Report on

INDEPENDENT RECONCILIATION AND COMPENSATION PROGRAM

ARCHDIOCESE OF NEW YORK
INTRODUCTION

Just over a year ago, the Archdiocese of New York launched the Independent Reconciliation and Compensation Program (IRCP), part of its ongoing effort to renew its contrition to those who suffered sexual abuse as a minor by a priest or deacon of the archdiocese, and bring a sense of healing to the victim-survivors. We are grateful to the more than 200 victim-survivors who came forward to participate in the program, and renew to them, and to all victim-survivors, our sorrow and shame at what they were forced to endure.

The Church has just begun the season of Advent, that period of penance and reflection to prepare ourselves both to celebrate the birth of Jesus and look forward to His coming at the end of time. In that spirit of contrition, we offer this update to you, the faithful of the archdiocese, on the results of the IRCP and our efforts to do all that we can to protect children and provide a safe environment for all.

The crime and sin of the sexual abuse of minors has surfaced in every segment of society – schools, families, Hollywood, sports teams, youth groups, government programs for youth, religion – really, any group or organization that brings adult and minors into contact. Fortunately, for the Catholic Church, such horrors are now mostly confined to the past. That does not mean our work is over. Prevention, education, and, yes, reconciliation with those who have been hurt remain an ongoing priority.

The Archdiocese of New York’s reconciliation program, rooted in faith and a sense of reparation, aims to help heal deep wounds. This report outlines the Independent Reconciliation and Compensation Program’s progress, and reviews the significant strides the archdiocese has made in dealing vigorously with clergy accused of abuse of minors, and in preventing acts of abuse through its Safe Environment programs.
**INDEPENDENT RECONCILIATION AND COMPENSATION PROGRAM (IRCP)**

The Archdiocese of New York, in its ongoing efforts to respond to the past scourge of sexual abuse of minors by clergy, established a voluntary *Independent Reconciliation and Compensation Program* to promote healing and bring closure by providing compensation to victim-survivors of abuse by priests or deacons of the archdiocese.

The program, administered by the respected mediator Mr. Kenneth Feinberg, was put into place by Timothy Cardinal Dolan, Archbishop of New York. Mr. Feinberg and his colleague, Ms. Camille Biros, have complete autonomy in assessing the claims and deciding compensation for victim-survivors, and the archdiocese has abided by their decisions.

Former Police Commissioner Raymond W. Kelly, U.S. District Judge Loretta A. Preska, and Associate Clinical Professor of Psychiatry at Columbia University Jeanette Cueva, M.D., an expert in child psychiatry, serve as an *Independent Oversight Committee*, to assess the implementation and administration of the IRCP, although the decisions reached by Mr. Feinberg and Ms. Biros regarding compensation to victim-survivors are final and cannot be appealed or overturned by the archdiocese or the Independent Oversight Committee.

Over the last year, 189 victim-survivors of abuse have resolved their claims through the IRCP, and have received $40,050,000 in compensation. (While the IRCP enrollment process has now concluded, there are still a number of claims that are in process, and determinations about those claims will be made in the coming weeks and months.) Throughout the process, victim-survivors made clear they are not just interested in money, but instead are seeking some tangible sign of the Church’s desire for healing and reconciliation. The archdiocese prays that this outreach helps bring peace and consolation to victim-survivors who have experienced the horror of abuse, and is grateful that many report such healing.

The Archdiocese of New York is financing IRCP compensation through a long-term loan. It did not and will not use money donated to parishes, schools, or charitable organizations, nor money given to the *Cardinal's Annual Stewardship Appeal*, the new capital campaign *Renew + Rebuild*, or money given by donors to fund specific programs, apostolates, or ministries.
Archdiocese of New York – Safe Environment Program

Over the last two decades, the Catholic Church in the United States has made documented progress in dealing with this nauseating crime of sexual abuse, especially since the implementation of the landmark Charter for the Protection of Children and Young People (Charter) nearly 15 years ago, which calls for: zero tolerance for guilty clergy, with removal from all ministry; full cooperation with law enforcement; public announcement of offenders; comprehensive child safety education, with ongoing monitoring of compliance of safe environment; and background checks.

