

Section VI

Inadequate Assistance for Victims

The Philadelphia Archdiocese has a shameful history of handling victim complaints.

When we reviewed the report of the previous grand jury that investigated allegations of sexual abuse by priests, we were shocked by the Archdiocese's track record when it comes to handling victims' complaints of abuse.

Often taking direction from its attorneys, Archdiocese officials historically engaged in a deliberate strategy to bully, mislead, and stonewall victims. Sometimes the church hierarchy would send out agents to investigate the victims, looking for harmful information. Under no circumstances would the Archdiocese help victims' recovery by expressing remorse and acknowledging the abuse they had suffered. Reporting the priests' crimes to law enforcement was never considered.

Worst of all, after victims bravely came forward and told Archdiocese officials their wrenching stories of rape and sodomy, the church hierarchy left their attackers in assignments where they could continue to prey on youngsters. This not only endangered more children; it also left the victims who had reported their abuse feeling that they were not believed. The rejection by the church traumatized fragile survivors yet again.

The Archdiocese has made changes and improved some policies.

Since the prior grand jury's report was issued in September 2005, the Philadelphia Archdiocese has engaged in a well-publicized effort to improve its victim assistance

services and its handling of sexually abusive priests. Unfortunately, while some improvements have been made, the evidence presented before us indicates that the Archdiocese continues to engage in practices that mislead victims, that violate their trust, that hinder prosecution of their abusers, and that leave large numbers of credibly accused priests in ministry.

Among the improved procedures, the most significant is that, if a victim reports an actual instance of sexual abuse to the Archdiocese, church officials now notify law enforcement. That never happened before – in itself an indictment against the Archdiocese leadership that for decades suppressed thousands of allegations of sex crimes against children committed by members of the clergy. It was under the new, improved procedure that the allegations against Fathers Engelhardt, Avery, and Shero came to the attention of the Philadelphia District Attorney’s Office.

Notifying, however, does not mean that the Archdiocese is helping law enforcement to successfully prosecute predator priests. In addition, it is unclear what, if anything, church officials do with reports that do not fit their definition of a full-fledged “allegation.” Examples that may not fit their definition include cases in which someone, perhaps another priest or a nun, reports strong suspicions, or even *knowledge*, that a member of the clergy has abused a child, but the victim has not himself or herself personally reported the abuse to the Archdiocese. We saw no evidence that such reports get passed on to law enforcement. Still, some reporting is better than none.

The Archdiocese has also improved its policy for reimbursing victims. We were told that the Archdiocese will now pay for at least one full year of counseling, no

questions asked, with no limit on the number of visits per week. This is a marked improvement over the past, when the Archdiocese conditioned assistance on victims' willingness to sign releases so that church officials could get the victims' therapy records. Karen Becker, the director of the Archdiocese's Office of Child and Youth Protection, testified that they had learned "that it was really wrong to ask that information."

After the first year, according to church officials, the Archdiocese will continue to pay for outpatient therapy as long as the victim's therapist certifies that the therapy is still necessary to treat the victim on account of the sexual abuse that was suffered. Ms. Becker told the Grand Jury that the Archdiocese also provides financial assistance to victims on a discretionary basis for expenses other than counseling – for example, to help victims get out of debt, or to pay for housing, hospital bills, or vocational training.

Victim assistance coordinators, investigators, and a review board have replaced the Secretary for Clergy, yet the results are much the same.

These positive steps, however, are far outweighed by practices that have not significantly changed or improved. One supposed improvement, much touted on the Archdiocese website, is the use of victim assistance coordinators to help victims. Before 2003, victims who reported abuse were directed to the Secretary for Clergy. The Secretary for Clergy was responsible for interviewing the victim, interviewing the accused priest, and recommending a course of action to the Cardinal.

The Secretary for Clergy consulted closely with the Archdiocese's lawyers along the way. The basic strategy was to take detailed statements from the victims, gather information about the victims and the victims' families, share as little information as

possible with the victims, and conduct no actual investigations. If the priest did not confess, the allegation was deemed not credible and the priest remained in ministry.

Sometimes the Cardinal would send a priest to an Archdiocesan hospital for therapy and evaluation before returning him to ministry. Even when the hospital warned against allowing a priest to minister to children, however, the Cardinal and his Secretary for Clergy routinely gave the priest a new assignment. That is how Father Avery, for instance, came to say Mass and hear children's confessions at St. Jerome.

In 2002, the exposure of massive clergy abuses in the Boston archdiocese cast a national spotlight both on the problem of sexual predators in the priesthood and on church officials' documented practice of shielding and enabling abusive priests by transferring them to unsuspecting parishes.

In 2003, the Philadelphia Archdiocese introduced victim assistance coordinators and an investigator as an alternative to the procedure formerly overseen by the Secretary for Clergy. The victim assistance coordinators, however, were coached, as the Secretary for Clergy had been, by attorneys. And the Archdiocese's law firm, Stradley Ronon Stevens & Young, hired the investigator.

The Office of Child and Youth Protection, directed by Karen Becker, has taken over many of the tasks that the Secretary of Clergy formerly performed in relation to sexual abuse allegations. Victims since 2003 have been directed to the victim assistance coordinators to report sexual abuse.

The victim assistance coordinator interviews the victim and writes up a detailed account of the abuse, just as Msgr. Lynn once did. This "Allegation of Abuse" report is

then sent to the Archdiocese's lawyers. If the lawyers determine that it meets their standards of what constitutes an allegation of sexual abuse, they forward it on to law enforcement.

If the allegation does not fall within the criminal statute of limitations, and no civil lawsuit has been filed, an investigator is assigned to conduct an internal investigation. This also is a responsibility of the Office of Child and Youth Protection, overseen by Ms. Becker.

