

**A One Year Follow-up Report on the
Recommendations of the Special Commission
to Study Allegations of Sexual Abuse
by Clergy in the Milwaukee Archdiocese**

December 22, 2003

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee
3501 S. Lake Drive
Milwaukee, WI 53207

Dear Archbishop Dolan:

On September 12, 2002, when you officially accepted the *Final Report and Recommendations of the Special Commission to Study Allegations of Sexual Abuse by Clergy in the Milwaukee Archdiocese* you announced at the following press conference that you would ask members of the Commission to reconvene a year later to review the progress made by the Archdiocese in fulfilling the recommendations made in the report. On October 2, 2003, you met with members of the Commission at your residence to activate your earlier request that we review and evaluate the Archdiocesan response to our recommendations. Subsequently, all four members of the Commission met with Barbara Anne Cusack on November 6, 2003 to review the actions taken by the Archdiocesan staff in addressing the Commission's recommendations. Following are our findings from that review.

The Commission's report contains 21 recommendations listed under nine major categories of concern. Overall, the Commission members were unanimous in their judgment that you and your staff have addressed all 21 recommendations in good faith and have moved expeditiously to correct the problems noted in each of the report's recommendations. From evidence obtained first hand, along with a detailed account provided by Dr. Cusack, of actions taken by the Archdiocese, we have concluded that you and your staff have made substantial and, in most cases, definitive progress in resolving the problems identified in our report.

For the record and for the sake of thoroughness, we have reviewed the progress made on each of our recommendations. The present report will reproduce each recommendation as presented in the Final Report so that they retain their full meaning in context. Each recommendation will be assigned a letter, placed in parentheses next to the line in the highlighted text that contains that recommendation. The section following will summarize the response made and/or action taken by the Archdiocese with regard to each recommendation.

1. The procedures of the Archdiocese should be made more accessible to the public.

The current policies of the Archdiocese are contained in several different documents. Often these documents include substantial discussion of the theological and legal bases for such policies. In our preliminary report, (a) we recommend that the policies be reduced to no more than two pages, and preferably one, and (b) that such policies be made generally available to persons throughout the Archdiocese so that they are well known and clear to everyone. This recommendation has since been implemented, and the resulting one page synthesis entitled, *Archdiocese of Milwaukee Clergy Sexual Abuse Policy*, is shown in Appendix A. (c) It should be included on the Archdiocesan web page and should be reviewed on a regular basis.

Archdiocesan Response:

(a) Even before the Commission's Final Report was completed, the Archdiocesan staff had prepared a one-page summary of its already extant policies on ethical conduct and sexual abuse management. That summary entitled, *Archdiocese of Milwaukee Clergy Sexual Abuse Policy*, was included in the Final Report as Appendix A and is also included here as Appendix A.

(b) Shortly after the publication of this policy statement, it was circulated to all parishes in the Archdiocese. Going beyond the Commission's recommendation and in response to suggestions of the Bishop's Compliance Audit, the staff also combined all of the Archdiocesan documents related to clergy sexual abuse into a single document entitled, *Promise to Protect, Pledge to Heal Policies, Procedures, and Protocols for Sexual Abuse Prevention and Response*, September 2003.

(c) Following the publication of the policy statement noted in item (a) above, it was added as a link on the Archdiocesan web page in order to make it available to anyone interested in the matter.

2. Immediate reporting to civil authorities.

A hallmark of any procedure to address allegations of sexual abuse of minors by clergy should be that (d) the Archdiocese reports all allegations to the civil authorities without any preliminary screening, investigation, or legal judgment relating to those cases. The victims of such abuse should also be encouraged to report such incidents to civil authorities. We emphasize that this is already the current policy of the Archdiocese. Nevertheless, (e) the procedure should be more clearly and explicitly spelled out so that there is no confusion about the sequence of events that should occur when an allegation of sexual abuse is made. Our recommendations in this regard are shown in Appendix B. Additionally, (f) the Archdiocese should continue to work with the district attorneys and law enforcement agencies in each county within the Archdiocese to ensure that such cases are promptly reported and investigated.

Archdiocesan Response:

(d) All of the District Attorneys from the 10 counties within the Archdiocese of Milwaukee were informed by letter that any case, regardless of when the alleged incident occurred, would be submitted for their review. Archdiocesan staff would take no action of any kind on the case prior to its submission to the District Attorney.

(e) Archdiocesan staff, in collaboration with members of the Commission, prepared a flow chart that outlined, in specific detail, each step that should be taken in processing all allegations of clergy sexual abuse, from the time the case is referred to the District Attorney until the Archbishop takes action on the case following a careful assessment of the evidence in the case by a newly formed Archdiocesan Review Board. This flow chart was included in the Commission's Final Report and is also included here as Appendix B.

