

E. Diocesan Sexual Abuse Policy: Post 1992

In 1992, the Diocese of Rockville Centre published a formal written policy for the handling of sexual abuse cases involving both minors and adults. The procedures and protocols were to be followed in all cases. Subsequent to its original publication the policy was modified, but not in ways that altered its fundamental meaning. This was of little consequence in any event, since from the outset, the policy was rarely adhered to. The occasional exception was where there had been actual, or a serious threat, of publicity about a case. Where a priest was arrested, for example, or where a victim was actively threatening to expose the Diocese, the priest involved would be dealt with much differently than if this had not happened so that, "...if there are questions we can say we acted responsibly". (Grand Jury Exhibit 28M)

Initially, two important facets of the policy are worth noting. First, Diocesan policy banned, from active ministry, a priest diagnosed with, "clinical pedophilia". This phrase was later modified to ban a priest with a diagnosis of, an "intractable pathological condition", a standard that was admitted to be meaningless. (Grand Jury Exhibits, 205,206,207, 9/30/02,pp.123-124)

Second, the policy set requirements for reintegrating into active ministry, offending priests, who were not so diagnosed. One requirement was that the perpetrator's pastor (or other superior) be advised of "the nature of the original complaint, the nature of the treatment given, and the nature of the after-care program in which the priest must participate." (Grand Jury Exhibit 205) This requirement was never altered. Presumably, the reason for this policy, was to offer therapeutic assistance to the perpetrator, as well as to enable his pastor to properly monitor him, for the protection of parishioners, especially children. However, in this Diocese, even when a priest admitted he had sexually abused children during his treatment and the professionals

recommended that he only be returned to ministry if his pastor were informed of his sexually abusive history, the required disclosures were rarely made. (See For Example *Priest C*, who the Diocese decided to assign to a place to “distance him from his problems” without telling anyone why he was there, and *Priest H* who, as heretofore described, was assigned to say mass on weekends at two separate parishes, without notice to the pastor).

Priest R's case is illustrative here. Two different specialists selected by the Diocese evaluated him on an outpatient basis after credible allegations of sexual abuse were made involving seven young boys. During this evaluation period *Priest R* remained in his assignment. In both evaluations *Priest R* resisted the designation of his conduct as sexual abuse and argued the boys were willing participants in any activity that took place. He did acknowledge that they used drugs, drank alcohol and viewed pornography together. *Priest R* also acknowledged sleeping in the same bed with the boys and touching them, but denied this behavior was sexually motivated. (Grand Jury Exhibits, 33I, 33J) This led one of the professionals to conclude that *Priest R's*, “tendency to externalize blame, lack of insight and rigid defenses... do not suggest a highly positive prognosis for change.” (Grand Jury Exhibit 33I, p.5) and the other to write that *Priest R*, “...does show significant indications of a severe personality disorder which is characterized by impulsiveness, immaturity, impaired ability to assume responsibility, manipulateness and a tendency to have poor judgment”. (Grand Jury Exhibit 33J,p.3) He also posits that because these traits are highly ingrained, “one would not be optimistic that major changes would take place through psychotherapy.” (Grand Jury Exhibit 33J,p.3) Both professionals advise that *Priest R* requires “external control” to ensure responsible functioning and proper judgment in his behavior, along with the “very extensive and intensive provision of monitoring and support of his day-to-day functioning”. (Grand Jury Exhibit 33I, p.6, Grand Jury

Exhibit 33J, p. 3) After an additional period of in patient evaluation the professionals concluded that, despite *Priest R's* continued denials that the conduct he engaged in was sexual, there was, “evidence of *Priest R* having a sexual interest in male adolescents. While [he] denies genital sexual behavior with teenage boys, he acknowledges sexual attraction to boys and sexual fantasies about at least one boy. *Priest R* acknowledges extremely close emotional involvements with boys and states that he has been sharing his bed with some of his closest teenage friends from the time they were in the 6th grade through high school. Especially given his acknowledged attraction to boys, the idea that he would share a bed with boys reflects extremely poor judgment.” (Grand Jury Exhibit 33L,p.8) This was surely an understatement.

Priest R was sent for residential treatment, out of the country. At the conclusion of this treatment, his risk for re-offense was described as “moderate”. The treating facility advised the Diocese that *Priest R* not be recommended for ministry where he associated with young men. They also recommended that he have a, “pastor or diocesan representative who is informed of *Priest R's* inappropriate behavior”, so that, he can “responsibly supervise” him. (Grand Jury Exhibit 33R,p.2)

When *Priest R* returned to the Diocese, he was assigned a chaplaincy at two community hospitals with pediatric units, including one with an adolescent psychiatric unit. His residence was at a nearby parish, where he also filled in saying mass and performing other duties. While the parish pastor was notified of *Priest R's* history, no one at either of the hospitals where he spent the majority of his time, was notified about his sexually abusive past. Moreover, there were no restrictions placed on his hospital ministry. A high-ranking Diocesan official could not recall if there was any follow up by the Diocese to determine if *Priest R* was involved in therapy, or a priest support group, as required by the terms of his after-care program. The Diocese never

received any written reports regarding *Priest R*. The other chaplain with whom he worked was also not informed of *Priest R*'s history. He was free to minister to sick children at either facility. This was acknowledged by a high-ranking Diocesan official in hindsight to be a mistake. In the same year, a psychologist told the Diocese that he believed *Priest R* was, "incurable", an assessment that was conceded to be correct by high-ranking Diocesan officials. (Grand Jury Exhibit 201). When a nun familiar with *Priest R*, read of still another new assignment for him, she wrote to the Diocese to voice her objections to his continued assignment and to the manner in which the victims of this priest had been treated,

I have seen the pain, anger, hurt and disillusionment that his actions caused in the lives of two of his victims and their families. I know that two of his victims are estranged from the Church and their families still suffer from the betrayal of trust of *Priest R*'s actions. These families loved and trusted *Priest R* and in return he hurt their children. Till this day neither the victims nor their families have received an apology from *Priest R*. Their memories of meeting with the diocesan representative, at the time they found out about the abuse, still raises in them intense anger and hurt because of the callous indifference and hostility with which they were treated. ...The families were told at that time that *Priest R* would not be assigned to any parish position.

It absolutely baffles me that a priest with *Priest R*'s history would be sent to the most eastern point of our diocese and be officially appointed to a public position. His appointment can be interpreted by the families of the victims that the diocese still has a callous indifference to the permanent damage that Father (name omitted) caused his victims. For me it indicates a lack of understanding of his illness and the precarious situation in which Father (name omitted) has been placed in terms of his recovery. (Grand Jury Exhibit 231)

Thus, the Grand Jury finds that although the protection of children was the written policy of the Diocese of Rockville Centre it was not the practice.

From 1992 until 2002, the essence of the sexual abuse policy in the Diocese remained the same and the triumvirate of priests known as the Intervention Team, managed its execution. In its written form the policy appeared to protect perpetrator priests and their victims. In practice, this was a hollow promise; the only entity that the Intervention Team protected was the Diocese.

The Grand Jury finds that the Intervention Team ignored advice and recommendations from Church selected psychiatric experts, they failed to notify pastors of problems with priests in their parishes, and they never told parishioners of a priest's abusive past. They did this to avoid scandal, publicity and legal liability for the Diocese and in careless disregard for the welfare and safety of children. When asked in the grand jury why parishioners were not told about sexually abusive priests, a high-ranking member of the Diocese explained that, " he [the priest] would not have been given a chance to even begin to minister there because the people would have said we don't want him here" Among other things, this institutional protection for offender priests effectively resulted in parents being unable to fulfill their religious responsibilities to their children under the Roman Catholic Catechism.⁸¹ In contravention of its own teaching, Diocesan policy put children at risk.

Diocesan officials frequently ignored the advice of the professionals they hired to evaluate priests accused of sexually abusing children. For example, *Priest S*, a sexually abusive priest who has not heretofore been described, was accused of fondling and raping four teenaged girls in his parish. (Grand Jury Exhibit 32D) After residential treatment both the facility and the Diocesan priest who was acting as a support person for *Priest S*, and who happened also to be a medical doctor specializing in psychiatry, both recommended that he not be returned to his parish. (Grand Jury Exhibits 32G, 32J) For some unexplainable reason the Diocese disregarded this advice and returned *Priest S* to his parish. This parish had an elementary school attached to it. Subsequent to this, additional allegations of sexual abuse were brought to the attention of the Diocese. Without further evaluation or treatment *Priest S* was simply reassigned, to another

⁸¹ The Catechism is a compilation of the basic teachings of the Roman Catholic Church.

parish with a school. A member of the intervention team testified before the Grand Jury that this was not the right thing to do. There was no question as to the veracity of these allegations. Notes from a high-ranking Diocesan official indicate that the report of at least one of the victims had, “internal consistency”. This priest also noted that the potential for litigation and publicity in the case was “some” since an attorney was involved and the victim had a large family with close ties to the parish. (Grand Jury Exhibit 32J) The victims had all been severely traumatized by their abuse, one had attempted suicide and the others dealt regularly with depression and anger. They were also frustrated with the Diocesan response to their situation. Many telephone calls to members of the intervention team had not been returned. Moreover, *Priest S* despite treatment, had not accepted responsibility for his actions. He was described as being in denial and minimizing the incidents, claiming they were “kind of consensual”. (Grand Jury Exhibit 32I) *Priest S* had been the pastor to one of the members of the Intervention Team. Whether this had any impact on the Diocese’s decision is unknown. However, the Grand Jury is at a loss to find any other explanation for the inexcusable actions of the Diocese in this case.

