

Preliminary Findings of the Investigation into Catholic Clergy Sexual Abuse of Minors in Illinois



December 19, 2018

I. Background

In August 2018, Illinois Attorney General Lisa Madigan opened an investigation into Catholic clergy sexual abuse against minors in Illinois. She took this step in response to the terrible and troubling findings of Report I of the 40th Statewide Investigating Grand Jury released by the Office of the Pennsylvania Attorney General (“Pennsylvania Grand Jury Report”).

The Illinois Attorney General’s Office (“Office”) is seeking a full accounting of the abuse that has occurred in all six of the dioceses in Illinois: the Archdiocese of Chicago, the Diocese of Belleville, the Diocese of Joliet, the Diocese of Peoria, the Diocese of Rockford, and the Diocese of Springfield (“Illinois Dioceses”).

This status update provides an overview of the investigation to date, setting forth the Office’s preliminary findings relating to Catholic clergy sexual abuse of minors in Illinois. This update and its findings should be viewed as preliminary. The investigation is ongoing and in its early stages.

II. Efforts of the Illinois Attorney General’s Office

Since August 2018, the Illinois Attorney General’s Office has undertaken an effort to assist survivors of clergy sexual abuse, and to uncover the extent to which clergy sexual abuse of minors occurred in Illinois, as well as the Catholic Church’s involvement in, response to, and possible concealment of, that abuse.

A. Assisting Survivors - Establishing the Clergy Abuse Hotline

In August 2018, the Office established a Clergy Abuse Hotline to assist survivors and allow people to report incidents of clergy sexual abuse. The Office created the hotline so survivors and their families could share what happened to them confidentially, without involving the Catholic Church. The Office has sought to provide assistance to survivors, even when legal remedies or criminal prosecution are no longer options due to statutory limitations. When requested, the Office assists survivors in finding counseling, and connects them with local law enforcement.

Since the hotline’s creation, the Office has received over 300 communications via telephone calls, letters, and e-mail messages from either survivors of clergy sexual abuse in Illinois and elsewhere, or family members and friends of survivors who have used the hotline to report information. Many survivors who contacted the Office were choosing to share their experiences with clergy sexual abuse for the first time. These communications came from survivors who were abused decades ago, but are still battling the pain the abuse caused.

In many instances, the sexual abuse people suffered as children destroyed their lives. Survivors reported battling alcoholism, drug use, mental health crises, and suicide attempts. They spoke of failed careers, broken marriages, and strained relationships with loved ones, including their own children. Frequently, survivors shared that the abuse they suffered as children prevented them from “living up to their full potential.” Even survivors who have gone

on to lead productive lives still carry this burden. Many chillingly detailed how they followed the movements of their abusers, as the clergy were transferred around Catholic parishes. They often kept track of their abusers through the clergy's retirement and death. The stories are heartbreaking.

Survivors informed the Office that, at various times over the years, they reported the abuse they suffered to one of the Illinois Dioceses. Most shared that the diocese they contacted failed to take action against the clergy they accused of sexual abuse, or failed to follow up when they requested information about the accused. As a result, survivors have struggled to heal, receive justice, and find closure. In their view, the Catholic Church continues to fail at addressing decades of clergy sexual abuse.

B. Clergy Sexual Abuse of Minors Investigation

The Office has taken a number of steps since opening its investigation in August 2018. The Attorney General and the Office have met with representatives and counsel for the Archdiocese of Chicago, the Diocese of Belleville, the Diocese of Joliet, the Diocese of Peoria, the Diocese of Rockford, and the Diocese of Springfield. In September 2018, the Office sent a letter to the bishops of each diocese requesting information and documents related to clergy sexual abuse. In response to these requests, the dioceses have voluntarily produced thousands of documents, including:

- the dioceses' policies for responding to, and investigating, allegations of clergy sexual abuse;
- lists of clergy each Illinois Diocese determined to be "credibly" accused of sexually abusing a minor;
- letters from the dioceses to law enforcement related to allegations that clergy sexually abused a minor; and
- audits of each Illinois Diocese relating to clergy sexual abuse.

In response to the Office's requests, the Illinois Dioceses have also given the Office access to hundreds of individual clergy files related to allegations of sexual abuse maintained by the Illinois Dioceses. Documents within these files include:

- correspondence between the diocese and survivors who reported sexual abuse, including letters, e-mail messages, and handwritten notes;
- witness interview statements and transcripts, if the diocese conducted them;
- correspondence between the diocese and the clergy accused of sexual abuse, if such correspondence existed;
- diocese representatives' notes detailing investigatory steps, if any such notes existed;
- minutes from meetings of the diocese's review board, if such minutes existed and a meeting was convened; and

- correspondence between the diocese, law enforcement, and the Illinois Department of Child and Family Services (DCFS), if such correspondence existed.¹

Based upon its review of this information and the documents, the Office has followed up with additional questions and requests for each diocese. This process will continue, as the investigation is ongoing.

