

ORIGINAL

Doe
vs.
Chicago Archdiocese

Deponent: Francis Cardinal
George

Date: January 30, 2008

Exhibits Only



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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

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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.shtml 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. (Christmas Holiday)

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 ILCS 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 DCFS, 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 administering 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 administering 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 reporting 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

- 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 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 the 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: _____

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Office of Professional Responsibility




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MEMORANDUM

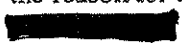
To: File – PFR-277

From: Leah McCluskey, Professional Responsibility Administrator 

Re: McCormack, Rev. Daniel J. [Withdrawn] 

Date: February 12, 2006

PRA spoke with Sr. Mary Therese Cusack via phone on January 26, 2006 regarding the alleged abuse of  [minor] by Rev. Daniel J. McCormack in October 1999 at Holy Family School. Sr. Mary Therese was the principal of Holy Family at the time of the alleged abuse.

At the beginning of the January 26th phone call, PRA explained to Sr. Mary Therese that the reason for the call was to ask her recollections of the alleged incident of abuse of  by Fr. McCormack. It was also explained to Sr. Mary Therese the reason for PRA's involvement in the matter, as well as the role of the Office of Professional Responsibility. Sr. Mary Therese agreed to speak with PRA and was extremely cooperative throughout the phone conversation.

When asked, Sr. Mary Therese stated that she was principal of Holy Family from 1985 through 2000, until the principal position was eliminated. Sr. Mary Therese referred to the merging of Holy Trinity, St. Colistus, and Holy Family.

When asked, Sr. Mary Therese stated that Fr. McCormack was first appointed sacramental minister on Sundays at Holy Family. Sr. Mary Therese stated that some time after Fr. McCormack's appointment, Bishop Manz informed her that Fr. McCormack "missed kids," as he [Fr. McCormack] was assigned to St. Joseph's Seminary. The discussion between Bishop Manz and Sr. Mary Therese led to Fr. McCormack presiding over the weekly all school mass at Holy Family. Sr. Mary Therese stated that she was thrilled at the time to have Fr. McCormack celebrate the all school mass, as they did not have a priest assigned to the school, and that in her opinion the cleric was a wonderful homilist. She informed PRA that the all school mass took place in the chapel behind the altar at Holy Family Church every Friday at 9:00am.



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Recalling the alleged incident involving [REDACTED] Sr. Mary Therese believes that it was a Monday morning in the winter [October 1999] when [REDACTED] mother had come to see her in the school office. Sr. Mary Therese described [REDACTED] parents as wonderful and supportive at the school. She also remarked that [REDACTED] father "couldn't hold a job." Referring back to the time of the incident, Sr. Mary Therese stated that [REDACTED] came to her office and closed the door.

Sr. Mary Therese explained to PRA that the Friday before [REDACTED] came to see her, [REDACTED] had been sent to the sacristy to retrieve the book used for the readings [at the all school mass] and to bring it back to his class. As per Sr. Mary Therese, [REDACTED] was in fourth grade at the time and he had gone to retrieve the book on the Friday in question so that his class could prepare the readings for the next week. Sr. Mary Therese stated that [REDACTED] fourth grade teacher at the time was Mr. Roel Vivit. She believes that Mr. Vivit is currently a part of the Inner City Teaching Core, teaching at either Francis Xavier Ward at Old St. Pat's or Cathedral.

Referring back to the time of the incident, Sr. Mary Therese stated that [REDACTED] informed her that [REDACTED] had disclosed the incident to her [REDACTED] the Friday before. [REDACTED] informed Sr. Mary Therese that [REDACTED] had told her that when he had gone to the sacristy to retrieve the book, he ran into Fr. McCormack. [REDACTED] told his mother that he told Fr. McCormack that he wanted to be an altar boy. [REDACTED] reported to Sr. Mary Therese that Fr. McCormack responded to [REDACTED] request by saying something to the effect of, "...sure...take down your pants, I need to measure you [for his cassock]..." When asked by PRA, Sr. Mary Therese stated that she does not remember if [REDACTED] informed her if [REDACTED] did or did not take his pants down when instructed by Fr. McCormack. As she thought about it, Sr. Mary Therese continued by expressing that she is not sure, but that [REDACTED] may have asked at the time something to the effect of "...why did Fr. McCormack have him [REDACTED] take down his pants?" Sr. Mary Therese stated that she then gave [REDACTED] Fr. McCormack's phone number from the directory "...because she [REDACTED] wanted to talk to him..."

After speaking with [REDACTED] Sr. Mary Therese contacted Mr. Robert [Bob] Davies, who was the consultant for Holy Family School at the time. Sr. Mary Therese informed PRA that she told Mr. Davies of the conversation with [REDACTED] regarding the alleged incident between Fr. McCormack and [REDACTED]. As per Sr. Mary Therese, Mr. Davies said to her "...keep me posted..."

Sr. Mary Therese stated that after her conversation with [REDACTED] she tried to call Fr. McCormack every day and left him messages each time. She explained to PRA that she had Fr. McCormack's private phone number, but that she never heard back from him. Sr. Mary Therese stated that Fr. McCormack never returned her phone calls. She believes that the week after the incident was exam week in the school. Sr. Mary Therese stated that [REDACTED] came back to see her on Thursday, three days after the initial meeting between the two regarding the alleged incident. [REDACTED] informed Sr. Mary Therese that she had called Fr. McCormack several times and that he would not return the phone calls. Sr. Mary Therese informed [REDACTED] that Fr. McCormack would not return her

phone calls either. [REDACTED] then informed Sr. Mary Therese that she had planned to wait for Fr. McCormack at the all school mass the next day [Friday morning] so that she could talk to him about the incident involving [REDACTED]. That same Thursday night at 11:00pm, Sr. Mary Therese attempted to reach Fr. McCormack via phone again. Sr. Mary Therese left Fr. McCormack a message on his answering machine to inform him that [REDACTED] would be waiting for him the next day to talk about the incident with [REDACTED] that had taken place the Friday before.

Sr. Mary Therese stated that the next day [Friday], she arrived at Holy Family School at approximately 6:30am. She saw that Fr. McCormack had arrived at the front door of the school at 7:00am that day and walked inside. Sr. Mary Therese informed PRA that she and Fr. McCormack were both standing inside the front area of the school "friendly" talking to each other as the two greeted children and parents as they walked back and forth to begin the day. At approximately 7:45am, a parent had asked Sr. Mary Therese if they could speak privately in her office about a tuition issue. Sr. Mary Therese noted that the time was approximately 7:45am, as school began at 8:00am.

Once Sr. Mary Therese and the parent were finished speaking, they exited her office. Upon leaving her office, Sr. Mary Therese saw Fr. McCormack and [REDACTED] talking in his office with the door closed. When asked by PRA, Sr. Mary Therese stated that her office was directly across from Fr. McCormack's and that there was a window next to his office door, which is how she could see the cleric and [REDACTED] talking inside.

Sr. Mary Therese waited outside of her/Fr. McCormack's door until it was time to read the prayers over the PA system. She went inside her office again while the prayers for the day were read. Upon conclusion of the prayers being read, Sr. Mary Therese walked outside of her office again, which is when she saw [REDACTED] and Fr. McCormack walking out of his office together. As per Sr. Mary Therese, [REDACTED] then told her "...everything's fine...I understand now what happened [the Friday before between Fr. McCormack and [REDACTED]]"

After [REDACTED] left the school that day, Sr. Mary Therese remembers feeling relieved. Fr. McCormack then walked up to Sr. Mary Therese. She recalls that his face was red and his eyes were [looking] down and never left the floor during the next exchange. Sr. Mary Therese asked Fr. McCormack, "Dan, what happened?" Fr. McCormack replied to her, "I used very poor judgment." Sr. Mary Therese asked again, "Dan, did you ask the boy [REDACTED] to take his pants down?" Fr. McCormack again replied, "I used very poor judgment." Sr. Mary Therese then asked him, "Dan, could you give me a yes or a no?!" She noted that Fr. McCormack then began backing away from her, his eyes still never leaving the floor as he again replied, "I used very poor judgment...I have to go." Sr. Mary Therese stated that Fr. McCormack continued to back away from her until he was gone.

When asked by PRA, Sr. Mary Therese stated that she never heard anything again from [REDACTED] or Fr. McCormack about the incident involving [REDACTED]

The following Monday, Sr. Mary Therese's secretary at the school told her that the [REDACTED] had "...paid several hundred dollars in tuition..." The fact of the payment struck Sr. Mary Therese as unusual at the time, as [REDACTED] had many full and half siblings at the school and their parents were often not up to date with the tuition. When asked by PRA for clarification, Sr. Mary Therese stated that the secretary informed her that [REDACTED] had paid the tuition in cash.

At this point during the January 26th phone call, Sr. Mary Therese referred back to the time period of the alleged incident. Sr. Mary Therese stated that the same day after she tried to talk to Fr. McCormack about the incident, she called Mr. Davies. She explained to Mr. Davies what had happened, that she had seen [REDACTED] and Fr. McCormack meeting with the door closed, the exchange that she had with [REDACTED] as well as her attempt at a conversation with the accused. Sr. Mary Therese thinks that Mr. Davies told her that he would "get back" to her. As per Sr. Mary Therese, later that same day Mr. Davies did call her back. Sr. Mary Therese stated that Mr. Davies informed her something to the effect of, "...as long as the parent is satisfied, let it go..." As per Sr. Mary Therese, she told Mr. Davies that *she* [Sr. Mary Therese] was not satisfied. Sr. Mary Therese stated that Mr. Davies again told her to "...let it go..." The following Monday when she learned that the [REDACTED] had paid all of their tuition, Sr. Mary Therese again called Mr. Davies. She informed PRA that Mr. Davies told her, "Mary, let it go."

When asked by PRA, Sr. Mary Therese stated that she did not speak with anyone else at the Archdiocese of Chicago about the incident involving Fr. McCormack and [REDACTED] except for Mr. Davies.

When asked, Sr. Mary Therese stated that her date of birth is [REDACTED]. After leaving Holy Family School, Sr. Mary Therese did not look for another principalship. Sr. Mary Therese continues to do some work for the Archdiocese of Chicago as well as volunteering at the Information Desk at Our Lady of Resurrection.

Sr. Mary Therese then spoke of Sr. Mary Therese Freymann, who to her recollection worked with "the computer lab" at Holy Family around the time of the alleged abuse of [REDACTED] by Fr. McCormack. As per Sr. Mary Therese Cusack, Sr. Mary Therese Freymann came to her approximately one week to ten days after the alleged incident and asked, "Do you know what they're saying about Fr. Dan [McCormack]?" Sr. Mary Therese Cusack stated that she then closed the door and told Sr. Mary Therese Freymann about the alleged incident.

At this point during the January 26th phone call, Sr. Mary Therese Cusack informed PRA that approximately two weeks prior she had received a phone call from Sr. Mary Therese Freymann. As per Sr. Mary Therese Cusack, Sr. Mary Therese Freymann said to her, "Fr. Dan [McCormack] is at it again...what should Barb [Westrick, principal of St. Agatha's] do?" Sr. Mary Therese Cusack then suggested to Sr. Mary Therese Freymann that Ms. Westrick be informed to call Mr. Davies in the Office of Catholic Schools.

Referring back to the time of the alleged incident, Sr. Mary Therese stated that she "kept a record" of what had taken place. Sr. Mary Therese stated that she typed this record and that it was approximately two pages in length. She then mentioned that the Monday or Tuesday after [REDACTED] came to see her for the first time to talk about the incident, she called Sr. Marion Murphy. Sr. Mary Therese stated that Sr. Marion was in charge of the Literacy Program at the time. As per Sr. Mary Therese, she explained to Sr. Marion that the reason for her call was to tell her "what happened [the alleged incident concerning Fr. McCormack and [REDACTED] and that "...I think you [Sr. Marion] should know [about the incident] as administrator of the parish." The following day, Sr. Marion informed Sr. Mary Therese that she [Sr. Marion] had called Mr. Davies at the Office of Catholic Schools. Sr. Marion informed Sr. Mary Therese that she also asked Mr. Davies if the dean or the vicar [of the Vicariate] should be called about the alleged incident. She reported to Sr. Mary Therese that Mr. Davies informed her that she [Sr. Marion] did not need to call the dean or the vicar.

