

PROCEDURES
Regarding Sexual Abuse Against Minors by Priests or Deacons
DIOCESE OF BROOKLYN

On November 13, 2002, the United States Conference of Catholic Bishops approved “Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons.” These Norms, having received the required canonical *recognitio* from the Holy See on December 8, 2002, together with the “Charter for the Protection of Children and Young People,” approved by the United States Conference of Catholic Bishops on June 14, 2002,¹ are the basis for the Policy and the Procedures of the Diocese of Brooklyn (“Diocese”). It is the intention of the Bishop of Brooklyn (“Bishop”) that these revised Policy and Procedures for the Diocese comply with the requirements of the two documents approved by the United States Conference of Catholic Bishops, as well as other applicable canonical directives. The Diocese adopts the description established in the Essential Norms as to what constitutes sexual abuse.

I. REPORTING AN ALLEGATION

The Diocese of Brooklyn urges all victims to report any instances of sexual abuse against a minor by a member of the clergy to the appropriate District Attorney (Kings County: 718-250-2217, Queens County: 718-286-6310).

Victims are also urged to notify the Diocese by writing or calling the representative of the Bishop: the Chancellor (75 Greene Avenue, P.O. Box C, Brooklyn, New York 11202; phone 718-399-5900). While some individuals initially may speak directly to a priest or deacon or another pastoral minister of their own choosing, such allegations are not investigated at the parish level, but are to be reported to the Diocesan office so that the Bishop may be informed and so that they may be reported to the proper District Attorney. The person making the allegation of sexual abuse against a minor is reminded of his or her right to report it to the appropriate District Attorney directly.

An allegation of sexual abuse against a minor on the part of a priest or deacon, which has been reported to the Diocese, will be reported to the proper civil authorities. While the absolute confidentiality of information given in the Sacrament of Penance is to be maintained, the Diocese of Brooklyn is committed to full cooperation with the civil authorities in the reporting and investigation of such allegations.²

In addition, the Diocese will give any required notice to liability carriers that insure the Diocese.

II. INVESTIGATING THE ALLEGATION OF MISCONDUCT

Meeting with the person making the allegation

The Diocese takes allegations of sexual abuse against minors on the part of clergy with the greatest seriousness. The person making an allegation will meet with two representatives of the Bishop, who will listen attentively and respectfully to that person. They will try to seek pertinent information from the person making the allegation.

In order to insure accuracy, the representatives of the Bishop will ask for, and encourage the person making the allegation to provide to the Diocese within a short period of time, a written

account of the allegations being made, as well as any supporting evidence. The representatives of the Bishop will give a copy of this account to the priest or deacon who has been accused. In the event that such a written account is not given by the person making the allegation, the Diocese will provide to the accused priest or deacon a written summary of the allegation that was made.

The representatives will also inform the person making the allegation that they will present the information to the appropriate District Attorney.

An allegation which remains anonymous cannot be pursued according to these procedures.

Meeting with the Accused Priest or Deacon

The representatives of the Bishop will meet with the priest or deacon who has been accused and present to him an account of the allegation, including the identity of the accuser and any documentation which may have been presented.

The representatives of the Bishop will advise the priest or deacon that he may bring with him a canonical advisor to the meeting, and will inform the priest or deacon that the matter has been presented to the appropriate District Attorney.

The priest or deacon will be reminded of his right to seek civil and canonical counsel and will be offered the opportunity to respond to the allegation.

The Ongoing Investigation

The Diocese will conduct its own investigation in harmony with canon law.³ The accused priest or deacon will be advised to seek the assistance of civil and canonical counsel.

Once an allegation is made, after the preliminary investigation is complete, the Bishop will confer with the Diocesan Review Board⁴ to assist him in making his assessment.

When the preliminary investigation finds that sufficient evidence of sexual abuse of a minor has occurred⁵, the Bishop shall notify the Congregation for the Doctrine of the Faith. The Congregation will direct the Bishop as to how to proceed.

Once the Congregation has been notified, the Bishop shall apply the precautionary measures of Canon 1722. The priest:

- is permitted to celebrate Mass privately only;
- is not permitted to exercise any public ministry;
- may be required to depart from his place of residence;
- continues to receive the same salary and benefits as before the allegation.

