

**A Ten Year Progress Report
June 2012**

National Review Board

Preamble

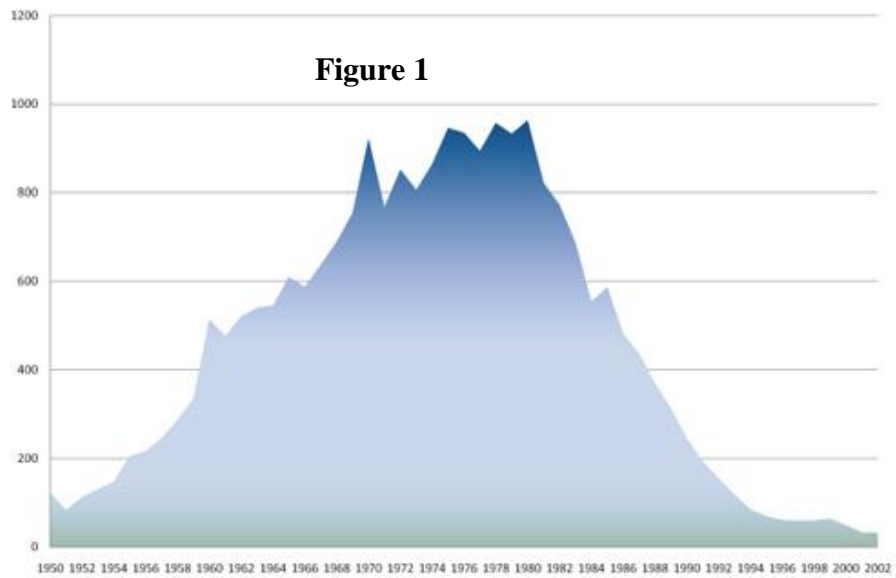
In 2002, the bishops of the United States approved the *Charter for the Protection of Children and Young People*. Ten years later, there has been striking improvement in the Church’s response to and treatment of victims. Children are safer now because of the creation of safe environments and action has been taken to permanently remove offenders from ministry. Yet, much work still needs to be done. The National Review Board (NRB) offers this report to the bishops and the faithful to highlight both what has been done and what is still needed to be done to protect children and restore trust.

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The *Charter for the Protection of Children and Young People* begins with the Section entitled: **To Promote Healing and Reconciliation with Victims/Survivors Of Sexual Abuse of Minors**. It includes Articles 1-3.

In the past ten years over 15,000 victims have come forward to tell the secret they had carried for years; and each year more have come forward. It is impossible to know the final number of victims. The John Jay Study of the Nature and Scope of the abuse

found the incidence of abuse began to rise in the sixties, peaked in the seventies and declined sharply in the eighties.<sup>1</sup> (Fig. 1)



The new cases reported yearly continue to fall into this same pattern. The peak of the curve is not moving forward or broadening as time goes on. While it often takes years for

<sup>1</sup> Nature and Scope of Sexual Abuse of Minors by Catholic Priests and Deacons in the United States 1950-2002

victims to come forward, in eight years since the Nature and Scope Study was released, the peak of abuse has not moved forward. The hundreds of cases that occurred in the past that are reported yearly continue to fall within the timeline of the established curve.

However, the hurt of the abuse is not simply in the past. It is apparent that many people abused fifty years ago are still hurting. Strides have been made in the work of healing and reconciliation. We want to point out these strides:

Prior to the *Charter*, at least 25 dioceses/eparchies had Victim Assistance Coordinators (VAC); since 2002 all 195 dioceses/eparchies have them. The VAC assists the bishops in responding to those making allegations in ways that promote healing and reconciliation. The Church learned that responding to victims in a strictly legal manner did not help either the victims or the Church. In the long run, the strictly legal response caused more pain, did more damage and cost more money. The lesson learned by the Church is clear: we must treat those making allegations of sexual abuse with compassionate care. It is not only the best solution but the right thing to do and an integral part of the Church's spiritual mission.

