

**SUFFOLK COUNTY SUPREME COURT
SPECIAL GRAND JURY**

**MAY 6, 2002
TERM 1D**

**GRAND JURY REPORT
CPL §190.85(1)(C)**

DATED: JANUARY 17, 2003

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SUPREME COURT SPECIAL GRAND
JURY, TERM 1D
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PRELIMINARY STATEMENT

The Suffolk County Supreme Court Special Grand Jury, Term 1D, was empanelled on May 6, 2002, and thereafter extended to February 28, 2003, by order of the Honorable Harry E. Seidell, to complete its investigation into the Diocese of Rockville Centre, its Priests and Parishes. On January 1, 2003, on the occasion of Justice Seidell's retirement, Justice Patrick Henry was, by Court order, appointed in his place and stead.

The Grand Jury heard testimony from 97 witnesses and considered 257 exhibits many consisting of multiple pages and documents.

As a result of this investigation, the following report has been adopted pursuant to New York State Criminal Procedure Law Section 190.85 (1)(c), and is respectfully submitted to the Court.

FINDINGS OF FACT

I. Introduction

“ A diocese is a portion of the people of God which is entrusted for pastoral care to a Bishop...” Code of Canon Law, 369, (Grand Jury Exhibit 26).¹

The Diocese of Rockville Centre was founded in 1957 and incorporates the geographic jurisdiction of Nassau and Suffolk Counties in the State of New York.² It is the sixth largest diocese in the United States and is distinguished from all other dioceses by having a village, and not a city as its center and for being entirely suburban in character. A Bishop heads the Diocese. At present there are also three Auxiliary Bishops who assist the Bishop; two of them have responsibility for portions of the diocese divided by geography. The senior Auxiliary Bishop is retired, therefore, one portion of the diocese currently has as its territorial supervisor a priest, who is not a bishop. (Grand Jury Exhibit 26, p.9).

The Diocese is divided into 134 parishes. These parishes and their priests serve a total Catholic population of about 1.3 million.³ The vast majority of priests assigned to the Diocese are dedicated to their pastoral ministry. Most priests in the Diocese of Rockville Centre, are trained at the Immaculate Conception Seminary in Huntington. (Grand Jury Exhibit 26, p.10). Each parish is headed by a pastor,⁴ who speaks for the Bishop. A pastor acts as the CEO of the

¹ Dates, page numbers and exhibit numbers refer to the Grand Jury minutes submitted to the Court under separate cover.

² Jurisdiction to examine matters relating to events occurring in the Diocese of Rockville Centre is predicated upon CPL §190.55(1), CPL §20.40(1), (2)(c), (4)(c)(g).

³ Religious brothers and women from religious communities also work in the Diocese. The Grand Jury has confined its inquiry exclusively to priests.

⁴ A pastor is a priest who has been designated by the Bishop to head a parish. He is chosen from a pool of applicants.

parish. Depending on the size of the parish, any number of priests assist the pastor. They are called associates. Generally, priests are assigned to parishes for six-year terms. Permanent deacons, who assist the priests, officiate at Baptisms, weddings, and funerals. The majority are married men who are seminary trained. They are not permitted to remarry if their spouse dies.

In addition to parish assignments, priests may be assigned to administrative positions in the Chancery, the diocesan headquarters, located in the village of Rockville Centre. A Chancellor who serves as the Bishop's archivist⁵ heads the administrative offices. Priests are also assigned to teach at the seminary, as Chaplains at Diocesan hospitals and to Diocesan high schools. Some have special ministry assignments in Tribunals and in Rome.

The Grand Jury has examined many instances of criminal sexual abuse by priests incardinated⁶ and/or working in the Diocese of Rockville Centre. To that end, the Grand Jury has reviewed personnel records, including the secret archives files of forty-three priests. It is important to recognize that criminal clergy sexual abuse did not occur in a vacuum. Priests who committed these offenses were ordained clergy of the Diocese of Rockville Centre, and they resided in rectories in the parishes of Nassau and Suffolk Counties. They were responsible to an immediate supervisor, the pastor, and served the parishes with other priests.

⁵ Canon Law requires the Chancellor of the Diocese to maintain records on all priests. In the Diocese of Rockville Centre, the personnel records are maintained in blue folders. The Chancellor also maintains confidential records in a red folder. Canon 489 requires that the Diocese maintain a secret archive file. The Diocese of Rockville Centre refers to these files as secondary confidential files. These folders are usually manila and they are sealed with instructions not to be opened without the permission of the Bishop or the Chancellor.

⁶ Incardinated is the official word to describe the relationship of a priest to his diocese. The diocese is ultimately responsible for a priest incardinated in it. Most often, a priest is incardinated in the diocese where he is ordained. A priest may be incardinated elsewhere with the permission of his home diocese and the new diocese. When a priest officially leaves a diocese he is excardinated.

Diocesan priests do not take vows; they make promises. Included in these promises are obedience to the Bishop and the promise of celibacy.⁷ Since, under Canon Law a pastor is the appointed representative of the Bishop and, acts in his place within the parish, a priest also owes obedience to his pastor. Celibacy prohibits any sexual contact by a priest whatsoever; the possession of pornography and other sexual materials by a priest is considered an occasion of sin.

The priests in a parish all live in the same rectory building and share a common life. Within the rectory each has his own private living quarters. All priests are supposed to live by certain rules of conduct. They are guided by the Bible, Canon Law and a Diocesan Priest Personnel Manual. (Grand Jury Exhibit 199). Pastors also have a manual to assist them. (Grand Jury Exhibit 38). Some of these rules are common to all parishes and others are refined or established by individual pastors. The Grand Jury finds that the priest perpetrators of sexual abuse flagrantly violated many of these rules. A general failure of supervision from officials of the Diocese, to individual pastors and other priests living in rectories, compounded and perpetuated these violations with devastating consequences for children.

With unprecedented access to thousands of pages of records, memos, notes and other confidential documents, the Grand Jury has examined the response of the Diocese to the criminal conduct of priests.⁸ The recommendations of the Grand Jury are based upon this exhaustive review and follow the Findings of Fact and Conclusions.

⁷ There is no significant difference between a promise and a vow.

⁸ The Grand Jury issued a total of 51 subpoenas to the Diocese for the production of documents and witnesses.

II. Pastors, Priests and their Parishes Priests as Perpetrators; A Diocesan Breach of Trust

Priest A

It was music that brought together *Priest A* and his first victim. As an altar server, music minister and member of the parish folk group, this young boy spent more time at his church than almost anywhere else. This also meant that he spent more time with *Priest A* than with anyone else. So when, as a 13-year-old, his mother discovered that he was homosexual, it was natural that she would turn to *Priest A* for advice. As the victim explained to the Grand Jury, “In eighth grade my mother found out I was gay, she insisted I speak with (*Priest A*) to have him make me not gay” This conversation would have devastating consequences.

To the initial surprise of the victim, when he disclosed to *Priest A* that he was gay, *Priest A* confided that he too was dealing with the same issues and suggested that “maybe they could help each other”. The victim readily agreed. *Priest A* told him they should keep their conversation between the two of them. It seemed like the logical thing to do. Thereafter, whenever they were together the conversation centered on sex. Not only did these conversations take place at church, but when they did things together outside of the parish. This included going to the movies, taking ski trips out of state and going into Manhattan for concerts and Broadway shows.

After one trip to Lincoln Center, when the victim was around the age of 14, *Priest A* took him downtown to the West Village. They went to a gay club called the Limelight. Ironically this club was located in an old church. The club was a warren of rooms that *Priest A* seemed to know his way around. The pair found themselves in a back room, where adult men were engaging in a variety of sexual acts. As the victim candidly explained to the Grand Jury he was both terrified

and excited at what he saw. He felt that *Priest A* had brought him to the club so that he could experience for himself what they had only previously discussed privately. *Priest A* quickly went off with other men and began engaging in sexual activity with them. The victim found himself surrounded by strangers who were undressing and touching him. *Priest A* noticed this and took him out of the room.

After a drink at the bar, they returned to this same room. This time, *Priest A* stood by watching while his young friend engaged in sex with the men in the room. At one point, *Priest A* pushed the men aside and began to touch him. This made the boy very angry and confused. The victim's confusion only deepened as *Priest A* begged him for sex. The victim refused, and they left.

Priest A returned the boy home at 6:00 in the morning. To the victim's astonishment, his mother asked no questions about the time, even though it was a school day. As an adult, the victim explained what happened to the Grand Jury like this:

My mother who had complete faith that this man would help me out, the woman who is a devout Catholic, complete blind faith in the collar, I walk in at six o'clock in the morning. Didn't bat an eyelash...It was that kind of trust that he had that made him bring me home at six o'clock in the morning on a school night and I didn't go to school that day because I was out drinking and at a sex club all night".

Unfortunately, the victim's refusal to engage in sexual activity at the club did not discourage *Priest A*. Once, when they were driving together, *Priest A* grabbed for the victim's penis and then pulled the car over. He tried to kiss the victim who stopped him. They were en route to a ski area out of state. For the remainder of the trip, *Priest A* bothered the boy about sex. At every opportunity he touched him, suggested intimate behavior and sat on the edge of his bed at night.

Sometime when the victim was in 9th grade *Priest A* was transferred to another parish. Their friendship continued. The pair spent almost every weekend in each other's company with the boy sleeping at *Priest A's* new parish rectory on Saturday evenings.

The summer after the boy's sophomore year in high school, they were away together on vacation with some visiting priests. At one point, when the other priests were out on an errand, *Priest A* confided in the boy, who was now 15, that he wanted to engage in oral sex. After years of pressure, the boy finally relented. After this incident the victim began to limit his contact with *Priest A* because he was furious with him.

Shortly before *Priest A's* transfer from the parish where he had met his victim, a controversy broke out over their relationship. The genesis of the controversy was, that on a parish retreat, the boy had confided in a lay employee that he felt overwhelmed and confused by *Priest A's* attention.⁹ The boy also explained that he was very confused about his sexual orientation and *Priest A's* behaviors were adding to his nervousness and discomfort.

The boy began to cry and told his confidant that he did not want to spend time with *Priest A* but that his mother insisted. He explained that *Priest A* was in charge of every decision in his life including what courses he was taking in school and how he spent his time. Although the boy never indicated that there was sexual contact between the two of them, he was deeply depressed and suicidal. Based on what she was hearing and observing the woman, who

⁹ This employee had previously noticed that the relationship between *Priest A* and the boy seemed especially close and, in her mind, inappropriate. She was aware that the two went places outside of the parish alone and that *Priest A* had purchased the boy a bicycle so they could ride together in the afternoon.

was training as a psychologist, was very concerned that *Priest A* was sexually abusing the boy.

Later that evening the woman observed the boy leaving confession in tears. Although she did not ask him what had happened in the confessional, she told him that she would call his family on Monday morning with the name of someone who could help him with his problems. As promised, she called the boy's home first thing the following Monday morning. His mother answered and angrily told the woman that *Priest A* had instructed that she tell her to have nothing further to do with her son. Although she respected the mother's wishes, the woman's anxiety increased as she observed that the boy spent every weekend with *Priest A* in his new parish assignment, staying overnight in the rectory. When the pair went away together for an extended summer vacation the woman decided she needed to do something to protect this child.

Initially she decided to speak with two women she knew from her professional affiliation with the Diocese. They gave her the name of a priest in the Diocese that was involved in cases where priests were accused of inappropriate sexual conduct with children. She contacted this priest and met with him twice. The first was a brief meeting in the Chancery. The second was a lengthy conversation at the priest's residence. The woman explained all that she had observed and explicitly related her concerns about *Priest A* and the young boy. While she did not relate any instances of sexual abuse between the two, as she had neither been told of nor observed any such behavior, she did make it clear that she suspected that some sort of sexual abuse was ongoing.

The woman, who as previously noted was studying psychology, and the priest, discussed at length the nuances of a sexually abusive relationship, authoritative books on the subject and the availability of treatment facilities for sexually abusive clergy. She felt that the priest was sympathetic and shared her concerns. He appeared to be especially frustrated at the information

she related that the boy and *Priest A* had been spending time alone outside of the parish. He explained that all priests had recently attended a clergy conference where speakers at the highest levels of Diocesan administration had specifically condemned this type of behavior.

When the woman inquired about what action would be taken by the Diocese in this situation, she was told by the priest that *Priest A* would be sent to a treatment facility for sexually abusive clergy. When she asked what the Diocese would do about the boy, the priest explained, “It’s not my responsibility to worry about the boy. My job is to protect the Bishop and the church.” Given the nature of their previous conversation the woman was taken aback by this comment. The meeting concluded shortly thereafter.

At no time after this meeting did the woman ever become aware that *Priest A* was sent for treatment. As time passed, she became increasingly frustrated, as numerous telephone calls to the priest with whom she had met went unanswered. In fact, after their second meeting, they never had another conversation. This led her to write a letter to Diocesan officials complaining that her efforts to insure the safety of this young child had been ignored. (Grand Jury Exhibit 133). This letter, complete with six pages of observations, summaries and concerns about her dealings with *Priest A*, the boy, his family and diocesan representatives resulted in a form response directing her to the priest she had previously met with and who was now ignoring her. (Grand Jury Exhibit 134). She began to realize that she was trapped in a vicious cycle. Meanwhile, the parents of the boy had retained an attorney, who threatened to sue her if she pursued the issue. The parish was in turmoil, and the relationship between *Priest A* and the boy continued. She resigned her position with the parish and moved on to another job in the Diocese. She had no contact with anyone in the boy’s family again until April of 2002 when his mother

called her to apologize and to explain that her son had told her everything about his relationship with *Priest A* on his 21st birthday.

The victim told the Grand Jury that, at the time, he felt incredibly guilty about the controversy all of this generated in the parish, especially because he knew that everything he was made to deny was true. The adults in his life had him so convinced that the woman who had complained to the Diocese was trying to ruin his life, that he could not speak up for himself. When he accompanied his mother to Rockville Centre to speak with a Diocesan official¹⁰ about the matter, *Priest A's* name was never even mentioned. They only discussed the question of sleep deprivation on retreats, as if that were the cause of his distress. His mother met with this priest alone for about ten minutes. She later told her son that she had explained away the controversy as a vicious rumor

After *Priest A's* transfer to another parish and after complaints about him had been made to the Diocese, he abused a second boy who was a friend of his first victim. The two had developed a friendship that involved concerts and shows in Manhattan. On one occasion while they were at the movies, *Priest A* placed his hand over the boy's penis and began to move it up and down. In the car, on their way back to the rectory, *Priest A*, continued fondling the boy. Once they arrived at the rectory, *Priest A* began kissing the boy on his face and neck. He undid his shorts, pulled them down and put his mouth on the boy's penis. After a while, the pair went into *Priest A's* bedroom. They undressed and *Priest A* lay down on top of the boy. After *Priest A* ejaculated, he rolled off the boy and pointed to the crucifix over his bed saying out loud, "I'll talk to you later."

¹⁰ This was the same priest that the parish employee had met with at his residence.

About six months later, the boys confided in each other their experiences with *Priest A*. By this time the second victim had his junior driver's license. He drove to the rectory and angrily confronted *Priest A*. He wanted *Priest A* to acknowledge that he was wrong and to agree that he should leave the priesthood. *Priest A* told him he was seeing a psychiatrist, but that he still was inclined to repeat his abusive behaviors. Bewildered, the boy left. He did not see *Priest A* again until he officiated at a family wedding. At that time, they again spoke about *Priest A* leaving the priesthood.

Priest B

Priest B found his victims in the sacristy¹¹ of his church. There, he would fondle the genitals of the young sacristans as they tried to prepare for mass. *Priest B* often talked about sports and invited the boys to play racquetball at his health club. He abused the boys in the sauna by groping them under their bathing suits. Once at a party in the rectory *Priest B* invited two boys, each sacristans, into another priest's room. There, he began to wrestle with them. One of the boys noticed that during the wrestling *Priest B* had an erection. At the same time he noticed that the wrestling had stopped and *Priest B* was actually grinding his body against his. However, before this conduct escalated any further, another priest interrupted *Priest B*. The other priest was angry at what he saw, especially after the boys told him that *Priest B* had an erection. In addition to notifying the parents of the boys, the priest told the parish pastor what *Priest B* had been doing, he was told to "mind his fucking business."¹² Until that time none of the boys had told their parents about *Priest B*, even though one of the boys was feeling depressed and at times suicidal.¹³

Documents in *Priest B's* secret archive folder confirm that the Diocese knew about the complaint that *Priest B* had fondled a sacristan. (Grand Jury Exhibit 214). A high-ranking official in the Diocese wrote a memo to the file in this case. (Grand Jury Exhibit 153E). The memo documents that:

¹¹ The sacristy is the area behind the altar where preparations for mass and other sacraments are carried out by sacristans. Sacristans are usually young boys.

¹² Later, this pastor refused to recommend *Priest B* to be a pastor. He did not base his refusal on the fact that *Priest B* had sexually abused boys but because he was belligerent, angry, impatient and often absent from the parish. (Grand Jury Exhibit 153F).

¹³ At one point, this victim confided in a priest from the Diocese of Brooklyn, who was a personal friend, that he wanted to kill himself because of the things *Priest B* was doing. This information was passed along to Diocesan officials.

Father (name omitted) called in reference to a conversation he had with two young men and their parents. The charges made by the young men are that *Priest B* physically molested them. Father (name omitted) also stated that he has heard from other parents of similar incidents. Father (name omitted) related that about two years ago, an incident was brought to the attention of Father (name omitted) concerning *Priest B* and a young teenage boy. The case was handled on the parish level and no record is found in the Chancery files. A search of the Chancery files reveals a letter in which *Priest B* describes allegations made about him while he was in the military. The allegations of homosexual acts seems to be circumstantial but consistent.

The Grand Jury heard evidence that a meeting took place about *Priest B* with the families of the boys who were involved. At this meeting, the families assured the Diocese that they would not go to the police or initiate a civil lawsuit if *Priest B* was removed from his ministry. It was made very clear that they viewed *Priest B* as a continuing threat to children:

The message I gave to the diocese was that I felt other children my age or younger would not have the same luxury or the same reaction, that he was potentially dangerous and the way he was behaving, not being a psychiatrist, just being a young teenager, it was still even obvious to me that this was a man who was not able to perform his day-to-day duties as, I thought he was sick and I felt sorry for him but I also felt angry that he had betrayed my trust and the trust of other people that he was friendly with.

Despite the request that *Priest B* be removed from ministry, and assurances that the request would be honored, *Priest B* was simply transferred to another parish in the Diocese. (Grand Jury Exhibit 153). The families were notified that *Priest B* was seeing a psychologist, but no reports from him appear in *Priest B's* records. (Grand Jury Exhibit 153D).

Subsequent to *Priest B's* transfer, one of the boys met with a priest who was involved in the agency responsible for the investigation and monitoring of priests accused of sexually abusing children. He spoke to the victim in his backyard outside of the presence of his parents.

This priest identified himself as the Bishop's representative. Although the priest was also a civil lawyer, he never mentioned that fact during their conversation. When the priest who had arranged this meeting discovered that the interviewing priest was also an attorney, he believed

that he had betrayed the victims. He felt this was a clear indication that the Diocese was concerned with protecting its interests, not those of the victims. The pastor of the parish where *Priest B* was transferred was not informed that *Priest B* had sexually abused children in his prior assignment. Nine months later, *Priest B* was transferred again. The pastor of that parish was not informed of *Priest B's* history either. During this time period *Priest B* was an applicant to the Diocesan pastorate pool. In 1987, he was invited to update his application and did so.

Since no restrictions had ever been placed on *Priest B*, sometime after his transfer, he returned to the parish where he had abused the sacristans to perform a wedding. One of the sacristans was in the church and saw him. He immediately reported this to his parents who were outraged. They requested another meeting with members of the Diocese in the Chancery. This meeting produced no meaningful change in *Priest B's* status. In fact, neither the boys nor their families ever received any further follow up about *Priest B* from the Diocese.

In fact, what happened to *Priest B* was that in early 1989, he requested a transfer to another Diocese in a warmer climate for health reasons. (Grand Jury Exhibit 153I). He was granted permission to do this, and a letter testifying to his “good standing in the Diocese of Rockville Centre” was forwarded to the bishop of this new diocese. (Grand Jury Exhibit 153J). No information about his history of sexually abusing children was disclosed. Soon, *Priest B* applied to be formally incardinated into the new diocese. This request was also granted.

During the investigation that followed, *Priest B's* new diocese was informed of an allegation that *Priest B* had acted inappropriately with a seminarian there. The complaint was sexual in nature.

The Diocese of Rockville Centre was asked about *Priest B's* history. At this time, they were forced to disclose *Priest B's* history of sexually abusing children. Additional information,

from *Priest B's* secret archive file, about two complaints involving *Priest B's* solicitation of two men for sex earlier in his career was also forwarded to his new diocese. (Grand Jury Exhibit 153L). They were informed that:

There is another reference to an accusation made sometime in 1985. A fellow priest accused *Priest B* of improper behavior with a young man who worked in the sacristy. The parents of the young man spoke with (name omitted) and the matter was dropped. ...the allegations were never proven, and there is no further documentation or evidence. It may well be that *Priest B* is naïve and immature in his dealings with young people and there is no impropriety involved in these incidents. However, I do believe that there is reason to cautiously and thoroughly investigate the current allegation. (Grand Jury Exhibit 153B).

Nevertheless, *Priest B* was incardinated in the out of state diocese. In response to a March 2002 inquiry, the Diocese of Rockville Centre was informed, that *Priest B* was no longer in ministry there.

Priest C

Priest C wreaked havoc by sexually abusing children during his first two assignments as an associate pastor. For this, he was rewarded by being named a pastor. He left behind a trail of alcohol abuse, depression, anger, and disillusionment.

At first, the parish altar boys thought this young priest was fun. He took them to baseball games, amusement parks and to play sports. He also fondled their genitals, beginning with boys as young as age ten. When the boys questioned the behavior he told them it was a, “normal guy thing”. As adults, the boys met to share their stories with victims from other parishes. The men were not strangers to one another; *Priest C* had introduced them as children. They did not know that, in fact, they all shared the same dark secret.

Priest C had a conscience, at first. Indeed, after abusing a boy in his first assignment he went to the pastor and told him about it. At *Priest C's* request the pastor spoke to the boy to find out if he was all right and to assure him he should not feel guilty, as he had done nothing wrong. Once the boy, who was 12, assured the pastor that he was not suffering the matter was dropped. Having acted, confessed and been forgiven *Priest C* went on to abuse boys with abandon.

The pastor told no one of *Priest C's* admission. He also knew that *Priest C* abused alcohol yet never spoke to him about it. Over the years, the pastor remained friendly with *Priest C*. When *Priest C* was eventually sent for psychological treatment in 1998 he admitted to the pastor that he had abused additional underage boys throughout his subsequent assignments.

Despite this knowledge of continued sexual abuse, the pastor never told the Director of Priest Personnel¹⁴ or any other Diocesan official. In fact, he never told anyone about the abuse that he was aware took place from at least 1979, into the 1990's. He did know, however, that the conduct was improper and possibly criminal.

The pastor told the Grand Jury that the climate in the Diocese of Rockville Centre was to keep sexual abuse quiet. Issues and allegations about criminal conduct and the sexual abuse of children were not discussed in the Diocese. He candidly told the Grand Jury that parishioners were placed at risk because of this policy. Nevertheless, even acknowledging he knew of this risk to parishioners, he recommended *Priest C* to become a pastor.

A parish priest in *Priest C*'s second assignment testified in the Grand Jury. He explained that immediately upon taking up residence in the rectory, he noticed that *Priest C* was entertaining boys in his room. When he spoke to the pastor about this, he was told that *Priest C* was the pastor's friend and that the pastor could not help in this matter. The associate repeated his concern on a subsequent occasion to the pastor who again advised that he could not help him. The Grand Jury finds that this pastor turned a blind eye to the behavioral problems of *Priest C*.

In his second assignment, *Priest C* insinuated himself into the social lives of a number of parish families. He became a fixture in their households and with their children. *Priest C* was included on family vacations, trips to the beach, golf outings and many parties. Long before they knew *Priest C* had sexually abused their children, the families grew concerned about his exposing them to alcohol. Eventually, one family complained about this to the Diocese and, after

¹⁴ The Director of Priest Personnel works in Diocesan headquarters and has a variety of duties and responsibilities including, but not limited to, arranging for the placement and transfer of priests, assisting priests whose personal or situational needs require attention, assisting in conflict situations involving priests' performance and holding exit interviews with priests at the time of resignation. (Grand Jury Exhibit 161). The Director of Priest Personnel is elected to this position by the priests of the Diocese.

a meeting outlining his problems with alcohol abuse and parish children, *Priest C* promised to attend AA.

As the families would later painfully discover, *Priest C* was sexually abusing and performing acts of oral and anal sodomy¹⁵ upon their children, throughout this entire time period. For most of the boys the abuse took on a recurring theme. The boys and *Priest C* would drink, the boys would pass out or fall asleep and awaken to *Priest C* masturbating them and/or performing oral sex. The abuse occurred where there was an opportunity; in *Priest C's* rectory room, at the beach, on camping trips and on a ski trip and without regard to witnesses. Indeed, on at least one occasion, other boys witnessed *Priest C* orally sodomizing one of their friends.

One of the families is haunted by the fear that *Priest C* abused their son who died of natural causes at the age of fifteen. (Grand Jury Exhibit 43). This anguished family wrote to the Diocese:

One of our sons died suddenly in 1987 at age 15. It was our son (name omitted) who had the unhealthy friendship with *Priest C*. In light of the situation with *Priest C* and because of (name omitted) untimely death we will never know for sure if he was a victim of *Priest C's* pedophilia. This is a question my husband and I will have to wrestle with for the rest of our lives. *Priest C* was a big part of (name omitted) life and given *Priest C's* tendencies with the other young boys, it is difficult for us to believe that (name omitted) escaped *Priest C's* abuse. I do know that my other son was one of *Priest C's* many victims. Unfortunately for him and the other young boys the statute of limitations has expired and they have no legal recourse under the current law. How sad for these young boys. (Grand Jury Exhibit 43).¹⁶

¹⁵ Certain terms used in this report to describe sexual activity are based upon NY Penal Law definitions. Therefore, sodomy means contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva. PL §130.00(1)

¹⁶ In a letter written to Diocesan officials during this time period, *Priest C*, commenting on the death of this fifteen-year old boy, calls him one of his closest friends. It is remarkable that a man in his thirties would refer to a fifteen-year-old boy in this fashion and, yet, there was no comment by any Diocesan official about this. (Grand Jury Exhibit 9E).

Priest C's drinking, and entertaining boys in his rectory rooms, was open and notorious. There seemed to be a constant party underway in his private rooms in the rectory. Visitors were loud and boisterous. Complaints by another priest about this to the pastor and to the parish Deacon were ignored.¹⁷ The Deacon especially felt, that the priest who had complained about *Priest C*, was simply trying to cause division in the parish.¹⁸

The pastor in this assignment also noted drinking issues with *Priest C*. So did the parish staff. The pastor told the Grand Jury that he knew of only one occasion when *Priest C* brought young boys into his private residence. He was unaware that *Priest C* was drinking with underage minors until later on. The pastor offered that *Priest C* frequently broke the rules of conduct for the rectory and he felt his personality and outgoing gregarious nature were a mask designed to protect or insulate him from accountability. He denied knowledge of any sexual abuse committed by *Priest C* until 1998, when *Priest C* finally entered treatment. He did acknowledge, however, that another priest in the parish told him that *Priest C* was having boys in his room and was drinking with them. Although aware that *Priest C* violated his policies and directives, and aware of his drinking problem, the pastor never confronted *Priest C*, because his judgment was swayed by his affable personality. In fact, the pastor recommended *Priest C* for his own pastorate.

¹⁷ On one occasion, a priest from the Diocese of Brooklyn visiting a friend in the rectory observed the party going on in *Priest C's* rectory room. He walked into *Priest C's* room and expressed his disapproval. He was met with an angry stare from *Priest C*.

¹⁸ At one point a seminarian assigned to the parish was frightened by *Priest C's* erratic behavior. One night, while the seminarian was asleep, *Priest C* entered his room quoting scripture. The seminarian retreated to a corner of his bed and held back his arm so he could hit *Priest C* if he had to. After *Priest C* left the seminarian barred his door with a chair. The next morning he reported this to another priest who told the pastor. Once again nothing happened. This seminarian left the priesthood because he was disillusioned with rampant homosexuality, alcoholism and child abuse that he observed involving priests.

An argument between two brothers about excessive drinking led to the discovery of *Priest C's* sexual abuse of children.¹⁹ The news spread through the parish and other victims came forward. The mother of a victim became the leader and spokesperson for the abused children of the parish. She contacted a nun she knew, who suggested they include the parish Deacon, when they met with officials from the Diocese. By this time *Priest C* had become a pastor of a large and influential parish. The meeting took place at the seminary in Huntington. None of the victims were present, by design. However, one of the boys who had witnessed *Priest C* orally sodomizing one of his friends, volunteered to attend the meeting and related what he saw. The nun was distressed when she was told that unless the actual victims came forward nothing was going to happen to *Priest C*. After the meeting, she called Diocesan officials, to express her anger and to warn that more and more victims were coming forward with complaints that *Priest C* had sexually abused them. She knew that there were victims from different parishes,²⁰ that *Priest C* had been responsible for introducing them, and that they were talking to each other. She cautioned the Diocese that the anger of the victims and their families was about to boil over.

Two days later another meeting took place and this time one of the victims was present. The aforementioned nun, and the parish Deacon, were there too. A priest who was involved in, and had responsibility in the Diocese for, cases of this type also joined this second meeting. This priest was also an attorney, although this fact was not disclosed to the victims or their family members. He identified himself as the Bishop's representative. Prior to the start of the meeting, this priest told the nun that the meeting was a waste of time because the statute of limitations had

¹⁹ This argument was after the abuse of the one brother had stopped. This victim described the abuse as stopping because he "got the feeling he was done with me. I was too old for him"

²⁰ In fact, the nun believes that *Priest C* abused as many as thirty-four boys.

expired. Her response was heartfelt, she said, “You bastard. These people are hurting. Why do you care about the statute of limitations? That’s not why we are here”

The meeting was very tense as *Priest C’s* history of sexually abusing children was graphically discussed; unfortunately, the one victim who was present decided not to share his story. This victim later explained to the Grand Jury that he didn’t want to give the Diocese any personal information because he didn’t trust them. The families were disturbed to learn that there was no reference in *Priest C’s* file to the earlier meeting about his drinking with their children. They requested that a full investigation of all *Priest C’s* activities with children in his prior assignments be conducted. The families were told that the Diocese would not do this, that the victims would have to come forward on their own, and that the Diocese would do nothing if that did not happen. During a break in the meeting, the parish Deacon approached the priest who had identified himself as the Bishop’s representative, to express his dismay at the official position of the Diocese. He pointedly asked if *Priest C* was going to be removed. The Deacon believed that there was enough evidence to make an arrest of *Priest C* had the statute of limitations not lapsed²¹. He was told that at this point there were only, “allegations”, and no determination as to *Priest C’s* status would be made on that basis. The Deacon was furious and told the Bishop’s representative that *Priest C* must be removed.

At the conclusion of the meeting none of the families were aware what, if any, action would be taken against *Priest C*. They learned the next day that he had, in fact, been removed as pastor and sent for a psychiatric evaluation.

²¹ In a phone call to the District Attorney’s Office, the deacon had learned that the statute of limitations at the time was five years.

Less than two weeks later, *Priest C* was back at work. After learning this, the victim's mother who was acting as the spokesperson for the families, called Diocesan headquarters and was shocked to discover that no one there even knew *Priest C* had returned. To the families this was appalling. They questioned why *Priest C* had not been treated and why he was being left unsupervised.

The families were assured that *Priest C* would receive treatment, although somewhere out of the country. They asked, but were not told, where. After *Priest C* left for his treatment, they learned he had written an open letter to his parish explaining that he would be away because of, "stress related issues".²² This news generated another phone call to the Diocese from the families. They expressed dismay that *Priest C* was permitted to misrepresent his situation to the parishioners. Later, when *Priest C* returned to the parish, he lied from the pulpit about where he had been and why. Diocesan officials did not think this was a problem. Moreover, when the families learned that *Priest C* was being welcomed back with a party they were furious. Another complaint to Diocesan officials was made but the party went forward.

Eventually, because of continuing pressure from the families of his victims, *Priest C* was forced to resign his pastorate. However, he was reassigned as chaplain at a medical facility located within the Diocese and given a weekend mass assignment.

The assignment was made even after the Diocese had received cautionary reports from the treatment facility concerning *Priest C's* behavior. Included in the reports are notations from the treatment professionals that *Priest C's* sexual abuse of children had been deliberate and

²² The Grand Jury reviewed notes reflecting a discussion between Diocesan officials and the Diocesan attorney about the proper language for a bulletin announcement in the parish explaining *Priest C's* leave. Nowhere do they discuss the actual reason he is leaving. (Grand Jury Exhibits 9R, 9Q). Two parishioners also wrote to Diocesan officials asking for an honest explanation for *Priest C's* departure and questioning Diocesan secrecy and stonewalling. (Grand Jury Exhibits 9G, 9K).

planned. A follow-up report from the facility indicated that, *Priest C* had acknowledged that he was still attracted to adolescents and, indeed, strongly considered himself to be one. (Grand Jury Exhibits 9Z, 9W). This conclusion should not have surprised anyone in the Diocese; they had already been told by the 30+-year-old *Priest C* that a fifteen year old had been one of his closest friends.

