



**Report to the People of God:
Clergy Sexual Abuse
Archdiocese of Los Angeles
1930-2003**

**Archdiocese of Los Angeles
Office of the Archbishop
3424 Wilshire Boulevard
Los Angeles, California 90010-2202**

February 17, 2004



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Dear Brothers and Sisters in Christ:

Beginning in early 2002, I told you on various occasions of my personal sadness that, tragically, some who have ministered in the name of the Archdiocese of Los Angeles have preyed upon the most vulnerable members of the flock and have caused them incalculable harm.

Since then, it has become apparent that the greatest betrayal in the Church is for one who has committed his life to minister to God's People after the model of Jesus, the Good Shepherd, to use his spiritual position to abuse or injure any member of that community.

Once again I sincerely apologize to anyone who has suffered from sexual misconduct or abuse by a priest, deacon, lay minister, employee or volunteer of the Archdiocese. I acknowledge my own mistakes during my eighteen years as your Archbishop. Apologies are vitally necessary, but, of themselves, are insufficient. My goal as your Archbishop is to do all in my power to prevent sexual abuse by anyone serving our Archdiocese now and in the future.

Moving the healing and reconciliation process forward requires the fullest possible disclosure of what happened over the years. The victims deserve nothing less. The *Report to the People of God: Clergy Sexual Abuse in the Archdiocese of Los Angeles, 1930-2003* has been made available today on our Archdiocesan website www.la-archdiocese.org.

The Report represents our best understanding of the history of sexual abuse in the Archdiocese and our efforts to eliminate this scourge. It includes the best information we can glean at this time about the number of priests and religious who have sexually abused minors and the number of victims of such abuse.

You have my commitment that all of us in leadership of the Archdiocese will work closely with all of you, our Catholic Community, to make certain that everyone in our Church – especially our children and youth – is safe, and that their faith lives are nourished through our various ministries and apostolates.

As we prepare to begin once again our Lenten Journey, I invite you to join me in prayer and penance during this holy season so that all victims and those who have been affected by sexual abuse will experience the love and comfort of Jesus our Redeemer, and that reconciliation and healing will be abundant for them.

Sincerely yours in Christ,

His Eminence
Cardinal Roger Mahony
Archbishop of Los Angeles

SUMMARY

The sexual abuse of a minor by anyone is a sin, a crime and a horrific violation of a child or young person. That such abuse would be committed by a cleric is even more appalling, and cannot be tolerated by the Church.

The document that follows is a report to the people of the Archdiocese of Los Angeles from Cardinal Roger M. Mahony concerning the deeply painful and scandalous phenomenon of sexual abuse of minors by clergy over the decades.

The facts recounted here are upsetting to all in the leadership of the Archdiocese and, surely, to all the people as well. The picture, while not unique to this Archdiocese, leaves us all ashamed of what we have failed to do to protect the youth of our Church.

Based upon Archdiocesan files and lawsuits of persons seeking monetary damages, the following emerges over the last 75 years:

- More than 5,000 priests have served in the Archdiocese.
- 656 persons have accused 244 priests, deacons, brothers, seminarians and one bogus priest of child sexual abuse.
- 113 diocesan priests have been accused, 43 are deceased, 54 are no longer in ministry, and 16 remain in ministry.
- Of the 16 in ministry, the Archdiocesan Clergy Misconduct Oversight Board has determined that the allegations against 12 either do not constitute child abuse or are not sufficiently credible standing alone to warrant removal from ministry without further corroboration; and the allegations against the remaining 4 are so recent that a preliminary investigation has not been completed or the information available at this time is not sufficient to warrant removal.
- Seven of the accused persons are alleged to have abused since 1995.

This painful story begins with the Church's misunderstanding of the nature of the problem. The Church treated clerical sexual abuse primarily as a moral weakness and a sin. For years this misunderstanding underlay ineffectual policies for dealing with abuse of minors. Changes in Church and professional psychological thinking unfolded over nearly two decades and gradually empowered the Archbishop and the Church as a whole to improve those policies, and finally to take proactive steps to guard the welfare of the young and to remove offending clerics from ministry.

We know now that steps that seemed appropriate in the middle 1980s were in fact insufficient. In some cases, they unintentionally left the door open to further abuse. Even in the late 1990s the learning process was still evolving. In 2002, Cardinal Mahony, as well as the National Conference of Catholic Bishops as a whole, approved a firm policy of zero tolerance for any offenses by any cleric or employee of the Church.

Understandably, some believe the journey to policy refinement has gone too slowly; we should have known better and acted more swiftly and more surely. Their views are understandable. We too regret with all our hearts that we did not see the right path much earlier. Corrective and protective steps that seemed effective 15 years ago proved to be less successful than desired.

Our understandings were more limited in the 1960s, 1970s and early 1980s. Experiences of personal violation were not as easily revealed to others. There was concern in families and in the Church for the privacy of victims, motivated by the conviction that actions that might disclose their painful experiences would produce intolerable suffering.

But we can say in hindsight that the cocoon of silence was harmful to some victims. Secretly enduring the memories of their abuse was not a route to their personal recovery. We have heard and taken to heart expressions of such feelings in the past two years. The Church has for years made professional counseling available to victims, but the general climate of non-disclosure did not serve all victims well. That is why we wish to invite any victim who even now has not begun to unburden himself or herself to step forward and report any past sexual abuse by clergy to the Archdiocese or to law enforcement.

Some say that over the years the Church was not truly concerned for the victims, but was primarily seeking to protect itself from scandal. The Church needs to examine its conscience to assess to what extent that may have been a motivation for non-disclosure.

Some are also asking why the Church did not consistently ensure that reports of abuse were conveyed to law enforcement. Reports to law enforcement almost always lead to public disclosure of the victim's identity. This choice usually was left to the victim or family. Prior to 1997, laws did not require all clergy to make such reports. The Archdiocese reported cases regularly but informally. Now, all credible allegations involving living clergy are reported in writing to law enforcement by the Archdiocese, whether or not the victim is now a minor and whether or not the victim or his or her parents have made a report. No offense will be hidden.

This report and the accompanying letter from Cardinal Mahony recount the facts of a sorrowful chapter in the history of our local Church. A record of cases of sexual abuse by clergy is laid out in this report for all to see.

The Archdiocese humbly asks forgiveness from victims, their families and friends, from the Faithful, and from society in general for the mistakes of the past. The facts and analysis of the local Church's response to these issues are put forward so that people may understand how choices were made, however flawed they all too often were. Cardinal Mahony, the Archdiocese and the Church as a whole are committed to acting on what we have learned in order to protect our youth in the years to come.

The Church is an institution of human beings, subject to human failings, even though the hand of the Holy Spirit and our Lord Jesus Christ goes with us at all times. We make imperfect choices at times, but we will strive to see and follow the light.

REPORT TO THE PEOPLE OF GOD:

CLERGY SEXUAL ABUSE

ARCHDIOCESE OF LOS ANGELES

1930 – 2003

I. INTRODUCTION

Sexual abuse of minors by clergy was a reality long before awareness of it came rushing to the forefront of Church and public attention in late 2001. Based on information now available, there is every reason to believe that the phenomenon was present all along, and to a dismaying degree by the early 1970s. Yet during this period the known incidents of abuse were few in number and generally perceived not to be indicative of a pattern. Those that did occur were thought to be capable of being resolved through psychological and spiritual counseling of the victim, the victim's family and the offender. This latter assumption represented, in hindsight, a regrettably deficient response to the problem, yet it did not seem so at the time.