As per Sr. Mary Therese, it was after her conversation with Sr. Marion that she decided to type up a record of all of the events that had taken place, stemming from [REDACTED] report to her of the alleged incident of abuse of her son [REDACTED] by Fr. McCormack. Sr. Mary Therese informed PRA that she did not make a copy of the document, but that she did show it to Sr. Marion. As per Sr. Mary Therese, she then put the document in a brown envelope, wrote Bob Davies' name on the front, and drove it down to the Pastoral Center where she left it at the front desk. Sr. Mary Therese stated that she never heard from Mr. Davies after she left the document at the front desk of the Pastoral Center.

PRA thanked Sr. Mary Therese for her time and all of the information she shared. Sr. Mary Therese agreed to be contacted at any time again in the future regarding this matter. She may be reached at [REDACTED]

Cc: Rev. Daniel Smilanic, Cardinal's Delegate to the Review Board
Rev. Edward D. Grace, Vicar for Priests
Ralph Bonaccorsi, Assistance Ministry
Dr. Nicholas Wolsonovich, Superintendent of Schools
Robert Davies, Assistant Superintendent [Vicariate I]

September 5, 2003

To	John O'Malley	From	Laura N.P.
Co./Dept.	OLS	Co.	OPR
Phone #		Phone #	312-751-5206
Fax #	312-751-5252	Fax #	

F.Y.I. Per Leah

Concerning: St. Agatha Parish, Fr. Dan McCormick

I took a call from a woman who would not identify herself, but gave me her phone number, [REDACTED], in case we want to return the call. I indicated to her that because she wanted to remain anonymous, I couldn't guarantee that the situation would be investigated.

Her chief concern is the number of teenage boys that are always in the rectory. This has been going on for more than a year and many others in the area are talking about it. This woman is aware of the activity through a friend whose family has a son involved with the rectory activity and who is reluctant to call the archdiocese to register the situation.

Last weekend Father McCormick took several boys to MN for shopping, I believe.

Within the past 3-4 weeks Dan moved all parish staff out of the rectory into the convent. He intends to convert part of the rectory (a room/s) into a music studio for kids to establish rap records. Seems unreal to the woman reporting all of this, it doesn't make sense to her.

Boys don't seem to be members of the parish, except for one. — Recently Father took the basketball team to MacDonald's, not a problem, she thought.

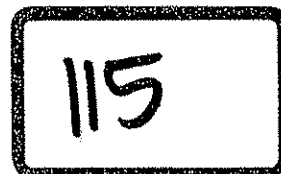
This woman wanted to know whether she will be told that this case was taken care of. I told her that is up to the person looking into the situation.

Mary Ann Zrust

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MEMORANDUM

Date: July 13, 2005

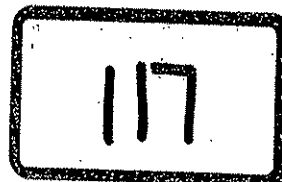
To: Rev. Edward Grace
Rev. Vincent Costello

From: Rev. George Rassas

Re: Candidate for Dean

Rev. Daniel McCormack, pastor of St. Agatha Church, has been suggested for the office of Dean of Deanery III-D. Kindly advise me if you have any indications of unsuitability for office.

*- We Suggested No
Because of Boy in Rectory Letter*



To: File
From Ed Grace
Re: Rev. Daniel McCormack

Tuesday, 8/30/05 at 10:00 P.M.

I was called at Queen of All Saints Rectory by Rev. Daniel McCormack. He informed me that he was being questioned by the Police at the local police station. (Harrison and Kedzie) concerning an allegation made against him by the mother of a 10 year old boy. He put the detective on the line to explain the circumstances to me.

Detective Agosta Star # 20228

Allegation that when the boy was 7 years old he was in a storage room of school (Our Lady of the Westside - St. Agatha) Father McCormack attempted to take down the boy's pants. Father McCormack was interrupted by a noise, which caused him to stop. About a week or two later, again in the storage room, Father McCormack succeeded in lowering the boy's pants and fondled his genitalia.

Detective found the boy's story credible.

I asked if Father McCormack was being detained. He said, not at that time. I then suggested that, given the hour, Father be sent home and return the next morning with an attorney to continue the interview. The Detective declined. Dan Subsequently told me he was processed at that time i.e. photographed and finger printed etc. - he was arrested.

I then spoke with Dan again and advised him not to discuss the matter further with the police. I said I would try to contact Pat Reardon and arrange representation. But I said he might be there overnight.

11:00 P.M. 8/30/05

I was unable to contact Pat - or any one else at that hour. I called Dan back on his cell phone and informed him of that.

At this point they arranged for an Assistant State's Attorney to interview Dan. She then:

1. Read him his rights again. The Detective had done so as soon as they reached the station.
2. She then began to ask Dan questions. Dan responded, "I have been advised not to talk to you any further." The assistant State's Attorney then said, "Do you mean you won't answer any questions?" Dan replied, "Yes". The assistant state's attorney then said, "Okay".

The state's attorney and the detectives then conferred for about five minutes

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Detective returned and said, "It's over. I have to release you -- from the lock-up. I can't do it from here".

They did not say, "We'll be in touch". Their last words were, "Good luck, David (sic) Dan remembers because the name was incorrect.

About 3:00 A.M. 8/31/05

Dan called me back and informed me he had been released. I told him to meet me at the office at 9:30 A.M.

9:30 A.M. 8/31/05

I met with Dan at our office. I asked Dan to tell what the police had said to him and what he had said to them BUT NOTHING ELSE.

Dan told me:

The police went to his rectory and said they wanted to talk with him. He was not under arrest. He agreed to accompany them to the station and answer questions.

Police told Dan:

- They had spoken with the boy's mother
- Boy was interviewed concerning his allegation
- The boy repeated the allegation of two attempts to touch inappropriately the boy in the storeroom.

The Detectives witnessed the interview and found the boy credible. He was consistent in his story to his mother, his father and to the social worker.

Dan was released. Before he was released the other Detective asked Dan twice, has anyone from the Archdiocese spoken with you. (Before Dan spoke with me on the cell phone) he responded no.

Today, 8/31/05

I contacted Pat Reardon and arranged for him to represent Dan. Dan will meet with him this P.M.

Also I mentioned this was an unusual process i.e. the first contact is through police rather than through our Office of Professional Responsibility.

At this point we actually have no allegation to process through our Review Board. We are, however, on notice of an allegation. Therefore, I suggest that we establish a Monitor Situation.

- Utilize Tom Walsh, former Pastor of Presentation, who lives at St Agatha with Dan
- Tom Walsh's cell phone # [REDACTED]

I will speak with Leah to set this up.

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MEMORANDUM

To: File - PFR-277

From: Leah McCluskey, Professional Responsibility Administrator

Re: McCormack, Rev. Daniel [Active] [REDACTED]

Date: September 15, 2005

PRA received a phone call today from [REDACTED] mother of [REDACTED] regarding the alleged sexual abuse of her son by Rev. Daniel McCormack [see file].

[REDACTED] stated that she was instructed by Kathleen Muldoon of the State's Attorney's office to call this phone number [the Office of Professional Responsibility] and mentioned that she was told something similar to "...[people at the] Archdiocese wanting to talk to me."

[REDACTED] expressed that her main concern is that the Archdiocese "investigate" and "treat [medically/psychologically]" Fr. McCormack. [REDACTED]

[REDACTED] She expressed her feeling that Fr. McCormack "...needs to be exposed..." she talked about the cleric "...being arrested [for the abuse of her son] and let go..." and she also described him as a "pervert."

[REDACTED] stated that her son was a student at St. Agatha grammar school when Fr. McCormack befriended him. As per [REDACTED] her son [REDACTED] was eight years old and a third grader at St. Agatha when the alleged abuse by Fr. McCormack took place. When asked by PRA, [REDACTED] stated that [REDACTED] attended St. Agatha for one year, from 2003 until 2004. [REDACTED] stated that [REDACTED] is now 10 years old.

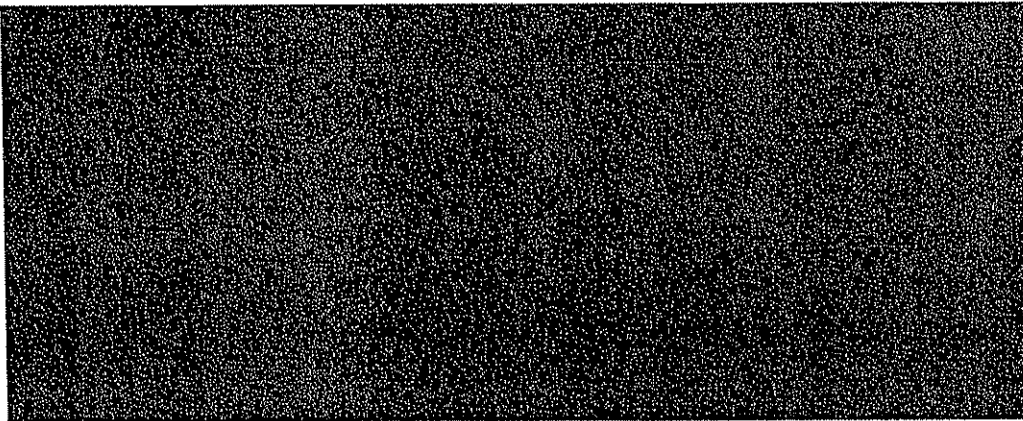
[REDACTED] shared that when her husband was deployed [to Iraq as a part of the military service], she moved her family to [REDACTED]. When she made the decision to move her family back to the Chicago area at the beginning of August of this year, her son [REDACTED] became extremely upset and disclosed the abuse by Fr. McCormack to her. [REDACTED] feels that [REDACTED] disclosure to her was prompted with the pending move back to Chicago and his possible fear that he would again attend St. Agatha.

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CB3 00113

██████████ remarked that, "...it seemed like [Fr. McCormack] liked to be with my son..." and that suspiciously the cleric never "...looked me in the eye..." to speak with her.

When asked, ██████████ agreed to PRA providing her with information regarding the Office of Professional Responsibility. As PRA spoke of the part of the process involving scheduling a meeting with the alleged victim, ██████████ stated that she would not have her son ██████████ meet with PRA at this time. PRA expressed understanding with ██████████ statement and then suggested to forward her written information regarding the Office of Professional Responsibility and the related policies and procedures. ██████████ accepted PRA's offer of forwarding the information both to her and to her attorney Mr. Friend.



██████████ began to end the phone call and expressed her appreciation for the information provided by PRA. She stated that she wanted to speak with Mr. Friend prior to providing PRA with any further information at this point in time. When asked, ██████████ stated that she did not feel comfortable providing PRA with an address to forward information to her on the Office of Professional Responsibility. ██████████ again stated that she would discuss these matters with her attorney and then contact PRA. She indicated that she would call PRA again either later today or tomorrow.

Prior to ending the phone call, PRA asked ██████████ if she felt comfortable providing ██████████'s date of birth. ██████████ stated that she did not wish to provide such information and reiterated that she would speak with her attorney prior to calling PRA again.

Cc: Rev. Daniel Smilanic, Cardinal's Delegate to the Review Board
Rev. Edward D. Grace, Vicar for Priests
Ralph Bonaccorsi, Assistance Ministry
Dr. Michael J. Bland, Assistance Ministry

Office of Professional Fitness Review
676 North St. Clair, Suite 1910
Chicago, IL
60611

January 28, 2006

Francis Cardinal George, O.M.I.
Archbishop of Chicago
155 East Superior Street
Chicago, IL 60611

COPY

Dear Cardinal George,

I am writing this letter on behalf of the Professional Review Board members who participated in the January 24, 2006 teleconference regarding Rev. Daniel McCormack.

We are extremely dismayed that yet another claim of clerical sexual abuse of a minor has been brought to our attention, and that action was not taken in a timely manner. Consequently, we are revisiting this allegation through the media.

The media statements that "[the board was] unable to reach a decision because they did not have access to the alleged victim or his mother" (Sun Times, January 25, 2006), and "After the family made the accusation in August, the Archdiocese's Office of Professional Responsibility referred the allegation to the Independent Review Board" (Tribune, January 24, 2006), imply that we as a Board chose not to act. Clearly this is not the case.

While it is true that there was not a formal presentation of this allegation, we were apprised of the situation on October 15, 2005, evaluated the information at length, and made our recommendations to you. These included removing Rev. McCormack from St. Agatha's and suspending him from ministry pending further criminal investigation. These steps were recommended to ensure that a basic Board function, the safety of children while pursuing credible allegations, be maintained.