The emphasis in dioceses/eparchies has moved from a legal response to a pastoral response and that emphasis continues to be seen in the pastoral responses today. As reported in the Annual Reports, dioceses/eparchies are responding by offering therapeutic mental health services as well as spiritual experiences such as healing Masses, retreats, and diocesan novenas for healing. We commend these bishops who are providing pastoral services to victims. This is an area where it is evident that change has taken place.

Policies and procedures to carry out the *Charter* have been implemented across the country. Prior to 2002, at least 77 dioceses/eparchies had policies and procedures in place to respond to allegations of sexual abuse. Now all 195 dioceses/eparchies have such policies and procedures. Codes of conduct are in place for clergy, employees and volunteers. All dioceses/eparchies have Review Boards whose responsibility is to advise the bishop on whether or not a cleric accused of sexual abuse should be reinstated or permanently removed from ministry. These boards consist of laity and clerics, both diocesan employees and those not in the employ of the diocese. This variety of voices

and viewpoints is critical to sound decision making. Bishops have found their guidance valuable as they make decisions of suitability for ministry. Some bishops have learned painfully the cost of not consulting their review boards.

Confidential settlement agreements with victims have been abolished except when requested by the victim. Prior to 2002, when bishops learned of incidents of abuse they may have quietly settled with the family of the victim. Confidentiality agreements either at the request of the bishop or the family were frequently a part of that settlement. The *Charter* forbids this practice and the audits over the past ten years verify that in cases where confidentiality agreements were made, they were only at the request of the victim.

**To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors** is the second section of the *Charter* and it includes Articles 4-7.

Perhaps the most important advance for the Church in the last decade is the realization by its leaders that cooperation with legal authorities is in the best interest of the Church and the dioceses/eparchies. Dioceses/eparchies are required to report all allegations of sexual abuse of minors to public authorities and to cooperate with all investigations on all matters of sexual abuse. They are also required to advise victims of their right to make a report to public authorities. When one bishop fails to do so, the whole Church suffers. Advising victims of their right to make a report to public authorities will only help restore the faithful's trust.

Dioceses and eparchies are required to have a policy for implementing the canonical requirement of conducting preliminary investigations promptly after an allegation is made and to have a competent person responsible for conducting the preliminary investigation. In addition, dioceses/eparchies are to be open and transparent with parish and other church communities regarding any diocesan priest that has been removed from ministry for *Charter* related abuse. The *Charter* requires that for even a single act of sexual abuse of a minor – whenever it occurred – which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state. Review Boards are crucial to this step. The National Review Board recommends that all pertinent information be given to the diocesan review board in all

allegations concerning the sexual abuse of minors by clergy. Not to do so weakens the process and provides the bishop with inadequate advice.

Zero tolerance is one of the more controversial requirements of the *Charter*. Some feel this is too harsh if, for example, behavior occurred many decades ago. But after a decade, the NRB concludes that this policy is in the best interest of children and the Church because “there is no room in the priesthood or religious life for those who would harm the young.”<sup>2</sup> Convicted sex offenders cannot be police officers, Boy Scout leaders, or teachers. They cannot be allowed to remain members of the Catholic clergy functioning in public ministry either. In 2004, the Nature and Scope Study reported 4,392 clerics had allegations made against them. Since then, an additional 1,723 clerics have had credible allegations made against them. While many of the offenders have died, 253 were reported as deceased in the 2011 Annual Report, the Church should take a special look at those men who have been removed from public ministry. Many dioceses/eparchies have developed “safety plans” for those clerics removed from ministry but not from the clerical state. These safety plans are critical to the continued protection of children. Assignment to a life of prayer and penance must be taken seriously.