Dr. Paul McHugh, former chief of psychiatry at Johns Hopkins University Hospital and a recognized expert in the abuse of children, has commented that the safest place for a child today is in the Catholic Church, recognizing the progress the Church has made, so that it is now a leader and model in responding to this horrible scourge that afflicts all segments of our society and culture: the abuse of minors.

The Archdiocese of New York has implemented a comprehensive child protection program (called the “Safe Environment Program”) in all of our parishes, schools, and programs:

- Each year, every (arch)diocese is audited by Stonebridge Partners to make certain it is “in compliance” with the Charter. The Archdiocese of New York is consistently certified “compliant” and, in fact, has designed and implemented additional safe environment programs that go beyond the requirements of the Charter.
- For example, in addition to the independent audits required by the Charter, the archdiocese has hired individuals – all former law enforcement officers from various agencies with experience in sexual abuse units – to conduct regular spot-checks of our parishes and schools to make certain that they are adhering to our safe environment policies.
- To date, the archdiocese has conducted over 126,000 background checks, and has provided safe environment training to over 110,000 individuals, including age-appropriate training to children in Catholic schools and religious education programs. All seminarians, deacons, and priests of the archdiocese have received safe environment training and undergone a background check, as have all priests and deacons from religious orders or other dioceses working in the Archdiocese of New York. The archdiocese also runs repeat background checks on employees and volunteers so that it does not miss a problem that may have arisen since an initial check was done.
The following are the highlights of the child protection efforts:

**Child Safety Policies**

The archdiocese has a comprehensive *Policy on Sexual Misconduct* that was fully updated in 2016, bringing our policies up to date to address a wider range of issues and situations, and to clarify the procedures by which we handle allegations of misconduct. The *Safe Environment Office* also has a detailed *Policy Manual* that governs the implementation of the child safety requirements: screening of all who work with children (including a criminal background check), training in sexual abuse awareness and prevention, and codes of conduct for clergy and laity. These policies address a multitude of situations in which child safety is implicated (e.g., online behavior, overnight trips, acceptable professional boundaries).

**Annual Audit Results**

Each year, the archdiocese undergoes an audit to determine its compliance with the *Charter for the Protection of Children and Young People*. This audit is conducted by outside auditors, under the supervision of an independent National Review Board established by the United States Conference of Catholic Bishops. In December 2016, the archdiocese was found once again to be in full compliance with the *Charter* – the 13th consecutive positive result.

**Ongoing Activities**

- **Victim’s Assistance Coordinator** – The archdiocese has a Victim’s Assistance Coordinator, Sister Eileen Clifford, who works with victim-survivors to see that they receive appropriate professional and spiritual assistance to address the consequences of abuse. This may include counseling and referrals to support groups. The Victim’s Assistance Coordinator may be reached by emailing victimsassistance@archny.org or by telephoning 917-861-1762.

- **Clergy Training** – The archdiocese conducts a bi-annual training session for all clergy serving in the archdiocese on keeping young people safe. Topics have included the pastoral care of sexual abuse victims, dealing with pornography (especially child pornography), identifying potential victims and abusers, and how to ensure safety in all buildings from intruders such as “active shooters.”

- **Online Training** – Volunteers and non-instructional employees are able to fulfill their training requirement by viewing the “Safer Spaces” video through an online training tool. This is available in both English and Spanish.

- **Local Visitations** – The archdiocese is conducting visits to parishes and schools by professionals to assess and improve compliance efforts, to identify potential vulnerabilities, and to answer any questions or concerns from staff. All parishes and schools will be visited over a three-year cycle.

- **Training Refreshers** – The archdiocese provides to all staff and volunteers an annual printed training refresher on subjects relevant to safety policies for young people. Topics have included online safety, bullying, and reporting procedures.
• **Children’s Lessons** – The archdiocese has introduced updated lesson plans for children’s lessons, including resources and materials for parents. Topics covered include dating safety, pornography, and bullying.

