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EXECUTIVE SUMMARY

Defenbaugh & Associates, Inc. (D&A) was retained by the Archdiocese of Chicago to conduct an independent due diligence review regarding sexual abuse of children allegations by two (2) Archdiocesan Priests; to identify any issues in the Archdiocesan policies and procedures, to include communication protocols and flow of information, both internal and external; and thereafter offer recommendations for remediation.

It is pointed out that this audit was conducted by exception only. Therefore, any positive accomplishments by the Archdiocese of Chicago, and the auditors recognized many positive actions during this audit on the part of the Archdiocese, with regard to the education, prevention, assistance and procedures for determination of fitness for ministry regarding victims or allegations of sexual abuse, are not noted in this report.

Defenbaugh & Associates, Inc. was retained by the Archdiocese of Chicago as an independent contractor, not as an employee of the Archdiocese. The Archdiocese agreed to furnish and make available to *D&A*, upon request, any and all records pertaining to any and all subjects of review. The Archdiocese also agreed to allow *D&A* accessibility to interview any employee of the Archdiocese who may have information concerning the subjects of the review or their activities. During this process, the Archdiocese of Chicago allowed and authorized *D&A* open access to any and all individuals and records for review which was sine qua non¹ to acceptance of the audit contract. Requests for interviews of Archdiocesan personnel and review of documents were furnished by the Archdiocese of Chicago without delay and without restraint. The auditors found the entire staff of the Archdiocese of Chicago to be professional, cooperative and forthright in their responses.

The audit identified 33 issues in the six (6) criteria areas as follows:

- I. Failures to Comply with Abused and Neglected Child Reporting Act (ANCRA) – Failures to Report
- II. Failures to Communicate (Internally & Externally)
 1. Delayed Notification of Sexual Abuse by Priest Allegation to Cardinal
 2. How to proceed upon receipt of an allegation

¹ something absolutely indispensable or essential

3. Receipt of Additional Allegations of Sexual Abuse
 4. Insufficient Training of Archdiocesan and Office of Catholic Schools Personnel in Responding to and Notification of Sexual Abuse Allegations
 5. Anonymous Complaints
 6. Recordation of Response to Requests for Information
 7. Delayed Reporting of Derogatory Information and Failures to Investigate
- III.** Failures to Follow Established Procedures and Protocols
- IV.** Failures in Monitoring of Priest Alleged to Have Sexually Abused a Minor
- V.** Failures to Conduct a Complete and Thorough Review of Living Priest's Files for any Impropriety/Misconduct
- VI.** Process Review Issues

Respective matters of concern are detailed in the Gap Analysis section of this report as an individual issue(s) with finding(s) and recommendation(s) for remediation within the criterion area where attention is required.

The most significant finding of this audit was the failure of the various Archdiocesan departments involved with issues of allegations of clerical misconduct of minors to communicate with each other, both orally and in the recordation of facts known to each archdiocesan staff, respectively, who are delegated a responsibility in handling these issues. The audit found that communication of information and facts known or in the possession of various individuals were not communicated amongst each other which caused a watershed effect into a slippery slope whereby the Archdiocese could not recover once the information became misplaced or omitted.

The audit found the Archdiocese of Chicago to have policies and procedures in place in order to respond to allegations of clerical sexual abuse of a minor. The audit identified that the Archdiocese of Chicago is not in compliance with its own policies, procedures and protocols. Specific Archdiocesan policies, procedures and protocols were not implemented in the sexual abuse allegations in the Father (Fr.) McCormack matter. Failure to report allegations of clerical sexual abuse of minors on the part of numerous individuals within the Archdiocesan staff and the Office of Catholic Schools since October 1999 only exacerbated this state of affairs to the point of violating Illinois Criminal Statute - Abused and Neglected Child Reporting Act. Even after the arrest / detainment of Fr. McCormack on an allegation of sexual abuse of a minor in August 2005, Archdiocesan personnel delayed reporting this arrest / detainment to Cardinal George for almost three (3) days even though Cardinal George was present within Archdiocesan territory and available for such notification. The audit also found that lack of effective communication between the Department of Children and Family Services and the Archdiocese only worsened and magnified the situation. Further, even though

certain Archdiocese personnel had within its possession information from local law enforcement and the State's Attorney that the August 2005 allegation against Fr. McCormack was "credible," the recommendation for removal of Fr. McCormack of his pastoral duties and to sever Fr. McCormack's contact with minors was not made until October 15, 2005 when the Review Board recommended that Fr. McCormack be removed from the ministry. Prior to that time certain procedures and protocols were not followed by the Archdiocese. The Archdiocese did not follow the basic spirit of their own established guidelines. Appropriate administrators at Our Lady of the Westside Schools were not informed of the "monitoring" of Fr. McCormack. Fr. McCormack was only orally advised of certain minimal restrictions regarding contact with minors and there was no follow through by the Archdiocese to ensure compliance. To the contrary, Individual Specific Protocols (ISPs) for monitoring were not addressed by the Professional Conduct Administrative Committee which included the Vicar of Priests and the Professional Responsibility Administrator; the ISPs were not established as directed by policy, nor were they applied. Fr. McCormack ignored immediately and independently ignored and violated these instructions to the point of continuing to coach the basketball team of minors, to teach algebra to minors, to allegedly begin to create an after school program for minors and to take minors out of the state on a shopping trip. The audit identified a total breakdown in communication amongst the Archdiocesan staff assigned to react to allegations of sexual abuse of minors. The audit identified that had a complaint of misconduct on the part of Fr. McCormack in September 2003 been properly dealt with at the time, it would have identified another alleged sexually abused minor by Fr. McCormack. But not further investigation this complaint, the September 2003 allegation was the watershed event which carried the Archdiocese further into a slippery slope due to lack of responsive and action on the part of archdiocesan personnel to another misconduct complaint against Fr. McCormack. The audit found that Cardinal George did not know what he needed to know to make a definitive decision regarding Fr. McCormack from October 1999 through December 2005 because he was not advised of all the information in possession of his staff. Cardinal George was not apprised of the entirety of information in possession of Archdiocesan staff regarding the credibility of the allegation of sexual abuse of a minor by Fr. McCormack. The audit found that the Archdiocese was in possession of various allegations of sexual misconduct on the part of Fr. McCormack of which Cardinal George was not apprised. This global information included allegations from Fr. McCormack's seminarian days from 1988 through 1991 concerning sexual interaction and/or suspicious sexual activity with two (2) adult males and one (1) male minor; allegedly having a male student pull down his pants in 1999; and having boys in the rectory in 2003; and the September 2003 allegation of misconduct which, had it been investigated at the time would have identified another alleged victim of Fr. McCormack. The audit finds that had Cardinal George been told the entirety of this information and these incidents, he may have reached a different decision concerning Fr. McCormack's status after being informed of the August 2005 arrest / detainment of Fr. McCormack.

The audit identified that on August 29, 2005 Cardinal George approved the official appointment of Fr. McCormack as Dean of Deanery III-D effective September 1, 2005. The Office for the Vicars for Priests had in their possession derogatory information

concerning Fr. McCormack which they delayed reporting to the Vicar General. The Vicar General was telephonically advised of the derogatory information but allowed the appointment to proceed without requiring further investigation into the allegation or withdrawing the appointment letter until resolution of the allegation. Withdrawal of the appointment letter and/or holding it in abeyance until resolution of the allegation would have avoided the appearance that the Archdiocese promoted Fr. McCormack immediately after his arrest / detainment for alleged sexual abuse of a minor.

Additional allegations have been brought to the attention of Archdiocese of Chicago personnel of sexual misconduct and allegations of sexual abuse of a minor in one (1) incident and two (2) separate incidents involving adult males, by Fr. McCormack during 1988 and 1991 during his time at Niles College and St. Mary of the Lake. Audit review of Fr. McCormack's seminarian files failed to locate any documentation of allegations of sexual misconduct or allegations of sexual abuse on the part of Fr. McCormack; however, interview of the former Vice Rector of the seminary identified that three (3) distinct allegations of sexual misconduct of both adults and of a minor on the part of Fr. McCormack were brought to the attention of the seminarian officials in the spring quarter of 1992. The former Vice Rector recalls that these allegations were documented to Fr. McCormack's file. Accordingly, seminarian officials followed guidelines as set forth at that time. The Archdiocese of Chicago needs to remind all seminaries, colleges and universities associated with the Archdiocese that any and all allegations of misconduct on the part of seminarians must be documented into their personnel files and not removed; reiterate standards of ministerial behavior and appropriate boundaries for clergy in their academic programs; and have these standards clearly articulated and publicized. The Archdiocese should require that all individual seminarian files, both high school and college, be transferred with the priest after being ordained to whatever diocese, or eparchy, he is assigned. The auditors recommend that all seminarian files, along with other Archdiocesan files, of all living priests assigned to the Archdiocese should be reviewed, preferably by an outside party, for any allegation(s) of misconduct and address the allegation(s) by today's standards, policies and procedures. The Archdiocese of Chicago cannot afford to have additional incidents or allegations of clerical sexual misconduct of minor to appear in the future with prior knowledge of that misconduct. Finally, the Archdiocese of Chicago must ensure that all allegations of clerical sexual misconduct be brought to the attention of all appropriate officials, both internal departments and external agencies, in order that appropriate and required action is taken.

The audit found that delays in removing Fr. Bennett from his pastoral duties were primarily the result of Fr. Bennett not having been provided canonical counsel; however, this mere fact is not sufficient reason for not having removed Fr. Bennett when the Review Board made its recommendation to Cardinal George. This action still could have been taken while awaiting advice of canonical counsel. The Cardinal should immediately remove a Priest or Deacon from pastoral duties as soon as there is a belief that children could be at risk and particularly after recommendation of removal by the PRA or Review Board.²

² Section 1104.8.1.

The audit found that numerous individuals assigned to the Archdiocese of Chicago and Office of Catholic Schools, many in supervisory positions, did not know or have forgotten what actions to take when an allegation of sexual abuse of a minor comes into their possession or to their personal attention. Training programs and advisories for Archdiocesan and Office of Catholic Schools staff, such as memoranda and pamphlets, are apparently ineffective. The audit also found the Archdiocese of Chicago is not in compliance with the Charter for the Protection of Children and Young People in ensuring that the Safe Environment Program and background investigations are conducted on anyone in a position of trust in contact with minors.

The audit also found that many policies, procedures and guidelines of the Archdiocese of Chicago are not in sync with each other and need to be revised and updated.

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BACKGROUND

The Archdiocese of Chicago has recently experienced two groups of allegations of sexual abuses of children against two (2) priests (Father [Fr.] Daniel J. McCormack and Fr. Joseph R. Bennett) assigned to the Archdiocese. These allegations of sexual abuse were brought to the attention of the Archdiocese without appropriate reaction by the Archdiocese. The Archdiocese of Chicago desired an independent lessons learned review and assessment of these incidents to identify any issues in Archdiocesan policies and procedures, to include communication protocols and flow of information, both internal and external; and thereafter presentation of recommendations for remediation. *Defenbaugh & Associates, Inc. (D&A)* was retained by the Archdiocese of Chicago to conduct this due diligence review. This report will be set forth detailing the following areas: 1) Process Review; 2) Protocol Examination; 3) Problem Identification; 4) Gap Analysis. Findings of identified issues are presented herein under the Gap Analysis Section of this report and appropriate recommendations are made for remediation in areas of documented concern.

It is pointed out that this audit was conducted by exception only. Therefore, any positive endeavors by the Archdiocese of Chicago, and there are many positive accomplishments, with regard to the education, prevention, assistance and procedures for determination of fitness for ministry regarding victims of sexual abuse are not noted in this report.

Defenbaugh & Associates, Inc. was retained by the Archdiocese of Chicago as an independent contractor, not as an employee of the Archdiocese. The Archdiocese agreed to furnish and make available to *D&A*, upon request, any and all records pertaining to any and all subjects of review. The Archdiocese also agreed to allow *D&A* accessibility to interview any employee of the Archdiocese who may have information concerning the subjects of the review or their activities. During this process, the Archdiocese of Chicago allowed and authorized *D&A* open access to any and all individuals and records for review which was sine qua non³ to acceptance of the audit contract. Requests for interviews of Archdiocesan personnel and review of documents were furnished without delay and without restraint.

³ something absolutely indispensable or essential

INTERVIEWS

Individuals from the following departments or agencies were interviewed during this review:

ARCHDIOCESE OF CHICAGO

- Archbishop of Chicago
- Vicar General
- Chancellor
- Legal Services Department
- Personnel Services Department
- Office of Professional Responsibility (OPR)
- Office of the Judicial Vicar
- Office of the Vicar for the Priests
- Assistance Ministry Department
- Cardinal's Delegate to the Review Board
- Director of Communications
- Archdiocese of Chicago Review Board (selected members)
- Priests (selected)
- Sisters (selected)

LOCAL OFFICIALS

- Office of Catholic Schools (OCS) Assistant Superintendent (Vicariate I)
- OOC Assistant Superintendent (Vicariate III)
- Our Lady of the Westside Schools and St Agatha's (Administrator, Principal, Assistant Principal, selected Priests, Sisters, teachers and monitor)

PUBLIC OFFICIALS

- Assistant Cook County State's Attorney Sex Crimes Unit Chief
- Assistant Lake County State's Attorney Criminal Division Chief
- Illinois Department of Children & Family Services (DCFS) (General Counsel and Management Team Coordinator)

DOCUMENT REVIEW

The following records or documents were reviewed during this audit:

- 1) United States Conference of Catholic Bishops (USCCB), Charter for the Protection of Children and Young People (latest revised edition)
- 2) Archdiocese of Chicago June 15, 1992 Commission on Clerical Misconduct report, Section 1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry (Effective 7-15-2003)
- 3) Archdiocese of Chicago June 15, 1992 Commission on Clerical Misconduct report, Section 1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry (Draft – no effective date)
- 4) Essential Norms for Diocesan/Eparchial Policies Dealing with allegations of Sexual abuse of Minors by Priests or Deacons, First Approved by the Congregation for Bishops, December 8, 2002
- 5) Memorandum of Understanding between the Archdiocese of Chicago and the State's Attorneys for Cook and Lake Counties, Illinois dated October, 2003
- 6) Reports and Findings of the 2003, 2004 and 2005 audits of the Archdiocese of Chicago regarding the Charter for the Protection of Children and Young People sponsored through the USCCB and audited by the independent firm, The Gavin Group
- 7) Illinois Criminal Statute 325, Section 5, Abused and Neglected Child Reporting Act (ANCRA)
- 8) Office of Professional Responsibility Work Flow Chart (Revised 9/21/2005)
- 9) Archdiocese of Chicago Parent Guide, Parent Handbook to the Child Lures Prevention Program
- 10) Archdiocese of Chicago Virtus Protecting God's Children Quick Reference Guide
- 11) Archdiocese of Chicago Virtus Protecting God's Children, Participant Workbook
- 12) Pamphlet regarding the Archdiocese of Chicago Assistance Ministry resources, support and reporting
- 13) Archdiocese of Chicago Office of Professional Responsibility pamphlet

