

**FROM SHADOW TO LIGHT AND FROM SCANDAL TO HEALING:
THE EXPERIENCE OF THE DIOCESE OF BROOKLYN WITH
THE SEX ABUSE SCANDAL**

A PRESENTATION

TO

THE PEOPLE

OF

THE DIOCESE OF BROOKLYN

**MOST REVEREND NICHOLAS DiMARZIO, Ph.D., D.D.
BISHOP OF BROOKLYN
MAY 2009**

PREFACE

This presentation is given to you so that you, the people of Brooklyn and Queens, have first-hand knowledge of what we are doing in the Diocese of Brooklyn to assure the protection of our youth and young adults from the scandal of sexual abuse.

At this time, I would like to offer my sincere thanks to all those who assisted me in the preparation of this presentation which is submitted to you for your personal review. The work they do in supporting victims, as well as monitoring perpetrators, is a special ministry. For it is only when we work together as the people of the Diocese of Brooklyn that we can be assured none of these abuses ever happen again to the youth and young adults who are to be our leaders of tomorrow here in Brooklyn and Queens.

Most Reverend Frank Caggiano, D.D., Vicar General and Moderator of the Curia

Most Reverend Ignatius Catanello, D.D., Vicar for Clergy

Reverend Monsignor John Bracken, Vicar General for Temporalities

Reverend Monsignor Edward B. Scharfenberger, Promoter of Justice

Reverend Monsignor Andrew Vaccari, Chancellor

Very Reverend Kieran Harrington, Vicar for Communications

Reverend Raymond P. Roden, PsyD, Special Assistant for Clergy

Reverend Peter Vaccari, Faculty, Seminary of the Immaculate Conception, Huntington

Sister Patricia E. Hudson, CSJ, Director, Safe Environment Program

Sister Ellen Patricia Finn, OP, Med, LMSW, Diocesan Assistance Coordinator, and
Associate Executive Director of Catholic Charities of Brooklyn and Queens

Frank DeRosa, Former Director of the Public Relations Office

Professor Bernard Helldorfer, Chairperson, Diocesan Review Board, and
Director, Legal Studies Program, St. John's University

Kevin M. Kearney, Esq., Diocesan Counsel

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BISHOP OF BROOKLYN
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**And this is the verdict,
that the light came into the world,
but people preferred darkness to light,
because their works were evil.
For everyone who does wicked things hates the light
and does not come toward the light,
so that his works might not be exposed.
But whoever lives the truth comes to the light,
so that his works may be clearly seen as done in God.
■ John 3:19-21**

INTRODUCTION

The Catechism of the Catholic Church defines scandal in this way, "Scandal is an attitude or behavior which leads another to do evil. The person who gives scandal becomes his neighbor's tempter. He damages virtue and integrity; he will even draw his brother into spiritual death. Scandal is a grave offense if by deed or omission another is deliberately led into a grave offense. Scandal takes on a particular gravity by reason of the authority of those who cause it or the weakness of those who are scandalized." (CCC, 2284-2285)

The particular situation we find ourselves in at this time, while I am loath to call it a crisis, is certainly a situation of scandal. Victims have been harmed and robbed of their youthful innocence. The reputation of good priests has unfairly suffered. Many people have had their faith shattered or damaged, even as many have clung to their faith during this time of difficulty.

Our present emotional state perhaps may best be described as one in which we experience shame or even guilt. These are some of the primal emotions that we learn in our early childhood. Shame and guilt may keep us within moral limits. They can also be destructive, however, if they are not dealt with as adults. Shame and guilt for the perpetrators can be a motivation for their reform and rehabilitation, if they are treated with compassion. The shame and guilt that we all feel as ministers of the Church have contributed to our feeling of responsibility for the present scandal. These feelings can also motivate us to move beyond the present with new enthusiasm and zeal for the creation of a more trusted Church in the future.

Several authors have attempted to address the causes of the scandal. Regardless of one's point of view on this question, what is clear is that the present situation does not call for defensiveness, but rather greater openness and understanding. Scandal has been given by certain members of the clergy to the faithful, and the harm that has been done is not only to the victims of abuse, but also to our reputation for caring for our youth. The Church always has been a leader in addressing the evils of society from its early association with the labor movement for the improvement of the conditions of workers, the defense of the alien in our society and its consistent defense of innocent life in the Pro-Life Movement. The issue of abuse of minors can be a new challenge in which the Church takes proactive and far-reaching steps to prevent abuse of any young person. It is also my hope that the Church will emerge as a leader in society in the prevention of sexual abuse and the care of children who have been abused.

More alert as a society, and knowing the signs of abuse, this present generation is dealing with more reports of abuse than has been done in the past. It was common societal practice to avoid confronting this difficult issue, as if it somehow would solve itself.

Today, we live in a society where people are afflicted by many addictions. Both society and the Church need to deal with this because the issues of sexual abuse usually are masked by other addictions. In addition, the Church must emerge as a leader in challenging our society to deal with its real problems. Again, it is my hope that as a Church we will be, as in the past, the conscience of our society and an agent for change and progress, particularly on the important matter of sexual abuse of minors.

The issue of child abuse has been compared to the abuse of slaves in the past history of the United States of America. Although we are a society which prides itself on individual freedom, we recognize that we also have been blinded in the past by the evil of slavery, as perhaps now so many are also blinded by the evils of abortion and other threats to human dignity. We need to better understand our society, which I have characterized as "permitting everything and forgiving nothing." We need to be aware of how our society functions, so that we can continue to be the conscience of our society and leaders for change and progress.

We have developed good policies and procedures that can give us guidance and direction on how we must continually deal with the issue of sexual abuse of minors in our society. Beside our programs of prevention, which now have integrated into all of our contacts with youth, we must have a positive attitude that enables us to deal with our personal feelings for victims and perpetrators.

LEGAL ISSUES

Definitions

The term "cover-up" has been used perhaps indiscriminately to define the present scandal of sexual abuse: that is, a deliberate, concentrated effort to conceal wrongdoing from public view. The Church has been accused of this by some, since it reached settlements with victims accompanied by confidentiality agreements. These settlements have been derisively characterized as "hush money." This, however, is unfair and inaccurate, since those making the charge wrongly imply that criminal activities were not presented to public authorities. In the

Diocese of Brooklyn, allegations of sexual abuse involving minors have always been reported to the appropriate authority pursuant to law. It should be noted that a reasonable belief of the existence of sexual abuse of a minor by a priest or deacon is not a matter which is subject to the *Mandated Reporting Laws of the State of New York*. The Diocese of Brooklyn, and all the Dioceses in the State of New York, have supported the extension of any laws regarding *Mandated Reporting*. The Diocese of Brooklyn currently automatically reports all credible allegations of sexual abuse of a minor by a priest or deacon to the appropriate law enforcement authority, i.e. the District Attorneys of Kings and Queens County.

“Cover-up” has been used to describe the practice of moving an accused perpetrator from one assignment to another without public disclosure of the abuse. This characterization does not, however, usually recognize the fact that perpetrators were sent for evaluation, counseling and rehabilitation and were returned by rehabilitation agencies as fit for ministry, albeit sometimes limited ministry. The U.S. Bishops have acted to address this matter by insisting in the *Charter for the Protection of Children and Young People* (hereafter cited as the *Charter*) that even for a single act of abuse of a minor, past, present or future, the offending priest or deacon will be removed permanently from ministry and will not be reassigned. Note, too, that the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (hereafter referred to as the *Essential Norms*) are clear: “No priest who has committed an act of abuse may be transferred for ministerial assignment to another diocese.”