In the years before the mid-1980s, few – whether victim, family, law enforcement or the Church – called for offenses to be treated publicly. There was not a climate of alarm inside or outside the Church. Archdiocesan leaders concluded that the steps that had been taken to deal with known incidents, often little more than brief counseling, generally had been appropriate and successful. So while there was awareness that several individual priests had serious sexual problems, realization that the problem was widespread and persistent enough to be of general concern to the Church and all its people did not occur until much later. And during this period the Church was not sensitive to the impact abuse had on the victims, physically, emotionally and as members of the faith community.

It is not the purpose of this report to explore the causes and the psychiatric roots of abuse of minors. However, it will attempt to offer insight into the Los Angeles Archdiocese's early perceptions of the issue, and its evolution toward comprehension and commitment to effective action. The Archdiocese grew to understand that the issue was extremely serious, the number of incidents of confirmed abuse vastly greater than anyone had realized, and the psychological damage to some victims much more serious than one could have imagined.

Even today, the fact that a priest would use his holy office to prey upon vulnerable children in his care is horrible to contemplate. But we accept that it happened and that it happened in alarming numbers.

The Archdiocese recognizes that victims, their families, parishioners, the entire Catholic community, civil authorities and the community at large deserve a comprehensive report on the extent of clergy sexual abuse of minors. All are entitled to learn about the steps the Archdiocese has taken to implement stringent corrective and preventive policies and procedures.

First and foremost, let it be said that anyone who is determined to have abused a minor will be removed swiftly, decisively and permanently from any parish or ministry in the Archdiocese of Los Angeles. This policy is not subject to change.

Beyond that, this report describes efforts of the Archdiocese:

- to provide counseling and treatment to victims;
- to compensate victims and resolve outstanding litigation;
- to take vigorous and vigilant steps to prevent future abuse;
- to heal the Church community;
- to restore confidence in the Church and its clergy;
- to continue reaching out with educational programs in parishes, parish schools and other Church settings regarding the scourge of sexual abuse by anyone in any form or any setting; and
- to demonstrate compliance with the mandates set forth in the *Charter for the Protection of Children and Young People* and the *Essential Norms* for implementing the Charter, which were established by the United States Conference of Catholic Bishops in June of 2002 and approved by the Vatican in November 2002.

II. TREATMENT OF OFFENDERS

A. Best Practices.

Both Church and society have awakened in the past decades to the problem of sexual abuse of minors. There has been a growing consciousness of this evil and the damage it does to its victims, and, more slowly, a growing understanding of how to respond to it.

An eye-opening and disturbing panel presentation by a psychiatrist, a lawyer and a bishop in executive session at the 1985 National Conference of Catholic Bishops in Collegeville, Minnesota, was a defining moment for the Church, amounting for all practical purposes to the first widespread recognition that child and adolescent sexual abuse by the clergy was more than a matter of tragic but isolated incidents.

Later in 1985, a report prepared by Rev. Michael Peterson (president of St. Luke Institute), Rev. Thomas Doyle (a canon lawyer) and Raymond Mouton (a lawyer who represented an abusive priest in a sensational case from Louisiana) had a great impact. The report, entitled *The Problem of Sexual Molestation by Roman Catholic Clergy: Meeting the Problem in a Comprehensive and Responsible Manner*, was distributed to the Bishops by St. Luke Institute, Maryland. The report noted that pedophilia and related deviant disorders had been closeted in Western civilization for centuries, and that most persons and organizations that confronted the issue had responded in a manner they thought was best suited to protect the child

and his or her privacy, and to rehabilitate the offending person. In this country, various regimes of psychological and spiritual counseling were typically employed.

But due to strides in the clinical field, it was coming to be understood that these efforts to rehabilitate too often seemed to have backfired and aided, comforted and enabled sex offenders to continue their secret lives of crime.¹ The report informed the Bishops that child sexual abuse by clergy was much more prevalent than the Church previously understood. The authors' view was that in-patient treatment for offending priests, rather than less intensive counseling alone, was a preferable model.² The Bishops were informed that individual factors, such as the extent of sexual abuse, the age of the child, when and where it was discovered, and dimensions of the relationship of the priest with the family, were all factors affecting the impact of the abuse on the child and the decision as to whether the priest could be returned to ministry.³

1985 was also the year Roger M. Mahony was installed as the fourth Archbishop of Los Angeles. The Collegeville panel and the report caused him to begin an active new approach to dealing with offenders and reaching out to victims. Since then, the Archdiocese has devoted greater resources, time and energy to dealing with the problem of sexual abuse of minors by clergy.

The path lighting the way to "best practices" in the field has been uneven, even given the best of intentions. Recommendations from those in the field of psychology have taken more than one direction, and some understandings that prevailed in the 1980s no longer are accepted by mental health professionals or the Archdiocese.

B. The National Conference of Catholic Bishops' 1994 Initiative.

In 1994, the National Conference of Catholic Bishops' Ad Hoc Committee on Sexual Abuse published a manual entitled *Restoring Trust*. It recommended a variety of possible roles for priests upon the conclusion of therapy and aftercare, depending in part on whether the priest had ever actually crossed the line into abuse. Some priests might be assigned to parish ministry, others assigned to non-parish ministry, and still others assisted to resign from all clerical ministry.⁴ Even as recently as ten years ago, there remained the belief that treatment of some kind could be effective and reliable, often qualifying a priest-offender to return to ministry.

Meanwhile, the Los Angeles Archdiocese was in appropriate cases denying new priest-offenders, even before treatment, the possibility of returning to parish ministry or to other assignments in which youth might be endangered. This policy would take fuller form in the coming years.

In 1994, Frank Valcour, M.D., of St. Luke Institute, noted that sexual orientation and sexual object preference were not amenable to change, so it was unreasonable to expect treatment to effect a cure. This clinical reality led to the development of treatment approaches that focused on management of the disease. The concepts of sexual addiction, relapse prevention, and empathy training as well as pharmacologic approaches all contributed to a therapeutic optimism that child abusers could be helped. Valcour advised that although cure was not possible, recovery was.⁵

Aggressive treatment and careful continuing care were regarded as essential. Dr. Valcour reported that, “In achieving the essential goal of treatment, the cessation of molestation, Church affiliated centers report very good results.”⁶ He also noted that “priest child molesters commonly have a grooming ritual that extends over long periods of time” and that “a properly prepared continuing care plan allows the perception of early warning signals. The workability of this system has been verified many times in instances where movement toward re-offending was recognized and interrupted in a timely way.”⁷

“Despite struggle, inconsistencies and media frenzies over some dramatically horrible cases,” he wrote, “the fact is that countless instances of child abuse have been prevented by the Church’s activism around the treatment of child abusers. All would wish that such activism had begun earlier but it is only in recent years that diagnostic precision and effective treatment approaches have been available.”⁸

Accordingly, reputable psychological experts, girded by growing experience with modes of treatment, spoke, as did Dr. Valcour, of “diagnostic precision”⁹ in an atmosphere of therapeutic optimism. With the phenomenon of abuse of minors by clergy not yet a national uproar, they felt they were doing effective work – work that might have benefit for all, young people and the Church alike.

III. POLICY DEVELOPMENT

A. Practices Of The Late 1980s.

From 1986 forward it became the practice for the Vicar for Clergy to promptly interview a victim as soon as a report of misconduct was made and confront the accused priest. The priests’ responses varied. Some admitted misconduct though not necessarily the same misconduct as reported by the victim. Others denied everything or denied any sexual misconduct but admitted to a boundary violation.

Historically, in the face of a firm denial by the priest, the Archdiocese had accepted the denial unless there was evidence in the file of a prior report of some nature. Before the mid-1980s, the Archdiocese did not typically follow up the interviews of the victim and the accused with anything more than interviewing the pastor or other priests in the rectory. Friends of the victim, other children with exposure to the priest, teachers and parish staff in a position to observe the priest’s interaction with children were rarely interviewed.