III. Overview of Diocesan Policies

In 2002, the United States Conference of Catholic Bishops (USCCB) established the *Charter for the Protection of Children and Young People* (“*Charter*”), setting forth policies for each United States diocese to adopt as part of an effort to address allegations of sexual abuse of minors by Catholic priests and deacons. The USCCB revised the *Charter* in 2005, 2011, and 2018.²

Survivor well-being is at the heart of the *Charter*. The Preamble of the *Charter* recognizes “[t]he sexual abuse of children and young people by some deacons, priests, and bishops, and the ways in which these crimes and sins were addressed, have caused enormous pain, anger, and confusion for victims, their families and the entire Church.”³ Article 1 of the *Charter* requires dioceses to approach victims with a “sincere commitment to their spiritual and emotional well-being,” stressing, “[t]he first obligation of the Church with regard to the victims is for healing and reconciliation.”⁴

The USCCB intended the *Charter* to be a “comprehensive set of procedures.” However, the language of the *Charter* only broadly outlines what each diocese shall do to respond to allegations of sexual abuse of minors, giving little specific guidance as to how the dioceses should implement those procedures. Among its broad mandates, the *Charter* requires the dioceses to:

- Adopt procedures to promptly respond to an allegation “where there is reason to believe that sexual abuse of a minor has occurred.”⁵

¹ Few files included all of these categories of documents. It was common for files not to include any evidence of witness interviews, correspondence with law enforcement or DCFS, or notes detailing investigatory steps. A substantial number of files included almost no documentation at all.

² United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People* (June 2018); United States Conference of Catholic Bishops, *Charter for the Protection of Children and Young People*, <http://www.usccb.org/issues-and-action/child-and-youth-protection/charter.cfm> (last visited Dec. 19, 2018).

³ *Charter for the Protection of Children and Young People*, at Preamble.

⁴ *Id.*, Article 1.

⁵ *Id.*

- Designate a person or persons to “coordinate assistance” to an individual who reports that a member of the clergy or other church personnel sexually abused him or her as a minor.⁶
- Make the diocese’s procedures for making a complaint about sexual abuse of a minor “readily available in printed form or other media....”⁷
- Establish a review board as a “confidential consultative body” to advise the bishop in assessing allegations of sexual abuse of minors and determining a cleric’s suitability for ministry.⁸
- Report each allegation of sexual abuse of a minor to public authorities and cooperate in investigations.⁹
- Advise victims of their right to report to public authorities.¹⁰
- Remove from ministry any priest or deacon when sexual abuse of a minor, “*whenever it occurred*”, is “admitted or established after an appropriate process in accord with canon law.” (emphasis added).¹¹
- Restore the good name of a clergy member if an allegation against him is “deemed not substantiated.”¹²
- Communicate with the public about sexual abuse of minors by clergy in an “open and transparent” manner.¹³

Because detailed guidance on how to implement the *Charter’s* broad requirements is lacking, each individual diocese in the United States has wide latitude in setting its own procedures to respond to sexual abuse allegations against clergy. As a result, the six dioceses in Illinois adopted six different sets of policies and procedures. Some of the dioceses’ written policies are so detailed and overly complex that they are confusing for survivors to navigate. On the other end of the spectrum, other diocesan policies are too general, giving little clarity to survivors as to what they can expect upon reporting their abuse and offering broad discretion to the diocese to conduct investigations in a non-transparent manner.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*, Article 4.

¹⁰ *Id.*

¹¹ *Id.*, Article 5.

¹² *Id.*

¹³ *Id.*, Article 7.

The Office's ongoing investigation has revealed that dioceses have employed investigation practices that do not align with their own written policies. Across Illinois, inconsistent policies, procedures, and practices have led to the inconsistent handling of child sex abuse investigations by the dioceses, yielding, at best, inconsistent results and, at worst, inadequate investigations that fail to satisfy the Catholic Church's *Charter*, which seeks to hold clergy accountable and provide relief and healing to survivors.

IV. Preliminary Findings

The following preliminary findings are based upon information the Office has obtained through meetings and interviews and its review of thousands of pages of documents, including information and documents provided by the Illinois Dioceses, files related to clergy sexual abuse maintained by the Illinois Dioceses, communications with survivors of clergy sexual abuse, discussions with experts on clergy sexual abuse, and discussions with law enforcement officials.