Sometimes, as in the case of Mark Bukowski and Father Brennan, the Archdiocese proceeds with its own investigation even when the statute of limitations has not run. Apparently, the District Attorney's office in Chester County informed the Archdiocese that church officials' investigation of Brennan would not interfere with its own. The DA undoubtedly did not anticipate how intrusive the Archdiocese's investigation of the victim would be.

One significant change, starting around 2003, was that the investigator, unlike the Secretary for Clergy, actually conducted investigations. At the direction of the lawyers, originally, and then Ms. Becker, the investigator would take detailed statements from the victim, the victim's family, people who worked with the accused priest, any other possible witnesses, and the priest, if he would agree to be interviewed.

Since 2003 or 2004, the investigator has presented the results of his investigation first to the Archdiocese's lawyers, and then to the Archdiocesan Review Board, which is also overseen by Ms. Becker.

The investigations that the Grand Jurors reviewed were overall quite effective. We think they convincingly proved the truth of the allegations not only against Father Brennan, but also against the priests discussed above and many others who inexplicably remain in ministry. (No internal investigation was conducted of Billy's allegations against Fathers Engelhardt, Avery, and Shero.)

We were shocked, therefore, to learn how many priests accused of sexually abusing children *have still not been removed from ministry*. They include pastors, parochial vicars, chaplains, and retired priests who fill in and help out at parishes throughout the Archdiocese. They are *not* included on the Archdiocese website's list of known abusers. And, for the most part, none of their parishioners know they have ever been accused of molesting children.

In other words, the victims who have accused these priests have been betrayed once again by the Archdiocese. Many of them have patiently and persistently made repeated statements to victim assistance coordinators and investigators, each time effectively reliving the pain and shame of their ordeals. They have allowed family members to be interviewed. They have provided names of individuals who might be willing and able to substantiate their claims.

In the end, after investigators have gathered compelling corroborative evidence; after priests have *admitted* improper behavior, if not the precise act alleged; even after a priests have failed lie detector tests, the Review Board inexplicably has found extremely credible allegations "unsubstantiated."

The “Victim Advocate” hired by the Archdiocese to fix how it handles abuse allegations either did not advocate for victims or was ignored.

The Archdiocese publicly touted the hiring of Mary Achilles, a former Victim Advocate for the state of Pennsylvania, to help it improve its handling of victims’ complaints. Ms. Achilles testified in 2004 before the previous grand jury. At that time – which was before she was hired by the Archdiocese – Ms. Achilles presented a list she co-authored of 11 “Recommendations for the Roman Catholic Church” for handling sexual abuse allegations.

As a full-time consultant to the Archdiocese from January 2006 to December 2008, however, Ms. Achilles failed to persuade Archdiocese officials to adopt *any* of her recommendations. Instead of changing the church’s procedures, Ms. Achilles modified her recommendations.

The Archdiocese does not encourage victims to use independent sexual-abuse counseling services.

Ms. Achilles’s original recommendations provide a helpful analysis of what was – and continues to be – wrong with the Archdiocese’s handling of victims’ reports of sexual abuse by priests. One of them is as follows:

Upon disclosure of clergy sexual assault, provide all victims with information about secular rape crisis services. Information should be relayed both verbally and in writing, via rape crisis center brochures/pamphlets/etc. Information should include rape crisis center contact information and locations; specific services offered; and the confidential, client centered, and empowering nature of such services.

In 2004, Ms. Achilles told the previous grand jury why it is important to inform victims about secular services: “I think it’s important they have an outside organization that is just focused on them and supporting them . . . just someone whose agenda is nothing but that person in front of them.” Ms. Achilles noted in her testimony that Archdiocese employees have an inherent conflict of interest:

[S]ometimes the needs of the victim and the offender would conflict, and then the needs of the Church are thrown in there, that it’s helpful for the victim who’s been probably the most disempowered in the situation to have someone in an agency provide services that has no other conflict, no other agenda.

And yet, when Ms. Achilles went to work for the Archdiocese, pamphlets and information about independent rape crisis services were not handed out to victims. In fact, one of her main tasks was to “reach out” to victims to encourage them to report their abuse – not to law enforcement or to rape crisis counselors, but just to the Archdiocese. No one from the Archdiocese then encouraged the victims to seek help from non-church-affiliated organizations set up specially to assist rape victims.

As a former Victim Advocate, Ms. Achilles was well aware of the different legal consequences for victims, depending on whether they talk to representatives of the Archdiocese or to licensed rape counselors. Aside from the obvious conflict of interest that any Archdiocese employee has when interviewing victims (some of whom might want public exposure of revered priests, or seek financial support for expensive therapy, or contemplate civil action against the Archdiocese), workers who are not properly licensed cannot protect a victim’s confidentiality – even if they wanted to.

As Ms. Achilles noted in her testimony, rape crisis center counselors' communications with victims are protected by statute. Rape counselors are thus able to provide "safe, supportive, neutral, anonymous, and nonjudgmental advocacy services."

So why, Ms. Achilles was asked in front of the current Grand Jury, was her recommendation to inform victims about outside services not implemented after she went to work for the Archdiocese? Her answer: "Well, we didn't give out pamphlets. You know, there's moral issues with the rape crisis program from the Church."

The Archdiocese falsely promises confidentiality to victims, and then turns their information over to its lawyers.

Not only does the Archdiocese not inform abuse victims about the confidential services that rape counselors could provide, its website misleads victims into believing that its victim assistance coordinators *can and will* assure the confidentiality of the victims' information. This could not be further from the truth.

Many victims of childhood sexual abuse, overwhelmed by trauma, anger, shame, and even guilt, are desperate to keep their painful pasts private – this is part of the reason they often wait years or decades before coming forward. Knowing this, the Archdiocese gives victims who report sexual abuse every reason to believe that the often deeply personal information they disclose to victim assistance coordinators will be kept confidential.