- 14) Illinois Department of Children and Family Services (DCFS) pamphlet on reporting Child Abuse and Neglect
- 15) Important Notice flyer on reporting accusations of child abuse
- 16) Office for the Protection of Children and Youth flyer on Protecting God's Children for Adults
- 17) Archdiocese of Chicago undated memorandum providing contact information for Archdiocesan personnel and positions involved in the process regarding abuse of individuals
- 18) Archdiocese of Chicago Code of Conduct for Church Personnel
- 19) Archdiocese of Chicago draft Code of Ethical Conduct
- 20) Archdiocese of Chicago Policy for Openness and Transparency in Communication Regarding Sexual Misconduct
- 21) Archdiocese of Chicago website review of items, policies, procedures and announcements regarding Keeping Children Safe and the topical allegations
- 22) Public communications and correspondence by the Archdiocese of Chicago regarding the allegations of sexual abuse against Fathers McCormack and Bennett
- 23) Review of electronic database employed by the Archdiocese of Chicago in tracking, recordkeeping and workflow of allegations against clergy (priests and deacons) (RADAR)
- 24) Archdiocese of Chicago Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct – "Two Minute Drill" (Revised 02/22/00)
- 25) Commitment to Improving Child Safety and Protection. Joint Protocol for the Archdiocese of Chicago and the Department of Children and Family Services 02/22/2006
- 26) Independent Specific Protocols for monitoring Priests accused of allegations of sexual abuse of minors
- 27) Protocol for Canonical Advocates Who are Retained by Clerics Incardinated into the Archdiocese of Chicago Pursuant to and Allegation of Sexual Abuse with a Minor dated August 15, 2005
- 28) Actions to Improve Response to Child Abuse Allegations within the Archdiocese – letter dated February 14, 2006 from Archdiocesan Chancellor Jimmy M. Lago

to Reverend Clergy, Catholic School Leadership, Colleagues in Ministry, Administrative Staff, and Fellow Employees

- 29) Manual for Mandated Reporters, Illinois Department of Children & Family Services, Children's Justice Task Force, Revised September 2005
- 30) Joint Protocol for the Archdiocese of Chicago and the Department of Children & Family Services – Commitment to Improving Child Safety and Protection dated 02/22/2006
- 31) Draft agreement between the Archdiocese of Chicago and Illinois Department of Children & Family Services with regard to the handling of allegations of clerical abuse of minors
- 32) Office of Catholic Schools “School Crisis Response Handbook for Educators” provided to all OCS Administrators
- 33) Handbook for Elementary and Secondary School Administrators, latest revision in 2000, section titled “Child Abuse”

PROCESS REVIEW

Since September 21, 1992, the Archdiocese of Chicago has had policies and procedures in place to address allegations and issues related to sexual abuse of minors by clerics. The United States Conference of Catholic Bishops (USCCB) approved the Charter for the Protection of Children and Young People and Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Abuse of Minors by Priests or Deacons in 2002. After receiving recognition by the Apostolic See on December 8, 2002, and promulgated by the USCCB, the Charter and the Essential Norms became effective March 1, 2003. While many provisions of the Charter and the Essential Norms were contained in the above mentioned policies and procedures of the Archdiocese of Chicago, Cardinal George directed that their existing policies and procedures be amended so as to incorporate the provisions of the Charter and the Essential Norms. The revised policies and procedures became effective July 15, 2003.

In conducting this Process Review, specific portions of “*SECTION 1100, SEXUAL ABUSE OF MINORS: POLICIES FOR EDUCATION, PREVENTION, ASSISTANCE TO VICTIMS AND PROCEDURES FOR DETERMINATION OF FITNESS FOR MINISTRY, Part I, Church Personnel, Book II The People of God.*,” (Amended 6/24/2003; effective 7/15/2003) (hereafter referred to as either *SECTION 1100, SEXUAL ABUSE OF MINORS* or *SECTION 1100*) were reviewed. The focus of this review was on *SECTION 1104, “Review Process for Continuation of Ministry,”* while other sections, where appropriate, were also reviewed.

The “Review Process for Continuation of Ministry” is broken down into the following phases or processes:

1. Preliminary Actions and Inquiry
2. Initial Review
3. Preliminary Investigation
4. Review for Cause
5. Supplemental Review

It was discovered during this review that there existed two different versions of *SECTION 1100, SEXUAL ABUSE OF MINORS* on the Archdiocese of Chicago website. One version, identified as “Amended 6-24-2003, effective 7-15-2003,” appeared at: <http://policy.archchicago.org/policies/bk2ttl3chpt1num110071503.pdf>. Another version “Amended 8-07-2002, effective 6/24/2002,” was found through a link from http://www.archdiocese-chgo.org/keeping_children_safe/other.shtm to *Clerical Sexual Misconduct Policies and Procedures*. This issue was brought to the attention of the Office of Legal Services, which has since corrected this oversight.

Preliminary Actions and Inquiry

During this phase of the Review Process, the victim or a third party reports the allegation of sexual abuse of a minor by telephone, in writing, email, or in person to the

Professional Responsibility Administrator (PRA). Upon receipt of the allegation, the PRA is required to promptly report the allegation to the public authorities, to include notification to the Illinois Department of Children and Family Services, when appropriate, and to the appropriate State's Attorney. Internally, the Vicar for Priests makes the initial notifications to select individuals/entities within the Archdiocese; informs the cleric of the allegation against him; requests his response to the allegation; and assesses whether the safety of children requires interim action.

On February 22, 2006, the Archdiocese of Chicago signed a Joint Protocol for the Archdiocese and the Department of Family Services in a "Commitment to Improving Child Safety and Protection." Step three of this protocol states in part: "The Department of Children and Family Services will take the lead in all child abuse investigations involving any clergymen, employee, or volunteer of the Archdiocese. The Department will provide to clergy all the required due process rights, such as notice and hearing. The Archdiocese of Chicago will suspend its own investigation until DCFS has completed its child abuse and neglect investigation...." In the Protocol signed by representatives of both parties, no indication is given as to the length of time the Department will take to conduct its own investigation. Without some time frame parameters for the Department's investigation, the delay of the Archdiocese's investigation as a result of this suspension could have a significant negative impact on the effectiveness of the investigation conducted by the Archdiocese.

During this phase, the PRA is also required to develop an appropriate record keeping system to ensure accountability for and security of the information collected following the report of an allegation. The PRA maintains a hardcopy system of records which addresses inquiries and investigations of allegations of sexual abuse of a minor by clerics. Complementing that system is a Microsoft Access 2000 database titled "RADAR" which was created in-house by personnel from the Office of Legal Services with the assistance of Archdiocesan Information Technology (IT) personnel. The purpose of RADAR is to assist with tracking work flow and to provide, on a timely basis, the status of ongoing cases involving allegations of sexual abuse of minors by clerics. It is administered by the Office of Legal Services which provides requested reports to specific entities within the Archdiocese. For example, one of the reports created is the Director of Communications to keep abreast of information regarding allegations so that they can accurately respond to media questions. Another report with case status information is provided to the Review Board prior to each of their meetings. The Office of Legal Services uses RADAR to track notification to insurance administrators and to the State's Attorney and to review the PRA work flow to ascertain the ongoing progress of a case.

Security of the database is controlled through limited access and passwords. Backup copies are maintained by the Archdiocesan IT Department. While "RADAR" is effective at providing a means by which the PRA is able to keep abreast of the current status of sexual abuse investigations, it needs to be upgraded to a more current version of the database software and could also use enhancements to its effectiveness by someone with a specialty in database design.

It was also noted that “RADAR” is used by several departments within the Archdiocese of Chicago. The Office of Legal Services, the Victim Assistance Ministry, the Vicar for Priests, and the Office of Professional Responsibility each have access to RADAR. Interviews by the Auditors determined that the Vicar and Co-Vicar for Priests do not use RADAR; therefore information contained in RADAR is not complete.

The PRA is responsible for providing the person making the allegation with a written statement containing information about their right to make a report of such allegation to public authorities.” A review of allegation files prepared by the PRA reflected that accusers had been provided with a copy of *SECTION 1100, SEXUAL ABUSE OF MINORS*. *SECTION 1100* is quite lengthy and its language is not necessary directed towards the general public. Its content can be confusing to some. It is noted that the PRA does furnish other pamphlets and information with the appropriate contact names and telephone numbers to include the DCFS advisory pamphlet.

During the review of the case files involving allegations of sexual abuse of minors by Fr. McCormack, it was determined that the Archbishop was not notified of the allegation/arrest of Fr. McCormack until three (3) days after the Archbishop’s return to the Archdiocese. During the Preliminary Activities and Inquiry phase of the Review Process, the PRA sends a memorandum to the Chancellor, the Archbishop’s Delegate, the Office of Legal Services, the Victim’s Assistance Ministry, and the Vicar for Priests, advising them of the allegation and requesting file reviews. In the files reviewed by the Auditors, no indication was noted that the Archbishop was specifically notified of allegations or arrests of clerics by the PRA.

Also during this phase, the PRA is required to “review the cleric’s files or background.” As a matter of established procedure, this task has been accomplished via a written request from the Office of Professional Responsibility (OPR) to the Victim Assistance Ministry, the Vicar for Priests, the Chancellor, the Office of Legal Services, and the Archbishop’s Delegate to the Review Board for them to provide any relevant information in their files which pertain to the accused or the accuser. Files of the Seminaries, where the cleric attended are not specifically requested to be reviewed for pertinent information via this request although the Seminaries have only recently been listed in the copy count of the request memorandum. In addition, relevance of the material disclosed during the review is left to the discretion of the reviewer who may not be privy to the full facts of the inquiry.

The Procedure in support of *SECTION 1104.3.6.3* states, “For the sake of due process, the accused will be encouraged to retain the assistance of civil and canonical counsel and will be promptly notified of the results of the investigation. When necessary, the Archdiocese will supply canonical counsel to the priest or deacon. (*USCCB Charter, art. 5, and USCCB Essential Norms §§6 and 8.A*) During the Father Bennett investigation by the Archdiocese, it was discovered in November 2005 that Father Bennett did not have a canonical advocate assigned; the original allegation having been made in December 2003. As a result, the final decision in that matter was delayed by Cardinal George to allow Father Bennett to consult with canonical counsel.

Once the PRA has obtained the written statement of the accuser, the PRA is required to give the accused a reasonable opportunity to respond to the allegations. No specific time frame for this response is set forth beyond “reasonable opportunity” however, the PRA does specify a specific time for response in her letter(s) to the attorney for the accused.

Initial Review

During this phase, the Review Board meets to conduct an Initial Review within approximately three to five days after the PRA has obtained the pertinent information from the accuser or other responsible source, and has also given the accused a reasonable opportunity to respond to the allegation(s), either personally or through canonical or civil legal counsel. At the Initial Review, the Review Board advises the Archbishop whether the information received at least appears to be true of an offense; whether the interim actions recommended by the PRA were appropriate to provide for the safety of children; of its recommendations based on its expertise regarding the scope and course of the investigation; and what further interim action should be taken with respect to the allegation.

During the Auditors review of the allegation case files on Fathers Bennett and McCormack, it was noted that there was no documentation contained therein which reflected what specific information was provided to the Review Board during the Initial Review.

Preliminary Investigation

Once the Review Board has determined that the information received during the Initial Review seems to be true of an offense, a preliminary investigation in harmony with canon law is initiated. The Archbishop then appoints a lay auditor, who can also be the PRA in this matter. If necessary, the lay auditor may retain professional assistance when necessary and appropriate to conduct the thorough investigation. The Lay Auditor conducting the investigation prepares oral and written reports of these inquiries containing the findings of such investigations. These reports are to include descriptions of actions taken by the PRA, additional inquiry as may be required, and identification of information that was not available to the PRA.

The Auditors review of allegation files on Fathers Bennett and McCormack found the files to be generally complete. However, it was noted that documentation existed only for investigative activities which were successfully completed.

Review for Cause

At the Review for Cause, the Review Board is tasked to determine whether there is reasonable cause to suspect that the accused engaged in sexual abuse of a minor, whether prior determinations as to ministry by the cleric should be altered, and what further action, if any, should be taken with respect to the allegation. Their findings and

recommendations are then provided to the Archbishop for consideration during his decision as to how to proceed with the matter.

The Auditors review of the allegation files failed to locate any reports written by the PRA and provided to the Review Board during the Review for Cause.

Supplemental Review

Supplemental Reviews are conducted to consider new information about a determination or recommendation made in connection with a prior review.

No issues were identified for this phase of the process.

OFFICE OF PROFESSIONAL RESPONSIBILITY WORK FLOW CHART (REVISED 9/21/2005)

Auditors were provided with a copy of the above document for review during this due diligence review. The document delineates the flow of work during the Review Process of allegations of sexual abuse of minors by clerics. This document was compared with *SECTION 1100, SEXUAL ABUSE OF MINORS; POLICIES FOR EDUCATION, PREVENTION, ASSISTANCE TO VICTIMS AND PROCEDURES FOR DETERMINATION OF FITNESS FOR MINISTRY* (Amended 6/24/2003; effective 7/15/2003), the policies and procedures currently in effect.

It was immediately determined that the steps charted in the Work Flow Chart corresponded to steps contained in *SECTION 1100, SEXUAL ABUSE OF MINORS*. However, the flow of the majority of steps in the Work Flow Chart did not coincide with the progression of steps within *SECTION 1104, REVIEW PROCESS FOR CONTINUATION OF MINISTRY*.

INITIAL REVIEW VERSUS PRELIMINARY INVESTIGATION

Step number 6-3 of the Work Flow Chart, "PRA begins investigation," clearly indicates that an investigation is to be conducted at this stage of the work flow. However, the Initial Review does not take place until step number 13 in the Work Flow Chart. Step number 19 indicates, "PRA collects additional information." According to *SECTION 1104*, this is the step where the investigative activity is to take place; after the Initial Review and before the Review for Cause. This phase of the Review Process per *SECTION 1104* calls for the Preliminary Investigation to be conducted. The Work Flow Chart gives the impression that the investigation takes place before the Initial Review.

The Initial Review, per *SECTION 1104*, takes place after both the accuser and the accused are interviewed by the PRA, a background check of the cleric is conducted via record checks, and appropriate inquiries are made about the allegation. The results are then provided to the Review Board for consideration during the Initial Review. In simpler terms, *SECTION 1104* categorizes this activity as more of a preliminary *inquiry*

to ascertain if, in fact, the allegation seems to be true. The questions to be considered by the Review Board at the Initial Review, as explained in *SECTION 1104*, are:

§1104.8.1. Questions for Review

1104.8.1. Policy At the Initial Review meeting, the Board shall advise the Archbishop: (1) whether the information received at least seems to be true of an offense (cf. canon 1717, §1); (2) whether the interim actions recommended by the Administrator were appropriate to provide for the safety of children; (3) of its recommendations based on its expertise regarding the scope and course of the investigation; and (4) what further interim action should be taken with respect to the allegation.

