

**Introduction**

50.1 Fr Jacobus was a member of a religious order. He was born in 1916, ordained in 1944 and he died in 2006. He was attached to the Archdiocese of Dublin from 1970 to 1983. There is one complaint of child sexual abuse against him. His order arranged an independent investigation of this complaint and it was concluded that the complaint did not have substance.

**Complaint, 2002**

50.2 The complaint was made in April 2002 by a man who alleged he had been sexually abused two or three times a week in the sacristy of a parish church in which Fr Jacobus served. The abuse was stated to have occurred in the period 1972-1975 when he was an altar boy aged between nine and 12. He initially complained to a priest in another diocese who reported the complaint to his local bishop. That bishop notified the head of the order and the Archdiocese of Dublin. The documentation seen by the Commission suggests that this complainant was a troubled person who suffered from depression.

50.3 The delegate of the order travelled to meet the complainant. The complainant told him that he was an altar boy at early morning mass three or four times a week after which Fr Jacobus would make him remove his vestments and "*feel him*". He further alleged that on one occasion Fr Jacobus attempted to bugger him but he resisted. The abuse allegedly continued for approximately three years from 1971 to 1974/5. The delegate noted that the complainant was very emotional and upset during the interview and took grave exception to a letter sent by the head of the order in which he used the word "*alleged*" to describe the abuse. He threatened to go to the media with the letter. The complainant said that he believed he deserved compensation and peace of mind.

50.4 The head of the order then interviewed Fr Jacobus. The priest denied the allegation, saying he was completely innocent and that he had always been very careful with the altar boys. He was told that it was possible he

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This is a pseudonym.

would have to be removed from ministry. Subsequently the delegate of the order met Fr Jacobus. Again Fr Jacobus denied the allegations and forcefully asserted that the whole thing was about money. He said that mass in the church in question was at a different time to that specified by the complainant and that he could not recall there ever being an altar boy at this mass. He asserted that removing him from ministry would effectively mean an end to his career as he was 86 years old. He accepted that Gardaí would have to be informed. Fr Jacobus did, in fact, withdraw from ministry shortly after this meeting.

50.5 Due to the conflicting versions of events that had been offered by the parties, the order decided to establish an investigation team under canon law. The complainant was informed of the priest's denial, of the establishment of an investigation team and that the Gardaí were being informed. The complainant agreed to co-operate with the investigation.

50.6 The Gardaí were informed and they interviewed the complainant in June 2002. However, the complainant did not wish to pursue the matter with them.

50.7 An investigation team was appointed by the order in August 2002. It consisted of a social worker and a barrister. The team started its investigation promptly.

50.8 In October 2002, the Archdiocese wrote to the head of the order. The Archdiocese had heard from a local priest about the allegations against Fr Jacobus. (The Archdiocese had in fact been informed earlier and had made it clear to the bishop reporting the allegation that the order was the appropriate body to investigate.) Fr Jacobus himself disclosed to his local priest and to the nuns in a convent where he had been ministering that there was a complaint against him. It appears from the correspondence between the Archdiocese and the order that the Archdiocese was not aware that Fr Jacobus had been ministering in the Archdiocese after his retirement. The head of the order explained to the Archdiocese that Fr Jacobus had taken on a number of part-time ministries in convents, nursing homes and parishes after his retirement but that he had withdrawn from all ministries when the

allegations were made. The head of the order also gave the Archdiocese an account of the allegation and the investigation.

50.9 In January 2003, before the investigation team had reported, the complainant confirmed to Fr Jacobus's solicitor that he would be withdrawing his allegation. He stated that he had "*other people to consider in the matter*". In March 2003, the head of the order told the Archdiocese that the complaint had been withdrawn. The Archdiocese, however, expressed concern that this was merely a qualified retraction and that the complainant could change his position at a later date.

50.10 In February 2003, the investigating team furnished its report on the allegation. It concluded that it could not find any substance to the complaint. The team had interviewed both parties to the allegation, the complainant's GP and counsellor, two priests, two altar boys and a sacristan. The team had also been furnished with the statement of another man who had been an altar boy in the early 1970s and a statement from the priest's nephew. The statement of the other former altar boy contradicted much of the complainant's account of the practices of the altar boys in the parish in question. The investigation team concluded that the complainant's description of events was vague and inaccurate and not consistent with that of an adult recalling childhood experiences. He had become defensive and challenging when asked for details and they noted that earlier accounts of the abuse had differed from what he had told the investigating team. Fr Jacobus had been consistent and firm in his denials of the allegations. He was forthcoming regarding details and "*nothing in his presentation took from his credibility*".

50.11 The order's advisory panel reviewed the report. The panel supported the findings of the team that the complaint was not sustainable. It concluded that Fr Jacobus was to be reinstated and his name restored with those who knew of the allegations. He was to be permitted to return to his previous ministry subject to diocesan authority.

50.12 The order asked the Archdiocese to allow Fr Jacobus to return to ministry. The Archdiocese's advisory panel concluded that the Archdiocese could rely on the report of the order's investigating team but recommended

that the provincial of the order be formally notified that the Archdiocese was so relying. Archbishop Connell approved his return to ministry in July 2003 and he returned to ministry that same month.

50.13 The complainant was informed of the findings of the investigation team by the order in March 2003. In August 2003, the delegate was told by Fr Jacobus that the complainant had been found dead at home.

#### **The Commission's assessment**

50.14 This tragic case was properly and quickly handled by all concerned. The order established an independent investigation team which carried out a thorough investigation and came to reasonable and sustainable conclusions. The communication between the order, the Archdiocese, Fr Jacobus and the bishop of the other diocese was all carried out appropriately. The Archdiocese was correct in drawing the order's attention to the qualified nature of the retraction of the complaint. The investigation proceeded notwithstanding this retraction – the Commission considers that this was the correct approach. The Gardaí could not do anything without the co-operation of the complainant.