Diocesan Updates Policy Against Sexual Abuse

When the priests of the Diocese received the Manual for Priests last week, it contained a clearing of how the Diocese deals with accusations regarding sexual abuse by the clergy. This is the complete text of that policy.

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

Sexual abuse against minors on the part of clergy is among the most serious of offenses to be found in our Church today. Such horrendous acts not only harm the victims but also mar the name of the Church community and society as well.

The Diocese of Brooklyn denounces all sexual abuse, particularly sexual abuse of children on the part of clergy, which, as our Holy Father, Pope John Paul II, has said, is both a crime and a sin.

The Diocese of Brooklyn wishes to do everything possible to see that all people, particularly children, are safe in all pastoral settings. Excuses and rationalizations for such criminal actions will not be acceptable.

The Diocese of Brooklyn will continue to respond and reach out with compassion and action to anyone who has been a victim of clerical sexual abuse.

Regrettably, Sexual Abuse Against Minors by Priests or Deacons, is the intention of the Diocese of Brooklyn to address all children being harmed by sexual abuse on the part of their...

- indicate the seriousness with which allegations of sexual abuse are received and the way in which they are dealt with.
- express our desire to respond to the rights of all persons involved, and to deal with them in a way that is just, compassionate, and charitable.

The Policy and Procedures seek to outline ways to eliminate clerical sexual abuse against minors, to reach out with healing and compassion to those who have been abused. While a written policy has been in place since 1987, the Diocese intends to update what has been learned over the years, as well as to incorporate new provisions that have been provided by the authority of the Church. When needed, further revision will be made in order to adopt improved ways to reach these objectives.

By mandate of the Bishop of Brooklyn, this statement has been approved for the Diocese of Brooklyn on June 15, 2003.

PROCEDURES

On November 13, 2002, the United States Conference of Catholic Bishops (USCCB) released "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 recognition from the Holy See on December 8, 2002, together with the "Code of Canon Law: Protection of Children and Young People," were approved by the United States Conference of Catholic Bishops on April 2, 2003, and were the basis for the Policy and Procedures of the Diocese of Brooklyn. This is the intention of the Bishop of Brooklyn ("Bishop") that these revised Procedures be in harmony with the current Policy of the Diocese of Brooklyn, issued by the Most Reverend Vincenzo De Luca, Bishop of Brooklyn, on May 5, 2003, by the United States Conference of Catholic Bishops, as well as with other applicable, federal, state, and local laws.

The Diocese adopts the description established in the Essential Norms as to what constitutes sexual abuse.

1. REPORTING AN ALLEGATION

The Diocese of Brooklyn urges vicars to report any instance of sexual abuse by a minor by a member of the clergy in accordance with the "Code of Canon Law: Protection of Children and Young People," as revised by the United States Conference of Catholic Bishops on April 2, 2003, and as revised by the United States Conference of Catholic Bishops on May 5, 2003, by the United States Conference of Catholic Bishops, as well as with other applicable, federal, state, and local laws. The Diocese adopts the description established in the Essential Norms as to what constitutes sexual abuse.

Meeting with the Accused Priest or Deacon

The investigator will meet with the priest or deacon who has been accused to discuss the identity of the accuser and including the identity of the accuser and any documentation that they have presented.

The investigator will advise the priest or deacon that he should consider all the information and counsel, and that he may bring a legal advisor, friend, or confidant with him to the meeting. The meetings will be scheduled for the convenience of the priest or deacon.

In the event that the priest or deacon is accused of sexual abuse of a minor, the Bishop may impose an administrative leave as part of the preliminary investigation. This is in order to protect any of the faithful who may be at risk. In the event that the priest or deacon is accused of sexual abuse of a minor said to have taken place within the jurisdiction of New York State, the Bishop may impose an administrative leave, although temporary, administrative leave as part of the preliminary investigation. This is in order to protect any of the faithful who may be at risk.

The investigation is complete. The investigation is complete.

