

**Roman Catholic Diocese of Brooklyn**  
310 Prospect Park West, Brooklyn, NY 11215

**Diocesan Review Board Protocols**

*The Diocesan Review Board (“DRB”) shall abide by these Diocesan Review Board Protocols (the “Protocols”), which are promulgated pursuant to the Diocesan Review Board Bylaws (the “Bylaws”). All terms herein not otherwise defined shall have the meanings assigned to them in the Bylaws.*

**I. DRB Evaluation of Allegations**

1. If the Bishop determines that an inquiry into an Allegation<sup>1</sup> would not be entirely superfluous, within five (5) business days of such determination, the Bishop will issue a decree to initiate a preliminary investigation, in accordance with Canon 1717 of the Code of Canon Law, and refer the Allegation to the DRB in writing.
  - a. The investigation shall not interfere with any civil or criminal investigation conducted at the same time. The Bishop may prudently delay initiating the preliminary investigation to avoid obstructing a civil or criminal investigation.
2. Within five (5) business days (absent extenuating circumstances) of referring the Allegation to the DRB, the Diocese will retain a private investigator to initiate a full investigation of the Allegation. This investigation should not take longer than nine (9) months. If an extension of the investigation is warranted, the reason for the extension shall be recorded in writing. The assigned investigator shall provide an update to the DRB at least monthly regarding the status of each open investigation.
3. If, at any time, the DRB believes that anyone may be in imminent danger, the Chair must notify the Bishop immediately. The Bishop, or his designee if the Bishop is not available, should respond promptly and appropriately to such concern.
4. If, during the course of an investigation, the investigator uncovers a new Allegation against the same or another clergy member, the investigator should promptly report the Allegation to the Diocese’s reporting line, and encourage the alleged victim to report it as well. If the DRB learns of such an Allegation, it is the responsibility of the DRB to confirm that the investigator has reported the Allegation to the Reporting Line. If the investigator has not reported the Allegation, a designated member of the DRB must report the Allegation to the Reporting Line.
5. When an investigation is complete, the investigator shall prepare a report summarizing the facts identified during the course of the investigation (the “Report”). The Report shall not provide the investigator’s opinion regarding the sufficiency of the evidence the investigator collected.

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<sup>1</sup> Capitalized terms herein shall have the definitions provided in the Bylaws.

6. The DRB Administrator shall promptly provide the Report to the members of the DRB for consideration in advance of the meeting, along with the initial allegation report and any other relevant materials (the “Materials”). When possible, Reports will be posted to a secure, shared folder by the DRB Administrator, with adequate time for all Members to review.
7. The DRB members shall review all Materials prior to reaching a determination on an Allegation. If any voting DRB member did not review the Materials prior to the meeting, that DRB member shall abstain from voting on the sufficiency of the evidence with respect to that Allegation. If a majority of DRB members did not review the Materials prior to the meeting, the vote on the sufficiency of the evidence with respect to the Allegation shall be postponed until the next meeting.
8. The investigators may attend the DRB meeting and present their findings, but investigators may not participate in closed sessions of the DRB, during which the DRB shall deliberate.
9. Deliberations regarding Allegations shall be conducted in a closed session. Prior to entering a closed session, DRB members shall identify any potential conflicts of interest that may require recusal, as set forth in the Bylaws.
10. The DRB may ask the Bishop for further investigation if the DRB is unable to reach a determination regarding the sufficiency of an Allegation.
11. If the Bishop deems further investigation necessary, he will, through the DRB Administrator or other designee, instruct the investigator to conduct further investigation. The DRB Administrator will coordinate with the investigator to determine a reasonable proposed timeline for the additional investigation, which will be provided to the DRB in writing.
12. The DRB’s evaluation should take place in one, but not more than two, DRB meetings. Where the DRB is unable to make a determination as to the sufficiency of the evidence in support of an Allegation in a single meeting, the Allegation will be discussed at a subsequent meeting. In all instances, the DRB shall make its best efforts to reach a final determination in a timely manner.
13. At the conclusion of the DRB Investigation, the DRB will independently evaluate the evidence obtained and will determine whether an Allegation is “credible,” which is defined to mean whether there is “sufficient evidence that sexual abuse of a minor has occurred.” (Norm 6.) In weighing the evidence, the DRB will apply the following standards:
  - a. Allegation will be deemed to be credible if the DRB identifies evidence supporting the Allegation that is worthy of being believed, which may be a lower standard of proof than the civil legal standard of preponderance of the evidence;
  - b. That there is only one Allegation against the Clergy member or only one complainant who has made an Allegation is not a sufficient basis alone for determining that the Allegation is not credible; and
  - c. All evidence must be weighed against all other evidence reviewed by the DRB.