During that time period, when an allegation was made, pulpit and school announcements were rarely, if ever, made requesting evidence of other misconduct or soliciting other victims to come forward. Until the mid-1980s, most victims did not receive any counseling provided or paid for by the Archdiocese.

The thinking in the 1960s, ‘70s and early ‘80s appears to have been that the victims, accused priests and the Archdiocese itself would be better served by handling such matters pastorally and privately. The common understanding within and outside the Church was that this type of misconduct was treatable and curable by more intensive spiritual direction with emotional and psychological counseling, and that this was better achieved privately. Indeed, in 1985 there were only a handful of priests with any known allegations against them. As

surprising as is the number of incidents of abuse now reported for the period before 1985, even more surprising is the *infrequency* of complaints received during that same period.

In 1989, Archdiocesan policy on handling charges of abuse formally recognized that the problem needed to be confronted in different ways. Cardinal Mahony ordered the development of Archdiocesan policies and procedures for preventing clergy sexual abuse. During 1987 and 1988, the Archdiocese discussed and formulated formal written policies and guidelines that were published in June 1989. Since then, the policies and guidelines have been revised and improved.

B. Prudent Boundaries.

The June 1989 Archdiocesan guidelines articulated prudent “boundary lines” for clergy conduct. For example, they provided that “priests must avoid activities such as hugging, tickling, wrestling that involve physical contact with minors,” and “priests must not have minors in their rooms, nor should minors stay overnight at a rectory.” Under these guidelines, if evidence indicating a problem were to arise, the Archdiocese would ask the priest to undergo psychological evaluation and would work with the therapists to determine the best course for the priest’s future.

Revised May 1994 Archdiocesan guidelines provided that when a report of sexual abuse of a minor or an adult was received, the priest would be confronted and a process begun to assess the complaint and assist any victim. The case against the priest would proceed unless (i) there were no witnesses other than the complainant; (ii) there was no behavior in the priest’s past that lent substance to the allegation; and (iii) the explanation of events by the priest was credible. If, however, substantial issues remained unresolved, the Archdiocese would ask the priest to undergo psychological evaluation and would be guided by the report of the professional evaluation. Also, new screening procedures were adopted for priests visiting from other dioceses and for religious order priests before they could obtain formal assignments in the Archdiocese.

C. Lay Review.

Lay review was part of the new approach. In 1994, the Archdiocese formed a Sexual Abuse Advisory Board. Its purpose was to provide advice to the Vicar for Clergy in dealing with complaints of abuse and in refining policies and practices. The Board consisted of pastors as well as priests, psychologists, social workers, attorneys and victims or parents of victims. The Vicar for Clergy would present the factual situations to the Board using pseudonyms for the accused priest and victims. The Board discussed each case and offered its wisdom, usually by consensus, but did not make a formal recommendation. Instead, the advice of the various members of the Board was conveyed by the Vicar to the Archbishop. The question of a return to ministry remained a judgment of the Archbishop based on the recommendations of therapists and the Board and on the ability of the Archdiocese to monitor the priest’s activities.

On reflection, the guidelines of the 1980s and into the 1990s did not place the Archdiocese in a position to fully assess and act effectively on every complaint. Thomas Plante, Ph.D., chair of the Psychology Department at Santa Clara University and a clinical professor of psychiatry and behavioral sciences at Stanford University School of Medicine, wrote in 2002 that “the vast majority of the research on sexual abuse of minors didn’t emerge until the early 1980s.

So it appeared reasonable at the time to treat these men [priest-offenders] and then return them to their priestly duties. In hindsight, this was a tragic mistake. . . . [But] we can't take what we know in 2002 and apply it to problems" faced in prior years.¹⁰

D. Mandatory Reporting.

On October 30, 1998, the California Catholic Conference issued a document entitled *For the Protection of Children: Principles and Procedures for Reporting Child Abuse For the Catholic Church in California*. It formalized protocols already in practice for compliance with the amendments of the Child Abuse and Neglect Reporting Act, California Penal Code § 11164 *et seq.*, effective January 1, 1997, which made all clergy mandatory reporters to law enforcement of any abuse or neglect of minors.

IV. ZERO TOLERANCE

A. Current Policy.

In February 2002, Cardinal Mahony announced to all the people of the Archdiocese a firm policy of zero tolerance:

[T]he Archdiocese of Los Angeles will not knowingly assign or retain a priest, deacon, religious or lay person to serve in its parishes, schools, pastoral ministries or any other assignment when such an individual is determined to have previously engaged in the sexual abuse of a minor. If the Archdiocese determines that a priest or deacon has engaged in such conduct, that person will be removed from all clerical offices and all pastoral or educational ministry and will not be reassigned. Since he will never return to active ministry, he will be encouraged to seek a dispensation from the obligations of the priesthood or the diaconate and to return to the lay state.¹¹

This policy was mirrored in the summer of 2002 by a decision of the United States Conference of Catholic Bishops to adopt zero tolerance, namely that, "When sexual abuse of a minor by a priest or a deacon is admitted or is established after an appropriate process . . . the offending priest or deacon will be permanently removed from ministry"¹²

B. Immediate Reporting And Investigation.

Now, if a report of sexual abuse of a minor is made to the Archdiocese, three steps are taken immediately: (1) the appropriate civil authorities are notified so that an investigation can begin; (2) counseling assistance and referrals, at Archdiocesan expense, are offered to the person making the complaint and to that person's family; and (3) if upon initial internal investigation the report is considered credible, the accused cleric is removed from all active ministry as the investigation continues. If the allegation is found to be true, the cleric will never be allowed to return to any active ministry or pastoral office. The most immediate concern is to help the individual who has been directly harmed by the misconduct or abuse.

C. Clergy Misconduct Oversight Board.

In 2002, before the June meeting of the U.S. Conference of Catholic Bishops in Dallas, the Archdiocese revamped the Sexual Abuse Advisory Board and renamed it the Clergy Misconduct Oversight Board to reflect a new role. It now consists of 13 members. The Board is chaired by the Hon. Richard Byrne, former Presiding Judge of the Los Angeles County Superior Court (Ret.). The membership of the Board includes parents of abused children, a victim, psychologists, attorneys and social service professionals.

The Board is now an entity reporting directly to the Archbishop with formal written recommendations. All cases of sexual misconduct by clergy are presented to the Board. The Board's meetings and records, including its recommendations, are strictly confidential.

When an allegation is received, the accuser is directed to the Archdiocese's Coordinator for Victim Assistance, civil authorities are notified, and the accused is informed of the allegation. The case is brought before the Board, which receives a report of each allegation lodged against a priest or deacon. The Board reviews all the relevant information and may request additional information as necessary.

Among other things, the Board makes written recommendations to the Archbishop concerning:

- Compliance with California's child sexual abuse reporting laws;
- Whether the needs of the victim or victims are being addressed and pastoral outreach has been extended to every victim and his or her family;
- The type of notice to be given to the parish staff and community.

As of February 1, 2004, the Board has had 28 meetings. It has reviewed 37 cases of reported abuse of minors, the vast majority of which happened before 1987. The Board's recommendations have been instrumental in the decision making of the Cardinal and other Archdiocesan officials.

Policies on sexual abuse remain under regular review, with an eye to considering "best practices" around the country that could enhance practices in the Archdiocese. Recently, for example, three former FBI special agents were hired to assist the Archdiocese with investigations.

D. Confidential Settlements.

In the past, as was customary in much litigation, the Archdiocese entered into confidentiality provisions as part of settlements resolving claims of clergy sexual abuse. It is the present policy, however, neither to enter into confidentiality agreements nor to attempt to enforce prior agreements.

