

MARCH 3, 2003



Restoring Trust

A REPORT TO THE PEOPLE OF NEW HAMPSHIRE *by the Diocese of Manchester*

A MESSAGE FROM BISHOP McCORMACK

Restoring Trust: A Report to the People of New Hampshire by the Diocese of Manchester faces the past in our Diocese and points the way to move forward as Church. Although the part of our past that involves the sexual abuse of children by some priests and how the Diocese responded to allegations of abuse is painful to learn, it is also a painful learning experience. One of the most important lessons learned is this:

A person who has sexually abused a minor cannot be adequately supervised or monitored. That is why today, if there is even one credible allegation of sexual abuse of a minor by a priest, the Diocese will remove the priest from ministry, and if the accusation is determined to be true, that priest will not be allowed to serve in ministry again.

Child sexual abuse is a terrible crime in the Church and in society. It causes indescribable harm in the life of a minor. Child sexual abuse is an affront to the dignity of the person, and it violates every principle of profound respect for human life that the Gospel entails. We understand that this crime tears at the heart of the human family. Those who have made such reports, even reports made many, many years after the abuse occurred, are courageous. I commend them for coming forward.

On behalf of myself and leaders of the Church in New Hampshire – past and present – we are sorry for our inadequacies, but most of all we are sorry for the harm done to persons who were abused by priests and to the Catholic faithful who have been scandalized.

The standards used to protect children and young people in the Church must be stated clearly and implemented consistently.

- Every suspicion or report of child sexual abuse is taken seriously. The first response is to the person who reports being harmed as a child, even if she or he is now an adult.
- Adequate structures are to be maintained in order to ensure effective, legitimate cooperation between civil and church authorities.
- The rights and responsibilities of persons accused of the crime of child sexual abuse will be protected by due civil and canonical legal processes.

The Church ought to be a sanctuary for every human person, especially for children and young people. Sanctuary means protection from injustice. As we, the Church, work together to help victims heal, we also work to help care for persons who have harmed others. As challenging as these tasks are, our firm hope in the ways of the Lord and in the power of the Holy Spirit within us ensures our success. We will have a safe Church, one that witnesses the life of Christ in us by rooting ourselves in His healing truth and love.

The forthright acknowledgement of failures in the past empowers us to move forward toward a hopeful and brighter future. While no one can change the past, together we can all shape the future. The wounds of adult survivors have been exposed. May the work of bringing the Lord Jesus to those harmed and to those who have harmed be a moment of grace in the life of the Church.

As you read this report, I ask that you take note not only of our admission of past inadequate responses and practices but also our planting the seeds that ensure our Church will be a better and safer community of faith. To succeed, we need to work together to make and keep our Church safe and holy.

Christ in all things.


Bishop of Manchester

I. PURPOSE OF THIS REPORT, LESSONS LEARNED, AND MOVING FORWARD

This Report addresses issues that span six decades of administrative practices. It is an effort to present a forthright explanation of what the Diocese of Manchester did in the past in response to reports of child sexual abuse by priests. In this sense, the Report is a companion to the 154 page *Report on the Investigation of the Diocese of Manchester* (“State Report”) published by the Attorney General’s Office (“AGO”) and is intended to complement the findings of civil law enforcement authorities.

The Diocese does not believe it is in the best interest of our community to comment in this Report on the specifics contained in the State Report. Through our own examination of the State Report, the investigative file, and some of the events that took place over the last six decades, the Diocese realizes, in retrospect, that it should have

acted differently, and that it certainly does act differently today. Therefore, this Report stands at the threshold of “one door closing as another opens.”

In reviewing our own records and the new information provided in the State Report, the Diocese has reached a greater level of understanding about what did not work well in the past. The Diocese cannot change the past, though we wish we could have spared individuals the pain of abuse. The pastoral response of the Church today to adult survivors of child sexual abuse by priests is an effort to help them heal. The best outcome from the experience over the past year is that we learned from it. The Diocese sees six main areas where it is already improving on what it does.