“Cover-up” has also been levied against those, including other priests, who were alleged to have known about sexual abuse but chose not to report it or to ignore aberrant behavior in their midst. Everyone has a grave obligation to report abuse, and failure to do so is an egregious moral failing. For this reason, the Diocese of Brooklyn acted to implement clear mechanisms for reporting abuse, including establishing a Diocesan **Toll-Free Number (1-888-634-4499)** in August of 2004. Calls are received by an independent third party and referred to local district attorneys no matter how old the allegation. The *Memorandum of Understanding* between the Brooklyn Diocese and the District Attorney of Kings County and a procedural understanding with the District Attorney of Queens County are yet further efforts to ensure that there are clear and uniform reporting mechanisms in place. (see “Reporting” below and Appendix).

Investigating Allegations of Sexual Abuse

Prominent among the issues in the minds of priests is what standard is utilized when assessing an allegation and what standard is used to determine whether a preliminary investigation is warranted. The standard utilized by the Diocesan Review Board (DRB), which is a consultative, not investigatory body, is straightforward and asks whether the accusation is more likely to be true than not. The outcome of the review by the DRB determines whether a canonical investigation should take place. The canonical standard for assessing the allegation is that it at least seems to be true and that there is reasonable cause to suspect that the alleged abuse occurred.

When there is sufficient evidence that sexual abuse of a minor has occurred, the Congregation for the Doctrine of the Faith shall be notified and the precautionary measures called for in canon law shall be applied. As noted in the *Essential Norms* (#8), when even a

single act of sexual abuse is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ministry, not excluding dismissal from the clerical state, if the case so warrants.

“The general law of the Church is very specific in delineating the scope of sexual abuse of minors, as described in the *Preamble to the Essential Norms* of the USCCB, approved by the Congregation for Bishops on December 8, 2002:”

Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue (CIC, c. 1395 §2, CCEO, c. 1453 §1). Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). A canonical offense against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO, c. 1453 §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, “imputability [moral responsibility] for a canonical offense is presumed upon external violation ... unless it is otherwise apparent” (CIC, c. 1321 §3; CCEO, c. 1414 §2). Cf. CIC, cc. 1322-1327, and CCEO, cc. 1413, 1415, and 1416. If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and the opinion of a recognized expert be obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act.¹

While major concerns surround this description, it is one that has been arrived at by consensus of the Bishops' Conference and the intervention of the Holy See. And while any description presents problems, this one only serves to spell out the extensive protection of young people from sexual abuse that the law provides for.

While commentators have often failed to distinguish between offenses which constitute pedophilia (behaviors involving prepubescent children, generally age 13 years or younger) and ephebophilia (behavior involving minors over 13 years of age), both offenses are covered under the *Charter's* description of sexual abuse, both are grave offenses, and both are crimes. The distinction is only important when it comes to questions about the appropriate treatment for the accused.

¹ The source for this paragraph is footnote 2 of the *Preamble* of the 2002 USCCB *Essential Norms*.

REPORTING

The Diocesan Toll-Free Number - (1-888-634-4499)²

The Diocese of Brooklyn in August of 2004 established a Diocesan Toll-Free Number (1-888-634-4499) to assist those who wish to report allegations of sexual abuse of minors by a priest or deacon. Its purpose is two-fold; first, to remove any reporting activity from the Church directly by contracting with an independent lawyer who is not involved in any legal defense for the Diocese. This independent agent objectively evaluates the issue brought to his attention and reports it to the appropriate civil authorities. This insures both accuracy and objectivity. The second purpose is to forestall any false accusations. A person making a false accusation, which is then reported to law enforcement, now has a responsibility of defending that accusation or suffer the consequences of a false accusation. Finally, civil authorities, not the Church, are best equipped to investigate these matters.

Reports to Prosecutors

In 2004, representatives of the Diocese of Brooklyn reached out to Charles J. Hynes, the District Attorney for the County of Kings, and Richard Brown, the District Attorney for the County of Queens, for the purposes of discussing the protocol by which the Diocese of Brooklyn would report allegations, though not required by Civil or Criminal Law, which it had received from individuals asserting the sex abuse of a minor by a priest or deacon, either in the present or at any time in the past.

Our Vicar General and Diocesan Counsel conducted extensive discussions with both offices for the purposes of reaching an agreement which assisted the District Attorneys in their being able to investigate such claims and provide the Diocese with assurances that a moral responsibility to report such acts was accommodated. These discussions and mutual collaboration resulted in an agreement with the office of the District Attorney of Kings County, executed by Bishop Thomas V. Daily on behalf of the Diocese of Brooklyn and Kings County District Attorney Charles J. Hynes. This protocol was accepted by the Queens County District Attorney Richard Brown. These procedures were hailed as “the gold standard” for such agreements at the National Diocesan Attorneys Association Annual Meeting.

The Diocese of Brooklyn has designated Kevin M. Kearney, Esq. as Liaison between the Diocese and the offices of the Kings and Queens County District Attorneys. Mr. Kearney’s experience and history of working cooperatively with local, county and state law enforcement officials will ensure on-going cooperation and communication between the Diocese and county and state law enforcement. Note that the Liaison’s role is a secondary one and does not preempt normal reporting procedures which have been adopted by the Diocese of Brooklyn. Those who believe that an offense against a minor has occurred should contact John Kurkemelis, Esq., through the Diocesan Toll-Free Number established for this purpose (1-888-634-4499), who will

² The Diocesan Toll-Free Number (1-888-634-4499) has been established to confidentially report allegations of sexual abuse against a minor by a priest or deacon.

To report sexual abuse against a minor by non-clergy Church personnel or parish volunteers, contact the appropriate District Attorney for your area: Kings County: 1-718-250-2217, Queens County: 1-718-286-6310. If there is suspicion that a child is in immediate danger, call 911.

report allegations to appropriate civil authorities. Information provided to prosecutors under the *Memorandum* is kept confidential.

RESPONSIBILITY OF THE CHURCH WHEN SEXUAL ABUSE OCCURS

As Pope John Paul II noted when he met with the U.S. Cardinals in April of 2002, “The abuse which has caused this crisis is by every standard wrong and rightly considered a crime by society; it is also an appalling sin in the eyes of God.” I must make it clear to you that not only can those convicted of sexually abusing a minor be sentenced to long prison terms, but civil law also holds the Church responsible if, with prior knowledge of any sexual offense, we leave in ministry a person who again engages in such conduct. Past lawsuits have also alleged improper supervision and irresponsibility in recruitment, allegations against which the Diocese vigorously defended itself. It is one thing to allege that individual priests have committed abuse; it is quite another to suggest that the Diocese acted in some kind of deliberate way to allow the abuse to occur, which is simply untrue.

Court Cases

The Diocese of Brooklyn, as any other corporate entity, is subject to numerous instances of law suits being brought by individuals regarding claims of negligence on the part of the Diocese. Claims arising out of sexual abuse of minors by priests or deacons have also been presented. The current Statute of Limitations (see Civil and Criminal Statute of Limitations herein) has limited any of these cases by reason of the passage of time between the alleged abuse and the presentation of the claim. In recent years, the Diocese had been served with two lawsuits in connection with sexual abuse by priests or deacons regarding allegations of abuse which occurred long ago. These cases represented claims of 69 alleged victims and 29 individual priests. The Diocese opposed both these actions claiming that they were barred by the Statute of Limitations. The actions were dismissed and the dismissal was upheld by the Court of Appeals, the highest court in New York.

Three additional law suits which were not barred by the Statute of Limitations have recently been settled by the Diocese for the amounts of \$1.2 million, \$2.4 million and \$1.225 million respectively.

It is important for you to know that the Diocese has not relied on parish collections, school tuitions, special collections or the Annual Catholic Appeal for costs associated with these claims (whether they be settlements, legal expenses, the cost of post evaluation care of priests, or therapy expenses for victims).

Other Settlements

It is also important for you to know, and for our parishioners to know, that the Diocese has not relied on parish collections, assessments, school tuitions or Special Collections for the cost associated with these claims.