The formal written policy promulgated in 1992 also required that, in cases involving the sexual abuse of a minor, the priest involved would be sent to a non-church related facility for evaluation. This requirement was almost always ignored. Most of the priests from the Diocese were sent to church related psychiatric facilities. The grand jury received no adequate

explanation for why this was done.⁸² High-ranking church officials denied it was to keep the extent of the problem of clergy misconduct from being discovered by individuals outside the ambit of the Catholic Church. The Grand Jury finds there is no other plausible explanation for the practice.

In June of 1993, one of the members of the intervention team sent a memorandum to high-ranking Diocesan officials about policies, procedure and practice in misconduct cases. (Grand Jury Exhibit 202) This document was labeled, PRIVILEGED AND CONFIDENTIAL – ATTORNEY’S WORK PRODUCT, ostensibly to protect it from discovery in a lawsuit. The memorandum was divided into two sections, General Issues and Case Reviews, with a number of subsections addressing the workings of the Diocesan Intervention and Supervision Team, The Uninsured Perils Fund and The Importance of Procedures.

The memorandum described the,

(1) Diocesan Intervention and Supervision Team

...(names omitted) constitute a “team” which meets regularly (at least once each month) to review *all* pending cases. We maintain a list of *forty-nine* cases, including *nine active cases* and *forty non-active cases*. We share information and carefully review the status of each active case, and we make such comments or observations as may be appropriate on non-active cases.

The general categories under which we review cases are:

Legal (civil/canonical)
Administrative
Personnel
Pastoral

The purpose of these regular reviews is to provide *supervision* of the personnel being monitored and *management* of the cases before us. In simple, common

⁸² One witness claimed to the Grand Jury that treatment facilities not owned by a religious corporation were not church related even though they were run by priests and/or other religions.

sense language, we try to “*stay on top of*” active cases, and to prevent non-active cases from “*falling between the cracks.*”

Although I do much of the “investigatory leg work” (name omitted) and I work together to *intervene directly* in the cases. Even when one of us interviews a complainant alone, we consult with each other, and we almost always interview the accused person together. We have found this method very effective.

(2) The Uninsured Perils Fund

A few years ago (name omitted) set up an “Uninsured Perils Fund” to deal with cases which arose in the period of time in the early 1980’s when we had no insurance coverage for sexual misconduct. The fund is built up by the payment of premiums by parishes and other institutions, and our goal is to allow the fund to grow to approximately \$5,000,000.

Although the fund was originally conceived for a specific and limited purpose, we have expanded the uses of the fund to some extent. For example, the fund is drawn on for some regular expenses of the operation of my office, and we also draw on the fund the pay (sic) for counseling and therapy for some victims. Because it is important for us to keep this fund intact for possible future claims, we are committed to reviewing the ways in which we use this money to provide counseling services to victims. For example, it may be wise to pay out of general Diocesan Insurance funds for counseling services connected with losses which occurred at times outside of the “uninsured period “ of the early 1980’s.

(3) The Importance of Procedures

We all know about the enormous losses that some Dioceses and Religious Congregations have suffered. Although many factors have contributed to these situations, one problem has been the failure to apply *policies* and *procedures* in a rational way. Our experience thus far has been very fortunate, and that good fortune is due, at least in part, to the fact that we have *clear procedures* and we follow those procedures faithfully. The key element in our procedure is that *all allegations of sexual misconduct must be addressed by the Supervision and Intervention Team.*

Enclosed with the Memorandum you will find an outline of our procedures, and a graphic representation of the *flow of the decision making* implied in those procedures. It will be useful for us to review these. One small procedural item: if one of the (high-ranking Diocesan officials) refers a complainant to me, please do not identify me as an attorney. In fact, in these cases I am functioning in an *administrative* capacity. I am not the Diocesan Attorney. My legal training is very useful in helping to gather and analyze facts, and in helping us to avoid some obvious pitfalls, but we must avoid “frightening” people: I have had several people refuse to see me without having an attorney of their own present, because

they are afraid that “the Church lawyer” will somehow do them harm. (Italics included in the original document)

The Grand Jury finds that the fears of these victims were justified.

The next year, in July 1994, another memorandum on “Personnel Matters” was sent to a high-ranking Diocesan official on the occasion of the appointment of a new Intervention Team member. (Grand Jury Exhibit 213) In this memo the author addresses three issues; a personnel master case tracking system, the active and pending matters presently being handled by the Intervention team and the need, “ for a facility to manage our misconduct and substance abuse cases”.

Appended to the memorandum, marked in red, CONFIDENTIAL, was a list of all of the cases that had come to the attention of the Intervention Team. As of the date of the memorandum it contained 55 names. Of those, 14 cases were labeled, active; 2 active, working outside RVC; 2 litigation; 31 inactive; 1 inactive, working outside RVC; 5 inactive, deceased; 1 inactive, laicized. A brief summary of each case was annexed to the master-tracking list. The priest who was laicized had been involved with an adult woman. Of the cases involving allegations of misconduct involving children not one of the priests had been removed from ministry. Of the 20 priests, still alive, that were involved in allegations of sexually abusing children, only 5 had been sent for psychiatric evaluation and/or counseling.

As previously indicated, the memorandum proposed a “spiritual and therapeutic facility for case management” in the Diocese. The author of the proposal indicates that the need in the Diocese is “*clearly* there” and should encompass,

Priests awaiting evaluation and/or in-patient treatment (for sexual problems or substance abuse)

Priests returning from in-patient therapy (for sexual problems or substance abuse) and needing some out-patient therapy before returning to ministry

Priests who need therapy but not at in-patient facilities, and are unable to engage in active ministry
Priests with “spiritual” needs

This idea never came to fruition.

The next year, another memorandum, prepared as an up-date on sexual misconduct issues, was presented to high-ranking Diocesan officials. (Grand Jury Exhibit 215) It was labeled, CONFIDENTIAL, Prepared in Connection with Litigation, again to try to protect it from discovery in a civil lawsuit. The seven- page memorandum, complete with footnotes, advises that there has been a change in the pattern of sexual abuse cases reported to Diocesan officials. That is, the reporting of on-going sexual abuse has slowed, only to be replaced by a “dramatic increase in the number of allegations of sexual abuse of children that occurred years and even decades ago”. The writer suggests this change requires a revision of Diocesan policy to effectively deal with these new types of cases. He writes,

When we were responding to allegations of on-going abuse of minors, special opportunities for pastoral intervention were presented. We were addressing the needs of families in crisis with two major concerns: that their own children be evaluated and helped and that other children be protected from the possibility of harm. Our response to these situations was quick, real help was provided to both the children and their families *and* to the priests accused, and all parties were grateful that we were able to avoid processes which would have brought notoriety. These were cases of *immediate* suffering, and our immediate response was effective.

What we are dealing with *today* is cases of what might be characterized as “*mediate*” rather than immediate suffering: an allegation of harm done decades ago involves suffering which has been “processed” by the passage of time. The complainant’s *experience* of suffering has been affected by many factors extrinsic to the actual, historical experience: other sufferings and disappointments in life have intervened, other relationships have had impact, the complainant’s reading of press accounts and popularized reports of quasi-psychological processes have played a role, and long-smoldering resentments- some of them unrelated to whatever may actually have happened so many years ago- work like a lens to *focus* the complainant’s anger and to *alter* the complainant’s expectations.

The case of (name omitted) complaint against *Priest S* is a pertinent example. (name omitted) was accompanied by an attorney *the first time she came to see me...*

The case of the lawsuit which has been filed against *Priest R* is another example of the way the *needs* of the complainants are changing. Although there were, in that case, somewhat ambiguous allegations of two *isolated* uninvited sexual touches, the principle complaint had to do with much more complex behavioral patterns. The case of *Priest R* has more to do with *personal betrayal* (*Priest R's* betrayal of the adolescents placed in his care and his betrayal of their parents who had been his closest friends) than with sexual misconduct. From a clinical point of view, the case has more to do with *pathological immaturity* than with sexual perversion. None of the people with whom we have been dealing (the parents or their sons) presents us with a simple and identifiable set of needs. Even before the lawsuit was filed we were bombarded, *on the one hand*, with rather *formal* demands for treatment and assurances that “Priest R would never hurt kids again” and, *on the other hand*, with (inappropriate) complaints, that “we” weren’t showing enough *personal* concern for all the parties. The filing of the lawsuit has crystallized the issues even further: the legal complaint is a very elaborate one that addresses questions like the fact that the Diocese “held *Priest R* forth” as a person qualified to guide and protect young people while, in fact, he was harming them.