V. HEALING AND VICTIM ASSISTANCE MINISTRY

Counseling and spiritual and psychological assistance have been offered by the Archdiocese to victims of sexual abuse for many years and many of those who were harmed have taken advantage of this offer. In 2002, along with the zero tolerance policy and the Clergy Misconduct Oversight Board, the Archdiocese established the Office of Assistance Ministry to facilitate pastoral and counseling response to victims of sexual abuse. The purpose of this Office is to provide immediate, compassionate pastoral and spiritual assistance and resources for victims harmed by sexually-abusive behavior of a priest, deacon or any employee of the Archdiocese.

Since 2002, the Office of Assistance Ministry has arranged counseling for more than 100 victims or their family members alleged to have been abused by Archdiocesan personnel. Counseling is provided by mental health professionals experienced in childhood sexual abuse. The psychotherapists are independent practitioners on a panel of practitioners recommended to victims. Victims, however, can select another qualified psychotherapist.

Cardinal Mahony has designated a prayer chapel in the Cathedral of Our Lady of the Angels for those affected by sexual abuse, and has asked pastors throughout the Archdiocese to include special prayers during Mass for the healing of all victims and their families.

VI. SAFEGUARD THE CHILDREN PROGRAM

In 2002, the Archdiocese initiated an effort to broaden understanding of all forms of physical, emotional and sexual abuse of children by any adult, including clergy. The *Safeguard the Children* program is intended to raise the consciousness of the community as a whole to issues of child abuse and neglect, and to sensitize teachers, parents, children, volunteers and all those in ministry to conduct that may be evidence of possible abusive behavior by any adult.

Each parish has been asked to establish a *Safeguard the Children* committee and to seek as committee members parishioners with relevant expertise, such as nurses, police officers, counseling professionals, doctors and parents.

The Archdiocesan Catholic Center, in conjunction with the Department of Catholic Schools and the Office of Family Life, has provided materials that have been given to every pastor, principal and director of religious education in the Archdiocese. Additional copies are made available to parishes requesting copies for parish committee members. The materials include a child abuse prevention handbook and intervention guide from the California Attorney General's Office and a list of additional resources, websites and videos offered by the Office of Religious Education.

The goals of each parish committee are to inform all parish groups of policies on reporting and preventing child abuse and neglect, to conduct workshops attuned to local needs, to arrange speakers, and, in general, to encourage parish groups to learn about all aspects of child abuse and prevention.

VII. PREVENTION AND VIGILANCE

A. Screening for the Priesthood.

Screening of candidates for the seminary has been strengthened over the last ten years and now includes in-depth personal interviews, a focus on sexual orientation and psycho-sexual integration appropriate to a lifetime commitment to celibacy, and psychological evaluations.¹³

A candidate for the seminary undergoes background checks and extended interviews by vocation directors concerning the candidate's personal history, including his sexual history, his relationships and his motivation for becoming a priest. Vocation directors visit the candidate's home and meet his family, and the candidate has a clinical interview with a psychologist.

Before ordination, a candidate for the priesthood goes through a lengthy evaluation period, including an internship during which he lives in a rectory and works with priests, staff and parishioners. During this time, the candidate is judged as to his suitability to be a priest. No one is ordained unless the seminary staff, including the lay faculty and formation advisers, concludes that the candidate has attained an emotional, psychological and sexual maturity appropriate for his age and for the celibate life of a priest. After ordination, education and formation continues with programs designed to keep new priests faithful to their duties and obligations.

B. Continuing Formation.

In addition to the *Safeguard the Children* program, the Archdiocese offers continuing workshops and conferences on sexual abuse and harassment. Prevention education, boundary education and continuing formation, including psychological and spiritual counseling regarding priestly chastity, are provided to both seminarians and clergy.

Cardinal Mahony's Pastoral Letter, *I Will Appoint Over You Shepherds After My Own Heart*, was shared at all Masses on the weekend of February 21 and 22, 2002. In the letter, the Cardinal apologized for and condemned the sins of the past, and committed the Archdiocese to taking comprehensive steps to ensure that all clerics are trustworthy ministers following the example of Jesus.

In December 1996, the Archdiocese provided all priests with written instructions concerning mandated reporting, drawing attention to the fact that they would become mandated reporters on January 1, 1997. These written instructions set forth the requirements of the reporting law and explain how to report allegations of abuse. Before and after the Bishops of California issued their statement concerning mandated reporting in 1998, training sessions were conducted for all priests and deacons. Since then, all candidates preparing for ordination have received instruction in what constitutes abuse, how to report abuse to the public authorities and the requirements of mandated reporting. In Spring 2002, as part of its ongoing education program, the Archdiocese conducted a series of training seminars for clergy in all five Pastoral Regions of the Archdiocese regarding mandatory reporting of suspicions of sexual abuse, as required under state law. The training included specific instructions for reporting suspected child abuse directly to child protection agencies or to the police. All Catholic school faculty and staff and other mandated reporters also continue to receive this training on a regular basis.

C. Other Archdiocesan Initiatives.

In June 2002, the Archdiocese prepared and distributed at all 288 parishes and parish schools a pamphlet entitled *Respecting the Boundaries: Keeping Ministerial Relationships Healthy and Holy*. The pamphlet is designed to help parishioners understand sexual misconduct in the Church and teach them how to identify possible problems and bring concerns about suspected abuse to the attention of Church officials. A new pamphlet, *Working Together to Prevent Sexual Abuse: Protecting Children and Young People*, which complements the *Boundaries* pamphlet, has been distributed recently.

The Archdiocese also uses its newspapers, *The Tidings* and *Vida Nueva*, to inform parishioners of procedures for making complaints of sexual abuse. The Archdiocese has posted on its website an “800” number for reporting suspected sexual abuse. Calls are returned promptly and confidentially by a trained member of the Office of Assistance Ministry. The number is (800) 355-2545.

It is Archdiocesan policy that announcements be read publicly in parishes where suspected abuse of minors has or may have occurred. Parishioners are encouraged to call the police directly with any information that they believe may be helpful to an investigation.

Policies on clergy sexual abuse, and contact information to report actual or suspected abuse, are posted on the Archdiocesan website at www.la-archdiocese.org.

VIII. LEGAL MATTERS

A. Grand Jury Investigations.

The Archdiocese has cooperated and will continue to cooperate with law enforcement authorities in connection with grand jury investigations in Ventura and Los Angeles Counties.

1. Ventura County.

Personnel of the Archdiocese testified before a Ventura grand jury and the Archdiocese responded to a number of grand jury subpoenas for records. All of the records sought were delivered to the court subject to the assertion of certain privileges. The privilege objections were heard before a Ventura Superior Court judge and in large part sustained.

In 2002, Fathers Donald Patrick Roemer, Fidencio Silva, M.Sp.S., and Carl Sutphin were criminally charged in Ventura. All of these priests had been removed from ministry in the Archdiocese of Los Angeles before they were charged and will never return to any ministry in the Church. In June 2003, the U.S. Supreme Court in *Stogner v. California*, 123 S. Ct. 2446, held that the California statute extending the criminal statute of limitations after it had expired for any individual was an unconstitutional *ex post facto* law. As a result, all charges against the above priests were dismissed.

2. Los Angeles County.

In 2002 and 2003, Fathers Michael Baker, Lawrence Lovell, C.M.F., Thomas Marshall, C.P., Titian Miani, George Miller, Joseph Piña, Carlos Rene Rodriguez, C.M., Neville Rucker, John Salazar, Sch.P., Matthew Sprouffske, O.Carm., and Michael Wempe were charged in Los Angeles County. All of these men were out of ministry when they were charged except Father Sprouffske, who was immediately removed from ministry. All of the cases were dismissed after the *Stogner* decision. Since then, Father Wempe has been charged on a new allegation concerning conduct in the early 1990s.

