
**IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION**

IN RE: : MISC. NO. 0009901-2008
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:
:
COUNTY INVESTIGATING :
GRAND JURY XXIII : C-14

REPORT OF THE GRAND JURY

R. SETH WILLIAMS
District Attorney of Philadelphia

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

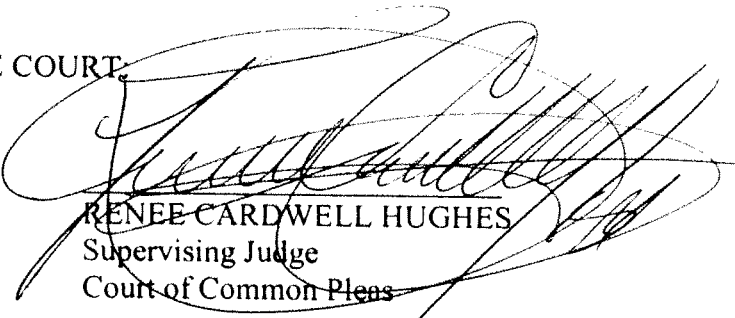
TRIAL DIVISION

IN RE : MISC. NO. 0009901-2008
COUNTY INVESTIGATING :
GRAND JURY XXIII : C-14

FINDINGS AND ORDER

AND NOW, this 21st day of January, 2011, after having examined the Report of the County Investigating Grand Jury XXIII, this Court finds that the Report is within the authority of the Investigating Grand Jury and is otherwise in accordance with the provisions of the Investigating Grand Jury Act, 42 Pa.C.S. §4541, et. seq. In view of these findings, the Court hereby accepts the Report and orders it sealed until further order of the Court. At that time, the Report shall be unsealed and the Court will refer it to the Clerk of Court for filing as a public record.

BY THE COURT:


RENEE CARDWELL HUGHES
Supervising Judge
Court of Common Pleas

I HEREBY CERTIFY the foregoing to be
a true and correct copy of the original
as filed in this
office:

Date: 1-21-11


Active Criminal Records
Criminal Motion Court Clerk
First Judicial District of Pa.

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REPORT

TO THE HONORABLE RENÉE CALDWELL HUGHES, SUPERVISING JUDGE:

We, the Twenty-Third County Investigating Jury, were impaneled pursuant to the Investigating Grand Jury Act, 42 Pa.C.S. § 4541, *et seq.*, and were charged to investigate the sexual abuse of minors by Archdiocesan clergy and employees. Having obtained knowledge of such matters from physical evidence presented and witnesses sworn by the Court and testifying before us, upon our respective oaths, not fewer than twelve of us concurring, we hereby submit this report to the Court.

Foreperson

Date

**IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION**

IN RE : MISC. NO. 0009901-2008

COUNTY INVESTIGATING :

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Section I

Overview

In September 2003, a grand jury of local citizens released a report detailing a sad history of sexual abuse by priests of the Archdiocese of Philadelphia. That abuse was known, tolerated, and hidden by high church officials, up to and including the Cardinal himself. The previous grand jury was frustrated that it could not charge either the abusers or their protectors in the church, because the successful cover-up of the abuse resulted in the expiration of the statute of limitations. Now, measures taken in response to the previous report have led to new information about more recent abuse, which this grand jury was empaneled to investigate. The fact that we received that information, and from the church itself, is some sign of progress; and this time there will be charges.

The present grand jury, however, is frustrated to report that much has not changed. The rapist priests we accuse were well known to the Secretary of Clergy, but he cloaked their conduct and put them in place to do it again. The procedures implemented by the Archdiocese to help victims are in fact designed to help the abusers, and the Archdiocese itself. Worst of all, apparent abusers – dozens of them, we believe – remain on duty in the Archdiocese, today, with open access to new young prey.

Billy and Mark

This grand jury case began because two men came forward, while still young, to say what was done to them as children. By no means do we believe that these are the

only two parishioners who were abused during this period. It remains an extraordinarily difficult thing for adults to tell authorities that they were taken advantage of, in the most intimate, shameful ways, by people they trusted. Their stories must be told, however, because they reveal a great deal about the current treatment of sexual abuse in the Philadelphia Archdiocese.

Twelve years ago, Billy was a 10-year-old altar boy in the fifth grade at St. Jerome School in Philadelphia. “Billy” is a pseudonym; he is still reluctant to name himself publicly, although he knows he will have to do so soon. While alone with him in the sacristy, Father Charles Engelhardt began to show Billy pornographic magazines. Eventually, the priest directed Billy to take off his clothes, and to put his penis in the priest’s mouth. Then the priest reversed positions, until he ejaculated on the boy.

After that, Billy was in effect passed around to Engelhardt’s colleagues. Father Edward Avery undressed with the boy, told him that God loved him, had him engage in oral intercourse, and ejaculated on him. Next was the turn of Bernard Shero, a teacher in the school. Shero offered Billy a ride home, but instead stopped at a park, told Billy they were “going to have some fun,” took off the boy’s clothes, orally and anally raped him, and then made him walk the rest of the way home.

That was the beginning of a longer journey. Billy stopped talking with friends and started smoking marijuana. He would often gag and vomit for reasons the doctors could not discern. He checked books out of the library about sexual abuse. By high school he was taking pills, and then heroin.

The second victim, Mark, was only nine when he first met Father James Brennan,

a parochial vicar at St. Andrew Church in Newtown. Father Brennan became a family “friend” who often visited the house. Mark, though, was the subject of special attention from the priest, who persistently wrestled with the boy, rubbed his back and shoulders, and openly brought up sex talk.

When Mark was 14, in 1996, Father Brennan was finally ready to make his move. He arranged with Mark’s mother for a “sleepover” at an apartment the priest was renting. Once he had the boy there, Brennan showed him pornographic pictures on his computer, bragged about his penis size, and insisted that Mark sleep together with him in his bed. Then he lay down behind the boy and put his penis into the boy’s buttocks.

Mark told his parents what happened, and they confronted Brennan, but he denied it and they believed the priest. From that point, Mark suffered depression, dramatic weight loss, and drug and alcohol addiction. Ultimately he attempted suicide.

For what they did, Father Avery, Father Engelhardt, Father Brennan, and teacher Shero will all be charged with rape and related offenses.

Monsignor Lynn

These are sordid, shocking acts. There was at least one person, though, who could not have been the least bit surprised by what happened to Billy and Mark. Monsignor William Lynn was the Secretary for Clergy under Cardinal Bevilacqua. In that position, he acted as the personnel director for priests. It was his job to review all reports of abuse, to recommend action, and to monitor the abuser’s future conduct.

Before Billy was raped – four years before – Monsignor Lynn learned that one of

Billy's assailants had previously "wrestled," "tickled," and groped another boy during an "overnight." The priest in question was Father Edward Avery. Avery took the boy to his bed on at least two other occasions and again fondled his genitals. After the abuse was reported, Avery was secretly sent to a sexual offender program run by the Archdiocese. While he was there, Monsignor Lynn told parishioners to disregard any untoward reports concerning Avery's absence as mere "rumors," and reassured them that Lynn knew of nothing but compliments about their pastor.

Avery was discharged from the sex offender program on condition that he have no further contact with adolescents. An "aftercare" team was supposedly set up to watch him. Monsignor Lynn, however, did not send Father Avery far away from boys. Quite the opposite: he recommended an assignment at a parish with a school. Cardinal Bevilacqua then assigned Avery to St. Jerome – the school where Avery later found, and raped, Billy. The "aftercare" team was a farce: Monsignor Lynn was repeatedly advised that the team wasn't meeting. He didn't do anything about it. In fact, he never even told St. Jerome School that he had just sent them a child abuser.

Nor were St. Jerome students the only children at risk from Father Avery. During this period, the Archdiocese actually allowed Avery to "adopt" six young Hmong children. Monsignor Lynn knew about the Hmong "adoption"; he also knew that Avery's sex offense program had specifically prohibited such conduct. He never did a thing to stop it.

Indeed the Archdiocese did not get around to removing Avery from ministry until 2003, just three months after the release of the prior grand jury report – but eleven years

after the first documented abuse reports, and seven years after the rape of Billy. Does anyone really believe there were no others?

As with Father Avery, so it is with Father Brennan, the priest who raped Mark: Monsignor Lynn acted as if his job was to protect the abuser, never the abused. In the years before the assault on Mark, the Archdiocese received repeated complaints about Brennan's "unhealthy" relationships with boys at the parochial school to which Cardinal Bevilacqua had assigned him. One of the boys even moved into Brennan's apartment. When Brennan grew concerned that word about his guest was leaking out, he went to Monsignor Lynn – who promptly assured him that the report was just a "rumor" that would never be allowed into Brennan's file.

That same summer, Brennan arranged for his sleepover with Mark, and sodomized him. In the years that followed, Brennan was cycled through a variety of assignments, without any restrictions on contact with minors. In one of these posts, he actually crossed paths with Mark again. Brennan, unbowed, commanded the boy to come to him. He was thwarted not because of any action by Monsignor Lynn or the Archdiocese, but only because this time Mark was not too afraid to escape.

Avery and Brennan were hardly the only two priests whom Monsignor Lynn so favored. The prior grand jury report is full of similar accounts. We summarize several of them below, in the main body of this report. Those cases, however, were long before Billy's and Mark's, and the prior grand jury was unable to document any repeat assaults by those particular abusers that resulted from Lynn's institutional laxness. Not so this time. There is no doubt that Monsignor Lynn's refusal to curb Avery and Brennan led

directly to the rape of Billy and Mark. We therefore charge William Lynn with the crime of endangering the welfare of a child, a felony of the third degree.

That leaves us with a difficult dilemma: Cardinal Bevilacqua. The Cardinal's top lawyer appeared before the grand jury and testified that the Cardinal, at 87, suffers from dementia and cancer. We are not entirely sure what to believe on that point. We do know, however, that over the years Cardinal Bevilacqua was kept closely advised of Monsignor Lynn's activities, and personally authorized many of them. On the other hand, we do not have good evidence about the Cardinal's actions specifically as to Father Avery and Father Brennan, the two priests whose treatment forms the basis for the endangering charge against Lynn. The documents clearly show what Lynn knew in these two cases and what he did or didn't do about it. But that direct link is lacking as to Cardinal Bevilacqua. On balance, we cannot conclude that a successful prosecution can be brought against the Cardinal – at least for the moment. New reports of abuse continue to come in.

Victim “assistance” procedures

Prompted by the pressure of the prior grand jury report, the Archdiocese has in recent years revamped its policies for handling victims of clergy sexual abuse. Now, at least in some cases, the church reports abusers to law enforcement authorities, something that in the past never occurred. And the Archdiocese pays for counseling, and sometimes other expenses. Those are positive steps, if small ones.

We are very troubled, however, by what we learned about the church's procedures

by examining its treatment of Billy and Mark after they reported their abuse. The previous grand jury heard extensive testimony from the former Pennsylvania Victim Advocate, a state official appointed to represent the interests of crime victims throughout the Commonwealth. The state victim advocate outlined eleven essential attributes of an effective abuse victim program. In a dramatic move, the Archdiocese went out and hired that victim advocate as a consultant. As it turns out, however, the church has not implemented her recommendations.

Instead, the present process is burdened by misinformation and conflict of interest. The Archdiocese's "victim assistance coordinators," for example, mislead victims into believing that their discussions with the coordinators are protected by confidentiality. That is not the case. In Pennsylvania, licensed rape counselors are indeed required by statute to maintain confidentiality, like lawyers. The church's victim assistance coordinators, however, are not licensed counselors to whom the statutory mandate applies – and they do not keep victims' statements confidential. They turn the statements over to the Archdiocese's attorneys, who of course have an ethical obligation to protect their client from potential civil and criminal liability.

In a further breach of confidentiality, church employees press victims to sign releases as to records in the possession of third parties, such as outside therapists and the military. Victims are led to believe that these releases will assist the coordinators in helping them. In reality, the records secured through these releases are, once again, turned over to the attorneys. The church's position, it appears, is that coordinators must uncover every fact in order to make a determination about whether to refer the case to

law enforcement. But that is not true. No detailed information is necessary for a referral. Public officials will conduct their own investigation, assuming they are ever told about the accusation.

The only rational explanation for such procedures is not to guarantee the victim's recovery, but to guard the church against what its highest officials repeatedly refer to as "scandal." We found notations on records in both Billy's and Mark's victim assistance files that discussed the statute of limitations – a legal defense that would be asserted by the church or its priests to block civil and criminal liability. Indeed the military records that Mark was asked to release had no relevance to his case except for that one purpose: to assist the church in calculating whether any potential legal claims against it were still within the limitations statute. And once they were done making those calculations, church employees handed Mark's (previously) confidential records over to the last person in the world he would have given them to: his abuser, Father Brennan.

One additional practice during the victim assistance process is of particular concern. The manner in which the coordinators pursue statements can have no salutary purpose. The policy is not even to ask the abuser to speak, although he is obviously a crucial witness; the explanation we were given for this policy is that it might "put the priest in position of admitting" his guilt.

In contrast to this kid-glove treatment of the abuser, victims are virtually hounded to give statements. Victim coordinators (like Monsignor Lynn before them) make it their business to "get details – even unimportant" ones. The only possible reason for this tactic would be to use the statements as ammunition to impeach victims, in an effort to make

them appear incredible. Thus Billy was practically chased out of his house in pursuit of a statement, after repeatedly declining to speak. Mark, meanwhile, was accosted by an “assistance” coordinator while he was still in the hospital, recovering from his suicide attempt.

Such procedures are, to state it softly, one-sided – and the side taken is not that of the victim. They are not worthy of a church that says it is committed to righting the wrong of clergy sex abuse.

Abusers at large

Most disheartening to the grand jury was what we learned about the current practice toward accused abusers in the Philadelphia Archdiocese. We would have assumed, by the year 2011, after all the revelations both here and around the world, that the church would not risk its youth by leaving them in the presence of priests subject to substantial evidence of abuse. That is not the case.

In fact, we discovered that there have been at least 37 such priests who have been kept in assignments that expose them to children. Ten of these priests have been in place since before 2005 – over six years ago. We understand that accusations are not proof; but we just cannot understand the Archdiocese’s apparent absence of any sense of urgency.

On the other hand, in cases where the Archdiocese’s review board has made a determination, the results have often been even worse than no decision at all. The board takes upon itself the task of deciding whether it finds “credible” the abuse victims who dare come forward. It is the board, though, that strikes us as incredible.

In one case, a 44-year-old man said he had been abused by a priest while in second grade. The board calculated that the man would have been in the second grade in 1969. The priest in question did not arrive in the parish until 1970. Therefore, ruled the board, the man must not be telling the truth. Apparently there was no possibility that, after almost four decades, the victim could have been off by a few months about the date, but still right about the conduct. A year after this “incredible” report, the same priest was the subject of an independent allegation by another victim. Despite a wealth of corroborating evidence, the board also declared this second man incredible. The man killed himself shortly after the board’s decision.

In another case, the accused priest submitted to a lie detector test. He was asked whether he had shown pornographic movies to minors, whether he had fondled himself in front of children, and whether he had touched boys’ genitals. He flunked every question. The board nonetheless declared the victim’s accusations “unsubstantiated.”

The same thing happened to a woman who came forward to report that two priests had fondled her when she was a teenager. One of the priests admitted the report was true. The other denied it, but then flunked his polygraph test. The review board initially found the report about him credible, but then took a re-vote two months later, on the ground that some of the board’s members had been absent the first time due to “inclement weather.” This time, on the same evidence as the original vote, the board gave the second priest a clean bill of health – as if the victim had some reason to tell the truth about the first priest, who admitted it, but was lying about the second priest, who just happened to flunk the lie detector for no reason. That priest remains in good standing, still “ministering” to

men, women, boys, and teenage girls.

These are simply not the actions of an institution that is serious about ending sexual abuse of its children. There is no other conclusion.

Recommendations

Obviously, nothing will really change in the church until there is a will to change. In the meantime, there are steps to be taken, both inside and outside the Archdiocese, that may be of some help in preventing new victims and assisting old ones.

First, experience now demonstrates that programs for aiding victims of clergy sex abuse cannot be operated by the church itself. Victims should be assisted by the state Victim Compensation Board, or by a completely independent non-profit organization that is not subject to Archdiocesan control. In either case the church must provide the necessary funding. The church, through its lawyers, is of course entitled to defend itself against civil or criminal claims; but it can no longer try to play both sides of the fence with its victims.

Second, as the previous grand jury requested seven years ago, the Legislature should pass a “civil window” statute that will allow for lawsuits on otherwise time-barred claims. That is the only way the public will be able to learn of and protect itself from abusive priests that the church’s review board refuses to reveal.

Third, there is another way in which the Legislature may have power to influence the actions of the church. Although parochial schools do not operate at public expense, they do receive various targeted funds for ancillary items. The Legislature should

consider reduced funding to schools, public or private, that fail to create a safe environment for their children.

Fourth, we urge victims of clergy sexual abuse to come forward to the District Attorney's Office. You are not required to go to the Archdiocese first; nor are you precluded from going there if you first report your abuse to law enforcement officials. There is no other class of crimes where we expect victims to rely on their assailants for a resolution. That was the attitude in the past in relation to domestic abuse, but the criminal justice system has worked to change that mindset. The same should be true in relation to clergy abuse. We think the wall of silence may be cracking.

A final word. In light of the Archdiocese's reaction to the last grand jury report, we expect that some may accuse us of anti-Catholic bias for speaking of these painful matters. We are not church-haters. Many of us are church-goers. We did not come looking for "scandal," but we cannot close our eyes to the powerful evidence we heard. We call the church to task, to fix what needs fixing.

Section II

The Sexual Abuse of Billy

This Grand Jury investigation began with the tearful testimony of “Billy.” Billy was a 10-year-old student in Barbara Mosakowski’s fifth-grade class at St. Jerome School in Philadelphia when two priests molested and orally sodomized him during the 1998-99 school year. Billy had signed up to be an altar boy at St. Jerome Church because his brother, who was three years older, had been one. He also participated in the “maintenance department” of the school’s bell choir, meaning that he took the bells out of their cases before choir practice and put them away at the end.

Rev. Charles Engelhardt abused Billy in the church sacristy after Mass.

Billy’s first uncomfortable encounter with a priest took place after he served an early morning weekday Mass with Rev. Charles Engelhardt. While Billy was cleaning up in the church sacristy, Father Engelhardt caught him drinking some of the leftover wine. The priest did not scold the 10-year-old altar boy. Instead, he poured him more of the sacramental wine and began asking him personal questions, such as whether he had a girlfriend.

While discussing such matters, Father Engelhardt pulled pornographic magazines out of a bag and showed them to Billy. He asked the boy how it made him feel to look at pictures of naked men and women, and which he preferred. He also told Billy that it was time for him to become a man, and that “sessions” with the priest would soon begin. With

that enigmatic statement, Father Engelhardt let Billy go to school. At the time, the fifth-grader did not understand what the priest meant; he just put the episode in the back of his mind, and went about what he was doing.

About a week later, Billy served another early morning Mass with Father Engelhardt. When they were in the church sacristy afterwards, the priest instructed Billy to take off his clothes and sit on a chair next to him. As the boy nervously complied, Father Engelhardt undressed himself, and then began to caress the 10-year-old's legs. He repeated to Billy that it was time for him "to become a man," and proceeded, in Billy's words, both "to jerk [Billy] off" and to perform oral sex on him.

At Father Engelhardt's direction, Billy next fondled the priest's genitals, and then got on his knees and put the priest's penis in his mouth. Father Engelhardt called Billy "son," and told him he was doing a good job as he instructed the boy to move his head faster or slower. After ejaculating on Billy, Father Engelhardt told him he was "dismissed."