Lesson Learned	Moving Forward
1. Direct more attention to persons who suffered abuse.	<ul style="list-style-type: none"> • The Bishop has increased staffing in the Delegate’s office to include a pastoral care professional who advocates for victims. Additionally, the Diocese and Catholic parishes are beginning a new program, Bethany, a support group for adult survivors of child sexual abuse.
2. Involve civil authorities in child protection.	<ul style="list-style-type: none"> • The Diocese will report suspected abuse of a minor to the Division for Children, Youth and Families, and local law enforcement where the alleged abuse occurred. • The Diocese will report past incidents of child sexual abuse, even when the alleged victim is an adult, to the AGO and the local law enforcement office where the alleged abuse occurred. • The Diocese will submit policies and procedures to the AGO for review and comment as provided in the Agreement.
3. Involve more than one person in the response to allegations of sexual abuse.	<ul style="list-style-type: none"> • The Bishop now has a Delegate, two parents to assist the Delegate, and a Diocesan Review Board, comprised of mostly lay people, who work together to respond to complainants, investigate allegations and make recommendations to him. • Standardized and effective fact gathering procedures have been implemented to thoroughly investigate an allegation, the results of which must be approved by the Diocesan Review Board.
4. Maintain a comprehensive, centralized record keeping system.	<ul style="list-style-type: none"> • The Bishop, Delegate and Chancellor have immediate access to all priest personnel information organized in a readily accessible and meaningful format. • The Diocesan Review Board reviews all records of anyone with an allegation of sexual misconduct with a minor.
5. Strive to be more consistent in handling and resolving allegations.	<ul style="list-style-type: none"> • The Bishop has stated categorically that if there is even one credible accusation of sexual abuse of a minor by a priest, the Diocese will remove the priest from ministry and, if the accusation is determined to be true, that priest will not be allowed to serve in ministry again. • The Bishop appointed a Task Force, consisting mostly of lay people, to review the current policy on sexual misconduct issues and to recommend changes. • The revised policy will influence the way the Diocese responds now and into the future. • The Diocese has enacted the Essential Norms established by the United States Conference of Catholic Bishops and adopted the principles of the USCCB Charter.
6. Take the lead in training and awareness building to help prevent any further abuse.	<ul style="list-style-type: none"> • The Diocese has implemented one of the first national safe environment programs in the country and implemented mandatory training for all priests, employees, educational personnel and volunteers on <ul style="list-style-type: none"> – How to identify warning signs of abuse or an abuser; – How to safeguard our children against abuse; – How to talk to children about suspected abuse; – How to screen workers and volunteers; – How to report suspected abuse according to the requirements of New Hampshire law and the Agreement; and • How to maintain adequate records and follow through with the reporting process. • This training program, <i>Protecting God’s Children</i>, requires all church personnel to be retrained every two years.

Finally, the Diocese of Manchester acknowledges that the investigative file and the State Report contain graphic information about the criminal and sinful actions of some priests. The Diocese realizes the abusive behaviors of these priests are disturbing and reprehensible. We are concerned about the effect these accounts may have on adult survivors of child sexual abuse, the Christian faithful, and the community of New Hampshire. The Diocese encourages anyone who feels the need to discuss their feelings or reactions to contact their pastor, any priest, or pastoral minister. They may also contact New Hampshire Catholic Charities (800-475-5585), or the Assistant to the Delegate for Pastoral Care (603-668-0014). We urge anyone who suspects that a child has been abused and neglected to make a report to the New Hampshire Division for Children, Youth and Families immediately by telephone (800-894-5533), and to local law enforcement agencies.

II. CHILD PROTECTION IN THE PAST

Child sexual abuse is a crime in the Church and is defined as such by the 1983 *Code of Canon Law*, which is a compendium of laws that are informed by the Scriptures and the Tradition of the Church. Penalties for crimes in the Church seek to repair the harm done to the complainant and the community and to rebuke the accused person and move him to reform. The pastoral response of the Diocese of Manchester, developed over the years, sought to balance the care for the complainant with the care of the accused person. Until the 1980s, accusations of sexual misconduct of minors by any person in the Church were handled on a case-by-case basis as matters of Church discipline and in light of the unique relationship between the diocesan bishop and the diocesan priest. While the Diocese complied with the child safety laws of New Hampshire in the past, today we know that child protection requires more than just compliance with the law.