No one in an official position called the families to advise them of this. The pastors of the parishes where *Priest C* was given the weekend mass assignments were not told of his history of sexually abusing children.²³ In fact, the families were told by Diocesan officials that eventually *Priest C* would be returned to parish ministry

The father of a victim of *Priest C* was propelled to express his rage at Diocesan officials after he saw *Priest C* marching in religious garb at a holiday parade in New York City.

After a nasty verbal confrontation with *Priest C*, who apologized for his actions and said he was trying to get better, these distraught and angry parents wrote a letter to the Diocese. In it, they requested that *Priest C* never be returned to parish ministry:

Pedophilia is a disease that cannot be cured and needs constant supervision and guidance...As a family who was victimized by his actions with scars forever etched on our hearts, we do not think this is an unreasonable request.” (Grand Jury Exhibit 43).

Thereafter, the Diocese suggested another meeting. The families, many who had met with Diocesan officials before, were shocked at how little they seemed to know about their experiences with *Priest C*. The meeting was concluded with a request by the families for a face-to-face meeting with *Priest C*. This did not occur because he refused. After this, the families

²³ In *Priest C's* secret archive file, there is a signed statement from one of the pastors indicating that he had discussed *Priest C's* history with him and reviewed his confidential file. The statement is written in the present tense. A simple observer would never know that *Priest C* had actually been assigned to the parish for two years before this was done. (Grand Jury Exhibit 50).

never heard from Diocesan officials again, even after they wrote additional letters requesting information and expressing their dismay at how they felt the situation was continuing to be mishandled. (Grand Jury Exhibits 47,48).

During this time, *Priest C* requested a change in residence from a Diocesan facility to a parish rectory. He was sent briefly to a parish to reside in a rectory while maintaining his Chaplaincy at the hospital and his weekend duty. The pastor of that parish was offered the opportunity to review the personnel file but did not. He did not feel capable of being part of a therapeutic group for someone with *Priest C's* problems. Thereafter, *Priest C* was returned to the Diocesan facility.

The Grand Jury also reviewed an undated Newsday article.²⁴ The article recounted an auto accident wherein the driver was intoxicated and caused the death of a passenger, his sister. The driver of the vehicle was the boy who had witnessed an act of sexual abuse committed by *Priest C*, and whose brother was also a victim of *Priest C*. The Newsday article was maintained in *Priest C's* personnel file and copies were distributed to other members of the Diocesan team that handled allegations of priest sexual abuse, some of whom were attorneys. The Grand Jury finds that a fair interpretation of the reason for the dissemination of this article was so that the victim's arrest for driving while intoxicated, the accident and related death of his sister could be used against him should his allegations of priest misconduct ever become public. A high-ranking Diocesan official admitted that this was not a pastoral response by the church to this tragedy.

²⁴ Grand Jury Exhibit 9N

Priest D

In the late 1970's, *Priest D* was assigned as a deacon,²⁵ to a parish in Suffolk County. There, he sexually abused a minimum of six boys who ranged in age from 10 to 17. Some of these boys *Priest D* abused during assignments to three different parishes. *Priest D* would expose the boys to masturbation through conversation and physical exploration. He had a trove of pornographic magazines and videos in his room in the rectory that was available to the boys.²⁶ *Priest D* often took his victims on trips outside of the parish. On these trips he would fondle the boys and engage in mutual masturbation. *Priest D* told them this was normal behavior between men. The abuse often began during wrestling matches and escalated to both oral and anal sodomy. On one occasion, a victim witnessed *Priest D* engaging in an act of oral sex with another adult male in a motel.

Often, boys would spend the night with *Priest D*, either on trips or in his rooms at the rectory. During the night they would wake up to *Priest D* with his mouth on their genitals. Some boys witnessed *Priest D* abusing others. Frequently the boys would sleep in the same bed as *Priest D*, he claimed it was to keep warm. *Priest D* took at least one of these boys to “peep shows” in New York City.

One of the victims from *Priest D*'s diaconate assignment told another priest assigned to the parish that *Priest D* was abusing him. He described in detail both masturbation and oral sex. He also told the priest that he thought *Priest D* was abusing another child. There is no evidence

²⁵ The year prior to ordination is spent by a seminarian in a parish and is called the diaconate year. During that time, the priest is referred to as a deacon. A deacon in his diaconate year is different than the laymen who are trained and function as permanent deacons.

²⁶ A priest occupying a room in a rectory formerly occupied by *Priest D* discovered two pornographic videotapes in a dresser drawer. He disposed of these tapes and later told his pastor who did nothing. Additional details of this will be discussed later in this report.

that this priest took any action with respect to *Priest D*. *Priest D* continued his abusive behavior after his ordination. In his first two parish assignments the victim tally rose. While continuing to abuse some of the boys he met in his diaconate year, he met and abused others. At one parish, he introduced one of his victims as his brother. As a result of this lie, the boy spent many nights in *Priest D's* rectory room without any questions being asked.

In his second parish assignment, *Priest D* continued to use pornography to groom²⁷ his victims. The pornographic magazines and videos were easily accessible in *Priest D's* room and were visible to anyone who entered. *Priest D* told the boys that they could watch the movies and masturbate if they were aroused, because he was “trustworthy” None of the priests in the rectory ever questioned the presence of these boys in *Priest D's* rooms.

These behaviors continued in *Priest D's* third assignment. The boys there were groomed with pizza and movies. They were often altar boys. They slept in the rectory numerous times without being questioned. These same boys often visited *Priest D* at his fourth assignment where he continued his abusive pattern. One of *Priest D's* victims from this period described being sexually abused “hundreds of times”

At one point, early on his career, a formal complaint was made to the Diocese regarding *Priest D*. Two things prompted it; the disturbing observations of an employee of the parish school and by what only can be described as a child’s “cry for help”. An eighth grade student had come to this employee complaining that he did not want to go on a trip with *Priest D* and that he did not know how to tell his parents. The employee offered to tell the child’s parents as well as to put them in touch with the pastor and later did so. After this, when the employee

²⁷ Grooming is what offenders do to loosen the inhibitions and gain the trust of their victims prior to engaging in sexual activity. It also helps insure their silence.

noticed children in the school yard with overnight bags, and they explained that they were going away with *Priest D*, or spending the night in his room in the rectory, the employee decided more aggressive action was required. The employee had numerous conversations with *Priest D* about his behavior and also informed the parish pastor and a priest, who had once been a high-ranking member of the Immaculate Conception Seminary staff. At the request of this priest, the employee wrote down everything known about *Priest D* including multiple personal observations and concerns. A short time later, four pages of notes were handed to a member of the Diocesan team that existed to deal with priests who sexually abused minors. When *Priest D* was transferred that same year, to another parish with a school, the employee was distraught after realizing that the carefully documented observations and concerns had been carelessly disregarded.

Examination of the records of the agency within the Diocese, charged with the responsibility for investigating and monitoring priests involved in the sexual abuse of minors, corroborate that the Diocese did receive and document the complaint. Notes from one of the priests assigned to handle issues relating to the sexual abuse of children by priests in the Diocese indicate, “Early in 1990, we had a complaint from (name omitted) that *Priest D* had grammar-school age boys in his private room in the rectory (even overnight). (name omitted) met with him, he was evasive. We noted in June 1990, that *Priest D* should be under supervision.” (Grand Jury Exhibit 214).

The Grand Jury finds, that *Priest D* was never sent for a psychiatric evaluation, never placed on restricted ministry and in fact, never supervised. Moreover, none of the pastors of the parishes where he served was informed of the complaint nor that the Diocese was aware of a situation that could put the children of their parishes at risk. Neither *Priest D*'s personnel folder,

confidential folder or secret archive folder contains any reference to a complaint about young boys. (Grand Jury Exhibit 6).

Years later, the diocesan employee who had formally complained about *Priest D* read a newspaper article about him sexually abusing boys. Upon inquiry to the Diocese, the employee was told that there was no record of the original complaint, and that the four pages of notes had never been made a part of *Priest D's* personnel records. The employee wrote another letter to the Diocese, and to the priest who had received the original notes, reiterating the concerns and requesting that the Diocese not hide behind a wall of secrecy, but pass along the information to law enforcement,

Last night Channel 12 stated that.... there was nothing on *Priest D's* file. I find that very hard to believe especially since you came to my office ...and you wrote a report based on my allegations which I think I signed. ...When *Priest D* was reassigned to.... another parish with a school, I knew that my concerns were not taken seriously. Sadly, *Priest D* was allowed to continue his criminal behavior with prepubescent boys. The fact that the diocese ignored credible warnings causes me great pain. I only hope that the boys I know come forward and file criminal complaints even though the statute of limitations has expired. (Grand Jury Exhibit 2).

Even though, by this time they knew that *Priest D* was a serial child molester, the Diocese refused to pass along the letter to law enforcement because they interpreted the complaints as not involving “allegations of sexual misconduct, but rather...conduct which could be perceived as improper” (Grand Jury Exhibits 1, 2 and 5). One need only review the facts as the Diocese knew them to realize the disingenuous nature of this statement. The personal notes of a priest who interviewed *Priest D* after the newspaper article appeared, but before the receipt of this correspondence from the parish school employee, show that *Priest D* had admitted to high ranking Diocesan officials that he had sexually abused at least twelve boys, including boys at the school where the employee had worked. (Grand Jury Exhibit 6E).

Although some tried, very few of *Priest D's* victims told anyone in an official capacity what was happening to them during the time they were actually being sexually abused. The majority did not disclose the abuse until they were adults.²⁸ The reasons they cited for this were consistent. Most significantly, they did not think they would be believed. They also felt that describing the conduct to an adult would cause trouble simply because sex, especially sex with a priest was something you could not discuss with adults. As children, they also felt allegiance to their abuser and enjoyed the attention he lavished on them. *Priest D* also told the boys not to tell anyone, underscoring with his victims what they already knew - that no one would believe them.

Priest D was ordained as a Deacon in the Diocese of Rockville Centre in the late 1970's. From that point, until his placement on administrative leave in the early spring of 2002, he had seven different assignments within the Diocese. Over his 25-year career, *Priest D* had an average service period in each assignment of just more than three years. The standard term for parish assignments was at least five years. These excessive transfers alone should have been a warning sign to supervisors and fellow priests. They weren't. Not surprisingly, the Diocese ignored even clearer warnings of improper conduct and fostered *Priest D's* continued abuse of children.

Priest D committed serious acts of sexual abuse upon underage adolescent boys in his diaconate year when he was assigned to a parish. During his testimony before the Grand Jury, the pastor of this parish indicated that he did not review the personnel file of *Priest D* before he

²⁸ The evidence before the Grand Jury shows the extreme lengths victims went to avoid disclosure and controversy including allowing *Priest D* to marry them and baptize their children rather than explain to their families why they wouldn't want him to.

arrived and that such a review was not done in those days. Additionally, he offered that he believed there were no established guidelines for priest behavior and conduct in the rectory of his parish. In fact, he felt it was permissible for teenagers to be in a priest's private living quarters if the youth minister or the child's family were aware of it.

Priest D's victims testified that pornography was available to them in his room at the rectory. The pastor in *Priest D's* diaconate assignment, who never saw any pornography in his rectory, told the Grand Jury that he would not report the presence of pornography in a priest's private room to anyone. He did not consider the presence of such items a serious matter.

Another parish priest, who succeeded *Priest D* in the parish, testified that he felt the Diocese was not under any obligation to notify a pastor of a previous allegation of sexual misconduct by a priest assigned to him. Although he knew it was improper to have guests in his private rooms in the rectory, he felt no obligation to report another priest who did.

Upon the completion of his diaconate year, *Priest D* was ordained and transferred to his first assignment. The assignment lasted six months. The pastor of the parish testified that the term was exceedingly brief but could not recall why. Nevertheless, after a period of only a few months, *Priest D* was transferred to a parish with an elementary school.

Priest D's new term lasted for seven years. Residing in the rectory with him at that time was his pastor and the priest who was serving as Director of Priest Personnel.²⁹ The pastor testified that he had been unhappy with *Priest D*. He knew that his previous assignment had been short and discussed it with the Director of Priest Personnel. The Director explained to him

²⁹ The Director of Priest Personnel works in Diocesan headquarters and has a variety of duties and responsibilities including, but not limited to, arranging for the placement and transfer of priests, assisting priests whose personal or situational needs require attention, assisting in conflict situations involving priests' performance and holding exit interviews with priests at the time of resignation. (Grand Jury Exhibit 161). The Director of Priest Personnel is elected to this position by the priests of the Diocese.

that a conflict existed in the previous assignment, however, he could not recall and did not offer any details to the Grand Jury as to its nature. Despite their concerns, *Priest D* was allowed to become involved in the parish school and in the religious education program in his new assignment.

His pastor in this assignment explained to the Grand Jury that in 2002, *Priest D* applied to become a pastor and he was asked to provide a letter of reference. He brought a copy of his letter to the Grand Jury. In his words, it offered a mixed review of *Priest D's* performance. For some reason, this letter was not in the personnel file maintained by the Diocese of Rockville Centre for *Priest D*. The pastor was given the opportunity to review *Priest D's* personnel file as produced to the Grand Jury in response to a subpoena issued to the Diocese. The original letter he sent to Diocesan administrative officials was not found.³⁰

In the mid 1980's, *Priest D* was transferred to another parish with an elementary school. Prior to this assignment, there was no contact between pastors about *Priest D*. They did discuss their common concerns about him after a year had passed. These included his explosiveness, fighting with personnel and staff, and a generally poor temper.

His new pastor testified that he did not have access to *Priest D's* personnel file. While his initial impression of *Priest D* was positive, this began to change. A school employee, who was a member of a religious order, told the Pastor that children no longer wanted to go places with *Priest D*.³¹ The school employee related concerns to the pastor about *Priest D's* conduct with underage boys. At this time, the pastor realized that some inappropriate conduct might be taking

³⁰ The letter provided by the Pastor is marked in evidence as Grand Jury Exhibit 39.

³¹ This employee is previously referenced as later formally complaining to the Diocese about *Priest D's* conduct with young boys.

place. He later conceded that, approximately one and one half years into *Priest D's* term, he became aware that boys were spending time in *Priest D's* private rectory room. This observation predated his conversation with the school employee. Despite his own observations and the information from the employee, he did not immediately speak with *Priest D* or confront him about the situation. He later had a conversation with *Priest D* about his conduct and, despite assurances that it would not happen again, he found that *Priest D* still entertained boys in his room. This included overnight stays by these children. The pastor's own observation of *Priest D's* living quarters revealed that there was only one bed. He never saw any sleeping bags. In these quarters, he knew children were staying overnight in the room with *Priest D*. The fair implication of this was that there was only one bed for *Priest D* and a child to sleep in. Inexplicably, despite all of these circumstances, the pastor told no one within the Diocese of his observations and concerns. *Priest D* blatantly ignored and violated the admonition of the pastor to discontinue his behavior without consequence, perpetuating his ability to have unfettered access in the rectory to children who he sexually abused.

The pastor admitted that *Priest D's* actions could constitute sexual misconduct, a serious criminal offense. He did not, however, want to believe that this conduct was occurring and so he left it to the parents to handle the situation for their children. He believed that the employee of the school who had complained to him about *Priest D* was trustworthy and good with children, yet despite her allegations, he did not think anything was wrong even when he saw children staying overnight in his own rectory. The pastor ultimately asked that *Priest D* be transferred allegedly because they did not get along. The transfer was granted.

When another priest replaced *Priest D* in the parish, the pastor observed similar conduct with boys taking place in the rectory. Nevertheless, he again reported nothing to Diocesan

officials. When asked if he would report anything now having the benefit of hindsight, he said he still would not make a report to Diocesan officials, even under the current circumstances and with the knowledge he now possesses.

After his transfer, *Priest D* went to a third parish where he resided for almost nine years. Again, this parish operated a school. The pastor of that parish testified that he did not review the personnel file of *Priest D* at any point. He denied receiving any complaints of a sexual nature concerning *Priest D*. In fact, he did not become aware of any allegations of sexual abuse until 2002 when a victim came to speak to him and complained that *Priest D* has abused him.

After completing that term, *Priest D* was transferred again. This term lasted for one year. His pastor there testified that he might have spoken with a previous pastor concerning *Priest D* but was unsure. However, after a matter of months, he asked for *Priest D's* transfer for a variety of reasons, none of them allegedly having to do with sexual abuse. In a letter dated March 9, 1998, the pastor requested that the Bishop transfer *Priest D* based upon his bad temper, poor judgment and the perception that *Priest D* was unlikely to improve based upon his history.³² Although he denied it, the Grand Jury finds that this reference to *Priest D's* history implies that the pastor must have known something of his past. In a second letter dated two days later, the Pastor requests that *Priest D* be transferred immediately. Again, the request is based upon *Priest D's* personality and makes no reference to sexual abuse.³³

Obviously, this Pastor knew that *Priest D* was a troubled priest. Indeed, this was confirmed when his successor priest moved into *Priest D's* old room in the rectory. As he was cleaning a dresser, he came across what he called "girlie tapes". He destroyed the tapes and then

³² Grand Jury Exhibit 42.

told the pastor what he had found. The pastor did not report this to anyone. In 2002, when *Priest D* applied to be a member of the pastoral pool, the Diocese requested letters of reference. The Pastor of the parish where the tapes had been discovered was obviously troubled about what he knew about *Priest D* and wrote two letters to a Diocesan official about him. In his first letter in January 2002, the Pastor indicated reservations about *Priest D* based upon his temper, an issue concerning stolen money, and the discovery of the videotapes. Still troubled, several days later he wrote again providing additional details about the circumstances of the discovery of the tapes, specifically, indicating the new priest had found them in *Priest D's* old room.³⁴

After *Priest D's* sexual abuse of boys became public knowledge, he was finally relieved of his assignment. In a classic illustration of the insular and secretive manner that the Diocese handled issues of priest sexual abuse, they failed to notify even the Diocesan Communications Director of this. In an e-mail message, she expressed her dismay:

It seems that the information highway in this organization only runs one way. It is pathetic that the Cabinet Secretary for communications is not in the loop and has to hear that one of our priests has been relieved of his assignment from a Newsday reporter who is asking why...(Grand Jury Exhibit 6G).

³³ Grand Jury Exhibit 42.

³⁴ In a memo dated March 15, 2002, a high ranking Diocesan official addresses the finding of the videotapes. This will be discussed later in this report.

Priest E

As a Diocesan high school teacher, *Priest E* also had a summer parish assignment on Fire Island. It was there, while readying the church for the summer months, *Priest E* abused one of his high school students. The student had accompanied *Priest E* to assist him, and they stayed on Fire Island for about a week, sleeping on a, “futon-like”, couch together. During the night, *Priest E* would touch the boy and crawl on top of him and masturbate. When the boy became upset, *Priest E* consoled him, telling him nothing was wrong, “These are things priests normally do.” The naïve and sexually inexperienced boy believed him. The sexual contact between the two lasted for about eighteen months, occurring a half a dozen times. Once, at the apartment of his mother, *Priest E* tried to perform oral sex on the boy. This effort was unsuccessful.

Later, after *Priest E*'s transfer to another parish, the boy accompanied him on a camping trip. Two brothers, approximately ten and twelve, from *Priest E*'s new parish, came along. *Priest E* slept in a camper with the youngest boy. The two others slept outside. In the early morning, the older boys went fishing. During that time, the twelve-year-old said he felt sorry for his younger brother because “*Priest E* will be playing with him.” He confided in his new friend that sometimes *Priest E* “played with him until he spit.” The high school student never had contact with *Priest E* again after this trip.

Priest E's student never told anyone about the abuse until he applied for a job in law enforcement as an adult. His disclosure was prompted by a question on the job application about whether he had ever had a homosexual experience. This, in turn, prompted *Priest E*'s former student to call a Monsignor³⁵ in the Diocese of Rockville Centre, who was also a personal friend

³⁵ Monsignor is an honorary title conferred on a priest by the Pope upon recommendation of the Bishop.

and tell him what *Priest E* had done to him as a child. The Monsignor immediately contacted one of his superiors for whom the story was repeated in detail.³⁶ The next day, the Diocese told him *Priest E* was already in alcohol rehabilitation. Since he was being treated, in the eyes of Diocesan officials, the issue was resolved. There was no further contact between the parties at any time thereafter.

Priest E sexually abused other children as a parish priest. He became particularly close, “like a brother”, to the father of one of his victims. *Priest E* was a frequent visitor in his home, and they shared a love for many of the same activities, particularly skiing. One evening after *Priest E* was no longer in the parish, a neighbor of this close friend called with the news that *Priest E* had attempted to fondle his son. *Priest E*’s friend was incredulous and told his neighbor he would find *Priest E* and have him come over to discuss the matter that same night. While waiting for *Priest E* to arrive, the man’s own son broke down, admitting that *Priest E* had actually been sexually abusing him.

His neighbor’s problems forgotten, the man learned that the abuse of his son began when he was an altar boy at age eleven and *Priest E* was a fairly new associate in their parish. The abuse lasted for four years. While the family was waiting for *Priest E* to arrive, they contemplated their options. They thought about calling the police and the pastor but decided to wait until *Priest E* arrived and was confronted. They weren’t really sure what they were going to do. *Priest E* arrived, repentant and crying. When asked how he could betray such a trust, he had no answer.

³⁶ The information about the two young boys on the camping trip was part of the disclosure.

Ultimately, the family told *Priest E* they wouldn't have him arrested if he went to the Diocese, admitted what he had done, and refused any assignment where he would be involved with children. That was all they wanted from him; the family decided they needed all of their energy to help their son recover and move beyond what had happened. *Priest E* thanked them and told them he was glad his problems were out in the open and that, perhaps, some good would come of it.

At that time, although they were aware *Priest E* was treated, they did not know where or for what duration. They focused on their son and his problems. Unfortunately, there were many.

After high school, this victim of *Priest E's* perversions, entered the Army. He was discharged a drug addict. Fearing the addiction was related to their son's sexual abuse, the family reached out to their pastor for help. They were offered nothing. After a succession of drug treatment programs failed to help him, the now very troubled young man ended up living on the streets. He ultimately met up with a counselor from a local agency for troubled kids. A religious brother in this agency was finally able to connect him with the Diocese of Rockville Center for the help he so desperately needed.

A priest involved in the Diocesan team that dealt with priests who had sexually abused children arranged for his all expense paid treatment at an out of state facility. The young man's father reached out to this priest to offer assistance and to assure the Diocese his family was supportive. His calls were never returned.

During treatment, father and son communicated regularly. Things went well, at first. The father became concerned when his son told him had purchased a motorcycle and a truck. He asked where the money was coming from and was told by his son that he was, "talking to the Diocese." The father begged his son to allow the Diocese to pay for his treatment and therapy,

but not to take any other money from them. As the father explained to the Grand Jury, “I wanted him to get better, not rich.”

In January, about three months after the beginning of treatment, their son called with the happy news that he had moved into an apartment of his own. Mother and son discussed how flowers could brighten the apartment and which ones were appropriate to the climate. The next day, the local police called to inform them that their son was dead, the apparent victim of drug induced heart failure.

They brought their son’s body back to Long Island for burial. At his funeral, the Diocesan priest who had arranged for their son’s drug treatment eloquently spoke to them about their loss.

About two weeks later, they made the sad trip to their son’s apartment to retrieve his personal belongings. As they looked through his papers, they were astonished, angry and disbelieving. Not only did they discover rent receipts from motels for months when they believed their son was in residential treatment,³⁷ they found both letters and legal paperwork from the Diocese of Rockville Center.³⁸

As they would learn, the Diocese had, in full settlement of all legal claims, paid their son \$25,000 in cash, “for the provision of future counseling services”. (Grand Jury Exhibit 77). Not only had they not been consulted or informed, the Diocese did not involve any of the treatment professionals working to help their son in this process.

³⁷ These receipts are in evidence. (Grand Jury Exhibits 74, 75, 76).

³⁸ Legal paperwork, including an original letter, releases and other settlement documents are in evidence. (Grand Jury Exhibit 77).

The next year, the father wrote a letter to the priest who had arranged for his son's treatment, paid him the \$25,000 in cash, and then attended his funeral (Grand Jury Exhibit 78).

In relevant part, the letter reads as follows:

Dear Reverend,

Sufficient time has elapsed since the death of my son (name omitted) so that this letter cannot be taken as being written out of grief...

The following are my list of conclusions which I will attempt to elaborate on individually:

- 1. Priest E was a pedafile (sp.).*
- 2. The church did allow Priest E to feel he could exercise his perversion without punishment.*
- 3. An open door policy on sexual abuse was not as well known to L.I. clergy as believed.*
- 4. Reverend (name omitted) initially acted with compassion and a sincere effort to help.*
- 5. The church, in the end, acted to protect itself and became the instrument of my son's death.*

...I called Priest E back to my home late on a Friday night and challenged him on these accusations of sexual abuse, which at the time had been confirmed by my son. He confessed his guilt to my wife and I at this time. He asked my son for forgiveness and claimed to be relieved that his problem was now out in the open. I demanded he report to the diocese these facts and I would await a call from them to determine what further action I would take. This also proved to be an error on my part which will never happen again when I deal with the church as an institution. I was contacted the following Monday by what was reported to be a representative of the diocese, a Sister whose name I cannot recall. I was told that (name omitted) had spoke with the diocese and that he was going into treatment. I was assured that he would be monitored and this nun also game the name of a psychiatrist to take my son to. I was of the opinion that to bring this matter into the public arena would serve no purpose and as long as (name omitted) was sanctioned I refrained from further action.

1. When we spoke on February fourth you told us that there was no record on file against (name omitted) regarding sexual abuse. You also told us that he was brought in to the diocese to answer charges of alcohol abuse at around the time I was supposedly in contact with this nun. You told us that (name omitted) admitted that he had acted imprudently with a teenage boy but that the matter was being handled. These facts now being know (sp.) constitute the basis

for my first two conclusions. (Name omitted) had to feel he had gotten away with the sexual abuse and because his supervisor, (name omitted), did not peruse the imprudent behavior he could return to his parish unaffected by these events. I told you at that time that if I had felt my son's mental health required taking on the Diocese of Rockville Center (sp.) I would have done so in a heartbeat. I have no reason to fabricate the truth so when I tell you (name omitted) admitted his abuse on my son you can rest assured he did so. I also hope that at this time, knowing now what we do about this behavior affliction, no responsible person believes (name omitted) was his only victims. (sp.)

2. (Omitted in its entirety.)

3. I took (name omitted) to the pastor of (name omitted) shortly after the abuse became known. I had spoken with this priest and had made him aware of the facts concerning (name omitted). He spoke to (name omitted) at this time in the hopes of making him understand that he was the victims (sp.) in the relationship with (name omitted). This priest apparently also never notified the diocese. This was of course before you had instituted your open door policy in these matters but not before a mans personal ethics should have been formed. I also spoke to (name omitted) shortly after he took over the parish of (name omitted) about getting help for my son. He did not contact the diocese either and I feel he would have had he known that the diocese would have offered help. This conversation with (name omitted) took place well within the time frame of the so-called open door policy instituted by you. (Name omitted) also made known the abuse in therapy to a priest working in the VA Hospital at Northport. He also never notified the diocese. The first person to call the diocese was a brother (name omitted) who worked at Hope House in Port Jefferson. You, (name omitted), then to your credit became involved with my son.

4. You made arrangements to get (name-omitted) help...You told my wife and I that his getting well was the leading aspect of your commitment to our son. I believe you did truly try at that time to help (name omitted).

5. I sincerely hope that my final conclusion will be taken as constructive criticism. I told you on February fourth that my most sincere hope was that we all learn something from the death of my son. Helping other victims should be our goal. You agreed with me at that time.

I placed a call to your office when my son told me about you...From September of 93 to February of 94 no one made any attempt to reach me. When my son was under going (sp.) other treatment programs in the VA I had spoke several times with the people in charge. In this case I think silence on your part can best be seen as good for the diocese...You told us that (name omitted) began seeking cloudier (sic) with the diocese in the middle of December. You told us that you had spoken with his therapist and were told approximately how much it would cost for his treatment. In papers that I found in his personal affects you entered into an agreement with my son on December the 27th. Mr. (name omitted), whom I spoke to...would like to know the name of the therapist you spoke to. I brought this to the attention of all the people in (name omitted) and without exception we all agreed that no therapist can estimate how long it will take to heal a patient. (Name omitted) will take action against the therapist to whom you spoke.

(Name omitted) you are a learned man with a degree in law and I really think you should have used better judgement (sp.) in this aspect of closure. You told us helping (name omitted) to get better. If any one had contacted... they would have learned that (name omitted) was asked to leave because he was not working the program. The evidence is that from November until his death in January he was not in program. You were dealing with a known substance abuser not in program. There is no doubt in my mind that he had impaired reason during your talks and you should have known this. It is my conclusion that consummated an agreement with a mentally deficient person in order to remove the diocese of Rockville Center (sp.) from harm. It also my conclusion that by agreeing to give (name omitted) a settlement you became his last enabler. The money you sent brought about his death.

My wife and I have been trying to help (name omitted) since he was fifteen years old. We have learned much in helping him. We hope that you who read this letter will be better able to help other victims you encounter. We love our church but it will never be our church right or wrong. We hope it will be our church seeking to help and not looking to always protect itself.

In conclusion I would like to make some requests. I would like the people involved to accept responsibility for their actions and pledge not to repeat any mistakes made...I would like to see this incident openly discussed and I would like to participate in these discussions.

I have been told to sue the diocese but I believe this to be counter productive at this time. I believe that we have in place people who truly care about victims and making them well. I believe we all make mistakes and we can learn from them. If however the diocese returns to a regressive attitude and fails future victims I will also pursue other means to get their attention.

Respectfully yours,

(Name omitted)

There was no response whatsoever from the Diocese to this letter.

Indeed, as the letter writer knew, his son was not *Priest E's* only victim. In addition to the four previously outlined, *Priest E* also sexually assaulted a parish altar boy. *Priest E*, a friend to the family, took this boy skiing when he was twelve. On the way, they stopped to visit *Priest E's* mother overnight. *Priest E* told the boy they would sleep together on a pullout couch. This was confusing since there were available bedrooms for them to use. The boy woke up during the night to *Priest E* fondling his penis. There was no conversation. The boy remembers feeling, "an intense level of terror", and describes being so afraid he could not speak. The boy describes the remainder of the weekend as being a complete blank. Although there was no repetition of

this conduct with *Priest E*, this victim observed *Priest E* fondling a very young boy in bed on a subsequent ski trip.

During treatment for alcohol abuse and depression as an adult, this victim was encouraged by his therapist to report the abuse to the Diocese and did so. He was told, “(*Priest E*) had died, the Diocese was aware that this behavior had been going on. (*Priest E*) was an alcoholic” and they “weren’t sure whether the alcoholism caused the pedophilia or the reverse.” The victim challenged this explanation telling the priest he spoke with, “I am a recovering alcoholic. I never abused a child.” The priest offered counseling which the victim refused. He was shocked and angry about the phone call and wanted nothing further to do with the church.

Priest F

Child sexual abuse is an insidious crime that takes many forms. Some are more overt than others. In *Priest F's* case, his conduct was, at first, so equivocal, his victims weren't really sure it was happening to them – that is, until it happened again and again and again.

In *Priest F's* first assignment, he appears to have made feeble attempts at abusing a boy who was an altar server. Once, when he was working at the rectory on a slow evening, the boy was in the office watching TV, *Priest F* came in and asked if he could join him. He pulled up a chair next to the boy and put his right hand on his thigh. Slowly his hand began to creep up towards the boy's genital area. Alarmed, the boy covered his crotch. After *Priest F's* efforts to push his arm away failed, *Priest F* gave up and left. The boy remembered that *Priest F* was very nervous. He never told anyone at the time because he didn't think anyone would believe him.

The conduct repeated itself within a week, only this time, the boy crossed his legs as soon as *Priest F* pulled up his chair. Even so, *Priest F* tried to push his hand between the boy's legs. Throughout both encounters, *Priest F* never said a word. Even after this second incident, the boy never told anyone. He was embarrassed and didn't want any of his friends to think he was a homosexual. This victim came forward decades later, only after *Priest F* denied sexually abusing anyone in a local newspaper story about sexually abusive priests.

After his first assignment, *Priest F* was transferred within the Diocese to an assignment outside of parish ministry. It was, however, an assignment that provided a large and continuous source of boys – a school. *Priest F* was cautious, but relentless in his pursuit of victims. He fondled boys over their clothes, usually in his office. Always, his actions were hidden by a

poster, newspaper or a book.³⁹ He talked continuously as he fondled them. Everyone in the school knew to stay away from *Priest F*.

Once, *Priest F* approached one of the boys behind the school stage. He grabbed his crotch. The boy reacted violently, pushing *Priest F* away and warning him never to touch him again.

At one point, two victims complained to the schools' rector, a priest, about *Priest F*. The complaint resulted from one boy's suspicions, later confirmed to be correct, that *Priest F* was abusing another younger boy. The pair thought a complaint by two of them would have to be believed. It wasn't.

