost becomes more of a victim."[473] "The committee did a follow up to tell them what Session's decision was and all that kind of stuff...they all had previously ended up in other churches. And I think we did offer any help with counseling, if they needed it."[474]

On December 15, 2017, Pat was "relieved of his position," and also had to go through the "discipline process...to remove him from office."[475] Tenth also gave Canavan approximately $15,000 in severance to assist he and his wife in maintaining their health insurance until later that year when they would both turn 65 and be eligible for Medicare.[476] Apparently,

[468] Witness Transcript at 14.
[469] Witness Transcript at 3; Witness Transcript at 7.
[470] Witness Transcript at 4.
[471] Witness Transcript at 9.
[472] Emails among the Tenth Canavan Investigative Committee, 10/23/2017 to 10/27/2017.
[473] Witness Transcript at 4.
[474] Witness Transcript at 8. "The four women were asked when they desired to have Pat come and seek their forgiveness and they said, 'No, we don't want to deal with him again.' So it just cut off at that point." Witness Transcript at 19.
[475] Witness Transcript at 14.
[476] Email dated 03/31/2018 regarding post-termination compensation for Canavan to cover health insurance until reaching age 65.

Canavan was also barred from receiving communion at Tenth for a period of time,[477] but was not barred from worshiping at Tenth.[478]

In January of 2018, an announcement was read to the congregation that Canavan lost his job and was disciplined.[479] When the church announced that Canavan was leaving, there was apparently some confusion about the circumstances and the implications for Canavan and the church. One congregant noted: "[A]t the time when it was announced, immediately after the announcement, there was prayer by one of the pastors. And the prayer was incredibly confusing following the announcement because they basically was praying for what sounded like full restoration of Pat to his position in the church as an elder and then administrator. And after hearing the announcement, I was just like what, I don't, what is going on here? I just was very confused. It sounded like almost, like there was already a plan in place to try to restore him fully. It was just confusing."[480] Another's memory and feelings about the announcement were consistent, "I was just there in church and we were told that Pat was being dismissed from his post, and his failings, I believe, were referred to quite ambiguously. I believe the news was shared by [an elder and he] shared that... I think he was quite emotional, and there weren't really many details that were given."[481]

At some point approximately six months later, Canavan returned to attend Tenth. "He was gone for the better part of six to nine months. And I don't know where he was in that time, but then he showed up in the pews, and he didn't have anything to say.... He disappeared for a while, and then, while I was going there for, still, another two and a half years or so, yeah, he was there, and he was there most every week."[482] He was also apparently reinstated to receive communion at Tenth.[483]

A member of the committee who investigated the claims indicated they would find it a little disturbing and would be "concerned" given the behaviors for Canavan to be back at Tenth.[484]

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[477] Witness Transcript at 12; Witness Transcript at 18.
[478] "From what I recall, for a period of time he was not allowed to take communion or the Lord Supper. And at some point that was allowed again, but I don't know the exact date. But he wasn't banned that I can recall from actually coming to a worship service per se. But he was no longer involved in work with kids." Witness Transcript at 18.
[479] Witness Transcript at 14.
[480] Witness Transcript at 6.
[481] Witness Transcript at 8.
[482] Witness Transcript at 10, 11. "I feel like I have seen him back here and there...But I feel like I have seen him on the sidewalk or something like that here or there." Witness Transcript at 8.
[483] Witness Transcript at 12.
[484] Witness Transcript at 11.

One former church leader noted that, "a couple of families left basically because of the church's response," in allowing Canavan to return to the church: "the complaint was that he was allowed to go, come back to the church, and sit in services with the victims there."[485] A former staff member/intern found it "extremely upsetting and inappropriate" that Canavan was permitted to return to Tenth.[486]

One committee member was skeptical as to whether anyone would have followed up with RVs 1-4 to let them know Canavan was returning to attend at Tenth.[487] Several interviewees confirmed that none of these women attend Tenth anymore.[488]

Regarding what the church could have done better, one interviewee noted that there was a, "need for having women more visually in leadership that other women could feel safe coming to, to talk about any kind of problem. And then honestly having a step-by-step thing of 'This is what we do, this is how we handle it.'"[489]

Another believed that the church may have overreacted to the allegations against Canavan:

> I think that Session overreacted slightly to some of it. I think that there's probably bigger issues that were still very uncovered. I think that because of Paul Jones, the deck was stacked against Pat from the day it was uncovered. I think that the biggest issue is that Pat lied to his wife. That he had this emotional affair of sorts with someone, that was inappropriate and directly sinful against [his wife]. And that's, in other words, fear of what other things were happening. The last straw was whether or not they thought he was grooming a young girl, whose parents asked him to help get her back on track with focusing on educational issues.[490]

In June 2019, the new administrator at Tenth completed a "Commonwealth of Pennsylvania Sexual Misconduct/Abuse Disclosure Release" form for Canavan to work at Lancaster County Christian School and responded that Canavan had not been the subject of an abuse or sexual misconduct investigation, been disciplined, discharged, non-renewed, or asked to resign related to allegations of abuse or sexual misconduct.[491]

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[485] Witness Transcript at 5.
[486] Survey response.
[487] Witness Transcript at 8.
[488] Witness Transcript at 19; Witness Transcript at 8.
[489] Witness Transcript at 15.
[490] Witness Transcript at 12. However, this elder also reflected on the decisions related to Canavan, "I mean, we had to act on the case. And I think in the end, it was a good thing to do." *Id.* at 12.
[491] Commonwealth of Pennsylvania Sexual Misconduct/Abuse Disclosure Release for Canavan, completed by Tenth for Lancaster County Christian School, dated 06/11/2019.

At some point after the events with Canavan and Staico, Tenth commissioned a review and report from a third party that assessed Tenth's administrative environment towards matters of sexual misconduct or abuse. Among other things, the third party report observed "There is a total lack of communication among and to the junior pastoral staff, admins, sextons, particularly lacking to and among females; and from the pastoral staff to everyone else" and "hardly anyone knows to whom they SHOULD report any kind of suspected abuse or misconduct of any kind."[492] The third party report was provided to Tenth's Session at an unknown date, but seems to be initiated in response to the allegations against Canavan and Staico.

Tenth is to be commended for seeking a third party assessment and its findings related to failures of culture, communication, and procedures are consistent with findings and recommendations herein. However, given that there was no evidence of further distribution, policy change, and training in response to the report, other staff members and victims did not receive the benefit of its findings and recommendations.

S. Findings Related to Unnamed Offender 2[493]

Unnamed Offender 2 ("UO2") was a member of Tenth in 2017 during the alleged incident and according to the reporting victim ("RV")'s review of Tenth's online directory in October 2022, still appears to be a member.[494] UO2 was also a deaconess during the time when she and RV met through a ministry of Tenth where UO2 was one of the main volunteers.[495] A review of the current Tenth website as of November 2023 does not list her as a deaconess.

According to RV, UO2 and RV met through a ministry of Tenth, became friends and went on a few dates in the late summer to early fall of 2017.[496] RV did not see their relationship progressing further and sought to end their dating relationship.[497]

RV's home was an hour and twenty minutes from Tenth and during the course of their dating relationship, he describes UO2 as having knowledge of the location from meeting him there prior to several dates.[498] Soon after his attempt to end the relationship, RV describes receiving a call from his neighbors:

[492] Third party report to Tenth's Session, undated.
[493] Due to the nature of the allegations as behavioral misconduct without requisite corroboration of sexual misconduct elements, this alleged offender remains unnamed.
[494] Email from RV to GRACE investigator, dated 10/30/2022; RV Tr. at 9.
[495] RV Tr. at 6.
[496] *Id.* RV stated that the bulk of his interactions with UO2 occurred at Tenth.
[497] *Id.* at 7.
[498] *Id.* at 12.

> So, they had found her in the woods behind my house. And [one of my neighbors] noticed something, I guess, and he called another neighbor who came over, and they found [UO2] hiding in the woods behind my house. She had parked her car down the road around the bend in a pull-up area by the bridge. They called me, they're like, "Do you know [someone named UO2]?" I was like, "Yeah, but I don't know why she's there." I have no idea what's going on. They told her obviously she was trespassing and she needed to leave. Now they were none too kind about it, I am sure.... Their attitude was, "Well, you're trespassing on our farm and we have thousands of dollars worth of horses and equipment here, so if you do it again, you'll be shot. Leave." ... Then [UO2] called me saying that she was threatened by my neighbors.[499]

RV also notes that a pumpkin disappeared from his porch during that time and he assumed it was UO2.[500] According to RV, there was also one other time his neighbors thought they had seen her there again, but they didn't know for sure.[501]

According to RV, UO2 described the relationship and situation differently to RV's brother and then RV allowed his brother, who at the time served on Tenth's nominating committee, to read their text exchanges to confirm his account.[502] RV stated that his phone was damaged and he lost all of the text messages[503] and GRACE did not speak with his brother to confirm or deny the account.

RV states: "I never felt threatened per se... I just... Like, 'Well, that was weird. Okay, move on.'"[504] He did, however, stop going to the specific ministry he was previously involved with because UO2 "was one of the main volunteers there" and he hasn't been back to it since.[505] He said he does still see her from time to time at Tenth but they do not speak.[506]

RV notes that the reason he decided to report the events with UO2 as part of this investigation was because of he and his wife's concern that if this happened to him, it could have happened to others and that they believed this was inappropriate behavior for a deaconess.[507]

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[499] *Id.* at 8-9.
[500] *Id.* at 9.
[501] *Id.* at 10.
[502] *Id.* at 8, 10.
[503] *Id.* at 8.
[504] *Id.* at 6-7.
[505] *Id.* at 9.
[506] *Id.* at 9, 16.
[507] *Id.* at 12.

RV's description of the events was the only survey response indicating misconduct by UO2: "I was stalked by a deaconess in 2017. She showed up at my house while I was at work, and was also found by my neighbor hiding in the woods behind my house."[508]

UO2 did not respond to GRACE's interview requests.

T. Tenth's Knowledge and Response to Allegations against Unnamed Offender 2

RV did not specifically report the incident to leadership at Tenth. He stated that UO2 had described their relationship, without revealing that she was found behind the home of RV, to a member of the nominating committee at Tenth:

> She had told him a version of the story that was not very accurate at all so I actually let him read the messages. I said, "You can read the messages. This is what was said as far as text message and stuff like that," but I don't have access to these anymore unfortunately.[509]

RV did tell the member of the nominating committee about UO2 being found behind his home, who reacted but RV did not describe any follow-up from Tenth after the events.[510]

UO2's reported actions of hiding in the woods behind the victim's home raise concerns about behavioral misconduct and a potential misuse of power. At the time of the allegations, UO2 held the position of a deaconess at Tenth, granting her a level of authority over the reporting victim. Considering the nature of the relationship between UO2 and the victim, her presence at the victim's residence was inappropriate and caused discomfort. It is important to note that GRACE received little evidence suggesting that Tenth leadership was aware of these allegations against UO2. Although UO2 is no longer a member of the diaconate, this information is shared to empower Tenth with the necessary knowledge to ensure the safety of those under its care who might interact with UO2.

U. Findings Related to Unknown Offender 2

In the Spring of 2019, a woman who was a member of the young adult group attended a Tenth service. After the service ended, the woman got up to leave and walked out of the building with a group of people also leaving. A friend of the woman grabbed her and

[508] Survey response #310.
[509] *Id.* at 8.
[510] *Id.* at 10.

informed her that she observed one of the "awkward men"[511] put his phone under the woman's skirt, and that "he was taking pictures or video."[512] The two did not know the name of the man.

The women expressed that they were unsure of how to report the incident because there was "not a clear chain of command."[513] They spoke to a friend from their Bible study, who encouraged them to speak to an elder.

The two emailed an elder they were most familiar with and arranged a meeting with him the following Sunday after church.[514]

V. Tenth's Knowledge and Response to Allegations against Unknown Offender 2

The elder met with the reported victim and her friend who witnessed the incident, and reported that he involved the Church Administrator at the time.[515] The reporting victim recalled that the elder found the man through social media, that a photo of the man "was circulated to security," and that the police were contacted because the church was "obligated" to do so.[516] The reported victim was pulled out of a later service when the police arrived. She completed an initial report, but did not follow up with formal charges stating she "didn't want to" and "wanted to be done" with it.[517] The reported victim said she was more concerned with Tenth's response and that the man no longer be allowed to attend.

The elder said that he believed the allegations but was uncertain of how to prevent the man from attending, because only the reported victim's friend had seen the man taking photos or videos under the reported victim's skirt. The elder explained that because there were not two witnesses to the event, "We were struggling with… how to bring justice to the situation with only one witness who we believed… I was of the opinion we need to get a

[511] There were a couple of guys who were socially awkward and not super pleasant to have a conversation with. You felt kind of trapped in a conversation with them. But I always felt like, 'Well they are harmless. You should be Christian. You should be speaking with them even if they're not your favorite people to talk with. Try to be welcoming to the church. It's not a crime to be awkward." Reporting Victim Tr. at 4

[512] Reporting Victim Tr. at 4.

[513] *Id.*

[514] *Id.*

[515] The former church administrator did not respond to GRACE's interview requests.

[516] Reporting Victim Tr. at 4.

[517] *Id.*

second witness or second testimony… I was operating on a position of, yeah, we need two if we're going to officially do something."[518]

The reported victim informed the elder of her expectation that the man be prohibited from attending Tenth, and said she was told, "We can't find biblical precedent. How can we kick him out of the church without…There's no biblical precedent besides the two person rule.'"[519] The reported victim and her friend expressed, "There's a lot of biblical precedent around the shepherd protecting the flock. I don't feel very protected right now."[520] The elder responded, "Well, I can help you find another church if you don't feel comfortable here."[521]

The elder said that he later apologized to the reported victim for that statement, and explained that he intended to convey support should the reported victim want to transition to another church, and that he was not suggesting that "We believe him and you might need to move on." [522]

In an attempt to corroborate the allegations, the elder began meeting regularly with Unnamed Offender 2. The elder said, "I tried to work with him to try and bring a level of, I don't know, growth for him…after it was clear that he had done this. We didn't allow him to come to church for a season. We put him under a discipline program where I would meet with him offsite. Eventually, the guy moved on and stopped wanting to come to our church."[523]

Ultimately, neither the elder, reported victim, or her friend could recall or locate the identity of Unnamed Offender 2. GRACE was unable to reach out to the man for comment. The reported victim reflected on the incident and Tenth's response:

> Frankly I was more upset by how the church handled that than by the incident itself, because I didn't even notice it happening…And I guess I am vaguely upset by the fact that he could have uploaded them somewhere or something. But I was more upset by the fact the church would not take me and my friend at our word and didn't think that was sufficient to protect us and other women or perhaps children. And then the implication that if something far more serious happened, would they still try and apply the two witness rule?[524]

[518] Witness Tr. at 10.
[519] Reporting Victim Tr. at 4.
[520] Reporting Victim Tr. at 5-6.
[521] Witness Tr. at 11.
[522] *Id.*
[523] Witness Tr. at 10.
[524] Reporting Victim Tr. at 6.

The actions of the unidentified offender align with the definition of sexual misconduct, constituting an immoral, indecent, improper, and non-consensual act of a sexual nature. Furthermore, technology-facilitated sexual misconduct, commonly considered a crime, was appropriately reported to law enforcement by Tenth leaders. However, the elder's insistence on having two witnesses to pursue discipline and suggestion that the reporting victim may be more comfortable elsewhere had detrimental effects on the reporting victim, revealing a gap in applying trauma-informed principles. Victims of technology-facilitated sexual misconduct endure ongoing trauma as they live with the constant awareness that images of them could be shared or misused at any time. While the elder's apology for offensive language was commendable and well-received by the reporting victim, there is a need for education and training on trauma-informed responses to abuse or misconduct. Such training would equip Tenth leaders with the necessary tools to avoid harmful responses in similar situations in the future, promoting a more compassionate and supportive environment for victims.