About two weeks later, Father Engelhardt asked him if he was ready for another session, but Billy emphatically refused.

Rev. Edward V. Avery learned that Father Engelhardt had abused Billy, and then did the same thing.

Father Engelhardt left Billy alone after his unsuccessful attempt to arrange a repeat "session," but the boy's ordeal was far from over. A few months after the encounter with Father Engelhardt, Billy was putting the bells away after choir practice when Father Edward Avery pulled him aside to say that he had heard about Father

Engelhardt's session with Billy, and that *his* sessions with the boy would soon begin.

Billy pretended he did not know what Father Avery was talking about, but his stomach turned.

Soon after the warning, Billy served a Mass with Father Avery. When Mass was ended, Father Avery took the fifth-grader into the sacristy, turned on music, and ordered him to perform a "striptease" for him. Billy started to undress in a normal fashion, but Father Avery was not satisfied and directed him to dance while he removed his clothes.

Father Avery sat and watched Billy with an "eerie smile" on his face, before getting up and undressing himself. When they were both naked, the priest had the boy sit on his lap and kissed his neck and back, while saying to him that God loved him and everything was okay.

Father Avery fondled Billy's penis and scrotum, and then had Billy stand so that he could perform oral sex on the boy. As the priest fellated the 10-year-old, he stuck his finger in Billy's anus, causing him to react in great pain.

After sucking on Billy's penis for a while, Father Avery announced that it was time for Billy to "do" him. He directed the 10-year-old to fondle his genitals and then put the priest's penis in his mouth and suck on his scrotum. The session ended when Father Avery ejaculated on Billy and told him to clean up. The priest told Billy that it had been a good session, and that they would have another again soon.

They did, a few weeks later, following an afternoon weekend Mass. As Billy was cleaning a chalice, Father Avery again directed the 10-year-old to strip for him. When Billy did as he was told, the priest fondled and fellated him again and, this time, licked

his anus. He made Billy “jerk him off” as he performed oral sex on the boy. After Father Avery ejaculated, he left Billy in the sacristy.

From then on, Billy avoided serving Mass with Father Avery by trading assignments with other altar boys. But, like many children who are sexually abused, he was too frightened and filled with self-blame to report what had been done to him.

Sixth-grade teacher Bernard Shero raped Billy in the back seat of a car.

Billy had a slight break over the summer between fifth and sixth grades. He went to the New Jersey Shore with his family and, for that period, did not have to serve Mass with Father Engelhardt or Father Avery. But when he returned to school in the fall, he found himself in the sixth-grade classroom of Bernard Shero. Shero, according to Billy, was “kind of a creep.” He touched students when he talked to them, and would put his arm around students and whisper in their ears. Billy testified that Shero’s conversations with students were inappropriate, and that he would try to talk to Billy about intimate things.

One day, Shero told Billy he would give him a ride home from school. But instead of taking Billy straight home, he stopped at a park about a mile from the boy’s house. When Billy asked why they were stopping, Shero answered, “We’re going to have some fun.” The teacher told Billy to get in the back seat of the car. He directed his student to take his clothes off, but then became impatient and started helping Billy to undress. Shero then fondled Billy’s genitals and orally and anally raped the now 11-year-old boy. Shero was only able to get his penis part-way into Billy’s anus because the boy

screamed in pain. The teacher then had Billy perform the same acts on him. As Billy did so, Shero kept saying, “It feels good.”

After raping Billy, Shero told him to get dressed. He then made the fifth-grader walk the rest of the way home.

Billy suffered physical and emotional harm as a result of the abuse.

Although Billy was too frightened to directly report the abuse as a child, he experienced otherwise unexplained physical problems that corroborated his testimony before the Grand Jury. In the fifth grade, when Fathers Engelhardt and Avery were having their “sessions” with him, Billy complained to his mother of pain in his testicles. In the sixth grade, when Shero raped and orally sodomized him, he went through an extended period when he would gag and vomit for no reason. His mother took him to doctors for both conditions, but there was never a diagnosis. Billy’s mother turned over to the Grand Jurors her records of her visits to doctors with Billy.

Billy’s mother also told us of a dramatic change in her son’s personality that coincided with the abuse. His friends and their parents also noticed this personality change. Billy’s mother watched as her friendly, happy, sociable son turned into a lonely, sullen boy. He no longer played sports or socialized with his friends. He separated himself, and began to smoke marijuana at age 11. By the time Billy was in high school, he was abusing prescription painkillers, and eventually he graduated to heroin.

It was at an inpatient drug treatment facility that Billy first told someone about his abuse. Billy’s mother testified that she probably should have suspected something before

then, because she found two books about sexual abuse hidden under Billy's bed when he was in high school. She asked him about the books at the time, but he covered up for his abusers by telling her that he had them for a school assignment.

The Philadelphia Archdiocese had assigned Father Avery to St. Jerome even though Msgr. William Lynn, Cardinal Anthony J. Bevilacqua, and other high-ranking officials knew he had abused another boy and could not be trusted around adolescents.

In at least one instance, the blame for the abuse Billy suffered did not lie with the perpetrators alone. The Secretary for Clergy, Monsignor William Lynn,¹ who is now the pastor at St. Joseph Church in Downingtown, had recommended Father Avery for assignment to a parish with a school. He then failed to supervise or restrict his contact with adolescents in any way. Msgr. Lynn did this even though he knew that Father Avery had sexually abused another boy and could not be trusted around children.

While we cannot know Msgr. Lynn's motivation for this abhorrent decision to allow a known child molester unfettered access to children whose parents had entrusted them to the Archdiocese's care, we know that it gravely endangered the welfare of the parish children – a danger that was tragically realized in Billy's case.

Seven years before Father Avery abused Billy, the Archdiocese learned he had abused someone else.

Seven years before Father Avery abused Billy, Msgr. Lynn, Cardinal Anthony J. Bevilacqua, and other Archdiocese officials learned that the priest had molested another

¹ At the time, Lynn's title was "Father" Lynn. Cardinal Bevilacqua granted him the title of "Monsignor" shortly after. Because Lynn held that title throughout most of the events referred to in this report, we refer to him exclusively as "Msgr. Lynn" to avoid confusion.

altar boy. “James” was a 29-year-old medical student, with a wife and child, when he wrote to the Archdiocese in the spring of 1992 to report that Father Avery had abused him in the 1970s and 1980s. He enclosed a copy of a letter that he had just sent to Father Avery, in which he told the abusive priest:

I’ve been carrying a burden for all these years that is not justly mine to bear. . . . It all began when I was a young boy and you came to my church. I thought you were funny and you let me help you at dances and other functions. You made me feel valued, included, and special. I trusted, respected, and loved you, and you taught me many things about construction, driving, and gave me my first beer. I truly believed you had my best interest at heart, that you cared about me in a fatherly way.

Then one night after I had helped you at a dance and had quite a lot to drink I awoke to find your hand on my crotch. I was terrified. . . .

I’ve never told you until now because I’ve been afraid and I’ve always blamed myself for what happened. I always thought there was something I did or said or a way I acted that made you think it was alright to do what you did. I would think that you’ve been such a good friend to me that maybe these activities were alright.

I knew one thing, I didn’t want you to touch me that way and I didn’t want sex with you or any other man. I was determined after that night that I would never be hurt by you again. I would always be safe from that kind of intrusion. I became distant and depressed, my ability to trust men shattered. I am only now undergoing the long recovery process from wounds I suffered at your hands. I have let too much of my life be controlled by this terrible wrong you committed.

YOU HAD NO RIGHT TO HURT ME THE WAY YOU DID.

YOU HAVE NO RIGHT TO HURT ANYONE ELSE THIS WAY.

I AM NOT RESPONSIBLE FOR WHAT YOU DID TO ME.

ALL THE RESPONSIBILITY IN THIS MATTER IS YOURS.

I WILL NO LONGER CARRY THIS BURDEN FOR YOU.

MY ONLY RESPONSIBILITY IS TO GOD, MYSELF, AND FAMILY.

James told the Archdiocese that he sought neither money nor scandal. He merely wanted to make sure that Father Avery was not still a threat to others.

On September 28, 1992, Msgr. Lynn and his assistant, Father Joseph R. Cistone, who is now the Bishop of Saginaw, Michigan, interviewed James. James told them that he had met Father Avery in 1976, when he was an altar boy and the priest was assistant pastor at Saint Philip Neri Parish in East Greenville. Father Avery would take James and other altar boys to his beach house in North Wildwood and give them alcohol. Father Avery gave James his first drink at age 12.

James told Msgr. Lynn and Father Cistone that Father Avery first touched him on an overnight with a group of altar boys at the priest's house on the Jersey Shore. Father Avery had entered the loft where the boys were sleeping, and had "wrestled" with them and "tickled" them. Several times, Father Avery put his hand on the boy's crotch.

In September 1978, Father Avery was transferred abruptly to Saint Agatha-Saint James Parish. James's mother, Mary, described how, "One Sunday Father Avery was saying Mass and that Wednesday he was gone, transferred for some unknown reason."

After his transfer, Father Avery, who moonlighted as a disc jockey at bars, weddings, and parties, continued to invite James to assist him on disc jockey jobs. During James's freshman year in high school, he took the boy to Smokey Joe's, a bar on the University of Pennsylvania campus. There, the boy and the priest were served large amounts of alcohol. James told Msgr. Lynn that the priest took him back to his rectory for the night. When the then-15-year-old awoke, he was in Father Avery's bed with the priest, and Father Avery had his hand on James's genitals.

James related to Msgr. Lynn a similar incident that occurred on a ski trip to Vermont when James was 18 years old. Again, Father Avery slept in the same bed with James and fondled the boy's genitals.

Msgr. Lynn and Father Cistone next interviewed Father Avery, who told them that he was drunk the night of the Smokey Joe's incident – as was the 15-year-old – and did not recall much. He acknowledged that it “could be” that he did what was alleged, but claimed that he could not remember. He told Msgr. Lynn that if he touched James in Vermont while sleeping in the same bed, it was “strictly accidental.” He would later admit to a District Attorney's Office detective, however, that he did fondle James's genitals on the Vermont trip.

Father Avery also informed Msgr. Lynn in 1992 that he had adopted six Hmong children – three girls and three boys. Archdiocese officials did nothing over the years to investigate the welfare or safety of these children entrusted to the accused child molester.

Msgr. Lynn summarized his interviews with James and Father Avery in a memo to Cardinal Bevilacqua and, according to procedure, recommended that Father Avery be sent for evaluation at Saint John Vianney Hospital, an Archdiocese hospital in Downingtown. The Cardinal approved the recommendation in late 1992.

Father Avery was evaluated and treated at an Archdiocese hospital; even it recommended that any future ministry by the priest not include adolescents.

After four days of evaluation from November 30 through December 3, 1992, the Anodos Center, a part of Saint John Vianney Hospital in which sexual offenders in the clergy are evaluated and treated, recommended in-patient treatment for Father Avery.

Msgr. Lynn reported to Cardinal Bevilacqua that the center had found Father Avery's account of his involvement with James vague and inconsistent, that he seemed to have a mood disorder, and that he likely abused alcohol.

On December 15, 1992, the Cardinal, who had allowed Father Avery to remain the active pastor of a parish for ten and a half months after James reported the sexual abuse to the Archdiocese, approved the recommendation for in-patient treatment at the Anodos Center.

After Father Avery spent six months at Saint John Vianney, during which time James came to the hospital to confront the priest, it was determined that treatment should continue. Msgr. Lynn's memos to the file, which up to that point had thoroughly documented the relevant facts and all the recommendations that he had provided to the Cardinal, became sparse.

The Archdiocese maintains what it calls "secret archive files," which should include all information relating to complaints against priests, such as those involving sexual abuse of minors. This file for Father Avery contained only a few scrawled notes in Msgr. Lynn's handwriting from the time the priest was at St. John Vianney. The notes stated that treatment is to be continued; that Avery "got into shame" after meeting with James at the treatment center; that the priest was "in denial;" that there was a question of whether there were other victims; and that Father Avery was "upset" and "angry."

The next memo in the secret archive file, dated August 24, 1993, was written by Msgr. Edward P. Cullen, the Cardinal's number two man and the vicar for administration, who went on to become the Bishop of the Allentown Archdiocese. In this memo, Msgr.

Cullen passed along Cardinal Bevilacqua's instructions to Msgr. Lynn. The Cardinal wanted his Secretary for Clergy to falsely explain Father Avery's resignation to his parish as a matter of health, rather than inform parishioners of the truth – that the priest had molested at least one altar boy, and could not be trusted around adolescents.

Msgr. Cullen's memo stated:

Cardinal Bevilacqua responded by saying that the Regional Vicar [Charles Devlin] should handle this matter. Monsignor Devlin should note that Father Avery resigned (if, in fact, you have his letter of resignation) and that the fundamental reason for his resignation is related to his health. Cardinal Bevilacqua further thought it would be helpful if Monsignor Devlin had a letter from Father Avery . . . which would be addressed to the parishioners thanking them for their support and indicating that his decision to resign was essential for his health.

The next day, August 25, 1993, the Cardinal received Father Avery's resignation as pastor at St. Therese of the Child Jesus in Philadelphia. In his letter, the priest noted that he had met with Msgr. Lynn, and he maintained the ruse that he was resigning "because my present state of health needs more attention."

In Cardinal Bevilacqua's testimony before the previous grand jury, he tried to explain this deception of parishioners by claiming that the mention of health referred to a bipolar condition and alcoholism. Saint John Vianney had, however, informed the Archdiocese months before that Father Avery was "NOT bipolar."

Msgr. Cullen testified before the previous grand jury that Cardinal Bevilacqua was insistent, in all cases involving the sexual abuse of minors by priests, that parishioners not be informed of the truth. In accordance with that policy, Msgr. Lynn lied to a parishioner in a March 1993 letter, claiming that, while Father Avery was at Saint John Vianney, "there have never been anything but compliments heard in this office

about Father Avery.” He wrote to another parishioner in July 1993 about the reason for Father Avery’s absence: “Let me assure you that is what they are – rumors.” Msgr. Lynn told that parishioner that Father Avery had requested a health leave.

Father Avery was discharged from Saint John Vianney on October 22, 1993. In a memo to Msgr. James E. Molloy, then the assistant vicar for administration, Msgr. Lynn listed the treatment center’s recommendations. These included “a ministry excluding adolescents and with a population other than vulnerable minorities; a 12-step Alcoholics Anonymous meeting for priests; and any further involvement with the Hmong be in an administrative or pastoral capacity.” Saint John Vianney also advised that an aftercare team was necessary to keep watch over Father Avery.

Despite the treatment center’s report, Msgr. Lynn concluded his memo by recommending that Father Avery be assigned as an associate pastor at Our Lady of Ransom, a parish in Philadelphia with an attached elementary school. Msgr. Molloy forwarded Msgr. Lynn’s memo to Cardinal Bevilacqua.

Cardinal Bevilacqua assigned Father Avery to live at St. Jerome and allowed the known abuser to perform Masses with altar boys.

Cardinal Bevilacqua followed Msgr. Lynn’s inexplicable recommendation to assign Father Avery to reside at a Philadelphia parish with an attached elementary school, though the Cardinal chose Saint Jerome instead of Our Lady of Ransom. In a December 7, 1993, letter to Rev. Joseph B. Graham, the pastor at St. Jerome, Msgr. Lynn wrote that Father Avery had been asked to help in the parish as much as he was able. Msgr. Lynn

did not mention in his letter that Father Avery's interaction with children at St. Jerome should be restricted or supervised in any way.

Msgr. Lynn ignored repeated warnings that Father Avery was not complying with supposed restrictions on his activities.

After assigning Father Avery to live at St. Jerome, a parish with an elementary school, the Archdiocese hierarchy did virtually nothing to minimize the continued danger that the priest posed to children. Archdiocese officials followed few, if any, of the therapists' recommendations.

Saint John Vianney personnel repeatedly told Msgr. Lynn that Father Avery's aftercare team was not in place and was not meeting as it should. In fact, the team that the Archdiocese supposedly relied on to supervise Father Avery (Father Joseph Sweeney, Father Graham, and Msgr. Lynn) did not meet for more than a year after the priest's release from the treatment center. Father Graham, the pastor, denied even knowing he was on such a team.

A chaplain at the hospital, Father Michael Kerper, warned Msgr. Lynn frequently that Father Avery was neglecting his duties and was instead booking numerous disc jockey engagements. Msgr. Lynn's notes record that even Father Graham called to complain that Father Avery was doing too much disc jockeying.

In February 1995, Father Kerper took it upon himself to inform Msgr. Lynn that Father Avery had booked party engagements for 25 of the next 31 Saturdays. Msgr. Lynn brushed off the Saint John Vianney chaplain and disregarded the implications of Father

Avery's access to young people – even though he knew these activities involved precisely the kind of situations the priest had exploited to sexually molest James.

Msgr. Lynn and his colleagues also appear to have ignored Father Avery's continued involvement with the Hmong, despite Saint John Vianney's explicit recommendation to limit his contacts with that community. According to Cardinal Bevilacqua, restrictions on an abusive priest's ministry are normally documented in his file. There is nothing, however, in Father Avery's file to suggest that his access to the Hmong children whom he adopted, or his non-pastoral relationships with the Hmong, was ever restricted or even monitored.

Archdiocese documents indicate that, in 1996, Msgr. Lynn was aware that Father Avery was still deeply involved with the Hmong community – three years after therapists had urged that he be kept away from “vulnerable minorities.” There is no indication that church officials ever checked on the welfare of Father Avery's “adopted” children – even though Msgr. Lynn and the Cardinal were the only people in a position to protect those children, having concealed from the community that the man entrusted with their welfare was an accused child molester.

Msgr. Lynn protected Cardinal Bevilacqua while endangering parish children.

Between 1994 and 2002, the only thing that concerned Msgr. Lynn sufficiently to suggest a meeting with Father Avery was the priest's repeated requests to attach Cardinal Bevilacqua's signature to endorsements for various certifications and programs. The Cardinal did personally endorse Father Avery for certification by the National

Association of Catholic Chaplains, which asked the Cardinal to vouch for the priest's "high standards of professional competence and moral and ethical conduct." But the next time such an endorsement was needed, Msgr. Lynn interceded to protect Cardinal Bevilacqua.

In September 1997, Msgr. Lynn met with Father Avery to tell him that the Cardinal could not complete a questionnaire for his admittance to a doctoral program at Chestnut Hill College, explaining that "Cardinal Bevilacqua must be careful as to what kinds of endorsements he gives." Msgr. Lynn was not, however, telling Father Avery that the Archdiocese would not vouch for his good character – only that the Cardinal's name could no longer appear on written endorsements. Msgr. Lynn furnished the necessary character reference himself, citing honesty as one of Father Avery's strengths, and Father Avery enrolled in the college program.

During the same September 1997 meeting with Father Avery, Msgr. Lynn told the priest that he had received an e-mail from James. In fact, he had received the e-mail a year earlier. In September 1996, James wrote:

What in the end happened to [Father Avery]. I'm not asking for details. What I want to know is – is he rehabilitated or in a situation where he can't harm others? Will the diocese vouch for the safety of its children? For my peace of mind I have to know.

Msgr. Lynn wrote in his memo of the September 1997 meeting that he told Father Avery that he had responded to James "that the Archdiocese had taken proper steps in the matter, without stating where Father Avery was stationed."

Msgr. Lynn continued that he told Father Avery “he should be more low-keyed than he has been recently.” He then noted: “Father Avery, at first, did not seem to understand what I was talking about, but after we had been talking for a while it finally dawned on him what I was saying.”

