



POLICY AND PROCEDURES REGARDING SEXUAL ABUSE OF MINORS BY PRIESTS OR DEACONS

POLICY

The vast majority of clergy, striving to grow in holiness and to minister among God's people in often challenging circumstances, lead exemplary lives of dedication and service. They have offered themselves and sacrificed for their communities in order to proclaim the Kingdom of God and to witness to the Gospel of Jesus Christ as ordained men. Tragically, however, some have transgressed not only criminal and canon law, but also even the limits of human decency by the sexual abuse of children.

Sexual abuse against minors¹ on the part of clergy is among the most serious of offenses to be reckoned with in our Church today. Such horrendous acts not only harm those who have been abused, but wound the rest of the Church community and society as well. The Diocese of Brooklyn denounces all sexual abuse, particularly the sexual abuse of children on the part of clergy, which His Holiness Pope Benedict XVI has called "egregious crimes."² The Diocese wishes to do everything possible to see that all people, particularly children and young people, are safe in all pastoral settings. Excuses and rationalizations for such criminal actions will not be accepted.

¹ A minor is defined as any person who is not yet eighteen years of age.

² Pope Benedict XVI, "Address to the Bishops of Ireland on their *ad Limina* Visit," October 28, 2006.

The Diocese will continue to respond and reach out with compassion to anyone who has been sexually abused by a priest or deacon. The pain that has been endured is overwhelming and heart wrenching. We nonetheless believe in the power of God's merciful love to help bring about healing, growth and a renewal of hope. The Diocese will continue not only to assist the persons who have been abused but also continue to seek to prevent such abuse in the future.

The principle objectives of the Diocese of Brooklyn in promulgating the updated *Policy and Procedures Regarding Sexual Abuse of Minors by Priests or Deacons*³ are to:

- Protect all children and young people from being harmed by sexual abuse on the part of priests or deacons;
- Indicate the seriousness with which allegations of sexual abuse are received and the way in which they are dealt with;
- Demonstrate our desire to respect the rights of all persons involved, and to deal with all of them in a way that is just, compassionate and charitable.

The *Policy and Procedures Regarding Sexual Abuse of Minors by Priests or Deacons* seek to outline ways to eliminate clerical sexual abuse against minors, to reach out with healing and compassion to those who have been abused, and to act justly and responsibly toward the priests or deacons against whom allegations have been made. While a written policy has been in place since 1987, it is the intent of the Diocese to incorporate what has been learned over the years as well as the new provisions initiated under the authority of the Church. When needed, revisions will be made in order to reflect improved ways to reach these objectives.

³ In compliance with *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, #2.

PROCEDURES

On November 13, 2002, the United States Conference of Catholic Bishops (USCCB) 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,” were approved by the United States Conference of Catholic Bishops on June 14, 2002,⁴ and were the basis for the Policy and the Procedures of the Diocese of Brooklyn issued in 2003.

On May 5, 2006, the United States Conference of Catholic Bishops promulgated the revised *Essential Norm*. It is the intention of the Bishop of Brooklyn that the revised *Policy and Procedures Regarding Sexual Abuse of Minors by Priests or Deacons* comply with the requirements of the revised *Charter* as well as with other applicable canonical directives. The Diocese adopts the description established in the revised *Essential Norms* as to what constitutes sexual abuse. According to the *Norms*,

Sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in CIC, canon 1395 §2, and CCEO, canon 1453, §1 (*Sacramentorum sanctitatis tutela*, article 4, §1).⁵

I. REPORTING AN ALLEGATION

The Diocese of Brooklyn takes allegations of sexual abuse against minors by a member of clergy with the greatest seriousness. Minors are defined as those who are under eighteen years of age. Every instance of sexual abuse against a minor by a priest or deacon will be reported to the appropriate District Attorney in Kings County or Queens County.

It is the policy of the Diocese of Brooklyn that all such incidents be reported to its own toll-free Reporting Line at 1-888-634-4499. The person responding to the call will ensure that the allegation is transmitted both to the appropriate Law Enforcement Officials and to the appropriate representatives of the Diocese of Brooklyn. This person, while an attorney, does not provide legal counsel or any service to the Diocese of Brooklyn, other than that which is described in these *Procedures*.

In addition, if the allegation is of an incident involving an alleged victim who is currently under the age of 18, the allegation will also be reported to the New York Police Department Special Victims Division by the Chancellor for immediate follow up. This will ensure a prompt response

⁴ These are referred to as *Essential Norms* and *Charter* respectively. Subsequent references are to the revised texts.

⁵ “If there is any doubt whether a specific act qualifies as an external, objectively grave violation, the writings of recognized moral theologians should be consulted, and the opinions of recognized experts should be appropriately obtained (*Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, Washington, D.C.: 1995, National Conference of Catholic Bishops, 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,” *Essential Norms*, endnote 2 of *Preamble*.

by trained professionals in this area, as well as initiate an immediate and timely investigation by Law Enforcement, with the objective of obtaining as accurate of an assessment of the situation as possible.