W. Tenth's Response to Whistleblowers

During the investigation, GRACE learned of several incidents where witnesses or friends of victims reported alleged crimes to church staff, elders or deacons. Among the church's responses to whistleblowers are:

- In 2001, when indications were received by the local university that Paul Jones had been terminated from his teaching position, Tenth leadership accepted Jones' position that he enacted the abuse as a form of Biblical discipleship, and while placing restrictions, did not adequately address safety concerns brought forward.
- One former deacon and children's Sunday school teacher ("whistleblower") made many complaints to session members regarding alleged crimes and Tenth's handling of the alleged crimes, many of which are mentioned above. Concerns were also raised about security measures in place at Tenth. At a congregational meeting on March 16, 2014, the deacon raised concerns publicly about the failures of a former individual leader to report crimes, protect perpetrators, and silence victims.[525] Multiple ecclesiastical proceedings were held in response to the deacon's concerns, which lead to Tenth's alleged "warnings" to the deacon to repent for the manner in which the concerns were brought to light, as the manner of communication was considered sinful by the Session. The Session relayed that they "anticipated a confession" by the deacon by May 27, 2014. The deacon made certain concessions, such as making the allegations against the leader without corroboration by two witnesses, without privately confronting the leader first

[525] Tenth Presbyterian Church Timeline document created by Whistleblower at page 3.

according to Matthew 18, and violating the principle in 1 Timothy 5:1-2, "Do not rebuke an older man but encourage him as you would a father."

- The Session accepted the deacon's confession but ultimately removed the whistleblower from the diaconate and prohibited him from making public inquiries or allegations without first following PCA polity. The Session also admonished the whistleblower "to remain silent on the matter" due to "the lack of any evidence regarding his public statements."[526] The whistleblower continued to raise concerns to others. The whistleblower reported that on December 14, 2014, he was pulled into a storage area in the catacombs of the church by an elder and was warned "that if he did not drop the accusations his family would get hurt."[527] The witness recalled that when he asked what the elder meant, the elder replied that "it would not end well for him."[528] The whistleblower reported this alleged incident to law enforcement, and continued to attempt to meet with Tenth's Session about the alleged crimes he was aware of. The Session responded, "these matters have already been discussed by session, and session considers these matters closed. You are certainly free to request to meet with session on any other matters that you have witnessed directly."[529] One elder responded when directly confronted, "It is my position that the wisest decisions were prayerfully made under difficult circumstances. For my part in them, my conscience has been and remains clear before the Lord."[530]
- In January, the whistleblower, frustrated with the lack of response, sent letters regarding alleged cover-ups to the congregation. The letter was publicly referred to by Tenth's leaders as "horrible" and "slanderous,"[531] though they later apologized for this language. In February of 2016, the whistleblower was invited to meet with a Tenth leader in between services and recalled, "Then they excommunicate me, give me a no trespass notice, and have a police officer escort me and my family off the church [campus]."[532] One leader explained that the whistleblower's wife was spoken with while she was in Sunday School and the whistleblower was meeting with a Tenth leader. The leader said, "It was clearly communicated to her and to express our love and concern for her and the kids. We offered her the option to stay with our full support… Despite our efforts, her reply was that she felt she had no choice but to leave with him and she thought it would be best. She was accompanied… to where [whistleblower] was… When he saw her, he loudly exclaimed 'We are outta here' and he physically directed his family out of the building. An officer was present

[526] Tenth Session Meeting Notes, July 22, 2014, at page 2.
[527] Tenth Presbyterian Timeline authored by Whistleblower, no date.
[528] *Id.* The elder reportedly declined making these statements. *Id.* The elder did not respond to GRACE's interview requests.
[529] Email from session to Whistleblower, May 30, 2015.
[530] Email from elder to Whistleblower, January 11, 2016.
[531] "A Communication from the Session," January 21, 2016.
[532] Email from Tenth Leader to Whistleblower, February 6, 2016.

in the corner of the room in case he was needed, but he did not move the entire time."[533] The Tenth leader explained that the "tipping point" for the decision to excommunicate was prompted by the witnesses' confrontation of the leader and his wife during closing hymns at a Tenth service.[534]

- Tenth leadership has expressed concerns about the Whistleblower's actions, with one female leader stating, "I have had multiple distressing interactions with [whistleblower] personally that made my skin crawl… he has attempted to physically intimidate me while alone in a court hallway… It is my belief that at the beginning of [whistleblower]'s time as a deacon, the observations that he raised about the need for better security procedures were valid. I also acknowledge that the leadership of Tenth did not handle some of the events that [whistleblower] initially raised properly at all… However, as time progressed, [whistleblower] began to change in his demeanor. So did his characterization of situations and conversations. Letters to the congregation/leadership had [an] increasingly ominous tone. People were afraid of him, not because of anything the leadership said, but because of his manner."[535] Another Tenth Leader stated that the whistleblower once told him, "I know where you live."[536]

[533] Tenth Leader Statement to GRACE.

[534] Hearing Transcript, October 10, 2017. "The church was full, he came forward to the front and sat to my right. I actually didn't see him, everybody else did. He had been sitting at the back, he came forward and stood at that front. In the course of standing there during the last hymn– he's out of my vision, but everyone is seeing this. Everybody knew he carried, he had the right to carry a gun. At one point he dramatically put his hand into his shirt like this and people were concerned and he then went from there to my wife who was sitting nearby, who is a short lady and he's a tall man and he said you tell your husband he's never to talk to my wife again. I never talked to his wife but I had written an email which [whistleblower] took objection to me including her in the email. It was a pastoral email…But that day, what he did in front of everybody else I think was the precipitation factor that made our session say enough is enough." *Id.* The whistleblower said, "One evening service ended and I went up to his wife afterwards to tell her to tell her husband to stay away from my wife because… Okay, you want to bring the wife into it? Let's get your wife into it, like that… Again, I've been doing that for years. When the service ends, I pulled up my bulletin and I put it in the side pocket of my coat. But here they're saying they thought I was reaching for a gun for some reason." Whistleblower Tr, at page 39. GRACE did not receive evidence that the witness was carrying or displayed a gun during this interaction.

[535] Leader Statement to GRACE.

[536] GRACE Meeting with Tenth Leaders, November 2023.

- It should be noted that the allegations of significant misconduct listed above do not include all related interactions between the whistleblower and Tenth leadership;[537] rather, significant allegations are included to shed light on specific concerns regarding Tenth's handling of the reported issues.
- In 2013, Tenth leadership figures received information about an alleged rape by Lucas Saenz. The whistleblower mentioned above also brought this incident to the attention of Tenth leaders, informing them, "I understand that the victim in the [elder's name omitted] incident has considered going to the authorities, but is aware of how I have been treated, and is afraid of what the church might do to her. I hope you find that as disturbing as I do that a victim would be afraid to go to the authorities because of the church. I request that you contact her and encourage her to go to the authorities and assure her that the church will not tolerate any retribution against her."[538]

Entrepreneur Margaret Heffernan in her study of whistleblowers has found,

> [Whistleblowers] are typically some of the most highly committed, loyal employees and citizens who believe passionately in the goals and ideals of their organization. What distresses them is seeing the country, company or department they belong to betray those ideals: by poor attention to detail, cost-cutting, injustice, shabby treatment of others or tolerance for ethical shortcuts. They blow the whistle not to bring their organization down — but to save it from itself.[539]

Professor of Psychology at the University of Oregon, Jennifer Freyd, often speaks about "cherishing the whistleblower" and states, "Those who raise uncomfortable truths are potentially the best friends of an institution. Once people in power have been notified about a problem, they can take the steps to correct it."[540]

The detailed accounts presented highlight concerning patterns within Tenth's handling of reported incidents and whistleblowers. These instances reveal a lack of appropriate

[537] As the whistleblower reported behavioral misconduct, he is considered a reporting victim of misconduct. Pursuant to Tenth's Engagement Agreement with GRACE, the whistleblower falls within "1) Designated leaders of Tenth Presbyterian Church, 2) witness and/or guardian interviewed during the investigation who reported being a victim of misconduct within the scope of this investigation." Engagement Agreement, June 7, 2022. Additionally, some individuals expressed concerns regarding the whistleblower's behavior that could potentially constitute allegations of behavioral misconduct. These individuals also fall within the aforementioned categories.

[538] Email from Witness to Tenth Leader, February 1, 2015.

[539] "Cherish the employees that bring you bad news," Margaret Heffernan, August 12, 2013.

[540] Jennifer J. Freyd, "When sexual assault victims speak out, their institutions often betray them", The Conversation, January 11, 2018.

response to serious allegations, creating an environment where victims and witnesses feel unheard and unsupported. The experiences shared underscore the urgency for Tenth to reassess its approach, acknowledging the gravity of these situations and embracing transparency and accountability. Margaret Heffernan's insight emphasizes that whistleblowers are often deeply committed individuals striving to uphold the values of their organization. Understanding their concerns as an opportunity for growth rather than a threat is crucial. Jennifer Freyd's perspective further underscores the importance of valuing those who raise uncomfortable truths, viewing them as allies in safeguarding the integrity of the institution. Moving forward, it is imperative for Tenth to foster a culture of openness, empathy, and swift action in response to misconduct allegations. Embracing these principles can pave the way for genuine healing, trust, and a safer environment within the church community.

X. Additional Offender

On November 6, 2023, following the conclusion of the GRACE investigation, Tenth leadership informed GRACE of another alleged offender who was a former leader at Tenth and had been accused of behavioral misconduct against a female congregant many years ago.[541]

It is unclear why GRACE did not receive information from Tenth leaders about this alleged offender prior to the conclusion of the investigation. While it cannot be said with certainty that the lack of transparency was intentional, it does lead to the conclusion that there is not a written record of allegations of abuse or misconduct, alleged offenders, timeframes, and affected groups.

As the presence of allegations was indicated after the conclusion of the investigation, GRACE does not provide a comprehensive assessment of the allegations or Tenth's response to the allegations within this report. However, GRACE will propose recommendations related to these allegations in Section V.

IV. Analysis of Investigative Findings

The findings of GRACE's investigation at Tenth Presbyterian Church call for analysis of applicable Scriptures, Tenth's existing policies, best practice standards, general legal principles,[542] and principles of trauma informed practice. We recognize the sensitive and

[541] Tenth email to GRACE, November 6, 2023.

[542] Although numerous employees and contractors of GRACE have legal backgrounds as attorneys and prosecutors, it's important to note that GRACE itself is not a legal entity and therefore does not offer legal counsel. GRACE examines and analyzes general legal principles to underscore the gravity

often painful places this report addresses and requires Tenth to engage with. Our hope is that Tenth and its future generations will find deep satisfaction in glorifying God in truth, goodness, and justice. We invite Tenth to revisit the core principles of the denomination with a new sense of its need before a compassionate and holy God knowing that in Christ all things, even the most painful, can be made new.[543]

Numerous actions taken by Tenth leadership indicate a gap in understanding of trauma informed principles, and will be discussed together in section V. Key concerns raised during the investigation warrant individual analysis, and will be discussed in the sections below:

- Power differentials inherent in spiritual leadership;
- An operative of leadership to internally investigate criminal behavior, abuse, and/or misconduct; and a failure to recognize criminal conduct and to report criminal conduct to law enforcement;
- Grooming Dynamics towards victims and the community;
- A lack of repentance by reported offenders and a rush to forgiveness and restoration by Tenth leaders;
- A gap in knowledge regarding recidivism rates of child sexual abuse and the continued risk to children;
- Unfamiliarity with the traumatic effects of abuse on survivors, including the crime of sexual digital imaging of children;
- The environment and culture towards women; and
- The application of scripture and the Book of Church Order.

As the following analysis is considered by Tenth leaders, it is important to keep in mind that a thorough understanding of past wrongs, while painful and sorrow-laden, is necessary to achieve accountability, true repentance, and an informed path forward. By examining these issues and by working to rectify past harms and prevent future harm, Tenth may enable themselves to promote the healing of those affected and to create a safe, nurturing, and trusted environment.

A. Power Differentials

To appreciate the impact of dynamics related to many of the allegations, one must first identify and examine differences in power between the reported offender and a reported victim. Power differentials can exist in many forms including, but not limited to:

- Employment, familial, advisory, or spiritual role (in other words, actual or perceived superiority or authority in the relationship);

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of the committed acts and to enhance awareness of the church's obligations when confronted with information about criminal activities.

[543] *See* II Corinthians 5:17.

- Gender (historically in society, men have had more power, and although this has been changing, there are certain environments where either gender might have greater power based on norms, roles, and perceptions);
- Age (especially significant in adults versus minors, but age can also potentially confer more respect or represent more experience, for example, or depending on the circumstances, older age can represent potential vulnerability);
- Intellect,
- Reputation and social connections,
- Physical characteristics such as size and strength,
- Wealth and other resources.

For example, Pat Canavan had power and influence at the church as a long-time employee, leader of the Bible School, and then church administrator.[544] Also as a male in those roles serving in a complementarian church, he wielded another potential layer of perceived authority. His reputation of being a hardworking, helpful, and respectable person among those interviewed also lent him credibility in the eyes of potential victims and in the face of allegations.[545]

Conversely, the women he targeted were much younger (in their twenties by most accounts, but also including a minor) and either did not serve in roles of church authority or if they did, with significantly less power and authority than Canavan.[546]

Such a power differential can create a reluctance in individuals to reject even legitimate invitations, much less targeted invitations where you are singled out, emotional, physical, or overtly sexual advances, inappropriate suggestions, and "pressure"[547] to engage in emotional exchanges and/or personal interaction, many being behaviors of Canavan described by interviewees.[548] In the case of RV5, an employee at Tenth, Canavan's position as an elder and administrator created a power imbalance. His pressure on her to hide their interactions intensified his control and fostered secrecy and shame.[549] With MV1, a minor and socially isolated, Canavan's authority was amplified by her parents' involvement and his portrayal of a parental figure, deepening his influence.[550] These dynamics underscore the challenges victims faced and highlight the need for awareness and support in reporting such incidents.

[544] *See* Section III. O. and P.
[545] *See Id.*
[546] *See Id.*
[547] *See* Witness Tr. at 2.
[548] *See Id.*
[549] Emails between Canavan and RV5, dated 07/26/2016 to 07/27/2017.
[550] Witness Transcript at 15.

It is unclear whether the reported victims of Pat ever reported conduct previously or separately prior to what appears to be collective reports in 2015 and 2017, but common reasons that such a collective report might occur include:

- a failure to recognize the behavior as misconduct because of grooming,
- lack of knowledge about reporting such as what should be reported and to whom it should be reported,
- fear they would not be believed if reporting alone,
- fear of reprisals for reporting and therefore greater safety in multiple reports that show a pattern.

Additionally, Paul Jones reportedly exerted power over the reported victims through various means. First, he was perceived as a trusted family friend and a respected adult figure from their youth.[551] Second, his role as the Music Director at Tenth, combined with his industry connections, created a substantial power imbalance related to spiritual leadership and career opportunities.[552] Third, Jones provided private music lessons and guidance, establishing a dynamic where the victims were subordinate to his teachings.[553] Last, he acted as the landlord for some of the victims, giving him control over their living situations and decisions regarding their housing.[554] These layers of influence exacerbated the effects of the abuse enacted on the reported victims, who viewed Jones as a mentor, spiritual guide, and responsible for their future success in the music industry.