A grand jury in Los Angeles County also is investigating childhood sexual abuse. It issued a number of subpoenas for Archdiocesan records. In view of the volume of material, the Superior Court judge presiding over the grand jury referred the matter to a retired judge acting as a referee. All of the subpoenaed documents were produced to the referee subject to the assertion of certain privileges. The referee is resolving the claims of privilege but to date has not issued a decision regarding any of the objections by the Archdiocese or individual priests.

In response to the subpoenas, the Archdiocese has delivered every requested document to the Court subject to a number of important privileges asserted by the Archdiocese or the individual priests. For instance, all personnel files are private, protected by the California Constitution, and may not be produced over the priest's objection until a court has weighed the need for production against the individual's privacy rights. The priests involved have objected to production of their files and so the Court must evaluate the need for production. The Archdiocese has not asserted any privacy interest of its own in the records.

The Archdiocese, however, has objected to production of records that disclose the spiritual, pastoral and psychological counseling of the priests. The Archdiocese believes that the particular needs of the Catholic faith and the deeply private needs of its priests demand the right to private communication between Bishop and clergy on any topic, no matter how personal, without fear of intrusion by criminal or civil litigants. The Archdiocese believes the privilege goes to the heart of every Catholic's ability to practice the religion. The Archdiocese therefore has resisted disclosure of the intimate confidential files, while still making sincere efforts to disclose to both criminal and civil litigants the important information they need to evaluate or prosecute these cases. The Archdiocese believes that many of these sensitive records are covered by California Evidence Code privileges for communications with psychotherapists and clergy. Others, the Archdiocese believes, should be free from government interference under the First Amendment guarantee of the free exercise of religion.

Since priests have the same emotional and psychological problems as other men, bishops or their vicars for clergy intervene with priests-in-crisis to provide pastoral support. To be effective, this support must include spiritual, emotional and psychological ministry; this counseling cannot succeed if the conversations are not confidential, as the priests had always been assured. Accordingly, the confidential files of the pastoral care of these priests are kept in special files with limited access.

For the Church, the care of these priests is both a moral and theological obligation. The ministry of the Vicar for Clergy would be compromised if the confidential communications between either the Vicar or his Bishop and the priest were to be disclosed. The Archdiocese does not seek to protect the conduct of priests from criminal or civil liability; it only seeks to protect these confidential communications.

The California Evidence Code provides that all confidential communications between a patient and his psychotherapist are privileged. The purpose for this privilege is to encourage the patient to open himself to therapy. The California privilege allows disclosure of the therapy records to anyone for the accomplishment of the purpose for which the psychotherapist is consulted. Since the purpose for disclosing the records to the Vicar and Archbishop is to accomplish the purpose for the psychological consultation by designing an aftercare contract and regimen for the priest, the reports of therapists to them are protected.

To facilitate investigations by civil authorities, the Archdiocese has provided prosecutors with the names of victims and every accused priest, the time periods of alleged abuse, records of the priest's assignments and the priest's current status and location. The prosecutors have all of the witnesses and evidence used historically in these cases to conduct investigations and prove guilt.

B. Priests' Legal Expenses.

Another aspect of criminal and civil litigation relates to the legal expenses of the individual priests. Since priests are in general wholly dependent upon their Bishop for financial support, canon law requires Bishops "to protect their [priests'] rights . . ." and "to take care that provision is made for their decent support and social assistance." Canon 384.

In the context of the recent criminal and civil complaints against the priests, the Archdiocese has provided certain individual priests with loans to enable them to obtain legal representation in criminal investigations prior to being charged. Following indictment, the Archdiocese no longer provides legal support and will not provide bail. In civil cases, the Archdiocese provides limited funds for an initial review of the matter and has provided loans when needed by the priest for the assertion of certain constitutional rights prior to trial. These loans are not based on any determination by the Archbishop of guilt or innocence of the person charged.

C. Civil Litigation.

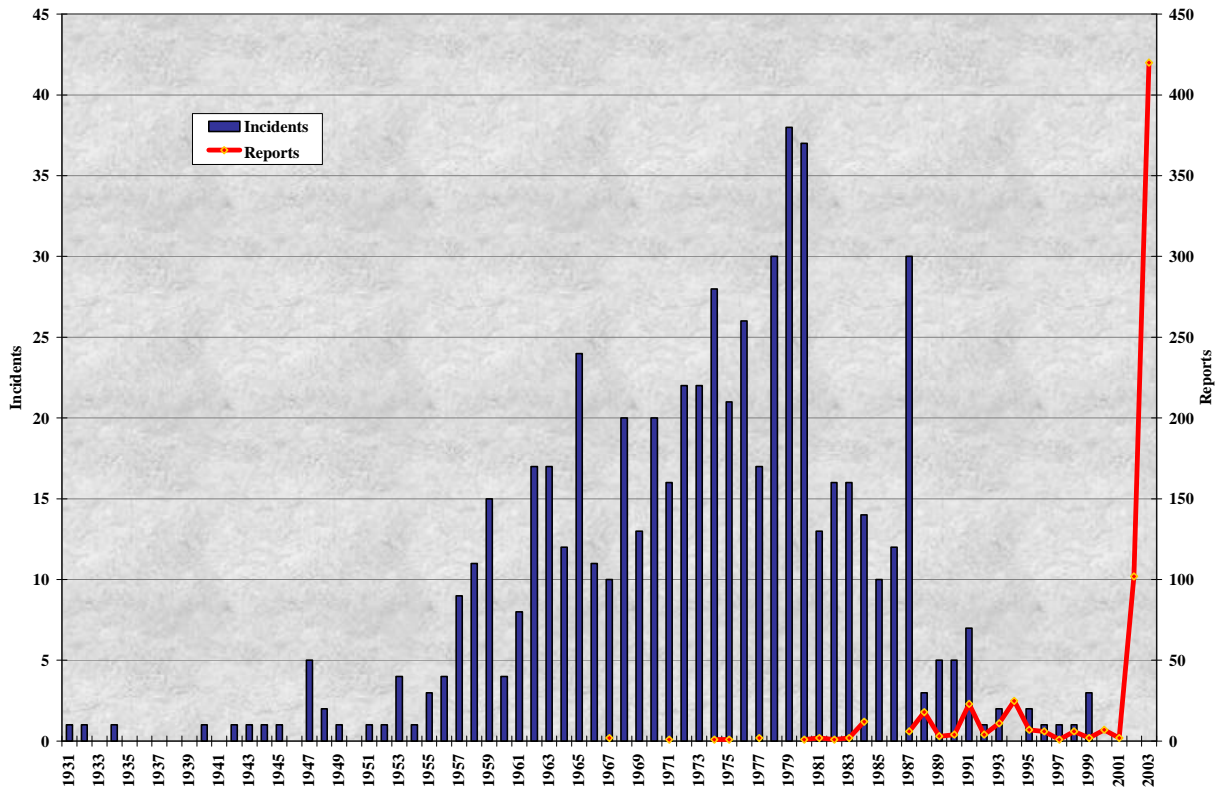
In July 2002, the California Legislature, responding to media attention surrounding disclosures in Boston, unanimously passed without significant debate a bill that eliminated the statute of limitations for sexual abuse claims for one year commencing January 1, 2003. Since then, hundreds of cases never before reported to the Archdiocese have been filed. As of December 31, 2003, over 500 claimants are named in over 200 suits filed in the civil courts.

