RESPONSES TO FORTIETH STATEWIDE INVESTIGATING GRAND JURY REPORT NO. 1

REDACTED

DIOCESE OF ALLENTOWN

THE DIOCESE OF ALLENTOWN

Page

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20 June 2018

BISHOP SCHLERT'S RESPONSE TO THE 40th STATEWIDE INVESTIGATIVE GRAND JURY REPORT

We thank the Grand Jury and the Office of Attorney General for their work in preparing the Report. It is only by confronting and understanding the past that we, as a Church and as a Commonwealth, can begin to heal and move forward toward a goal that we all share: The elimination of child abuse wherever it may occur in society.

The incidents of abuse contained in the Grand Jury Report are abhorrent and tragic. Even though most of the incidents in the Report date back decades and involve priests who are no longer in ministry or are deceased, it does not change the fact that past abuse was terrible, sinful, and criminal. Child abuse is devastating and tragic for the victims and survivors, who remain in our daily prayers.

On behalf of the Diocese of Allentown, I apologize to everyone who has been hurt by the past actions of some members of the clergy. As a Diocese, we know that these past actions have caused mistrust for many people.

Fortunately, much has changed over the past fifteen years, as the Grand Jury acknowledged in its Report. The Diocese of Allentown has taken strong and decisive action to prevent abuse and to provide support for victims and survivors. This includes a policy of zero tolerance: the Diocese reports all cases of abuse to law enforcement, and perpetrators are removed from ministry.

As a Diocese, we view law enforcement as a partner in the effort to combat the problem of child abuse. For example, in May 2002, the Diocese voluntarily convened a meeting with the District Attorneys of the five counties which encompass the Diocese of Allentown. At the meeting, the Diocese provided the District Attorneys with the files for priests against whom known, credible allegations of abuse had been lodged. Since 2002, we have promptly informed each respective District Attorney when a new allegation is made, regardless of how long ago the abuse may have occurred.

Sadly, abuse still is part of the society in which we live. Today, in the Diocese of Allentown, victims and survivors are heard and cared for, perpetrators are held accountable and children are protected.

The Diocese of Allentown has the following protocols, which it diligently enforces, to protect children:

- Rigorous background checks for clergy, employees, and volunteers of all parishes, schools, and other organizations.
- Educational programs have been provided to over 38,000 adults. These mandatory programs provide training in recognizing, reporting, and responding to abuse.
- Annual, age-appropriate training is provided to children in diocesan schools and religious education programs to assist children in recognizing and preventing child abuse.
- Safe Environment Coordinators have been designated to ensure that each parish, school, or ministry is compliant with diocesan protocols.

- Mandated Reporter Training has been completed by more than 5,000 people. This training educates people on the legal requirements of reporting abuse.
- An Independent Review Board, comprised of people with expertise on child abuse, assists the Bishop in discharging his responsibilities involving the sexual abuse of minors by clerics.
- The Diocese promptly reports to law enforcement any allegation of child abuse.

The Diocese of Allentown is thankful for the vast majority of its priests, who had absolutely no involvement in this unholy criminal behavior, and who continue to work every day to carry out the mission and good works of our Church. We will focus on reestablishing trust among all those who rely on the Catholic Church for help, for spiritual guidance, and for strength.

The Diocese will learn from the Grand Jury Report and continue to work with law enforcement to proactively use the Report to further improve protections for children and young people. Our first priority remains keeping children safe.

Sincerely yours,

+ Alfred A. Schlert

Most Reverend Alfred A. Schlert
Bishop of Allentown

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	**: SUPREME COURT OF**
THE FORTIETH STATEWIDE	**: PENNSYLVANIA**
INVESTIGTING GRAND JURY	**: 2 W.D. MISC. DKT 2016**
	:
	: ALLEGHENY COUNTY COMMON
	: PLEAS
	: CP-02-MD-571-2016
	: NOTICE NO. 1

SEALED RESPONSE TO REPORT 1 OF THE FORTIETH STATEWIDE GRAND JURY

TO THE HONORABLE NORMAN A. KRUMENACKER, III
Supervising Judge
Fortieth Statewide Investigating Grand Jury

1. You can consider this a sealed response by Monsignor Thomas Benestad to the above captioned Investigating Grand Jury Report.
2. Monsignor Thomas Benestad officially retired in June of 2009.
3. The alleged victims came forward in 2011 to make allegations regarding Monsignor Benestad.
4. The summary of the Grand Jury Report implies that Monsignor Benestad retired as a result of allegations made by the alleged victims
5. Monsignor Benestad clearly did not retire because of allegations made by the alleged victims in this matter as he had retired two (2) years before any allegations were made.
6. When allegations were made by the alleged victims in 2011, the Bishop of Allentown informed Monsignor Benestad that he was to refrain from all forms of public ministry until the matter had been investigated and a resolution had been reached.

7. In the spring of 2014, the officials in Rome had adjudicated Monsignor Benestad case and notified the Diocese of Allentown of their decision, at which time Bishop Barres sent a decree revoking any restrictions upon Monsignor Benestad's ministry.
8. Monsignor Benestad has never done anything that would be deemed inappropriate with any individual.
9. Monsignor Benestad has never done anything that would be deemed immoral by the church with any individual.
10. Monsignor Benestad has never done anything illegal with any person as judged by any civil or criminal authority.

WHEREFORE, it is respectfully requested that this be a sealed response by Monsignor Benestad to the above captioned report of the Fortieth Statewide Investigating Grand Jury.

Respectfully Submitted,
HUBER WALDRON & WILLIAMS, LLC

Dated: 6/8/2018

BY: _____

John J. Waldron, Esquire
Attorney I.D. No. 36853
535 Hamilton Street, Suite 102
Allentown, PA 18101
Attorney for Monsignor Thomas Benestad

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REPLY TO:
Media

June 20, 2018

The Honorable Norman A. Krumenacker, III
Cambria County Courthouse
220 South Center Street
Ebensburg, PA 15931

RE: 40th Statewide Investigating Grand Jury
REPORT No. 1

Dear Judge Krumenacker:

Please be advised that the undersigned has been contacted and retained by Francis J. Fromholzer. Pursuant to your Order of May 22, 2018, would you please be good enough to consider this letter, as Mr. Fromholzer's response thereto.

As evidenced in the Report itself, Mr. Fromholzer denies these allegations of abuse. If you would be kind enough to place this response under seal as referenced your Order and more specifically paragraph 5 thereof, it would be appreciated.

Should you require anything further relative to this matter, don't hesitate to contact me.

I remain,

Very truly yours,

CHRISTOPHER G. FURLONG

CGF/cm

cc: Daniel J. Dye, Sr. Deputy Attorney General, via email
Francis J. Fromholzer

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	**: SUPREME COURT OF**
THE FORTIETH STATEWIDE	**: PENNSYLVANIA**
INVESTIGATING GRAND JURY	**: 2 W.D. MISC. DKT 2016**
	:
	: ALLEGHENY COUNTY COMMON
	: PLEAS
	: CP-02-MD-571-2016
	: NOTICE NO. 1

SEALED RESPONSE TO REPORT 1 OF THE FORTIETH STATEWIDE GRAND JURY

TO THE HONORABLE NORMAN A. KRUMENACKER, III
Supervising Judge
Fortieth Statewide Investigating Grand Jury

1. You can consider this a sealed response by Monsignor Anthony D. Muntone to the above captioned Investigating Grand Jury Report.
2. The numerous pages of the Grand Jury Report that relate to Monsignor Muntone suggest that he enabled a person or persons to engaged in Child Sexual Abuse, or enable individuals to violate a duty to safe guard the welfare of children.
3. It is Monsignor Muntone's position that he did not enabled individuals/priests to engage in Child Sexual Abuse or he did not violate a duty to safe guard the welfare of children.
4. It is Monsignor Muntone's position that during the time frame mentioned in the investigating grand jury he was not in a position of authority to appoint priests to various positions in the Archdiocese of Allentown.
5. It is Monsignor Muntone's position that any action he may have taken during the time frame alleged in the Investigative Grand Jury was results of meetings and telephone contact with legal counsel for the Archdiocese of Allentown.

WHEREFORE, it is respectfully requested that this be a sealed response by Monsignor Anthony D. Muntone to the above captioned report of the Fortieth Statewide Investigating Grand Jury.

Respectfully Submitted,
HUBER WALDRON & WILLIAMS, LLC

Dated: 4/8/2015

BY: _____

John J. Waldron, Esquire
Attorney I.D. No. 36853
535 Hamilton Street, Suite 102
Allentown, PA 18101
Attorney for Monsignor Anthony D. Muntone

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May 29, 2018

VIA FEDERAL EXPRESS
Daniel J. Dye, Sr. Deputy Attorney General
Pennsylvania Office of Attorney General
Criminal Law Division
Criminal Prosecution Section
16th Floor, Strawberry Square
Harrisburg, PA 17120

RE: 40th Statewide Investigating Grand Jury Report No. 1
Supreme Court of Pennsylvania
2 W.D. Misc. Dkt. 2016
Allegheny County Common Pleas
CP-02-MD-571-2016

Dear Deputy Attorney General Dye:

Please allow this correspondence to serve as the response of Most Reverend Alfred A. Schlert of the Roman Catholic Diocese of Allentown to the Report No. 1 of the 40th Statewide Investigating Grand Jury (the "Report"). Specifically, the Bishop responds to the following passage, which appears on p. 44 of the Report excerpts sent to the Bishop:

> On July 31, 2003, Monsignor Schlert, the Vicar General, sent a letter to Monsignor Gobitas indicating that Rigney was apprehensive about attending a "*special retreat*" he was encouraged to attend by the Diocese, because "*he retired without Scandal, if he goes to the retreat with the other 'known' offenders, it will implicate him.*"

The Bishop wishes to clarify that the Memorandum dated July 31, 2003 authored by then-Monsignor Schlert was a recitation of a telephone call that then-Monsignor Schlert received from Rigney. The two quotations contained in the passage above are attributable to Rigney, and are not attributable to Bishop Schlert.

Please note that the Bishop's omission of a response to the other sections of the Report should not be interpreted as commentary on any other aspect of the Report.

Thank you.

Sincerely,

Brian M. McMonagle

BMM:sak
cc: Most Rev. Alfred A. Schlert, D.D., J.C.L.
Joseph A. Zator II, Esquire
Stephanie A. Koenig, Esquire

DIOCESE OF ERIE

THE DIOCESE OF ERIE

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K&L GATES

RESPONSE OF THE ROMAN CATHOLIC DIOCESE OF ERIE
TO
GRAND JURY REPORT NUMBER 1 OF
THE 40TH STATEWIDE INVESTIGATING GRAND JURY

June 20, 2018

SUBMITTED UNDER SEAL PURSUANT TO THE AMENDED ORDER DATED MAY 22, 2018 BY JUDGE KRUMENACKER ON DOCKET CP-02-MD-571-2016 (ALLEGHENY COUNTY COURT OF COMMON PLEAS)

Prepared by Diocesan Counsel:
K&L Gates LLP
Mark A. Rush
Joseph A. Valenti
Allison L. Burdette

Statement from Bishop Persico to the Victims of Sexual Abuse that Occurred within the Diocese of Erie

On behalf of the Roman Catholic Diocese of Erie, I am sorry. I cannot know the depth of the pain you have experienced. However, I—along with the rest of the Diocese—want you to come forward. We admire your courage in doing so. We want to share in your pain—and in your healing process—because this abuse should have never happened. Not then. Not now. Not ever. And certainly not by criminals holding themselves out as men of God, teachers of children, or leaders in the community. I apologize to each and every victim who has been abused.

Apologies and policies, however, are not enough. The Diocese of Erie is taking action. We are committed to publishing the abuses of the past and to being transparent with our decisions going forward. I encourage any person who was sexually abused by a priest or layperson within the Diocese to report that abuse directly to law enforcement. Any person in this Diocese who knows of abuse should also report that knowledge to law enforcement. Victims also can report to our independent investigators who have assisted in creating a public list naming abusers. The Diocese will not shroud abusers in secrecy—no matter who they are or how long ago the abuse occurred. Counseling and other resources are also available. I personally pledge to meet with any victim who wishes to meet with me and offer any assistance that I can.

Your voices have led to the implementation of these changes. Your reports allow us to work with experts in the field to refine our policies, procedures, and training to protect children today in the way that you should have been protected in the past. This new policy that you helped create already led to a successful investigation by our independent investigators that resulted in the Attorney General charging a priest with crimes occurring as recently as 2010. We have much work to do to rebuild trust and assist in healing. We are fully committed to it.

- Bishop Lawrence T. Persico

TABLE OF CONTENTS FOR RESPONSE ON BEHALF OF THE DIOCESE OF ERIE

I. Introduction

In 2017, under the direction of Bishop Lawrence Persico, the Roman Catholic Diocese of Erie asked a team of experienced investigators and lawyers—led by a former federal prosecutor—from K&L Gates LLP ("K&L Gates") to independently evaluate its historic child-protection policies, procedures, and known abuse reports, as well as to assist in updating/implementing these policies, managing these procedures, and investigating new abuse reports. Bishop Persico instructed all employees of the Diocese of Erie, as well as all organizations (including parishes, schools, and agencies) controlled by or receiving any funding from the Diocese of Erie, (collectively referred to as the "Erie Diocese" throughout this document) to fully cooperate with all requests from either the Grand Jury or K&L Gates. K&L Gates had complete access and full discretion to follow the evidence wherever it may lead and to report its findings and recommendations both to the Grand Jury and in this document.

After conducting 113 interviews and reviewing 109,409 documents, this team came to many of the same conclusions that the Grand Jury did. Horrific abuse occurred for decades, and concealment and ineptitude added to this tragedy. Yet, like the Grand Jury, the team "find[s] hope" (p. 305) in Bishop Persico who acknowledges past abuse, publicly unmasks abusers, and seeks full accountability.

The Diocese of Erie acknowledges and apologizes for the abuse of children caused by priests, lay teachers, and other people who worked or volunteered in parishes, schools, or agencies within the Diocese of Erie. The Erie Diocese recognizes its responsibility and is committed to regaining the trust of not only its parishioners but of all people through full and timely cooperation with law enforcement, full transparency with the public, and continuous self-improvement. To that end, the Erie Diocese has implemented measures to protect children from predators to include ill-intentioned priests, lay teachers, coaches, staffers, parents, relatives, neighbors, or other third parties.

The Erie Diocese wants to thank the Grand Jurors for their service in shining a light on this issue and providing a forum for victims and witnesses to fully discuss the abuses they suffered and saw. This forum is not only important in the healing process but also to help ensure that the abuses of the past are not repeated and that meaningful reform through action—and not simple policies—occurs. The historical failures of the Erie Diocese, as outlined by the Grand Jury in its report, led to additional abuse, as well as the maintenance of an unholy wall of silence that the Erie Diocese is now fully committed to shattering. Indeed, the Erie Diocese has, as part of a new Policy for the Protection of Children ("Protection Policy"), published and will routinely update a list of known offenders and individuals unsuitable for employment on child-protection grounds in the Erie Diocese's judgment. *See* https://www.eriercd.org/childprotection/disclosure.html. The Erie Diocese will continue in its efforts to:

(1) stop abuse;

(2) shine a light on abuse so all are put on notice;

(3) fund all necessary counseling and treatment programs;

(4) update and modify the actual implementation of its child-protection policies and procedures; and

(5) work with law enforcement to ensure that justice is done.

II. The Erie Diocese is taking aggressive action to protect children.

Under Bishop Persico, the Erie Diocese has taken action. While this section is not an exhaustive list, it includes recent cases that have been investigated by the Erie Diocese and law enforcement. Indeed, additional cases exist and unfortunately continue to be created.

A. Case #1 - Victim Report Received; Priest Investigated and Publicly Suspended within Three Weeks

In January 2018, the Erie Diocese received a report alleging that a priest committed sexual abuse against the victim from 2003 (when he was eight years old) until 2010. The Erie Diocese immediately informed the Pennsylvania Attorney General and the District Attorney of Crawford County, where abuse reportedly occurred and where the priest then resided. In a cooperative effort, the Erie Diocese had K&L Gates independently and promptly investigate the priest by both collecting evidence and interviewing him while law enforcement quickly was put in direct contact with the victim. This process resulted in a thorough and accurate investigation leading to the public resignation of the priest for clearly stated child-protection reasons within three weeks of the first report. Numerous inculpatory images and text messages from iPhones, iPads, and computers were collected by K&L Gates and provided to law enforcement. Additionally, the names of several other potential victims were identified and provided to law enforcement. The priest resigned shortly after the interview and vacated the rectory. These developments were publicized by the Erie Diocese to the media, with the hope that additional information would be brought forward to law enforcement. At least two additional victims did come forward to K&L Gates, who the Erie Diocese immediately put into contact with law enforcement.

The Erie Diocese, under Bishop Persico, has embraced the chance to build a bridge to law enforcement. Crawford County District Attorney Francis Schultz publicly said, "The Diocese has been cooperative and the Bishop provided me with the initial information about the complaint."[1] The Pennsylvania Attorney General's Office stated that the report was handled "exactly as we would have hoped" by the Diocese; indeed, Attorney General Josh Shapiro himself "commend[ed]" the actions of Bishop Persico in "announcing steps to prevent these horrors from happening again."[2]

B. Case #2 - Referral Made; Awaiting Law Enforcement Response

The Erie Diocese recently had cause to exercise its Protection Policy against a priest who failed to comply with Diocesan clearance and training requirements and who later was the subject of an allegation of sexual abuse of a child. After failing to submit documentation necessary to complete child-abuse clearances and failing to complete the Diocesan child-protection in-

service training, the Erie Diocese suspended the priest's faculties in September 2016. In March 2017, an allegation was made that the priest had abused a fifth-grade boy in the late 1980s or early 1990s. The allegation came from a third-party source who remembered the boy telling her about the abuse during religious-education classes. The priest was already suspended for non-compliance with the Protection Policy, so he did not have access to children through the Erie Diocese at the time of the allegation. However, the Erie Diocese immediately notified the District Attorney for the county in which the abuse was alleged to have taken place and where the priest also currently resided, as well as the Pennsylvania Attorney General. The Erie Diocese also reviewed all of the priest's personnel files, created a chronological summary of all relevant documents, and sent this summary—along with the source documents—directly to the District Attorney and the Attorney General.

After providing the District Attorney and the Attorney General with all relevant information in its possession, the Erie Diocese forged ahead with its own internal investigation of the allegation. It attempted to interview the third-party source of the allegation, but it was met with refusal—and lacked any subpoena power to compel testimony. K&L Gates was successful in contacting the alleged victim, who adamantly denied ever being sexually abused, ever telling anyone that he had been sexually abused, or even knowing the accused priest beyond a brief meeting once or twice in the presence of others. Nonetheless, the priest will remain suspended until the conclusion of the government's investigation.

Notably, this priest is not named in the Grand Jury Report (or the Erie Diocese's website) despite the third party, the alleged victim, and the priest all being subpoenaed to testify before the Grand Jury. The Erie Diocese continues to await written confirmation from law enforcement that the allegations were deemed unfounded. Of course, any reinstatement of the suspended priest will still require him to update his child-protection clearances and training.

This case (and a few other cases known to exist) offers an opportunity for the Erie Diocese and law enforcement to work together to implement specific criteria for when a suspension should be publicized, when the existence of an investigation may be announced by the Erie Diocese, when a resolution by law enforcement should be communicated in writing, and how these processes can complement each other without creating undue secrecy, confusion, or alarm.

III. Overview of the Protection Policy

The Erie Diocese has been developing procedures for effective implementation of policies and training programs specifically designed to protect the most vulnerable people in our society from people that would do them harm. The Erie Diocese is working with law enforcement, medical experts, survivor support groups, compliance auditors, and academia to ensure that its efforts are the gold standard when it comes to ensuring a safe environment for our children and other vulnerable populations. Everyone from the community—including the Grand Jurors, abuse survivors, and any commenter from the general public—is encouraged to provide input and ideas for improvement by e-mailing ErieRCD@klgates.com. This document explains several improvements already made by the Erie Diocese and further proposes more improvements that can occur with support from law enforcement and the public.

A. Background Checks and Public Disclosure Lists

All employees (including clergy members) and volunteers in the Erie Diocese are required to submit background checks, complete a mandatory child-abuse detection and prevention training program, and verify their understanding of the Protection Policy and related procedures. For background checks to work, all dioceses (and secular entities) must fully and promptly report offenders to the government. The Erie Diocese also has a public disclosure list. Additionally, the government should reconsider its purges of names from sex-offender registries and its use of plea bargains designed to allow abusers to avoid or minimize registration requirements. The media should continue to facilitate the publication of accurate information on historical cases and abuser names. The Erie Diocese hopes to continue its work with the community and law enforcement to provide training and reporting resources.

B. Addressing and Referring an Allegation Promptly and Thoroughly

When an allegation of abuse is made, the Erie Diocese promptly (1) notifies secular authorities, (2) restricts the alleged abuser's access to children, and (3) fully cooperates with governmental investigations. Often, the Erie Diocese conducts its own investigation as well, particularly in the cases where the government is unable to take action because a statute of limitations has expired. Indeed, the Erie Diocese has disciplined and removed clergy and laity for acts that could not be prosecuted at secular law. The Erie Diocese also has used its ability to mandate its clergy and employees to sit for interviews and to allow forensic collection of digital evidence as well as searches of offices and homes. These efforts are designed to prevent children from being endangered by people morally guilty of abuse or abusive tendencies but nonetheless able to pass all legally required background checks and evade prosecution. The Erie Diocese has assisted over 10 successful criminal prosecutions, and its website publicly names other people that could not be prosecuted but who nonetheless were determined to pose a risk to children.

The Erie Diocese continues to review, update, and implement its policy and procedures to most fully safeguard the welfare of its children. Likewise, the Erie Diocese continues to cooperate with government authorities that seek to identify and punish child abusers. Since the publication of its website, at least 42 individuals contacted the Erie Diocese, resulting in an additional 29 interviews by K&L Gates and the publication of six additional names—along with referrals to law enforcement and the potential for additional investigations and prosecutions. Several abuse survivors and witnesses that never previously came forward stated that the Erie Diocese's website served important purposes and motivated them to speak. While the Erie Diocese will not take any action that could impede a law-enforcement investigation or injure the privacy rights of victims/survivors, it will publish information about new reports and ongoing investigations to keep the community informed of evolving situations.

C. Building a Better Bridge with Law Enforcement

The Erie Diocese recognizes that the work of child protection is never complete. The Erie Diocese is exploring ways in which it can collaborate with law enforcement and other government agencies to take advantage of all the skills and tools available to continue to build

the most comprehensive child-protection program. Specifically, the Erie Diocese is seeking to collaborate with government authorities in the areas of child abuse training, investigation coordination, information sharing, and victim services.

The Erie Diocese expresses sincere gratitude to the Grand Jurors for their time and careful attention given to these serious matters. Additionally, the Erie Diocese appreciates the efforts of the Attorney General of Pennsylvania and his career prosecutors and agents, with whom the Erie Diocese has maintained a productive working relationship.[a] Several District Attorneys and local investigators also deserve recognition for working to investigate and prosecute cases that were referred by the Erie Diocese over the past two decades. Finally, the Erie Diocese thanks the courageous survivors and witnesses who came forward with reports of abuse that allow both investigation of those instances as well as a refinement of Diocesan policy and procedures to ensure that future similar cases will not go undetected.

The Erie Diocese devotes significant amounts of time and money to meeting with and providing assistance to victims/survivors that have come forward, whether the abuse occurred recently or decades ago. Similarly, child-protection training throughout parishes and schools in the Erie Diocese has shown measurable improvement in a variety of ways over the years. Finally, many priests and employees in the Erie Diocese are now part of the solution, having personally identified, reported, prevented, or otherwise properly handled child abuse, even when it meant making tough calls or going against higher authorities. These people deserve recognition, particularly in light of the systemic corruption and complacency the Grand Jurors found within both the government and the Church.

IV. The Status of the Erie Diocese's Current Child Protection Program

A. Diocesan Child Protection Policies

The Erie Diocese takes seriously the emotional accounts of child sexual abuse that have tragically occurred in this Diocese and elsewhere. As a result, Bishop Persico has undertaken great efforts to cultivate a safe and accountable Diocesan culture. The Erie Diocese maintains comprehensive policies and practices focused on creating a safe, productive learning environment for children. As described in detail below, the Erie Diocese has worked to construct and implement monitoring and reporting procedures that prioritize the protection of children.