These are profound changes in the needs being presented by current complainants, but we are still operating out of a model designed to address the pressing, “open-wound” essentially pastoral needs of families in crisis over harm being done to their children.

When we were dealing with allegations of *current* abuse of children, the combination of legal and pastoral skills which I was able to muster was effective... In the cases we are dealing with today, the legal aspects are enormously more complex (name omitted, *did come to our first meeting* accompanied by an attorney) and the pastoral and person needs being presented are infinitely more time-consuming and personally draining.

While it is important that I be honest enough to tell you that I am coming *very near to the end of my personal resources* in dealing with these matters, it is at least as important that we not trivialize this into a question of the “burn-out” of one minister. *We are dealing with new kinds of problems and we need a new approach.*

The memo goes on to describe the most active current cases and reads in part,

Priest I

This is a \$14,000,000 lawsuit which alleges that Priest I had a long-standing sexual relationship with a young teen-age boy in the early 1970’s; we have a

“statute of limitations” defense in this case; there have been no press reports of this case

Priest R

This is a \$100,000,000 lawsuit being brought by two of the young men who were members of *Priest R*’s “inner circle” at (name omitted) Diocesan High School; although there is no statute of limitations defense, we will certainly argue that any acts which *Priest R* may have committed were not within the “scope of his authority and duties” as an agent of the Diocese. There have been no press reports of this case.

Priest S

This \$23,000,000 lawsuit alleging sexual abuse of a late-teen-age girl more than thirty years ago. We have a statute of limitations defense. This case has been reported in the press. In addition, the attorney representing the plaintiff has been retained by *three additional complainants* and another attorney has contacted us represented a *fifth* complainant. I believe there is a high potential for further press exposure. See the “Decision Item” outlined below.

There are also descriptions of other cases some of them have been previously outlined in Part II of this report and some have not. For example, *Priest T* and *Priest U* have not been previously described. Those cases are discussed in the memo as follows:

Priest T

Based on one report of sexual abuse of a young teen-age boy about eight years ago, we interviewed *Priest T* and found reason to believe there had been other similar cases. *Priest T* was evaluated at Hartford, and we told him that he would not be reassigned unless he underwent extensive in-patient treatment. At his request, the treatment was not arranged for at Hartford, but he was sent to Villa St. John Vianney in Pennsylvania. *Priest T* has now said that he does not want to continue this treatment. There have been no press reports of this case.

Priest U

We have very positive reports that *Priest U* is doing very well. The young man who was the focus of his mother’s complaint to the Diocese has now retained an attorney and is asking for financial help with counseling. The initial request is for \$50,000. We believe we can settle this matter for even less than that amount. There was oblique reference to this case in the press coverage of the *Priest Q* case.

The cases of *Priest Q* and *Priest A*, whose sexually abusive histories have been more fully described in Part II of this report, were also discussed in this memorandum. The writer explained with respect to these cases,

Priest A

While there are no specific allegations of any sexual misconduct, there have been elaborate allegations of questionable relationships. Although I felt we should have written report of a low-level evaluation of *Priest A*, the committee decided only to ask him to arrange for such an evaluation on his own. The person who brought the concerns to our attention is a very verbal, rather unstable, employee of one of our parishes. One family in that parish has hired an attorney to represent them in connection with statements she has made about them and *Priest A*, and she has hired an attorney to represent her. There have been no press reports of this case, but there may be considerable scandal being spread in the parish.

Priest Q

We have now spent nearly \$35,000 in providing treatment for the young man who lodged the complaint against *Priest Q*. He contacts us regularly, often five or six times a day, and continues to ask for (expensive) in-patient treatment. We are about to tell him that we will continue with out-patient care for six months, but will take no further responsibility for in-patient care. This case has been reported in the press.

With respect to the “Decision Item” referred to, the memorandum discloses that the following decisions had been made about *Priest S*, who five women had complained sexually abused and raped them when they were young girls.

The recent developments in the case of *Priest S* present special problems on which I will advise you, but with respect to which I need a decision from you.

Priest S denies the allegations of each of the four “new “ complainants. He goes so far as to say that he has never even heard of one of them.

If we believe *Priest S*’s denials, we should offer only limited, pastoral assistance to the complainants: e.g. out-patient treatment in one of our hospitals or in one of our Catholic Charities clinics.

If we do not believe *Priest S*’s denials, we must make a decision about how far to go in responding to these complainants’ requests for help, including whether we will continue to pay more than \$650 per day for psychiatric care of one

complainant (my offer to provide help in that case was a time-limited offer of one week of assistance; that week technically expired last Friday)

In any event, we must reconsider our decision to allow *Priest S* to continue in his assignment. That decision was based on an evaluation in which *Priest S* only grudgingly participated; that evaluation was based on the allegation of a single, isolated situation. I believe, and I urge most strongly that he now be re-evaluated by clinicians in light of the new allegations. *Priest S has asked me to tell you that he does not want to undergo any re-evaluation.* (Italics in the original document)

The Grand Jury finds that it was no coincidence that the recommendation that the assignment of *Priest S* as a parish priest be reconsidered came on the very day that a letter was received from one of the complainants attorney's indicating that " *Priest S's* resignation or dismissal is a pre-condition" for their acceptance of any legal settlement. (Grand Jury Exhibit 215)

The Grand Jury is puzzled by the exhaustive description in the memo about the change in the nature of the cases that were being reported to the Diocese. In fact, witnesses involved in the handling of these cases for the Diocese, who testified before the Grand Jury, could not recall but one or two situations they were aware of that were ongoing when the initial report came to their attention. Indeed, the Grand Jury finds that many on going cases of abuse that should have come to the attention of Diocesan officials, did not, because other priests and pastors ignored clear evidence of inappropriate conduct by brother priests with children. Moreover, in a number of cases, Diocesan officials knew or should have known of sexually abusive priests, because they were warned of their inappropriate and clearly sexual behaviors with children. The inaction of these officials placed children in danger of being sexually abused and in fact, they were. (For examples of this see *Priest D*, about whom a formal complaint was made that was ignored and *Priest A*, where the same thing happened.) The vast majority of cases reported to the Diocese have always been disclosures by adults of sexual abuse that occurred when they were children.

For the reasons articulated in Part III of this report (Child Sexual Abuse Syndrome) the Grand Jury finds that this fact is not surprising.

The Grand Jury believes that the purpose of this portion of the memo is to explain to high-ranking Diocesan officials that the potential for new lawsuits and the possibility of significant Diocesan liability resulting in large settlements is legitimate and to lay the blame for this squarely at the feet of complainants, not the Diocese or its sexually abusive priests.

The Grand Jury finds that this memo is replete with inaccuracies and attempts to minimize the conduct of the priests in question. For example, the characterization that the Diocese effectively responded to children and their parents who were in need and offered them assistance is belied by the many victims who testified before the grand jury about the insensitive manner in which they were treated by these very same Diocesan officials. Moreover, *Priest R's* case involved allegations made by seven boys involving sexual abuse, pornography, alcohol and drugs. The description of *Priest R's* actions provided in the memo is silent with respect to any of this conduct and only briefly describes two instances of touching.

In November, 1994, another memorandum was sent to high-ranking Diocesan officials regarding personnel supervision matters. (Grand Jury Exhibit 216) It too was labeled, CONFIDENTIAL, Prepared in Connection with Litigation. A number of personnel supervision matters were discussed. They are, in relevant part,

Priest I

The plaintiff and his mother both called my office in the last week. He is “unraveling” psychologically, and wants to meet with me. I have given them the message that I cannot meet with him without his attorney’s approval. He says he will dismiss his attorney.

Priest R

(Name omitted) has had contact in the last week with the family of one of the boys who had been involved with *Priest R* (but *not* one of the boys who is now suing). The (sic) continue to be angry at the “Diocese” and at me in particular...

Priest S

Priest S has been re-evaluated. That institution is recommending that he should have extended residential therapy. This kind of therapy would, once again, raise the question of his resignation or removal.

Priest T

(Name omitted) has been to see *Priest T* and may have an up-date for us on the case. We have begun to pay for counseling for the one young man we have identified.