The tragic death of a victim's father led, finally, to the end of *Priest F's* sexual abuse of him. At the funeral home, *Priest F* approached the boy, moving close to him. As he moved his hand towards his genitals, the boy told *Priest F*, "Don't ever fucking touch me again or I'll kill you." This event was witnessed by another boy who saw the abusive conduct by *Priest F* and heard the response to it.

After this, both boys were determined to do something about the situation. One boy alerted his parents who accompanied him to a meeting at the school. They spoke with the rector and a lay teacher. No action was ever taken by them or anyone else against *Priest F*. One of the victims described the effect this had on his relationship with his family:

I had a difficult time with this with my family. I grew up very Irish Catholic, very, very conservative...It was a very conservative environment, and the response I had gotten from my family, from my parents specifically was, that's impossible...Priests just don't do these things. You must be mistaken...and, of course, you didn't question it because it's impossible."

³⁹ One of the victims remembers the first incident of abuse taking place when preparations were underway to attend a right-to-life march on the anniversary of the Supreme Court's Roe v. Wade decision. The students were making banners with *Priest F's* help. It was a banner that was used as the foil on this occasion.

Ironically, *Priest F* would later become instrumental in the development of Diocesan policy in response to allegations of sexual abuse of children by priests.

Priest G

Priest G attended a college seminary prior to entering the seminary.⁴⁰ Before admission to the college, he was given a psychiatric evaluation. He was described by the examiner as, “immature and somewhat schizoid”, as well as a serious problem who needed attention and further evaluation. No such evaluation was forthcoming. (Grand Jury Exhibit 19F).

Altar servers were a favorite target of sexually abusive priests. Often, they were abused behind the altar, as they were either preparing or cleaning up from mass. *Priest G* began his sexual abuse of altar servers in his diaconate year and used the same method in each case. They would be completing tasks associated with their jobs, and he would come up behind them and rub his penis up and down on their backs. Sometimes, but not always, *Priest G* would have an erection. He often pushed the boy up against a counter in effect trapping him. Once, he brought a boy into the bathroom and put a dog collar around his neck. It wasn't until he was an adult that this victim realized this conduct was sexual for *Priest G*. *Priest G's* victims did not report that they were being sexually abused as children. As adults, the two independently reached out to the Diocese of Rockville Centre for help. In one case the victim wrote a letter to the Diocese. He was told that another priest who was involved in the handling of these matters would contact him. He never did.

The other told his mother about the sexual abuse after he graduated from college. She was concerned about his spiritual life and he thought it was a good time to explain the reasons

⁴⁰ A college preparatory seminary provides a college education in a seminary atmosphere. Graduation leads to an undergraduate degree as with any other college or university. The graduate then has the option to pursue post-graduate training at the major seminary. It is the major seminary that provides the theological training leading to sacramental ordination as a priest.

for some of his feelings. He did not tell his mother the details of the abuse or the name of the priest. His mother wanted him to address the issue at the time with the Diocese. He refused. As he later learned his mother took it upon herself to contact the Diocese by letter. (Grand Jury Exhibit 113). The letter confirms all of the events as described by her son and requests that he be contacted by someone to discuss the situation in an effort to bring, “closure to the issue”, for him.

Some time later, he received a call from an Auxiliary Bishop who asked the victim to detail his involvement with *Priest G*. The victim complied with this request because, as he wrote, “ My primary concern is that no other boys be endangered. What happened to me is real. I have no other motivations than to prevent fellow humans from being harmed.”(Grand Jury Exhibit 114). The Auxiliary Bishop confirmed that there had been other incidents of sexual abuse with *Priest G* and children. Upon learning this, the victim wrote again to articulate his feelings about the fact that others had been victimized:

Contacting you, reliving and writing about these experiences has been more traumatic than I ever would have imagined. Obviously effecting my job...but well worth it... I am saddened by the fact that someone else was victimized after I was. A victimization that could have been prevented had I had the wherewithal to report *Priest G* immediately. Now that you realize that his first reported offense was not an aberration, it is my hope that *Priest G* be separated from the priesthood and forever labeled the sex offender he is. Please keep me updated on the progress of the investigation...” (Grand Jury Exhibit 115).

He never heard from the Diocese again.

After his ordination, *Priest G* was assigned to a parish with an elementary school. The pastor at this assignment testified that he had no access to *Priest G*'s personnel file. Later, on a school trip overseas, an allegation was made that *Priest G* had sexually molested one of the

elementary school boys on the trip. A school official reported this to the pastor.⁴¹ *Priest G* was removed from his duties and transferred to another parish with an elementary school. The pastor did not advise his colleague about the sexual molestation but admitted that he should have done so. He further admitted that he would want to know if a priest had a psychological problem. *Priest G's* new pastor likewise did not have access to personnel records concerning him and admitted that it would have been helpful to have them. He also agreed that he should have been advised of *Priest G's* past criminal conduct. During the course of his testimony, it came to light that this Pastor himself had abused several teenage boys during his time as an associate priest. He was recently relieved of his priestly faculties within the Diocese.

In the mid to late 1990's, *Priest G* was assigned again to a parish with an elementary school. His pastor there testified that he had spoken with *Priest G's* previous pastor and was advised that *Priest G* was a good worker. Approximately three months later, he spoke again to this pastor who advised that *Priest G* could be moody and difficult. Again, this new pastor did not have access to *Priest G's* personnel file and believed it to be the policy of the Diocese not to allow such access. He agreed that it would be beneficial to know the background of a priest before he was assigned to a parish. He was never advised of the letters to the Diocese alleging sexual abuse by *Priest G*, even though he was *Priest G's* pastor when the complaints were received. He was also unaware of psychological reports and evaluations conducted of *Priest G*

⁴¹ Grand Jury Exhibit 19E is a memo sent to a high ranking Diocesan official from another Bishop describing the alleged sexual abuse perpetrated by Priest G during the school trip to Italy. The official admits the truth of the incident when noting that there is no criminal liability resulting from it in as much as the crime occurred in a foreign country. He states that the likelihood of civil liability and damages were relatively low. It also delineates the Diocesan investigation into the allegation of sexual abuse on the trip. This included interviews with two parish boys who stated they would not want to be alone in a car with Priest G. An interview with another boy's parents revealed that they overheard a telephone conversation between Priest G and their son. Based upon what they heard, they advised Priest G never to call the house again.

after the receipt of these letters. The pastor, this priest's immediate supervisor, was never told of the results of a psychological evaluation of *Priest G* done during the time he was assigned to him.⁴²

Among other things, this report recommended that a "surveillance system" needed to be set up for *Priest G*. Specifically, the pastor and others with whom *Priest G* would have daily contact, were to observe him, fill out surveillance forms and send them to a professional for evaluation. Shockingly, Diocesan officials who were aware of those recommendations never advised *Priest G's* pastor. Ultimately, the pastor contacted Diocesan officials about his difficulties in the parish with *Priest G*. Despite his complaints, he was never advised of the previous allegations of sexual abuse and the results of *Priest G's* psychological evaluation. The pastor emphatically told the Grand Jury that he should have known these things, especially since they could affect the well being of his parish.

In a letter from the pastor to his superiors, he complains:

My complaint is with a system that allows Priests like (name omitted) to pass from one assignment to the next without correcting the problems he causes...I resent the fact that the trouble he has caused here – like the problems he created in almost every Parish he has been in during his 19 years as a Priest – are merely being transferred to another Parish. When is he going to be challenged and when is he going to be required to get the help he needs...by not challenging him and by allowing him to continue in his negative behavior...we are subjecting other Pastors, Priests and Parishes to the damage he can cause.⁴³ (Grand Jury Exhibit 125).

Despite this pastor's plea for change, the process of transferring priests in secrecy continued.

⁴² Grand Jury Exhibit 19J.

⁴³ Grand Jury Exhibit 19J.

Priest H

Priest H was unusual in that he spent a short period of time as an ordained priest, where he had completed his diaconate year. There, *Priest H* developed an intimate, abusive relationship with a young boy. The boy, an altar server, was a frequent guest. He would be in the rectory at night having dinner and there in the morning for breakfast. Their first sexual contact occurred when the boy was ten. During one of his overnight visits, *Priest H* began fondling the boy's genitals. This happened over ten times, mostly in the priest's private rooms. Often, *Priest H* would ejaculate on the boy while moving his body up and down, simulating sex. *Priest H* and the boy were often observed in close proximity and in intimate conversation. This made some of the other priests in the rectory uncomfortable.

An associate Pastor from this parish testified in the Grand Jury. He acknowledged hearing, "horsing around", coming from *Priest H's* private room. On one occasion, he commented about the noise to the housekeeper. She told him that it was not horsing around going on in the room because, "I change the sheets". This priest also knew that the victim was spending nights in *Priest H's* rectory residence. The priest assumed the housekeeper was referring to a sexual relationship between the victim and *Priest H* that he acknowledged was a crime. However, he never made an official report to anyone in the Diocese at the time.⁴⁴ The priest did speak with his pastor who, in turn, spoke with *Priest H*. However, he never told the pastor of the housekeeper's remark or his understanding that a sexual relationship was occurring

⁴⁴ Grand Jury Exhibit 18E is correspondence from the Associate Pastor to a Diocesan official involved in personnel issues. In this document from 2002, the priest finally sets forth his observations of *Priest H*, the observation and comments by the housekeeper, as well as another incident wherein he saw *Priest H*, the victim and the victim's parents meeting in the rectory kitchen. The victim was sitting next to *Priest H* and had his head resting on his shoulder. After making this observation, he left, went back to his room in the rectory and made no report of the incident. Surreal benign neglect?

between the priest and the boy. He said that the visits by the victim to *Priest H's* room ceased at that time.

When the boy was thirteen or fourteen, *Priest H* took him on a pilgrimage to Yugoslavia. After *Priest H* was transferred to another parish, their contact was reduced. However, when they were together, the boy frequently gave *Priest H* massages. As the boy matured, *Priest H* seemed to lose interest in him although he provided him with cigarettes, alcohol and pornography.

Priest H was also physically abusive to this boy. Once, he bit down on his ear. Another time, when the boy did not want to go bowling with *Priest H*, he punched him in the nose so hard it bled. *Priest H* told the boy's mother he had injured his nose wrestling.

The boy told his father about *Priest H* when he was nineteen. His father, who was a law enforcement officer, told his son he would take care of the matter. When the father died a year later, the boy, unsure what, if any, action had been taken, decided he would complain to the Diocese himself. He was encouraged to do this by his therapist who arranged the initial contact. He met with a member of the Diocesan team assigned to deal with these cases. The man, a priest, the victim later learned was also an attorney, but he did not disclose this. The meeting lasted about twenty minutes. Afterwards, the Diocese paid for his therapy. Except for knowing that his therapy bills were being paid, the victim was not told anything about *Priest H*. On his own, he learned that he was assigned and working as a chaplain in a medical facility in the Diocese.

At one point, *Priest H* went on a leave of absence for psychological evaluation and treatment. His pastor at the time wrote to an official in the Diocese indicating that the leave of absence would be explained to the parish as an opportunity for *Priest H* to discern the mystery

of his vocation. (Grand Jury Exhibit 18G). It is noteworthy in this regard that only one week later, *Priest H* was deemed to be, “earnest about his ministry and his priesthood”, when he was evaluated. (Grand Jury Exhibit 18H). This official statement was business as usual, another attempt at secrecy designed to hide the true facts from parishioners.

Follow-up reports from the treatment facility on *Priest H* were informative. (Grand Jury Exhibit 181). A psychological evaluation of *Priest H* reports a finding of ephebophilia, by history, but notes that *Priest H* denied any current attraction to minors. Nevertheless, the report expressed serious concern about *Priest H's* ability to handle his feelings towards children. The facility ruled out pedophilia, but considered *Priest H* at risk to re-offend with minors. It was, therefore, recommended that he be kept away from them. (Grand Jury Exhibit 18J). *Priest H*, after completion of his evaluation and treatment, was assigned as a Chaplain at an area hospital. He was not allowed contact with minors except in emergencies. Nevertheless, *Priest H* was given weekend mass duty at a parish in the adjacent County. The pastor there was not told of the past allegations of sexual misconduct by the priest, or the report from the treatment facility to the Diocese that recommended that *Priest H* have no ministry or activities with minors. (Grand Jury Exhibit 18M).

What is clear in *Priest H's* case is the failure at the parish level of priests to report criminal activity by fellow clergyman. The official policy of the Diocesan hierarchy, secrecy, was in full bloom.

In early 2002, the Diocese asked the victim to meet with them again about *Priest H*. The victim agreed only if *Priest H* was going to be present. This meeting did not occur.

Priest I

Two brothers learned as adults, that *Priest I* had victimized them both. As altar boys, they spent a lot of time in church and were involved in parish activities. For one brother, this developed into a constant string of overnights spent being abused by *Priest I* in the rectory. The other brother, envious of the attention lavished by *Priest I* on his sibling, began to follow suit. *Priest I* touched their genitals, masturbated them and performed oral sex. He told them not to tell anyone about the abuse or that they were spending the night with them in the rectory.⁴⁵

Once, on a trip, *Priest I* had anal sex with one of the boys. This happened a couple of times in the rectory as well. This boy tried to tell another parish priest what was happening to him, but he was ignored. Finally, the boy decided to end the abuse and began staying away from the church. At his sister's wedding, he put a note in the collection basket with his name and telephone number asking for help. He never heard anything. At his nephew's baptism about a year later, he tried again. He got no response.

When one brother had a crisis involving his abuse of alcohol, his sexual molestation by *Priest I* was disclosed and the Diocese was notified. The Diocese agreed to pay for his alcohol rehabilitation and other therapy as needed. After the victim retained an attorney, the Diocesan representative with whom he was dealing, himself an attorney, told him they would be unable to discuss further any matter related to his case.⁴⁶ He fired his lawyer, and the legal matters were settled.

Priest I was first assigned to a Suffolk County parish in the early 1970's. As usual, his pastor did not have access to *Priest I's* personnel file at any time during his assignment. At some

⁴⁵ One brother recalls that another priest interrupted *Priest I* once as he was performing an act of oral sodomy upon him. The pastor and the other priests living in the rectory during this time period deny this.

point during *Priest I's* tenure, the pastor discovered that he was entertaining underage boys in his rectory room; he advised him that this was not to continue. He never relayed this information to anyone because he thought the issue had been addressed. Later, when *Priest I* left the rectory, the pastor told the Grand Jury he never knew the reason for his disappearance and he never questioned it. The pastor told the Grand Jury that pastors were not told about a priest's background, however, he thought they should be.

A contemporaneous associate priest of *Priest I's* corroborated the fact that *Priest I* frequently had young boys in his room. He also agreed that the pastor had confronted *Priest I* about this and told him that such conduct was forbidden.

The Grand Jury finds that these two cases illustrate the blind eye turned by pastors to sexual abuse occurring in their parishes. Pastors ignored the clear warning signs of abuse and failed to properly supervise priests assigned to them. The Grand Jury finds that this position evinces either a poor capacity for supervision or a blatant attempt to avoid complicity in the priests' crimes.

⁴⁶ This victim did commence a lawsuit against the Diocese that was dismissed because it was time barred.

Priest J

Although the majority of the sexual abuse victims who testified before the Grand Jury were male, the Diocese of Rockville Centre had its share of priests who abused young girls. (Grand Jury Exhibits 32, 146, 151, 155, 160) *Priest J* was one of these priests. He chose two sisters, both who were active in the parish school and folk group. The older one he began to sexually abuse at twelve; he raped her when she was fifteen. Their abusive, sexual relationship continued for years, finally ending after she was married at nineteen. Her sister's abuse also began at age twelve. Fortunately, *Priest J* did not rape her; the abuse was a pattern of continuous fondling and masturbation that occurred with the two of them undressed and *Priest J* lying on top of her. There was no penetration. The incidents occurred at school, often in the dark behind the school stage, in church behind the altar, in *Priest J's* room in the rectory and at the home of the girls before their parents arrived from work. The younger sister recalls trying to do her homework while her sister and *Priest J* were in her sister's room. She remembers that it was hard for her to concentrate although she did not really understand what was happening until *Priest J* began to sexually abuse her. As young girls the sisters never talked with one another about what was happening to them. However, they both tried in different ways to tell others.

The oldest girl first disclosed *Priest J's* abuse to a friend who told her that she was going to tell a nun. Soon after this conversation *Priest J* came to her and angrily asked if she had disclosed their relationship to anyone. When the girl acknowledged that she had, *Priest J* reacted by telling her that they were both going to be in, "really big trouble", if anyone found out, therefore, she should not say anything further about it to anyone. The elder girl spent a lot of time in *Priest J's* private rooms in the rectory but did not ever spend the night. Although the girl hoped that they would, none of the other parish priests ever asked her what she was doing there.

After attending the parish grammar school, the oldest sister went on to parochial high school. At one point she decided that she would tell the high school chaplain about *Priest J*. After she explained the history of his sexual abuse, including the fact that it had started when she was twelve, the school chaplain simply looked out his window and said, “Well, at least you have good taste. Get out.”⁴⁷ She fled. She never heard from anyone in any capacity at the school about *Priest J* after this incident. Later, when she was 21, she saw this priest again and told him that she was no longer a Catholic.

As an adult the younger sister told various people affiliated with the Diocese about her experiences with *Priest J*. First, when she was planning to marry she went to see about an annulment for her fiancée. The Deacon she spoke to was, in her words, “acting like a jerk”. Out of frustration she relayed her experiences with *Priest J*. She never heard anything from the Diocese and was later married in an Episcopal church.⁴⁸ In 1995 she was feeling guilty because she had never baptized her son. She went to see her parish pastor who had been an associate during the years she was abused by *Priest J*. She told him what *Priest J* did to her and to her sister. He said that he did not know how to help but offered to ask the Diocese about counseling. She never heard anything. Another time, at a wake, she met a priest who she had also known as a child. He said to her, “ I’m sure if I asked you how you were you would tell me your lives were full of joy”. She replied, “Unfortunately, a certain person came into our lives and things changed” When asked if he knew who, this priest immediately said it was *Priest J*. The priest gave her his card and told her that if she needed anything she could call. By this time the girl

⁴⁷ Although this priest does have a recollection about a conversation about sexual abuse with a young girl, he denies reacting in the manner the girl says that he did.

⁴⁸ The Deacon was asked about this conversation in the Grand Jury. Although he recalled the meeting, he did not recall the disclosure of the sexual abuse.

knew that her sister had been in contact with representatives of the Diocese with respect to *Priest J* so she passed the card along to her. (Grand Jury Exhibit 123). Even after this conversation she heard nothing.⁴⁹

Indeed, the elder of the sisters had begun to try and get some assistance from the Diocese. She decided to retain an attorney who wrote a letter on her behalf. When there was no reply the lawyer wrote a second letter. Frustrated, and angry that she got no response, she contacted an organization that dealt with victims of clerical sex abuse. They referred her to another attorney, in New York, who specialized in these cases. Prior to contacting this attorney she made one last effort to contact the Diocese on her own. She went to her home parish to speak with a priest. None were available, so she decided to try a neighboring parish. There she met with a priest⁵⁰ who took copious notes of their conversation and gave her the name of a Diocesan administrative official that she should contact. (Grand Jury Exhibit 118). The priest told her that he was going to try to help her. He later sent a letter about their conversation to the victim's psychologist. She never heard from either the priest or the Diocesan administrative official.

A few months later, the victim met with her new counsel, who ultimately filed a civil lawsuit against *Priest J* and the Diocese. The Diocese was confident that the suit would be dismissed because the civil statute of limitations had lapsed. However, the Judge handling the matter told the Diocesan lawyers that the victim should be compensated for the unauthorized publication of the notes taken by the last priest she had met with. The Diocese offered \$5,000, and then \$20,000. Both of these offers were rejected. Representatives from the Diocese

⁴⁹ This priest acknowledged meeting the victim and speaking with her about her abuse. He did not doubt her credibility and was appalled by *Priest J's* conduct. However, because the abuse had occurred long before, he did not report it.

⁵⁰ Amazingly, the priest she spoke to was a child molester himself. The victim did not know this fact.

arrogantly reminded her that they owed her nothing for the sexual abuse and that she should settle.

As months turned into years, the woman and her husband tried to make the Diocese understand their position. Rejecting advice from their own attorney, and without his knowledge, they tried to get what they believed was just compensation from the Diocese. Time and again they tried to see the Diocesan officials responsible for the oversight of these matters. They were both literally and figuratively given the run around; they were sent to building after building at locations throughout the Diocese to find the priest everyone told them could help.⁵¹ Despite their best efforts, he remained illusive. At one point the victim's husband met with a priest who worked in a Diocesan administrative position. Their conversation was memorable:

I said, you need to do the right thing for my wife. And I think you need to somehow, in anyway you can, compensate her for the loss of her life, basically and the problems that she has and will have. He said, under the law we don't have to do anything. He said, there is statute of limitations on these things and we are not obligated to do anything. And I said, you know, the Bible says if God's law exceeds the limitations of man's law as Christians you are supposed to obey God's law. I said, man might have created a law that limits, puts a statute of limitations on this crime, I said, that law doesn't nullify God's law. You still have to, if you are Christian, you need to obey that...You are now telling me that apparently you know this was a crime and it warrants punishment but because the law prevents it, you are happy to go off the hook? I said, I don't think that's right and he, he stuttered and stammered and I think he knew I was right and I was angry at that point and he knew it. I was very close to him and I was breathing on him, he was nervous and we sat there for a minute and I said, well what are you going to do for my wife? And he's I don't handle settlements. So I said, I was told you do. I was told you were the person to help people with this kind of thing and he said no. There is another Monsignor who is also a lawyer who handles settlements. So I said, Who is that? He told me (name omitted). Where is he? I can't tell you. He got very nervous...I can only give you a phone number. So I wrote it down on a piece of paper and I left...

They called the number and then wrote letters,

Sir, with all due respect, I and my family are both shocked and disheartened that you have not responded to my request for a person to person meeting with you as instructed by Monsignor (name omitted) two weeks ago. The request was sent through certified mail and I expected to receive a response from you by this time. The request I sent was for a person to person meeting with you in order to discuss an appropriate and fair settlement for the undue suffering I endured at the hands of one of your priests, (name omitted). I know that he was laicized and have a lawsuit of which I am sure you are aware. Therefore, I will spare both of us the horrible details. Over two years ago, I requested a hearing and help with medical care after suffering a near nervous breakdown and crying out to a nearby parish priest. He then published the details of my life and sent a copy to my psychologist and unfortunately, I do not know who else. This has left me more vulnerable to further heartbreak and unnecessary pain. I then had to deal with the embarrassment of a legal struggle which has caused greater anguish to myself and loved ones, as you might put it, "Precious children of God". I beg of you be fair and call upon God to give back to me was was so unfairly taken. (Grand Jury Exhibit 120).

Apparently, this last correspondence worked. Although no meeting ever took place, shortly after this last letter, she learned through her attorney, that the Diocese was offering \$100,000 to resolve the matter. A confidentiality and settlement agreement was executed, accompanied by a general release. (Grand Jury Exhibit 121). Almost five years had passed since the lawsuit had been filed.

⁵¹ All of these years later, the victim still had the "Post-It" note on which she wrote the name and address of the priest she was looking for. (Grand Jury Exhibit 124).

Priest K

This priest abused his first child during his first parish assignment. (Grand Jury Exhibit 26). The priest had once gone on a retreat with the victim's father and was a frequent visitor in their home. When *Priest K* invited the boy to travel with him to the home of a relative, his parents readily agreed. The ruse, again, was that this priest was going to help the boy learn to wrestle. As they were wrestling the boy noticed the priest had an erection. He was surprised when *Priest K* suggested they shower afterwards. As the boy was showering, he was shocked when *Priest K* joined him and pinned him to the wall. Nothing else happened and *Priest K* left the shower quickly; the boy did not tell anyone what *Priest K* had done.

Priest K continued to invite the boy places and their sexual conduct escalated to include oral sex. During this time *Priest K* was transferred to another parish, the abuse continued. *Priest K* repeatedly told the boy not to tell anyone, both, because of the trouble it would cause for *Priest K*, and because of the "stigma" of homosexuality that would attach to the boy. The priest told the boy that he would go to jail if he were caught.

Ultimately, when the boy was about fifteen, they had anal sex in his bedroom. Soon after, the sexual contact ended at the victim's insistence. The first person that the victim told about his relationship with *Priest K* was a high school girlfriend. He never told his parents or called the police. He told his wife after they were married. In 1998, he contacted an attorney, because he knew *Priest K* was still in parish ministry and he wanted to make sure that he was removed. First, he went to see *Priest K*. He had a small tape recorder concealed on his body and recorded their conversation. The meeting lasted one hour and was recorded in its entirety. *Priest K* acknowledged and apologized for his actions. (Grand Jury Exhibit 116). A lawsuit was subsequently filed that was later settled for \$160,000. The victim signed a confidentiality

agreement. No priest from the Diocese ever called the victim about his abuse at the hands of *Priest K*.⁵²

In *Priest K's* second assignment he tried to develop new abusive relationships with young boys. He was a likable, athletic, young priest who was especially popular with the altar boys. One hot summer day one of the altar boys asked his mom if *Priest K* could come over for a swim. In the pool *Priest K* swam up behind the boy and grabbed his genitals. The boy “freaked out” and told *Priest K* he didn’t like what he had done. *Priest K* replied, “Don’t worry about it your friend (name omitted) lets me do this.” The boy knew the other kid *Priest K* referred to, he was also an altar boy.⁵³ After *Priest K's* remark the boy jumped out of the pool. He immediately told his mother who chased *Priest K* from their home.

The boy’s father was summoned home from work and after speaking with his son went to the parish to confront *Priest K*. He was very angry and spoke with the pastor and *Priest K* who denied everything. Prior to going down to the parish, the boy’s father had called an old family friend who was a priest in another diocese. This friend, who was actually a Monsignor in the Diocese of Brooklyn, put him in touch with a Diocesan official in Rockville Centre.⁵⁴ He was assured by this official that the matter would be taken care of. Despite this, *Priest K* remained at

⁵² The victim told the Grand Jury that he learned the Diocese was especially unhappy with *Priest K*. Apparently, he had been previously treated and never disclosed his abuse of this victim during treatment. This will be discussed further in this report.

⁵³ In fact, this boy had several experiences that made him feel uncomfortable around *Priest K*. Once, during wrestling *Priest K* was grinding his pelvis and humping the boy. Another time *Priest K* asked the boy whether he masturbated and what he thought about when he did it. The boy thought this was a very strange conversation to be having with a priest and avoided him after this. Years later, at the request of the victim who was fondled in his backyard pool, he provided this information to the Diocese.

⁵⁴ This witness still had the pages of his personal telephone directory with the numbers of the priest friend he called and the number of the priest in the Diocese of Rockville Centre who he was referred to. (Grand Jury Exhibits 81,82).

the parish. Their son did not want to attend church and they did not make him go. They never told anyone in the parish about the incident because their son was so young.

The victim did not see *Priest K* after the incident because he stopped going to church. He was aware that *Priest K* remained in the parish for two to three years. Once, when he was in college he saw *Priest K* at a wedding. *Priest K* approached him and tried to shake hands. The victim told him to leave him alone.

During the religious preparation for his own wedding the victim saw *Priest K* in the parish where his fiancée lived. He immediately told the pastor that he did not want *Priest K* anywhere near him or his bride to be. He related what *Priest K* had done to him as a child and how his father had contacted the Diocese to complain many years before. The pastor was very upset and arranged a meeting with Diocesan administrative officials. (Grand Jury Exhibit 11P) These men, who were also priests later arranged a meeting with *Priest K*. (Grand Jury Exhibit 11Q).

At the meeting *Priest K* was there with an attorney. Diocesan lawyers were also present. They asked the victim to tell *Priest K* why he was still upset with what he had done. After the victim explained that *Priest K* had caused him great pain, because he could no longer attend church, *Priest K's* lawyer offered his version. That is, that the entire incident was an accident during rough housing that the victim had misconstrued. As the victim recounted it to the grand jury, he responded, “ If I were to get out of this chair and grab you by the balls would you go home and tell your wife that it was an accident” The meeting ended and *Priest K* was sent for a psychiatric evaluation. Two weeks later he had returned to the parish and offered the children’s mass.

The pastor of this parish testified that *Priest K* was returned to his ministry at the parish without any restrictions that the pastor was aware of. The pastor felt that he had no support from the Diocese and he was furious about the return of this priest to his parish. Approximately one year later, the pastor received a call from a Diocesan official advising him that an additional allegation against *Priest K* had been made, and was of similar vintage as the earlier one. *Priest K* admitted to sexual conduct and was sent for another evaluation. The pastor believed that *Priest K* never should have been assigned to a parish with a school. The pastor testified very clearly that the Diocese of Rockville Centre told him nothing about the priest and treated clergy sexual offenses as if they were a sin but not a crime. Still, high-ranking officials in the Diocese, who were attorneys, knew that these acts were criminal.

Unfortunately, this pastor's experience mirrors that of many others. Fellow priests, pastors assigned to care for parishes and parishioners of the Diocese, were not advised by the Diocese of important information about priests in their charge, again putting parishioners, especially children, in harm's way.

Priest L

The brothers who were abused by this priest came to refer to themselves as the, “Forgotten Four” (Grand Jury Exhibit 104) They were a large family, seven boys and one girl. Their mother thought of *Priest L* as her, “eighth son”. *Priest L* began his abuse of the first of the brothers when he was only nine years old. They met when the boy became an altar server in his parish. It was this brother who introduced *Priest L* to his family. In fact, their first sexual contact occurred at their family home. The boy woke up to *Priest L* performing oral sex on him. He remembers no conversation other than *Priest L* advising him not to tell anyone, because no one would believe him. The relationship became so intense that the boy felt separated from both his family and friends. *Priest L* played on this; he told the boy that his family didn’t love him and that they didn’t have time for him because of the number of children they had. *Priest L* bought him things he wouldn’t ordinarily have received.

Priest L’s abuse of this brother, including touching and oral sodomy, continued until the boy was about 16. He was abused in the rectory, on *Priest L*’s boat, on trips and in hotel rooms. Eventually, their contact became less frequent because *Priest L* began to spend more time with his younger brother. Indeed, his mother encouraged him to share *Priest L*’s attention with the other boys in the family. Later, he observed that his two youngest brothers were also spending time with *Priest L*. At one point the two had a physical confrontation about the abuse. *Priest L* told the boy that he was evil and that God would punish him.

As an adult, this victim moved out of the country. About two or three years later, at his wife’s insistence, he told his father about the abuse. At first, his father didn’t believe him. When the victim asked his father to accompany him to confront *Priest L* he agreed. At first, *Priest L* denied the charges. After the victim pressed him he finally admitted what he had done and said

that he was getting help. *Priest L* acknowledged that he was, “sick” His father told *Priest L* that he was no longer welcome in their home. It was after this confrontation with *Priest L* that he decided to speak to his younger brothers about *Priest L*. It was at that time that he learned that two of his brothers, at least, were also abused.⁵⁵ A third brother had also spent time with *Priest L* and the family came to believe that he too had been a victim. They could never confirm this because this brother committed suicide before any disclosures about *Priest L* were made.

Once the boys disclosed *Priest L*'s abuse to their father, he never spoke to them about it again. Their mother was never aware of the abuse, as she had died when they were much younger. After their father's death the surviving sons began to speak to each other about their experiences with *Priest L*. Eventually, they decided to contact the Diocese about him. After a memorial mass for their father one of the boys spoke to the priest about *Priest L*. He referred the boys to a priest in the Diocese who could help them.

Thus began an ordeal for these brothers that would last for over two and a half years. In fact, the grand jury finds that these brothers were re-victimized by the Diocese. Their treatment can be characterized simply; it was a disgrace.

The brothers first met with a high ranking Diocesan official involved in priest personnel matters. A secretary was present at the meeting who took notes. One brother had a tape recorder hidden in his pocket. He recorded most of the meeting. (Grand Jury Exhibit, 86) It struck the brothers as odd that the priest in attendance was most interested in the dates of the abuse. They

⁵⁵ The abuse of these brothers paralleled *Priest L*'s abuse of their older brother. They spent many nights in the rectory. *Priest L* would sneak them in. They remembered that because one step creaked; they had to step over it.

came away from the meeting with the impression that this was the most important issue to the Diocese. They later realized the significance of this in terms of both the civil and criminal statute of limitations.⁵⁶ At the time, this was not on the minds of the victims; it was very hard for them to pinpoint actual dates. In fact, the victims were focused on finding *Priest L*. They felt guilty that they had not disclosed what they knew about him earlier, and were afraid that he had abused other children.

After the meeting the priest they had met with wrote to offer the brothers counseling through either Catholic Charities or at one of the Diocesan hospitals. (Grand Jury Exhibit 87) The brother's thought this was insulting given they had been abused by a priest. The Diocese explained that this was their only offer. They tried to reach the Diocese for further discussion on this issue but they were unable to. Nobody returned their telephone calls and they felt frustrated and ignored.

The brothers decided that they would retain an attorney to assist them. At the time there were only two issues they sought to resolve; they wanted to know where *Priest L* was and they wanted to begin counseling. Three months after the brothers first contacted the Diocese their attorney wrote to address these issues. (Grand Jury Exhibit 88) A meeting was arranged and was held one month later. (Grand Jury Exhibit 90) Present at this meeting were the brothers, their attorney, the priest with whom they had previously met and another priest who was a lawyer, as well as someone who handled issues of clergy sexual abuse.⁵⁷ The meeting was very difficult for the brothers. They had very little confidence in the Diocese especially after they saw the priests

⁵⁶ One of the brothers later contacted law enforcement about the abuse and learned that the statute of limitations had expired.