The core of the Erie Diocese's commitment to safeguarding children in its schools and parishes is grounded in its comprehensive, continually-evolving Protection Policy.[3] In 1986, the Erie

[a] In October 2017, Senior Deputy Attorney General ("SDAG") Daniel Dye wrote the following regarding the Erie Diocese: "[W]e have found the [Erie Diocese] to be cooperative. While it cannot be said of every diocese, since [K&L Gates's] involvement, [K&L Gates has] not taken any action adverse to the investigation and have provided responsive materials. Thank you for keeping the lines of communication open." In May 2018, SDAG Dye commended the Erie Diocese for handling a January 2018 complaint that resulted in pending criminal charges against a now-suspended priest, writing, "No question you guys (and [Bishop] Persico) handled the new complaint exactly as we would have hoped."

Diocese first introduced a written child-protection policy, applied to all Catholic entities in the Erie Diocese. The Erie Diocese redoubled its child-protection efforts in conjunction with the release of the Charter for the Protection of Children and Young People (the "Dallas Charter") by the United States Conference of Catholic Bishops ("USCCB") in 2002.[4]

The Protection Policy was developed with specific consideration given to the Dallas Charter and Pennsylvania's amended child-protection laws. Since 2002, the Protection Policy has been updated ten times, most recently in March 2018. The Protection Policy seeks to remain current as secular child-protection laws are separately improved and as best practices in child protection are refined by experts in the field. The most recent revisions to the Protection Policy (and related training materials):

- Expand the scope of abuse sought to be prevented to include sexual, physical, emotional, and neglectful abuse;
- Include numerous detailed examples and red flags to educate people on how to recognize abuse or unsafe situations;
- Require direct reporting to government-run child-protective agencies and law enforcement in all abuse cases;
- Implement an independent investigative process that may be triggered confidentially and that results in communication back to the reporter while also preserving evidence and respecting the rights of all concerned parties during the course of the investigation, which is guided by clear but case-specific standards and mandatory expectations of cooperation; and
- Create a transparent and centralized system to encourage abuse reporting, screen personnel, document investigative findings, and inform the community about abuse-related decisions.

The Erie Diocese invests significant time and substantial resources to implement the tenets of its Protection Policy. Perhaps the most significant step in modernizing its protection program was the establishment of the Erie Diocese's Office for the Protection of Children and Youth ("OPCY" or "Office") in December 2003. Neither the Dallas Charter nor Pennsylvania law mandates that a Diocese establish an office strictly and solely committed to the critical ministry of child protection. However, the Erie Diocese has long believed that this Office was necessary to fully implement the Dallas Charter's goals and to prioritize the safety of children.

The OPCY's foremost mission is to create a safe and productive environment for children and youth, as well as to promote the healing of victim-survivors. The Office also provides age- and role-appropriate compliance training and resources to staff, educators, parents, and students across the Erie Diocese. The OPCY's full-time staff members and personnel from the Catholic

Schools Office work to implement the OPCY's mission around the Erie Diocese. These employees run background checks, ensure that clearances are current, and conduct on-site reviews for any local issues that were not properly reported to the Diocese in addition to confirming that all required federal, state, and Diocesan clearances and training certificates are obtained and filed. Moreover, each of the 33 schools in the Erie Diocese organize child-protection training/in-servicing of children and parents.

The Victim Assistance Coordinator, a licensed psychologist, also works with the OPCY to provide professional assistance to victims of abuse. In addition, many individuals, including the Bishop; Director of Media Resources; Clergy Personnel Office personnel; Catholic School Office personnel; religious education leaders; parish secretaries; school principals; and school secretaries, spend significant time (estimated at over 5,000 hours per year) ensuring that the Protection Policy is implemented in full force.

B. Partnering with the Government and Law Enforcement

Independent auditors, trainers, and investigators used by the Diocese over the years to assess compliance, provide enhanced training, and investigate reports of abuse also worked countless hours each year and cost millions of dollars. The Erie Diocese would welcome partnering with the government, policymakers, law enforcement, or public schools in developing efficiencies while ensuring quality in the paperwork/clearance process, developing and reviewing training materials, conducting joint trainings, investigating reports of abuse, or otherwise ensuring that resources devoted to child-protection issues within the Erie Diocese are used efficiently and in the manner that the Grand Jurors envision.

C. Prevention of Child Abuse Through Due Diligence, Training, and Cooperation with Law Enforcement

The Protection Policy establishes specific standards for the hiring, training, supervision, and retention of personnel, which emphasize the Erie Diocese's foremost priority of creating a safe and productive learning environment for children. In addition to passing required background checks, each employee and volunteer must also take part in an hour-long "Creating a Safe Environment" in-service training and must pass a test at the conclusion of the training. The Erie Diocese produced this video in-house in 2015. This training must be repeated once every five years. The Erie Diocese also purchases age-appropriate videos to teach children in schools and parishes how to identify abuse and what to do in the event of abuse. Additionally, all parents in schools and parishes are provided with educational materials each year, and each parish runs a monthly bulletin announcement on creating a safe environment.

The Erie Diocese has invested heavily in creating and upholding these standards. Within the Diocese between 2010 and June 2017, 5,961 educators, 6,453 employees, and 17,753 volunteers fulfilled these rigorous requirements. Additionally, between 2010 and 2016, over 122,000 student trainings (and nearly 7,500 pre-school student trainings) were completed on abuse recognition and reporting.

The Erie Diocese is not done finding new ways to enhance its child-protection training. The Erie Diocese believes law enforcement brings a unique perspective to child-abuse prevention and could provide added insight into the importance of reporting procedures, cooperation with investigations, and the behaviors of child abuse perpetrators. The Erie Diocese is exploring ways to better collaborate with law enforcement on the **prevention** of child abuse, which could take a number of forms:

- Law-enforcement-led training;
- Participation in joint training by an expert third-party;
- Develop online training course with an expert third-party; or
- Provide written resources for use in training and as a quick-reference guide.

1. Implementing the Protection Policy in Schools

The expectations of clearance and training completion for teachers are outlined in the Protection Policy. Notably, schools in the Erie Diocese maintain more rigorous reporting and compliance standards than schools run by the Commonwealth of Pennsylvania. Under state law, all school employees (whether public or private) who have direct contact with children must:

- Submit a report of their criminal history record information at hiring and every five years thereafter (Act 34);
- Submit a child abuse clearance at hiring and every five years thereafter (Act 151);
- Submit FBI clearance and fingerprints for background check at hiring and every five years thereafter (Act 114);[b]
- Complete three hours of training on child abuse recognition and reporting every five years (Act 126);
- Submit to an employment history review regarding abuse and/or sexual misconduct at hiring (Act 168); and
- Complete an arrest/conviction report and certification form (Acts 24 and 82).[5]

Consistent with its focus on creating a safe, productive educational environment for children, the Erie Diocese goes beyond Pennsylvania's requirements. Indeed, the Erie Diocese mandates that all school employees ***and volunteers*** in the Diocese having direct contact with children must—in addition to the Commonwealth's mandates described above—also:

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[b] Pennsylvania law provides that school *volunteers* having direct contact with children must only complete these first three requirements.

- Complete the Erie Diocese's online in-service program on child protection and abuse prevention (titled "Creating a Safe Environment") at the time of hire and every five years thereafter;
- Complete an annual mandatory-reporter compliance certification, verifying that the employee or volunteer understands when his or her duty to report is triggered and the process by which such a report is made;
- Complete an Intent for Compliance Statement, affirming that the employee or volunteer has received, read, and agrees to uphold the Protection Policy; and
- Assist as needed in the ***annual training of students*** in child-protection standards and creating a safe environment.

2. **Implementing the Protection Policy at Parishes**

At parishes, the religious-education leader typically oversees the training of all employees and volunteers and ensures that all clearances are up-to-date. Every year, all parishes must submit an annual compliance report for the Diocesan audit. The parish compliance reports verify, among other items, that all employees know when, how, and to whom to report an allegation of sexual abuse. The reports also verify that (1) the pastor knows how to obtain assistance for adult victims/survivors who were abused as children, (2) the Diocesan Code of Conduct is made available to all paid personnel and volunteers, and (3) clearances and compliance documents are maintained for each employee and volunteer who has unsupervised contact with children. The Diocesan OPCY then reviews all reports—checking to ensure that there are no gaps in clearances, trainings, or other compliance requirements—and assembles a Diocesan-wide audit report. The same procedure is followed in the Erie Diocese's schools.

3. **The Erie Diocese Employs External Auditors to Monitor Compliance in Schools and Parishes**

Every three years, in accordance with the USCCB's mandate, the OPCY completes an on-site audit of each of the Erie Diocese's 85 parish religious-education programs to verify compliance with the Protection Policy. On-site audits of parishes and schools involve reviewing on-site personnel files for complete and current forms and trainings discussed above. Employees and volunteers who refuse to complete background checks or trainings are not permitted to continue in their positions until they are in compliance.

Beginning in 2003, the Erie Diocese hired ex-FBI agents to assess how the Erie Diocese handled sexual-abuse cases and otherwise implemented the mandates of the Dallas Charter. These agents had full access to all files (as did the Erie County District Attorney in 2002 and in 2016). The Gavin Group of Boston performed full audits in 2003, 2004, 2005, and 2007, and Stonebridge Business Partners performed full audits in 2009, 2012, and 2015. In the years

where a full audit was not performed, the external auditors collected data, and the Erie Diocese performed its own internal audit. The Erie Diocese passed all such audits. Despite these efforts, predators continued to abuse victims, an issue that highlights the need for transparency among dioceses, secular entities, the government, and the media.

D. Victim Assistance

The Erie Diocese is committed to ensuring that each victim who comes forward is met with compassion and the Erie Diocese's sincere effort to help in the healing process. The Erie Diocese—including its Bishops, Vicars General, and Chancellors—does not hesitate to meet with victims to listen to their reports, apologize for pain they endured, offer spiritual guidance, provide reimbursement, and make the Erie Diocese available to help in any way that it can.

Some victims want only to be heard (particularly when the accused has long since passed), while other victims seek counseling or other assistance from the Erie Diocese. As a matter of policy—regardless of whether any viable legal claim or time-bar exists—the Erie Diocese offers to pay for counseling of abuse victims, whether within the Erie Diocese or otherwise, as well as reimbursement for the costs associated with the counseling, such as medication, hospital stays, missed-work/business costs, and parking expenses. From 1987 to 2016, the Erie Diocese contributed approximately $750,000 to victims through monetary payments, reimbursements, and victim-assistance services—in addition to the free counseling services provided by its Victim Assistance Coordinator and other trained personnel.

The Erie Diocese views victim assistance as an area that could be enhanced by collaboration with government authorities. Both the Erie Diocese's Victim Assistance Coordinator and county children/youth service agencies are tasked with coordinating care for victims. The Erie Diocese already coordinates with many of these agencies and welcomes additional ways to coordinate on the development, monitoring, and updating of treatment plans for victims, using the specialized knowledge and skills each brings to the process.

E. Information Sharing with the Government Beyond what is Required by Law

The Protection Policy requires all suspected child abuse to be reported to state and Diocesan authorities. It goes further by requiring all information regarding violations of the Protection Policy and other inappropriate behavior that is not suspected child abuse to be reported to the OPCY, analyzed, and kept on file. While this information is not required to be reported to state authorities by law, child protection within the Diocese and beyond would be enhanced if state authorities had an opportunity to assess the information. Law enforcement may have additional information or specialized skill, which may give greater context to the report and lead to further investigation.

If specific officials at the local and state government-run child-protection or law-enforcement agencies would be receptive, the Diocese's OPCY would generate a quarterly report of new instances of Protection Policy violations and reports of inappropriate behavior that did not give rise to a reasonable suspicion of child abuse and host those officials for a quarterly discussion.

F. Mandatory Cooperation; Use of Trained Independent Investigators

The Protection Policy requires that the Erie Diocese fully cooperate with government investigators in instances of child abuse. It further requires cooperation of all employees as a condition of employment.

The Diocese believes that further collaboration with government authorities will streamline investigations and enhance child protection. Child abuse investigations take a variety of forms and may involve several government agencies. Given the variable nature of the investigations, the Erie Diocese is developing a list of specific points of contact to communicate with regarding investigation cooperation and transfer of information. The Erie Diocese intends the list to include the following:

- The District Attorney's sexual assault prosecutor for each county in the Erie Diocese;
- An investigative case worker at each county child/youth service agency in the Erie Diocese;
- A contact trained in sexual assault cases at each sheriff's office and police department in the Erie Diocese; and
- A contact at the state attorney general's office that will continue to oversee and investigate abuse cases related to a religious organization.

Upon learning of an abuse report, the OPCY will use the list to notify the appropriate points of contact for that report. The OPCY, the Victim Assistance Coordinator, and other Diocese personnel will then coordinate with the investigators to ensure that they have all necessary information, duplicity is avoided, victim trauma is minimized, and information is relayed back to the Diocese allowing up-to-date files to be maintained.

Specifically, the OPCY should coordinate on the following:

- Transfer of information to the investigators, including the accused's record on file with the OPCY;
- Preservation of any evidence in the possession or control of the Erie Diocese;
- Coordination of interviews with the accuser, the accused, the victim, witnesses, and other individuals suspecting abuse or possessing information about the abuse. This process will help ensure the victim and his or her family is not further traumatized by repeatedly recounting the abuse for multiple investigative teams; and
- Process of information flowing back to the Erie Diocese so that its records may remain up-to-date.

V. The Erie Diocese suspended and assisted in the monitoring of past abusers and has recently updated that practice.

Beginning in 1990, the Erie Diocese undertook efforts to implement discipline in sexual-abuse cases, focusing on restricting or dismissing known abusers from the priesthood, rather than just focusing on mental-health treatment for abusers. Laicization (returning a priest to the lay state) can take several years to finalize through the Vatican, so the suspension powers held by a bishop are used in an effort to protect the children of the Erie Diocese from known threats of abuse.

Suspension is one of the strongest canonical actions a bishop can take against a priest, and its goal is to remove the priest from public ministry by prohibiting the priest from running a parish, teaching at a school, dressing as a priest, celebrating Mass, or otherwise representing himself as a priest. Of course, a suspended priest—like any other person—is still entitled to privately worship, access physical and mental health care, receive disability entitlements, and otherwise benefit from the charitable services provided by the Catholic Church. Additionally, accused individuals that are "under investigation" or "awaiting trial" are indeed innocent until proven guilty under Pennsylvania law. The Erie Diocese looks forward to working with the government to find ways to inform the public and limit the Erie Diocese's involvement with abusers while still respecting due-process rights, laws requiring access to health care, and similar issues.

Both the Grand Jury and K&L Gates found that monitoring of accused priests in the past was ineffective. Modern policy updates require the publication of a credibly accused priest's (or employee/volunteer's) name and require strict adherence to detailed monitoring and counseling conditions if the individual intends to reside on Diocesan property during the course of an investigation. *See* Exhibit 1 (Anonymized Monitoring Agreement). Some individuals simply leave their employment or the Erie Diocese, impeding further investigation or monitoring (though this conduct immediately warrants the placing of their names on the public-disclosure website). Indeed, the Erie Diocese goes to great lengths to remove an accused from its programs and facilities. Yet, the Erie Diocese is concerned that a cut-them-loose approach may lead to no one having any monitoring responsibility over an accused. For instance, several priests named in the Grand Jury Report and on the Erie website are still alive. The Erie Diocese alone has attempted to provide an accurate city and state of residence for each name to alert the relevant community to the risks. Particularly given that many of these accused will never be prosecuted, the Erie Diocese stands ready to have a discussion with the government and the community regarding how to move forward.

VI. Under Bishop Persico, the Erie Diocese has proactively and transparently addressed abuse allegations throughout the Diocese

Under the leadership of Bishop Persico—who was installed in 2012—the Erie Diocese has emphasized transparency and accountability in dealing with abuse allegations. Indeed, he was the *only* bishop to testify before the Grand Jury—and he did so voluntarily. It will take years to undo decades of harm, but he—and other top officials in the Erie Diocese—are committed to

doing so. External investigators and auditors found that the Erie Diocese now has a culture of compliance, from the top down, which is supported both on paper policy and in real-world acts.

While there may be no way for the Erie Diocese to fully repair the emotional, mental, and physical damage to past victims, the Erie Diocese is completely committed to ensuring that victims/survivors are cared for through Diocesan-funded counseling. Moreover, the Erie Diocese is devoted to ensuring that perpetrators of child abuse are addressed swiftly and justly by reporting the abuse to the proper authorities at the earliest possible opportunity. Additionally, Bishop Persico has undertaken concerted efforts to maintain transparency and inform the community in dealing with allegations of child abuse. He has maintained an open discourse by offering numerous reporting mechanisms and authorizing the publication of the names of accused individuals who are prohibited from employment or volunteering within the Diocese because of misconduct—including where the misconduct was not hands-on abuse but rather consisted of failures to report or non-cooperation with Diocesan child-protection procedures.

In addition to implementing transparency measures that take effect after an individual has been found to have engaged in misconduct, Bishop Persico and the Erie Diocese take proactive steps to separate an alleged abuser from Diocesan youth at the earliest stages of investigation. For example, a teacher in a Diocesan school was recently accused of sexual abuse. Pursuant to protocol, the teacher was immediately placed on paid administrative leave until an investigation could take place to determine the truth of the allegations. The Commonwealth was unable to collect sufficient evidence to prosecute a case, and ChildLine investigators deemed the allegations unfounded in accordance with its standards. Likewise, after receiving the results of a thorough investigation, the Erie Diocese similarly concluded that the allegations were not supported by Threshold Evidence. As such, this teacher was not automatically ineligible for employment and placed on the Erie Diocese's public-disclosure website. Nevertheless, out of an abundance of caution, the Erie Diocese declined to renew the teacher's contract for the next school year. The Erie Diocese's approach demonstrates its commitment to protecting the children in its schools.

The Erie Diocese is aware that, in addition to the survivors of the publicly-known accused, other survivors experience continued suffering as a result of abusive acts committed by priests and other personnel once employed by the Erie Diocese. Often, the Erie Diocese does not become aware of these allegations until years or even decades after the fact. The Erie Diocese will continue to do all that it can to assist survivors in their spiritual healing and recovery and to punish the guilty, where possible. Nonetheless, the Erie Diocese recognizes that it can never fully repair the damage that has been done. For this reason, the Erie Diocese is committed to using the sins of the past to improve the future by continually building on its child-protection policies and maintaining appropriate transparency in the process of addressing allegations of child abuse.

VII. Conclusion

The Erie Diocese is fully committed to the protection of children. As outlined above, the Erie Diocese strives to create and implement the gold standard for compliance and investigative

policies. The Erie Diocese devotes substantial time and resources to training its employees and volunteers on its policies, and it retains independent professional assistance to audit its overall compliance with them—as well as to investigate reports of misconduct. The Erie Diocese strives to provide a safe and productive environment for children to be educated in the classroom and in their faith. While the reprehensible actions of ill-intentioned individuals jeopardized these goals in the past, the Erie Diocese remains steadfast in its commitment to protecting its children and to appropriately punishing anyone who harms its children. The Erie Diocese recognizes that it cannot erase the harm caused by its priests and employees in the past, but it offers a sincere apology and a promise that it will continue to fully cooperate with law enforcement, medical experts, and the general public to lead child-protection advances in the future.

[1] Keith Gushard, http://www.meadvilletribune.com/news/full-story-two-priests-removed-by-diocese-of-erie/article_16693df6-1124-11e8-83dc-677fa8a2af0f.html.

[2] Christine Vendel, http://www.pennlive.com/news/2018/05/erie_bishop_meets_with_attorne.html.

[3] *See* Policy for the Protection of Children, The Roman Catholic Diocese of Erie, https://www.eriercd.org/images/sections/childprotection/pdf/CURRENTPolicy.pdf.

[4] *See* Charter for the Protection of Children and Young People, The Roman Catholic Diocese of Erie (June 2011), http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/Charter-for-the-Protection-of-Children-and-Young-People-revised-2011.pdf.

[5] Pennsylvania Department of Education, "Background Checks," 2016, *available at* http://www.education.pa.gov/Teachers%20-%20Administrators/Background%20checks/Pages/default.aspx#tab-1.

MONITORING AGREEMENT

THIS MONITORING AGREEMENT ("**Agreement**") is effective as of _____, 2018, by and between **the Roman Catholic Diocese of Erie** (the "**Diocese**") and the **Reverend** _____ ("**Fr.** _____"). The Diocese and Fr. _____ are each sometimes referred to herein as a "Party" and collectively as the "Parties."

THE PARTIES, INTENDING TO BE LEGALLY BOUND, AGREE AS FOLLOWS:

1. **Background.** *[Provide overview of facts leading to the necessity of a monitoring agreement.]*

2. **Purpose.** Though the Diocese has fully briefed state and local law enforcement on all complaints and findings related to this matter, Fr. _____ has not been arrested, indicted, or charged in any matter. Fr. _____, by abiding by the restrictions set forth below ("**Restrictions**"), may remain in Diocesan housing in a manner that both protects children and his rights to due process, health care, and sustenance.

3. **Consideration.** Fr. _____ demands under Canon Law[1] that the Diocese provide a temporary residence. The Diocese for its part seeks to advance its mission of child protection by monitoring and counseling Fr. _____. In pursuit of these ends, the Parties expressly agree that each has provided and received adequate, reasonable consideration for the obligations imposed in this Agreement.

4. **Restrictions.** While this Agreement is in effect, Fr. _____ agrees to comply with the following Restrictions: *[Add, edit, or remove the clauses below (or new clauses) as appropriate based on each case's specific allegations, risks, procedural posture, and circumstances.]*

4.1. Fr. _____ is prohibited from any and all public ministry.

4.2. Fr. _____ is prohibited from presenting himself publicly as a priest.

4.3. Fr. _____ is prohibited from consuming illegal drugs, legal drugs in an illegal manner, or alcohol, except during the Eucharistic celebration.

4.4. Fr. _____ is prohibited from physical, virtual, communicative, and any other type of contact with minors.

4.5. Fr. _____ is prohibited from contact with the victim(s) in question, with any victim's family, or with any witness or cooperator.

4.6. Fr. _____ is prohibited from retaliation or retribution, direct or indirect, against the victim(s) in question, against any victim's family, or against any witness or cooperator.

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[1] "Provision must also be made so that they possess that social assistance which provides for their needs suitably if they suffer from illness, incapacity, or old age." *See* Code of Canon Law, canon 281 § 2. *See also* canon 1350 § 1: "Unless it concerns dismissal from the clerical state, when penalties are imposed on a cleric, provision must always be made so that he does not lack those things necessary for his decent support (sustenance)." Sustenance is generally limited to basic provision for food, clothing, shelter, and medical needs.

EXHIBIT 1

4.7. Fr. _____ is prohibited from physical presence on the grounds of *Parish, School, Agency* or at any event sponsored by or participated in by this entity.

4.8. Fr. _____ must notify the Diocese within 24 hours of any contact with law enforcement, including without limitation any arrest, charge, self-surrender arrangement, booking, plea offer, search warrant, subpoena, or any other request for information that is known or brought to his lawyer or him.

4.9. Fr. _____ must cooperate promptly, truthfully, and fully with internal investigators or lawyers hired by the Diocese, including without limitation answering all questions during interviews, responding to all document requests, making all requested evidence available, and providing unrestricted access to electronically stored information or electronic devices.

4.10. Fr. _____ must provide a list of e-mail accounts that he uses or accesses. The list must provide username and login information for each e-mail account. If Fr. _____ changes the password or username for any of the e-mail accounts or gains access to or use of a new e-mail account, he must provide an updated list to the Diocese within 24 hours.

4.11. Fr. _____ must provide a list of electronic communication devices ("**Devices**") in his possession, including without limitation cell phones, tablets, and computers. The list must provide username and login information for each Device. If Fr. _____ changes the password or username for any of the Devices or possesses a new Device, he must provide an updated list to the Diocese within 24 hours.

4.12. Fr. _____ must allow a representative of the Diocese to search, at random intervals without notice, all of his belongings and to search the place where he will temporarily reside to determine whether Fr. _____ has provided a complete and accurate list of Devices.

4.13. The Diocese and its representatives have the right to search the Devices at any time without notice.

4.14. Fr. _____ is prohibited from using social media, including without limitation Facebook, Twitter, Snapchat, LinkedIn, Instagram, WhatsApp, Facebook Messenger, or Google+, as well as any new platform or social-networking tool that may be developed in the future.

4.15. Fr. _____ agrees to continuous and ongoing electronic monitoring by the Diocese, including without limitation:

4.15.1. Installing software or applications on the Devices that restrict access to social media, objectionable websites, and contact with certain people.