Priest U

(Name omitted) had a rather angry letter from *Priest U* complaining that “ the Diocese has let him down” and asking when we are going to “solve” his problem. In fact we are about to settle the case for the \$50,000 initially requested (on advice of our insurance people). This is only one small part of *Priest U's* “problem” and it is the only part we can solve. The question of whether the young man will ever make trouble for him, and the more vexing question of what the young man’s mother may do, are beyond us.

Priest Q

Priest Q who is now on full retirement stipend (supplemented out of our Uninsured Perils fund for a 12-month period which will end in April, 1995, to \$2,000 per month) has now asked for an “application for disability”. I believe this is part of his inability to grasp fully what is going on. We have offered to provide him with re-training for another kind of work, but have made it plain that he will, as of next April, drop down to the retirement stipend.

New matters arising since the last report were also noted. They involved both *Priest E*, and *Priest L*, who have heretofore been described in Part II of this report.

Priest E

We have dealt with two complaints about *Priest E* thus far. A third complainant came to see me in the past week, asking for assistance with counseling. In my estimation, there is no significant danger of litigation or press reporting.

Priest L

Priest L came to see (name omitted) a few months ago because he had received phone calls from a young man who alleges *Priest L* abused him many years ago. *Priest L* paid this young man \$1700 before coming to see (name omitted). I contacted the young man, who is now living out of the country. I offered him counseling help, but he says he does not need it since his government provides the help he needs through their health plan. His brother, who lives on Long Island, has now contacted us asking for help with counseling.

The Grand Jury finds that the Diocese, in fact, solved *Priest U's* problems as he requested. They transferred him to one out of state diocese and then granted him permission to be incardinated in another. In March, of 1995, members of the Intervention and Personnel Supervision Team prepared a memo outlining Diocesan procedures for the management of sexual abuse cases. (Grand Jury Exhibit 219) This memo described the goal of the Diocese to “systematize” their approach to accusers in cases of sexual misconduct so as to:

Maintain our ***administrative oversight*** over all accusations;
Carefully monitor our ***legal response*** to all litigation and potential litigation;
Create and maintain a system for ***supervision of priests*** to keep contact with the accused after initial clinical intervention;
To create and maintain a system for ***personal contact with the accuser***; get the “liaison” (member of the Pastoral Care Committee”, described below) involved as early in the process as possible; so that the accuser, from as early on as possible, identifies *the* “liaison” as the diocesan representative for the case. (Bold and Italics in the original document)

The memo names the members of the Intervention Team and describes their function as both interviewing and case management, along with issues management. The memo also outlines which priests on the team are responsible for individual duties. As previously noted, these assignments required that in every case at least one of the priest attorney’s on the team meet both with the accuser and the accused priest.

For the first time the idea of a Pastoral Care Committee is proposed. Allegedly this Committee’s purpose is twofold; to serve as a “pastoral liaison” with the accuser in certain appropriate cases and to meet with the Intervention Team to discuss policy, procedure and reassignment of individual priests. (Grand Jury Exhibit 225)

The Grand Jury heard from members of the Intervention Team that they could not recall one instance where a member of the Pastoral Care Committee served as a liaison with an accuser. Moreover, when the Committee met to consider the reassignment of individual priests

they were ignored. This happened even though members of the committee included a psychiatrist, a doctoral level psychologist and a social worker. (Grand Jury Exhibit 220)

The Grand Jury finds that this memo is merely a ruse to disguise the fact that the liaison between the Diocese and the accuser was the same as the liaison between the Diocese and the accused and that he was an attorney.

The memo also provides another update on certain specific cases. In relevant part it discusses the following cases heretofore detailed in this report.

Priest T

His position now is that he will sign a petition for laicization if we pay of \$65,000 in gambling debts (to whom?)

(name omitted) has suggested that (names omitted) go to see him; before doing this we must have a clear plan for where we are going with this case;

Canonically we should be moving towards laicization; if, in fact, one of the victims is now 22 years old we need to know that because it may close our opportunity to bring a canonical action for dismissal...

On the civil law side, (name omitted) should begin to show that we have taken prudent steps (spending lots of money on therapy, etc.) to get *Priest T* to agree with us that he will accept retraining for a career which will not harm children; continue in on-going treatment (in connection with his "resignation" we'll make a severance settlement for counseling even after laicization).

Priest S

We should not pay for treatment for other "plaintiffs" without evaluating them; in this connection (name omitted) must contact (name omitted) to ask him to interview the four additional plaintiffs (name omitted) lawyer claims he has identified.

Priest Q

He should execute a "resignation" if he has not already done so

(Name omitted) from (parish name omitted) is "acting up" again; demanding \$55,000 "compensation" on account of his being rejected from Huntington Seminary- he is threatening to bring the infamous "*Priest Q* Video" to the press.

Priest G

(Name omitted) alleges sexual misconduct dating from 1979 when *Priest G* was deacon at (parish name omitted). Prior to 1990 we received a report from a woman that *Priest G* kissed her son passionately in an elevator while *Priest G* was chaperoning a parish trip...In May of 1990 we noted that *Priest G* should be in supervision.

I believe we should now require testing.

In April, of 1995, the Intervention Team addressed the issues raised by the previously described, “very verbal rather unstable”, parish employee who had complained to the Diocese about *Priest A* and his unhealthy interest in a parish musician. (Grand Jury Exhibit 221) The report recommended that the Diocese finally require *Priest A* to undergo a psychological assessment by a clinician of their choosing. With respect to the parish employee the memo indicated,

...She is quite right: she has called “many, many “ times (after our two exceedingly lengthy initial meetings and “many, many phone conversations” and I have not spoken to her. I told her that we would arrange for an assessment and that she would not be told the outcome of the assessment. I told her that if the assessment indicated a serious problem *Priest A* would not continue in his assignment, and that she could deduce the outcome of our process by observation. In fact, I don’t know what I could say to her in a phone conversation or in a meeting, since our process has not produced an assessment on the basis of which we could reach a decision.

The Grand Jury finds that the “process” employed in this case, which included not following the formal sexual abuse policy published by the Diocese, allowed *Priest A* to continue in his ministry and resulted in him sodomizing another innocent child.

In May of 1995 another component appeared to be introduced into the process established for the management of sexual abuse allegations against priests. A memo addressing this was prepared for high-ranking Diocesan officials and distributed to them. The memo essentially reiterated the concepts outlined previously, with the exception of a description of a new, “After-Care Pastoral Supervision”, committee which was in reality a list of priests available to serve as, “pastoral supervisors”, for priests in after-care. (Grand Jury Exhibit 224) This memo also indicates that it addresses only the Diocesan method for dealing with allegations against

priests (as opposed to deacons or other employees of the Diocese) because the specific focus of our “management is to deal with allegations which might lead either to litigation or to publicity”

With respect to the components of the sexual abuse policy, articulated in the memo, a high-ranking Diocesan official testified in the Grand Jury that almost every aspect of it had been violated at one time or another by the Intervention Team. Moreover, according to the memo, there are two priests with specialized training available to the Intervention Team for advice. This witness could only recall one or two instances where either of them was utilized and told the Grand Jury that the Diocese did not keep any records that would indicate otherwise.

This memo was labeled, CONFIDENTIAL, Prepared in Connection with Litigation. It also reviewed the approaches the Diocese took to all litigation involving sexual misconduct claims;

We have three general approaches to all litigation:

Dismissal of Improperly Named Parties: where appropriate, we seek to have ourselves dismissed out of a case; for example, the (name omitted) is often personally named in these matters, and we always argue that it is improper to name him as a defendant; in many cases we argue that naming the Diocese as a defendant is improper because of our corporate or ecclesiological structure;

Dismissal of Time-Barred Actions: many of the cases being brought today involve matters alleged to have occurred at times outside of the statute of limitations; thus far, we have been successful in having such actions dismissed, for example, in the *Priest I* and *Priest S* cases we have won this argument (it is worth noting that in the *Priest S* case, (name omitted) has filed a Notice of Appeal on her own behalf and may be taking the action to the Appellate Division of the New York State Supreme Court);

Reasonable Settlement of Claims: when we believe that there is liability, we negotiate aggressively to accomplish a reasonable settlement of the plaintiff's claims; we do not believe it is prudent or useful to waste time and money allowing these matters to go through protracted pre-trial phases (with attorney's fees piling up) and we do not believe it is proper to exacerbate plaintiffs' anger by refusing to discuss settlement terms. Thus far, we have been quite successful in these matters. From a pastoral and moral point of view, we have avoided litigation where that was possible; we have won litigation where it was necessary to proceed; and we have settled cases for reasonable amount where that seemed appropriate. (Italics in the original document)

The memo also outlined the active cases currently in litigation.

Priest I

We succeeded in having this lawsuit dismissed as time-barred; since the dismissal I have had two lengthy telephone conversations with the plaintiff, and I have had one long meeting with his parents.