Between May 23, 2002 and June 30, 2003, 24 referrals have been made to various District Attorneys, 20 to Milwaukee and one each to four different District Attorneys in other counties. Since its formation in January 2003, the five person Archdiocesan Review Board has reviewed and submitted recommendations to the Archbishop on eight cases, and at the time of this report, was actively reviewing two others.

(f) As part of the process of working closely with District Attorneys, the District Attorney and Assistant District Attorney of Milwaukee County came to the Archdiocesan office and reviewed the files of all living clergy against whom allegations have been made. They found no cases that would have fallen within the statute of limitations.

3. Involvement of victim assistance professionals.

(g) We believe that the Archdiocese should contract with one or more victim assistance professionals, not otherwise affiliated with the Archdiocese, to provide assistance to victims of sexual abuse by clergy. Such professionals would be able to accept allegations regarding clergy when the victim feels uncomfortable making such reports directly to the Archdiocese or civil authorities. The professional would also be available to work with any victims of alleged sexual abuse to ensure that the victims receive adequate counseling and support throughout the processes. Such services should be supplemental and alternative to the services currently offered by the Archdiocese.

(h) We also recommend that the Archdiocese expand its services to create a comprehensive, proactive approach to the issue of clergy abuse, as well as to continue to respond to individual survivors of abuse. This may entail, among other things, outreach to parishes, education, networking with other victim assistance groups, and counseling services to parishes. (i) We recommend that soon after the Archdiocesan victim listening sessions, the Project Benjamin Advisory Committee be convened to address the issues of expanded services and to examine the internal organizational structure of the Archdiocesan response to abuse by clergy. The Advisory Committee may choose to enlist additional persons also versed in victim services.

Archdiocesan Response:

(g) Anna Campbell, Ph.D., a clinical psychologist, has been appointed to serve as an additional contact for reporting cases of sexual abuse by clergy. She is not affiliated in any way with the Church or Archdiocese, and her private practice office is the place for contact. She is authorized to provide victims with all the support services required during the reporting process. Dr. Campbell's availability has been promulgated through a brochure entitled, *Sexual Abuse Prevention and Response Services*, which has been distributed widely to all Archdiocesan parishes, schools and offices. (See Appendix C.)

(h) Archdiocesan services for survivors of sexual abuse have been expanded, and networking with other agencies providing such services has been facilitated in the newly reconfigured Community Advisory Board, many of whose members serve in those agencies.

(i) Partly at the suggestion of the Commission, Project Benjamin (the Archdiocesan office responsible for responding to allegations of clergy sexual abuse and for victim support) was slated for inclusion into the program of services offered by Catholic Charities. Prior to this transfer, Project Benjamin was renamed *Sexual Abuse Prevention and Response Services* (see Appendix C), but the transfer was not pursued because concerns were raised that the Director could be perceived as having a dual relationship with victims/survivors which could compromise the agency's accreditation. Consequently, the office was placed under the jurisdiction of the Archdiocesan Chancery Office. The Archbishop has asked the Community Advisory Board to review the organization of the office and the services offered and to recommend any changes needed.

4. Assuring that clergy within the Archdiocese report information to the Archdiocese.

In several of the cases we reviewed, clergy within the Archdiocese had knowledge of allegations of sexual abuse of minors long before it was actually reported to the Archbishop. It became apparent from these reviews that not all information had been promptly reported to the Archdiocesan office. It is our firm opinion that the clergy of the Archdiocese need to be made more clearly aware of their obligation to lateral accountability, i.e., to take appropriate action whenever, by personal observation or from a secondary source, they have information that other clergy or parish employees have been or may be involved in inappropriate sexual behavior with minors. (j) We recommend that, when another priest or deacon has information outside the seal of confession suggesting that a cleric has been inappropriately involved with a minor, the alleged perpetrator should be notified of such information and urged to provide any relevant information to the Archdiocese immediately. If the alleged perpetrator does not self-report to the Archdiocese, the cleric or deacon having such information shall immediately report it to the person authorized by the Archdiocese to receive such reports (see: *Code of Ethical Standards for Church Leaders*, 1994, revised 1999).

Archdiocesan Response:

(j) In order to achieve the goal of mandatory "lateral accountability" cited in Recommendation 4, the Archdiocesan staff has included specific instructions to be followed in a newly revised (2003) *Code of Ethical Standards for Church Leaders* whenever sexual misconduct is encountered. Sections A.3. and D.1. & 2. of the Code explicitly outline what clergy and Archdiocesan employees must do when they work with minors or encounter "misconduct of an illegal nature" or "ethical misconduct." (See Appendix D for the most relevant sections of the Code.)