All of the cases against the Archdiocese of Los Angeles have been coordinated in the Superior Court of Los Angeles and assigned to a highly-regarded Superior Court judge for mediation and possible settlement. Accusers and accused, as well as the Archdiocese and its insurers, are participating in the mediation. In October 2003, the Archdiocese began receiving formal responses by the plaintiffs to informational questionnaires setting forth the specifics of their allegations against individual priests. These details will allow the Archdiocese, with the advice of its Clergy Misconduct Oversight Board, to investigate the new, never-before-heard allegations.

IX. STATISTICAL PERSPECTIVES

The chart and table below compare the start of actual abuse with the reports of abuse. For example, in 2003 the Archdiocese received many reports of incidents from more than 30 years ago. The bar graph shows the first year of each incident of abuse and the line graph shows how far the reports of abuse lag behind the actual incidents.

**LOS ANGELES ARCHDIOCESE
INCIDENTS AND REPORTS TO ARCHDIOCESE
BY YEAR**



**LOS ANGELES ARCHDIOCESE
INCIDENTS AND REPORTS TO ARCHDIOCESE
BY YEAR**

Year	Incidents	Reports
1931	1	
1932	1	
1933		
1934	1	
1935		
1936		
1937		
1938		
1939		
1940	1	
1941		
1942	1	
1943	1	
1944	1	
1945	1	
1946		
1947	5	
1948	2	
1949	1	
1950		
1951	1	
1952	1	
1953	4	
1954	1	
1955	3	

Year	Incidents	Reports
1956	4	
1957	9	
1958	11	
1959	15	
1960	4	
1961	8	
1962	17	
1963	17	
1964	12	
1965	24	
1966	11	
1967	10	2
1968	20	
1969	13	
1970	20	
1971	16	1
1972	22	
1973	22	
1974	28	1
1975	21	1
1976	26	
1977	17	2
1978	30	
1979	38	
1980	37	1

Year	Incidents	Reports
1981	13	2
1982	16	1
1983	16	2
1984	14	12
1985	10	
1986	12	
1987	30	6
1988	3	18
1989	5	3
1990	5	4
1991	7	23
1992	1	4
1993	2	11
1994		25
1995	2	7
1996	1	6
1997	1	1
1998	1	6
1999	3	2
2000		7
2001		2
2002		102
2003		420

NOTE: The data is for the time period from 1930 through 2003.

An incident for purposes of this study is the first year of abuse for each person.

The statute of limitations for civil claims of child abuse was removed by the State Legislature for a one year window. This allowed anyone who was ever abused – even 70 years ago in the 1930s – to file suit for monetary damages in 2003. As a result, there was a dramatic increase in the number of cases reported in 2003, as the red line graph demonstrates. Of course, the Archdiocese recognizes that this is a crime that, even with the removal of the statute of limitations for a year, is woefully under-reported.

The chart and table above also show how sexual abuse by clergy seemed to be a limited phenomenon until 2002, but then seemed suddenly to assume vastly greater proportions as reporting of old incidents erupted. As the chart and table demonstrate, the reports of abuse to the Archdiocese were in fact very few until the late 1980s, and then rose dramatically in 2002 when the crises broke in Boston and rose even more when the statute of limitations was removed for 2003.

The table below shows that 150 of the accused priests, deacons, brothers and seminarians have only one accuser. In other words, 150 of the 244 persons accused or 61% have only one accuser. Six of the accused are responsible for 146 accusers.

**LOS ANGELES ARCHDIOCESE
NUMBER OF ACCUSERS PER ACCUSED**

Accused	Accused by:	Accusers
150	1 Accuser	150
35	2 Accusers	70
17	3 Accusers	51
9	4 Accusers	36
3	5 Accusers	15
7	6 Accusers	42
2	7 Accusers	14
3	8 Accusers	24
1	9 Accusers	9
2	10 Accusers	20
2	11 Accusers	22
3	12 Accusers	36
4	13 Accusers	52
2	18 Accusers	36
1	21 Accusers	21
1	23 Accusers	23
1	28 Accusers	28
1	38 Accusers	38
244	TOTALS	687

Note 1: The data is for the time period from 1930 through 2003.

Note 2: Twenty-two accusers accused more than one person. For purposes of this table an accuser who alleges abuse by a number of persons is treated as a separate accuser for each accused. For example, if an accuser alleges that he was abused by two persons, the accuser is counted as two accusers in this chart. This overstates the number of accusers in order to include every person accused. More specifically, the number of accusers is overstated by 31 persons.

Note 3: Of the 656 accusers (eliminating accusers counted more than once), 519 are male and 137 are female.

X. EXAMPLES OF HANDLING OF SEXUAL ABUSE CASES

As noted earlier, over time the Church at large as well as the Archdiocese has advanced its understanding of the problem of sexual abuse of minors and has modified its method of dealing with reports of sexual abuse. The following summary uses examples from different time periods to illustrate this progression.

A. Incidents Prior To 1985.

There were few priests in ministry with confirmed prior allegations of child molestation when Archbishop Mahony was installed in 1985. One, Father Neville Rucker, was the subject of allegations in the 1960s that were contemporaneously reported to police, but the authorities elected not to prosecute when the parents withdrew their complaint after meeting with Auxiliary Bishop Timothy Manning. Father Rucker was transferred from St. Anthony's Parish in El Segundo after this incident. Although Bishop (later Cardinal) Manning is deceased and cannot be asked about his motives, the transfer was consistent with the normal response used at the time in which these cases were seen as sins requiring spiritual solutions. The priest in question had discussed and reflected upon it with his Bishop. Subsequently, Father Rucker served in a number of different parishes until his retirement in 1987.

After his retirement, the Archdiocese received information of one other incident of abuse by Father Rucker also dating back to the 1960s. It is only in the last 18 months that the Archdiocese has learned of numerous other people who claim to have been abused by Father Rucker.

Father George Miller was the subject of an abuse report in 1977 by the mother of a ten-year-old. The mother wrote that she preferred that Church authorities handle the situation. Father Miller denied the allegation. A meeting was held involving the mother, her child, the child's therapist and the priest. Given the understanding at the time that this was primarily a spiritual problem, the Archdiocese placed the report of misconduct in the priest's file and treated it as a warning. Father Miller was not transferred to a new assignment. Four years later, with no other reports of misconduct lodged against him, Father Miller became pastor of the same parish. In 1996, an adult reported that Father Miller molested him and his brother at that parish between 1973 and 1984. He wanted the report handled confidentially by the Church. At this time, Father Miller was sent for psychological treatment in a restricted, residential setting. At the conclusion of his treatment, the Archdiocese removed Father Miller's faculties to engage in any priestly functions and he was removed from ministry.

In the early 1980s, Father John Wishard pleaded *nolo contendere* to child abuse charges. Subsequently, in a civil suit by the victim against the priest, new evidence was disclosed that materially impeached the veracity of the victim. The assistant district attorney who had prosecuted the case requested that the conviction be reversed and dismissed, which the court did. Father Wishard remained in ministry without any subsequent reports of misconduct until he retired in 1997. He was laicized in 2002.

B. The Case Of Father Michael Baker.

Cardinal Mahony has already acknowledged and apologized for the mistakes made in handling Father Michael Baker, a case that taught many important lessons. During the 1986 priests' retreat, Archbishop Mahony advised the priests that anyone who had engaged in any misconduct with minors should meet with him confidentially, and that the Archdiocese would provide spiritual and psychological assistance as necessary. Father Michael Baker then approached the Archbishop to discuss his relationship with two boys from 1978 to 1985. The Archdiocese sent Father Baker to psychological treatment in a restricted residential setting for six months. Thereafter, it assigned him to a limited ministry to retired priests. Father Baker continued in aftercare with local therapists and agreed to live in accordance with strict boundaries limiting his activities to ministry to adults. Since Father Baker had self-reported his misconduct, the Archdiocese trusted that he was following his aftercare restrictions and avoiding any new misconduct. The Cardinal has fully acknowledged that this was a terrible mistake.