On the other hand, the Preliminary Investigation, per *SECTION 1104* states:

§1104.8.3. Preliminary Investigation

1104.8.3. Policy When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively, unless such an inquiry seems entirely superfluous, e.g., due to compelling evidence or the cleric's admission of the alleged abuse (c. 1717). All appropriate steps shall be taken during the investigation to protect the reputation of the accused and of the person making the allegation. (Cf. USCCB Charter, art. 5, and USCCB Essential Norms, §6)

Procedures

- a) *Whenever the Archbishop determines, based on the advice of the Review Board at the Initial Review, that the information at least seems to be true of an offense, the Archbishop shall appoint a lay auditor (cf. canon 1428) to conduct the preliminary investigation in accord with canon 1717. If appropriate in light of the facts and circumstances, the Archbishop may appoint the Professional Responsibility Administrator to serve as the auditor.*
- b) *Under the supervision of the Archbishop or his delegate and in cooperation with the Review Board, the Auditor may retain whatever professional assistance necessary and appropriate to conduct a thorough investigation of an allegation. (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)*
- c) *The auditor conducting the preliminary investigation shall prepare oral and written reports of these inquiries containing the findings of such investigations within sufficient time for the appropriate canonical process and the Board to complete their responsibilities. These reports should include descriptions of actions taken by the Administrator, such additional inquiry as may be required, and identification of information that was not available to the Administrator and why that information was not available.*

According to paragraph b), it is during the Preliminary Investigation that the detailed and comprehensive investigation is to be conducted.

PROFESSIONAL CONDUCT ADMINISTRATIVE COMMITTEE (PCAC)

SECTION 1100, SEXUAL ABUSE OF MINORS, states that the PCAC “advises the Archbishop and his staff on administrative issues related to clerical sexual misconduct and other matters. The Committee also coordinates the administrative response to such

matters.” According to information provided to the auditors, minutes of meetings for the PCAC are not written, nor is there written mission or responsibilities statements. The information provided also indicates that the PCAC coordinates actions, recommends actions, advises the Cardinal, the Vicar General, the Chancellor and everyone else with responsibilities, but they exist without an official mandate or specific authority.

Step 5-1, of the Work Flow Chart, indicates “Working Agencies – Search Records for prior knowledge, documentation regarding accused/victim; Advise PRA, PCAC of all history; and Open file & record.” Information provided to the auditors indicates that the PCAC members, who appear to be the Working Agencies mentioned in the Work Flow Chart, are requested via memorandum from the OPR to advise of any information they may have in their files regarding the accused or the victim. In essence, the PCAC members are to advise themselves, and the PRA of the results of the record check requests. There is no indication as to what the PCAC members are to do with the information provided to them or what their actual role is with respect to the allegation of sexual abuse.

It is essential to point out that the PCAC is an internal committee, without an official mandate or specific authority or mission statement meant, to facilitate administration and implementation of responsibilities of the group which coordinates actions, recommends actions, advises Cardinal George, the Vicar General, the Chancellor and other departments with various responsibilities. The PCAC is not, nor ever has been, intended to subjugate the responsibilities of the Review Board which is independent.

ADMINISTRATIVE CHECKLIST FOR HANDLING ALLEGATIONS OF CLERICAL SEXUAL MISCONDUCT – “TWO MINUTE DRILL” (REVISED 02/22/00)

The audit found this Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct – “Two Minute Drill” (Administrative Checklist) was utilized and practiced by the PCAC in the past in order to prepare for responding to an allegation of sexual abuse of a minor received by the Archdiocese of Chicago. The audit found this Administrative Checklist comprehensive and practical for use during notification of an allegation of sexual abuse of a minor and also an effective tool to draw upon as a training document. The audit identified this Administrative Checklist recognizes a Coordinator of the Process – Center of Gravity (CG)” who “is authorized to guide the process along from beginning to end.”. The Administrative Checklist also states in pertinent part: “The Advisory Committee ought to review this arrangement on a regular basis.” Review of this Administrative Checklist identified it to track and follow the present policies and procedures as set for by the Archdiocese of Chicago for handling allegations of clerical sexual misconduct. The audit also found that the Administrative Checklist has not been practiced or utilized “in years.”

MISSING STEP

It was also noted that step number 17 was missing from the Work Flow Chart with no explanation provided as to why.

CANON AND CIVIL LAW COUNSEL

A step that is clearly indicated in the Work Flow Chart, Step number 10-1, is the Vicar for Priests advises the accused of his civil and canon law rights. This step is made early on in the Work Flow Chart. This step is not clearly indicated in *SECTION 1100, SEXUAL ABUSE OF MINORS*, whereas it should be.

Step 14-2-1, “PRA contacts VP” (Vicar for Priests), does not provide the purpose for the contact thus, is it considered necessary?

According to the Work Flow Chart, the majority of the activities required during the Preliminary Investigation are conducted prior to the Initial Review, with several steps still carried out during that portion of the Review Process. While the progress delineated in the Chart does not correspond directly to the *SECTION 1100, SEXUAL ABUSE OF MINORS*, its sequence of steps was found to be logical for the most part.

PROTOCOL EXAMINATION

FAILURES IN MONITORING OF PRIEST ALLEGED TO HAVE SEXUALLY ABUSED A MINOR

When the Cook County State’s Attorney’s office initially declined to press formal charges against Fr. McCormack after his arrest / detainment by Chicago Police department in August 2005, Fr. McCormack was allowed to continue to stay at the rectory at St. Agatha. Restrictions were orally furnished to Fr. McCormack by the Vicar for Priests which entailed instructing Fr. McCormack not to be alone with children, not to have children in the rectory and not to teach his assigned algebra class. Another Priest, who also lives at the rectory, was designated to “monitor” Fr. McCormack. This Priest was furnished oral instruction by the Vicar for Priests only that Fr. McCormack was not to be alone with children in the rectory. From interview of individuals involved in setting these monitoring instructions, nothing could be found regarding any instruction restricting Fr. McCormack’s activities as basketball coach. The Priest assigned to monitor Fr. McCormack’s activities was not advised as to the purpose for the monitoring, was given only vague direction of what activities to monitor with no outlined instructions, and was not told to document Fr. McCormack’s activities. This Priest was only told that Fr. McCormack was not to be alone with children at the rectory. The Priest stated to the auditors that he was not told what to do if Fr. McCormack violated this monitoring restriction; however, other interviews reflected that the priest was told to notify appropriate Archdiocesan personnel in the event of any issue or problem which came to the attention of the priest assigned the “monitoring.” In any event, the audit

found no records to reflect specific direction and responsibilities of the “monitoring” priest such as would have been documented had Archdiocesan policies been followed and Individual Specific Protocols been issued. The Priest assigned to monitor advised the Vicar for Priests that he would not be able to actively monitor Fr. McCormack’s activities as this Priest was assigned full time ministry at another church, was a teacher and coach at a different school, and would be away from the rectory over the Labor Day weekend visiting family. The Priest was advised by the Vicar for Priests to monitor Fr. McCormack when the Priest was around the rectory and to advise if the Priest was going to be away from the rectory for an extended period of time, such as a period of absence of a week or more. The only follow-up this Priest received was possibly one-to-two telephone calls from the Vicar for Priests within the first two weeks of this “monitoring” and possibly one face-to-face meeting with the Vicar for Priests. The Priest was absent from the rectory over the Christmas 2005 holiday period at the time of an alleged sexual abuse of a minor by Fr. McCormack. The Priest did not advise anyone from the Archdiocese of this absence inasmuch as the Priest had no recent follow-up from the Archdiocese regarding this “monitoring.”

Fr. McCormack immediately and independently ignored and violated these instructions. Fr. McCormack, on his own volition, approached a female adult group home parent and requested her presence in the classroom “to help out with the kids” when Fr. McCormack taught classes at Our Lady of the Westside. The audit found that the “monitoring” by this adult instructor was sporadic at best. This adult parent was only available to “monitor” the class three days a week for the first couple months and then, due to a schedule change, could only be present in the class on Thursdays, of which the adult parent did not “monitor” Fr. McCormack’s class each and every Thursday.

There is also an allegation in Archdiocesan files that Fr. McCormack took three male minors to Minnesota over the 2005 Labor Day weekend.

The audit identified that the Department of Children & Family Services has a Safety Plan which is implemented based upon the safety of children. This Safety Plan is flexible in its execution and customized to meet the needs of the individual case. The audit found that the independent auditor focusing on the monitoring issue did not contact DCFS to review their Safety Plan protocols.

FAILURES TO REPORT ALLEGATIONS OF SEXUAL ABUSE OF A MINOR

This audit identified an allegation of possible misconduct with children by Fr. Daniel J. McCormack which was reported to the office of the Vicar for Priests on September 5, 2003. It is noted that no allegation of sexual abuse was initially alleged in this original complaint. The memo documenting this September 5, 2003 allegation reflects the allegation was reported by a female who furnished her telephone number for a return call to ensure appropriate action was taken in response to the complaint. The office of the Vicar for Priests advised this complainant that there could be no guaranteed action to the complaint inasmuch as the complainant wanted to remain anonymous. The audit found that a complainant who leaves a telephone number and requests a return call to be

notified of the status of the complaint is not considered an anonymous complaint. The office of the Vicar for Priests failed to notify other Archdiocesan offices of this complaint or follow up with the complainant. There was no action to this complaint until 28 months later, in January 2006, when Fr. McCormack was arrested for sexual abuse of a minor and appropriate files were reviewed. Initial investigation revealed that this “anonymous” complainant was the grandmother of an alleged victim who was on the basketball team coached by Fr. McCormack. This matter has since been turned over to DCFS and the Cook County State’s Attorney.

Additionally, interview of Office of Catholic Schools St. Agatha personnel identified an educator who received a complaint sometime during the second or third week of January 2006 from a St. Agatha student who experienced sexual abuse by an usher in the bathroom of a Protestant church. This educator contacted two employees of DCFS at the DCFS hotline on February 2, 2006 but was advised by these DCFS employees that inasmuch as the usher was not considered a “caretaker” DCFS could not take the complaint. The St. Agatha educator, not knowing what to do next, discussed this matter with a counselor assigned to St. Agatha by the Archdiocese Assistance Ministry due to the Fr. McCormack situation. This counselor contacted the Cook County State's Attorney who took the complaint. The counselor detailed to the St. Agatha educator the mission responsibilities of the Archdiocese Office of Professional Responsibility and the Professional Responsibility Administrator. The educator indicated to the auditors of her need to learn the appropriate procedures to be taken in alert and notification procedures in sexual abuse of minor allegations.

During interviews of Archdiocesan personnel, it was determined that the Archdiocese is in the process of implementing effective liaison with the Illinois Department of Children & Family Services. The audit found the Illinois Department of Children & Family Services have authority to investigate and indicate a finding from an allegation of abuse of a minor which, if found to be true, the subject of the investigation is listed in the State Central Register and remains on the State Central Register for fifty (50) years. State law requires certain occupations to have background checks conducted with the Central Register. Entry of a subject on this State Central Register will preclude an “Indicated” person from obtaining certain positions of trust as it pertains to contact with children. Audit review of Fr. McCormack’s file revealed a letter from DCFS to Fr. McCormack dated December 14, 2005 and received by the Archdiocese Office of Professional Responsibility on January 31, 2006 advising Fr. McCormack that investigation by DCFS determined a finding against Fr. McCormack indicating Sexual Molestation.

The audit identified past substantiated cases where priests withdrew from ministry due to reason to suspect clerical sexual abuse of a minor. These priests have since resigned from the priesthood and are not presently subject to Archdiocesan control. The audit found that this resigned priest could pose a threat to children. The audit finds that the Archdiocese of Chicago should use the Central Register⁴ in concert with the Illinois Department of Children & Family Services to identify whether past substantiated cases of

⁴ 325 ILCS5/7.14, (from Ch. 23, par. 2057.14), Sec. 7.14

Archdiocesan priests withdrawn from ministry should be identified as “Indicated” offenders.

FAILURES TO FOLLOW ESTABLISHED PROCEDURES AND PROTOCOLS

The Archdiocese of Chicago has policies and procedures in effect to ensure appropriate civil authorities are alerted of an allegation of sexual abuse of a minor, including the Department of Children & Family Services and the appropriate office of the State’s Attorney(s) and internal notification of those Archdiocesan entities in order to take appropriate action in response to the allegation. The audit identified that the Archdiocese relies on the Professional Conduct Administrative Committee to be the vehicle for providing advice to the Cardinal as to recommended actions to ensure control of the situation.⁵

The Archdiocese of Chicago has an Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct – “Two Minute Drill” (Revised 02/22/00). The audit found this checklist an effective tool for handling allegations of sexual abuse of minors. However, interview of Archdiocesan personnel revealed that this Administrative Checklist has not been employed or practiced by the Archdiocese in years. The audit found that once restructured to coincide with updated and current policies and procedures, this Administrative Checklist should be a viable document to use after notification has been made of an allegation of clerical sexual abuse of a minor.

FAILURES TO COMPLY WITH THE CHARTER FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE

The Archdiocese of Chicago stated in their 2004 Audit Response regarding deficiencies noted in Article 12 - Safe Environment Programs that Safe Environment training would be completed for priests and deacons by May 1, 2005 and, in Article 13, that background checks for all active Archdiocesan priests would be completed by January 1, 2005. The audit found that all Priests and teachers have signed the Code of Conduct forms. However, at the time of interview on February 24, 2002, the audit identified that one staff member at Our Lady of the Westside had not completed a background check nor had this staff member attended Virtus training. As of February 28, 2006, this staff member had completed the background check and has been given the location and dates on Virtus training sessions being offered. Five additional staff members at Our Lady of the Westside were not registered online with the Virtus training program. The Virtus Lures training program for children and parents is just beginning at St. Agatha. The Archdiocese of Chicago has not mandated a vehicle to monitor and identify which children or which parents have participated in the Lures program. The audit also identified that although all priests and teachers have completed the required background checks, and there have been background investigation of 29,000 volunteers, at St. Agatha, there have been less than a dozen background checks completed on volunteers.

⁵ Note that the PCAC and its recommendations are not intended to intrude on the Review Board but to ensure the matter is brought before the review Board.

PROBLEM IDENTIFICATION

FR. MCCORMACK ALLEGATION REPORTED IN 1999

An allegation in October 1999 of sexual abuse by Fr. McCormack was made by a nun, who, at that time, was principal of Holy Family School. The nun advised that a fourth-grade male student at her school told her Fr. McCormack had told him to pull down his pants so Fr. McCormack could measure the boy, who had asked if he could be an altar server.

The nun said the boy's mother met with Fr. McCormack, after which the mother asked the nun not to pursue the issue. However, the nun also related that she observed Fr. McCormack and the child's mother in a subsequent meeting. After the meeting, the nun questioned Fr. McCormack who would only repeat that he had "used poor judgment." At a later time, the nun had heard that the child's mother was sporting a new ring and paid for the child's tuition in cash. The nun discussed this matter with an Assistant Superintendent at the Office of Catholic Schools, and hand-delivered a letter describing the events from her to the front desk at the Archdiocese. Search by Archdiocesan personnel had not discovered the letter allegedly written in the late winter to early spring of 2000/2001 after exhaustive search in 2006. At the time in 1999, it appeared that neither the nun nor the school officials reported the accusation to civil authorities, which is Archdiocesan policy and also a matter of law under Illinois Criminal Statute 325, Section 5, Abused and Neglected Child Reporting Act. The nun reported it to an official from the Office of Catholic Schools, and was allegedly told by that official, "If the parents aren't pushing it, let it go." This allegation was not reported by Archdiocesan personnel to the Department of Children and Family Services or to local law enforcement as required by law.

