



December 23, 2020

Most Reverend Edgar M. da Cunha, S.D.V.,D.D.
Diocese of Fall River
450 Highland Avenue
Fall River, MA 02720

Re: The Edward Davis Company Review and Recommendations

Your Excellency:

The Edward Davis Company (EDC) respectfully submits this report with recommendations as part of the Diocese of Fall River's review of clergy and other religious, against whom a credible or public allegation of sexual abuse of a minor has been made. The report outlines the history of the Diocese's investigations and the scope, methodology, findings, and recommendations of clergy and religious for inclusion in the Credibly Accused, Publicly Accused, and Cases in Process categories of the Diocese of Fall River's list.

I founded The Edward Davis Company in 2014 after seven years as the Police Commissioner for the City of Boston, marking the end of my thirty-five year career in law enforcement. Prior to that, I served as the Superintendent of the Lowell Police Department, the same department where I began my career as a patrol officer in 1978. I have accumulated decades of experience conducting investigations, including those into the sexual abuse of minors. In my leadership roles in the Boston and Lowell Police departments, I was responsible for the oversight and direction of all investigative divisions including the Crimes Against Children and Family Services Units. Members of the EDC Team also bring years of investigative experience from their prior positions as police chiefs, security directors, command staff members and senior attorneys.

SCOPE OF THE ENGAGEMENT

EDC was engaged in October 2020 by the Diocese of Fall River to conduct a third-party review of the Diocese's compiled list of allegations against clergy and other religious. The scope of the EDC engagement did not include a further investigation but rather a review of the compiled names and files for a determination of those that should be included on the published Credibly Accused, Publicly Accused and Cases in Process list.

This compiled list included all allegations throughout the Diocese's history where records could be located. It also included clergy and other religious who are deceased and instances where the statute of limitations has run on the allegations against the accused.



The Diocese also requested that we evaluate its investigative process for thoroughness, fairness and reasonableness, and that we provide recommendations to you for the names to be included on the published list.

I. DEFINITIONS

The following definitions and standard of review were applied in the Diocese's investigations and the EDC review:

a) **Standard of Review** – Whether the allegation had a “semblance of truth” and conformed to the Diocese’s definition of sexual abuse of a minor as outlined in the Diocesan Policy for Protecting the Faithful. “Semblance of truth” as applied to the Diocese’s investigations and the EDC review is a standard used by the Church, as explained in the Diocese’s Ministerial Review Board Policy, and approximates “probable cause.” Allegations that do not meet the semblance of truth standard include those that have been withdrawn or recanted, that were not substantiated after an investigation, or for which the information was insufficient to assess credibility.

b) **Minor** – Anyone under the age of 18, or a high school student who has not reached their 19th birthday will be treated as a minor when participating in parish or diocesan activities.

c) **Sexual Abuse of a Child** – Sexual molestation or sexual exploitation of a child and other behavior by which an adult uses a child as an object of sexual gratification.

For the complete definitions of (b) and (c), see the Diocesan Policy for Protecting the Faithful.

II. METHODOLOGY

The Methodology described below includes both the Diocese of Fall River investigations and the EDC review.

Diocese of Fall River Investigation:

The Diocese of Fall River’s process to develop the list began nearly two (2) years ago in January 2019 and involved multiple phases, Diocesan personnel and outside experts hired by the Diocese.

Phase 1. Collection of data - Diocesan personnel and outside experts located and assembled files of clergy and other religious against whom allegations had been made, dating as far back as seventy (70) years ago.

Phase 2. Summary and analysis of files - former Assistant Director, FBI, William Gavin of the Gavin Group conducted an initial evaluation of the files. This was followed by a comprehensive file review by Kathleen McChesney and her team from Kinsale



Management Consulting. Kinsale identified allegations against individual clergy and other religious and provided findings from its detailed file review to the Diocese.

Phase 3. Further investigation and review of Diocesan records and legal files by Ropes & Gray team, outside counsel for the Diocese, provided summary information and recommendations to assist the Diocese with the development and publishing of the list.

Phase 4. A Core Advisory Team consisting of the Vicar General, the Moderator of the Curia, the Chancellor, the Director of Professional Standards and Oversight, and the General Counsel and Chief Legal Officer from the Diocese conducted further investigation, reviewed the files and information provided by the Gavin Group, Kinsale Management Consulting and Ropes & Gray and compiled a list of recommended names of clergy and other religious for publication.

EDC Review:

At the completion of Phase 4, the Diocese retained EDC to conduct a third-party review of the list and provide recommendations of those individuals who should be published on the Credibly Accused, Publicly Accused and Cases in Process list. EDC was also asked to review the Diocese's process to date for thoroughness, fairness and reasonableness. Throughout the process, EDC was provided access to the accused clergy and other religious files and other relevant information, for as far back as the Diocese had records.