Scope of the Problem: Clergy sexual abuse of minors in Illinois is significantly more extensive than the Illinois Dioceses previously reported.

- In the four months since the Office opened this investigation, the Illinois Dioceses have acknowledged that they are aware of an additional forty-five previously undisclosed clergy who they deemed to be “credibly” accused of sexually abusing minors.¹⁴ These additional disclosures are a direct result of the Office's investigation. With few exceptions, the dioceses have provided no adequate justification for failing to disclose these names before the Office's investigation.
- Based upon the Office's review of the Illinois Dioceses' files, the Illinois Dioceses have, in total, received allegations related to sexual abuse for approximately 690 clergy.
- The Illinois Dioceses have publicly identified only 185 clergy as having been “credibly” accused of sexual abuse. As a result, the Illinois Dioceses have received allegations of sexual abuse for more than 500 clergy that the Illinois Dioceses have not shared with the public.

Disregarding Survivors' Allegations: The Illinois Dioceses often disregarded survivors' allegations by either not investigating the allegations, or finding reasons not to substantiate the allegations.

- Of the allegations against clergy that the Illinois Dioceses have received, the Illinois Dioceses have deemed twenty-six percent as “credible” allegations, meaning seventy-four percent of the allegations were either not investigated, or were investigated but not substantiated by the Illinois Dioceses.

¹⁴ Each diocese has its own process for determining whether an allegation is “credible” or “substantiated.” The Office is using the terms “credible” and “substantiated” to describe allegations because these are terms the Illinois Dioceses have used. While each diocese has a different process, the Illinois Dioceses all require that an allegation be deemed “credible” or “substantiated” before publishing the name of an accused clergy.

- The Office found dozens of examples where the Illinois Dioceses failed to adequately investigate an allegation of clergy sexual abuse it received from a survivor.
- Among the most common reasons for a diocese to decide not to investigate was the fact that a clergy was either deceased or had resigned from ministry when the allegation was first reported to the diocese. Dioceses failed to investigate allegations for deceased or resigned clergy even when they received allegations from multiple survivors. Failing to investigate deceased or resigned clergy ignores both the impact such a decision has on survivors seeking closure and that an investigation might lead other survivors to come forward. Failing to investigate also makes it impossible to determine whether other clergy, including those who are alive and involved with the church, helped conceal the abuse.
- The Illinois Dioceses also failed to investigate clergy who were order priests.¹⁵ Allegations related to order priests were simply referred to the order from which the priest came, even though the priest was ministering with the authority of the bishop and within the geography of the diocese. Once a referral was made, little to no follow up from the dioceses was commonplace, leaving survivors without answers or resolutions.
- Additional reasons for not investigating include: a lawsuit was filed; the survivor wanted to remain anonymous; a criminal investigation was opened; and the clergy left the country. In many of these cases, information and evidence related to the alleged abuse was readily available and easily confirmed.
- When the Illinois Dioceses investigated an allegation, they frequently found reasons not to deem an allegation “credible” or “substantiated.” In the Office’s review of clergy files, a pattern emerged where the dioceses frequently failed to “substantiate” an allegation when it came from only one survivor, even when the dioceses had reason to believe that survivor and reason to investigate further. The dioceses also often found reasons to discredit survivors’ stories of abuse by focusing on the survivors’ personal lives.
- Based upon its review, the Office believes that additional allegations should be deemed “credible” or “substantiated” by the Illinois Dioceses.

¹⁵ A diocesan priest is a clergy member ordained and assigned to a certain geographical region (i.e., diocese). Diocesan priests are assigned to their posts within a diocese by the Bishop, and their assignments include work at parishes within the geographical diocese. A religious order priest is a clergy member who belongs to a religious order, whose assignment is given by the Superior (akin to an executive officer) of the religious order. Religious order priests may be assigned by their Superior to serve within a diocese, but only the Bishop of that diocese may grant the order priest permission to perform various sacramental functions within the geographic region of the diocese.

Insufficient Transparency: Increased transparency is necessary to serve the Illinois Dioceses' stated goal of holding clergy accountable and promoting healing for survivors.