While some individuals may initially speak to a priest or deacon or another pastoral minister of their own choosing, allegations of sexual abuse are not investigated at the parish level and should be reported to the toll-free Reporting Line indicated above. The person making the allegation of sexual abuse against a minor is reminded of his or her right to report it directly to the local authorities. While the absolute confidentiality of the Sacrament of Penance may never be compromised, the Diocese of Brooklyn is committed to full cooperation with the civil authorities in the reporting and investigation of any such allegations not bound by the seal of Confession.⁶

II. RESPONSE OF THE DIOCESE TO AN ALLEGATION

The Diocese has appointed a **Victims Assistance Coordinator** “for the immediate pastoral care of persons who claim to have been sexually abused when they were minors by priests or deacons.”⁷ The **Victims 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. Through the Victims Assistance Coordinator, the Diocesan Bishop will offer to meet directly with the alleged victim. In conjunction with the **Victims Assistance Coordinator**, the Diocese will offer to provide independent professional counseling selected by the person making the allegation. Many victims have suffered for 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 **Vicar for Clergy** will be available for the advice and counsel of any priest or deacon concerning whom an allegation of sexual abuse of a minor has been made. As per Canon 1722, the Bishop, at any point once an allegation is made known, may impose an immediate, although temporary, administrative leave on the priest or deacon, , in order to protect any of the faithful who may be at risk.⁸

Once an allegation of sexual abuse of a minor by a priest or deacon is received at the toll-free Reporting Line, it will be forwarded to **(a) the appropriate Law Enforcement Authority, (b) the Chancellor** and **(c) to the Victims Assistance Coordinator**. The Chancellor will inform the Diocesan Bishop and the Vicar for Clergy of the allegation and will send a copy of the report to the Chairperson of the Review Board. The **Vicar for Clergy** will then **share** the report **with the Promoter of Justice**. The accompanying flow chart (below) is meant to illustrate the process that takes place once an allegation is received.

⁶ *Essential Norms*, 11.

⁷ *Essential Norms*, 3.

⁸ *Essential Norms*, 9

III. DIOCESAN REVIEW BOARD

In accordance with the *Essential Norms*, the Diocese has established a **Diocesan Review Board** that will assist the Bishop and the Diocese in determining and responding to allegations of sexual abuse of a minor.⁹ This **Review Board** is composed of at least five persons and no more than nine, of outstanding integrity and good judgment, in full communion with the Church. The majority of the members of this Board are laypersons that are not in the employ of the Diocese. 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. The appointments of these members will be staggered in order to ensure continuity and may be renewed at the discretion of the Diocesan Bishop. The **Promoter of Justice**, while not a member of the Board, may participate in its meetings.¹⁰

The functions of the Board include:

- Advising the Bishop in his assessment of allegations of sexual abuse of minors and his determination of the accused clergy member's suitability for ministry;
- Reviewing diocesan policies for dealing with sexual abuse of minors;
- May be asked to offer advice on all aspects of these cases, whether retrospectively or prospectively.

In order to provide the **Diocesan Review Board** with sufficient information for their consideration, the Diocesan Bishop will designate a private investigative agency.

IV. INVESTIGATING THE ALLEGATION

Meeting with a Person Making an Allegation

The **Diocesan Assistance Coordinator** will meet with the person making an allegation and offer any necessary counsel and assistance. Any person making an allegation will be given an opportunity to submit documentation or other evidence regarding it. Given the Special Victims Divisions response to support victims, the Diocesan Assistance Coordinator will refrain from contacting alleged victims, until after the conclusion of their investigation.

Meeting with the Priest or Deacon

The **Vicar for Clergy**, accompanied by the Promoter of Justice or one of the Territorial Vicars, will meet with the priest or deacon concerning whom an allegation has been presented. The Diocesan Bishop or Vicar for Clergy may designate an alternate representative to meet with the accused in unusual circumstances. In a case where a Law Enforcement investigation is actively being conducted, the priest will be informed of the allegation at the conclusion of the investigation. The Vicar for Clergy will explain the nature of the allegation and offer him a written account, based on information provided to the person who received it. The priest or

⁹ *Essential Norms*, 4.

¹⁰ *Essential Norms*, 5.

deacon may bring with him a *canonical* advisor to this meeting. When necessary, the Diocese will supply *canonical* counsel to the priest or deacon.¹¹

The **Vicar for Clergy** will advise the priest or deacon that the matter has been presented to the appropriate Law Enforcement Authority. He will also remind the priest or deacon of his right to retain civil as well as canonical counsel.¹²

Even an anonymous complaint will be brought to the attention of the priest or deacon concerning whom it is made. The Bishop, with the advice of the Diocesan Review Board, will determine how such an allegation is to be pursued.

The Canonical Inquiry

Whenever the Diocesan Bishop has knowledge of an allegation of sexual abuse of a minor by a priest or deacon which at least seems to be true, he initiates a canonical inquiry, unless he determines that such an inquiry seems entirely superfluous.¹³ When the case is formally assigned to the Diocesan Review Board by the Chancellor at the direction of the Bishop, the **Diocesan Review Board** advises the Bishop in writing of its assessment of the sufficiency of the evidence, the suitability for ministry of the priest or deacon, and any other aspect of the case. Accompanying its recommendations will be supporting documentation, including the reasons for coming to the conclusions that it has reached.