Msgr. Lynn did not say in his memo what Father Avery had done recently to prompt this warning. In fact, Msgr. Lynn’s obscure language, the pride he seemed to take in relating to Father Avery that he had not told James that the priest was living in the rectory of a parish with a school, and the warning to the sexual predator to be “low-keyed” all seem like the product of someone trying to aid and abet an abuser in escaping detection. They are certainly not the product of someone trying to protect children from a predator in their midst.

In 1998, Msgr. Lynn wrote another memo to the file explaining why Cardinal Bevilacqua could not recommend Father Avery as a chaplain to the Veteran’s Hospital. The problem was that the Cardinal would have to write a letter saying there were no allegations against Father Avery, which obviously was not true. Msgr. Lynn also wrote that he still had “concern” about Father Avery because the priest “still seems to minimize his behavior.”

Again, Msgr. Lynn in the memo did not specify the “behavior” he was referring to. In any case, Father Avery stayed at St. Jerome, serving Mass with children and hearing their confessions. He also kept working as a disc jockey, because no one made him stop.

Msgr. Lynn wrote this memo a few months before Father Avery molested Billy.

The 1992 allegation against Father Avery was not officially deemed credible until 2003 – after a grand jury had launched an investigation.

In June 2002, 10 years after James first reported the abuse by Father Avery, he called Msgr. Lynn in frustration. James told Msgr. Lynn that Father Avery was still engaging in the same activities that led to his abuse. He informed Msgr. Lynn that Father Avery was working parties as a disc jockey, and expressed concern that the priest was around minors drinking alcohol. James told Msgr. Lynn he felt he was not being “heard as credible.” The victim offered more details of the priest’s past behavior with him and other boys, and he gave names of those who could corroborate his story.

James had explained to Archdiocese officials when he first came forward in 1992 that writing his letter confronting Father Avery was the most difficult thing he’d ever done. He had been unable to do it for more than a decade. He expected that when he finally mustered the courage to act he would find some resolution and be able to move on. He had presumed the Archdiocese would act on his information to keep Father Avery away from other boys.

James told Msgr. Lynn that he wanted Father Avery to “own up” to what he had done, and he wanted the Archdiocese to protect other children. Most of all, he said, he wanted to know he was believed. Yet Msgr. Lynn refused to tell this 29-year-old victim, who sought nothing but to place the responsibility for his molestation where it belonged, and to protect other children from experiencing the same trauma, that he was believed.

Meanwhile, Father Avery continued to minister at St. Jerome. He testified before the previous grand jury that he continued to celebrate Mass, with altar servers, usually

twice a weekend. He told the grand jury on April 25, 2003, that he was still permitted to hear confessions of the grade-school children. He said he was never told to restrict his activities with the children of the parish.

On June 2, 2003, a little over a month after Father Avery testified before the grand jury, Cardinal Bevilacqua finally launched an investigation into the 1992 allegations. Following a review of the investigation by an Archdiocesan review board, Cardinal Justin Rigali, who succeeded Cardinal Bevilacqua in 2003, found James's allegation "credible." Cardinal Rigali removed Father Avery from all assignments and prohibited him from performing public ministry on December 5, 2003. That was five years too late to protect Billy – and who knows how many other children.

Section III

The Sexual Abuse of Mark

While investigating the sexual abuse that Billy suffered at St. Jerome, we uncovered evidence that another boy, 14-year-old Mark Bukowski, was raped by Rev. James J. Brennan, Father Engelhardt's immediate predecessor at that parish. Like Father Avery, Father Brennan was assigned to positions at St. Jerome and other parishes and schools where he was allowed to work with children even though Msgr. Lynn and other Archdiocesan officials were aware that he had a history of improper behavior with minors.

The Archdiocese hierarchy knew that Father Brennan was a troubled priest with a history of inappropriate relationships with minors.

In 1991, five years before Mark was raped, Cardinal Bevilacqua appointed Father Brennan to the faculty of Cardinal O'Hara High School in Springfield, Pennsylvania, and granted him a secondary assignment as the live-in chaplain at Divine Providence Village, a residential facility for young women with developmental disabilities. In both posts, Father Brennan was known to have inappropriate relationships with minors.

At Cardinal O'Hara, Father Brennan and other priests took students out of class to conduct closed-door meetings, a practice that the Director of Guidance, Dr. Thomas O'Brien, felt the need to ban. Father Brennan focused particular attention on "David," a male student with whom he would frequently "hang out." One afternoon, Dr. O'Brien heard noises coming from inside Father Brennan's office, and then watched as Father

Brennan and David tumbled out of the office, wrestling with one another. In the words of other staff members at Cardinal O'Hara, including Dr. O'Brien's secretary, the relationship between Father Brennan and David was "not healthy."

During Father Brennan's off hours, he frequently hosted loud parties, which were attended by David and a half-dozen or so other students from Cardinal O'Hara. Sister Patricia McCafferty, who was among the religious sisters responsible for administering Divine Providence Village, suspected that Father Brennan served alcohol to David and other minors at those parties – a suspicion that Mark Bukowski would later confirm.

The summer after David's high school graduation, when he would have been 17 or 18 years old, he moved in with Father Brennan at Divine Providence Village for a period of several months. Apparently appreciating the wrongfulness of the situation, Father Brennan lied to the sisters about the relationship, telling them that David was his nephew.

Unpersuaded, the sisters registered a complaint with Archdiocesan officials about Father Brennan's behavior. But the Archdiocese hierarchy did nothing to address the underlying problem of the priest's inappropriate relationships with young people. Instead, it simply notified him that loud parties and permanent guests were not allowed at Divine Providence Village.

In April 1995, about four months after being admonished about hosting permanent guests at Divine Providence Village, Father Brennan met with Msgr. Lynn to discuss a possible change of residence. At the meeting, Father Brennan told Msgr. Lynn that he did not get along with the sisters at Divine Providence Village, and claimed that

he did not know why this was the case. Remarkably, Msgr. Lynn said nothing about the fact that Father Brennan was living with a boy under false pretenses and holding boisterous parties with students where underage drinking was suspected.

In June 1995, Cardinal Bevilacqua transferred Father Brennan to St. Mary Magdalen, a parish in Media, Pennsylvania (with an attached elementary school), where Msgr. Lynn knew the pastor to be on friendly terms with Father Brennan. Although this assignment was apparently granted as a favor to Father Brennan, he grew unhappy during his time there.

In March 1996, Father Brennan met with Msgr. Lynn to request a leave of absence. The Secretary for Clergy wrote in his file that the priest was “afraid that [his unhappiness] is beginning to show in his work and in a sense giving scandal to others because he is not performing up to expectations.” At the time, Father Brennan told Msgr. Lynn that he believed his unhappiness was a byproduct of sexual abuse he had suffered as a child – though, when questioned years later, he firmly denied having experienced such abuse.

Soon after the meeting with Msgr. Lynn, Father Brennan met with Cardinal Bevilacqua, and repeated to him the claim that he needed a leave of absence to deal with psychological ramifications from his own childhood sexual abuse. Cardinal Bevilacqua granted Father Brennan a temporary leave of absence, but noted in a memo to the priest’s file, “My interview with Father Brennan has raised certain doubts in my mind about his honesty. I suspect, without any evidence, that he is not telling the full story of why he

wishes this leave of absence. He seemed almost anxious to tell about his sexual abuse and did so without hesitation or embarrassment.”

What did not make its way into Father Brennan’s file in an official manner were the reports that he was living with a former student and hosting parties for current students at which underage drinking was suspected. In June 1996, Father Brennan called Msgr. Lynn because he was upset that other priests had been talking about his living arrangement with David, and suggesting that it was one of the reasons he had left Divine Providence Village.

Msgr. Lynn put Father Brennan’s mind at ease, telling him that he knew “there was a rumor circulating to that effect. . . . [but] not to be concerned about these rumors; . . . we only take the facts as we find them. Rumors are not put into personal files.” Again though, Father Brennan’s living arrangement with David was far from a mere “rumor.” It had been properly reported by the religious sisters at Divine Providence Village, who had observed the situation firsthand, only to be ignored by Msgr. Lynn.

It was in the summer of 1996 that the Secretary for Clergy reassured Father Brennan that the Archdiocese would take no action against him – that he was safe. In the summer of 1996, Father Brennan anally raped Mark.

Father Brennan engaged in inappropriate behavior with the Bukowski family before preying on Mark Bukowski.

Father Brennan’s first assignment upon joining the priesthood in 1989 had been as an assistant pastor at St. Andrew Church in Newtown, Pennsylvania, where he developed a close relationship with the Bukowski family, who were parishioners. Father Brennan

often visited the Bukowskis on weekends during his time at St. Andrew, and continued the practice for years after he left the parish in 1991, sometimes staying overnight with the family.

Father Brennan was particularly close to Mark, who was about 9 years old when the relationship started, and to Mark's mother, Patricia. During the visits, Father Brennan would drink heavily with Patricia, and then engage in classic "grooming" behavior with Mark. From the first visit, when Mark was just 9, Father Brennan invariably would bring up the topic of sex when talking with him. He also made a point of having close physical contact with Mark whenever they were together.

During one visit, Father Brennan became intoxicated and then conducted a physical examination of Mark's nipples, which Mark had described as sensitive. On other occasions, Father Brennan gave Mark shoulder and back massages. And on almost all his visits, he initiated wrestling matches with Mark and Mark's older brother John. No matter what the form of contact, Mark always felt that Father Brennan "went too far," until there were no boundaries between the two.

Father Brennan raped Mark Bukowski.

During Father Brennan's leave of absence in 1996, he and Patricia arranged for Mark to have an overnight visit with him at an apartment he was renting in Chester County. At the time, Mark was 14 years old.

According to Mark, on the night he arrived, he asked for a bowl of Captain Crunch, which he then played with, putting the cereal in the shape of a penis. On seeing

what Mark had done, Father Brennan said, “We can end this now if you want to end this.” Mark, not understanding what Father Brennan meant, answered, “No, it’s fine.”

As the night progressed, Father Brennan offered to let Mark use his computer – a laptop with internet access, which, at the time, was novel technology to the boy. When Father Brennan turned the computer on, he surfed through “sex chat rooms” and opened pornographic pictures. While doing so, he asked Mark how big his penis was, characterized his own penis size, and proceeded to unzip his own shorts.

Father Brennan then said, “I’m ready to go now,” indicating that he intended to masturbate in front of the computer and wanted Mark to join him. Mark said “no,” and walked away, trying without success to think of a way to leave what had become a horrifying situation.

A short time later, Mark said that he was tired, and attempted to put a sheet on the couch in the living room, but Father Brennan insisted that he come upstairs to sleep with him in his bedroom. When they got to the bedroom, Father Brennan took his shirt and pants off, so that he was in only a tank top and underwear, and asked Mark if he was able to get an erection. Fearing for his safety, Mark turned to a corner of the bedroom, with his back to Father Brennan, and pretended to attempt to arouse himself. When Mark reported that he was unable to achieve an erection, Father Brennan said, “Well, here let me see if I can loosen those shorts.” Again, though, Mark said no to him.

At that point, Mark was the most frightened he had been in his life to date. The 14-year-old started to put his sheet on a loveseat in the bedroom, but Father Brennan said, “Oh, no, don’t be ridiculous, your back will be killing you tomorrow from that little

couch. The bed is fine for the two of us.” Knowing what was coming next, Mark was so terrified that he slightly urinated himself.

Father Brennan, who was now shirtless, insisted that Mark remove his gym shorts and climb into bed with him in only his underwear, which Mark did. Mark attempted to sleep on his side, with his back to Father Brennan, because he was afraid to look at the priest. As Mark lay in that position, Father Brennan hugged him from behind, resting his chin on Mark’s shoulder and pulling the boy closer to him.

When Father Brennan pulled Mark toward him, Mark felt Father Brennan’s erect penis enter his buttocks. Mark began to cry, and asked himself over and over again, “Why is this happening?” as Father Brennan anally raped him. Mark fell asleep that night with Father Brennan’s penis still in his buttocks.

The next day, Mark reported the sexual assault to his parents, who confronted Father Brennan about the situation. Father Brennan admitted that Mark viewed pornography and slept in the same bed as him, but he denied that things went further than that. The priest claimed that it was Mark who had insisted on surfing the internet for pornography. Unfortunately, Mark’s parents, who viewed Father Brennan as both a close friend and a pillar of the community, accepted his version of events.

In fact, as subsequently noted by an Archdiocesan investigator, Father Brennan’s story made little sense. There would have been no reason for Mark to sleep in Father Brennan’s bed unless they were going to have a physical encounter. Nor would there have been any reason for Mark to become upset about viewing pornography, and report having done so to his parents, if that had been his idea.

As a result of the rape, Mark developed significant psychological and substance abuse problems, and attempted suicide.

At the time of the rape, Mark was a happy, well-adjusted boy who played several sports and had no problems in school. But the sexual assault by Father Brennan triggered significant psychological problems, including depression, which in turn led to a dramatic weight loss and left him so emotionally damaged that he was at times unable to even to leave his house.

In addition, the rape led Mark to turn to drugs and alcohol for comfort, and contributed significantly to a substance abuse problem that would affect his performance in school, damage his relationship with his family, and cause a crisis of faith. Mark even went so far as to attempt to kill himself by overdosing on pills before undergoing counseling and beginning to turn his life around.

Archdiocese officials continued to assign Father Brennan to posts where he would have regular contact with children.

The Archdiocesan Review Board, a group of individuals chosen by the Cardinal to provide recommendations regarding the credibility of abuse allegations and the appropriate action to be taken, submitted a report to the Archdiocese on July 14, 2006. The report, signed by Cardinal Rigali on August 17, stated that “[A]dults in positions of management and leadership in Reverend Brennan’s other assignments have consistently raised concerns concerning his behavior with youth.” And yet, the Archdiocese hierarchy did nothing to address those concerns and protect vulnerable young people like Mark from Father Brennan.

We have already discussed how Archdiocesan officials, before Father Brennan's leave of absence, chose to ignore the obvious implications of reports that he was living with a boy under false pretenses and holding loud parties with students where underage drinking was suspected. Instead, they simply assigned him to a new parish, where he again would be able to regularly interact with minors.

When Father Brennan returned from his leave of absence, nothing changed in that regard. Before assigning the priest to a new post upon his return in July 1997, Cardinal Bevilacqua wrote to Msgr. Lynn, suggesting, "if Father Brennan is willing to sign a release, that you would speak with [his therapist] for sole purpose of obtaining guidance on what type of parish and pastor would be suitable for Father Brennan."

The parish that Msgr. Lynn deemed suitable for Father Brennan was none other than St. Jerome, which would also be the site of Billy's sexual abuse. While at St. Jerome, Father Brennan showed little interest in many of the core functions of a parish priest, missing communion calls and openly admitting to his pastor that he did not like dealing with the elderly. Characteristically, however, Father Brennan took a very active interest and role in the Catholic Youth Organization at St. Jerome.

In May 1998, Cardinal Bevilacqua reassigned Father Brennan again, this time to Assumption B.V.M. Parish in Feasterville, where, according to a clergy interview with Msgr. Lynn, he became "involved with altar servers" and taught at the elementary school. While at Assumption B.V.M., Father Brennan wrote to Msgr. Lynn, requesting permission to enter a monastery.

In an effort to demonstrate why he believed he needed to leave parish life and isolate himself, Father Brennan attached to his letter a journal entry in which he had described a “primordial struggle being lived-out in a tormented state of unbridled passion.” He wrote that he had sinned through “the superficial, habitual actions and attitudes of a body struggling to stay afloat – of a mind writhing in pain, struggling to see the light of another day carrying with it the hope of some measure of success. And so I scrub my face and hands to present a clean man for the world to see; the filth and stench of my wanton failures of yesterday are washed away, as if I can, merely by willing it, put yesterday’s failures behind me to begin brand new today.”

Even after receiving such a striking missive from a priest with a history of inappropriate relationships with minors, Msgr. Lynn and Cardinal Bevilacqua did nothing to ensure that he would no longer be able to ensnare adolescents in his “filth and stench.” Instead, they allowed Father Brennan to enter an abbey for seven months in 2000 and 2001, and then welcomed him back to parish ministry, where he remained until Mark Bukowski came forward in 2006 to officially report the sexual abuse.

Three years after the rape, Father Brennan exposed himself to Mark at a time when Mark’s life was already spiraling out of control.

While at Assumption B.V.M., Father Brennan once again attempted to engage in grossly inappropriate – and criminal – sexual behavior with Mark. In 1999, when Mark was a 17-year-old student at Archbishop Wood High School, he was required to perform community service as a consequence of a theft he committed to feed his addictions. To meet his community service requirement, he arranged to perform landscaping work on

the church grounds at Assumption B.V.M., an assignment that he accepted because he anticipated that Father Brennan would be so ashamed of what he had done that he would look the other way if Mark did no real work.

Mark would later tell an Archdiocesan investigator that, on his fifth or sixth visit to the parish, he found Father Brennan masturbating in a shed with his pants down. Upon seeing Mark, Father Brennan said, “Come here!,” but Mark left the area and never returned to complete his community service. Mark told the investigator that he believed Father Brennan later signed the paperwork certifying that he had completed the required number of hours even though, in fact, he had not come close to fulfilling his obligation.

When Mark testified before the Grand Jury, he was reluctant to discuss the specific details of this encounter with Father Brennan. He said he could not remember precisely everything that happened. “Because of the trauma,” he said, “my brain won’t bring into context exactly what happened.” Even so, as the investigator hired by the Archdiocese’s lawyers concluded in his own report, “if Mark’s first allegation is deemed credible” – and we have deemed it very credible – “there is no reason to believe he would fabricate the second allegation.”

Father Brennan was removed from active ministry in 2006, after Mark came forward. His status as a priest remains in limbo pending the results of a prolonged canonical trial.

Section IV

How Msgr. Lynn Endangered Children

As Secretary for Clergy under Cardinal Bevilacqua, Msgr. Lynn was responsible for protecting the welfare of children entrusted to the Archdiocese's care by ensuring that no priest with a history of sexual abuse of minors was put in a position to prey on them. It was Msgr. Lynn's job to investigate any allegations of sexual abuse by priests, and to review the Archdiocese's secret archive files, where complaints were recorded. He was in a position to make sure that no priest with a history of sexual abuse of minors was recommended for assignments, much less for assignments with continued access to children.

Yet, time after time, Msgr. Lynn abdicated this responsibility. He did so, moreover, not through negligence or simple incompetence, but *purposefully*. He did so, with Cardinal Bevilacqua's knowledge and at the Cardinal's direction, as part of a knowing practice – continued over decades – of placing sexual predators in positions where they would have easy access to trusting minors, just as long as the Archdiocese was spared public exposure or costly lawsuits.

Msgr. Lynn did more than passively allow the molesters to *remain* in positions where they could continue to prey on children. When victims complained or scandal threatened, he recommended to the Cardinal that the abusers be *transferred to new parishes*, where the unsuspecting faithful would not know to be wary and vigilant, and where the abusive clergymen could go on exploiting their positions of trust and authority

to pursue their criminal depravity. In this way, Msgr. Lynn effectively shielded the predator priests from accountability and ensured them a continuing supply of victims.

The Secretary for Clergy could at any time have referred serious allegations to law enforcement officials, who could have conducted proper investigations. That is certainly what any of us, the Grand Jurors, would have done in Msgr. Lynn's position. Protecting children was his duty. It just was not his priority.

Based on the evidence before us, it is clear that the Secretary for Clergy was acutely interested in shielding abusive clergy from criminal detection, in shielding the Cardinal from scandal, and in shielding the Archdiocese from financial liability. He showed no interest at all in defending the Archdiocese's children. On the contrary, he consistently endangered them.