Carroll Wynne currently holds influential roles within Tenth, including spiritual authority and counseling influence.[555] Although not a licensed professional counselor, Wynne fulfills a comparable role for numerous Tenth members, including those seeking premarital counseling.[556] The American Counseling Association's Code of Ethics underscores the counselor's responsibility to respect clients' dignity and well-being; "work jointly in devising counseling plans that offer reasonable promise of success"; and "avoid harming" those being counseled.[557] Wynne, however, breached these ethical standards by coercively demanding a reporting victim's presence at a meeting, implying that failure to comply would result in selfishness, sin, and exclusion from communion, and by misusing physical power to subdue an upset congregant.[558]

Moreover, reports reflect that Wynne egregiously misused his authority by inappropriately touching an intimate part of at least one minor under his care in the youth program at

[551] *See* Sections III. C.-D.
[552] *See Id.*
[553] *See Id.*
[554] *See Id.*
[555] *See* Sections III. E-F.
[556] *See Id.*
[557] ACA Code of Ethics, A.1.a, 2014. *See* https://www.counseling.org/resources/aca-code-of-ethics.pdf.
[558] *See* Section III. E. C.

Tenth.[559] Minors who witnessed Wynne's actions faced numerous obstacles, hindering them from reporting the misconduct.[560] These challenges included their developmental stage, inexperience in recognizing sexually abusive behaviors, fear of not being believed when reporting a beloved and respected leader, and apprehension of retaliation by Wynne, given the uncertainty about his continued authority over them. These instances highlight Wynne's abuse of power and the vulnerability of those affected, emphasizing the urgent need for accountability and safeguarding measures within the community.

Dr. Langberg wrote, "Abuse of power is a cancer in the body of Christ… Spiritual power is yet another kind of power that can be dangerous unless it is exercised in obedience to God. This form of power is used to control, manipulate, or intimidate others to meet one's own needs or the needs of a particular organization, often by using words cloaked in nice-sounding language and concepts."[561] In light of Dr. Langberg's insight on the potential misuse of spiritual power, it is imperative for Tenth to embark on a path of healing and accountability. Moving forward, the church must prioritize education and awareness, ensuring that all members, especially leaders, understand the ethical boundaries and responsibilities associated with spiritual authority. Open dialogue and training programs can empower individuals to recognize and prevent manipulative behaviors, fostering a safe environment where genuine care and support prevail. By embracing transparency, empathy, and upholding the well-being of every member, Tenth can rebuild trust, nurture a healthier community, and uphold the true essence of spiritual power as intended by God.

B. Criminal Conduct, Internal Investigations, and the Absence of Reporting

Faith communities serve as sanctuaries for spiritual growth, support, and guidance. However, when criminal conduct occurs within these sacred spaces, it challenges the very essence of trust and safety. Faith leaders and communities are bound by both legal and moral obligations to report criminal conduct promptly. Even in the absence of legal responsibilities, there exists a profound moral duty to ensure the safety and well-being of congregants. The failure to report criminal acts, such as sexual battery, rape, and false imprisonment, may not only violate the law but also erode the trust that congregants place in their spiritual leaders and the religious institution.

While the leadership of Tenth has largely turned over since 2001, evidence indicates Tenth's consistent knowledge of Paul Jones' actions through admissions by Jones which fused corporal punishment with nudity, constituting common law articulations of the

[559] *See* Section III. E. A.
[560] *See Id.*
[561] Langberg, Diane. *Redeeming Power*, at 93-94; 9.

criminal act of sexual battery.[562] While Tenth has acknowledged that they now understand the behavior to constitute sexual battery, evidence was presented that Tenth's first report to law enforcement about Paul Jones' behavior happened 13 years after initial knowledge.[563] Further, despite consistent knowledge of the conduct, Tenth determined at various stages that the conduct "did not press alarm bells" to the extent that Jones' employment was retained for 16 years after allegations first surfaced.[564]

The allegations against Lucas Saenz indicate that the reported victim was at least unaware that the sexual act was occuring, which is a concept encompassed by the Pennsylvania Penal Code's definition of rape as "when the person engages in sexual intercourse with a Complainant... who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occuring."[565] Further, when considering the Pennsylvania Penal Code's definition of false imprisonment as knowing restraint of another person "so as to interfere substantially with his liberty,"[566] allegations against Saenz suggest that false imprisonment may have occurred when he physically restrained the reported victim.[567] The allegations of rape and false imprisonment should have been immediately reported to law enforcement authorities to investigate and gather evidence.

Further, as discussed in the following section, grooming behavior was suspected when allegations arose that Pat Canavan had communicated with a minor over email hundreds of times, and had spent time with her alone on at least one occasion. This information was not reported to law enforcement authorities or child protective services, even though a social worker was involved on the committee.[568]

In numerous responses of Tenth discussed in this report, many allegations of misconduct or abuse were addressed through an internal investigation by a Session committee.

> An internal investigation conducted or overseen by a church is not considered independent due to inherent conflicts of interest and potential biases. The church, as the entity responsible for initiating and overseeing the investigation, is inherently vested in protecting its reputation and interests.

[562] Pennsylvania Penal Code § 2701 defines assault as when a person causes bodily injury to another. Bodily injury is defined as substantial pain.
[563] *See* Section III. D.
[564] *See Id.*
[565] Pennsylvania Penal Code § 3121 defines Rape as "when the person engages with sexual intercourse with a Complainant (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occuring." *Also See* Section III. I-K.
[566] Pennsylvania Penal Code § 2903 states that a person commits False Imprisonment if he knowingly restrains another unlawfully so as to interfere substantially with his liberty.
[567] *See* Sections III. I-K.
[568] *See* Sections III. P-Q.

> Consequently, there is a risk that the investigation's scope, findings, and outcomes may be influenced or skewed to favor the church's position. This lack of impartiality can undermine the credibility and transparency of the investigation, potentially leading to doubts about the legitimacy of its findings and the fairness of the process. To ensure objectivity and independence, it is recommended that external, neutral, and specialized investigative entities be engaged to handle sensitive matters within faith communities, providing a more credible and impartial approach to uncovering the truth, and preventing and responding to abuse.[569]

One example of when internal bias affected Tenth's response to allegations of abuse occurred when Tenth prioritized Jones' involvement in upcoming music events over immediate actions to collaborate with law enforcement, remove Jones from the premises, and to warn and protect the young men Jones then had access to.[570] Given inherent biases, vested interests, and pressing safety concerns when an allegation of suspected abuse or criminal behavior becomes known, Tenth should develop policies and offer training that encourages reporting to legal authorities and provides education and resources regarding reporting procedure. In situations in which law enforcement can not investigate criminal behavior (e.g. due to statute of limitations, etc.), or in situations where law enforcement has investigated but there remains lack of factual clarity, the possibility of additional victims, or negative cultural impact, it is best to involve an objective third party that is experienced in investigating abuse and misconduct within faith communities, and that utilizes a trauma-informed multi-disciplinary approach which focuses on identifying potential abuse, institutional involvement, and spiritual implications.

GRACE commends Tenth for electing to initiate this independent investigation after learning of the arrest of Bruce Garner, and for requesting that GRACE investigate all allegations of significant misconduct against individuals associated with Tenth. This action demonstrated a desire to avoid potential biases in pursuit of the truth, and takes an important step towards accountability and justice for those harmed.

C. Grooming Dynamics

Grooming refers to the manipulative tactics employed to deceive a victim, encouraging compliance with sexual abuse while preventing disclosure. Grooming serves a tri-fold

[569] GRACE Investigation Comparison Chart, 2023 (unpublished).
[570] *See* Sections III. C-D.

purpose: setting the stage for sexual abuse, ensuring the victim's silence, and enabling future acts.[571]

While no single definition of grooming has gained universal acceptance, researchers Georgia Winters, Leah Kaylor, and Elizabeth Jeglic have analyzed thirteen distinct definitions and synthesized prevalent themes to propose a comprehensive definition that captures the fundamental essence of grooming:

> Sexual grooming is the deceptive process used by sexual abusers to facilitate sexual contact with a minor while simultaneously avoiding detection. Prior to the commission of the sexual abuse, the would-be sexual abuser may select a victim, gain access to and isolate the minor, develop trust with the minor and often their guardians, community, and youth-serving institutions, and desensitize the minor to sexual content and physical contact. Post-abuse, the offender may use maintenance strategies on the victim to facilitate future sexual abuse and/or to prevent disclosure.[572]

Within religious institutions, grooming takes on an even more insidious form. Literature on clergy sexual misconduct defines "grooming" as behavior by spiritual leadership seeking to develop a close relationship with targeted individuals, including flattering language, affection, sharing private information, religious language, and erosion of boundaries.[573]

Paul Jones admitted to abusive behavior which appeared to be targeted at young men who shared interests in music and ministry, exploiting their aspirations for career advancement.[574] He provided necessities such as music lessons, residence, vacations, and meals, all the while establishing a feeling of trust and reliance by the victims. Jones eroded physical boundaries by encouraging activities that required participants to be shirtless, engage in massages, and receive physical punishment while exposed.[575] To maintain control and secrecy, he allegedly avoided violating laws related to crimes against minors and persuaded victims to keep silent, citing loyalty and long-standing relationships as

[571] Georgia M. Winters, Leah E. Kaylor & Elizabeth L. Jeglic (2021): Toward a Universal Definition of Child Sexual Grooming, Deviant Behavior, DOI: 10.1080/01639625.2021.1941427.
[572] *Id*. at page 8.
[573] See Garland, Diana & Argueta, Christen. (2010). How Clergy Sexual Misconduct Happens: A Qualitative Study of First-Hand Accounts. Social Work & Christianity. 37.
[574] *See* Sections III. C-D.
[575] *See Id.*

reasons.[576] Jones was said to discourage victims from confiding in others, claiming that people wouldn't understand.[577] He manipulated his position of authority and spiritual power, justifying his actions as Biblically appropriate and essential for the success and spiritual well-being of his music students.[578]

Canavan's actions also indicate a pattern of targeting a specific profile – young Asian women.[579] There is no justifiable reason for a married man in his sixties to seek out interaction, over email and in person, with such a consistent profile of women in his church. According to the Tenth committee that investigated the allegations, Canavan's interactions with the women displayed similar efforts to target them for one-on-one conversations and encounters outside of church, despite another elder stating that elders were instructed not to meet with women alone outside of church.[580] The actions alleged appeared to be efforts to promote emotional intimacy and given Canavan's status as an elder and leader in the church in other capacities, it could have been difficult for younger women with no power in the church to decline his requests. By initiating seemingly innocent interactions that incrementally escalate, the groomer exploits power differentials and emotional vulnerabilities, making it difficult for victims to recognize and resist the grooming process.

This analysis of these dynamics even holds for the individual, RV5, whose communication with Canavan in some exchanges at first glance might appear more akin to a consensual emotional affair.[581] Canavan overtly flirted with RV5, expressed repeated praise of her and her sister's physical appearance and asked for photos of them.[582] Given that she fell within the same profile, it is not beyond reach that Canavan's other interactions with her mirrored that of the other women, RVs1-4 as well as MV1, slowly pushing emotional boundaries, creating intimacy and felt need, all in the face of the existing power differential in favor of Canavan.[583]

The minor reported victim of Canavan also fit the same profile as the other women, but was considerably younger, believed to be somewhere between the ages of 11 and 14.[584] The extensive email interaction between Canavan and MV1 over the course of years was also overly familiar, placing her in the role of looking out for him despite her being the

[576] *See Id.*
[577] *See Id.*
[578] *See Id.*
[579] *See* Sections III. P-Q.
[580] *See Id.*
[581] *See Id.*
[582] *See Id.*
[583] *See Id. Also See* Section IV.A.
[584] *See Id.*

minor and him being a married man in his sixties in a position of spiritual authority.[585] Her situation of seemingly being troubled by social or family issues was a further vulnerable state that is often taken advantage of by predators in identifying a victim. One-on-one email communication and outings between a man in his sixties and a minor female already experiencing social isolation and/or emotional challenges is a prime environment for grooming, consistent with one committee member who had reviewed all of Canavan's emails with MV1 even describing it as "almost like it was a grooming tactic to me where it's luring somebody."[586]

An offender does not only groom the victim, but may also groom the community. When Paul Jones was dismissed from a local university, he informed a Tenth leader of the abuse but defended it as Biblically sound and appropriate, non-sexual behavior.[587] According to Dr. Anna Salter, "The front that offenders typically offer to the outside world is usually a 'good person,' someone who the community believes has a good character and who would never do such a thing. Sometimes if the molestations and rapes are occurring outside the home, they even portray the same image to their family."[588] Salter also speaks of the difficulty in distinguishing offenders from entirely moral colleagues.[589]

Education and training on grooming dynamics are crucial for Tenth's staff and volunteers to understand the manipulative tactics employed in grooming and recognize potential red flags and intervene before abuse occurs. Training equips staff and volunteers with the knowledge to establish appropriate boundaries, identify vulnerable situations, and respond effectively to suspicions of grooming. It empowers them to protect congregants, especially children and vulnerable individuals, from falling victim to abusive behavior. Furthermore, educating Church members fosters a culture of vigilance, where everyone becomes an active participant in safeguarding the community. This shared awareness encourages open communication, promotes accountability, and strengthens the Church's commitment to the well-being of its members. Ultimately, education and training serve as proactive measures, fortifying Tenth's community against potential threats and ensuring that it remains a place of trust, support, and spiritual growth.

D. True Repentance and Cheap Grace

When one person commits an offense against another, especially an offense as serious as abuse, what happens next – between them as individuals, among the offender, victim, and the church or other Christian institution involved (if there is one), and between each party

[585] *See Id.*
[586] Witness Transcript at 6.
[587] *See* Sections III. C-D.
[588] Anna C. Salter, *Predators: Pedophiles, Rapists, and Other Sex Offenders*, 35 (2003).
[589] *Predators*, at 229.

and God – implicates multiple Biblical concepts. At the very least, these concepts potentially include: consequences, repentance, forgiveness, grace, reconciliation, and trust.

It is important to understand these concepts, such as what constitutes true repentance, what is the meaning of grace, and what forgiveness might look like in different scenarios, in order to wisely interact in relationships throughout life, much less serve as a spiritual leader in a church setting. In addition to understanding these concepts, it is important to distinguish instead of conflate them, as they are separate themes in the Bible. For example, just because an offender is repentant does not mean they avoid consequences. We see examples with Israel, King David, and others. Also, even if someone is forgiven, employing wisdom often means they do not receive the same level of trust as they previously held or are restored to a position of leadership.

Unfortunately, offenders versed in spiritual language, especially those with spiritual authority, may seek to manipulate these concepts in efforts to conceal their actions, minimize harm, avoid consequences, force forgiveness, and retain or regain power and privilege in the face of allegations. If church leaders who receive allegations and interact with victims and alleged perpetrators do not appreciate distinctions between these important concepts, they can be susceptible to deception within their own hearts and to the manipulation of offenders.