Priest R

We are working with the plaintiffs' attorneys in this matter to try to achieve a reasonable settlement of the claim; thus far, the attorney has displayed little willingness to negotiate; this case continues to have very high potential for adverse publicity, and high potential for a judgment against us (though the amount of any judgment would probably be considerably less than the \$100,000,000 being demanded)

Priest S

We have won a dismissal of this action at the trial court level on the basis that it is time barred; (name omitted) has filed a notice of appeal to bring the action to the Appellate Division of the New York State Supreme Court; she has filed this Notice pro se (i.e. without an attorney) but the Notice was served on us in an envelope which bears the return address of the attorney who represented her at the trial court level- since the question of the statute of limitations is settled law at the Appellate Division level, this case will have to go all the way to the New York State Court of Appeals before (name omitted) can succeed; (name omitted) also claims to have three other women with similar complaints from the same period of time, and there is another (fifth) woman out of state with a similar complaint; this case has, of course, already generated a great deal of adverse publicity, and it retains high potential for further publicity.

Although eight additional cases not in litigation are listed, there is no update of their status in this memorandum. A high-ranking Diocesan official reluctantly agreed that the Diocese's approach to handling litigation involving the sexual abuse of children, did not come across, in a "sensitive, pastoral, caring manner".

In September of 1996, at a joint meeting of the Intervention Team and Pastoral Care Committee, there was another historical presentation of the Diocesan response to the issue of the sexual misconduct of priests. Supporting materials were distributed and are in evidence before the Grand Jury. (Grand Jury Exhibit 226) For the most part, what was covered has already been

detailed in this report. There were a few interesting additions worth mentioning here. The self congratulation evident in the late 1980's, reappeared, with the assembled priests informed that the Intervention Team approach utilized by the Diocese had been described in a book and, "has served as a model for similar teams in many Dioceses and Religious Congregations. Members of our team have been called upon to create similar teams around the country. We were called upon to set up an Intervention Team for NCCB (National Conference of Catholic Bishops) "Region 11" on the west coast."

With respect to the creation of the Uninsured Perils Fund, the supporting materials presented at the meeting, revealed that the fund was the result of an analysis of the Diocesan exposure to financial risk due to allegations of sexual misconduct. Based on the analysis it was determined the Diocese had two problems;

There was a period of five years in the middle 1980's during which we had no insurance coverage for sexual misconduct.
We were getting a steady stream of serious allegations of (then) current misconduct by priests.

To address these problems it was proposed that we create an Uninsured Perils Fund and setting up a method for addressing allegations in a systematic, pastorally sensitive and legally correct way. As of now, the Fund is added to each year from small assessments against Diocesan entities. The Fund is used to finance our address to allegations and it also is used to pay for counseling assistance given to some complainants. Because of the existence of this Fund, we are the only Diocese in the country that now has a fund for dealing with any claims which may arise out of the period when we were uninsured. That fund now has around \$3 million in it, and we are on schedule to bring it up to a total of \$5 million. We have the lowest ratio of losses-to assets of any Diocese and the lowest ratio of losses- to-number-of-priests of any large Diocese in the country. Our system is in place and working well.

In a footnote it was explained that the Uninsured Perils Fund was used to pay insurance premiums to purchase coverage for sexual misconduct. It was estimated that if these premiums

were paid out of other Diocesan insurance funds, the Uninsured Perils Fund, would meet its \$5,000,000 goal.

In a section of the supporting materials distributed to the attendees there was a section devoted to reintegration into ministry. It read as follows:

As a general principle, we do not believe that a priest who has a clinical diagnosis of “pedophilia” can ever be returned to parish ministry. If a priest has a diagnosis other than clinical pedophilia, it is our policy to consider re-integrating him into parish ministry under the following conditions:

- (a) completion of appropriate treatment
- (b) positive recommendation of the treating clinician
- (c) commitment to participate in an “after care” regimen which includes:
no unsupervised contact with minors
on-going individual therapy
involvement in 12-step group therapy
regular meetings with an appointed “Supervisor”

In some cases, even though we would be willing to reassign the priest it is determined that it is not prudent to do so. This may be due to the fact that there was notoriety attached to the case, or there may be special sensitivity on the part of the complainants, or the priest himself may not feel comfortable attempting a “new start” in our area. In such cases, we may support the priest’s effort to find an assignment in another Diocese. In such cases, we share all information with the Bishop of the proposed receiving Diocese, and we state clearly that we would reassign the priest (under the conditions described above) except for the special circumstances.

Similarly, a priest of another Diocese or a priest who is a member of a Religious Congregation may seek an assignment in our Diocese. We may give an assignment to such a priest if the conditions described above are met and if his former superiors state that they would reassign the priest except for some special circumstances.

The memorandum goes on to recite a case presentation for a member of a Religious Congregation seeking an assignment in the Diocese. This priest had actually been arrested for sexual “contact” with three adolescent boys, was convicted, was treated and while in treatment admitted to involvement with “around 50 adolescent boys”. Although he was given an assignment in his own Diocese with the enactment of, “Megan’s Law a report of his conviction

to the local Chief of Police was required; the Chief of Police was the Chairman of the Parish Council, the priest, pastor and diocesan officials all felt it was best to terminate his assignment”. Although apparently serious consideration was given to the acceptance of this priest in the Diocese of Rockville Centre, it does not appear that he ever served here.

The Grand Jury finds that the description of the issue of the sexual abuse of children by priests as “ratio of losses to assets” and “losses to number of priests” analysis reveals the true nature of the concerns of the members of the Intervention Team. What it all came down to was a simple accounting issue, nothing more or less.

For some unexplained reason there are no additional reports of the Intervention Team and Supervision Committee or the Pastoral Care Committee, to any Diocesan official, in the subpoenaed materials examined by the grand jury from September of 1996 until November 1998. At that time a formal report, in a blue binder, was submitted. (Grand Jury Exhibit 228) It was labeled, Privileged and Confidential, Attorney’s Work Product- Prepared in Connection with Litigation. The proposed agenda for the discussion which was to occur included:

- (1) Revised “Uninsured Perils Fund” System- Brief Report
- (2) Active Cases- Brief Summaries
 - (a) Active Cases-Group I
 - (b) Active Cases-Group II
- (3) Incardination Questions- Brief Report
- (4) Discussion and Questions-Full Discussion
- (5) Appendix “A”- Inactive Cases-Document (attached)
- (6) Appendix “B”- UIP Case Management

The discussion of the revised system for tracking Uninsured Perils Fund expenses related to the manner in which payments were processed. This included assigning confidential numbers to the cases involved, making payments from an attorney escrow account and various insurance reporting issues. There was a listing of case names and confidential numbers annexed as an

exhibit entitled UIP Case Management. This list demonstrates that by November of 1998 payments on a total of 91 cases were being made through this Diocesan fund.

In April, 1999, one of the Intervention Team members distributed a memorandum outlining the current status of New York State's "Child Abuse Reporting Law". (Grand Jury Exhibit 234). As with his previous pronouncements on the topic, his analysis of the law was, whether by design or inadvertence, entirely wrong.⁸³ He argued the reporting obligation was triggered only when the "mandated reporter acting in his or her professional or official capacity learns of the alleged abuse from the allegedly abused child or from the parent, guardian, custodian or other person legally responsible for the allegedly abused child". The message is clear, even assuming the obligations of a mandated reporter, if a priest reports or admits abuse to another priest, the latter has no legal responsibility to report it to the authorities. The Grand Jury finds this interpretation to be callous in view of a priest's responsibility to minister to the people. It reinforces the role of the Intervention Team members as protectors of the Diocese.

The final master case tracking system status report examined by the Grand Jury was dated April 26, 2002. It summarized the cases of fifty-eight priests involved in some form of sexual misconduct. Fourteen cases were carried in active status as of that date. Three priests were assigned to Dioceses outside of Rockville Centre. Only one priest, the same one who had appeared on the first master tracking status report, had been laicized.

Perhaps, no document demonstrates the failure of the Diocese in its handling of sexual abuse cases, and the fabrications presented in the Intervention Team reporting of its policies, better than a 1999 summary of clinicians recommendations with respect to priests under

⁸³ It is difficult to understand the necessity of this memo, in any event, since priests have never been mandatory reporters of child abuse.

supervision. The clinicians were brought together to advise the Diocese on questions of reassignment.

The following recommendations were made:

Priest H

He should stay in his present assignment and residence
He needs more therapy
He should have no weekend assignment
He should not help with confessions
He should not use the condo at the shore alone
We should let him know his only prospects are for assignments of this kind
We should set a date for another review

Priest C

He is very manipulative
He should have no parish assignment
He needs alcoholism intervention and treatment
He is a sociopath-a “time bomb”
He needs a structured environment (assignment and residence)
He needs regular, on-going therapy
He should have no Sunday Mass or Confessions assignment
A question to explore: does this case need a second opinion?