⁵⁷ The impression of the brothers was that this priest was not interested in the details of their abuse. In fact, he seemed disinterested in them.

“high-fiving” each other in the hallway halfway through the session. Reacting to this, one of the brothers told the priests that he was going to go to Newsday. One of the priests responded, “I know them all down there. I’ll give you their numbers. You write it and it will be libel. You’ll be liable because you have no proof. Do you have any pictures?” The brother who had threatened to go to Newsday told the Grand Jury that he didn’t think he had ever been angrier in his life and that he wanted to kill this priest. In fact, he threatened to throw him out of the window. At this point the others in the room called for calm and they took a break.

When they returned to the table, the Diocese agreed that the brothers could see a counselor of their own choosing. The Diocese required that they provide letters from licensed therapists setting forth a diagnosis and a course of treatment. The diagnosis was expected to be a formal one, such as would be provided to an insurance company. The Diocese required that they outline how long the treatment could reasonably be expected to last, and describe how many sessions per week would be appropriate. (Grand Jury Exhibit 91) For the first time their attorney raised the issue of a monetary settlement that would include payments for educational expenses. In this regard, the parties agreed to put together a proposal that would address these issues. The brothers left the meeting with the understanding that the Diocese had agreed to pay for some future educational expenses for them. (Some months later, their attorney submitted a proposal for the provision of these expenses to the Diocese. (Grand Jury Exhibit 92) A follow up proposal was submitted one month later. (Grand Jury Exhibit 93) The next month the Diocese responded,

We are carefully reviewing the material you have sent. Although, as I have said, we are anxious to make arrangements for medical assistance, the requests regarding education are more problematic. However, we *are* reviewing the entire matter as you requested. (Grand Jury Exhibit 94)

Since the brothers had already begun counseling their attorney requested permission to submit the unpaid bills to the Diocese. (Grand Jury Exhibit 95) He received no response from the

Diocese and so he wrote them again. In this letter, the Diocese is explicitly informed that the brothers therapy was in danger of being terminated, because the bills had not been paid. (Grand Jury Exhibit 96). In fact, the grand jury heard that the brothers had conflicts with therapists because of the continued failure of the Diocese to pay their bills. At least one brother paid the bills on his own so that there would be no interruption in his therapy.

Months passed with no response from the Diocese. After their attorney threatened to report the priest-attorney for an ethics violation, they received a disturbing response to their correspondence. In it the Diocese faults the brothers for not providing the information they needed to assist them with their counseling expenses. This was false. (Grand Jury Exhibits, 97, 98) In his response to this, the attorney for the brothers asks simply, “Kindly answer two straight questions with two straight answers”. (Grand Jury Exhibit 99) This does not happen.

Completely frustrated, one of the boys wrote to another high-ranking official in the Diocese, asking for help. (Grand Jury Exhibit 100) He received no direct response to the letter , only a response from the priest-attorney with whom he had been previously getting nowhere with. In this response, the Diocese outlines new conditions for the provision of, “all necessary therapy and counseling for a period of six months.” The Diocese indicates that at the end of a six-month period they will require a new diagnosis and prognosis. For the first time the Diocese suggests that they may offer a, “lump sum to finance future counseling needs.” (Grand Jury Exhibit 101) To this point the Diocese had not paid any of the brothers mounting therapy bills it had been over a year since they had first met with Diocesan representatives. It took three more personal letters before the Diocese decided they could pay these bills directly. The victim wrote:

Enclosed you will find a bill from Dr. (name omitted) please pay this without delay. The bill should not become any larger as I am not seeing him any longer, thanks to you! We believed a man of God would not lie and deceive. You make promises you have no intentions of keeping.

When we met you, you shook my hand and promised to help my brothers and myself. You also offered help in almost every letter you sent. We trusted you! In my mind you are nothing but a insensitive, uncaring liar.

The pain you are inflicting is immense. I for one have lost my job and I am in jeopardy of losing my wife of fifteen months. My brother are also in similar dire straits. Please let us not forget our brother (name omitted) who saw no other way to cope with *Priest L's* abuse than to take his own young life.

I do not know how to ask you for help, except to beg. If this is the reason I have not heard from you for seven months, then hear it is, Monsignor, I beg you to do the morally correct and extremely late thing and help my brothers and myself as you said, "heal and get on with the future"

The letter was signed the, "Forgotten Four" (Grand Jury Exhibit 104). Another brother wrote a similar letter,

In closing, I would like to say that we are quite aware that we have limited legal power in this area. What we do have is more important and that is the truth, and as you taught us the power and strength of the truth can overcome even those who think they are above the law. Our own brother died at his own hand at the age of eighteen after having been abused... In his memory we will never give up. (Grand Jury Exhibit 112).

Within a week they received a hand written note on the priests personal stationary,

I am sincerely sorry for whatever confusion held up payment of your medical bills. I have paid the doctors directly as you asked... you sounded very angry –if that was because of the problem of the bills not being paid, I understand...But I was concerned that there might be more going on right now in your life. I hope you go ahead and get any help you need- I really do want you to be well and happy. I'll be praying for you and your family in a special way at Christmas. Hold on to your faith in God- it's only His Love that gets us through and shows us the way to the happiness we all deserve.

Finally, after a year and half of waiting, the therapy bills for the victims began to be paid by the Diocese. None of the other issues that the parties had discussed were resolved. The brothers were most anxious to do this. Most especially, they wanted the Diocese to make a

donation to a charitable organization in their deceased brothers name. Initially, the Diocese had agreed to do this. They never did.

Halfway through the following year, the victims sent another letter to the Diocese pleading for help. (Grand Jury Exhibit 106A) They heard nothing. Finally they sought help from the pastor of their church. He put them directly in touch with the Diocesan law firm. The attorney-priest who they had been dealing with for over two years was no longer involved in the matter. Although it took another six months to be resolved, the Diocese ultimately settled with the brothers, paying them \$65,000 each in full satisfaction of all legal claims. (Grand Jury Exhibits 109,110, 111)Although none of the victims thought this was adequate they were so disillusioned and exhausted by the Diocese that they simply wanted to put it all behind them.

Priest M

Four of *Priest M*'s victims testified before the Grand Jury; by *Priest M*'s own admission there could have been more. As with many other of the abusive priests in the Diocese, *Priest M* gained access to his victims by first befriending their parents. He became a guest at their table, gained their trust and thus, had unfettered opportunity to abuse their children.

For two brothers this pattern led to trips outside of the diocese for a variety of purposes including, cutting down Christmas trees, visiting a vacation home, retreats and one trip to visit colleges. *Priest M* began his abuse by touching the boys and later tried to have them engage in oral sex with him. He told the boys that what they were doing was a, "caring thing" One of the brothers refused, the other, who was younger, did not. In fact, *Priest M* showed him a graphic book describing sexual acts on one of their trips. As the victim described it, "we just followed along" During these trips the sexual contact occurred almost every night and, even sometimes during the day, if they were alone. One of the brothers still had a page of his childhood scrapbook complete with plane tickets from a trip to the Midwest that he had taken with *Priest M*. (Grand Jury Exhibit 51)

Whenever the boys refused *Priest M*'s sexual advances, he became angry. As a child, the one victim told the grand jury, that he had once expressed certain fears to *Priest M*. Thereafter, *Priest M* played on these fears and provided comfort only in exchange for sex.

Of course, neither of the brothers told anyone what was happening to them until they were adults. For the youngest brother his disclosure was prompted by the fact that his sister had a son who was approaching the age that *Priest M* had first started his abuse. Since his sister was still friendly with *Priest M* he was afraid the priest would turn his attentions to his nephew. He decided to tell his sister so that she could take action to prevent this from happening. Later,

during therapy that included family members, his older brother disclosed that he too had been abused by *Priest M*.

Both of the brothers sought help from the church. Although he was living out of state, the younger brother contacted the Diocese of Rockville Centre. His brother contacted a Diocese in Florida where he was then living. The only thing they learned was that *Priest M* had left the priesthood.

Two classmates, who were good friends, were also victims of *Priest M's* abuse. Both were active in their parish folk group, one was an altar boy and ultimately they attended the same midwestern university. What they only learned later was, that they were also both victims of *Priest M*.

The pattern of *Priest M's* abuse was similar. He abused the boys on a variety of trips and in the rectory, where they often stayed overnight. The abuse was relentless and included fondling, oral sex and with one of the boys, repetitive anal sex. *Priest M* would often drink alcohol and repeatedly gave it to the boys. He would tell the boys that what they were doing was an, “expression of love”, and their relationship was, “special”. When the boys would refuse to engage in sexual conduct, *Priest M* acted hurt and was frequently tearful. One of the victims described that he felt traumatized about what was happening to him but that he had no idea what to do, “it was really, really terrible”. For both boys it was simply inconceivable that they would say anything about what was happening to them.

When the boys left for college, *Priest M* received permission to follow them, ostensibly for the purpose of pursuing an additional degree. *Priest M* became the director of a dormitory where he continued to abuse the boys. During this time neither boy suspected the other was being abused and *Priest M* encouraged them in this belief.

Both boys ended their relationship with *Priest M* when they were in college although *Priest M* continued to pursue them for some time afterwards. For one victim, disclosure of the abuse came shortly thereafter, to the woman who would later become his wife. He decided to contact the Diocese about *Priest M* and wrote a letter to a high-ranking Diocesan official. (Grand Jury Exhibit 52) He did not discuss this with his family and in fact did not disclose his abuse to them for another eight years. In the letter, the victim graphically relives his experiences with *Priest M*, and writes,

I cannot begin to describe the amount of fear, guilt and pain I experienced over those years. It has taken me a long time to accept what went on with Father (name omitted) and to overcome it. I am absolutely certain that none of this would have happened were I approached by someone who was not a priest.

The victim goes on to emphatically relate the purpose of his letter.

I am writing this letter for one reason. I feel a responsibility to those young boys who may be approached sexually by Father (name omitted). I feel that giving you this information is the best way to prevent another person from having an experience similar to mine. I believe that Father (name omitted) is emotionally disturbed, and in need of help. I hope you will see to it that he gets the help he needs.

He received no response from the Diocese. Three months later he wrote to the Diocese again. (Grand Jury Exhibit 53) He sent the letter certified mail. (Grand Jury Exhibit 73) Without reiterating the entire contents of his first correspondence, he nevertheless writes,

It is very important to me personally to know that you have taken some action with regards to this situation. As I stated in my initial letter to you, I feel a responsibility to others who may be abused by Father (name omitted).

Two months later he met personally with the high-ranking Diocesan official to whom he had written. He assured the victim that he would act. He left the meeting feeling that the Diocese

understood the situation and stood ready to help. During the meeting he had learned that *Priest M* was assigned to a Diocese in Florida.

Two months later the victim received a copy of a letter that the Diocese of Rockville Centre had sent to *Priest M* requesting that he contact them to arrange to meet with Diocesan officials. (Grand Jury Exhibit 53A) A month after that, he received another letter, describing the results of this meeting (Grand Jury Exhibit 54)

I had a meeting with Father (name omitted) on July 24 here in the Chancery. He informed me that he is very happily situated in (name omitted) in Florida. I brought the matter of our mutual concern to his attention without ever mentioning any name, so that he is not conscious of your being the source of my concern.

Father acknowledged his responsibility and assured me that he has been receiving counseling and spiritual direction and that this matter has not been a problem for over a period of approximately two years. He seemed relieved to be able to discuss the matter with me. I asked him to write me in confirmation of our meeting. Enclosed is a copy of that letter. I will keep all this material in Father's confidential folder and I hope and pray that this is a closed chapter.

Father sincerely regrets the past and I reminded him of his responsibility in this regard. At no time was your name mentioned by Father or by myself.

Although the Diocese may have felt that the matter was closed, for the victim it was not. He wrote again for two reasons. First, the letter from *Priest M* that was to be enclosed with the correspondence was not there. More importantly, the victim began to realize that he might not have been the only one abused by *Priest M*. As he writes in a follow up letter (Grand Jury Exhibit 55),

Father also claims that this matter has not been a problem for a period of approximately two years. This means that I was not the only person abused by Father (name omitted) In fact, it means that he continued to be sexually abusive for two years beyond his abuse of me. Obviously, there are other victims.

All of these factors concern me very much. I honestly feel that more than Father's word is needed to back up his presentation of the facts. I suggest to you that you request a letter from his psychotherapist outlining Father's presenting problem and confirming his involvement in therapy.

He goes on to request that something be done about *Priest M*'s situation in Florida and suggests to the Diocese that they notify officials there about *Priest M* so that he can be monitored. He also asks that the Diocese investigate the issue of *Priest M*'s additional victims. He reminds the Diocese that,

...we are dealing with sexual abuse here and not homosexuality. If Father were simply a homosexual, he would have been involved with consenting adults. However, as a sexually abusive person, he coerced and manipulated people far too young to be considered consenting adults. There is an enormous difference between the two.

He closes the letter with this insight,

Somehow, I believed that contacting you regarding Father...would "end" this for me. Unfortunately, this is not so. I am beginning to realize that there is nothing in this world that you, or anyone else, can do to end my having to live with this experience. It has affected my life in countless ways, and I can see that it always will. It has brought me grief, hatred and disgust, and has made me feel as though I am twenty-four going on eighty. It is because of the intensity of my feelings that it is so important to me to be sure that Father never sexually abuses a person again. No one should experience such a thing if it can possibly be prevented.

There was no reply from the Diocese to this letter. Four months later the victim tried again to prompt the Diocese to respond to his concerns. (Grand Jury Exhibit 56). A month later he received a response from the Diocese that included the correspondence from *Priest M* that had been promised. In the letter, *Priest M* thanks his superiors for their, "openness and understanding" (Grand Jury Exhibit 57). The official Diocesan position with respect to *Priest M* is clearly spelled out in their response:

I did not respond to your letter of September 2, 1980 because at the time of my interview with Father (name omitted), I was not able to confront him with specific names and/or situations in order to protect your anonymity, as you had requested. Since you are unwilling to accept Father's word to me, I will make no further request of Father about this matter unless you are willing to allow me to use your name and more specific information in requesting the further proof that you wish regarding the spiritual direction and counseling program which he has indicated.

A person's program of spiritual direction is a very confidential matter. It is often the case that the spiritual director also serves as the person's confessor, and as such, the seal of confession is a most serious obligation on the part of the confessor. Your own professional experience as a psychologist has made you very familiar with the confidentiality of a counseling program, and the necessity of the patient consenting to the release of such information.

You mention in your letter that you feel that others may have been involved. I do not believe that I have sufficient proof that this is the case, and if such a serious charge is to be made, I would have to confront Father (name omitted) with such specific charges, which I do not have.

I have pursued this matter in this fashion because of your own wish for anonymity, which I fully intend to honor unless you choose otherwise, and because I have Father (name omitted) assurance to me, verbally and in writing, that he has undergone counseling and has sought spiritual direction, and is continuing to do so.

Since I continue to regard this as a confidential matter, may I request that you mark any further correspondence "Personal".

This letter struck the victim as disingenuous. If, as Diocesan officials claimed, they were only willing to accept that *Priest M* had sexually abused one person, the victim wondered just who's anonymity they were trying to protect. He wrote to the Diocese again expressing concern that none of his requests, especially the notification of *Priest M's* new Diocese, had been followed up on. While he was confused as to reasons the Diocese required, this he agreed to allow the use of his name. (Grand Jury Exhibit 58)

Two months later the victim received a curt reply to his correspondence. (Grand Jury Exhibit 59)

Based on the information which has been made available to me, I feel that I have neither the right nor the responsibility to bring this matter to the attention of the Diocese in which Father is serving.

I am grateful to you for bringing this matter to my attention. I do not feel that any additional action is necessary at this time.

The victim wrote back and explained that over the next few weeks he would determine whether, “it is my right or my responsibility to contact Father (name omitted) superiors in Florida myself. I will then proceed according to my own decision and conscience.” (Grand Jury Exhibit 60)

Within two months the victim decided that he would write to *Priest M's* superiors in Florida on his own and notify them of this priest's sexually abusive past. He told the Bishop in Florida that his goal was only to spare another victim from the horror of sexual abuse and he felt it was imperative for *Priest M's* superiors to be aware of his problems. 6/7/02,p.43) A week later he heard from this Bishop thanking him and reporting that he , “would keep it in mind in our personnel placements”.(Grand Jury Exhibit 62) The Bishop confirms that he was unaware of the situation until he received the victim's letter. Despite his request that the Florida Bishop keep him informed as to any action taken with regard to *Priest M*, he never heard from him again .

A year later the victim learned that *Priest M* had returned to the Diocese of Rockville Centre and was assigned to a parish. He wrote a letter to the pastor of the parish outlining *Priest M's* history of child abuse. (Grand Jury Exhibit 63)He received no response so a couple of months later he wrote to him again. There was no response to this letter either. (Grand Jury Exhibit 64)

When *Priest M* returned to the Diocese after his years spent in the Midwest, he was assigned to a parish with an elementary school. The pastor there testified that he never saw *Priest M's* personnel file. He knew that *Priest M* had returned from an assignment out of the Diocese, and admitted hearing rumors of sexual abuse. However, he did not make any inquiries concerning these rumors. As with other pastors, he was unaware that a psychologist had treated

Priest M at the request of the Diocese.⁵⁸ He did acknowledge receiving a letter postmarked from out of state indicating the sexual abuse of a child by *Priest M*. He did not speak to *Priest M* about it.⁵⁹ The pastor stated he felt that he could totally trust the Diocese and believed that the priest had already been screened and approved by them.

Priest M was transferred to another parish after six years. The pastor did not notify *Priest M's* next pastor of the letter he had received alleging sexual abuse. He felt that he would be tarnishing *Priest M's* reputation by passing on this information.

Priest M's new pastor told the Grand Jury that he had not been given *Priest M's* personnel file to review and was given no historical information concerning him. He did speak to the previous pastor, but no information was provided concerning sexual abuse. He too, had no knowledge of the psychiatric evaluation performed on *Priest M*. When he later learned about the sexual abuse, the pastor contacted high-ranking Diocesan officials and complained that he should have been advised about this priest's background.

For the next six years there was no contact between the victim and the Diocese. Working, to provide for his family, became his primary concern. For a time he also felt that he had done all that he could to warn the Diocese about *Priest M* and to prevent further children from being victimized.

⁵⁸ Grand Jury Exhibit 21F is dated April 5, 1982 and is a memo to the Director of Priest Personnel. It discusses the need for a psychological report of *Priest M* before his return to the Diocese of Rockville Centre.

⁵⁹ Grand Jury Exhibits 52-67 are correspondence between one of *Priest M's* victims and the Diocese of Rockville Centre, the Diocese of St. Petersburg in Florida, and a pastor of a Diocese of Rockville Centre parish where *Priest M* first served upon his return to the Diocese. A reading of this correspondence indicates that the pastor was contacted twice concerning the past allegations of sexual abuse. Despite these allegations, this pastor testified that he trusted the Diocese in their placement of *Priest M* at his parish and did not advise anyone of the correspondence. In fact the second correspondence specifically asks the pastor for a response to the initial correspondence, a response that never was written.

In the late 1980's the victim met with a priest in Virginia who had written extensively on the subject of clerical sexual abuse. They discussed *Priest M* and the response of the Diocese to the notification that he had sexually abused children. This priest was friendly with a Monsignor in the Diocese of Rockville Centre and offered to call him to re connect the victim with someone who might be interested in helping him.

The victim was aware at this time that *Priest M* was still active in a parish in the Diocese of Rockville Centre. Some time passed and the victim heard nothing so he decided to call the Monsignor himself. No one returned his phone calls. Eventually, the priest in Virginia called to relate that he had been able to speak to his friend in the Diocese of Rockville Centre, and he had been told that *Priest M* was on medication to control his sex drive and that the Diocese was keeping an eye on him.

Distressed at hearing this news the victim decided that he had two options; he could either sue or embarrass the Diocese. Since he knew that the statute of limitations on any civil or criminal action had lapsed, he decided that he would embarrass them. First, he told his family about what had happened to him

He met with the editors of Newsday but could not convince them to write a story. He also hired a private investigator to locate *Priest M*. He was assigned to a parish in Suffolk County and living in the rectory there. Ultimately, the victim decided that he would write an open letter to the parishioners, and hand it to them as they left church after Sunday mass. With the assistance of his father and two brothers, that is exactly what they did. (Grand Jury Exhibit 65, 66) His letter not only detailed the sexual abuse but his failed efforts to get the Diocese to take some responsible action with respect to *Priest M*. There was some media coverage of the event.

Not surprisingly, he heard from Diocesan officials immediately, In fact, the Monsignor who he had been referred to by the priest in Virginia, made the first call. He was very angry. The call led to a meeting and resulted in the removal of *Priest M* from the parish. *Priest M* was asked to provide a list of his victims and did. The victims worst fears were realized, that is, *Priest M* had abused children for two years after the victim had first complained to the Diocese and fully six years after his own abuse had stopped. Although he had the will to prevent this from happening he did not have the means. The Diocese of Rockville Centre had the means but not the will.

For his efforts, the victim never received an apology, an acknowledgement of Diocesan wrongdoing or an offer of help.⁶⁰

⁶⁰ After the victim had begun his interaction with the Diocese he contacted his boyhood friend to see if he too had been abused by *Priest M*. He found out that he had also been a victim. The friend contacted the Diocese and spoke to a Monsignor who told him he could not help him.

Priest N

Visiting priests often worked for extended periods of time without ever officially being incardinated in the Diocese. One of these priests, from a country in the South Pacific, sexually abused girls, in a least two parish assignments.

The mother of one of the girls explained to the Grand Jury that one day *Priest N* showed up at her home with a cake. She invited him to stay for dinner. They had a large family so after dinner her husband went upstairs to help the children, while she cleaned up the kitchen. *Priest N* was in the den. Mom was unaware that her ten-year-old daughter had finished her bath and come downstairs until she walked into the kitchen complaining that *Priest N* wanted her to sit on his lap and she had refused. Mom explained to her daughter that it was ok to say no to this request. Later that evening, their daughter also disclosed that *Priest N* had put his hand in her pants. Her parents decided that they would not have anything more to do with *Priest N*. They decided they would not make a formal complaint to the Diocese, because they felt that they would not be believed. They did not complain to their pastor. It never occurred to them to call the police.

Years later, Mom decided to contact the Diocese about *Priest N*. She also encouraged her daughter to do this. She wrote a letter to a high ranking Diocesan official. (Grand Jury Exhibit 136) When she got no response to her correspondence, she wrote to the Diocese again and sent a short note about the situation to the priest who had been the pastor of their parish at the time of the abuse. (Grand Jury Exhibits 137,138) A priest who handled personnel matters for the Diocese contacted her and they eventually met in the Chancery. At the meeting she gave a letter to this priest from her daughter, attesting to the facts of the abuse. (Grand Jury Exhibit 142) In addition to the priest who handled issues relating to personnel, there was another priest present at the meeting. He was an attorney but did not disclose this fact to her. When she asked why he was

there, she was told simply that he was a member of the team that would meet with priests in situations like these. After she had related the incident to this priest he offered that perhaps it had been a cultural misunderstanding. The mother emphatically disagreed. By that time she had begun to make inquiries in the parish about *Priest N* and she had learned that there were a number of other victims of *Priest N*. Like her daughter, they had been touched as very young girls. She thought that these other families would be willing to speak with Diocesan officials and related this to them at the meeting. Unfortunately, these families decided not to come forward. They remained interested in what was happening with *Priest N*, so the mother kept them informed.

During the meeting with Diocesan officials they told her that they had confronted *Priest N* with the accusations and that he had denied them. She asked the Diocese to investigate his other assignments to determine if he had abused other girls. They refused. She also asked them to make a general announcement in order that victims could come forward for help. They would not.

The priests did tell her that *Priest N* had been removed from his assignment and sent for a psychiatric evaluation and treatment. Parishioners were told that he was on a leave of absence, due to stress. Sometime later, she was informed that *Priest N* had admitted his history of sexual abuse in the evaluation process. She asked the Diocese whether they would keep her informed of *Priest N*'s progress and they said no. They did offer that she could call them.

Ultimately, the Diocese told her that *Priest N* would have to undergo a long and extensive rehabilitation. After that, he might be able to get another assignment, but it would not involve children. Soon after, she was surprised to learn that *Priest N* had been released from the Diocese because they determined that was untreatable. The Diocese did not know *Priest N*'s

whereabouts, as they had relinquished all responsibility for him. Based on the information she received about *Priest N*'s poor diagnosis, the mother renewed her request for a Diocesan investigation of all of his parish assignments. The Diocese refused to do this.

Another family, in another parish, received an odd visit from *Priest N* one night. They also had a large family, with six children. Their oldest child, a daughter, was eighteen and in college. The night in question *Priest N* came to their home unannounced. This was very unusual. He had never before visited them. He was invited for dinner. During a conversation *Priest N* disclosed to the mother that he never really wanted to be a priest but that he had done so as not to disappoint his mother. *Priest N* confessed that he had visited their daughter at college and that there had been an incident of inappropriate conduct between them. *Priest N* was asked to leave and they immediately contacted their daughter who explained what happened.

Priest N had called her out of the blue and invited her to dinner. He was visiting in the area. After picking her up at her dorm, *Priest N* indicated that he had to return to his motel for something. While they were there he suggested that they have dinner in his room. When *Priest N* disappeared into the bathroom, the girl noticed a camera on a tripod set up in the room. She thought that this was strange. Suddenly, *Priest N* came up behind her, and put his hand inside of her blouse. She jumped up and asked him to take her home.

After her parents went up to her college to make sure that she was all right, they notified their pastor. He told them that he would contact the Diocese. Soon afterwards, they received a call from another priest. She told him the details of the story and he explained *Priest N* would receive therapy once a week for his problem. She told this priest that *Priest N* should be removed from the parish. The priest explained that he would not be, and that the family should find another parish to attend. They did this for a while until *Priest N* was transferred.

Priest N's parish pastor from this time period testified that approximately fifteen years after the incident, he met one of the victims by chance and she advised him of the abuse. Upon hearing this news, he contacted a Diocesan official involved in these cases. The official advised him to sit tight and see if any further calls were made with reference to the allegations. Diocesan officials did not conduct any investigation or make a report at that time.

In early 2000, the parents of the abused girl wrote a letter to a high ranking official. It delineated the abuse inflicted upon their daughter. (Grand Jury Exhibit 136). A follow-up letter was sent to another official of the Diocese asking why there had been no acknowledgment of their first complaint. (Grand Jury Exhibit 137). In March of 2000, the same parent wrote to the pastor of the parish where the abuse occurred, and included a copy of her previous correspondence. (Grand Jury Exhibit 138). After a series of letters that essentially accomplished nothing, (Grand Jury Exhibits 139, 140), the victim herself wrote to the Diocese explaining the exact nature of the abuse. (Grand Jury Exhibit 142).

Finally, the pastor testified that he sent a letter to the Diocese in March of 2000 concerning this case. The letter had no salutation, and he did not recall exactly to whom he sent it. In the letter, he told of his chance conversation with the victim, the Diocesan response to his report of it, and his belief that the victim's parents were credible. (Grand Jury Exhibit 143).

The Grand Jury finds that the Diocesan response to the pastor's complaint to sit tight in the face of allegations of criminal conduct by a priest was emblematic of the manner in which these cases were handled. The attitude of the Diocese revealed that either no consideration was given to the real possibility that the priest may still be offending, or it was considered, and ignored.

Priest O

Priest O wrestled with issues relating to his sexual orientation for most of his adult life. To that end he regularly sought psychological counseling. Whether he disclosed his sexual abuse of teenaged boys during these sessions is unknown. What is known, is that *Priest O* was repeatedly sexually abusive and that the Diocese knew this years before they took any action against him.

Much of what is known about *Priest O*'s history of sexual abuse was disclosed after he publicly denied that he had been abusive. Even though the Diocese knew this to be false, they never corrected his statements. These factors prompted a number of victims to come forward to discuss their abuse for the first time.

Priest O had the art of seducing teenaged boys down to a science. Assigned to a diocesan high school, he would target boys who had transferred into the school from the public school system. These boys were the most likely to be vulnerable to his advances, because they frequently had trouble adjusting to the parochial school environment, and they had fewer friends. The pattern of *Priest O*'s abuse was always the same. Each boy would be invited into his office. The door would be closed. After talking to the boys, he would suddenly pull them onto his lap. From there, he would undo their pants and put his hands inside their underwear. He would stroke the area around their genitals, running his hands through their pubic hair. Sometimes he spanked them.

Once, he invited a boy to the home of a wealthy friend. In their swimming pool, he fondled the boy under his bathing suit. Another time, this same boy, after arguing with his parents rode his bike to *Priest O*'s residence. *Priest O* asked him to spend the night and told the boy it was, "like a dream come true for him". They slept in the same bed. During the night

Priest O forcibly orally sodomized the boy by grabbing his head and pushing it down on his penis. The boy described this experience as being one of the most humiliating of his life. That same night *Priest O* tried also to perform anal sex, but this was not successful because the boy resisted. The next morning *Priest O* explained to the boy that he had been a homosexual his entire life. Although the boy told his parents that he had spent the night at *Priest O*'s residence he did not disclose what had happened. After this incident *Priest O* continued to abuse the boy in his office.

One of *Priest O*'s victims actually transferred from the high school to get away from him. Another boy, who was able to refuse his advances, was particularly angry at *Priest O*'s later public denial that he had sexually abused boys. Even though he had not been abused, this man came forward because he knew that *Priest O* had tried to abuse him, and he figured he had been successful with others.

At one point, a parish priest called a Diocesan official involved in personnel issues to inform him that a parishioner, well known to this priest, had told him that *Priest O* had abused his son. The abuse had occurred years before, during the time *Priest O* had been assigned to a Diocesan high school. The complaint was referred to another Diocesan official who was an attorney. (Grand Jury Exhibit 8Q) This priest met with the victim at length and concluded that he was not credible. Inexplicably, the Diocese offered to pay for his counseling expenses, counseling that presumably was unnecessary if he was lying. The Diocese did not further investigate the factual allegations of the abuse. They did however investigate the victim. The priest who had interviewed the victim illegally sought, and later obtained, information from his confidential high school records. While the information was first communicated verbally, it was later carefully documented in a memo that was placed in *Priest O*'s secret archive file. (Grand

Jury Exhibit 89) The Diocesan officials involved in this matter were certain that this information would impeach the credibility of the victim, should he ever decide to publicize the incidents.

Another of *Priest O*'s victims, an employee of the Diocese, reported his abuse to his therapist and later to the Diocese. After this, the Diocese sent *Priest O* for a psychological evaluation. (Grand Jury Exhibit 8J) *Priest O*'s evaluation and treatment report to the Diocese relates that *Priest O* had been attempting to deal with issues relating to the sexual abuse of boys for many years. *Priest O* acknowledged in the evaluation that he had abused at least twelve boys during his time assigned to the high school. This included the incident where the victim had been found to be incredible by the Diocesan officials who had interviewed him. The Diocese had even forwarded the results of the investigation of this incident to the treatment professionals charged with evaluating *Priest O*.

Priest O was finally placed on administrative leave in early 2002. Thereafter, a high-ranking official in the Diocese advised one of his colleagues of a conversation he had with one of *Priest O*'s treatment professionals. He reported that,

I would not let him (name omitted) continue in any ministry with males, the object of his affection and actions, ...they are all related to sex abuse. It can only be described as abusive behavior, the truth is it would not be wise to have him in ministry. (Grand Jury Exhibits 8M,8P)

Priest P

Priest P was also assigned to a parish with an elementary school. After his assignment, the pastor learned that *Priest P* suffered from a foot fetish. As a result, he took a sabbatical. The pastor denied any knowledge of the details of the fetish or of any other activities of *Priest P*. A nun who worked at this parish, told the Grand Jury that she had concerns about *Priest P*'s behavior. She testified that in the early 1990's, a woman had spoken with her about an incident of sexual abuse involving her son and *Priest P*. There was an indication that the victim of the abuse was probably mentally ill. The nun confirmed this and discussed the allegations with the deacon assigned to the parish. *Priest P* left the parish for a while and returned acting as if nothing had happened. Unable to reach any Diocesan representative involved in the evaluation of cases involving sexual abuse, she wrote a letter to the Diocese about *Priest P*. In the letter, she details inappropriate sexual conduct of *Priest P* with four victims.⁶¹ She states that a senior cleric in the Diocese, *Priest P*'s pastor, and a deacon, all knew this. The letter expresses concern over the potential return of *Priest P* to the parish. She was concerned too, because *Priest P* was trained in psychology and she was afraid he could manipulate the treatment professionals.⁶²

In response to her letter, the nun received a phone call from a priest involved in dealing with Diocesan personnel issues. He advised that *Priest P* would not be returning to the parish. This, in turn, upset the pastor who was willing to take any priest, including a sexually abusive one, rather than be short of personnel.

⁶¹ Not all of these victims were children.

⁶² Grand Jury Exhibit 129.

Priest P was assigned to a new parish where, yet again, there was an elementary school. The pastor there never knew about any sexual contact between *Priest P* and his parishioners in his earlier assignments. He indicated that he should have been told about it.