Offenders commonly employ secrecy and blame as strategies to maintain their control and silence victims.[590] It is typical for abusers to downplay their actions, shift blame, and avoid taking responsibility, such as when Paul Jones stated that his students were asking for the punishment even though Jones admitted he used "poor judgment" (still a minimization of the abuse).[591] This minimizing and blame shifting behavior not only confuses, degrades, and further abuses the victim, but also works to conceal the offender's behavior, further habituating their sin, ultimately hindering genuine repentance in the offender and putting the community at risk.[592] Professor Diana Garland observed that when a minister commits

[590] Jeffrey H. Brickman, *Investigation and Prosecution of Abuse,* 40 (3rd ed. 2004).
[591] *See* Sections III. C-D.
[592] Diane Langberg, PhD, *Sexual Abuse in Christian Organizations*, presentation at Forum of Christian Leaders, https://www.dianelangberg.com/videos/: "The Scripture is also clear that sin is the worst thing in the world – not exposure, not getting caught, not the loss of all things. It seems we do not believe what we teach. If we did we would know that an abuser is a slave and cannot simply stop. We would understand that the narcotic of self-deception has become so powerful in his life that he not only cannot stop lying; he does not even know when he is and has lost his capacity to tell truth from lies, good from evil. We would know that habituated sin has roots and tentacles and has long done damage to the soul so it is not easily routed out. And we would know that exposure, consequences and treatment are necessary if there is ever to be freedom from the cancer that has sent out tentacles all through his life."

sexual abuse against a congregant and then allows the victim to shoulder the blame for their involvement, the minister even further abuses their power.[593]

Scripture states a repentant person is appalled by sin (Isaiah 6:5); makes amends (Luke 19:1-10); accepts consequences (Luke 23: 40-43); does not expect or demand forgiveness (Genesis 32); feels the depth of the pain they've caused (Isaiah 64:6); changes behavior (Acts 9); and grants space to heal (Gal. 5:22).[594]

Authentic repentance necessitates sincere and complete confession. Any attempt to downplay, blame others, or conceal the wrongdoing does not reflect true repentance. Furthermore, just as rushing to judgment is inappropriate, a hasty acceptance of even good words of repentance is unwise. Words coupled with consistent actions over time are integral to genuine repentance. Time and actions reveal the heart (1 Sam. 24 - David and Saul; 1 Cor 4:5 "So don't judge anything prematurely…"). Demands on the part of an offender, whether demands for forgiveness, for access to the church, or to receive the sacraments, reflect a sense of entitlement, which is not consistent with humility, an acceptance of consequences, and an understanding of their harm. In fact, as many parents know, natural consequences often are what point us back to God and to true wholeness (e.g., Heb. 12:8 regarding God's use of discipline; Luke 15 regarding the parable of the prodigal son).

Multiple cases reported herein reflect what appear to be insisted repentance and/or hastily accepted repentance and cheap grace. For example, witnesses noted Garner's insistence that he had attained a level of repentance sufficient to resume the sacraments.[595] Despite Tenth's knowledge of the crimes, conviction, and sentencing of Bruce Garner, Tenth has reinstated Bruce to the Lord's Table and has indicated that they hope to welcome him back to Tenth once he is released from incarceration.[596] Though Garner is currently not allowed to attend Tenth, he now has the permission he felt was necessary to attend a different local church, which may present a danger to children in other congregations. Also, a 2001 committee kept Paul Jones in his position "on the basis of his profession of repentance"[597] with continued unfettered access to further victims, despite a lack of time or actions to evaluate the words of repentance.

Cheap grace could also include other examples in this report:

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[593] *See* Diana Garland, *When Wolves Wear Shepherds' Clothing: Helping Women Survive Sexual Abuse*, 33 SOCIAL WORK & CHRISTIANITY 1, 11-12 (Spring 2006), https://www.nacsw.org/Publications/GarlandArticle.pdf.
[594] Jennifer Greenburg, *8 Signs of True Repentance*, The Gospel Coalition (Oct. 4, 2019), https://www.thegospelcoalition.org/article/8-signs-true-repentance/.
[595] *See* Sections III. A-B.
[596] *See Id.*
[597] *See* Sections III. C-D.

- Overlooking misconduct such as Staico's reported behavior and responding with, "Well he's from South Philly. He's like that." instead of evaluating his behavior against Biblical standards and that of his position and holding him accountable.[598]
- Accepting the perspective of Saenz about the sexual events that occurred between him and RV as well as their impact, and rushing to suggest that Saenz propose marriage to someone that had, at one point, asked to be protected from him and from at least one party's perspective, was possibly his rape victim.[599]
- Restoring Canavan to the church and sacraments without any communication with his victims.[600]

E. Impact of Alleged Offenders in Leadership

If an individual with abusive patterns serves in a leadership role at church, over and above potential direct harm, they have the potential to inflict separate harm by mishandling allegations of abuse against someone else. This potential exists because an abusive leader has patterns of self-deception and a conscious or subconscious desire to conceal their own behavior.

Church leaders are held to a higher standard of accountability, to be watchful for wolves that might devour the flock of the church (Acts 20:28-31), to teach, to restore, and to lead. Generally, these roles involve building up and protecting the local body of believers, which is "diametrically opposed" to patterns of self-deception.[601]

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[598] *See* Sections III. G-H.

[599] *See* Sections III. I-K.

[600] *See* Sections III. P-Q.

[601] Dr. Diane Langberg, an internationally recognized psychologist and expert on abuse and trauma, described self-deception in her speech "Understanding Abuse of Power in the Church" at the RESTORE 2022 Conference: "We as human beings have an apparent unlimited capacity to hide truths that are painful to ourselves. We have the uncanny ability to cover up knowing what in fact we know. We twist the truth a little. Of course, the most powerful lie is one that contains a likeness to the truth. And as a result, self-deception becomes the root of terrible evil. Tim Keller, a pastor in Manhattan, said something many years ago in a sermon on soul. Self-deception is not the worst thing that you can do. But it is the means by which we do the most terrible things. Obviously deceitfulness resides in the heart of all of us. Anybody who's raised children knows that's true. You don't have to teach them how to lie. They figure it out all by themselves. For some it's just the way to do things. I mean, some people have grown up in generations of people full of deceit. And the deceit protects us from having to face who we actually are. And deceit protects the things that we value more than we value Christ. The art of self-deception is also our ability to justify ourselves what we've done, you know, I speed because I'm late. Right? I know harsh words are wrong, but such and such happened today at work. It's all deceptive stuff. You know, you hear this frequently when you work with spouses. I hit her because she, right? It's deception. I am abusive because of the other person. That is a statement diametrically opposed to the Word of God. And over time, the deception goes

As with any pattern of sin, a pattern of abuse involves self-deception (e.g., Jer. 49:16, James 1:22, Matt 7:21-23, 1 Cor. 3:18-20, Rev. 3:17) where we can create an alternate reality that excuses our actions and offloads our sense of guilt and shame. This can come in the form of:

- *pride* (essentially that our actions are not sin or by trusting in ourselves, our resources)
- *minimization or denial* (minimizing or denying our own responsibility, or any negative effects/impact of our choices on others),
- *excuse* (offering excuses for why we act or not act in a certain way that negatively impacts others),
- *justification* (offering reasons why our action/inaction is justified despite a negative impact or crafting a false positive impact of our actions), and
- *blame shifting* (blaming others for the impact of our choices, e.g., abuser blaming the consequences for his/her abuse on the whistleblower who reported)
- *victimizing* (focusing on our own mistreatment over the impact of our choices on others).[602]

Although this report and experts otherwise reference different types of abuse (spiritual, sexual, physical, verbal, psychological, etc.), each involves similar thought patterns of self-deception and entitlement.

Therefore, if a church leader in a position of receiving or responding in some way to allegations of abuse has already engaged in these thought patterns regarding their own abusive behavior, that leader is more likely to apply that same self-deception to their handling of allegations of abuse against another. The self-deception can present as disproportionate empathy for the perpetrator at the expense of empathy for victims. And while non-abusive leaders who receive allegations also have the potential to harm survivors through mishandling of allegations because of ignorance, misperceptions about abuse, or

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another step, and the abuser uses deception to lure or to control victims. When you study the grooming of a sexual predator, you see the ways in which the abuser seduces a victim. And that deception is the foundation of what they are doing. And then of course, deception is urged on to the victim. Don't tell anybody. Bad things will happen to you if you tell. You know, you'll hurt God's name and his work if you tell. The web of deception surrounding abuse and oppression is huge. It can occur in an individual. It can occur in an institution." The Roys Report Podcast, ep. 99 (June 7, 2022), https://julieroys.com/podcast/diane-langberg-understanding-abuse-of-power-in-the-church/.

[602] On the flip side, victims of abuse often learn to offer these same excuses for the behavior of their abuser: trusting in the goodness of the abuser, minimizing their actions and their impact, excusing or justifying the abusive behavior, taking the blame upon themselves, and/or focusing on the abuser themselves as being a victim of childhood abuse or any minor mistakes the victim may make in daily life or in the relationship that are not abusive.

other reasons, an offender in leadership adds an increased likelihood of mishandling and harm.

Leaders with abusive patterns also have a greater risk of further harming reporters of abuse and the church's response by minimizing, excusing, or covering up allegations of abuse because an abusive leader can hold a conscious or subconscious expectation that an accused perpetrator in their sphere (and/or leadership generally) will respond equally to the leader's own questionable behavior should it ever come to light. Therefore, such a leader has an incentive to shape the response to protect themselves as a subconscious surrogate for the accused. This can create a kind of loyalty (a dysfunctional "do unto others…") mentality where abuses and/or grooming behaviors, unreported or even once reported, are overlooked or minimized because one party doesn't want his own behavior to be questioned. This usually unvoiced agreement is "I will overlook your behavior if you overlook mine." Overlooking or not challenging can easily build up to excusing and/or blame-shifting once allegations surface based on the intersection of the aforementioned self-deceptive thought patterns and self-protection through loyalty.

There are multiple examples in this report where an individual who is subject to allegations herein also poorly handled allegations they received against someone else. For example, Carroll Wynne, who reportedly committed sexual misconduct against minors, wrote a letter of commendation for Bruce Garner in his criminal sentencing for sexual crimes against minors, focusing on the impact of the events on Garner and his family (disproportionate empathy).[603] Similarly, Pat Canavan, who allegedly engaged in inappropriate interactions with women at Tenth as well as a minor female, wrote a letter of commendation extolling Paul Jones' accomplishments and gifts in the session deliberations regarding Jones' termination for allegations of grooming and sexual abuse.[604] Canavan also apparently failed to act on multiple reports of inappropriate behavior by Carl Staico, reported by one victim as being good friends with Canavan, for many years according to documentation from one victim and a witness interview of another.[605] It is quite possible that self-deception and self-protection were factors in choices by these leaders to minimize the behavior of the offenders and exhibit little empathy for their victims.

F. Impact of the Church Publicly Supporting Offenders

There is specific and unique additional harm to survivors when church leaders fail to take allegations of abuse seriously, privately support an accused offender, and/or minimize

[603] *See* Section III. B.
[604] *See* Section III. D.
[605] *See* Sections III. G-H.

abusive conduct. However, that harm is compounded when those actions by a church or its leaders are public. They can bring further confusion and shame to a survivor and a perception to them and to the watching world that God also takes the same position, as aligned with abuse, in opposition to the survivor, neglecting, and even justifying their pain.

> Consider this scene: Religious leaders are in the courtroom to support a father accused of sexually abusing his 12-year-old daughter. When the girl sees her mother, siblings, and church leaders, all seated behind her father, she pulls on the prosecutor's arm and whispers, "Does this mean God is against me too?"[606]

Church leaders should be very cautious before publicly lending their support, thereby the support of the religious institution they represent and the perceived support of God, to an accused abuser. Even though caveats might express their words to be on behalf of themselves personally, this does not obviate their role as a perceived spiritual leader in the eyes of their congregants or others in the community, especially children and nonbelievers.

God is consistently described as a god of justice who is on the side of the oppressed (Ps. 9:9, Ps. 10:18, Ps. 103:6), and thereby calls on us to do justice and correct oppression (Isa. 1:17, Mic. 6:8). Therefore, when church leaders publicly advocate for an accused abuser at the expense of victims, it is not surprising that victims and the public would ask whether the church even believes the accusations and instead thinks the offender is the one oppressed and deserving of vindication. Specific examples in this report include letters of commendations, requests for leniency, and public shows of support for Bruce Garner and Paul Jones.[607]

Assuming church leaders believe accusations are credible, spiritual guidance, compassion, and care of the accused offender do not dictate public support or requests for leniency of a court or other public sphere.

G. Reoffending and Recidivism in Sexual Abuse

How church leaders understand and react to allegations of abuse, including perspectives on repentance and behavior, would be informed by a better understanding of reoffending and recidivism in abuse, especially sexual abuse. Reoffense refers to an offender committing similar abusive acts or may include committing any criminal acts depending on

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[606] Robert J. Peters, *Deafen the Silence: How Vocal Christian Opposition to Child Sexual Abuse Will Change the World*, Christian Ethics Today (Sept. 14, 2016), https://christianethicstoday.com/wp/deafen-the-silence-how-vocal-christian-opposition-to-child-sexual-abuse-will-change-the-world/.

[607] *See* Sections III. D, H.

the context or study. It is difficult to identify the potential for reoffense given that we know many offenses are never reported. For example, one study found that only 1 in 4 rapes or sexual assaults were reported to police. Even if reported, only a small percentage of those result in the arrest of the alleged perpetrator.

Therefore, because it is difficult to measure reoffense, studies often measure recidivism. Recidivism refers to offenses that come to the attention of authorities (or depending on the study/context, offenses that result in charges or convictions), and therefore underestimate actual reoffense rates.

Further supporting the understanding that offense rates are underestimated by recidivism studies are polygraph studies that report that offenders under polygraph admit to 5-6 times the number of victims than pre-polygraph[608] and that, on average, once under polygraph, they admit to committing their first sexual offenses 16 years earlier than previously admitted.[609]

With the understanding that recidivism underestimates actual reoffending, one large study of 4,724 sex offenders found that the five-year sexual recidivism estimate was 14 percent, 10-year sexual recidivism rate estimate was 20 percent, 15-year estimate was 24 percent, and 20-year estimate was 27 percent.[610] These figures represent recidivism for sex crimes specifically.[611] Rates for sex and non-sex crimes collectively were even higher.[612]

Studies such as those above include a broad spectrum of sexual crimes, including ones with higher or lower recidivism rates based on various factors. Some of the factors present in accounts described in this report are associated with increased recidivism including a sexual interest in children and paraphilic interests, such as voyeurism which would include upskirt photos.[613]

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[608] Jan Hindman and James M. Peters, Polygraph Testing Leads to Better Understanding Adult and Juvenile Sex Offenders, 65 FEDERAL PROBATION 8 (2001), https://www.uscourts.gov/sites/default/files/65_3_2_0.pdf.

[609] Sean Ahlmeyer et al., The Impact of Polygraphy on Admissions of Victims and Offenses in Adult Sexual Offenders, 12 SEXUAL ABUSE: A JOURNAL OF RESEARCH AND TREATMENT 123, 131 (2000) https://cdpsdocs.state.co.us/ors/docs/articles/ImpactOfPolygraph.pdf.

[610] Andrew J. R. Harris and R. Karl Hanson, *Sex Offender Recidivism: A Simple Question 2004-03*, Public Safety and Emergency Preparedness Canada (2004), https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/sx-ffndr-rcdvsm/sx-ffndr-rcdvsm-eng.pdf.

[611] *Id.*

[612] *Id.*

[613] R. Karl Hanson and Kelly Morton-Bourgon, *Predictors of Sexual Recidivism: An Updated Meta-Analysis*, Public Safety and Emergency Preparedness Canada (2004), https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/2004-02-prdctrs-sxl-rcdvsm-pdtd/2004-02-prdctrs-sxl-rcdvsm-pdtd-eng.pdf.

This understanding of reoffending and recidivism provides context to the caution advised in evaluating repentance, in publicly showing support for accused offenders, and in exposing potential victims to credibly accused and/or convicted offenders instead of protecting the flock from them.

H. The Environment and Culture Towards Women

A number of people interviewed by GRACE stated their belief that Tenth dismissed the concerns of women when they reported problematic behavior or misconduct. One interviewee notes, "I just don't think the church listens to women.... And I think that the lack of women in leadership and the lack of a way to fast-track complaints, especially by single women.... there's definitely a little bit of a culture issue."[614]

This perception is supported by the multiple circumstances detailed herein, such as Carl Staico's interactions with RV1 and RV2, where concerns were indeed reported but were met with an inadequate or no response;[615] the meeting in which a Tenth pastor seemed to seek the recollection of events of Saenz without also seeking the account of the female reported victim, even after an allegation of rape was raised;[616] and the meeting in which Carroll Wynne allegedly focused on the sin and shame of a minor who had sent explicit photos without attending to the actions of the minor boy involved and without potential implication of the boy through an appropriate report to legal authorities.[617]

The dismissive response on the part of Tenth constitutes a pattern of discounting the words and reports of women generally based on an unwillingness to believe reports of misconduct (because of incorrect beliefs about the dynamics of abuse, the reputations of alleged offenders, or other reasons), and/or a failure to recognize certain behaviors as misconduct or abuse. Some of these issues can be improved through education, but some involve belief systems about women and men generally, or about abuse dynamics, which are more difficult to change.