KNOWLEDGE AND SUSPICION OF SEXUAL ABUSE OF MINORS BY CATHOLIC SCHOOL PERSONNEL WITHOUT PROPERLY NOTIFYING APPROPRIATE PUBLIC OR ARCHDIOCESAN PERSONNEL

Interview of Office of Catholic Schools (OCS) personnel who are associated with Our Lady of the Westside Schools revealed that numerous allegations and/or suspicious activities on the part of Fr. Daniel McCormack were brought to the attention of OCS personnel from October 1999 through December 2005. The audit found that OCS personnel considered these allegations and/or suspicions credible enough for the teachers to conduct their own informal monitoring of their students when Fr. McCormack was present. Not one of these allegations or suspicious activities was brought to the attention of either the proper personnel at the DCFCS, the office of the State's Attorney or the appropriate Archdiocesan personnel. The audit found that the primary reason for not reporting was that each of the OCS personnel either was unaware of the proper procedures for reporting or that one thought the other would report or had reported the allegation or suspicious activity. Audit interviews found that most all of the OCS personnel interviewed were not familiar with the Abused and Neglected Child Reporting

Act or the responsibilities of the Archdiocesan Office of Professional Responsibility or the Professional Responsibility Administrator.

FAILURES TO COMMUNICATE (INTERNALLY & EXTERNALLY)

1. Delayed Notification of Sexual Abuse by Priest Allegation to Cardinal

Fr. Daniel J. McCormack was arrested / detained by Chicago Police Department on August 30, 2005 on an allegation of sexual abuse of a minor. The audit found that Cardinal George was available for notification of this arrest / detainment at that time. His Eminence Francis Cardinal George, OMI, returned to the United States from an overseas trip on August 22, 2005 and took vacation from August 23 through 27, 2005. Cardinal George arrived and stayed at the Cardinal Stritch Retreat Center which is part of the University of St. Mary of the Lake University campus in Mundelein, Illinois from late evening on August 28, 2005 through noon on September 1, 2005. Cardinal George returned to his office at the Archdiocese of Chicago on September 2, 2005. Cardinal George was telephonically informed of Fr. McCormack's arrest / detainment and subsequent release by the Vicar for Priests at approximately 3:00 PM on September 2, 2005. Interviews of involved parties identified that the Archdiocese of Chicago did not follow policy in notification of Cardinal George of the arrest / detainment of Fr. McCormack.

2. How to proceed upon receipt of an allegation

Through interviews, the audit identified that during the McCormack issue, the Archdiocese, as a whole, displayed great consternation to the point of becoming mired in semantics as it pertains to the meaning of allegation,⁶ attempting to identify if the allegation(s) was "formal or informal" "credible or not credible" "substantiated or unsubstantiated" "second party or third party" and what to do with the "allegation." at the onset of receiving the allegation. As previously noted, there were times when these concerns and non-action on the part of Archdiocesan personnel created situations whereby children were placed at risk.

3. Receipt of Additional Allegations of Sexual Abuse

During the audit process, additional allegations have been brought to the attention of the Archdiocesan personnel of sexual misconduct and allegations of sexual abuse of a minor in one incident and two (2) separate incidents involving adult males, by Fr. McCormack during 1988 and 1991 during his time at Niles College. Information regarding these three (3) incidents came to the attention seminary officials of Mundelein in 1992. These allegations have been received by the Archdiocese of Chicago since Fr. McCormack's January 2006 arrest for alleged sexual abuse of a minor was made public. Audit review of Fr. McCormack's seminarian files failed to locate any documentation of allegations of sexual misconduct or an allegation of sexual abuse with a minor on the part of Fr.

⁶ Allegation: The assertion, claim, declaration or statement of a party to an action.... Black's Law Dictionary, Sixth Edition, West Publishing Co. 1990

McCormack; however, interview of the former Vice Rector of the seminary identified that the three (3) distinct allegations of sexual misconduct with both adults and a minor on the part of Fr. McCormack were brought to the attention of the seminary officials of Mundelein in the spring quarter of 1992. The former Vice Rector recalls that these allegations were documented to Fr. McCormack's file. These allegations centered on Fr. McCormack's time in the college seminary, circa 1988 through 1989 where Fr. McCormack attended Niles College of Loyola University which was in operation from 1968 until 1994. In the Fall, 1994, Niles College changed its name to St. Joseph Seminary College. Audit review of Fr. McCormack's seminarian files failed to locate any documentation of the actual accusation of the allegations of sexual misconduct or allegations of sexual abuse on the part of Fr. McCormack. The former Vice Rector recalls that these allegations were documented to Fr. McCormack's file. Accordingly, seminarian officials followed guidelines as set forth at that time. Fr. McCormack was counseled for alcohol abuse as identified by recommendations from other professionals. The former Vice Rector noted that had these allegations been brought to the attention of seminarian officials today, Fr. McCormack would have been removed from the seminary.

4. Insufficient Training of Archdiocesan and Office of Catholic Schools Personnel in Responding to and Notification of Sexual Abuse Allegations

Interview of Office of Catholic Schools staff members, which included administrators, teachers, sisters and priests assigned to Our Lady of the Westside Schools, found none were well versed in Archdiocesan policies and procedures regarding allegations of sexual abuse of minors and, in some cases even less familiar with the Abused and Neglected Child Reporting Act. One staff member, an Assistant Principal, who received a complaint from a student who was a victim of an attempt by an adult to sexually abuse him, called the DCFS Hotline; however, when told that DCFS could not take the complaint, the staff member did not know what next steps to take. The staff member discussed the complaint with an Assistance Ministry Counselor, assigned to St. Agatha due to the Fr. McCormack allegations. The counselor telephonically notified the office of the Cook County State's Attorney and also furnished the staff member with information regarding the Archdiocesan Office of Professional Responsibility and its Professional Responsibility Administrator. Upon direct questioning by the auditors, this staff member was unaware of the Professional Responsibility Administrator.

5. Anonymous Complaints

The audit found certain staff members of the Archdiocese of Chicago with the responsibility for administrating allegations of cleric misconduct of sexual abuse of a minor to characterize a complaint of misconduct by a cleric where the complainant does not immediately want to reveal their name as anonymous and therefore conducted no action with the complaint. The audit found that a complainant who leaves a telephone number and requests a return call to be notified of the status of the complaint is not considered an anonymous complaint. Furthermore, no action to an anonymous complaint by Archdiocesan personnel is also found to be in violation of the Archdiocese own policies.

6. Recordation of Response to Requests for Information

A review of personnel related files maintained by various offices within the Archdiocese of Chicago identified the common use of an internal written communication which is herein identified as a “memo to the file.” They are written on blank paper and are used to reflect the results of conversations, either in person or over the telephone. These “memos to the file” appear to be used to address whatever topics or issues that may have come to the attention of the person writing the memo. These memos were noted by the Auditors to provide a written summary of the content of the activity being documented. In some instances, and where necessary, the content is delineated in greater detail. It was noted that these “memos to the file” routinely do not indicate what action made have been taken as a result of the conversation, if any, nor do they contain resolution to the issues being addressed. For example, one “memo to the file” reviewed by the Auditors reflected a complaint to the Archdiocese of sexual misconduct by a former seminary student/present priest by a parent of a fellow student. In the memo reviewed, there was no indication as to what was done to resolve or handle the complaint. In addition, there was no indication that the memo had been forwarded to the appropriate office within the Archdiocese for handling, in this case the Office of Professional Responsibility.

7. Delayed Reporting of Derogatory Information and Failures to Investigate

Fr. McCormack was arrested / detained by Chicago Police Department on allegations of sexual abuse of a minor. The audit identified that on August 29, 2005 Cardinal George approved the official appointment of Fr. McCormack as Dean of Deanery III-D⁷ effective September 1, 2005. Office for the Vicars for Priests had in their possession derogatory information concerning Fr. McCormack which they delayed reporting to the Vicar General. The Vicar General was telephonically advised of the derogatory information but allowed the appointment to proceed without requiring further investigation into the allegation or withdrawing the appointment letter until resolution of the allegation. However, the Vicar General did not hold the appointment letter in abeyance until further investigation could be conducted regarding the derogatory information.

FAILURES TO CONDUCT A COMPLETE AND THOROUGH REVIEW OF LIVING PRIEST’S FILES FOR ANY IMPROPRIETY/MISCONDUCT

The audit found that allegations of clerical sexual abuse of minors can be found in various files throughout the Archdiocese of Chicago from the Seminary Files – both high school and college – to personnel (Chancellor) files - to the PRA Allegation Files. According to interviews of Archdiocesan personnel, file reviews of Archdiocesan files have been conducted, for the specific for the purpose of identifying any allegation of sexual misconduct by Priests or Deacons assigned to the Archdiocese of Chicago by Archdiocese personnel on two separate occasions, the last being in approximately 2002. However, Seminary Files were not reviewed in either Archdiocesan file review process.

⁷ Catholic New World, September 11-24, 2005 issue,
http://www.catholicnewworld.com/cnw/issue/1_021906.html

As previously identified, the audit found that additional allegations of sexual misconduct regarding Fr. McCormack during the time he was in the seminary have been brought to the attention of the Archdiocese since his January 2006 arrest. However, these allegations were not located in Fr. McCormack's seminarian file(s) although information regarding this documentation was avowed.

GAP ANALYSIS

I. FAILURES TO COMPLY WITH ABUSED AND NEGLECTED CHILD REPORTING ACT – FAILURES TO REPORT

Issue #1: Employees of the Archdiocese of Chicago have violated the Illinois Criminal Statute, Abused and Neglected Child Reporting Act. The audit identified three (3) separate allegations of sexual abuse of minors which were brought to the attention of the Archdiocese of Chicago in October 1999, September 2003 and January 2006, respectively. It is noted that an allegation in October 1999 is past Illinois Statute of Limitations. The September 2003 allegation of misconduct on the part of Fr. McCormack abuse of a minor was not reported to the Archdiocesan Office of Professional Responsibility until January 2006 after the second arrest of Fr. McCormack. It was then determined that this allegation was an allegation of sexual misconduct of a minor on the part of Fr. McCormack and therefore should have been reported to the Illinois Department of Children and Family Services, the Cook County State's Attorney or the as required by civil law and Archdiocesan policy. The memo documenting this September 5, 2003 allegation reflects that the allegation was reported by a female, who furnished her telephone number for a return call to ensure appropriate action to the complaint. Subsequent investigation in January 2006 revealed that this complainant was the grandmother of an alleged victim of sexual abuse by Fr. McCormack who was on Fr. McCormack's basketball team. The office of the Vicar for Priests advised this complainant that there could be no guaranteed action to the complaint inasmuch as the complainant wanted to remain anonymous. The audit found that a complainant who leaves a telephone number and requests a return call to be notified of the status of the complaint is not considered an anonymous complaint. The January 2006 allegation of sexual abuse of a minor was initially reported to the Illinois Department of Children and Family Services and later through a contracted counselor to the Cook County State's Attorney but not the Archdiocesan Office of Professional Responsibility.

The audit identified that the Department of Children & Family Services employs a Safety Plan which is implemented based upon the safety of children. This Safety Plan is flexible in execution and customized to meet the needs of the individual case. The audit found that the independent auditor focusing on the monitoring issue did not contact DCFS to review their Safety Plan. Auditors were unable to find whether DCFS implemented a Safety Plan in the Fr. McCormack matter.

Finding:

The Illinois Criminal Statute, Abused and Neglected Child Reporting Act (325 ILCS 5/) states in pertinent part:

"Person responsible for the child's welfare" means ... person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including ... educational personnel ... members of the clergy." 'Member of the clergy' means a clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs." (325 ILCS 5/3) (from Ch. 23, par. 2053)

"Persons required to report; ... school personnel, educational advocate assigned to a child pursuant to the School Code ... shall immediately report or cause a report to be made to the Department. Any member of the clergy having reasonable cause to believe that a child known to that member of the clergy in his or her professional capacity may be an abused child as defined in item (c) of the definition of "abused child" in Section 3 of this Act shall immediately report or cause a report to be made to the Department.

"Whenever such person is required to report under this Act in his capacity ... as a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

"Any person who knowingly and willfully violates any provision of this Section ... is guilty of a Class A misdemeanor for a first violation." (325 ILCS 5/4) (from Ch. 23, par. 2054)

Interview of appropriate personnel at the office of the State's Attorney of Cook County, Illinois identified that the Statute of Limitations for prosecution of violations of the Abused and Neglected Child Reporting Act is three (3) years. The State's Attorney of Cook County has recently prosecuted violations of the Abused and Neglected Child Reporting Act and would consider prosecution of all similar matters presented.

The Archdiocese of Chicago June 15, 1992 Commission on Clerical Misconduct report, Section 1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry, Section 1104.2. Reporting Requirements, Compliance and cooperation, Policy states in pertinent part:

Archdiocese of Chicago Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct – "Two Minute Drill" (Revised 02/22/00), Appendix B, Page 10, #2. This section addresses "anonymous allegations." It states, in pertinent part: "Nevertheless, such anonymous calls or reports that initially lack adequate information must still be reported to appropriate individuals."

According to the United States Conference of Catholic Bishops (USCCB), Charter for the Protection of Children and Young People - Article 4, Dioceses/eparchies are to report an allegation of sexual abuse of a person who is a minor to the public authorities. Dioceses/eparchies are to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question.

Audit found that the Chicago Child Advocacy Center (CAC) has numerous training programs regarding abuse and neglected minors. The CAC provides a training program taught in the Chicago public school system. Review of the CAC website reflects the CAC is providing a Fall Training Series: Child Abuse Training Series for Mandated Reporters.

Additionally, the Department of Children and Family Services have Trauma Teams who are available in situations where consultation is needed by the Assistance Ministry.

Recommendations for Remediation:

1. Violations of Illinois Criminal Statutes regarding mandatory reporting of Abused and Neglected Child Reporting Act must be reported by the Department of Legal Services of the Archdiocese of Chicago to the Cook County State's Attorney for prosecutive opinion.
2. The Archdiocese of Chicago should establish a training curriculum for instructing Archdiocesan employees in their responsibilities to report allegations of sexual abuse of minors and procedures for conveying same. All Archdiocesan employees, *including anyone who works with children*, (emphasis added) should attend Protection of Children Awareness training. Curriculum for this training should include specific guidance in notification and reporting procedures of allegations of sexual abuse of minors. Both the State's Attorney's office and the Department of Children and Family Services should be invited to furnish a block of instruction at each training event. Utilizing both the State's Attorney and the Department of Children and Family Services in this training program will establish the absolute sincerity and commitment of the Archdiocese in its pledge to protect children and also set the somber tone as to the obligation of each employee to report any and all allegations of sexual abuse of children to the proper authority(s). Attendance at this Protection of Children Awareness training should be mandatory and documented. There should be an acknowledgement by each Archdiocesan employee of their individual reporting responsibilities and their acknowledgement of the sanctions for non-reporting of an allegation should be recorded in the individual employee's personnel file.
3. The Archdiocese of Chicago should affect appropriate liaison with the Chicago Child Advocacy Center and have selected Archdiocesan personnel, particularly all individuals assigned to the office of Vicar for Priests, attend the Child Abuse Training Series for Mandated Reporters.
4. The Archdiocese of Chicago should ensure that new policies regarding "monitoring" of priests accused of sexual misconduct of minors allegations are developed and implemented in concert with DCFS Safety Plan and DCFS policies and procedures.