Over the last two decades, the Roman Catholic bishops of the United States have worked collaboratively on a pastoral response to accusations of sexual misconduct of minors by priests.¹ The Diocese of Manchester adopted its first formal written *Policy on Sexual Misconduct* in 1996. After his installation as Bishop of Manchester in September 1998, the Most Reverend John B. McCormack asked for a review and update of the policy. This update included the establishment of both the Office of the Delegate for Sexual Misconduct and the Diocesan Review Board.² Bishop McCormack also advocated for the development of a new training program and its implementation in the Diocese. The program, *Protecting God's Children*, began in early 2001 with the first training sessions scheduled for that fall.³

In January 2002, when reports of abuse from the Archdiocese of Boston became headline news, Bishop McCormack instructed Reverend Edward J. Arsenault, his Delegate for Sexual Misconduct, to conduct a review of all past accusations of sexual misconduct with minors by priests in New Hampshire. This review included a detailed inventory of all files associated with reports of the sexual abuse of a minor by a priest.

III. THE ATTORNEY GENERAL'S INVESTIGATION

A. Investigative Process – Initial Inquiry

In early February 2002, Attorney General Philip McLaughlin inquired of the Diocese whether any priest who had sexually abused a minor in the past was in active pastoral ministry in New Hampshire. On February 15, 2002, the Diocese delivered a letter to Attorney General McLaughlin notifying him of the names of living priests against whom the Diocese believed it had past credible allegations of abuse of a minor. Between February 15 and March 15, 2002, the Bishop provided the Attorney General with the names of 15 priests. The Bishop also released the names publicly so that any other victims of these priests could come forward. Release of the names would also remove doubt about the hundreds of priests who never had an allegation made against them.

Of the 15 named priests, only one was in a current assignment at the time the Diocese disclosed the names, and the Bishop immediately removed that priest from ministry. Eight of the 15 named priests already had been formally prohibited from functioning in any pastoral ministry anywhere. The Bishop removed the permission to perform any public ministry for the remaining six, who had no assignment but could celebrate Mass. In addition, there were three priests found guilty of crimes of sexual abuse of minors, whose names were widely known in both public records and the media coverage of their criminal trials.

B. Investigative Process – Grand Jury Investigation

Following its initial inquiry, the AGO launched a formal investigation and empanelled a grand jury to assist it. A grand jury subpoena was issued to the Diocese on April 8, 2002 and then again on May 30, 2002, compelling the Diocese to grant the AGO full access to all its files relative to priests accused of the sexual abuse of a minor. Following the issuance of a court order regarding the subpoena, two assistant attorneys general as well as several investigators reviewed the files at the Diocese and copied files and documents to utilize in their investigation. The AGO also assembled a Task Force to conduct an investigation that included interviewing priests, victims and other parties, and reviewing Diocesan files procured by the assistant attorneys general.

Through its investigation the AGO also obtained information directly from certain priests accused of past abuse of minors. Some of this information was new to current diocesan leaders responsible for addressing sexual abuse of minors. The AGO, through the power of the grand jury, gave these priests, who had admitted to sexually abusing minors, use or derivative use immunity from prosecution in exchange for being interviewed by the AGO. These priests were allowed to have their attorneys assist them in responding to questions

1 A chronology of efforts to combat clergy sexual abuse against minors may be found at the USCCB website – www.usccb.org/comm/kit2.htm.

2 The policy was last updated in 1999. See www.catholicchurchnh.org/ministries_services_content.cfm?doc_id=666

3 www.virtusonline.org/virtus/protecting_children.cfm

and to be present during the interviews. As is customary in an investigation, the Diocese was not invited by the AGO to these interviews and so, did not have a representative or attorney present during these interviews. In many instances the priests in these interviews provided to the AGO information that the priests had not provided directly to the Diocese before the investigation.

As a result of the Diocese's public disclosures and the on-going investigation, between February 2002 and March 2003, the Diocese received additional complaints from adults of sexual misconduct by priests when the complainants were minors. During this time, the Diocese also received allegations of abuse of a minor against six priests assigned as pastors and two priests with permission to celebrate Mass. The Bishop placed all eight priests on administrative leave and withdrew all permission to function as a priest pending the outcome of any civil or diocesan investigation. The Bishop announced why the priest was being placed on administrative leave to the parishes where the assigned priests had been in active ministry. Accusations against three of these priests have not yet been determined to be credible by the Diocese pending the conclusion of active civil investigations by law enforcement.