The priest or deacon is permitted to review his file at the Chancery Office accompanied by his own canonical counsel. Documents may be reviewed at the Chancery Office and notes may be taken but copies are not to be made of the documents.

During the canonical inquiry the priest or deacon being investigated enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation. As previously mentioned, at any time in the process, the Bishop may exercise his pastoral governance in removing a priest or deacon from office, in removing or restricting his faculties, and in prohibiting him from exercising the sacred ministry.¹⁴

The priest or deacon may also 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 priest or deacon.

V. PROCESS FOLLOWING A FINDING OF SUFFICIENT EVIDENCE

When there is sufficient evidence that sexual abuse of a minor has occurred,¹⁵ the Bishop shall notify the *Congregation for the Doctrine of the Faith* for further directions on how to proceed.

¹¹ *Essential Norms*, 6, 8A.

¹² *Essential Norms*, 6

¹³ Canons 1717-1718

¹⁴ *Essential Norms*, 9.

¹⁵ *Essential Norms*, 6.

If the person against whom an allegation has been made is a priest, and if he has not already done so, the Bishop shall issue a decree applying 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;
- placed on a temporary scale down remuneration

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 Bishop will write a letter to the parish of the assignment of the priest or deacon, to be read by the **Episcopal Vicar**, regarding the investigation and the steps that have been taken. A letter will also be read when it has been deemed necessary to invoke C. 1722 restrictions prior to the conclusion of a determination of credibility of the allegation. The Diocese acts on the presumption that an allegation, even in a case where sufficient evidence has been found, 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 precautionary measures 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 the guilt of the priest or deacon. It is recognition of the possibility that wrongdoing *may* have taken place and therefore might possibly occur again. It is this risk that underlies the decision to take responsible action at all times.

In accordance with the Charter for the Protection of Children and Young People, the Office of the Chancellor will coordinate the public dissemination of information regarding the investigation of the allegation and the steps that have been taken by the Diocese.

In the instructions from the Congregation for the Doctrine of the Faith, the Diocese may be directed to conduct a canonical trial with regard to the priest or deacon against whom an allegation has been made.¹⁶ Should the trial determine that a crime indicated in canon 1395§2, has been committed, various penal measures may be imposed. These may include permanent removal from ministry, or, in some cases, dismissal from the clerical state.

Should the trial fail to determine that a crime indicated in Can. 1395§2 has been committed, the Diocesan Bishop will consult with the **Diocesan Review Board** in order to make a final determination regarding the ultimate status of the priest or deacon. Such a determination will include whether or not the priest or deacon may resume public ministry, and whether or not limitations will be imposed upon that ministry.

¹⁶ The Congregation for the Doctrine of the Faith may provide alternate instructions to the Diocese.

Canon Law allows the Bishop the right to petition the Congregation for the Doctrine of the Faith to authorize an Administrative Process for the imposition of the aforementioned penal measures.

The Bishop must make the final determination regarding whether a priest or deacon may be permitted to resume or to remain in 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.¹⁷

VI. RESTORING THE GOOD NAME IF THE ALLEGATION IS FALSE

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

- Reinstatement following consultation with the Review Board;
- Appropriate steps to disseminate information regarding the investigation and the reasons 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 a letter from the Bishop to the parish where the clergyman is assigned, to be read by the regional Episcopal Vicar or another delegate at weekend Masses, and to be printed in the parish bulletin. The letter will become the basis of a news release that will be printed in *The Tablet*, placed on the Diocesan website and made available to the media;
- Copies of all decrees, including the restoration of faculties, are to be kept in the file of the priest or deacon.

VII. PREVENTIVE MEASURES

Provisions for 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

¹⁷ *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.”

implement such guidelines, as well as any new psychological tools that may emerge, in order to evaluate more carefully applicants for sacred ministry.¹⁸

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. Trained professionals from various related disciplines, including the behavioral sciences, spirituality, morality, civil and ecclesiastical law, conduct these sessions.

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.¹⁹

Other Provisions

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. In addition, the Diocese has adopted a professional Code of Conduct, which all priests and deacons must acknowledge having received and read.

¹⁸ *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)."

¹⁹ 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.

VIII. CONCLUSION

The *Policy and Procedures Regarding Sexual Abuse of Minors by Priests or Deacons* are promulgated as the intensive effort of the Diocese to address the issue of sexual abuse of minors on the part of priests or deacons. 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, the *Policy and Procedures Regarding Sexual Abuse of Minors by Priests or Deacons* become effective for the Diocese of Brooklyn on October 2, 2013 and are to be promulgated by publication in the diocesan newspaper.

Nicholas DiMarzio

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Bishop of Brooklyn

October 1, 2013

Brooklyn, New York

Anthony D'Amico
Chancellor



PROCESS CHART **Allegations of Sexual Abuse of a Minor by a Priest or Deacon**