In an October 19, 2006, news release, the Archdiocese proclaimed that "Victim Assistance Coordinators provide confidential assistance to victims making a report of sexual abuse to the Archdiocese of Philadelphia." On its website, the Archdiocese repeats

this assertion and promises to “work comprehensively and confidentially to assist victims. . . .” One of the “confidential” services offered is to help victims file reports with law enforcement.

In its May 2003 “Policy for the Protection of Children and Young People,” the Philadelphia Archdiocese included a lengthy section emphasizing the confidentiality provided by all staff who provide therapeutic counseling services – a class that victims could easily believe includes victim assistance coordinators, since they are advertised as licensed social workers.

The reason the Archdiocese promises confidentiality is obvious. Victims are much more likely to speak with victim assistance coordinators, and give a candid account of their abuse, if they believe that their privacy will be protected, and that the people they are speaking with have no interest other than to help them.

Yet, unbeknownst to the victims, all of the supposedly confidential information that they provide to the victim assistance coordinators is *passed on to the Archdiocese’s law firm, Stradley Ronon Stevens & Young*. Stradley lawyers, in turn, pass on reports of abuse allegations to law enforcement. But while the letters from the lawyers to civil authorities include only the most basic information – the names and contact information for the victims and the perpetrators, and the dates and locations of the alleged abuses – the lawyers receive all of the detailed information that the victim assistance coordinators have gathered from the victims.

Observing the victim assistance process in Billy’s and Mark’s cases, it was hard to tell who *is not* given access to victims’ information. E-mails announcing the abuse

report are copied to several different Archdiocese employees. The victims' school records are routinely requested from their schools. Pastors are asked about the victims and their families. The abuser is informed of the accusation. In Mark's case, an investigator from the Archdiocese questioned friends, family, other priests, and parish workers. Victims are discussed regularly at bi-weekly, or monthly, meetings that include not only the victim assistance staff, but Ms. Becker, the Vicar for Clergy, in-house attorney Timothy Coyne, and William Sasso, the chairman of Stradley Ronon.

Sometimes the confidentiality afforded to a victim seemed to mean nothing more than not reporting the abuse to law enforcement. The victim assistance coordinators regularly invited victims to sign "Prohibition to Report" forms, which were designed to prevent the Archdiocese from reporting priests' crimes to law enforcement.

It is understandable why the Archdiocese, with its history of knowingly allowing child molesters to remain in ministry, would be concerned about the possibility of civil lawsuits, and wish to involve its law firm, whenever it receives a report of sexual abuse by one of its priests. But if the Archdiocese is going to funnel victims' personal information to the lawyers who will be representing the Archdiocese *against* the victims in such lawsuits, it has no business leading the victims to believe their information will be kept confidential.

The Archdiocese takes no statements from priests suspected of abuse, while pressuring victims to give detailed statements right away.

Another of the "Recommendations for the Roman Catholic Church" that Ms. Achilles shared with the previous grand jury in 2004 had to do with investigations. She

suggested that the church “abolish the practice of internal investigations by the Archdioceses and immediately report any suspected incidents of child sexual abuse to the Police and the Department of Human Services.”

Before she went to work for the Archdiocese in 2006, Ms. Achilles believed that the church’s internal investigation process was “inherently biased.” She testified in 2004: “I just think that, you know, there’s an inherent bias in the internal investigation . . . nobody investigates themselves. It’s not healthy to do it that way.”

Ms. Achilles also pointed out that the church lacks “the expertise to engage in child sexual assault investigations.” She emphasized that, to obtain accurate information, interviewers should be trained in the most advanced techniques for interviewing and collecting evidence in these kinds of cases, and the process must be objective and precise. She said that, during internal investigations, “victims’ words and stories may be questioned, dissected, and deemed not credible.” She concluded that “victims may be re-victimized by the very institution from which they seek support.”

Yet, knowing this, Ms. Achilles failed to persuade the Archdiocese to abolish its internal investigations. She explained to us what happened:

Q: So when you say abolish the practice, you don’t mean abolish?

A: Well, I did, but when I got to the Archdiocese, what I found was there’s this whole canon law thing that I knew nothing about. . . . I mean there has to be a process.

Ms. Achilles did not explain how the existence of canonical procedures justified her acquiescence to a process that harms victims and obscures the truth. The canonical

process does not make the internal investigations any less biased in favor of protecting the institution, or the people who conduct them any more competent at arriving at the truth, or the victims feel any less re-victimized. Such reforms are not the Archdiocese hierarchy's priorities.

It would be disingenuous for church officials to suggest there is no conflict between the interests of the victims they claim to assist and their own interest in avoiding criminal liability for priests and civil liability for the Archdiocese. These divergent interests help to explain some of the policies controlling how the Archdiocese conducts its investigations.

Bishop Timothy C. Senior, Msgr. Lynn's immediate successor as Secretary/Vicar of the Clergy, testified that, while Father Brennan made a spontaneous partial admission of guilt to him, it is now Archdiocese policy not to solicit such admissions. According to Bishop Senior, lawyers for the Archdiocese, as well as investigators hired by Stradley Ronon, have advised him *not* to take statements from accused priests because he is not a trained professional. Also, said the Bishop, "the priest might be put in a situation of admitting, you know, and then recanting later. . . ."

This was not always the policy. When Msgr. Lynn was Secretary for Clergy, he was charged with taking statements first from the victim, and then from the accused priest. Early on, before clergy abuse became a public scandal, Msgr. Lynn's interviews often led to priests confessing their crimes. Back then, the confessions of guilt were not a big problem for the Archdiocese, or the priest. The confessed rapists could simply be sent to therapy, declared cured or safe, and reassigned to unsuspecting parishes. But now that

the church has promised to remove any priest who has committed even one act of sexual abuse, a confession means that the priest must be removed from ministry.