For consideration on the list, EDC reviewed information related to clergy members, seminarians or other religious who met the following criteria: an allegation of sexual abuse of a minor was made and the individual was incardinated or had ministered within the Diocese of Fall River.

EDC reviewed the following materials:

- a) Information provided by the Diocese from its investigation and file review, including names and affiliations (if not Diocese of Fall River) for clergy, seminarians, and other religious.
- b) Files that included internal clergy files, court and tribunal filings, diocesan policies and historical media reports.

III. CATEGORIES

Based on the EDC review, we have provided recommendations for the placement of names in the following categories created by the Diocese:

1. Credibly Accused: Includes priests, seminarians and other religious against whom an allegation of sexual abuse of a minor was made that meets the semblance of truth standard defined above and who were incardinated in the Diocese of Fall River and/or assigned to public ministry in the Diocese of Fall River.



The Credibly Accused category is divided into three (3) subcategories:

- a) Incardinated in the Diocese of Fall River
- b) Other Diocese
- c) Religious Order

For those in subcategories (b) and (c), respectively, the priest was incardinated in another diocese or was a member of a religious order but exercised public ministry in the Diocese of Fall River.

2. Publicly Accused: Includes priests, seminarians or other religious who were either incardinated in the Diocese of Fall River or who were assigned to public ministry in the Diocese of Fall River, and have been publicly named in media reports, third party lists prepared by advocacy groups and/or other dioceses and religious orders, as having allegations against them involving sexual abuse of a minor. The individuals included are clergy or other religious against whom a publicized accusation was made, but for whom the Diocese lacks sufficient information at this time to make its own determination whether the accusation was credible. In some cases, a religious order or other diocese may have determined that the priest was credibly accused after investigation or upon admission of the priest.

This list includes names of priests or other religious publicly accused of sexual abuse of a minor alleged to have occurred in some instances within the Diocese of Fall River and in other instances outside of the Diocese of Fall River.

3. Cases in Process: Includes living priests of the Diocese of Fall River who have been publicly accused of sexually abusing a minor, but the canonical and/or civil proceedings involving these priests have not yet been resolved. There has not been a determination either under canon (Church) or civil law regarding whether the allegations against clergy listed in this category are credible. Consistent with the principles of the American justice system and Church law, these individuals are afforded a presumption of innocence. The priests in this category are prohibited from engaging in public ministry while their cases are in process.

IV. FINDINGS

1. Diocese of Fall River Process

EDC found the investigative and review process to be clearly scoped, thorough, and balanced with multiple layers of investigative checks and balances. The process was reasonable in its approach, length and diligence considering its intended purpose, the span of time and the gravity of the allegations. The process was fair to those making an accusation as well as to the accused. EDC is confident that based on the nature of the allegations, the evidence available, and the steps taken to investigate and review the same, reasonable steps have been taken to follow leads and reach an evidence-based conclusion.



2. Results of Our Review

After a comprehensive review of available information, we are recommending a total of seventy-five (75) clergy and religious be included on the published list broken down as follows:

Credibly Accused

Credibly Accused Incardinated in Diocese of Fall River	44
Credibly Accused Other Diocese	2
Credibly Accused Religious Order	7
Total Credibly Accused	53

Publicly Accused¹ **19**

Cases in Process **3**

Total Credibly and Publicly Accused and Cases in Process for Publication 75

In closing, you have taken significant steps to identify, locate, assemble and evaluate evidence spanning several decades in the Diocese of Fall River. I understand that the publishing of this list is the culmination of this lengthy and difficult process for all those involved, but an essential step as you move forward to advance the Diocese’s efforts to promote accountability, transparency and healing.

I am available at your convenience to discuss this review further.

Respectfully,

Edward F. Davis, CEO
edavis@eddavisllc.com

Attachments:

- Addendum A - Credibly and Publicly Accused and Cases in Process Clergy and Religious proposed list
- Addendum B - Edward Davis Bio

¹ There is one priest who was publicly accused, Monsignor Albert Berube, but was not included in this total because, after investigation by the Diocese, the claim was unsubstantiated. The finding was not previously made public.