In the case of Carl Staico, it is unclear why no action was apparently taken after the initial email where RV1 disclosed Staico's pursuit of an inappropriate relationship with her, her desperation that she only took the job because of financial needs, her characterization that women were being treated poorly, and that because of all that, she couldn't even worship at Tenth any more.[618] Then even once RV2 began reporting similar behavior by Staico, she

[614] Witness Tr. at 5.
[615] *See* Sections III. G-H.
[616] *See* Section III. K.
[617] *See* Section III. E.
[618] *See* Sections III. P-Q.

ultimately had to literally cry in the presence of the pastor for it to be pursued. Even prior to that, she had to take matters into her own hands by arranging to remove the shower hardware.[619] Once Staico was initially confronted, it was not communicated to RV2.[620] Additionally, the discipline inflicted on Staico did not reflect the gravity of his behavior and its impact on RV2.

With respect to Canavan, although the facts do not reflect that any of RVs1-4 attempted to report individually, the fact that four women reporting collectively reflects possibly a felt perception that they would not be believed/taken seriously without the pattern and corroboration of other victims.[621] Despite the fact that once these reports were elevated and an investigation committee was formed, only one member of that committee seemed to appreciate the gravity of Canavan's engagement with the minor victim.[622] n GRACE interviews, only that committee member and one Tenth pastor initially even remembered that there was a minor targeted by Canavan in a pattern that appeared to be grooming.[623]

With respect to Unnamed Offender 1, RV1 stated that if her husband had not advocated for her and been involved in the process of accountability for Unnamed Offender 1, she doesn't know what would have happened because she experienced that Tenth struggled to listen to women.[624]

In her book *Redeeming Power*, Dr. Langberg states the following:

> We need to let the light of a holy God expose us and our systems. A man named Jesus… used his power without abuse, coercion, or complicity. A male named Jesus interacted with all kinds of women and protected, blessed, healed, encouraged, and lifted them up. He never told them to submit to evil or wrongdoing. He didn't silence them. Much of masculinity in Christendom looks nothing like Jesus… We are doing great damage to countless vulnerable people and to God's church because people destroyed by abuse perpetrated by the powerful cannot use the fullness of their God-given gifts to bless his body. Those perpetrating the abuse are not gifting the church as God intended either. We simply keep repeating theological words almost like a mantra: leader, head, submission, authority, God ordained. We need to drag into the light those things we cover with familiar and good words and test them to see whether our labels and our applications are of God. Many are

[619] *See Id.*
[620] *See Id.*
[621] *See* Sections N-O.
[622] *See Id.*
[623] *See Id.*
[624] RV1 Tr. at 5.

not.[625]

Tenth should understand that the road to healing is paved with acknowledgment, accountability, and genuine transformation. The healing process necessarily entails the elevation of the voices of women and survivors, and active education and training geared to foster a culture of belief, support, empathy, and appropriate reporting. It is imperative to implement comprehensive training programs that challenge existing biases, promote empathy, and equip leaders to respond effectively to all reports of misconduct regardless of the gender of the reporting party. By embracing the teachings of love, compassion, and justice that lie at the core of Scripture, Tenth can work towards creating a space where women and survivors are not just heard, but fully supported and cared for. [626]

I. Analysis of Tenth's Policies and Practices

GRACE's feedback on policies is offered with the hope of helping Tenth create and clarify policies to more effectively lead the community in prevention and response to abuse. Unfortunately, policies are just words on a page unless leaders take concrete steps to grow a culture that supports living out the policy. In other words, policies are only as effective as the community that embodies them. Creating a safer culture for the vulnerable requires a community effort led by leaders committed to connecting discipleship with protecting the vulnerable. This means that becoming a community that prevents and responds to abuse well involves everyone in the congregation taking ownership and working together to create a safer culture. Everyone, including leaders, should know and be held to the expectations and consequences within the policies. Leaders must intentionally work towards culture change that integrates God's priority of protecting and supporting the vulnerable and that holds bad actors accountable.

General recommendations to Tenth regarding their policies, an explanation for these recommendations, and specific areas of Tenth's policy that should be attended to are discussed in the sections below. Incorporating numerous new policies may seem overwhelming, so it is important to approach the process step by step, taking incremental measures to ensure effective change.

1. Broaden Policies

A necessary overall task is to work toward broadening the policies for youth and kids beyond structured times of ministry with kids and youth. Many current safeguarding practices are focused on nursery and other structured settings. These are important areas

[625] Langberg, Diane. *Redeeming Power*, at 93-94 (Emphasis in original).
[626] John 15:12-13, Roman 12:9-10, Ephesians 4:32, Colossians 3:12-13, Isaiah 1:17, and Luke 11:42

of concern, yet, it is important to have policies that apply to all in the church beyond structured ministry, especially in regard to boundaries and concerning behaviors.

Prevention and effective response to abuse in unstructured settings depends upon engaging the entire community in taking ownership of safeguarding and accountability. In churches, most abuse occurs in unstructured times and most child abuse occurs in homes. The danger presented by ministry and other activities in an unstructured setting such as a home is evidenced by the reported abuse by Paul Jones, which largely appeared to take place in his home.[627]

Many who perpetrate child abuse in churches are not official employees and volunteers. Many perpetrators are themselves minors. This means that effective safeguarding requires a church that is, as mentioned above, willing to connect this issue to discipleship and to extend key education on prevention and accountability into families and the homes of its congregation. It is important to work toward policies that clarify appropriate conduct for all in the church, adults and minors, not only staff and volunteers.

Tenth should also consider expanding its policies beyond child protection and care for vulnerable adults to include other forms of abuse. Many other forms of abuse are common in Christian communities, and it would benefit Tenth to further training and policies to address these forms of abuse as well. Intimate partner violence, sexual assault, stalking, elder abuse, spiritual abuse, clergy sexual abuse, and harassment (among the congregation not just employees), etc. are also issues that impact Christian communities.

2. Incorporate Tenth's Theological Foundation

GRACE recommends that Tenth establish a biblical and theological foundation within its policy for protecting the vulnerable, preventing abuse, and responding well to victims and survivors. Policies pose a wonderful opportunity to speak about God's heart for the vulnerable and the abused. Integrating this perspective into child protection policies helps as work is done towards establishing the culture necessary to protect the vulnerable. Using the language of shared Christian faith will help everyone understand the high priority of protecting the vulnerable, including kids. In addition, as Christians committed to growing more like God in attitudes and behaviors towards the vulnerable, the framework of protection policies should always focus on the safety and protection of the vulnerable within the community. While GRACE understands it is necessary for churches to have insurance policies, church policies must prioritize protecting the individuals in the church above protecting the institution.

[627] *See* Sections III.C-D.

3. *Implement a Mandated Reporting Policy*

As Christians, our responsibility to report abuse goes beyond legal requirements. Our standard is a moral and ethical standard that reflects God's concern for the vulnerable. Therefore, all adults within the Tenth Presbyterian Church community should be encouraged to report any suspected or known abuse to the Pennsylvania Department of Children and Family Services ("DCFS"), and law enforcement whether or not they are mandated reporters. All adults in the community, not just those that work with children or have children, should be taught how to report, and what types of situations to report. In addition, all should be encouraged to report first to the DCFS and law enforcement and only after that is done to report then internally. (Although, it is acceptable to seek support from leadership to report.)

4. *Develop Definitions of Abuse*

Abuse is fundamentally about power, and including a general definition that gives a broad understanding of abuse would improve Tenth's policies. For example: In general, abuse occurs when a person in a position of power and/or trust (e.g. pastor, elder, boss, mentor, supervisor, parent, adult, older child, etc.) uses that position to exploit or violate someone who is more vulnerable (e.g. a child, someone who is sick, elderly, or disabled, student, supervisee, intern, immigrant, etc.). That exploitation or violation can take a variety of forms such as emotional, financial, physical, sexual, spiritual, etc. This should be followed by brief descriptions of the individual types of abuse.

5. *Enhance Administrative Policies*

GRACE recommends establishing a Safeguarding team within the church that is responsible for abuse related issues and concerning behaviors. Certain administrative or leadership duties should be clearly assigned to a team that ideally includes men, women, and at least one survivor of sexual abuse. This team should be visible to the whole community so that if there are any questions, concerns about safety, or a need to respond, the adults in the community know who to talk to and will be heard and helped.

Possible duties of a Safeguarding Team are to:

- Implement and oversee compliance with the Tenth Abuse Policy
- Maintain rigorous familiarity with the Tenth Abuse Policy
- Brief all staff, volunteers, and members on the application of the policy on a regular basis
- Receive, Document, and Respond to any policy violations or concerning behavior and to keep this information secure with access limited to a core group
- Lead in responding to any allegations of abuse (see below)
- Conduct or coordinate screening of pastors, officers, staff, and volunteers.

- Complete continuing education from a qualified organization on an annual basis and help leaders with a training plan for the church

6. Implement Healthy Boundaries and Active Responses to Policy Violations

In addition to clearly describing abusive behaviors that should be reported, Tenth should consider adding some basic expectations for appropriate interactions involving words, touch, and technology. Any violations of these standards should be reported to a Safeguarding team, even though it may seem minor and not clearly abusive. These specific standards of conduct or boundaries should apply and be conveyed to all in the Tenth community.

There should be a clear mechanism for anyone to raise a safety concern or speak up about a boundary or policy violation to designated individuals (such as a Safeguarding Team). There should be a culture that not only permits this type of information to be shared but to empower anyone to speak up about issues of safety and policy violations to fulfill the responsibility to care for others, especially the vulnerable. All safety concerns and policy violations should be documented securely within the organization. Passing down this institutional knowledge is critical to recognizing and responding to patterns of concerning behavior and boundary violations, which is a major form of prevention. Those who groom and manipulate others often reveal a pattern of concerning behavior over time, and yet, if this is never seen or documented, a church is not in a strong position to reinforce or implement further boundaries that are often necessary to prevent abuse.

It is a good idea to offer clarification discussing the difference in response regarding a concerning interaction or policy violation versus a situation suggesting abuse. If the congregation cannot distinguish these scenarios, they may be reluctant to speak up about boundary violations, for fear that leaders will overreact and consider the concern an act of abuse or underreact and enable a dangerous person to continue causing harm.

Another significant area to consider is to develop protocols that will guide leaders if there is an allegation of abuse. After a report, there are important steps and it is necessary to have basic steps outlined that are based on trauma-informed principles rather than sole prioritization of liability, insurance, and media concerns.

7. Create a Process to Provide Trauma-Informed Care for Survivors

GRACE recommends the creation of a process for what will occur after a report of abuse is received. For example, a detailed protocol for interacting with victims post reporting may include, providing pastoral support, community support, and possibly therapeutic support, or it may involve the creation of a care team that offers support and care among other things.

8. Implement Policies regarding Known Offenders in Tenth's Community

GRACE recommends implementing a thorough and informed process to assess the level of participation a known offender may have (if any) in the congregation. The best way to care for an abuser is through accountability. GRACE recommends having a more complete plan for known offenders beyond just restricting their ministry to adults and supervising them around children. In addition, if both the victim and their abuser are part of the congregation, and the victim desires to remain, their desire should be respected and their abuser should no longer be welcome within the community. No victim should have to worship and fellowship with their abuser present. Again, a repentant abuser will respect the victim's desires and understand that leaving the congregation is how they can show care for the person they victimized.

9. Implement Policies Surrounding Internal Assessment of Abuse and Misconduct

It is important that the church is not in a position of vetting disclosures or allegations and whether they should be reported to legal authorities. It is a good practice to have specific training on common reporting situations and issues. This will help avoid a situation where a children's pastor or assistant is trying to offer advice to someone on a reporting matter when they are not equipped with the necessary expertise. Collaboration with a child advocacy center is encouraged, as well as a report to authorities if doubt remains about the allegations.

Churches are not qualified to assess or investigate disclosures or evidence of abuse and it is important to recognize that a church typically knows individuals involved so it is not fair to ask the church to serve as an objective party. It is best to report any information and let the authorities decide on appropriate next steps. It is also important to have reporting protocols for any type of reporting situation, not simply situations where the allegation pertains to abuse within the ministry or on church property.

10. Recommendations Regarding Specific Policy Language

This section includes a discussion of specific provisions in Tenth's current policy and provides recommendations to address any concerns presented.

> *"This policy shall apply to all current and future workers, both compensated and volunteer, who have the responsibility of supervising or participating in the activities of our children and youth."*

As mentioned above in the general comments, it is not enough to train only those that work with children. GRACE recommends that the entire community be trained and informed concerning abuse dynamics. Creating a church safe for the vulnerable requires intentionally and incrementally shifting the community's culture to one that values children and each other with healthy words and behaviors.

> *"C. Child abuse includes any verbal, physical, sexual, and emotional abuse.*
>
> *"F. If a worker witnesses an act of threatened or actual abuse, intervene, if needed, to secure the safety of the child/youth. Actual or suspected abuse must be reported immediately. He/she may call the report in to ChildLine (1.800.932.0313) or report it online at the PA Child Welfare Portal. (See Appendix B, Reporting, 1.)"*

In order for a worker or member to intervene, the church culture must be one where it is safe to do so. For example, a church where it is safe to intervene and/or report educates everyone to recognize abuse, empowers everyone to speak up about abuse as well as concerning behaviors and suspicions of abuse, and responds well by supporting the witness and victim and holding the bad actor accountable.

> *"G. Any suspicion or incident of abuse must be internally reported and documented within 24 hours. The witness initiating the report should personally report the incident or suspicion of abuse to a supervisor or the administrator. All reported incidents are to be assessed and responded to as soon as possible, but no later than 72 hours after the report is submitted."*

The policy should further take into consideration that victims usually delay disclosure of abuse: "For victims of child sex abuse, it is remarkable to disclose abuse at all, regardless of their age. Data from the Department of Justice suggests that 86% of child sexual abuse goes unreported altogether. However, when victims of child sex abuse do report, a high percentage of them delay disclosure well into adulthood."[628] Education on this dynamic would expand the community's comprehension that victims should never be blamed or shamed for delaying a disclosure. Also as mentioned above, for victims and witnesses to disclose abuse or suspicions of abuse, they must trust that they will be heard and that action will be taken to secure their safety. In the case of incidents involving the suspected or known abuse of a minor, a report should be made first to Child Protection Services and legal authorities. After this is done then an internal report can be made. (Again, seeking pastoral support to make a report is acceptable.)

> *II. "Child Protection Guidelines for Children/Youth Workers" Page 2:*
>
> *Screening Process:*
>
> *Reference Check: Each volunteer worker must give two non-family personal references and each ministry area must check all personal references for new volunteers.*
> *Background Check Process: All workers must complete a national CBC.*

[628] See https://childusa.org/wp-content/uploads/2020/04/Delayed-Disclosure-Factsheet-2020.pdf; Also see Youth Victimizations, Prevalence and Implications, Department of Justice, 2003, Page 11.

GRACE recommends that background checks and screening practices be established for all staff and volunteers, regardless of their level of interaction with children. In general, screening practices are simple enough to put on paper, but developing the ability to screen prospective volunteers or staff with skill takes work. Most unsafe individuals can easily navigate a screening process. It is also important to use the process to screen for individuals in denial about abuse. The community's protection is promoted by a group of caring adults who are informed, not in denial about abuse, and conscientious about the boundaries of the policy. This type of screening would enable Tenth to find adults who are a good fit to serve in children's ministries. It is also important to inquire in an application and/or an interview if an applicant has ever abused a person or been accused of abusing another person. Another beneficial screening measure is to require an internet and social media search of prospective volunteers or staff prior to onboarding the individual.