Our recommendations were presented to you on October 17, 2005 at the post-Review Board meeting. You chose not to act on them, and we now have a situation that reflects very poorly, and unfairly, on the Board.

Some have come to the conclusion that we allowed a situation where there was reasonable cause to suspect clerical sexual abuse of a minor to go un-pursued. We resent the media implication that the Professional Review Board did not find Rev. Daniel McCormack to be a threat to the safety of children. These reports do not accurately reflect the situation, and we take offense at the lack of truth telling.

We are extremely disappointed in the development of this case. We take our responsibilities very seriously, and we look forward to your addressing our concerns.

Respectfully,

Carol Richter, Vice-Chair
Richard Donohue, JD
Rev. Lawrence Dowling
Michael Jenuwine, PhD., JD

Domeena Renshaw, M.D.
Rev. Charles Rubey
Patrick Walsh, LCSW



Rod R. Blagojevich
Governor



Bryan Samuels
Director

Illinois Department of Children & Family Services

INVESTIGATION OF SUSPECTED CHILD ABUSE OR NEGLECT--INDICATED PERPETRATOR
DECEMBER 14, 2005

Dan McCormack
St. Agatha Church 3147 West Douglas Blvd.
Chicago, IL 60623

RECEIVED

JAN 31 2006

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

Dear Mr. McCormack,

RE: SCR# - 1661021-A
Name - St. Agatha Church

You were previously notified by a Child Protection Investigator that the Department of Children and Family Services (DCFS) was investigating a report of child abuse or neglect. After a thorough investigation, DCFS has determined that you have abused or neglected a child.

The Department has indicated you for

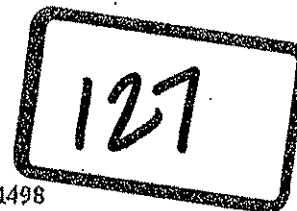
- Sexual Molestation

An indicated finding means that DCFS' investigation found credible evidence of child abuse/neglect. Credible evidence means that the facts gathered during the investigation would lead a reasonable person to believe that a child was abused or neglected.

Indicated reports of child abuse/neglect are retained on file in the State Central Register. An indicated report of Sexual Molestation is retained on the State Central register for Fifty (50) years. In general, access to the State Central Register is confidential and governed by state law. Under certain circumstances, the State Central Register may disclose the information on file about you. For example, certain occupations require background checks with the State Central Register.

You may request a copy of the investigation file by writing to the State Central Register at the following address:

State Central Register
406 E. Monroe St., station 30
Springfield, Illinois 62701-1498



406 E Monroe, Station 30 • Springfield, Illinois 62701-1498

#0001 vs



ACCREDITED • COUNCIL ON ACCREDITATION FOR CHILDREN AND FAMILY SERVICES

1

CB5 00117

ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility



P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279
www.archchicago.org

COPY
of an original document from the files of
VICAR FOR PRIESTS OFFICE
ARCHDIOCESE OF CHICAGO

MEMORANDUM

To: This is a copy of the original
File PFR-277
DO NOT COPY

From: Leah McCluskey, Professional Responsibility Administrator

Re: McCormack, Rev. Daniel J. [Active] [REDACTED]

Date: January 19, 2006

A meeting was held this afternoon in John O'Malley's office regarding the allegation of sexual misconduct made by [REDACTED] against Rev. Daniel J. McCormack. The following were present for the meeting: John O'Malley, Director of Legal Services; Rev. Edward Grace, Vicar for Priests; Diane Dunnagan, Office of Communications; Dan Fitzgerald, Vicariate Assistant Superintendent [III]; Ralph Bonaccorsi, Office of Assistance Ministry; Rev. Daniel A. Smilanic, Cardinal's Delegate to the Review Board; and PRA.

[REDACTED]

As per Mr. Fitzgerald, there is nothing in Fr. McCormack's school files regarding any incidents involving minors.

Those present at today's meeting were informed that Ms. Barbara Westrick, Principal of Presentation Campus and Ms. Kathleen Walton, Assistant Principal of Presentation Campus have a meeting scheduled with detectives from the Chicago Police Department [CPD] at 4:00pm this afternoon. The CPD requested the meeting with Ms. Westrick and Ms. Walton as a part of their investigation into the alleged sexual abuse of [REDACTED] by Fr. McCormack. The meeting is scheduled to take place at Presentation Campus. Mr. Fitzgerald and Mr. O'Malley will be present as representatives from the Office of Catholic Schools and the Department of Legal Services respectively.

128

CB3 00092

Mr. Fitzgerald determined from officials at Presentation Campus that Fr. McCormack has been teaching a math class four days per week at the school since September 2005. A parent named [REDACTED] sat in Fr. McCormack's classes for "the first few weeks." Mr. Fitzgerald stated that Fr. McCormack was also coaching the boys' basketball team at the school [until yesterday when Fr. Grace directed Fr. McCormack to cease his contact with the team].

Mr. Fitzgerald also learned from officials at Presentation Campus that Fr. McCormack took three boys [approximately grades fifth through seventh] out of class early one day prior to Christmas vacation [December 2005]. It was reported to Mr. Fitzgerald that Fr. McCormack took the boys to Dave and Busters [an arcade, restaurant, and bar] and then returned them home at the end of the day.

Cc: Rev. Daniel Smilanic, Cardinal's Delegate to the Review Board
Rev. Edward D. Grace, Vicar for Priests
John O'Malley, Legal Services
Ralph Bonaccorsi, Assistance Ministry

ARCHDIOCESE OF CHICAGO

Office of the Metropolitan Tribunal
PO Box 1979
Chicago, Illinois 60690-1979



155 E. Superior St.
Chicago, Illinois 60611-2911

(312) 751-8206
FAX: (312) 751-8314
email: dsmlanic@archchicago.org

Rev. Daniel A. Smlanic, JCD
Promoter of Justice *in causa poenale*
& the Delegate of the Cardinal to the
Professional Responsibility Review Board

January 24, 2006

Ms. Leah McCluskey
Professional Responsibility Administrator
Archdiocese of Chicago
P. O. Box 1979
Chicago, IL 60690-1979

RECEIVED

JAN 24 2006

ARCHDIOCESE OF CHICAGO
OFFICE OF PROFESSIONAL RESPONSIBILITY

Dear Ms. McCluskey,

As the Promoter of Justice *in causa poenale* for the Archdiocese of Chicago and as the Delegate of the Cardinal to the Professional Responsibility Review Board, with this letter I submit for formal consideration two allegations of sexual abuse against the Rev. Daniel J. McCormack, a priest ordained for the Archdiocese of Chicago in 1994 and still incardinated into the same. I do this with the express verbal consent of the Vicar General of the Archdiocese of Chicago, the Most Rev. George Rassas, and with the agreement of the Rev. Edward Grace, Vicar for Priests.

The allegations involve two minors: [REDACTED]

With regard to [REDACTED] information that has been received that alleges that he was abused sexually by Fr. McCormack. Rather than delay the submission of the [REDACTED] allegation to the Board until a parent formalizes it in the customary manner, I now submit it to the Board for their assessment in accord with Norm 4a of the *Essential Norms Dealing With Allegations Of Sexual Abuse Of Minors* (USCCB).

With regard to [REDACTED] information has recently come to the attention of the Archdiocesan authorities that alleges that he was abused sexually by Fr. McCormack. The information has led the civil authorities to bring criminal charges against Fr. McCormack; such legal action provides a basis for a canonical investigation. Rather than delay the submission of the [REDACTED] allegation to the Board until a parent formalizes it in the customary manner, I now submit it to the Board for their assessment in accord with Norm 4a of the *Essential Norms Dealing With Allegations Of Sexual Abuse Of Minors* (USCCB).

In accordance with *The Policies and Procedures of the Archdiocese of Chicago*, Sexual Abuse of Minors, §1104.8, I request that these be scheduled for the immediate consideration of the Board as Initial Reviews.

Rev. Daniel A. Smlanic

Rev. Daniel A. Smlanic
Promoter of Justice *in causa poenale*
& the Delegate of the Cardinal to the
Professional Responsibility Review Board



OATH TAKEN BY CARDINALS DURING THE CEREMONY AT WHICH
THEY ARE PROMOTED

I, [full name stated here], Cardinal of the Holy Roman Church, promise and swear to be faithful henceforth and forever, while I live, to Christ and his Gospel, being constantly obedient to the Holy Roman Apostolic Church, to Blessed Peter in the person of the Supreme Pontiff Benedict XVI, and of his canonically elected Successors; to maintain communion with the Catholic Church always, in word and deed; not to reveal to any one what is confided to me in secret, nor to divulge what may bring harm or dishonor to Holy Church; to carry out with great diligence and faithfulness those tasks to which I am called by my service to the Church, in accord with the norms of the law.

So help me Almighty God.



**Priests Removed/Resigned Post-1997 For Allegations Prior to
1997**

NAME	FIRST KNOWN	LEFT MINISTRY
Richard "Doc" Bartz	1988	6/02
Daniel Peter Buck	"years before"	6/02
John Calicott	1993	6/02
John Curran	Early 1990s and 1994	Died 2000
Daniel Mark Holihan	1991	6/02
Walter Huppenbauer	1993	9/02
William Lupo	Early 1990s	6/02
Daniel J. McCormack	1988-1992	1/06
James Ray	1991	6/02
Marion Snieg	1993	6/02
Thomas Swade	1992	6/02

Priests Removed post-1997 for allegations made post-1997

PRIEST	FIRST KNOWN	LEFT MINISTRY
Joseph Bennett	10/02	2/06
R. Peter Bowman	4/02	Removed 5/02
Robert Kealy	2001 & 2002	4/06
Donald Mulsoff	2002* (anonymous allegation in 1992)	5/02
William O'Brien	6/05?	6/05
John Robinson	6/02	1/03
Raymond Skriba	4/02	7/02

Ex. 202

ARCHDIOCESE OF CHICAGO

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Archdiocese of Chicago | Cardinal George
[Print](#) »

Letter of Cardinal George to Parishioners February 8, 2006

February 8, 2006

Dear Brothers and Sisters in Christ:

As you know, in June 2002, the U.S. bishops promised that victims of sexual abuse would be attended to; that priests who were shown to have ever abused a minor, even once, would be permanently removed from public ministry if not from the priesthood; and that programs would be set up to protect young people from harm. The Archdiocese had started on all of this long before 2002, but new initiatives were begun for training all adults to protect children and the processes to examine allegations were reviewed and strengthened. Records were re-examined to be sure that all priests ever accused of any such sinful activity were not in ministry. The Archdiocese has had a deservedly good reputation in responding to this crisis. It has conformed to national standards and to audits. It has reported, for many years, to the civil authorities every allegation it has received. Many fine and dedicated people have cared for victims and reviewed cases. In particular, we should all be proud of the Victims' Assistance Ministry, the Independent Review Board and the Professional Fitness Office. These people's work has been conscientiously and professionally done.

The case of Father Daniel McCormack undermines all this now. When an accusation of sexual abuse of a minor is made against a priest, the Professional Fitness Review Administrator receives it from the accuser, reports it to the civil authorities and presents it to the Independent Review Board for their consideration. During this first investigation, the priest accused is told of the allegation, his ministry is restricted, he is given a monitor and asked if he has a defense against the accusation. If the Board decides, after their preliminary, but careful, consideration of the accusation, that there is reasonable cause to suspect something happened, I remove the priest from ministry, the various parishes at which he served are notified, any other victims are asked to come forward, the investigation is completed and the case is sent to the Holy See for permission to remove the priest from public ministry. This process did not occur in the case of Father McCormack.

Father McCormack was not in any sense "protected" from the civil authorities by the Archdiocese of Chicago. Before any allegation came to the Archdiocese, he was arrested by the police, questioned and let go. When I learned of his arrest three days after it occurred, I restricted his ministry while we waited for an allegation to begin the process of investigation. It now seems that additional information was available that did not reach our offices. The process we have used well to remove predators was not engaged quickly enough.

I must apologize to all of you for the great embarrassment every Catholic must now feel in the light of media scrutiny of these events. In particular, I am deeply sorry for the pain of those Catholics who are part of St. Agatha's Parish. They were especially in my prayers on February 5, their feast day. I pray as well for those who have brought these allegations against Father McCormack. He and his family also warrant inclusion in our prayers.

