



Annual Child Protection Briefing



What We're Doing About Sex Abuse

Fall 2018

By Ed Mechmann, Director ArchNY Safe Environment

The Church is once again facing the tragedy of child sexual abuse. My Public Policy Office recently had an open discussion with a group of young adults about the crisis, as part of our monthly Discussion and Discipleship series. It was clear in that discussion that it would be valuable to let people know in detail what efforts the Archdiocese has made to respond to and protect against child sexual abuse. Since I am also the Safe Environment Director, I put together this overview of what we've done and what we're doing.

The vast majority of clerical sex abuse took place before 2000.

It's important to understand the true scope and nature of the problem. Independent analysis by John Jay College and the Center for Applied Research in the Apostolate (CARA) at Georgetown University confirm that the vast majority of reported offenses took place between the 1960's and 1980's, then declined sharply. The allegations that we have received in the Archdiocese follow that same pattern, as do the offenses reported in the Pennsylvania Grand Jury Report. Since 2015, there has been an average of 7 reported cases nationwide that are contemporary (i.e., they happened in the same year they were reported). Thank God, here in the Archdiocese we have not had a substantiated contemporary claim since 2011.

Obviously, the only acceptable number of cases is zero. But the fact is that we are primarily talking about a historical problem -- one that was very badly handled by the Church at the time and which we can never, ever let happen again.

The 2002 Bishops Charter was a decisive moment.

In the aftermath of the revelations in 2002 about abuse in Boston, the Bishops adopted the *Bishops Charter on the Protection of Children and Young People*. The Charter requires that: all allegations of child sexual abuse must be reported to law enforcement; every diocese is to have an independent review board to evaluate the legitimacy of these allegations; any priest who is found to have abused a child must be permanently removed from ministry (the "Zero Tolerance Policy"); and every diocese must establish a child protection (typically called "safe environment") program to implement preventive measures. It also requires that pastoral assistance be offered to all victims of abuse and that dioceses cannot demand that settlements of lawsuits be kept confidential.

The Charter led to a fundamental and comprehensive change in the way that the Church addresses sexual abuse of minors.

The Archdiocese has vigorously implemented the requirements of the Charter and, in fact, has adopted policies that are above and beyond the Charter. All of

our policies are online and can be consulted by anyone.

All allegations are reported to the authorities and thoroughly investigated.

Under our policies, "Child Sexual Abuse" and "Sexual Misconduct" are defined very broadly, to include virtually any sexual offense under state and federal law, as well as Canon Law and Catholic moral teaching. We deliberately defined the offenses as broadly as we could, in order not to miss any kind of conduct that harms children. We also included offenses against vulnerable adults (e.g., those who cannot make decisions due to a developmental or cognitive impairment) in the category of offenses against minors, and other offenses against adults.

The first contact we usually have with a complainant is by email, but some people also call. We have a form on the Safe Environment Office website that allows a person to write out the basic facts of their complaint, and our phone numbers are also listed there. We get back in touch with them as soon as possible (usually within one business day), and we then interview them over the phone. This is done either by me or by our Victim Assistance Coordinator, Sr. Eileen Clifford. This is a hard conversation. For many, this is the first time that they've told anyone or the first time they've ever spoken to someone who will believe them and do something for them. For just about all of them, it's the first time that anyone has apologized to them.

Once we see that the allegation is credible (i.e., it isn't obviously false or absurd) and we identify the priest, we report it to the appropriate District Attorney. We give them all the information we have and we fully cooperate with their investigation. We have an agreement with the DA's not to remove the priest from service at that point, so that they can investigate the case fully, but if there's a current threat to children we will place the priest on leave right away.

Unfortunately, virtually all of the allegations we receive can't be criminally prosecuted because they're too old. In New York, the statute of limitations for most criminal sex offenses is five years after the victim turns 18. As a result, the authorities share the results of their investigation and refer the case back to us to handle.

We then conduct our own investigation. Our interest is in finding the truth, regardless of where the chips may fall. We have hired a

firm of retired federal law enforcement agents to ensure independence and transparency in the investigations. We have two in-house attorneys (I'm a former state and federal



*To report an incidence of sexual abuse, go to:
<https://archny.org/report-a-complaint>*

prosecutor, my colleague is a very experienced civil litigator) to help them. The accused priest is notified of the allegation and he is given an attorney to represent him. We interview the complainant and any possible witnesses, and search for any other relevant evidence. The accused priest is also interviewed, and we follow up on any leads that he gives us.