Msgr. Lynn has a long history of transferring abusive priests to unsuspecting parishes.

We have already discussed in detail how, despite receiving reliable reports that Father Avery had sexually abused a boy and should not be permitted to engage in any ministry that involved working with adolescents, Msgr. Lynn recommended him for assignment to a parish with a school, and then ignored repeated warnings that he was engaging in unsupervised activities in which he could victimize more children.

Similarly, after learning that Father Brennan was suspected of hosting parties where he allowed students to drink, and was even living with one of those students, whom he claimed was a nephew, Msgr. Lynn conducted no investigation. (Such an investigation would have revealed the private "wrestling" sessions with minors.) He did

not call law enforcement, or take action to keep Father Brennan away from adolescents. Instead, he recommended him for transfer to a new parish where he would be able to have unsupervised contact with children and teenage minors.

These were not in any way isolated incidents. The previous grand jury documented many prior cases in which Msgr. Lynn knowingly allowed priests who had sexually abused minors to be assigned to positions where unsuspecting parents and teachers would entrust children to their care. Those cases did not provide grounds for independent criminal charges because they were outside the statute of limitations. However, Pennsylvania law does allow them to be used to establish a common scheme, knowledge, and intent on Msgr. Lynn's part to endanger the welfare of children.

Below, we briefly summarize five representative cases in which Msgr. Lynn knowingly placed child molesters in positions in which they would have unsupervised contact with children. Such summaries can scarcely begin to describe how dangerous and indefensible Msgr. Lynn's conduct was when it came to dealing with abusive priests. A comprehensive description of these and other cases in which Msgr. Lynn knowingly exposed children to predatory priests can be found in the September 15, 2005, Grand Jury Report, which is available at:

http://www.philadelphiadistrictattorney.com/images/Grand_Jury_Report.pdf.

Rev. Stanley Gana

Rev. Stanley Gana, ordained in 1970, sexually abused countless boys in a succession of Philadelphia parishes. He was known to kiss, fondle, anally sodomize, and

impose oral sex on his victims. He took advantage of altar boys, their trusting families, and vulnerable teenagers with emotional problems. He took groups of adolescent male parishioners on overnight trips, and would rotate them through his bed. He collected nude pornographic photos of his victims. He molested boys on a farm, in vacation houses, in the church rectory. Some minors he abused for years.

During and even before Msgr. Lynn's tenure as Secretary of Clergy, he was aware of much of the sexual abuse committed by Father Gana. Yet Msgr. Lynn thwarted efforts to have him removed from active ministry. Two victims came forward in the 1990s to describe specifics of their abuse and provide the names of other victims. They begged Msgr. Lynn and his colleagues in the Archdiocese to take away Father Gana's cover as a priest in good standing, to stop facilitating his exploitation of minors.

Soon after the second victim came forward, Msgr. Lynn even learned that Father Gana had *admitted* the sexual abuse during therapy sessions. Moreover, both victims provided Msgr. Lynn with corroborating witnesses, and at least one of them was deemed credible by Msgr. Lynn even before Father Gana's admission. In addition, Msgr. Lynn knew that Father Gana was still living with students at the time the abuse reports were coming in.

Despite this overwhelming evidence that Father Gana was a dangerous sexual predator, Msgr. Lynn took no steps to have him removed from active ministry, or even to protect the students who were living with him at the time of the reports. Quite the opposite, as documented by the previous grand jury, Msgr. Lynn spent a decade improperly investigating Father Gana's *victims* rather than Father Gana; misleading the

priest's treatment team so its members would not know the full extent of his criminal misconduct; and explicitly supporting Father Gana's successful effort to remain in active ministry, where he continued to perform Mass with altar boys.

When asked by one of the victims to explain this unconscionable breach of duty, which endangered countless minors while perpetuating Father Gana's crime spree, Msgr. Lynn could offer only the *non sequitur* that the priest's misconduct had not been limited to having sex with children and teenage minors. Father Gana had also slept with adults, abused alcohol, and stolen money from parish churches. "You see," said Msgr. Lynn, "he's not a pure pedophile."

Rev. Nicholas V. Cudemo

Rev. Nicholas V. Cudemo, ordained in 1963, was described as "one of the sickest people I ever knew" by Msgr. Molloy, Cardinal Bevilacqua's Vicar for Administration. Father Cudemo raped an 11-year-old girl, molested a fifth grader in the confessional, invoked God to seduce and shame his victims, and maintained sexually abusive relationships simultaneously with several girls from the Catholic school where he was a teacher. His own family sued him for molesting a cousin.

According to the Archdiocese's files, it received formal complaints against Father Cudemo from 12 different victims over a period of nearly four decades. Church officials had good reason – including statements from Father Cudemo himself – to believe that even that figure significantly understated the true number of children he abused.

Msgr. Lynn personally interviewed Father Cudemo about the allegations of sexual abuse, and obtained from him a rambling mixture of admissions and denials. The priest told him that he “possibly” lay nude on top of an undressed girl; that he had been confronted by a girl about touching her and performing sexual acts on her, but didn’t remember doing those things and “I remember everything”; that he had “known lots of women and that it always takes two to do these things;” that if sexual activities did occur, they must have happened 20 years ago; that all the girls were willing, and that “nothing close to sexual happened with these girls.” When told that some of his accusers were from his own family, he immediately said their names and acknowledged having “incidents” with them.

In 1996, a panel of pastors recommended Father Cudemo’s removal as pastor due to “several grave causes.” By that point, Msgr. Lynn was aware of at least 10 formal allegations against the priest involving sexual abuse of girls. Yet one year later, in 1997, the Secretary for Clergy presented Father Cudemo with a certificate declaring him a retired priest “in good standing” in the Archdiocese of Philadelphia, and asking that he be permitted to function as a priest in any other diocese in the country. In March 2003, Father Cudemo told one of his former victims that the certificate was allowing him to minister in Orlando, Florida, where he now lives part-time.

Rev. David C. Sicoli

According to a 2004 report by the Archdiocesan Review Board, Rev. David C. Sicoli was the subject of “multiple substantiated allegations [of sexual abuse] involving a

total of 11 minors over an extensive period of time beginning in 1977 and proceeding to 2002.” Father Sicoli paid for tuition, computers, and trips to Africa and Disney World for parish boys to whom he took a particular liking. He invited several to live in his rectories with him, and he gave them high-paying jobs and leadership positions in the Church’s youth group, the CYO. In many instances, he sexually abused them and treated them as if they were his paramours.

Between 1993 and 2002, Msgr. Lynn received numerous, credible reports from both victims and priests stationed with Father Sicoli that he had engaged in a series of sexual and otherwise inappropriate relationships with boys, two of whom were living with him full-time at his rectory. Yet Msgr. Lynn took no steps to investigate those allegations. He did not prohibit Father Sicoli from having unsupervised contact with children. He did not even warn the parents of the priest’s *current victims*.

Instead, Msgr. Lynn followed his customary practice, carrying out the Cardinal’s wishes in such matters. The Secretary for Clergy prevented Father Sicoli’s predatory history from coming to light by lying to the Archdiocese’s own mental health evaluators about the nature and extent of the allegations against the priest.

Msgr. Lynn’s solution to the problem of other priests complaining about Father Sicoli’s inappropriate relationships with children was to successfully recommend to Cardinal Bevilacqua that he be assigned to “one-man parishes,” where he would be the only priest. This meant that Father Sicoli, whose extensive reported history of sexually abusing children at his parishes was well known to Msgr. Lynn, would have exclusive

charge of all youth activities in those churches, with no one to report, and possibly prevent, future abuse.

Rev. John P. Connor

Rev. John P. Connor, who had been arrested and placed on probation for sexually abusing a 14-year-old student in his home diocese of Camden, New Jersey, served from 1988 until 1993 as assistant pastor of Saint Matthew Parish in Conshohocken with Cardinal Bevilacqua's blessing. When Archbishop Bevilacqua knowingly assigned this admitted child molester to duties at Saint Matthew Church, it was with the directive to "educate youth."

A year after Father Connor returned to Camden, a priest and a teacher from Saint Matthew warned Msgr. Lynn that Father Connor was continuing a suspiciously close "relationship" he had developed with an eighth-grade boy at the Conshohocken parish. Upon receiving these reports, Msgr. Lynn acted in his predictable way. He notified the Archdiocese's attorney, but not the boy's mother who – unlike Msgr. Lynn – had no way of knowing the priest she trusted with her son was an admitted sex offender.

Msgr. John E. Gillespie

In 1994, two brothers confronted Msgr. John E. Gillespie, accusing him of repeatedly fondling their genitals nearly 40 years earlier at Immaculate Conception Parish in Levittown. Msgr. Gillespie, who was now the pastor at Our Lady of Calvary Parish in Northeast Philadelphia, personally informed Msgr. Lynn of the accusations. He also

showed Msgr. Lynn letters he had written to his victims, apologizing, explaining, and trying to persuade them that events had not happened precisely as the victims remembered.

Despite Msgr. Gillespie's decision to literally hand Msgr. Lynn admissions of guilt, the Secretary for Clergy conducted no investigation of the abuse, and made no effort to contact the victims. Instead, his only actions were to inform the Archdiocese's legal counsel of the situation, and to instruct Msgr. Gillespie (who, unlike Msgr. Lynn and the rest of the Archdiocese hierarchy, at least had the decency to offer an apology) not to write to the victims again.

In 1997, Msgr. Lynn received a fresh report of misconduct by Msgr. Gillespie, this time from the mother of a 12-year-old boy who came to Msgr. Lynn to complain about sexually charged questions that Msgr. Gillespie had asked her son during confession. Msgr. Lynn once again refused to conduct any investigation, this time citing the seal of confession.

In January 2000, another of Msgr. Gillespie's past victims came forward, a 29-year-old police officer who reported to Msgr. Lynn that Msgr. Gillespie had repeatedly fondled him throughout his time in high school. In February 2000, after Msgr. Gillespie admitted inappropriately touching that victim and several other boys, a treatment team for the Archdiocese concluded that he "would be a risk to have in parish work." This was so, according to the report to church officials, not only because of the sexual abuse and its impact on the victims, but also because of the priest's "drivenness to make amends."

After receiving the hospital's report and a recommendation from Msgr. Lynn on March 3, 2000, Cardinal Bevilacqua decided that Msgr. Gillespie should be asked to resign as pastor of Our Lady of Calvary. In a note to Msgr. Lynn, the Cardinal suggested that Msgr. Gillespie be offered "Senior Priest status" or that he resign "for health reasons." Msgr. Gillespie acceded to Cardinal Bevilacqua's wishes and tendered his resignation, but he nevertheless was permitted to continue as pastor for three more months until a new pastor was named in June 2000. When asked by the previous grand jury why he allowed a priest deemed "dangerous" by his own therapists to continue serving as pastor for even three months, the Cardinal explained, "That was a judgment by Monsignor Lynn."

Even after Msgr. Gillespie's resignation as pastor, he was allowed to continue in active ministry, including hearing confessions of schoolchildren. It was not until Msgr. Lynn received a report, in November 2001, of yet another victim that the Secretary for Clergy wrote: "I told Monsignor Gillespie that because of these rumors, and in order to preserve his reputation and the reputation of the Church, I thought it might be best if he retire."

Meanwhile, Msgr. Gillespie's victims, denied the apology that might have helped them move on, continued to suffer. In an e-mail forwarded to Msgr. Lynn in March 2002, the future police officer whom Msgr. Gillespie had molested revealed his unredeemed sense of betrayal. After finding out that Msgr. Gillespie continued to give Communion to children, even after he had told Msgr. Lynn of the priest's offenses, the victim wrote:

“Basically I was lied to by [Msgr.] Lynn who said that the pastor would never be around children anymore.”

A common element in the cases cited here, as well as in the cases investigated by this Grand Jury, is that abusive priests were able to secure victims and molest, sodomize, or rape them *because* of actions taken deliberately by Msgr. Lynn.

The priests were able to abuse children because the Secretary for Clergy and other church officials chose not to respond to multiple reports of misconduct by initiating even half-serious investigations, by contacting law enforcement, or by moving to keep the predators away from children. The perpetrators were able to continue their crime sprees for decades because Msgr. Lynn knowingly recommended, and Cardinal Bevilacqua routinely approved, successive transfers to positions that maintained the predator priests’ good standing, their revered authority, and their access to minors.

Moreover, the danger to which Msgr. Lynn, with Cardinal Bevilacqua’s knowledge, exposed literally thousands of innocents in Philadelphia over the years was not limited to the sexual transgressions themselves. Abuse victims have subsequently suffered lifetimes of anguish and torment, often haunted by depression, crises of faith, alienation from family, and debilitating alcohol or drug addictions.

Having enabled the abuse to occur in the first place by granting criminal priests authority over and access to victims, Msgr. Lynn and the Cardinal compounded the victims’ pain by withholding the comfort that an official apology or even an acknowledgement of their suffering would have provided.

Section V

Predator Priests Still In Ministry

Part way through the Grand Jury's investigation of the rape and molestation allegations brought by Billy and Mark, we learned something that surprised us. Karen Becker, the director of the Office of Child and Youth Protection, testified that the Archdiocese does not always remove priests from their assignments, pending investigation, when they are accused of sexually assaulting minors.

That revelation led to a question: How many priests have been left in ministry – either temporarily or permanently – after the Philadelphia Archdiocese received allegations that they had sexually abused children?

Ms. Becker did not know off-hand how many accused priests have stayed in ministry, but she assured us she could get that information for the Grand Jury. After Ms. Becker testified, the Grand Jury issued a subpoena asking the Archdiocese for the names of all priests who remained in ministry after January 1, 2005, *after* being accused of improper behavior with minors. In addition, the subpoena requested that the Archdiocese provide all abuse reports against those priests. Ms. Becker testified more than four months ago, on September 3, 2010. Yet the Archdiocese still has not fully complied with the Grand Jury's subpoena.

The partial information we have received was enough to appall us. At least 10 priests who were accused of sexual abuse sometime before 2005 remain in ministry within the Philadelphia Archdiocese today. *Another* 10 priests remain in ministry today

despite more recent accusations – ones made since January 2005. In addition, 4 priests accused since January 2005 were kept in their assignments after they had been accused, but have since either died, been transferred to another diocese, or been removed. And 17 priests are currently in ministry even though the Archdiocese is on notice of “inappropriate behavior with minors.”

That is **41 priests** who have remained in active ministry in the past five years *after* the Archdiocese learned of accusations or reports of their inappropriate behavior or sexual abuse of minors. Only 2 of these 41 have been listed on the Archdiocese’s website as credibly accused, which means the identity of most of these priests remains unknown even to their parishioners.

An accusation, of course, does not mean that a priest is guilty of abusing minors. Perhaps none of the 39 accused priests who have not been listed on the website did anything wrong. The Archdiocese now has an official-sounding review process, involving a Review Board and supposedly experienced and independent investigators. Surely, church officials nowadays would remove priests if they were credibly accused. Right?

Wrong. Our review of just some of these priests’ files shows that the Review Board finds allegations “unsubstantiated” even when there is very convincing evidence that the accusations are true – evidence certainly alarming enough to prompt removal of priests from positions in which they pose a danger to children.

Even though the Review Board merely advises Cardinal Rigali, he has accepted its recommendations in all of the cases we reviewed. Thus, six years after an earlier grand

jury documented sexual abuse by priests whom church officials shielded for decades, and in the face of current assurances that Archdiocese procedures now protect families, credibly accused priests have routinely been permitted to stay in ministry.

Below are a few examples of allegations that the Archdiocesan Review Board declared “unsubstantiated.”

Rev. Joseph J. Gallagher

On October 15, 2007, 36-year-old “Ben” reported to an Archdiocese victim assistance coordinator, Louise Hagner, that Rev. Joseph J. Gallagher had repeatedly fondled him when he served as an altar boy at St. Mark Parish in Bristol, Pennsylvania. Ben told Ms. Hagner that Father Gallagher discussed masturbation during confession. He fondled the boy during outings in the priest’s car, at the priest’s mother’s house, upstairs in the rectory, in a utility room in the sacristy, and in a loft in the church. The priest also hit the boy. Ben provided the names of other altar boys who could confirm some of what he told Ms. Hagner.

To Archdiocese officials, this allegation should have had the ring of truth. A year earlier, the same victim assistance coordinator had received another allegation about Father Gallagher. That one was from a 44-year-old man who said that Father Gallagher had touched his penis during a school trip when the boy was in second grade. That victim also told Ms. Hagner that Father Gallagher questioned him about masturbation during confession. The Review Board, however, had found the 44-year-old’s allegation unsubstantiated because: “The victim alleges that Reverend Gallagher abused him during

a bus trip in 1968 or 1969 but Reverend Gallagher did not arrive at that parish until 1970.”

This discrepancy about dates – which could have amounted to mere months – was based on the victim’s belief that he was 7 or 8 years old when the abuse occurred. Nevertheless, that was sufficient to convince the Review Board that the abuse did not happen.

When Ben’s allegation came in a year later, Ms. Hagner interviewed the victim twice – once by phone and once in person. The Archdiocese investigator questioned him three times. Ben patiently repeated the details of his abuse.

The first time he was molested was when Father Gallagher took the boy to buy supplies for a St. Patrick’s Day party at school. After buying a disco ball, green party vests, plates, and cups, the priest stopped at his mother’s house. There he took the boy upstairs to a pink, frilly bedroom. The priest unbuckled the boy’s belt, pulled down his pants, and fondled his genitals. After less than two minutes, Gallagher pulled up the boy’s pants and started to leave the room. But as Ben was refastening his pants, Gallagher returned, pulled the child’s pants down again, bent him over at the waist, and stuck his finger in the boy’s anus.

Ben not only related the abuse in detail, he described the house and the priest’s sister who he met at the house. He said that she was mentally retarded – which was true. He related his entire conversation with the sister.

After the initial incident, Father Gallagher began to fondle Ben in the church when he served as an altar boy. Ben told the Archdiocese investigator that Father

Gallagher always insisted on hearing the altar boy's confession before Mass, and that the priest would ask during confession if the child had a problem with masturbation. Ben told the investigator that he saw Father Gallagher take other boys off for confession as well. The victim provided the names of other former altar boys for the investigator to question.

The priest once taught Ben what a "blow job" was. But when the boy looked horrified, Father Gallagher told him to leave. Later, he punched Ben in the sacristy after the boy refused the priest's instructions to fondle his genitals.

The investigator questioned several of the other former altar boys. While none of them said they were molested by Father Gallagher, one confirmed seeing the priest shake Ben until he cried. (This information was volunteered even though the person being questioned was unaware that Ben had made an allegation.) Several others confirmed that Father Gallagher always asked boys during confession if they had a problem with masturbation. One former altar boy refused to be interviewed, but told the investigator: "there were improper relationships" between Father Gallagher and St. Mark's students. Another confirmed that Ben had told him – back when they were in school – about going to the priest's mother's house.

When the investigator interviewed Father Gallagher, the priest denied ever hearing confessions in the sacristy or the loft, even though several former altar boys confirmed that he did. At first, he flatly denied Ben's allegations. By the end of the interview, however, his answers were more evasive: "I have no picture of that" and "I can't say it happened" and "I'm right to the best of my knowledge."

Despite Ben's obvious credibility, the corroboration of other witnesses, the allegation the year before by someone with no connection to Ben, and the lies of Father Gallagher, the Archdiocesan Review Board found Ben's allegations unsubstantiated. Bishop Timothy Senior, then Vicar for Clergy, concurred with the Review Board's recommendation, as did Auxiliary Bishop Daniel Thomas. Cardinal Rigali accepted the recommendation on July 3, 2008.