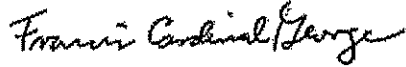
To be sure that the protection of children remains paramount, we will continue to examine what happened with the help of experts not connected to the Archdiocese of Chicago. We will work to be more immediately responsive and to move cases along more quickly. We'll have to be sure that all information from any source gets to the Archdiocesan offices and is more widely shared, with the civil authorities as usual, but also with others. A case ordinarily begins with a call to the Archdiocesan hotline for sexual abuse reporting (312-751-5205), and we will check on how we might improve that service.

All of this is necessary; none of it will of itself remove the pain of the moment. We can only pray that



pain will be redemptive in this case and that the Lord will heal us. I pray that a failure to act more quickly on my part will not harm the Archdiocese itself. You are in my prayers; please keep me in yours. God bless you.

Sincerely yours in Christ,

A handwritten signature in cursive script that reads "Francis Cardinal George".

Francis Cardinal George, O.M.I.

Archbishop of Chicago

[Return to Top](#)

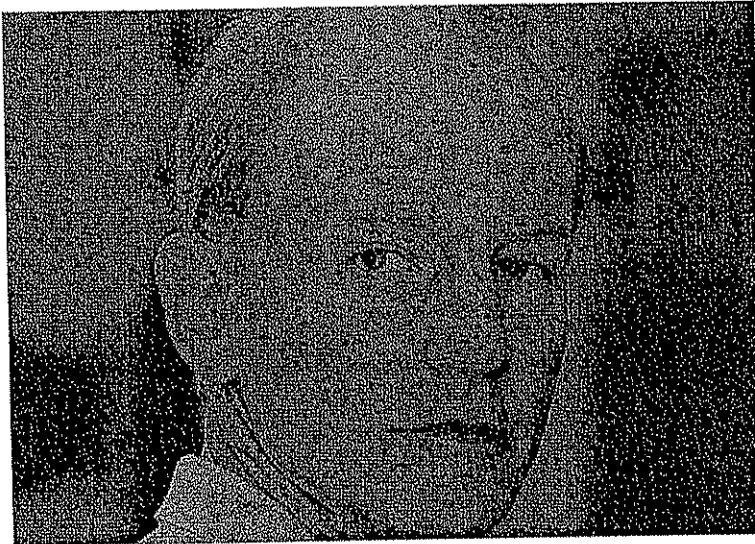
Bishop: I Was More Worried about Priest's Drinking Abuse | Backed Ordaining McCormack Despite Reports of Sex 'Improprieties'

By Susan Hogan
Chicago Sun-Times
November 14, 2007

<http://www.suntimes.com/lifestyles/religion/648822,CST-NWS-bishop14.article>

While rector of Mundelein Seminary in the 1990s, Bishop Gerald Kicanas says he knew about three reports of "sexual improprieties" against then-seminarian Daniel McCormack.

Still, Kicanas supported McCormack's ordination, he told the Sun-Times.



Daniel McCormack
Photo by Brian Jackson

RELATED STORIES

• George elected to lead bishops

"It would have been grossly unfair not to have ordained him," said Kicanas, now bishop of Tucson, Ariz., who was interviewed Tuesday after his election to vice president of the U.S. Conference of Catholic Bishops.

McCormack went to prison in July for molesting five boys while assigned to a West Side parish.

U.S. bishops are trying mightily at their assembly in Baltimore this week to portray the scandals as largely a problem of the past. The McCormack case exposed the Archdiocese of Chicago's recent failures when allegations surfaced before the priest's 2006 arrest.

Mundelein officials learned in 1992 about sexual accusations against McCormack involving two adult males and a minor. The incidents began in 1988 when McCormack was at a seminary school known as Niles College, according to archdiocesan reports.

"There was a sense that his activity was part of the developmental process and that he had learned from the experience," Kicanas said. "I was more concerned about his drinking. We sent him to counseling for that."

Ex 200

McCormack was ordained in 1994. The following year, Kicanas became a Chicago auxiliary bishop.

The archdiocese's vicar general, the Rev. John Canary, also worked at Mundelein at the time. He recently told the Sun-Times that McCormack should have never been ordained.

Kicanas disagrees, saying there was no "credible" allegation against McCormack.

"I don't think there was anything I could have done differently," Kicanas said.

Contact: shogan@suntimes.com

TRANSCRIPT FROM NOVEMBER 18, 2007 CARDINAL GEORGE INTERVIEW
(part 2)

Well, I am always sorry if people are upset, especially victims. I spend a lot of time talking to victims and I know that it stays with them. But, sometimes people aren't real well informed. Sometimes people from a distance are better informed. It depends what the sources of information are. We tend to get involved in controversy. So, to some extent also I don't take it personally because I think there would be a criticism of whoever was elected, as long as he's a Bishop. Right now this is a time to criticize Bishops and we have to live through that, accept what's truth in it and make changes and then go ahead and pray for everybody, especially the victims of sexually abused by priests. The fact is the fact remains that this abuse happened a generation ago for the most part, from 1973 through 1985. That's when it all happened so we're talking about it now but it's not actual now except McCormack of course, which is a terribly devastating period in my life and the life of this Church. We've gone back over that. We've made it public. What didn't we know when we knew, etc. But the fact is people will remember and that's fine. That is their privilege and that probably is good for us and good for the soul.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT- CHANCERY DIVISION

FILED-3
06 JAN 31 AM 10:39
CLERK OF THE COURT
COOK COUNTY ILLINOIS

Mother Doe 100, individually and as
representative of the minor John Doe 100,
on behalf of themselves and all others
similarly situated, and
[REDACTED], on behalf of himself and
all others similarly situated,

Plaintiffs,

vs.

06CH02017

The Archdiocese of Chicago d/b/a The Catholic
Bishop of Chicago, a corporation sole,

Defendant.

CLASS ACTION COMPLAINT

NOW COMES the Plaintiffs, individually and on behalf of all others similarly situated, by and
through their attorneys, JEFF ANDERSON & ASSOCIATES and KERNS, PITROF, FROST &
PEARLMAN, to obtain declaratory and injunctive relief against Defendant, states as follows:

INTRODUCTION

1. This Complaint seeks declaratory judgment and injunctive relief against the
Archdiocese of Chicago. The Archdiocese of Chicago has established a policy of harboring and
protecting suspected child molesting agents, thereby endangering numerous children in Illinois.
The Archdiocese has information about a number of suspected child molesting agents that it has
never disclosed to law enforcement or the public at large, thereby causing children such as John
Doe 100 to be harmed. Further, on information and belief, the Archdiocese has a policy and

practice of document destruction. This declaratory relief and injunction action seeks to have the Archdiocese produce all documents regarding the molestation of children by its agents for court supervision, to release the names of all agents accused of molesting children to the court and to the public, and to enjoin the Archdiocese from destroying any documents regarding suspected childhood sexual abuse by its agents.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action because it seeks to redress violations of the plaintiffs' rights and to protect children in Illinois that are in imminent danger. Venue is proper because the Archdiocese resides in Cook County and the majority of the allegations herein involve occurrences in Cook County.

PARTIES

3. Plaintiff John Doe 100 is a minor. Mother Doe 100 is John Doe 100's mother and legal guardian. At all times material, Plaintiff John Doe 100 was a resident of the State of Illinois. At all times material, Mother Doe 100 was a resident of the State of Illinois.

4. The identities of all Doe Plaintiffs are made known to Defendants through separate cover letter.

5. Plaintiff [REDACTED] is a thirty five year old Chicago resident. [REDACTED] was sexually molested as a child by John Murphy, a religious order priest who was serving at a parish within the Archdiocese at the time of the abuse.

6. At all times material, the Catholic Bishop of Chicago, a Corporation Sole (hereinafter "Archdiocese of Chicago") was and is an Illinois corporation. Defendant has approximately eight hundred fifty four Diocesan priests serving in two counties in the State of

Illinois. At all times material to the complaint, Defendant Archdiocese was conducting business in the State of Illinois.

CLASS ACTION ALLEGATIONS

7. Plaintiffs bring this action on behalf of themselves and, pursuant to 735 ILCS 5/2-801, as the representatives of the class of persons who have been molested as children by an agent of the Archdiocese of Chicago and on behalf of those children who have not yet been abused, but who are in imminent danger of abuse because the Archdiocese has not released the names and files of agents that have been accused of molesting children or accused of inappropriate sexual behavior with children to either the public or to the court.

8. The Plaintiff class is so numerous that joinder of all members is impracticable. In its own self report, the Archdiocese asserted that there were 142 cases where they had reason to suspect that an agent had sexually molested a child. These numbers only include information that was reported to the Archdiocese. The underlying data for the results was not disclosed to the public.

9. There are questions of fact or law common to the class, which predominate over questions affecting only individual members. The common questions of law or fact include, but are not limited to: whether the Archdiocese of Chicago has failed to protect children by not releasing the names of its agents who have been accused of molesting children to the public and law enforcement and whether the Archdiocese has or is destructing documents in order to cover up or conceal crimes against children by clergy serving in and/or employed by the Archdiocese.

10. The Plaintiffs will fairly and adequately protect the interests of the class. The interests of the plaintiffs are the same as those of all class members because they have all been

sexually abused by an agent of the Archdiocese of Chicago or are in danger of being molested by an agent of the Archdiocese of Chicago because the Archdiocese's information is not public. All have an interest in preventing the sexual abuse of any further children by agents of the Archdiocese of Chicago.

11. A class action is an appropriate method for the fair and efficient adjudication of the controversy alleged in this complaint. The expense and burden of individual litigation would make it difficult or impossible for individual members of the class to redress the wrongs done to them. The cost to the court system of adjudication of such individualized litigation would be substantial. Individualized litigation would also present the potential for inconsistent or contradictory judgments and would magnify the delay and expense to all parties and the court system. By contrast, the conduct of this action as a class action presents far fewer management difficulties, conserves the resources of the parties and court system, and protects the rights of each class member. In addition, the prosecution of separate actions by the individual members of the class would create a risk of inconsistent or varying adjudications with respect to individual class members which would establish incompatible standards of conduct for the defendant.

ALLEGATIONS OF FACT

12. Daniel McCormack (hereinafter "McCormack") was ordained a priest of the Archdiocese of Chicago in approximately 1994.

13. At all times material, McCormack was employed by the Archdiocese. McCormack was an ordained Roman Catholic Priest educated, trained and ordained by, and under the direct supervision, employ, agency and control of the Archdiocese. Among McCormack's duties in his employment was to provide pastoral care and counseling for

members of his denomination.

14. In approximately the winter of 2000, a nun at Holy Family Church in Chicago reported to the Archdiocese of Chicago that Daniel McCormack asked a fourth-grade boy to pull down his pants in the sacristy at Holy Family.

15. The nun reported this numerous times to the Archdiocese.

16. On information and belief, on one occasion when the nun reported it to the Archdiocese, an official told her that "if the parents aren't pushing it, let it go."

17. After these reports, the nun made a final report to the Archdiocese, this one a written report of McCormack's behavior.

18. On information and belief, in 2000, the Archdiocese did not report McCormack to law enforcement, did not tell any of the parishioners at any of the parishes McCormack worked at in the past about the report, did not tell any of the parishioners at any of the parishes where McCormack worked after these reports, and did not tell any other children or parents about the report.

19. On information and belief, after the nun reported the abuse to the Archdiocese, the Archdiocese transferred McCormack to another parish, St. Agatha's in Chicago.

20. On information and belief, despite the report, the Archdiocese allowed McCormack to teach at an Archdiocesan school and coach a boys basketball team.

21. In response to the clergy abuse scandal, the United States Catholic Conference of Bishops passed the Dallas Charter.

22. On information and belief the Bishops passed the Dallas Charter in 2002. The Charter was only enforced, if at all, from within. There was no meaningful external non church

oversight over its enforcement.

23. Cardinal Francis George represented to the public that the Charter was a "zero tolerance" policy that committed them to removal of priests in childhood sexual abuse cases. He also represented to the public that a priest with even one act of sexual misconduct with a child should not be allowed in public ministry in order to protect children.

24. In January of 2003, the Archdiocese released a "Ten Year Report" that purported to give information about the Archdiocese's efforts to stop childhood sexual abuse by clerics in the previous ten years.

25. On information and belief, the Ten Year Report purports to give the current status of priests that were accused of molesting a child anytime from 1993 to 2003. The report indicates that no priest accused of abuse during that time period is in any form of ministry in the Archdiocese of Chicago.

26. The Ten Year Report also states that officials of the Archdiocese have reported all allegations, including those not deemed credible, to the appropriate public authorities.