All settlement and legal expenses have been covered by insurance. The cost of premiums on insurance policies which insured the risk were paid by the Diocese, parishes, schools and institutions as ordinary operating expenses.

The Diocese has contributed to the healing process by covering therapy expenses for victims from other investment income sources.

Confidentiality Agreements

Article 3 of the “*Charter for the Protection of Children and Young People*” states that dioceses “will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement.” The Diocese of Brooklyn does not enter into any such agreements.

Civil and Criminal Statute of Limitations

In 2006, both Houses of the New York State Legislature passed a bill which the Governor subsequently signed amending the law regarding both Criminal and Civil Statute of Limitations.

Statutes of Limitations are created by legislation setting forth certain time parameters in which legal actions may not be brought by reason of the Statute. Statute of Limitations which are often referred to as Statute of Repose have been consistently considered necessary to assure justice and fairness of all parties in a legal dispute and society in general. They acknowledge that the passage of time may put an unacceptable burden on a party to adequately protect its rights as a result of the death, incompetency of any available witness, the loss of essential documentation, evidence and the lessening of memory and recall of individual witnesses. As indicated in the section “Court Cases” two law suits had been commenced against the Diocese which were ultimately dismissed by reason of the Statute of Limitations.

Civil Statute of Limitations

The third section of the above mentioned Civil Statute of Limitations, adds a new section, section 213-c, to the Civil Practice Law and Rules (CPLR). This new section will establish a five-year statute of limitations for civil law suits based upon an act constituting crimes of rape first degree, criminal sexual act first degree, aggravated sexual abuse first degree, or course of sexual conduct against a child first degree. Importantly, civil suit under this provision is limited to actions against “a person who commits the acts” or any other person who, “in a criminal proceeding, could be charged with criminal liability for the commission of such acts.” Thus, vicarious liability claims such as negligent hiring; negligent retention, failure to supervise, etc. (which are generally the sole grounds for holding a diocese liable) are exempted from the extension of the civil statute of limitations in section 213-c of the CPLR, as amended.

The fourth section of the law amends the CPLR to provide that victims of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree have an additional five years to

commence an action against the perpetrator of the crime. This provision allows civil suit to be brought, even if the original five-year statute of limitations has expired, so long as a criminal proceeding against the defendant is commenced. This additional five-year period will begin to run at the time that the criminal proceeding against the defendant is terminated. A criminal action is terminated “with the imposition of sentence or some other final disposition in a criminal court of the last accusatory instrument filed in the case.” Under current law, a civil action can be brought within one year of the termination of a criminal action. Thus, this extends the time period allows to bring a civil action, after the termination of the criminal proceeding, from one year to five years for the crimes of rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree.

With civil actions, the extended statute of limitations applies to acts committed on and after the effective date. In addition, the civil extension also applies to acts committed prior to the effective date, only where the statute of limitations is currently active and the suit is not time barred. The civil extension does not apply to actions where the Statute of Limitations has expired, as of the effective date unless the criminal statute had not yet expired, and the act results in a criminal charge being brought.

Criminal Statute of Limitations

The first two sections of the above mentioned law amend section 30.10 of the Criminal Procedure Law to eliminate the criminal statute of limitations in relation to rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree, or course of sexual conduct against a child in the first degree. After enactment, a criminal prosecution for these four crimes may be brought at any time.

Civil Statute of Limitations / Retroactive Application Proposed

Assemblywoman Margaret M. Markey, D-Q and Senator Tom Duane, D-M, have proposed opening a one-year window for time-barred civil claims of sexual abuse of a minor. The Legislation is numbered A.2596 Markey / S.2568 Duane. *The above-referenced bill would create a one-year window for the filing of decades-old claims of sexual abuse by a minor against businesses, not-for-profits and religious organizations.*

The bill is discriminatory because it targets private institutions yet exempts public schools and state and municipal entities, even though studies have shown public schools are the most frequent location of non-familial sexual abuse. In a study for the U.S. Department of Education, Hofstra University Professor Charol Shakeshaft reported that nearly 7 percent of students nationally report being sexually abused in a physical manner by an educator in public schools. Yet public school victims from decades past would not have the same recourse to sue as someone abused by a priest, rabbi or a Boy Scout counselor. This creates two classes of victims, giving a person who claims to have been sexually abused in a private school another chance to sue, while denying it to a person claiming abuse in a public school. This is clearly discriminatory and fundamentally unfair.

Statutes of limitations exist to protect the fair administration of justice. Their purpose is to ensure that plaintiffs bring their claims within a reasonable period of time so that defendants will have timely notice of such claims and a reasonable opportunity to prepare a defense. They reflect recognition of the need to give legal repose to human affairs. Over time, memories fade, witnesses die, evidence disappears and the likelihood of fraudulent claims increases. It is virtually impossible for any organization to defend itself against a claim arising from events 50, 60, 70 years ago – a claim which probably involves people who are dead and about which little, if any, reliable information is available.

This legislation is patterned on similar legislation that was passed in California in 2002 during the height of the sexual abuse crisis in the Church. It has resulted in more than 800 lawsuits – more than \$1 billion in claims. The Catholic Church in California has now been forced to settle these claims by selling church properties and curtailing essential programs and services. The Catholic Church in New York State would likely suffer the same catastrophic financial harm. Moreover, the legislation may make it impossible for the Catholic Church and other non-profits that serve children to buy insurance, putting in jeopardy their ability to continue to provide services to thousands of New Yorkers across the state.

Assemblyman Vito Lopez, D-B and Senator Carl Kruger, D-B have proposed legislation in relation to timeliness of prosecutions for certain sex offenses. The legislation numbered A.5708-A V. Lopez / S.3107-A Kruger extends the statute of limitations for certain sex crimes committed against minors and amends the law to provide an equal opportunity for all victims to bring a claim within the extended statute of limitations period against businesses, not-for-profits and religious organizations as well as municipal entities.

This bill extends the tolling provisions for the prosecution of certain sex offenses until the person has reached the age of twenty, the bill adds additional years for a victim of child sexual abuse to bring forth criminal charges against his or her abuser. In addition, this bill extends the time for civil claims to be brought by victims of child sexual abuse until they are 25 years old, thereby ensuring victims have sufficient time to hold abusers civilly accountable for their actions. Most importantly, notice of claim requirements are amended, to ensure that victims of child sexual abuse are able to bring civil claims against all abusers, including those employed by municipal entities. All victims are treated equally under this bill.

Bills that fail to amend notice of claim provisions are discriminatory because they target private institutions and religious organizations yet exempt public schools and state and municipal entities, even though studies have shown public schools are the most frequent location of non-familial sexual abuse. The Associated Press reported in 2007 that there were 485 professional misconduct complaints against New York public school teachers (most for inappropriate relationships with students) over a 5-year period vs. 300 against Catholic clergy over a 57- year period. While some bills create two classes of victims and are clearly discriminatory and fundamentally unfair, A.5708-A/S.3107-A provides equal access to courts for all victims.

THE CHARTER FOR THE PROTECTION OF CHILDREN AND YOUNG PEOPLE

Synopsis of the *Charter*

The *Charter for the Protection of Children and Young People*, and its accompanying *Essential Norms* which has the official recognition of the Holy See, represent a sincere effort on the part of the U.S. Bishops to respond strongly to the problem of sexual abuse in the Church. Its 17 articles contain measures which are designed to:

Reach out to victims/survivors and their families (through the Victims Assistance Coordinator and meetings with me, as Diocesan Bishop or a designated representative);

Ensure that there are mechanisms in place to enable dioceses to respond to allegations promptly and report allegations to the proper authorities (our Diocesan Toll-Free Number (1-888-634-4499) and the Diocesan Review Board headed by Professor Bernard Helldorfer, Esq.);

Assure that offending priests or deacons, in accord with canon law, are relieved of their ministry and referred for appropriate medical and/or psychological treatment;

Enact a communications policy that reflects a commitment to transparency and openness (for example, communicating with parishioners when allegations require removal of a priest or deacon, or when allegations prove to be unfounded);

Establish structures to review Diocesan compliance with these provisions (the National Review Board headed by Judge Michael R. Merz and the USCCB's "Office for Child and Youth Protection" headed by Ms. Teresa M. Kettelkamp);

Establish "safe environment programs" and sexual abuse prevention training for clergy, teachers, youth, parents and others. "Virtus" is an essential program for the safe environment of all parishes and institutions of our Diocese.

