

# Archdiocesan Case Review Board Report June 2004

## I. Introduction

In the spring of 2003, Archbishop Alex Brunett created the Archdiocesan Case Review Board (the "Board") consistent with the principles outlined in the *Charter for the Protection of Children and Young People* (Dallas Charter) and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*.

We note that since 1989, the Archdiocese of Seattle has maintained boards and committees with responsibilities charged with recommending policies in the area of child sexual abuse by clergy and reviewing individual cases and allegations. This Board affirms those nationally recognized initiatives and the foundational work that members of previous committees have contributed to both local and national efforts in addressing clergy sexual abuse of children. The Dallas Charter served to strengthen those earlier efforts.

## II. Work of the Board A.

### Charge

Archbishop Brunett charged the Board with the responsibility of assisting him with implementation of the Charter and Norms, specifically Norm 4 of the Essential Norms, consistent with Canon Law.<sup>1</sup> We were charged to advise the Archbishop on all cases in which there were allegations of sexual abuse of a minor by diocesan clergy, including an assessment of the allegation and determining the suitability for ministry of the accused priest. Throughout our work we were guided by our agreed upon principles of the need for transparency within the Church, respect for the victims and loyalty to the Church faithful.

We note that the Archdiocese of Seattle has established another board to address the mandate articulated in the Charter and Norms. The Policy Review Board is responsible for advising the Archbishop on matters of policy, procedure, and education relating to the implementation of the Charter and Norms. We wish to affirm the good work of this board and hope to forge close organizational ties between our two boards.

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<sup>1</sup>Norm 4 reads in relevant part: "To assist diocesan ... bishops, each diocese ... will also have a review board which will function as a confidential consultative body to the bishop . . . in discharging his responsibilities. The functions of this board may include:

- a. advising the diocesan bishop . . . in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry;
- b. reviewing diocesan ... policies for dealing with sexual abuse of minors; and
- c. offering advice on all aspects of these cases, whether retroactively or prospectively."

## **B. Membership**

The Board contains a broad spectrum of professionals who are collectively competent to address the many kinds of issues presented by cases of this nature. It has Catholics as well as members who are not part of the Catholic community.

Board members are:

**Judge Terrence A. Carroll (Retired), Chair:** Graduate of St. Mary's Grade School, O'Dea High School, Seattle University and Georgetown University Law Center. Superior Court Judge for twelve years. Former Seattle Police Dept. Internal Affairs Auditor, Chair of Public Facilities District, Arbitrator/Mediator, Member, Board of Regents, Seattle University.

**Mike McKay, Vice-Chair:** Graduate of St. Joseph Grade School, Seattle Prep High School, University of Washington, and Creighton University Law School. King County Senior Deputy Prosecuting Attorney (1976-81), United States Attorney for the Western District of Washington (1989-93), is managing member of McKay Chadwell, PLLC, a Seattle law firm.

**Lucy Berliner, MSW:** Director, Harborview Center for Sexual Assault and Traumatic Stress at the University of Washington. For the past 30 years she has worked clinically with victims of sexual assault and crime, conducted research, and participated in public policy activities on behalf of victims.

**Judge Charles V. Johnson (Retired):** Graduate of the University of Arkansas at Pine Bluff and the University of Washington School of Law. Practiced law in Seattle for eleven years. Judge of Seattle Municipal Court for eleven years. Judge of King County Superior Court for 18 years. Served as Presiding Judge of King County Superior Court for four years. Married and has three children.

**Dora Krasucki-Alex:** MDiv, MP A, RN is a neurology nurse at the University of Washington Medical Center, with 30 years experience in the chemical dependency field. She ministers with her husband at the Matt Talbot Center, a treatment program for the homeless.

**Dr. William Lennon, Ed.D:** Owner and clinical director of Bellevue Counseling Services specializing in sexual deviancy therapy programs. After earning a doctoral degree in counseling psychology from the University of Montana, he co-founded the Chrestos Counseling Center in Tacoma with a primary emphasis on family incest treatment. He has also been a school psychologist in the Clover Park School District and an assistant Dean at Pacific Lutheran University.