All clergy, diocesan and parish employees, volunteers who have regular contact with minors are required to participate in a "safe environment" training program, part of which will be to read the Code and sign an acknowledgement that it has been read. All participants also will be required to read the mandatory reporting requirements outlined in the document entitled *Mandatory Reporting Responsibilities*. (See Appendix E.) A program designed by an outside agency has been contracted for all clergy, all diocesan staff, and all parish staff and volunteers who have regular contact with minors.

5. Concern about legal rights of clergy.

The files we have reviewed affirm that the Archdiocese has shown appropriate compassion and understanding for the psychological and religious trauma that allegations of sexual abuse cause both the victims of that abuse and the priest or deacon who is the alleged perpetrator. However, the Archdiocese must also recognize that clergy who are alleged to have committed these acts have legal rights. Sexual assault of minors is a serious crime carrying significant periods of confinement. Allegations of sexual abuse, therefore, have serious legal consequences for clergy. For those reasons, (k) the Archdiocese should encourage all clergy, against whom such allegations are made, to seek independent legal counsel and take no action to discourage them from obtaining independent legal representation.

Archdiocesan Response:

(k) The Archdiocese does not inform a cleric that a report has been made about him until the case is returned from a District Attorney saying they intend to take no action. When the Vicar for Clergy then informs the cleric that an allegation has been made, he also informs him that he should seek civil and canonical counsel. The Archdiocese has a list of canonists, all outside the diocese, who have expressed their willingness to serve as advisors. As required by canon law, the Archdiocese pays all reasonable expenses for canonical but not civil counsel.

6. Adjudicating cases not resolved by civil authorities.

In most cases we reviewed, the matter was referred to the appropriate district attorney or law enforcement agency for investigation or prosecution. In most cases, the matter was not pursued by civil authorities either because the statute of limitations had expired or because the case presented other legal difficulties. For that reason, in none of the six cases we reviewed had there been a final determination of the truth of the allegations by civil authorities. (l) We

recommend that the Archdiocese develop an adjudicatory process for determining the facts in all cases, except when the priest or deacon has already been found guilty by civil authorities. (m) Independent and impartial adjudicators should be retained to assist the Archdiocese in establishing such factual findings. Such adjudications should occur only after the criminal investigation or prosecution has ended. We have since recommended a plan for such an adjudicatory process. The initial steps in the plan have already been implemented by the Archdiocese. (See Appendix B.)

In cases in which a cleric has entered a guilty plea or a court of law has adjudicated guilt, that fact should be dispositive. In cases in which prosecution is declined for any reason, or in the cases that are dismissed without a determination of guilt, the Archdiocese should then invoke its own process. (n) The Archdiocese should conduct adjudication even after an acquittal because any allegation of sexual abuse must be carefully evaluated even when the evidence does not meet the usual standards for criminal or civil prosecution.

Such a process should be closed to the public and media with utmost concern shown for the rights of the victim and the accused cleric. The Archdiocesan adjudication procedure will not have the same evidentiary restrictions or the same burden of proof as a criminal trial. However, this procedure must comply with fundamental fairness. Victims have the right to use whatever support resources they need during the adjudication process. Clergy have the right to be represented by independent legal counsel and to be fully informed of the allegations made against them. Further details of our recommendations in this regard are available in Appendix B.

Archdiocesan Response:

(l) As indicated earlier, the Commission, with the assistance of Archdiocesan staff, developed a flow chart which sets forth the steps to be taken in the adjudicatory process for determining the facts in all cases, even when the accused was not pursued by civil authorities because the statute of limitations had expired or was found not guilty in a civil or criminal proceeding. (See Appendix B.)

(m) Two retired judges, John Fiorenza and Michael Barron and two retired police officers from the sensitive crimes unit, Bob Beyer and Gregory Nonakowski, have been appointed as independent fact-finders and have completed investigations of eight cases that have been submitted to the Archdiocesan Review Board for review and recommendation to the Archbishop. Two additional investigations are currently underway. Cases referred to the Review Board have included those reviewed earlier by the Commission.

(n) The Archdiocesan Review Board was formed in January 2003 and has met monthly since then to review all cases of alleged clergy sexual abuse, regardless of prior statutes of limitation or court outcomes and to make independent judgments of their own on the basis of "the preponderance of the evidence" provided by the facts presented by the independent investigators.

7. Reinstatement of clergy when cleared through adjudication.

(o) Upon adjudication that the cleric did not commit the offense, the cleric should be returned to his prior position without prejudice, and the Archdiocese and the accused cleric should determine on an individual basis whether the result of the adjudication and the facts leading to that process should be made public. Where the allegations have been made public, but later proved to be unfounded, the Archdiocese should ensure that all reasonable steps are taken to restore the reputation of the priest and the confidence in him by the members of the community.

Archdiocesan Response:

(o) In cases where the allegation involved a cleric in an assignment, no public announcement was made in most cases so there was no need to restore reputations when the allegation was found unsubstantiated. In one case involving an assigned cleric, an announcement was made to the parish based on three corroborating reports. The reports were deemed substantiated, and the cleric was removed from active assignment.