4.15.2. Installing software or applications on the Devices that block the use or installation of other software or applications.

4.15.3. Installing software or applications on the Devices that provides the Diocese real-time or on-demand access, without prior approval by Fr. _____, to the Devices.

4.15.4. Installing software or applications on the Devices that provides the Diocese with reporting regarding usage of the Devices and location of the Devices.

4.16. Fr. _____ agrees to fully cooperate with the Diocese or its representatives to install or troubleshoot the applications or software related to the electronic monitoring.

4.17. Fr. _____ agrees to continuous and ongoing in-person monitoring by a person employed or contracted by the Diocese, including without limitation:

4.17.1. Planned meetings to discuss the activities of Fr. _____.

4.17.2. Random searches, without notice, of the room and facilities in which Fr. _____ will temporarily reside.

4.17.3. Planned counseling sessions and periodic progress evaluations with a doctor, counselor, or professional as determined by the Diocese in its sole discretion.

4.18. Fr. _____ understands that a violation of any Restriction will result in automatic termination of this Agreement, including any housing on Diocesan property. Fr. _____ further understands that it is within the Diocese's sole discretion to determine a violation of any Restriction set forth above.

5. **Selection of Temporary Residence.** The Diocese, in its sole discretion, will select the temporary residence for Fr. _____.

6. **Vacating Temporary Residence.** The Diocese, in its sole discretion, can order Fr. _____ to vacate Diocesan property. Upon such order, Fr. _____ shall immediately vacate such property. Fr. _____ expressly waives all rights under any secular or canon law to object to his eviction in any manner or in any forum whatsoever.

7. **Term of Agreement.** This Agreement is effective upon the signing and shall remain in effect while the investigation by law enforcement of Fr. _____ is ongoing. If Fr. _____ wishes to terminate this Agreement because the investigation by law enforcement is no longer ongoing, it shall be his responsibility to demonstrate the same to the Diocese. At a minimum, he must ensure that written letters from a local District Attorney and a Deputy State Attorney General are sent directly to the Diocese noting that no charges will be filed against him for any of the conduct addressed in the Background section of this Agreement. The Diocese, in its sole discretion and through any necessary additional steps, will determine if the investigation by law enforcement is no longer ongoing.

If, at any time, Fr. _____ is arrested, indicted, or charged in any matter, this Agreement shall be terminated and Fr. _____'s ability to temporarily reside on Diocesan property shall be automatically revoked.

8. **Choice of Law.** This Agreement shall be governed by the laws of the Commonwealth of Pennsylvania, without regard its conflicts-of-laws statutes and jurisprudence.

9. **Forum Selection.** Any dispute regarding this agreement must be publicly filed and openly litigated in the Court of Common Pleas of Erie County, Pennsylvania.

10. **Independent Legal Advice.** Fr. _____ acknowledges that the Diocese has provided Fr. _____ with a reasonable opportunity to obtain independent secular and canonical legal advice with respect to this Agreement and that either:

10.1. Fr. _____ has had such independent secular and canonical legal advice before executing this Agreement; or

10.2. Fr. _____ has willingly chosen not to obtain such advice and to execute this Agreement without having obtained such advice.

11. **No Waiver of Rights.** No failure to enforce any provision of this Agreement by the Diocese of a right or remedy hereunder shall be deemed to be a waiver of any other right or remedy or of any subsequent right or remedy of the same kind.

12. **Severability.** The Parties agree that in the event any part of this Agreement is held to be unenforceable or invalid, then said part shall be struck and all remaining provisions shall remain in full force and effect.

13. **Entire Agreement.** This Agreement represents the sole and entire agreement of the Parties regarding the subject matter contained herein, and it supersedes all prior and contemporaneous understandings, agreements, rights, duties, representations, and warranties, both written or oral, at either secular or canon law.

AGREED AND ACCEPTED:

_____	_____
Reverend_____	The Roman Catholic Diocese of
(Fr._____)	Erie (Diocese)
	By: Bishop Lawrence T. Persico
Date: _____	Date: _____

Our Lady of Guadalupe Catholic Church

P.O. Box 100 • Newton Grove, NC 28366 • 910-594-0287

May 29, 2018

Mr. Josh Shapiro

Attorney General

Mr. Daniel J. Dye

Senior Deputy Attorney General

Criminal Law Division

16th Floor

Strawberry Square

Harrisburg, Pa. 17120

RECEIVED
JUN 04 2018
Office of Attorney General
Prosecutions Section

Dear Mr. Shapiro and Mr. Mr. Dye,

I receive the report that you sent me.

I can say that I had no involvement in this case of Rev. Donald Bolton C.Ss.R. I was a priest serving in Puerto Rico from 1970-1996. I became the Provincial Superior of the Redemptorists in 2002-2005 and 2011-2015. I know Rev. Bolton was not in any ministry at that time. All I knew was that he was retired. I know that no one got in touch with me about Rev. Bolton.

I will send these papers that you sent me to our new Provincial Superior Rev. Paul Borowski C.Ss.R. He became Provincial Superior in 2015.

I believe all of us are appalled, shocked and angry that any child could be abused or hurt by anyone, and especially by a priest or minister of God.

I pray for every child and any person that has suffered or is suffering abuse, physical, sexual, or emotional, that they may be healed as that is very much a part of our ministry every day.

Sincerely,

Rev. Kevin Moley C.Ss.R.

Rev. Kevin Moley C.Ss.R.

Pastor

Cc. Rev. Paul Borowski C.Ss.R.

Provincial Superior

7509 Shore Road

Brooklyn, N.Y. 11209

718 833-1900

CHRISTOPHER M. CAPOZZI
ATTORNEY AT LAW, PC

June 20, 2018

The Honorable Norman A. Krumenacker, III
Supervising Judge of the 40th Statewide Investigating Grand Jury
Cambria County Court of Common Pleas
Cambria County Courthouse
200 South Center Street
Ebensburg, PA 15931

Re: 40TH Statewide Investigating Grand Jury – Response of Stephen E. Jeselnick

Dear Judge Krumenacker:

Stephen E. Jeselnick did not ever sexually prey on or a victimize child, engage in child abuse, or sexually assault an adult and the assertions in Report No. 1 to the contrary are categorically untrue.

Mr. Jeselnick is responding to Report No. 1 for three reasons. Initially, Mr. Jeselnick – unequivocally – denies that he did what he is accused of doing. He is innocent and the only possible reasons for the assertions of fact and the conclusions made in Report No. 1 are insufficient (i) investigative rigor and inquisitiveness, (ii) false testimony to Grand Jury or statements to the Diocese of Erie or (iii) mistaken identification. It is essential the Grand Jurors, the Court, the prosecuting agency and the public know this.

Mr. Jeselnick also calls for Pennsylvania to afford the full panoply of due process rights to private individuals who are the subject of adverse grand jury or other governmental reports. The Pennsylvania Constitution embraces in its very first Article the right to "enjoy[] and defend[] life and liberty, of acquiring, possessing and protecting reputation, and of pursuing happiness" and to protect these rights through "due course of law". *Pa. Const. Art. 1 §§ 1 (Inherent Rights of Mankind) and 11 (Courts to be Open; Suits Against the Commonwealth).* In cases like this one, where the Commonwealth infringes on core constitutional rights, the law should provide private citizens with the tools necessary to respond to these infringements.

Due process should allow something much, much more than just the opportunity to author a response to heinous allegations and have it appended to an 800-page plus report which bears the imprimatur of a grand jury, this Court and the Office of Attorney General. Due process demands access to the materials and testimony submitted by the Commonwealth to the Grand Jury, the materials collected by the prosecution in its investigation and the prosecution should be required to prove at a contested hearing – even when liberty is not at stake – whether there is enough evidence to brand a private individual a sexual deviant and child abuser.

Finally, this response is as a matter of law, practicality, and principle, the only course of action open to Mr. Jeselnick to defend his reputation and vindicate his rights to enjoy life and pursue happiness.

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Pittsburgh: 100 Ross Street, Suite 340, Pittsburgh, PA 15219
Butler: 20120 Route 19, Gigliotti Plaza, Suite 208 Cranberry TWP, PA 16066

A. The Allegations Concerning Mr. Jeselnick are Fundamentally Flawed

Mr. Jeselnick served as an ordained Priest of the Roman Catholic Church from 1977 to 2014. He ministered to civilians in several parishes and in the United States Air Force ("USAF") where he served in various domestic and overseas posts.

Mr. Jeselnick is accused of victimizing adults and sexually preying on children. These things did not happen. These things are not true. The primary problem with Report No. 1 is not just false allegations and erroneous conclusions; the problem is it reveals a complete lack of investigative rigor or inquisitiveness and does not reflects that even a modicum of fairness was afforded to Mr. Jeselnick.

Report No. 1 states

> [a] review of the Diocese's files on Jeselnick reflected no abuse of children under the age of 18. . . . Jeselnick's file only listed two known victims and both were over the age of legal adulthood.

40th Statewide Investigating Grand Jury – Report No. 1, p. 102. This did not occur.

The sum and substance of the inquiry into the issue was to review the files of the Diocese of Erie. There is no mention of testimony on this issue; there is no mention of an effort to look beyond the records of the Diocese of Erie and speak with the authors of the documents included in the files produced by the Diocese; and, there is no indication that an Office of Attorney General investigator conducted interviews and reported back to the Grand Jury. Report No. 1 also does not state when, where or what occurred; or, when and to whom it was first reported. In other words, there is zero corroboration of these assertions. Absent this basic information, it is not possible for Mr. Jeselnick to respond other than to state he didn't victimize anyone or prey on anyone, adult or child.

Report No. 1 also states

> included genital fondling, oral, and anal sex[illegible] occurred in the late 1970's when Jeselnick was stationed at St. Brigid in Meadville. All three men and several of their sisters testified that Jeselnick and a previously unidentified Deacon would come to their house and get intoxicated with their parents. Once the adults were sufficiently drunk, Jeselnick would find the boys, who were usually alone, and prey upon them. The three men testified that their mother worked for the parish and would sometimes take them to work with her. Jeselnick would sexually violate them both at home and on church grounds, and this abuse still haunts them to this day.

This also did not occur.

It is not disputed Mr. Jeselnick resided at and ministered to the Roman Catholic community of St. Brigid in Meadville, Pennsylvania in the late 1970s. The remaining allegations not only reveal an inadequate investigation, but are also subject to direct rebuttal.

- Report No. 1 asserts Mr. Jeselnick would become intoxicated. This is not true. Mr. Jeselnick drank little, if any, alcohol in the 1970s. Addiction ran in his family and as a result, he was acutely aware of the negative impact alcohol could have on lives and very cautious about using it. Just as importantly, we do not know what, if any, evidence was presented to corroborate this allegation from other witnesses who knew Mr. Jeselnick? If no such evidence was presented, why was it not presented? Was no effort made to ferret it out? Or, would it have been inconvenient and contrary to the narrative of unrelenting depravity presented in Report No.1?

- Report No. 1 alleges some of these events occurred at a parish employee's home. This is not true. Mr. Jeselnick regularly visited members of the St. Brigid's community in their homes and shared meals with parishioners on many occasions. He never became intoxicated while visiting anyone's home whether an employee or a parishioner. He also does not have a memory of ever having dinner at a parish employee's home who had both sons and daughters. Further, what if any corroborating evidence was developed and, if not, why not? Was there an effort to talk with neighbors, aunts, uncles, cousins and other parish employees at the time about whether Mr. Jeselnick or other priests frequented the home? Was there an effort to talk with other priests who were assigned to the parish?

- Report No. 1 mentions a "previously unidentified Deacon." It appears he has now been identified. So, who is he? Did he testify? What did he say? If he did not testify, was he interviewed and, if so, what did he say? If he was not interviewed, why not? If he is deceased, is there corroboration from the Diocese or Parish that this person served as Deacon at St. Brigid's during the time Mr. Jeselnick resided there? Is there evidence he visited a parishioner or parish employee's home with Mr. Jeselnick? Were the Deacon's wife and children interviewed about these allegations?

- Report No. 1 does not state the circumstances of Mr. Jeselnick's identification as the perpetrator. These events are supposed to have occurred 40-years ago and memory is not just notoriously unreliable, it changes, it fades and it is malleable.[1] So, when was he identified? Where was he identified? How was

[1] Lawrence S. Kubie, M.D., *Implications for Legal Procedure of the Fallibility of Human Memory*, 109 University of Pennsylvania Law Review, 59 (1959); Ken Eisold, Ph.D., Unreliable Memory: Why memory's unreliable, and what can we do about ., Psychology Today, March 12, 2012 (*https://www.psychologytoday.com/us/blog/hidden-motives/201203/unreliable-memory*); Elizabeth Loftus, How reliable is your memory?, Ted Talk, June 2013 (*https://www.ted.com/talks/elizabeth_loftus_the_fiction_of_memory*)(*Exhibit C*); and, Erica Hayasaki, How many

he identified? Was the identification process sufficiently robust to withstand scrutiny?

- Report No. 1 does not reference testimony from or interviews of any other priest stationed at, any person employed at or a single parishioner of St. Brigid's during the time Mr. Jeselnick resided there. Were any of these people called to testify or interviewed? If so, what did they have to say? If not, why did they not testify or why were they not interviewed?

- Report No. 1 does not address the 40-year delay in reporting. Why did three men and theirs sisters, all of whom seem to have vivid memories of absolute horrific events, wait 40-years to say something? And, why did they come forward in 2017?

The circumstances of Mr. Jeselnick's identification are especially important because he did not do what he has been accused of doing. So, either the testimony presented to the Grand Jury was not truthful or this is a case of mistaken identification. Absent answers to these questions and others, Mr. Jeselnick is left shadowboxing and no one can win a shadow boxing match.

Report No. 1 also states

> [n]o record of this family's abuse were located in the Diocesan files. When they did come forward [in 2017], the Diocese directed them to the Crawford County District Attorney's Office. . . . . [I]t was only after a family member reached out to a local newspaper reporter that they were referred to the Office of Attorney General.

It is unbelievable that in 2017, 15 years after the Catholic Church sex abuse scandal broke in the Boston Globe[2] and the publication of the "*Charter for the Protection of Young Children and Young People*" was adopted, the Diocese of Erie brushed off a claim of sexual assault by one of its priests. It is equally unbelievable that in 2017 a family came forward to a reporter for a newspaper with a horrific story of serial sexual abuse by a Roman Catholic priest and no article was published. Yet, an Internet search using Bing®, Google® and Yahoo!® did not reveal a single newspaper article about Mr. Jeselnick in 2017 or 2018. The lack of skepticism by the investigators or an explanation for how and why they were able to overcome this skepticism is astonishing.

---

of your memories are Fake?, The Atlantic, November 18, 2013 (*https://www.theatlantic.com/health/archive/2013/11/how-many-of-your-memories-are-fake/281558*).

[2] Betrayal – The Crisis in the Catholic Church, Investigative Staff of the Boston Globe, Little Brown and Company, May 2002.

Further, Report No. 1 states "it is unclear when [Mr. Jeselnick] officially retired." It is anything but unclear when he retired. On July 12, 2010, Donald W. Trautman, Bishop of the Diocese of Erie wrote

> Dear Fr. Jeselnick, *Steve*
>
> I understand that you retired as a full Air Force Colonel. I congratulate you on that high recognition by the United States Air Force.
>
> You are a retired priest of the Diocese of Erie with the faculties of that diocese. I pray you will enjoy your retirement years. Best Wishes,
>
> Fraternally yours in Christ,
>
> *Donald W. Trautman*
>
> Most Rev. Donald W. Trautman, STD, SSL
> Bishop of Erie

Exhibit B (Letter from Bishop Trautman re Retirement, July 12, 2010[3]. The fact that this detail was not known to the Grand Jury or known but omitted from Report No. 1 is deeply troubling, particularly in light of the fact the Grand Jury learned from a review of the files of the Diocese of Erie that Mr. Jeselnick's faculties as priest of the Diocese of Erie were revoked by Bishop Persico in 2014. This omission alone underscores the utter paucity of meaningful investigation and analysis as it relates to Mr. Jeselnick and suggests that none of the conclusions concerning his conduct should be credited.

2. *Report No. 1 Does Not Reflect Even a Modicum of Fairness to Mr. Jeselnick*

Mr. Jeselnick, unlike the Bishops of the various Dioceses in Pennsylvania, was not invited (or subpoenaed) to appear before the Grand Jury or given the opportunity make a written submission and, therefore, neither the Grand Jury nor the Court could know he denies these allegations. The fundamental Constitutional rights at issue here – the inherent rights of mankind and due process – mandate that the investigators obtain independent corroboration of the allegations or at least attempt to do so and also include the results of this aspect of the investigation in their report.

The Grand Jury did have and could not have had the opportunity to evaluate and consider the issues Mr. Jeselnick has raised about the quality of the investigation or weigh the

[3] The term "faculties" refers to permission given to a priest by his diocesan bishop or religious superior, legally permitting him to perform the Sacraments.

countervailing evidence he may have presented. For instance, any problems with the identification procedure, the substance of the identification and the lack of corroboration of the evidence presented.

The Grand Jury did not know he denies these allegations or that in the late 1970s he did not ever drink to the point of intoxication.

Finally, the Grand Jury may not know of his many years of service to the USAF, where he attained the rank of Colonel and earned many commendations before being discharged honorably. *Exhibit A (Letter from USAF re Retirement and DD-214s).* It also may not know of his many years of faithful service to the Church or the high-regard in which Bishop Trautman held him. *Exhibit B.* Finally, it may not know of the respect and love his family and friends have for him and him for them. These are all facts that are directly relevant to an assessment of whether he victimized and preyed on others.

B. The Procedural Due Process Problems With Grand Jury Reports Concerning Private Citizens

Mr. Jeselnick does not hold elected office, he is not a public official and this matter does not concern the public *fisc*. For these reasons, his conduct is not the proper subject of a grand jury report, or at least not the proper subject of a report where he is not accorded a much more vigorous version of due process.

> The scope of grand jury reporting has historically been limited to persons in government service and general conditions in a community. Comment has been made upon the unfairness of such reports, particularly as they affect any public official. However, we should bear in mind that the great protector of our democracy, Thomas Jefferson, declared that: "When a man assumes a public trust, he should consider himself as public property." Moral theologians approve public criticism of public officials as being in the public good, although they condemn such criticism of individuals not having public responsibilities.

Noah Weinstein and William Shaw, *Grand Jury Reports – A Safeguard of Democracy*, 1962:2 Washington University Law Review 203 (January 1962)(citations omitted).

Although, the subject of Report No. 1 may be of some public interest, the public's interest is no greater than an individual's core Constitutional rights to enjoy and defend life and liberty, of acquiring, possessing and protecting reputation, and of pursuing happiness. Where the Government elects to infringe on these rights, an individual should be afforded more process than the law presently permits.

In other cases, the Office of Attorney recognized state due process rights where there was no statutory directive to do so. In the *Report to the Attorney General on the Investigation of Gerald A. Sandusky ("Moulton Report")*, the Office of Attorney General embraced that state due process required aspects of a government report critical of ***unindicted former government***

officials that "might reasonably be understood to adversely affect [their] reputation" be disclosed so that the subject might be able to adequately respond to them prior to publication:

> In addition, after the report has been submitted . . . certain persons will be provided an opportunity to review those portions of the report that pertain to them and to respond prior to publication. In the leading case of *Simon v. Commonwealth*, the Pennsylvania Crime Commission had published a report (about organized crime in the "bingo industry") that had a potential negative effect on the plaintiff's reputation. In *Simon*, the Commonwealth Court recognized a state constitutional right to reputation and held that the Commission's failure to provide plaintiff with advance notice of its criticisms an opportunity to respond before publication violated plaintiff's state due process rights. The *Simon* case, while not elaborating on precisely what process is required, appears to mandate that persons referenced in a government report be provided: (1) those aspects of the report that might reasonably be understood to adversely affect their reputation, and (2) an opportunity to respond prior to publication. In connection with our submission of the report to Judge Krumenacker, we are seeking his authorization to provide notice and an opportunity to respond to persons who fall under the *Simon* decision.

Moulton Report pp. 11-12.

The Grand Jury Act itself provides for certain process in the context of a Grand Jury Report. *See* 42 Pa.C.S. § 4552(e) (*Authorization of Response by Non-Indicted Subject*). This process is not, however, sufficient to vindicate the rights of private citizen whose rights to enjoy life, protect their reputation and pursue happiness is being impaired by the Government.

> An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and ***afford them an opportunity to present their objections.*** The notice must be of such nature as to reasonably convey the required information, and it must afford a reasonable time for those interested to make their appearance.

Herder Spring Hunting Club v. Keller, 143 A.3d 358, 376 (Pa. 2016) (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950))(emphasis added). The opportunity to author a denial and rebuttal is not an opportunity present an objection, an objection by definition – in a legal context – presents a prospect of prevailing on the objection before the court.

It is important not just pay homage to the principal of due process but also recognize the process due is not the same in every circumstance.

> Due process is a flexible concept which "varies with the particular situation." Ascertaining what process is due entails a balancing of three considerations: (1) the private interest affected by the governmental action; (2) the risk of an erroneous deprivation together with the value of additional or substitute safeguards; and (3) the state interest involved, including the administrative burden the additional or substitute procedural requirements would impose on the state. ***The central demands of due process are notice and an "opportunity to be heard at a meaningful time and in a meaningful manner."***

Bundy v. Wetzel, --- A.3d ---, 2018 WL 2075562, *4 (Pa. 2018)(emphasis added)(citations omitted); *see J.P. v. Department of Human Services*, 170 A.3d 575 (Pa.Cmwlth. 2017) (placing teacher's name on sexual abuse registry without a hearing violated due process); *Pennsylvania Bar Association v. Com.*, 607 A.2d 850 (Pa.Cmwlth. 1992) (placing attorneys on motor vehicle fraud index without notice or a hearing violated procedural and substantive due process). It is also essential to recognize that individuals who confront inclusion on the Department of Human Services ChildLine and Abuse Registry or the SORNA Registry are afforded the complete panoply of due process rights (notice, a hearing, discovery, cross-examination, subpoena the opportunity to present evidence) before suffering this indignity.

Mr. Jeselnick, on other hand, has been branded by the Government with these same labels – sexual deviant, child abuser and criminal – without being accorded any of those rights. The Commonwealth of Pennsylvania has irreparably damaged his reputation and impaired his enjoyment of life, as well as his pursuit of happiness, without according him any meaningful due process of law. This is not right. This is not justice.

Mr. Jeselnick requests the Court accept this response to Report No. 1 and enter an Order directing that it be appended to Report No. 1 and in the event the Office of Attorney General elects to distribute copies of Report No. 1 or post it on the Internet that it also distribute a copy of this response and post it on the Internet.

Your attention to this matter is appreciated.

Very truly yours,

Christopher M. Capozzi
CMC/tim
Attachments

Exhibit A

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON DC 20330-1000

RESERVE ORDER
EL - 1881

17 FEB 2011

COL JESELNICK STEPHEN E
[redacted]
[redacted]

EFFECTIVE ON THE DATE RETIRED, YOU ARE AUTHORIZED RETIRED PAY PER TITLE 10, UNITED STATES CODE, SECTION 12731 AND PLACED ON THE USAF RETIRED LIST, RETIRED RESERVE SECTION 2B AND ENTITLED TO UNITED STATES UNIFORMED SERVICES IDENTIFICATION CARD, DD FORM 2, (RETIRED) (BLUE).

DATE RETIRED	DATE OF BIRTH	GRADE FOR RETIRED PAY (HIGHEST GRADE SATISFACTORILY HELD)
20 APR 2011	20 JUL 1951	COL

GRADE PLACED ON USAF RETIRED LIST
COL

SERVICE PER TITLE 10 USC SECTION 12732

YEARS:	MONTHS:	DAYS:
22	09	10

SERVICE FOR BASIC PAY

YEARS:	MONTHS	DAYS
24	00	29

SERVICE PER TITLE 10 USC SECTION 12733
15.73

REMARKS

A. 10 USC 12732 AOD: 20 MAR 2007

B. APPLY TO THE NEAREST MILITARY INSTALLATION WITH ONE COPY OF THIS ORDER TO OBTAIN DD FORM 2 RET, 'UNITED STATES UNIFORMED SERVICE IDENTIFICATION CARD', FOR YOURSELF AND DD FORM 1173, 'UNIFORMED SERVICE IDENTIFICATION AND PRIVILEGE CARD', FOR YOUR DEPENDENTS

C. MEMBER ELIGIBLE TO RETIRE WITH PAY PRIOR TO AGE 60 PER FY 2008 NDAA. MEDICAL BENEFITS NOT AUTHORIZED UNTIL THE MEMBER'S 60TH BIRTHDAY.