The Ongoing Investigation

The Diocese will conduct its ongoing investigation in harmony with canon law 6: the Bishop will issue a decree authorizing a preliminary investigation. Should the Bishop determine that retaining the services of a private investigator, the Diocesan Review Board will authorize these services. During this time, the investigator may seek direct testimony of the person making the allegation as well as the accused priest or deacon who has been accused.

During the course of the investigation, the priest or deacon who has been accused is permitted to review his file at the Chancellor's Office accompanied by his own canonical counsel. Documents may be reviewed at the Chancellor's Office and notes may be taken but copies are not to be made of the documents.

When the Diocesan Review Board determines that sufficient investigation has taken place, the Board will write to the Bishop with its recommendation regarding its assessment of the allegation and its assessment of the suitability of the accused priest or deacon, as well as regarding any other aspect of the case. During this investigation, the investigator will be supporting documentation, including the reasons for coming to the conclusion and supporting evidence.

When the preliminary investigation finds that sufficient evidence of sexual abuse has been established, the Bishop shall permit the Congregation for the Doctrine of the Faith. The Congregation will direct the Bishop as to how to proceed.

Once the Congregation has rendered a judgment, the Bishop shall issue a summary of legal and canonical measures.

- is permitted to operate the parish
- is not permitted to function in ministry
- is to be required to deposit his place of residence
- is to continue to receive the salaries and benefits as before the allegation

In cases involving deacons, the disciplinary measures of Canon 1358, §2, will be appropriately adopted.

In addition, in particular, the Bishop may issue a canonical measure that the priest or deacon:

- is permitted to wear clerical garb
- is not permitted to present himself as a priest or deacon

The accused priest or deacon is asked to undergo a psychological and emotional evaluation at a professional, specialized facility and to conduct and which is mutually agreed to by the Diocese and to the accused priest or deacon.

The Bishop will write to the parish of the assignment of the deacon, to be read by the Pastor and to be posted in the same manner as those that have been taken.

In the instructions of the Congregation of the Doctrine of the Faith, the Diocese may be directed to conduct a canonical trial with regard to the facts found to be true.

The Bishop will write to the parish of the assignment of the deacon, to be read by the Pastor and to be posted in the same manner as those that have been taken.

Should the trial fail to determine the crime indicated in Canon 1358, §2, the Bishop will take action to determine the disciplinary measures to be imposed in the case.

III. DIOCESAN REVIEW BOARD

In accordance with the Essential Norms, the Diocese has established the Diocesan Review Board that will audit the Bishop and the Diocese in response to allegations of sexual abuse by minors.

The functions of the Board include:

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

In addition, the Diocesan Review Board will conduct an ongoing investigation.

This Review Board is composed of at least five persons of outstanding integrity and judgment, full commitment with the Church. The majority of members of this Board are laypersons who believe in the Church. 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 church's members are presented with a four-year period of five years, during which they can be renewed. The Promoter of Justice, while not a member of the Board, may participate in the meetings of the Board as a consultant.

IV. RESPONSE BY THE DIOCESE TO AN ALLEGATION

The Diocese has appointed an Associate Coordinator for the immediate Contact person for persons who claim to have been sexually abused when they were minors by priests or deacons.11 In consultation with the Associate Coordinator, the Diocese will offer to provide independent professional counseling selected by the person who makes the allegation. Many victim-sufferers have faced many years with the lingering effects of sexual abuse. This effect of sexual counseling seeks to provide a means of support and of a mani- festation of the person's own feelings about the alleged abuse. The Associate Coordinator speaks and acts in the name of the Bishop as the Diocese, attempting to heal the compassion and healing of the Bishop of the Diocese. It is important to bear in mind, 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 deepens, further measures will be incorpor- ated into each evaluation. The Pope for Catholic Education of (Seminary and Institution of Higher Studies) is in the process of reviewing the curricula of seminaries for candidates for Holy Orders. We will implement such guidelines as well as any new psychological tools that may emerge, in order to evaluate more carefully applicants for sacred ministries.