8. The Archdiocese should act proactively in identifying and addressing any psychological problems of clergy.

Historically, treatment professionals have often framed the criminal sexual assault of minors as a consequence of pre-existing psychological or addictive problems, as if these problems led to sexual abuse. We now know this to be untrue. Such problems do not of themselves lead to sexual abuse, but they can and do weaken the resistance of those already pre-disposed to sexual abuse.

In the 1970's and early 1980's, we believe the Archdiocese received professional opinions to the effect that its sexually abusing clergy needed treatment for depression or alcoholism, as if healing these disorders would put an end to the sexual abuse. We now recognize that the sexual abuse of minors is a separate sexual disorder, often indicative of an arrested sexual development in those pre-disposed to such abuse.

(p) We recommend that the Archdiocese continue its policy of screening clergy candidates for psychological, addictive, and sexual disorders. (q) We also recommend that an ongoing program on prevention of sexual abuse be established as mandatory for all clergy and church professionals.

(r) We also recommend that the Archdiocese provide independent professional assistance for clergy affected by psychological, addictive, and sexual disorders so that problems can be resolved before any destructive behavior occurs.

Archdiocesan Response:

(p) The Seminary policies on screening and religious formation have been revised and updated with special emphasis given to a carefully conducted review of the applicants psychosexual history. After being admitted, seminarians will be required to meet with their examining psychologist at regular intervals during the five-year period of formation to review and assess progress toward goals identified from the first evaluation. (See Appendix F.)

(q) All clergy, church professionals, and volunteers who have regular contact with minors will be required to participate in the Archdiocesan-wide safe environment program noted earlier in response (j).

(r) The Priest's Wellness Program will continue to offer clergy ongoing assistance and encouragement to maintain healthy life styles. In cases where psychological, sexual, or addictive disorders need additional attention, the Archdiocese will continue, as it has in the past, to pay for any expenses involved.

To assist priests even further, a Minister of Priests has been appointed to assist the Vicar of Clergy to provide counsel and referral services to any priest who may have any personal problems that need attention.

9. Archdiocesan relationship with religious communities and clergy from other diocese.

Although we recognize that the Archdiocese has limited jurisdiction over religious communities and clergy from other diocese, we recommend that:

1. (s) A copy of the policy on response to sexual abuse of any religious community be filed with the Archdiocese before granting faculties for the religious order priests and permission for other women and men religious to minister within the Archdiocese;
2. (t) The superior of each cleric provide the Archdiocese with written documentation that no credible allegations exist against the individual seeking or exercising faculties or authorization to minister in the Archdiocese (See Appendix G.);
3. (u) If the Archdiocese receives a report of allegations of abuse by clergy or religious, the Archdiocese should immediately notify the civil authorities and then notify the individual's appropriate superior about the allegation.

Archdiocesan Response:

(s) The major superior of every religious community with members in the Archdiocese of Milwaukee was contacted in September 2002. They were required to provide copies of their sexual abuse policies to the Archdiocese. In the few cases where they did not yet have a policy, the Vicar for Religious assisted them in writing one.

(t) All religious clergy assigned to minister in and receive faculties from the Archdiocese were required to have an updated "Fitness for Ministry" statement on file. Religious superiors were informed of this necessity and complied. (See Appendix H for the relevant cover letter and sample statement.)

(u) Major Superiors continue to have the issue of sexual abuse of minors as part of their twice-yearly meetings with the bishops in Milwaukee. The major superiors of men have met with the Chancellor to discuss canonical issues related to this matter as well.

The Commission wishes to thank Chancellor Cusack for her extraordinary attentiveness to the work of the Commission in the preparation of the original Final Report and especially for her assistance in detailing all of the work of the Archdiocesan staff in their efforts to fulfill the goals contained in the recommendations of the Final Report.

It has been a privilege for us to have served you and Archbishop Weakland in your efforts to deal with all the issues that have surrounded the Church's handling of sexual abuse by clergy. We commend you and your staff on the prompt and substantive efforts you have made in dealing with the concerns outlined in our Final Report. We believe that your response to all of our recommendations, along with the many other initiatives that you and your staff have taken in the past year to address the suffering of victim/survivors, have gone a long way to reducing the extraordinary angst surrounding this issue and to restoring confidence in the capacity of the Church and the Archdiocese to correct the serious errors of the past. Furthermore, we applaud your ongoing efforts to hear the claims of those injured by sexual abuse and to do all in your power to bring resolution and closure to their suffering with justice, integrity, and pastoral love.

Please let us know if there is anything more we can do as individuals to assist you in your effort to carry out your continuing programs of healing and restoration.

Respectfully submitted,

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