Priest R

His diagnoses are very serious
We need to explore
What to do next with a young, bright, talented priest
How does a young priest living in a parish avoid adolescents
The likelihood of recidivism is very high
There is evidence of a great deal of pathology
AA is necessary
We must get a treatment plan in place
We should arrange for a check of his physical condition

Priest V (not heretofore discussed)

Discussion deferred

Priest K

We must take this case “step by step”
We should offer him nothing more than a nursing home assignment
His present residence needs to be reviewed
An aftercare plan is an absolute necessity

Official written Diocesan policy always required the approval of the treating clinician prior to a priest accused of sexual misconduct being returned to any ministry, even one outside of a parish. (Grand Jury Exhibits 205, 206, 207). This did not mean that the clinician was directly informed of the proposed assignment and agreed to it in writing. Rather, the clinician's approval would be inferred or implied from their final report to the Diocese.

Frequently, members of the Intervention Team overruled the recommendations of the clinicians, in any event. Compounding this, they never informed a priest's superiors they had done this. So, when *Priest C* was called a "socio-path", a "time bomb" by the consensus of a psychiatrist, psychologist and social worker, the individuals in the hospital where he was assigned did not know this. The clinicians also recommended that *Priest C* specifically not be assigned to celebrate Sunday mass or hear confessions. In contravention of this, *Priest C* was assigned for exactly these tasks in two separate parishes. On this issue, the following colloquy took place in the Grand Jury during the testimony of a high-ranking Diocesan official:

Q. They also recommended that he should have no Sunday mass or confession assignments; is that correct?

A. Yes.

Q. Ultimately, he was given Sunday mass, weekend assignments in a parish (omitted)?

A. Yes. That was not an official assignment. It was weekend mass that he would go out and come back for.

Q. Well, but he was saying mass in a parish?

A. Yes.

Q. And your own team recommended that he should not have Sunday mass or confession assignments. But who decided that he was going to have this weekend assignment...?

- A. He had asked (name omitted) if he would permit him to do that because he enjoyed celebrating Sunday mass and, at the hospital, um, he wouldn't have mass every Sunday because one chaplain was on one Sunday and other chaplain would be on the other Sunday, and he wanted to say mass on a Sunday so the (name omitted) allowed him to say mass.
- Q. Did you say to (name omitted), our psychiatrist, our psychologist, our social worker says he should not have Sunday mass or confession assignments? How can we send him out to these unsuspecting people, this man who has been called a sociopath, to do this? Did you ever say to him, (name omitted), you are wrong?
- A. I did not say that, no.
- Q. Why not?
- A. Because I believed as the committee did that he had reformed his ways...
- Q. And you did it against the advice of the professionals that were supposedly charged with giving advice?
- A. Yes.
- Q. And you didn't tell (name omitted) about *Priest C's* history either, until many, many months after the assignment had been given for weekend masses; is that right?
- A. That's correct, yes.
- Q. So nobody, not the pastor, not the parishioners, nobody knew that *Priest C* had abused many, many children when he was assigned previously as a parish priest? Nobody out there knew that?
- A. They didn't know that, no.
- Q. And your own policy, even the policy that was in effect in 1995, said that the pastor should be informed about a person's past; is that correct?
- A. If there is an official assignment. This was not an official assignment. It was Sunday mass and, yes, looking back on it, it should have been—
- Q. What do you mean it was not an official assignment? Just because there is no letter saying you are officially assigned to say mass in

(name omitted), that doesn't mean he wasn't going out there and saying mass and hearing confessions and having interactions with children and teenagers, did it?

A. He was just saying mass. He was not doing confessions.

Q. Were you there (name omitted) to make sure he never talked to a teenager, that he was never alone in the sacristy with a child?

A. No.

Q. (Pastor's name omitted) wouldn't have known that was something he was not supposed to do because he didn't know, correct?

A. He didn't—he had not read the documentation at that point in time.

Q. (Pastor's name omitted) has been here, (name omitted). He knew nothing. He said he didn't know anything about *Priest C's* past. He didn't know he had a drinking problem. He didn't know he had a problem with teenagers. He knew nothing. And he did nothing to make sure that there was not a repetition of the previous behavior because he couldn't because he didn't know it existed. And that's what your own policy said you were supposed to do, correct?

A. Correct.

Q. Why wasn't it done?

A. Well, part of it was the priest would have known there would have been some issue with *Priest C* because one minute he's a pastor then the next minute he's not around for six months.

Q. That's not what (Pastor's name omitted) testified to. (Pastor's name omitted) sat in that chair and said he didn't know anything about him.

A. Well, priests knew that if somebody was out of job for a while, especially as a pastor, he was removed as pastor of (name omitted) and he was away for a while and came back to a limited ministry, to go from being a pastor, to working in a hospital, uh, the priest would know there would be some significant issue there that the church, the diocese (name omitted) was trying to reintegrate the pastor, the priest, into some form of ministry. So I mean he certainly would not have, certainly would have put that together.

- Q. That's not what he testified to. Would you like to have the reporter go back and read the testimony for you? He said he didn't know.**
- A. He didn't know. He didn't know anything official from the diocese, that's correct, at that time.**
- Q. My questions is, why not? Why wasn't he told? Why wasn't your own policy followed? That was my question.**
- A. It was an oversight and it should not have happened.**
- Q. Was it an oversight or was it an exception? Was there something about *Priest C* that caused him to be exempted from these policies?**
- A. Exempted?**
- Q. Yes, to be made an exception for.**
- A. No, because it happened with other priests, too.**
- Q. So the policy was deviated from frequently, with respect to notifying, let's say, a pastor?**
- A. In this instance and with going out for Sunday mass, it was, yes.**
- Q. Well, you just said with other priests it was also.**
- A. Well, with *Priest H* also said mass on Sundays.**
- Q. (Pastor's name omitted) didn't know about that either?**
- A. No, he didn't.**
- Q. So it was not just one priest. It happened on a number of occasions where a pastor would not be advised that a priest, for instance, had sexually abused a minor?**
- A. Right.**

When this witness was asked to define the word "sociopath", he explained it to mean "one who cannot relate to reality". Yet, for some reason, the Diocese determined this priest could effectively minister.

At one point, *Priest C* was also given permission to change his residence from one for retired priests to a parish with a school. Thankfully, when the pastor of the parish refused to read *Priest C's* personnel file, he was returned to the facility for retired priests.

Priest H was already saying weekend masses and hearing confessions when the clinicians advising the Diocesan Intervention Team recommended that he not do so.

Again, the Diocese ignored these recommendations and allowed him to continue this assignment. They also failed to inform the pastor of the parish of his history or the recommendations of the clinical professional.

This priest also owned a condominium nearby to the parish where he was saying weekend masses. The clinicians had recommended that *Priest H* not be permitted to use this condo alone. Rather than following this recommendation, the Diocesan officials who were members of the Intervention Team told *Priest H*, “he should not have guests at that place, we could not forbid him to go to his own place, he went out there to say mass, we could not put handcuffs on him.”

The Grand Jury finds that while the Diocese may well have not been in a position to forbid him to use his property, it was not necessary for them to make it easier for him to do so by assigning him nearby.

With respect to *Priest R*, the clinicians advised the Intervention Team that his diagnoses were very serious and the likelihood of recidivism very high. This should not have been a surprise to the Intervention Team members since they had previously been told by at least two other treatment professionals that his prognosis was extremely poor. Nevertheless, his faculties to act as a priest were not removed until almost two years after these devastating conclusions were known to Diocesan officials.

Priest K had been troublesome for the Diocese as a child molester and, essentially, an unassignable priest, years before the clinicians recommended in 1999 that he should be offered nothing more than a nursing home assignment. Previous evaluations had labeled his conduct predatory. Even *Priest O*, who himself admitted to the abuse of a dozen young boys, asked for *Priest K* to be removed from his assignment because of his, “manipulative”, relationships with boys. The Diocese finally removed his faculties to act as a priest in 2001. In early 2002, *Priest K* was diagnosed with clinical pedophilia.

There were no recommendations made with respect to *Priest V* because the committee ran out of time. *Priest V* was ultimately allowed to retire from active status after serious, credible allegations of child abuse against him were brought to the attention of the Diocese, within the criminal statute of limitations. The allegations were that, when *Priest V*'s victim was an altar server at age nine or ten, *Priest V* would force him to sit in a chair, would place one hand over his mouth to keep him silent and fondle his genitals over his clothing. The conduct escalated to where *Priest V* would force the young boy to lie on the floor and partially disrobe him by sliding his underpants and trousers to his knees. Thereafter, he would restrain his victim by using his own knee and hold his hand over his mouth. He would then fondle his genitals.

Three years later, *Priest V* was arrested for the sexual abuse of another boy. In a memo to high-ranking Diocesan officials about the arrest and the prior complaint, a member of the Intervention Team writes:

In January of 1999, *Priest V* was accused of having sexually molested (name omitted), an altar server.