**Fr. John C. Madigan:** Born, raised and educated in Ireland. Ordained a priest on June 9, 1974, Fr. Madigan has served in the Seattle archdiocese since then,

primarily as a parish priest in 6 different parishes during almost 30 years as a priest.

**Dr. Ellen Hervey McAtee, Ph.D.:** psychologist in private practice in Seattle. She has worked in the area of sexual abuse, primarily with victims and their families, for over 20 years. She has served on the Childhaven Board of Trustees, the Washington State Examining Board of Psychology, and is a past president of the Washington State Psychological Association.

**Fr. Paul Pluth,** serves as the Promoter of Justice *ad causam*, participated in the discussions of the Board.

**Lynda Robitaille, JCD:** Received her doctorate in canon law from the Gregorian University. She is a professor of canon law at Saint Paul University in Ottawa.

**Michael Tyrrell, S.J.:** Superior of the Jesuit Community in Tacoma and counselor at Bellarmine Preparatory School (1999-present). Executive Assistant to the Provincial of the Oregon Province, Society of Jesus (1989-1996). Treasurer of the Oregon Province (1992-2000). Academic Vice-principal (1978-1982) and Principal at Gonzaga Preparatory School, Spokane (1982-1989). Ordained a priest in 1976. Member of the Society of Jesus since 1965. Served as alternate priest member of the board.

**Dr. Robert Wheeler, Ph.D.** a consulting and forensic psychologist in private practice, specializing in assessment of sexual deviance, misconduct and violence. Dr. Wheeler regularly consults with various agencies and governmental entities, and with other professionals, with respect to these and other forensic psychological issues.

Six (6) members of the Board are Catholic; five (5) are not.

We acknowledge and thank two former members of the Board, **Tim Smith**, M.Ed, (counselor), and **Rebecca Roe** (attorney), who provided significant assistance in the early months of the Board. Both gave up their positions on the Board because their activities in private practice created potential conflicts of interest and, thus, prevented them from reviewing and making recommendations on certain cases.

### **C. Conduct of Investigations**

When the Archbishop asks for advice on a particular case, each Board member reviews the file of the priest against whom the allegation has been made. In addition to information regarding the allegations(s), the file includes all personnel records of the priest

priest dating back to his days in the seminary<sup>2</sup>. Where additional information needs to be obtained, the Board requests a follow-up investigation.<sup>3</sup>

The Board meets with the victim and his or her family when possible, but leaves this decision up to the victim. We have found that their input has been very helpful to the Board in its decision-making. We also discovered that, many times, this has been beneficial for the victims and their families, as well, because another entity related to the Church took the time to listen to them.

The Board also meets with all priests, against whom allegations have been made, who want to make a presentation. They are frequently accompanied by a canon lawyer. The Board has also highly valued these meetings.

#### **D. Protocols**

After consulting with Archbishop Brunett, the Board set out to establish protocols that would guide its process and procedures. The protocols, attached as Exhibit A, address Board composition and meeting quorums, member responsibilities, meeting procedures and norms, and standards for reporting recommendations to Archbishop Brunett. The protocols also address communications with alleged victims, priests and the general public.

In order to protect the integrity of the process, Board members recused themselves from those cases in which they had professional or personal knowledge of the complainant or the priest. In those cases, the recused Board members did not review the file or participate in the decisions.

#### **E. Decisions**

Once a file is reviewed, follow-up investigations are completed, and interviews conducted, the Board discusses the merits of the allegations and, if sustained, a recommendation is made to the Archbishop on what should be done concerning that priest's ministry.

The Board was asked to review thirteen (13) cases. In four (4) of these cases, the Board determined that there was insufficient evidence to support the "probable nature" of the allegations of sexual molestation of minors.<sup>4</sup>

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<sup>2</sup> An ordinary file consists of seminary records, including grade reports and health records, parish assignments, parishioner complaints, and documents relating to the molestation allegation, including investigator reports.  
<sup>3</sup>Rick Buckland, retired Seattle Police Department detective, has conducted most of the investigation work for the Board.