> *E. Guidelines and Code of Ethics: All workers must have a signed Child and Youth Worker Acknowledgement form on file that states their willingness to abide by the Tenth Guidelines and Code of Ethics. Minors are permitted to volunteer with children as long as they are under direct supervision of an approved adult volunteer.*

Older minors who assist should never be primary supervisors or caregivers, and should always be accompanied by two adults. There are a few key things to keep in mind when using older minors to help with younger children. First, we must be aware that a large percentage of child abuse is committed by other minors: ""It is estimated that 30–50% of all childhood sexual abuse involves other young people as perpetrators."[629] Second, many churches allow youth to serve for reasons that are not motivated by the youth's level of responsibility, desire to serve, and ability to maintain respectful boundaries with children. (e.g. "he/she needs service hours for school"). Third, when youth serve, they should always be assisting and never in a primary role. It is not realistic to expect a youth serving with an adult to witness an adult leader crossing a boundary to feel comfortable and empowered in speaking up, due to power differentials discussed in a previous section. Fourth, youth must be instructed and expected to follow all boundaries of the policy with the same veracity as any adult, as an adult may relax their vigilance and attentiveness when youth volunteers are assisting with younger children. Finally, older minors are themselves vulnerable to unsafe adults in these settings. Accordingly, GRACE recommends that Tenth put into practice the requirement currently referred to within Tenth's policies of two adults present in any setting with minors.

> *H. House Sitting and Babysitting: Tenth does not encourage or provide employees to house sit or babysit for families. If an employee does house sit or babysit for a family, he or she does so as an individual, not as an employee of Tenth. If an*

[629] Campbell, Booth, Hackett & Sutton 2018.

employee decides to house sit or babysit for a family, he/she must disclose to the family that he/she is doing so as an individual and not as an employee of Tenth.

Child protection policies require a framework that prioritizes the safety of the vulnerable over legal concerns. The above language seems to focus on liability assurance rather than the safety of the vulnerable. While GRACE recognizes the importance of both insurance and legal counsel, it is important to remember that the purpose of a child safety policy is to protect the child over the organization, and that the advice of most attorneys and insurance companies focus on risk management for the institution. This may come into conflict with responses that focus on protecting others and caring for survivors. As stated above, GRACE recommends implementing protocols that focus on safety, care for survivors, and accountability for any who offend.

"G. Restroom Assistance: The entrance door to the bathroom must be open at all times. Only female workers may take a child requiring assistance into the restroom. If a child does not need assistance, the worker must remain at the entrance to the bathroom. In addition, diaper changing stations must be in public areas of the classroom.

Remember that safety and trustworthiness require more than written policy on paper, but also active steps to ensure that the policies are put into practice. Examples in this investigation, such as Bruce Garner's admission that he had changed diapers on occasion and took one child to the bathroom, demonstrate a lack of adherence with this policy.[630] Tenth should provide training to ensure that everyone within the community understands the expectations of restroom assistance and feel empowered to speak up when they witness a potential concerning behavior.

It is an excellent standard to restrict adults that accompany children to the restroom to only adult females, preferably a screened adult female. This mitigates the degree of risk within an inherently high-risk situation. Unfortunately, the statistics are clear that males are far more likely to sexually abuse both male and female children than women are. Even so, thought and care needs to be utilized when implementing this portion of the policy.

"Two Adults: Workers must observe the "two-adult" rule, whereby a worker will avoid one-on-one situations with a child or youth. There must be two or more adults in each classroom.

1. *One-on-one interaction: It is not permitted for workers to be one-on-one with a child or youth at any time in private. Workers and a child or youth should remain in public places at all times.*
   2. One-on-one driving in personal vehicles: Workers are allowed to have a child or youth

[630] *See* Section III. A-B.

> *in their car for ministry purposes, but only in the back seat and always with parental /guardian permission in writing."*

Tenth's policies should be clear and consistent. Stating that the two adult rule should be followed at all times, and that it is not permitted for workers to be one-on-one with a child or youth at any time in private are excellent requirements. Yet, following this standard, Tenth's policy has a contradictory statement saying that workers are allowed to have a child or youth in their car for ministry purposes, a situation that is one-on-one, private, and presents a high risk for offending.

In light of the risk inherent in transportation issues, GRACE recommends that no staff transport a student alone unless it is their own child. Transportation alone in a car is high risk and a common offending scenario. Parental permission does not provide safety in such situations. We must be aware that bad actors routinely groom parents/guardians and therefore parental permission is not a guarantee of safety for the children involved. This is one reason why it is imperative to educate all the adults within Tenth's community to be informed about abuse dynamics.

Other situations that are high risk would include any type of lesson, teaching, or mentoring with one adult and a child and or youth, including young adults of college age. For example, any mentoring, instruction, lessons such as music lessons, etc. should take place in an observable space, never in an isolated or private space.

In addition, expectations need to be consistent and never contradictory. Contradictions within protection policies allow abusers to violate standards and justify their violations with the very policy that should be protecting the vulnerable and holding bad actors accountable.

> ***"Internet Communication:** Different standards apply, depending on the age of the child or youth:..."*

Consider adding a section on standards for use of all technology that applies to all adults supervising children and youth, for example, that no adult should be taking pictures of children, or that all smart technology should be put away when adults are supervising children or ministering to children or youth. This limits the ability of an adult to use their phone, ipad, etc. to film or take pictures of children, as well as limits the ability for an adult to show children and youth inappropriate, elicit, or abusive content.

> *"11. Child Protection Guidelines For Children/Youth Workers" Page 3:*
>
> *"J. Incident Reporting Procedures: State-mandated reporting requirements must be followed within the reporting timeline. (See Appendix B, Reporting for full details.) All workers must immediately report to the appropriate ministry director any behavior or incident which seems abusive or inappropriate (see Section 1).*

The director of that ministry is responsible for addressing the reported problem. Tenth has a "zero tolerance" policy for any abusive behavior."

It is good to require all workers to report externally in a timely manner, yet keep in mind that victims and survivors often delay disclosing abuse, if they disclose at all. This means everyone in the community should understand common disclosure behaviors and know how to respond to a disclosure in a trauma informed manner instead of in a manner that retraumatizes the victim. For example, the person receiving a delayed disclosure should understand that the victim is not expected to have met the same time-line standard of reporting as the worker, and that the victim should never be shamed or doubted based on the delay in disclosure of the abuse.

It is imperative to acknowledge something that Tenth knows and has experienced, that merely stating a "'zero tolerance policy for any abusive behavior" is pointless without leaders working towards creating a culture that is informed and empowered to prevent and respond to concerning behaviors and abuse.

GRACE recommends including a no retaliation restriction that includes guidelines for consequences within the policy so that victims, survivors, and/or witnesses trust that their abuser or their abusers' allies will not be allowed to harass them, threaten them, or slander them should they choose to disclose abuse or misconduct. GRACE also recommends that the Tenth community engage in training to understand the tactics that abusers use to interrupt a process of accountability when they are exposed. The acronym DARVO[631] is helpful to begin understanding this dynamic. DARVO stands for Deny, Attack, and Reverse the Victim and Offender, and research reveals these tactics are a very common response to allegations of abuse. They are often utilized not just by individual abusers but the organizations that the abusers are connected with. The research shows that while DARVO is very effective at gaining allies for the abusers and interrupting the process of accountability and consequences, understanding DARVO and being able to recognize it when it happens stops it from being effective.

While GRACE will not provide an opinion on the overall level of safety of Tenth's facilities or its compliance with Building Codes, etc., GRACE investigators toured Tenth's facilities and observed some things of note. GRACE suggests that safety-related maintenance tasks be performed, particularly in the nursery and children's spaces where there is visible water damage, leaking, and mold. Facilities that are reserved for children and youth should be cleaned and maintained with the highest standard, as babies and children are vulnerable to many serious illnesses that result from poor maintenance issues. Additionally, the primary restroom assigned to the elementary and secondary youth appears to be the restroom located below the sanctuary near the entrance to the catacombs and children's areas, in an area of low visibility. GRACE also learned that this is the primary bathroom used by adults

[631] Jennifer Joy Freyd https://www.jjfreyd.com/about-research

during Tenth services. It is important to emphasize that the reported acts of Unknown Offender 1 took place in the hallway outside these same bathrooms, after the offender wandered down to that area from the homeless ministry that was taking place upstairs. Given the safety risks involved in private and exposing settings such as restrooms, Tenth should consider ways to increase safety surrounding restroom facilities used by both children and adults, which may include strict adherence to the "two adult rule," visible cameras in hallways where restrooms are located, and increased security. GRACE commends Tenth's recent installment of keyed entries, which enhances security for the Tenth community.

J. The Application of Scripture and the Book of Church Order

GRACE received concerns during the investigation about the application of the PCA's Book of Church Order and Scripture to allegations of abuse and significant misconduct. While GRACE does not purport to alter the doctrinal beliefs or polity of Tenth, GRACE is responsively providing an analysis of how particular BCO provisions and scriptures could be approached and applied in a trauma-informed manner.

1. Matthew 18 Principles and Victim/Offender Confrontations

Requiring private confrontation in situations that involve abuse or power imbalances within the church, especially those between leaders and congregants or leaders and minors, poses significant risk and harm.
BCO 31.5 (2023) reads:

> An injured party shall not become a prosecutor of personal offenses without having tried the means of reconciliation and of reclaiming the offender, required by Christ. "Moreover, if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother but if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established" (Matthew 18:15-16). A church court, however, may judicially investigate personal offenses as if general when the interest of religion seem to demand it. So, also, those to whom private offenses are known cannot become prosecutors without having previously endeavored to remove the scandal by private means.

One reported victim of Paul Jones fulfilled the obligation he felt due to BCO polity to confront the person who offended him according to Matthew 18.[632] Though Jones is

[632] *See* Sections III. C-D.

recorded as admitting to committing the physical acts that constitute sexual battery, reports were also received that Jones justified his actions by pointing to Scripture such as "spare not the rod," and placed blame on the victims by emphasizing their agreement with Jones to fulfill this type of discipline.[633] Further, when notified that a rape and false imprisonment may have occurred, a former elder arranged a meeting in which the reported victim, who did not speak much English, was reportedly made to confront her abuser in the presence of friends and a Tenth leader.[634]

Regrettably, it is not uncommon for Matthew 18 to be used to discourage reporting abuse to authorities and to coerce victims into confronting their abusers privately. Such misinterpretation not only contradicts the teachings of Jesus but also fails to recognize the gravity of offenses like abuse, which extend far beyond "personal offenses." Given that abuse offenses constitute significant community-wide endangerment and disruption, it is conceptually appropriate for such allegations, after appropriate reports to the authorities have been made, to be prosecuted in an ecclesiastical court as "general offenses" (see BCO 29-3). This process would not strictly require private confrontation. Alternatively, BCO 31-5 allows for private offenses to be prosecuted as general offenses when "the interest of religion seem to demand it" and there is a strong Scriptural case to be made for protecting those alleging abuse or damaging misconduct from the risks of private confrontation.[635]

Often, Christian communities underestimate the significant physical and mental burdens associated with emotional and spiritual abuse, issues that research has shown to be genuine and severe. Scriptures that shed light on God's command to Christians to be exceptionally sensitive to the preferences and needs of those affected by abuse, trauma, or power imbalances include Jesus' teachings on responding to vulnerability (Matthew 18:5-6), the caution against individuals insisting on privileges that may harm them and others (Matthew 18:7-9), and James' discussion on the impact of words (relevant when considering the harms of emotional and spiritual abuse) (James 3:5-12).

GRACE has found that individual confrontations can place abuse victims and even perpetrators at unacceptable risk, leading to further trauma. This risk is particularly pronounced in cases involving grooming or manipulation, where there is 's a potential for evidence tampering, witness intimidation, or even self-harm or suicidal tendencies. Jesus' intent was never to transform these guidelines into a mandated approach for handling severe crimes such as murder, rape, sexual abuse, torture, kidnapping, or genocide. Such heinous acts demand a different level of accountability and justice, one that respects the well-being and safety of all individuals involved.

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[633] *See Id.*
[634] *See* Sections III. K-L.
[635] PCA's Book of Church Order, 31-5, 2023.

The PCA's Ad Interim Committee on Domestic Abuse and Sexual Assault addresses Matthew 18 in two sections that consider how to best respond to misuses of spiritual authority:[636]

> In the absence of a means for reporting, the victim and/or family may make the mistake of questioning the abuser directly without adequate preparation and/or protection. Because of the power and status of the abuser relative to the victim, it is rare that a 'brother to brother' appeal (as described in Matthew 18:15-19) will result in resolution or repentance. There is also significant risk of causing further consternation and damage to the victim. (2442)
>
> Scripture also provides direction in cases where a subordinate confronting one in authority may be treacherous. 'Do not give dogs what is holy, and do not throw your pearls before pigs, lest they trample them underfoot and turn to attack you' (Matt. 7:6). Throwing the pearls of the truth before abusers may result in further harm to the victim (Prov. 23:9; 26:4).[637] In a case where the oppressor is in authority over the victim and has a history of unrepentance when confronted, he may be considered dangerous. Confrontation can negatively impact the life of the victim(s) causing further emotional or spiritual trauma. Jesus provides freedom for an accuser to liberate themselves from greater harm by confronting their abuser. Those who have God-given leadership authority must take responsibility for bringing Christ's authority to bear on an errant leader. This provides safety for the victim(s), vindication for those who support them, and accountability for the offender. Jesus calls those who have been sinned against to confront an offending brother with an attitude of humility. The one who challenges a brother in his sin should humbly prepare himself first by recognizing his own sin. He must take care to remember Jesus suffered on behalf of both his sin and that of the offender's. (2448-9)

Given the risk and traumatic effects that naturally coincide with victim/offender confrontations and the commands of scripture to protect and care for the vulnerable, Tenth should consider how the BCO directs responsible parties to consider the interest of religion and appropriately make use of options to forgo private confrontation as an initiating procedure.

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[636] PCA's DASA Report, 2022. GRACE recognizes that the DASA report is not binding, but includes it here as it is a significant denominational resource. Inclusion is not endorsement.

[637] Proverbs 23:9, ESV: Do not speak in the hearing of a fool, for he will despise the good sense of your words. Proverbs 26:4: Answer not a fool according to his folly, lest you be like him yourself.

2. *The "Two-Witness Rule"*

According to BCO 35-4, "The testimony of more than one witness shall be necessary to establish any charge; yet if, in addition to the testimony of one witness, corroborative information be produced, the offense may be considered to be proved." BCO 32-2 provides, "Process against an offender shall not be commenced unless some person or persons undertake to make out the charge; or unless the court finds it necessary, for the honor of religion, itself to take the step provided for in BCO 31-2 [which states, "It is the duty of all church Sessions and Presbyteries to exercise care over those subject to their authority… This duty is more imperative when those who deem themselves aggrieved by injurious reports shall ask an investigation. If such investigation, however originating, should result in raising a strong presumption of the guilt of the party involved, the court shall institute process, and shall appoint a prosecutor to prepare the indictment and conduct the case."]."

This passage of the BCO is often used to justify inaction in situations where allegations are raised and only one witness has offered evidence. However, the BCO does not contain language that prohibits church sessions from taking action that is protective of the community and has consequences for the offender. Some disciplinary measures require a formal process, such as the imposition of a censure.