This pastor told the Grand Jury that his rectory policy prohibited young people from visiting the priest residences. Despite this admonition, *Priest P* had teenage boys in his room. He also advised the pastor that he considered *Priest P* to be too touchy/huggy with kids. (Grand Jury Exhibits 15E, 126). In a conversation with a high ranking Diocesan official involved in cases of sexual abuse committed by a priest, he reported that *Priest P* is, “an accident looking for a place to happen”. (Grand Jury Exhibit 126).

A new pastor was appointed to the parish where *Priest P* was assigned. Shortly after becoming pastor, he spoke with a senior representative of the Diocese about *Priest P* and articulated concerns about his behavior. The representative made notes of the conversation, as well as of his conversation with the another earlier pastor. These notes clearly indicate that the Diocese was told that on the pastor’s day off, *Priest P* would break his rules and have boys in his private room. A little over a year later (Grand Jury Exhibit 126), this same pastor contacted officials in the Diocese because of additional concerns about *Priest P*’s behavior. Specifically, he complained that *Priest P* was giving back rubs and tickling a 15-year-old boy in the rectory. He was aware this boy experienced panic when in the company of *Priest P*. The pastor reported that at one point, *Priest P* slipped his hand inside the boy’s shirt and rubbed his nipple. The pastor also knew that *Priest P* had moved his hands towards the boy’s groin but never actually touched it. (Grand Jury Exhibit 15D).

The information provided by the pastor is memorialized in notes that the Grand Jury reviewed.⁶³ The notes indicate these concerns, including information that *Priest P* was frequently in the company of 18, 19 and 20 year old males in his rectory room, using what he called “dirty talk”. A parishioner had also alleged that *Priest P* engaged in sex with boys and the parish staff confirmed, at the very least, that *Priest P’s* conduct with boys was inappropriate. The youth minister of the parish also complained of *Priest P’s* sexual talk in the presence of young people. When confronted with these allegations, *Priest P* appeared shocked. The notes also reveal that a high ranking Diocesan official, involved in the investigation of priests who were alleged to have sexually abused minors, reported this information at personnel supervision meetings.

To his credit, this pastor wrote again to senior representatives of the Diocese and expressed his uncertainty that *Priest P* could manage his sexual desires.⁶⁴ The Pastor indicated that he was not able to assure parents that their sons would not be the next recipient of *Priest P’s* advances. In his letter, the Pastor refers to a previous report that teenagers were seen in *Priest P’s* room. He reiterates the youth minister’s report that some of these teenagers indicated they had been the recipients of foot massages by *Priest P*. A deacon in the parish told the pastor that he had seen *Priest P* watching objectionable movies with teenagers. The pastor himself had seen young men in *Priest P’s* personal residence, despite his direction that this not happen. He reported that some people in the rectory referred to *Priest P* as “Pete”, a nickname for pederast.

⁶³ Grand Jury Exhibit 15E.

⁶⁴ Grand Jury Exhibit 15F.

The pastor concluded his letter with the caution that he could not give *Priest P* what he needed, close supervision.

A few months later, the pastor again wrote to the Diocesan priest involved in personnel decisions.⁶⁵ *Priest P* had been sent for psychological evaluation and treatment. It is apparent from this correspondence that the Diocese, in conjunction with the pastor, had circulated a story for the parish to cover up the reason for *Priest P's* absence. The pastor explained that he was working hard to keep the true story from exploding. The cover that *Priest P* was on a medical leave was successful until *Priest P* returned unexpectedly for a visit to the rectory with no apparent sign of illness. Additional Diocesan correspondence demonstrated just how secrecy was perpetuated by Diocesan officials.⁶⁶

The pastor of the parish to which the Diocese wanted to transfer *Priest P* next, reported to personnel officials that the youth minister in his parish had discovered *Priest P's* history. The pastor believed he had successfully kept the information from going any further so that it would not be an impediment to *Priest P's* transfer.

Subsequent to his treatment, *Priest P* was placed in residence at one parish with weekend mass duties. This was of particular concern to the nun who had originally complained to the Diocese about *Priest P*. She knew the weekend parish had only one full-time priest. As such, she feared that *Priest P* would be left unsupervised when the full-time priest was away.

⁶⁵ Grand Jury Exhibit 15G.

⁶⁶ Grand Jury Exhibit 15N dated May 10, 2001

Priest Q

Priest Q was assigned to a parish in Suffolk County. In the early 1990s, the pastor of the parish found a home made pornographic tape in *Priest Q's* room in the rectory. Some of the sexual images appeared to be old. Some, were obviously as recent as one year prior to the discovery of the tape and included sexual activity with an underage boy apparently from the parish. The pastor reported what he had found to the highest level of the Diocese. (Grand Jury Exhibit 31D). *Priest Q* was sent for evaluation and treatment. The report from the evaluation confirmed that *Priest Q* had sexually abused a fifteen-year-old male in the rectory.(Grand Jury Exhibit 31E).

Despite *Priest Q's* admission that a criminal sexual act occurred within one year of the discovery of the tape, no consideration was given to reporting the abuse to law enforcement. No attempt was made by the Diocese to locate and assist the victim. (Grand Jury Exhibit 31.)

Priest R

Priest R was assigned to a Diocesan school when seven boys complained to the Diocese that he had been sexually abusing them. He had also given them drugs, alcohol and pornography. The boys routinely slept in this priest's room in the rectory, it was common for them to ask each other, "Who's going to get the wood tonight?" *Priest R* usually picked out one boy per night to sleep with him in bed. *Priest R* later admitted that all of the boy's reports were true.

Priest R was sent for a psychiatric evaluation. He reported that a priest had sodomized him when he was a child. *Priest R* was very adverse to treatment and told his evaluators that he would do so only to avoid dire consequences. (Grand Jury Exhibit 33I) An additional report indicated that *Priest R* suffered from a severe personality disorder. The report indicated that external controls were necessary to insure his proper functioning, it was recommended that he be under the control of a senior priest. (Grand Jury Exhibit 33J) Evaluators also determined a clear sexual interest in adolescent males and recommended that he not be in their company. (Grand Jury Exhibit 33L). A final report indicated that there was a moderate risk that *Priest R* would repeat his sexually abusive behavior. Therefore, the professionals recommend that he have no ministry where he could associate with young men, and that he be assigned either a pastor or Diocesan representative who knew of his entire background, as a mentor, to insure proper supervision. (Grand Jury Exhibit 33R) After this, *Priest R* was assigned as Chaplain at several Diocesan hospitals and to reside in a parish rectory. (Grand Jury Exhibit 33T).

Priests committed crimes against children of the Diocese. These crimes were treated as a matter of sin and never reported to law enforcement authorities. The culture of the Diocese was one of secrecy and obfuscation. Diocesan officials purposely withheld information from parishioners and from their own priests and pastors. Recommendations from Diocese- selected

treatment facilities that evaluated abusive priests were ignored. Some of these recommendations included the monitoring and supervising of priests for the specific purpose of preventing future crimes from being committed upon parish children.

Most children did not report the crimes against them until long after the criminal statute of limitations had lapsed. Those who did were promised help, but received little. Instead, they were ignored, belittled and revictimized. In some cases the Grand Jury finds that the Diocese procrastinated for the sole purpose of making sure that the civil and criminal statutes of limitation were no longer applicable in the cases.

Priests and pastors turned a blind eye to improper conduct occurring in their rectories. Pastors failed to exercise supervisory control over rectory life and the conduct of priests in their parish. Rules of conduct were flouted without consequence. Rarely was an official complaint made either by a priest to a pastor, a priest to the Diocese or a pastor to the Diocese. When a complaint was made it was ignored. The policy was to avoid scandal by the suppression of information. Priests and Diocesan officials lied about what they knew about sexually abusive priests to their parishioners and to the public at large. This policy put children at grave risk.

The few pastors who chose to act felt abandoned by Diocesan officials. This was especially so when a priest was simply transferred to another parish, including parishes with elementary schools. The priest problem was moved, not addressed and surely not resolved. Victims and parishioners were misled while the process of ostensible treatment and transfer continued.

III. Child Sexual Abuse Syndrome

The victims who testified about their history of sexual abuse at the hands of priests in the Diocese painted a stark picture of the anguish, pain and humiliation they endured. Dr. Eileen Treacy, a psychologist, college professor, lecturer, author and expert in the field of child development, sexual assault and child sexual abuse, provided the Grand Jury with an understanding of the dynamics of child sexual abuse.

She explained that the phrase “child sexual abuse syndrome” was created by professionals in the field to develop a common language to help understand the process by which an offender entraps a child into a sexually abusive relationship, how the offender is able to escalate the sexual abuse while maintaining secrecy and what happens when the abuse is finally disclosed. An understanding of the syndrome also enables professionals across the various disciplines involved in the investigation, prosecution and treatment of victims and offenders to communicate, free from stereotypes and preconceived notions, about how a victim or an offender should act.

Child sexual abuse syndrome consists of five phases. The first is called engagement or entrapment. In this phase the offender has the job of gaining access to the child, thereby providing an opportunity for the abuse to occur. Offenders establish themselves in a trusted position and begin the process of breaking down the child’s natural inhibitors about sexual behavior. This is not a “hands –on “ sexual period and depending on the skill of the offender may last weeks or even months. These behaviors, and the building of trust that accompanies it, also contribute to the secrecy of child sexual abuse. During this time the child may be getting a lot of attention from a trusted adult. Very often offenders buy children gifts and take them on trips to

places they would otherwise not have the opportunity to go, including sporting events, museums and vacations. This period is also sometimes referred to as a “grooming “ period.

The breaking down of the child’s inhibitors about sex occurs at this time. The sexual relationship will not move forward without this. Sometimes this is done under the guise of sex education and developmental knowledge. Pornography is often introduced to children in this phase. Once the child has been moved towards sexual behavior the next phase of the syndrome begins; the sexual interaction phase.

The sexual interaction phase is usually progressive.⁶⁷ That is, it starts out with the lower level of sexual behaviors, touching, kissing etc. and moves forward to more serious sexual conduct as the relationship progresses. The level of secrecy required to perpetuate the relationship becomes paramount at this point. A common stereotype is that this requires an overt threat. This is simply not the case. Often the child’s implicit perception of what will happen to them and to the offender if a disclosure is made is enough. The child is made to feel that they bear responsibility for the behavior; that it is somehow their fault. Boys especially, because of the nature of their sexual arousal, begin to see themselves as participants rather than victims. This wreaks havoc with them psychologically and causes great confusion. Boys are also afraid that they will be viewed as homosexual and fear that their parents will be critical. Girls, on the other hand, believe that they must have done something to bring this upon themselves. Meanwhile, the perpetrator is telling the child that no one will believe them and in fact, frequently, no one does. The natural consequence of this is that children do not disclose the sexual abuse.

⁶⁷ As in everything else there is a curve to child sexual abuse. There is also variability depending on the child, the offender and what the offender is looking for.

If and when it happens, disclosure is the next phase of the syndrome. Disclosure is either purposeful or accidental. With children more often than not, the disclosure is accidental. Purposeful disclosure is usually prompted by an event that results in the victim, often as an adult, deciding to reveal their secret. Whenever it occurs, disclosure creates havoc in the life of the individual. All of the mechanisms they have relied upon to cope with the sexual abuse are dissolved and a crisis insues for them and usually for their families. This crisis leads to the next phase of child sexual abuse syndrome; suppression or the efforts the victim makes to push the trauma away. Suppression usually entails minimization and results in the process of disclosure being fragmented and in some cases quieted. The family, community or institution involved closes in on the child to mute the effect of the disclosure.

Children who are sexually abused return to their abusers because they feel powerless to intervene to stop what is happening to them. This factor is exaggerated when the perpetrator is in a position of authority, credibility and trust in the community. The fact that a priest brings to the sexually abusive relationship the element of “holiness” creates a cognitive disequilibrium for the children he abuses. They cannot intellectually process the disparate images created by this. The consequence is a child who is unable to stop the abuse.

The developmental stage at which a child is abused also effects their ability to reject the perpetrator and to disclose sexual abuse. The younger the child the more likely it is that they will disclose. These children generally also respond better to treatment. The children who are the least likely to disclose and the most difficult to treat are grammar school age. This is because they are abused as they are approaching puberty. Adolescents are not far behind simply because they understand the consequences of disclosure on a more sophisticated level.

IV. The Mandatory Reporting of Child Sexual Abuse

There were priests in the Diocese of Rockville Centre who promoted themselves as experts in dealing with issues relating to the sexual abuse of children. They were relied on in individual cases, for the development of Diocesan policy and to interpret state law so as to allegedly guard against potential violations. To that end, some of the priests involved in these issues were canon lawyers. Some were civil lawyers admitted to practice in New York. Still others were both. Numerous documents authored by these priests were examined by the Grand Jury. These documents contributed a great deal to the Grand Jury's understanding of the Diocesan perspective on these cases.

In a 1988 memo addressing concerns that were raised when a Diocesan priest was alleged to have abused a boy on a trip outside of the country, one of the priest/experts posits his legal interpretation of the administrative, criminal and civil process that could stem from the allegations, "if we are unable to deal with the matter ourselves." (Grand Jury Exhibit 19E) The writer outlines the following scenarios, and provides an early view into the legal posture developing at this time. This posture would later become the standard by which similar allegations were measured.

"Administrative process" or intervention by Child Protective Services is a realistic possibility in this case. Investigators would interrogate all persons who were on the trip... they would most likely interview other children and families in (name omitted) school and in the parish, and would also, likely attempt to interview children and families in other parishes where (name omitted) has served. This process is, obviously, very damaging in itself.

In my opinion, no "criminal process" is likely in this case. In the first place, there is no allegation of a complicated sexual assault here. Although what (name omitted) is accused of doing is clearly a breach of our "child abuse" laws, there is no allegation that anything took place in the State of New York. In fact, all of the alleged events took place in a foreign country, and the...courts (not our courts) would have jurisdiction over any criminal matters.

Civil suits for money damages against (name omitted) personally and against the parish and the diocese are a realistic possibility, although no large money recovery is likely since the level of “damage” is relatively low.

In 1990 this same priest outlined his interpretation of the legal aspects of the sexual abuse of children as a contributing author in a publication about child sexual abuse and the Catholic Church. (Grand Jury Exhibit 131) In his article, this priest authoritatively outlines what he alleges to be both the law and the required procedures for the reporting and investigation of child sexual abuse.

He generally outlines the legal obligations of individuals to report child abuse and divides them into two categories, those laws that require certain specified persons to make reports (such as New York) and those that require any person to report child abuse. Both schemes require the reporting party to have “reason to believe” that a child has been abused. The priest goes on to outline the investigative process that would follow such a report. He writes,

In any event, once a hotline report is made under either of the two kinds of statutes, the state’s Child Protective Services or “CPS” agency must undertake an investigation. If such a report were made against me, as a priest, for example, employees of my state’s CPS would present themselves at my rectory asking for a list of the names and addresses of the parish’s altar boys (or other children with whom I might have had contact). Armed with that list, the CPS investigators would visit each family indicated and ask to interview the children to determine whether they had been molested by their parish priest.

In a footnote to this paragraph the priest alleges that the quality of these Child Protective Service investigations tends to be somewhat “spotty at best”. He argues that the individuals who conduct them are not properly trained, as they are neither, “professional social workers ... police officers or persons trained to understand the rights of accused persons.” (Grand Jury Exhibit 131,p.171) He goes on to reference a notorious child sexual abuse case in California, where investigators were criticized for asking leading questions, and implies that they are trained to do so.

In the body of his chapter the priest cautions that the investigative process itself is, “very damaging to the person accused. Whether the accusation is true or false, once the possibility of child abuse by a priest...has been raised in people’s minds, this concern will spread like wildfire, making it impossible for the accused person to continue to work effectively in that community.” (Grand Jury Exhibit 131,p.156)

The article goes on to recite the potential consequences of the Child Protective Services investigation,

If the CPS investigation determines that the report is “unfounded” then most state statutory schemes require that all records of the report and investigation be expunged from the state’s “central register” of child abuse reports and investigations. On the other hand, if the investigation concludes that the report is “founded” CPS is required to turn the matter over to the local prosecutor or district attorney. District attorneys are elected officials, and their function is to evaluate the quality of evidence gathered and to exercise “prosecutorial discretion” in making a decision to prosecute or not to prosecute an accused person. In most cases, a district attorney will use police officers to conduct further investigation. (Grand Jury Exhibit 131,p.156)

In 1999, a memorandum to three high-ranking Diocesan officials by this priest addressed the current status of New York State’s child abuse reporting laws. (Grand Jury Exhibit 234) The priest attaches a copy of New York State Social Services Law, section 413 to his memo. He indicates that the requirement to report is limited in two ways,

(1) In the **first** place only *certain, specified classes of persons* are “mandated reporters”- required to make a report “when they have reasonable cause to suspect that a child is an abused or maltreated child.”

(2) **Second**, the obligation to report is triggered *only* when the “mandated reporter” acting in his or her “professional or official capacity” learns of alleged abuse *from the allegedly abused child or from the “parent, guardian, custodian or other person legally responsible”* for the allegedly abused child.

The Grand Jury finds that either through ignorance or by design, this priests' published understanding of the reporting laws and the investigative process that followed was seriously flawed.

In fact, a thirty year veteran of New York's child protection system, explained to the grand jury the relevant, applicable statutes, administrative rules, regulations and procedures for the reporting, investigation and determination of child abuse reports in New York.

Child Protective Services is a division of the Department of Social Services and has the legal responsibility to investigate allegations of abuse and/or neglect⁶⁸ made against either a **parent, guardian or other person legally responsible** for a child.⁶⁹ The administration of Child Protective Services is governed by Article 10 of the New York State Family Court Act, various provisions of the New York State Social Services Law and by numerous state administrative rules and regulations issued by the New York State Office of Family and Children's Services.

Allegations are made through the State Central Register of Child Abuse and Maltreatment, a toll-free hotline, physically located in Albany. Thereafter, if the report is accepted, it is referred to the geographically appropriate jurisdiction for investigation and determination. The local Child Protective Service conducts an investigation and is required, within sixty days, to determine whether the report is indicated, in other words, that is there is some credible evidence to believe the abuse occurred or unfounded, there is not.

⁶⁸ Any sexual conduct involving a child 18 or younger constitutes "abuse" for CPS purposes. Neglect or maltreatment most often occurs as an act of omission relating to the duty of parents, guardians or other persons legally responsible to provide food, shelter, education etc.

⁶⁹ This phrase includes other adults who normally reside in the household, foster parents and in some situations day care providers.

The goal of a Child Protective Service investigation is two-fold. First and foremost Child Protective Services exists to protect children from harm inflicted on them by individuals who have a legal responsibility to care for them. Second, while ever mindful of their responsibility to keep children safe, Child Protective Services is required by law to restore or enable family functioning and to keep families together whenever possible. Thus, Child Protective Services has no legal responsibility to investigate cases involving children who have been abused by a legal stranger to them including a priest, teacher, physician, boy scout leader, camp counselor or other adult who is not a parent, guardian or other person legally responsible for the child.

Similarly, abuse alleged to have been committed by someone other than the parent, guardian or other person legally responsible for the child is not the proper subject of a report to the State Central Register. While, these reports are frequently made, they become the subject of what is called a law enforcement referral; because of the conduct alleged the caller is not turned away. The staff of the registry takes the information and refers it to the geographically appropriate law enforcement agency for action. There is no Child Protective Service investigation into these cases.

The description of the Child Protective Services investigation that would follow a report of child sexual abuse to the State Central Register by the Diocesan expert in his article is “thoroughly inaccurate”. First, the entire premise of the article is wrong. Child Protective Services does not investigate allegations that a priest sexually abused an altar boy or anyone else except in the unlikely scenario that the priest is also the child’s parent or guardian. Second, an investigation would typically be started by interviewing the reporter of the information to the State Central Register, then the victim and anyone else who possesses relevant information. The child protection expert explained to the Grand Jury that the scenario posited by the priest, that

CPS would obtain a list of altar boys and begin randomly interviewing them, would be an, “absolutely inappropriate use of governmental power. At least our governmental power...that is not permitted.”

In Suffolk County and in many other counties throughout New York State, child abuse cases are investigated using a multi-disciplinary approach.⁷⁰ This means that while the Child Protective Services investigation is ongoing, there is often a parallel police investigation. Information and decision making in these cases is shared with the understanding that the responsibilities and goals of each agency are different.

A Child Protective Service investigation terminates in one of two ways. The case is either indicated or unfounded.⁷¹ Under the law, indicated means that there is some credible evidence to substantiate the allegations. Unfounded means there is not. If a case is unfounded it is sealed. If the case is indicated there are a variety of actions that the agency can initiate including filing a petition in the Family Court. Contrary to the assertions of the priest/expert/author there is not now nor has there ever been, a legal requirement that Child Protective Services turn over indicated cases to the District Attorney. While the cooperation that exists currently between Child Protective Services and law enforcement benefits the investigation, their roles and responsibilities under the law are different.⁷²

The statutory scheme for the mandatory reporting of child abuse in New York reflects the legal role of Child Protective Services. Thus, mandatory reporters are required to make reports to

⁷⁰ Indeed, in Suffolk County, there are detailed written protocols that govern the relationship of the individual agencies in these cases.

⁷¹ “Founded” is not a term utilized in Child Protective Services cases.

⁷² Child Protective Services exists to protect children and unify families. Law enforcement agencies arrest and prosecute offenders who violate the Penal Law and other criminal statutes.

the state central registry if they suspect they have encountered child abuse by a parent, guardian or other person legally responsible for a child. They are not required to report cases of abuse and/or neglect where the perpetrator is a legal stranger to the child. Therefore, revising the current statute to make clergy mandatory reporters would give them the legal responsibility only to report the abuse of a child committed by a parent, guardian or other person legally responsible, not abuse committed by another member of the clergy. There is no legal requirement for a priest, doctor, social worker, psychologist, nurse or any other mandated reporter to report child abuse committed by a colleague unless that person also happens to be the parent, guardian or a person who is otherwise legally responsible for the child.

V. Diocesan Policy and Practice The Church's Response to Clergy Sexual Abuse

A. Introduction

After examining thousands of pages of documents outlining the Diocesan response to the sexual abuse of children by priests, the Grand Jury found a number of overarching themes that can be summarized as follows:

The response of priests in the Diocesan hierarchy to allegations of criminal sexual abuse was not pastoral. In fact, although there was a written policy that set a pastoral tone, it was a sham. The Diocese failed to follow the policy from its inception even at its most rudimentary level. Abusive priests were transferred from parish to parish and between Dioceses. Abusive priests were protected under the guise of confidentiality; their histories mired in secrecy. Professional treatment recommendations were ignored and dangerous priests allowed to minister to children. Diocesan policy was to expend as little financial capital as possible to assist victims but to be well prepared for the possibility of enormous financial and legal liability. Aggressive legal strategies were employed to defeat and discourage lawsuits even though Diocesan officials knew they were meritorious. Victims were deceived; priests who were civil attorneys portrayed themselves as interested in the concerns of victims and pretended to be acting for their benefit while they acted only to protect the Diocese. These officials boldly bragged about their success and arrogantly outlined in writing mechanisms devised to shield them from discovery. These themes framed a system that left thousands of children in the Diocese exposed to predatory, serial, child molesters working as priests.

Until the early 1980's, the Diocesan Director of Priest Personnel had responsibility for cases involving the sexual abuse of children by priests. The Director of Priest Personnel is elected by his fellow priests for a specific term although on at least one occasion he was

appointed directly by the Bishop. There are no written qualifications for the job. Prior to 1994, only one of the priests who held the position had any professional training dealing with individuals in crisis.⁷³ The Director of Priest Personnel is also the secretary to the Priest Personnel Assignment Board. The members of this Board include a variety of high-ranking Diocesan officials and other priests (two each from different age groups) and are also elected for specific terms. The Priest Personnel Assignment Board has responsibility for interviewing priests about their present and future assignments, advising the Bishop on assignments, acting as a source of information to the Bishop on the state of the parishes and rectories, to be of ongoing availability to priests, to recommend incardinations, to interview the newly ordained for their first assignment, to seek recommendations from groups with particular interests in the assignment of priests, to conduct interviews for priests applying to be pastors, to initiate the appointment of parish administrators, to make judgments on requests of priests for special ministry, react to the proposed policies of the Priest Personnel Policy Board and execute the policies of the Priest Personnel Policy Board.⁷⁴ (Grand Jury Exhibit 161)

Stenographic minutes are taken at Priest Personnel Assignment Board meetings, usually by a clerical secretary. Minutes are provided in summary form, with detailed attachments. Members of the Board are directed to leave the minutes at the meeting place and not to take them

⁷³ At least one of these priests told the Grand Jury that he felt unprepared and ill equipped to deal with cases of sexual misconduct by priests.

⁷⁴ This board is a loose affiliation of priests who review the Diocesan policy manual and update it when necessary.

back to their rectories. (Grand Jury Exhibit 204) The meetings are confidential and the information discussed is not shared with priests or others not affiliated with the Board.⁷⁵

The Director of Priest Personnel is referred to among priests in the Diocese as the “priest to the priests”. As such he is often the first to learn about a priest in trouble. The Director of Priest Personnel has access to the personnel files of all priests working in the Diocese including the confidential and secret archive files although at least one Director candidly admitted he did not read them. He testified before the grand jury that he regarded this as a “failing”. One of the consequences of this failure, was that treating professionals, lacked complete histories about priests involved in the sexual abuse of children. This happened because the Director of Priest Personnel did not review prior psychiatric evaluations and letters of complaint about sexually abusive priests that were in their personnel folders. Thus, when *Priest K* was sent for a psychiatric evaluation after allegations of sexual abuse had been made, the treating facility involved was unaware that he been previously evaluated elsewhere. They also did not know that this evaluation had resulted in a caution to the Diocese, that *Priest K* could not be “psychiatrically cleared” to return to ministry, until he received serious therapeutic intervention. Whether this “serious intervention” ever took place remains a mystery.

On the other hand, members of the Priest Personnel Assignment Board did not have access to the confidential or personnel files of priests and they were never told if a priest had a secret archive file. Consequently, members of the Priest Personnel Assignment Board routinely discussed priests and their potential reassignment without knowledge of their history. This included priests with a history of sexually abusing children. For example, *Priest G* (whose

⁷⁵ At least one priest in the Diocese who served on this Board was investigated and treated as a result of his sexual abuse of a child. He was not asked to resign his position on the Board.

conduct was detailed in Part II of this report) was described to the Priest Personnel Assignment Board only as a priest who had, “ a few incidents, he didn’t use good judgment” (Grand Jury Exhibit 196) and *Priest D* as merely, “tough”. These descriptions completely misrepresented the character of these priests to the Priest Personnel Assignment Board and obviously resulted in its members being in the dark about their hazardous behaviors. (Grand Jury Exhibit 197) Moreover, with respect to *Priest K* whose sexually abusive career has also been fully described, there was a specific agreement with his therapist that “no report would be submitted to the Diocese”. (Grand Jury Exhibit 11L) A Diocesan priest involved in personnel matters, testified that this meant that no report would be made to the Priest Personnel Assignment Board, about the incidents that prompted the therapy. When one of *Priest K*’s pastor’s wrote to a high-ranking Diocesan official asking that he be transferred, in part because of his “manipulative” relationships with students in the parish high school, the minutes of the Priest Personnel Assignment Board meeting at which the request was considered reflect, that even though they knew the school principal did not want *Priest K* in the school, the consensus of the Board was that, “*Priest K* should stay and [the pastor] confront the problem if and when it surfaces.” (Grand Jury Exhibits 11H, 166) The minutes do not reflect that the Board knew the exact nature of the complaint about *Priest K*. Later this priest was diagnosed a pedophile; his behaviors had previously been described in one evaluation as “predatory”. This, was in spite of the fact, that the information about the pastor’s complaint was not passed along to this professional because the priest responsible for doing this did not examine *Priest K*’s personnel file. Personal observations of priests, who were members of the Board, were also not discussed at their meetings. For example, one Board member once lived with *Priest D*. When he observed children in *Priest D*’s rectory room he did

not speak to him about it since he wasn't the pastor. Although this priest had a high-ranking position within the Diocese, and it was his personal policy not to engage in this type of behavior, he never reported this information to the Board when they were considering *Priest D's* assignments. Even those priests who were directly involved in the Diocesan response to priests accused of sexually abusing children, and who were also members of the Board, did not share what they knew about priests with their colleagues, because they felt the information was confidential. In one particularly troublesome case, high-ranking Diocesan officials, responsible for handling allegations of sexual misconduct, discussed a priest who had applied for a chaplaincy at a Diocesan high school. Their review of his case was prompted by "credible information from priests who feel that Father (name omitted) is overly involved with teenage boys; taking them on trips and giving them access to his room in the rectory". The situation was described as involving "incipient boundary issues". Investigation of the allegations revealed that his pastor described the relationships between the priest and teenage boys as "very much personal and not pastoral". Even the formation of a youth group by this priest was described by his pastor as a misnomer, since it apparently existed for the personal interest of the priest, and not for the good of the parish. Moreover, the pastor noted that he hoped the priest would be able to differentiate between his personal needs and professional/pastoral needs if he were to be assigned as a high school chaplain. This can hardly be considered a resounding endorsement for such an important position from the pastor of the priest under consideration. (Grand Jury Exhibit 147E) Despite these concerns, the Priest Personnel Assignment Board was never notified of these issues and they assigned the priest to the high school.

The Grand Jury finds that once a priest was authorized for an assignment, there was no mechanism for the Priest Personnel Assignment Board to learn anything about him, except what was publicly available, even though the sexual abuse of a child is a crime under both civil and canon law. (In fact, one witness before the Grand Jury who was a member of the Board, testified that he trusted that the Diocese would never allow the Board to consider the application for the assignment of any priest who was unfit for parish ministry. The Grand Jury finds that this is simply untrue.

Until 1992 there were no written protocols in the Diocese for handling cases involving the sexual abuse of children by priests. Most priests, including those involved in the Office of Priest Personnel, believed that the unwritten policy was to have the priest evaluated and provided with appropriate counseling. The Diocese would then be in a position to follow up with his therapists to insure no further inappropriate conduct was taking place. Yet, as the following examples illustrate, even this unwritten policy was poorly executed.

Priest M abused a number of young boys and followed two of them out of the Diocese when they went away to college. (See, Part II of this report for complete details of this abuse) When one of his victims contacted the Diocese in 1980, and described what he had endured, he learned that *Priest M* was serving in another Diocese out of the state. When the Diocese of Rockville Centre contacted *Priest M* about the allegations, he admitted them and professed to be cured. No further action was taken at this time. The Diocese of Rockville Centre did not send *Priest M* for a psychiatric evaluation until two years after the original complaint was made against him. During that time he continued in his assignment as a parish priest. The evaluation was done on an outpatient basis. A copy of this evaluation could be found nowhere in his personnel file, including *Priest M's* secret archive file, although it was sent to the Diocese.

(Grand Jury Exhibit 21B) The out of state Diocese to which *Priest M* was assigned was not told of the fact that he was a child molester until, *Priest M's* victim informed them. Thereafter, *Priest M* remained in active ministry until 1989, when his victim handed out a letter to parishioners in the parish where he was assigned, informing them of his abuse. It was only after this public embarrassment that *Priest M* was seen again by a psychologist for a brief period of time. He ended the sessions because he “wanted to give it a little time”. In 1990, *Priest M* told the Diocese that he wanted to return to ministry in a parish. Rather than categorically rejecting this notion, the Diocese told him that they would require him to release to them the reports of his last sessions with his psychologist. The psychologist recommended that he not be returned to a parish unless he engaged in a long period of psychotherapy. It is not clear from his personnel folder that this took place. In any event, it was the Diocese’s position that *Priest M* would not be returned to a parish until he was able to reach a “personal settlement of concerns with (name omitted) so that everyone would be satisfied that he could function without negative publicity”. (Grand Jury Exhibit 21B) Whether *Priest M* would re-offend seemed to be of little consequence.

Priest B abused sacristans in the parish where he was assigned as they prepared for mass. These allegations are discussed in detail in Part II of this report. The initial report of abuse was ignored completely by the pastor to whom the complaint was made. Three years later new allegations surfaced that were handled by priests at the highest levels of the Diocese. *Priest B* was simply transferred to a new parish. Although there is correspondence to the parents of one of his victims that indicates *Priest B* is in counseling “ with a highly recommended psychologist” there are no psychological or psychiatric reports in *Priest B's* personnel file including his secret archive file. (Grand Jury Exhibit 153D, 153B) Therefore, even if this representation were true, the Diocese apparently remained ignorant of any diagnosis. *Priest B* remained in active ministry

in the Diocese of Rockville Centre for the next four years. During this time he requested a transfer out of state on at least three occasions. Finally in 1989 he was transferred to an out of state Diocese as a priest in “good standing”. Officials in his new Diocese were told nothing of the credible accusations of sexual abuse. Later, when a new complaint surfaced in that Diocese the Diocese of Rockville Centre finally revealed what they knew about *Priest B*.