BY ORDER OF THE SECRETARY OF THE AIR FORCE

OFFICIAL

DEBRA A. YOUNG
CHIEF, TRANSITION PROGRAMS DIVISION
TOTAL FORCE SERVICE CENTER-DENVER

DISTRIBUTION
EL
RO EL - 1881

DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR RESERVE PERSONNEL CENTER

HQ ARPC/DPTTR
6760 E. IRVINGTON PLACE
DENVER CO 80280-4000

17-Feb-11

COL STEPHEN E JESELNICK ,USAF,Retired, [redacted]

[redacted]

Dear COL JESELNICK

I am pleased to inform you that your name will be placed on the Air Force Retired List, effective 20 Apr 11.

On or after your retired pay effective date, you may obtain a DD Form 2 (Retired)(Blue), United States Uniformed Services Identification Card, by presenting your current identification credentials and a copy of your Retired Pay Order to the nearest military installation (for any branch of service). Locations of military installations in your area may be found in your local telephone directory under United States Government or at these websites: www.military.com or www.globemaster.de. Any of your family members who are authorized the DD Form 1173, Uniformed Services Identification and Privilege Card, should accompany you when you obtain your identification card. To obtain an identification card, you and your family members must be enrolled in DEERS. You must have birth certificates for your children and your marriage certificate to prove dependency of your spouse. If you are mailing your application, please contact the Pass and ID section of that installation for further instructions.

At age 60, you are entitled to TRICARE health benefits. So that you can obtain the most accurate information applicable to your situation, you are highly encouraged to contact TRICARE by logging into their website at www.tricare.mil.

Your pay account is being established at the Defense Finance and Accounting Service-Cleveland Center. Any questions concerning retired pay should be directed to U.S. Military Retirement Pay, P.O. Box 7130, London KY 40742-7130, or call DFAS-CL/RO at 1-800-321-1080. Please notify DFAS-CL/RO of any change in your mailing address. Approximately 15 days after the commencement of your retired pay, a statement showing gross pay, deductions, and net pay, will be sent to you by DFAS-CL/RO. Thereafter, a statement will only be forwarded to you when there has been a change in your gross pay or deductions.

Your master personnel record will be maintained at the Air Reserve Personnel Center, 6760 E. Irvington Pl, Denver, CO 80280. If you have any questions regarding your master personnel record or your retirement, please call the ARPC Contact Center at toll free: 1-800-525-0102.

You have our best wishes for the future.

Sincerely,

JOHN C. FRENCH
Retirement Technician
Transition Programs Division

Attachment:
Retired Pay Order (2)

CAUTION: NOT TO BE USED FOR IDENTIFICATION PURPOSES | THIS IS AN IMPORTANT RECORD. SAFEGUARD IT. | ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

[redacted]

2. DEPARTMENT, COMPONENT AND BRANCH
AIR FORCE – REG AF

[redacted]

3. DATE OF BIRTH (YYYYMMDD)

6. RESERVE OBLIG. TERM. DATE
Year: N/A | Month | Day

4a. PLACE OF ENTRY INTO ACTIVE DUTY
DuBois PA

4b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known)
Colorado Springs CO

5a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND
86 AW/HC (USAFE)

5b. STATION WHERE SEPARATED
Peterson AFB CO

9. COMMAND TO WHICH TRANSFERRED
Not Applicable

10. SGLI COVERAGE ☐ None
Amount: $ 200,000

11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.)
052R3 - Chaplain 9 years, 9 months.

12. RECORD OF SERVICE	Year(s)	Month(s)	Day(s)
a. Date Entered AD This Period	[redacted]		
b. Separation Date This Period			
c. Net Active Service This Period			
d. Total Prior Active Service			
e. Total Prior Inactive Service			
f. Foreign Service			
g. Sea Service			
h. Effective Date of Pay Grade			

13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service)
AF Commendation Medal with 2 devices, AF Longevity Service Award with 1 device, AF Training Ribbon, Southwest Asia Service Medal, AF Overseas Long Tour Ribbon, National Defense Service Medal, AF Outstanding (SEE REMARKS)

14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed)
Squadron Officer School, 7 weeks, Feb 96; Chaplain Professional Continuity Course, 1 week, Oct 93; Interm Chaplain Course, 3 weeks, Aug 92; Catholic Chaplain Professional Course, 1 week, Oct 90; (SEE REMARKS)

15a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM	Yes	No	15b. HIGH SCHOOL GRADUATE OR EQUIVALENT	Yes	No	16. DAYS ACCRUED LEAVE PAID
		X		X		-0-

17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION ☐ Yes ☒ No

[redacted]

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CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (Last, First, Middle)	2. DEPARTMENT, COMPONENT AND BRANCH	3. SOCIAL SECURITY NUMBER
JESELNICK STEPHEN E (IO)	AIR FORCE--ANGUS	[redacted]

4a. GRADE, RATE OR RANK	4b. PAY GRADE	5. DATE OF BIRTH (YYYYMMDD)	6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD)
MAJ	O4	[redacted]	N/A

7a. PLACE OF ENTRY INTO ACTIVE DUTY	7b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known)
BALTIMORE MD	BALTIMORE MD

8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND	8b. STATION WHERE SEPARATED
MARYLAND ANG HQ (NGS)	BALTIMORE CTY MD

9. COMMAND TO WHICH TRANSFERRED	10. SGLI COVERAGE
ANG, State of Maryland	☐ NONE AMOUNT: $250,000

11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.)	12. RECORD OF SERVICE	YEAR(S)	MONTH(S)	DAY(S)
52R3, CHAPLAIN,	a. DATE ENTERED AD THIS PERIOD	2001	SEP	17
	b. SEPARATION DATE THIS PERIOD	2001	SEP	30
	c. NET ACTIVE SERVICE THIS PERIOD	00	00	13
	d. TOTAL PRIOR ACTIVE SERVICE	10	02	19
	e. TOTAL PRIOR INACTIVE SERVICE	04	03	02
	f. FOREIGN SERVICE	00	00	00
	g. SEA SERVICE	00	00	00
	h. EFFECTIVE DATE OF PAY GRADE	1998	JUN	24

13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service)	14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed)
Meritorious Service Medal with 1 oak leaf cluster, Air Force Commendation Medal with 4 oak leaf clusters, AF Outstanding Unit Award with 4 oak leaf clusters, National Defense Service Medal with 1 service star, Armed Forces Expeditionary Medal, Southwest Asia Service Medal, Global War on Terrorism Service Medal, AF Overseas Ribbon //See Remarks//	SQUADRON OFFICER SCHOOL (BEFORE 2005), JAN 1996. AIR COMMAND - STAFF COLLEGE - JOINT (BEFORE 2005), JAN 1999.

15a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM		YES	X	NO
b. HIGH SCHOOL GRADUATE OR EQUIVALENT	X	YES		NO

16. DAYS ACCRUED LEAVE PAID	17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION	YES	NO
0			X

18. REMARKS
ITEM 13: Short, AF Overseas Ribbon Long, Air Force Expeditionary Service Ribbon, AF Longevity Service with 4 oak leaf clusters, Armed Forces Reserve Medal with "M" Devices with 1 hourglass device, AF Training Ribbon. Member served on AD in support of Operation Resolve IAW 10 USC 12301(D) at Arlington Virginia from 12 Sep 01 - 30 Sep 01.
NOTHING FOLLOWS

The information contained herein is subject to computer matching with the Department of Defense Annuity Roll and other selected Federal or non-Federal agency for verification purposes and to determine eligibility for entitlements and benefits in connection with the requirements of a Federal benefit program.

19a. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code)	19b. NEAREST RELATIVE (Name and Address - Include ZIP Code)
[redacted]	

20. MEMBER REQUESTS COPY 6 BE SENT TO - MD - DIRECTOR OF VETERANS AFFAIRS	YES	NO
	X	

21. SIGNATURE OF MEMBER BEING SEPARATED	22a. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title and signature)
MEMBER NOT AVAILABLE TO SIGN	ELIZABETH A. HICKS, TSGT, MDANG PERSONNEL RELOCATIONS

DD FORM 214 AUTOMATED, FEB 2000 | PREVIOUS EDITION IS OBSOLETE | MEMBER-1

CAUTION: NOT TO BE USED FOR IDENTIFICATION PURPOSES

THIS IS AN IMPORTANT RECORD. SAFEGUARD IT.

ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (Last, First, Middle)	2. DEPARTMENT, COMPONENT AND BRANCH	3. SOCIAL SECURITY NUMBER
JESELNICK,STEPHEN E (IO)	AIR FORCE--ANGUS	[redacted]

4a. GRADE, RATE OR RANK	b. PAY GRADE	5. DATE OF BIRTH (YYYYMMDD)	6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD)
MAJ	O4	[redacted]	N/A

7a. PLACE OF ENTRY INTO ACTIVE DUTY	b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known)
BALTIMORE MD	BALTIMORE MD

8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND	b. STATION WHERE SEPARATED
MARYLAND ANG HQ (NGS)	BALTIMORE CTY MD

9. COMMAND TO WHICH TRANSFERRED	10. SGLI COVERAGE
ANG, State of Maryland	[ ] NONE AMOUNT: $250,000

11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.)
52R3, CHAPLAIN,

12. RECORD OF SERVICE	YEAR(S)	MONTH(S)	DAY(S)
a. DATE ENTERED AD THIS PERIOD	2001	OCT	05
b. SEPARATION DATE THIS PERIOD	2001	NOV	05
c. NET ACTIVE SERVICE THIS PERIOD	00	01	01
d. TOTAL PRIOR ACTIVE SERVICE	10	03	00
e. TOTAL PRIOR INACTIVE SERVICE	04	03	06
f. FOREIGN SERVICE	00	01	01
g. SEA SERVICE	00	00	00
h. EFFECTIVE DATE OF PAY GRADE	1998	NOV	24

13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service)
Meritorious Service Medal with 1 oak leaf cluster, Air Force Commendation Medal with 4 oak leaf clusters, AF Outstanding Unit Award with 4 oak leaf clusters, National Defense Service Medal with 1 service star, Armed Forces Expeditionary Medal, Southwest Asia Service Medal, Global War on Terrorism Service Medal, AF Overseas Ribbon //See Remarks//

14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed)
SQUADRON OFFICER SCHOOL (BEFORE 2005), JAN 1996, AIR COMMAND - STAFF COLLEGE - JOINT (BEFORE 2005), JAN 1999.

15a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM		YES	X	NO
b. HIGH SCHOOL GRADUATE OR EQUIVALENT	X	YES		NO

16. DAYS ACCRUED LEAVE PAID	17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION	YES	NO
0			X

18. REMARKS
ITEM 13: Short, AF Overseas Ribbon Long, Air Force Expeditionary Service Ribbon, AF Longevity Service with 4 oak leaf clusters, Armed Forces Reserve Medal with 7/16" M" Devices with 1 Hourglass device, AF Training Ribbon; Member served on AD in support of Operation Southern Watch/Enduring Freedom IAW 10 USC 1230(f) at Prince Sultan Air Base Saudi Arabia from 05 Oct 01 - 04 Nov 01.
NOTHING FOLLOWS.

The information contained herein is subject to computer matching with the Department of Defense or with any other authorized Federal or State agency for verification purposes and to determine eligibility for, and/or continued compliance with, the requirements of a Federal benefit program.

19a. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code)
[redacted]

19b. NEAREST RELATIVE (Name and address (Include ZIP Code))

20a. MEMBER REQUESTS COPY 6 BE SENT TO VA DIRECTOR OF VETERANS AFFAIRS	YES	NO

21. SIGNATURE OF MEMBER BEING SEPARATED
(MEMBER NOT AVAILABLE TO SIGN)

22. OFFICIAL AUTHORIZED TO SIGN (Type name, title, and organization)
ELIZABETH A. HICKS, TSGT, MDANG
PERSONNEL RELOCATIONS

DD FORM 214-AUTOMATED, FEB 2000 PREVIOUS EDITION IS OBSOLETE MEMBER-1

CAUTION: NOT TO BE USED FOR IDENTIFICATION PURPOSES | THIS IS AN IMPORTANT RECORD. SAFEGUARD IT. | ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (Last, First, Middle) [illegible]	2. DEPARTMENT, COMPONENT AND BRANCH AIR FORCE – ANGUS	3. SOCIAL SECURITY NUMBER [redacted]
4a. GRADE, RATE OR RANK [illegible] / b. PAY GRADE [illegible]	5. DATE OF BIRTH (YYYYMMDD) 19510720	6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD) NONE
7a. PLACE OF ENTRY INTO ACTIVE DUTY BALTIMORE MD	b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) [redacted]	
8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND 175 WING WG (ACO)	b. STATION WHERE SEPARATED MSAP BALTIMORE MD	
9. COMMAND TO WHICH TRANSFERRED N/A	10. SGLI COVERAGE [ ] NONE AMOUNT: $250,000	

11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.)	12. RECORD OF SERVICE	YEAR(s)	MONTH(s)	DAY(s)
52R3 CHAPLAN	a. DATE ENTERED AD THIS PERIOD	[illegible]	[illegible]	[illegible]
00YRS 05MOS 00DYS	b. SEPARATION DATE THIS PERIOD	[illegible]	[illegible]	[illegible]
//////////////////	c. NET ACTIVE SERVICE THIS PERIOD	[illegible]	[illegible]	[illegible]
	d. TOTAL PRIOR ACTIVE SERVICE	[illegible]	[illegible]	[illegible]
	e. TOTAL PRIOR INACTIVE SERVICE	[illegible]	[illegible]	[illegible]
	f. FOREIGN SERVICE	[illegible]	[illegible]	[illegible]
	g. SEA SERVICE	[illegible]	[illegible]	[illegible]
	h. EFFECTIVE DATE OF PAY GRADE	[illegible]	[illegible]	[illegible]

13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service)	14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed)
TR, LS W/2 OLC, AM, OU W/4 OLC, MD7A W/1 OLC, MD8A, AE, ND W/1 OOL, AM, SW, OL, CF W/3 OLC, MM W/1 OLC. ////////////////////////////////////	NONE //////////////////////////

	YES	NO
15a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM		X
b. HIGH SCHOOL GRADUATE OR EQUIVALENT	X	

16. DAYS ACCRUED LEAVE PAID	17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION	YES	NO
0.0			X

18. REMARKS [illegible]

19a. MAILING ADDRESS AFTER SEPARATION [illegible] | 19b. NEAREST RELATIVE [illegible]

20. MEMBER REQUESTS COPY 6 BE SENT TO [illegible] YES NO

21. SIGNATURE OF MEMBER BEING SEPARATED [illegible] | 22. OFFICIAL AUTHORIZED TO SIGN [illegible]

SPECIAL ADDITIONAL INFORMATION [illegible]

23. TYPE OF SEPARATION [illegible] | 24. CHARACTER OF SERVICE [illegible]

25. SEPARATION AUTHORITY [illegible] | 26. SEPARATION CODE [illegible] | 27. REENTRY CODE [illegible]

28. NARRATIVE REASON FOR SEPARATION [illegible]

29. DATES OF TIME LOST DURING THIS PERIOD [illegible] | 30. MEMBER REQUESTS COPY 4 [illegible]

DD Form 214-AUTOMATED, FEB 2000 PREVIOUS EDITION IS OBSOLETE. MEMBER-4

CAUTION: NOT TO BE USED FOR IDENTIFICATION PURPOSES | THIS IS AN IMPORTANT RECORD. SAFEGUARD IT. | ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

[redacted]	2. DEPARTMENT, COMPONENT AND BRANCH AIR FORCE – ANGUS	3. SOCIAL SECURITY NUMBER [redacted]
4a. GRADE, RATE OR RANK SPC 04	4b. PAY GRADE E-4	5. DATE OF BIRTH (YYYYMMDD) [redacted]
		6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD) NONE

7a. PLACE OF ENTRY INTO ACTIVE DUTY BALTIMORE MD	7b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) 4001 ROUNDTOP RD BALTIMORE MD 21218-1452
8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND 175 WING WG (ACC)	8b. STATION WHERE SEPARATED MSAP BALTIMORE MD
9. COMMAND TO WHICH TRANSFERRED N/A	10. SGLI COVERAGE [ ] NONE AMOUNT: $250,000

11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years)
52R3 CHAPLAN
00YRS 05MOS 00DYS
////////////////

12. RECORD OF SERVICE	YEAR(s)	MONTH(s)	DAY(s)
a. DATE ENTERED AD THIS PERIOD	[redacted]	[redacted]	[redacted]
b. SEPARATION DATE THIS PERIOD	[redacted]	[redacted]	[redacted]
c. NET ACTIVE SERVICE THIS PERIOD	[redacted]	[redacted]	[redacted]
d. TOTAL PRIOR ACTIVE SERVICE	[redacted]	[redacted]	[redacted]
e. TOTAL PRIOR INACTIVE SERVICE	[redacted]	[redacted]	[redacted]
f. FOREIGN SERVICE	[redacted]	[redacted]	[redacted]
g. SEA SERVICE	[redacted]	[redacted]	[redacted]
h. EFFECTIVE DATE OF PAY GRADE	[redacted]	[redacted]	[redacted]

13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service)
TR, LS W/2 OLC, AM, OU W/4 OLC, MD7A W/1 OLC, MD8A, AE, ND W/1 OOL, AM, SW, OL, OF W/3 OLC, MM W/1 OLC.
////////////////////////////////

14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed)
NONE
////////////////////

15a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM	[ ]	YES	X	NO
b. HIGH SCHOOL GRADUATE OR EQUIVALENT	X	YES	[ ]	NO

16. DAYS ACCRUED LEAVE PAID 0.0	17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION	YES	NO X

18. REMARKS
[redacted]

[redacted]	[redacted]

DD Form 214-AUTOMATED, FEB 2000 PREVIOUS EDITION IS OBSOLETE. MEMBER-1

Exhibit B

Office of the Bishop

Diocese of Erie
P.O. Box 10397
Erie, Pennsylvania 16514-0397

July 12, 2010

Rev. Stephen E. Jeselnick

[redacted]

Dear Fr. Jeselnick, Steve

I understand that you have retired as a full Air Force Colonel. I congratulate you on that high recognition by the United States Air Force.

You are a retired priest of the Diocese of Erie with the faculties of that diocese. I pray that you will enjoy your retirement years. Best wishes.

Fraternally yours in Christ,

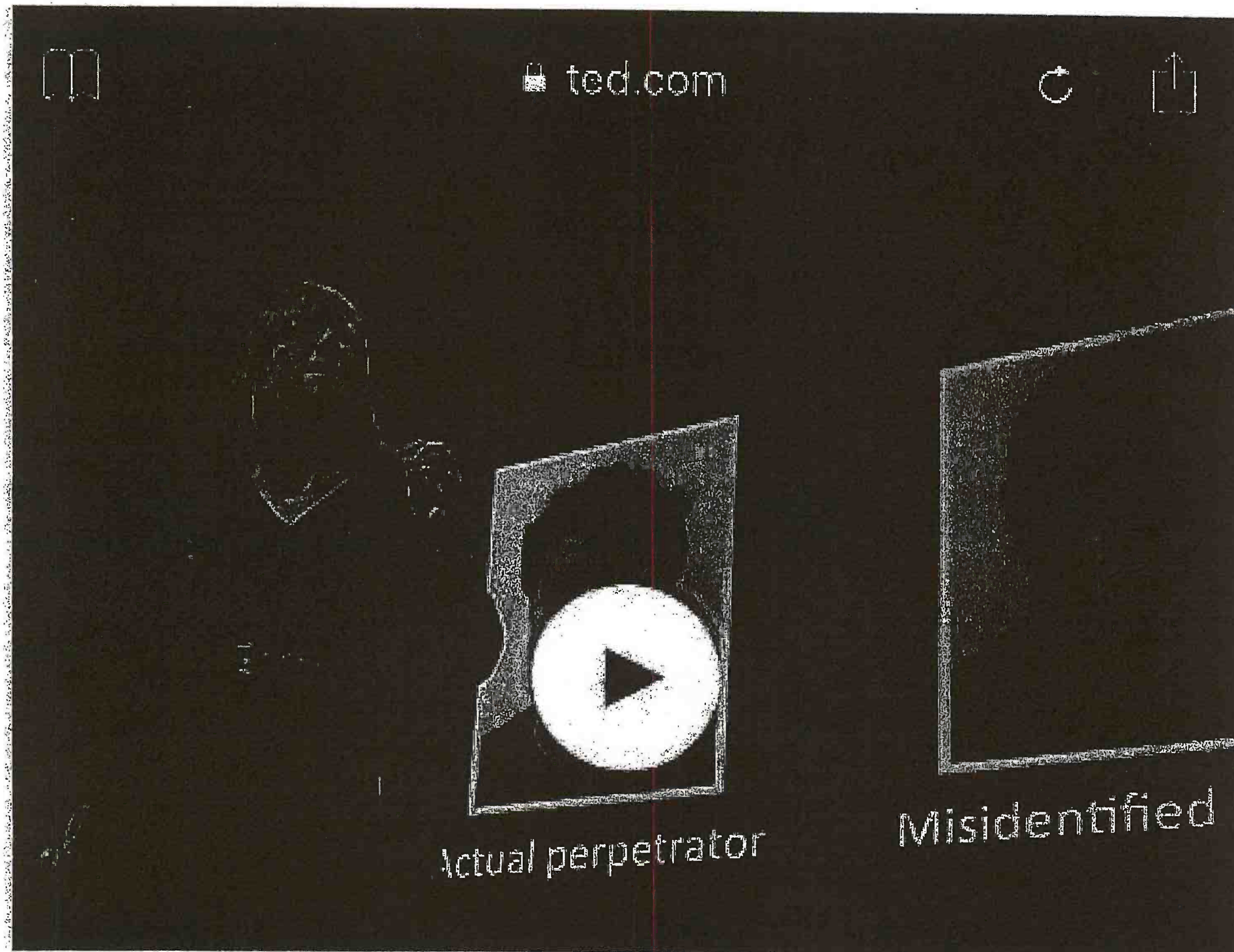
+Donald W. Trautman

Most Rev. Donald W. Trautman, STD, SSL
Bishop of Erie

DWT/rp

enclosures

Exhibit C


ted.com
\ctual perpetrator
Misidentified

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	:	**SUPREME COURT OF PENNSYLVANIA**
	:	**2 W.D. MISC. DKT. 2016**
	:	
THE FORTIETH STATEWIDE	:	
	:	**ALLEGHENY COUNTY**
	:	**COMMON PLEAS**
INVESTIGATING GRAND JURY	:	
	:	**NOTICE NO. 1**

RESPONSE TO ORDER AND NOTICE DATED MAY 2, 2018

And now comes Monsignor Andrew Karg by and through his attorneys William J. Cisek, Esquire and Wilson, Thompson & Cisek, LLC and files the following response to pages 77, 149, and 150 of the Grand Jury Report.

1. Monsignor Andrew Karg believes that the references made to him on pages 77, 149, and 150 are in error and the references made to Monsignor Andrew Karg are in fact, it is believed, referencing Monsignor William Karg, who is deceased. Monsignor William Karg is a cousin of Monsignor Andrew Karg.

2. On page 77, it states "Diocesan files indicate that in 1993, Monsignor Andrew Karg received a complaint from five fellow priests expressing serious concerns about Barletta. On April 29, 1993, Karg wrote to Trautman about the priests' fears that Barletta could be "*crossing the line" into the private lives of the students at Preparatory. Karg adds that Barletta is known to take pictures inside the boys' locker room of*

the kids' crotch area and that Barletta maintains a book of "crotch shots" in his residence."

3. Monsignor Andrew Karg never received any complaints from any priests relating to Barletta. Monsignor Andrew Karg never wrote to Trautman on April 29, 1993 regarding any of these issues.
4. On page 149, it states that one of Seminarian John Tome's alleged victims testified that she was abused by John Tome during parties held by her parents. "She further testified that her mother worked for the Diocese, specifically, Monsignor Karg, during this time period." Monsignor Andrew Karg believes that is a reference to Monsignor William Karg, who is deceased.
5. On page 150, it is stated that "She added that she believes that her mother informed Monsignor Karg of the incident because Tome *"disappeared for a while and then came back."* It was this chain of events that made Victim #1 believe that her mother told Karg, who in turn sent Tome away." Monsignor Andrew Karg at no time had any knowledge of this incident. Monsignor Andrew Karg believes that these incident involved his cousin, Monsignor William Karg.
6. Another alleged victim testified as follows: "Victim #2 testified that he believes that Monsignor Karg knew full well of Tome's behavior, since he would often come over to the family home with Tome and drink with his parents. Victim #2 testified that once he would fall asleep,

Tome would find him and sexually abuse him. He expressed anger and frustration that Karg did nothing about Tome's behavior." Monsignor Andrew Karg at no time socialized with Tome and at no time had knowledge of Tome's behavior and did not even know Tome.