All dioceses/eparchies have written codes of conduct for clergy and church employees or volunteers who have contact with children. These codes serve as guidelines for adult behavior toward children and can help someone determine if a behavior is appropriate. The code of conduct gives clear standards of behavior and a concise vocabulary to delineate how to spot and report infractions. The clarity around procedures has raised issues beyond criminal sexual behavior – into what are called “boundary violations.” These are behaviors that can cross the line of integrity and professional responsibility – improper touching, excessive tickling, dirty jokes, and the like. Audits indicate there are increasing reports of such activities. The number of boundary violation reports that involve international priests is also increasing. Many of these priests struggle with the behavioral conventions of United States culture. Behavior that might be culturally appropriate in one place, may not be appropriate in U.S. culture. This issue

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<sup>2</sup> Pope John Paul II, Address to Cardinals of the United States and Conference Officers

needs to be investigated more thoroughly and programs instituted to help international priests learn U.S. cultural ways. Because boundary violations mimic grooming behaviors, the National Review Board recommends that the bishops take action to address boundary violations made against any cleric.

Certainly many people are angry that sexual abuse by clerics occurred; but they are often angrier that bishops allowed the abusive behavior to continue. Despite solid evidence to the contrary as tracked by our annual reports, many of the faithful believe that sexual abuse by clergy is occurring at high levels and is still being covered up by bishops. This suggests a trust problem that must be met with scrupulous adherence to the *Charter*. The truth is that dioceses/eparchies are still receiving reports of the sexual abuse of minors, and that most are quickly reported to civil authorities as required by law. Those few cases that are not reported quickly become news. The harm that could be done to children and, at a distant second, the negative publicity that results, should serve as a reminder to all of how important it is to follow canon law, diocesan policy and state laws.

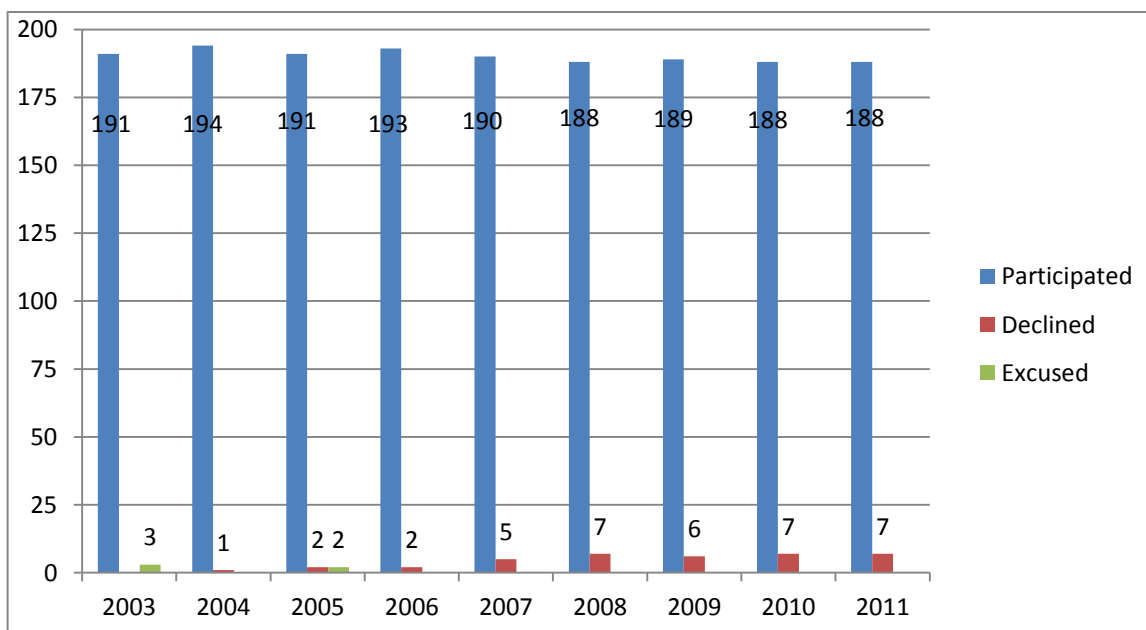
Transparency is called for in the *Charter*. It is not always an easy stance to take for an institution; however, it is an imperative of the *Charter* and will help restore trust. The NRB recommends bishops go beyond just informing communities effected by abuse, and share the good news with the faithful. Sharing yearly audit results with the faithful keeps them informed of all the work that is going into protecting children. If there is anything that needs to be disclosed in a diocese; it needs to be disclosed now. One can no longer claim, "I didn't know."

