

Conclusions

The Grand Jury makes the following conclusions based upon the stated findings of fact:

Priests assigned to and working in the Diocese of Rockville Centre committed criminal acts in violation of New York State Penal Law Article 130, Sex Offenses, and other statutes designed to protect the health, safety and welfare of children. These criminal acts included, but were not limited to, Rape, Sodomy, Sexual Abuse, Endangering the Welfare of a Child and Use of a Child in a Sexual Performance. Not one priest in the Diocese who knew about these criminal acts reported them to any law enforcement agency.

Frequently, because of the nature of child sexual abuse the victims of this criminal activity do not and did not, in these cases, disclose it until they were adults. This was almost always after the statute of limitations for the criminal prosecution of these crimes had lapsed. Even when offender priests were sent to an out of state Diocese the tolling provisions of the New York State Criminal Procedure Law did not effectively work to allow a criminal prosecution. The limitations contained therein precluded the prosecution of offenders living out of the state.

The Grand Jury concludes that officials in the Diocese failed in their responsibility to protect children. They ignored credible complaints about the sexually abusive behaviors of priests. They failed to act on obvious warning signs of sexual abuse including instances where they were aware that priests had children in their private rooms in the rectory overnight, that priests were drinking alcohol with underage children and exposing them to pornography. Even where a priest disclosed sexually abusive behavior with children officials failed to act to remove him from ministry.

The Grand Jury finds that although there is no statutory legal requirement for priests to report the abuse of a child to law enforcement there should be. This reporting requirement must

include a provision mandating an immediate report of child abuse directly to local law enforcement without any prior investigation by the reporter. There must be serious penalties for a violation. The Grand Jury concludes that where the report of abuse includes an allegation of sexual abuse the failure to report this must be a felony under the New York State Penal Law. Any person or institution as defined in the recommended change to the New York State Penal Law who violates the mandatory reporting obligations on more than three occasions should be subject to monitoring by a court-appointed outside agency to insure compliance with the statute.

The Grand Jury concludes that the history of the Diocese of Rockville Centre demonstrates that as an institution they are incapable of properly handling issues relating to the sexual abuse of children by priests. The Grand Jury concludes that this was more than simple incompetence. The evidence before the Grand Jury clearly demonstrates that Diocesan officials agreed to engage in conduct that resulted in the prevention, hindrance and delay in the discovery of criminal conduct by priests. They conceived and agreed to a plan using deception and intimidation to prevent victims from seeking legal solutions to their problems. This included victims who were seeking compensation for their injuries in the civil courts. There, Diocesan officials pursued aggressive legal strategies to dismiss time barred claims and improperly named parties. They insisted upon confidentiality agreements in cases that were settled. This policy put children at risk inasmuch as victims were prohibited by law from speaking out about the criminal conduct of sexually abusive priests. Absent the adoption of these recommendations, the Grand Jury does not believe that the Diocese of Rockville Centre has the demonstrated capability to properly handle the issues of clergy sexual abuse.

Diocesan officials used the hollow promise of treatment and re-assignment for offenders and the inducement of monetary payments to victims to guarantee their silence. This had the further effect of concealing and preventing the discovery of heinous crimes committed by priests.

The Grand Jury concludes that the conduct of certain Diocesan officials would have warranted criminal prosecution but for the fact that the existing statutes are inadequate.

The Grand Jury concludes that criminal prosecutions are precluded because there was no legal responsibility on the part of priests to report what they knew about child abuse and also because prosecution for the substantive criminal acts of priests were beyond the statute of limitations.

The Grand Jury finds the actions of Diocesan officials who were responsible for making and implementing policy reprehensible, and urges the state legislature and other elected officials to adopt the recommendations that follow. The Grand Jury understands that government must not interfere with the practice of religion and does not seek to do so in its recommendations. The Grand Jury is sensitive to and mindful of the constitutional principle of the separation of church and state that we all cherish. However, the Grand Jury also knows that government has an obligation to protect its citizens, especially its most vulnerable ones, the children.