7. Monsignor Andrew Karg believes that the references on pages 77, 149, and 150 relate to Monsignor William Karg, who is now deceased. Monsignor William Karg died earlier this year.

8. Monsignor Andrew Karg became a priest in 1964.

a. Monsignor Andrew Karg was assigned to Kennedy Christian in 1965 and remained there until 1980.

b. In 1980, he was assigned to a parish in Walston, Jefferson County, Pennsylvania and remained there until 1985.

c. In 1985 Monsignor Andrew Karg became the Vicar for the Western Region and lived in Sharon, Pennsylvania.

d. In 1990 Monsignor Andrew Karg was appointed the Vicar of Education of the Erie Diocese until 2000.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **Response to Order of Court Dated May 2, 2018** was mailed by United States First Class Mail, postage prepaid, to the following persons:

Daniel J. Dye, Esquire
Senior Deputy Attorney General
Criminal Law Division
16th Floor
Strawberry Square
Harrisburg PA 17120

Date: May 31, 2018

William J. Cisek, Esquire
Supreme Court I.D. No.: 88482
Wilson, Thompson & Cisek, L.L.C.
1162 Elk Street, P.O. Box 310
Franklin, PA 16323
Telephone: 814-437-2121
Fax: 814-437-1410

I had a FORMAL RECONCILIATION with my first CASE. This happened a few WEEKS after RETURNING from ST LUKES. Bishop TRAUTMAN + Bob Smith accompanied me. Victim + wife were there REPRESENTED by his Religious COUNSEL - I believe also a MINISTER. He conducted the mtg. After going over all the grievense. I ask victim if I could ASK for forgiveness - he gave me permission to do so. It was granted + he said he would NEVER speak about it again. We shook hands - his wife hugged me + kissed me. Bishop OKed paying for ongoing COUNSELING. No money was EVER MENTIONED in this ENCOUNTER { LATER on after working ES a COOK for 3 yrs I pd compensation to diocese - which is not in this file

REGARDING CAMP NOTRE DAME

I WAS NEVER ASSIGNED there - NEVER WORKED
I WAS NOT involved EVER with MIKE AMY
I NEVER met with him or COUNSELED him. This
WAS NOT discussed with ME EVER
AFTER AMY was ORDAINED - ~~Six~~ OR 7 yrs later -
I BECAME AWARE of situation BECAUSE
AT THAT TIME I WAS on PERSONEL BOARD of DIOCESE.
THEREFORE my COMMENTS About him for
IAIZATION.

Regarding 18yr old - MN HARDWARE STORE

THIS MAN REPORTED ME to POLICE + to THE LOCAL DEAN - ~~FINALLY~~ TO BISHOP. I WENT TO AN ATTORNEY

DANIEL HARTLE
178 MAIN ST
BRADFORD, PA 16701 - PHONE 814-362-7100

HE SETUP A LIE DECTOR FOR ME. HE WAS A NEW FBI MAN doing THIS KIND of WORK FOR STATE POLICE IN Pittsburg AREA. TEST WAS ADMINISTERED IN LAW OFFICE CONFERENCE RM - with THE Smethport police OUTSIDE of DOOR. I WAS told by THE administrator I PASSED CASE dismissed. I did not HAVE THE TEST SCORES to Bishop - I WAS too upset About THE whole AFFAIR

I WAS ACCUSED IN A letter SENT TO Bishop by SEVERAL college students - all IN letter others WERE ACCUSED, but I could not MAKE it out BECAUSE ALL NAME but mine WERE blackened out

1) ACCUSED me of giving him A KISS - we had MANY left BEHIND by THOSE who left
2) Another said I told him HE WAS HANDSOME
3) ANOTHER - SAID I hugged + KISSED ON RETURNING ~~from~~ a school VACATION.

I KNOW of NO student who committed SUICIDE
I WAS NEVER INFORMED about THIS - NOR do I KNOW when THIS WAS placed IN my file & why it WAS placed. THIS IS THE FIRST I AM HEARING about THIS + I AM shaken by it

For the last 18 or 19 years I have received no communication from diocese except one letter of condolence for the death of two brothers weeks Apart from each other - It was not from bishop Himself but from one of priest secretaries in his office.

I was also accused by Bishop for Abussing a Black student. I told him during my time at St. Marks we never had a black student

My time at St Lukes was very positive - learn much about by having up in a close knit Italian fam. + extended family. I was very lacking in setting up boundaries + learnt much about empathy

When I returned home from St Lukes - I got involved in establish a soup kitchen - called the Friendship told I was involved for 21 yrs this year. I was on Board of Trustes - I cooked for the Table for 4 yr. After that volenteering - until Diocese put out public Web Page. I resigned from the Board - + volunteering

On Oct 30 - 1916 I was diagnosed with breast cancer had a radical mastectomy on left se. Had 18 weeks of heavy chemo + 6 wks of radiation - burnt badly - had 4 wks recovery from burns. See my oncologist every three mos.

As to other juveniles - mentioned - I would be willing to take another lie detector test.

Salvatore P Luzzo
may 13th 1918

I had a formal Reconciliation mtg with my first case. I
This happened a few weeks after I returned
from St. Lukes. Bishop Trautman + Bob Smith accompanied me.
Victim + wife were there represented by His
Religious counselor. I believe he was also a minister
He conducted the whole mtg. After going over all the
grievenes, I ask the victim if I could ask for his
forgiveness - He gave me that permission to do so. I
was granted - We said a prayer + shook hands. His wife
hugged me + kissed me. The ~~pen~~ Bishop offered to pay
for any counselling - for as long as he needed it
No money was ever mentioned in this mtg. I only know
it by your report. Later on after working as coor
for 3 ½ yrs, I pd compensation to the diocese - for
this counseling - I don't see this in your report.

Regarding Camp Notre Dame
I was never assigned, nor worked there
I was not ever involved with Mike Amx
I never met with him or counseled him. This was
not discussed with me ever
After Amy was ordained - 6 or 7 yrs later
I became aware of the situation (his abuse)
because at that time I was on the Personnel
Board of the Diocese. therefore - my comments
About him on his laization application

II

Regarding 18yr old in hardware store.
This young man reported me to the police & our Local dean - who reported it to bishop - the accusation I touched his shoulder & but try to make a pass at.
I went to an attorney — Dan Hartle
78 Main St
Bradford, Pa 16701 - phone 814 362 7100
We set up a lie detector for me. The man was an ex FBI doing this kind of work for St Police - in Pittsburgh area.
The test was administered in the Law Office Conference Rm - with the Smethport Police outside of the door. I was told by the administrator that I passed with a high percentage. I did not have the attorney send results to Bishop Trautman - I was too traumatized & upset

I was accused in a letter sent to the bishop by several college student - it listed 4 other - but all names were blackened out
1) Accused me of giving him a massock - we had many left behind by those who left seminary
2) An other said told him he was handsome
3) 3rd said I hugged & kissed on returning from a school break

I know of no student who committed suicide
I was never informed of this nor do I know when this happened - nor do I know when this was placed in my file. This is the first I am hearing about this - I am troubled and shakened about it.

For the Last 18 or 19 yrs I have received no communication from the diocese - except a letter of condolence after the deaths of 2 of my brothers Two was a part. It was not from the Bishop, but from one his dept head - some time afterwards

I was also accused by Bishop of harassing a black student; I told him during my time at St. Marks we never had a black student

My time at St Lukes was very positive. I learned much about my bringing up in a closely knit fam. My parents were born in Italy. I was very lacking in setting up boundries + learnt much about empathy

When I returned home after resignation from parish + removed from ministry. I got involved in establishing a soup kitchen in Bedford called the Friendship table. I was involved for 21 yrs this yr. I was on the Board of Trustees. I cooked for them for 4 yrs. volunteering as host. After Diocese publish the recent web site - I retired from Board + volunteering

End of 30 Mo I was diagnosed with breast cancer I had a radical mastectomy of L/t side - had 18 o/rs of heavy chemo + 6 wks of radiation - Burn badly 3 wks burn recovery I see my oncologist every 3 mos.

As to other juvenile allegations. I will be willing to take another lie detector.

Salvatore P Luzzi
May 13-1998

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	**: SUPREME COURT OF PENNSYLVANIA**
	: 2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE	**:**
	: ALLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY	**: CP-02-MD-571-2016**
	:
	: NOTICE NO. 1

RESPONSE OF MONSIGNOR ROBERT SMITH, PURSUANT TO 42 PA.C.S. § 4552(E) TO THE GRAND JURY REPORT

TO THE HONORABLE NORMAN A. KRUMENACKER:

Monsignor Robert Smith, by and through his undersigned counsel, Schnader Harrison Segal & Lewis LLP, hereby submits this Response to portions of the Grand Jury Report (the "Report") received by Monsignor Smith on May 7, 2018,[1] "to be attached to the report as part of the report before the report is made part of the public record," pursuant to 42 Pa.C.S. § 4552(e). We appreciate the opportunity to provide this Response to address factual allegations and conclusions that are incomplete or ignore evidence available to the Grand Jury.

PERSONAL HISTORY AND BACKGROUND INFORMATION

Monsignor Robert J. Smith was ordained on May 7, 1970. Between 1976 and 1978, he served as Secretary to the Bishop. Between 1978 and 1984, Monsignor Smith served as Vice Chancellor for the Roman Catholic Diocese of Erie and next, as Chancellor between 1984 and 1990. In 1990, Monsignor Smith was appointed as Vicar General for the Northern Vicariate

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11 Undersigned counsel received a copy of 21 non-consecutive and redacted pages of the Report from Monsignor Smith on May 7, 2018. On May 29, 2018, the Pennsylvania Office of Attorney General provide undersigned counsel with additional excerpts from the Grand Jury Report. By Order of Court, Monsignor Smith's response to the report is due June 22, 2018.

where he served until 2017. Vicars general assist the Bishop with governance of the whole Diocese. There are certain powers reserved only to the Bishop or which require a special delegation. A vicar general is required to report to the Bishop concerning "the more important affairs" of the Diocese.

Monsignor Smith also held several concurrent positions during this time, including Director of Clergy Personnel. The Priest Personnel Office is charged with the responsibility of recruitment, education, and placement of priests. These responsibilities include the affirmation and evaluation of priests in their ministries, the determination of the needs and preferences of each priests, and the maintenance of personnel files and records relating to the office.

With respect to allegations made against clergy, Monsignor Smith would participate in the canonical process when asked by the Bishop.[2] At the request of Bishop Trautman, Monsignor Smith worked to petition Rome for the laicization of priest abusers. Generally, Monsignor Smith attended meetings and took notes when victims came to report to the Bishop. If Monsignor Smith was away or out of the office, the Bishop would interview alone and summarize in note format what transpired during the meetings. It was the practice of the Diocese to make reports of allegations to the appropriate District Attorney by telephone.

Since the inception of the Grand Jury's investigation, Monsignor Smith has remained willing to appear before the Fortieth Statewide Investigating Grand Jury to provide testimony. Monsignor Smith demonstrated his willingness by providing testimony concerning allegations made against Father David Poulson. That appearance before the Grand Jury was initiated upon Monsignor Smith's receipt of a faxed subpoena on Friday March 9, 2018. The Pennsylvania

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2 Monsignor Smith served under four Bishops of the Diocese of Erie.

Office of Attorney General indicated via facsimile that Monsignor Smith was required to appear on March 12, 2018. This was the first contact between Monsignor Smith and the Office of Attorney General since the inception of the investigation in April of 2016. Although extensions of time are routinely granted, the Office of Attorney General denied undersigned counsel's request for more than three days to prepare Monsignor Smith for his appearance before the Grand Jury. Monsignor Smith was told that his testimony would be limited to the investigation of Father Poulson.

During his testimony, Monsignor Smith was asked questions regarding the handling of sexual abuse cases by the Diocese of Erie. He was asked about his relationship to Father Tom Smith. After denying a relationship with Father Smith, Monsignor Smith was confronted with the specifics of the allegations made against Father Tom Smith about which he knew nothing about. Concluding his testimony, Monsignor Smith made several significant recommendations for the improvement of investigations on the part of the dioceses. Monsignor Smith suggested that: (1) every Roman Catholic diocese should have an independent outside investigator (with prosecutorial skills and experience) retained to conduct allegations involving clergy and other diocesan personnel; (2) every Pennsylvania diocese should adopt the same "Policy for the Protection of Children and Youth;" and (3) diocesan policy should be linked to and track the applicable criminal statutes. Given Monsignor Smith's important role in the investigation of and response to child sexual abuse in the Roman Catholic Diocese of Erie, had he been given adequate opportunity to prepare or been questioned about his role in specific cases, he would have provided the Grand Jury with significant additional insights.

Indeed, a more careful review of Monsignor Smith's tenure with the Roman Catholic Diocese of Erie reveals that he was not involved in the Diocese's most problematic cases. By

way of example, the Grand Jury Report highlights the cases of Fathers Gawronski, Presley, and Thomas Smith as "Examples of Institutional Failure." Monsignor Smith was neither involved in the investigation of allegations associated with these clergy nor responsible for diocesan response to these matters. A comprehensive review of those cases in which Monsignor Smith participated in shows that his involvement resulted in careful documentation of diocesan files and reports to law enforcement.

Had Monsignor Smith been confronted or questioned about specific cases to which his name has now been publicly attributed in the Grand Jury's report, he would have offered the following testimony:

A. Father Donald C. Bolton, C.S.S.R.

Father Bolton was a member of the Congregation of the Most Holy Redeemer, also known as Redemptorist Missionaries or Redemptorists. As a member of a religious order, he was invited into the Roman Catholic Diocese of Erie, but remained a Redemptorist priest and was not a diocesan priest. With respect to misconduct on the part of a religious order priest, the Bishop can prohibit a member of a religious institute from residing or ministering in his diocese. The Bishop does not have the authority to seek laicization or take further action against a religious order priest. Notably, Father Bolton was prosecuted and pled guilty in 1987, never to return to the Diocese of Erie, except for court appearances.

The Grand Jury Report correctly notes that Monsignor Smith met with a victim of Father Bolton in 2001. Monsignor Smith documented his interview with the victim and at Bishop Trautman's request immediately informed the Redemptorists. During his conversation with the Provincial of the Redemptorists or his Delegate, Monsignor Smith informed the Order that another victim of Father Bolton had become known to the Diocese of Erie. The Provincial

indicated that he was aware of the allegations and that they would handle the matter. Monsignor Smith was told that a member of the Redemptorist Community would accompany Bolton to Erie for a court appearance and then return him to his place of residence. Bolton remained under their charge for the duration of his ministry.

B. Father Donald Cooper

The May 26, 2005 email from the victim to Monsignor Smith referenced in the Grand Jury Report asked for instructions in order to report Father Cooper's alleged abuse. In response, Monsignor Smith provided the victim with several options for reporting the alleged abuse, including: (1) reporting the allegations directly to the Erie County District Attorney; (2) making a ChildLine report; or (3) reporting to the local Department of Children and Youth Services. Lastly, Monsignor Smith provided the victim with his phone number and requested an opportunity to speak with the victim directly about the allegations. That same day, Monsignor Smith undertook an investigation of the allegations against Father Cooper.

Based upon Monsignor Smith's findings, Father Cooper requested retirement from active ministry. Thereafter, Bishop Trautman withdrew his priestly faculties. On June 8, 2005, Monsignor Smith reported the allegations to the District Attorney of Erie County. On June 20, 2005, the victim emailed Monsignor Smith writing,

> Thank you very much for you [*sic.*] response. I can not [*sic.*] express how much this means to me. To not be dismissed on this matter has great significance.... Again, thank you very not [*sic.*] for paying attention with this matter. You have renewed my hope in others.

On August 1, 2005, the victim told Monsignor Smith that "[y]ou have been most helpful . . . the way matters have been handled have had a positive impact on my outlook." This correspondence was produced to the Grand Jury by the Diocese of Erie.

C. Reverend Gregory P. Furjanic

As set forth in the Grand Jury Report, in 2005 Lutheran Services in St. Petersburg, Florida, contacted Monsignor Smith to inquire about Rev. Furjanic. Furjanic was a member of a religious order and not a diocesan priest. Monsignor Smith undertook a review of the matter in order to provide truthful and complete information to Lutheran Services. Without a diocesan file, but based upon his own investigation, Monsignor Smith learned from the Diocese of Saint Petersburg, Florida that it denied Furjanic's request for credentials on the basis of a report of abuse from the Diocese of Mobile, Alabama. The Diocese of Chicago disclosed to Monsignor Smith that Furjanic was removed from their Diocese as a result of an allegation of abuse. Based upon the foregoing, Monsignor Smith informed Lutheran Services that there were credible allegations of the sexual abuse of minors by Furjanic dating back to 1970, that he was dismissed from the clerical state, and that he should be denied placement with their agency or any other such agency.

D. Reverend Joseph W. Jerge

Monsignor Smith recalls providing full reports of the allegations against Jerge to the District Attorneys of McKean and Erie Counties.

E. Father Salvatore P. Luzzi

The Grand Jury notes that "little to no documentation was contained in the files." What documentation was maintained and preserved included the work of Monsignor Smith. In an internal document, he documented telephone conversations with two victims. Neither victim were minors at the time of the alleged abuse. Ultimately, Monsignor Smith's involvement resulted in Luzzi's resignation in lieu of canonical process.

F. Father John Philip Schanz

Monsignor Smith's limited involvement in some of the allegations made against Schanz resulted in investigation and reports to law enforcement. The Grand Jury report incorrectly identifies the nature of some of the correspondence with Monsignor Smith.

For example, the Report refers to the author of a January 2, 2007 email to Monsignor Smith as Victim #3. The author, however, was not himself a victim of abuse. Rather, he emailed Monsignor Smith to report an act that he witnessed while working at a camp. The person sending the email said that he reported the incident to the camp's administrators at the time it occurred. Monsignor Smith responded to the email with several follow up questions in an attempt to identify the victim; the administrators who knew about the incident at the time it was reported; and the response to the report. Monsignor Smith also agreed to meet with the person who sent the email to discuss the incident further.

With respect to other allegations of abuse against Schanz, the Grand Jury Report does not mention Monsignor Smith's September 11, 2015 file note that Bishop Persico reported three additional allegations to the Erie County District Attorney.

THE MATTER OF FATHER RICHARD LYNCH

Bishop Trautman prepared a memorandum on an unknown date, summarizing his meeting with Victim #1. Monsignor Smith was present during a 2004 meeting with Victim #1 at which time Victim #1 alleged that sometime before April 1979, Fr. Lynch slammed Victim #1 into a wall. There were no allegations of sexual abuse made. Nonetheless, Victim #1 was advised of his rights to report any alleged sexual misconduct directly to the District Attorney's office.

Victim #1 did not report that he had been sexually abused by Lynch until he sent a letter to Bishop Persico on June 3, 2016, twelve years after the meeting with Trautman and Monsignor Smith. On July 25, 2016, the sexual abuse allegations against Lynch were reported to the Erie District Attorney.[3] The Diocese also reported the abuse allegations to ChildLine on August 23, 2016.

The Grand Jury Report notes that Deacon DeCecco met with Victim #1 at Albion Prison. That meeting occurred at the request of Monsignor Smith. Monsignor Smith directed DeCecco to interview the victim and report the allegation of abuse to prison authorities. Subsequent to his interview of the victim, DeCecco learned that in internal prison documents the victim denied having been sexually abused.

THE MATTER OF BROTHER EDMUNDUS MURPHY

On December 21, 2007, the Society of the Divine Word, located in Illinois, reported allegations of Brother Murphy's abuse against a minor to Monsignor Smith. Monsignor Smith memorialized the phone conversation in an email. The alleged abuse occurred in 1964, when Murphy was a religious Brother from the Society of the Divine Word assigned to the high school seminary. The Society of the Divine Word was first notified of the abuse in October 2007 in a letter from the victim's lawyer.

An email from the Director of Administrative Services & Human Resources for the Society of the Divine Word to Monsignor Smith to memorializes the December 21, 2007 phone call noted that the "Chicago Province of the Society of the Divine Word is following its Sexual Abuse Policies and Procedures in reporting this incident to the civil authorities. It is the

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[3] Father Lynch died sometime before the allegations were reported to the District Attorney's office.

Province [*sic.*] policy to report allegations of sexual abuse to the proper civil authority, even when the incident occurred many years ago and the alleged victim is now an adult." The email went on to thank Monsignor Smith for his offer "to report this incident on our behalf to the appropriate civil authorities. I am most grateful for your assistance in this matter, especially in light of your local knowledge of diocesan and state procedures, we would be most grateful for your guidance."

The Grand Jury Report misinterprets the note that Monsignor Smith made on the email. On July 18, 2009, Monsignor Smith made a handwritten note on the email that reads "Religious Brother are not ***reportable*** – priests and deacon only". Monsignor Smith's note is commenting on the fact that it is the responsibility of the religious order to make the report and not that the allegation should not be reported.

THE MATTER OF FATHER JAN OLOWIN

The Grand Jury Report appears to criticize Monsignor Robert Smith and the Roman Catholic Diocese of Erie for the delay in reporting the allegations pertaining to Father Jan Olowin. The Grand Jury Report fails to note that the allegations received involving Father Olowin concerned conduct between adults and accordingly, did not trigger Pennsylvania's mandatory reporting law or diocesan policy concerning "Sexual Abuse of Minors by Priests and Deacons." The Grand Jury Report also confuses allegations made against other priests and the identification of victims.

In diocesan records, Monsignor Smith summarized a May 27, 1993 phone conversation with a person (referred to as Victim #2 in the Grand Jury Report) who alleged that he was sexually abused by two other priests, *not Father Olowin*. Victim #2 told Monsignor Smith that Victim #3 told Victim #2 he had been had been "approached sexually by Father Olowin" while

on a trip in Mexico, but that the Victim #3 had "pushed Olowin away." The Grand Jury Report exaggerates the victim's report by stating that Victim #3 was "able to fight off" Olowin. Victim #2 did not allege that he was abused by Rev. Olowin. There are no other allegations of sexual abuse against Rev. Olowin. This secondhand report from Victim #2 is the only allegation of abuse on record against Father Olowin.

The Grand Jury Report mistakenly states that Victim #2 also informed the Diocese of his friend's (Victim #1) abuse. During the May 27, 1993 phone call, Victim #2 only report abuse against himself (by two other priests) and the person the Report refers to as Victim #3. There is no Victim #1.

Had the Grand Jury questioned Monsignor Smith about this case during his appearance before the Grand Jury, he would have explained that during a review of diocesan files he came across the file note concerning Olowin, filed with other notes. Monsignor Smith brought the note to the attention of Bishop Persico, who immediately notified the Bishop of the Diocese where Olowin retired. Bishop Persico advised the other Bishop that he was withdrawing Olowin's faculties for the exercise of ministry and informed Olowin of the same.[4] The delay in reporting was a result of the fact that the individuals involved were adults.

CONCLUSION

Throughout his lifetime as a priest, Chancellor, and Vicar General, Monsignor Robert Smith has diligently followed diocesan policy with respect to the protection of minors. Rather than hiding reports of abuse, Monsignor Smith carefully noted and maintained diocesan records; ensured that the Bishop had all information necessary to make critical decisions; and counseled

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[4] A bishop can withdraw a priest's faculties for any sexual activity, including consensual sex with an adult.

the Bishop in an effort to comply with all policies designed to protect minors. When asked to investigate, Monsignor Smith's investigations were prompt and diligent. As noted in his recommendations to the Grand Jury, Monsignor Smith acknowledges that there is significant need for improvement.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of June, 2018, I served the within Response Of Monsignor Robert Smith, Pursuant To 42 PA.C.S. § 4552(E) To The Grand Jury Report on the following persons and in the following manner. Such service satisfies the requirements of Rule 114 of the Pennsylvania Rules of Criminal Procedure:

Via electronic and first-class mail addressed as follows:

The Honorable Norman A. Krumenacker, III
nakadmin@co.cambria.pa.us
Supervising Judge, 40th Statewide Investigating Grand Jury
Cambria County Court of Common Pleas
Cambria County Courthouse
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Ebensburg, PA 15931

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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	:	SUPREME COURT OF PENNSYLVANIA 2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE INVESTIGATING GRAND JURY	:	ALLEGHENY COUNTY COMMON PLEAS CP-02-MD-571-2016
	:	NOTICE NO. 1

BISHOP DONALD TRAUTMAN'S RESPONSE TO REPORT NO. 1 OF THE 40TH STATEWIDE GRAND JURY

As he has done his entire career, Bishop Trautman sends his prayerful support to all victims of clergy sexual abuse. Bishop Trautman shares the Grand Jury's disgust concerning clergy sexual abuse and extends a sincere apology to all who have been harmed by clergy abuse. To be clear, the discussion below is not an effort to diminish, in any manner, the horrible abuse discussed in the Report or its terrible impact on the victims. Rather, Bishop Trautman desires only to clarify, contrary to the tenor of the Report, that he neither condoned nor enabled clergy abuse.