Archdiocese procedures have “evolved” accordingly. Today, priests’ admissions of guilt are to be avoided, especially when there is legal jeopardy for the priest or the Archdiocese. In fact, if a civil lawsuit has been filed, or an abuse allegation falls within the statute of limitations, Archdiocese policy now calls for no questioning of the priest at all. Internal investigations are begun only when the Archdiocese is confident that there will be no actions in civil courts.

In contrast, the Archdiocese’s policy with respect to victims is exactly the opposite. It insists on immediate, detailed statements, which are often taken under conditions that inspire no confidence that the professional training for victim assistance coordinators is any greater than that for the Secretary for Clergy.

In Mark’s case, Louise Hagner, a victim assistance coordinator, was provided with two statements from Mark’s father giving her all the information she needed. Mark was at the time hospitalized following a suicide attempt. Yet Ms. Hagner would not even wait for him to get out of the hospital before taking a statement from Mark himself.

Similarly, she insisted on a face-to-face interview with Billy even though she had obtained all the information she needed during a telephone conversation, and he had explained to her that he was not ready to discuss the abuse further. When we reviewed the files of other priests accused since 2005, we found the same pattern of Archdiocese employees moving quickly to solicit highly detailed statements from victims.

As a strategy to uncover the truth, this contradictory policy of insisting on detailed statements from victims, while at the same time refusing to take *any* statements from accused priests, makes no sense. It is only rational as a strategy for avoiding civil and criminal liability. Indeed, documents in one accused priest's file show that Msgr. Lynn was coached by Archdiocese attorneys to "get details – even unimportant" from the victim. This practice continued after the Secretary for Clergy's role was taken over by victim assistance coordinators and investigators.

There are two basic problems with the policy. First, as we have already discussed, victims have no idea that their statements can be used against them by the Archdiocese in future litigation. The church leads them to believe that their statements will be used only for their own assistance, and to ensure that their abusers are held accountable.

Second, and related to the first, Archdiocese officials are undoubtedly aware that victims' first reports of sexual abuse are not always entirely accurate. Overwhelmed by shame and feeling somehow responsible for their own abuse, victims might, for example, report being younger at the time of the abuse than they actually were. Or they might say that a priest overpowered them, as Billy initially did, rather than telling an interviewer that they were "groomed" into compliance.

Some victims cannot admit, at first, that they were anally raped, or that sexual abuse continued after the first occasion. When they finally disclose the full extent of their abuse, the Archdiocese and its lawyers have the victims' initial statements documented for use by the defense.

The Archdiocese fails to acknowledge the seriousness of victims' complaints when it allows accused priests to remain in active ministry.

Ms. Achilles in 2004 recommended further that the church institute “a zero-tolerance policy for sex abuse by Church employees whereby the alleged perpetrator is immediately removed from access to the victim and other potential victims upon report of sexual abuse.” According to Ms. Achilles and her co-author of the recommendations:

The immediate removal of an alleged perpetrator ensures the safety not only of the victim, but of potential future victims. A zero-tolerance policy validates the victim's experience and acknowledges the seriousness of the offense.

Again, the Archdiocese has not adopted Ms. Achilles's proposal. We do not know if she subsequently decided not to recommend it or it was rejected. In any case, we found that the Archdiocese has no consistent policy on removing priests from active ministry following allegations of abuse. The Grand Jury learned of 14 priests who, since 2005, have not been removed from ministry immediately upon being accused of sexually abusing children. Ten of those were never named or removed. In addition to those 14 priests, 17 more have stayed in ministry despite reports of inappropriate behavior with minors, where there is no formal allegation of sexual abuse by a victim.

The Archdiocese policy is clearly not zero tolerance.

The Archdiocese involves attorneys in deliberations regarding compensation for victims.

Before the Archdiocese hired her, Ms. Achilles advocated that the church should compensate victims for the trauma of sexual abuse, and should do so beyond just

assisting with counseling expenses. She urged the church to refer victims to the Pennsylvania Crime Victims Compensation Program, and to reimburse that program for any expenses paid out in relation to cases resulting from clergy sex abuse. The church, she said, should repay victims for costs and suffering related to lost work, disrupted schooling, legal and medical bills, alcohol and drug treatment, and other expenses, in addition to the costs of counseling and therapy.

We heard evidence that a few victims, including Mark, have received assistance for non-therapy related expenses. But such assistance, we were told, is given only in emergencies or in special circumstances. Moreover, it is presented not as compensation owed for a recognized harm, but as a favor bestowed at the discretion of the “Victim Assistance Committee.” That committee is comprised of the victim assistance coordinators, Ms. Becker, the Secretary for Clergy, the in-house attorney, and the outside counsel, Mr. Sasso, the chairman of Stradley Ronon.

We were assured by Archdiocese witnesses that decisions about discretionary compensation would not be affected by factors such as whether a victim is or is not suing the Archdiocese, or how cooperative the victim is with a church investigation or a canonical trial. Even so, we remain concerned that the Archdiocese’s lawyers are present at victim assistance meetings where confidential information about victims, their mental health, and other sensitive issues are discussed. And we find it easy to imagine that an abuse victim dependent on the Archdiocese’s handouts to cover various expenses would be reluctant to do anything that would make the church or its attorneys unhappy.

The Archdiocese continues to seek abuse victims' therapy records.

In 2004, Ms. Achilles recommended that the church not allow its lawyers to subpoena victims' therapy records. As she and her co-author wrote:

When the Church, through its attorneys, attempts to secure the private counseling records of a victim who has been sexually assaulted by a clergy member, it intentionally re-victimizes the victim in an effort to protect Church assets.