C. Conclusion of the Investigation – Agreement Between the Diocese of Manchester and the State of New Hampshire

As the AGO neared the conclusion of its investigation of the Diocese in the fall of 2002, representatives of the Diocese of Manchester and the AGO entered into discussions regarding how to resolve the Attorney General's concerns. As a result of these discussions, Attorney General McLaughlin and Bishop McCormack reached and signed an agreement on December 10, 2002 (the "Agreement").

Bishop McCormack approved the Agreement on behalf of the Diocese for a number of reasons, including the following:

- The Agreement afforded an effective way for the Diocese to work with civil authorities to institute meaningful changes that would benefit the public in regards to the handling of claims of sexual abuse of minors by the Diocese, without the delays a protracted trial may have caused;
- A criminal prosecution of the Diocese would be painful to past victims and result in consuming resources that could be best put to use helping adult survivors of abuse and helping prevent further abuse; and
- In order for the Diocese and the people of New Hampshire to move forward with confidence that past practices have truly improved, the Diocese had to deal with its past and the Agreement offered the best option to achieve this objective in an organized and dignified manner.

D. Issuance of State Report on the Investigation of the Diocese of Manchester

As part of the Agreement, the Diocese acknowledged that the AGO would issue a report on the scope and results of its investigation regarding the manner in which the Diocese responded to past clergy sexual abuse of minors. In order for the public to have a com-

plete understanding of the investigation and the reasons for the Agreement, the Diocese agreed to waive its grand jury confidentiality to allow for the release of all of those documents in the investigative file pertaining to the sexual abuse of minors.

1. Attorney General's Legal Analysis

Regarding the legal analysis presented by the AGO in the State Report, the Diocese does not necessarily agree with all aspects of this analysis, which, in many ways, contains novel theories and approaches for New Hampshire prosecutions. The Diocese understands there are technical legal defenses to many of these theories.

The AGO acknowledges in its State Report that the focus of its investigation was on the collective institutional knowledge or conduct of the Diocese. The State Report is not focused on the knowledge or conduct of any one individual leader of the Diocese. Indeed, neither the State Report nor the investigative file supports a charge that any one person in a position of authority with the Diocese specifically intended to harm a child.

Even though the Diocese could have mounted a vigorous defense challenging both the legal theories and inferences drawn from certain alleged facts, the Diocese believed that even a successful defense would not diminish the significant and serious harm suffered by minors resulting from the actions of some priests. It was in this spirit that the Diocese made the acknowledgements it did in the Agreement.

2. Results of Investigation

The Diocese has had an opportunity to conduct its own detailed and thorough review of the investigative file created by the AGO and released on March 3, 2003, to the public as provided under the Agreement. There are a few important considerations regarding the State Report and the investigative file:

- Of the roughly 9,000 pages released from the investigative file, approximately one-half were originally in the possession of the Diocese;
- The investigative file contains information about the sexual misconduct of some priests which spans the past sixty years;
- Of the eight priests whose conduct is summarized in the State Report, the AGO concludes that because of technical obstacles only three priests' cases would have led it to seek an indictment against the Diocese.

The State Report contains 131 pages devoted to an examination of the conduct of eight Diocesan priests and the response by the Diocese to information that it obtained about the conduct of these eight priests. It includes reports of abuse that were not known by the Diocese prior to the AGO's investigation.

In order to understand what the Diocese knew, when it was known, and what it did in response to that knowledge prior to the investigation, the Diocese is appending to this Report a two-page timeline and summary about each one of the eight priests. These timelines are compilations of allegations of sexual abuse of minors that are contained in Diocesan files as well as the State Report.

These histories and timelines are available at www.catholic

churchnh.org/ministries_services_content.cfm?doc_id=740.