In addition, our Diocesan Code of Conduct contains provisions that outline appropriate behavior for clerics, employees and volunteers.

I believe that the provisions of the *Charter/Essential Norms* will help protect young people, heal those who have suffered abuse and restore trust in the Church. I look forward to seeing that these provisions are widely disseminated and to ensuring on-going compliance.

Zero Tolerance

"Zero tolerance" has been a popular term referring to the unacceptability of any priest or

deacon remaining in ministry who has committed even a single act of sexual abuse in the past, present or future, according to the description given above. This concept has a foundation in the words of Pope John Paul II, who emphasized, “There is no place in the priesthood and religious life for those who would harm the young.”

The *Charter/Essential Norms* provide that for even one offense, whenever it occurred, the offending priest or deacon will be permanently removed from ministry, and possibly dismissed from the clerical state, if the case so warrants, in accord with due process and the provisions of canon law.

Diocesan Review Board

Article 2 of the *Charter* (as in original) states that dioceses will have a review board, the majority of whose members will be lay persons not in the employ of the diocese, who will assist the Bishop in assessing, both retrospectively and prospectively, allegations of abuse, and *who* will regularly review diocesan policies and procedures for dealing with sexual abuse of minors.

The Review Board for the Diocese of Brooklyn consists of eight voting members:

Bernard G. Helldorfer, Esq., Professor of Legal Studies at St. John’s University, is the Chair. A tenured, Full Professor at St. John’s, Mr. Helldorfer is also a practicing attorney for 27 years and an experienced arbitrator and mediator.

The other members of the Board are:

Mr. Thomas DeStefano, Former Executive Director of Catholic Charities for the Diocese and a member of the National Review Board;

Monsignor Vincent Fullam, Pastor of Resurrection Ascension Parish in Rego Park, Queens;

Sister Veronica Greeley, O.P., Former Prioress of the Amityville Dominican Sisters;

Dr. Joann Heaney-Hunter, Professor of Theology and Director of the Core Curriculum at St. John’s University and a lecturer and author on Christian marriage and family life;

Mr. John J. Laffey, Former Deputy Chief, New York Police Department and Former Police Commissioner, City of Long Beach, New York;

Dr. James J. Lynch, M.D., a specialist in adolescent, adult and forensic psychiatry; and

Luis A. Torres, Jr., Esq., Government Relations Counsel, MetLife, Inc.

Additionally, the Diocesan Promoter of Justice, Monsignor Edward B. Scharfenberger, Pastor of St. Matthias Parish, Ridgewood, participates in every meeting and all deliberations of the Review Board, as recommended by *Essential Norm* No. 5 promulgated under the *Charter*.

In each case, the Review Board is assisted in its work by a professional investigative service, BVS Consulting & Investigative Services, Inc. Both the principal owner, Ms. Brenda

Vincent-Springer, and her staff have extensive experience with the New York Police Department in the investigation of cases of sexual abuse of minors.

Since its inception under former Bishop Thomas V. Daily and now continuing under my tenure, the role of the Review Board in this Diocese has been fully consistent with the role delineated for it in both the *Charter* and the *Essential Norms*: “[T]o advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry....Also, the board can review these matters both retrospectively and prospectively and give advise on all aspects of responses required in connection with these cases.” *Charter*, Art. 2; *Essential Norms* No. 4. To date, the Review Board has considered and made recommendations to me in more than 39 cases referred to it by either Bishop Daily or myself. In each of them, the Review Board has deliberated with professionalism, making extraordinary effort to respect the rights and positions of both the accused and the alleged victims.

Guidelines and Sanctions

One way to describe the canonical issue of sanctions, as they are presently being enforced, is to think of it in terms of the "Three R's," -- relief, removal and reduction. These administrative actions correspond, canonically, in the first instance to restricted ministry in the case of a person relieved from ministry while an investigation in accord with Canon §1717 is underway.

The second stage of removal from ministry occurs when, through administrative or judicial due process, such abuse has been established that carries with it suspension from all rights and obligations ascribed to the ministerial priesthood, a step commonly referred to as “defrocking.” In this instance, the person can no longer present himself as a priest or wear clerical garb. Reduction to the lay state, or laicization as it is commonly known, is the most severe type of sanction. Laicization may either be requested by the individual or in grave situations administratively imposed by the Holy See. Laicization may also be applied to the individual as a canonical penalty at the conclusion of a penal trial. The *Charter* allows for the possibility of laicization in cases where the sexual abuse of a minor has been admitted or established, but provides for exceptions in cases of age or infirmity in accordance with the prescriptions of canon law.

Diocesan Tribunal

In February of 2003, more than 200 priest canonists from all parts of the country received training in the canonical procedures for implementing the *Essential Norms*. The United States Conference of Catholic Bishops (USCCB), in conjunction with The Catholic University of America, provided the training. These canonists will assist dioceses around the country in conducting the necessary judicial processes in cases of priests or deacons accused of sexual

abuse of minors.

The Reverend Steven Aguggia, J.C.D. was recently appointed as Judicial Vicar. He is responsible for ensuring that the Tribunal of the Diocese of Brooklyn is ready to meet its obligations as called for in the *Essential Norms* for dealing with cases which involve sexual abuse of a minor. We have taken steps to ensure that there are qualified canonists, from other dioceses, as needed, who can sit on the Tribunal to hear these cases, so as not to present any potential conflicts of interest, and also to act as advocates to those accused of any delict against the Sixth Commandment.

Promoter of Justice

The Promoter of Justice, Monsignor Edward B. Scharfenberger, is involved in all canonical trials involving allegations of criminal activity. Whenever a judicial proceeding is required in order to adjudicate an allegation of sexual abuse against a minor by a priest or deacon, it is, therefore, the task of the Promoter of Justice to introduce the evidence by preparing a *libellus* (or canonical petition) to the Tribunal (or ecclesiastical Court). The Promoter may also propose questions to the Tribunal which may be addressed to the parties and witnesses. In addition to his role in ecclesiastical trials, the Promoter of Justice also is responsible for ensuring that the rights of all parties in canonical proceedings are respected. Such rights include sufficient notice, the right to be heard and the right to canonical counsel. The Promoter of Justice also enjoys those rights and privileges which are necessary for the adequate fulfillment of his office.

ACCOUNTABILITY AND RECONCILIATION

There is a great deal of concern, and rightly so, about the treatment and status of priests who have been removed from active ministry because of an accusation of sexual abuse of a minor. In addressing this concern, several important factors must be taken into consideration; namely, the rights and dignity of the both the accused and the accuser; the safety and protection of vulnerable individuals among us, most especially children and adolescents; the well being and unity of the local Church; the demands set forth by both civil and canon law; and last but not least, my own discretion and prerogatives as Diocesan Bishop. Balancing these factors is not easy, but neither is it impossible.

While forgiveness, mercy, and reconciliation have not been banished from among us as some might contend, and as they often have been in the secular society, all behavior carries with it definite consequences. Negative behavior, whether it be criminal or simply scandalous, can often have severe consequences. More to the point, the sexual abuse of children or young adults is absolutely intolerable within our Diocesan Church. The result of such a crime, perpetrated by anyone in the ecclesial community against any young person at any time, is full compliance on the part of Diocesan authorities with relevant local, state, and federal statutes, as well as with pertinent canons. In the Diocese of Brooklyn, once a priest has admitted to the sexual abuse of a minor, or when he does not admit such abuse, following a credible accusation and is found to have committed the abuse upon thorough investigation by a professional investigative agency charged by me with such an inquiry, and upon recommendation of the Diocesan Review Board, he is permanently removed from active ministry.