In addition, all applicants for priestly formation or for the permanent diaconate shall undergo a background check as part of the application process. The Diocese act 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 prevent the risk of harm to children, the Diocese have not been 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 that it may be unlikely to occur again. It is this risk that underlies the Diocese's 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 a 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 substantiated.

V. RESTORING THE GOOD NAME OF A FALSELY ACCUSED

VI. PREVENTIVE MEASURES

Candidates for Holy Orders

Consistent with established practice, each applicant for admission to Holy Orders must go through a psychological testing and evaluation to assess his psychological develop- ment and maturity. It is acknowledged, 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 deepens, further measures will be incorpor- ated into each evaluation.

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VII. CONCLUSION

These Procedures are premised 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 wound- ed. Through just and responsible procedures and increased awareness, we continue to enhance the safety environment for our children.

By mandate of the undersigned Bishop of Brooklyn, these Procedures become effective for the Diocese of Brooklyn on April 25, 2007.


Andrew J. Vaccari Notary

Footnotes:
2. In compliance with "Essential Norms for Diocesan/Episcopal Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons," #2.
3. These are referred to as "Essential Norms and Charter re- surrected. Subsequent references are to the revised text.
4. Essential Norms, 11.
5. Essential Norms, 9.
6. Canon Law Society of America, "Diocese and the Guide to the Implementation of the U.S. Bishops' "Essential Norms for Diocesan/Episcopal 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 facts which are gathered are sufficient to support the proba- bility of the allegations."
11. Essential Norms, 8.
12. Essential Norms, 8. when even a single act of sex- ual abuse by a priest or deacon is admitted or is established after an appropriate process in accord with canon law, the offering of priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the duc- cal state, if the case warrants.
14. Essential Norms, 8a, 8b.
16. Charter 13 states: "Diocese/eparchies will evaluate the back- ground of all diocesan/eparchial and parish personnel who have regular contact with minors. Grounds for dismissal shall include misuse of the resources of the law enforce- ment and other community agencies. In addition they will employ adequate screening techniques in deciding the fit- ness of candidates for ordination (cf. National Conference Bishops, "Guidelines for the Protection of Children from Sexual Abuse, "Program of Priestly Formation," 1993, no. 513)."
17. For seminars, counselors are available at the Diocese's offices when they are enrolled. For an ordained priest or deacon, the Diocese will assist him to locate an appro- priate counselor upon request and will assist him with the payment of the bill for the service.

A prominent priest-psycholog- ist presided over the more than 375 priests of the Diocese of Brooklyn who attended a special conversation at the Immaculate Conception Center in Douglaston on April 16 to "get the word out about priestly life and satisfaction."

Mag. Stephen J. Rossetti, director of St. Luke's Institute in Silver Spring, Md., said a priestly- ly morale survey he conducted "during the height of the sexual abuse crisis" in 2002 found that 90% of 1,250 respon- dents concurred that "overall we are a happy, unsatisfac- tory group."

Besides his own study, Magr. Rossetti drew from research in recent years by the National Federation of Priests Councils and respected University of Virginia social Darwin C. Hoge to bolster the point that priestly morale is higher than the stereotypes suggest.

In response to survey ques- tions that asked about the sources of satisfaction from being in the priesthood, Magr. Rossetti said 77% of active priests called administering the sacraments and pres- iding over the liturgy "of great importance."

"The priest's career is not short of a unique calling," he said. "And in their daily lives, and the opportunity to work with many people and be part of their lives, received "of spiritual care" ratings of 89%, 79% and 75% respectively.

FULL-TIME JOB

Asserting that the priesthood "is a full-time job," he said the decreasing numbers of clergy and increasing demands on their time have created the ten- dency to be overworked, to become more isolated and to experience greater stress. He asked the clergy to reflect on how they can help each other as they relate to "this new chal- lenge."

Mag. Rossetti's talk was pre- ceded by the presentation of a new Personal Manual for Priests, a document that replaces one that was issued in 1987. Bishop Nicholas DiMarzio thanked Mag. Otto L. Garcia and C. John H. Dougherty, former Vicar General and Clergy Personnel Office director, respec- tively, for their work in develop- ing the manual.