<sup>4</sup>One of the four (4) cases in where the Board determined that there was insufficient evidence to support the "probable nature" of the allegations of sexual molestation of minors involved [REDACTED]. The Board determined that there was sufficient evidence gathered in the preliminary investigation to support the probable nature of the allegation that he was involved in the sexual abuse of a person who was 17 years old. At the time of the incident, the age of consent under Church law was 16 years old. The Church age of

Of the remaining nine (9) cases, the Board found that there was sufficient evidence gathered in the preliminary investigation to support the probable nature (i.e., they are more likely to be true than not) of the allegations that these priests were involved in the sexual abuse of one or more minors. Those priests and our recommendations relating to their future ministries are:

1. LINEHAN, David Anthony — the Board recommended a permanent restriction from any exercise of priestly ministry or presentation of self as priest, and that Linehan undergo a forensic psychological and neuropsychological exam.
2. McMAHON, Patrick Desmond — the board recommended a permanent restriction from any exercise of priestly ministry or presentation of self as priest.
3. McGREAL, James Joseph — the Board recommended a permanent restriction from any exercise of priestly ministry or presentation of self as priest, and permanent residence in a house of rehabilitation.
4. CORNELIUS, John Michael — the Board recommended dismissal from the clerical state (laicization) by the Holy Father.
5. CHAMPAGNE, Dennis Vernon — the Board recommended removal from the clerical state (laicization) through an ecclesiastical trial.
6. ASHWELL, George Barry — the Board recommended dismissal from the clerical state (laicization) by the Holy Father.
7. JAEGER, David — the Board recommended a permanent restriction from any exercise of priestly ministry or presentation of self as priest.
8. GANDRAU, James — the Board recommended dismissal from the clerical state (laicization) by the Holy Father.
9. MOFFAT, Gerald — the Board recommended removal from the clerical state (laicization) through an ecclesiastical trial.

In addition to the 13 cases referenced above, the Board was briefed on 36 priests who have been accused of sexual abuse of minors within this Archdiocese. Some of these priests are now deceased and others have resigned from the priesthood or simply moved away. One was convicted of sexually abusing children and served time for his

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consent is now **18** years old. If the current age of consent law (18 years old) was in place at that time of this event, the Board would have found that there was sufficient evidence gathered in the preliminary investigation to support the probable nature of the allegation that this priest was involved in the sexual abuse of a minor. Further, the Board has recommended to the Archbishop that this priest's actions were so egregious so as to make him unsuitable for the priesthood.

offenses. Although the living priests are no longer active in this Archdiocese, it is unclear what action has been taken by the Archdiocese with regard to their standing as priests. In earlier years, it was difficult to obtain from Rome an order of laicization in cases like this. We understand that Rome's policies have changed and it is now much easier to laicize these priests. The Board recommends that in cases where there is credible evidence of sexual abuse of minors, the Archdiocese undertake formal action to recommend that the offending priests be laicized.

### **III. Discussion**

#### **A. Religious Orders**

Under Church law, the investigation of complaints against, and discipline of, members of religious orders (e.g., Christian Brothers, Jesuits, Franciscans, etc.), is not done by the bishop or archbishop of a diocese but, rather, the order to which the priest or brother belongs. There have been instances in this Archdiocese where an allegation is made against a member of a religious order. Those matters have not been presented to the Board because the Archbishop has no specific authority other than to exclude the person from practicing their ministry in any diocese. We do not have a clear understanding of what the particular orders have done in those cases.

This result may be necessary under Church law but is difficult for lay persons to understand or accept. The very notion of accountability within an organization requires a system that is seamless in its procedures. Certainly from the standpoint of the victim it matters not whether the abuser is a member of a religious order or not. The problem is accentuated by the lack of information about the procedures, if any, adopted by the various religious orders to address allegations of abuse.