27. On information and belief, the Archdiocese did not include McCormack in the Ten Year Report.

28. Also in response to the clergy abuse scandal, the United States Catholic Conference of Bishops agreed to participate in a self report survey conducted by the John Jay College.

29. As part of the John Jay survey, each Diocese submitted the number of priests that had allegations of sexual misconduct with a minor within the particular Diocese.

30. On information and belief there was no oversight over the information that was

given to the John Jay College. It was completely up to the particular Diocese to respond honestly.

31. The John Jay College defined "allegation," as all recorded notifications of clerical sexual misconduct with minors, whether or not they resulted in any investigation or whether there was reasonable cause to suspect abuse had occurred.

32. In 2004, the Archdiocese reported that it had reason to believe that 55 priests had sexual misconduct with a minor.

33. In 2004, Cardinal George and the Archdiocese represented to the public that there were no priests that were accused of childhood sexual abuse that were in public ministry in the Archdiocese of Chicago.

34. On information and belief, the Archdiocese did not include McCormack in the 2004 John Jay numbers.

35. On information and belief in August of 2005, the Archdiocese learned that law enforcement was investigating McCormack for childhood sexual abuse.

36. On information and belief, in August of 2005, the Archdiocese did not inform the law enforcement that a nun had reported that McCormack had acted in a sexually inappropriate manner with a child in 2000.

37. On information and belief, just as it did in 2000, the Archdiocese did not report or warn any of the parishioners, the public, or the parents at St. Agatha parish that law enforcement was investigating McCormack for childhood sexual abuse.

38. On information and belief, the Archdiocese elevated McCormick to a position of authority in the Archdiocese on September 1, 2005. It appointed him as Dean of a Deanery of

the Archdiocese. This is an honored, respected, and supervisory position within the Archdiocese. This meant that McCormack was still at St. Agathas, but also had some supervisory authority over roughly 20 parishes in the Archdiocese.

39. The Archdiocese allowed McCormack to remain at St. Agathas and in the position of Dean until at least January of 2006, more four months after the Archdiocese received at least its second report of sexual misconduct against a minor by McCormack.

40. In January of 2006, Chicago law enforcement arrested McCormack and charged him with sexually molesting two boys on multiple occasions.

41. On information and belief, the nun who reported the abuse to the Archdiocese in 2000 was contacted by the Archdiocese the day before McCormack was arrested. The Archdiocese indicated to the nun that it did not have the nun's letter.

42. On information and belief, the Archdiocese also stated publicly that it has no written record of the nun's reports or the actual letter.

43. On information and belief, the Archdioceses and Dioceses across the United States, including the Archdiocese of Chicago, have been instructed to destroy documentation of sexual misconduct by priests and/or to send any of this material to the Holy See in order to claim it is immune from public discovery or disclosure.

44. On information and belief, the Archdiocese has not released the names of the 55 priests that it deemed as having reason to suspect committed sexual misconduct with children.

45. On information and belief, the Archdiocese has also not released the names of any of the other clerics, like McCormack, who were accused of sexual misconduct and are still in parishes, but not included in the Ten Year Report or the John Jay Survey.

46. Although the Archdiocese had not released the names of offenders, some names of Archdiocesan clerics accused of sexual misconduct have been released during the course of litigation. These names were released in 2005:

- 1) Richard "Doc" Bartz
- 2) Robert Becker
- 3) R. Peter Bowman
- 4) Daniel Buck
- 5) Eugene Burns
- 6) John Callicott
- 7) William Cloutier
- 8) Robert D. Craig
- 9) John Curran
- 10) Walter DeRoeck
- 11) Jeremiah Duggan
- 12) Richard Fassbinder
- 13) Joseph Fitzharris
- 14) Robert Frieze
- 15) James Hagan
- 16) Daniel Mark Holihan
- 17) Walter Huppenbauer
- 18) Thomas Job
- 19) Robert Kealy

- 20) John Keehan
- 21) Thomas Kelly
- 22) John "Jack" Keough
- 23) Joseph Kissane
- 24) Leonard Kmak
- 25) William Lupo
- 26) Norbert Maday
- 27) Robert Mayer
- 28) Vincent McCaffrey
- 29) Donald Mulsoff
- 30) Thomas O'Gorman
- 31) James Ray
- 32) John Robinson
- 33) Kenneth Ruge
- 34) Raymond Skriba
- 35) Marion Snieg
- 36) Victor Stewart
- 37) Ralph Strand
- 38) Thomas Swade
- 39) Anthony Vader

47. Names that have not previously been released but who, on information and belief, have been accused of sexual misconduct with a minor:

1) James Flosi

48. There are also a number of religious order priests who worked in the Archdiocese. On information and belief, the Archdiocese had control and/or supervision over these clerics while they were working in the Archdiocese. On information and belief, the Archdiocese knows about these clerics' misconduct. On information and belief, those religious order clerics that have been accused of sexual misconduct are:

- 1) Robert Berlet (Christian Brothers)
- 2) Robert Brouillette (Christian Brothers)
- 3) Vincent Bryce (Dominicans)
- 4) George Dyer (Dominicans)
- 5) Terrence Fitzmaurice (Benedictines)
- 6) John Huels (Servite)
- 7) Augustine Jones (Benedictines)
- 8) Donald McGuire (Jesuits)
- 9) John Murphy (Augustinians)
- 10) Robert Murphy (Camelites)
- 11) Michael O'Connor (Augustinians)
- 12) Jean Baptiste (J.B.) Ormechea (Passionists)
- 13) Eusebio Pantoja (Claretians)
- 14) Thomas Paramo (Claretians)
- 15) Carlos Peralta (Salesians)
- 16) John Powell (Jesuits)

17) Andrew Ronan (Servites)

18) Wilton Skiffington (Jesuits)

19) Patrick Strong (Augustinians)

49. McCormack sexually molested John Doe 100 at some point between approximately 2000 and 2005, when John Doe 100 was a minor child.

50. Neither John Doe 100 nor Mother Doe 100 knew that the Archdiocese had received reports about McCormack sexual abuse of children.

COUNT I
(Injunction - Release of Names)

51. Plaintiffs repeat and reallege every paragraph of this complaint as if set forth in Count I.

52. Plaintiffs bring Count I on their own behalf and on behalf of the class of similarly situated persons described in paragraph 7 of this Complaint.

53. The practices of the Archdiocese of Chicago have endangered numerous children in the past and these practices will continue to put children at risk in the future.

54. Plaintiffs and the class have the right to not be sexually molested by clerics of the Archdiocese of Chicago.

55. The Archdiocese owes a duty to warn all children and their parents that come into contact with its clerics of allegations of sexual misconduct by the clerics because these children and their parents hold clerics in an esteemed position, which gives clerics virtually unlimited access to children.

56. The Archdiocese also owes a duty to children and their parents to release all of the names of clerics against whom the Archdiocese has deemed to have credible allegations of

sexual misconduct with children to the court and to the public at large.

57. The Archdiocese also owes a duty to children and their parents to release all of the names of clerics that have been accused of sexual misconduct with children to the court and to the public at large.

58. Unless injunctive relief is granted numerous children in Illinois are at risk of being sexually molested by clerics of the Archdiocese.

59. In order to ensure that children are protected and free from sexual molestation by clerics, the plaintiffs and the members of the class are entitled to an injunction ordering that the Archdiocese do the following:

- a) Release the names of all 55 of the priests that it reported to the John Jay Survey to the court and to the public.
- b) Release the names of all other clerics, like McCormack, that were not included in the John Jay Survey, but against whom the Archdiocese has received allegations of sexual misconduct by the cleric with children to the court and to the public.

COUNT II
(Injunction - Documents)

60. Plaintiffs repeat and reallege every paragraph of this complaint as if set forth in Count II.

61. Plaintiffs bring Count II on their own behalf and on behalf of the class of similarly situated persons described in paragraph 7 of this Complaint.

62. On information and belief, the Archdiocese still has documents that are evidence of crimes committed by clerics against children.

63. The Archdiocese has a duty to the public at large and to law enforcement to not

destroy any documents that evidence a crime.

64. The Archdiocese has a duty to children that were abused by clerics to not destroy any documents relating to the sexual misconduct or alleged sexual misconduct of any cleric at anytime in the Archdiocese of Chicago.

65. On information and belief the Archdiocese has destroyed documents and/or concealed documents and/or failed to give documents to law enforcement relating to sexual misconduct or alleged sexual misconduct by clerics of the Archdiocese.

66. Unless injunctive relief is granted, children will be at imminent risk of being molested by clerics of the Archdiocese, law enforcement will be prevented from doing its job, and those children that have already been molested by clerics will have their rights negatively affected.

67. In order to ensure that children are protected and free from sexual molestation by clerics, the plaintiffs and the members of the class are entitled to an injunction ordering that the Archdiocese do the following:

- a) Turn over any document with any connection to any allegation of sexual misconduct by a cleric against a child to the Illinois Courts for supervision of these documents.
- b) Turn over any document with any connection to any allegation of sexual misconduct by a cleric against a child to law enforcement.
- c) Cease in the destruction or spoliation of any documents with any connection to any allegation of sexual misconduct by a cleric against a child.
- d) Cease to conceal or misplace any documents with any connection to any

allegation of sexual misconduct by a cleric against a child.

COUNT III
(Declaratory Judgment)

68. Plaintiffs repeat and reallege every paragraph of this complaint as if set forth in Count III.

69. Plaintiffs bring Count III on their own behalf and on behalf of the class of similarly situated persons described in paragraph 7 of this Complaint.

70. There is an actual controversy between the plaintiffs and the members of the plaintiff class, on the one hand, and the Archdiocese, on the other hand, concerning whether the Archdiocese is adequately protecting children through its practices of not releasing the names of those clerics that have been accused of molesting children.

71. There is also an actual controversy between the plaintiffs and the members of the plaintiff class, on the one hand, and the Archdiocese, on the other hand, concerning whether the Archdiocese is adequately protecting children through its practice of not removing a cleric that is accused of molesting a child from any position where the cleric has any contact with children.

72. Finally, there is an actual controversy between the plaintiffs and the members of the plaintiff class, on the one hand, and the Archdiocese, on the other hand, concerning whether the Archdiocese is adequately protecting children through its practices of destroying and/or concealing documents evidencing allegations of sexual misconduct by clerics.

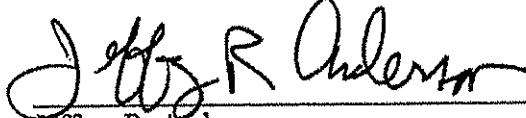
73. The plaintiffs and members of the plaintiff class are entitled to a declaration that the Archdiocesan practices of not releasing the names of clerics accused of sexual misconduct with minors, not removing clerics that are accused of sexual misconduct with children from positions where they have access to children, and by destroying and/or concealing documents, is

not adequate to protect children.

WHEREFORE, Plaintiffs respectfully request that this Court grant the relief requested within this complaint or any other relief the Court deems just in order to protect children.

Dated: January 31, 2006

JEFF ANDERSON & ASSOCIATES, P.A.



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St. Paul, Minnesota 55101
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KERNS, PITROF, FROST & PEARLMAN, LLC

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ARCHDIOCESE OF CHICAGO

Office of Professional Responsibility



P.O. Box 1979
Chicago, Illinois 60690-1979

(312) 751-5205
Fax: (312) 751-5279

MEMORANDUM

To: File - PFR-170

From: Leah McCluskey, Professional Responsibility Administrator

Re: Bennett, Rev. Joseph [Active] [REDACTED]

Date: December 19, 2003

PRA received a phone call from Ms. [REDACTED] on December 3, 2003 regarding an allegation of sexual misconduct against a priest of the Archdiocese of Chicago. During the initial phone call, Ms. [REDACTED] stated that she did not wish to have her name released, nor was she intending of providing PRA with the name of the accused. After some conversation and an explanation of the process of formalizing an allegation of sexual misconduct, Ms. [REDACTED] named her alleged abuser as Rev. Joseph Bennett. However, Ms. [REDACTED] requested that PRA not release her name or any detail of the alleged abuse [to follow] until she had been able to obtain legal representation. PRA received two messages from Ms. [REDACTED] today allowing PRA to release her name and any detail of the allegation against Fr. Bennett provided on December 3, 2003. However, Ms. [REDACTED] has yet to obtain council, but will contact PRA once she has been able to identify appropriate representation.

During the phone conversation on December 3, Ms. [REDACTED] informed PRA that she had spoken with a parish priest in her home state of [REDACTED] regarding her allegation against Fr. Bennett. As per Ms. [REDACTED], she sought advice from her priest as to how she should go about addressing the alleged past abuse and he advised her to contact the Archdiocese of Chicago.