We did not see evidence that lawyers for the Archdiocese were subpoenaing victims' mental health records. But they did not have to. In the case of Mark Bukowski, at least, the Archdiocese was gathering that confidential information through its employees who were claiming to be the victim's advocates.

Believing that Ms. Hagner, the victim assistance coordinator; Mr. Rossiter, the Archdiocese investigator; and Father James Oliver, a canonical lawyer whom Mark mistakenly thought was his lawyer, were looking out for his interests, Mark signed releases for his mental health records. These were immediately turned over to the canonical tribunal, thus making them accessible to the lawyer who was representing Mark's abuser, Father Brennan.

Archdiocese officials insist that they no longer try to obtain victims' mental health records. Mary Achilles thought this was one of her achievements. Ms. Becker acknowledged that Ms. Achilles had "taught" the victim assistance staff how "really wrong" it is to ask victims to release their records from therapy.

Yet notes that Father Oliver kept of a June 19, 2009, meeting with Karen Becker reveal that the director of Child and Youth Protection for the Archdiocese was providing the canon lawyer with the names of four therapists whom Mark Bukowski had seen for

treatment in 2008. This was information that Ms. Becker had only because Mark had come to the Archdiocese for “assistance.” Included in Father Oliver’s notes were instructions that he should “See Tim Coyne,” the Archdiocese’s in-house counsel, about getting Mark’s records.

Father Oliver testified that Timothy Coyne helped him draft a release request for Mark’s records. Mr. Coyne, Father Oliver said, wrote language in the document that would protect the Archdiocese, the Archbishop, and any other designees from any lawsuits that might arise from the release of Mark’s documents. The release request was designed, in other words, not only to secure Mark’s medical records, but also to release the Archdiocese from any liability it might face if it were accused of tricking Mark into signing the release.

Father Oliver, with the help of the director of Child and Youth Protection and Mark’s victim assistance coordinator, got Mark to sign the release forms for his mental health records. The Archdiocese investigator, Mr. Rossiter, who Mark and his family trusted completely, secured another release for mental health records from a facility that treated Mark in January 2000. All of these records were submitted as evidence at Father Brennan’s canonical trial. The Archdiocese, in effect, handed over Mark’s mental health records to Father Brennan’s defense team.

We believe that Ms. Achilles did try to get the Archdiocese to honor victims’ privacy by ending the practice of probing their mental health records. In front of this Grand Jury, Ms. Achilles spoke passionately about how wrong it is for the church to request victims’ therapy records:

I didn't want them getting [therapy notes] because I didn't think that the Archdiocese had any role in that. I think they already violated one relationship. They needed not to be present in therapy with the victim and their therapist.

When asked if there were any circumstances under which she believed it was appropriate for the Archdiocese to obtain a victim's mental health records, she answered: "When I was there, the issue never came to the surface or to my attention."

If Ms. Achilles's testimony is accurate, then Ms. Becker and her staff were simply getting Mark Bukowski's records without telling Ms. Achilles – even though Ms. Becker, at least, knew how strongly Ms. Achilles objected to the practice. Investigator Rossiter, meanwhile, started obtaining releases from Mark Bukowski in May 2006, five months after Ms. Achilles started working for the Archdiocese.

Mark testified that Mr. Rossiter and Ms. Hagner, whom he described as his "advocate," were constantly asking him to sign releases so they could get his medical records. Mark said that Ms. Hagner seldom called him except when she "needed something for the [canonical trial]."

In our view, what the staff of the Archdiocese's Office of Child and Youth Protection did in Mark Bukowski's case represented a clear violation of the victim's trust, if not outright fraud.

Ms. Achilles's recommendation was aimed at stopping church lawyers from subpoenaing victims' mental health records, a recommendation we would second. The practice we observed, however, was much worse. The lawyers that Ms. Achilles was talking about were clearly in opposition to the victim, and the victim knew it. In Mark's case, it was the people he thought were on his side who got him to turn over his most

confidential records. Mark's supposed advocates effectively handed over his mental health records to his abuser's defense team.

Neither the Archdiocese nor its lobbyists in Harrisburg have supported legislative reforms needed to help deter future sexual abuse of children.

Church leaders, Ms. Achilles recommended in 2004, "should partner with victim organizations such as Survivors Network of those Abused by Priests (SNAP) to advocate for legislative remedies that will prevent future victimization and improve response to past victimization."

In particular, she urged that the church support extending or eliminating the statute of limitations in child sexual abuse cases. The Archdiocese has not adopted that recommendation either.

The victim assistance staff's handling of Billy's and Mark's cases did not comport with the improved policies supposedly instituted with Mary Achilles's help.

Ms. Achilles was supposed to change the way the Archdiocese handled victim's complaints. Gone, purportedly, were the days when the Secretary for Clergy fielded victim complaints according to instructions from Archdiocese lawyers in order to avoid liability and scandal. The victim assistance coordinators under Ms. Achilles's watch were supposed to "provide comprehensive support to those who have experienced sexual abuse as minors." The reality, we have found, is something different.

Billy's case

It was on January 30, 2009, that Billy reported to the Archdiocese that he had been abused by the two priests and a teacher at St. Jerome's Parish when he was 10 and 11 years old. He called the Archdiocese at the urging of the director of SoarCorp, an outpatient drug program he attended. Billy had told the program's director about his abuse after he had "freaked out and swung" at someone who came up to him and grabbed his sides. He had mentioned his abuse to another therapist earlier, but it was the SoarCorp director who persuaded him to make a report to the Archdiocese.

Billy talked on the telephone with Ms. Hagner, one of the Archdiocese's victim assistance coordinators. According to Ms. Achilles, that conversation should have been a short intake call. Ms. Hagner should have obtained just basic information: the victim's name, the accused perpetrator's name, contact information, date of birth, the site of the alleged abuse – just enough to be able to verify that the priest existed and was assigned where the victim said he was. The coordinator would also ask if the victim had already reported the abuse to law enforcement, and whether he wanted the Archdiocese to report it. Then the coordinator would ask how she could help the victim.