The first allegation against *Priest G* surfaced in the middle 1980’s and was the result of a complaint by a young boy that *Priest G* had forcibly pinned him up against a wall and kissed him on a trip out of the country. *Priest G* was sent to a psychologist on an outpatient basis for two years. He was transferred to another parish but they were not informed of the incident, or the subsequent investigation by the Diocese, that confirmed *Priest G’s* behaviors with young boys were abnormal. (Grand Jury Exhibit 19L) Again, there are no reports from the psychologist in *Priest G’s* personnel file including in his secret archive file with the exception of one short letter indicating that the “incident which drove him into treatment was an unfortunate event which could have happened to any priest as close to the community as *Priest G* was.” (Grand Jury Exhibit 19F) On this basis *Priest G* was permitted to continue to minister in a parish. When asked in the grand jury whether the Diocese was correct, in trusting a recommendation from a professional that seemed to defy common sense, since the conduct involved pinning a young boy against a wall and kissing him, a high ranking official indicated that it was a mistake to do so. Nevertheless, the Diocese clearly relied on this absurd conclusion. Subsequent to it, *Priest G* was transferred to two parishes with schools.

Even in situations where the unwritten policy of evaluation and therapy was followed, the members of the intervention team always put the interests of the priest and Diocese first. For example, *Priest T*, a Diocesan priest not heretofore mentioned, was accused of molesting a

number of young children in a parish assignment. After a period of therapy, it was recommended that he not be returned to ministry where he would be in unsupervised contact with young people. Thereafter, the intervention team recommended that he be offered the position of,

“Vicar for Senior Priests...This is a prestigious and responsible assignment which would not, in any way, be a disgrace for *Priest T* and would make use of his administrative and personal talents. Furthermore, in such an assignment it would be possible to inform him of and enforce the therapist’s recommendation that he have no unsupervised contact with young people without drawing special public attention to this limitation. At the same time, we would be able to assure (name omitted) that all of her concerns about her own children and other children were being addressed.” (Grand Jury Exhibit 184)

To the priest who brought the information about *Priest T* to the attention of the Diocese and assisted the victim’s mother in pursuing her complaints, the intervention team was not so kindly disposed. In a memo to another high-ranking Diocesan official it is suggested, “ that no serious consideration will be given to offering him another assignment in our Diocese” (Grand Jury Exhibit 184) In the Diocese of Rockville Centre, a priest who molests children should suffer no disgrace but one who advocates on their behalf risks banishment.

B. The Diocesan Office of Legal Affairs

In the mid 1980's, the Diocese of Rockville Centre established an Office of Legal Affairs. Ostensibly, this was necessary to handle a variety of legal issues relative to the functioning of the Diocese, similar to any large corporation. In practice, its primary purpose was to investigate and attend to allegations of child sexual abuse committed by priests. The creation of this Office was initiated, by the written proposal, of a priest who was also an attorney. He envisioned an office that would protect the interests of the diocese, as well as offer advice and counsel to priest perpetrators of child sexual abuse.

The proposal delineated the types of services the Office of Legal Affairs hoped to provide. One of these was "Confidential Legal Services". In that regard, the proposed responsibilities were to give "preliminary, confidential, legal advice to the Bishop, to Diocesan entities and/or to the individual employee, so that the interests of each of these parties may be protected". (Grand Jury Exhibit 14F,p.7) To the various Diocesan entities, such as the Office of Priest Personnel, the proposal contemplated that the Office of Legal Affairs would provide, "some general advice on legal questions which may effect individual priests" (Grand Jury Exhibit 14F,p.10) and would,"quickly, confidentially, and conveniently" inform them of the legal implications of personal problems faced by individual priests..." (Grand Jury Exhibit, 14F,pp.10-11)

The initial staffing budget contemplated for the Office of Legal Affairs was \$34,000 excluding the rental of space, telephone, postage etc. The budget included certain unspecified fringe benefits, expenses such as mileage, a car allowance and lunch along with expenses for dues and meetings for the attorney assigned as general counsel. It was recommended that this attorney be a priest. (Grand Jury Exhibit 14F,p.17, 21) The proposal contemplated that funding

for the Office of Legal Affairs would come from the Bishop's Annual Appeal. (Grand Jury Exhibit 14F,p.19)

The priest who submitted the proposal sought advice from outside the Diocese. He wrote to another Bishop who had established a similar office that was a success. (Grand Jury Exhibit 140) Without any fanfare, the Diocese adopted the proposal in its entirety.⁷⁶

From its inception in 1985, until 1992, the Office of Legal Affairs provided the exclusive method for dealing with the criminal sexual abuse of children by priests in the Diocese. No written protocols existed to guide the priests who implemented this critical Diocesan policy. What was presented to the outside world, including parishioners, priests and pastors in the Diocese, was a triumvirate of high-ranking Diocesan priests, who assumed the role of handling these cases under the mantle of the Diocesan Office of Legal Affairs. In fact, the triumvirate existed only on paper. The Grand Jury finds that in reality one of the priests was a member in name only; he was frequently excluded from important decisions and purposely omitted from the flow of information about sexually abusive priests. Indeed, one of the members of the "team" testified that it would not be a surprise to him if the cases with the potential for publicity or litigation were handled by certain members of the team, to the exclusion of others. Another high-ranking member of the Diocese admitted that two high-ranking priests, who had extraordinary influence at the highest levels of the Diocese, made all of the real decisions about priests involved in this criminal conduct.

⁷⁶ One of the high-ranking priests who would later become involved with the Office for Legal Affairs testified in the Grand Jury that he had no recollection about the formation of the office. He persisted in this posture even after he was shown letters referring to him as being "helpful and supportive" of the proposal for the creation of the Office. (Grand Jury Exhibits 14D, 14E)

Initially, the triumvirate of priests was unofficially known as the “intervention team”. Later this name was the official written designation given to the team of priests working on these cases (Even though the original purpose for the Office of Legal Affairs was to protect the interests of the Bishop, the Diocese and individual employees, intervention team members who were attorneys, always met with both the priest abuser and his victims. They reviewed treatment options for the priest and his victims, made decisions regarding treatment facilities and recommended reintegration into the ministry for priests under their “supervision”).

Within Diocesan circles the Office and its handling of cases involving the criminal sexual abuse of children, was applauded. In 1988 a high- ranking priest involved in issues of priest personnel praised the work of the Office, and reaffirmed its true purpose. In reflecting on the handling of cases of priests with, “various difficulties”, he wrote,

I have found Father’s (name omitted) procedure to be very thorough and his genuine care and concern for all parties is always very evident. In each case, he tries to maintain the dignity of the individual while always being very conscious to be responsible to you and the Church and making every effort to avoid scandal. In addressing any problems, he has been thorough in interviewing each individual and being sure to receive a comprehensive story before making his professional judgments and recommendations.

I would recommend that, when you have an opportunity, you speak to him and express your gratitude and appreciation to him for the tremendous job he has been doing for our brother priests, the Diocese and the Church. (Grand Jury Exhibit 14H)

Certainly, one would not want to believe that the author of this letter would have been in touch with the many victims of clergy sexual abuse and their families who bitterly complained about their treatment by the Diocese, and especially those priests who worked together as the intervention team, but, in fact, he was.

The Grand Jury finds that many of the priests involved in issues relating to priest personnel remembered little of the individual cases involving the sexual abuse of children that

arose during their tenure. Even when presented with documents that should have refreshed their memories of these important issues they could not recall many of the cases they handled. The Grand Jury finds that often they appeared surprised at the findings of treatment providers, especially where their recommendations cautioned against the reassignment of priests. Some of these priests candidly admitted that they were simply not informed of the process that was followed by the other members of the intervention team and testified that they may have made decisions to return priests to ministry in ignorance of important information. Nevertheless, priests, pastors and parishioners relied on them for the proper assignment and administration of personnel matters in the Diocese.

For example, one of the priests involved in personnel was asked about his dealings with *Priest B* whose activities with children were heretofore outlined. *Priest B* was accused both of molesting underage boys and adult homosexual activity while serving overseas in a military chaplaincy. *Priest B's* military superiors had written to the Diocese indicating that the trauma (relating to the accusations and investigation) would have “killed a less healthy man...” Despite this language and after having been shown the correspondence, the witness remembered nothing about *Priest B's* problems. These lapses were not isolated. The Grand Jury finds that they demonstrate a lack of concern on the part of these priests for the issues; they were simply not memorable. This is especially disturbing since at least two of these priests were directed in the spring of 2002 to collectively review every confidential and secret archive file maintained by the Diocese.

Priests involved in Diocesan personnel issues never had access to priests seminary records. In fact, they relied on the formation process to act as a screening tool for candidates who might be inappropriate for the priesthood. The Grand Jury finds that this reliance was

dangerously misplaced. In fact, this policy and practice, resulted in a personnel office and intervention team that lacked vital information about the priests they were responsible for. Thus, the personnel office and intervention team never knew that a psychiatrist had labeled one seminarian, who later molested children, as “schizoid” and still another as “heterosocially retarded”, someone who, “denies any interest in the opposite sex” and where,” immaturity in this area could be a source of a conflict at a later date”, The personnel office was also ignorant of a candidate who, the Diocesan Director of Vocations,⁷⁷ voted against accepting into the Seminary with the post script to his vote being ...”not a rejection as much as perhaps a warning”. (Grand Jury Exhibit 11M) This priest, heretofore identified as *Priest K*, would later sexually abuse a number of young boys. Another priest was categorically rejected by the Rector of the seminary for ordination because of his inappropriate interaction with young boys. Writing in 1985 to another high-ranking Diocesan official, the Rector warned,

After a most thorough discussion, corroborated by Father (name omitted) with questionable scenes he observed and unsolicited testimony he had received from rectory staff and others in the parish, it is clear to Father (name omitted) and me that it would be a most serious error to ordain (name omitted) to priesthood- at least at this time and perhaps, ever... the pattern in the parish is of three years standing. (Grand Jury Exhibit)

Nevertheless, this priest was ordained and the concerns of the Rector remained buried in the seminary archives, until now.

None of the priests involved in handling cases involving the criminal sexual abuse of children by their colleagues ever considered calling law enforcement. While they admitted that they would have called the police if it had been reported to them that a neighbor was sexually

⁷⁷ The Director of Vocations is the priest who makes connections between seminary colleges and the Diocesan seminary.

abusing their child, it would not occur to them if they were told that a priest was sexually abusing a child.

Shortly after it was officially established, the Office of Legal Affairs and the triumvirate of priests associated with it, became the focus of self-congratulatory letters. When one of the priests involved in the intervention team was reassigned to a new position in the Diocese he was commended by one of his colleagues,

...more than anyone else (name omitted) has been responsible for the successful working of my present assignment...His first concern was always the welfare of our priests and the security of our diocese.

Often under very difficult circumstances, (name omitted) and I worked together with many priests in these past four years...

Thanks to your generosity I am able to give some of my time to helping other bishops and religious congregations with delicate legal problems involving the misconduct of priests and religious. In the past ten years, I have been involved in more than two hundred such cases in various parts of the country.

I keep a very careful watch over developments in this area so that I can be useful to our own diocese and to others who may need my help. The Diocese of Rockville Centre is unique among American Dioceses and religious congregations in my experience. We have suffered no major loss or scandal due to allegations of sexual misconduct by religious personnel. I am called on regularly to settle claims made against dioceses and provinces and I settle multi-million dollar claims for sums ranging from \$20,000 to \$100,000. (since I charge no fees and the Church entities are spared negative publicity, they are more than happy with these settlements.) Since I have been involved in this work, the Diocese of Rockville Centre has paid out a total of \$4,000 because of claims of sexual misconduct. In very large measure, this is due to (name omitted) vigilance, swiftness to act and willingness to involve me and (name omitted) in these cases. It is not melodramatic to say that, in these difficult cases, hours often make a difference and (name omitted) moves quickly to put our team to work. (Grand Jury Exhibit 154F)⁷⁸

⁷⁸ This priest author of this letter was also counsel to at least one clergy related treatment center, The House of Affirmation in Massachusetts. This fact was not well known to other high-ranking priests in the Diocese. (Grand Jury Ex.181)

This letter was acknowledged by its recipient, “No one knows better than I that the willingness of (names omitted) to function as a team when sensitive matters are involved is a reality which has made for constructive ideas and action. As individuals, your selflessness is admirable, and, as priests, your deeds prove your commitment to follow Christ” (Grand Jury Exhibit 154F)

The Grand Jury finds that it was no accident that by 1990, the Diocese of Rockville Centre, had only paid out \$4,000 in legal claims for the sexual abuse of children by priests. This low number was the result of a carefully orchestrated plan. Conceived in the original proposal for the Office of Legal Affairs, and executed by the Diocesan hierarchy, the plan was frequently modified and updated on paper to appear responsive to the needs of priests, victims and to protect unsuspecting children. In reality the Office and the intervention team had one purpose, protecting the Diocese. This is not to say that the members of the team did not recognize the inherent conflict in their positions- counseling and pretending to protect the interests of both abuser and victim. They did. To deal with the conflict, and most importantly, to make certain that the true purpose of the scheme was not discovered, the members of the team proposed that any public affiliation with the Office of Legal Affairs be eliminated. In a proposal to a high-ranking Diocesan official, one of the team members admitted that the affiliation and legal connections were useful in some respects but,

... in other areas of my work this designation and relationship creates difficulty...[I]n the “delicate cases” that are referred to me...my value depends on my ability to propose pastoral, rather than legal solutions to problems...[W]hen the families and individuals with whom I am dealing learn that my title is legal ... or when they call my office and are greeted with the formula (name omitted)...they get the wrong impression: they sometimes feel that the Diocese is taking advantage of them by protecting its legal interests while asking them not to seek legal resolutions to their problems.

Because of this I feel it is important that my organizational relationships within the Diocese be clarified. I believe that I should have a “church-related” title...and a separate telephone line in the office, which would be answered, simply, “Father (name omitted) office. (Grand Jury Exhibit 14I)

Not surprisingly, this team member’s title was changed to conceal his true purpose; maintaining the security of the Diocese and protecting its criminal priests.

C. The Uninsured Perils Fund

Although by 1990 the Diocese had only paid a miniscule amount in legal claims to sexual abuse victims, the priests familiar with the actual number of sexually abusive clergy had been aware for some time that the potential liability of the Diocese was enormous. To guard against this, in 1985 a special fund was established for the payment of claims relating to criminal activity by Diocesan priests. Designated as the Uninsured Perils Fund, its ostensible purpose was to cover three areas of potential liability for which there was either zero, or limited amounts, of insurance available; sexual abuse claims, asbestos exposure and trampoline accidents. Not surprisingly, there have never been any payments made from the fund for either asbestos or trampoline accident claims.

The Uninsured Perils Fund was originally funded from the excess amounts of other Diocesan insurance funds. When this method became problematic it was funded by an assessment on parishes; larger parishes were assessed \$10,000 per year and smaller ones \$5,000. The assessments were discontinued after approximately six years when the balance in the fund had grown to nearly \$6,000,000. Thereafter the fund has grown by virtue of investments. As of October 2002, the fund balance was \$11,000,000. Payments made from the fund were authorized by one of the members of the Intervention Team. Initially, little to no paperwork was required to substantiate payments from the fund, although about three years ago that was changed to mirror the other accounting procedures in the Diocese. (Grand Jury Exhibit 200) Checks were drawn on an attorney escrow account.⁷⁹ The fund was used to pay for psychiatric inpatient and outpatient treatment for priests, counseling expenses for victims and other miscellaneous expenses

⁷⁹ This was done to protect the privacy of priests and allegedly, victims.

associated with criminal sexual abuse committed by priests. Other authorized expenses included the occasional payment of a victim's rent, the assumption of a victim's mortgage payments on his house and retraining expenses for priests who could no longer function in their ministry.

The Grand Jury requested an accounting of the monies spent from the Uninsured Perils Fund for any individual treatment center, hospital, psychologist, psychiatrist, attorney or any other individual or institution based on a claim of sexual abuse in the Diocese. No single record or accounting information was available to determine this. A variety of records were reviewed and it was determined that since 1989, this figure was approximately \$2,000,000. Another \$350,000 was paid from other Diocesan insurance accounts although no one understood why. Included in this figure is \$1,700,000 for legal settlements. However, the Grand Jury learned that these numbers do not include miscellaneous expenses, that on their face appeared unrelated to sexual abuse by priests, but actually were. For instance, one priest who was removed from ministry and later defrocked because he had sexually abused children, left behind credit card bills of almost \$66,000 (probably as a result of gambling debts) that the Diocese paid. (Grand Jury Exhibit 225). This figure was not included in the calculations. Similarly, the Diocese purchased a home from the victim of sexual abuse suffered as a child at the hands of a priest, for approximately \$70,000.⁸⁰ (Grand Jury Exhibit 225). This number was also not included in the Diocesan calculations. The Diocesan representative responsible for handling insurance matters who, testified in the Grand Jury, agreed that the actual number could, in fact, be much higher.

⁸⁰ The Diocese allowed this victim to remain in the house rent free.

D. The Office for Priest Health Services

In 1989, a Diocesan priest who was certified as a drug and alcohol counselor, was asked to make a six-year commitment to a new Office for Priest Health Services. The priest assigned agreed to stay for three years with a possible extension. His role was to be a troubleshooter, to deal with priests experiencing health problems, including sexual issues, and to conduct interventions with priests who had substance abuse problems. As time passed he also became involved in working with treatment facilities engaged in the process of reintegrating priests into ministry. From the outset, this priest was aware, that he would have little, if any, role in dealing with victims of priest misconduct. In fact, he was told that if any victim came to him directly, he was to take no action other than to refer the victim to a priest attorney member of the intervention team. He met periodically with intervention team members to review his cases, at the time he viewed these meetings as informational

Prior to the revelations about *Priest C's* sexual abuse of boys, the Diocese was informed that he was drinking with teenaged boys in his rectory rooms. This matter came to the attention of the Office for Priest Health Services and the priest assigned there became involved. Although there were no outright accusations of sexual misconduct, *Priest C's* pastor and the members of the intervention team, were told that the *Priest C's* drinking involved teenage boys and was occurring in his private rooms. *Priest C* agreed to attend Alcoholics Anonymous and the matter was closed. When the Diocese became aware that *Priest C* continued to drink alcohol and that he had sexually abused a number of boys the Office for Priest Health Services was not informed.

Occasionally, information regarding sexually abusive priests, found its way to the Office for Priest Health Services. In one case, the priest assigned there was asked to interview the victims of a high school chaplain, because no member of the intervention team was available.

During the interview this priest learned that the boys had been the victims of covert and overt sexual abuse and had shared alcohol, drugs and pornography with their high school chaplain. He recommended to the victims that they immediately begin therapy and told them that they should contact the police. At the time some of the victims and their families appeared willing to do this. Later, after a member of the intervention team met with these same families, the priest who interviewed them initially learned that they were told to ignore his recommendations as they were “arm chair psychology”. The intervention team member called the Office of Priest Health Services, and while he denied saying what had been attributed to him, told the priest there that he would, “take it from here”. He ordered him not to meet with the victims or their families again. After the abusive priest returned from therapy, members of the Office for Priest Health Services, learned he was saying mass and appeared to be grooming victims in the same manner as he had in the high school setting. This information and the fact that the priest was operating with insufficient monitoring and support was communicated to the intervention team. No action was taken.

Later, the priest assigned to the Office for Priest Health Services, would advise high-ranking Diocesan officials that he felt there was a conflict in the dual roles that the attorney priest members of the intervention team had in cases involving priest misconduct. They informed him that since the intervention team members had the best interests of all parties in mind, there was no conflict.

Despite his many frustrations with his position in the Office of Priest Health Services, after the first three years of service, the priest assigned decided to continue his ministry there because he believed he was a help to priests in need of his services. As time passed, he became increasingly frustrated at the disparity he observed in the treatment of priests, the lack of open

discussion and the feeling that he was not being informed of all of the relevant information about cases he was asked to work on. Ultimately he came to realize that the intervention team members did not want to fully empower him to do his job, and the only cases he got to work on were the ones they did not want. The priest assigned to the Office of Priest Health Services had access to priest personnel folders but not the secret archive files. Although he saw folders with the designation, DO NOT OPEN WITHOUT PERMISSION OF THE BISHOP, he never had access to them and did not know what information they contained. At one time, the priest assigned to the Office of Priest Health Services, developed a proposal for a multi-disciplinary team approach to cases of priests in difficulty. This proposal went nowhere.

E. Diocesan Sexual Abuse Policy: Post 1992

In 1992, the Diocese of Rockville Centre published a formal written policy for the handling of sexual abuse cases involving both minors and adults. The procedures and protocols were to be followed in all cases. Subsequent to its original publication the policy was modified, but not in ways that altered its fundamental meaning. This was of little consequence in any event, since from the outset, the policy was rarely adhered to. The occasional exception was where there had been actual, or a serious threat, of publicity about a case. Where a priest was arrested, for example, or where a victim was actively threatening to expose the Diocese, the priest involved would be dealt with much differently than if this had not happened so that, "...if there are questions we can say we acted responsibly". (Grand Jury Exhibit 28M)

Initially, two important facets of the policy are worth noting. First, Diocesan policy banned, from active ministry, a priest diagnosed with, "clinical pedophilia". This phrase was later modified to ban a priest with a diagnosis of, an "intractable pathological condition", a standard that was admitted to be meaningless. (Grand Jury Exhibits, 205,206,207, 9/30/02,pp.123-124)

Second, the policy set requirements for reintegrating into active ministry, offending priests, who were not so diagnosed. One requirement was that the perpetrator's pastor (or other superior) be advised of "the nature of the original complaint, the nature of the treatment given, and the nature of the after-care program in which the priest must participate." (Grand Jury Exhibit 205) This requirement was never altered. Presumably, the reason for this policy, was to offer therapeutic assistance to the perpetrator, as well as to enable his pastor to properly monitor him, for the protection of parishioners, especially children. However, in this Diocese, even when a priest admitted he had sexually abused children during his treatment and the professionals

recommended that he only be returned to ministry if his pastor were informed of his sexually abusive history, the required disclosures were rarely made. (See For Example *Priest C*, who the Diocese decided to assign to a place to “distance him from his problems” without telling anyone why he was there, and *Priest H* who, as heretofore described, was assigned to say mass on weekends at two separate parishes, without notice to the pastor).

Priest R's case is illustrative here. Two different specialists selected by the Diocese evaluated him on an outpatient basis after credible allegations of sexual abuse were made involving seven young boys. During this evaluation period *Priest R* remained in his assignment. In both evaluations *Priest R* resisted the designation of his conduct as sexual abuse and argued the boys were willing participants in any activity that took place. He did acknowledge that they used drugs, drank alcohol and viewed pornography together. *Priest R* also acknowledged sleeping in the same bed with the boys and touching them, but denied this behavior was sexually motivated. (Grand Jury Exhibits, 33I, 33J) This led one of the professionals to conclude that *Priest R's*, “tendency to externalize blame, lack of insight and rigid defenses... do not suggest a highly positive prognosis for change.” (Grand Jury Exhibit 33I, p.5) and the other to write that *Priest R*, “ ...does show significant indications of a severe personality disorder which is characterized by impulsiveness, immaturity, impaired ability to assume responsibility, manipulateness and a tendency to have poor judgment”. (Grand Jury Exhibit 33J,p.3) He also posits that because these traits are highly ingrained, “one would not be optimistic that major changes would take place through psychotherapy.” (Grand Jury Exhibit 33J,p.3) Both professionals advise that *Priest R* requires “external control” to ensure responsible functioning and proper judgment in his behavior, along with the “very extensive and intensive provision of monitoring and support of his day-to-day functioning”. (Grand Jury Exhibit 33I, p.6, Grand Jury

Exhibit 33J, p. 3) After an additional period of in patient evaluation the professionals concluded that, despite *Priest R's* continued denials that the conduct he engaged in was sexual, there was, “evidence of *Priest R* having a sexual interest in male adolescents. While [he] denies genital sexual behavior with teenage boys, he acknowledges sexual attraction to boys and sexual fantasies about at least one boy. *Priest R* acknowledges extremely close emotional involvements with boys and states that he has been sharing his bed with some of his closest teenage friends from the time they were in the 6th grade through high school. Especially given his acknowledged attraction to boys, the idea that he would share a bed with boys reflects extremely poor judgment.” (Grand Jury Exhibit 33L,p.8) This was surely an understatement.

Priest R was sent for residential treatment, out of the country. At the conclusion of this treatment, his risk for re-offense was described as “moderate”. The treating facility advised the Diocese that *Priest R* not be recommended for ministry where he associated with young men. They also recommended that he have a, “pastor or diocesan representative who is informed of *Priest R's* inappropriate behavior”, so that, he can “responsibly supervise” him. (Grand Jury Exhibit 33R,p.2)

When *Priest R* returned to the Diocese, he was assigned a chaplaincy at two community hospitals with pediatric units, including one with an adolescent psychiatric unit. His residence was at a nearby parish, where he also filled in saying mass and performing other duties. While the parish pastor was notified of *Priest R's* history, no one at either of the hospitals where he spent the majority of his time, was notified about his sexually abusive past. Moreover, there were no restrictions placed on his hospital ministry. A high-ranking Diocesan official could not recall if there was any follow up by the Diocese to determine if *Priest R* was involved in therapy, or a priest support group, as required by the terms of his after-care program. The Diocese never

received any written reports regarding *Priest R*. The other chaplain with whom he worked was also not informed of *Priest R's* history. He was free to minister to sick children at either facility. This was acknowledged by a high-ranking Diocesan official in hindsight to be a mistake. In the same year, a psychologist told the Diocese that he believed *Priest R* was, “incurable”, an assessment that was conceded to be correct by high-ranking Diocesan officials. (Grand Jury Exhibit 201). When a nun familiar with *Priest R*, read of still another new assignment for him, she wrote to the Diocese to voice her objections to his continued assignment and to the manner in which the victims of this priest had been treated,

I have seen the pain, anger, hurt and disillusionment that his actions caused in the lives of two of his victims and their families. I know that two of his victims are estranged from the Church and their families still suffer from the betrayal of trust of *Priest R's* actions. These families loved and trusted *Priest R* and in return he hurt their children. Till this day neither the victims nor their families have received an apology from *Priest R*. Their memories of meeting with the diocesan representative, at the time they found out about the abuse, still raises in them intense anger and hurt because of the callous indifference and hostility with which they were treated. ...The families were told at that time that *Priest R* would not be assigned to any parish position.

It absolutely baffles me that a priest with *Priest R's* history would be sent to the most eastern point of our diocese and be officially appointed to a public position. His appointment can be interpreted by the families of the victims that the diocese still has a callous indifference to the permanent damage that Father (name omitted) caused his victims. For me it indicates a lack of understanding of his illness and the precarious situation in which Father (name omitted) has been placed in terms of his recovery. (Grand Jury Exhibit 231)

Thus, the Grand Jury finds that although the protection of children was the written policy of the Diocese of Rockville Centre it was not the practice.

From 1992 until 2002, the essence of the sexual abuse policy in the Diocese remained the same and the triumvirate of priests known as the Intervention Team, managed its execution. In its written form the policy appeared to protect perpetrator priests and their victims. In practice, this was a hollow promise; the only entity that the Intervention Team protected was the Diocese.

The Grand Jury finds that the Intervention Team ignored advice and recommendations from Church selected psychiatric experts, they failed to notify pastors of problems with priests in their parishes, and they never told parishioners of a priest's abusive past. They did this to avoid scandal, publicity and legal liability for the Diocese and in careless disregard for the welfare and safety of children. When asked in the grand jury why parishioners were not told about sexually abusive priests, a high-ranking member of the Diocese explained that, " he [the priest] would not have been given a chance to even begin to minister there because the people would have said we don't want him here" Among other things, this institutional protection for offender priests effectively resulted in parents being unable to fulfill their religious responsibilities to their children under the Roman Catholic Catechism.⁸¹ In contravention of its own teaching, Diocesan policy put children at risk.

Diocesan officials frequently ignored the advice of the professionals they hired to evaluate priests accused of sexually abusing children. For example, *Priest S*, a sexually abusive priest who has not heretofore been described, was accused of fondling and raping four teenaged girls in his parish. (Grand Jury Exhibit 32D) After residential treatment both the facility and the Diocesan priest who was acting as a support person for *Priest S*, and who happened also to be a medical doctor specializing in psychiatry, both recommended that he not be returned to his parish. (Grand Jury Exhibits 32G, 32J) For some unexplainable reason the Diocese disregarded this advice and returned *Priest S* to his parish. This parish had an elementary school attached to it. Subsequent to this, additional allegations of sexual abuse were brought to the attention of the Diocese. Without further evaluation or treatment *Priest S* was simply reassigned, to another

⁸¹ The Catechism is a compilation of the basic teachings of the Roman Catholic Church.

parish with a school. A member of the intervention team testified before the Grand Jury that this was not the right thing to do. There was no question as to the veracity of these allegations. Notes from a high-ranking Diocesan official indicate that the report of at least one of the victims had, “internal consistency”. This priest also noted that the potential for litigation and publicity in the case was “some” since an attorney was involved and the victim had a large family with close ties to the parish. (Grand Jury Exhibit 32J) The victims had all been severely traumatized by their abuse, one had attempted suicide and the others dealt regularly with depression and anger. They were also frustrated with the Diocesan response to their situation. Many telephone calls to members of the intervention team had not been returned. Moreover, *Priest S* despite treatment, had not accepted responsibility for his actions. He was described as being in denial and minimizing the incidents, claiming they were “kind of consensual”. (Grand Jury Exhibit 32I) *Priest S* had been the pastor to one of the members of the Intervention Team. Whether this had any impact on the Diocese’s decision is unknown. However, the Grand Jury is at a loss to find any other explanation for the inexcusable actions of the Diocese in this case.

The formal written policy promulgated in 1992 also required that, in cases involving the sexual abuse of a minor, the priest involved would be sent to a non-church related facility for evaluation. This requirement was almost always ignored. Most of the priests from the Diocese were sent to church related psychiatric facilities. The grand jury received no adequate

explanation for why this was done.⁸² High-ranking church officials denied it was to keep the extent of the problem of clergy misconduct from being discovered by individuals outside the ambit of the Catholic Church. The Grand Jury finds there is no other plausible explanation for the practice.

In June of 1993, one of the members of the intervention team sent a memorandum to high-ranking Diocesan officials about policies, procedure and practice in misconduct cases. (Grand Jury Exhibit 202) This document was labeled, PRIVILEGED AND CONFIDENTIAL – ATTORNEY’S WORK PRODUCT, ostensibly to protect it from discovery in a lawsuit. The memorandum was divided into two sections, General Issues and Case Reviews, with a number of subsections addressing the workings of the Diocesan Intervention and Supervision Team, The Uninsured Perils Fund and The Importance of Procedures.

The memorandum described the,

(1) Diocesan Intervention and Supervision Team

...(names omitted) constitute a “team” which meets regularly (at least once each month) to review *all* pending cases. We maintain a list of *forty-nine* cases, including *nine active cases* and *forty non-active cases*. We share information and carefully review the status of each active case, and we make such comments or observations as may be appropriate on non-active cases.

The general categories under which we review cases are:

Legal (civil/canonical)
Administrative
Personnel
Pastoral

The purpose of these regular reviews is to provide *supervision* of the personnel being monitored and *management* of the cases before us. In simple, common

⁸² One witness claimed to the Grand Jury that treatment facilities not owned by a religious corporation were not church related even though they were run by priests and/or other religions.

sense language, we try to “*stay on top of*” active cases, and to prevent non-active cases from “*falling between the cracks.*”

Although I do much of the “investigatory leg work” (name omitted) and I work together to *intervene directly* in the cases. Even when one of us interviews a complainant alone, we consult with each other, and we almost always interview the accused person together. We have found this method very effective.

(2) The Uninsured Perils Fund

A few years ago (name omitted) set up an “Uninsured Perils Fund” to deal with cases which arose in the period of time in the early 1980’s when we had no insurance coverage for sexual misconduct. The fund is built up by the payment of premiums by parishes and other institutions, and our goal is to allow the fund to grow to approximately \$5,000,000.

Although the fund was originally conceived for a specific and limited purpose, we have expanded the uses of the fund to some extent. For example, the fund is drawn on for some regular expenses of the operation of my office, and we also draw on the fund the pay (sic) for counseling and therapy for some victims. Because it is important for us to keep this fund intact for possible future claims, we are committed to reviewing the ways in which we use this money to provide counseling services to victims. For example, it may be wise to pay out of general Diocesan Insurance funds for counseling services connected with losses which occurred at times outside of the “uninsured period “ of the early 1980’s.

(3) The Importance of Procedures

We all know about the enormous losses that some Dioceses and Religious Congregations have suffered. Although many factors have contributed to these situations, one problem has been the failure to apply *policies* and *procedures* in a rational way. Our experience thus far has been very fortunate, and that good fortune is due, at least in part, to the fact that we have *clear procedures* and we follow those procedures faithfully. The key element in our procedure is that *all allegations of sexual misconduct must be addressed by the Supervision and Intervention Team.*

Enclosed with the Memorandum you will find an outline of our procedures, and a graphic representation of the *flow of the decision making* implied in those procedures. It will be useful for us to review these. One small procedural item: if one of the (high-ranking Diocesan officials) refers a complainant to me, please do not identify me as an attorney. In fact, in these cases I am functioning in an *administrative* capacity. I am not the Diocesan Attorney. My legal training is very useful in helping to gather and analyze facts, and in helping us to avoid some obvious pitfalls, but we must avoid “frightening” people: I have had several people refuse to see me without having an attorney of their own present, because

they are afraid that “the Church lawyer” will somehow do them harm. (Italics included in the original document)

The Grand Jury finds that the fears of these victims were justified.