Contrary to what some might believe, once a priest is removed, he is not barred from the spiritual life of the Church. He is immediately assigned to the Diocesan ministry for priests relieved of active ministry directed by Father Raymond Roden, PsyD. He is mandated to meet with Father Roden in a face-to-face meeting at least once a month and frequent contact by phone or by mail is encouraged. Father Roden serves as a liaison between each of the priests in this special ministry and myself. This includes the facilitation of communication between us and among us, a balancing of needs and demands in the service of the common good. He, himself, does no formal counseling or psychotherapy with this group, nor does he hear confessions. Others are available and competent to minister to these brothers in this way.

With regard to housing, a priest who has been removed is prohibited from living in a Diocesan rectory or other residence. In a situation in which a priest has no place of his own to live, provision is made for him to live in a Diocesan residence which can in no way be construed to be public, that is, visible and accessible to parishioners or other individuals. Providentially, most priests who have been removed are living in their own private or family residences. Other restrictions include not introducing oneself as a priest and not using the ecclesiastical titles Father, Reverend, or Monsignor. Clerical attire may not be worn. No public ministry may be performed whatsoever. Exceptions to these strictures include the death of a parent or sibling whereby a removed priest may wear clerical attire for the wake and funeral, and celebrate the funeral Mass himself as the vested principal celebrant with the permission of the Diocesan Bishop. Confession and anointing in danger of death, e.g., at an accident or some other disaster only, are also exceptions.

Priests who have been permanently removed from public ministry receive a monthly stipend, housing allowance, medical benefits and Diocesan automobile insurance from the Good Shepherd Trust. At the age which the priest becomes eligible to begin receiving full Social Security retirement benefits under the Social Security Act, he is official retired and receives the same pension benefits as every other retired priest.

As is the case for all of us, actively ministering or not, the universal call to holiness is primary. To this end, Father Raymond Roden has organized a fine series of retreats and days of recollection for priests who have been removed, including long retreats in January and June of each year and prayer days in Advent and Lent. The retreats are usually directed by an outstanding presenter from outside the Diocese, while the day-long experiences are offered by an invited Brooklyn priest. In addition, a support group meets monthly under the capable direction of Brother Bonaventure Scully, CFX, a former educator and retreat leader in the Diocese. Spiritual directors are available to anyone who asks, and all are asked to commit to spiritual direction if they have not already done so. A life of prayer and penance, of hiddenness and spiritual littleness, of imitation of Jesus at Nazareth can be a source of tremendous inspiration and spiritual nourishment for Bishops, priests and deacons alike, removed or not.

Several excellent Catholic psychologists and psychiatrists are always available should their services be requested by an individual priest. Most are encouraged to engage an appropriate therapist or counselor to assist them in these difficult times. All priests removed from ministry are strongly encouraged to stay in touch with priest friends, and those friends are encouraged to look out for and support their brothers.

It is my hope that the suffering of our local Church, of the abused and of abusers, of priests and of laypeople, young and old, will serve as a prophetic witness for the end of all sexual abuse in Brooklyn and Queens, across the land, and around the world. It is my prayer that so much scandal and spiritual and emotional agony will serve to generate a revived understanding and acceptance of chastity and a renewed embrace of celibacy for the Kingdom. It is my wish that those who have been abused as children or adolescents at the hands of clergy will again, very soon, feel at home in the Church the Lord has established for them.

In a recent talk to a USCCB conference on the issue, an authority on the sexual abuse of minors by members of the clergy and the protection of children asked the difficult but poignant question, “What happens when penance is done, when remorse is achieved, when reconciliation is accomplished, when graced insight and empathy hold sway?” While removal from active ministry may be permanent, must various strictures also be permanent? Perhaps. After all, priesthood is no one’s right, but rather a response to the call of grace lived out solely at the discretion of the Bishop. Whether he is asked to act or be still, to speak or be silent, to be public or hidden, the priest is not his own. Reality being what it is, those who have been abused by members of the clergy must have a large say in answering these complex questions.

THE ACCOUNTABILITY OF AUTHORITY IN THE CHURCH

There has been some criticism regarding a perceived lack of accountability by those in positions of authority in the Church. Of course, accountability for authority in the Church is not merely a matter of hierarchical checks and balances, but rather fidelity to communion in the Church. There is both a horizontal and vertical dimension to *communio* as we understand it in the Church. Bishops are called to be in communion with the Holy Father, as priests are called to be in communion with the Bishop. Bishops and priests in turn are called to foster communion with the members in the Church. However hard it is to translate the term “communion,” it certainly means neither democracy nor autocracy. Accountability makes each person the servant to one another's welfare.

The misuse of secrecy in the Church has bred suspicion and distrust among clergy, religious and laity. The antidote to secrecy is transparency. In the Diocese of Brooklyn, we have achieved transparency in all financial matters on the Diocesan level, and are trying to instill the same transparency on the parish and institutional level. This report is an attempt to give greater transparency to the issue of sexual abuse of minors as we have experienced it.

This presumption of a lack of accountability of Bishops for their actions in this particular area of concern needs to be addressed. Recent resignations and removals of Bishops who have been themselves involved in such activity is an indication of just how seriously they are held accountable for their own actions by the Church and civil society. This also demonstrates that no one, no matter what his authority, is immune from responsibility if he has failed to address an accusation according to the requirements of civil or canon law, remove an offender or failed to prevent future actions by perpetrators.

Further accountability will be ensured through the National Review Board under the leadership of Judge Michael R. Merz, who, as previously mentioned, is chairman of this Board which monitors the USCCB’s Office for Child and Youth Protection. This National Review

Board has already made clear its intention to hold Bishops accountable for their actions.

In the new *Essential Norms* that have been approved by the Holy See, religious are subject to the same standards as secular priests. The religious superiors have compared themselves to the Diocesan Bishops and have claimed that they intend to take a more compassionate standard in dealing with members of their communities guilty of some delict against the precepts of the Sixth Commandment. This is perhaps a simplistic and unfair comparison, as Diocesan Bishops are acting to balance equal concern for victims, the protection of young people, the Presbyterate, and the faithful of their Diocese. “Compassion” can never mean foregoing our civil obligations or refusing to deal firmly and forthrightly with a matter as serious as the sexual abuse of minors or young adults.

ACCOUNTABILITY IN A NEW AGE

During the present Ordination Rite, candidates for the priesthood are asked by the Bishop, “Are you resolved, with the help of the Holy Spirit, to discharge without fail the office of the priesthood in the presbyteral order as a conscientious fellow worker with the Bishops in caring for the Lord's flock? Are you resolved to celebrate the mysteries of Christ faithfully and religiously as the Church has handed them down to us for the glory of God and the sanctification of God's people? Are you resolved to exercise the ministry of the Word worthily and wisely, preaching the Gospel and explaining the Catholic faith? Are you resolved to consecrate your life to God for the salvation of His people, and to unite yourself more closely to every day to Christ the High Priest, who offered Himself for us to the Father as a perfect sacrifice?” To these questions, the candidates reply, “I am, with the help of God.”

Accountability is the responsibility that priests have to themselves, their vocation, and the people they serve. Deacons, Priests and Bishops must continually answer and respond to the call of their ordination and all that it entails. Accountability is first and foremost a personal responsibility for one's actions in ministry and certainly for one's actions which have moral implications. Given the nature of the ordained's call and the promises made at their ordination, the highest levels of trust, personal responsibility and integrity are expected to infuse every aspect of a priest's ministry.