Ms. Achilles testified:

The victim assistance coordinator may not – if they were trained by me or mentored by me, would not be asking questions about what happened. That's not their job.

* * *

The intent comes from the victim. See, the struggle for me is that's the victim assistance . . . it's driven by what the victim says on the phone.

The victim wants to report. One of the things as an advocate or victims assistance coordinator needs to say is, what's going to happen is, you're going to have to give a formal statement to an independent, because I'm not completely independent, but I'm supposed to be here helping you . . . with a variety of issues.

If you want to start and tell me that you want to make a complaint and you want to tell the Church that this person abused me, whatever, there's a few facts I need to go leave my office and [] set the ball in motion, to get the detective there.

The telephone call went pretty much as Ms. Achilles said it should. Billy offered a basic description of the abuse. He gave Ms. Hagner enough information to complete the first page of the Archdiocese's internal form for allegations of abuse, and, more importantly, to report the allegations to the District Attorney's Office.

Then Billy said he did not want to go into any of the details of his abuse. He told Ms. Hagner that he was too distraught, and that he would need more time before he would be ready to discuss in detail what had been done to him. He also told her that he was planning to sue the Archdiocese. That should have been the end of Ms. Hagner's involvement with the facts of Billy's abuse. Her job, according to Ms. Achilles, was then to offer assistance and pass the case on to law enforcement.

The victim assistance coordinator acted as if on attorneys' instructions.

Ms. Hagner, however, did quite the opposite. The victim assistance coordinator did not take her cues from the victim. Instead, she ignored his clearly stated wish not to

talk further about his abuse. Knowing that she had all the information needed to report the abuse allegations to authorities, that Billy was not ready to speak further, and that the Archdiocese – her employer – might be opposing him in a future lawsuit, Ms. Hagner pushed the distraught victim to submit to a face-to-face interview.

Ms. Hagner and another staff member actually went to Billy’s house to conduct that second interview. Billy did everything he could to avoid talking to the “victim assistance” coordinators. When they rang the doorbell, he did not answer. When they called him on his cell phone, he told them that he could not talk because he had to take his mother somewhere.

Still, the victim assistance coordinators insisted that Billy talk to them immediately, so he came out to their car, and gave them a detailed statement regarding the abuse. At the time, Billy says, he was high on heroin, yet Ms. Hagner and her colleague did not seem to care what his condition was. They pressed him for more details of his abuse. And rather than recording the entirety of Billy’s statement, Ms. Hagner engaged in selective reporting.

Back at her office, she typed up the details she had extracted from Billy after he told her that he did not want to discuss the matter. Separately, she penned a handwritten note to the file about Billy’s efforts to avoid talking to her, and later revised her note – in the manner of a defense investigator, rather than a “victim assistance coordinator” – to add that she thought Billy pretended to sob while describing the abuse.

Ms. Hagner also made a point of informing the Archdiocese’s in-house counsel after the interview that Billy had hired two lawyers – an otherwise irrelevant detail that,

again, suggests to us that she conducted her interview more to assist the Archdiocese in future litigation than to assist Billy in some way.

The Grand Jury subpoenaed all of the Archdiocese's documents relating to Billy's allegation, including handwritten notes. The files originally turned over to the Grand Jury, however, excluded Ms. Hagner's handwritten notes from her interviews with Billy. Once they were produced, she testified that she normally destroys her handwritten notes and could not explain why she had retained them.

These handwritten pages included a notation: "He has been calling lawyers – statute of limitations." Ms. Hagner did not include this information in her typed-up report of her interview with Billy.

Mr. Coyne, the in-house counsel, could not explain why these handwritten pages, which recorded information that might be useful later to impeach Billy's motives should he sue, were not handed over to the Grand Jury until the Commonwealth learned that they existed and asked for them specifically. Ms. Hagner testified that she always informs victims if their abuse falls within the statute of limitation, but could not remember if she had told Billy.

The result of Ms. Hagner's unprofessional, forced interview with a distraught Billy is a document that the Archdiocese and defense attorneys will undoubtedly find useful in trying to cast doubt on Billy's story. In it, Billy identified his three abusers and their actions – the priests' fondling and forced oral sodomy, and the anal rape by Shero, his teacher. But Billy, allegedly, described his abusers as more violent and forceful than he did in his testimony before the Grand Jury – something we find understandable.

We have learned from an expert witness that abuse victims feel intense shame and often blame themselves for what happened to them. Some think they should have put up a fight. We find it perfectly natural that Billy would tell the Archdiocese representatives that his priests and teacher had forced him to have sex. Nevertheless, the victim assistance coordinator had quickly obtained a statement from the victim with as many “details” as possible – just like the lawyers used to instruct Msgr. Lynn to do.

Archdiocese officials applied unclear and shifting standards in dealing with Billy’s abusers.

The actions of Archdiocese officials *after* receiving Billy’s report did not comport with Ms. Achilles’s advice either. Her recommendation was to remove priests from their assignments immediately after receiving an accusation. That is what the Archdiocese said it was doing. It announced that the first of Billy’s abusers, Father Engelhardt, would be removed from his position as parochial vicar at the Church of the Resurrection of Our Lord in the Rhawnhurst section of Philadelphia.

Father Engelhardt, however, appeared before the Grand Jury and testified otherwise. He told us that he remains the parochial vicar – he simply has been prohibited from conducting Mass or ministering publicly. Bishop Senior, who was until recently Vicar for Clergy – and, therefore, in charge of priests’ assignments – testified that he was surprised to learn that Father Engelhardt still considered himself parochial vicar at Resurrection.