Ms. [REDACTED] stated that she is 43 years old and [REDACTED] Ms. [REDACTED] described 2003 as "a rough year" but that she had [REDACTED] She mentioned the fact that she "had a great childhood" and grew up on the south side of Chicago. During 2003 Ms. [REDACTED] had participated in a women's prayer group through her church and began to "clean house" as directed by the leader of the group. It was at this time that Ms. [REDACTED] began to experience "memories that didn't make any sense." The memories were of her grammar school years, when she was approximately eight years old and in CCD classes prior to her First Communion. As per Ms. [REDACTED] she

BEN-CB3-00092

Ex-211

was in third grade at the time, but was held back so that she could be in classes with her sister. Their CCD teacher was [redacted] [Carmelite nun] whom Ms. [redacted] described as "a sweet young nun." Ms. [redacted] also referred to a priest [alleged abuser] as "wonderful." She recalls that the priest was reassigned to a parish in the suburbs at one point. However, the priest would be present during [redacted]'s CCD classes from time to time. At this point in the conversation, Ms. [redacted] still did not feel comfortable disclosing the name of the accused as she was advised by her parish priest not to disclose such information over the phone.

PRA began to explain to Ms. [redacted] the purpose and responsibilities of PRA and the Office of Professional Responsibility. After some discussion and Ms. [redacted] information that the accused is an active priest in the Archdiocese of Chicago, Ms. [redacted] named her abuser as Rev. Joseph Bennett. She referred back to her recent memories of the alleged abuse and stated that she has "clear memories of Fr. Joe and [redacted]" Mr. [redacted] alleges that [redacted] was "present and a part of the abuse." She also informed PRA that Fr. Bennett has a birthmark on a part of his body that she "shouldn't know." Later in the conversation, Ms. [redacted] informed PRA that Fr. Bennett has a freckle on his left testicle. When asked by PRA, Ms. [redacted] stated that she and her sister attended CCD classes at St. John De La Salle at 106th and King.

Ms. [redacted] informed PRA that she is coming forward at this time out of her "concern for the kids" and that Fr. Bennett is "only 61 [years old] now" and assigned to a parish in the Archdiocese of Chicago. She stated, "I don't want any money and I don't want revenge. I just want the truth." As per Ms. [redacted] the alleged abuse took place when she was between 7 and 9 years old. She moved out of St. John De La Salle parish with her family when she was 11 years old.

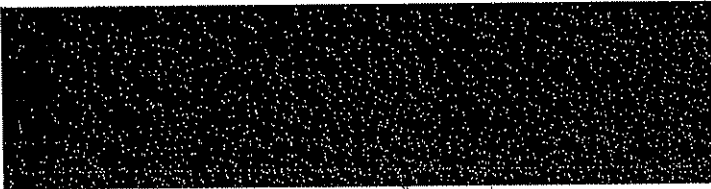
When provided information regarding formalizing her allegation, Ms. [redacted] informed PRA that she would be interested in PRA and Assistance Ministry traveling to [redacted] to meet with her. Ms. [redacted] also came to the decision that she would like time to obtain an attorney to protect her interests prior to PRA releasing any information regarding her allegation. Upon her identification of an attorney, Ms. [redacted] stated that she would contact PRA and schedule a meeting.

It was agreed that PRA would send Ms. [redacted] a copy of *§1100 Sexual Abuse of Minors: Policies for Education, Prevention, Assistance to Victims and Procedures for Determination of Fitness for Ministry*. Her contact information is as follows:

[redacted]

Ms. [redacted] birth date is [redacted]

Ms. [REDACTED] contacted this office on December 17, 2003 and left a message approving the release of her name and information regarding her allegation of sexual misconduct against Fr. Bennett. She informed PRA that she continues to seek an attorney and will contact PRA when she has found an attorney and is ready to schedule a meeting. Ms. [REDACTED] also mentioned in her message that her sister [REDACTED] has memories of misconduct involving Fr. Bennett and Sr. Maria. As per [REDACTED], her sister [REDACTED] may be interested in coming forward as well. Ms. [REDACTED] left the following contact numbers and requested a return call from PRA.



PRA left a message for Ms. [REDACTED] on December 19, 2003.

BEN-CB3-00094

To: File
From: Ed Grace
Re: Joe Bennett
Date: November 9, 2005

This A.M. I spoke with Joe

- He intends to be at the 11/19/05 Board Meeting
- Father Emmett Gavin declined to act as canonical advisor (Joe's friend).
- I then spoke with Msgr. Easton of Indianapolis who expressed great reluctance due to workload. In crisis he would assist.
- At Dan Smilanic's suggestion I contacted Msgr. Rich Bass of Detroit to request he act for Joe.
 - left message
 - awaiting attorney's call
 - Msgr. Bass's telephone number: 248-681-9424 (He apparently does not have an office at the Tribunal.)

Concerning Joe's 11/19/05 appointment with the Review Board:

1. He has seen the dermatologist.
2. He has a typewritten report from the dermatologist.
3. I suggested points I thought he should make with the Board:
 - a) Accuser spoke of birthmark.
There is no birthmark
 - b) Accuser spoke of freckles
Even a child knows that "freckles" are not purplish-blue – they are brown.
 - c) Dermatologist characterized "purplish-blue marks as age spots – not likely there at the time of the allegation.
4. Joe shared with me that his civil attorney felt the Review Board, or more accurately, some members of the Board were hostile to priests.

BEN-CB3-00039

EX 212


[illegible]

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3 Los Angeles, CA 90071-1503
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8 Facsimile: (713) 224-6410

9 Attorneys for Defendants Appearing Specially
CARDINAL NORBERTO RIVERA AND THE
10 DIOCESE OF TEHUACAN

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

14 
15 Plaintiff,
16 v.
17 CARDINAL ROGER MAHONY, THE
ROMAN CATHOLIC ARCHBISHOP OF LOS
18 ANGELES, A CORPORATION SOLE,
CARDINAL NORBERTO RIVERA, THE
19 DIOCESE OF TEHUACAN, FATHER
NICHOLAS AGUILAR DOES 1-100,
20 Defendants.
21

Case No. BC358718

DECLARATION OF DEFENDANT
CARDINAL NORBERTO RIVERA
CARRERA IN SUPPORT OF MEXICAN
DEFENDANTS' MOTION TO QUASH
SERVICE OF SUMMONS FOR LACK
OF JURISDICTION

Date: March 26, 2007
Time: 8:30 a.m.
Dept: 42
Judge: Elihu M. Berle

22 I, Cardinal Norberto Rivera Carrera, declare:

23 1. I am one of the defendants in this action and make this declaration in support of
24 the Motion to Quash Service of Summons for Lack of Jurisdiction. I have personal knowledge
25 of the facts set forth below, and, if called upon, could and would testify competently thereto.

26 2. I provide this declaration as a special appearance for the sole purpose of
27 challenging this Court's jurisdiction over my person. I have not consented and do not consent to
28

1 jurisdiction in the State of California.

2 3. I reside in and am a citizen of the Republic of Mexico. Other than the four years
3 during which I took a course in theology at Pontifical Gregorian University in Rome, I have
4 resided in Mexico my entire life. I have never resided in the State of California, and do not own
5 any real or personal property in California.

6 4. I was born in La Purisima in the Archdiocese of Durango, Mexico. In 1966, I was
7 ordained a priest of the Roman Catholic Church (the "Church") in that same Archdiocese.
8 Following my ordination, I served briefly as Associate Pastor and Curate in Rio Grande.
9 Subsequently, I joined the theology faculty at the Durango Seminary in Durango, Mexico, where
10 I taught for eighteen years. From 1982 to 1985, I served as a professor of ecclesiology at the
11 Pontifical University of Mexico.

12 5. In 1985, I was ordained and made Bishop of Defendant the Diocese of Tehuacan
13 (the "Diocese") a position I held until my appointment as Archbishop of Mexico in 1995. In
14 1998 I was created and proclaimed Cardinal by Pope John Paul II, a position I hold to this day. I
15 hold the official title of Cardinal Priest of San Francisco in Arripa Grande. In my capacity as
16 Cardinal of Mexico, I preside over the largest Archdiocese in the world and care for more than
17 eight million Mexican Catholics.

18 6. I have served my entire career for the Church in Mexico. I do not now nor ever
19 have I done any business or maintained an office in the State of California. My office address is
20 Durango No. 90, Piso 5, Col. Roma, Mexico, D.F., 06700, Mexico. I have no agents or
21 employees in California. I do not maintain any books, accounts or records in California.

22 7. I have no authority whatsoever over the business of the Church conducted in
23 California, nor have I ever been to California on business for the Church. In fact, the few trips I
24 have taken to California were all personal vacations.

25 8. My duties as Archbishop of Mexico are numerous and require my persistent and
26 near constant attention. If I am forced to defend a lawsuit in California, the performance of my
27 duties and, as a consequence, the Church in Mexico will be severely disrupted.

28 9. In 1986, in my capacity as Bishop of the Diocese of Tehuacan, I learned that

1 Defendant Father Nicholas Aguilar ("Fr. Aguilar"), then parish priest at the parish of San
2 Sebastian Martir, Cuacnopalan in the Diocese of Tehuacan, had been assaulted at his parish
3 residence on August 7, 1986. Because there were rumors that grown men stayed overnight at the
4 Church where Fr. Aguilar lived, I suspected that a homosexual incident had precipitated the
5 assault on Fr. Aguilar. At the same time, Fr. Aguilar's performance at the parish had caused
6 controversy and some resentment in some members of the community because he had removed
7 some persons that were selling goods in the church entrance and courtyard. Thus, I was not sure
8 if the rumors were true or were instead motivated by resentment. There was no evidence to
9 suggest that the incident involved any minor children, nor was the involvement of minor children
10 ever alleged. The police did not file charges against any person in relation to this incident.

11 10. Subsequent to his assault, I verbally reprimanded Fr. Aguilar and ordered him to
12 seek rest and psychiatric help. Fr. Aguilar stated that he might go to Los Angeles, California,
13 where he had family. In addition, I informed Fr. Aguilar that I planned to replace him as parish
14 priest at San Sebastian Martir. I obtained a replacement for Fr. Aguilar in January of 1987.

15 11. After I obtained a replacement priest, on January 27, 1987, Fr. Aguilar tendered to
16 me his irrevocable resignation from the San Sebastian Martir Parish and indicated his intention to
17 move to Los Angeles, California. That same day, at Fr. Aguilar's request and as was customary
18 in the Church, I wrote a letter introducing him to Defendant Cardinal Roger Mahony, then
19 Archbishop of the Los Angeles Archdiocese. In that letter, I explained that Fr. Aguilar planned
20 to travel to Los Angeles. Because I did not know whether the rumors of Fr. Aguilar's
21 homosexuality were true or instead motivated by resentment within the community, I was
22 uncertain as to whether Fr. Aguilar was fit to continue in service as a priest. As such, I did not
23 grant a license to Fr. Aguilar to take up priestly duties in Los Angeles (granting such licensure
24 was beyond my authority as Bishop of the Diocese in any event), nor did I recommend him for
25 such duties. Rather, I left the decision as to whether to allow Fr. Aguilar to work in the Los
26 Angeles Archdiocese to Cardinal Mahony. However, because I suspected that Fr. Aguilar might
27 be homosexual, I cautioned that the motivation for Fr. Aguilar's trip to Los Angeles was "family
28 and health reasons." The phrase "family and health reasons" was used within the Church to

1 warn that a priest suffers from some sort of problem. I anticipated that Cardinal Mahony would
2 request a more detailed account of Fr. Aguilar's history and problems if he decided to consider
3 Fr. Aguilar as an employee of the Los Angeles Archdiocese.