Even though almost every former altar boy told the investigator that Father Gallagher always brought up masturbation with children in the confessional, only three Review Board members thought it necessary to restrict him from hearing children's confessions.

On July 24, 2008, Ms. Hagner notified Ben that the Review Board could not substantiate his allegation. Less than a year later, Ben committed suicide.

Ms. Hagner's notes from a June 15, 2009, telephone call with Ben's mother record: "She is doing as well as she can. She keeps questioning why. He was really hurt when the AOP [Archdiocese of Philadelphia] did not substantiate the charges. He had so many disappointments in his life. She wants to meet with Father Mooney because he did not respond to Ben's emails of several years ago telling him about the abuse."

There is no indication that the victim assistance coordinator did anything to facilitate such a meeting.

Father Gallagher is retired now, but has been a regular assistant at St. Jerome, and at St. Timothy in Philadelphia, and at St. Thomas Aquinas in Croyden. He is not listed on

the Archdiocese website, and parishioners have not been notified of the allegations against him.

Rev. Stephen Perzan

The Archdiocese received two separate complaints from young men who reported that, as boys, they had been fondled on numerous occasions by Father Stephen Perzan when he was assigned as Chaplain at St. Gabriel's Hall, a residential program for delinquent youth. Despite two similar allegations from two unrelated individuals, despite corroborating evidence from Father Perzan's superior and from other staff members at St. Gabriel's, and despite a finding of deception when Father Perzan submitted to a polygraph test, the Archdiocesan Review Board found both allegations "unsubstantiated."

The first complaint was received in July 2004. A 27-year-old man, "Jason," wrote to Martin Frick, an Archdiocese victim assistance coordinator, and reported that he had been "forced to perform sexual acts by a priest at St. Gabriel's Hall." After consulting with legal counsel, Mr. Frick wrote back to the victim, who was incarcerated at the time. In his letter, dated July 20, 2004, the victim assistance coordinator asked Jason to provide specifics of his abuse. He warned the victim that the Archdiocese would "report the specifics of that allegation" to the District attorney and to the Philadelphia grand jury that was then investigating sexual abuse by clergy.

Mr. Frick told Jason that *in order to pass along the information to the authorities*, the Archdiocese would need him to provide the following:

1. Name of the person or persons who abused you and the position(s) they held at St. Gabriel's Hall.

2. Your best estimate of the dates the abuse started and ended and your age at those times.
3. Where the abuse occurred
 - a. The general location (I assume it was on the grounds of St. Gabriel's Hall)
 - b. Any more specifics you could provide (buildings, rooms, etc.)
4. Description of the abuse acts themselves and how frequently you were forced to engage in these acts with the abuser(s).
5. If you told anyone about the abuse, the name(s) of those people you told and where we could contact them, if you know.

Jason wrote back to Mr. Frick on October 21, 2004. He provided all the details of his abuse, as requested.

Despite Mr. Frick's assertion that the "specifics" were needed in order to inform authorities, a December 14, 2004, letter to the Montgomery County District Attorney, written by Stradley Ronon lawyer C. Clark Hodgson, contained none of the specifics provided by Jason – just the name, age, and contact information for the victim, and that Jason had accused Father Perzan of abusing him at St. Gabriel's in 1991. Both the Archdiocese and Mr. Hodgson withheld from the grand jury documents related to Jason's case. They did so despite the existence of an ongoing grand jury subpoena at the time, and despite Mr. Frick's assurance to the victim that the information would be turned over.

The information not turned over to the previous grand jury, which we have reviewed, included several letters from Jason to the Archdiocese and to Mr. Hodgson. In the letters and subsequent interviews, Jason informed the Archdiocese that he had been a

14-year-old altar boy at St. Gabriel's in 1991. He said that Father Perzan befriended him and became a mentor.

Jason would hang out in Father Perzan's room a couple of nights a week. The priest would show him pornographic movies on television and would masturbate the boy and himself. Jason said this happened four or five times. The priest tried to get Jason to masturbate him, but Jason refused. Jason described and drew a plan of Father Perzan's room.

One staff member at St. Gabriel's confirmed that Father Perzan had boys in his room and that a couple of boys were there regularly. She also remembered Jason. She said that she accused Jason of taking a juice from the kitchen and Jason responded that he was coming from Father Perzan's room. She also remembered that Jason had been one of Father Perzan's helpers when he set up chairs, but that the boy had announced to her that he did not want to help anymore.

Already in Father Perzan's Archdiocese file was a 1998 letter to Msgr. Lynn from the pastor at St. Hugh of Cluny parish, where Father Perzan was assigned. In it the pastor complained that Father Perzan allowed young children and street people into the rectory without proper supervision. The pastor wrote that Father Perzan's behavior was troublesome and that he worried it might reflect deeper problems. The pastor expressed concern that Father Perzan spent 25 to 30 minutes in the confessional with young children. He said that the school principal and the director of religious education had both noticed this odd behavior.

On May 13, 2005, the Review Board concluded that the first allegation against Father Perzan could not be substantiated. This was two months after the Archdiocese had received a second allegation.

The second man, 26-year-old “Frank,” said that he had been at St. Gabriel’s from June 1993 to March 1994. During that time, Father Perzan put his hands down Frank’s pants and fondled his genitals on several occasions. The abuse occurred in Father Perzan’s car, in the church, in a room off a hallway near the church, and in the bathroom of a shelter in Norristown where “Father Steve” sometimes took the students.

During the investigation of the second allegation, John Rossiter, an Archdiocese investigator, gathered evidence that corroborated the first allegation. One of the Brothers that Father Perzan worked with at St. Gabriel’s reported that the priest had to be reminded not to have children in private areas. Another Brother told Mr. Rossiter that he thought Father Perzan was too friendly with the kids and that he wondered why Father Perzan always hung out with them. He said that the priest would have the young students in his room with the door closed.

Father Perzan’s superior at St. Gabriel’s told Mr. Rossiter that she recalled going to Father Perzan’s room at 9:00 or 10:00 a.m. and finding the priest sitting on his sofa with a boy standing in front of him. Mr. Rossiter reported that she remarked on the “nuance he used when telling the boy to ‘come over closer so I can read to you.’”

The supervisor told the investigator that Father Perzan had access to a VCR. This was significant because it corroborated Jason’s allegation, and because the Review Board’s belief that Father Perzan did not have a VCR was, apparently, a significant factor

in finding Jason's allegation unsubstantiated. The supervisor also told Mr. Rossiter that she had heard from other employees that Father Perzan showed the boys pornographic movies.

As part of the second investigation, Father Perzan was given a polygraph test. He was asked if he touched the genitals of any minors at St. Gabriel's, whether he fondled himself in front of minors, and whether he showed pornographic movies to minors. The tester concluded that Father Perzan was being deceptive when he answered "no" to those questions.

In March 2006, the Review Board, unanimously, again found that the allegations against Father Perzan were not substantiated. With respect to Jason's allegation, the board announced the basis for its decision:

The initial allegations were received from one victim and interviews were conducted with staff who were at the facility at the same time as Reverend Perzan as well as other youth who could be located. None were able to corroborate the allegations made and most did not remember that Reverend Perzan dressed in the manner reported by the victim [in a jumpsuit] or that he had possessions [a VCR] described by the victim.

The board explained its finding that the second allegation was not substantiated as follows:

Again, neither staff nor other youth could corroborate enough of the information provided by the victim to permit the Review Board to reasonably conclude that the incidents were more likely than not to have occurred and that their purpose was sexual in nature.

Despite finding both allegations unsubstantiated, the Review Board recommended that the Archdiocese develop a “safety plan” for Father Perzan. Bishop Senior assured the Grand Jury that a safety plan was in effect for Father Perzan, who now is parochial vicar at St. Helena in Philadelphia. Yet, when the Bishop was asked if it was true that Father Perzan was in charge of the CYO (Catholic Youth Organization), he said he did not know.

Bishop Senior and Cardinal Rigali approved the Review Board’s recommendation and permitted Father Perzan to remain the parochial vicar at a parish with a school. Auxiliary Bishop Michael Burbidge and Bishop Joseph Cistone were given the opportunity to review the recommendation before Cardinal Rigali approved it. None of these officials, apparently, saw anything wrong with the Review Board’s findings.

Rev. Joseph DiGregorio

Father Perzan was not the only priest to stay in ministry after flunking a lie detector test. Father Joseph DiGregorio remains a parochial vicar, more than five years after he was credibly accused of sexually assaulting a 16-year-old girl in 1967 or 1968.

On October 11, 2005, “Donna” reported to Louise Hagner, the victim assistance coordinator, that she had been sexually abused by two priests in the rectory of Our Lady of Loreto Parish in Philadelphia. She told Mr. Rossiter, the Archdiocese investigator, that Father DiGregorio molested her on four occasions – kissing her, removing her bra, lying on top of her, and fondling her breasts. The abuse occurred in the rectory and in the priest’s car, while parked near the airport.

At the same time, Donna reported that she was also abused by former priest William Santry, who was stationed with Father DiGregorio at Our Lady of Loreto. Father Santry kissed and fondled Donna's breasts and made her masturbate him. The priest admitted to the Archdiocese investigator that Donna's accusations against him were true. He also informed the investigator that he recalled Donna telling him that she had been in Father DiGregorio's room, and he believed something such as fondling was going on between Donna and Father DiGregorio.

Father DiGregorio denied that Donna was ever in his room and denied driving her anywhere. He did admit, though, that he sometimes went to the airport area for target practice. He told the investigator that he had many guns, including a Smith & Wesson revolver. A lie detector test indicated that Father DiGregorio was being deceptive when he said that he did not fondle Donna in his car and his bedroom.

On March 3, 2006, the Review Board found Donna's allegation to be "credible." The reasons stated were that: the victim's account had remained consistent for a long period of time, including reports to others years earlier; she had accused two priests and one had admitted the truth of her accusation; and DiGregorio had submitted to a polygraph, which the Review Board described as inconclusive.

On May 23, 2006, however, the Review Board reversed itself, finding "insufficient conclusive evidence to support the allegation." The basis for the reversal was vaguely stated:

At the time of the initial decision, all Board members with expertise relevant to this case were not present because of inclement weather The Review Board determined that a reversal of its initial decision was warranted because the

evidence obtained through the investigative process was not sufficient to substantiate the allegation. As a result of the finding that no violation occurred, it is no longer necessary to implement a safety plan with respect to Reverend DiGregorio.

Father DiGregorio today retains full faculties to minister in the Archdiocese of Philadelphia.

We emphasize that these are only examples. Late in our investigation, we received documents related to several accused priests. As in the examples we have cited, the Review Board's findings – that allegations were not substantiated – are inexplicable.

Even more troubling was the file of one priest whose bizarre behavior was not deemed serious enough to warrant Review Board attention. Archdiocese officials only recently – in November 2010 – removed Father William Ayres from ministry in response to a formal allegation that he abused a minor.

Before that allegation was made, however, Archdiocese officials were aware of Father Ayres's wildly inappropriate relationships with three boys. Memos in his file from 2007 detail: "invitations to come to Father's rooms" and "Fr. going into boy(s) rooms while parents away"; "patterns of offering massages so prevalent" that boys joked about them; "overnights at hotels"; "inappropriate massages that started w/ the feet, up legs, shoulders and back"; "incidents of wrestling, horse play, touch, and massage"; one boy being "the favorite for movies and dinners"; paying one boy's cell phone bill; "touching private parts over the clothing more than once"; "invitation to bedroom for computer gift while being offered massage, a request to take off shirt, and Fr. holding body oils in hand."

After hearing these astonishing reports, Archdiocese officials allowed Father Ayres to remain as pastor at St. Michael Parish in North Philadelphia and as parochial administrator of the Immaculate Conception parish.

Lax practices by school principals allowed Shero to harass students for years.

Archdiocese practices that pose a danger to children extend beyond the deeply flawed policies regarding priests in ministry. We found evidence of lax procedures in parish schools as well.

After hearing so much about “safe environment” programs and all that the Archdiocese is purportedly doing to assure that children will be safe in its churches and schools, we were disheartened to discover how passive the principals who supervised Bernard Shero were in the face of multiple complaints and obvious issues.

The only evident action taken was to protect *the teacher* from a vigilant parent. Msgr. Richard Powers, at the time pastor at St. Michael the Archangel School in Levittown, went out of his way to intimidate and humiliate a mother who, frustrated with the failure of the school to curb Shero’s inappropriate behavior with children, reported the teacher to police.

Shero had left St. Jerome almost immediately after raping Billy during the 1999-2000 school year. By June 2000, he had applied for a position as a resource teacher at St. Michael the Archangel. As a reference he chose not to rely on his then-principal, Sharon Nendza, but on a previous principal, Mary Rochford, now Secretary for Catholic education. Ms. Nendza knew that a girl had complained about Shero touching her in a

way that made her uncomfortable. As it happened, the principal had not documented the complaint in Shero's file or referred to it in any evaluation she had prepared for the teacher. In any case, information about the complaint was never conveyed to Shero's new employer.

We do not think Ms. Nendza did anything wrong in this case, but it wasn't clear to us that she had received adequate training regarding the importance of documenting inappropriate behavior. She repeatedly told the Grand Jury that St. Jerome had never had any kind of problem with sexual abuse complaints. When asked if there were protocols she followed when complaints of inappropriate touching were made, she answered that the girl who complained about Shero was the only such incident in her 33 years at St. Jerome. There were no protocols, she said, because "protocol seems to me like something you would do on a normal basis, and this doesn't occur on a normal basis."

The principal must have been shocked by our questions about Father Avery and Father Brennan, both of whom had been assigned to St. Jerome. She had to admit that no one had ever told her that these two priests had a history of inappropriate behavior with minors, or that she should watch the schoolchildren carefully when they went to confession or served Masses with these two known sexual predators.

Ms. Nendza testified that she did not recall the school providing training for teachers on how to deal with sexual assault complaints. And even though she testified that it would have been helpful if someone had informed her about Father Avery's history, she herself had done nothing to document the complaint against Shero. The next principal had to find out about Shero for herself.

Had Ms. Nendza documented the complaint against Shero, Susan Gallagher, the principal at St. Michael the Archangel, might have taken stronger action when a group of girls complained that Shero was always touching them and hovering so close that they had to bend over backwards to avoid contact with him. She might have been more skeptical when Shero told her that he had to stand close to hear the students because he had a sinus infection.

Ms. Gallagher testified, however, that she did not expect to find such complaints in a teacher's file because "we're supposed to take those out. Any negative thing you put in a file, we don't transfer." And that is the rule she followed when Shero left St. Michael Archangel eight years later – after several student complaints and one police report by a mother.

Ms. Gallagher testified that she did document complaints about Shero twice. Once was when the group of students came to her to complain. The other occasion was a report from a mother about behavior that was inappropriate for a teacher. The mother complained that Shero continued to inappropriately touch students, that he cornered them alone and stood uncomfortably close to them, that he took their photographs, that he encouraged them to touch his belt buckle, and that he over-enthusiastically plastered stickers on girls' chests. Meanwhile, he was mean and angry with the boys.

On May 30, 2006, in response to the mother's complaint, Ms. Gallagher typed up a warning to Shero. In it she wrote:

In light of the fact that a parent has accused Mr. Shero of a familiarity with children that makes her uncomfortable, the following points were discussed with him:

He may not be alone with any child at any time.
He may not take photographs of the children for any purpose.
He may not touch a child in any way.
He may not offer to tutor a child at his home.

These points are for the protection of both Mr. Shero and the children. If Mr. Shero fails to observe any of the above it will result in his dismissal.

When she testified before the Grand Jury, Ms. Gallagher failed to mention that the mother who complained about Shero also notified the police when she felt the school had failed to respond. The mother told the Grand Jury that, after she called the police, she was summoned by the pastor to come to the rectory. The pastor did not tell her the purpose of the meeting. She thought he might want to thank her for all of the work she did around the parish.

Instead, she said, when she entered the rectory, Shero was there. In front of Shero and Ms. Gallagher, and with no warning, the pastor confronted the parent and asked if she had been the one to call the police. She was angry and hurt at the priest's stunt, but took the occasion to tell the pastor, Ms. Gallagher, and Shero all of her concerns. She said she felt ambushed. Had she known the purpose of the meeting, she could have brought with her other parents who had similar complaints.

The next year, Shero changed schools again. This time, the new principal hired Shero without calling for references at all, or requesting the teacher's file. Instead of having Shero's records transferred officially, Colleen Noone, the principal at St. Thomas Aquinas in Croyden, allowed Shero to retrieve a copy of his file from Ms. Gallagher and bring it with him.

In accordance with how she said she was trained, Ms. Gallagher removed all negative information about Shero from his file. Ms. Gallagher explained that she could not warn the next principal about Shero's history because she did not know where he was teaching. Ms. Gallagher testified that, sometime well into the next school year, Ms. Noone called to ask her if there had been any problems with Shero when he was at St. Michael. Ms. Gallagher did not know what had prompted the call.

Section VI

Inadequate Assistance for Victims

The Philadelphia Archdiocese has a shameful history of handling victim complaints.

When we reviewed the report of the previous grand jury that investigated allegations of sexual abuse by priests, we were shocked by the Archdiocese's track record when it comes to handling victims' complaints of abuse.

Often taking direction from its attorneys, Archdiocese officials historically engaged in a deliberate strategy to bully, mislead, and stonewall victims. Sometimes the church hierarchy would send out agents to investigate the victims, looking for harmful information. Under no circumstances would the Archdiocese help victims' recovery by expressing remorse and acknowledging the abuse they had suffered. Reporting the priests' crimes to law enforcement was never considered.

Worst of all, after victims bravely came forward and told Archdiocese officials their wrenching stories of rape and sodomy, the church hierarchy left their attackers in assignments where they could continue to prey on youngsters. This not only endangered more children; it also left the victims who had reported their abuse feeling that they were not believed. The rejection by the church traumatized fragile survivors yet again.

The Archdiocese has made changes and improved some policies.

Since the prior grand jury's report was issued in September 2005, the Philadelphia Archdiocese has engaged in a well-publicized effort to improve its victim assistance

services and its handling of sexually abusive priests. Unfortunately, while some improvements have been made, the evidence presented before us indicates that the Archdiocese continues to engage in practices that mislead victims, that violate their trust, that hinder prosecution of their abusers, and that leave large numbers of credibly accused priests in ministry.

Among the improved procedures, the most significant is that, if a victim reports an actual instance of sexual abuse to the Archdiocese, church officials now notify law enforcement. That never happened before – in itself an indictment against the Archdiocese leadership that for decades suppressed thousands of allegations of sex crimes against children committed by members of the clergy. It was under the new, improved procedure that the allegations against Fathers Engelhardt, Avery, and Shero came to the attention of the Philadelphia District Attorney’s Office.

Notifying, however, does not mean that the Archdiocese is helping law enforcement to successfully prosecute predator priests. In addition, it is unclear what, if anything, church officials do with reports that do not fit their definition of a full-fledged “allegation.” Examples that may not fit their definition include cases in which someone, perhaps another priest or a nun, reports strong suspicions, or even *knowledge*, that a member of the clergy has abused a child, but the victim has not himself or herself personally reported the abuse to the Archdiocese. We saw no evidence that such reports get passed on to law enforcement. Still, some reporting is better than none.

The Archdiocese has also improved its policy for reimbursing victims. We were told that the Archdiocese will now pay for at least one full year of counseling, no

questions asked, with no limit on the number of visits per week. This is a marked improvement over the past, when the Archdiocese conditioned assistance on victims' willingness to sign releases so that church officials could get the victims' therapy records. Karen Becker, the director of the Archdiocese's Office of Child and Youth Protection, testified that they had learned "that it was really wrong to ask that information."

