

Introduction

48.1 Fr Benito was born in the 1960s and ordained in the 1980s. He initially worked as a teacher. This ceased because his principal complained, among other things, that the priest was unable to maintain discipline in the classroom, that there was an over-reliance by him on videos and that some of the parents were unhappy with material used in his examination papers. The principal considered that he lacked maturity and was naïve. He was then appointed as a curate in a parish.

48.2 Two complainants, a brother and sister, have made complaints to the Gardaí of child sexual abuse against Fr Benito. The complainants have not made complaints to the Archdiocese. The existence of the complaints was initially brought to the attention of the Archdiocese by the priest himself. Fr Benito is currently in ministry in the Archdiocese.

The complaints

48.3 The two complaints were made to the Gardaí in September 2001. The young man complained that he had been sexually assaulted by Fr Benito when he was about 15 years old, in or around 1988. The young woman alleged that Fr Benito had sexually abused and raped her when she was a teenager.

48.4 It is clear from Fr Benito's own letters that he had got himself into a somewhat tangled relationship with this particular family. He had been friendly with the family from the mid 1980s when the boy was aged about 13 and his sister about 15. By 2001, this family, and particularly the sister, were involved in complex relationships and the priest was heavily involved in advising them. Very long letters were being written making allegations against various people. Some of these allegations related to current child sexual abuse, but these were not being made against Fr Benito.

48.5 In August 2001, Archbishop Connell received an anonymous letter complaining about Fr Benito. This letter was connected to the tangled

¹¹⁶ This is a pseudonym.

relationship of the priest with the family but this was not known to Archbishop Connell at that stage. The complaint made did not concern child sexual abuse. The matter was referred to Bishop Raymond Field who was requested to ascertain the priest's views.

48.6 It appears, despite the absence of confirming documentation, that Bishop Field contacted Fr Benito promptly. At or about the same time the priest wrote a long letter to his psychiatrist detailing his associations with this family.

48.7 Fr Benito had been attending a psychiatrist for many years because he suffered from depression. The priest told the psychiatrist that, when the boy in question was aged about 15, in or around 1988, the boy used to visit the priest's house and stay overnight.

48.8 Fr Benito described how he decided one night in November 1988 to play a prank on the boy. After the boy had gone asleep, Fr Benito dressed in a blanket and a mask and frightened him. The boy became hysterical and Fr Benito tried to calm him down by hugging him. The boy suddenly kissed the priest. The priest saw that the boy was aroused so, in order to defuse the situation, the priest "*flicked at his erection in a mocking fashion*". The priest said that the incident "*completely freaked*" him out and he "*stepped back*" from the boy although they remained good friends.

48.9 In this letter to the psychiatrist, Fr Benito also described his relationship with the sister. He said she was now making false allegations against him because she believed that he (the priest) was making allegations against her brother. Fr Benito said that, in the late 1980s, the sister openly expressed how much she liked him and she wanted to have a physical relationship with him. He said he was flattered by her attention and he had an eight month affair with her in the late 1980s. He said he felt very guilty about this relationship in which he claimed he was manipulated by her.

48.10 It is clear from other documentation that Fr Benito was still in contact with the woman in the late 1990s. In March 2001, he wrote to her of his abhorrence when he learned that she had been sexually harassed and raped by another priest. In that letter, he gave her advice on how to handle the

matter with the Gardaí and the diocesan representative. At some stage, allegations started to be made that Fr Benito was responsible for circulating allegations against the brother and other people connected to the woman.

48.11 In October 2001, Fr Benito wrote to Bishop Field telling him that he had heard that false allegations were being made against him and that he was the subject of a Garda investigation.

48.12 During this period the priest also wrote detailed letters to the Gardaí about the background to his relationship with the family.

48.13 In November 2001, the sister made a second statement to the Gardaí in which she insisted that Fr Benito raped her when she was 15 years old.

48.14 In December 2001, Fr Benito was interviewed by the Gardaí and in January 2002, he made a formal statement. The statement accords with the description he had given to his psychiatrist. He said his sexual relationship with the woman took place when she was 19 years old.

