

## **V. Diocesan Policy and Practice The Church's Response to Clergy Sexual Abuse**

### **A. Introduction**

After examining thousands of pages of documents outlining the Diocesan response to the sexual abuse of children by priests, the Grand Jury found a number of overarching themes that can be summarized as follows:

The response of priests in the Diocesan hierarchy to allegations of criminal sexual abuse was not pastoral. In fact, although there was a written policy that set a pastoral tone, it was a sham. The Diocese failed to follow the policy from its inception even at its most rudimentary level. Abusive priests were transferred from parish to parish and between Dioceses. Abusive priests were protected under the guise of confidentiality; their histories mired in secrecy. Professional treatment recommendations were ignored and dangerous priests allowed to minister to children. Diocesan policy was to expend as little financial capital as possible to assist victims but to be well prepared for the possibility of enormous financial and legal liability. Aggressive legal strategies were employed to defeat and discourage lawsuits even though Diocesan officials knew they were meritorious. Victims were deceived; priests who were civil attorneys portrayed themselves as interested in the concerns of victims and pretended to be acting for their benefit while they acted only to protect the Diocese. These officials boldly bragged about their success and arrogantly outlined in writing mechanisms devised to shield them from discovery. These themes framed a system that left thousands of children in the Diocese exposed to predatory, serial, child molesters working as priests.

Until the early 1980's, the Diocesan Director of Priest Personnel had responsibility for cases involving the sexual abuse of children by priests. The Director of Priest Personnel is elected by his fellow priests for a specific term although on at least one occasion he was

appointed directly by the Bishop. There are no written qualifications for the job. Prior to 1994, only one of the priests who held the position had any professional training dealing with individuals in crisis.<sup>73</sup> The Director of Priest Personnel is also the secretary to the Priest Personnel Assignment Board. The members of this Board include a variety of high-ranking Diocesan officials and other priests (two each from different age groups) and are also elected for specific terms. The Priest Personnel Assignment Board has responsibility for interviewing priests about their present and future assignments, advising the Bishop on assignments, acting as a source of information to the Bishop on the state of the parishes and rectories, to be of ongoing availability to priests, to recommend incardinations, to interview the newly ordained for their first assignment, to seek recommendations from groups with particular interests in the assignment of priests, to conduct interviews for priests applying to be pastors, to initiate the appointment of parish administrators, to make judgments on requests of priests for special ministry, react to the proposed policies of the Priest Personnel Policy Board and execute the policies of the Priest Personnel Policy Board.<sup>74</sup> (Grand Jury Exhibit 161)

Stenographic minutes are taken at Priest Personnel Assignment Board meetings, usually by a clerical secretary. Minutes are provided in summary form, with detailed attachments. Members of the Board are directed to leave the minutes at the meeting place and not to take them

<sup>73</sup> At least one of these priests told the Grand Jury that he felt unprepared and ill equipped to deal with cases of sexual misconduct by priests.

<sup>74</sup> This board is a loose affiliation of priests who review the Diocesan policy manual and update it when necessary.

back to their rectories. (Grand Jury Exhibit 204) The meetings are confidential and the information discussed is not shared with priests or others not affiliated with the Board.<sup>75</sup>

The Director of Priest Personnel is referred to among priests in the Diocese as the “priest to the priests”. As such he is often the first to learn about a priest in trouble. The Director of Priest Personnel has access to the personnel files of all priests working in the Diocese including the confidential and secret archive files although at least one Director candidly admitted he did not read them. He testified before the grand jury that he regarded this as a “failing”. One of the consequences of this failure, was that treating professionals, lacked complete histories about priests involved in the sexual abuse of children. This happened because the Director of Priest Personnel did not review prior psychiatric evaluations and letters of complaint about sexually abusive priests that were in their personnel folders. Thus, when *Priest K* was sent for a psychiatric evaluation after allegations of sexual abuse had been made, the treating facility involved was unaware that he been previously evaluated elsewhere. They also did not know that this evaluation had resulted in a caution to the Diocese, that *Priest K* could not be “psychiatrically cleared” to return to ministry, until he received serious therapeutic intervention. Whether this “serious intervention” ever took place remains a mystery.