No new reports of misconduct were received for over 15 years. Father Baker resided in places where his history and the restrictions placed on him were known to his supervisors. During this period, however, three boundary violations on Father Baker's part were reported. In each case a review of the report did not indicate any child abuse. Nevertheless, after the third report, Father Baker was transferred to a more restrictive environment at St. Camillus parish. Its only parishioners are in-patients at USC County General Hospital. The pastor was advised of Father Baker's restrictions and asked to be alert to any violations.

With no reports of abuse, but without sufficient attention to the import of the first two boundary violations, beginning in 1991 Father Baker began to be assigned as administrator *pro tempore* at a series of parishes that needed an interim priest to oversee the parish until a new pastor could be appointed. Although he continued to keep his primary residence elsewhere, he was not prohibited from staying overnight in those parishes on occasion. The Vicar for Clergy involved in each of these assignments felt that Father Baker had reformed. None of the staff at these parishes were advised of Father Baker's history, however, and the Archdiocese freely acknowledges that this was wrong. Based on the information known to date, no one has ever claimed to have been abused by Father Baker at any of these *pro tempore* assignments.

In 2000, two plaintiffs proposed to file a lawsuit against Father Baker alleging child molestation at various locations in Mexico, Arizona and California in the years 1984 to 1999. Immediately upon learning of this complaint, the Vicar for Clergy terminated Baker's assignment, removing his faculties and ordering him to cease all ministry. Cardinal Mahony began the process to impose the penalty of dismissal from the priesthood on Father Baker, a step that became unnecessary when Father Baker petitioned for and was granted laicization, which was completed in December 2000. The Archdiocese settled the proposed lawsuit with the two men for \$1.25 million with \$400,000 from insurance, \$500,000 from Baker and \$325,000 from the Archdiocese.

Cardinal Mahony has publicly admitted his misjudgment in handling this case and has apologized for allowing Father Baker to remain in ministry. The Cardinal admitted that he placed too much reliance on Father Baker's perceived good faith in self-reporting, and was far too lenient in permitting him to continue in assignments despite the boundary violations. This

case brought to the attention of the Archdiocese that placing a person in a restricted ministry was not sufficient to prevent future abuse. The lesson is that either much closer monitoring is needed, which is practically impossible, or the priest must be removed from ministry.

C. Cases Of Intervention With Return To Limited Ministry.

In 1987, a pastor reported to the Vicar for Clergy that Father Michael Wempe had been the subject of reports of boundary violations, *i.e.*, indiscreet conduct with young boys without any evidence of actual molestation. The Archbishop removed the priest from ministry and sent him for psychological assessment and treatment at a residential facility. Upon completion of the residential therapy and based upon the treating psychotherapist's report, Father Wempe was returned to a limited ministry as a hospital chaplain where he served from 1988 until he was asked to resign in 2002. The Archdiocese placed confidence in the treatment process, a confidence that seemed to be borne out by the fact there had been no reports of any new misconduct by Father Wempe after his treatment and assignment to the hospital. In 2003, however, such a report emerged. Father Wempe was charged with molestation in the early 1990s of a younger brother in a family with which he had a long relationship. He was previously accused of abusing the victim's two older brothers. As far as is known to the Archdiocese, the contact with the boy was not related to Father Wempe's pastoral work at the hospital.

In 1991, an adult reported being molested as a child by Father Carl Sutphin in the late 1960s. Father Sutphin was removed from ministry and sent for over six months of residential psychotherapy. Upon completion of his treatment, he was assigned to live and work as chaplain in a retirement home. In 1995, Father Sutphin was assigned to St. Vibiana's Cathedral, which was closed for earthquake damage. In 2001, he was transferred to the new, still-under-construction cathedral. In these years, he ministered to the downtown jails and street people. He retired in 2002. Although other adults have since come forward alleging childhood molestation, there have been no reports of any misconduct committed by Father Sutphin subsequent to his treatment and return to ministry.

In 1987, Father Gerald Fessard pled guilty to battery and sexual molestation of minors and was placed on probation. As part of his probation, he attended residential psychotherapy. Upon completion of his therapy, Father Fessard was assigned for his primary ministry to the Archdiocesan Tribunal, although for a period he lived in and assisted at a parish. Father Fessard continued in this limited ministry until 2002, when the Archdiocese mandated his withdrawal from ministry under its new zero tolerance policy. The Archdiocese has not received any reports of abusive conduct by Father Fessard since his guilty plea, probation and residential treatment.

Father Carlos Rodriguez, C.M., a priest of the religious order popularly known as the Vincentians, was ordained in 1986. At his first assignment at St. Vincent's Parish in Los Angeles, the Vincentians received a report that Father Rodriguez had abused a 16-year-old. He was immediately removed from ministry and sent for residential psychotherapy. The Vincentians notified the Vicar for Clergy of their actions. The case was reported to the police. Father Rodriguez underwent residential therapy. After reviewing his discharge report, the Archdiocese assigned him to live and work at an all-adult seminary doing Engaged Encounters, Marriage Encounters and retreats that would not involve minors. He was also assigned to administrative work in the Archdiocesan Office of Family Life in Santa Barbara. After two

years in this limited service, Father Rodriguez sought a parish assignment within the Archdiocese. The Vicar for Clergy turned down this request given his history of abuse. Early in 1993, Rodriguez left his religious community and consequently his faculties for any type of ministry were terminated. In 1998, he petitioned for and was granted laicization. In 2002, an adult male reported to police that Father Rodriguez had abused him at St. Vincent's Church over a two-year period (1985-87) beginning when he was 12. Father Rodriguez was arrested, but was released and all charges dismissed after the June 2003 decision of the United States Supreme Court in *Stogner v. California*. Later in 2002, a Santa Paula family reported to their pastor that Father Rodriguez had abused their three sons over a ten-year period from 1987 to 1997. The abuse occurred in the family home when Father Rodriguez stayed overnight and on camping or other outings. Father Rodriguez was arrested in late 2003 by Ventura authorities on charges related to this report and in February, 2004 he pled guilty to molesting two of these boys. Father Rodriguez met the family while he was still in active service as a priest, but the relationship continued after he left ministry in 1993.

Fathers Baker, Fessard, Sutphin and Wempe are examples of how the Archdiocese dealt with reports of molestation by priests in the mid 1980s into the 1990s. Generally, they were removed from ministry and sent for psychological assessment and treatment. If a favorable report from the treatment team indicated a possible return to ministry, they were returned to ministry, frequently in a restricted assignment. Father Rodriguez is an example of a priest belonging to a religious order whose case was handled in a similar fashion by his own religious superiors and was returned to priestly ministry in the Archdiocese.

Based on the information known to date, Fathers Baker, Rodriguez and Wempe are the only priests charged with abusing again after they were originally reported, underwent intervention and therapy, and were assigned to restricted ministry. But even one incident of renewed molestation of a child or young person is totally unacceptable. Thus, the Archdiocese steadily, but too slowly, moved toward a policy of not returning priests to ministry after it was determined they had abused minors.

D. Interventions With No Return to Ministry.

In 1991, Father Richard Henry pleaded *nolo contendere* to four counts of lewd conduct with a child under 14 years of age. Upon notification of the criminal charges, the Archdiocese removed him from ministry. After his conviction, he was sentenced to state prison. When he was released from prison in August 1996, the Archdiocese informed him that there was no prospect of return to ministry as a priest. To assist in his transition out of ministry, the Archdiocese provided psychotherapy at a residential facility.