After the first year, according to church officials, the Archdiocese will continue to pay for outpatient therapy as long as the victim's therapist certifies that the therapy is still necessary to treat the victim on account of the sexual abuse that was suffered. Ms. Becker told the Grand Jury that the Archdiocese also provides financial assistance to victims on a discretionary basis for expenses other than counseling – for example, to help victims get out of debt, or to pay for housing, hospital bills, or vocational training.

Victim assistance coordinators, investigators, and a review board have replaced the Secretary for Clergy, yet the results are much the same.

These positive steps, however, are far outweighed by practices that have not significantly changed or improved. One supposed improvement, much touted on the Archdiocese website, is the use of victim assistance coordinators to help victims. Before 2003, victims who reported abuse were directed to the Secretary for Clergy. The Secretary for Clergy was responsible for interviewing the victim, interviewing the accused priest, and recommending a course of action to the Cardinal.

The Secretary for Clergy consulted closely with the Archdiocese's lawyers along the way. The basic strategy was to take detailed statements from the victims, gather information about the victims and the victims' families, share as little information as

possible with the victims, and conduct no actual investigations. If the priest did not confess, the allegation was deemed not credible and the priest remained in ministry.

Sometimes the Cardinal would send a priest to an Archdiocesan hospital for therapy and evaluation before returning him to ministry. Even when the hospital warned against allowing a priest to minister to children, however, the Cardinal and his Secretary for Clergy routinely gave the priest a new assignment. That is how Father Avery, for instance, came to say Mass and hear children's confessions at St. Jerome.

In 2002, the exposure of massive clergy abuses in the Boston archdiocese cast a national spotlight both on the problem of sexual predators in the priesthood and on church officials' documented practice of shielding and enabling abusive priests by transferring them to unsuspecting parishes.

In 2003, the Philadelphia Archdiocese introduced victim assistance coordinators and an investigator as an alternative to the procedure formerly overseen by the Secretary for Clergy. The victim assistance coordinators, however, were coached, as the Secretary for Clergy had been, by attorneys. And the Archdiocese's law firm, Stradley Ronon Stevens & Young, hired the investigator.

The Office of Child and Youth Protection, directed by Karen Becker, has taken over many of the tasks that the Secretary of Clergy formerly performed in relation to sexual abuse allegations. Victims since 2003 have been directed to the victim assistance coordinators to report sexual abuse.

The victim assistance coordinator interviews the victim and writes up a detailed account of the abuse, just as Msgr. Lynn once did. This "Allegation of Abuse" report is

then sent to the Archdiocese's lawyers. If the lawyers determine that it meets their standards of what constitutes an allegation of sexual abuse, they forward it on to law enforcement.

If the allegation does not fall within the criminal statute of limitations, and no civil lawsuit has been filed, an investigator is assigned to conduct an internal investigation. This also is a responsibility of the Office of Child and Youth Protection, overseen by Ms. Becker.

Sometimes, as in the case of Mark Bukowski and Father Brennan, the Archdiocese proceeds with its own investigation even when the statute of limitations has not run. Apparently, the District Attorney's office in Chester County informed the Archdiocese that church officials' investigation of Brennan would not interfere with its own. The DA undoubtedly did not anticipate how intrusive the Archdiocese's investigation of the victim would be.

One significant change, starting around 2003, was that the investigator, unlike the Secretary for Clergy, actually conducted investigations. At the direction of the lawyers, originally, and then Ms. Becker, the investigator would take detailed statements from the victim, the victim's family, people who worked with the accused priest, any other possible witnesses, and the priest, if he would agree to be interviewed.

Since 2003 or 2004, the investigator has presented the results of his investigation first to the Archdiocese's lawyers, and then to the Archdiocesan Review Board, which is also overseen by Ms. Becker.

The investigations that the Grand Jurors reviewed were overall quite effective. We think they convincingly proved the truth of the allegations not only against Father Brennan, but also against the priests discussed above and many others who inexplicably remain in ministry. (No internal investigation was conducted of Billy's allegations against Fathers Engelhardt, Avery, and Shero.)

We were shocked, therefore, to learn how many priests accused of sexually abusing children *have still not been removed from ministry*. They include pastors, parochial vicars, chaplains, and retired priests who fill in and help out at parishes throughout the Archdiocese. They are *not* included on the Archdiocese website's list of known abusers. And, for the most part, none of their parishioners know they have ever been accused of molesting children.

In other words, the victims who have accused these priests have been betrayed once again by the Archdiocese. Many of them have patiently and persistently made repeated statements to victim assistance coordinators and investigators, each time effectively reliving the pain and shame of their ordeals. They have allowed family members to be interviewed. They have provided names of individuals who might be willing and able to substantiate their claims.

In the end, after investigators have gathered compelling corroborative evidence; after priests have *admitted* improper behavior, if not the precise act alleged; even after a priests have failed lie detector tests, the Review Board inexplicably has found extremely credible allegations "unsubstantiated."

The “Victim Advocate” hired by the Archdiocese to fix how it handles abuse allegations either did not advocate for victims or was ignored.

The Archdiocese publicly touted the hiring of Mary Achilles, a former Victim Advocate for the state of Pennsylvania, to help it improve its handling of victims’ complaints. Ms. Achilles testified in 2004 before the previous grand jury. At that time – which was before she was hired by the Archdiocese – Ms. Achilles presented a list she co-authored of 11 “Recommendations for the Roman Catholic Church” for handling sexual abuse allegations.

As a full-time consultant to the Archdiocese from January 2006 to December 2008, however, Ms. Achilles failed to persuade Archdiocese officials to adopt *any* of her recommendations. Instead of changing the church’s procedures, Ms. Achilles modified her recommendations.

The Archdiocese does not encourage victims to use independent sexual-abuse counseling services.

Ms. Achilles’s original recommendations provide a helpful analysis of what was – and continues to be – wrong with the Archdiocese’s handling of victims’ reports of sexual abuse by priests. One of them is as follows:

Upon disclosure of clergy sexual assault, provide all victims with information about secular rape crisis services. Information should be relayed both verbally and in writing, via rape crisis center brochures/pamphlets/etc. Information should include rape crisis center contact information and locations; specific services offered; and the confidential, client centered, and empowering nature of such services.

In 2004, Ms. Achilles told the previous grand jury why it is important to inform victims about secular services: “I think it’s important they have an outside organization that is just focused on them and supporting them . . . just someone whose agenda is nothing but that person in front of them.” Ms. Achilles noted in her testimony that Archdiocese employees have an inherent conflict of interest:

[S]ometimes the needs of the victim and the offender would conflict, and then the needs of the Church are thrown in there, that it’s helpful for the victim who’s been probably the most disempowered in the situation to have someone in an agency provide services that has no other conflict, no other agenda.

And yet, when Ms. Achilles went to work for the Archdiocese, pamphlets and information about independent rape crisis services were not handed out to victims. In fact, one of her main tasks was to “reach out” to victims to encourage them to report their abuse – not to law enforcement or to rape crisis counselors, but just to the Archdiocese. No one from the Archdiocese then encouraged the victims to seek help from non-church-affiliated organizations set up specially to assist rape victims.

As a former Victim Advocate, Ms. Achilles was well aware of the different legal consequences for victims, depending on whether they talk to representatives of the Archdiocese or to licensed rape counselors. Aside from the obvious conflict of interest that any Archdiocese employee has when interviewing victims (some of whom might want public exposure of revered priests, or seek financial support for expensive therapy, or contemplate civil action against the Archdiocese), workers who are not properly licensed cannot protect a victim’s confidentiality – even if they wanted to.

As Ms. Achilles noted in her testimony, rape crisis center counselors' communications with victims are protected by statute. Rape counselors are thus able to provide "safe, supportive, neutral, anonymous, and nonjudgmental advocacy services."

So why, Ms. Achilles was asked in front of the current Grand Jury, was her recommendation to inform victims about outside services not implemented after she went to work for the Archdiocese? Her answer: "Well, we didn't give out pamphlets. You know, there's moral issues with the rape crisis program from the Church."

The Archdiocese falsely promises confidentiality to victims, and then turns their information over to its lawyers.

Not only does the Archdiocese not inform abuse victims about the confidential services that rape counselors could provide, its website misleads victims into believing that its victim assistance coordinators *can and will* assure the confidentiality of the victims' information. This could not be further from the truth.

Many victims of childhood sexual abuse, overwhelmed by trauma, anger, shame, and even guilt, are desperate to keep their painful pasts private – this is part of the reason they often wait years or decades before coming forward. Knowing this, the Archdiocese gives victims who report sexual abuse every reason to believe that the often deeply personal information they disclose to victim assistance coordinators will be kept confidential.

In an October 19, 2006, news release, the Archdiocese proclaimed that "Victim Assistance Coordinators provide confidential assistance to victims making a report of sexual abuse to the Archdiocese of Philadelphia." On its website, the Archdiocese repeats

this assertion and promises to “work comprehensively and confidentially to assist victims. . . .” One of the “confidential” services offered is to help victims file reports with law enforcement.

In its May 2003 “Policy for the Protection of Children and Young People,” the Philadelphia Archdiocese included a lengthy section emphasizing the confidentiality provided by all staff who provide therapeutic counseling services – a class that victims could easily believe includes victim assistance coordinators, since they are advertised as licensed social workers.

The reason the Archdiocese promises confidentiality is obvious. Victims are much more likely to speak with victim assistance coordinators, and give a candid account of their abuse, if they believe that their privacy will be protected, and that the people they are speaking with have no interest other than to help them.

Yet, unbeknownst to the victims, all of the supposedly confidential information that they provide to the victim assistance coordinators is *passed on to the Archdiocese’s law firm*, Stradley Ronon Stevens & Young. Stradley lawyers, in turn, pass on reports of abuse allegations to law enforcement. But while the letters from the lawyers to civil authorities include only the most basic information – the names and contact information for the victims and the perpetrators, and the dates and locations of the alleged abuses – the lawyers receive all of the detailed information that the victim assistance coordinators have gathered from the victims.

Observing the victim assistance process in Billy’s and Mark’s cases, it was hard to tell who *is not* given access to victims’ information. E-mails announcing the abuse

report are copied to several different Archdiocese employees. The victims' school records are routinely requested from their schools. Pastors are asked about the victims and their families. The abuser is informed of the accusation. In Mark's case, an investigator from the Archdiocese questioned friends, family, other priests, and parish workers. Victims are discussed regularly at bi-weekly, or monthly, meetings that include not only the victim assistance staff, but Ms. Becker, the Vicar for Clergy, in-house attorney Timothy Coyne, and William Sasso, the chairman of Stradley Ronon.

Sometimes the confidentiality afforded to a victim seemed to mean nothing more than not reporting the abuse to law enforcement. The victim assistance coordinators regularly invited victims to sign "Prohibition to Report" forms, which were designed to prevent the Archdiocese from reporting priests' crimes to law enforcement.

It is understandable why the Archdiocese, with its history of knowingly allowing child molesters to remain in ministry, would be concerned about the possibility of civil lawsuits, and wish to involve its law firm, whenever it receives a report of sexual abuse by one of its priests. But if the Archdiocese is going to funnel victims' personal information to the lawyers who will be representing the Archdiocese *against* the victims in such lawsuits, it has no business leading the victims to believe their information will be kept confidential.

The Archdiocese takes no statements from priests suspected of abuse, while pressuring victims to give detailed statements right away.

Another of the "Recommendations for the Roman Catholic Church" that Ms. Achilles shared with the previous grand jury in 2004 had to do with investigations. She

suggested that the church “abolish the practice of internal investigations by the Archdioceses and immediately report any suspected incidents of child sexual abuse to the Police and the Department of Human Services.”

Before she went to work for the Archdiocese in 2006, Ms. Achilles believed that the church’s internal investigation process was “inherently biased.” She testified in 2004: “I just think that, you know, there’s an inherent bias in the internal investigation . . . nobody investigates themselves. It’s not healthy to do it that way.”

Ms. Achilles also pointed out that the church lacks “the expertise to engage in child sexual assault investigations.” She emphasized that, to obtain accurate information, interviewers should be trained in the most advanced techniques for interviewing and collecting evidence in these kinds of cases, and the process must be objective and precise. She said that, during internal investigations, “victims’ words and stories may be questioned, dissected, and deemed not credible.” She concluded that “victims may be re-victimized by the very institution from which they seek support.”

Yet, knowing this, Ms. Achilles failed to persuade the Archdiocese to abolish its internal investigations. She explained to us what happened:

Q: So when you say abolish the practice, you don’t mean abolish?

A: Well, I did, but when I got to the Archdiocese, what I found was there’s this whole canon law thing that I knew nothing about. . . . I mean there has to be a process.

Ms. Achilles did not explain how the existence of canonical procedures justified her acquiescence to a process that harms victims and obscures the truth. The canonical

process does not make the internal investigations any less biased in favor of protecting the institution, or the people who conduct them any more competent at arriving at the truth, or the victims feel any less re-victimized. Such reforms are not the Archdiocese hierarchy's priorities.

It would be disingenuous for church officials to suggest there is no conflict between the interests of the victims they claim to assist and their own interest in avoiding criminal liability for priests and civil liability for the Archdiocese. These divergent interests help to explain some of the policies controlling how the Archdiocese conducts its investigations.

Bishop Timothy C. Senior, Msgr. Lynn's immediate successor as Secretary/Vicar of the Clergy, testified that, while Father Brennan made a spontaneous partial admission of guilt to him, it is now Archdiocese policy not to solicit such admissions. According to Bishop Senior, lawyers for the Archdiocese, as well as investigators hired by Stradley Ronon, have advised him *not* to take statements from accused priests because he is not a trained professional. Also, said the Bishop, "the priest might be put in a situation of admitting, you know, and then recanting later. . . ."

This was not always the policy. When Msgr. Lynn was Secretary for Clergy, he was charged with taking statements first from the victim, and then from the accused priest. Early on, before clergy abuse became a public scandal, Msgr. Lynn's interviews often led to priests confessing their crimes. Back then, the confessions of guilt were not a big problem for the Archdiocese, or the priest. The confessed rapists could simply be sent to therapy, declared cured or safe, and reassigned to unsuspecting parishes. But now that

the church has promised to remove any priest who has committed even one act of sexual abuse, a confession means that the priest must be removed from ministry.

Archdiocese procedures have “evolved” accordingly. Today, priests’ admissions of guilt are to be avoided, especially when there is legal jeopardy for the priest or the Archdiocese. In fact, if a civil lawsuit has been filed, or an abuse allegation falls within the statute of limitations, Archdiocese policy now calls for no questioning of the priest at all. Internal investigations are begun only when the Archdiocese is confident that there will be no actions in civil courts.

In contrast, the Archdiocese’s policy with respect to victims is exactly the opposite. It insists on immediate, detailed statements, which are often taken under conditions that inspire no confidence that the professional training for victim assistance coordinators is any greater than that for the Secretary for Clergy.

In Mark’s case, Louise Hagner, a victim assistance coordinator, was provided with two statements from Mark’s father giving her all the information she needed. Mark was at the time hospitalized following a suicide attempt. Yet Ms. Hagner would not even wait for him to get out of the hospital before taking a statement from Mark himself.

Similarly, she insisted on a face-to-face interview with Billy even though she had obtained all the information she needed during a telephone conversation, and he had explained to her that he was not ready to discuss the abuse further. When we reviewed the files of other priests accused since 2005, we found the same pattern of Archdiocese employees moving quickly to solicit highly detailed statements from victims.

As a strategy to uncover the truth, this contradictory policy of insisting on detailed statements from victims, while at the same time refusing to take *any* statements from accused priests, makes no sense. It is only rational as a strategy for avoiding civil and criminal liability. Indeed, documents in one accused priest's file show that Msgr. Lynn was coached by Archdiocese attorneys to "get details – even unimportant" from the victim. This practice continued after the Secretary for Clergy's role was taken over by victim assistance coordinators and investigators.

There are two basic problems with the policy. First, as we have already discussed, victims have no idea that their statements can be used against them by the Archdiocese in future litigation. The church leads them to believe that their statements will be used only for their own assistance, and to ensure that their abusers are held accountable.

Second, and related to the first, Archdiocese officials are undoubtedly aware that victims' first reports of sexual abuse are not always entirely accurate. Overwhelmed by shame and feeling somehow responsible for their own abuse, victims might, for example, report being younger at the time of the abuse than they actually were. Or they might say that a priest overpowered them, as Billy initially did, rather than telling an interviewer that they were "groomed" into compliance.

Some victims cannot admit, at first, that they were anally raped, or that sexual abuse continued after the first occasion. When they finally disclose the full extent of their abuse, the Archdiocese and its lawyers have the victims' initial statements documented for use by the defense.

The Archdiocese fails to acknowledge the seriousness of victims' complaints when it allows accused priests to remain in active ministry.

Ms. Achilles in 2004 recommended further that the church institute “a zero-tolerance policy for sex abuse by Church employees whereby the alleged perpetrator is immediately removed from access to the victim and other potential victims upon report of sexual abuse.” According to Ms. Achilles and her co-author of the recommendations:

The immediate removal of an alleged perpetrator ensures the safety not only of the victim, but of potential future victims. A zero-tolerance policy validates the victim's experience and acknowledges the seriousness of the offense.

Again, the Archdiocese has not adopted Ms. Achilles's proposal. We do not know if she subsequently decided not to recommend it or it was rejected. In any case, we found that the Archdiocese has no consistent policy on removing priests from active ministry following allegations of abuse. The Grand Jury learned of 14 priests who, since 2005, have not been removed from ministry immediately upon being accused of sexually abusing children. Ten of those were never named or removed. In addition to those 14 priests, 17 more have stayed in ministry despite reports of inappropriate behavior with minors, where there is no formal allegation of sexual abuse by a victim.

The Archdiocese policy is clearly not zero tolerance.

The Archdiocese involves attorneys in deliberations regarding compensation for victims.

Before the Archdiocese hired her, Ms. Achilles advocated that the church should compensate victims for the trauma of sexual abuse, and should do so beyond just

assisting with counseling expenses. She urged the church to refer victims to the Pennsylvania Crime Victims Compensation Program, and to reimburse that program for any expenses paid out in relation to cases resulting from clergy sex abuse. The church, she said, should repay victims for costs and suffering related to lost work, disrupted schooling, legal and medical bills, alcohol and drug treatment, and other expenses, in addition to the costs of counseling and therapy.

We heard evidence that a few victims, including Mark, have received assistance for non-therapy related expenses. But such assistance, we were told, is given only in emergencies or in special circumstances. Moreover, it is presented not as compensation owed for a recognized harm, but as a favor bestowed at the discretion of the “Victim Assistance Committee.” That committee is comprised of the victim assistance coordinators, Ms. Becker, the Secretary for Clergy, the in-house attorney, and the outside counsel, Mr. Sasso, the chairman of Stradley Ronon.

We were assured by Archdiocese witnesses that decisions about discretionary compensation would not be affected by factors such as whether a victim is or is not suing the Archdiocese, or how cooperative the victim is with a church investigation or a canonical trial. Even so, we remain concerned that the Archdiocese’s lawyers are present at victim assistance meetings where confidential information about victims, their mental health, and other sensitive issues are discussed. And we find it easy to imagine that an abuse victim dependent on the Archdiocese’s handouts to cover various expenses would be reluctant to do anything that would make the church or its attorneys unhappy.

The Archdiocese continues to seek abuse victims' therapy records.

In 2004, Ms. Achilles recommended that the church not allow its lawyers to subpoena victims' therapy records. As she and her co-author wrote:

When the Church, through its attorneys, attempts to secure the private counseling records of a victim who has been sexually assaulted by a clergy member, it intentionally re-victimizes the victim in an effort to protect Church assets.