"Censures" defined by the BCO are disciplinary measures geared towards those who are members, and include, "admonition, suspension from the Sacraments, excommunication, suspension from office, and deposition from office."[638] Indefinite suspension from the Sacraments, suspension from office, and excommunication, "shall be administered to an accused who, upon conviction, remains impenitent."[639] Admonition is defined as "the formal reproof of an offender by a church court, warning him of his guilt and danger, and exhorting him to be more circumspect and watchful in the future."[640] Disciplinary measures against a teaching elder must be handled by the Philadelphia Presbytery.[641] A detailed review of the BCO did not reveal any specific requirements to exclude a member or attender from the premises in the interest of safety when an allegation of abuse or misconduct is received, regardless of the number of witnesses who brought the information forward.

Regarding the allegations against Unknown Offender 2, the elder acted appropriately in contacting the police, circulating a photo of the offender to security, and successfully

[638] PCA's BCO (2022), 30-1.
[639] *Id.*
[640] *Id.*
[641] PCA's BCO (2022), 34.1.

identifying the offender via a social media search.[642] While the elder later reconciled with the reporting victim, the elder first caused harm to the reported victim by emphasizing the need for two witnesses and the lack of Biblical precedent to prohibit the offender from attending.[643] As discussed above, the elder would not need to initiate a formal disciplinary process to first enact safety measures, such as restricting the offender's access to the premises.

The elder seemed to ultimately follow the protocol outlined in BCO 32-2 and BCO 31-2 by conducting a further investigation and regularly meeting with the man until corroborating evidence (a confession) was produced, a charge was filed, and a disciplinary process was initiated.[644] Had the elder acted to restrict the offender from the premises immediately, he may not have left the reported victim with the impression that "the church would not take me and my friend at our word and didn't think that was sufficient to protect us and other women or perhaps children. And then the implication that if something far more serious happened, would they still try and apply the two-witness rule?"[645]

The reported victim of Unknown Offender 2 correctly identified a serious concern with the application of the "two-witness rule" in this instance. Perpetrators accused of abuse or misconduct who are permitted to remain in attendance at Tenth present a danger to the reporting victims and the greater congregation. A clear example of this danger is the continued misconduct by Paul Jones, who was allowed to remain in his position of leadership after allegations of abuse were received.[646]

Further, strict adherence to the "two-witness rule," makes difficult a disciplinary process for abuse or misconduct that occurred in isolation. The positive reputation of reported offenders, the vulnerability of reported victims, spiritual power, and emotional bonds all increase a reported offender's ability to isolate the victim. Enabled by his position, experience, authority, and connections, Paul Jones created opportunities to be in the presence of the reported victims one-on-one through a shared residence, outings for meals and activities, home visits, vacations, and other trips.[647] Sexual and other misconduct often occurs in isolation, as opposed to in the presence of others, because there is less risk of being caught. In places of isolation, boundaries can be tested. An offender can claim innocence if boundary-crossing behavior results in a confrontation knowing that there are no witnesses to the behavior.

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[642] *See* Sections III. T-U.
[643] *See Id*.
[644] *See Id*.
[645] Witness Tr. at 6.
[646] *See* Sections III.C-D.
[647] *See Id*.

In situations where there is only one witness to an incident of abuse or misconduct, and therefore a lack of factual clarity, Tenth should first make appropriate reports to the Pennsylvania Department of Children and Family Services ("DCFS") when child abuse is suspected or reported, and to law enforcement. When law enforcement is unable to investigate criminal behavior, due to factors like statute of limitations; when investigations by law enforcement result in a lack of factual clarity; when there is concern about potential additional victims; or when there remains a negative cultural impact resulting from abuse or misconduct, it is advisable to engage an impartial third party with expertise in investigating abuse and misconduct within faith communities. This third party should employ a trauma-informed multi-disciplinary approach, emphasizing the identification of potential abuse, institutional involvement, and spiritual implications. A third-party investigation of this nature increases the likelihood that more parties will feel comfortable and not be harmed while participating in a fact-finding effort that would aid any future ecclesiastical processes.

According to the PCA's DASA report, "If the alleged abuser is in leadership, the Crisis Intervention Team (or appointed elder) should inform the accused of the charge and initiate process to relieve him from duty immediately. They should conduct their investigation in such a way as to carefully shepherd the victim and preserve her safety… anonymity, privacy and welfare. Reportable complaints should be given to the police."[648]

Tenth adhered to the recommendation of the DASA report above by placing Carroll Wynne on administrative leave after allegations of abuse were received in 2022 while corroborating evidence was sought out,[649] and by indefinitely suspending Bruce Garner from his official position of teaching elder and prohibiting him from attendance after Tenth learned of Garner's arrest.[650] GRACE would also recommend that members and attendees subject to allegations of abuse or misconduct be prohibited from attendance at Tenth until a determination can be made as to whether or not the abuse or misconduct occurred by an appropriate fact-finder.

V. Application of Trauma Informed Principles and Proposed Recommendations

To conclude this report, it is important to look to the six principles of trauma-informed practice developed by SAMHSA (the Substance Abuse and Mental Health Services

[648] *See* PCA's DASA Report, at 2357. The full report and a video presentation from the 2022 PCA General Assembly can be found at: https://dasacommittee.org/.
[649] *See* Sections III. E-F.
[650] *See* Section III. B.

Association)[651] and to examine how Tenth can move forward from the weighty issues discussed in this report. It can be overwhelming to approach vast changes to policy and culture. As such, Tenth is encouraged to take it step-by-step, incrementally making improvements while focusing on wellness practices, collaboration, and mutual support.

A. Policy Recommendations Summary

In a previous section on Tenth's Policies and Procedures, GRACE has offered recommendations to Tenth on ways to enhance their existing policies. These recommendations include:

- To broaden policies for youth and children, extending policies beyond structured ministry times, and include guidelines for appropriate interactions such as word, touch, and technology usage;
- To expand abuse protection policies to go beyond child protection and care for vulnerable adults, encompassing and clearly defining all forms of abuse.
- To establish a Safeguarding Team within Tenth responsible for addressing abuse and misconduct related issues and concerning behavior, which should:
    - Include men, women, and at least one survivor of abuse;
    - Facilitate a support ministry for survivors;
    - Work with abuse experts[652] in developing safeguarding policies and response protocols for the church that satisfy best practice standards;
    - Conduct annual audits of the safeguarding policies and response protocols, and revise as needed;
    - Facilitate ongoing safety training for children and adults;[653]
    - Play a central role in responding to reported safeguarding policy violations; and
    - Develop relationships with community partners who work in the field of addressing issues related to adult and child maltreatment.
- To implement a mandatory reporting policy for suspected abuse or misconduct, and establish a clear mechanism for individuals to report safety concerns or policy violations to designated individuals, like the Safeguarding Team.
- To establish guidelines for determining when to involve an independent third party for an investigation.
- To create processes and policies to notify appropriate individuals, particularly in leadership roles over affected ministries, when an allegation of abuse or misconduct is received in the interests of safety, trustworthiness, and transparency.

[651] *See https://www.samhsa.gov/.*
[652] Experts may include GRACE, Zero Abuse Project, local Children's Advocacy Center, etc.
[653] This may be facilitated by experts from organizations such as the local Children's Advocacy Center, Zero Abuse Project, etc.

- To incorporate Tenth's Biblical and theological foundation in policies for protecting the vulnerable and responding to victims.
- To enforce background checks and screening practices, such as reference checks, inquiries about prior acts, and an internet and social media search, for all staff and volunteers regardless of their level of interaction with children.
- To provide training and education to the entire community on abuse dynamics and both internal and external reporting protocols. Based on dynamics observed during this investigation, training and education should include, among other topics,
    - The use and abuse of power;
    - Grooming, boundaries, and misconduct;
    - The commonality of delayed disclosure of abuse and the dynamics of a trauma-informed response;
    - Shepherding congregations through announcements of alleged misconduct;
    - Understanding and addressing the spiritual impact of abuse; and
    - Tactics commonly used by abusers to evade accountability when exposed.
- To uphold the requirement of having two adults present in any setting with minors, and to prohibit staff from transporting a student alone unless it is their own child;
- To ensure Tenth's policies are clear, consistent, and never contradictory;
- To include a no-retaliation restriction within the policy, outlining consequences for violations of the policy;
- To develop policies with a larger focus on safety, survivor care, and holding offenders accountable rather than liability concerns; and
- To foster a culture where it is safe to intervene or report abuse, where survivors are cared for, and offenders are held accountable.

B. Assessment of Trauma Informed Principles and Applicable Recommendations

Tenth's engagement with victims was often not trauma informed in that there was a failure of communication and care. This attitude begins in initial failures to believe and/or act on the reports of certain victims, but then continues in how Tenth addressed reported offenders and victims in the wake of such reports and disciplinary action.

A trauma-informed approach includes the principles of: 1) safety, 2) trustworthiness and transparency, 3) peer support, 4) collaboration and mutuality, 5) empowerment, voice, and choice, and 6) cultural, historical, and gender issues.[654]

[654] *See* SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach (July 2014).

As described in Part II, specifically in the sections "Methodology" and "Scope of the Investigation" and the Engagement Agreement with Tenth, GRACE was contracted to investigate several circumstances and dynamics, including

> *As part of this assessment, GRACE will evaluate Tenth Presbyterian Church's processes, policies and culture; identify areas of improvement; and provide recommendations regarding:*
>
> *a. Safety.*
> *b. The selection and training of volunteers.*
> *c.Tracking those disqualified for ministry or presenting a known risk to church attendees.*
> *d. Ensuring survivors are supported.*
>
> *2. GRACE shall provide the parties identified in Section I a Final Report that outlines the investigation findings. GRACE shall also provide recommendations based on those findings, best practices, Scriptural values, and SAMHSA's Six Principles of Trauma-Informed Practice.*[655]

The analysis conducted in this context incorporates the six principles of a trauma-informed approach developed by the National Center for Trauma-Informed Care: Safety, Trustworthiness and Transparency, Peer Support, Collaboration and Mutuality, Empowerment, Voice and Choice, and Cultural, Historical, and Gender Issues. The hallmarks of these also unsurprisingly find their place within biblical principles, as noted bible teacher James M. 'Buck,' Hatch often exhorted students and colleagues alike, "all truth is God's truth."[656]

1. Safety

In order for an organization to foster a safe environment, it is crucial that both staff and members of the congregation, regardless of age, feel physically and psychologically protected. This entails ensuring a secure physical setting and promoting interpersonal interactions that continually cultivate a sense of safety. Giving importance to the understanding of safety as defined by those being served is a key priority.

It is evident that Tenth has invested thought in developing child protection policies and has implemented various security procedures, such as keyed entries, and a detailed check in process for nursery and young children's groups. Additionally, Tenth promoted safety by

[655] GRACE, Scope of Work Tenth, 2022.
[656] James M. 'Buck,' Hatch, Columbia International University

notifying the parents of nursery aged children that Bruce Garner had been arrested, and by prohibiting Garner from the premises and suspending him from the sacraments.[657]

At the same time, the investigation uncovered evident gaps and potential areas for improvement. Tenth's response reveals consistent shortcomings in providing safety beginning with incomplete accountability and repentance for the wrongs committed by Paul Jones,[658] to a rush to restore Brue Garner to the Lord's Table without confirmation of accountability and true repentance.[659] The church can't claim safety until it owns its' history outlined in previous sections, publicly laments the sins of commission, omission, complicity and waits on God to meet them in this place. Remarkably, even in times of shortcoming and tremendous challenge, we approach a communal and accessible God. We're directed on how to engage a stance of lament in passages like Jeremiah 14, Daniel 9, Psalm 13, 30 and 146. For Tenth to be a safer place it must first be a place that pursues righteousness for historical wrongs by those in authority.

The church should consider the following recommendations to cultivate an environment that promotes more effective ministry by honoring God, fulfilling their responsibilities, and prioritizing the safeguarding of the vulnerable, even if it requires personal sacrifice. This involves seeking collaboration with experts and valuing the insights and recommendations of individuals who have experienced danger or threats within Tenth. GRACE's recommendations are:

- Develop an active sexual abuse and sexual harassment prevention and care ministry that includes bible studies and sermons. This should be extended to child sexual abuse and adult sexual harassment and sexual abuse.
- Address the difficulties surrounding disclosure within an organizational context, especially when it involves misconduct by individuals in positions of influence within the church.
- Conduct annual child abuse prevention month activities.
- Provide body safety education for parents/caregivers and children/students involved in Children and Student Ministries.
- Assign an employee to periodically check in with youth and parents to make sure they are comfortable with a particular group leader/volunteer and that there are no violations of the policies. This will give youth and parents an opportunity to discuss any concerns. It may also be a means by which to grow the skills of the group leader or to detect leaders who are particularly strong.

[657] *See* Section III. B.
[658] *See* Section III. C.
[659] *See* Sections III. B and IV. D.

- Develop a communications plan about the process of responding to this report and sharing it and updates with the congregation, email list, and social media following clearly and regularly.
- Staff and Elder training on the 'Basics of Grooming,' by an organization like Darkness to Light, GRACE or RAINN.
- Staff and Elder skill development in the specifics of grooming involving clergy.
- Staff and Elder Training on 'Trauma 101,' by an organization like GRACE or Trauma Informed Churches.
- Staff and Elder Training on 'Bystander Intervention.'
- Invite the voices of survivors of misconduct to help revise the Child Protection Policy and Harassment in the Workplace Policy.
- Regular (at least annually) Mandated Reporting training through the Pennsylvania Department of Human Services for Elders, Staff, and all other ministry leaders.
- In light of the serious accusations against Carroll Wynne, it is essential for Tenth to consider appropriate corrective actions including but not limited to the initiation of a disciplinary process.[660]

2. Trustworthiness & Transparency

In the absence of transparent dealings in Tenth's history, misconduct has continued to occur. A trustworthy and transparent culture is one where operations, decisions and communications are conducted to build and maintain trust with congregants, staff, and others involved in an organization. It is solidified through evidence that the leadership consistently acts with integrity and when facing a threat on the community in its care, leaders always choose to protect the flock rather than themselves or perpetrators. Trustworthiness and transparency are also values and actions commanded by God and spoken of frequently in Scripture. Examples include Proverbs 10:9, which speaks of the security inherent in transparency, and Ephesians 4:25, which recommends speaking the truth as members of one body.

The assessment indicated red flags around trustworthiness and transparency at Tenth. The first thematic failure is chosen naivete. Chosen naivete is characterized by a deliberate or intentional state of ignorance that often serves leaders in excusing them from action or a response. It occurs when someone purposely ignores or overlooks certain information or realities, typically to maintain a sense of idealism, or to avoid dealing with complex or unpleasant truths. It is a conscious choice to remain unaware or uninformed about certain aspects of a situation. An example of this was choosing not to ask questions when information was shared with top leadership from the local university about misconduct by

[660] As noted in section 5, Abuses affect the entire community and qualify as a "general offense," causing others harm and distrust in spiritual leadership and also potential distrust in spiritual teachings. *Also See* Sections III. E-F.

Paul Jones.[661] The second thematic failure was the dismissing of the early requests for help from victims of misconduct. It is crucial for churches to engage with requests for help or reports of concern to ensure the safety and well-being of potential victims, prevent further harm by holding offenders accountable, and promote a culture of respect and support. Most of the victims outlined in the report had their early requests and reports dismissed.

Leaders can honor God by building trustworthiness in small, reliable actions over time, demonstrating that they are dependable and honest and that their words and deeds are transparent. Recommendations for the church include the following:

- Hold regular Elder training on the roles and responsibilities of Elders in line with the Book of Church Order and non-profit best practices.
- Establish policies on the circumstances in which the application of the Matthew 18 private confrontation or the "Two-Witness Rule" is required in accordance with the BCO, while taking into consideration the probability of retraumatization in situations involving abuse or misconduct. (*See* Section IV. J.)
- Ensure that the recommendation in BCO 24-1 is put into practice with regard to elders: "Each nominee [for elder] shall be examined in: a. his Christian experience, especially his personal character and family management (based on the qualifications set out in 1 Timothy 3:1-7 and Titus 1:6-9)"[662]
- Provide training to Session members, elders, accountability partners, and others on indications of true repentance (*See* Section IV. D.).[663]
- Develop whistleblower policies that are developmentally appropriate and share them across the church in settings that promote understanding about them, i.e. Elder Meetings, Staff Meetings, congregational meetings, Youth Groups, and other relevant gatherings.
- Consider holding a staff and Board retreat with teaching and facilitation on trustworthiness and transparency in leading the church.
- Apologize to victims of sexual assault, sexual abuse, misconduct, and spiritual abuse. Craft the planning of these interactions with local trauma experts.