Accordingly, we recommend that the Archbishop require, as a condition of practicing their ministry in this archdiocese, all orders to refer any allegation of sexual abuse of minors to the Board. If the accusation is found credible, the finding will be forwarded to the appropriate official within the order for further action, including discipline. The religious order will agree to remove a member of the order from the ministry when an accusation is made and will agree to keep the Archbishop informed of any further action on that religious member's case. The order would agree to abide by the Archbishop's decision as to when a member of a religious order, against whom an accusation has been made, can return to the ministry in the archdiocese and under what terms and conditions he deems appropriate. Further, the procedures for publication of the names of members of a religious order against whom accusations have been made will be the same as for diocesan clergy.

We respect the history of the Church and the differences that have evolved between diocesan trained clergy and those belonging to religious orders. However, this sexual abuse of minors crisis requires that the rules and procedures be as uniform as practicable. The ultimate authority of the Archbishop to decide what clergy minister in his archdiocese needs to be exercised to protect the church community and ensure that

there will be uniform and fair treatment of victims and priests. This, we believe, is consistent with the mandate of the Dallas Charter as well.

### **B. Priest Personnel Files**

As noted above, the first thing Board members do when asked to assess a case is to review the priest's personnel file. These files are important resources in determining the validity of the claims and the proper response if validated. We observed, however, numerous problems in the files. These problems include:

1. Priest and seminarian documents and entries often unsigned.
2. Follow-up to identified problems not addressed in writing.
3. Numerous duplicate copies.
4. Complaint letters by parishioners and council members not responded to in a timely manner.
5. Unclear policy and procedure of custody and responsibility for handling confidential documents, and their subsequent placement in priest personnel files.
6. Records of Archbishop meetings with priests not signed by Archbishop where expected.
7. Follow-up after priest and Archbishop meetings not documented.
8. Blue (legal) files are incomplete.

We recommend that there be conducted a review of Priest Personnel Department policies and procedures by medical and personnel experts, and canon and civil lawyers to set up a protocol for file creation and preservation.

### **C. Role of Mental Health Assessment**

We noted that in the past the Archdiocese relied on mental health assessments to investigate allegations of abuse of a minor or for opinions about whether priests had abused minors. Mental health assessments are not equivalent to investigations because mental health professionals do not have any special qualifications to determine the truth of an allegation of abuse. In some cases we reviewed, mental health assessments did not conform to the accepted standards of forensic evaluations and consisted entirely of clinical interviews with the referred priests by a provider lacking any expertise in sexual abuse. In some cases we reviewed, the Chancery did not convey to mental health evaluators all of the relevant information available, including, in some cases, previous allegations and evaluations.

Standards for forensic evaluations have been established in recent years and were reflected in evaluations performed by qualified forensic professionals. However, even as recently as the early 1990's, the Archdiocese used evaluators who did not adhere to these standards.

In contrast, mental health assessments appeared to be rarely used when they might have been beneficial in diagnosing disorders and making treatment recommendations. In

virtually every case we reviewed, the file contained information indicating the presence of problem behaviors in the priests. Sometimes observations were made about odd or eccentric behavior as far back as the seminary. There were complaints from parishioners and other reports that described autocratic and narcissistic personality styles, outbursts of anger and mistreatment of parishioners, alcoholism, financial improprieties, paranoia, extreme eccentricities, and reasonably clear evidence of mental disorders. With the exception of cases of alcoholism and obvious mental illness, there was no indication that any kind of mental health assessment or intervention occurred.

Mental health assessments should not be used as a substitute for investigation of abuse of minors or other sexual misconduct, or to provide an opinion about whether abuse occurred. Mental health assessments are properly used to diagnose psychological disorders and conditions, assess risk and make treatment recommendations. When mental health assessments are used in cases of abuse of minors or other sexual misconduct, ordinarily these should be requested following a thorough investigation and/or when a factual determination about abuse has already been made. The Archdiocese should document in writing the purpose of the evaluation and the questions to be addressed.