Bishop Trautman has always endeavored to put the need to care for victims of abuse first and his record while in office, including personally meeting with and counseling victims and often traveling to their homes to do so, proves this. Given Bishop Trautman's history and documented record, which is discussed in detail below, the statement on page 7 of the Report implying that he "did nothing" at all for victims and "hid" sexual abuse is false. Given Bishop Trautman's history and documented record, the Grand Jury's portrayal of him as having enabled sexual abuse is false. As Bishop Trautman's ***actual*** record demonstrates, the allegations levied against him in the Report lack a legitimate basis in fact.[1]

[1] The allegations on page 7 of the Report are not specifically directed to or about Bishop Trautman but are broadly, and we submit inappropriately, directed at all Church leaders, which by implication includes Bishop Trautman. Similar, we submit improper, broad-brush allegations about "Bishops" of the Diocese of

Actions Speak Louder Than Words

"Finally[,] My Dear Bishop, [I]f I can call you a friend[,] I believe God gave me the means to a cure through you. I have been with just a handful of people in my travels that you can feel they are God[']s best work and are here to teach his ways. You are one of them and I thank the Dear Lord each day knowing that you are there if I need to talk." Those are the words of a tragic victim of sexual abuse. That victim's words, words of having been treated with pastoral kindness and love, were written to Bishop Donald Trautman. That victim's words of having been treated with pastoral kindness and love are about Bishop Donald Trautman. At the time the letter was written in October 2015, Bishop Trautman had counseled the victim for over a year.

Another victim, who was abused by the same priest, wrote, in a 1996 letter to Bishop Trautman, "Your prompt attention, kindness and compassion as the Ordinary of the Diocese of Erie is appreciated. Words alone cannot describe my gratitude for your generous support[.]"

The words of these victims stand in stark contrast to how the Report, we submit wrongly, portrays Bishop Trautman. Whose words should be believed and trusted: those of these victims speaking honestly and from the heart about their personal interaction with Bishop Trautman or the conclusory and broad-brush words of the Office of Attorney General (OAG), via the grand jury Report?[2]

How do we judge if the OAG, via the Grand Jury, has treated Bishop Trautman fairly in the Report? The above statements from victims who Bishop Trautman personally dealt with are telling in answering that question. Each of these victims is discussed in the Report (pages 138-43),

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Erie in general, without specific discussion as to Bishop Trautman and his record, are made on pages 66-67 of the Report.

[2] While the Grand Jury adopted and issued the Report, under typical grand jury practices, the language of the Report was drafted by the OAG not the Grand Jury.

but no mention of the above-quoted letters is made in the Report.[3] Other letters are quoted in or attached to the Report, but not these letters. The very letters that contain the above quotes are in the same file that is discussed in great detail in the Report at pages 138-43, but the Report makes no mention or refence to each victims' compliments of and appreciation for Bishop Trautman personally having helped him though his difficult ordeal. Is that fair? Is that a balanced attempt to report complete facts?

Similarly, Bishops Persico and Trautman, at the invitation of the OAG and via counsel for the Diocese, submitted written testimony to the Grand Jury describing in a fair and balanced fashion the Diocese's historical actions and responses to abuse, including handling of abuse allegations when Bishop Trautman was in office. (Attached as Exhibit C).[4] This was not a "PR piece." The submission was in some respects critical of the Diocese, including some criticism of Bishop Trautman. It, however, also accurately described the positive aspects of the Diocese's handling of abuse allegations, including the positive steps taken and implemented by Bishop Trautman to both help victims and remove offenders from ministry. Bishop Trautman submitted a verification attesting to the accuracy (with some limited exceptions) of the written testimony submitted by the Diocese. *See*, Exhibit C. The written testimony submitted by Bishops Persico and Trautman at the invitation of the OAG is not substantively discussed in the Report, let alone included in it in full. Is that fair? Is that a balanced attempt to report full facts?

What these examples demonstrate is that the OAG, via the Grand Jury, with an agenda, has

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[3] The letters (RCDErie 0007467-70 and RCDErie 0012754) are attached hereto as Exhibits A and B with personal identifying information redacted. Herein, any document referred to that bears the legend RCDErie indicates it is a document that was provided by the Diocese to the OAG and to which the grand jury had access.

[4] By attaching Exhibit C, Bishop Trautman does not purport to speak for, or have this Response be considered a response on behalf of, the Diocese or Bishop Persico.

selectively chosen the ***words*** in the Report, what ***words*** to include in the Report, and how to portray those ***words*** in a manner – often a misleading one – that best suits their agenda. But, the well-known saying "actions speak louder than words" is a strong gauge for assessing the validity of the ***words*** in the Report and its criticism of Bishop Trautman. As opposed to the ***words*** in the Report, what are the ***documented actions*** of Bishop Trautman when it comes to addressing sexual abuse in the Diocese:

- Bishop Trautman personally met or attempted to meet with every victim of abuse, including traveling to their homes to do so. And, like he did for the first victim whose letter is quoted above, when victims would permit him, he personally provided pastoral counselling for the victims' well-being. He also helped ensure that victims had appropriate mental health treatment paid for by the Diocese. He did this both before and after the Charter for the Protection of Children and Young People (the "Charter") was passed.
- In April 2002, Bishop Trautman worked with the District Attorney's Office for Erie County to review Diocesan records related to abuse allegations. ***After this review, the District Attorney's Office announced publicly that no offenders remained in a position where they would present a danger to the children of the community***. This would have included a review of the files of Gawronski, Presley and Smith.
- Bishop Trautman established new Diocesan guidelines for clergy and lay persons concerning sexual abuse in 1993 and oversaw their execution and fulfillment. These guidelines were enhanced under his leadership, before the Charter, in early 2002, and again after passage of the Charter.

- Bishop Trautman established the Diocesan Office for the Protection of Children and Youth in 2003 and staffed it with full-time personnel. The creation of this special office aimed at ensuring a safe environment for children in the Diocese and assisting victims of abuse was not required by the Charter or Pennsylvania law. Bishop Trautman formed it of his own volition to help abuse victims and to help prevent abuse.
- Bishop Trautman, in 2003, hired former FBI agents to review Diocesan files to help ensure that child predators were put out of ministry and to review compliance with the Charter.
- Bishop Trautman routinely notified appropriate law enforcement authorities of credible allegations of abuse and made sure the Diocese cooperated with law enforcement investigations. Victims were also advised of their right to inform law enforcement.
- During Bishop Trautman's time in office, he removed, at least, 22 priests from active ministry, at least 16 of which removals related to claims of abuse or issues with children. He removed these priests via suspension or other canonical limitations and moved to have several of them laicized. In several instances, even though mental health professionals advised that a priest could be returned to ministry, Bishop Trautman kept the priest out of public ministry.[5]

[5] Suspension is one of the strongest canonical actions a bishop can take against a priest, and its goal is to remove the priest from public ministry by prohibiting the priest from running a parish, teaching at a school, dressing as a priest, celebrating Mass, or otherwise representing himself as a priest. Of course, a suspended priest—like any other person—is still entitled to privately worship, access physical and mental health care, receive disability entitlements, and otherwise benefit from the charitable services provided by the Catholic Church. While the report is critical of certain priests being provided retirement payments or insurance, until a priest is laicized, the Diocese is obligated under Church law to provide such benefits.

- The Report mentions Bishop Trautman with regard to allegations made against 25 Diocesan priests.[6] Of those 25, 13 are dead, 6 of which were dead either before Bishop Trautman took office or before any allegations were made against the deceased priest. Of the 12 living Diocesan priests, only two of them currently remain in active ministry. With knowledge of the historical allegations against these priests, current Diocesan leadership, of whom the Report is laudatory, has kept them in active ministry.
- If a credible allegation was brought to him while bishop, Bishop Trautman never reassigned a priest to parish ministry who had been removed from ministry or had his ministry limited based on allegations of sexual abuse.
- If a priest was under suspension and he moved out of the Diocese, it was Bishop Trautman's practice to notify the district attorney in the county to which the priest had moved, as well as the Bishop in the diocese to which the priest had moved.

The above actions are hardly the actions of a Bishop trying to hide or mask pedophile priests to the detriment of children or victims of abuse. All of the above facts can be derived from Diocesan records and information that was available to the Grand Jury, via the OAG. ***None are in the Report.*** Is that fair? Is that a balanced attempt to report complete facts?

Certainly, with hindsight, some isolated decisions made by Bishop Trautman concerning

[6] The report also mentions Bishop Trautman with regard to the handling of allegations against three members of religious orders who were not Diocesan priests. Bishop Trautman consistently made the appropriate member of the religious order aware of any allegation. Canonically, Bishop Trautman did not have the ability to take disciplinary action against these non-Diocesan priests. At the time allegations were made against the three members of religious orders, none of them were serving in the Diocese with one of them being deceased.

certain priests during his 22 years (1990-2012) as Bishop of the Diocese might be subject to critique. But, what is clear from his overall conduct – and complete ***actual*** record – is that he cared deeply about the victims of abuse, did his best to help the victims both pastorally and financially, did not condone the horrific conduct of priests who abused minors, and consistently took action to remove abusers from active ministry. There is no evidence that Bishop Trautman moved priests from parish to parish to "cover up" abuse allegations or that he failed to take action when an allegation was raised. There simply is no pattern or practice of putting the Church's image or a priest's reputation above the protection of children. The above record demonstrates just the opposite.[7]

As the above shows, had the Grand Jury, via the OAG, reviewed and evaluated all the available information, it would have recognized that its harsh characterization of Bishop Trautman's record of handling allegations of sexual abuse is belied by the documented evidence of his ***actions***. The documented evidence of those ***actions*** demonstrates that Bishop Trautman consistently placed a high priority on ensuring the protection of children.

Bishop Trautman's Actions as to Gawronski, Presley and Smith

The Report highlights three former priests of the Diocese of Erie on pages 69 through 112.

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[7] Bishop Trautman has been criticized in the past for not publicly releasing the names of accused priests, a decision that was mooted when the Diocese made the decision to release these names in April 2018. He chose not to publicize the names for fear that the victims would suffer more from the publicity and also in deference to family members of those priests; rightly or wrongly, it was his judgment that publicity would harm, not help victims, and that the relatives of accused priests should not face the public ridicule and scorn that would follow publication of the dismissal or suspension of an accused priest. This was often consistent with the requests of the victims, many of whom informed the Bishop that they did not want the name of the offending priest publicized for fear that they would be connected with the name and it could injure both their recovery and the life they had built. Having removed the priest from active ministry, Bishop Trautman had confidence that no more children could be harmed. ***History has borne out this confidence, as the Report does not discuss any priests that was suspended by Bishop Trautman subsequently having a new allegation of abuse of a minor raised against him that post-dated the suspension.*** No federal, state or canonical law required that the names be made public.

Each was laicized by Rome based on petitions brought while Bishop Trautman was in office. Bishop Trautman's involvement with and disciplining of each former priest is briefly discussed below. Before that individual discussion, a few common facts about all three former priests should be noted to place the discussion in context:

- Allegations against each of these priests first arose while Bishop Murphy was in office, before Bishop Trautman came to the Diocese in the summer of 1990. Each priest had been sent for a psychological evaluation under Bishop Murphy and, when Bishop Trautman took office, each was already on a monitoring/aftercare program that had been recommended by psychiatric professionals. While in hindsight he might now act differently, given the recommendations and plans made before Bishop Trautman came to the Diocese from Buffalo and out of deference to Bishop Murphy, Bishop Trautman continued the monitoring/aftercare plans and assignments recommended by the professionals and put in place by his predecessor.[8]
- To be clear, this was the exception and applied to only the few situations where Bishop Murphy had already implemented a plan. New allegations against priests made while Bishop Trautman was in office resulted in the priest being taken out of active ministry. As he wrote in a memo in the early 1992, "This refers to those 'grandfathered in' prior to my coming as Bishop of Erie. Everyone with this problem today is put out of active ministry." (RCDErie 0008658).

[8] While the Report is critical of the professional institutions to which priests were sent for evaluation, each of these institutions was properly accredited. Moreover, the institutions often recommended that a priest be kept out of ministry – a fact which demonstrates that they were not rubber-stamping recommendations aimed at protecting priests.

- Bishop Murphy did not have files related to any of these priests or any other priest against whom an allegation had been raised and he would not discuss allegations of clergy abuse with Bishop Trautman. All historical information provided to Bishop Trautman when he arrived in the Diocese had to be provided by the Diocese personnel director.
- Fortunately, while in the positions implemented by Bishop Murphy (but continued by Bishop Trautman), none of these priests is known to have reoffended. During the time period each of these priests remained in active ministry after initial allegations were made, no allegation that they offended while in such ministry was or has been made.
- When allegations of prior (usually decades old) abuse by each priest were raised while Bishop Trautman was in office, he acted to take each priest out of any ministry that would include contact with children and ultimately took each out of ministry all together.
- Bishop Trautman initiated the process to have each of these three priests laicized.

Chester Gawronski

Based on restrictions imposed by Bishop Murphy, when Bishop Trautman came into office in the summer of 1990, Gawronski was serving in an assignment in which he would not have contact with or access to children. Specifically, he was the chaplain at a nursing home. This limited ministry intended to avoid contact with minors was continued by Bishop Trautman through 2001 and, during a small portion of this time period, Gawronski also served as a substitute chaplain at a hospital and ministered to adult prisoners at several jails. In 1996 (and not mentioned in the Report),

Bishop Trautman took specific steps to clarify the restricted nature of Gawronski's ministry. Gawronski was formally advised that he was not to function in anyway as a priest outside of his chaplain assignments. *See,* RCDErie 0001733. From September 2001 until February 2002, Gawronski, again in a situation that would not provide access to children, was the chaplain of a senior living community (St. Mary's at Asbury Ridge). Bishop Trautman removed him from all active ministry in February 2002 imposing a suspension that included forbidding him from wearing priestly garb and publicly presenting himself as a priest. *See,* RCDErie 0002041. When Gawronski wrote a letter to family and friends that contained language indicating that he might be exceeding these limitations, in December 2002, Bishop Trautman threatened him with additional canonical penalties. *See,* RCDErie 0002304. Then, after Gawronski refused to become voluntarily laicized, and after substantial work to put together a comprehensive laicization petition, Bishop Trautman moved to have Gawronski laicized in November 2004. This petition was ultimately granted in June 2006.

While the Report notes in critical fashion that Bishop Trautman "reassign[ed] him multiple times," it fails to explain that all assignments were in restricted ministry with no contact with children. It also fails to note that Gawronski never re-offended while in these restricted ministries. Nor, does the Report discuss that Bishop Trautman repeatedly turned down Gawronski's requests to return to full active ministry. Why not include the full facts in the Report?

The report specifically takes issue with Bishop Trautman permitting Gawronski to hear confessions for persons with disabilities. What the Report does not include is that this was a one-time event, with multiple priests and church personnel participating, that the event would take place at the St. Mark's Center (the building where the Diocesan offices, including the Bishop's office, are located), and that Gawronski's participation was at the request of a religious sister who

served as Coordinator for the Ministry to Persons with Disabilities. *See,* RCDErie, 0001745-46. Why not disclose the full facts about the request? Does the request lose its sensational nature when put in actual context?

The Report also takes issue with a letter Bishop Trautman wrote to a victim on June 21, 2002. At this point, Gawronski had already been taken out of all ministry and was no longer permitted to function as a priest. At this point, the District Attorney of Erie County had reviewed Diocesan records and concluded that "no offenders remained in a position where they would present a danger to the children of the community." The statements in Bishop's letter that, in June 2002, (i) the Diocese had a zero-tolerance policy, (ii) no priest with a pedophilic background was in active ministry and (iii) that he had not transferred accused priests from parish to parish, are all in fact true and, indeed, they are borne out by his actual record discussed above. Tellingly, while the Report often reproduces letters and documents in full, it does not do so with regard to this June 21, 2002 letter. Why? Perhaps it is because the letter, in its entirety, shows Bishop Trautman's disdain for sexual abusers and desire to care for victims. For example, in the full letter, Bishop Trautman offers to meet with the victim in person to discuss the abuse, refers to Gawronski's actions as "sinful, tragic and reprehensible" and apologizes to the victim on behalf of the Church. *See*, RCDErie 0002026.[9]

To be clear, Gawronski's conduct was horrific and Bishop Trautman sends his deepest condolences and prayers to his victims. The above is not an effort to diminish the horrible abuse or its terrible impact on the victims in any manner. Rather, Bishop Trautman desires only to,

[9] Bishop Trautman's June 21, 2002 letter was in response to a June 2, 2002 letter written to him by the victim. In that letter, as discussed on page 78 of the Report, the victim refereed to a "libelous statement that there were no pedophiles in the Erie Diocese." In his June 21, 2012 letter, Bishop Trautman addressed this and clarified that the complained of statement was actually that "there were no pedophile priests or deacons in active ministry in the Diocese of Erie." This statement was accurate as confirmed by the District Attorney's Office review that had been completed just two months prior.

contrary to the tenor of the Report, clarify that he neither condoned or enabled Gawronski's improper conduct with minors – all of which pre-dated Bishop Trautman becoming bishop. The above timeline and facts show that is indeed the case.

William Presley

When Bishop Trautman arrived in Diocese, Presley was already serving as the Administrator of Assumption of the Blessed Virgin Mary parish in Sykesville. Bishop Murphy had placed him there following an evaluation by a reputable mental health professional in the DuBois area who was not affiliated with the Church, which evaluation followed an accusation of abuse made against him in 1987 – three years before Bishop Trautman came to the Diocese. At that time, this was the only accusation that had been made against Presley and he denied any wrongdoing.

With the advice of the clergy personnel Board, Bishop Trautman permitted Presley to stay at Assumption until his retirement from the priesthood at the age of 70 in 2000. During his twelve years at Assumption, no allegations were made against Presley. To date, we are not aware of any allegation against him that stems from his time at Assumption.

Following his retirement, in April 2002, a series of allegations were made against Presley concerning conduct occurring in the 1960s and 1970s. The Bishop immediately confronted Presley with these allegations in a phone call and Presley admitted to inappropriate conduct. Despite this admission, Presley refused to voluntarily withdraw from ministry. Accordingly, Bishop Trautman, on May 6, 2002, suspended him and withdrew all his priestly qualifications.[10] At the time, Presley was living in the Diocese of Harrisburg and Bishop Trautman promptly notified the Bishop of Harrisburg that he had suspended Presley's faculties. *See,* Report p. 90. After substantial work to

[10] The Report states, "Trautman revoked Presley's faculties later that year," implying that substantial time had passed. In reality, it was a matter of weeks.

put together a comprehensive laicization petition, Bishop Trautman moved to have Presley laicized in 2004. This petition was ultimately granted in June 2006.

Bishop Trautman personally counseled several of Presley's victims.

A few comments on some of the statements in the Report:

- The statement in the press release discussed on page 85 of the Report was in response to an inquiry about other allegations of abuse possibly committed by Presley. Albeit inartful, the Diocese's statement quoted in the Report is simply a statement of "no comment." Contrary to the allegation in the Report, this was not a false statement. In any event, Presley had already had his faculties stripped a year prior, so this was not an effort to hide an abuser. The full press statement is found at RCDErie 0011853.
- The Report discusses communications between Monsignor (now Bishop) Bartchak and Bishop Trautman about the investigation being done by Rev. Bartchak in 2005 as part of the laicization process, long after Presley's abuse had become public and long after he had been stripped of his faculties. When read in context, Bishop Trautman is simply answering an inquiry from Rev. Bartchak and, using the same words from the inquiry, telling him that, if the Diocese had enough evidence to succeed in the laicization process (which they did), he need not further investigate facts that likely would not lead to a violation of Cannon law because of the age of the victim. Again, this simply is not an effort to somehow hide Presley and his conduct.
- The Report contends that Bishop Trautman "intentionally waited out the statute of limitations." This is baseless. The allegations brought to Bishop Trautman's attention in 2002 – on which he quickly acted – concerned conduct that occurred in the 1960s and 1970s. The statute of limitations had, unfortunately, expired long ago.

Like Gawronski's conduct, Presley's conduct was awful and Bishop Trautman sends his deepest condolences and prayers to his victims. Again, the above is not an effort to diminish the horrible abuse or its terrible impact on the victims in any manner. Rather, Bishop Trautman desires only to, contrary to the tenor of the Report, clarify that he neither condoned or enabled Presley's improper conduct with minors – all of which pre-dated Bishop Trautman becoming bishop. The above timeline and facts show that is indeed the case.

Thomas Smith

When Bishop Trautman became Bishop on July 16, 1990, Smith had been assigned to St. Joseph's parish for nearly three years. Bishop Murphy had placed him their following allegations of abuse and a psychiatric evaluation. Given Smith's past, less than 10 days after taking office, Bishop Trautman personally met with Smith – this is the meeting discussed on pages 95 and 97 of the Report. At that point, Smith had been in therapy for substance abuse and sexual addiction for nearly four years and was, by all accounts, sober.

In order to allow Smith to continue his recovery program and monitoring program that had been implemented under Bishop Murphy, and following the advice of the priest personnel board, Smith was assigned to Holy Rosary parish in 1992. The assignment letter from Bishop Trautman to Smith expressly noted "the limitations placed on your ministry" – specifically, he was not to be alone with children. *See,* RCDErie 0008635. There is no allegation that Smith offended while at Holy Rosary or at his prior assignment at St. Joseph.

When allegations of abuse that occurred in the early 1970s were raised by victims in late 1993, Trautman took swift action. He restricted Smith's ministry by an order given on February 9, 1994. This included limiting Smith's ministry "to chaplaincy to nursing homes and to the nursing

unit and substance abuse unit of the Veteran's Administration Hospital." RCDErie 0008658; *see also* RCDErie 0008506 (reassignment letter dated 12/28/93). Trautman also advised Smith that, had he not been "grandfathered in" by Bishop Murphy, he would take him out of ministry all together. *Id.* Despite Bishop Murphy interceding on Smith's behalf, Trautman continued the limitations he placed on Smith, which in part were based on guidelines being used by the Diocese of Pittsburgh in 1994. Smith remained assigned to a nursing home chaplain position until 2002. He did not reoffend.[11]

In 2002, when allegations of additional abuse from the late 1960s were made, Smith withdrew from ministry and his faculties were revoked by Bishop Trautman on February 26, 2002. *See*, RCDErie 0008498.[12] He was laicized in 2006.

Again, the above is not an effort to diminish Smith's sinful and horrible acts or their terrible impact on Smith's victims. Rather, Bishop Trautman desires only to, contrary to the tenor of the Report, clarify that he neither condoned or enabled Smith's improper conduct with minors – all of which pre-dated Bishop Trautman becoming bishop. The above timeline and facts show that is indeed the case.

Conclusion

As the above facts regarding Gawronski, Presley and Smith show, contrary to the tenor of the Report, when an allegation of abuse by these priests arose while he was the bishop, Bishop Trautman promptly disciplined the priest and imposed appropriate restrictions on his ministry,

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[11] The Report discusses Smith's request in 1996 to accept a position of the board of the YMCA. The Report fails to note that Smith was forbidden from accepting this board seat. *See*, RCDErie 0008507.

[12] The Report on page 111, insinuates that Smith was still in ministry on March 15, 2002 when Bishop Trautman indicated in an interview that no priest or deacon in active ministry had a pedophilic background. The insinuation is wrong and the Bishop's statement is accurate. Smith was not a functioning priest as of that date. Additionally, the substance of Bishop Trautman's statement was confirmed by the District Attorney's audit of church files just a month later in April 2002.

ultimately having each of the three defrocked. He did this to protect children.

