

Fr. J

345. *Fr. J* was ordained in 1979.³² *Fr. J's* file records concerns about his conduct early in his tenure, but not until March 2004, did the Diocesan Corporation record receiving complaints of his alleged sexual abuse of minors. Instead of applying the *Charter* and the *Essential Norms*, the Diocesan Corporation allowed him to retire. The Diocesan Corporation also failed to sufficiently conduct an internal investigation into allegations that *Fr. J* had sexually abused a minor; failed to seek or, alternatively, reasonably document the DRB's assessment of sexual abuse allegations against *Fr. J*; and failed to refer or timely refer *Fr. J* to the CDF. Further, the Diocesan Corporation engaged in other improper conduct by (a) preparing false or misleading records to establish a purported, legitimate basis for *Fr. J's* retirement and eligibility for associated benefits; (b) providing these benefits and other compensation to *Fr. J* even though his laicization would have relieved the Diocesan Corporation of its duty to financially support him; and (c) failing to reasonably monitor *Fr. J*, exposing itself and minors to unnecessary risks.

³² Unless otherwise noted, the allegations against *Fr. J* are based exclusively on documents that were obtained from public sources or produced from diocesan files for Attorney General review. The allegations against *Fr. J* have not been independently investigated by the Attorney General and are recited only to establish the information provided to, and decisions taken by, the Diocesan Corporation in connection with its response to reports of alleged sexual abuse.

Pre-2002 Concerns

346. Prior to his suspension in 2007, *Fr. J* served in parish ministry. In October 1986, he received a performance evaluation of his parish work. Among other things, the evaluation documents that *Fr. J* engaged in “strange behavior,” including “decid[ing] that school officials were interfering” when he was asked to cease ““rough house”” with children.

347. In February 1988, the Diocesan Corporation received information that during one of *Fr. J*'s homilies, he recounted that he had been walking in the woods with his gun and began to cry because the Church had no use for him. He also said that he sympathized with those driven out of the Church, such as the divorced, homosexuals, and those who had abortions. *Fr. J* remained at this parish until his suspension in 2007.

Defendants' Violations of Sexual Abuse Policies and Secular Fiduciary Duties

348. On or about March 1, 2004, Complainant 1's mother filed a complaint with the Diocesan Corporation, alleging that in 1975 *Fr. J* had taken her son, a minor at the time, to a movie and fondled him. The mother also alleged that she had confronted *Fr. J*, who did not deny the accusation. Diocesan records suggest that Complainant 1 did not provide a statement to the Diocesan Corporation at this time.

349. On or about March 12, 2004, Diocesan Administrator Cunningham asked Msgr. Jerome Williams, Coordinator of the Priests' Personnel Board, to meet with *Fr. J*. Two days later, Williams prepared a memo documenting his March 12 meeting with *Fr. J*. The memo states that *Fr. J* denied the mother's allegations and concludes that “[*Fr. J*] has a reputation as a very matter of fact, straight-forward person, almost to a fault. From our conversation, I have no reason to doubt his honesty.”

350. In August 2004, the DRB met and purportedly reviewed Complainant 1's case. A

document summarizing the DRB's review of the mother's allegation states that: (a) the mother's accusation was *Fr. J's* first complaint; (b) *Fr. J* denied the allegation; (c) the mother originally claimed that the abuse had occurred in 1975 but then later revised the approximate date to 1978 or 1979; (d) *Fr. J* was not ordained or assigned to the relevant parish until 1979; (e) the movie referenced by the mother was not released until 1980; and (f) the Diocesan Corporation's Victim Assistance Coordinator was directed to contact Complainant 1 for further investigation. This information about the DRB is contained in a portion of an incomplete memo sent to Auxiliary Bishop Grosz from diocesan attorneys.

351. Two years later, on September 14, 2006, Complainant 1's parents met and submitted another complaint to Auxiliary Bishop Grosz. According to Grosz's memo of the meeting, the parents recounted that in about 1978, *Fr. J* had taken their son to a movie. While in *Fr. J's* car, *Fr. J* touched the boy's genitals and tried to kiss the boy until he pushed *Fr. J* away, saying "[m]y mom told me about this." Also on September 14, 2006, Complainant 1 came forward and alleged that *Fr. J* had sexually abused him in 1980. The Diocesan Corporation failed to conduct a full, independent investigation into Complainant 1's allegations.

352. On September 27, 2006, Auxiliary Bishop Grosz met with *Fr. J* and questioned him about Complainant 1's allegations. *Fr. J* denied the allegations.