Issue #2: The audit identified past substantiated cases where a priest was withdrawn from ministry due to reason to suspect clerical sexual abuse of a minor who have since resigned from the priesthood and are not subject to Archdiocesan control. The audit found that this resigned priest could pose a threat to children.

Finding:

325 ILCS 5/7.14, (from Ch. 23, par. 2057.14), Sec. 7.14. All reports in the central register shall be classified in one of three categories: "indicated", "unfounded" or "undetermined", as the case may be. After the report is classified, the person making the classification shall determine whether the child named in the report is the subject of an action under Article II of the Juvenile Court Act of 1987. If the child is the subject of an action under Article II of the Juvenile Court Act, the Department shall transmit a copy of the report to the guardian ad litem appointed for the child under Section 2-17 of the Juvenile Court Act. All information identifying the subjects of an unfounded report shall be expunged from the register forthwith, except as provided in Section 7.7. Unfounded reports may only be made available to the Child Protective Service Unit when investigating a subsequent report of suspected abuse or maltreatment involving a child named in the unfounded report; and to the subject of the report, provided that the subject requests the report within 60 days of being notified that the report was unfounded. The Child Protective Service Unit shall not indicate the subsequent report solely based upon the existence of the prior unfounded report or reports. Notwithstanding any other provision of law to the contrary, an unfounded report shall not be admissible in any judicial or administrative proceeding or action. Identifying information on all other records shall be removed from the register no later than 5 years after the report is indicated. However, if another report is received involving the same child, his sibling or offspring, or a child in the care of the persons responsible for the child's welfare, or involving the same alleged offender, the identifying information may be maintained in the register until 5 years after the subsequent case or report is closed. Notwithstanding any other provision of this Section, identifying information in indicated reports involving serious physical injury to a child as defined by the Department in rules, may be retained longer than 5 years after the report is indicated or after the subsequent case or report is closed, and may not be removed from the register except as provided by the Department in rules. Identifying information in indicated reports involving sexual penetration of a child, sexual molestation of a child, sexual exploitation of a child, torture of a child, or the death of a child, as defined by the Department in rules, shall be retained for a period of not less than 50 years after the report is indicated or after the subsequent case or report is closed. (Source: P.A. 94-160, eff. 7-11-05.)

<http://www.ilga.gov/legislation/ilcs/documents/032500050K7.14.htm>

(325 ILCS 5/7.15) (from Ch. 23, par. 2057.15) Sec. 7.15. The central register may contain such other information which the Department determines to be in furtherance of the purposes of this Act. Pursuant to the provisions of Sections 7.14 and 7.16, the Department may amend or remove from the central register appropriate records upon good cause shown and upon notice to the subjects of the report and the Child Protective Service Unit. (Source: P.A. 90-15, eff. 6-13-97.)

Recommendation for Remediation:

1. The Archdiocese of Chicago should continue with establishing effective liaison with DCFS.
2. The Archdiocese of Chicago, in concert with DCFS, should prioritize referred Archdiocesan closed cases to ensure that those matters with a higher potential of risk be immediately addressed. The audit finds that the Archdiocese of Chicago should use the Central Register in concert with the Illinois Department of Children & Family Services to identify whether past substantiated cases of Archdiocesan priests withdrawn from ministry should be identified as "Indicated" offenders.

II. FAILURES TO COMMUNICATE (INTERNALLY & EXTERNALLY)

1. Delayed Notification of Sexual Abuse by Priest Allegation to Cardinal

Issue #3: The audit found that delayed notification of three days to Cardinal George of an arrest of a priest assigned to the Archdiocese of Chicago is an egregious lapse of judgment on the part of Archdiocesan hierarchy.

Finding: Dominion and leadership structure of an Archdiocese is well defined and controlled. Logic alone should dictate that the Cardinal be immediately advised of any situation or incident which could negatively impact the Archdiocese of Chicago or the Cardinal, notification and criminal charges brought against a diocesan priest and most importantly, an allegation of abuse of a minor by a diocesan priest should be at the forefront of every employee of the Archdiocese of Chicago.

SECTION 1100, SEXUAL ABUSE OF MINORS; POLICIES FOR EDUCATION, PREVENTION, ASSISTANCE TO VICTIMS AND PROCEDURES FOR DETERMINATION OF FITNESS FOR MINISTRY (Amended 6/24/2003; effective 7/15/2003) states in pertinent part:

1104.7.2. Policy Ordinarily (sic), the Administrator shall also promptly do the following:

- (1) report the allegation to the Assistance Minister;*
- (2) report the allegation to the Archbishop, his delegate and other persons that the Archbishop may designate;*
- (3) inform the cleric and request his response;*
- (4) assess whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop.*

(Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendation: That His Eminence Francis Cardinal George take administrative action deemed appropriate.

Issue #4: Archdiocese of Chicago officials did not follow policy in notification of Cardinal George of the arrest/detainment of Fr. McCormack.

Finding:

1104.7. Preliminary Actions and Inquiry

1104.7.2. Policy Ordinarily (sic), the Administrator shall also promptly do the following:

- (5) report the allegation to the Assistance Minister;*
- (6) report the allegation to the Archbishop, his delegate and other persons that the Archbishop may designate;*
- (7) inform the cleric and request his response;*
- (8) assess whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop.*

Procedure

- a) Interim action can include temporary withdrawal from ministry, monitoring, restrictions or other actions deemed appropriate by the Archbishop for the sake of the common good (see canon 223, §2 of the Code of Canon Law and §§ 1104.10 and 1104.12 of these Archdiocesan policies).*

- b) *In making such assessments and recommendations, the Administrator may consult with the Archbishop, his delegate, and persons designated by the Archbishop.*
- c) *Before initiating a judicial or administrative process to impose or declare penalties, the Archbishop should seek the cleric's voluntary cooperation to avoid or repair scandal, restore justice and reform the offender through various means of pastoral solicitude. (Cf. c. 1341)*
- d) *The alleged offender may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Archdiocese and the accused, so long as this does not interfere with the investigation by civil authorities. (Cf. USCCB Charter, art. 5, and USCCB Essential Norms, §7)*
- e) *The Administrator must schedule and give effective notice of any meetings of the Board.*

Recommendation for Remediation: His Eminence Francis Cardinal George should take appropriate administrative action as deemed appropriate.

2. How to proceed upon receipt of an allegation

Issue #5: Non-action to an allegation(s) of misconduct or clerical sexual abuse on the part of the Archdiocese created situations whereby children were placed at risk

Finding: Allegation, for the purpose of this report, is delineated as the assertion, claim, declaration or statement of a party to an action as defined by Black's Law Dictionary.

Recommendation for Remediation: The Archdiocese of Chicago should instill upon its priests, employees and parishioners that it is essential, crucial and critical to the wellbeing of children that they report any and all allegations of misconduct which may have any undertone of a possible sexual misconduct nature. If it is unclear to an individual in receipt of the allegation whether that information warrants reporting to the appropriate authorities, their concerns should be shared with the Professional Responsibility Administrator whose responsibility it is to manage the process for the Archdiocese of Chicago and assist with mandatory reporting.

3. Receipt of Additional Allegations of Sexual Abuse

Issue #5: During the audit process, additional allegations have recently been brought to the attention of the Archdiocese of Chicago of sexual misconduct and allegations of sexual abuse of a minor in one incident and two (2) separate incidents involving adult males, by Fr. McCormack during 1988 and 1991 during his time at Niles College and St. Mary of the Lake. Information regarding these three (3) incidents came to the attention seminary officials of Mundelein in 1992. These allegations have been received by the Archdiocese of Chicago since Fr. McCormack's January 2006 arrest for alleged sexual abuse of a minor was made public. Audit review of Fr. McCormack's seminarian files failed to locate any documentation of allegations of sexual misconduct or allegations of

sexual abuse on the part of Fr. McCormack; however, interview of the former Vice Rector of the seminary identified that the three (3) distinct allegations of sexual misconduct of both adults and of a minor on the part of Fr. McCormack were brought to the attention of the seminarian officials of Mundelein in the spring quarter of 1992.

Finding: Seminarian files are not reviewed by the Archdiocese of Chicago. Seminarian files are not complete with documentation of allegations of misconduct on the part of a seminarian.

Recommendation for Remediation:

1. The Archdiocese of Chicago should remind all seminaries, colleges and universities associated with the Archdiocese that any and all allegations of misconduct on the part of their seminarians must be documented into their respective personnel files and not be removed.
2. The Archdiocese of Chicago should require that all individual seminarian files, both high school and college, be transferred with the priest after being ordained to whatever diocese / eparchy he is assigned.
3. The Archdiocese of Chicago should remind all seminaries, colleges and universities associated with the Archdiocese to reiterate standards of ministerial behavior and appropriate boundaries for clergy in their academic programs and have these standards clearly articulated and publicized.
4. The Archdiocese of Chicago should review all seminarian files, along with other Archdiocesan files, of all living priests assigned to the Archdiocese for any allegation(s) of misconduct and ensure the allegation(s) is addressed to abide by the standards, policies and procedures of the United States Conference of Catholic Bishops (USCCB), Charter for the Protection of Children and Young People (latest revised edition) and the Archdiocese of Chicago June 15, 1992 Commission on Clerical Misconduct report, Section 1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry (Effective 7-15-2003). The Archdiocese of Chicago cannot afford to have additional incidents of allegations of clerical sexual misconduct of minor to appear in the future with prior knowledge of that misconduct and that appropriate action was taken.
5. It was determined that the Archdiocesan personnel have brought these recent allegations to the attention of the State's Attorney; however, the entirety of these allegations had not been brought to the Professional Responsibility Administrator or, where appropriate, to the Department of Children & Family Services. The Archdiocese of Chicago must ensure

that all allegations of clerical sexual misconduct be brought to the attention of all involved departments, both internal and external, in order that appropriate required action is taken.

4. Insufficient Training of Archdiocesan and Office of Catholic Schools Personnel in Responding to and Notification of Sexual Abuse Allegations

Issue #6: Specific Office of Catholic Schools' personnel, including certain administrators, certain teachers, certain sisters and certain priests at Our Lady of the Westside Schools who were interviewed during this audit, have not received sufficient training, guidance or instruction for them to have the knowledge, realization or wherewithal as to what to do when an allegation of sexual abuse of a minor is received. The training received by Office of Catholic School's personnel has been conducted but has obviously been ineffective.

Finding: Interview of Office of Catholic Schools staff members, which included administrators, teachers, sisters and priests assigned to Our Lady of the Westside Schools, found none were well versed in Archdiocesan policies and procedures regarding allegations of sexual abuse of minors and, in some cases even less familiar with the Abused and Neglected Child Reporting Act. Additionally, as previously stated, Office of Catholic Schools personnel, and in particular administrators such as Principals and Assistant Principals, have had in their personal possession allegations and suspicions of sexual abuse of minors by Fr. McCormack from October 1999 through December 2005, and even in some cases conducted their own informal monitoring of their students when in Fr. McCormack's presence; yet these Principals and Assistant Principals failed to notify the proper civil authorities, law enforcement authorities or Archdiocesan personnel who are specifically assigned the responsibility to react to allegations of sexual abuse to minors by Archdiocesan personnel.

Recommendation for Remediation: As previously recommended, the Archdiocese of Chicago should establish a more robust training curriculum for reemphasizing the instructing Archdiocesan employees in their responsibilities to report allegations of sexual abuse of minors and procedures for conveying same. All Archdiocesan employees, including clerics and religious, should attend Protection of Children Awareness training. Curriculum for this training should include specific guidance in notification and reporting procedures of allegations of sexual abuse of minors. Both the State's Attorney's office and the Department of Children and Family Services should be invited to furnish a block of instruction at each training event. Utilizing both the State's Attorney and the Department of Children and Family Services in this training program will establish the absolute sincerity and commitment of the Archdiocese in its pledge to protect children and also set the somber tone as to the obligation of each employee to report any and all allegations of sexual abuse of children to the proper authority(s). Attendance of this Protection of Children Awareness training should be mandatory and documented. There should be an acknowledgement by each Archdiocesan employee of their individual reporting responsibilities and acknowledgement of the sanctions for non-reporting of an allegation should be recorded in the individual employee's personnel file.

This training should start with all Office of Catholic Schools personnel assigned to Our Lady of the Westside Schools.

5. Anonymous Complaints

Issue #7: As with the Archdiocese of Chicago consternation over the definition of allegation, the audit identified instances where the definition of an “anonymous” allegation also was a cause of trepidation. The audit found certain staff members of the Archdiocese of Chicago, with the responsibility for administrating allegations of cleric misconduct of sexual abuse of a minor, to characterize a complaint of misconduct by a cleric where the complainant does not immediately want to reveal their name as anonymous and therefore conducted no action with regard to the complaint. The audit found that a complainant who leaves a telephone number and requests a return call to be notified of the status of the complaint is not considered an anonymous complaint. Furthermore, no action to an anonymous complaint was also found to be in violation of the Archdiocese own policies.

Finding:

§1104.2. Reporting Requirements, Compliance and Cooperation

1104.2. Policy All persons associated with the Archdiocese are expected to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation,. In every instance, the Archdiocese will advise and support a person’s right to make a report to public authorities. (Cf. USCCB Essential Norms, §11 and §§1104.4.3(2) and 1104.7.1 of these Archdiocesan policies) In addition, all Archdiocesan clergy and all religious, employees, and volunteers working for the Archdiocese shall comply fully with the letter and spirit of this process. These personnel are expected to promptly report allegations of a cleric’s sexual abuse of a minor to the Professional Responsibility Administrator unless prohibited by applicable Church law. Other clerics and religious working in the Archdiocese are expected to cooperate with the process consistent with their particular status within the Archdiocese. All people of goodwill who may have to relate to the process are asked to do so with understanding and sensitivity for its goals. The Archdiocese will take all appropriate steps to protect the good name and reputation of all persons involved in this process. (Cf. Canon 220 and USCCB Essential Norms, §6).

Procedures

- e) Anonymous Allegations: The Administrator ordinarily will not process anonymous allegations or allegations that do not contain enough information to permit reasonable inquiry. The Administrator shall report all such allegations to the Board at its next regularly scheduled meeting and the Board shall review the Administrator’s action.*

Recommendation for Remediation:

1. The Archdiocese of Chicago should ensure that all anonymous calls or reports that initially lack adequate information are still be reported to appropriate individuals, that being the Professional Responsibility Administrator.

2. The Archdiocese of Chicago needs to reiterate this policy to all Archdiocesan staff members who are involved with the administration of complaints of allegations of cleric sexual abuse of minors.

6. Recordation of Response to Requests for Information

Issue #8: A review of personnel related files maintained by various offices within the Archdiocese of Chicago identified the common use of an internal written communication which is herein identified as a “memo to the file.” They are written on blank paper and are used to reflect the results of conversations, either in person or over the telephone. These “memos to the file” appear to be used to address whatever topics or issues that may have come to the attention of the person writing the memo. These memos were noted by the Auditors to provide a written summary of the content of the activity being documented. In some instances, and where necessary, the content is delineated in greater detail. It was noted that these “memos to the file” routinely do not indicate what action made have been taken as a result of the conversation, if any, nor do they contain resolution to the issues being addressed. For example, one “memo to the file” reviewed by the Auditors reflected a complaint to the Archdiocese of sexual misconduct by a former seminary student/present priest by a parent of a fellow student. In the memo reviewed, there was no indication as to what was done to resolve or handle the complaint. In addition, there was no indication that the memo had been forwarded to the appropriate office within the Archdiocese for handling, in this case the Office of Professional Responsibility.