In addition to personal responsibility and responsibility for the spiritual life of the parish, accountability is expected at many different levels. Of course, in terms of administration, pastors are now required to submit budgets and year-end reports, as well as pastoral planning documents. These are not crafted in isolation, but involve collaboration with the laity through parish pastoral and finance councils. Priests are accountable through a new emphasis on participation in the Annual Catholic Appeal and other Diocesan programs such as the Stewardship program. Priests are also expected to participate in Diocesan-offered continuing education opportunities, retreats, and other programs directed toward the well-being of each vocation to the ministerial priesthood.

Moreover, the years of formation have equipped priests to take personal responsibility for their spiritual life and ministerial actions. As noted earlier, renewal can only happen through an embrace of this personal accountability, in conjunction with an active spiritual life with spiritual direction and frequent recourse to the sacrament of reconciliation. Priests are constantly called to pursue the goals that they strived to attain on the day of their ordination. Support groups and

friendships with priests and laity are also critical to maintaining their personal accountability. The old Latin axiom tells us, "No one is a judge in his own case." So, too, no one can be accountable to oneself alone. Our priests need others to help them understand what are their strengths and weaknesses.

In the past, there has often been an unwillingness to confront a priest's most difficult personal problems. As sacramental ministers of forgiveness and reconciliation, we tended to be more forgiving and less pro-active in offering assistance to those who were troubled by addictions and other issues that diminish priestly dignity. Recidivism was not seen as a failure, but as an opportunity for an individual to begin over again. While the motivation can perhaps be explained in this way, we now know that we may never ignore problems which afflict our priests with the hope that scandal will not see the light of day. With regard to the matter of sexual abuse in particular, inaction is simply inexcusable and will not be tolerated.

In regard to the protection of children, each of us is the "appointed watchman" of whom the Prophet Ezekiel speaks. It is for this reason that anyone who has reasonable cause to believe that a minor is being sexually abused, and does not take every means possible to stop such abuse, is unfit to hold a position of responsibility or authority. We are not suggesting that anyone's reputation be recklessly endangered; everyone's reputation is precious and must be protected against falsehoods. Nor are we suggesting any type of campaign that would preclude every person's entitlement to a presumption of innocence. Everyone must be vigilant, however, to protect the most vulnerable members of our society.

It is important to note that in many of the incidents of sexual abuse the horrific conduct of the abuser has been facilitated and fostered by the unwillingness of others to act decisively. Those who have failed to act are, in many cases, as responsible for later incidents of abuse that have occurred as the deviant abuser himself.

With this in mind, anyone who has care of our young people must be watchful for indications of sexual abuse, to treat reports of abuse seriously and to report any such indications to our Diocesan Toll-Free Number (1-888-634-4499) which has been set up for this purpose. Failure to so act is a basis for disqualification or removal from a position of authority in the Diocese.

Those members of the Church who share in the vocation of ministerial priesthood are called to leadership and service in the Church. At the same time, we form one Church culture with the laity being an integral part of our support systems and systems of accountability. Our challenge today, if we are to reform ourselves as we have in the past, is to face the evil within our ranks, dispel it and make the culture of the Church one which is not only safe for our youth, but also healthy for our priests and open to collaboration with our people, so that our personal accountability and the faith itself will flourish.

The present situation is one in which must be live the Paschal Mystery in the individual and collective priesthood. As one priest said to me, "We now feel vulnerable, open to suffering and despised when, in the past, we were seen as powerful and lauded by our people and Church." Only when we can understand the depths of the scandal and the suffering that has been inflicted will we be able to rise with Christ to a new life and become, as in the past, the conscience of our society and an agent for change and progress for the rights and dignity of all people. Another

priests said to me, "the pain of abuse lingers." It lingers for the abused, for the perpetrators and for the Church at large. This is our present participation in the Paschal Mystery. We must live through the pain with sure and certain hope that we will rise with Christ to conquer all that is sin in our own lives and in the life of the Church.

PREVENTION

Practical means of prevention of sexual abuse begins with the thorough screening of candidates for the seminary, a process which has developed considerably over the years and now consists of a very comprehensive, psychological and spiritual screening of candidates. Criminal background checks are required for all men who apply to this Diocese for the seminary.

Another crucial issue to be addressed is the appropriate acculturation of foreign-born priests to make sure that they understand the morals and customs of our culture, especially in regard to sexual abuse and sexual harassment, and are required to be trained in Virtus. Other pro-active prevention efforts certainly will be the subject of future clergy workshops and conferences for incardinated and non-incardinated clergy. In addition, the issues of boundaries, abuse and sexual harassment will be discussed and future presentations will provide us with information regarding the status of sexual harassment laws. Information will be disseminated on a regular basis regarding our plans to implement throughout the Diocese training programs which deal not only with preventing sexual abuse, but also with the issues of harassment and appropriate boundaries. Finally, the implementation of safe environment programs, the establishment of codes of conduct, guidelines for allegations of sexual abuse, and a comprehensive Diocesan policy will be disseminated to all Diocesan personnel.

SAFE ENVIRONMENT OFFICE

The office of our Safe Environment Program is responsible for the ongoing education of the clergy and laity of the Diocese in all areas of sex abuse awareness in order to protect children and youth. The office oversees clergy compliance, as well as lay compliance, with three USCCB mandates as stated in the *Charter for the Protection of Children and Young People* (revised 2005).

First, the Safe Environment Office provides Virtus sex abuse awareness training, "Protecting God's Children for Adults" to all clergy, including Diocesan priests, religious order priests and international priests. There are Virtus sessions monthly at the Diocesan Offices at 310 Prospect Park West in Brooklyn and at The Immaculate Conception Center in Douglaston, Queens, as well as sessions for the laity who have access to children in several parishes around the Diocese, which are also available to clergy. All adults with access to children and youth in the parishes and schools must attend a Virtus program, have a background search and sign a Code of Conduct. The children and youth must be trained using one or more of the following Safety Programs: Child Lures (K-8), Praesidium- Boundaries (7-9), Youth Protection: Personal Safety Awareness (9-12), and Luring College Students (CBS Early Show) 8-10. The schedule can be accessed through registering on the Virtus website at www.virtus.org. Each summer in July, there is a special Virtus session scheduled for international priests who spend the summer in the Diocese. The date and time can be found on the Virtus website, or by contacting the

Diocesan Catholic Migration Office. Compliance for all clergy is recorded on the Virtus website (secure) under appropriate designations.

Secondly, the mandate to perform a background search all clergy is facilitated by the Clergy Personnel Office and the Deaconate Formation Office. A background search for all international and order priests are done upon arrival in the Diocese of Brooklyn. A background search for seminarians is done before entrance into the seminary and again during the year before ordination. A background search for Deacons is done through the Deaconate Formation Office before they are admitted to candidacy for ordination. Records of background searches for all clergy remain in personnel folders and compliance is recorded on the Virtus website (secure) under appropriate designations.

The third mandate to have all clergy sign a Code of Pastoral Conduct is facilitated by the Office of Clergy Personnel and the Deaconate Formation Office. Codes of Pastoral Conduct are provided by the Safe Environment Office and can also be found on the Diocesan website (www.dioceseofbrooklyn.org) under “sex abuse”. The signed agreement to comply with the Pastoral Code of Conduct for the Diocese of Brooklyn is kept in clergy personnel folders and compliance is reported on the Virtus website (secure) under appropriate designations.

In addition, the Safe Environment Office acts as a resource for priests by providing guest speakers, training priest Virtus facilitators, scheduling individual Virtus sessions for newly arrived priests when necessary, providing direction and support to report abuse and is available to assist priests in addressing issues within the purview of creating Safe Environments in parishes.