We did not see evidence that lawyers for the Archdiocese were subpoenaing victims' mental health records. But they did not have to. In the case of Mark Bukowski, at least, the Archdiocese was gathering that confidential information through its employees who were claiming to be the victim's advocates.

Believing that Ms. Hagner, the victim assistance coordinator; Mr. Rossiter, the Archdiocese investigator; and Father James Oliver, a canonical lawyer whom Mark mistakenly thought was his lawyer, were looking out for his interests, Mark signed releases for his mental health records. These were immediately turned over to the canonical tribunal, thus making them accessible to the lawyer who was representing Mark's abuser, Father Brennan.

Archdiocese officials insist that they no longer try to obtain victims' mental health records. Mary Achilles thought this was one of her achievements. Ms. Becker acknowledged that Ms. Achilles had "taught" the victim assistance staff how "really wrong" it is to ask victims to release their records from therapy.

Yet notes that Father Oliver kept of a June 19, 2009, meeting with Karen Becker reveal that the director of Child and Youth Protection for the Archdiocese was providing the canon lawyer with the names of four therapists whom Mark Bukowski had seen for

treatment in 2008. This was information that Ms. Becker had only because Mark had come to the Archdiocese for “assistance.” Included in Father Oliver’s notes were instructions that he should “See Tim Coyne,” the Archdiocese’s in-house counsel, about getting Mark’s records.

Father Oliver testified that Timothy Coyne helped him draft a release request for Mark’s records. Mr. Coyne, Father Oliver said, wrote language in the document that would protect the Archdiocese, the Archbishop, and any other designees from any lawsuits that might arise from the release of Mark’s documents. The release request was designed, in other words, not only to secure Mark’s medical records, but also to release the Archdiocese from any liability it might face if it were accused of tricking Mark into signing the release.

Father Oliver, with the help of the director of Child and Youth Protection and Mark’s victim assistance coordinator, got Mark to sign the release forms for his mental health records. The Archdiocese investigator, Mr. Rossiter, who Mark and his family trusted completely, secured another release for mental health records from a facility that treated Mark in January 2000. All of these records were submitted as evidence at Father Brennan’s canonical trial. The Archdiocese, in effect, handed over Mark’s mental health records to Father Brennan’s defense team.

We believe that Ms. Achilles did try to get the Archdiocese to honor victims’ privacy by ending the practice of probing their mental health records. In front of this Grand Jury, Ms. Achilles spoke passionately about how wrong it is for the church to request victims’ therapy records:

I didn't want them getting [therapy notes] because I didn't think that the Archdiocese had any role in that. I think they already violated one relationship. They needed not to be present in therapy with the victim and their therapist.

When asked if there were any circumstances under which she believed it was appropriate for the Archdiocese to obtain a victim's mental health records, she answered: "When I was there, the issue never came to the surface or to my attention."

If Ms. Achilles's testimony is accurate, then Ms. Becker and her staff were simply getting Mark Bukowski's records without telling Ms. Achilles – even though Ms. Becker, at least, knew how strongly Ms. Achilles objected to the practice. Investigator Rossiter, meanwhile, started obtaining releases from Mark Bukowski in May 2006, five months after Ms. Achilles started working for the Archdiocese.

Mark testified that Mr. Rossiter and Ms. Hagner, whom he described as his "advocate," were constantly asking him to sign releases so they could get his medical records. Mark said that Ms. Hagner seldom called him except when she "needed something for the [canonical trial]."

In our view, what the staff of the Archdiocese's Office of Child and Youth Protection did in Mark Bukowski's case represented a clear violation of the victim's trust, if not outright fraud.

Ms. Achilles's recommendation was aimed at stopping church lawyers from subpoenaing victims' mental health records, a recommendation we would second. The practice we observed, however, was much worse. The lawyers that Ms. Achilles was talking about were clearly in opposition to the victim, and the victim knew it. In Mark's case, it was the people he thought were on his side who got him to turn over his most

confidential records. Mark's supposed advocates effectively handed over his mental health records to his abuser's defense team.

Neither the Archdiocese nor its lobbyists in Harrisburg have supported legislative reforms needed to help deter future sexual abuse of children.

Church leaders, Ms. Achilles recommended in 2004, "should partner with victim organizations such as Survivors Network of those Abused by Priests (SNAP) to advocate for legislative remedies that will prevent future victimization and improve response to past victimization."

In particular, she urged that the church support extending or eliminating the statute of limitations in child sexual abuse cases. The Archdiocese has not adopted that recommendation either.

The victim assistance staff's handling of Billy's and Mark's cases did not comport with the improved policies supposedly instituted with Mary Achilles's help.

Ms. Achilles was supposed to change the way the Archdiocese handled victim's complaints. Gone, purportedly, were the days when the Secretary for Clergy fielded victim complaints according to instructions from Archdiocese lawyers in order to avoid liability and scandal. The victim assistance coordinators under Ms. Achilles's watch were supposed to "provide comprehensive support to those who have experienced sexual abuse as minors." The reality, we have found, is something different.

Billy's case

It was on January 30, 2009, that Billy reported to the Archdiocese that he had been abused by the two priests and a teacher at St. Jerome's Parish when he was 10 and 11 years old. He called the Archdiocese at the urging of the director of SoarCorp, an outpatient drug program he attended. Billy had told the program's director about his abuse after he had "freaked out and swung" at someone who came up to him and grabbed his sides. He had mentioned his abuse to another therapist earlier, but it was the SoarCorp director who persuaded him to make a report to the Archdiocese.

Billy talked on the telephone with Ms. Hagner, one of the Archdiocese's victim assistance coordinators. According to Ms. Achilles, that conversation should have been a short intake call. Ms. Hagner should have obtained just basic information: the victim's name, the accused perpetrator's name, contact information, date of birth, the site of the alleged abuse – just enough to be able to verify that the priest existed and was assigned where the victim said he was. The coordinator would also ask if the victim had already reported the abuse to law enforcement, and whether he wanted the Archdiocese to report it. Then the coordinator would ask how she could help the victim.

Ms. Achilles testified:

The victim assistance coordinator may not – if they were trained by me or mentored by me, would not be asking questions about what happened. That's not their job.

* * *

The intent comes from the victim. See, the struggle for me is that's the victim assistance . . . it's driven by what the victim says on the phone.

The victim wants to report. One of the things as an advocate or victims assistance coordinator needs to say is, what's going to happen is, you're going to have to give a formal statement to an independent, because I'm not completely independent, but I'm supposed to be here helping you . . . with a variety of issues.

If you want to start and tell me that you want to make a complaint and you want to tell the Church that this person abused me, whatever, there's a few facts I need to go leave my office and [] set the ball in motion, to get the detective there.

The telephone call went pretty much as Ms. Achilles said it should. Billy offered a basic description of the abuse. He gave Ms. Hagner enough information to complete the first page of the Archdiocese's internal form for allegations of abuse, and, more importantly, to report the allegations to the District Attorney's Office.

Then Billy said he did not want to go into any of the details of his abuse. He told Ms. Hagner that he was too distraught, and that he would need more time before he would be ready to discuss in detail what had been done to him. He also told her that he was planning to sue the Archdiocese. That should have been the end of Ms. Hagner's involvement with the facts of Billy's abuse. Her job, according to Ms. Achilles, was then to offer assistance and pass the case on to law enforcement.

The victim assistance coordinator acted as if on attorneys' instructions.

Ms. Hagner, however, did quite the opposite. The victim assistance coordinator did not take her cues from the victim. Instead, she ignored his clearly stated wish not to

talk further about his abuse. Knowing that she had all the information needed to report the abuse allegations to authorities, that Billy was not ready to speak further, and that the Archdiocese – her employer – might be opposing him in a future lawsuit, Ms. Hagner pushed the distraught victim to submit to a face-to-face interview.

Ms. Hagner and another staff member actually went to Billy’s house to conduct that second interview. Billy did everything he could to avoid talking to the “victim assistance” coordinators. When they rang the doorbell, he did not answer. When they called him on his cell phone, he told them that he could not talk because he had to take his mother somewhere.

Still, the victim assistance coordinators insisted that Billy talk to them immediately, so he came out to their car, and gave them a detailed statement regarding the abuse. At the time, Billy says, he was high on heroin, yet Ms. Hagner and her colleague did not seem to care what his condition was. They pressed him for more details of his abuse. And rather than recording the entirety of Billy’s statement, Ms. Hagner engaged in selective reporting.

Back at her office, she typed up the details she had extracted from Billy after he told her that he did not want to discuss the matter. Separately, she penned a handwritten note to the file about Billy’s efforts to avoid talking to her, and later revised her note – in the manner of a defense investigator, rather than a “victim assistance coordinator” – to add that she thought Billy pretended to sob while describing the abuse.

Ms. Hagner also made a point of informing the Archdiocese’s in-house counsel after the interview that Billy had hired two lawyers – an otherwise irrelevant detail that,

again, suggests to us that she conducted her interview more to assist the Archdiocese in future litigation than to assist Billy in some way.

The Grand Jury subpoenaed all of the Archdiocese's documents relating to Billy's allegation, including handwritten notes. The files originally turned over to the Grand Jury, however, excluded Ms. Hagner's handwritten notes from her interviews with Billy. Once they were produced, she testified that she normally destroys her handwritten notes and could not explain why she had retained them.

These handwritten pages included a notation: "He has been calling lawyers – statute of limitations." Ms. Hagner did not include this information in her typed-up report of her interview with Billy.

Mr. Coyne, the in-house counsel, could not explain why these handwritten pages, which recorded information that might be useful later to impeach Billy's motives should he sue, were not handed over to the Grand Jury until the Commonwealth learned that they existed and asked for them specifically. Ms. Hagner testified that she always informs victims if their abuse falls within the statute of limitation, but could not remember if she had told Billy.

The result of Ms. Hagner's unprofessional, forced interview with a distraught Billy is a document that the Archdiocese and defense attorneys will undoubtedly find useful in trying to cast doubt on Billy's story. In it, Billy identified his three abusers and their actions – the priests' fondling and forced oral sodomy, and the anal rape by Shero, his teacher. But Billy, allegedly, described his abusers as more violent and forceful than he did in his testimony before the Grand Jury – something we find understandable.

We have learned from an expert witness that abuse victims feel intense shame and often blame themselves for what happened to them. Some think they should have put up a fight. We find it perfectly natural that Billy would tell the Archdiocese representatives that his priests and teacher had forced him to have sex. Nevertheless, the victim assistance coordinator had quickly obtained a statement from the victim with as many “details” as possible – just like the lawyers used to instruct Msgr. Lynn to do.

Archdiocese officials applied unclear and shifting standards in dealing with Billy’s abusers.

The actions of Archdiocese officials *after* receiving Billy’s report did not comport with Ms. Achilles’s advice either. Her recommendation was to remove priests from their assignments immediately after receiving an accusation. That is what the Archdiocese said it was doing. It announced that the first of Billy’s abusers, Father Engelhardt, would be removed from his position as parochial vicar at the Church of the Resurrection of Our Lord in the Rhawnhurst section of Philadelphia.

Father Engelhardt, however, appeared before the Grand Jury and testified otherwise. He told us that he remains the parochial vicar – he simply has been prohibited from conducting Mass or ministering publicly. Bishop Senior, who was until recently Vicar for Clergy – and, therefore, in charge of priests’ assignments – testified that he was surprised to learn that Father Engelhardt still considered himself parochial vicar at Resurrection.

The Grand Jurors tried to understand the Archdiocese’s policy for removing priests from ministry and defrocking them. Several witnesses were asked why some

priests were removed from assignments right away while others were allowed to stay. We asked for a definition of the standard of proof that the Review Board applies in order to determine whether an allegation is substantiated. We wanted to know why Cardinal Rigali sometimes asked Rome to laicize a priest without any kind of proceeding, and why at other times he asked to conduct a full-blown canonical trial. We wanted to know why some accused priests, like Avery, were offered \$87,000 if they would petition for voluntary laicization, while others, like Father Brennan, were not. We did not get satisfactory answers to any of these questions. We were repeatedly told that these decisions are made on a case-by-case basis.

The remarkably quick canonical proceeding used to defrock Avery was in stark contrast to the drawn-out one now still in progress to decide Father Brennan's status as a priest. Avery was defrocked in 2006, three years before Billy came forward, based on his earlier molestation of James. In a June 20, 2005, letter to then-Archbishop William J. Levada, Prefect of the Congregation for the Doctrine of the Faith, Cardinal Rigali had "urgently" requested that Father Avery be "dismissed from the clerical state." Cardinal Rigali wrote that a preliminary investigation had been conducted and that he had issued a decree finding credible evidence that Father Avery had sexually abused a minor. Cardinal Rigali informed Archbishop Levada that there were no pending criminal or civil cases against Father Avery.

The Cardinal wrote: "I do not consider a trial or administrative penal procedure necessary in this case." He explained that the allegation had been carefully investigated and that it was "unlikely any new pertinent information would be uncovered during a

penal process.” Cardinal Rigali noted James’s “nearly contemporaneous report of the abuse” in determining the credibility of the allegation. The Cardinal wrote that he was “morally certain” that Father Avery committed the offense.

Cardinal Rigali said Father Avery was unwilling “to live a supervised life of prayer and penance which would permanently restrict him from publicly ministering the sacraments.” The Cardinal concluded:

Father Avery’s dismissal from the clerical state is urgent because there is a great danger of additional public scandal so long as Father Avery remains a cleric. The accusations against Father were given prominent coverage in Philadelphia’s primary newspaper. Father Avery’s personnel file was also among those subpoenaed by civil authorities in an investigation of sexual abuse being conducted by the District Attorney of the City of Philadelphia. There is a great danger, therefore, that Father Avery’s misconduct could come under additional scrutiny. The scandal Father Avery gave to the person he victimized, to the victim’s family, and the community would be greatly mitigated by Father Avery’s removal from the clerical state, as would the wider scandal that will inevitably arise should his misconduct once again come under public examination.

Before Rome acted on Cardinal Rigali’s request that Avery be involuntarily laicized, the Philadelphia Archdiocese was able to persuade Avery, with a \$87,000 lump sum severance payment, to voluntarily petition for laicization.

On January 20, 2006, Pope Benedict XVI granted Father Avery “the grace of dispensation *iuxta petita*, from all priestly obligations. . . .” In his letter informing the Cardinal of the action, dated January 30, 2006, Archbishop Levada noted that the Congregation carefully “examined the documents” of the case.

The documents, however, are confusing. Archbishop Levada wrote in his notification that Cardinal Rigali had presented Father Avery's petition for laicization on June 27, 2005. But, Father Avery had not yet petitioned for dispensation on June 27 – he did not draft his petition until August 15, 2005. And despite the careful review, Archbishop Levada seemed to have acted on the misconception that Father Avery “has admitted an act of sexual abuse against a minor” – even though Father Avery explicitly stated in his petition: “I deny any sexual misconduct of any kind with a minor.”

Nevertheless, it took less than six months from the time Father Avery's case was sent to Rome to complete the laicization process, thus mitigating the “great danger” of “additional public scandal” that had worried Cardinal Rigali and moved him to seek urgent action.

Mark's case

Mark's father in 2006 reported the sexual assault that his son had suffered. He provided the Archdiocese with two statements describing Mark's account of the abuse. However, rather than simply pass those statements on to the District Attorney's Office for investigation, the Archdiocese, after consulting with its lawyers, pressured Mark to submit to detailed interviews with Ms. Hagner and with Mr. Rossiter, the investigator hired by the Archdiocese's law firm.

As in Billy's case, Ms. Hagner insisted on an immediate interview with Mark. She even went so far as to take a telephone statement from Mark while he was hospitalized following a suicide attempt. We find this to have been inappropriate not only because of

Mark's condition, but also because the sexual abuse of Mark, like the sexual abuse of Billy, had been reported within the applicable statute of limitations. Thus, any interview of Mark should have been conducted by police and the District Attorney's Office for use in a potential criminal prosecution, not by representatives of the Archdiocese, whose goals most likely include *avoiding* prosecution and a potential civil lawsuit.

While the Archdiocese was conducting its internal investigation, moreover, it was simultaneously deciding whether to provide discretionary financial assistance to Mark, leaving him with no practical choice but to go along with the Archdiocese's flawed process.

Archdiocese representatives gave the abuse victim the false impression they were advocates for his interests.

Mark was not told that the information collected by Ms. Hagner would immediately be handed over to the Archdiocese's law firm. Nor was he informed that Mr. Rossiter was hired by the same law firm. Instead, Mark was led to believe that they were on his side, and had no interest other than helping him achieve healing and justice. In addition, Mark said he was under the impression that Father James Oliver, a canon lawyer who sits on the Archdiocesan Review Board, was "my lawyer."

Mark had, in fact, been deliberately denied a lawyer. In a January 24, 2008, e-mail, Karen Becker wrote to Father Oliver that Mary Achilles had raised the issue of whether Mark should be given a canonical lawyer. Although Ms. Achilles told us that she had no involvement with any canonical trials, she apparently discussed the matter of a

canonical lawyer for Mark with someone named Msgr. King. She reported back to Ms. Becker that some dioceses offer victims a lawyer as a “victim right.”

We asked Father Oliver who had made the decision to not offer Mark a canon lawyer to protect his rights through the canonical process. Father Oliver said he did not know. Clearly, however, it was not an oversight. Someone in the Archdiocese deliberately chose to leave Mark without an advocate of his own.

Without anyone to look out for his interests, Mark cooperated with the Archdiocese representatives he mistakenly believed were his advocates. He trusted them so much that he gave them permission to obtain his confidential mental health and military records.

At the conclusion of the Archdiocese’s administrative investigation, the Archdiocesan Review Board found Mark’s allegations substantiated. Cardinal Rigali agreed. At that point, the Cardinal had several options to choose from. He could ask Rome to defrock Father Brennan, as he initially requested for Avery (before Avery agreed to petition for voluntary laicization). He could seek permission to conduct an “administrative penal process,” in which a single canonical judge would review existing documents and the already completed investigation and make a decision about defrocking Father Brennan. Or he could ask Rome for permission to put Mark and his family through a full-blown canonical trial, during which they would have to repeat everything they had already told the Archdiocese’s investigator.

A canonical expert consulted by the Archdiocese recommended that the Cardinal seek approval from Rome to proceed with the administrative penal process. The reason

the expert gave was that Father Brennan had *admitted* to acts – showing a 14-year-old pornography and sleeping in the same bed with him – that justified his removal as a priest. A full trial was, therefore, unnecessary. Yet, without any valid justification that we can find, the Cardinal ignored the expert’s advice and instead asked the Vatican’s permission to conduct a canonical trial. The trial has gone on for nearly three years.

A prolonged, unnecessary canonical trial has added to the victim’s and his family’s suffering.

Mark and his family agreed to testify at the canonical trial – subjecting themselves to painful and embarrassing interrogation – only because they were told that such a trial was necessary in order to get Father Brennan removed as a priest. They had no idea that Cardinal Rigali had other options. And no one told them where the information they provided was going.

As part of the canonical trial process, Father Brennan’s lawyer has been afforded access to the mental health and military records that Mark thought would be used to help him. The lawyer has also been given numerous detailed statements taken from Mark and his family members at different times, as well as transcripts of their testimony at the canonical trial.

Mark’s private records would have been statutorily protected from disclosure during a criminal trial. By handing these over to Father Brennan, Archdiocese officials not only risked making the eventual prosecution of the priest more difficult, they needlessly exposed an already scarred victim to further trauma by making the most private details of his life available to the man who raped him.