Forensic standards for assessments should be applied to these evaluations since they are being conducted for the purpose of assisting the Archdiocese in making decisions about placement or referral for legal actions. Forensic assessments differ from purely clinical assessments in that the evaluator takes an objective, neutral stance, relies on information collected from sources in addition to the patient, and confidentiality is waived. In addition, the evaluators should be knowledgeable about sexual abuse and misconduct and contemporary methods of assessing risk.

In all cases, the Archdiocese should provide complete information to evaluators including all relevant material such as results of investigations, prior allegations or suspicions, previous evaluations, history or reports of problem behavior, and mental health treatment history. The rule should be to err on the side of providing information regardless of whether it appears relevant in order that the evaluator has the opportunity to make that determination. The Archdiocese should arrange for the referred individual to sign releases of information prior to referral so that the evaluator can contact collateral sources.

Mental health treatment for persons accused of sexual abuse or misconduct should specify the purpose and expectations. When the Archdiocese refers a person who has engaged in sexual misconduct for mental health treatment, the referral should be in writing and specify the purpose of the referral, releases of information should be obtained, a protocol for consultation established, and reporting expectations clarified. If the Archdiocese intends the treatment to assist in making determinations about restrictions on activities or when/if to relax such restrictions this should be explicitly stated. Decisions to remove restrictions should not rely entirely on opinions from treating mental health professionals. In most cases an independent evaluation should occur to assist in decisionmaking.



Mental health assessments and treatment should be considered for priests and other individuals who exhibit significant emotional or behavioral problems. When a priest or other Archdiocesan employee exhibits a pattern of behavior that results in complaints or reflects unusual or aberrant behavior a mental health assessment can be helpful. This behavior could have many causes and the purpose of the assessment should not be a focus on the possibility of sexual misconduct. However, if a person is engaging in sexual misconduct or exploitation, assessment and treatment may serve as a deterrent or it may alleviate emotional or behavioral problems that are contributing to the occurrence of misconduct. In addition, such behaviors are often, in and of themselves, harmful to members of the church.

### **E. Zero Tolerance**

Currently, the Dallas Charter provides that "[nor even a single act of sexual abuse of a minor — past, present or future — the offending priest or deacon will be permanently removed from the ministry, not excluding dismissal from the clerical state, if the case so warrants." The Board strongly believes that firm sanctions are important and necessary in cases where sexual abuse of minors by priests has occurred. Further we acknowledge that this policy is an attempt to address the history of discounting or minimizing accusations and the practices that permitted offending priests to remain in active ministry without notice or protection to parishes. As a means of redressing past wrongs, this stringent policy may be necessary to restore faith and confidence.

However, as a Board we respectfully raise a question about the desirability of a 'zero tolerance' rule for all cases of sexual misconduct with a minor. As defined by the Charter the range of offending behavior is very broad. It encompasses cases where there is a clear pattern of sexually predatory behavior or evidence of sexual deviance as well as instances of a single episode of sexually inappropriate behavior or contact with an older teenager. While all such conduct is unacceptable and requires a formal response, removal from active ministry or laicization are currently the only options. We believe that there may be cases where sanctions, therapy, supervision and notice to parishes would be sufficient.

One possibility would be to adopt a policy with a presumption of removal from ministry and/or the clerical state but permit special circumstances (beyond age or infirmity) that may show such a result as not appropriate. The usual procedures of a thorough investigation to establish the facts and a forensic mental health evaluation when indicated would be observed in all cases. Consideration of an alternative course of action should occur only after consultation with the victim(s). In all cases where the alternative to removal from active ministry or referral for laicization is taken there would be notice to the parish and a plan for treatment and supervision put in place. An independent committee or board with membership that included community representatives would review cases and make recommendations to the Archbishop.

Modification of the "zero tolerance" policy will only be acceptable when confidence is restored to the laity. They and society at large must be convinced that the

church will act to protect vulnerable children instead of offending priests and the institution. Transparency in the current process to address past abuses, including the release of names of offender priests, may go a long way toward achieving a willingness to permit flexibility in response to priest sexual misconduct.