Despite their artful (and sometimes misleading) construction, a close reading of the summaries found in the Report's Appendix reveals the same course of action throughout Bishop Trautman's 22 years in office: Bishop Trautman consistently acted to protect children and remove priests from ministry. For example, on page 416, the Report can be read to give the misleading impression that the Diocese was aware of an allegation against Barry Hudock in 1996. This impression is false. While the conduct occurred in 1996, the allegation (the first and only ever made against Hudock) was not made until 2008. Upon receiving the allegation, Bishop Trautman immediately notified Hudock's then-employer, a school; notified the Bishop in the Diocese where Hudock was working; and notified the Erie County District Attorney's Office. That is the antithesis of a Bishop "doing nothing" and "hiding it all," as the report inaccurately portrays Bishop Trautman as having done. "Actions speak louder than words."

Bishop Trautman sends his prayerful support to all victims of abuse.

Respectfully submitted

David J. Berardinelli, Esq., Pa. ID 79204
DeForest Koscelnik Yokitis & Berardinelli
436 Seventh Avenue, 30th Floor
Pittsburgh, PA 15219
Attorney for Bishop Donald Trautman[13]

[13] By submitting this Response, which Bishop Trautman has a statutory right to do under 42 Pa.C.S.A. §4552(e), Bishop Trautman is not intending to, and does not, waive, any arguments made in his pending appeal to the Pennsylvania Supreme Court.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	:	SUPREME COURT OF PENNSYLVANIA 2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE INVESTIGATING GRAND JURY	:	ALLEGHENY COUNTY COMMON PLEAS CP-02-MD-571-2016
	:	NOTICE NO. 1

CERTIFICATE OF SERVICE

I, David J. Berardinelli, Esquire, hereby certify that a copy of the foregoing Response to Report No. 1 of the 40th Statewide Grand Jury was served on June 20, 2018 via overnight mail (and email) upon the following individuals:

The Honorable Norman A. Krumenacker, III
Supervising Judge, 40th Statewide Investigating Grand Jury
Cambria County Court of Common Pleas
Cambria County Courthouse
200 South Center Street
Ebensburg, PA 15931

Daniel J. Dye
Senior Deputy Attorney General
Criminal Law Division
1600 Strawberry Square
Harrisburg, PA 17120

By: _____
David J. Berardinelli, PA I.D. No. 79204

Exhibit A

Rec. Nov 1, 2015

Dear Bishop Trautman,

I hope this letter finds you well. I have taken your advice and I have an appointment to see Father John on September 27th. I wish I knew why this comes back to haunt me, like a bad dream it just appears. I hope that Father John can relieve me of this pain as I believe I have suffered more then I should have liked. I have made those around me suffer because of me and that will be gone soon I pray. I pray each day for you and I hope you are well. I also have my mother a member of the Holy Rosary Society praying for us both. We would be hard spent to have beaten her in saying rosaries as she raised five sons and goes to each funereal home when someone dies within our parish to pray. There are very few now in the Holy Rosary Society. I believe God listen more to those that are close to him.

I will list my requests and the costs I have incurred since 1973. I had never planned on any return but a wink from Saint Peter as I entered through those gates. Times are very difficult now I had a bad accident and was out of work for almost a year, and still pray that the pain will go away. My first daughter got in a bad crowd and drifted away, my wife had cancer it's gone, as I mentioned she wants a divorce. I do not know why I am being tested so hard but if I can make it through this and enjoy life again I will have made a giant step. I will list my costs then my requests, I will leave it to you and God to decide what is just.

1 Therapy with psychologist for two years once weekly with no holidays: 2012 and 2013

One hundred and thirty five dollars $135.00 x 2 years = $12,290

For the last two years my insurance paid for some and I did not include those. Also I had so many medications in this time I will average it low as I don't want be over. Its app $72.00 per month on and off over the years it would be app 12 months times $50.00 dollars times 40 years = $32,000.

I began therapy when I left Erie for Boston I can say his name know as he is no longer with us. Dr. Katz he must have been good as he was on NPR one day. I was on a sliding scale then as I was pretty poor (student) we missed a lot of sessions due to our schedules. That was 35 sessions each year for four years at $50.00 dollars per session seems small now but it was a great deal back then. = $7000.00 also medication was more than the sessions. So happy those are behind me. In between I have always gone to my GP for medication for the anxiety and helplessness. Also some psychiatrists but none that were long term.

To this day I am still uncomfortable in a room with only one other person. I wonder if this was an impact on my marriage. Too many ghosts in the closet. I can still smell him, hear him, and feel his face on my neck it happens more per day then I wish. I sleep better with a light or the TV on I don't fear the dark, more just the sleeping. A huge problem sleep deceives me it hides it brings no laughter or smiling faces, I very rarely find it peaceful. I cannot blame that all on him I still think that day when I came home and asked my brother who was at Gannon at the time about Father John Schanz; his remark was "everyone knows he likes little boys". I blamed myself for so many years the flame is not so bright anymore. I hold Gannon College responsible for most of this he would not have been in the position to hurt young boys if Gannon College would have taken action. I know that someone there knew about it, why they did not stop him is a question that I have come to grips with. I do not blame him anymore; I leave that for myself a mystery of divine faith if I could only find it. It faith that is, I thought had no cost, by closing this chapter in my life and seeing Father John I hope to find it, so difficult to replace those young years and the illusion of happiness. Each time this was brought up in the news it ruined me for months. Finally I asked my Mother, I am following her thoughts on this. I do believe in you and I wish it was not me that had to give you this news I am only one, God has so many to take care off, I guess some

RCDErie 0007468

just fall through the cracks. My hope is to be able to find and serve him again, I wish so to become part of a parish and be in that family with Christ. I hope Father John has the wisdom to look for where my faith went to.

So as we discussed once as for as for financial restitution I would be happy to get just my costs back. For my family I was hoping you as a personal favor could be at my mothers or fathers funeral with Father Sullivan he is a wonderful man and knows my parents well. I don't want someone to say the eulogy that does not know how strong in faith and how much my parents helped the church and the community of Christ. Also I hope my father can have taps played and a 21 gun salute he never talked about world war but he has Alzheimer's now and God did shine on me a few weeks ago. I came home and we talked he told me to take home his box of WWII memories now I see why he never talked. How can one explain living in hell like him and all of those poor souls? He was a quite simple man and he kept the lights on at St Andrews for fifty years as an electrician (for free). For my mother I hope your strength even as I reach sixty can help me hold my head up she is a saint and she deserved more from me. I guess all sons' feel that way.

Finally my problems have eaten away my savings for my daughters, and they have had to live with a father that was not the man of faith he wanted to teach his children to be. As I hold Gannon University at fault if they could give my girls a good catholic education with free tuition. I do not want them to think this is a gift from you and the school; both have earned it putting up with me. So if Gannon can give them both full scholarships one more person in the class room would not be too much. The youngest REDA is a straight a student and a wonderful person. She would make Gannon proud. The four years of education for her, and my daughter REDA two years of graduate school would be Gannon University's penance. I cannot withhold my anger at them so I hope this is not asking too much. This will be for how many times I just wanted to scream at Gannon University and say " how could you in the name of God let this go on" my anger long harbored comes out with them the most. Thankfully I keep that buried the farthest I can.

Finally My Dear Bishop

consume fewerf I can call you a friend I believe God gave me the means to a cure through you. I have been with just a handful of people in my travels that you can feel they are Gods best work and are here to teach his ways. You are one of them and I thank the Dear Lord each day knowing that you are there if I need to talk.

Always the best
REDACTED

Exhibit B

REDACTED

September 18, 1996

Most Reverend Donald W. Trautman
Catholic Diocese of Erie
429 East Grandview Blvd.
Erie, PA. 16504

Your Excellency:

I would like to thank you for your cooperation in the Fr. Schanz matter. Your prompt attention, kindness and compassion as the Ordinary of the Diocese of Erie is appreciated. Words alone cannot describe my gratitude for your generous support as a mediator between Fr. Schanz and myself. I am happy to have conclusively put this issue to rest, legally and most importantly spiritually. I have forgiven Fr. Schanz for his sins committed against me in my youth. If you would, you may tell him that. I now feel that with continued counseling and prayer, I am becoming a more productive person in society and will be able to witness to Christ as a man of God. Again I would like to thank you for your time and consideration in this matter.

I have the honor to be, Your Excellency,
REDACTED

Exhibit C

VERIFICATION OF PORTIONS OF THE REPORT SUBMITTED BY THE DIOCESE OF ERIE ON MARCH 15, 2018

Bishop Emeritus Donald W. Trautman

I, Donald Walter Trautman, state as follows:

1. I was the Bishop of the Diocese of Erie from 1990 until 2012.
2. Other than the exceptions noted in Paragraph 3 and the additional facts in paragraph 4, the factual statements regarding the events during my tenure as Bishop of the Diocese of Erie, as set forth in the Report (albeit in summary fashion), are true and correct to the best of my personal knowledge, information, and belief.
3. I am not verifying the following because the below cited portions of the Report are primarily opinions and/or contain inferences that do not require a factual verification and to which I am unable to agree:

   • The Report indicates an opinion on page 2 that, during my tenure in office, the Diocese could have "enhance[ed] monitoring of known offenders and improv[ed] detection of grooming behaviors";

   • The Report indicates an opinion on page 11 that "efforts to monitor compliance of [suspended] priests with [my suspension] orders were lacking";

   • The Report indicates an opinion on page 11 that my practice of anonymizing certain information "hindered the effectiveness of consultations [with the Diocesan Review Board or Priest Council]";

   • The entirety of the paragraph on page 11 beginning with "Indeed."

4. I also alert the grand jury to the following facts:

   • To the best of my knowledge, no priests that I placed under suspension or monitoring was accused of having offensive contact with a minor while under suspension or monitoring.

   • The Erie Diocese Office of Protection of Children and Youth, discussed on page 5 of the Report, was established during my tenure as Bishop.

   • If a priest was under suspension and moved out of the Diocese, it was my practice to notify the district attorney in the county to

which the priest had moved, as well as the Bishop in the diocese to which the priest had moved.

- During my tenure as Bishop, I publicized the name of one offending priest, namely the case of Father Samuel Slocum in 2003. There was no legal or canonical obligation to make the names of accused priests public while I was in office.

5. By submitting this Verification, I am not intending do and do not waive any and all rights that I have under 42 Pa.C.S.A. §4552(e).

The foregoing statement is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

March 19, 2018

Executed Date

+ Donald W. Trautman

Bishop Donald Walter Trautman

REPORT OF THE ROMAN CATHOLIC DIOCESE OF ERIE
TO
THE HONORABLE JOSH SHAPIRO AND
THE 40TH STATEWIDE INVESTIGATING GRAND JURY

March 15, 2018

Investigation Conducted By:
K&L Gates LLP
Mark A. Rush
Joseph A. Valenti
Allison L. Burdette

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I. Introduction

The Roman Catholic Diocese of Erie ("Erie Diocese") retained K&L Gates LLP ("K&L Gates") to independently evaluate its historic child-protection policies, procedures, and known abuse reports, as well as to assist in updating these policies, managing these procedures, and investigating new abuse reports. This document is a report of K&L Gates's investigation, which consisted of 113 interviews and the review of 109,409 documents. The Bishop of the Erie Diocese, Bishop Lawrence Persico, gave us complete access and full discretion to follow the evidence wherever it may lead and to report our findings in this document. Bishop Persico's knowledge and attestation attached hereto is limited to his tenure from October 1, 2012 to the present.

First and foremost, the Erie Diocese acknowledges and apologizes for the abuse of children caused by priests and other employees. Within the Erie Diocese, horrific abuse occurred—and was concealed—from as early as the 1940s through the 1980s. Less systemic but equally reprehensible acts occurred in later years when criminals within the Church took advantage of the trust previously given to all clergy. The Erie Diocese recognizes its responsibility and is committed to regaining the trust of not only its parishioners but of all people through full cooperation with the Grand Jury and through continuous self-improvement.

K&L Gates has found that the Erie Diocese has implemented and organically grown measures to protect children from predators within and outside of the Catholic Church, to include ill-intentioned priests, teachers, coaches, staffers, parents, relatives, neighbors, or other third parties. This submission demonstrates the (1) history of abuse within the Erie Diocese, (2) policies used to change the course of that history, (3) training provided to create safe environments for children, (4) reporting and investigative processes now used by the Erie Diocese to properly address reports of abuse, (5) victim/survivor assistance program maintained by the Erie Diocese, and (6) innovations within the Erie Diocese's parishes, schools, and communities designed to protect children in both the Erie Diocese and beyond.

As only one example, for purposes of this introduction—but an example that represents the historical failures of the Church, we present the case of now-suspended priest Michael Barletta. Barletta worked as a teacher in two Diocesan schools from 1966 to 1994. In late 1994, allegations surfaced that Barletta had sexually abused students in the 1970s and 1980s. Upon learning about the allegations from a third party, then-Bishop Donald Trautman contacted Fr. John Fischer, who served with Barletta at St. Joseph's Parish in Sharon, PA and lived in the rectory with him. Fr. Fischer explained to Bishop Trautman that he witnessed Barletta alone with an unclothed male teenager in Barletta's office at St. Joseph's Parish in the 1970s. Fr. Fischer further explained that he had previously reported this observation to then-Bishop Alfred Watson but was told by Watson to "mind [his] own business, go back to the rectory, and be a good priest." Watson proceeded to transfer Barletta to a different school, where Barletta then abused additional teenagers. While Bishop Trautman immediately recognized that this case had been completely and reprehensibly mishandled by Watson, tremendous damage already had been done. Bishop Trautman's suspension and institutionalization of Barletta in 1994 could not undo the past. Watson's failures led to additional abuse, as well as the maintenance of an

unholy wall of silence that the Erie Diocese is now fully committed to shattering. Indeed, for child-protection purposes, the Erie Diocese plans to publish and routinely update a list of known offenders and individuals unsuitable for employment in the Erie Diocese's judgment. *See* Exhibit 1 (Substantially Complete Draft of Erie Diocese Child Protection Website Update).

Our investigations revealed that, before 1990, the Erie Diocese's records as a whole are limited because past Bishops kept very few documents. Therefore, documentation related to allegations of decades-old sexual abuse of children is also limited. Nonetheless, we concluded that, before 1982, based on evidence and testimony available at the present time, abuse allegations were not properly handled within the Erie Diocese. Bishop Watson's tenure from 1969 to 1982 is marred by numerous abuse cases, along with a complete disregard for protecting children from accused priests. From 1982 to 1990, Bishop Michael Murphy led the Erie Diocese, and it does appear that he sought to address accused priests (albeit inadequately by today's standards) by moving them to specific assignments where children were not present, such as the military, a nursing home, or a convent. From 1990 to 2012, Bishop Trautman led the Erie Diocese. Although Bishop Trautman improved upon the practices involving the protection of children, he could have been better in certain areas (such as informing the public of priest disciplinary issues, enhancing the monitoring of known offenders, and improving the detection of grooming behaviors). Since 2012, Bishop Persico has led the Erie Diocese in accordance with the policies and programs noted below.

The Erie Diocese wants to thank the 40th Statewide Investigating Grand Jury and the Attorney General for shining a light on this issue and providing a forum for victims and witnesses to fully discuss the abuses they suffered and saw. This forum is not only important in the healing process but also to help ensure that the abuses of the past are not repeated. To that end, the Erie Diocese will continue to work with law enforcement to ensure that justice is done. The Erie Diocese wants to specifically acknowledge and apologize to the courageous and resilient survivors and witnesses whose voices previously were unheard or silenced. Moving forward, those survivors and witnesses will be touted as heroes.

Apologies, however, are not enough. The Erie Diocese has been developing policies, procedures, and training programs specifically designed to protect the most vulnerable people in our society from people that would do them harm. The Erie Diocese works with law enforcement, medical experts, survivor support groups, compliance auditors, and academia to ensure that its efforts are the gold standard when it comes to ensuring a safe environment for our children and other vulnerable populations.

The Erie Diocese promulgated its first child-protection policy over 30 years ago, well before the Church required such a policy and well before the devastating newsmaking events at the Boston Archdiocese, Penn State, USA Gymnastics, and other high-profile institutions. All employees (including clergy members) and volunteers in the Diocese are required to submit background checks, complete a mandatory child-abuse detection and prevention training program, and verify their understanding of the Erie Diocese's Policy for the Protection of Children and related procedures.

When an allegation of abuse is made, the Erie Diocese promptly (1) notifies secular authorities, (2) restricts the alleged abuser's access to children, and (3) fully cooperates with governmental investigations. Often, the Erie Diocese conducts its own investigation as well, particularly in the cases where the government is unable to take action because a statute of limitations has expired or evidence cannot be seized or compelled by the government. Indeed, the Erie Diocese has disciplined and terminated clergy for acts that could not be prosecuted at secular law. The Erie Diocese also has used its ability to mandate its clergy to sit for potentially self-incriminating interviews and allow searches for office- and home-based evidence without probable cause. These tactics are designed to prevent children from being endangered by people morally guilty of abuse or abusive tendencies but nonetheless able to pass all legally required background checks and evade prosecution. The Erie Diocese has assisted over 10 successful criminal prosecutions, and its website will lead the public disclosure regarding other people that could not be prosecuted but who nonetheless pose a danger to children in the community.

The Erie Diocese continues to review and update its policy and procedures to most fully safeguard the welfare of its children. *See* Exhibit 2 (Erie Diocese Policy for the Protection of Children, last revised March 2018, and including prior revision history). Likewise, the Erie Diocese continues to cooperate with government authorities that seek to identify and punish child abusers. The Erie Diocese expresses sincere gratitude to the members of the investigating Grand Jury for their time and careful attention given to these serious matters. Additionally, the Erie Diocese appreciates the efforts of the Pennsylvania Office of the Attorney General, with whom the Erie Diocese has maintained a productive working relationship,[8] for conducting a thorough investigation. Several District Attorneys and local investigators also deserve recognition for working to investigate and prosecute cases that were referred by the Erie Diocese over the past two decades. Finally, the Erie Diocese thanks the courageous survivors and witnesses who came forward with reports of abuse that allow both investigation of those instances as well as a refinement of Diocesan policy and procedures to ensure that future similar cases will not go undetected.

As incomprehensible as the sexual abuse of children is, society as a whole has spent many years attempting to understand the psychology behind it. Similarly, the Erie Diocese's understanding of the most effective ways to prevent, identify, and respond to abuse has been constantly evolving. Allegations of abuse made over 30 years ago were not handled as swiftly or in the same uniform, independent, and public manner in which they are handled today. For example, after Bishop Persico came to lead the Erie Diocese in 2012, priest dismissals for wrongdoing became a matter of public knowledge. Calling the move "necessary," and concluding that "the faithful had a right to know," Bishop Persico promulgated a new policy of the Erie Diocese: the publication of names of priests who have been permanently dismissed

[8] In an October 2017 e-mail from Senior Deputy Attorney General Daniel Dye, he wrote the following regarding the Erie Diocese: "[W]e have found the [Erie Diocese] to be cooperative. While it cannot be said of every diocese, since [K&L Gates's] involvement, [K&L Gates has] not taken any action adverse to the investigation and have provided responsive materials. Thank you for keeping the lines of communication open."

from the priesthood or removed from active clerical duty for wrongdoing.[1] "The whole thing about removing a pastor in the middle of the night – it just causes more wonderment as to what is going on," Bishop Persico said. "It is better to be upfront and stop the speculation."[2]

The Erie Diocese also devotes significant amounts of time and money to meeting with and providing assistance to victims that have come forward, whether the abuse occurred recently or decades ago. Similarly, child-protection training throughout parishes and schools in the Erie Diocese has shown measurable improvement in a variety of ways over the years. Finally, many priests and employees in the Erie Diocese are part of the solution, having personally identified, reported, prevented, or otherwise properly handled child abuse, even when it meant making tough calls or going against prevailing thought at the time. These people deserve recognition.

It would be unfair to provide the public with only half of the story. We know that you would agree that reporting on abuse from the past without also highlighting the Erie Diocese's good deeds and current child-protection programs, as well as its continuous improvements over the years, would be destructive to the process of self-compliance and improvement. We ask that you carefully consider the entire content of this submission in drafting your report.

II. The Status of the Erie Diocese's Current Child Protection Program

A. Diocesan Child Protection Policies

The Erie Diocese takes seriously the emotional accounts of child sexual abuse that have tragically occurred in this Diocese and elsewhere. As a result, the Erie Diocese—under the guidance of Bishops Trautman and Persico—has undertaken great efforts, especially in the 16 years since the Boston Archdiocese revelations, to cultivate a safe and accountable Diocesan culture. The Erie Diocese maintains comprehensive policies and practices focused on creating a safe, productive learning environment for children. As described in detail below, the Erie Diocese has worked to construct and implement monitoring and reporting procedures that prioritize the protection of children.

The core of the Erie Diocese's commitment to safeguarding children in its schools and parishes is grounded in its comprehensive, continually-evolving Policy for the Protection of Children.[3] In 1986, the Erie Diocese first introduced a written child-protection policy, applied to all Catholic entities in the Erie Diocese. The policy was designed to aid the Erie Diocese in preventing, reporting, and responding to child abuse, including sexual abuse of children. According to the Erie Diocese's Policy, after receiving concerns about an individual's behavior relating to sexual abuse of children, the Erie Diocese swiftly reports the concerns to the state child-abuse hotline and to law enforcement, ensures the accused individual does not have access to children, and conducts its own internal investigation of the accused individual and the allegation.

While the Erie Diocese has maintained, enforced, and updated child protection policies since the mid-1980s, the Erie Diocese redoubled its efforts in conjunction with the release of the Charter for the Protection of Children and Young People (the "Dallas Charter") by the United

States Conference of Catholic Bishops ("USCCB") in 2002.[4] Shortly thereafter, the Erie Diocese updated its own Policy for the Protection of Children (the "Protection Policy").

The 2002 Protection Policy was comprehensive, as it was developed with specific consideration given to the Dallas Charter and Pennsylvania's child-protection laws. The original Protection Policy encompassed all forms of child abuse—voluntarily defined even more broadly than it was at the time under state law—and established detailed parameters for how children were to be cared for and protected by school employees and volunteers in the Diocese. Further, since 2002, the Protection Policy has been updated ten times, most recently in March 2018. As such, the Protection Policy has remained current as secular child protection laws are separately improved and updated. Specifically, the current Protection Policy mandates that employees and volunteers in the Diocese "will not take advantage of any relationship with a child for their own benefit; will not physically, sexually, or emotionally abuse any person . . .; [and] will not neglect a child who is in their care."[5] Importantly, the definition of "abuse" under the Protection Policy is expansive and sensitive to more than simply physical harm, which allows the Erie Diocese to more proactively monitor indicia of even potential abuse.

The Erie Diocese invests significant time and substantial resources to implement the tenets of its Protection Policy. Perhaps the most significant step in modernizing its protection program was the establishment of the Erie Diocese's Office of Protection of Children and Youth ("OPCY" or "Office") in December 2003. Neither the Dallas Charter nor Pennsylvania law mandates that a Diocese establish an office strictly and solely committed to the critical ministry of child protection. However, the Erie Diocese has long believed that this Office was necessary to fully implement the Dallas Charter's goals and to prioritize the safety of children. The Office is staffed year-round by two full-time employees—the Director of the OPCY and the Coordinator of the OPCY. The OPCY's foremost mission is to create a safe and productive environment for children and youth, as well as to promote the healing of victim-survivors. The Office also provides age- and role-appropriate compliance training and resources to staff, educators, parents, and students across the Erie Diocese. Additionally, the OPCY collates individual school responses for an annual compliance report and reviews the responses for any missing data or inconsistencies.

In addition to the two full-time staff members employed by the OPCY, personnel from the Catholic Schools Office work to implement the OPCY's mission around the Erie Diocese. The Catholic Schools Office Administrative Assistant spends roughly 180 hours per year processing fingerprint registration materials from school principals and searching the FBI website for processed federal clearances. The Assistant Superintendent of the Erie Diocese spends time each year reviewing teacher files to ensure that the teachers' clearances and background checks are current, an effort that demonstrates that the Diocesan child-protection efforts are being closely monitored. Moreover, the Assistant Superintendent travels to each of the Erie Diocese's 33 schools in the spring of every school year to conduct an on-site review of personnel files. This review includes a check for any local issues that were not properly reported to the Diocese, as well as an employee's application, PA State Police Clearance, Child Abuse Clearance, Federal Criminal History Clearance, Arrest Conviction Report, Sexual

Misconduct Report, Mandated Reporter Training Affirmation, Mandated Reporter Compliance Document, Annual Compliance Document, and Diocesan Safe Environment Training. The Vicar for Education's Administrative Assistant also spends time each year directly assisting the Erie Diocese's Vicar for Education in matters of child protection.