In cases involving deacons, the precautionary measures of canon 1722 will be appropriately adopted.

In addition, in particular cases, the Bishop may issue a canonical precept by which the priest or deacon is:

- not permitted to wear ecclesiastical garb;
- not permitted to present himself publicly as a priest or deacon

The accused priest or deacon will be asked to undergo a psychological and medical evaluation at a professional facility specializing in the treatment of sexual misconduct and which is mutually acceptable to the Diocese and to the accused.⁶

III. DIOCESAN REVIEW BOARD

In accordance with the Essential Norms, the Diocese has established a **Diocesan Review Board** which will assist the Bishop and the Diocese in responding to allegations of sexual abuse of a minor. The functions of this board include:

- advising the Bishop in his assessment of allegations of sexual abuse of minors and his determination of suitability of the accused priest or deacon for ministry;
- reviewing diocesan policies for dealing with sexual abuse of minors;
- offering advice on all aspects of these cases, whether retrospectively or prospectively.⁷

This Review Board is composed of at least five persons of outstanding integrity and good judgment, in full communion with the Church. The majority of the members of this Board are lay persons who are not in the employ of the Diocese of Brooklyn. At least one member is a priest who is an experienced and respected pastor of the Diocese. At least one member has expertise in the treatment of sexual abuse of minors. These members are appointed for a period of five years, which may be renewed. The Promoter of Justice, while not a member of the Board, may participate in the meetings of the Board.⁸

IV. RESPONSE BY THE DIOCESE TO AN ALLEGATION

The Diocese has appointed an **Assistance Coordinator** “for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.”⁹ In conjunction with the Assistance Coordinator, the Diocese will offer to provide independent professional counseling selected by the person making the allegation. Many victims have suffered for many years with the lingering effects of sexual abuse. This offer of professional counseling seeks to provide a means of support of and a manifestation of pastoral concern for the victim of the alleged abuse. The Assistance Coordinator speaks and acts in the name of the Bishop and of the Diocese, attempting to bring the compassion and healing of Christ to one who may have been harmed by an ordained minister of the Church.

The Bishop of the Diocese must make the final determination regarding whether a priest or deacon may be permitted to resume active ministry. For even a single act of sexual abuse of a minor, established in accord with canonical process, the offending clergyman will be permanently removed from ministry.¹⁰

In order to reach this final determination, the Bishop shall observe the processes provided for in Canon Law. Unless the Congregation for the Doctrine of the Faith calls the case to itself, it will direct the Bishop to proceed according to the procedures established by the Code of Canon Law and other pertinent canonical directives.¹¹

The accused priest or deacon is encouraged to make use of civil and canonical counsel at all times. When necessary, the Diocese will supply canonical counsel to the priest or deacon.¹²

At any time in the process, the Bishop may exercise his pastoral governance in removing an offending priest or deacon from office, in removing or restricting his faculties, and in prohibiting him from exercising the sacred ministry.¹³

V RESTORING THE GOOD NAME OF A FALSELY ACCUSED PRIEST OR DEACON

The Diocese acts on the presumption that an allegation is not proof of guilt. Due to the hidden nature of most offenses of sexual abuse, however, and in order to protect the members of the faithful, particularly the young who may be more vulnerable, it has become necessary to take the steps outlined above in the face of an allegation. It is to be understood, therefore, that such steps by the Diocese are not to be interpreted as a judgment of guilt of the priest or deacon. It is a recognition of the possibility that wrongdoing may have taken place and therefore might possibly occur again. It is this risk which underlies the decision to take responsible action at all times.

When it has been established, however, that an accusation is without merit, the Diocese will take the following steps to restore the good name of the priest or deacon:

- reinstatement following counsel with the Review Board;
- the Diocese will take appropriate steps to disseminate information regarding the investigation and the reason for reaching the conclusion that the allegation against the priest or deacon cannot be proven. The Diocese will communicate this information to the faithful by means of *The Tablet* and to the secular media;
- copies of all decrees, as well as the restoration of faculties, are to be kept in the file of the priest or deacon.