## Handling of Allegations of Misconduct

All allegations of sexual abuse are handled according to the archdiocesan *Policy on Sexual Misconduct* and all applicable provisions of New York State law and canon law. The archdiocese immediately reports all allegations to local law enforcement authorities, pursuant to agreements with all the district attorneys’ offices for the 10 counties of the archdiocese, and fully cooperates with their investigations. Any clergy member who is the subject of a credible accusation, determined by law enforcement officials, is removed from active ministry and placed on administrative leave, pending the outcome of the investigation by an independent investigator, then a decision by the archdiocesan Review Board. The members of the Review Board are:

- Sr. Patricia Anastacio, PBVM, Chair. Sister Patricia is the President of the Sisters of the Presentation of the Blessed Virgin Mary and has many years of experience in Catholic education.
- Thomas J. Curran, Esq., attorney in private practice. Former Assistant District Attorney, Manhattan District Attorney’s office.
- Msgr. Kevin O’Brien, Pastor, St. Philip Neri Parish, the Bronx.
- Ralph A. O’Connell, M.D., certified in Psychiatry by the American Board of Psychiatry and Neurology.
- Joseph Petrone, M.D., certified in Adult and Child Psychiatry by the American Board of Psychiatry.
- Hon. Milton Williams (retired), former Presiding Judge of the Appellate Division First Department in Manhattan.

## Staffing

The program is staffed by four full-time and two part-time employees. The director is an attorney and a former state and federal prosecutor. The assistant director for training holds a master’s degree in social work. There is also a team of four retired NYPD police officers who conduct a parish and school visitation project.

## Resources

All materials and resources for the program are available on the Safe Environment Office website: [archny.org/safe-environment-program](http://archny.org/safe-environment-program).
Legislative Issues

Because the Archdiocese of New York (and the Catholic Church) has zero tolerance for sexual abuse, it supports proposals in the New York State Legislature to extend the time allowed under the law to file criminal charges or civil lawsuits against those who abuse children.

Protecting children from sexual abuse and safeguarding the legal rights of victims requires a comprehensive approach. Through the New York State Catholic Conference, which represents the archdiocese and seven other dioceses in New York State on legislative matters, the archdiocese strongly supports efforts to prospectively increase the criminal and civil statute of limitations for child sexual abuse. However, some legislation is seriously flawed in that it contains a statute of limitations “window” to open up previously time-barred civil claims going back indefinitely against not only abusers themselves, but against their employers as well. The archdiocese, along with many other organizations, strongly opposes this aspect of the legislation.

This extraordinary provision would force institutions to defend alleged conduct decades ago about which they have no knowledge, and in which they had no role, potentially involving employees long retired, dead or infirm, based on information long lost, if it ever existed. To be clear, the sponsors’ intent is to allow claims from even the 1940s or 1950s to be resurrected.

Statutes of limitation are an essential protection of American law because they ensure that claims can be fairly adjudicated in a timely manner based on credible evidence. The New York State Bar Association has said:

*Over time, evidence is lost or destroyed and witnesses die or become unavailable or, when they are available, their memories are less reliable. These circumstances make proof and defense of such actions extremely difficult, if not impossible, for all parties involved. (New York State Bar Association’s Committee on Civil Practice Law and Rules Legislative Report #8, Feb. 25, 2003)*

In addition, if the so-called “windows” legislation passes and an avalanche of lawsuits results, those who committed the awful crime of sexual abuse would not be punished; instead, the charitable, pastoral, and educational works of the Church would suffer, as would the many people that the Church serves through its ministry.

While some legislative and policy disagreements about the ideal approach continue, New York State continues to make laudable progress in protecting children. The criminal statute of limitations on charges of rape or felony sexual abuse of a child has been eliminated. These crimes are now treated with the same gravity as murder.
The archdiocese, and the other dioceses in New York State, do support legislation that would extend the civil statute of limitations for sexual abuse lawsuits; apply equally to public and private institutions; eliminate the criminal statute entirely; add clergy to the list of mandated reporters; and require criminal background checks for all employees and volunteers who work with children in either public or not-for-profit settings. We believe that these measures should be adopted because we have found, through our own experience, that they are effective means to combat this societal scourge.