The next year, in July 1994, another memorandum on “Personnel Matters” was sent to a high-ranking Diocesan official on the occasion of the appointment of a new Intervention Team member. (Grand Jury Exhibit 213) In this memo the author addresses three issues; a personnel master case tracking system, the active and pending matters presently being handled by the Intervention team and the need, “ for a facility to manage our misconduct and substance abuse cases”.

Appended to the memorandum, marked in red, CONFIDENTIAL, was a list of all of the cases that had come to the attention of the Intervention Team. As of the date of the memorandum it contained 55 names. Of those, 14 cases were labeled, active; 2 active, working outside RVC; 2 litigation; 31 inactive; 1 inactive, working outside RVC; 5 inactive, deceased; 1 inactive, laicized. A brief summary of each case was annexed to the master-tracking list. The priest who was laicized had been involved with an adult woman. Of the cases involving allegations of misconduct involving children not one of the priests had been removed from ministry. Of the 20 priests, still alive, that were involved in allegations of sexually abusing children, only 5 had been sent for psychiatric evaluation and/or counseling.

As previously indicated, the memorandum proposed a “spiritual and therapeutic facility for case management” in the Diocese. The author of the proposal indicates that the need in the Diocese is “*clearly* there” and should encompass,

Priests awaiting evaluation and/or in-patient treatment (for sexual problems or substance abuse)
Priests returning from in-patient therapy (for sexual problems or substance abuse) and needing some out-patient therapy before returning to ministry

Priests who need therapy but not at in-patient facilities, and are unable to engage in active ministry
Priests with “spiritual” needs

This idea never came to fruition.

The next year, another memorandum, prepared as an up-date on sexual misconduct issues, was presented to high-ranking Diocesan officials. (Grand Jury Exhibit 215) It was labeled, CONFIDENTIAL, Prepared in Connection with Litigation, again to try to protect it from discovery in a civil lawsuit. The seven- page memorandum, complete with footnotes, advises that there has been a change in the pattern of sexual abuse cases reported to Diocesan officials. That is, the reporting of on-going sexual abuse has slowed, only to be replaced by a “dramatic increase in the number of allegations of sexual abuse of children that occurred years and even decades ago”. The writer suggests this change requires a revision of Diocesan policy to effectively deal with these new types of cases. He writes,

When we were responding to allegations of on-going abuse of minors, special opportunities for pastoral intervention were presented. We were addressing the needs of families in crisis with two major concerns: that their own children be evaluated and helped and that other children be protected from the possibility of harm. Our response to these situations was quick, real help was provided to both the children and their families *and* to the priests accused, and all parties were grateful that we were able to avoid processes which would have brought notoriety. These were cases of *immediate* suffering, and our immediate response was effective.

What we are dealing with *today* is cases of what might be characterized as “*mediate*” rather than immediate suffering: an allegation of harm done decades ago involves suffering which has been “processed” by the passage of time. The complainant’s *experience* of suffering has been affected by many factors extrinsic to the actual, historical experience: other sufferings and disappointments in life have intervened, other relationships have had impact, the complainant’s reading of press accounts and popularized reports of quasi-psychological processes have played a role, and long-smoldering resentments- some of them unrelated to whatever may actually have happened so many years ago- work like a lens to *focus* the complainant’s anger and to *alter* the complainant’s expectations.

The case of (name omitted) complaint against *Priest S* is a pertinent example. (name omitted) was accompanied by an attorney *the first time she came to see me...*

The case of the lawsuit which has been filed against *Priest R* is another example of the way the *needs* of the complainants are changing. Although there were, in that case, somewhat ambiguous allegations of two *isolated* uninvited sexual touches, the principle complaint had to do with much more complex behavioral patterns. The case of *Priest R* has more to do with *personal betrayal* (*Priest R's* betrayal of the adolescents placed in his care and his betrayal of their parents who had been his closest friends) than with sexual misconduct. From a clinical point of view, the case has more to do with *pathological immaturity* than with sexual perversion. None of the people with whom we have been dealing (the parents or their sons) presents us with a simple and identifiable set of needs. Even before the lawsuit was filed we were bombarded, *on the one hand*, with rather *formal* demands for treatment and assurances that “Priest R would never hurt kids again” and, *on the other hand*, with (inappropriate) complaints, that “we” weren’t showing enough *personal* concern for all the parties. The filing of the lawsuit has crystallized the issues even further: the legal complaint is a very elaborate one that addresses questions like the fact that the Diocese “held *Priest R* forth” as a person qualified to guide and protect young people while, in fact, he was harming them.

These are profound changes in the needs being presented by current complainants, but we are still operating out of a model designed to address the pressing, “open-wound” essentially pastoral needs of families in crisis over harm being done to their children.

When we were dealing with allegations of *current* abuse of children, the combination of legal and pastoral skills which I was able to muster was effective... In the cases we are dealing with today, the legal aspects are enormously more complex (name omitted, *did come to our first meeting* accompanied by an attorney) and the pastoral and person needs being presented are infinitely more time-consuming and personally draining.

While it is important that I be honest enough to tell you that I am coming *very near to the end of my personal resources* in dealing with these matters, it is at least as important that we not trivialize this into a question of the “burn-out” of one minister. *We are dealing with new kinds of problems and we need a new approach.*

The memo goes on to describe the most active current cases and reads in part,

Priest I

This is a \$14,000,000 lawsuit which alleges that Priest I had a long-standing sexual relationship with a young teen-age boy in the early 1970’s; we have a

“statute of limitations” defense in this case; there have been no press reports of this case

Priest R

This is a \$100,000,000 lawsuit being brought by two of the young men who were members of *Priest R*'s “inner circle” at (name omitted) Diocesan High School; although there is no statute of limitations defense, we will certainly argue that any acts which *Priest R* may have committed were not within the “scope of his authority and duties” as an agent of the Diocese. There have been no press reports of this case.

Priest S

This \$23,000,000 lawsuit alleging sexual abuse of a late-teen-age girl more than thirty years ago. We have a statute of limitations defense. This case has been reported in the press. In addition, the attorney representing the plaintiff has been retained by *three additional complainants* and another attorney has contacted us represented a *fifth* complainant. I believe there is a high potential for further press exposure. See the “Decision Item” outlined below.

There are also descriptions of other cases some of them have been previously outlined in Part II of this report and some have not. For example, *Priest T* and *Priest U* have not been previously described. Those cases are discussed in the memo as follows:

Priest T

Based on one report of sexual abuse of a young teen-age boy about eight years ago, we interviewed *Priest T* and found reason to believe there had been other similar cases. *Priest T* was evaluated at Hartford, and we told him that he would not be reassigned unless he underwent extensive in-patient treatment. At his request, the treatment was not arranged for at Hartford, but he was sent to Villa St. John Vianney in Pennsylvania. *Priest T* has now said that he does not want to continue this treatment. There have been no press reports of this case.

Priest U

We have very positive reports that *Priest U* is doing very well. The young man who was the focus of his mother's complaint to the Diocese has now retained an attorney and is asking for financial help with counseling. The initial request is for \$50,000. We believe we can settle this matter for even less than that amount. There was oblique reference to this case in the press coverage of the *Priest Q* case.

The cases of *Priest Q* and *Priest A*, whose sexually abusive histories have been more fully described in Part II of this report, were also discussed in this memorandum. The writer explained with respect to these cases,

Priest A

While there are no specific allegations of any sexual misconduct, there have been elaborate allegations of questionable relationships. Although I felt we should have written report of a low-level evaluation of *Priest A*, the committee decided only to ask him to arrange for such an evaluation on his own. The person who brought the concerns to our attention is a very verbal, rather unstable, employee of one of our parishes. One family in that parish has hired an attorney to represent them in connection with statements she has made about them and *Priest A*, and she has hired an attorney to represent her. There have been no press reports of this case, but there may be considerable scandal being spread in the parish.

Priest Q

We have now spent nearly \$35,000 in providing treatment for the young man who lodged the complaint against *Priest Q*. He contacts us regularly, often five or six times a day, and continues to ask for (expensive) in-patient treatment. We are about to tell him that we will continue with out-patient care for six months, but will take no further responsibility for in-patient care. This case has been reported in the press.

With respect to the “Decision Item” referred to, the memorandum discloses that the following decisions had been made about *Priest S*, who five women had complained sexually abused and raped them when they were young girls.

The recent developments in the case of *Priest S* present special problems on which I will advise you, but with respect to which I need a decision from you.

Priest S denies the allegations of each of the four “new “ complainants. He goes so far as to say that he has never even heard of one of them.

If we believe *Priest S's* denials, we should offer only limited, pastoral assistance to the complainants: e.g. out-patient treatment in one of our hospitals or in one of our Catholic Charities clinics.

If we do not believe *Priest S's* denials, we must make a decision about how far to go in responding to these complainants’ requests for help, including whether we will continue to pay more than \$650 per day for psychiatric care of one

complainant (my offer to provide help in that case was a time-limited offer of one week of assistance; that week technically expired last Friday)

In any event, we must reconsider our decision to allow *Priest S* to continue in his assignment. That decision was based on an evaluation in which *Priest S* only grudgingly participated; that evaluation was based on the allegation of a single, isolated situation. I believe, and I urge most strongly that he now be re-evaluated by clinicians in light of the new allegations. *Priest S has asked me to tell you that he does not want to undergo any re-evaluation.* (Italics in the original document)

The Grand Jury finds that it was no coincidence that the recommendation that the assignment of *Priest S* as a parish priest be reconsidered came on the very day that a letter was received from one of the complainants attorney's indicating that “*Priest S's* resignation or dismissal is a pre-condition” for their acceptance of any legal settlement. (Grand Jury Exhibit 215)

The Grand Jury is puzzled by the exhaustive description in the memo about the change in the nature of the cases that were being reported to the Diocese. In fact, witnesses involved in the handling of these cases for the Diocese, who testified before the Grand Jury, could not recall but one or two situations they were aware of that were ongoing when the initial report came to their attention. Indeed, the Grand Jury finds that many on going cases of abuse that should have come to the attention of Diocesan officials, did not, because other priests and pastors ignored clear evidence of inappropriate conduct by brother priests with children. Moreover, in a number of cases, Diocesan officials knew or should have known of sexually abusive priests, because they were warned of their inappropriate and clearly sexual behaviors with children. The inaction of these officials placed children in danger of being sexually abused and in fact, they were. (For examples of this see *Priest D*, about whom a formal complaint was made that was ignored and *Priest A*, where the same thing happened.) The vast majority of cases reported to the Diocese have always been disclosures by adults of sexual abuse that occurred when they were children.

For the reasons articulated in Part III of this report (Child Sexual Abuse Syndrome) the Grand Jury finds that this fact is not surprising.

The Grand Jury believes that the purpose of this portion of the memo is to explain to high-ranking Diocesan officials that the potential for new lawsuits and the possibility of significant Diocesan liability resulting in large settlements is legitimate and to lay the blame for this squarely at the feet of complainants, not the Diocese or its sexually abusive priests.

The Grand Jury finds that this memo is replete with inaccuracies and attempts to minimize the conduct of the priests in question. For example, the characterization that the Diocese effectively responded to children and their parents who were in need and offered them assistance is belied by the many victims who testified before the grand jury about the insensitive manner in which they were treated by these very same Diocesan officials. Moreover, *Priest R's* case involved allegations made by seven boys involving sexual abuse, pornography, alcohol and drugs. The description of *Priest R's* actions provided in the memo is silent with respect to any of this conduct and only briefly describes two instances of touching.

In November, 1994, another memorandum was sent to high-ranking Diocesan officials regarding personnel supervision matters. (Grand Jury Exhibit 216) It too was labeled, CONFIDENTIAL, Prepared in Connection with Litigation. A number of personnel supervision matters were discussed. They are, in relevant part,

Priest I

The plaintiff and his mother both called my office in the last week. He is “unraveling” psychologically, and wants to meet with me. I have given them the message that I cannot meet with him without his attorney’s approval. He says he will dismiss his attorney.

Priest R

(Name omitted) has had contact in the last week with the family of one of the boys who had been involved with *Priest R* (but *not* one of the boys who is now suing). The (sic) continue to be angry at the “Diocese” and at me in particular...

Priest S

Priest S has been re-evaluated. That institution is recommending that he should have extended residential therapy. This kind of therapy would, once again, raise the question of his resignation or removal.

Priest T

(Name omitted) has been to see *Priest T* and may have an up-date for us on the case. We have begun to pay for counseling for the one young man we have identified.

Priest U

(Name omitted) had a rather angry letter from *Priest U* complaining that “ the Diocese has let him down” and asking when we are going to “solve” his problem. In fact we are about to settle the case for the \$50,000 initially requested (on advice of our insurance people). This is only one small part of *Priest U's* “problem” and it is the only part we can solve. The question of whether the young man will ever make trouble for him, and the more vexing question of what the young man’s mother may do, are beyond us.

Priest Q

Priest Q who is now on full retirement stipend (supplemented out of our Uninsured Perils fund for a 12-month period which will end in April, 1995, to \$2,000 per month) has now asked for an “application for disability”. I believe this is part of his inability to grasp fully what is going on. We have offered to provide him with re-training for another kind of work, but have made it plain that he will, as of next April, drop down to the retirement stipend.

New matters arising since the last report were also noted. They involved both *Priest E*, and *Priest L*, who have heretofore been described in Part II of this report.

Priest E

We have dealt with two complaints about *Priest E* thus far. A third complainant came to see me in the past week, asking for assistance with counseling. In my estimation, there is no significant danger of litigation or press reporting.

Priest L

Priest L came to see (name omitted) a few months ago because he had received phone calls from a young man who alleges *Priest L* abused him many years ago. *Priest L* paid this young man \$1700 before coming to see (name omitted). I contacted the young man, who is now living out of the country. I offered him counseling help, but he says he does not need it since his government provides the help he needs through their health plan. His brother, who lives on Long Island, has now contacted us asking for help with counseling.

The Grand Jury finds that the Diocese, in fact, solved *Priest U's* problems as he requested. They transferred him to one out of state diocese and then granted him permission to be incardinated in another. In March, of 1995, members of the Intervention and Personnel Supervision Team prepared a memo outlining Diocesan procedures for the management of sexual abuse cases. (Grand Jury Exhibit 219) This memo described the goal of the Diocese to “systematize” their approach to accusers in cases of sexual misconduct so as to:

Maintain our ***administrative oversight*** over all accusations;
Carefully monitor our ***legal response*** to all litigation and potential litigation;
Create and maintain a system for ***supervision of priests*** to keep contact with the accused after initial clinical intervention;
To create and maintain a system for ***personal contact with the accuser***; get the “liaison” (member of the Pastoral Care Committee”, described below) involved as early in the process as possible; so that the accuser, from as early on as possible, identifies *the* “liaison” as the diocesan representative for the case. (Bold and Italics in the original document)

The memo names the members of the Intervention Team and describes their function as both interviewing and case management, along with issues management. The memo also outlines which priests on the team are responsible for individual duties. As previously noted, these assignments required that in every case at least one of the priest attorney’s on the team meet both with the accuser and the accused priest.

For the first time the idea of a Pastoral Care Committee is proposed. Allegedly this Committee’s purpose is twofold; to serve as a “pastoral liaison” with the accuser in certain appropriate cases and to meet with the Intervention Team to discuss policy, procedure and reassignment of individual priests. (Grand Jury Exhibit 225)

The Grand Jury heard from members of the Intervention Team that they could not recall one instance where a member of the Pastoral Care Committee served as a liaison with an accuser. Moreover, when the Committee met to consider the reassignment of individual priests

they were ignored. This happened even though members of the committee included a psychiatrist, a doctoral level psychologist and a social worker. (Grand Jury Exhibit 220)

The Grand Jury finds that this memo is merely a ruse to disguise the fact that the liaison between the Diocese and the accuser was the same as the liaison between the Diocese and the accused and that he was an attorney.

The memo also provides another update on certain specific cases. In relevant part it discusses the following cases heretofore detailed in this report.

Priest T

His position now is that he will sign a petition for laicization if we pay of \$65,000 in gambling debts (to whom?)

(name omitted) has suggested that (names omitted) go to see him; before doing this we must have a clear plan for where we are going with this case;

Canonically we should be moving towards laicization; if, in fact, one of the victims is now 22 years old we need to know that because it may close our opportunity to bring a canonical action for dismissal...

On the civil law side, (name omitted) should begin to show that we have taken prudent steps (spending lots of money on therapy, etc.) to get *Priest T* to agree with us that he will accept retraining for a career which will not harm children; continue in on-going treatment (in connection with his "resignation" we'll make a severance settlement for counseling even after laicization).

Priest S

We should not pay for treatment for other "plaintiffs" without evaluating them; in this connection (name omitted) must contact (name omitted) to ask him to interview the four additional plaintiffs (name omitted) lawyer claims he has identified.

Priest Q

He should execute a "resignation" if he has not already done so

(Name omitted) from (parish name omitted) is "acting up" again; demanding \$55,000 "compensation" on account of his being rejected from Huntington Seminary- he is threatening to bring the infamous "*Priest Q* Video" to the press.

Priest G

(Name omitted) alleges sexual misconduct dating from 1979 when *Priest G* was deacon at (parish name omitted). Prior to 1990 we received a report from a woman that *Priest G* kissed her son passionately in an elevator while *Priest G* was chaperoning a parish trip...In May of 1990 we noted that *Priest G* should be in supervision.

I believe we should now require testing.

In April, of 1995, the Intervention Team addressed the issues raised by the previously described, “very verbal rather unstable”, parish employee who had complained to the Diocese about *Priest A* and his unhealthy interest in a parish musician. (Grand Jury Exhibit 221) The report recommended that the Diocese finally require *Priest A* to undergo a psychological assessment by a clinician of their choosing. With respect to the parish employee the memo indicated,

...She is quite right: she has called “many, many “ times (after our two exceedingly lengthy initial meetings and “many, many phone conversations” and I have not spoken to her. I told her that we would arrange for an assessment and that she would not be told the outcome of the assessment. I told her that if the assessment indicated a serious problem *Priest A* would not continue in his assignment, and that she could deduce the outcome of our process by observation. In fact, I don’t know what I could say to her in a phone conversation or in a meeting, since our process has not produced an assessment on the basis of which we could reach a decision.

The Grand Jury finds that the “process” employed in this case, which included not following the formal sexual abuse policy published by the Diocese, allowed *Priest A* to continue in his ministry and resulted in him sodomizing another innocent child.

In May of 1995 another component appeared to be introduced into the process established for the management of sexual abuse allegations against priests. A memo addressing this was prepared for high-ranking Diocesan officials and distributed to them. The memo essentially reiterated the concepts outlined previously, with the exception of a description of a new, “After-Care Pastoral Supervision”, committee which was in reality a list of priests available to serve as, “pastoral supervisors”, for priests in after-care. (Grand Jury Exhibit 224) This memo also indicates that it addresses only the Diocesan method for dealing with allegations against

priests (as opposed to deacons or other employees of the Diocese) because the specific focus of our “management is to deal with allegations which might lead either to litigation or to publicity”

With respect to the components of the sexual abuse policy, articulated in the memo, a high-ranking Diocesan official testified in the Grand Jury that almost every aspect of it had been violated at one time or another by the Intervention Team. Moreover, according to the memo, there are two priests with specialized training available to the Intervention Team for advice. This witness could only recall one or two instances where either of them was utilized and told the Grand Jury that the Diocese did not keep any records that would indicate otherwise.

This memo was labeled, CONFIDENTIAL, Prepared in Connection with Litigation. It also reviewed the approaches the Diocese took to all litigation involving sexual misconduct claims;

We have three general approaches to all litigation:

Dismissal of Improperly Named Parties: where appropriate, we seek to have ourselves dismissed out of a case; for example, the (name omitted) is often personally named in these matters, and we always argue that it is improper to name him as a defendant; in many cases we argue that naming the Diocese as a defendant is improper because of our corporate or ecclesiological structure;

Dismissal of Time-Barred Actions: many of the cases being brought today involve matters alleged to have occurred at times outside of the statute of limitations; thus far, we have been successful in having such actions dismissed, for example, in the *Priest I* and *Priest S* cases we have won this argument (it is worth noting that in the *Priest S* case, (name omitted) has filed a Notice of Appeal on her own behalf and may be taking the action to the Appellate Division of the New York State Supreme Court);

Reasonable Settlement of Claims: when we believe that there is liability, we negotiate aggressively to accomplish a reasonable settlement of the plaintiff's claims; we do not believe it is prudent or useful to waste time and money allowing these matters to go through protracted pre-trial phases (with attorney's fees piling up) and we do not believe it is proper to exacerbate plaintiffs' anger by refusing to discuss settlement terms. Thus far, we have been quite successful in these matters. From a pastoral and moral point of view, we have avoided litigation where that was possible; we have won litigation where it was necessary to proceed; and we have settled cases for reasonable amount where that seemed appropriate. (Italics in the original document)

The memo also outlined the active cases currently in litigation.

Priest I

We succeeded in having this lawsuit dismissed as time-barred; since the dismissal I have had two lengthy telephone conversations with the plaintiff, and I have had one long meeting with his parents.

Priest R

We are working with the plaintiffs' attorneys in this matter to try to achieve a reasonable settlement of the claim; thus far, the attorney has displayed little willingness to negotiate; this case continues to have very high potential for adverse publicity, and high potential for a judgment against us (though the amount of any judgment would probably be considerably less than the \$100,000,000 being demanded)

Priest S

We have won a dismissal of this action at the trial court level on the basis that it is time barred; (name omitted) has filed a notice of appeal to bring the action to the Appellate Division of the New York State Supreme Court; she has filed this Notice pro se (i.e. without an attorney) but the Notice was served on us in an envelope which bears the return address of the attorney who represented her at the trial court level- since the question of the statute of limitations is settled law at the Appellate Division level, this case will have to go all the way to the New York State Court of Appeals before (name omitted) can succeed; (name omitted) also claims to have three other women with similar complaints from the same period of time, and there is another (fifth) woman out of state with a similar complaint; this case has, of course, already generated a great deal of adverse publicity, and it retains high potential for further publicity.

Although eight additional cases not in litigation are listed, there is no update of their status in this memorandum. A high-ranking Diocesan official reluctantly agreed that the Diocese's approach to handling litigation involving the sexual abuse of children, did not come across, in a "sensitive, pastoral, caring manner".

In September of 1996, at a joint meeting of the Intervention Team and Pastoral Care Committee, there was another historical presentation of the Diocesan response to the issue of the sexual misconduct of priests. Supporting materials were distributed and are in evidence before the Grand Jury. (Grand Jury Exhibit 226) For the most part, what was covered has already been

detailed in this report. There were a few interesting additions worth mentioning here. The self congratulation evident in the late 1980's, reappeared, with the assembled priests informed that the Intervention Team approach utilized by the Diocese had been described in a book and, "has served as a model for similar teams in many Dioceses and Religious Congregations. Members of our team have been called upon to create similar teams around the country. We were called upon to set up an Intervention Team for NCCB (National Conference of Catholic Bishops) "Region 11" on the west coast."

With respect to the creation of the Uninsured Perils Fund, the supporting materials presented at the meeting, revealed that the fund was the result of an analysis of the Diocesan exposure to financial risk due to allegations of sexual misconduct. Based on the analysis it was determined the Diocese had two problems;

There was a period of five years in the middle 1980's during which we had no insurance coverage for sexual misconduct. We were getting a steady stream of serious allegations of (then) current misconduct by priests.

To address these problems it was proposed that we create an Uninsured Perils Fund and setting up a method for addressing allegations in a systematic, pastorally sensitive and legally correct way. As of now, the Fund is added to each year from small assessments against Diocesan entities. The Fund is used to finance our address to allegations and it also is used to pay for counseling assistance given to some complainants. Because of the existence of this Fund, we are the only Diocese in the country that now has a fund for dealing with any claims which may arise out of the period when we were uninsured. That fund now has around \$3 million in it, and we are on schedule to bring it up to a total of \$5 million. We have the lowest ratio of losses-to assets of any Diocese and the lowest ratio of losses- to-number-of-priests of any large Diocese in the country. Our system is in place and working well.

In a footnote it was explained that the Uninsured Perils Fund was used to pay insurance premiums to purchase coverage for sexual misconduct. It was estimated that if these premiums

were paid out of other Diocesan insurance funds, the Uninsured Perils Fund, would meet its \$5,000,000 goal.

In a section of the supporting materials distributed to the attendees there was a section devoted to reintegration into ministry. It read as follows:

As a general principle, we do not believe that a priest who has a clinical diagnosis of “pedophilia” can ever be returned to parish ministry. If a priest has a diagnosis other than clinical pedophilia, it is our policy to consider re-integrating him into parish ministry under the following conditions:

- (a) completion of appropriate treatment
- (b) positive recommendation of the treating clinician
- (c) commitment to participate in an “after care” regimen which includes:
no unsupervised contact with minors
on-going individual therapy
involvement in 12-step group therapy
regular meetings with an appointed “Supervisor”

In some cases, even though we would be willing to reassign the priest it is determined that it is not prudent to do so. This may be due to the fact that there was notoriety attached to the case, or there may be special sensitivity on the part of the complainants, or the priest himself may not feel comfortable attempting a “new start” in our area. In such cases, we may support the priest’s effort to find an assignment in another Diocese. In such cases, we share all information with the Bishop of the proposed receiving Diocese, and we state clearly that we would reassign the priest (under the conditions described above) except for the special circumstances.

Similarly, a priest of another Diocese or a priest who is a member of a Religious Congregation may seek an assignment in our Diocese. We may give an assignment to such a priest if the conditions described above are met and if his former superiors state that they would reassign the priest except for some special circumstances.

The memorandum goes on to recite a case presentation for a member of a Religious Congregation seeking an assignment in the Diocese. This priest had actually been arrested for sexual “contact” with three adolescent boys, was convicted, was treated and while in treatment admitted to involvement with “around 50 adolescent boys”. Although he was given an assignment in his own Diocese with the enactment of, “Megan’s Law a report of his conviction

to the local Chief of Police was required; the Chief of Police was the Chairman of the Parish Council, the priest, pastor and diocesan officials all felt it was best to terminate his assignment”. Although apparently serious consideration was given to the acceptance of this priest in the Diocese of Rockville Centre, it does not appear that he ever served here.

The Grand Jury finds that the description of the issue of the sexual abuse of children by priests as “ratio of losses to assets” and “losses to number of priests” analysis reveals the true nature of the concerns of the members of the Intervention Team. What it all came down to was a simple accounting issue, nothing more or less.

For some unexplained reason there are no additional reports of the Intervention Team and Supervision Committee or the Pastoral Care Committee, to any Diocesan official, in the subpoenaed materials examined by the grand jury from September of 1996 until November 1998. At that time a formal report, in a blue binder, was submitted. (Grand Jury Exhibit 228) It was labeled, Privileged and Confidential, Attorney’s Work Product- Prepared in Connection with Litigation. The proposed agenda for the discussion which was to occur included:

- (1) Revised “Uninsured Perils Fund” System- Brief Report
- (2) Active Cases- Brief Summaries
 - (a) Active Cases-Group I
 - (b) Active Cases-Group II
- (3) Incardination Questions- Brief Report
- (4) Discussion and Questions-Full Discussion
- (5) Appendix “A”- Inactive Cases-Document (attached)
- (6) Appendix “B”- UIP Case Management

The discussion of the revised system for tracking Uninsured Perils Fund expenses related to the manner in which payments were processed. This included assigning confidential numbers to the cases involved, making payments from an attorney escrow account and various insurance reporting issues. There was a listing of case names and confidential numbers annexed as an

exhibit entitled UIP Case Management. This list demonstrates that by November of 1998 payments on a total of 91 cases were being made through this Diocesan fund.

In April, 1999, one of the Intervention Team members distributed a memorandum outlining the current status of New York State's "Child Abuse Reporting Law". (Grand Jury Exhibit 234). As with his previous pronouncements on the topic, his analysis of the law was, whether by design or inadvertence, entirely wrong.⁸³ He argued the reporting obligation was triggered only when the "mandated reporter acting in his or her professional or official capacity learns of the alleged abuse from the allegedly abused child or from the parent, guardian, custodian or other person legally responsible for the allegedly abused child". The message is clear, even assuming the obligations of a mandated reporter, if a priest reports or admits abuse to another priest, the latter has no legal responsibility to report it to the authorities. The Grand Jury finds this interpretation to be callous in view of a priest's responsibility to minister to the people. It reinforces the role of the Intervention Team members as protectors of the Diocese.

The final master case tracking system status report examined by the Grand Jury was dated April 26, 2002. It summarized the cases of fifty-eight priests involved in some form of sexual misconduct. Fourteen cases were carried in active status as of that date. Three priests were assigned to Dioceses outside of Rockville Centre. Only one priest, the same one who had appeared on the first master tracking status report, had been laicized.

Perhaps, no document demonstrates the failure of the Diocese in its handling of sexual abuse cases, and the fabrications presented in the Intervention Team reporting of its policies, better than a 1999 summary of clinicians recommendations with respect to priests under

⁸³ It is difficult to understand the necessity of this memo, in any event, since priests have never been mandatory reporters of child abuse.

supervision. The clinicians were brought together to advise the Diocese on questions of reassignment.

The following recommendations were made:

Priest H

He should stay in his present assignment and residence
He needs more therapy
He should have no weekend assignment
He should not help with confessions
He should not use the condo at the shore alone
We should let him know his only prospects are for assignments of this kind
We should set a date for another review

Priest C

He is very manipulative
He should have no parish assignment
He needs alcoholism intervention and treatment
He is a sociopath-a “time bomb”
He needs a structured environment (assignment and residence)
He needs regular, on-going therapy
He should have no Sunday Mass or Confessions assignment
A question to explore: does this case need a second opinion?

Priest R

His diagnoses are very serious
We need to explore
What to do next with a young, bright, talented priest
How does a young priest living in a parish avoid adolescents
The likelihood of recidivism is very high
There is evidence of a great deal of pathology
AA is necessary
We must get a treatment plan in place
We should arrange for a check of his physical condition

Priest V (not heretofore discussed)

Discussion deferred

Priest K

We must take this case “step by step”
We should offer him nothing more than a nursing home assignment
His present residence needs to be reviewed
An aftercare plan is an absolute necessity

Official written Diocesan policy always required the approval of the treating clinician prior to a priest accused of sexual misconduct being returned to any ministry, even one outside of a parish. (Grand Jury Exhibits 205, 206, 207). This did not mean that the clinician was directly informed of the proposed assignment and agreed to it in writing. Rather, the clinician's approval would be inferred or implied from their final report to the Diocese.

Frequently, members of the Intervention Team overruled the recommendations of the clinicians, in any event. Compounding this, they never informed a priest's superiors they had done this. So, when *Priest C* was called a "socio-path", a "time bomb" by the consensus of a psychiatrist, psychologist and social worker, the individuals in the hospital where he was assigned did not know this. The clinicians also recommended that *Priest C* specifically not be assigned to celebrate Sunday mass or hear confessions. In contravention of this, *Priest C* was assigned for exactly these tasks in two separate parishes. On this issue, the following colloquy took place in the Grand Jury during the testimony of a high-ranking Diocesan official:

Q. They also recommended that he should have no Sunday mass or confession assignments; is that correct?

A. Yes.

Q. Ultimately, he was given Sunday mass, weekend assignments in a parish (omitted)?

A. Yes. That was not an official assignment. It was weekend mass that he would go out and come back for.

Q. Well, but he was saying mass in a parish?

A. Yes.

Q. And your own team recommended that he should not have Sunday mass or confession assignments. But who decided that he was going to have this weekend assignment...?

- A. He had asked (name omitted) if he would permit him to do that because he enjoyed celebrating Sunday mass and, at the hospital, um, he wouldn't have mass every Sunday because one chaplain was on one Sunday and other chaplain would be on the other Sunday, and he wanted to say mass on a Sunday so the (name omitted) allowed him to say mass.
- Q. Did you say to (name omitted), our psychiatrist, our psychologist, our social worker says he should not have Sunday mass or confession assignments? How can we send him out to these unsuspecting people, this man who has been called a sociopath, to do this? Did you ever say to him, (name omitted), you are wrong?
- A. I did not say that, no.
- Q. Why not?
- A. Because I believed as the committee did that he had reformed his ways...
- Q. And you did it against the advice of the professionals that were supposedly charged with giving advice?
- A. Yes.
- Q. And you didn't tell (name omitted) about *Priest C's* history either, until many, many months after the assignment had been given for weekend masses; is that right?
- A. That's correct, yes.
- Q. So nobody, not the pastor, not the parishioners, nobody knew that *Priest C* had abused many, many children when he was assigned previously as a parish priest? Nobody out there knew that?
- A. They didn't know that, no.
- Q. And your own policy, even the policy that was in effect in 1995, said that the pastor should be informed about a person's past; is that correct?
- A. If there is an official assignment. This was not an official assignment. It was Sunday mass and, yes, looking back on it, it should have been—
- Q. What do you mean it was not an official assignment? Just because there is no letter saying you are officially assigned to say mass in

(name omitted), that doesn't mean he wasn't going out there and saying mass and hearing confessions and having interactions with children and teenagers, did it?