48.15 In February 2002, the priest wrote to Bishop Field to say that the Gardaí had expressed a view that he had nothing to worry about, that they knew there was no truth in the woman's allegations but that procedures had to be followed and so the matter was being referred to the DPP.

48.16 In March 2002, the priest made a statement to the Gardaí in respect of the incident with the young man.

48.17 In April 2002 Bishop Field went to see the investigating garda superintendent. The superintendent confirmed that Fr Benito did have a sexual relationship with the girl when she was 17 years old (the priest had claimed it was when she was 19) but the allegation by the brother was the more serious one. This was the first time Bishop Field became aware that there might be a child sexual abuse issue and he reported the matter to the chancellor, Monsignor Dolan.

48.18 The superintendent sent the file to the DPP in April 2002. He expressed the view that, having examined all of the circumstances of the

case and in particular the veracity of the allegations and the motivation for them, he was concerned about basing a prosecution of Fr Benito on the allegations. There is no evidence that the Gardaí notified the health board of any child abuse concerns.

48.19 When Bishop Field reported the matter to Monsignor Dolan in April 2002, Fr Benito was immediately released from his parish duties by Archbishop Connell. The Archbishop met Bishop Field and Monsignor Dolan. A support system was put in place and the matter was reported to the health board.

48.20 The matter was referred to the advisory panel. The panel recommended that:

- Fr Benito be fully assessed by the appropriate professionals;
- a Canonical Precept be imposed on him;
- in the event that he was released from hospital, he should be strictly monitored to ensure that he had no opportunity for unsupervised contact with minors (there is nothing in the files to show that he was in hospital at this time).

48.21 The panel indicated its concern about the delay between the first notification of a child sexual abuse problem to the area bishop in October 2001 and its being brought to the Archbishop's attention in April 2002. It transpired that the panel had been wrongly informed. Bishop Field has told the Commission that he was not aware of the panel's criticism of him until he saw a draft of this report. Bishop Field pointed out that the panel had been wrongly informed that Fr Benito had admitted sexual abuse of two people under the age of 18 to him, the bishop. Bishop Field believed that the allegations, which were reported to him by Fr Benito in October 2001, and not by the alleged victims, related to adults. He discovered that the allegations related to minors only when he went to speak to the Gardaí in April 2002 and he then reported the matter to the Archbishop. The Commission finds it extraordinary that the panel's criticism was not communicated to him at the time. Yet again, this provides evidence of very poor communications within the Archdiocese.

48.22 In May 2002, Archbishop Connell issued a precept which directed that for two years, Fr Benito must:

- have no unsupervised involvement with minors;
- not make himself available for the celebration of public mass and the sacraments;
- avoid all direct contact with those who had made the allegations;
- not wear clerical garb;
- attend the Granada Institute for assessment;
- remain in contact with his priest adviser.

48.23 The priest in the parish where he was living was to be informed of this precept.

48.24 In October 2002 the DPP decided not to prosecute. The Granada Institute issued a report which concluded that Fr Benito was sexually attracted to adult women, that there was no evidence of a sexual or erotic interest in children and that he did not present a risk of sexual abuse to anyone. However, the report recommended that, to ensure his future emotional well-being and ability to maintain appropriate boundaries, he should continue to receive psychiatric support. The report further recommended that, in the event that he be returned to ministry, Fr Benito should be required to avoid any informal relationship and friendships with young people and that he be supervised by an experienced priest for at least two years.

48.25 After a further meeting, the advisory panel signed off on the case as Fr Benito did not appear to be within its terms of reference – the evidence did not support any incidence of child sexual abuse. The panel's views were subsequently sought on what type of ministry would be appropriate for him. In May 2003, the panel recommended that the precept be lifted to the extent of allowing him to wear religious garb and to celebrate mass. The panel recommended getting advice from his psychiatrist and adherence to the guidelines previously issued by the Granada Institute. The precept was lifted in June 2003.