#### **F. A Reflection on Why**

In addition to our role in making recommendations on specific cases and, consistent with our advisory function discussed in the Dallas Charter, the Board believes the question of why the Church is facing this time of scandal is important for two reasons. First, what have we gained if we cannot learn from what has happened? Second, as a follow-up to what we have learned during the last year, a diverse group like the Board is in a unique position to let the Archbishop, the Catholics of the region and the public have the benefit of whatever insight we can bring to the subject.

Although we commend this archdiocese for putting in place practices and procedures that were ahead of most of the rest of the country with reference to allegations of sexual abuse, there were clearly lapses of institutional controls - as discussed earlier in this report. What we are recommending is to encourage even more changes that will build on the progress that has already occurred here and in other dioceses. Further, we commend this Archbishop for his openness in addressing the frequently painful issues that have come forward in the clergy abuse scandal and his willingness to find ways to improve accountability within the Church.

We must, however, observe that there are contributing factors that find the Church in this situation. While we make no judgment about the appropriateness of a celibate lifestyle, it is clear to us that, by combining the requirement of celibacy with a repression of the expression of human sexuality for priests, the Church set the stage for the deviant and illegal behavior of a few that has been the focus of our work. When all sexual behavior, even that which is a normal aspect of the human experience, is barred for individuals who are not prepared to handle this circumstance the distinctions between deviant or exploitive behavior and normal but unacceptable behavior can become blurred. Extraordinary efforts are necessary when an institution asks of its members that they abstain from expression of a fundamental aspect of the human condition. What this says to us is that to the extent the individual priest, against whom credible claims of sexual abuse have been made, must be held accountable - it is also true that Church policies in the preparation and training for the priesthood failed as well.

In the past, priests often entered seminary through the high school connected with the seminary. The decision to become a priest, and therefore to enter the seminary system, was often made at a very early age and frequently with the enthusiastic support of the parish priest and family. There is understandably a pride of "God's Call" that is felt by people who enter an ordained ministry. However, when the person is young it is necessary to take into account the normal process of human development. For example, it is relatively uncommon for young adolescents to be prepared to make thoughtful decisions about life long vocations or careers. It is of concern that so little attention

appears to have been paid to the enormity of the decision to become a priest and the attendant responsibilities and sacrifices. Additionally, insufficient attention appears to have been paid to screening or psychological assessment at the seminary entrance level or as a young man progressed through college and seminary. In our view many of the priests we reviewed should have been found unsuitable for the ministry or subject to evaluations and/or corrective actions.

Another observation by the Board is that the sexual misconduct of offending priests did not have uniform sources or explanations. In some cases the behavior could be explained as the result of psychosexual immaturity or failure to learn appropriate control mechanisms on normal sexual desires. In others, however, there was clear evidence of pedophilia (a sexual interest in children), opportunistic exploitation of vulnerable minors, or a general disregard for the feelings and considerations of other people, whether children or adults. The concept of "arrested development" is not sufficient as an explanation for the abuse of minors by priests.

Also, in reviewing the files of the priests' cases, we noted that it was not infrequent that the priests were having difficulties in other parts of their ministry at or near the time of the alleged sexual abuse. This occurred because of a tendency to overprotect priests when they had problems. Many of the priests were isolated and autonomous, and some could be described as rebellious. Some did not obey the Archbishop or their code of ethics. When the code of ethics was violated, it appears that those violations were overlooked. Likewise, when there were rumors of problems with some priests, these were often not responded to or adequately addressed by the Archbishop or Archdiocese. And, when there were serious problems, the Vatican appeared reluctant to laicize a priest, resulting in a lack of recourse for an Archbishop. By not addressing such issues directly or appropriately, the Church gave the appearance that some priests were "untouchables" within the Church.