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[661] *See* Sections III. C-D.

[662] PCA's BCO 2022.

[663] Westminster Shorter Catechism 27: Q: What is repentance unto life? A: Repentance unto life is a saving grace, whereby a sinner, out of a true sense of his sin, and apprehension of the mercy of God in Christ, does, with grief and hatred of his sin, turn from it unto God, with full purpose of, and endeavor after, new obedience. Westminster Larger Catechism Q76 (What is Repentance unto life?) Repentance unto life is a saving grace wrought in the heart of a sinner by the Spirit and the Word of God, whereby out of sight and sense, not only of the danger, but also of the filthiness and odiousness of his sins, and upon the apprehension of God's mercy in Christ to such as are penitent, he so grieves for and hates his sins, as that he turns from them all to God, purposing and endeavoring constantly to walk with him in all the ways of new obedience. *See https://www.pcaac.org/bco/westminster-confession/*

- Consider using the liturgy and principles outlined in A Church Called Tov by Scott McKnight

On November 6, 2023, four days prior to the release of this final report, Tenth leaders notified GRACE of allegations of behavioral misconduct against a former Tenth leader. It is unknown why the allegations were not proactively conveyed prior to the conclusion of the investigation. Though GRACE's investigation covered a broad range of allegations, Scripture calls us to bring all truth into the light, indicating a need to delve further into the implications of these allegations. Accordingly, GRACE recommends that Tenth:

- Develop a written record of allegations of abuse or misconduct that have become known at Tenth, which should: range as far back in time as information is readily available; include the identity of alleged offenders and the timeframe of the alleged abuse or misconduct; include the areas of ministry in Tenth in which offenders were known to be involved; include the current known location of the alleged offender as well as any known institutional involvement of the offender; and be made available to staff, volunteers, the Presbytery, and the greater community, especially potentially affected communities and organizations. Consideration should be taken as to whether the allegations prompt further communication to leaders of institutions in which offenders are currently or formerly involved. This will help Tenth to be able to provide an informed response to delayed disclosures, encourage transparency among its leaders, and promote safe spaces of worship within Tenth's community and other faith communities.
- Engage an objective third party with a multidisciplinary, trauma informed approach to investigate the allegations of behavioral misconduct external to the subjects of this investigation.

3. Peer Support & Mutual Self-Help

Peer support and mutual self-help play a crucial role in fostering a sense of safety and hope, building trust, promoting collaboration, and utilizing personal narratives and lived experiences to facilitate recovery and healing. The term "peers" pertains to individuals who have personally experienced trauma. Peers are also commonly referred to as "trauma survivors." Mutual self-help groups are organized groups where individuals facing similar challenges or issues come together to support one another.

During the investigation, three main challenges to the implementation of peer support at Tenth were uncovered. The first challenge is the recurring pattern of downplaying misconduct and abuse. The second challenge was the overemphasis on protecting the reputation of charismatic leaders, especially those that brought a spotlight to Tenth, and the lack of accountability for their behavior, which undermined the concept of peer support at the church. The third was a notable lack of empathy - a difficulty or even unwillingness to identify with victims of abuse. One witness, who expressed dissatisfaction that Bruce

Garner was not yet restored to fellowship, repeatedly referred to Garner's crimes as "sin,"[664] a term which may include many lesser offenses and implies heavenly consequences, and therefore does not convey the gravity of a crime or the earthly consequences that should be imposed to achieve justice and safety.[665] These patterns are identified by Dr. Jennifer Freyd as part of institutional betrayal and the DARVO principle often employed by institutions in similar situations —Deny, Attack, and Reverse the Victim and Offender. Historically, the church repeated and constructed narratives aimed at discrediting victims and treating alleged offenders as the aggrieved party. This dynamic makes the concept of peer support and mutual self-help impossible without a significant philosophical shift.

Tenth must nurture doing right and pursuing justice over prioritizing the reputation of the church. This begins by taking allegations by trauma survivors seriously, immediately, and continuously. GIven its history, Tenth should consider policy revisions beyond what the Book of Church Order currently calls for to solidify a just response to trauma survivors. Additionally, Tenth leadership should nurture a willingness to hear the stories of trauma survivors and prayerfully ask God to help break their hearts and learn how to, "Mourn with those who mourn," as instructed in Romans 12:15. The Bible is full of stories of trauma survivors, a study of Dinah, Tamar, or Bethsheba; a sermon series on God's heart and willingness to stand with and work through trauma survivors will help Tenth partner with God to do the work of justice in places of misconduct and abuse.

Restoration is attainable in situations where dignity has been compromised in order to protect reputation, as highlighted in Philippians 2:3. When voices have been ignored for the sake of convenience, offering a platform for those voices can lead to positive transformation. Furthermore, when interests have been narrowly focused on individual concerns, it is possible to strive for a broader sense of goodness, as emphasized in Philippians 2:4.

Recommendations for the church include:

- Promote spaces where trauma survivors can speak about their experiences. Listen well, speak little, and petition God to grow hearts in the leadership at Tenth for God's justice.
- Elders and staff training on dismantling toxic cultures, typical dynamics of disclosure of sexual harassment, assault, and abuse, including the normalization of delayed disclosures.

[664] Witness Tr. at 5.
[665] Victor Vieth, What would Walther Do? Applying Law and Gospel to Victims and Perpetrators of Child Sexual Abuse, 40 J. PSYCHOL. & THEOLOGY 257, 261 (2012).

- Connect with peer support groups such as Empower Survivors (child sexual abuse) and Restored Voices Collective (adult clergy sexual abuse) to include survivor perspectives and lived experiences in decision-making processes.

4. Collaboration and Mutuality

Collaboration and mutual respect represent the core of partnership and the balancing of power dynamics within the staff and congregation, as well as among all organizational staff levels. This approach acknowledges that healing occurs within relationships and through the meaningful sharing of power and participation in decision-making.

When considering the various responses discussed in this report, numerous gaps in communication from leader to leader became evident. For example, many elders who were on the Session with Bruce Garner could not describe him well, and attested to not knowing Bruce very well.[666] Another example was presented by the informal committee established in 2001 to look into the allegations against Paul Jones, which did not inform the entire session about the allegations or investigation.[667]

A stance of collaboration and mutuality initially requires a willingness to stop hiding the sins of the past and our hearts. It requires repentance and a commitment to not minimize the heart of God. It takes individual and collective courage to move away from the impulse to cover up and compartmentalize - to move towards the hope we all find at the foot of the cross. From this honest and honoring place, Tenth can partner with God in hard places and partner within the church family God has established. What entitlement and arrogance have undermined, God aims to renew (Psalm 10). Recommendations include:

- Promote equitable accountability to policies, shared values, and decisions regardless of role or association.
- Reach out and ask trusted counsel outside of the church for help processing this report and pursuing God's design for Tenth.
- Forge active partnerships with local and regional churches that can offer prayer support, wise counsel, and encouragement to Tenth.
- Engage in shared decision-making that reflects full participation, mutual understanding, inclusive solutions, and shared responsibility.

5. Empowerment, Voice and Choice

[666] *See* Section III. B.
[667] *See* Section III. D. 1.

Empowerment, voice and choice are vital aspects embraced by churches that recognize the significance of power differentials and the historical marginalization of members, often leading to a lack of voice, limited choices, and even coercive treatment. The report reveals instances where the voice of survivors was not actively empowered. Some witnesses painstakingly prepared to share their experience through study and consultation on following the protocol outlined in the Book of Church Order - communicating that the way they brought their stories to leadership mattered more than the pain they had endured in the church. Other victim's voices weren't pursued even in the face of profound vulnerabilities such as age, language, and culture.

Repetitive failures to empower survivors to use their voices, grieve with them, promise support and provide protection can develop into oppression. The people of God, and leaders in particular, have often been called out of oppression by a faithful God. Scripture passages like Ezekiel 45:9 and Malachi 2: 1-7, 17 call leaders out of even good places, religious structures, that can become oppressive without courageous dependence on God and space to let Him move uniquely in situations. In light of these considerations, the following recommendations are proposed for the church:

- Consistently make mandated reports to the appropriate entities for concerns about children/minors and vulnerable adults.
- Consult with reporting victims should they desire to be contacted regarding communication and logistics relating to this report
- Explore Matthew 4 with an emphasis on godly use of power and temptation of its misuse
- In partnership with willing survivors, create a process that provides a clear pathway for adult survivors of misconduct to report outside of the leadership structure and supports their choice of healing services.
- Prioritize inclusion of survivors on care teams, safeguarding teams, and planning teams
- Explore paths of funding for mental health services for survivors of abuse that occurred on church property or were perpetrated by staff, elders, members, or attenders of Tenth.

6. Cultural, Historical, & Gender Issues

The church should aim to actively move past cultural stereotypes and historical patterns and offer equitable access to responsive services and incorporate policies, protocols, and processes that are responsive to the needs of individuals served and recognizes and addresses past trauma. This work is often dramatic because it requires dismantling and humbly letting God rebuild a new culture that clearly offers more space for women, children, those faced with specific vulnerabilities or encompassing power dynamics, and individuals from traditionally marginalized communities.

There is a powerful story in 2 Kings 22 & 23 when the Torah was rediscovered under rubble during Josiah's reign. The scroll was taken to a female prophet named Huldah who interpreted the scroll in what some biblical scholars believe to be the first recognizable act in the long process of canon formation by authenticating a document as being God's word.[668] Chapter 23 outlines the reformation across the community based on engagement with the Torah under Josiah's reign. There was literally a cultural revolution in the nation. This level of reformation is still available to Christians today. GRACE encourages Tenth to consider what purposeful engagement with scripture, prayerful dependence and patient expectation in God's faithfulness will look like in the church's future culture.

To truly align with Jesus's example and fulfill God's original intention for all creation to thrive, particularly the marginalized and vulnerable, as guided by the parable of the Good Samaritan in Luke 10 where God's culture became expansive and accessible to those willing to engage with it. With this in mind, the following recommendations are proposed for the church to consider:

- Explore Christ-like processes for receiving criticism and developing a culture of listening.
- Seek training and regular accountability in the dynamics of sexual harassment and abuse in a Christian workplace and regularly assess the entire staff in a confidential way on progress.
- Diversifying the Elder Board with specific emphasis on historically marginalized populations in the church and broader community
- Devotion to accountability at all leadership levels
- Consistently following legal obligations and best practices of reporting alleged misconduct and abuse to appropriate law enforcement and social service professionals. Refrain from conducting internal investigations.
-

GRACE also recommends that Tenth have difficult conversations that may necessitate even deeper changes. To this end, GRACE recommends Tenth:

- Explore pragmatic actions towards a radical culture shift around the stronghold of notoriety at Tenth.

Tenth must consider meaningful avenues for transformation. One possibility is to follow the scriptural example in Psalm 137 where the people of God hung up their instruments and wept beside the rivers of Babylon when they finally reckoned with the impact of their

[668] Jonathan Stökl, *Deborah, Huldah, and Innibana: Constructions of Female Prophecy in the Ancient Near East and the Hebrew Bible*, 6(3), Journal of Ancient Judaism 320-334 (2015).

choices. Tenth could consider a, 'Silent Christmas,' service where words of reflection, repentance and lament could replace music and celebration. Resources like the Book of Common Prayer provide powerful dialogue for Christ-followers:

> "Almighty and most merciful Father;
> We have erred, and strayed from thy ways like lost sheep.
> We have followed too much the devices and desires of our own hearts.
> We have offended against thy holy laws. We have left undone those things which we ought to have done;
> And we have done those things which we ought not have done;
> And there is no health in us.
> But thou, O Lord, have mercy on us, miserable offenders.
> Spare thou those, O God, who confess their faults.
> Restore thou those who are penitent;
> According to thy promises declared unto mankind in Christ Jesus our Lord.
> And grant, O most merciful Father, for his sake;
> That we may hereafter live a godly, righteous, and sober life,
> To the glory of thy holy Name. Amen[669]

It may also be appropriate to create a memorial for everyone who was abused at Tenth as a reminder that Godly institutions and leaders can stray far away from Christ's command to care for the "least of these."

7. Conclusion

The history of Tenth Presbyterian Church, some of which is discussed by this Final Report, reveals that children and others in need of protection and care have not always been treated well. Regrettably, when victims spoke out, Tenth often failed to respond in a manner befitting of the commands of Scripture to respect, welcome, protect, and defend children and the vulnerable.

The Gospel of Mark describes Jesus embracing a child and saying, "Whoever welcomes one of these little children in my name welcomes me; and whoever welcomes me does not welcome me but the one who sent me" (Mark 9:36-37). Jesus refers to ancient Jewish customs involving messengers, emphasizing the respect due to those bearing important messages, a respect equal to that given to the person sending the message.[670] By drawing an analogy, Jesus asserts that receiving a child is equivalent to welcoming Christ's "chosen

[669] Book of Common Prayer 1552.
[670] Victor I. Vieth, On this Rock: A Call to Center the Christian Response to Child Abuse on the Life and Words of Jesus 2 (2018); W.A. Strange, Children in the Early Church 54 (2004).

representative."[671] In essence, our treatment of children reflects our attitude toward Jesus, and as Christians view Jesus as God, it mirrors our stance toward our Creator.[672]

Scriptures abound with instruction to advocate and care for the vulnerable. A guiding light is presented in Proverbs 31, "Open your mouth, judge righteously, defend the rights of the poor and needy."[673] Boz Tchvidjian, an experienced litigator in civil and criminal settings that involve sexual abuse in faith communities, presented these compelling questions in response to an institution that was complacent when faced with allegations of abuse:

> Where are the voices? Where are the voices from the Christian community? Where are the voices from other Christian and institutional leaders who should be stepping forward to unequivocally denounce such horrid abuse and anyone who encourages silence?...
>
> The response of the Christian community about the horrors being perpetrated upon children by those who profess Jesus is perhaps the greatest horror of it all. What these men and so many others don't realize is that their silence and failed responses are pushing a large group of precious souls farther and farther from our glorious and gracious God and his church.[674]

While Tenth cannot undo the harm that transpired, it now stands at a pivotal juncture to execute its commitment to abuse survivors and the community through repentance and tangible actions, potentially alleviating past wounds and avoiding future pain. Encouragingly, there are indications that Tenth has already embarked on this path. The decision to subject itself to an impartial third-party investigation underscores Tenth's dedication to introspective assessment of past errors and its desire to avoid detrimental responses in the future.

In the words of Jesus, "for there is nothing concealed that will not be disclosed, or hidden that will not be made known" (Matthew 10:26). Although this report does not unveil all the transgressions in Tenth's history, the wrongdoings referenced in this report present an occasion for confession, repentance, and the demonstration of faith through concrete actions (James 2:26). If embraced, this opportunity would not only support survivors of abuse and the broader Tenth community, but would also be an exemplification of the life and teachings of Jesus.

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[671] W.A. Strange, Children in the Early Church 54 (2004)
[672] Victor I. Vieth, On this Rock: A Call to Center the Christian Response to Child Abuse on the Life and Words of Jesus 2 (2018).
[673] Proverbs 31:9, ESV.
[674] Tchvidjian, Boz. *See* https://www.netgrace.org/resources/where-are-the-voices.