353. That same day, Bishop Kmiec placed *Fr. J* on administrative leave. In a memo of the same date, Auxiliary Bishop Grosz notes his "hope[] that the next meeting of the [DRB] would be scheduled soon, so that the entire matter could be addressed at that particular meeting, as soon as possible."

354. In October 2006, Auxiliary Bishop Grosz called *Fr. J*. Grosz's notes of the call read: "He refuses to go for an assessment. He spoke about early retirement. I said 'no.'"

355. In a November 2, 2006 memo to the file, Auxiliary Bishop Grosz memorialized a Msgr. Wall's recent disclosure to Grosz that, "several years ago," Bishop Mansell had asked Wall to meet with Fr. [J] to discuss an allegation that "[Fr. J had] inappropriately touched a young person." Grosz's memo also records that *Fr. J* "indicated [to Wall] that he had merely put his hand on the leg of a young person." Grosz's memo does not reflect (a) the approximate date of the meeting between Wall and *Fr. J*; (b) the identity of the "young person"; (c) the approximate age of the young person; (d) any action taken in response to the meeting; or (e) the nature of *Fr. J*'s touching.

356. On November 2, 2006, Auxiliary Bishop Grosz called *Fr. J* and informed him that the next DRB meeting would occur on November 17, 2006. Grosz also told him that "he wanted to have the meeting scheduled as soon as possible, so that this matter could be quickly resolved and Father [J] could move on." Grosz asked *Fr. J* about his previous conversation with Msgr. Wall. *Fr. J* confirmed the substance of his conversation with Wall but stated that he could not recall whether the "young person" was Complainant 1.

357. On November 22, 2006, a diocesan attorney advised Auxiliary Bishop Grosz that at the DRB's November 17, 2006 meeting, the DRB had purportedly determined that: (a) *Fr. J* was required to submit to a mental health assessment; (b) if *Fr. J* agreed to the assessment, the DRB would re-review the matter; and (c) if *Fr. J* objected to the assessment, then the DRB would recommend his removal from ministry. Grosz recorded these DRB recommendations and determinations in a memo to the file.

358. Notes within *Fr. J*'s file indicate that he still refused to undergo an assessment as of December 2006.

359. On March 30, 2007, Bishop Kmiec issued a Decree of Suspension to *Fr. J*

pursuant to the *Essential Norms*. The Decree of Suspension revoked *Fr. J's* faculties and prohibited him from publicly celebrating Mass, administering the sacraments, wearing clerical garb, or publicly presenting himself as a priest. *Fr. J's* file lacks any indication that the Diocesan Corporation publicly disclosed this decree.

360. Internal diocesan documents maintained to record a priest's status reflect *Fr. J* retired on April 1, 2007, when he was about sixty-two years old. These documents falsely imply that *Fr. J* resigned in the ordinary course when, in fact, the Diocesan Corporation had suspended and retired him from ministry because of sexual abuse allegations.

361. On or about April 24, 2007, Bishop Kmiec and *Fr. J* discussed *Fr. J's* retirement benefits. The same day, Kmiec memorialized *Fr. J's* benefits in a letter, which stated that he would receive \$1,000 per month (consisting of \$400 for room and board as well as \$600 for retirement) and health, dental, and car insurance.

362. Auxiliary Bishop Grosz admitted during his testimony to the Attorney General that he could not effectively monitor *Fr. J* because *Fr. J* did not return his calls: "I tried and attempted to contact [*Fr. J*]. And if he doesn't contact me, what can I do." When asked whether he could have taken other steps to reach *Fr. J*, Grosz testified: "I would need to look into that." The Diocesan Corporation failed to reasonably monitor *Fr. J*.

363. In March 2018, the Diocesan Corporation publicly identified *Fr. J* on a list of "diocesan priests who were removed from ministry, were retired, or left ministry after allegations of sexual abuse of a minor." In the months following this disclosure, the Diocesan Corporation received two more complaints alleging that *Fr. J* had sexually abused two minors between 1979 and 1986.

364. In about September 2019, the Diocesan Corporation, in a disclosure on its

website, indicated that it had referred *Fr. J* to the CDF; however, referral documents were not produced to the Attorney General.

365. The Diocesan Corporation repeatedly violated the *Charter* and the *Essential Norms* by failing to sufficiently conduct an internal investigation into allegations that *Fr. J* had sexually abused a minor; failing to seek or, alternatively, reasonably document the DRB's assessment of sexual abuse allegations against *Fr. J*; and failing to refer or timely refer *Fr. J* to the CDF. Instead, it prepared false or misleading business records and failed to reasonably monitor *Fr. J*. The Diocesan Corporation's actions concealed *Fr. J*'s conduct from the public and placed its beneficiaries at risk.