Finding: Without documentation of action taken regarding an issue of cleric misconduct, the Archdiocese of Chicago is unable to defend those actions. The adage, “If it is not documented, it is not there; if it is not there, it was not done” is significant to this issue. Documentation of an action taken during any matter, but particularly with regard to an allegation of cleric sexual misconduct of a minor, is essential to the legal defensibility of Archdiocesan’ decisions.

Recommendation for Remediation: “Memos to the file,” or any other similar documents, should clearly indicate the action taken by the writer toward resolution of any problems or issues presented therein. The memo(s) should also contain a listing of any copies distributed to other parties within the Archdiocese.

7. Delayed Reporting of Derogatory Information and Failures to Investigate

Issue #9: Fr. McCormack was arrested / detained by Chicago Police Department on August 30, 2005 on an allegation of sexual abuse of a minor. The audit identified that on August 29, 2005 Cardinal George approved the official appointment of Fr. McCormack as Dean of Deanery III-D⁸ effective September 1, 2005. Office for the Vicars for Priests had in their possession derogatory information concerning Fr. McCormack which they delayed reporting to the Vicar General. The Vicar General was telephonically advised of

⁸ Catholic New World, September 11-24, 2005 issue,
http://www.catholicnewworld.com/cnw/issue/1_021906.html

the derogatory information but allowed the appointment to proceed without requiring further investigation into the allegation or withdrawing the appointment letter until resolution of the allegation.

Finding: The Vicar General did not hold the appointment letter in abeyance after the arrest / detainment of Fr. McCormack until further investigation could be conducted regarding the derogatory information.

Recommendation for Remediation: The Archdiocese of Chicago should ensure that appropriate policies and procedures are in place and followed concerning any and all allegations of misconduct of a priest and that the allegation(s) is thoroughly investigated.

III. FAILURES TO FOLLOW ESTABLISHED PROCEDURES AND PROTOCOLS

Issue #10: The Archdiocese of Chicago is not in complete compliance with the Charter for the Protection of Children and Young People insofar as it pertains to Article 12 Safe Environment Programs that Safe Environment training and Article 13. The audit found that all Priests and teachers have signed the Code of Conduct forms. However, the audit found that although the majority of teachers have completed the safe environment training, there are a number of staff members at Our Lady of the Westside Schools who have not completed the safe Environment training. The Virtus Lures training program for children and parents is just beginning at St. Agatha. The Archdiocese of Chicago and/or the Office of Catholic Schools has not mandated that a vehicle to monitor and identify which children or which parents have participated in the Lures program be established. The audit also identified that although all priests and teachers have completed the required background checks, and there have been background investigation of 29,000 volunteers throughout the Archdiocese; at St. Agatha, there have been less than a dozen background checks completed on volunteers.

Finding: The Charter for the Protection of Children and Young People states in pertinent part:

ARTICLE 12. Dioceses/eparchies are to maintain “safe environment” programs which the diocesan/eparchial bishop deems to be in accord with Catholic moral principles. They are to be conducted cooperatively with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, volunteers, and others about ways to make and maintain a safe environment for children and young people. Dioceses/eparchies are to make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to children.

ARTICLE 13. Dioceses/eparchies are to evaluate the background of all incardinated and non-incardinated priests and deacons who are engaged in ecclesiastical ministry in the diocese/eparchy and of all diocesan/eparchial and parish/school or other paid personnel and volunteers whose duties include ongoing, unsupervised contact with minors. Specifically, they are to utilize the resources of law enforcement and other community agencies. In addition, they are to employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, Program of Priestly Formation, 1993, no. 513).

§1103.1. Screening and Education of Clerics and Seminarians states in pertinent part:

1103.1. Policy The Archdiocese shall evaluate the background of all Archdiocesan personnel who have regular contact with minors. Specifically, they will utilize the resources of law enforcement and other community agencies. In addition, they shall employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, Program of Priestly Formation, 1993, no. 513). The Archdiocese shall review and augment on-going programs for the screening and education of seminarians and deacon candidates and the continuing education of clerics in matters related to sexuality and sexual abuse. (Cf. USCCB Charter, art. 13)

Recommendations for Remediation:

1. The Archdiocese of Chicago should provide immediate resources and oversight to ensure that anyone in a position of trust has a completed background check and that all employees and volunteers complete the Safe Environment training.
2. The Archdiocese of Chicago should establish proper oversight to hold the Office of Catholic Schools responsible for ensuring compliance with the Charter for the Protection of Children and Young People; Archdiocese of Chicago June 15, 1992 Commission on Clerical Misconduct report; and Section 1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry. The Archdiocese of Chicago should incorporate an appropriate tickler system to monitor this activity and thus ensure compliance.
3. The Archdiocese of Chicago should immediately institute the Lures training program for children and parents at St. Agatha. Completion of this training by parents and students should be documented and tracked in order to reflect whether this training could or will have a positive effect on repring of sexual child abuse allegations. This action should aid in the healing process within the community.
4. The Archdiocese of Chicago should advise the Gavin Group, or other entity conducting audits of the Charter for the Protection of Children and Young People of the results of this issue in order that audit procedures can be refined to specifically identify the status of volunteer background investigations and of this finding in order that compliance can continue to be monitored by an independent entity.

Issue #11: An allegation of sexual abuse of a minor at a Protestant church has recently been brought to the attention of the Archdiocese of Chicago. DCFS and Cook County State’s Attorney have been appropriately advised of this allegation.

Finding: The Charter for the Protection of Children and Young People states in pertinent part:

ARTICLE 16. Given the extent of the problem of the sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.

Recommendation: The Archdiocese of Chicago should affect appropriate liaison with this church to notify them of the allegation of sexual abuse to a minor within their purview. This incident appears to be an opportune time for reaching out to another ecclesial community to discuss issues of mutual interest.

IV. FAILURES IN MONITORING OF PRIEST ALLEGED TO HAVE SEXUALLY ABUSED A MINOR

Issue #12: The Archdiocese of Chicago failed to implement Individual Specific Protocols (ISP) established for monitoring Priests who are accused of an allegation of sexual abuse of minors. Archdiocese policy on monitoring is inadequate and ineffective and does not accomplish the primary goals of protecting children and the integrity of the Church.

Finding:

Section 1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry, Section 1104.12. Monitoring states in pertinent part:

1104.12.1 Policy. "Monitoring protocols and programs for those who have been accused or have engaged in sexual abuse of minors must reflect the primary goals of protecting children and the integrity of the church."

1104.12.3. Policy. "Monitoring programs and protocols should be applied on a case by case basis but must include certain essential components."

Procedures

"?While the monitoring protocol approved by the Review Board in a given case might include myriad of controls or restrictions that have proven helpful, all cases must include certain elements. They are:

- ✓ continuing oversight by the Review Board with periodic evaluation and reports to the Archbishop;*
- ✓ a written protocol signed by the cleric which sets forth the particular requirements applicable to him;*
- ✓ restrictions from being alone with anyone under the age of 18;*
- ✓ periodic physical evaluation and psychological reports as recommended by the Review Board;*
- ✓ regular individual spiritual direction;*
- ✓ communication with leaders and others as appropriate in the cleric's residence in order that they are meaningfully apprised and able to assist in the program;*
- ✓ a provision requiring clerics who use the Internet to provide the Professional Responsibility Administrator with a monthly printout of the Internet sites visited."*

The Individual Specific Protocols are established for Priests who are accused of an allegation of sexual abuse to minors and are documented to implement the primary goal of promoting the safety of minors. These Individual Specific Protocols contain, at a minimum:

1. *The client is restricted from being alone with a minor or minors, that is anyone under the age of 18, without the presence of another responsible adult.*
2. *Therapy with the suggested frequency of ____ times per week/month (please circle one) as recommended by _____ (name of therapist). Attendance to therapy is to be reflected on "Clergy Daily Log" forms.*
3. *Continued regular Spiritual Direction with the suggested frequency of ____ times per week/month (please circle one) as recommended by _____ (name of spiritual director). Attendance to Spiritual Direction is to be reflected on "Clergy Daily Log" forms.*
4. *The "Clergy Daily Log" to be completed on a daily basis and co-signed by the monitor. The log is a tool that is used for the protection of minors, the cleric, the monitor and the Archdiocese. Although it identifies time periods, it is intended to provide a general record of the day rather than a detailed clock. If you are describing an off-site activity, please include your destination and the general purpose of the visit or activity. For example, it is enough to indicate that you did personal shopping at a given Shopping Center rather than the details of each individual store. However, if your self-description is challenged or a complaint is lodged with the Archdiocese, some documentation and verification may be necessary to sufficiently address the situation.*
5. *Abide by the assignment of residence to _____*
6. *Must complete and submit the "Travel/Vacation Agreement", and obtain concurrence with the Agreement, prior to a scheduled departure. In the event of a prolonged stay in a particular location, the Archdiocese is required to notify the Ordinary of that place of your presence there.*
7. *Attendance at a recommended support group _____ (please indicate specific support group). Recommended frequency of ____ times per week/month (please circle one). Attendance at a recommended support group is to be reflected on "Clergy Daily Log" forms.*
8. *No inappropriate use of computers, software, Internet capabilities, communications tools or video technology. The standards articulated in the Policies and Procedures of the Archdiocese of Chicago and the Handbook For Archdiocesan Employees apply as they do to all Archdiocesan personnel.*
9. *No ministerial participation in the public celebration of the Eucharist or any other Sacrament or Sacramental without the prior, written permission of the Vicar for Priests.*
10. *Refrain from wearing any garb that would give the appearance of, or seem to infer, a priest/deacon who has canonical faculties and is currently assigned to some ministry (e.g., the 'clerical shirt').*
11. *On-site visits by the PRA and the VP annually to include a meeting with the cleric.*

Recommendations for Remediation: The Archdiocese of Chicago should conduct a thorough and complete review of its policy and practices to monitor priests accused of allegations of sexual abuse of minors and establish sound, logical protocols and practices for individuals accused of an allegation of sexual abuse of minors. The audit acknowledges the fact that the Archdiocese of Chicago is already in the process of conducting a thorough review of Archdiocesan monitoring policies and practices by another independent consultant.

V. FAILURES TO CONDUCT A COMPLETE AND THOROUGH REVIEW OF LIVING PRIEST'S FILES FOR ANY IMPROPRIETY/MISCONDUCT

Issue #13: Past file reviews by the Archdiocese of Chicago have been incomplete and ineffective in identifying past allegations of sexual abuse by clerics or indications of a potential problem or danger sign of a cleric's propensity or susceptibility to sexually abuse.

Finding: File reviews of Archdiocesan files have been conducted for the specific purpose of identifying any allegation of sexual misconduct on the part of Priests or Deacons assigned to the Archdiocese of Chicago by Archdiocese personnel on two separate occasions, the last being in approximately 2002. Seminary Files were not reviewed in either Archdiocesan file review process.

Recommendation for Remediation: The Archdiocese of Chicago should have an independent file review of all personnel and personnel-related records conducted for the purpose of identifying any allegation of sexual abuse of a minor, misconduct and/or any activity of impropriety by living Priests or Deacons. Should the Archdiocese accept this recommendation, this process should entail an all inclusive, comprehensive and complete review which would examine, analyze and evaluate the full range of allegations or activities, to include, but not limited to, misuse of position, personal misconduct, and/or alleged violation of law (against Criminal Law, against Civil Law or against Canonical Law).

VI. PROCESS REVIEW ISSUES

Issue #14: Cardinal George has directed that the revised policies and procedures (*SECTION 11000, SEXUAL ABUSE OF MINORS*) be promulgated by posting their full text on the Archdiocese of Chicago's Internet web site. For the Archdiocese to demonstrate its commitment to transparency and openness, it must ensure that the message it presents to the public is correct and up to date.

Finding:

From the Introduction to SECTION 1100, SEXUAL ABUSE OF MINORS:

"Many of the provisions of the USCCB' Charter and the Essential Norms have been contained in the Archdiocese of Chicago's policies and procedures since 1992. To the extent that they were inconsistent, Cardinal George directed that the policies and procedures of the Archdiocese of Chicago be amended so as to incorporate the provisions of the USCCB Charter and Essential Norms. These amendments were discussed with the Review Board, the Archdiocesan Pastoral Council and the Presbyteral Council. Following these consultations and the unanimous recommendation of his Administrative Council, Cardinal George approved these revised policies and procedures on June 24, 2003, effective July 15, 2003. They are promulgated by posting the full text on the Archdiocese of Chicago's Internet web page, mailing to all Archdiocesan priests, and publishing a summary in The Catholic New World, the official newspaper of the Archdiocese of Chicago." (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendation for Remediation: The Archdiocese of Chicago should conduct periodic reviews of its website to ensure that the information contained therein is accurate and up-to-date.

Preliminary Actions and Inquiry

Issue #15: The PRA maintains a hardcopy system of records which addresses inquiries and investigations of allegations of sexual abuse of a minor by clerics. Complementing that system is a Microsoft Access 2000 database titled “RADAR.” This database was created in-house by personnel from the Office of Legal Services with the assistance of Archdiocesan Information Technology (IT) personnel. Security of the database is controlled by limited access and passwords. Backup copies are maintained by the Archdiocesan IT Department. While “RADAR” is effective at providing a means by which the PRA is able to keep abreast of the current status of sexual abuse investigations, it needs to be upgraded to a more current version of the database software and could use enhancements to its effectiveness by someone with a specialty in database design. It was also noted that “RADAR” is used by several departments within the Archdiocese of Chicago.

Finding:

§1104.6. Confidentiality and Disclosure of Information

1104.6. Policy Information generated in connection with the process set forth in Sections 1104.4 and 1104.5 shall be maintained in a confidential manner and may only be disclosed in accordance with this section.

Procedures

- a) *The Administrator is the custodian of all information described in Sections 1104.4 and 1104.5 and shall develop an appropriate record keeping system to ensure accountability for and security of the information. (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)*
- b) *The Administrator shall maintain the information in a confidential fashion and may not disclose such information except as follows: (Auditor Note: Further points within this section are not applicable to this issue.)*

Recommendations for Remediation:

1. The Archdiocese of Chicago should upgrade its Access database software to the current version (Access 2002) or to the soon to be released version later this year. (Auditor Note: This recommendation is not intended to be interpreted as an endorsement for Microsoft Access. This software package is specifically mentioned because it is the current software being used by the Archdiocese and personnel assigned to using it are most comfortable with its capabilities.

Changing to a different software platform would significantly increase the learning curve for the users.)

2. The Archdiocese of Chicago should contract with a software developer with expertise in Microsoft Access to review the current database and provide guidance to enhancing its capabilities.

Issue #16: The PRA is responsible for providing the person making the allegation with a written statement containing information about the right to make a report of such allegation to public authorities.” A review of allegation files prepared by the PRA reflected that accusers had been provided with a copy of *SECTION 1100, SEXUAL ABUSE OF MINORS*. Section 1100 is quite lengthy and its language is not necessary directed towards the general public. Its content can be confusing to some.