The Grand Jurors tried to understand the Archdiocese’s policy for removing priests from ministry and defrocking them. Several witnesses were asked why some

priests were removed from assignments right away while others were allowed to stay. We asked for a definition of the standard of proof that the Review Board applies in order to determine whether an allegation is substantiated. We wanted to know why Cardinal Rigali sometimes asked Rome to laicize a priest without any kind of proceeding, and why at other times he asked to conduct a full-blown canonical trial. We wanted to know why some accused priests, like Avery, were offered \$87,000 if they would petition for voluntary laicization, while others, like Father Brennan, were not. We did not get satisfactory answers to any of these questions. We were repeatedly told that these decisions are made on a case-by-case basis.

The remarkably quick canonical proceeding used to defrock Avery was in stark contrast to the drawn-out one now still in progress to decide Father Brennan's status as a priest. Avery was defrocked in 2006, three years before Billy came forward, based on his earlier molestation of James. In a June 20, 2005, letter to then-Archbishop William J. Levada, Prefect of the Congregation for the Doctrine of the Faith, Cardinal Rigali had "urgently" requested that Father Avery be "dismissed from the clerical state." Cardinal Rigali wrote that a preliminary investigation had been conducted and that he had issued a decree finding credible evidence that Father Avery had sexually abused a minor. Cardinal Rigali informed Archbishop Levada that there were no pending criminal or civil cases against Father Avery.

The Cardinal wrote: "I do not consider a trial or administrative penal procedure necessary in this case." He explained that the allegation had been carefully investigated and that it was "unlikely any new pertinent information would be uncovered during a

penal process.” Cardinal Rigali noted James’s “nearly contemporaneous report of the abuse” in determining the credibility of the allegation. The Cardinal wrote that he was “morally certain” that Father Avery committed the offense.

Cardinal Rigali said Father Avery was unwilling “to live a supervised life of prayer and penance which would permanently restrict him from publicly ministering the sacraments.” The Cardinal concluded:

Father Avery’s dismissal from the clerical state is urgent because there is a great danger of additional public scandal so long as Father Avery remains a cleric. The accusations against Father were given prominent coverage in Philadelphia’s primary newspaper. Father Avery’s personnel file was also among those subpoenaed by civil authorities in an investigation of sexual abuse being conducted by the District Attorney of the City of Philadelphia. There is a great danger, therefore, that Father Avery’s misconduct could come under additional scrutiny. The scandal Father Avery gave to the person he victimized, to the victim’s family, and the community would be greatly mitigated by Father Avery’s removal from the clerical state, as would the wider scandal that will inevitably arise should his misconduct once again come under public examination.

Before Rome acted on Cardinal Rigali’s request that Avery be involuntarily laicized, the Philadelphia Archdiocese was able to persuade Avery, with a \$87,000 lump sum severance payment, to voluntarily petition for laicization.

On January 20, 2006, Pope Benedict XVI granted Father Avery “the grace of dispensation *iuxta petita*, from all priestly obligations. . . .” In his letter informing the Cardinal of the action, dated January 30, 2006, Archbishop Levada noted that the Congregation carefully “examined the documents” of the case.

The documents, however, are confusing. Archbishop Levada wrote in his notification that Cardinal Rigali had presented Father Avery's petition for laicization on June 27, 2005. But, Father Avery had not yet petitioned for dispensation on June 27 – he did not draft his petition until August 15, 2005. And despite the careful review, Archbishop Levada seemed to have acted on the misconception that Father Avery “has admitted an act of sexual abuse against a minor” – even though Father Avery explicitly stated in his petition: “I deny any sexual misconduct of any kind with a minor.”

Nevertheless, it took less than six months from the time Father Avery's case was sent to Rome to complete the laicization process, thus mitigating the “great danger” of “additional public scandal” that had worried Cardinal Rigali and moved him to seek urgent action.

Mark's case

Mark's father in 2006 reported the sexual assault that his son had suffered. He provided the Archdiocese with two statements describing Mark's account of the abuse. However, rather than simply pass those statements on to the District Attorney's Office for investigation, the Archdiocese, after consulting with its lawyers, pressured Mark to submit to detailed interviews with Ms. Hagner and with Mr. Rossiter, the investigator hired by the Archdiocese's law firm.

As in Billy's case, Ms. Hagner insisted on an immediate interview with Mark. She even went so far as to take a telephone statement from Mark while he was hospitalized following a suicide attempt. We find this to have been inappropriate not only because of

Mark's condition, but also because the sexual abuse of Mark, like the sexual abuse of Billy, had been reported within the applicable statute of limitations. Thus, any interview of Mark should have been conducted by police and the District Attorney's Office for use in a potential criminal prosecution, not by representatives of the Archdiocese, whose goals most likely include *avoiding* prosecution and a potential civil lawsuit.

While the Archdiocese was conducting its internal investigation, moreover, it was simultaneously deciding whether to provide discretionary financial assistance to Mark, leaving him with no practical choice but to go along with the Archdiocese's flawed process.

Archdiocese representatives gave the abuse victim the false impression they were advocates for his interests.

Mark was not told that the information collected by Ms. Hagner would immediately be handed over to the Archdiocese's law firm. Nor was he informed that Mr. Rossiter was hired by the same law firm. Instead, Mark was led to believe that they were on his side, and had no interest other than helping him achieve healing and justice. In addition, Mark said he was under the impression that Father James Oliver, a canon lawyer who sits on the Archdiocesan Review Board, was "my lawyer."

Mark had, in fact, been deliberately denied a lawyer. In a January 24, 2008, e-mail, Karen Becker wrote to Father Oliver that Mary Achilles had raised the issue of whether Mark should be given a canonical lawyer. Although Ms. Achilles told us that she had no involvement with any canonical trials, she apparently discussed the matter of a

canonical lawyer for Mark with someone named Msgr. King. She reported back to Ms. Becker that some dioceses offer victims a lawyer as a “victim right.”