3. Stated Reasons for Entering Agreement – Office of the Attorney General

Finally, in the State Report the AGO sets forth its reasons for entering the Agreement and for not pursuing criminal prosecutions against the Diocese: “The State feels that the Agreement with the Diocese accomplished greater protection of children than would have resulted from a criminal trial and conviction.” The AGO identifies the three main areas of the Agreement as the Protection of Children, Accountability, and Transparency.

IV. ACKNOWLEDGING THE PAST; CHANGING FOR THE FUTURE

As a result of the AGO’s investigation, a great deal of new information that was not previously known was produced and made available to the Diocese. Some of the new information comes from interviews the AGO conducted with previously accused priests who admitted to the interviewers that they abused children. The Diocese cannot ascribe credibility to some of the statements and assertions these priests made in the interviews.

This information from the AGO along with information the Diocese had in its possession have provided new insights both as to the Diocese’s past conduct as well as to the steps it can take to protect children better in the future.

A. The Past: Retrospection and Reflection

The Diocese offers no excuses for its past actions. The Diocese never intended to cause harm to any person.

Although it is no consolation to those who suffered abuse, the investigative file reveals the Diocese was not alone in its incomplete understanding of the long lasting effects of sexual abuse or how to best address allegations of abuse. Law enforcement agencies, mental health and psychological experts, as well as legislators today have a vastly improved understanding of the problem and how to address it than they did even twenty years ago. Over the years, the Diocese has learned, along with the rest of society, how better to recognize, address, and prevent sexual abuse of minors. The Diocese is committed to working collaboratively with all civil authorities and experts to ensure the safety of children.

The State Report condenses into one report certain activities that occurred over six decades. During the time period covered in the State Report there have been 831 priests who have served as priests of the Diocese of Manchester. During these six decades the Diocese attempted to respond appropriately and pastorally to those who came forward to report abuse. The understanding of how to respond to victims and to treat those who abuse has progressed significantly over the last 60 years.

1. Efforts to Respond to Adult Survivors of Abuse

In the past, the Diocese attempted to respond pastorally to adult survivors of sexual abuse by priests by:

- Listening to their stories;

- Providing or facilitating counseling and assistance for victims/survivors and their families; and
- Incorporating the insight of victims/survivors into its current policies and procedures for the protection of children.

In reviewing the investigative file, it does appear that in some cases the Diocese failed to follow up thoroughly on some reports of sexual abuse by priests; delayed the healing process by focusing on efforts to resolve financial and legal issues which were pursued by some victims/survivors; and failed to adequately confront clergy accused of sexual misconduct directly and vigorously on the strength of the victim’s allegations.

2. Dealing with Clergy Accused of Sexual Misconduct

Although our actions fell short at times, the investigative file reveals that whenever it received a report that a minor had been sexually abused, the Diocese did take some action against an accused person. A description of these actions is part of an honest portrayal of what the Diocese did or did not do in the last half of the twentieth century.

In general, the Diocese responded in the following ways:

- In some instances, as soon as leaders in the Diocese received a substantiated allegation, they placed the priest on leave or in a restricted (non parish) ministry;
- In other instances, the Diocese would refer a priest for psychological or psychiatric evaluation and treatment. In some cases the professional’s recommendations were not followed sufficiently; and
- In some instances, a bishop or other church leader would simply meet with the priest, urge him to acknowledge his harmful behavior and exhort him to change his ways.

These actions, especially simply exhorting a priest to “change his ways,” are inadequate and ineffective ways to deal with abusive individuals. Essentially, the Diocese learned that a person who has sexually abused a minor cannot be adequately supervised or monitored. That is why today, if there is even one credible allegation of sexual abuse of a minor by a priest, the Bishop will remove the priest from ministry, and if the accusation is determined to be true, that priest will not be allowed to serve in ministry again.

B. The Future: Establishing a Child Protection Culture

Finally, as a result of its self-evaluation, the Diocese has concluded that it is not sufficient merely to have systems in place and to respond appropriately when a report of the sexual abuse of a minor is received. In order to truly protect and affirm the most vulnerable persons in our society – our children – it is clear that any organization must be proactive in creating a child protection culture. This requires the creation and maintenance of a safe environment for children, ongoing policy development, and a continuing investment of human and financial resources.

The Diocese will commit the necessary personnel and financial resources of the diocesan administration to continue to respond to allegations and the needs of adult survivors of child sexual abuse and

to maintain and continuously evaluate and improve its program of awareness and prevention.