48.26 In November 2003, the Child Protection Service of the Archdiocese advised that the recommendations of the Granada Institute be implemented without further delay and that Fr Benito:

- continue to have psychiatric support;
- be required to avoid any informal relationships and friendships with young people;
- have two years supervision by an experienced priest;
- have a priest support person appointed.

48.27 In December 2003, Cardinal Connell and Fr Benito signed an agreement putting these recommendations into effect. Support people and supervisors were named and regular meetings were agreed. Fr Benito was appointed to a parish.

48.28 In May 2004 it was brought to Archbishop Martin's attention that there was no indication on the file to show if the recommendations made by the Child Protection Service had been implemented. Archbishop Martin made inquiries and established that Fr Benito was seeing the psychiatrist but there was not full compliance with the agreement. The Director of the Child Protection Service, Philip Garland, concluded that there was a need to renegotiate the review mechanism. He also expressed the view that the proposed appointment of Fr Benito as chairman of the board of management of a school was unwise. In January 2005, the advisory panel advised that they would not recommend this appointment. Archbishop Martin asked Mr Garland to undertake the interim supervisory management of Fr Benito and in February 2005 the terms of this supervisory role were agreed. Mr Garland identified deficiencies in the behavioural contract and Archbishop Martin agreed with his recommendations that it would have to be much clearer, include a supervisory framework and time scales and be signed off by the Archbishop. The behavioural contract was agreed for the period March 2005 to March 2007.

48.29 In September 2005, Mr Garland recorded that when he met the other priests in the parish to which Fr Benito had been allocated, they told him that they were not aware that there were concerns or allegations in respect of Fr Benito. Again Bishop Field was not aware until he saw a draft of this report

that the priests told Mr Garland this in 2005. Bishop Field told the Commission that he had contacted the priests in the parish before this priest's appointment. There is documentary evidence that he did this. Bishop Field told the Commission that he explained this priest's history to the two priests concerned. The parish priest told the Commission that Bishop Field explained to him that Fr Benito had had "*an involvement with a lady, I presumed a fairly young lady*". The parish priest could not recall whether or not he was told that there had been a garda or Granada Institute involvement with the priest but he did know that Fr Benito was "*required to see certain people at certain times and there were meetings that he was required to attend and that these were to be accommodated within his appointment*". The parish priest did not say that he was specifically asked to monitor Fr Benito but he did say that, as a result of his initial conversation with Bishop Field his "*antennae were out at all times for any suggestions or any anxieties in relation to [Fr Benito's] relationships in the parish*". He considered that Fr Benito had a limited appointment in the parish and he could not appoint him to any of the schools in the parish without consulting Bishop Field. He did consult Bishop Field in this regard and the bishop advised against such an appointment. The parish priest said that, when he met Mr Garland in 2005, the information provided by Mr Garland "*expanded somewhat upon my existing awareness but did not fundamentally alter my understanding of the need for vigilance in regard to the manner in which [Fr Benito] was exercising his ministry*".

The Commission's assessment

48.30 Archbishop Connell dealt properly with the matter once he was informed. Subsequent dealings were all appropriate but the Commission is concerned about the confusion which surrounds the level of information given to the other priests in the parish to which Fr Benito was assigned in December 2003. It is clear that Bishop Field did give the parish priest some information but it was certainly not complete or sufficiently specific. For example, the parish priest was not told that there were concerns about Fr Benito's relationship with a boy and he was not told the age of the girl involved. The parish priest was clear that he had to exercise vigilance and he did so. In the Commission's view, the parish priest should have been given a more detailed briefing, in particular in a case where there were concerns about both boys and girls. The Commission is also concerned about the

failure to inform Bishop Field about the advisory panel's perception that he had delayed in reporting a complaint of child sexual abuse. It also seems strange that he was not told about the 2005 meeting during which Mr Garland formed the view that the priests of the parish had not been given basic information when Fr Benito was appointed there. The Commission is very concerned that breakdowns in internal archdiocesan communication may still have been occurring in 2005.

48.31 The Commission notes that the Child Protection Service operated particularly well in this case in identifying and rectifying the implementation failures.

48.32 The Gardaí dealt appropriately with the case.