On the other hand, members of the Priest Personnel Assignment Board did not have access to the confidential or personnel files of priests and they were never told if a priest had a secret archive file. Consequently, members of the Priest Personnel Assignment Board routinely discussed priests and their potential reassignment without knowledge of their history. This included priests with a history of sexually abusing children. For example, *Priest G* (whose

<sup>75</sup> At least one priest in the Diocese who served on this Board was investigated and treated as a result of his sexual abuse of a child. He was not asked to resign his position on the Board.

conduct was detailed in Part II of this report) was described to the Priest Personnel Assignment Board only as a priest who had, “ a few incidents, he didn’t use good judgment” (Grand Jury Exhibit 196) and *Priest D* as merely, “tough”. These descriptions completely misrepresented the character of these priests to the Priest Personnel Assignment Board and obviously resulted in its members being in the dark about their hazardous behaviors. (Grand Jury Exhibit 197) Moreover, with respect to *Priest K* whose sexually abusive career has also been fully described, there was a specific agreement with his therapist that “no report would be submitted to the Diocese”. (Grand Jury Exhibit 11L) A Diocesan priest involved in personnel matters, testified that this meant that no report would be made to the Priest Personnel Assignment Board, about the incidents that prompted the therapy. When one of *Priest K*’s pastor’s wrote to a high-ranking Diocesan official asking that he be transferred, in part because of his “manipulative” relationships with students in the parish high school, the minutes of the Priest Personnel Assignment Board meeting at which the request was considered reflect, that even though they knew the school principal did not want *Priest K* in the school, the consensus of the Board was that, “*Priest K* should stay and [the pastor] confront the problem if and when it surfaces.” (Grand Jury Exhibits 11H, 166) The minutes do not reflect that the Board knew the exact nature of the complaint about *Priest K*. Later this priest was diagnosed a pedophile; his behaviors had previously been described in one evaluation as “predatory”. This, was in spite of the fact, that the information about the pastor’s complaint was not passed along to this professional because the priest responsible for doing this did not examine *Priest K*’s personnel file. Personal observations of priests, who were members of the Board, were also not discussed at their meetings. For example, one Board member once lived with *Priest D*. When he observed children in *Priest D*’s rectory room he did

not speak to him about it since he wasn't the pastor. Although this priest had a high-ranking position within the Diocese, and it was his personal policy not to engage in this type of behavior, he never reported this information to the Board when they were considering *Priest D's* assignments. Even those priests who were directly involved in the Diocesan response to priests accused of sexually abusing children, and who were also members of the Board, did not share what they knew about priests with their colleagues, because they felt the information was confidential. In one particularly troublesome case, high-ranking Diocesan officials, responsible for handling allegations of sexual misconduct, discussed a priest who had applied for a chaplaincy at a Diocesan high school. Their review of his case was prompted by "credible information from priests who feel that Father (name omitted) is overly involved with teenage boys; taking them on trips and giving them access to his room in the rectory". The situation was described as involving "incipient boundary issues". Investigation of the allegations revealed that his pastor described the relationships between the priest and teenage boys as "very much personal and not pastoral". Even the formation of a youth group by this priest was described by his pastor as a misnomer, since it apparently existed for the personal interest of the priest, and not for the good of the parish. Moreover, the pastor noted that he hoped the priest would be able to differentiate between his personal needs and professional/pastoral needs if he were to be assigned as a high school chaplain. This can hardly be considered a resounding endorsement for such an important position from the pastor of the priest under consideration. (Grand Jury Exhibit 147E) Despite these concerns, the Priest Personnel Assignment Board was never notified of these issues and they assigned the priest to the high school.

The Grand Jury finds that once a priest was authorized for an assignment, there was no mechanism for the Priest Personnel Assignment Board to learn anything about him, except what was publicly available, even though the sexual abuse of a child is a crime under both civil and canon law. (In fact, one witness before the Grand Jury who was a member of the Board, testified that he trusted that the Diocese would never allow the Board to consider the application for the assignment of any priest who was unfit for parish ministry. The Grand Jury finds that this is simply untrue.

Until 1992 there were no written protocols in the Diocese for handling cases involving the sexual abuse of children by priests. Most priests, including those involved in the Office of Priest Personnel, believed that the unwritten policy was to have the priest evaluated and provided with appropriate counseling. The Diocese would then be in a position to follow up with his therapists to insure no further inappropriate conduct was taking place. Yet, as the following examples illustrate, even this unwritten policy was poorly executed.

*Priest M* abused a number of young boys and followed two of them out of the Diocese when they went away to college. (See, Part II of this report for complete details of this abuse) When one of his victims contacted the Diocese in 1980, and described what he had endured, he learned that *Priest M* was serving in another Diocese out of the state. When the Diocese of Rockville Centre contacted *Priest M* about the allegations, he admitted them and professed to be cured. No further action was taken at this time. The Diocese of Rockville Centre did not send *Priest M* for a psychiatric evaluation until two years after the original complaint was made against him. During that time he continued in his assignment as a parish priest. The evaluation was done on an outpatient basis. A copy of this evaluation could be found nowhere in his personnel file, including *Priest M's* secret archive file, although it was sent to the Diocese.

