

Introduction

55.1 Fr Ricardus was falsely accused of child sexual abuse. He was ordained in the 1960s and has worked in a number of parishes in the Archdiocese. He was a parish priest at the time the allegation was made and he still is.

55.2 The Commission is particularly grateful to Fr Ricardus for giving evidence to it about his experience. The entire experience was extremely difficult and harrowing for him. He graphically described the shock of being informed there was an allegation of child sexual abuse against him, the feeling of alienation and abandonment when he was asked to step aside from ministry, the long wait for the processes to be gone through. He was out of ministry for eight and a half months. He did a course during this time. He also described the helpfulness of his family and colleagues. The Commission commends his courage in agreeing to give evidence but, more importantly, in getting on with his life and putting this experience behind him in so far as is possible.

The allegation, 2003

55.3 The allegation against Fr Ricardus was made in January 2003. A man accused him of sexual assault, buggery and attempted oral rape, which he alleged took place in 1981 during the course of religion lessons in preparation for holy communion.

55.4 The complaint was initially made in a letter to another priest. The complainant alleged that he was abused when he was aged seven by an unnamed priest. This other priest prepared a letter to both the Archdiocese and the Gardaí. The complainant subsequently told him that he did not want to involve the Gardaí at that stage and the letter was consequently not sent to them. The complainant was asked to meet Monsignor Dolan at the Chancellery in order to make a formal complaint. The complainant asked the Archdiocese for payment for counselling fees that he had incurred. He was

¹²³

This is a pseudonym.

advised that his case would be referred to the advisory panel and that Fr Ricardus would be requested to step aside from ministry.

55.5 Cardinal Connell met Fr Ricardus who vehemently denied the allegations but agreed to stand down from ministry as requested. A priest advisor was appointed. This priest advisor was very supportive and, indeed, accompanied Fr Ricardus when he gave evidence to the Commission. Fr Ricardus was advised by the Archdiocese to employ his own solicitor; the Archdiocese did pay the costs involved. Monsignor Dolan notified the Gardaí of the complaint and informed the complainant of Fr Ricardus's denials and of his agreement to step aside from ministry.

55.6 The advisory panel met and considered that it was not advisable for Fr Ricardus to return to ministry at that time. The Granada Institute carried out an assessment of Fr Ricardus at the instigation of his solicitor. The contents of this assessment were favourable to Fr Ricardus and were passed on to the Archdiocese.

55.7 Monsignor Dolan investigated the facts alleged by the complainant. During this investigation, certain possible inconsistencies were identified by relevant witnesses. Notwithstanding the issues that were being raised during the investigation, Monsignor Dolan arranged for part of the complainant's continuing counselling fees to be paid through Faoiseamh in accordance with a recommendation of the advisory panel.

55.8 In April 2003, Monsignor Dolan contacted the Gardaí in order to find out if the complainant had made a formal complaint to them. In fact, the complainant first made a statement of complaint to the Gardaí in June 2003 and his parents made statements in July 2003 which corroborated certain peripheral surrounding facts relevant to the allegation made by their son but not, of course, the direct allegation of abuse. Later in the year, his father withdrew some of those earlier assertions. He admitted that his son had told him what to say as he had no personal recollection of those matters. His mother also later admitted that she had made some errors in her recollection of events.

55.9 When the advisory panel met in August 2003, its view was that Fr Ricardus should not return to ministry until such time as it was clear that criminal proceedings were not being brought. The investigation by Monsignor Dolan had not produced any further evidence which would support the allegations. The archdiocesan investigation was completed by early September 2003. This found that the allegation did not have substance and it permitted Fr Ricardus's eventual return to ministry. However, he could not actually return until the Garda investigation had been completed and a decision had been taken by the DPP not to prosecute.

55.10 The complainant's solicitors told the Archdiocese and Fr Ricardus that it was intended to take civil proceedings seeking compensation for the personal injuries, loss and damage that he alleged he suffered as a result of his alleged abuse. The complainant made a claim for damages in September 2003.

55.11 The Garda investigation resulted in a file being sent to the DPP. In December 2003, the DPP decided not to prosecute. The Gardaí immediately began an investigation of the complainant.

55.12 In September 2004, following the Garda investigation, the complainant was charged with knowingly making a false statement pursuant to Section 12 (a) of the *Criminal Law Act 1976*. The complainant was convicted and sentenced to four years imprisonment. After an appeal, his conviction was upheld and the term of imprisonment was reduced to three years. The identity of Fr Ricardus was withheld from publication throughout by order of the court.

The priest's perspective

55.13 In February 2004, the Archdiocese wrote to Fr Ricardus asking him to meet Philip Garland, the Director of the Child Protection Service in order to see if the Archdiocese could learn from his case. In correspondence, Fr Ricardus expressed his dissatisfaction with the manner in which the archdiocesan authorities had dealt with allegations against him and regretted the absence of an apology for his treatment.

55.14 Fr Ricardus is of the view that a proper investigation of the complaint ought to have been carried out before he was asked to step down and he questioned whether the appropriate Church guidelines had been correctly implemented in his case. His view was that “*suspicion*”, which was the requirement for a request to step down under the guidelines, was a requirement that envisaged more than just a mere complaint.

55.15 Fr Ricardus told the Commission that he considered that, before a priest is requested to stand down, there should at least be a *prima facie* case against him and there should be an early preliminary hearing. He considered that there was an absence of due process applying to the treatment of the priest and that the investigation process was too slow. He considered that it was advisable that, when an allegation was made against a priest, he should be monitored in his own home, as much for the safety of the public as for the well being of the accused priest.

55.16 Fr Ricardus also told the Commission that, in spite of his reservations about the way priests are treated, he would report any allegations of which he became aware and would favour the application of the rules.

The Commission’s assessment

55.17 The management of the complaint by the Archdiocese in this case, although understandably viewed by Fr Ricardus as harsh, was in compliance with the Church guidelines in place at the time. While recognising and appreciating the enormous hurt, anger and stress suffered by Fr Ricardus, the Commission considers that the Archdiocese was obliged to ask him to step aside from active ministry as soon as it became aware of the complaint. A hasty preliminary investigation by the Archdiocese into the complaint made prior to asking the priest to stand aside may well have led to further injustice being suffered by the priest concerned. Although Fr Ricardus did suffer considerably from the consequences of the false accusations, the Commission considers that the Archdiocese did act appropriately.

55.18 The Archdiocese co-operated fully with the Gardaí in their investigation. The Gardaí managed their investigation in a professional, timely and efficient manner.