Finding:

§1104.7. Preliminary Actions and Inquiry

1104.7.1. Policy Upon receipt of the allegation, the Administrator promptly shall report an allegation of sexual abuse of a person who is a minor to the public authorities, comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities, will cooperate in their investigation in accord with the law of the jurisdiction in question, and will cooperate with public authorities about reporting in cases when the person is no longer a minor. The Administrator shall also provide the person making the allegation with a written statement containing information about the right to make a report of such allegations to public authorities and will support this right. (Cf. USCCB Charter, art. 4, USCCB Essential Norms, §11, and §§1104.2 and 1104.4.3(2) of these Archdiocesan policies)

(Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendation for Remediation: In fulfilling the above requirement, the PRA should provide the accusers not only a copy of *SECTION 1100, SEXUAL ABUSE OF MINORS*, but also a document which specifically delineates the methods by which the accuser can report allegations to public authorities. This document should include the contact telephone numbers (Hotlines) of the appropriate agencies.

Issue #17: During the review of the case files involving allegations of sexual abuse of minors by Fr. McCormack, it was determined that the Archbishop was not notified of the allegation against and arrest / detainment of Fr. McCormack until three (3) days after the Archbishop’s return to the Archdiocese. During the Preliminary Activities and Inquiry phase of the Review Process, the PRA routinely sends a memorandum to the Chancellor, the Archbishop’s Delegate, the Office of Legal Services, the Victim’s Assistance Ministry, and the Vicar for Priests, advising them of the allegation and requesting file reviews. In the files reviewed by the Auditors, no indication was noted that the Archbishop is specifically notified of allegations against, arrest or detainment by law enforcement of clerics or any Archdiocesan employee for that matter.

Finding:

§1104.7. Preliminary Actions and Inquiry

1104.7.2. Policy Ordinarily (sic), the Administrator shall also promptly do the following:

- (1) report the allegation to the Assistance Minister;*
- (2) report the allegation to the Archbishop, his delegate and other persons that the Archbishop may designate;*
- (3) inform the cleric and request his response;*
- (4) assess whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop.*

(Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendation for Remediation: The Cardinal (Archbishop of Chicago) should be specifically included in the copy count of the notification memorandum prepared for the above individuals.

Issue #18: During this phase, the PRA is directed to “review the cleric’s files or background.” As a matter of established procedure, this has been accomplished via a written request from the Office of Professional Responsibility (OPR) to the Victim Assistance Ministry, the Vicar for Priests, the Chancellor, the Office of Legal Services, and the Archbishop’s Delegate to the Review Board to provide any information in their files which pertain to the accused or the accuser. Files of the Seminary where the cleric attended are not specifically requested to be reviewed for pertinent information via this request. In addition, relevance of the material disclosed during the review is left to the discretion of the reviewer who may not be privy to the full facts of the inquiry. Finally, there is no indication in the Allegation Files that these record reviews have been concluded.

Finding:

§1104.7. Preliminary Actions and Inquiry

1104.7.1. Policy Upon receipt of the allegation, the Administrator promptly shall report an allegation of sexual abuse of a person who is a minor to the public authorities, comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities, will cooperate in their investigation in accord with the law of the jurisdiction in question, and will cooperate with public authorities about reporting in cases when the person is no longer a minor. The Administrator shall also provide the person making the allegation with a written statement containing information about the right to make a report of such allegations to public authorities and will support this right. (Cf. USCCB Charter, art. 4, USCCB Essential Norms, §11, and §§1104.2 and 1104.4.3(2) of these Archdiocesan policies)

Procedure

The Administrator shall review the cleric's files⁹ or background, make appropriate inquiries about the allegation, and prepare a report of all available information for presentation to the Board either orally or in writing at the Initial Review meeting. The

⁹ Note that there are different files kept by various Archdiocesan offices, e.g., the Office of the Chancellor, Vicar for Priests, the Archbishop’s Delegate, the Diocesan Priests’ Placement Board and the PRMAA. These files are managed under the coordination of the Chancellor or his delegate. See §700 *Archdiocese of Chicago Unified Priest Personnel Record Keeping Policies* and §1106 *Priest Personnel Records*.

Administrator shall reduce an oral report to writing as soon as practical after the Initial Review meeting and make copies of this report available to the Board, the Archbishop, his delegate, and such other persons that the Archbishop may designate. (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendations for Remediation:

1. The requested file reviews should include all files, to include the Seminary records of the accused.
2. The request for records review should be revised to have all files relevant to the accused be provided to the OPR for review by the PRA. The PRA is in a more informed position to determine what is relevant to the allegations. In addition, the PRA’s personal review of the files ensures that the reviews are conducted.
3. The PRA should document the results of all record reviews, to include both positive and negative results.

Issue #19: During this phase of the process, the PRA is called upon to make a recommendation to the Archbishop regarding whether interim action, to include temporary withdrawal from ministry, restrictions, or other actions deemed appropriate by the Archbishop. A review of the records by the auditors of Fr. Joseph Bennett found no indication that this issue was being addressed by the PRA, nor was any indication given as to whether any of these actions had been considered.

Finding:

§1104.7. Preliminary Actions and Inquiry

<p><i>1104.7.2. Policy Ordinarily (sic), the Administrator shall also promptly do the following:</i></p> <ol style="list-style-type: none"><i>(1) report the allegation to the Assistance Minister;</i><i>(2) report the allegation to the Archbishop, his delegate and other persons that the Archbishop may designate;</i><i>(3) inform the cleric and request his response;</i><i>(4) assess whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop.</i>
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(Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendation for Remediation: The PRA should document the decision for each case as to whether interim actions are, or are not necessary, to include the factors considered during this decision making process. Should other Archdiocesan officials be consulted in this matter, their input should also be documented by the PRA.

Issue #20: During the Fr. Bennett investigation by the Archdiocese, it was discovered in November 2005 that Fr. Bennett did not have a canonical advocate assigned; the original allegation having been made in December 2003. The final decision in this matter appears

to have been delayed by Cardinal George to allow Fr. Bennett to consult with and be defended by canonical counsel. The audit found that the November 2005 delays in removing Fr. Bennett from his pastoral duties were primarily the result of Fr. Bennett not having been provided canonical counsel; however, this mere fact is not sufficient reason for not having removed Fr. Bennett when the Review Board made its recommendation to Cardinal George. This action still could have been carried out while awaiting the advice of canonical counsel.

Finding:

§1105.1. Removal from Ministry, Penalties and Restrictions

1105.1. Policy When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants (c. 1395, §2).¹⁰ While affording every opportunity to the offender for conversion of heart and forgiveness through sacramental reconciliation, and recognizing the abundant mercy of God's infinite graces, the Church also acknowledges the need to do penance for one's sins, that there are consequences for wrongful actions, and that the safety of children requires certain measures to be taken even after there is forgiveness.

A. In every case involving canonical penalties, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State, 1995; Graviora Delicta, Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). Unless the Congregation for the Doctrine of the Faith, having been notified, calls the case to itself because of special circumstances, it will direct the Archbishop how to proceed (Article 13, "Procedural Norms" for Motu proprio Sacramentorum sanctitatis tutela, AAS, 93, 2001, p. 787). If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the Archbishop shall apply to the Congregation for the Doctrine of the Faith for a dispensation from the prescription, while indicating appropriate pastoral reasons. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the Archdiocese will supply canonical counsel to a priest. The provisions of canon 1722 shall be implemented during the pendency of the penal process.

B. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender is to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest. (cf. USCCB Charter, art. 5, and USCCB Essential Norms §8)

(Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

§1104.7. Preliminary Actions and Inquiry

1104.7.2. Policy Ordinarily, the Administrator shall also promptly do the following:

- (9) report the allegation to the Assistance Minister;
- (10) report the allegation to the Archbishop, his delegate and other persons that the Archbishop may designate;
- (11) inform the cleric and request his response;

¹⁰ Removal from ministry is required whether or not the cleric is diagnosed by qualified experts as a pedophile or suffering from a related sexual disorder that requires professional treatment. (Cf. *USCCB Essential Norms*, §8, footnote 4)

(12) assess whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop.

Procedure

- f) Interim action can include temporary withdrawal from ministry, monitoring, restrictions or other actions deemed appropriate by the Archbishop for the sake of the common good (see canon 223, §2 of the *Code of Canon Law* and §§ 1104.10 and 1104.12 of these Archdiocesan policies).
- g) In making such assessments and recommendations, the Administrator may consult with the Archbishop, his delegate, and persons designated by the Archbishop.
- h) Before initiating a judicial or administrative process to impose or declare penalties, the Archbishop should seek the cleric's voluntary cooperation to avoid or repair scandal, restore justice and reform the offender through various means of pastoral solicitude. (Cf. c. 1341)
- i) The alleged offender may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation at a facility mutually acceptable to the Archdiocese and the accused, so long as this does not interfere with the investigation by civil authorities. (Cf. *USCCB Charter*, art. 5, and *USCCB Essential Norms*, §7)
- j) The Administrator must schedule and give effective notice of any meetings of the Board.

§1104.8.1. Questions for Review

1104.8.1. Policy At the Initial Review meeting, the Board shall advise the Archbishop: (1) whether the information received at least seems to be true of an offense (cf. canon 1717, §1); (2) whether the interim actions recommended by the Administrator were appropriate to provide for the safety of children; (3) of its recommendations based on its expertise regarding the scope and course of the investigation; and (4) what further interim action should be taken with respect to the allegation.

Procedure

The Board shall consider the Administrator's report, information provided by the Archbishop's delegate or other persons identified by the Archbishop, and any other information which the Board believes helpful and is able to obtain.

§1104.9.1. Questions for Review

1104.9.1. Policy At the Review for Cause the Board shall determine: (1) whether there is reasonable cause to suspect that the accused engaged in sexual abuse of a minor; (2) whether prior determinations as to ministry by the cleric should be altered; and (3) what further action, if any, should be taken with respect to the allegation.

Procedure

The Board shall consider the Administrator's reports, information provided by the Archbishop's delegate or other persons identified by the Archbishop, and any other information which the Board believes helpful and is able to obtain.

Recommendations for Remediation:

1. Canonical counsel should be identified and assigned to the accused at or about the same time that the accused has retained civil legal counsel. This activity should take place early on during the Review Process to ensure that the accused is afforded appropriate canonical counsel and no delays in the process are encountered due to a lack of assigned canonical counsel.
2. During interview with the Auditors, Archdiocese Canonical Counsel advised of a draft Archdiocese policy which requires that canonical advocates in cases involving sexual abuse of minors are to be obtained from outside of the Archdiocese. It is recommended that this draft be formalized into policy and that this requirement be included in *SECTION 1100 SEXUAL ABUSE OF MINORS*.
3. The Cardinal should immediately remove a Priest or Deacon from pastoral duties as soon as there is a reasonable belief to suspect the allegation is true that children could be at risk and particularly after recommendation by the PRA or Review Board.¹¹

Issue #21: As per the February 22, 2006, Joint Protocol for the Archdiocese of Chicago and the Department of Children and Family Services in a “Commitment to Improving Child Safety and Protection,” the Archdiocese is to “suspend its own investigation until DCFS has completed its child abuse and neglect investigation.” No specific time frame parameters are provided in the Joint Protocol for the length of time a DCFS investigation would take to complete its investigation. This “indefinite” suspension could have a significant negative impact on the effectiveness of the Archdiocese’s investigation.

Finding: February 22, 2006, Joint Protocol for the Archdiocese of Chicago and the Department of Children and Family Services in a “Commitment to Improving Child Safety and Protection,” the Archdiocese is to “suspend its own investigation until DCFS has completed its child abuse and neglect investigation.”

Recommendation for Remediation: The Archdiocese of Chicago should revisit this issue with the Department of Children and Family Services to establish approximate time frame parameters for the DCFS investigation to ensure that the Archdiocese can begin its investigation within a reasonable period of time and take appropriate action after the allegation has been made.

Issue #22: All personnel with access to RADAR do not use it. Interview determined that one of its potential users was not aware of his password for entry into the database.

Finding: The purpose of RADAR is to assist with tracking work flow and to provide, on a timely basis, the status of ongoing cases involving allegations of sexual abuse of minors. If not utilized by all appropriate departments, RADAR is an ineffective system.

¹¹ Section 1104.7.2 assess whether the safety of children requires interim action and promptly communicate a recommendation to the Archbishop.

Recommendation for Remediation: All personnel who have authorized access to RADAR who do not currently use it should be provided with a refresher course on its benefits and usage. In addition, use of the database should be mandated by the Archdiocese of Chicago to ensure that its contents are complete and up to date. Otherwise, RADAR will be an inefficient and ineffective monitoring instrument.

Initial Review

Issue #23: During the Auditors review of the allegation case files on Fathers Bennett and McCormack, it was noted that there was no documentation contained therein which reflected what information was provided to the Review Board during the Initial Review.

Finding:

§1104.7. Preliminary Actions and Inquiry

1104.7.1. Policy Upon receipt of the allegation, the Administrator promptly shall report an allegation of sexual abuse of a person who is a minor to the public authorities, comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities, will cooperate in their investigation in accord with the law of the jurisdiction in question, and will cooperate with public authorities about reporting in cases when the person is no longer a minor. The Administrator shall also provide the person making the allegation with a written statement containing information about the right to make a report of such allegations to public authorities and will support this right. (Cf. USCCB Charter, art. 4, USCCB Essential Norms, §11, and §§1104.2 and 1104.4.3(2) of these Archdiocesan policies)

Procedure

The Administrator shall review the cleric's files¹² or background, make appropriate inquiries about the allegation, and prepare a report of all available information for presentation to the Board either orally or in writing at the Initial Review meeting. The Administrator shall reduce an oral report to writing as soon as practical after the Initial Review meeting and make copies of this report available to the Board, the Archbishop, his delegate, and such other persons that the Archbishop may designate. (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendation for Remediation: The Archdiocese of Chicago should implement a procedure whereby a copy of the reports presented to the Review Board during the Initial Review should be included in the appropriate case files.

Preliminary Investigation

Issue #24: The Auditors review of allegation files on Fathers Bennett and McCormack found the files to be generally complete. However, it was noted that documentation

¹² Note that there are different files kept by various Archdiocesan offices, e.g., the Office of the Chancellor, Vicar for Priests, the Archbishop's Delegate, the Diocesan Priests' Placement Board and the PRMAA. These files are managed under the coordination of the Chancellor or his delegate. See §700 *Archdiocese of Chicago Unified Priest Personnel Record Keeping Policies* and §1106 *Priest Personnel Records*.

existed only for investigative activities which were “positive” in nature, meaning that substantive information was documented; however, information which revealed that no information existed, or “negative” information, if you will, was found not to be documented into the file.