**To Ensure the Accountability of Our Procedures** is the next section in the *Charter* and includes Articles 8-11.

This section calls for an independent audit as a vehicle to hold dioceses/eparchies accountable for implementing the *Charter*. Audits have been taking place since 2003. Beginning with the 2012 audit, dioceses/eparchies will give documentation to the auditors that robustly back up the information submitted, giving more credibility to the audit process.

The first audit in 2003 included 191 onsite compliance audits. Two dioceses and one eparchy were not audited for reasons beyond their control. Comprehensive documentation was required and numerous interviews held. This audit did not reinvestigate all the cases of abuse that had ever occurred in the diocese; rather it measured progress in implementing the *Charter* and identified exceptional methods for providing outreach as well as methods of abuse prevention. One hundred seventy-one of the dioceses/eparchies audited were found compliant with all provisions of the *Charter*. Instructions (191) or Recommendations (297) were issued by auditors to those dioceses/eparchies that showed insufficiencies in their policies or procedures. Commendations (129) were given to those dioceses/eparchies that went beyond expectations<sup>3</sup>.

**Figure 2 Diocesan/Eparchial Participation in Audits**



*In 2003, three dioceses/eparchies were excused because of timing issues that were unable to be resolved. In 2005, two dioceses were excused because of the damages inflicted by Hurricanes Katrina and Rita.*

<sup>3</sup> Report of the Implementation of the Charter for the Protection of Children and Young People, 2003

The 2004 audits were conducted in 194 dioceses/eparchies, with only one diocese not participating. One hundred forty-four dioceses/eparchies were found compliant. Of the 50 dioceses/eparchies that received required actions, 43 remedied the situation in the required time. The auditors stressed that not all of the non-compliance issues necessarily meant that children were unsafe as many of the issues were administrative in nature<sup>4</sup>.

Since those first audits, dioceses/eparchies have continued to strengthen their procedures, practices and reporting processes. In 2011, all dioceses/eparchies participating in the audit were found compliant, with two dioceses and five eparchies not participating. Weaknesses noted related to letters promulgating the safe environment programs, recordkeeping practices, and parish accountability. An increasing complacency in review board meetings and revising policies and procedures were also noted. However, despite all the progress made and the overwhelming majority of bishops who enthusiastically implement the *Charter*, the question of the consequences for those who do not follow the *Charter* is still unanswered. The National Review Board asks each bishop to continue to take seriously the harm done to the Church and the faithful when these requirements are not met.

The NRB recommends that parishes be included in the audits to better determine that diocesan policies and procedures are being implemented where it really counts – in the parishes. The audits should continue to evolve from collecting quantitative data to promoting quality programs and practices. One hundred percent participation and compliance is critical to restoring the trust of the Catholic people. Bishops must continue to work toward that goal.

Along with the audit, the *Charter* called for the Committee on the Protection of Children and Young People to be constituted. Its membership consists of an elected representative of each of the episcopal regions of the United States, along with a chairman elected by the body of bishops.

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<sup>4</sup> Report of the Implementation of the Charter for the Protection of Children and Young People, 2005



After that, The National Review Board was created and continues to collaborate with the USCCB in preventing the sexual abuse of minors by persons in service of the Church by offering advice in this matter. The National Review Board meets quarterly. Twice a year they hold a joint meeting with the Committee of the Protection of Children and Young People. The goals of the NRB include:

- Implementation of the Causes & Context Study Recommendations
- Further development of an audit process that continues to increase the credibility of the process and that of the bishops'
- Evaluation of safe environment programs
- Assistance to bishops in raising the level of knowledge about the *Charter* by informing the laity of the importance of the activities required by the *Charter*.
- Working with the USCCB process regarding NRB membership, administration and programs – nominations, schedule, presentations, funding, etc.