- Despite the *Charter's* call for openness and transparency, a majority of the Illinois Dioceses do not have a written policy for publishing the name of a clergy member who committed a substantiated act of sexually abusing a minor.
- Prior to the Office's investigation, only the Archdiocese of Chicago and the Diocese of Joliet had compiled and published a list of clergy who had been "credibly" accused of sexual abuse of minors. The Dioceses of Belleville, Peoria, Rockford, and Springfield did not take the basic step of publishing a comprehensive list of clergy who had been "credibly" accused until the Office became involved. Even now, these lists, for the most part, remain difficult to locate on the Illinois Dioceses' websites.
- It took the Office's involvement for the Illinois Dioceses to disclose an additional forty-five clergy as having been "credibly" accused of sexually abusing minors. Remarkably, the Illinois Dioceses had been aware of nearly all of these allegations for years, in some cases decades, and the dioceses had substantiated the allegations long ago.
- Based upon its review of the Illinois Dioceses' files, the Office believes that there are more clergy in Illinois who should be listed publicly by the Illinois Dioceses as having been "credibly" accused of sexually abusing minors.

Flawed Processes and Practices: The Illinois Dioceses' response to clergy sexual abuse is not uniform across Illinois and is often inadequate.

- During its initial review of clergy sexual abuse files maintained by the Illinois Dioceses, the Office was unable to discern if any diocese in Illinois has made an effort to shine light on attempts by Church leadership to cover up and conceal allegations of clergy sexual abuse against minors. On this issue, the Catholic Church itself has yet to undertake policies to ensure accountability of its bishops for their part in covering up clergy sex abuse against minors.
- The Office found multiple examples where the Illinois Dioceses failed to notify law enforcement or DCFS of allegations they received related to clergy sexual abuse of minors.
- Each diocese uses different terms and explanations, or none at all, to indicate the evidence required for the diocese to determine whether an accused clergy did or did not commit sexual abuse against a minor. As a result, different dioceses apply different "burdens of proof." Differing burdens of proof found in the various policies include: "reasonable cause to suspect," "sufficient evidence," "sufficient possibility that an incident occurred," and "more probably true than not."
- The dioceses use different terms to define the conclusions they draw at the end of an investigation. For example, some use the term "substantiated," others use the term

“credible,” and others use both. Such different terminology makes it confusing for the general public to understand what conclusions to draw, further frustrating the goals of transparency and accountability.

- While the Illinois Dioceses have touted their “independent audits” as evidence that they are adequately responding to clergy sexual abuse allegations, the audits are seemingly not designed to discover clergy abuse, but rather are perfunctory, “check the box” exercises done in a routine manner by the same entity nationwide, using a process that does not appear to involve a systematic review of the contents of files or the decisions a diocese made.

Failing Survivors: The Illinois Dioceses’ investigatory processes often do not realize the Charter’s goal to prioritize survivor healing, particularly when conflicts of interest are present with respect to the Dioceses’ own interests and liabilities.

- The Office found examples where dioceses refused to confirm for a survivor that they were not the only individual who had been abused by a specific clergy member, even though the diocese was already aware of allegations from other survivors.
- The Office found examples where a diocese received allegations from a survivor and took steps to obtain the survivor’s story, only to inform the survivor later that there was nothing the diocese could do because the clergy accused of sexually abusing a minor was an order priest.
- The Office found examples where a diocese sought to discredit a survivor’s allegations based upon the survivor’s personal life.
- An inherent tension exists between a diocese offering support for the survivor and the diocese’s fact-finding process related to confirming allegations of sexual abuse. Given the important roles clergy have within dioceses, the potential financial impact of deeming an allegation “credible”, and the negative publicity related to a clergy member being “credibly” accused of sexually abusing a minor, there is undoubtedly a conflict between the Catholic Church’s interests and the survivor’s interests. Unfortunately, that conflict often prevented the dioceses from meeting their commitment to survivor healing and reconciliation.
- By and large, the Illinois Dioceses’ investigative processes remain a mystery to survivors who report allegations of clergy sexual abuse against minors. The Office found examples where survivors were not provided updates on the status of the investigation or informed when the diocese did determine that allegations against the accused had been substantiated.

V. Conclusion

The Office's investigation is ongoing, and the information included in this update is preliminary. However, the Office has reviewed enough information to conclude that the Illinois Dioceses will not resolve the clergy sexual abuse crisis on their own. It appears that the Illinois Dioceses have lost sight of both the key tenet of the *Charter* and the most obvious human need as a result of these abhorrent acts of abuse: *the healing and reconciliation of survivors*. Long after legal remedies have expired, the Catholic Church has the ability and moral responsibility to survivors to offer support and services, and to take swift action to remove abusive clergy. The actions taken by the Catholic Church should always be survivor-focused and with the goal of holding abusers accountable in a transparent manner.