4 12. On March 12, 1987, Fr. Aguilar wrote to me from Venice, California, explaining
5 that he had interviewed with Msgr. Thomas Curry of the Los Angeles Archdiocese. On Msgr.
6 Curry's behalf, Fr. Aguilar requested that I correspond confidentially with then-Archbishop
7 Mahony in order to (a) evaluate Fr. Aguilar as a priest; (b) indicate my understanding of the
8 reasons for Fr. Aguilar's trip to Los Angeles; and (c) recommend Fr. Aguilar for pastoral work in
9 Los Angeles. It was my understanding at that time that Msgr. Curry sought to uncover the facts
10 that had prompted me to describe Fr. Aguilar's visit as for "family and health reasons." On
11 March 23, 1987, I wrote then-Archbishop Mahony a confidential letter, with a copy to Msgr.
12 Curry, stating that (a) Fr. Aguilar was held in esteem by his colleagues and his parishioners; and
13 (b) Fr. Aguilar requested to leave the Diocese in order to work in the Los Angeles Archdiocese.
14 In addition, I referenced Fr. Aguilar's assault in 1986 and stated that "it is suspected that the
15 underlying cause that provoked this assault was due to homosexuality problems." This was the
16 only potentially homosexual incident involving Fr. Aguilar of which I was aware and to which I
17 made mention, and I cautioned that "everything had remained at the accusation and suspicion
18 level." I was not aware of, and in my letter did not refer to, any alleged homosexual activity with
19 minor children. Nonetheless, I never recommended Fr. Aguilar for pastoral work in the Los
20 Angeles Archdiocese in that letter, as Fr. Aguilar had requested, as I was uncertain whether he
21 was fit for such work. Also on March 23, 1987 I wrote Fr. Aguilar to inform him of the
22 confidential letter I sent to Cardinal Mahony and Msgr. Curry.

23 13. On December 20, 1987 Fr. Aguilar wrote me to request permission to serve
24 indefinitely in the Los Angeles Archdiocese, but I never answered his letter.

25 14. Never did I "transfer" Fr. Aguilar to the Los Angeles Archdiocese. As Bishop of
26 the Diocese, under the Code of Canonical Law, I did not have the authority to transfer Fr.
27 Aguilar, or any other priest, outside of the Tehuacan Diocese. Rather, I granted Fr. Aguilar
28 permission to serve in Los Angeles on the condition that Cardinal Mahony first accept him for

1 said service, and I warned Cardinal Mahony of my suspicion that Fr. Aguilar suffered from
2 homosexual problems.

3 15. The Diocese of Tehuacan did not pay for Fr. Aguilar's travel to the United States.
4 Following Fr. Aguilar's departure for Los Angeles, the Diocese maintained no control over Fr.
5 Aguilar. The Diocese did not direct, nor was it aware of, Fr. Aguilar's activities while he was in
6 California. The Diocese did not pay anything to Fr. Aguilar while he was in California. Apart
7 from Fr. Aguilar's letter of March 12, 1987, my response on March 23, 1987, and Fr. Aguilar's
8 letter of December 20, 1987 (to which I did not respond), I did not have any other
9 communication with Fr. Aguilar while he was in California.

10 16. On January 11, 1988, two days after Fr. Aguilar fled California for Mexico, Msgr.
11 Curry wrote to inform me that the Los Angeles police was looking for Fr. Aguilar in order to
12 arrest him on suspicion of child sexual abuse. Until this point, I was unaware of any alleged
13 misconduct on the part of Fr. Aguilar while he was in California. On February 23, 1988, Msgr.
14 Curry wrote to request information on Fr. Aguilar's whereabouts. Cardinal Mahony sent a
15 similar request on March 4, 1988. By letter dated March 17, 1988, I responded that I was
16 unaware of Fr. Aguilar's location, but I provided Cardinal Mahony with information regarding
17 Fr. Aguilar's family and employment history in the hope that such information would facilitate
18 the location of Fr. Aguilar. In addition, I referred Cardinal Mahony to the confidential letter of
19 March 23, 1987, in which I summarized my suspicion that Fr. Aguilar suffered from homosexual
20 problems.

21 17. I did not attempt to facilitate Fr. Aguilar's return to Mexico. Even if I had desired
22 Fr. Aguilar's return, I did not have the authority to force him to return. When Fr. Aguilar fled
23 from California to Mexico, I had no knowledge of that event. Nor did I have the ability to force
24 Fr. Aguilar to return to California. To my knowledge, Fr. Aguilar remains in Mexico.

25 18. Upon arriving in Mexico in 1988, Fr. Aguilar did not return to the Diocese of
26 Tehuacan where I was then serving. Since his return to Mexico, I have had no contact with Fr.
27 Aguilar and he has not served under my control in any capacity. I am not now harboring Fr.
28 Aguilar from justice, nor ever have I done so. I have never concealed Fr. Aguilar's whereabouts

1 from law enforcement or church officials in either Mexico or California.

2 19. In November 1994, [REDACTED] filed a criminal complaint
3 in Mexico alleging that Fr. Aguilar sexually molested Plaintiff during mass at the San Antonio de
4 Padua parish in Mexico in October of 1994.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct.

7 Dated: February 12, 2007

8 By: (signature)

9 Cardinal Norberto Rivera Carrera
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DECLARATION OF INTERPRETER

I, Angie Birchfield, declare that I translated the foregoing document from Spanish to English, to the best of my ability.

Executed this 14th day of February, 2007 in the County of Los Angeles, State of California.

Angie Birchfield
Signature # 300716

ARCHDIOCESE OF CHICAGO

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Francis Cardinal George, O.M.I. on Your 10th Anniversary



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GEORGE

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Love» The Archbishop's
Residence
**Cardinal George's
10th Anniversary**

CURRICULUM VITAE

 Francis Cardinal George, O.M.I.
 Archbishop of Chicago
 155 East Superior Street

Born: January 16, 1937

Entered Missionary Oblates of Mary Immaculate: August 14, 1957

Ordained a Priest: December 21, 1963

Appointed as Fifth Bishop of Yakima: July 10, 1990

Ordained and Installed as Bishop: September 21, 1990

Appointed as Ninth Archbishop of Portland in Oregon: April 30, 1996

Installed as Archbishop: May 27, 1996

Appointed as Eighth Archbishop of Chicago: April 8, 1997

Installed as Archbishop: May 7, 1997

Named Cardinal by Pope John Paul II: January 18, 1998

Created Cardinal Priest in Consistory: February 21, 1998

ADMINISTRATIVE EXPERIENCE

Member, Congregation for Divine Worship and the Discipline of the Sacraments, 1998 to present.

Member, Congregation for Evangelization of Peoples, 1999 to present.

Member, Congregation for Institutes of Consecrated Life and for Societies of Apostolic Life, 1998 to present.

Member, Congregation for Oriental Churches, 2001 to present.

Member, Pontifical Commission for the Cultural Heritage of the Church, 1999 to present.

Member, Pontifical Council "Cor Unum," 1998 to present.

Member, Pontifical Council for Culture, 2004 to present.

Chancellor, The Catholic Church Extension Society, Chicago, Illinois, 1997 to present.

Chancellor, University of St. Mary of the Lake, Mundelein, Illinois, 1997 to present.

Publisher, *The Catholic New World*, *Chicago Catolico*, 1997 to present, and *Katolik*, 2006 to present.

President, U.S. Conference of Catholic Bishops, 2007 to present.

Vice-President, U.S. Conference of Catholic Bishops, 2004 to 2007.

Member, U.S. Conference of Catholic Bishops Administrative Committee, 2001 to present.

Member, U.S. Conference of Catholic Bishops Committee on Liturgy, 2004 to present; Chairman, 2001-2004; Consultant, 1997-2001.

Member, U.S. Conference of Catholic Bishops ad hoc Committee to Oversee the Use of the Catechism, 1995 to 2001.

Member, U.S. Conference of Catholic Bishops Committee, American Board of Catholic Missions, 1994 to 1997.

Member, U.S. Conference of Catholic Bishops Committee on Church in Latin America, 1994 to 2000.

Member, U.S. Conference of Catholic Bishops Committee on Religious Life and Ministry, 1994 to 1997.

Member, U.S. Conference of Catholic Bishops Committee on Doctrine, 1991-94, 1996-2001.

Member, U.S. Conference of Catholic Bishops Committee on World Missions, 1999 to 2002.

Consultant, U.S. Conference of Catholic Bishops Committee on Doctrine, 2004 to present.

Consultant, U.S. Conference of Catholic Bishops Committee on Pro-Life Activities, 1999 to present.

Consultant, U.S. Conference of Catholic Bishops Committee on African American Catholics, 1999 to 2002.

Member, U.S. Conference of Catholic Bishops Subcommittee on Campus Ministry, 1997-2003.

Consultant, U.S. Conference of Catholic Bishops Subcommittee on Lay Ministry, 2003 to present.

Papal Appointee to the Synod on Consecrated Life, 1994.

Delegate, U.S. Conference of Catholic Bishops, 2001 World Synod of Bishops.

Member, Council for World Synod of Bishops, 2001 to present

Delegate, U.S. Conference of Catholic Bishops, Special Assembly for America of the Synod of Bishops, 1997.

Special Secretary, Special Assembly for America of the Synod of Bishops, 1997.

USCCB Representative to International Commission on English in the Liturgy, 1997 to 2006.

Member, Board of Trustees, Basilica of the National Shrine of the Immaculate Conception, 1997 to present.

Member, Board of Directors, National Catholic Bioethics Center, Philadelphia, Pennsylvania, 1994 to present.

Member, Board of Trustees, The Catholic University of America, 1993 to present.

Member, U.S. Conference of Catholic Bishops ad hoc Committee on Shrines, 1992 to present.

Member, U.S. Conference of Catholic Bishops Committee on Missions, 1991 to 1998.

Episcopal Liaison, Catholic Campus Ministry Association Executive Board, 1998 to 2003.

Episcopal Liaison, Ministry of Transportation Chaplains, 2003 to present.

Consultant, U.S. Conference of Catholic Bishops Committee on Science and Human Values, 1994 to 1997.

Consultant, U.S. Conference of Catholic Bishops Committee on Hispanic Affairs, 1994 to 1997.

Treasurer, Northwest Regional Office for Hispanic Affairs, 1992 to 1997.

Episcopal Advisor, Cursillo Movement, Region XII, 1990 to 1997.

Chair, U.S. Conference of Catholic Bishops Commission for Bishops and Scholars, 1992 to 1994.

Episcopal Moderator and Member of Board, National Catholic Office for Persons with Disabilities, 1990 to present.

Trustee of the Papal Foundation, 1997 to present.

Grand Prior of the North Central Lieutenancy of the United States for the Equestrian Order of the Holy Sepulchre of Jerusalem, 1997 to present.

Conventual Chaplain ad honorem of the Federal Association of the Sovereign Military Order of Malta, 1997 to present.

Member, Chicago Bible Society Advisory Board, 2002 to present.

Member, Kohl McCormick Early Childhood Teaching Awards Advisory Board, 1997 to present.

State Chaplain, Knights of Columbus, Washington State, 1993 to 1995.

Member, Board of Directors, Oblate Media, Belleville, Illinois, 1988 to 1997.

Member, Providence Yakima Medical Center Community Board, Yakima, Washington, 1990 to 1996.

Chair, Washington Association of Churches Committee on Theological Dialogue, 1993 to 1996.

Consultant, U.S. Conference of Catholic Bishops Committee on Evangelization, 1991 to 1993.

Coordinator, Circle of Fellows, The Cambridge Center for the Study of Faith and Culture, Cambridge, Massachusetts, 1987 to 1990.

Vicar General, Oblates of Mary Immaculate, Rome, Italy, 1974 to 1986.

Provincial Superior, Midwestern U.S. Province, Oblates of Mary Immaculate, St. Paul, Minnesota, 1973 to 1974.

President, Board of Directors, Tekakwitha Indian Mission, Sisseton, South Dakota, 1973 to 1974.

Chairman, Department of Philosophy, Creighton University, Omaha, Nebraska, and Member of the Executive Committee of the Academic Council of the University, 1971 to 1973.

Member, Council of Direction, Oblate House of Studies, Omaha, Nebraska, and Assistant Professor of Philosophy, Creighton University, 1969 to 1973.

Member, Council of Direction, and Instructor in Philosophy, Oblate Seminary, Pass Christian, Mississippi, 1964 to 1967.

TEACHING EXPERIENCE

Oblate Seminary, Pass Christian, Mississippi, 1964-1967 (Instructor in Philosophy)

Our Lady of the Lake University, San Antonio, Texas, 1965 (summer, Visiting Instructor in Philosophy)

Tulane University, New Orleans, Louisiana, 1968-1969 (Teaching Fellow in Philosophy)

Creighton University, Omaha, Nebraska, 1969-1973 (Assistant Professor of Philosophy)

Gonzaga University, Spokane, Washington, 1993 (summer, Visiting Professor of Religious Studies)

EDUCATION

S.T.D. (Ecclesiology), Pontifical Urban University, Rome, 1989.

Ph.D. (American philosophy), Tulane University, New Orleans, Louisiana, 1970.