14. The DRB will also be asked to evaluate the suitability for ministry of the accused clergy member. (Norm 4.)
15. During a closed session, the Chair may call for a vote on whether there is sufficient evidence that sexual abuse of a minor occurred. If a Voting Member objects to calling for the vote, the DRB shall defer voting. If no Voting Member objects, the Voting Members who are present at the meeting shall vote or abstain. Voting Members may vote via Zoom if absolutely necessary.
  - a. The DRB will determine that an Allegation is credible if and only if a majority of the present Voting Members vote “Yes.” If a majority of the present Voting Members do not vote “Yes,” the DRB’s determination is that the Allegation is not credible, *provided that* if a majority of the present Voting Members abstain, the vote shall not constitute a valid determination and the consideration of the Allegation shall be deferred to the next DRB meeting.
  - b. If the DRB determines that the Allegation is credible, the DRB does not need to reach a further determination regarding the clergy member’s suitability for ministry.
  - c. If the DRB determines that the Allegation is not credible, the DRB shall conduct a separate vote on whether the clergy member is suitable for ministry. The DRB will determine that a clergy member is suitable for ministry if and only if a majority of the present Voting Members vote “Yes.” If a majority of the present Voting Members do not vote “Yes,” the DRB’s determination is that the clergy member is not suitable for ministry, *provided that* if a majority of the present Voting Members abstain, the vote shall not constitute a valid determination of the DRB. If the DRB is unable to reach a determination as to this question, no further consideration is necessary. Instead, the reasons the DRB was unable to reach a determination regarding the clergy member’s suitability for ministry should be communicated to the Bishop in the Determination Letter.
16. The DRB will document its findings and make a recommendation in writing to the Bishop regarding its assessment of the sufficiency of the evidence and the clergy member’s suitability for ministry (the “Determination Letter”). The DRB will include in its Determination Letter the basis for the recommendation and the evidence in support, as well as a statement from any members of the DRB that do not concur in the recommendation and the reasons for their dissent.
17. The Chair, or their designee, shall also provide a copy of the Determination Letter to the DRB Administrator.

## **II. Recommendations**

1. From time to time, the Bishop may request that the DRB review the Diocese’s policies related to sexual abuse of minors. In addition, the DRB may determine, in the course of evaluating Allegations, that other recommendations to the Bishop are warranted.

For example, the DRB may notice a pattern or issue that arises in multiple investigations that it would like to bring to the Bishop's attention.

2. If the DRB determines that it wishes to make a recommendation to the Bishop, it shall do so by submitting a Recommendation Letter in accordance with the procedure set forth in the Bylaws.

### **III. Record-Keeping**

1. The Secretary shall keep minutes of each meeting, which shall be approved and finalized in accordance with the procedure set forth in the Bylaws. The Secretary shall provide finalized copies of the minutes to the Bishop and DRB Administrator.
2. The Secretary shall maintain a file for each Allegation under consideration by the DRB.<sup>2</sup> The file should include, but not be limited to:
  - a. The Diocesan Review Board Checklist related to the Allegation, in the form provided by the DRB Administrator. The Secretary should keep the Checklist updated.
  - b. The Bishop's decree to initiate a preliminary investigation.
  - c. The Bishop's memo to the DRB referring the Allegation for evaluation.
  - d. The Allegation report.
  - e. All status updates and reports provided by the investigator.
  - f. The Determination Letter.
  - g. Meeting minutes for each meeting at which the Allegation was discussed.
  - h. The Bishop's memo to the DRB informing it of his decision and/or implementation of the DRB's recommendations.
  - i. Any other documentation the DRB receives related to the Allegation.
3. These Protocols may be amended only by a majority vote of the DRB, with the consent of the Bishop.

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<sup>2</sup> The DRB Administrator will also maintain such files, and the Secretary should coordinate with the DRB Administrator to ensure both sets of files are up-to-date.