The Safe Environment Office continues to explore new ways to address the issue of ongoing education as it applies to updating and renewing our commitment to the *Charter*. This includes providing programs and disseminating information to priests to continue to create safe environments in parishes, as well as issues of sexual harassment and appropriate boundaries. Any programs offered to priests are done in collaboration with the Vicar General, the Vicar for Clergy and Consecrated Life, the Clergy Personnel Director, The Special Assistant for Clergy, the four Territorial Vicars and the Office of Ministry and Life of Priests.

VICTIM ASSISTANCE

So much more is known today about the impact of sexual abuse on victims, the tremendous pain it causes, and its long-lasting effects. As a Diocese, we remain committed to meaningful outreach to victims. This is necessary so that there may be recovery, healing and reconciliation, including with the Church, since in most cases the hurt is spiritual, as well as psychological.

The first article of the *Charter* states that dioceses “will reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being.” It has been the policy of the Diocese of Brooklyn to pay for treatment and professional counseling for anyone who claims to have been abused by one of its priests or deacons. This has always been offered without any pre-conditions. We have asked only that the Diocese be

provided with the credentials of the counselor, an initial diagnosis and prognosis, as well as periodic updates as to the course of the treatment.

Since the appointment of the Diocesan Assistance Coordinator in 2003, 160 individuals have been assisted. We currently have 52 active cases, 27 of which have requested and are receiving counseling reimbursed by the Diocese. Our Diocesan Toll-Free Number (1-888-634-4499) continues to serve as a positive avenue for individuals who wish to report an allegation of sexual misconduct by a priest or deacon of the Diocese. Many of those who have used this number to report their abuse have informed us how much they have appreciated the dignified and compassionate manner in which their allegation was received.

Regretfully, some have questioned this assistance policy by claiming that the Diocese encourages counseling, and pays to encourage it, in order to obtain the records from counseling sessions for advantage in the courtroom. Those who make such a claim know it is untrue, however, insist on perpetuating it, which, in my estimation can only serve to discourage victims who could benefit from such counseling.

Diocesan Assistance Coordinator

Catholic Charities of Brooklyn and Queens provides the services of a Diocesan Assistance Coordinator. In February 2003, the Diocese appointed Sr. Ellen Patricia Finn, OP, Med, LMSW, a Dominican Sister of Amityville, and Associate Executive Director of Catholic Charities of Brooklyn and Queens, to coordinate the Diocese of Brooklyn's pastoral assistance for persons who claim to have been sexually abused when they were minors by a member of the clergy. For the past five years, Sister Ellen Patricia has met with each individual who has presented an allegation to the Diocese and has assisted them on their journey toward healing and wholeness. In 2004, Sister Ellen Patricia was named as one of the top ten outstanding Assistance Coordinators in our country by the National Office of Child and Youth Protection.

Sister Ellen Patricia refers individuals to qualified, independent counselors and coordinates the program of the Diocese to pay for treatment and counseling for anyone who claims to have been sexually abused. Of the over 100 individuals who have presented an allegation to the Diocese, approximately 50 currently reside outside the Diocese. Sister Ellen Patricia assists them in finding appropriate therapists in the state in which they reside, and where feasible, connects the individual to the local Assistance Coordinator for ongoing assistance.

Meetings With Victims

Together with Sister Ellen Patricia Finn, OP, I meet personally with all victims who wish to meet with me. Some of whom have traveled from different parts of the country. To date, I have communicated with close to 40 individuals, some of whom brought their family members. These meetings have been very helpful for me to understand the enormity of the hurt which is felt by the victims/survivors and the healing that can occur when an official representative of the Church, especially the Diocesan Bishop, is able to meet a victim face-to-face. At these meetings, I have asked for forgiveness in the name of the Church, while at the same time offering consolation and hope to those who have been abused.

COMMUNICATIONS POLICY

The intensity of media interest that emerged in the early months of 2002 regarding allegations of sexual abuse of minors by clergy has diminished in the ensuing years, but it has not disappeared entirely. It will not, nor should it, given the seriousness of the allegations that damaged the faith of many and cast a pall over the reputation of our Church because children had been placed in harm's way by trusted people.

When the allegations surfaced in the press, particularly in several high-profile cases, many archdioceses and dioceses encountered unprecedented media scrutiny. Reporters asked probing questions, often with persistence. Church spokespersons generally cooperated to the extent possible. They were concerned for the persons making the allegations, because in many instances they wished to remain anonymous publicly. At-risk was the good name of anyone accused of inappropriate behavior in the event the charges were found not to have sufficient evidence to support the claim. It called for careful handling of delicate issues.

The Diocese of Brooklyn was not exempt from the pressures created by the sexual abuse cases. Several lawsuits against the Diocese were made public, with the names of active, inactive and deceased priests presented in the media. While it was primarily the local daily newspapers and local television outlets that pursued these stories, a considerable number of inquiries came from media located in other cities.

Within the press, a very small number of individuals showed a consistent imbalance in the way they treated the subject and the persons involved, (one or two revealed mean-spiritedness toward any decision the Church made). Most reporters, however, covered the story as professionals, required by their editors to be accurate, brief and clear in developing their work. In general, the latter were not the real problem. The real problem was the fact that sufficient evidence was indeed uncovered regarding certain allegations. As was said often, even one case was clearly one too many.

More than a few reporters felt some distress in being required to cover these stories, because, they said, "This is my Church, too." While the articles written by particular individuals contained details that were difficult to read and painful to learn, the reporters were generally respectful of the persons they interviewed. In the case of newspaper reporters, sometimes their stories had headlines that were less than sensitive and were played with photos and graphics in a sensationalized way, though the articles themselves were not flamboyant. In those instances, headline writers or layout persons committed a disservice to their own reporters.

In this Diocese, two principles prevailed: 1) Media inquiries were to be acknowledged and answered forthrightly, while at the same time avoiding personal judgments about any individuals; 2) The Diocesan spokesman was to have full access to necessary information, provided by appropriate Diocesan officials, in order to respond accurately to all inquiries. This worked effectively, because by providing accurate information a trust developed between the Diocese and the reporters, especially those who covered the sexual abuse stories on a regular basis.

Meanwhile, the Public Information Office of the Diocese of Brooklyn maintained contact with the Communications Department of the USCCB in Washington and its access to (arch)diocesan communications offices across the country as the issue developed nationally. Each office became a valuable resource to counterparts elsewhere.

These same media practices continue today, seven years since the implementation of the U.S. Bishops' *Charter for the Protection of Children and Young People* and the accompanying *Essential Norms*, which gave direction as to what needed to be understood in preparing responses for the media.

Today, the standard procedure used in the Diocese of Brooklyn when a new allegation is received continues past practice. The Diocesan spokesperson is alerted early on in the information-flow process that follows the initial call to the Diocesan Toll-Free Number (1-888-634-4499). This is necessary in the event that the information received is revealed publicly and given to the media by sources outside of the Diocese of Brooklyn.

After a period of time, the Diocesan Review Board commences a thorough investigation of the allegation. When the investigation is completed, the Board may recommend that the priest or deacon be placed on administrative leave and removed from pastoral ministry. If the Diocesan Bishop approves the recommendation, a letter to that effect is prepared to be read at the weekend Masses of the appropriate parish or parishes. The local Territorial Vicar is usually appointed to read the letter. Copies of the letter are left at the parish and are made available to parishioners.

Representatives of the Diocesan Healing/Intervention Team are available to answer the questions of parishioners after each Mass. The Diocesan Healing/Intervention team is comprised of caring, skilled, trained people with knowledge and skill in the areas of Social Work, Law, Law Enforcement, Child Abuse, Nursing and Theology. They are available to assist both the individual victim/survivor and the parish community on their journey toward healing and wholeness. We are deeply appreciative of the support of the Pastoral Institute and the Permanent Diaconate program in our Diocese for their assistance in recommending outstanding individuals to be part of the Team. Members of the Diocesan Healing Intervention Team, led by Sister Ellen Patricia Finn, OP, include; Ms. Georgeann Campbell, Deacon Jaime Cobham, Deacon Joseph Dass, Ms. Madeline Hogan, Deacon Robert Lonergan, Ms. Beverly Madar, Ms. Rose Marmo, Deacon Timothy McBride, Deacon James Noble, and Mr. Alfred Wassler.