VI PREVENTIVE MEASURES

Candidates for Holy Orders

Consistent with established practice, each applicant for admission to Holy Orders must go through thorough professional psychological testing and evaluation in order to assess his psychosexual development and maturity. It is recognized, however, that these steps have a limited role in detecting potential sexual offenders in all walks of life. As science progresses and the understanding of sexual pathology increases, further measures will be incorporated into each evaluation. The Congregation for Catholic Education (of Seminaries and Institutes of Higher Studies) is in the process of reviewing guidelines for applicants for Holy Orders. We will implement such guidelines, as well as any new psychological tools which may emerge, in order to evaluate more carefully applicants for sacred ministry.¹⁴

In addition, all applicants for priestly formation or for the permanent diaconate shall undergo a background check as part of the application process.

During the time of formation, psychological assistance, spiritual direction and spiritual formation provide ways to examine a candidate's psychosocial development. This includes the observation and evaluation of psychosocial behavior during his time of formation. Particularly for those who are being prepared to be leaders in the community and teachers and models of Christian morality, the spiritual, emotional and psychological maturity necessary for such a ministry needs to be measured in the light of the teaching of the Church and the integral development of the candidate.

Before and after ordination, the Diocese shall offer opportunities for continuing formation to explain and discuss personal and professional boundaries in the area of sexuality. These sessions are conducted by trained professionals from various related disciplines, including the behavioral

sciences, spirituality, morality, civil and ecclesiastical law.

During the years of formation, and after ordination, candidates and clergy are to have a spiritual director, who may offer advice and assistance regarding the proper living out of the promises made at sacred ordination. In addition, counseling services are available so that the emotional and psychological dimensions of human sexuality may be discussed in a confidential environment.¹⁵

Other Measures

The Diocese continues to develop a plan that will foster the protection of children and provide them with a safe environment. To this end, the Diocese has associated with the national VIRTUS program and its PROTECTING GOD'S CHILDREN awareness and training program. All clergy, along with religious and lay employees and volunteers who interact with children, will be trained in this program and will undergo background checks. The content of the program will include the harms and warning signs of child sexual abuse, what trainees can do to prevent child sexual abuse, the Diocese's policies and procedures for preventing child sexual abuse and for acting responsibly should concerns arise.

VII. CONCLUSION

These Procedures are promulgated as the intensive effort of the Diocese to address the issue of sexual abuse of minors on the part of clergy. It is our expressed aim to protect children from the tragedy and harm of such abuse and to continue to assist those who have already been wounded. Through just and responsible actions and increased awareness, we will continue to enhance the safe environment for our children.

By mandate of the undersigned Bishop of Brooklyn, these Procedures become effective for the Diocese of Brooklyn on June 15, 2003, and are to be promulgated by publication in the diocesan newspaper.

Most Reverend Thomas V. Daily, D.D.
Bishop of Brooklyn

June 13, 2003
Brooklyn, New York

Notary

¹ These documents are subsequently referred to as Essential Norms and Charter respectively.

² Essential Norms, 11.

³ Canon 1717.

⁴ Cf. Section III on the Diocesan Review Board.

⁵ As in the Guide to the Implementation of the U.S. Bishops' "Essential Norms for Diocesan/Eparchial Policies Dealing with allegations of Sexual Abuse of Minors by Priests or Deacons" (Washington, D.C.: Canon Law Society of America, 2003), p. 27, this is an assessment "whether the proofs which are gathered are sufficient to support the probable nature of the allegation."

⁶ Essential Norms, 7.

⁷ Essential Norms, 4

⁸ Essential Norms, 5.

⁹ Essential Norms, 3.

¹⁰ Essential Norms, 8: "When even a single act of sexual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants."

¹¹ Cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; Letter from the Congregation for the Doctrine of the Faith, May 18, 2001; *Motu proprio "Sacramentorum sanctitatis tutela,"* April 30, 2001.

¹² Essential Norms, 6.

¹³ Essential Norms, 9.

¹⁴ Charter, 13 states: "Dioceses/eparchies will evaluate the background of all diocesan/eparchial and parish personnel who have regular contact with minors. Specifically, they will utilize the resources of law enforcement and other community agencies. In addition they will employ adequate screening techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, "Program of Priestly Formation," 1993, no. 513)."

¹⁵ For seminarians, counselors are available at the seminaries where they are enrolled. For an ordained priest or deacon, the Diocese will assist him to locate an appropriate counselor upon request and will assist him with the payment of the bills for this service.