Priest V vehemently denied those specific allegations and insisted that attraction to youngsters is “not part of my makeup”. While the present allegations are not direct evidence that these earlier allegations are true (to the extent they are true), the present allegations are direct evidence that *Priest V* did not tell us (or the clinicians who treated him last year) the truth about his inclinations.

This statement is disingenuous since the Diocese was aware that, at the time of the original complaint, a school principal had specifically asked *Priest V* to stay away from the school because his involvement was inappropriate. (Grand Jury Exhibit 230, p. 4). In typical fashion, this did not signal anything to the Diocese about *Priest V*.

The Intervention Team member author of this memo admits to lying about what the Diocese knew about *Priest V* to the press. He writes:

In dealing with the press in connection with the present allegations, I have responded to questions about past allegations against *Priest V* by saying that I have no knowledge of “similar allegations”.

He argues this was done exclusively to protect the confidentiality of the prior victim. Nevertheless, the writer is very concerned that his statements have angered the victim’s family to the extent they may go public.

„revelation of the (name omitted) allegations will make it seem that the Diocese has attempted to “cover up” *Priest V*’s past conduct and (name omitted) family may decide to bring a civil lawsuit against *Priest V* and the Diocese. For a variety of reasons, a suit against the Diocese in connection with the present allegations would probably fail in court, but the anticipated attendant publicity would be extremely harmful.

Priest V was eventually sent to prison for his crimes against children.

In the Diocese of Rockville Centre, it apparently did not matter if you were a priest or lay person; as a victim of sexual abuse committed by a priest, you were likely to be treated badly. The case of *Priest W* is instructive on this point.

Priest W attended the seminary and was ordained as a priest of the Diocese of Rockville Centre in 1993. Subsequent to his ordination and while serving as a priest, he sexually abused an underage parishioner. This abuse led to his arrest.

Upon his arrest, a high-ranking Diocesan Official visited him in jail. He asked him to detail his sexual history and later arranged for him to receive psychological counseling and therapy at a Church-selected facility. During the in-patient phase of the counseling, *Priest W* received regular visits from representatives of the Diocese. While still in-patient, *Priest W* disclosed to his therapist that *Priest O*, as chaplain of a Diocesan High School, had sexually abused him during his first three years of school. He told *Priest W* that he needed to feel “loveable” and this was his entrée to begin the abuse. Each year he was abused from 6-10 times by *Priest O*. The abuse *Priest W* described is substantially similar to abuse described by other victims of *Priest O* detailed in Part III of this report.

His therapist told *Priest W* to report this to the Diocese. The next day, during a regularly scheduled visit with a high-ranking Diocesan official, *Priest W* told him of the abuse by *Priest O*. The Diocesan Official testified that he believed *Priest W*’s allegations of sexual abuse by *Priest O*. At this time, *Priest O* was the pastor of a wealthy and influential parish that had schools attached to it. The Official told *Priest W* that Diocesan protocol would be followed. This clearly means that the official sexual abuse policy of the Diocese would be followed. Pursuant thereto, *Priest O* should have been removed from ministry and sent for an immediate psychological evaluation. The high-ranking Diocesan Official told *Priest W* that the matter would be reported to the board that handles such matters. This Board was the Intervention Team previously described.

In a telephone call a few days later, *Priest W* learned that the team had been informed of the abuse. *Priest O*, however, was not told. The reason was that the Diocese did not have a bishop at the time. The new bishop was arriving a week later and Diocesan officials were planning his installation and party. They wanted to wait for a few weeks after the bishop’s

installation before notifying him This decision was admitted by the Diocesan official to be wrong. The following colloquy ensued when the official testified in the Grand Jury:

Q: That is a pretty long, pretty substantial period of time when the priorities were that we have to get the new bishop installed rather than we have to address the issue of a sexually abusing priest who is the pastor of a parish where there is a number of schools.

A: Well, it was a confluence of things happening, but it's true, there was a time gap there, yes...

Q: ... was that your decision to wait...

A: That was my decision...

Q: What, under the written policy that is in existence, or was in existence at the time, that is in evidence as Grand Jury Exhibit 144, gives you the authority to do that...?

A: Well, nothing really. There was just so many things happening all at once that, you know, as you ask these questions, I, you know, it was a mistake...

Q: ...you and the Diocese became aware of the fact, by his admissions, he [*Priest O*] had abused roughly 13 boys; is that right?

A: Around that, yes...

Q: ...and yet you took a delay in even accepting him for the initial evaluation, waiting for the installation of the bishop; is that right?

A: Yes...from hindsight, it was not prudent.

Approximately six weeks after the original disclosure, *Priest W* was informed by a high-ranking Diocesan official that *Priest O* admitted abusing him. *Priest O* was then to be sent for a psychological evaluation Initially, the Diocese wanted to send *Priest O* to the same facility that was treating *Priest W*. Upon *Priest W*'s objection, the Diocese chose a different one. *Priest W* was also told that the parish was informed that *Priest O* was having heart problems and needed

treatment for them The Diocese told *Priest W* that *Priest O* would be the most heavily evaluated priest ever, and they hoped to reassign him to his parish at a later time.

The Diocese was very concerned that *Priest W* would disclose the abuse if they reassigned the priest. A high-ranking Diocesan official spoke to *Priest W* and stressed that the abuse occurred twenty years ago, *Priest W* was led to believe there were no other victims.⁸⁴ Diocesan officials emphasized that *Priest O* was the pastor of a financially important parish; disclosure of the abuse would ruin the priest's credibility and be bad for Diocesan public relations and finances *Priest W* was also told that that his parents should tell no one of the abuse. If *Priest W* kept this quiet, the Diocese would continue to help him and pay for his treatment

A Diocesan Official confirmed for the Grand Jury that he indeed told *Priest W* not to talk about the sexual abuse he suffered at the hands of *Priest O*. The following colloquy ensued in the Grand Jury:

Q: Did you tell him [*Priest W*] outright, don't tell anybody else about this?

A: ...um, I said to him, you know, I wouldn't tell anybody else about this at this time.

Q: Why did you say that to him?

A: Because I just didn't think it would be good for him to start blabbering that around at that time.

Q: You were very concerned about the adverse publicity that such an allegation would have concerning [*Priest O's*] position and the diocese?

A: Yes, of course.

⁸⁴ This of course was not true. As set forth in the narrative concerning *Priest O*, there was an earlier allegation of sexual abuse against him by another student at the same High School. Diocesan Officials summarily dismissed the charge as baseless. When *Priest O* was ultimately evaluated, the charge was found to be true.

Three or four weeks later, another high-ranking Diocesan Official visited *Priest W* at his treatment facility. *Priest W* told him about the abuse and its effect on his life. This official could only say about the allegation, “That’s sad...because I hear he’s a very talented man”

In December 2001, *Priest W* was back in Rockville Centre for a visit. A Diocesan official told him that they knew his mother had told another priest in the Diocese about the abuse. At the same time he reminded *Priest W* that the Diocese wanted to put *Priest O* back in his parish assignment. There was a simple *quid pro quo*: remain silent about the abuse and the Diocese would continue to pay for his continued therapy. This official, who knew *Priest W*’s mother as she had once worked for him, told him to call her and tell her to be quiet. Indeed, *Priest O* was returned to his assignment before Christmas with the explanation that his heart problems had been treated

Shortly after hearing of *Priest O*’s return, *Priest W* was visited again by a high-ranking Diocesan official. He confirmed the reassignment and the importance of remaining quiet. *Priest W* explained that he would not volunteer the information to the general public but would tell the Court handling his case about it as well as the probation department during his pre-sentence interview. The Diocesan official asked him to limit his disclosure and “...just say I had experienced sexual abuse by a significant adult in my life and not say he was a priest and not say his name” *Priest W* agreed to try and do so.

About five months later, Diocesan officials spoke with *Priest W* about a pending article in Newsday that would reveal the abuse he had suffered. They told *Priest W* that he must call Newsday and deny the truth of the article. They characterized the abuse as not that serious and advised *Priest W* “you better consult your conscience and call and try to save him [*Priest O*]

from this” Again, *Priest W* said he would not volunteer the information but would not deny it if asked.

To appreciate the gravity of the situation, the testimony of *Priest W* and a high-ranking Diocesan official must be examined together and in conjunction with the psychological evaluations of *Priest O*. While *Priest W* clearly has a motive to slant the testimony in his favor, the salient facts were admitted by the Diocese in the Grand Jury. *Priest W* was, indeed, sexually abused by *Priest O*; the priest confirmed this to the Diocese and to his evaluators. In fact, *Priest O* had subsequently admitted to Diocesan officials his sexual abuse of approximately a dozen underage boys while assigned to the High School.