At the same time, a press release is prepared based on the contents of the letter written by the Diocesan Bishop for publication in our Diocesan newspaper, *The Tablet*, for placement on our Diocesan website (www.dioceseofbrooklyn.org) and for media distribution. It remains on the home page of the Diocesan website for a lengthy period of time.

In recent years, certain weekly neighborhood newspapers have become more aggressive in their coverage of news about clergy sexual abuse of minors. Their handling of these stories is generally accurate, with the exception of those occasions when “man-on-the-street” interviews contain comments by parishioners that are inaccurate and are stated without thought.

For the Diocese, maintaining an open relationship with the media does not assure that all coverage of the sexual abuse issue will be without blemish, however, it can help to place these difficult stories in perspective.

A NEW ORGANIZATION

When the issue of sexual abuse in the Church became so public immediately after the *Dallas Accords*, an organization known as the Voice of the Faithful (VOTF) developed spontaneously. This national organization is divided into local chapters. The Diocese of Brooklyn has three chapters, one in Rockaway, one in Downtown Brooklyn and another in Park Slope.

Dialogue with these groups has been an on-going event since their formation here in the Diocese of Brooklyn. Until recently, all groups met with representatives of the Diocese. The dialogue group is now headed by Monsignor Guy Massie, assisted by Monsignor John Brown, Sister Ellen Patricia Finn, OP, and Sister Patricia E. Hudson, CSJ.

About one year ago, the Rockaway group no longer wished to meet since they objected to the Diocesan Toll-Free Number (1-888-634-4499) being answered by an attorney. Although the attorney is not involved in the defense of the Diocese of Brooklyn, they felt that the victims having to speak to an attorney was inappropriate. My personal contention is that legal matters to be reported to the District Attorney, which is the primary function of the reporting line, should be handled by an attorney.

Nevertheless, the dialogue continues with this group which seems to be interested in the true welfare of victims and the work of the Church in the Diocese of Brooklyn. Over the past year, some of the topics which they have discussed are; the on-going psycho-sexual development of seminarians and the statute of limitations on sexual abuse cases. The present leadership of the VOTF group are; Ms Barbara Bolton, Robert Harley, Esq., Dr. Thomas Meany, Ms Brenda Becker Walker, Ms, Anne Wilson and Mr. Edward Wilson. The Voice of the Faithful is concerned not only with these issues of sexual abuse, but also prevention, screening of seminarians, and Church management. The dialogue has been fruitful and will continue into the future.

EFFECT ON THE LAITY

In 2002, I remember sitting in an airport as CNN was airing one of its many stories of the priest abuse scandal. I felt humiliated. Other priests may have had similar experience. In retrospect, I know now that priests were not the only ones that were mortified. Indeed, people were embarrassed by the extent of clerical misconduct. We labored under the belief that our credibility was called into question; you had to wonder if their trust in our leadership and integrity was misplaced.

That is why we should all be humbled by the considerable support the Church continues to enjoy in our country. A recent Marist Poll found that by a margin of more than two to one

Americans has a favorable opinion of the Catholic Church.³ Perhaps more significantly, 78 percent of those that attend Church on a weekly basis have either a very favorable or favorable opinion of the Catholic Church.

I am grateful to our priests for their courage and leadership during these years. Overall, 83 percent of Catholics agree “somewhat” (23 percent) or “strongly” (60 percent) that their pastor does a good job leading their local parish.⁴ Our priests’ faith in Our Lord and His Church, and the care and concern that they have manifested in their ministry are the critical ingredients that have enabled us to earn the trust of the people of God.

The reservoir of good will and trust cannot be taken for granted. We must do everything we can to retain and earn the on-going trust of our parishioners who are looking to us to do the right thing by dealing forcefully and effectively with this issue.

As your Bishop, I have a specific obligation to work to restore trust in the clergy. This means having to make difficult and unpopular decisions. The fact is that 71 percent of our people believe that sexual abuse by priests ought to be the highest Papal priority.⁵ I am convinced that there can be no place in the active ministry for a man who has violated the sacred trust of a minor. In my experience meeting with victims of abuse, many have forgiven or desire to forgive their abuser. This is edifying. Nonetheless, forgiveness does not translate into restoration to ministry.

I know that the abuse scandal is the cause of a low morale among some of our priests. Nonetheless, we have to speak about this issue with one another and you, the people we serve. The attitudes of our people are heavily influenced by their familiarity with the actions we as a Church have taken to protect children. It is hard for us to believe that almost half of those surveyed by CARA two years ago are not aware of the strong steps we have taken at the national and local Diocesan level. When people are aware of the policies that we have put in place, they are significantly more likely to believe that we are protecting children and doing a good job of handling abuse allegations.⁶

At the same time, five years after the scandal broke, there seems to be a divergence of opinion about the strength of the Church. A third of Catholics are of the opinion that there has been no change in the influence of the Church; most interesting 23 percent are of the opinion that the Church today is stronger. Nevertheless, a significant minority 41 percent believe the Church is less influential today than it was five years ago.⁷

A barometer of the support of our people for their own parish and the Church in Brooklyn is the Annual Catholic Appeal. I am grateful to our pastors for their leadership ensuring the Appeal’s success. We need to continue to remind you, our parishioners, that their contributions are not used to deal with matters arising out of sexual abuse, but are retained for ministries and

³ Marist Poll, March 25, 2008

⁴ Zogby October 2007

⁵ ABC News: April 25, 2005

⁶ Jerry Filteau. “Catholics aware of the U.S. church’s abuse response trust more, study says.” Catholic News Service. April 21, 2006.

⁷ Zogby March 2007

services which serve people in spiritual and material need. All settlements and other costs are covered through insurance reserves and not through parish collections.

YOUTH AND THE CHURCH

“People were bringing even infants to Him that He might touch them, and when the disciples saw this, they rebuked them. Jesus, however, called the children to Himself and said, ‘Let the children come to me and do not prevent them; for the kingdom of God belongs to such as these.’” (Lk.18: 16).

With these words, the Lord Jesus made clear that an essential aspect of the mission of the Church is to invite, welcome and serve our young people, bringing them the message of salvation that comes from faith and active participation in the life of the Church. While we must use prudence in working with youth, excessive caution or an inordinate fear of interaction with young people of any age will not restore trust, continue to have a negative effect on our mission to the young, especially our vocation recruitment efforts. Evangelizing, catechizing, and fostering in our youth a sense of belonging and service to the Church is foundational to our ecclesial mission and life.

This mission to our young people takes on even greater importance in light of the reticence indicated by some to engage in youth work during the years following the sexual abuse scandal. We must realize that our youth today belong to two different generations. “Generation X” youth are those who were born in the 1960’s to the early 1980’s, and “Generation Y” youth are those born after the mid-1980’s, also known as the “Millennial Generation.” The differences between these groups are noteworthy. Generation Y youth are more likely to participate in the life of the Church and tend towards a new orthodoxy and conservatism.⁸ This conservatism is not to one political ideology or another, but a growing desire among them to love their faith, nurture strong religious convictions, and to be willing to bring their faith into the public arena, including regarding moral questions of the day. This is something that the Church must be sensitive to if we are to develop new policies and approaches to our youth, who are the future of the Church and for whom the reconciliation and healing of the present scandal is critical.

⁸ See, for example, “The New Faithful: Why Young Adults Are Embracing Christian Orthodoxy,” by Colleen Carroll, Loyola University Press.

APPENDIX

<i>Charter for the Protection of Children and Young People</i>	I
<i>Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons</i>	II

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