- A. He was just saying mass. He was not doing confessions.
- Q. Were you there (name omitted) to make sure he never talked to a teenager, that he was never alone in the sacristy with a child?
- A. No.
- Q. (Pastor's name omitted) wouldn't have known that was something he was not supposed to do because he didn't know, correct?
- A. He didn't—he had not read the documentation at that point in time.
- Q. (Pastor's name omitted) has been here, (name omitted). He knew nothing. He said he didn't know anything about *Priest C's* past. He didn't know he had a drinking problem. He didn't know he had a problem with teenagers. He knew nothing. And he did nothing to make sure that there was not a repetition of the previous behavior because he couldn't because he didn't know it existed. And that's what your own policy said you were supposed to do, correct?
- A. Correct.
- Q. Why wasn't it done?
- A. Well, part of it was the priest would have known there would have been some issue with *Priest C* because one minute he's a pastor then the next minute he's not around for six months.
- Q. That's not what (Pastor's name omitted) testified to. (Pastor's name omitted) sat in that chair and said he didn't know anything about him.
- A. Well, priests knew that if somebody was out of job for a while, especially as a pastor, he was removed as pastor of (name omitted) and he was away for a while and came back to a limited ministry, to go from being a pastor, to working in a hospital, uh, the priest would know there would be some significant issue there that the church, the diocese (name omitted) was trying to reintegrate the pastor, the priest, into some form of ministry. So I mean he certainly would not have, certainly would have put that together.

- Q. That's not what he testified to. Would you like to have the reporter go back and read the testimony for you? He said he didn't know.**
- A. He didn't know. He didn't know anything official from the diocese, that's correct, at that time.**
- Q. My questions is, why not? Why wasn't he told? Why wasn't your own policy followed? That was my question.**
- A. It was an oversight and it should not have happened.**
- Q. Was it an oversight or was it an exception? Was there something about *Priest C* that caused him to be exempted from these policies?**
- A. Exempted?**
- Q. Yes, to be made an exception for.**
- A. No, because it happened with other priests, too.**
- Q. So the policy was deviated from frequently, with respect to notifying, let's say, a pastor?**
- A. In this instance and with going out for Sunday mass, it was, yes.**
- Q. Well, you just said with other priests it was also.**
- A. Well, with *Priest H* also said mass on Sundays.**
- Q. (Pastor's name omitted) didn't know about that either?**
- A. No, he didn't.**
- Q. So it was not just one priest. It happened on a number of occasions where a pastor would not be advised that a priest, for instance, had sexually abused a minor?**
- A. Right.**

When this witness was asked to define the word "sociopath", he explained it to mean "one who cannot relate to reality". Yet, for some reason, the Diocese determined this priest could effectively minister.

At one point, *Priest C* was also given permission to change his residence from one for retired priests to a parish with a school. Thankfully, when the pastor of the parish refused to read *Priest C's* personnel file, he was returned to the facility for retired priests.

Priest H was already saying weekend masses and hearing confessions when the clinicians advising the Diocesan Intervention Team recommended that he not do so.

Again, the Diocese ignored these recommendations and allowed him to continue this assignment. They also failed to inform the pastor of the parish of his history or the recommendations of the clinical professional.

This priest also owned a condominium nearby to the parish where he was saying weekend masses. The clinicians had recommended that *Priest H* not be permitted to use this condo alone. Rather than following this recommendation, the Diocesan officials who were members of the Intervention Team told *Priest H*, “he should not have guests at that place, we could not forbid him to go to his own place, he went out there to say mass, we could not put handcuffs on him.”

The Grand Jury finds that while the Diocese may well have not been in a position to forbid him to use his property, it was not necessary for them to make it easier for him to do so by assigning him nearby.

With respect to *Priest R*, the clinicians advised the Intervention Team that his diagnoses were very serious and the likelihood of recidivism very high. This should not have been a surprise to the Intervention Team members since they had previously been told by at least two other treatment professionals that his prognosis was extremely poor. Nevertheless, his faculties to act as a priest were not removed until almost two years after these devastating conclusions were known to Diocesan officials.

Priest K had been troublesome for the Diocese as a child molester and, essentially, an unassignable priest, years before the clinicians recommended in 1999 that he should be offered nothing more than a nursing home assignment. Previous evaluations had labeled his conduct predatory. Even *Priest O*, who himself admitted to the abuse of a dozen young boys, asked for *Priest K* to be removed from his assignment because of his, “manipulative”, relationships with boys. The Diocese finally removed his faculties to act as a priest in 2001. In early 2002, *Priest K* was diagnosed with clinical pedophilia.

There were no recommendations made with respect to *Priest V* because the committee ran out of time. *Priest V* was ultimately allowed to retire from active status after serious, credible allegations of child abuse against him were brought to the attention of the Diocese, within the criminal statute of limitations. The allegations were that, when *Priest V's* victim was an altar server at age nine or ten, *Priest V* would force him to sit in a chair, would place one hand over his mouth to keep him silent and fondle his genitals over his clothing. The conduct escalated to where *Priest V* would force the young boy to lie on the floor and partially disrobe him by sliding his underpants and trousers to his knees. Thereafter, he would restrain his victim by using his own knee and hold his hand over his mouth. He would then fondle his genitals.

Three years later, *Priest V* was arrested for the sexual abuse of another boy. In a memo to high-ranking Diocesan officials about the arrest and the prior complaint, a member of the Intervention Team writes:

In January of 1999, *Priest V* was accused of having sexually molested (name omitted), an altar server.

Priest V vehemently denied those specific allegations and insisted that attraction to youngsters is “not part of my makeup”. While the present allegations are not direct evidence that these earlier allegations are true (to the extent they are true), the present allegations are direct evidence that *Priest V* did not tell us (or the clinicians who treated him last year) the truth about his inclinations.

This statement is disingenuous since the Diocese was aware that, at the time of the original complaint, a school principal had specifically asked *Priest V* to stay away from the school because his involvement was inappropriate. (Grand Jury Exhibit 230, p. 4). In typical fashion, this did not signal anything to the Diocese about *Priest V*.

The Intervention Team member author of this memo admits to lying about what the Diocese knew about *Priest V* to the press. He writes:

In dealing with the press in connection with the present allegations, I have responded to questions about past allegations against *Priest V* by saying that I have no knowledge of “similar allegations”.

He argues this was done exclusively to protect the confidentiality of the prior victim. Nevertheless, the writer is very concerned that his statements have angered the victim’s family to the extent they may go public.

„revelation of the (name omitted) allegations will make it seem that the Diocese has attempted to “cover up” *Priest V*’s past conduct and (name omitted) family may decide to bring a civil lawsuit against *Priest V* and the Diocese. For a variety of reasons, a suit against the Diocese in connection with the present allegations would probably fail in court, but the anticipated attendant publicity would be extremely harmful.

Priest V was eventually sent to prison for his crimes against children.

In the Diocese of Rockville Centre, it apparently did not matter if you were a priest or lay person; as a victim of sexual abuse committed by a priest, you were likely to be treated badly. The case of *Priest W* is instructive on this point.

Priest W attended the seminary and was ordained as a priest of the Diocese of Rockville Centre in 1993. Subsequent to his ordination and while serving as a priest, he sexually abused an underage parishioner. This abuse led to his arrest.

Upon his arrest, a high-ranking Diocesan Official visited him in jail. He asked him to detail his sexual history and later arranged for him to receive psychological counseling and therapy at a Church-selected facility. During the in-patient phase of the counseling, *Priest W* received regular visits from representatives of the Diocese. While still in-patient, *Priest W* disclosed to his therapist that *Priest O*, as chaplain of a Diocesan High School, had sexually abused him during his first three years of school. He told *Priest W* that he needed to feel “loveable” and this was his entrée to begin the abuse. Each year he was abused from 6-10 times by *Priest O*. The abuse *Priest W* described is substantially similar to abuse described by other victims of *Priest O* detailed in Part III of this report.

His therapist told *Priest W* to report this to the Diocese. The next day, during a regularly scheduled visit with a high-ranking Diocesan official, *Priest W* told him of the abuse by *Priest O*. The Diocesan Official testified that he believed *Priest W*'s allegations of sexual abuse by *Priest O*. At this time, *Priest O* was the pastor of a wealthy and influential parish that had schools attached to it. The Official told *Priest W* that Diocesan protocol would be followed. This clearly means that the official sexual abuse policy of the Diocese would be followed. Pursuant thereto, *Priest O* should have been removed from ministry and sent for an immediate psychological evaluation. The high-ranking Diocesan Official told *Priest W* that the matter would be reported to the board that handles such matters. This Board was the Intervention Team previously described.

In a telephone call a few days later, *Priest W* learned that the team had been informed of the abuse. *Priest O*, however, was not told. The reason was that the Diocese did not have a bishop at the time. The new bishop was arriving a week later and Diocesan officials were planning his installation and party. They wanted to wait for a few weeks after the bishop's

installation before notifying him This decision was admitted by the Diocesan official to be wrong. The following colloquy ensued when the official testified in the Grand Jury:

Q: That is a pretty long, pretty substantial period of time when the priorities were that we have to get the new bishop installed rather than we have to address the issue of a sexually abusing priest who is the pastor of a parish where there is a number of schools.

A: Well, it was a confluence of things happening, but it's true, there was a time gap there, yes...

Q: ... was that your decision to wait...

A: That was my decision...

Q: What, under the written policy that is in existence, or was in existence at the time, that is in evidence as Grand Jury Exhibit 144, gives you the authority to do that...?

A: Well, nothing really. There was just so many things happening all at once that, you know, as you ask these questions, I, you know, it was a mistake...

Q: ...you and the Diocese became aware of the fact, by his admissions, he [Priest O] had abused roughly 13 boys; is that right?

A: Around that, yes...

Q: ...and yet you took a delay in even accepting him for the initial evaluation, waiting for the installation of the bishop; is that right?

A: Yes...from hindsight, it was not prudent.

Approximately six weeks after the original disclosure, *Priest W* was informed by a high-ranking Diocesan official that *Priest O* admitted abusing him. *Priest O* was then to be sent for a psychological evaluation Initially, the Diocese wanted to send *Priest O* to the same facility that was treating *Priest W*. Upon *Priest W's* objection, the Diocese chose a different one. *Priest W* was also told that the parish was informed that *Priest O* was having heart problems and needed

treatment for them The Diocese told *Priest W* that *Priest O* would be the most heavily evaluated priest ever, and they hoped to reassign him to his parish at a later time.

The Diocese was very concerned that *Priest W* would disclose the abuse if they reassigned the priest. A high-ranking Diocesan official spoke to *Priest W* and stressed that the abuse occurred twenty years ago, *Priest W* was led to believe there were no other victims.⁸⁴ Diocesan officials emphasized that *Priest O* was the pastor of a financially important parish; disclosure of the abuse would ruin the priest's credibility and be bad for Diocesan public relations and finances *Priest W* was also told that that his parents should tell no one of the abuse. If *Priest W* kept this quiet, the Diocese would continue to help him and pay for his treatment

A Diocesan Official confirmed for the Grand Jury that he indeed told *Priest W* not to talk about the sexual abuse he suffered at the hands of *Priest O*. The following colloquy ensued in the Grand Jury:

Q: Did you tell him [*Priest W*] outright, don't tell anybody else about this?

A: ...um, I said to him, you know, I wouldn't tell anybody else about this at this time.

Q: Why did you say that to him?

A: Because I just didn't think it would be good for him to start blabbering that around at that time.

Q: You were very concerned about the adverse publicity that such an allegation would have concerning [*Priest O's*] position and the diocese?

A: Yes, of course.

⁸⁴ This of course was not true. As set forth in the narrative concerning *Priest O*, there was an earlier allegation of sexual abuse against him by another student at the same High School. Diocesan Officials summarily dismissed the charge as baseless. When *Priest O* was ultimately evaluated, the charge was found to be true.

Three or four weeks later, another high-ranking Diocesan Official visited *Priest W* at his treatment facility. *Priest W* told him about the abuse and its effect on his life. This official could only say about the allegation, “That’s sad...because I hear he’s a very talented man”

In December 2001, *Priest W* was back in Rockville Centre for a visit. A Diocesan official told him that they knew his mother had told another priest in the Diocese about the abuse. At the same time he reminded *Priest W* that the Diocese wanted to put *Priest O* back in his parish assignment. There was a simple *quid pro quo*: remain silent about the abuse and the Diocese would continue to pay for his continued therapy. This official, who knew *Priest W*’s mother as she had once worked for him, told him to call her and tell her to be quiet. Indeed, *Priest O* was returned to his assignment before Christmas with the explanation that his heart problems had been treated

Shortly after hearing of *Priest O*’s return, *Priest W* was visited again by a high-ranking Diocesan official. He confirmed the reassignment and the importance of remaining quiet. *Priest W* explained that he would not volunteer the information to the general public but would tell the Court handling his case about it as well as the probation department during his pre-sentence interview. The Diocesan official asked him to limit his disclosure and “...just say I had experienced sexual abuse by a significant adult in my life and not say he was a priest and not say his name” *Priest W* agreed to try and do so.

About five months later, Diocesan officials spoke with *Priest W* about a pending article in Newsday that would reveal the abuse he had suffered. They told *Priest W* that he must call Newsday and deny the truth of the article. They characterized the abuse as not that serious and advised *Priest W* “you better consult your conscience and call and try to save him [*Priest O*]

from this” Again, *Priest W* said he would not volunteer the information but would not deny it if asked.

To appreciate the gravity of the situation, the testimony of *Priest W* and a high-ranking Diocesan official must be examined together and in conjunction with the psychological evaluations of *Priest O*. While *Priest W* clearly has a motive to slant the testimony in his favor, the salient facts were admitted by the Diocese in the Grand Jury. *Priest W* was, indeed, sexually abused by *Priest O*; the priest confirmed this to the Diocese and to his evaluators. In fact, *Priest O* had subsequently admitted to Diocesan officials his sexual abuse of approximately a dozen underage boys while assigned to the High School.

In the Grand Jury, a Diocesan Official admitted that he had implied to *Priest W* that the Diocese would require his silence in return for continued insurance coverage of his treatment and other benefits. In this regard, the following colloquy took place in the Grand Jury:

A: ...I did tell him that, that it would not be a good thing for him to speak with Newsday. I don't recall specifically saying to him not to, not to mention something...It's definite that I told him it was not good to speak to Newsday.

Q: Did you tell him the diocese had been very good to him in terms of paying for his therapy, paying for any transitional expenses that he might incur?

A: Yes...

Q: So his treatment at St. Luke's was very expensive, tens of thousands of dollars; was it not?

A: Yes.

Q: He's going to have to start a whole new life and find a whole new career and that's also going to be very expensive; is it not?

A: Yes.

Q: And the diocese would help him with that, under ordinary circumstances. You certainly have done it before?

A: Yes.

Q: You certainly have paid many expenses of priests similarly situated before?

A: Yes.

Q: Did you imply to [Priest W] that if he spoke to Newsday and told them about his relationship with [Priest O], that perhaps that money would not be there to help him with those transitional expenses?

A: I think I might have implied that, yes...

Q: ...did you tell him that if was asked by a Newsday reporter to confirm or deny his, the fact that [Priest O] had sexually abused him...he should deny it?

A: I don't recall telling him he should deny it because I knew that it was true.

Q: Did you have any similar conversation with...any other priest whose name appeared in Newsday in 2002 that if they talked to Newsday they could lose their benefits?

A: I don't recall that.

Q: So it's just [Priest W] that you said that with?

A: Yes.

So afraid was the Diocese of bad publicity that even after *Priest O* was relieved of his priestly faculties after he retired, he was denoted in the parish bulletin of his former parish as *Pastor Emeritus*. Although now retired and technically entitled to this title, such a designation indicates that a priest is in good standing and possesses his priestly faculties. A Diocesan official conceded that this was misleading and the designation was later removed

The concern of the Diocesan hierarchy has always been to avoid scandal and the resultant loss of financial revenue. To avoid these disasters, payment of healthcare coverage for *Priest W* was offered to induce him to remain silent. This was not surprising since the Diocese had been doing this same thing for years with the victims of priest sexual abuse. The Intervention Team offered counseling payments to victims while assuring them that the offending priest would be properly dealt with. All the while, the real goal was to return the priest to ministry despite the nature of the offense or the wishes of the victim. Money to victims bought their silence so this could be accomplished.

Diocesan practice was at odds with official written policy. *Priest O* was not sent for an immediate evaluation. Weeks passed because of the upcoming installation reception for the new bishop. *Priest O* was evaluated and returned to ministry within two months, hardly enough time to effectively evaluate and treat his disease.

Parishioners were misled about his absence. Despite his admission that he had abused *Priest W* and many other boys, his parish was told only that *Priest O* needed treatment for his heart condition. Only when his victim refused total silence was *Priest O* sent for further evaluation and, only after this evaluation concluded that he should not be around young males was he required to retire or face removal from his position. Wittingly or not, the psychological evaluation process utilized by the Diocese was clearly ineffective. Reassignment of priests were made upon faulty and incomplete information designed more as a basis to justify reassignment than for the proper treatment of offenders. The Grand Jury finds that the Diocesan practice of evaluating priest/abusers was fatally flawed. The handling of *Priest O's* case epitomizes this.

In the spring of 2002, when allegations of clergy sexual abuse in the Diocese of Rockville Centre were publicized in the media, *Priest D* contacted Diocesan officials and admitted to

sexually abusing numerous underage boys. A high-ranking Diocesan official testified that *Priest D*'s personnel file contained nothing about sexual abuse complaints. The earlier concerns and facts given officials by the school principal were never placed in the file. This is particularly remarkable in light of the Master Tracking System that indicated *Priest D* should be under supervision. A notation from 1994 referred to the principal's concerns over grammar school age boys spending overnights in *Priest D*'s rectory room. (Grand Jury Exhibit 208). Despite these statements, in writing, *Priest D* was not sent for a psychiatric evaluation until 2002, eleven years later.

In March, 2002, Diocesan policy was again updated. The requirement of using non-church related facilities was finally modified to allow for such usage. Also, the diagnosis of clinical pedophilia as the standard for removal from ministry was changed to one of an intractable pathological condition. (Grand Jury Exhibit 207). When asked what meaning the latter standard would have for him as a member of the Intervention Team, a witness before the Grand Jury said that it had none. Hence the Diocese had coined a phrase or term of art devoid of any value to an official who must apply it. Since by that time the Diocesan policy was no longer officially in effect there was no purpose in maintaining it in any event.

Concern over bad publicity led to a sudden shift in policy when the national scope of the most recent sexual abuse crisis unfolded. As per a Diocesan official, "Everybody was cut loose." The following colloquy concerning this change in policy took place in the Grand Jury:

Q: So he [high-ranking diocesan official] was involved in the process from the beginning; right?

A: Yes.

Q: And he had him [*Priest O*] sent for evaluation, correct?

A: Two.

Q: So he sent him for evaluation, he asked him to join a support group, correct?

A: Correct.

Q: And he did join a support group; is that right?

A: Correct.

Q: And in fact he was pleased with his previous ministry, is that right, to the extent he wanted to treat him to dinner or have him over for dinner?

A: Yes.

Q: So [*Priest O*] , looking at it from his side, is doing everything that has been asked of him, he's being ministered to, in essence, and [high-ranking diocesan official] is in fact the one who is authorizing and going along all this; is that right?

A: Correct.

Q: But that changed once media attention came; is that right?

A: Yes.

Q: And that was basically the sole reason. It was not like he reevaluated the [*Priest O*] case. He was on the [*Priest O*] case from the start.

A: That's right.

Q: So it was the publicity that guided the decision?

A: And he was one of many...correct.

The most recent Diocesan policy for the handling of allegations of priest sexual abuse was explained to the Grand Jury. Allegations are reported through the Diocesan personnel office to a newly constituted Intervention Team. This team reports them to the Diocesan law firm whose members decide if they are to be reported to law enforcement. No other crime committed by a priest is reported to the police in this manner.

Prior to this, Intervention Team members who were attorneys had the responsibility of meeting with the victims and their families. Of course, this contravened original Diocesan policy set forth in the creation of the Office of Legal Affairs which was formed to provide counsel to the priest. (Grand Jury Exhibit 14F). The procedure was also illogical. The Diocese supports a health system with many resources capable of aiding victims of abuse and their families. Instead of calling upon those resources, the Office of Legal Affairs, and later priest/attorney members of the Intervention Team, were utilized as their point of contact with the Diocese. This was the policy and practice from the inception of the plan in 1985. The inherent conflict is clear. Priests whose role was to protect the Diocese were responsible for meeting with victims of sexual abuse perpetrated by the priests who he is also counseling. Victims were betrayed by the Diocesan hierarchy. The leaders they trusted to handle the allegations and protect their children were protecting the Diocese from publicity and legal liability.

An excuse in the Grand Jury for the conduct of the Diocesan hierarchy, heretofore outlined, was that, "If we knew then (about child sexual abuse and priests) what we know now, we would not have acted in the manner we did." Apart from the obvious question about the relationship between that sentiment and the Diocesan response to victims of childhood sexual abuse (exactly what was it that priests needed to be told about properly responding to people who were suffering?), the statement clearly implies that church officials did not have appropriate technical information available to properly address the problem. While this hardly matters because in the Diocese of Rockville Centre, officials often disregarded the professional advice they received, this implication is simply untrue. Members of the Intervention Team bragged about their policy and called it a model. Members of the hierarchy visited other Dioceses as consultants. Moreover, the issue of clergy, especially priest, child abuse, is not new. In 1985, a

trio of professionals, including a psychiatrist, civil lawyer and priest canon lawyer, assigned at the time to the Vatican Embassy in Washington, D.C., authored a lengthy report on the issue of priests and child sexual abuse. The report graphically described the problem and offered concrete solutions. It was also distributed to every American bishop and formally presented at a meeting of the National Conference of Catholic Bishops.

On the heels of the report was the first national crisis involving sexually abusive priests. Serial child molesters were discovered in Louisiana, Texas and Massachusetts and their stories were national news. As a direct result, in 1992, the National Conference of Bishops formed an *ad hoc* committee on sexual abuse. For the first time, survivors of child sexual abuse committed by priests met with Bishops formally to offer their views. They did this so that bishops would have a better understanding of the issues victims faced and to offer themselves as a resource for dioceses.

In any event, when asked in the Grand Jury exactly what information it was that they were lacking and now possessed, high-ranking Diocesan officials had no answer. Of course, that is because no new information was needed. In one form or another, it has always been there; it has just been ignored. The spotlight shining on the Diocese from the outside world is the only thing that caused them to change their behavior.

Conclusions

The Grand Jury makes the following conclusions based upon the stated findings of fact:

Priests assigned to and working in the Diocese of Rockville Centre committed criminal acts in violation of New York State Penal Law Article 130, Sex Offenses, and other statutes designed to protect the health, safety and welfare of children. These criminal acts included, but were not limited to, Rape, Sodomy, Sexual Abuse, Endangering the Welfare of a Child and Use of a Child in a Sexual Performance. Not one priest in the Diocese who knew about these criminal acts reported them to any law enforcement agency.

Frequently, because of the nature of child sexual abuse the victims of this criminal activity do not and did not, in these cases, disclose it until they were adults. This was almost always after the statute of limitations for the criminal prosecution of these crimes had lapsed. Even when offender priests were sent to an out of state Diocese the tolling provisions of the New York State Criminal Procedure Law did not effectively work to allow a criminal prosecution. The limitations contained therein precluded the prosecution of offenders living out of the state.

The Grand Jury concludes that officials in the Diocese failed in their responsibility to protect children. They ignored credible complaints about the sexually abusive behaviors of priests. They failed to act on obvious warning signs of sexual abuse including instances where they were aware that priests had children in their private rooms in the rectory overnight, that priests were drinking alcohol with underage children and exposing them to pornography. Even where a priest disclosed sexually abusive behavior with children officials failed to act to remove him from ministry.

The Grand Jury finds that although there is no statutory legal requirement for priests to report the abuse of a child to law enforcement there should be. This reporting requirement must

include a provision mandating an immediate report of child abuse directly to local law enforcement without any prior investigation by the reporter. There must be serious penalties for a violation. The Grand Jury concludes that where the report of abuse includes an allegation of sexual abuse the failure to report this must be a felony under the New York State Penal Law. Any person or institution as defined in the recommended change to the New York State Penal Law who violates the mandatory reporting obligations on more than three occasions should be subject to monitoring by a court-appointed outside agency to insure compliance with the statute.

The Grand Jury concludes that the history of the Diocese of Rockville Centre demonstrates that as an institution they are incapable of properly handling issues relating to the sexual abuse of children by priests. The Grand Jury concludes that this was more than simple incompetence. The evidence before the Grand Jury clearly demonstrates that Diocesan officials agreed to engage in conduct that resulted in the prevention, hindrance and delay in the discovery of criminal conduct by priests. They conceived and agreed to a plan using deception and intimidation to prevent victims from seeking legal solutions to their problems. This included victims who were seeking compensation for their injuries in the civil courts. There, Diocesan officials pursued aggressive legal strategies to dismiss time barred claims and improperly named parties. They insisted upon confidentiality agreements in cases that were settled. This policy put children at risk inasmuch as victims were prohibited by law from speaking out about the criminal conduct of sexually abusive priests. Absent the adoption of these recommendations, the Grand Jury does not believe that the Diocese of Rockville Centre has the demonstrated capability to properly handle the issues of clergy sexual abuse.

Diocesan officials used the hollow promise of treatment and re-assignment for offenders and the inducement of monetary payments to victims to guarantee their silence. This had the further effect of concealing and preventing the discovery of heinous crimes committed by priests.

The Grand Jury concludes that the conduct of certain Diocesan officials would have warranted criminal prosecution but for the fact that the existing statutes are inadequate.

The Grand Jury concludes that criminal prosecutions are precluded because there was no legal responsibility on the part of priests to report what they knew about child abuse and also because prosecution for the substantive criminal acts of priests were beyond the statute of limitations.

The Grand Jury finds the actions of Diocesan officials who were responsible for making and implementing policy reprehensible, and urges the state legislature and other elected officials to adopt the recommendations that follow. The Grand Jury understands that government must not interfere with the practice of religion and does not seek to do so in its recommendations. The Grand Jury is sensitive to and mindful of the constitutional principle of the separation of church and state that we all cherish. However, the Grand Jury also knows that government has an obligation to protect its citizens, especially its most vulnerable ones, the children.

Recommendations

Based upon the stated findings of fact and all of the evidence heretofore had before this grand jury and in order to protect children from the scourge of childhood sexual abuse, to provide improved statutory remedies where it occurs; to provide increased accountability for individuals and institutions responsible for children and to aid in the prosecution of individuals and institutions that fail in these responsibilities; NOW THEREFORE, by the authority vested in this grand jury by Criminal Procedure Law; Section 190.85(1)(c); the following legislative, executive, and administrative actions are recommended in the public interest:

Legislative

- I. New York State Criminal Procedure Law section 30.10 should be amended to eliminate the statute of limitations in cases involving a sexual offense as defined in article one hundred thirty of the penal law committed against a child less than the age of eighteen, use of a child in a sexual performance as defined in section 263.05 of the penal law or conspiracy to commit these crimes under New York State Penal Law Article 105.

- II In the alternative, in light of the fact that the Code of Canon Law allows for commencement of actions against priests for a period of ten years after the child's eighteenth birthday, New York State Criminal Procedure Law section 30.10 should be amended to extend the statute of limitations in cases involving a sexual offense as defined in article one hundred thirty of the penal law committed against a child less than the age of eighteen, use of a child in a sexual performance as defined in section 263.05 of the penal law or conspiracy to commit these crimes under New York State Penal Law Article 105, for fifteen years after the child's eighteenth birthday.

- III. New York State Criminal Procedure Law section 30.10 should be amended to eliminate the statute of limitations for the crime of Hindering Prosecution pursuant to Penal Law section 205.50, where the prosecution hindered involved a sexual offense as defined in article one hundred thirty of the penal law committed against a child less than the age of eighteen or use of a child in a sexual performance as defined in section 263.05 of the Penal Law.
- IV. In the alternative New York State Criminal Procedure Law section 30.10 should be amended to extend the statute of limitations for the crime of Hindering Prosecution under Penal Law section 205.50 where the prosecution hindered involved a sexual offense defined in article one hundred thirty of the penal law committed against a child less than eighteen or use of a child in a sexual performance as defined in section 263.05 of the penal law, as consistent with Recommendation II.
- V. New York State Criminal Procedure Law section 30.10(4) which provides an exclusionary period of not more than five years beyond the applicable statute of limitations where a defendant was continuously outside the state or his whereabouts were continuously unknown and continuously unascertainable by the exercise of reasonable diligence, should be increased to a minimum of fifteen years beyond the applicable statute of limitations.
- VI. New York State Criminal Procedure Law section 60.40 should be amended to provide that where a defendant is charged with a sexual offense under Article 130, Article 260 or Article 263 the court may permit evidence of a conviction for any offense under Article 130 of the penal law to prove the defendant's propensity to commit the crime.

- VII. New York State Penal Law section 10.00(7) defining “person” should be amended to include a religious corporation or not-for-profit corporation or any other corporate entity not heretofore referenced.
- VIII. New York State Penal Law section 130.05 (3)(h), Sex Offenses; Lack of Consent, should be amended to include among the list of individuals with whom an individual is incapable of consenting to sexual contact, a “client or patient and the actor is a health care provider, mental health care provider or *anyone representing themselves as a member of the clergy who provides health care or mental health care services.*”
- IX. New York State Penal Law section 20.00, Accessorial Liability, currently provides for accessorial liability for only the commission of the crime itself. The Grand Jury recommends that this statute be amended to allow for accessorial liability for conduct that occurs after the commission of the crime that conceals or hinders discovery of the crime or the discovery of evidence of the crime.
- X. New York State Penal Law Article 260 should be amended to include a new crime of Endangering the Welfare of a Child as a felony, when the conduct which is injurious to the physical, mental or moral welfare of a child less than seventeen years old, consists of a sexual offense in violation of Article 130 of the Penal Law or Use of a Child in a Sexual Performance as defined in section 263.05 of the penal law.
- XI. The New York State legislature must enact a statutory scheme that provides for the mandatory reporting directly to law enforcement, of abuse, including sexual abuse, of **any** child, not just those children abused by parents, guardians or other persons legally responsible for them as currently exists under the obligations of the New York State Social Services Law.

- XII. The New York State legislature must include in this statutory scheme a legal responsibility by a priest, minister, rabbi or any other person serving a religious institution or Diocese in ministry, employment or a volunteer position to immediately and directly report to law enforcement the abuse of a child.
- XIII. The statutory scheme enacted by the legislature should define “law enforcement” as the local law enforcement agency where the incident occurred or where the suspect is currently located.
- XIV. The reporting responsibility of the mandatory reporters in this statutory scheme must be triggered where the alleged victim is or was less than seventeen at the time of the abuse regardless of whether the individual required to report knows the identity of the alleged victim or whether the alleged victim is currently less than the age of seventeen.
- XV. The New York State legislature must include in this statutory scheme penalties for the failure of any mandatory reporter to report the abuse of any child. These penalties should also be reflected in the enactment of an amendment adding a new crime under the Penal Law for a violation of these reporting requirements. Repeated violations of the mandatory reporting requirements must elevate the crime from a misdemeanor to a felony. Failure of a mandatory reporter to report the **sexual** abuse of a child or the use of a child in a sexual performance must be a felony.
- XVI. The statutory scheme should provide that if a person as defined in New York State penal law section 10.00(7), is convicted of violating the mandatory reporting requirements of the penal law on more than three occasions the District Attorney of the County may apply to the Court for the appointment of a monitor to insure compliance with the mandatory reporting requirements.

- XVII. The New York State legislature must establish by law a state registry of individuals similar to the State Central Registry of Child Abuse and Maltreatment as provided in the Social Services Law for the purpose of listing those individuals involved in the abuse of children who are not the parent, guardian or other person legally responsible for the child.
- XVII. The New York State legislature should require that any person who applies for a position involving children under the age of eighteen be screened through this new registry in a manner consistent with the provisions currently in existence for the screening of employees and others through the State Central Register of Child Abuse and Maltreatment.
- XIX. The New York State Civil Practice Law and Rules should be amended to extend the statute of limitations in an action to recover money damages against a defendant based on the sexual abuse of a child.
- XX. The New York State Civil Practice Law and Rules should be amended to prohibit as a matter of public policy confidentiality agreements in any action for damages resulting from the sexual abuse of a child.
- XXI. The Diocese of Rockville Centre acted in a manner that resulted in plaintiffs being deprived of their right to legal recourse based on their abuse as children by priests in the Diocese. To remedy this situation, the Grand Jury recommends that the New York State legislature should enact a statute similar to Section 340.1 of the Code of Civil Procedure for the State of California that revives civil actions for damages for a period of one year that are otherwise time barred solely because the applicable statute of limitations has or had expired. This statute would pertain only to actions for the recovery of damages suffered as a result of childhood sexual abuse.

Executive

- I. The Governor of the State of New York should introduce legislation consistent with the legislative recommendations in this report or, in the alternative, he should support legislation introduced by others. The Governor should commit appropriate budgetary resources necessary to implement the legislative recommendations including appropriating additional resources to law enforcement.

Administrative

- I. State and local agencies affected by the changes implied in the legislative recommendations should be given the necessary authority to adopt administrative rules and regulations necessary for the effective implementation and execution of the legislative recommendations.