Addendum A – Credibly and Publicly Accused and Cases in Process Clergy and Religious

CREDIBLY ACCUSED

Credibly Accused - (Incardinated in Diocese of Fall River)

1. Andrade, Manuel Jr.
2. Annunziato, Armando
3. Avila, Jose M. Bettencourt e (aka Avellar, George)
4. Baker, William F.
5. Barney, H. Stanley
6. Bernier, Adrien E.
7. Boffa, William J.
8. Boulet, Normand J.
9. Bowen, Donald J.
10. Clark, James A.
11. Connolly, Paul G.
12. Cronin, John P.
13. de Souza, Maurice
14. DeMello, Arthur T.
15. dos Reis, Arthur C.
16. Dupuis, J. Arthur G.
17. Dylla, Hugo
18. Fahey, James W.
19. Fernandes, Stephen A.
20. Fraga, Bento R.
21. Furtado, Steven R.
22. Herrera, Hernando
23. Higgins, Phillip J.
24. Kaszynski, Robert S.
25. Keliher, Cornelius J.
26. Kozanko, Andrew
27. Lacroix, Daniel W.
28. Landry, David J.
29. Maguire, Joseph D.
30. McCarthy, Raymond W.
31. Messier, Donald E.
32. Murphy, James E.
33. Neylon, Bruce M.
34. Nichols, Herbert T.
35. Norton, William W.



36. Paquette, Edward O.
37. Pegnam, John W.
38. Porter, James R.
39. Quinn, Justin J.
40. Rausch, Edward
41. Robillard, Raymond A.
42. Shovelton, William J.
43. Simoes, Gilbert J.
44. Tripp, Kevin F.

Credibly Accused (Other Diocese)

45. Carrier, George R.
46. Corbin, Anthony Andre

Credibly Accused (Religious Order)

47. Gaudin, Rene (Congregation of Sacred Hearts of Jesus and Mary (SS.CC.))
48. Genevive, Frank (Order of Friars Minor (O.F.M))
49. Guarin, Angelo Michael (Franciscan Friars of the Immaculate (F.F.I.))
50. McManus, Francis J. (Society of Jesus (S.J.))
51. Mulryan, Thomas J. (Congregation of the Holy Cross (C.S.C.))
52. Nickel, James R. (Congregation of Sacred Hearts of Jesus and Mary (SS.CC.))
53. Powers, John A. (Dominican Friars (O.P.))



PUBLICLY ACCUSED

1. Acres, John H. (Society of Jesus (S.J.))
2. Brinker, Brian (Diocese of Rockville Centre, NY)
3. Byrne, Joseph (Archdiocese of Boston)
4. Cavanagh, Charles (Greek-Melkite Catholic Church)
5. Cullen, William (Society of Jesus (S.J.))
6. Dawber, Stephen F. (Society of Jesus (S.J.))
7. Delgado, Alexander (seminarian)
8. Fredette, Alfred (Missionaries of Our Lady of La Salette (M.S.))
9. Hession, Mark R.
10. Kossak, Michael J. (Society of Jesus (S.J.))
11. Lima, Jose Alfonso (Diocese of São João del-Rei, Brazil)
12. Motherway, Thomas F. (Archdiocese of Boston)
13. O'Dea, Thomas
14. Orteneau, Eugene F. (Society of Jesus (S.J.))
15. Rancourt, Henry J. (Marist Fathers (S.M.))
16. Roos, Richard H. (Society of Jesus (S.J.))
17. Spagnolo, Nicholas (Stigmatine Fathers & Brothers (C.S.S.))
18. Walsh, James P. (Society of Jesus (S.J.))
19. Wolf, Richard J. (Society of Jesus (S.J.))



CASES IN PROCESS

1. Buckley, James F.
2. Byington, Edward J.
3. Degagne, Richard E.



Addendum B – Edward Davis Bio

Edward F. Davis is the President and CEO of The Edward Davis Company, a business strategy and security consulting and services firm. Davis has brought together a team of security and technology solutions experts including former federal, state, and local law enforcement, military officials, researchers and attorneys. Davis has been in law enforcement for 35 years. He served as the Police Commissioner of the City of Boston from December 2006 until October 2013. He led the highly successful response to the Boston Marathon bombing. While serving as Commissioner, Davis established a nationally recognized rebranding initiative stressing honesty and transparency using social media and direct contact with the community. Prior to that, Davis was the Superintendent of the Lowell Police Department, a position he held for 12 years and one he rose to after starting out as a patrol officer in 1978. He comes from a police family, which has allowed him to better understand the needs of police officers and the communities they serve. In his leadership roles in Boston and Lowell, Davis was responsible for the oversight and direction of all investigative divisions including the Crimes Against Children and Family Services Units. He is a recognized expert in crisis management and community policing. He brings with him a strong record of interagency collaboration and a broad range of local, state, national and international experience in law enforcement and public safety.

Commissioner Davis has been recognized for his efforts locally and nationally, including through the Police Executive Research Forum, the International Association of Chiefs of Police and the Major Cities Chiefs Association, where he held a board position. Davis was a past co-chair of the IACP, Research Advisory Committee since 2011. Davis was inducted into Evidence Based Policing Hall of Fame, George Mason University, in 2011.