The *Charter* also created the Office of Child and Youth Protection. Changed to a Secretariat in 2007-8 it continues to staff the bishops' committee and the NRB and is a resource for dioceses/eparchies. It produces an annual report on the progress made in implementing the *Charter*. That report also includes any changes to the *Charter* and is shared by the President of the Conference with the membership of the USCCB, the Holy See, and the public.

The final section of the *Charter* is **To Protect the Faithful in the Future** and covers Articles 12-17. The *Charter* looks to the future in these articles and requires dioceses/eparchies to prevent child sexual abuse. This is accomplished by creating safe environments to keep all children safe. Safe environments are created by training clerics, employees, and volunteers who work with children to understand the nature and scope of child sexual abuse and how to prevent it in institutions. The auditors verify that parishes, schools and institutions dealing with children comply with the safe environment program. To do so, dioceses/eparchies trained and conducted background checks on 60,190 clerics and candidates for ordination; 159,689 educators; 249,133 employees; 1.8 million

volunteers. They trained 94% of the 5.1 million students attending Catholic schools or parish religious education programs. Annually, \$20 million is spent on safe environment programs.

| Category                      | Total     | Number Trained | %    | Number Background Checks | %    |
|-------------------------------|-----------|----------------|------|--------------------------|------|
| Priests                       | 38,374    | 38,150         | 99.4 | 38,129                   | 99.4 |
| Deacons                       | 15,342    | 15,259         | 99.5 | 15,291                   | 99.7 |
| Candidates for Ordination     | 6,474     | 6,385          | 98.6 | 6,386                    | 98.6 |
| Educators                     | 159,689   | 158,390        | 99.2 | 158,855                  | 99.5 |
| Employees                     | 249,133   | 240,180        | 96.4 | 241,063                  | 96.8 |
| Volunteers                    | 1,850,149 | 1,781,849      | 96.3 | 1,790,178                | 96.8 |
| Children                      | 5,143,426 | 4,847,942      | 94.3 | N/A                      | N/A  |
| Children Opted Out by Parents |           | 62,054         | 1.2  |                          |      |

Article 15 of the Charter calls for collaboration on the part of bishops and religious ordinaries. Problems exist with the coordination between religious orders and dioceses/eparchies. Ten years is too long for there still to be incidents where dioceses/eparchies are not informed of religious order priest offenders living in the diocese until it is too late. The National Review Board recommends dialogue between bishops and religious superiors within the diocese on a yearly basis to address these issues.

### Conclusion

A serious concern of the NRB is complacency or *Charter* drift – that is, thinking 10 years of action is enough and programs and vigilance can be taken for granted or worse, watered down. While the current trend shows a decrease in clergy sexual abuse,

we must never let our guard down. Now is not the time to drift away from the moral requirements of the *Charter* and the legal requirements of reporting. Children must be protected. Bishops must continue to work toward restoring the trust of the faithful. Only when bishops are seen as following through on their promise to protect and pledge to heal, will the faithful begin to trust them to take care of their most precious gift – their children.

The Church, through the commitment of the bishops, the hard work on the diocesan level, and the cooperation of the priests, religious and laity, has done a good job of implementing the *Charter*. However, the members of the NRB, serving both the bishops and the Catholic people conclude that the work is not finished and may never be. Living up to the *Charter* is a response to our faith's call to protect life in all its stages and fulfills the demands of Catholic moral theology. The Church's belief in the life and dignity of the human person underscores the *Charter* and the work of the National Review Board. The Church must not stop addressing this issue until every person abused by a member of our clergy is heard and to continue this work as long as child sexual abuse occurs in any area of our society.

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In summary – This is a positive report. There has been a dramatic shift in the 10 years. Bishops are more accountable. They adopted the *Charter*, created the National Review Board and supported the Audit. They report to laity through the Annual Report.

Children are safer. The Church has moved from a strictly legal response to a pastoral response. The Audit is continuously refined to protect children. To advance healing we must be vigilant. The NRB members are here to assist you in restoring trust with the faithful.

Presented by the National Review Board