1. Ensuring a Safe Environment for Children

The Diocese believes that the primary objective in creating a safe environment for children is to prevent abuse before it happens. When abuse does occur, however, the Diocese must respond swiftly and definitively with compassion and respect toward those who have been harmed and those who are accused. There are three areas where the Diocese is concentrating efforts to create a safe environment for children in all its churches, schools and institutions.

Awareness and Prevention: The Diocese will make every effort to assure that the best screening process is in place for candidates for studies to be priests, deacons, or members of religious institutes assigned to diocesan ministry as well as employees and volunteers (diocesan personnel), and independent contractors to determine whether there exists the risk for child sexual abuse. In addition to thorough background checks currently conducted by the Diocese on priests and deacons, and applicants for studies for ordination, the Diocese will also conduct criminal records checks and checks of the sex offender registry for all diocesan personnel who work or are in contact with children. The Diocese will also create a protocol for maintaining contact with priests and deacons on administrative leave or removed from ministry for any reason.

Awareness and prevention also require effective communication and transparency. The Diocese will continue to train all personnel on how to detect signs of potential child sexual abuse and how to report all suspicions. In addition, the Diocese will clearly convey information about allegations and the results of investigations to the accused, the complainant, and the communities affected by allegations of abuse while considering the concern for the rights of the complainant and of the accused.

Intervention: Under the Agreement, the Diocese of Manchester now requires all of its priests, deacons, employees and volunteers

to report suspected abuse whether or not an individual is a minor. In addition to the mandatory training received under our prevention program, all personnel must personally attest to understanding the reporting requirements under State law and those beyond State law included in the Agreement with the AGO.

Remediation: As a Church, the remediation process must establish a priority for the pastoral and spiritual care for all persons and communities affected by child sexual abuse. As part of its mission as the Church, the Diocese will provide an appropriate pastoral response that includes emotional and spiritual care for complainants, the accused, and communities affected by allegations of abuse. Trained professionals will provide this response and care in such a manner as warranted under the circumstances. Care will be taken to avoid any interference with the work of civil authorities in investigating and addressing any instances of child sexual abuse.

2. Developing Policies that Protect Children

The Diocese of Manchester, with the assistance of the *Task Force on Sexual Misconduct Policy* composed mostly of lay people, is conducting a detailed review and revision of its existing policy on sexual abuse of minors. This new policy will conform to the Essential Norms established by the Bishops of the United States and approved by the Holy See, as well as to the principles of the Charter. It will also respect the civil laws of New Hampshire. This revised policy will be continuously reviewed for improvement. This review will ensure continuity in the Diocese so that all church leaders – present and future – will have a clear sense of what must be done, as well as a well-developed culture of child safety that includes responding quickly and decisively to protect children.

At the core of the Diocese's policy today is the fact that no person with even one credible allegation of sexual abuse of a minor will serve in ministry. In accord with the Agreement, the work of the Task Force in this regard will be submitted to the AGO for review and comment before the Bishop implements it.



RESTORING TRUST: A VISION FOR A SAFE COMMUNITY

When we – as members of the New Hampshire community – work through our feelings of shock, anger, and dismay over this sad story of abuse of our children, we are left with a determination that we can never let this happen again.

The Diocese of Manchester deeply regrets that in some instances church leaders and others failed to fully protect children from abuse by priests to the degree that parents or society would expect and demand of leaders of the Catholic Church. The Diocese has learned from its past and today is implementing a system which, in collaboration with civil authorities, will offer a high degree of protection for children and will instill a degree of restored trust in Church leaders.

The Diocese, through Bishop McCormack and Rev. Edward J. Arsenault, Delegate for Sexual Misconduct, have offered and will continue to offer public and private apologies to past victims and to the Catholic faithful regarding its deep felt sorrow regarding its past actions or inactions.

The Bishop has asked all members of the Church in New Hampshire to join in prayer this year for the healing of the victims/survivors of child sexual abuse by priests and for their families. The Diocese invites the involvement of the entire community of faithful in helping to make our Church safe for everyone, but most especially for our children.

Together, we as a community will make a difference.