Also in 1991, three families reported to their parish that Father Lynn Caffoe was overly familiar with their teenage sons. They did not report any actual sexual molestation. The priest denied any misconduct. As a result of the Archdiocese's investigation, Father Caffoe was sent for evaluation and treatment at a residential facility. After reviewing the recommendations of his therapeutic team, the Archdiocese deemed it inappropriate to restore Father Caffoe to any type of ministry, at least not without a lengthy period of rehabilitation. He was placed on inactive leave and advised that he could have no priestly assignment for at least three to five years. In 1994, while Father Caffoe was still out of ministry, a high school boy reported contemporaneous

sexual abuse. The report was forwarded to Child Protective Services for a police investigation. Father Caffoe was never restored to ministry. His current whereabouts are unknown.

E. Priests Who Left The Archdiocese After A Report Of Molestation.

In late 1990, a minor, age 17, reported to a priest that he had had several occasions of sexual conduct with Father Tilak Jayawardene, a priest visiting from Sri Lanka serving as a parish priest. At the time, there was no mandatory reporting to law enforcement for clergy. Following the practice of the Archdiocese at that time, the minor was advised that he had the right to report the matter to the police and that the Archdiocese would support whatever decision he made. The minor responded that he definitely did not want his mother or the police to know. The Archdiocese immediately withdrew Father Jayawardene's faculties to function as a priest in this Archdiocese and reported the matter to his home bishop who had the ultimate authority over him. Based on the withdrawal of faculties, Father Jayawardene returned to Sri Lanka. A few weeks later, the victim changed his mind and reported the matter to the police. The Archdiocese has written to Church officials in Sri Lanka to obtain assistance in locating Father Jayawardene and has forwarded the information obtained to the Glendale Police Department.

In 1998, a mother living with her son, age 16, in Arizona reported to her former parish in Los Angeles that a priest of the parish, Father Carl Tresler, had molested her son before they moved. Pursuant to the mandatory reporting law that went into effect in 1997 for clergy, the pastor reported the matter to the Bell Gardens Police Department and to the Archdiocese. The Vicar for Clergy immediately removed the priest from ministry and initiated counseling for the boy in Arizona. The police never brought charges. After residential therapy, the Archdiocese advised Father Tresler that he would be given no assignment and his faculties in Los Angeles were removed permanently. Father Tresler moved to Peru and has been incardinated there by the local bishop. On a number of occasions, Cardinal Mahony has written to the local bishop in Peru, to the Apostolic Nuncio to the United States and to the Congregations of the Clergy and of the Doctrine of the Faith at the Vatican expressing his opinion that Father Tresler should not be permitted to function as a priest anywhere.

These are examples of cases involving priests who left the Archdiocese after allegations surfaced. The Archdiocese has learned from these cases that it is important to attempt coordination with the police so that law enforcement has an opportunity to act at the same time or before the Archdiocese confronts and/or permanently removes a priest's faculties.

F. Basis For Strengthened Standards.

The Archdiocese, sometimes imperfectly, has tightened its standards as its own experience in handling reports of abuse has grown and matured. The disclosures in 2000 about Father Baker caused Cardinal Mahony to realize how adept those who commit abuse could be at concealing and misrepresenting their criminal conduct and how difficult it is to effectively monitor a priest with a history of having abused a minor. Accordingly, for all of these reasons, on February 21, 2002, the Archdiocese officially promulgated a zero tolerance policy that no priest who had ever abused a minor – no matter how long ago – would be allowed to hold an assignment. As a result of this new policy, Cardinal Mahony obtained the resignations and retirements of a few priests reported to have committed abuse in the past but who had been

engaged in limited ministry without any new reports of misconduct for many years. This group included, among others, Fathers Fessard, Rucker, Sutphin, Wempe and Wishard.

XI. SETTLEMENTS

Since 1985, the Archdiocese has settled child molestation cases for a total of approximately \$10.35 million. Of this amount, the Archdiocese has paid approximately \$3.75 million, Archdiocesan insurance has paid approximately \$3.7 million and the balance has been paid by third persons, such as the perpetrators themselves, religious orders or other dioceses.

XII. CONCLUSION

Reports of molestation involving members of the Catholic clergy began to increase nationwide after the media attention to the revelations in Boston, and after removal of the statute of limitations for personal injury claims in California. A tempest of blame and criticism still swirls around the Church and the Archdiocese. The Cardinal and the leadership of the Archdiocese are aware of it at every moment and saddened by the plain facts that have occasioned the furor.

There is much to regret about the past, going back decades and extending into times of more recent Archdiocesan leadership. Some of the faithful, the young and the innocent have suffered terribly, and there can be no denying the consequences of inadequate actions by the Church.

The Archdiocese has committed significant resources to help those who were harmed to recover from their horrible experiences. We hope our efforts will help, but we realize that only the grace of God can provide the complete healing the victims need.

In the midst of this sorrowful story, lessons have been learned and taken deeply to heart. Ineffective policies of the past have been rejected. Understandings that did not measure up to human realities have changed. New insights and policies can now offer protection to all our people.

Clerics must be and will be held to the highest conceivable standards in their relationships with the young. There will be no favoritism, no hesitation in applying policies that will guard the flock.

The Church and the Archdiocese are prepared to live up to their responsibilities to all the people. *That is the pledge of the Archdiocese from Cardinal Mahony.*

ENDNOTES

¹ Peterson, Doyle and Mouton, *The Problem of Sexual Molestation by Roman Catholic Clergy: Meeting The Problem In a Comprehensive and Responsible Manner*, pp. 11-2 (1985).

² *Id.* at 56.

³ *Id.* at 56-57.

⁴ National Conference of Catholic Bishops' Ad Hoc Committee on Sexual Abuse, *Restoring Trust*, p. 23 (1994).

⁵ Frank Valcour, *Expectations Of Treatment For Child Molesters*, p. 2 (1994).

⁶ *Id.* at 9.

⁷ *Id.* at 9.

⁸ *Id.* at 9.

⁹ *Id.* at 9.

¹⁰ Thomas Plante, *A Perspective on Clergy Sexual Abuse*, p. 4 (2002).

¹¹ Cardinal Roger M. Mahony, *Pastoral Letter: I Will Appoint You Shepherds After My Own Heart*, p. 4 (February 21-22, 2002).

¹² United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People*, Article 5 (2002).

¹³ Effective programs to screen possible abusers from seminaries were not easy to devise. Father Canice Connors, the president of St. Luke Institute in Maryland, wrote in 1994 that most persons who ultimately would turn out to be abusers "appear quite normal on the instruments frequently used in psychological screening, the Minnesota Multiphasic Personality Inventory (MMPI) and the Millan Clinical Multiaxial Inventory (MCMI). After ordination, the sexual crises of those who had always been potential abusers came into play in the less structured and minimally supervised parish setting." Canice Connors, *The moment after suffering: lessons from the pedophilia scandal pedophilia in the Catholic Church*, Commonweal Foundation, pp. 1-2 (1994).

**UPDATE TO THE 2004 APPENDIX
PRIESTS ACCUSED OF SEXUAL MISCONDUCT INVOLVING MINORS**

With the final portion of the global settlement of clergy cases having been concluded, the names of accused priests under investigation released in the Appendix dated 2/18/2004 are now outdated. This appendix and the seven-page list containing the names have been removed. Please refer to the clergy files website, <http://clergyfiles.la-archdiocese.org>

The Archdiocese of Los Angeles remains in full compliance with the U.S. Bishops' 2002 Charter for the Protection of Children and Young People. Reports of suspected abuse are reported to the proper civil authorities; the lay-led Clergy Misconduct Oversight Board reviews all complaints of misconduct by clergy; and, adults and children throughout the Archdiocese continue to be trained in abuse prevention and awareness techniques. For more information, visit: <http://www.la-archdiocese.org/org/protecting>