In the Grand Jury, a Diocesan Official admitted that he had implied to *Priest W* that the Diocese would require his silence in return for continued insurance coverage of his treatment and other benefits. In this regard, the following colloquy took place in the Grand Jury:

A: ...I did tell him that, that it would not be a good thing for him to speak with Newsday. I don't recall specifically saying to him not to, not to mention something...It's definite that I told him it was not good to speak to Newsday.

Q: Did you tell him the diocese had been very good to him in terms of paying for his therapy, paying for any transitional expenses that he might incur?

A: Yes...

Q: So his treatment at St. Luke's was very expensive, tens of thousands of dollars; was it not?

A: Yes.

Q: He's going to have to start a whole new life and find a whole new career and that's also going to be very expensive; is it not?

A: Yes.

Q: And the diocese would help him with that, under ordinary circumstances. You certainly have done it before?

A: Yes.

Q: You certainly have paid many expenses of priests similarly situated before?

A: Yes.

Q: Did you imply to [Priest W] that if he spoke to Newsday and told them about his relationship with [Priest O], that perhaps that money would not be there to help him with those transitional expenses?

A: I think I might have implied that, yes...

Q: ...did you tell him that if was asked by a Newsday reporter to confirm or deny his, the fact that [Priest O] had sexually abused him...he should deny it?

A: I don't recall telling him he should deny it because I knew that it was true.

Q: Did you have any similar conversation with...any other priest whose name appeared in Newsday in 2002 that if they talked to Newsday they could lose their benefits?

A: I don't recall that.

Q: So it's just [Priest W] that you said that with?

A: Yes.

So afraid was the Diocese of bad publicity that even after *Priest O* was relieved of his priestly faculties after he retired, he was denoted in the parish bulletin of his former parish as *Pastor Emeritus*. Although now retired and technically entitled to this title, such a designation indicates that a priest is in good standing and possesses his priestly faculties. A Diocesan official conceded that this was misleading and the designation was later removed

The concern of the Diocesan hierarchy has always been to avoid scandal and the resultant loss of financial revenue. To avoid these disasters, payment of healthcare coverage for *Priest W* was offered to induce him to remain silent. This was not surprising since the Diocese had been doing this same thing for years with the victims of priest sexual abuse. The Intervention Team offered counseling payments to victims while assuring them that the offending priest would be properly dealt with. All the while, the real goal was to return the priest to ministry despite the nature of the offense or the wishes of the victim. Money to victims bought their silence so this could be accomplished.

Diocesan practice was at odds with official written policy. *Priest O* was not sent for an immediate evaluation. Weeks passed because of the upcoming installation reception for the new bishop. *Priest O* was evaluated and returned to ministry within two months, hardly enough time to effectively evaluate and treat his disease.

Parishioners were misled about his absence. Despite his admission that he had abused *Priest W* and many other boys, his parish was told only that *Priest O* needed treatment for his heart condition. Only when his victim refused total silence was *Priest O* sent for further evaluation and, only after this evaluation concluded that he should not be around young males was he required to retire or face removal from his position. Wittingly or not, the psychological evaluation process utilized by the Diocese was clearly ineffective. Reassignment of priests were made upon faulty and incomplete information designed more as a basis to justify reassignment than for the proper treatment of offenders. The Grand Jury finds that the Diocesan practice of evaluating priest/abusers was fatally flawed. The handling of *Priest O's* case epitomizes this.

In the spring of 2002, when allegations of clergy sexual abuse in the Diocese of Rockville Centre were publicized in the media, *Priest D* contacted Diocesan officials and admitted to

sexually abusing numerous underage boys. A high-ranking Diocesan official testified that *Priest D*'s personnel file contained nothing about sexual abuse complaints. The earlier concerns and facts given officials by the school principal were never placed in the file. This is particularly remarkable in light of the Master Tracking System that indicated *Priest D* should be under supervision. A notation from 1994 referred to the principal's concerns over grammar school age boys spending overnights in *Priest D*'s rectory room. (Grand Jury Exhibit 208). Despite these statements, in writing, *Priest D* was not sent for a psychiatric evaluation until 2002, eleven years later.

In March, 2002, Diocesan policy was again updated. The requirement of using non-church related facilities was finally modified to allow for such usage. Also, the diagnosis of clinical pedophilia as the standard for removal from ministry was changed to one of an intractable pathological condition. (Grand Jury Exhibit 207). When asked what meaning the latter standard would have for him as a member of the Intervention Team, a witness before the Grand Jury said that it had none. Hence the Diocese had coined a phrase or term of art devoid of any value to an official who must apply it. Since by that time the Diocesan policy was no longer officially in effect there was no purpose in maintaining it in any event.

Concern over bad publicity led to a sudden shift in policy when the national scope of the most recent sexual abuse crisis unfolded. As per a Diocesan official, "Everybody was cut loose." The following colloquy concerning this change in policy took place in the Grand Jury:

Q: So he [high-ranking diocesan official] was involved in the process from the beginning; right?

A: Yes.

Q: And he had him [*Priest O*] sent for evaluation, correct?

A: Two.

Q: So he sent him for evaluation, he asked him to join a support group, correct?

A: Correct.

Q: And he did join a support group; is that right?

A: Correct.

Q: And in fact he was pleased with his previous ministry, is that right, to the extent he wanted to treat him to dinner or have him over for dinner?

A: Yes.

Q: So [*Priest O*] , looking at it from his side, is doing everything that has been asked of him, he's being ministered to, in essence, and [high-ranking diocesan official] is in fact the one who is authorizing and going along all this; is that right?

A: Correct.

Q: But that changed once media attention came; is that right?

A: Yes.

Q: And that was basically the sole reason. It was not like he reevaluated the [*Priest O*] case. He was on the [*Priest O*] case from the start.

A: That's right.

Q: So it was the publicity that guided the decision?

A: And he was one of many...correct.

The most recent Diocesan policy for the handling of allegations of priest sexual abuse was explained to the Grand Jury. Allegations are reported through the Diocesan personnel office to a newly constituted Intervention Team. This team reports them to the Diocesan law firm whose members decide if they are to be reported to law enforcement. No other crime committed by a priest is reported to the police in this manner.

Prior to this, Intervention Team members who were attorneys had the responsibility of meeting with the victims and their families. Of course, this contravened original Diocesan policy set forth in the creation of the Office of Legal Affairs which was formed to provide counsel to the priest. (Grand Jury Exhibit 14F). The procedure was also illogical. The Diocese supports a health system with many resources capable of aiding victims of abuse and their families. Instead of calling upon those resources, the Office of Legal Affairs, and later priest/attorney members of the Intervention Team, were utilized as their point of contact with the Diocese. This was the policy and practice from the inception of the plan in 1985. The inherent conflict is clear. Priests whose role was to protect the Diocese were responsible for meeting with victims of sexual abuse perpetrated by the priests who he is also counseling. Victims were betrayed by the Diocesan hierarchy. The leaders they trusted to handle the allegations and protect their children were protecting the Diocese from publicity and legal liability.

An excuse in the Grand Jury for the conduct of the Diocesan hierarchy, heretofore outlined, was that, "If we knew then (about child sexual abuse and priests) what we know now, we would not have acted in the manner we did." Apart from the obvious question about the relationship between that sentiment and the Diocesan response to victims of childhood sexual abuse (exactly what was it that priests needed to be told about properly responding to people who were suffering?), the statement clearly implies that church officials did not have appropriate technical information available to properly address the problem. While this hardly matters because in the Diocese of Rockville Centre, officials often disregarded the professional advice they received, this implication is simply untrue. Members of the Intervention Team bragged about their policy and called it a model. Members of the hierarchy visited other Dioceses as consultants. Moreover, the issue of clergy, especially priest, child abuse, is not new. In 1985, a

trio of professionals, including a psychiatrist, civil lawyer and priest canon lawyer, assigned at the time to the Vatican Embassy in Washington, D.C., authored a lengthy report on the issue of priests and child sexual abuse. The report graphically described the problem and offered concrete solutions. It was also distributed to every American bishop and formally presented at a meeting of the National Conference of Catholic Bishops.

On the heels of the report was the first national crisis involving sexually abusive priests. Serial child molesters were discovered in Louisiana, Texas and Massachusetts and their stories were national news. As a direct result, in 1992, the National Conference of Bishops formed an *ad hoc* committee on sexual abuse. For the first time, survivors of child sexual abuse committed by priests met with Bishops formally to offer their views. They did this so that bishops would have a better understanding of the issues victims faced and to offer themselves as a resource for dioceses.

In any event, when asked in the Grand Jury exactly what information it was that they were lacking and now possessed, high-ranking Diocesan officials had no answer. Of course, that is because no new information was needed. In one form or another, it has always been there; it has just been ignored. The spotlight shining on the Diocese from the outside world is the only thing that caused them to change their behavior.