We asked Father Oliver who had made the decision to not offer Mark a canon lawyer to protect his rights through the canonical process. Father Oliver said he did not know. Clearly, however, it was not an oversight. Someone in the Archdiocese deliberately chose to leave Mark without an advocate of his own.

Without anyone to look out for his interests, Mark cooperated with the Archdiocese representatives he mistakenly believed were his advocates. He trusted them so much that he gave them permission to obtain his confidential mental health and military records.

At the conclusion of the Archdiocese’s administrative investigation, the Archdiocesan Review Board found Mark’s allegations substantiated. Cardinal Rigali agreed. At that point, the Cardinal had several options to choose from. He could ask Rome to defrock Father Brennan, as he initially requested for Avery (before Avery agreed to petition for voluntary laicization). He could seek permission to conduct an “administrative penal process,” in which a single canonical judge would review existing documents and the already completed investigation and make a decision about defrocking Father Brennan. Or he could ask Rome for permission to put Mark and his family through a full-blown canonical trial, during which they would have to repeat everything they had already told the Archdiocese’s investigator.

A canonical expert consulted by the Archdiocese recommended that the Cardinal seek approval from Rome to proceed with the administrative penal process. The reason

the expert gave was that Father Brennan had *admitted* to acts – showing a 14-year-old pornography and sleeping in the same bed with him – that justified his removal as a priest. A full trial was, therefore, unnecessary. Yet, without any valid justification that we can find, the Cardinal ignored the expert’s advice and instead asked the Vatican’s permission to conduct a canonical trial. The trial has gone on for nearly three years.

A prolonged, unnecessary canonical trial has added to the victim’s and his family’s suffering.

Mark and his family agreed to testify at the canonical trial – subjecting themselves to painful and embarrassing interrogation – only because they were told that such a trial was necessary in order to get Father Brennan removed as a priest. They had no idea that Cardinal Rigali had other options. And no one told them where the information they provided was going.

As part of the canonical trial process, Father Brennan’s lawyer has been afforded access to the mental health and military records that Mark thought would be used to help him. The lawyer has also been given numerous detailed statements taken from Mark and his family members at different times, as well as transcripts of their testimony at the canonical trial.

Mark’s private records would have been statutorily protected from disclosure during a criminal trial. By handing these over to Father Brennan, Archdiocese officials not only risked making the eventual prosecution of the priest more difficult, they needlessly exposed an already scarred victim to further trauma by making the most private details of his life available to the man who raped him.

Similarly, any statements Mark might have made to a licensed, non-church-affiliated rape counselor, instead of to the Archdiocese representatives whom he trusted, would also have been legally protected from disclosure. By forcing Mark and those close to him to give detailed statements, only to turn those statements over to Father Brennan, Archdiocese officials essentially made themselves part of the predator priest's criminal defense team.

The canonical trial was useful in obtaining other discovery for the defense as well. Father Oliver, whom Mark continued to believe was his lawyer, repeatedly asked Mark for his military discharge records. These records were deemed so important that the record of the canonical trial was not considered complete until they were obtained. Even Cardinal Rigali was notified when Mark finally produced the discharge papers.

Why were these papers so critical to Archdiocese officials, up to and including the Cardinal? Mark's military service has no relevance either to the sexual abuse he suffered or to canon law, the purported focus of the prolonged canonical proceedings. Mark's military service is crucial, however, to the statute of limitations in any criminal prosecution or civil lawsuit. This is because active service in the armed forces is excluded when determining the time elapsed before a filing deadline in relation to a statute of limitations.

Father Oliver's handwritten notes from a June 2008 meeting with Ms. Hagner and Ms. Becker, the director of the Archdiocese's Office of Child and Youth Protection, feature the word "discharge" next to "2 years Ø" and "summer 1996." This is self-evidently a reference to the statute of limitations, because Father Brennan's rape of Mark,

which occurred in the summer of 1996, would not fall within the two-year civil statute but for the fact that the filing period was tolled during Mark's service in the Marines. Whether Mark was able to bring a civil suit depended on how long he was in active duty. Meanwhile, the canonical trial drags on, with no end in sight.

The Bukowskis came forward to get help for their son. They naively trusted the Archdiocese and did everything Louise Hagner, Karen Becker, John Rossiter, and Father James Oliver asked of them. They were interviewed over and over about their most painful memories. Their family was dissected in testimony before the canonical tribunal without anyone to defend them. The most private details of their lives were exposed to Mark's abuser. And all the while they have been kept in the dark. They were told the canonical proceedings are "confidential."

This is the process the church has chosen for itself, but the Archdiocese should not ask or expect its priests' victims to participate in it. Once the Archdiocese has been notified – by a victim, a parent, a lawyer, a law enforcement agency, or anyone else with knowledge – that one of its priests has sexually assaulted a minor, it is the church's responsibility to act. If the Archdiocese endangers children by leaving those priests in ministry, then it is up to law enforcement to protect the children. It is not the job of those who have already suffered abuse.

The Archdiocese's lawyers objected to questions before the Grand Jury about the canonical process. They seemed to think we were interested in making recommendations about the internal workings of canon law. We have no such authority – or interest. How

the church chooses to discipline its priests is its own business, assuming law enforcement authorities are notified when they should be.

The Grand Jurors' concern is to understand why Archdiocese officials would disregard the additional pain that this canonical process has caused a victim and his family. If church practices, inscrutable or not, fail to reflect an overriding interest in justice for predator priests and compassion for their victims, then we worry that the perils to which the Archdiocese has exposed minors for decades are more likely to persist.