Finding:

§1104.8.3. Preliminary Investigation

1104.8.3. Policy When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively, unless such an inquiry seems entirely superfluous, e.g., due to compelling evidence or the cleric’s admission of the alleged abuse (c. 1717). All appropriate steps shall be taken during the investigation to protect the reputation of the accused and of the person making the allegation. (Cf. USCCB Charter, art. 5, and USCCB Essential Norms, §6)

Procedures

- a) Whenever the Archbishop determines, based on the advice of the Review Board at the Initial Review, that the information at least seems to be true of an offense, the Archbishop shall appoint a lay auditor (cf. canon 1428) to conduct the preliminary investigation in accord with canon 1717. If appropriate in light of the facts and circumstances, the Archbishop may appoint the Professional Responsibility Administrator to serve as the auditor.*
- b) Under the supervision of the Archbishop or his delegate and in cooperation with the Review Board, the Auditor may retain whatever professional assistance necessary and appropriate to conduct a thorough investigation of an allegation.*
- c) The auditor conducting the preliminary investigation shall prepare oral and written reports of these inquiries containing the findings of such investigations within sufficient time for the appropriate canonical process and the Board to complete their responsibilities. These reports should include descriptions of actions taken by the Administrator, such additional inquiry as may be required, and identification of information that was not available to the Administrator and why that information was not available. (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)*

Recommendation for Remediation: All investigative activity should be documented in the case files, to include both negative and positive results. For example, leads (investigative avenues) which were followed-up on which failed to produce any results favorable to or against the accused should be documented. This documentation would then reflect the full extent of the measures that were taken to ensure all investigative avenues were explored and all avenues of / for consideration were explored and documented.

Issue #25: During the review of the investigation into the allegations against Fr. Bennett, it was determined that the Review for cause had to be continually postponed to allow time for ht e PRA to gather additional information requested by the Review Board. This investigation, which began in December 2003, was not finally assessed by the Review Board until November 2005. The audit found that assignment of a trained investigator

with the experience to identify potential leads and follow up on them without having to rely on others to set out the investigative avenues would not only enhance the investigation but also speed up the investigative process.

Finding:

§1104.8.3. Preliminary Investigation

1104.8.3. Policy When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively, unless such an inquiry seems entirely superfluous, e.g., due to compelling evidence or the cleric's admission of the alleged abuse (c. 1717). All appropriate steps shall be taken during the investigation to protect the reputation of the accused and of the person making the allegation. (Cf. USCCB Charter, art. 5, and USCCB Essential Norms, §6)

Procedures

- a) *Whenever the Archbishop determines, based on the advice of the Review Board at the Initial Review, that the information at least seems to be true of an offense, the Archbishop shall appoint a lay auditor (cf. canon 1428) to conduct the preliminary investigation in accord with canon 1717. If appropriate in light of the facts and circumstances, the Archbishop may appoint the Professional Responsibility Administrator to serve as the auditor.*

- b) *Under the supervision of the Archbishop or his delegate and in cooperation with the Review Board, the Auditor may retain whatever professional assistance necessary and appropriate to conduct a thorough investigation of an allegation.*

- c) *The auditor conducting the preliminary investigation shall prepare oral and written reports of these inquiries containing the findings of such investigations within sufficient time for the appropriate canonical process and the Board to complete their responsibilities. These reports should include descriptions of actions taken by the Administrator, such additional inquiry as may be required, and identification of information that was not available to the Administrator and why that information was not available.*

Recommendation for Remediation: The Archdiocese of Chicago should consider the use of retired law enforcement investigators to assist with the Preliminary Investigation which will require a significant amount of time and investigative knowledge. Their activities would be overseen by the PRA to ensure that the Code of Canon Law, as it applies to these matters, are followed and that the requirements of the Archdiocese are met. In addition, assistance by an experienced investigator would relieve the PRA of some of her investigative responsibilities and thus providing some relief in her workload.

Review for Cause

Issue #26: The Auditors review of the Allegation Files failed to locate any reports written by the PRA and provided to the Review Board during the Review for Cause.

Finding:

§1104.9.1. Questions for Review

1104.9.1. Policy At the Review for Cause the Board shall determine: (1) whether there is reasonable cause to suspect that the accused engaged in sexual abuse of a minor; (2) whether prior determinations as to ministry by the cleric should be altered; and (3) what further action, if any, should be taken with respect to the allegation.

Procedure

The Board shall consider the Administrator's reports, information provided by the Archbishop's Delegate or other persons identified by the Archbishop, and any other information which the Board believes helpful and is able to obtain. (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)

Recommendation for Remediation: The Archdiocese of Chicago should implement a procedure whereby a copy of the reports presented to the Review Board during the Review for Cause should be included in the appropriate case files.

**OFFICE OF PROFESSIONAL RESPONSIBILITY WORK FLOW CHART
(Revised 9/21/2005)**

Issue #27: The Office of Professional Responsibility Work Flow Chart (*Revised 9/21/2005*) places the investigation of an allegation before the Initial Review has been conducted. The Initial Review, per *SECTION 1100*, is to take place after both the accuser and the accused are interviewed by the PRA, a background check of the cleric is conducted via records checks, and appropriate inquiries are made about the allegation. *SECTION 1100* also states that a “thorough investigation of an allegation” is conducted during the Preliminary Investigation phase of the Review Process.

Finding: The Office of Professional Responsibility Work Flow Chart is not in concert with *SECTION 1100, SEXUAL ABUSE OF MINORS*.

Recommendation for Remediation: If the Work Flow Chart accurately reflects the sequence steps currently being followed during an investigation of an allegation of sexual abuse of a minor by a cleric, then *SECTION 1100, SEXUAL ABUSE OF MINORS* should reflect these procedural steps in the order indicated in the chart.

Issue #28: In the Work Flow Chart provided to the auditors, step number 17 is missing with no explanation provided as to why.

Finding: Administrative errors such as missing steps in process or protocol document such as the PRA Work Flow Chart could appear conspicuous to the eye or the mind of others.

Recommendation for Remediation: The Archdiocese of Chicago should review the PRA Work Flow Chart for accuracy, detail, and clarity, making corrections where appropriate.

PROFESSIONAL CONDUCT ADMINISTRATIVE COMMITTEE (PCAC)

Issue #29: The PCAC is mentioned in SECTION 1100; however, the PCAC is meant, to facilitate administration and implementation of responsibilities of the group which coordinates actions, recommends actions, advises Cardinal George, the Vicar General, the Chancellor and other departments with various responsibilities, but without an official mandate or specific authority or mission statement. The PCAC is not, nor ever has been intended to subjugate the responsibilities of the Review Board which is independent.

Finding:

§1104.3. Review Board

1104.3. Policy The recommendations described in Section 1104.1 shall be made to the Archbishop by a Review Board, which will function as a confidential consultative body to the Archbishop in discharging his responsibilities (hereinafter "Board"; cf. USCCB Charter, art. 2, and USCCB Essential Norms, §4):

§1104.3.7. Duties

1104.3.7. Policy The Board shall have the duty to:

- (1) recommend to the Archbishop a candidate or candidates for the position of Professional Responsibility Administrator;*
- (2) supervise the Professional Responsibility Administrator in cooperation with the Archdiocesan Director of Personnel Services;*
- (3) advise the Archbishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry (Cf. USCCB Charter, art. 2, and USCCB Essential Norms, §4.A.)*
- (4) offer advice on all aspects of these cases, whether retrospectively or prospectively (Cf. USCCB Essential Norms, §4.C.)*
- (5) make such other recommendations which the Board in its sole discretion determines to be appropriate to reduce the risk to children.*
- (6) recommend guidelines for the inquiries of the Professional Responsibility Administrator, the proceedings of the Board and programs for treatment, rehabilitation and supervision of clerics consistent with these provisions;*
- (7) submit, with the assistance of the Professional Responsibility Administrator, an annual budget proposal to the Archbishop at a time to be specified. The budget proposal shall be incorporated into the proposal for the Department of Personnel Services and may be considered as part of the Archdiocesan budget process in consultation with the Review Board.*
- (8) review these policies and procedures for dealing with sexual abuse of minors; (Cf. USCCB Essential Norms, §4.B)*
- (9) cooperate with the Professional Responsibility Administrator, the Vicar for Priests, and the Professional Conduct Administrative Committee¹³ in developing and implementing educational programs for themselves and those participating in this process; and*

¹³ The Professional Conduct Administrative Committee advises the Archbishop and his staff on administrative issues related to clerical sexual misconduct and other matters. The PCAC also coordinates the administrative response to such matters. The PCAC does not intrude on the independence of the Review Board. The PCAC ensures that an allegation of cleric sexual misconduct is brought to the attention of the Review Board.

(10) seek the advice of such experts and consultants as the Board deems necessary and appropriate.

Recommendation for Remediation: The Archdiocese of Chicago should delineate an official mandate of the PCAC with specific authority and a specific mission statement to ensure the PCAC does not encroach on the specific responsibilities of the Review Board.

Issue #30: According to the Office of Professional Responsibility Work Flow Chart, the PCAC is advised of the results of records searches for prior knowledge and documentation regarding the accused and the victim. No explanation is indicated as to what the PCAC is to do with this information. Without a clear mission statement and its responsibilities properly delineated, the function of the PCAC during the Review Process is entirely unclear.

Finding: In order for any committee to be effective, mission responsibilities should be clearly established and documented, particularly when the committee recommends action to be taken.

Recommendations for Remediation:

1. The Archdiocese of Chicago should develop a clear mission statement for the PCAC, to include its membership composition, authorities, responsibilities, and procedures.
2. Responsibilities of the PCAC with respect to their involvement during the Review Process should also be delineated and included in *SECTION 1100, SEXUAL ABUSE OF MINORS*.

ADMINISTRATIVE CHECKLIST FOR HANDLING ALLEGATIONS OF CLERICAL SEXUAL MISCONDUCT – “TWO MINUTE DRILL”

Issue #31: The audit found the Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct – “Two Minute Drill” (Administrative Checklist) to be a comprehensive and practical document to ensure the policies and procedures were followed as set forth by the Archdiocese of Chicago for handling allegations of clerical sexual misconduct. This audit also found that this Administrative Checklist had been utilized and practiced by the PCAC in the past in order to respond to allegations of sexual abuse of minors received by the Archdiocese of Chicago. Additionally, the audit found the Administrative Checklist as an effective tool to draw upon as a training document. However, the audit also found that the Administrative Checklist has not been practiced or utilized “in years.”

Finding: The Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct – “Two Minute Drill” (Administrative Checklist) was used by the Professional Conduct Administrative Committee as a hands-on tool set forth to follow and track responsibilities and guide the process along from beginning to end. The

Administrative Checklist was revised February 22, 2000; however, it was not practiced nor utilized during Fr. McCormack's arrest on August 30, 2005.

Recommendations for Remediation:

1. The Archdiocese of Chicago should review the Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct – “Two Minute Drill” to ensure it follows and tracks Archdiocese revised policies and procedures as they apply to responding to allegations of clerical sexual misconduct. Thereafter, the Archdiocese, through the PCAC, should immediately apply the Administrative Checklist upon notification of any and every allegation of clerical sexual misconduct brought to the attention of the Archdiocese.
2. The Archdiocese of Chicago should establish a tickler system as a reminder to review, practice and train with the Administrative Checklist for Handling Allegations of Clerical Sexual Misconduct – “Two Minute Drill”. Training with the Administrative Checklist should be in a tabletop exercise format. The goals of a tabletop exercise are: 1) The development of the participants with the knowledge, skills, abilities and core competencies to develop those core skills and address the essential elements of the scope, planning, application and coordination of emergency operations to facilitate this integration; 2) Development of concepts, principles, practices and approach for the planning, mitigation, response, recovery and coordination of the Archdiocese to a major critical incident; and 3) Education of Archdiocesan personnel with the essential elements to assist with preparing and standing up for a critical incident.

Issue #32: The Professional Responsibility Administrator is not provided equal access to all personnel-related files during the review of the accused cleric's backgrounds.

Finding: With regard to the review of accused files, in the Vicar for Priests section of the “Two Minute Drill,” Page 4, # 3, it states in pertinent part: “Within the claims of confidentiality, the VP (Vicar for Priests) should inform the PFRA (Professional Fitness Responsibility Administrator) of all pertinent (regarding the present allegation) material in the priest's file at the VP's office. If there is any question of confidential material, the VP consults with the Archbishop's Delegate.” However, under Appendix B, Page 12, #13, it states in pertinent part: “The Administrator will then obtain the priest's file from the Chancellor, review it, and attempt to gather any other relevant information regarding the current allegation(s) (which time permits) before and for the Review by the PCAC. Accordingly, the PFRA can review the Chancellor's files but not the Vicar for Priests files. The audit finds that this process does not give the impression of openness and transparency. In one instance (the VP files), the review is solely for information relevant to the *current* allegation. From this perspective, historical information may, in fact, be pertinent and relevant. In the Fr. McCormack cases, historical information would have been very relevant to the overall situation. As a matter of fact, probative evidence is now coming to light.

Recommendation for Remediation:

1. The Archdiocese of Chicago should ensure that all policies and procedures are in concert with each other.
2. The Professional Responsibility Administrator should have the same access to all files in order to personally review for allegations of cleric sexual misconduct of a minor.

CIVIL AND CANON LAW COUNSEL

Issue #33: According to the Work Flow Chart, the majority of the activities required during the Preliminary Investigation, as per *SECTION 1100*, is conducted prior to the Initial Review, with several investigative steps still carried out during that portion of the Review Process. While the sequence of steps delineated in the Chart do not correspond directly to the *SECTION 1100, SEXUAL ABUSE OF MINORS*, its sequence of progression is logical for the most part.

Finding:

§1104.8.3. Preliminary Investigation

1104.8.3. Policy *When an allegation of sexual abuse of a minor by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively, unless such an inquiry seems entirely superfluous, e.g., due to compelling evidence or the cleric's admission of the alleged abuse (c. 1717). All appropriate steps shall be taken during the investigation to protect the reputation of the accused and of the person making the allegation. (Cf. USCCB Charter, art. 5, and USCCB Essential Norms, §6)*

Procedures

- a) Whenever the Archbishop determines, based on the advice of the Review Board at the Initial Review, that the information at least seems to be true of an offense, the Archbishop shall appoint a lay auditor (cf. canon 1428) to conduct the preliminary investigation in accord with canon 1717. If appropriate in light of the facts and circumstances, the Archbishop may appoint the Professional Responsibility Administrator to serve as the auditor.*
- b) Under the supervision of the Archbishop or his delegate and in cooperation with the Review Board, the Auditor may retain whatever professional assistance necessary and appropriate to conduct a thorough investigation of an allegation.*
- c) The auditor conducting the preliminary investigation shall prepare oral and written reports of these inquiries containing the findings of such investigations within sufficient time for the appropriate canonical process and the Board to complete their responsibilities. These reports should include descriptions of actions taken by the Administrator, such additional inquiry as may be required, and identification of information that was not available to the Administrator and why that information was not available. (Auditor Note: Emphasis added by Auditor to highlight point of discussion.)*

Recommendations for Remediation:

1. If, in fact, the Work Flow Chart delineates the actual process of investigations currently being followed in these matters, the Archdiocese should revise *SECTION 1100, SEXUAL ABUSE OF MINORS* to reflect the review process delineated in the Work Flow Chart. This recommendation is made with the understanding that the recommendations from the review of *SECTION 1100* appearing above are incorporated into any revisions of the policies and procedures.
2. A revision / update of the Administrative Checklist for the Handling Allegations of Clerical Sexual Misconduct – “Two Minute Drill” should also follow in line with any revision of *SECTION 1100*.

END REPORT

Approved: _____