The key thing is to find any independent evidence that bears on the allegations, to try to determine what (if anything) happened. These cases are very difficult to investigate, because the alleged conduct took place so long ago and our complainants were very young at the time (mostly under 14). Memories are tricky and fade or change over time, witnesses are dead or missing, no physical evidence has survived, and many victims don't report things right away so there's no contemporary record of it.

When all investigative steps have been taken, the results are presented to our independent review board for a decision. This board consists of distinguished members of the community – judges, doctors, lawyers, a woman religious and a senior priest. They review all the information we've gathered, and sometimes they ask that the complainant and the priest give live testimony. Their task is to decide whether the allegation is substantiated – essentially whether it is more likely than not that the offense took place. Our experience is that at least three-quarters of the allegations are supported by sufficient evidence.

The Zero Tolerance Policy in Action.

As required by the *Charter*, anyone (clerical or lay) who is found to have committed sexual abuse of a minor is removed permanently from ministry and/or employment. Since the *Charter*, approximately 50 priests who had been in active service or retired were permanently banned from ministry. We've had many more credible complaints against priests who are dead or were already expelled from ministry.

This is the "zero tolerance policy" in action. There are no second chances, no return to ministry after psychological testing, and no moving offenders around. Those days are over forever.

Once that has happened, the Canon Law process begins to have the priest "laicized" (i.e., degraded from the clerical state, or "defrocked"). This can only be done by the Holy See, through the Congregation for the Doctrine of the Faith. This can take a long time, because the file of documents that have to be submitted is very large, the number of experts who can do that is limited, and the office at the Vatican that handles the cases is very overworked. But we still do this with every substantiated case against an active priest.

Our Policy on Sexual Misconduct also covers offenses committed against adults, including sexual harassment, conduct in violation of professional standards within a pastoral or counseling relationship, and sexual acts that involve abuses of positions of power. The "zero tolerance policy" applies here too. Any person who commits a criminal offense against an adult is reported to law enforcement and if the allegation is substantiated they too will be permanently removed from ministry or employment. Persons who commit sexual

harassment may also be punished and even fired, depending on the severity of the offense.

All victims who come forward are offered help.

The *Charter* requires that every diocese appoint a Victim Assistance Coordinator whose responsibility is to provide pastoral care to victims. Our coordinator is often one of the first contacts for victims, and she offers them support, including help getting professional counseling. Any victim, no matter how old the offense, is offered help. In addition, in 2016 the Archdiocese instituted an Independent Reconciliation and Compensation Program that offers financial awards to victims. Over 350 victims have taken advantage of this program.

How do we know you're doing all of this?

The *Charter* requires that every diocese be annually audited to ensure that the requirements were being implemented. The audit is conducted by outside experts, and it involves statistical evidence, examination of files, and personal interviews. The Archdiocese has been found to be fully compliant with the *Charter* in thirteen consecutive audits since the Safe Environment program became fully operational in 2005. All the policies and procedures of the Safe Environment program are also subject to the on-going oversight of our independent review board.

Every year, a report is published on the U.S. Bishops' website, summarizing the results of the audits of every diocese in the United States. Statistical information about abuse cases is also submitted to the Center for Applied Research in the Apostolate (CARA) at Georgetown University for analysis, and their results are also published in the bishops' report. These multiple levels of transparency will hold us accountable for implementing the *Charter* and our Policies.

What are you doing to protect children going forward?

The *Charter* requires that every diocese implement a child protection policy, which we call our Safe Environment Program. Everyone whose duties involve contact with minors must be screened, including a background check for criminal convictions and sex offender status; they have to obey our policies and Code of Conduct; and they have to complete a class in child protection. The training includes how to identify warning signs of victims and offenders, how to respond and report incidents, and the requirements of our Code of Conduct and other policies (e.g., electronic communications, social media, and proper professional boundaries). We currently have approximately 49,000 people (clergy, employees and volunteers) whose duties involve contact with minors.

Since 2003, the following steps have been taken:

- **130,000+** background checks have been completed;
- **114,000+** clergy, employees, and volunteers have received training on keeping children safe;
- **129,000+** children received age-appropriate, morally sound safety training during the 2017-2018 school year.

The bottom line.

No system of child protection is infallible. Mistakes are always going to be made. Any failure is a horrendous tragedy. But perhaps this brief outline shows that we are doing everything we reasonably can to address the crimes of the past, and prevent anything like that from happening ever again. We can always improve these efforts and we're constantly reviewing them to make them better. The Cardinal's appointment of Judge Barbara Jones as an outside evaluator and monitor of our programs is proof of that, and I'm very optimistic about strengthening our program even more.

From Ed Mechmann's Blog; Stepping Out of the Boat. <https://www.archny.org/steppingout>