M.A. (Theology), University of Ottawa, Canada, 1971.

M.A. (Philosophy), The Catholic University of America, Washington, D.C., 1965.

B.Th. University of Ottawa, Canada, 1964.

HONORARY DEGREES

University of Portland - Doctor of Laws, 1997

John Marshall Law School - Doctor of Laws, 1998

Loyola University of Chicago - Doctor of Humane Letters, 1998

Franciscan University of Steubenville - Doctor of Pedagogy, 2000

Barat College - Doctor of Humane Letters, 2000

Creighton University - Doctor of Laws, 2001

Saint Xavier University - Doctor of Humane Letters, 2004

PROFESSIONAL ASSOCIATIONS

American Catholic Philosophical Association

American Society of Missiologists

Catholic Commission on Intellectual and Cultural Affairs

AWARDS AND GRANTS

Outstanding Educator of America, 1972 and 1973.

The American Council for Philosophical Studies, research grant, 1973.

Flannery Lecture, Gonzaga University, Spokane, Washington, "1492-1992: A Church Catholic and Native to the Americas," February 19, 1992.

American Catholic Philosophical Association Convention, San Diego, California; plenary address, "Being Through Others in Christ: *esse per* and ecclesial communion," March 28, 1992.

RESEARCH AND PUBLISHED WRITINGS

Books:

Inculturation and Ecclesial Communion (Rome: Urbaniana University Press, 1990).

"Evangelizing American Culture," chapter in *The New Catholic Evangelization*, ed. by Kenneth Boyack, C.S.P. (Mahwah, N.Y.: Paulist Press, 1992), 42-55.

"The Church and Cultures," chapter in *A Church for All Peoples*, ed. by Eugene LaVerdiere, (Collegeville, MN: Liturgical Press, 1993), 55-70.

Response to "The Church and the Kingdom" by Avery Dulles, S.J., chapter in *A Church for All Peoples*, ed. by Eugene LaVerdiere (Collegeville, MN: Liturgical Press, 1993), 27-30.

"Bishops and the Splendor of Truth," chapter in *The Splendor of Truth and Health Care*, ed. by Russell E. Smith (The Pope John XXIII Medical-Moral Research and Education Center, Braintree, MA, 1995), 17-28.

"Missionaries and Native Peoples of North America: Lessons for the Church Today," *Faith, Moral Reasoning and Contemporary American Life*, 1995, 137-149.

"Justice," *Dictionnaire des Valeurs Oblates*, sous la direction de Fabio Ciardi, Rome, 1996, 498-507.

"Bishops and Theologians," chapter in *Theological Education in the Catholic Tradition: Contemporary Challenges*, ed. by Patrick W. Carey and Earl C. Muller, S.J. (New York, NY: The Crossroad Publishing Company, 1997), 213-218.

"Knowledge of God," in *Encyclopedia of Catholic Doctrine*, ed. By Russell Shaw (Huntington, IN: Our Sunday Visitor, 1997), 365-367.

Theses:

The Metaphysical Constitution of Creatures in Thomas Aquinas' *De Potentia Dei*, master's thesis in philosophy (Catholic University of America, Washington, D.C.).

The Eschatology of Pierre Teilhard de Chardin, master's thesis in theology (University of Ottawa, Canada).

Society and Experience: a Critique of the Social Philosophies of Josiah Royce, George Herbert Mead and Roy Wood Sellars, doctoral dissertation in philosophy, directed by Andrew J. Reck (Tulane University, New Orleans, Louisiana).

Pastoral Letters:

"Becoming an Evangelizing People" – a pastoral letter on evangelization, November 21, 1997.

"Dwell in My Love" – a pastoral letter on racism, April 4, 2001.

Published Articles:

"Dewey and Dialectic," *Tulane Studies in Philosophy*, XXII, Winter, 1973, 17-38.

"The Founder's Charism," *Vie Oblate*, XXXIV, 1975, 111-126.

"Founding 'Founderology': Charism and Hermeneutics," *Review for Religious*, XXXVI, January, 1977, 40-48.

"Critères pour découvrir et vivre le charisme du Fondateur aujourd'hui," *Vie Oblate*, XXXVI, 1977, 31-43.

"The Ongoing Formation of Missionaries," *Vie Oblate*, XXXVIII, 1979, 93-107.

"Missions and Ministry for Justice: the OMI Experience," *Omnis Terra*, XIII, April, 1979, 160-173.

"Missions and Ministry for Justice," *Vie Oblate*, XXXIX, 1980, 105-123.

"La Formazione Permanente e il Cammino verso Cristo," *Temì di Formazione e Pastorale*, III, September, 1980, 1-6.

"The New Oblate Constitutions: Mirror of a Congregation," *SEDOS Bulletin*, November 1, 1981, 313-319.

"L'évangélisation et les Chapitres généraux de 1972 à 1980," *Vie Oblate*, XLII, 1983, 284-305.

"La vida religiosa: palabra para el mudo de hoy," *Vida religiosa*, LIX, 1 febrero, 1985, 44-51.

"The Process of Inculturation: Steps, Rules, Problems," *Kerygma*, XXII (1988), 93-113.

"Ecclesiological Presuppositions in Inculturating the Faith: Three Examples from Mission History,"

Neue Zeitschrift für Missionswissenschaft, XLV (1989), 256-264.

"Oblate Preaching: Father Louis Soullier's Letter of February 17, 1895," *Vie Oblate*, December, 1989, 467-474.

"Priestly Identity and the Mission of Christ," *The Priest*, XLV, November, 1989, 44-48.

"The Catholic University and Academic Culture," *Proceedings: Present and Future Challenges Facing Catholic Universities* (Ottawa, 1990), 37-42.

"Evangelizing American Culture," *The Catholic World*, id. 235, no. 1408, July/August, 1992, 160-166.

Published talks and conferences in Oblate Documentation, from 1973 to 1989.

Being Through Others in Christ: esse per and Ecclesial Communion," *Annual ACPA Proceedings*, 1992, 29-44.

"Teaching Moral Theology in the Light of the Dialogical Framework of 'Veritatis Splendor'," *Seminarium*, XXXIV, January-March, 1994, 43-51.

"The Bishop and his Deacons: Reflection on the Directory for Deacons," *Sacrum Ministerium*, IV, January, 1998, 45-53.

"Education in Love: The Interior Culture of the Person," *Anthropotes*, 1998, 179-183.

"Authority, Service, and Communion," *Lay Witness*, 1999, 46-47.

"Institutional Conversion at the Turn of the Century," *Seminarium*, XXXIX, 1999, 135-147.

"Biotechnology and Some Theological Thoughts on the Body," *The Genome: Plant, Animal, Human*, 2000, p. 179-190.

"A New Evangelization in a New Millennium: A Call for A New Apologetics," *Lay Witness*, 2000, p. 4-5.

"Uno Dio e una Chiesa per il mondo: commemorazione del decimo anniversario della *Redemptoris Missio*," *A Dieci Anni dall'Enciclica Redemptoris Missio*, 2001, p. 135-159.

Cardinal's Column -- Cardinal George writes a column for *The Catholic New World*, official newspaper of the Archdiocese of Chicago.

Reviews:

Review of Donald P. Gray, *The One and the Many: Teilhard de Chardin's Vision of Unity*, in *Modern Schoolman*, XLIX (1971).

Reviews of Denis Goulet, *A New Moral Order: Development Ethics and Liberation Theology* and Brian Wren, *Education for Justice: Pedagogical Principles*, in *SEDOS Bulletin*, February 15, 1978.

Reviews of Richard Turner, *The Eye of the Needle: Toward Participatory Democracy in South Africa* and John W. de Gruchy, *The Church Struggle in South Africa*, in *SEDOS Bulletin*, March 15, 1980.

Review of Antonio Perez-Esclarin, *Atheism and Liberation and The Challenge of Basic Christian Communities* (Papers from the International Ecumenical Congress of Theology, 1980, Sao Paulo, Brazil), ed. by Sergio Torres and John Eagleson, in *Bibliographia Missionaria*, XLV (1981).

Review of Ninian Smart, *Beyond Ideology: Religion and the Future of Western Civilization*, in *The Australasian Catholic Record*, LXII (1985).

Review of Robert J. Schreiter, *Constructing Local Theologies*, in *The Australasian Catholic Record*, LXIII (1986).

Review of John M. Letiche and Basil Dmytryshyn, *Russian Statecraft. The "Politika" of Iurii Krizhanich: An Analysis and Translation of Iurii Krizhanich's "Politika"*, in *Euntes Docete*, XXXIX (1986).

Review of Achiel Peelman, *L'Inculturation: L'Eglise et les Cultures*, in *Bibliografia Missionaria*, LIII (1989).

Review of Louis J. Luzbetak, *The Church and Culture: New Perspectives in Missiological Anthropology*, in *The Australasian Catholic Record*, LXVII (1990).

Review of Michael Barnes, *Christian Identity and Religious Pluralism: Religious in Conversation*, in *Review for Religious*, LI (1992).

Review of John J. Killoren, S.J., *Come, Blackrobe: DeSmet and the Indian Tragedy*, in *Review for Religious*, LIII (1994).

Review of Sebastian Karotemprel, editor, *Following Christ in Mission: A Foundational Course in Missiology*, in *International Bulletin of Missionary Research* (1997).

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ARCHDIOCESE OF CHICAGO

Office of the Archbishop



Post Office Box 1979
Chicago, Illinois 60690-1979

April 11, 2007

Parole Commission in Wisconsin
Alfonso Graham, Chair
3099 East Washington Avenue
P.O. Box 7960
Madison, WI 53707-7960

Dear Mr. Graham:

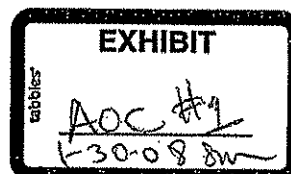
I am writing to you as the Catholic Archbishop of Chicago about Norbert Maday (#278632), a priest of the Archdiocese of Chicago, who is presently serving time for crimes he was convicted of committing in your jurisdiction; he is about to complete his sentence. I am his ecclesiastical superior.

In May of 1999, the Vicar for Priests, an official of this archdiocese, wrote to the Wisconsin Parole Commission saying that this archdiocese 'would be pleased to receive Norbert Maday into the Archdiocese of Chicago system'. However, the situation has changed. Given the manner in which Norbert Maday has addressed his incarceration and the comprehensive program of monitoring that society would now reasonably demand, the Archdiocese of Chicago is not capable of receiving him back into our system. This conclusion is based, in part, on information from those who have dealt directly with Norbert Maday and his situation, including the descriptions of interactions that Vicars for Priests and the Archdiocesan Director of Office for Child Abuse Investigations and Review had with him while visiting him. Shortly I will approach the office in Rome responsible for overseeing priests who have abused minors, requesting that Norbert Maday be dismissed from the Catholic priesthood. If granted, this action would sever the legal relationship in Catholic Church law that exists between the bishop of a diocese and a priest of the diocese. He would once again be simply a Catholic layperson; I would no longer have the authority over him that a bishop has over a priest.

I bring my recommendation to you, and I will bring my request to the authorities in Rome, for several reasons.

My first reason is the protection of the vulnerable. For the safety of young people and for the peace of mind of the citizenry, Norbert Maday would require a comprehensive program of monitoring. This Archdiocese lacks the resources to monitor him. Equally significant, this Archdiocese lacks the coercive police power to effectively enforce such monitoring. This is also why I am seeking to have him dismissed from the priesthood.

CB5/MAD 00724

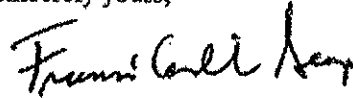


Letter to Parole Commission in Wisconsin
April 11, 2007
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My second reason is that the ministry and life of this Archdiocese would be gravely affected by simply receiving Norbert Maday back into our system as a priest, albeit with restrictions and conditions. The position of a Catholic priest is a position of public trust, not just for Catholics but for all people. To have him present in the midst of the Archdiocese as a priest, even though permanently withdrawn from public ministry, undermines the credibility and ministry of all priests.

Finally, given the history and the widespread knowledge of his situation, it would be a cause of scandal to the Catholic faithful and to all people if he were to return to the Chicago metropolitan area and remain a priest. Because the facts of his case are so public, it is no longer possible for this Archdiocese to house him at an ecclesiastical facility.

Sincerely yours,



Francis Cardinal George, O.M.I.
Archbishop of Chicago

CB5/MAD 00725