It appears that for many years the Vatican had been unwilling to acknowledge and address the problem of sexual abuse of minors and the violation of the celibacy vows, including priests having sexual relationships with adults. Often the voice of the lay person, at the bottom of the hierarchy, has been ignored or muted by those who have positions of authority within the Church. We believe that this climate has resulted in significant damage to individuals as well as erosion of faith and confidence both for lay people and the Church. We urge the Archdiocese to listen more closely to complaints of parishioners and provide appropriate mediative services that could serve to prevent further, more serious, problems from developing as well as provide the parishioners with an-assurance that they will be heard.

Another important matter that this Archdiocese should consider is the matter of the sexual abuse or exploitation of adults by priests. Certainly our primary responsibility is to protect our children. The Dallas Charter presents some laudable advancement in that regard. However, the Board notes that the vulnerability of persons to sexual exploitation does not end at age 18. We have seen instances where priests abused their authority and caused harm by engaging in sexual relationships with adults. Whether

viewed from a violation of the vow of celibacy or as a matter of the abuse of authority, we believe the Church should address this issue more formally. Most professions do this through an established code of conduct administered by a Board of Ethics with authority to discipline, or at least to recommend disciplinary actions to the decision maker. Although outside the purview of this Board, we think that addressing this issue is essential to the credibility of the Church as it tries to demonstrate a strong, effective response to all abuse — not just that involving minors.

### **G. Church Members Need to Know**

The Board recalls that all members signed a promise of confidentiality when they joined the board. The Board also recalls the statement in the *CLSA Guide to the Implementation of the U.S. Bishops' Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, Washington, CLSA, 2003, p. 26: "It must be remembered that this board serves in a confidential, consultative capacity to the diocesan bishop . . . ." At the same time, the Board is aware that many of the problems that are now being addressed in this crisis of sexual abuse in the Church have to do with secrecy, with victims not knowing the result of their complaints, and with communities unknowingly being given a pastoral minister whose history was suspect. The board has struggled with this tension: how to respect the privacy of the individuals involved, as well as the confidentiality that surrounds these proceedings, while at the same time, how to achieve transparency. The Board believes that the faithful of the Archdiocese of Seattle need to know what it has accomplished in a year and a half of intense work. In addition, the faithful have the right to know what the Archbishop has decided in this very difficult year. The victims as well as the communities have the right, to know the decisions made in these matters. Thus, the Board respectfully requests that the Archbishop do the following:

- Release the entire content of this report to the public, including the names of the priests against whom credible accusations have been made, once the Archbishop has accepted or rejected the Review Board's recommendations in the individual priest's cases,<sup>5</sup>
- Adhere to the same policy for any future cases referred to the Review Board,
- In addition, once decisions return to the Archdiocese from the Congregation for the Doctrine of the Faith, the Board requests that the Archbishop make the following information public:
  - o The Board's recommendation to the archbishop (including the date);
  - o The archbishop's recommendation to the Congregation for the Doctrine of the Faith (including the date);
  - o The Congregation for the Doctrine of the Faith's response to the archbishop (including the date);

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<sup>5</sup>We note that other dioceses have in similar ways done what we are recommending regarding the release of priest names, including Baltimore, Chicago Los Angeles and Rapid City.

- o The names of the accused priests should be included in the public release. The names of the victims should not be included

While the Board understands the importance of confidentiality and the right to privacy, the Board believes that there has been too much secrecy in these matters. The secrecy must stop. In addition to ending secrecy, our recommendation regarding disclosure would end the mystery of the decision-making procedures in these matters. The faithful have the right to know how decisions were made, and how difficult those decisions were.

Although the Board appreciates its obligation to respect confidentiality and its members will respect the bond they have made, the members will also make it clear that they have recommended to the archbishop when and how that confidentiality should be lifted. Not only should the faithful know the work that has been going on but also they should be informed of the timelines - since the process has had to go through many different steps, all of which take much time.

We believe that it is essential that this information be released because the faith community, particularly parents, needs to know. Also, for victims there is a measure of justice and accountability with public awareness of offending priests. In addition, the releasing of the names of offending priests by the Chancery will have a deterrent effect on priests who might be tempted in the future. Finally, these disclosures will help to lift the pall of suspicion currently hanging over the many, many good priests who have not been accused nor suspected of any impropriety.