(Grand Jury Exhibit 21B) The out of state Diocese to which *Priest M* was assigned was not told of the fact that he was a child molester until, *Priest M's* victim informed them. Thereafter, *Priest M* remained in active ministry until 1989, when his victim handed out a letter to parishioners in the parish where he was assigned, informing them of his abuse. It was only after this public embarrassment that *Priest M* was seen again by a psychologist for a brief period of time. He ended the sessions because he “wanted to give it a little time”. In 1990, *Priest M* told the Diocese that he wanted to return to ministry in a parish. Rather than categorically rejecting this notion, the Diocese told him that they would require him to release to them the reports of his last sessions with his psychologist. The psychologist recommended that he not be returned to a parish unless he engaged in a long period of psychotherapy. It is not clear from his personnel folder that this took place. In any event, it was the Diocese’s position that *Priest M* would not be returned to a parish until he was able to reach a “personal settlement of concerns with (name omitted) so that everyone would be satisfied that he could function without negative publicity”. (Grand Jury Exhibit 21B) Whether *Priest M* would re-offend seemed to be of little consequence.

*Priest B* abused sacristans in the parish where he was assigned as they prepared for mass. These allegations are discussed in detail in Part II of this report. The initial report of abuse was ignored completely by the pastor to whom the complaint was made. Three years later new allegations surfaced that were handled by priests at the highest levels of the Diocese. *Priest B* was simply transferred to a new parish. Although there is correspondence to the parents of one of his victims that indicates *Priest B* is in counseling “with a highly recommended psychologist” there are no psychological or psychiatric reports in *Priest B's* personnel file including his secret archive file. (Grand Jury Exhibit 153D, 153B) Therefore, even if this representation were true, the Diocese apparently remained ignorant of any diagnosis. *Priest B* remained in active ministry

in the Diocese of Rockville Centre for the next four years. During this time he requested a transfer out of state on at least three occasions. Finally in 1989 he was transferred to an out of state Diocese as a priest in “good standing”. Officials in his new Diocese were told nothing of the credible accusations of sexual abuse. Later, when a new complaint surfaced in that Diocese the Diocese of Rockville Centre finally revealed what they knew about *Priest B*.

The first allegation against *Priest G* surfaced in the middle 1980’s and was the result of a complaint by a young boy that *Priest G* had forcibly pinned him up against a wall and kissed him on a trip out of the country. *Priest G* was sent to a psychologist on an outpatient basis for two years. He was transferred to another parish but they were not informed of the incident, or the subsequent investigation by the Diocese, that confirmed *Priest G’s* behaviors with young boys were abnormal. (Grand Jury Exhibit 19L) Again, there are no reports from the psychologist in *Priest G’s* personnel file including in his secret archive file with the exception of one short letter indicating that the “incident which drove him into treatment was an unfortunate event which could have happened to any priest as close to the community as *Priest G* was.” (Grand Jury Exhibit 19F) On this basis *Priest G* was permitted to continue to minister in a parish. When asked in the grand jury whether the Diocese was correct, in trusting a recommendation from a professional that seemed to defy common sense, since the conduct involved pinning a young boy against a wall and kissing him, a high ranking official indicated that it was a mistake to do so. Nevertheless, the Diocese clearly relied on this absurd conclusion. Subsequent to it, *Priest G* was transferred to two parishes with schools.

Even in situations where the unwritten policy of evaluation and therapy was followed, the members of the intervention team always put the interests of the priest and Diocese first. For example, *Priest T*, a Diocesan priest not heretofore mentioned, was accused of molesting a



number of young children in a parish assignment. After a period of therapy, it was recommended that he not be returned to ministry where he would be in unsupervised contact with young people. Thereafter, the intervention team recommended that he be offered the position of,

“Vicar for Senior Priests...This is a prestigious and responsible assignment which would not, in any way, be a disgrace for *Priest T* and would make use of his administrative and personal talents. Furthermore, in such an assignment it would be possible to inform him of and enforce the therapist’s recommendation that he have no unsupervised contact with young people without drawing special public attention to this limitation. At the same time, we would be able to assure (name omitted) that all of her concerns about her own children and other children were being addressed.” (Grand Jury Exhibit 184)

To the priest who brought the information about *Priest T* to the attention of the Diocese and assisted the victim’s mother in pursuing her complaints, the intervention team was not so kindly disposed. In a memo to another high-ranking Diocesan official it is suggested, “ that no serious consideration will be given to offering him another assignment in our Diocese” (Grand Jury Exhibit 184) In the Diocese of Rockville Centre, a priest who molests children should suffer no disgrace but one who advocates on their behalf risks banishment.