Similarly, any statements Mark might have made to a licensed, non-church-affiliated rape counselor, instead of to the Archdiocese representatives whom he trusted, would also have been legally protected from disclosure. By forcing Mark and those close to him to give detailed statements, only to turn those statements over to Father Brennan, Archdiocese officials essentially made themselves part of the predator priest's criminal defense team.

The canonical trial was useful in obtaining other discovery for the defense as well. Father Oliver, whom Mark continued to believe was his lawyer, repeatedly asked Mark for his military discharge records. These records were deemed so important that the record of the canonical trial was not considered complete until they were obtained. Even Cardinal Rigali was notified when Mark finally produced the discharge papers.

Why were these papers so critical to Archdiocese officials, up to and including the Cardinal? Mark's military service has no relevance either to the sexual abuse he suffered or to canon law, the purported focus of the prolonged canonical proceedings. Mark's military service is crucial, however, to the statute of limitations in any criminal prosecution or civil lawsuit. This is because active service in the armed forces is excluded when determining the time elapsed before a filing deadline in relation to a statute of limitations.

Father Oliver's handwritten notes from a June 2008 meeting with Ms. Hagner and Ms. Becker, the director of the Archdiocese's Office of Child and Youth Protection, feature the word "discharge" next to "2 years Ø" and "summer 1996." This is self-evidently a reference to the statute of limitations, because Father Brennan's rape of Mark,

which occurred in the summer of 1996, would not fall within the two-year civil statute but for the fact that the filing period was tolled during Mark's service in the Marines. Whether Mark was able to bring a civil suit depended on how long he was in active duty. Meanwhile, the canonical trial drags on, with no end in sight.

The Bukowskis came forward to get help for their son. They naively trusted the Archdiocese and did everything Louise Hagner, Karen Becker, John Rossiter, and Father James Oliver asked of them. They were interviewed over and over about their most painful memories. Their family was dissected in testimony before the canonical tribunal without anyone to defend them. The most private details of their lives were exposed to Mark's abuser. And all the while they have been kept in the dark. They were told the canonical proceedings are "confidential."

This is the process the church has chosen for itself, but the Archdiocese should not ask or expect its priests' victims to participate in it. Once the Archdiocese has been notified – by a victim, a parent, a lawyer, a law enforcement agency, or anyone else with knowledge – that one of its priests has sexually assaulted a minor, it is the church's responsibility to act. If the Archdiocese endangers children by leaving those priests in ministry, then it is up to law enforcement to protect the children. It is not the job of those who have already suffered abuse.

The Archdiocese's lawyers objected to questions before the Grand Jury about the canonical process. They seemed to think we were interested in making recommendations about the internal workings of canon law. We have no such authority – or interest. How

the church chooses to discipline its priests is its own business, assuming law enforcement authorities are notified when they should be.

The Grand Jurors' concern is to understand why Archdiocese officials would disregard the additional pain that this canonical process has caused a victim and his family. If church practices, inscrutable or not, fail to reflect an overriding interest in justice for predator priests and compassion for their victims, then we worry that the perils to which the Archdiocese has exposed minors for decades are more likely to persist.

Section VII

Recommendations of the Grand Jury

This Grand Jury's investigation and conclusions need to be considered, we believe, in light of the findings of the 2005 grand jury that also probed abuse of minors by clergy in the Philadelphia Archdiocese. The earlier grand jury documented the sexual abuse of hundreds of children by at least 63 priests in the Archdiocese. "We have no doubt," the jurors said, "that there were many more."

Yet, as terrible as all that criminal depravity was, the grand jurors were just as appalled by the cynical and callous handling of clergy abuse by the Philadelphia Archdiocese hierarchy, up to and including the Cardinal. The 2005 grand jury report described how church officials conducted non-investigations that predictably failed to establish priests' guilt; how they transferred known abusers to parishes where their reputations were not known; how they successfully avoided involvement by law enforcement; and how they used investigations and intimidation to silence victims and fend off lawsuits.

The report noted that church officials' strategies for handling child sex-abuse cases had the effect of multiplying the numbers of victims and increasing the harm they suffered. "As abuse reports grew," the jurors observed, "the Archdiocese chose to call in the lawyers rather than confront the abusers."

This context is important because it raises a fundamental question underlying our own investigation. The Philadelphia Archdiocese has clearly changed since the 2005 grand jury issued its report. The question is: Has it changed enough?

We commend the Archdiocese for improvements that it has made, for example, notifying law enforcement authorities when a victim comes forward with an allegation of abuse. Nevertheless, the evidence we have gathered – regarding, for example, the way in which Billy’s and Mark’s cases were handled, the conflicting loyalties of victim assistance coordinators, and particularly the continuation in ministry of credibly accused priests – suggests that more, and more significant, changes are needed.

Criminal charges

One important way to encourage change is to hold people accountable for their actions. When the previous grand jury issued its report, it was unable to recommend any criminal charges because the horrifying abuses that it documented had not been reported to authorities within the applicable statutes of limitations.

Here, in contrast, the sexual abuse of Billy and Mark was reported in time to support prosecution. We therefore urge the criminal prosecution of the five individuals most clearly responsible for their abuse. We recommend the following charges:

- **Prosecute Father Engelhardt, Father Avery, and Bernard Shero for the sexual offenses they committed against Billy.**

We recommend that Father Engelhardt, Father Avery, and Bernard Shero each be prosecuted for rape, involuntary deviate sexual intercourse, endangering the welfare of a

minor, aggravated indecent assault, indecent assault, and corrupting a minor. Even on its own, Billy's testimony regarding the abuse by those men, which we have found highly credible, is sufficient to establish each of those offenses under Pennsylvania law.

Moreover, we note that Billy's testimony is strongly corroborated both by his contemporaneous medical complaints and by Father Avery's established history of sexual abuse.

- **Prosecute Father Brennan for the sexual offenses he committed against Mark.**

We recommend that Father Brennan be prosecuted for the same crimes: rape, involuntary deviate sexual intercourse, endangering the welfare of a minor, aggravated indecent assault, indecent assault, and corrupting a minor. As in Billy's case, Mark's testimony, which we (and Archdiocese officials themselves) have found highly credible, is sufficient to establish all of those offenses. We also note that Mark's testimony is strongly corroborated by Father Brennan's own partial admissions of guilt, and by Father Brennan's history of inappropriate contact with Mark and other adolescents.

Because the charges against Father Brennan, like the charges against Father Avery, are logically and temporally related to Msgr. Lynn's conduct in allowing them to enjoy unsupervised access to children despite their histories of inappropriate contact with adolescents, it would be appropriate under Pennsylvania law to bring those charges in a single, consolidated case in Philadelphia. However, if for some reason charges are not brought against all of the offenders in a single case, Chester authorities should be

provided with a record of the Grand Jury proceedings so that charges may be brought against Father Brennan there.

- **Prosecute Msgr. Lynn for endangering the welfare of children.**

Our final recommendation for criminal charges is that Msgr. Lynn be prosecuted on two counts of endangering the welfare of a minor. Under Pennsylvania law at the time of the conduct in these cases, a “person supervising the welfare of a child under 18 years of age” was guilty of this crime “if he knowingly endanger[ed] the welfare of the child by violating a duty of care, protection or support.”

We do not hesitate to conclude that the Archdiocese understood itself to be responsible for “supervising the welfare” of the students and altar servers entrusted to its care. The children’s parents certainly regarded the Archdiocese that way. And it was in the exercise of this responsibility that Msgr. Lynn was assigned to investigate allegations of sexual abuse.

In that capacity, Msgr. Lynn had a duty to assure that known abusers were not recommended for assignment to positions where they would have unsupervised contact with children. Thus, while the Secretary for Clergy was not in direct contact with Billy and Mark, he was responsible for supervising their welfare with respect to abusive priests when they were in school or acting as altar servers.

Msgr. Lynn egregiously violated that duty of protection. He placed Billy, Mark, and countless other minors in great danger, by failing to conduct a reasonable investigation of the allegations against Father Avery and Father Brennan, and by

recommending that both priests be assigned to positions where they would have unsupervised contact with children despite both priests' histories of inappropriate relations with children.

Given Msgr. Lynn's lengthy history of failing to investigate allegations of sexual abuse, allowing known abusers unsupervised access to children, and recommending transfers of credibly accused priests to unsuspecting parishes, we have no doubt that he acted in Billy's and Mark's case, as in others, *knowing* the danger in which he was placing innocent children.

Over the past two decades, Msgr. Lynn has put literally thousands of children at risk of sexual abuse by placing them in the care of known child molesters. We believe that legal accountability for Msgr. Lynn's unconscionable behavior is long overdue, and that he should be prosecuted for endangering the welfare of the victims in these cases.

We would like to hold Cardinal Bevilacqua accountable as well. The Grand Jurors have no doubt that his knowing and deliberate actions during his tenure as Archbishop also endangered thousands of children in the Philadelphia Archdiocese. Msgr. Lynn was carrying out the Cardinal's policies exactly as the Cardinal directed. In most of the cases we reviewed from the previous grand jury report, Cardinal Bevilacqua knew substantially everything that Msgr. Lynn knew about the danger posed by the accused priests.

In the cases of Billy and Mark, however, we are not recommending that Cardinal Bevilacqua be charged with child endangerment. The testimony and documents in evidence in their cases do not establish that the Cardinal was aware of all of the information that Msgr. Lynn received.

In the case of Father Avery, Cardinal Bevilacqua knew that the priest had been accused of sexually assaulting James. He knew when he assigned Father Avery to St. Jerome that St. John Vianney staff had warned that the priest should not engage in ministry with adolescents. The Cardinal instructed Msgr. Lynn to set up an “aftercare” team supposedly to supervise Father Avery after he came out of the treatment facility.

Msgr. Lynn never set up a functioning aftercare team. However, there is no documentary evidence to establish that Cardinal Bevilacqua knew this. Also, while the Secretary for Clergy received repeated warnings (from Father Kerper and others) that Father Avery was not complying with restrictions on his activities that his therapists’ had recommended, the documents we reviewed do not establish that Msgr. Lynn’s failure to monitor the abusive priest was brought to the Cardinal’s attention.

Similarly in the case of Father Brennan, Msgr. Lynn received several reports and warnings about the priest’s improper relations with students at Cardinal O’Hara. Msgr. Lynn even discussed with Father Brennan “rumors” that the priest was “shacking up” with one of his students. However, we heard no evidence proving that the Secretary for Clergy conveyed this information to Cardinal Bevilacqua. Thus, while the evidence is compelling that Msgr. Lynn knew how dangerous Father Brennan was to children, proof of the Cardinal’s knowledge in this case is lacking.

Cardinal Bevilacqua’s health is also a consideration. William Sasso, his long-time lawyer, told the Grand Jury that the 87-year-old suffers from dementia. Mr. Sasso testified that Cardinal Bevilacqua requires “24/7 nursing care” and rarely leaves the seminary where he lives. He said the Cardinal has failed to recognize Mr. Sasso when he

visits. The attorney testified that he has not seen the Cardinal at a public event for nearly three years – not even at the installation of Bishop Senior in July 2010.

Mr. Sasso told us that he had recently spoken to Cardinal Bevilacqua’s doctors, A.J. DiMarino and Bradley Fenton. According to Mr. Sasso, both physicians advised him that it would be “extremely traumatic” for the Cardinal to testify before the Grand Jury, and that any testimony he gave would be unreliable. Mr. Sasso testified that Cardinal Bevilacqua had not even been informed of the Grand Jury proceedings because his doctors had advised against it.

Based on these issues relating to the evidence and the Cardinal’s health, we have reluctantly decided not to recommend charges against the former Archbishop.

Other recommendations

This Grand Jury’s responsibilities are not limited to suggesting criminal charges against those responsible for the rapes and molestations of Billy and Mark. The jurors assume, as well, the task of proposing institutional and legal reforms – to address systematic flaws exemplified by this case, and to reduce the likelihood that similar crimes will recur. In particular we recommend that the Philadelphia Archdiocese:

- **Fund a victim assistance program that is independent of the Archdiocese and its lawyers.**

Our observations of two victims’ experiences with the Archdiocese’s victims assistance program are sufficient to convince us that the program needs to be completely overhauled and removed from the control of the Archdiocese. It is impossible for church

employees to wholeheartedly serve the interests of the victims. As Mary Achilles, the consultant who tried to improve the victims assistance program, recognized, conflicts of interest are unavoidable. Victims of sexual abuse suffer today from the assistance coordinators' split loyalties.

The Archdiocese should either refer victims to the already existing Pennsylvania Victims Compensation Assistance Program, and then reimburse the program for aid that it provides to people harmed by Archdiocese employees, or it should fund an independent nonprofit that would administer assistance to the victims.

The important element would be complete separation between the people who administer the fund and the Archdiocese and its lawyers. Decisions about assistance would be based solely on the needs of the victims. Information about the victims, their mental health, and their treatment would not be shared with the Archdiocese. The fund administrator would have to develop a process to determine eligibility.

- **Revise the Review Board process so that credibly accused priests are removed from ministry.**

This recommendation is simple: The Archdiocese must revise its review process to assure that the church hierarchy credits and acts on credible allegations. The cases we reviewed reveal a process that reaches the wrong result in the vast majority of cases. Victim assistance coordinator Louise Hagner told the Grand Jury that, out of all the victims she has interviewed, there have been only two whose credibility she even questioned. Yet Bishop Senior rattled off a whole list of priests the Review Board has cleared for continued ministry by finding allegations against them unsubstantiated.

We do not know if the members of the Archdiocesan Review Board are not objective, or if someone has instructed them that the standard of proof is absolute certainty, or if they are considering factors that have nothing to do with whether or not a priest committed the offense alleged. Whatever the reason, their decisions appear devoid of common sense. The Review Board currently betrays victims who muster the courage to come forward with allegations. It approves retention in the ministry of serial child molesters. No Archdiocesan official should be accepting the board's recommendations.

We do not think the problem lies with the investigators. We read the investigation interviews, and would reach different conclusions from the Review Board based on the same evidence. The Grand Jury urges Archdiocese officials to review their process for deciding when to remove priests from ministry.

Indeed, the evidentiary standard for personnel decisions involving allegations of sexual abuse of minors cannot be the same as guilt beyond a reasonable doubt associated with convictions in a criminal court. Barring clear indication that an allegation has been fabricated, an accused priest ought to be, at the very least, provisionally separated from children. And Archdiocese officials need to act to protect minors upon receipt of evidence that a priest has acted inappropriately around children, even if the allegations do not specify genital sex.

We implore Cardinal Rigali and his staff to review *all* of the old allegations against currently active priests, and to remove from ministry all of the priests with credible allegations against them. By the Archdiocese's own account, at least 37 priests

remain in ministry despite reports that they have engaged in improper behavior with minors. That should not be acceptable to anyone.

- **Conduct the review process in a more open and transparent manner.**

If the Archdiocese wants to change the public's perception and regain the trust of parishioners, it should be more honest and open with the public. We saw situations in which the Archdiocese told the public that it cannot conduct an investigation because it did not know the identity of a victim. Yet we saw in their documents that they did.

We believe the Archdiocese should make public its files on sexual abuse allegations, including any "secret archive files." This should be done in a way to protect the privacy of the victim. At the very least, parishioners deserve to know whenever an allegation of abuse is made against their priest. If the priest is cleared following an investigation, the reasons, along with the evidence, should be shared with the parish.

- **Use independent treatment facilities to evaluate and treat priests accused of sexually abusing minors.**

The psychologists and therapists the Archdiocese have historically used to evaluate priests and victims have not performed independent assessments nor were the assessments properly documented in the priest's file. We strongly recommend that the Archdiocese engage an independent organization – such as The Joseph J. Peters Institute (JJPI) – to perform psychological evaluations of persons desiring to enter the priesthood to screen out pedophiles; to provide annual evaluations for mental fitness to serve as a

priest; and to provide therapy to priests who are credibly accused of sexual abuse or violations of appropriate boundaries.

We recommend that the Legislature:

- **Enact a two-year window to allow child sexual abuse victims to have their cases heard.**

We recommend that the Pennsylvania legislature suspend for two years the civil statute of limitations on sexual abuse claims. Such a “window of opportunity,” appropriately limited to two years, would allow adults who were victims of sexual crimes as children to have their cases heard in a court of law. The statute of limitations in force when many of these victims were abused required that any civil litigation begin within two years of the time of the abuse. Thus, a 10-year-old rape victim had until he was 12 years old to file suit against his abuser.

It is well established that most victims of childhood sexual abuse do not come forward with allegations for many years, or even decades, after they were molested or raped. For this reason, the civil statute of limitations in recent years has been extended. However, as a result of the law’s past inadequacy, sexual predators who prey on children continue to be shielded from exposure.

The vast majority of complaints received by the Philadelphia Archdiocese’s victim assistance program, in fact, have fallen beyond the statute of limitations. Without a window in which their cases can be heard, victims must depend on the Archdiocese hierarchy’s willingness to validate their allegations, acknowledge their suffering, and

compensate them for expenses incurred, such as for psychological counseling or drug treatment.

A two-year window in the statute of limitations might offer the best hope these victims have of finding justice. More than that, the possibility of civil liability would increase church officials' incentive to make meaningful reforms and institutionalize intolerance of child abuse.

- **Abolish the statute of limitation for sexual offenses against minors.**

We were able to recommend charges against Avery, Brennan, Engelhardt, Shero, and Lynn only because the Pennsylvania Legislature extended the criminal statute of limitations in 2002, and again in 2006. However, we reviewed the files of several other priests accused of sexual assaults on minors who still cannot be charged because their victims were unable to come forward until the statute had expired. We see no reason that sexual predators should benefit because they choose vulnerable young victims who are unable to come forward for many years.

- **Amend reporting law so that mandated reporters are required to report sexual abuse of a child even though the victim is over 18 at the time of the report.**

The Archdiocese, we learned, already reports to law enforcement any sexual offense committed on a child – even if the victim is an adult at the time of the report. We believe that all mandated reporters should be required to do the same thing. In addition, the amendment we are suggesting would end the Archdiocese's practice of asking victims

– of any age – if they would like to prohibit the Archdiocese from reporting their abuse to law enforcement.

- **Demand improved protection for children.**

Because of the appropriate and constitutionally mandated separation of church and state, Pennsylvania lawmakers would have limited leverage in attempting to influence religious institutions’ policies. Nevertheless, the state has an interest in the safety of students who attend parochial schools well as public schools. The Legislature should consider reduced funding to schools, public or private, that fail to create a safe environment for their children.

We understand that the Philadelphia Archdiocese has a “Safe Environment Program” in place. But the lapses we observed in the hiring and supervising of Bernard Shero indicate that better practices are necessary to protect children in parish schools.

Finally, we recommend that victims:

- **Report sexual abuse allegations directly to law enforcement authorities.**

The Grand Jury’s last recommendation is an appeal to the victims of abuse. The horrors inflicted on them by sexual predators not only wound bodies, rob innocence, and betray faith. They also violate laws. As *crime victims*, those injured by sexually compulsive priests should do what victims of criminals in any other profession should do – contact law enforcement authorities.

In cases of abuse by members of the clergy, victims may also want to report allegations to the Archdiocese and take advantage of the assistance programs that it has set up. Victims doing so, however, should know their rights. They need not provide detailed statements, sign release forms, or participate in canonical proceedings. Archdiocese witnesses told us that none of this is necessary in order to receive assistance.

Victims of sexual abuse, no matter the source or the site, should in any case contact District Attorneys, who after all share their interest in seeking justice. In cases that fall beyond the criminal statute of limitations, prosecution will not be possible. But officials still can help direct victims to rape counseling or other services. In some circumstances, introducing law enforcement into the equation might also help change the calculations both of sexual predators and those who would grant them revered positions with access to children.