#### **IV. Recommendations**

The purpose of this section is to set forth the Board recommendations. Where a recommendation has been discussed above, we reference that discussion in parenthesis.

1. In those cases where molestation allegations have been made against priests who have left the archdiocese but not the priesthood, a review of those files should be promptly conducted and, where appropriate, laicization should be pursued (p. 5).
2. The Archbishop should require all religious orders, as a condition of practicing in this archdiocese, to refer all allegations of sexual abuse of minors to the Board. The religious order will agree to remove a member of the order from the ministry when an accusation is made and will agree to keep the Archbishop informed of any further action on that religious member's case. Board findings will be forwarded to the appropriate official within the order for further action, including discipline. The order would agree to abide by the Archbishop's decision as to when a member of a religious order, against whom an accusation has been made, can return to the ministry in the archdiocese and under what terms and conditions he deems appropriate. Further, the procedures for publication of the names of

members of a religious order against whom accusations have been made will be the same as for diocesan clergy (p. 6).

3. We recommend that there be conducted a review of Priest Personnel Department policies and procedures by medical and personnel experts, and canon and civil lawyers to set up a protocol for file creation and preservation (p. 7).

4. It should be an established policy that investigations of allegations of abuse will not rely on mental health professional's opinions and use only qualified mental health professionals to provide assessment, diagnosis and treatment of mental health recommendations/treatment, (p. 7).

5. Review seminary training to include explicit attention to human sexuality, methods for addressing sexual desire, and signs of risk for breaking vows of celibacy or engaging in sexual misconduct. "Fitness for duty" types of mental health evaluations should also be considered (p. 10).

6. Complaints of parishioners should receive more consideration and appropriate mediative services provided that could serve to prevent further, more serious, problems from developing as well as provide the parishioners with an assurance that they will be heard (p. 11).

7. Develop a more formal process to address sexual abuse of adults by priests (p. 11).

8. Release the names of all priests found to have sexually abused minors (p. 12).

9. The Archbishop should meet with the victims of the accused priest after his decision. It may be helpful, at least with some victims, that a victim advocate be present for these meetings.

10. The Archdiocese compliance program should be reviewed by a competent professional to make sure it is updated consistent with civil and canon law. The compliance program should include, but not be limited to:

A. A Code of Conduct and supporting procedures which are reasonably capable of reducing the prospect of illegal behavior.

B. The appointment of a high level employee to have overall responsibility to supervise compliance with the Code and procedures.

C. Effective communication of the Code and procedures to all employees and other agents including:

i. Training programs,

ii. Effective, practical publication(s), and

iii. Signed certificate of compliance on annual basis.

D. Taking reasonable steps to achieve compliance with the standards, including:

i. Creating monitoring and auditing systems,

- ii. Establishing a reporting system for employees and others, including the use of hotlines, and
  - iii. Keeping a record of all compliance efforts.
- E. Consistently enforcing the Code, including discipline.

11. The Board or some other comparable entity should exist to periodically review all cases of priests who have been removed from active ministry or who have been subject to investigations for sexual misconduct behavior. This Board or other entity should receive and review reports from the relapse prevention specialists or mental health professionals and make recommendations about notification of parishes, restrictions on practice and any other relevant procedures intended to ensure protection of parishioners.

We make these suggestions based on what we have learned. We know that hindsight is much easier than foresight. Yet we are aware that Catholics want their Church to avoid the mistakes of the past. It is in that spirit that we respectfully submit these recommendations.

## **V. Conclusion**

We are grateful for the opportunity to be of service to the Church on this very serious matter. While important issues were addressed here, there is much to celebrate. All but a very few members of the clergy are honorable and hardworking. This Archdiocese has leadership committed to forthrightly address and eliminate clergy sexual abuse of minors. We hope that our work and the recommendations contained in this report assist the Archbishop in his efforts.