The responsibilities of the OPCY also extend to leaders in each of the 33 Diocesan schools. Every school within the Erie Diocese conducts a self-audit during which time each school principal, with the assistance of the school secretary, tracks and files training and compliance documents for employees and volunteers. The number of employees and volunteers per school typically amounts to several hundred individuals. Each of these employees, coaches, and volunteers must have received training and signed a compliance certification at the beginning of the school year, which is placed into the employee's permanent file (or otherwise is kept on file for volunteers). The audit serves to confirm the Principal's understanding of Diocesan reporting requirements and ensures that school leadership is able to easily identify the physical location of all required documentation. Moreover, the Principal is also responsible for organizing the training/in-servicing of children and parents.

Numerous personnel throughout the Erie Diocese directly contribute to upholding and effectuating its Protection Policy. Both the Director and the Coordinator of the OPCY are full-time employees dedicated to ensuring Diocesan-wide compliance with the Protection Policy. The Victim Assistance Coordinator, a licensed psychologist, also works with the OPCY to provide professional assistance to victims of abuse. In addition, many individuals, including the Bishop; Director of Media Resources; Clergy Personnel Office personnel; Catholic School Office personnel; religious education leaders; parish secretaries; school principals; and school secretaries, spend significant time (estimated at over 5,000 hours per year) ensuring that the Protection Policy is implemented in full force. Such activities in furtherance of the Protection Policy include providing child-abuse detection and prevention training to employees, volunteers, children, and parents; reviewing employee and volunteer applications and files for compliance with the Protection Policy; ensuring background checks and clearances are complete and up-to-date; maintaining accurate databases of trainings; performing audits; and reporting and investigating abuse. Independent auditors, trainers, and investigators used by the Diocese over the years to assess compliance, provide enhanced training, and investigate reports of abuse also worked thousands of hours each year and cost millions of dollars.

B. Required Clearances and Trainings

The Protection Policy establishes specific standards for the hiring, training, supervision, and retention of personnel, which emphasize the Erie Diocese's foremost priority of creating a safe and productive learning environment for children. In addition to passing required background checks, each employee and volunteer must also take part in an hour-long "Creating a Safe Environment" in-service training and must pass a test at the conclusion of the training. The Erie Diocese produced this video in-house in 2015. This training must be repeated once every five years. The Erie Diocese also purchases age-appropriate videos to teach children in schools and parishes how to identify abuse and what to do in the event of abuse. Additionally, all

parents in schools and parishes are provided with educational materials each year, and each parish runs a monthly bulletin announcement on creating a safe environment.

The Erie Diocese has invested heavily in creating and upholding these standards. Within the Diocese between 2010 and June 2017, 5,961 educators, 6,453 employees, and 17,753 volunteers fulfilled these rigorous requirements. Additionally, between 2010 and 2016, over 122,000 students (and nearly 7,500 pre-school students) have completed courses on abuse recognition and reporting.

1. Implementing the Erie Diocese's Protection Policy in Schools

The expectations of clearance and training completion for teachers are outlined in the Diocesan Policy for the Protection of Children.[6] Notably, schools in the Erie Diocese maintain more rigorous reporting and compliance standards than schools run by the Commonwealth of Pennsylvania. Under state law, all school employees (whether public or private) who have direct contact with children must:

- Submit a report of their criminal history record information at hiring and every five years thereafter (Act 34);
- Submit a child abuse clearance at hiring and every five years thereafter (Act 151);
- Submit FBI clearance and fingerprints for background check at hiring and every five years thereafter (Act 114);[b]
- Complete three hours of training on child abuse recognition and reporting every five years (Act 126);
- Submit to an employment history review regarding abuse and/or sexual misconduct at hiring (Act 168); and
- Complete an arrest/conviction report and certification form (Acts 24 and 82).[7]

Consistent with its focus on creating a safe, productive educational environment for children, the Erie Diocese goes beyond Pennsylvania's requirements. Indeed, the Erie Diocese mandates that all school employees ***and volunteers*** in the Diocese having direct contact with children must—in addition to the Commonwealth's mandates described above—also:

- Complete the Erie Diocese's online in-service program on child protection and abuse prevention (titled "Creating a Safe Environment") at the time of hire and every five years thereafter;

[b] Pennsylvania law provides that school *volunteers* having direct contact with children must only complete these first three requirements.

- Complete an annual mandatory-reporter compliance certification, verifying that the employee or volunteer understands when his or her duty to report is triggered and the process by which such a report is made;[8]

- Complete an Intent for Compliance Statement, affirming that the employee or volunteer has received, read, and agrees to uphold the Diocesan Policy for the Protection of Children; and

- Assist as needed in the ***annual training of students*** in child-protection standards and creating a safe environment.

2. Implementing the Erie Diocese's Protection Policy at Parishes

At parishes, the religious-education leader typically oversees the training of all employees and volunteers and ensures that all clearances are up-to-date. Every year, all parishes must submit an annual compliance report for the Diocesan audit. The parish compliance reports verify, among other items, that all employees know when, how, and to whom to report an allegation of sexual abuse. The reports also verify that (1) the pastor knows how to obtain assistance for adult victims who were abused as children, (2) the Diocesan Code of Conduct is made available to all paid personnel and volunteers, and (3) clearances and compliance documents are maintained for each employee and volunteer who has unsupervised contact with children. The Diocesan OPCY then reviews all reports—checking to ensure that there are no gaps in clearances, trainings, or other compliance requirements—and assembles a Diocesan-wide audit report. The same procedure is followed in the Erie Diocese's schools.

3. The Erie Diocese Employs External Auditors to Monitor Compliance in Schools and Parishes

Every three years, in accordance with the USCCB's mandate, the OPCY completes an on-site audit of each of the Erie Diocese's 85 parish religious-education programs to verify compliance with the Protection Policy. On-site audits of parishes and schools involve reviewing on-site personnel files for complete and current forms and trainings discussed above. Employees and volunteers who refuse to complete background checks or trainings are not permitted to continue in their positions until they are in compliance.

Beginning in 2003, under Bishop Trautman, the Erie Diocese hired ex-FBI agents to assess how the Erie Diocese handled sexual-abuse cases and otherwise implemented the mandates of the Dallas Charter. The Gavin Group of Boston performed full audits in 2003, 2004, 2005, and 2007, and Stonebridge Business Partners performed full audits in 2009, 2012, and 2015. In the years where a full audit was not performed, the external auditors collected data, and the Erie Diocese performed its own internal audit. For example, as discussed above, the Diocesan Assistant Superintendent completes annual internal audits of the 33 schools in the Erie Diocese. The Erie Diocese passed all such audits.

C. Recent Examples of the Protection Policy in Action

While this section is not an exhaustive list, it includes recent cases that have been investigated by the Erie Diocese and law enforcement. Indeed, additional examples exist and unfortunately continue to be created. For instance, the Erie Diocese received a report in January 2018 alleging that a priest committed sexual abuse against the victim from 2003 (when he was eight years old) until 2010.[9] The Erie Diocese immediately informed the Pennsylvania Attorney General and the District Attorney of Crawford County, where the abuse reportedly occurred and where the priest currently resided. In a cooperative effort, the Erie Diocese had K&L Gates independently and promptly investigate the priest by both collecting evidence and interviewing him while law enforcement spoke directly to the victim. This division of labor resulted in a completed investigation within two weeks of the first report. Numerous inculpatory images and texts from iPhones, iPads, and computers were collected by K&L Gates and provided to law enforcement—without any need for search warrants. Additionally, the names of several other potential victims were identified and provided to law enforcement. The priest resigned after the interview and vacated the rectory. These developments were publicized by the Erie Diocese to the media, with the hope that additional information would be brought forward to law enforcement. Crawford County District Attorney Francis Schultz publicly said, "The Diocese has been cooperative and the Bishop provided me with the initial information about the complaint."[10]

The Erie Diocese recently had cause to exercise its Protection Policy to handle a priest who failed to comply with Diocesan clearance and training requirements and who later was the subject of an allegation of sexual child abuse. After failing to submit documentation necessary to complete child-abuse clearances and failing to complete the Diocesan child protection in-service training, the Erie Diocese suspended the priest's faculties in September 2016.[11] Six months later in March 2017, an allegation was made that the priest had abused a fifth-grade boy in the late 1980s or early 1990s.[12] The allegation came from a third-party source who remembered the boy telling her about the abuse during religious-education classes.[13] The priest was already suspended for non-compliance with the Diocesan Protection Policy, so he did not have access to children at the time of the allegation. However, the Erie Diocese immediately notified the District Attorney for the county in which the abuse was alleged to have taken place and where the priest also currently resided, as well as the Pennsylvania Attorney General. The Erie Diocese also extensively reviewed all of the priest's personnel files, created a chronological summary of all relevant documents, and sent this summary—along with the source documents—directly to the District Attorney and the Attorney General.[14]

After providing the District Attorney and the Attorney General with all relevant information in its possession, the Erie Diocese forged ahead with its own internal investigation of the allegation. It attempted to interview the third-party source of the allegation and the priest, but it was met with refusals. The Erie Diocese was successful in contacting the alleged victim, who adamantly denied ever being sexually abused, ever telling anyone that he had been sexually abused, or even knowing the accused priest beyond a brief meeting once or twice in the presence of others.[15] The priest remains suspended until the conclusion of related investigations by the Erie Diocese and the government.

In another example, the Erie Diocese swiftly suspended and isolated a retired priest who had apparently accessed a child-pornography website. The retired priest had been residing in a Diocesan nursing home near a Diocesan school, and the nursing-home staff alerted the Erie Diocese that what appeared to be child pornography was visible on the priest's computer.[16] Per the Protection Policy, the Erie Diocese immediately notified the local police, who seized the computer.[17] The priest's faculties were also quickly suspended.[18] Although the police ultimately returned the priest's computer and did not file any charges, the priest was moved to a more remote retirement facility to ensure that he did not have access to children.[19] The priest is deceased as of 2017.

In 1999, a priest was arrested after a computer technician reported to police that the priest's computer contained child pornography.[20] Following that priest's arrest on three felony counts related to child pornography, the Erie Diocese removed that priest from his position, placing him into an intensive counseling program.[21] The Erie Diocese also conducted its own investigation, interviewing the priest about the charges against him, for which he claimed he was innocent.[22] Ultimately, the charges against the priest were dropped two years later when the district attorney determined that the state police contaminated the evidence by logging onto the priest's computer before making a secure copy of his hard drive.[23] Nonetheless, the priest never returned to active ministry.

D. Victim Assistance

The Erie Diocese is committed to ensuring that each victim who comes forward is met with compassion and the Erie Diocese's sincere effort to help in the healing process. The Erie Diocese—including its Bishops, Vicars General, and Chancellors—does not hesitate to meet with victims to listen to their reports, apologize for pain they endured, offer spiritual guidance, provide reimbursement, and make the Erie Diocese available to help in any way that it can.

Some victims want only to be heard (particularly when the accused has long since passed), while other victims seek counseling or other assistance from the Erie Diocese. As a matter of policy—regardless of whether any viable legal claim or time-bar exists—, the Erie Diocese offers to pay for counseling, whether within the Erie Diocese or otherwise, as well as reimbursement for the costs associated with the counseling, such as medication, hospital stays, missed-work/business costs, and parking expenses. From 1987 to 2016, the Erie Diocese contributed approximately $750,000 to victims through monetary payments, reimbursements, and victim-assistance services.

III. The Erie Diocese Began Its Child Protection Efforts in the 1990s

In 1990, Bishop Trautman undertook efforts to discipline in sexual-abuse cases, focusing on restricting or dismissing known abusers from the priesthood, rather than just focusing on mental-health treatment for abusers. During his tenure, priestly faculties were suspended for sixteen priests, and six additional priests were entirely dismissed or laicized (returned to the lay state). Laicization can take several years to finalize through the Vatican, so Bishop Trautman

used the suspension powers he had in an effort to protect the children of the Erie Diocese from known threats of abuse.

Suspension is one of the strongest canonical actions a bishop can take against a priest, and its goal is to remove the priest from public ministry by prohibiting the priest from running a parish, teaching at a school, dressing as a priest, celebrating Mass, or otherwise representing himself as a priest. Of course, a suspended priest—like any other person—is still entitled to privately worship, access physical and mental health care, receive disability entitlements, and otherwise benefit from the charitable services provided by the Catholic Church. While Bishop Trautman suspended accused priests and prohibited them from contact with minors, efforts to monitor the compliance of those priests with those orders were lacking.

Indeed, some priests that had been assigned to committees tasked with monitoring accused priests raised concerns regarding the ineffectiveness of that monitoring. During the first part of Bishop Trautman's tenure, accused priests often lived in rectories and continued to have access to Catholic facilities—and possibly children—within the Diocese. Bishop Trautman's decision to not publicize the names of priests suspended for misconduct compounded the risk because the community-at-large was not in a position to recognize when an offending priest was in violation of an order to stay away from children, Church activities, or other events.

During his tenure, Bishop Trautman personally handled all accusations of sexual abuse brought against Erie Diocese personnel. He attempted to meet with and interview every alleged victim and abuser to assess the allegations. When he determined that a victim's allegations were founded or other reason to suspect abuse existed, Bishop Trautman notified the proper state and county authorities, guaranteeing the Erie Diocese's full cooperation with attendant secular investigations. Bishop Trautman also independently levied punishment against the abuser—usually in the form of suspension or dismissal from ministry. Additionally, Bishop Trautman provided Diocesan funds to pay for victims' psychological or medical treatment. Notably, though Bishop Trautman conducted interviews of all alleged victims and abusers himself (along with a top aide), he sought and relied on the advice of advisory bodies composed of both priests and lay experts to determine what final action he should take. Over the course of his tenure, Bishop Trautman began to recognize the benefit of having trained, independent investigators guide or conduct the process, and these investigators and advisory boards developed a much stronger and more appropriate influence after the reforms made under the Dallas Charter in 2002.

Despite taking similar positions on disciplining credibly accused personnel, Bishop Trautman was less transparent than his successor, Bishop Persico. Bishop Trautman believed that publishing details to the media would only re-victimize individuals harmed by wrongdoers and would emotionally traumatize the families of the accused. Thus, when seeking advice on a matter from the Diocesan Review Board—established after the Dallas Charter in 2002—or his advisory Priest Council, Bishop Trautman would typically anonymize names and other identifying details to protect the identities of people involved, which may have hindered the effectiveness of those consultations. Similarly, he typically refused media interviews and requests for information regarding specific abuse cases, instead working directly with law enforcement.

Even though Bishop Trautman did not promote total public transparency for the reasons stated above, he believed in accountability. Accordingly, Bishop Trautman passed along every allegation he deemed credible—without redaction—to the Erie County District Attorney (then Brad Foulk, who is now deceased). Thereafter, Bishop Trautman cooperated fully with the District Attorney's investigations. Indeed, in 2002, the Erie Diocese, in conjunction with the District Attorney's office, reviewed every allegation of abuse reported to the Diocese in the preceding 40 years. The District Attorney's office publicly concluded that any offenders were no longer in ministry and—due to the statute of limitations—even the credible allegations were not prosecutable.[24]

IV. Under Bishop Persico, the Erie Diocese proactively and transparently addresses abuse allegations throughout the Diocese

Under the leadership of Bishop Persico—who was installed in 2012—the Erie Diocese has emphasized transparency and accountability in dealing with abuse allegations. Despite the seriousness with which the Erie Diocese has approached the protection of children for many years, the Erie Diocese and its Bishops fully recognize that abuse has occurred under their watch. While there may be no way for the Erie Diocese to fully repair the resulting emotional, mental, and physical damage to past victims, the Erie Diocese is completely committed to ensuring that victims/survivors are cared for through Diocesan-funded counseling. Moreover, the Erie Diocese is devoted to ensuring that perpetrators of child abuse are addressed swiftly and justly by reporting the abuse to the proper authorities at the earliest possible opportunity. Additionally, as discussed above, Bishop Persico has undertaken concerted efforts to maintain transparency and inform the community in dealing with allegations of child abuse. He has maintained an open discourse by offering numerous reporting mechanisms and authorizing the publication of the names of accused individuals who are prohibited from employment or volunteering within the Diocese because of misconduct—including where the misconduct was not hands-on abuse but rather consisted of failures to report or non-cooperation with Diocesan child-protection procedures.

In addition to implementing transparency measures that take effect after an individual has been found to have engaged in misconduct, Bishop Persico and the Erie Diocese take proactive steps to separate an alleged abuser from Diocesan youth at the earliest stages of investigation. For example, a teacher in a Diocesan school was recently accused of sexual abuse. Pursuant to protocol, the teacher was immediately placed on paid administrative leave until an investigation could take place to determine the truth of the allegations. The Commonwealth was unable to collect sufficient evidence to prosecute a case, and ChildLine investigators deemed the allegations unfounded in accordance with its standards. Likewise, the OPCY—after conducting a thorough investigation—similarly concluded that the allegations lacked sufficient support. Nevertheless, out of an abundance of caution, the Erie Diocese declined to renew the teacher's contract for the next school year. The Erie Diocese's approach demonstrates its commitment to protecting the children in its schools. Faced with a difficult choice between

possibly letting a predator into a school or possibly harming an innocent person's reputation, the Diocese chooses to err in favor of protecting children every time.

The Erie Diocese is aware that, in addition to the survivors of the publicly-known accused, other survivors experience continued suffering as a result of abusive acts committed by priests and other personnel once employed by the Erie Diocese. Often, the Erie Diocese does not become aware of these allegations until years or even decades after the fact. The Erie Diocese—under the leadership of Bishops Trautman and Persico—has done and will continue to do all that it can to assist survivors in their spiritual healing and recovery and to punish the guilty, where possible. Nonetheless, the Erie Diocese recognizes that it can never fully repair the damage that has been done. For this reason, the Erie Diocese is committed to using the sins of the past to improve the future by continually building on its child-protection policies and maintaining appropriate transparency in the process of addressing allegations of child abuse.

V. Conclusion

The Erie Diocese is fully committed to the protection of children. As outlined above, the Erie Diocese strives to create and implement the gold standard for compliance and investigative policies. The Erie Diocese devotes substantial time and resources to training its employees and volunteers on its policies, and it retains independent professional assistance to audit its overall compliance with them—as well as to investigate actual reports of misconduct. The Erie Diocese strives to provide a safe and productive environment for children to be educated in the classroom and in their faith. While the actions of reprehensible ill-intentioned individuals jeopardized these goals in the past, the Erie Diocese remains steadfast in its commitment to protecting its children and to appropriately punishing anyone who harms its children. The Erie Diocese recognizes that it cannot erase the harm caused by its priests and employees in the past, but it offers a sincere apology and a promise that it will continue to fully cooperate with law enforcement, medical experts, and the general public to lead child-protection advances in the future.

VERIFICATION OF THE REPORT

Bishop Lawrence T. Persico

I, Lawrence Thomas Persico, state as follows:

1. I am the Bishop of the Diocese of Erie and have been since 2012.
2. On behalf of the Diocese, I retained K&L Gates LLP to conduct an investigation into allegations of child sexual abuse perpetrated by persons affiliated with the Diocese of Erie from January 1, 1947 until the present day.
3. K&L Gates LLP was given unrestricted access to Erie Diocese documents, premises, and personnel and was instructed to follow the evidence wherever it may lead and reach independent conclusions free from control or interference from the Diocese of Erie.
4. K&L Gates LLP independently prepared this Report relying on documents, interviews, and facts obtained during the course of its independent investigation.
5. The statements regarding the events during my tenure as Bishop of the Diocese of Erie, as set forth in this Report, are true and correct to my personal knowledge, information, and belief.

The foregoing statement is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

March 15, 2018
Executed Date

+Lawrence T. Persico
Bishop Lawrence Thomas Persico

Bishop Emeritus Donald W. Trautman

I, Donald Walter Trautman, state as follows:

1. I was the Bishop of the Diocese of Erie from 1990 until 2012.
2. The statements regarding the events during my tenure as Bishop of the Diocese of Erie, as set forth in the Report, are true and correct to my personal knowledge, information, and belief.

The foregoing statement is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

_____
Executed Date

_____
Bishop Donald Walter Trautman

[1] Ed Palattella, "Erie Bishop publicizes priest dismissals," GoErie.com (Mar. 18, 2017), *available at* http://www.goerie.com/news/20170318/erie-bishop-publicizes-priest-dismissals#.

[2] *Id.*

[3] *See* Policy for the Protection of Children, The Roman Catholic Diocese of Erie (June 2016), http://www.erlercd.org/pdf/protectionpolicy.pdf.

[4] *See* Charter for the Protection of Children and Young People, The Roman Catholic Diocese of Erie (June 2011), http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/Charter-for-the-Protection-of-Children-and-Young-People-revised-2011.pdf.

[5] *Id.*

[6] *See* Exh. 2.

[7] Pennsylvania Department of Education, "Background Checks," 2016, *available at* http://www.education.pa.gov/Teachers%20-%20Administrators/Background%20checks/Pages/default.aspx#tab-1.

[8] *See* Mandated Reporter Compliance Document, The Roman Catholic Diocese of Erie (October 1, 2017), http://www.erlercd.org/pdf/mandatedreporters.pdf.

[9] *See* January 26, 2018 memorandum from Fr. Christopher Singer to Bishop Lawrence Persico.

[10] Keith Gushard, http://www.meadvilletribune.com/news/full-story-two-priests-removed-by-diocese-of-erie/article_16693df6-1124-11e8-83dc-677fa8a2af0f.html

[11] *See* RCDErie0032445 - September 16, 2016 letter from Bishop Persico to Fr. Robert Humenay

[12] *See* March 31, 2017 summary written by Msgr. Edward Lohse.

[13] *See id.*

[14] *See* April 17, 2017 letter from K&L Gates LLP to Clearfield County District Attorney William Shaw.

[15] August 1, 2017 interview of Curtis Wilkinson

[16] March 1, 2017 interview of Msgr. Charles Kaza

[17] *See id.*

[18] *See id.*

[19] *See id.*

[20] *See* RCDErie0058786 - April 17, 2002 news article ("Priest's Case Raises Questions" by Ed Palattella), posted to BishopAccountability.org

[21] *See id.*

[22] *See id.*

[23] *See id.*

[24] *See, e.g.*, http://www2.sharonherald.com/localnews/recentnews/0204/ln042302a.html.

EXHIBIT 1

EXHIBIT 1: ***Draft*** **of Erie Diocese's Forthcoming Child-Protection Website Update**

First and foremost, the Diocese of Erie apologizes for the abuse of children caused by priests or other employees. Such conduct is reprehensible. Any efforts to conceal such conduct are also reprehensible when done by anyone, but—when facilitated by leaders of our Church, a place of worship and sanctuary—the harm is twofold. The Diocese of Erie acknowledges that Bishop Alfred M. Watson is credibly alleged to have received a report about the suspected sexual abuse of a minor and failed to act on that report. The Diocese of Erie recognizes its responsibility and is committed to regaining the trust of not only its parishioners but of all people.

We will shine light on the abuses of the past and be transparent in our decisions today. We will continue to work with law enforcement to ensure that justice is done. We want to specifically acknowledge and apologize to the courageous and resilient survivors and witnesses whose voices previously were unheard or silenced. We recognize the Pennsylvania State Attorney General, who—working with a statewide grand jury—gave these people a voice. Moving forward, those survivors and witnesses will be touted as heroes to ensure that the sins of the past are not repeated.

Apologies, however, are not enough. The Diocese of Erie has been developing policies, procedures, and training programs since the 1980s specifically designed to protect the most vulnerable people in our society from people that would do them harm. This web page is part of a larger program to ensure such protection. The Diocese of Erie is working with law enforcement, medical experts, survivor support groups, compliance experts, and academia to ensure that its efforts are the gold standard when it comes to maintaining a safe environment for our children and other vulnerable populations. The most recent version of our Child Protection Policy may be found here [hyperlink]. Our recent updates include:

- An expansion of the scope of the abuse sought to be prevented to include sexual, physical, emotional, and neglectful abuse;
- Inclusion of numerous detailed examples and red flags in both our policy and training materials to educate people on how to recognize abuse or unsafe situations;
- An independent investigative process that may be triggered confidentially and that results in communication back to the reporter while also preserving evidence and respecting the rights of all concerned parties during the course of the investigation, which is guided by clear but case-specific standards and mandatory expectations of cooperation; and
- The creation of a transparent and centralized system to encourage abuse reporting, screen personnel, document investigative findings, and inform the community about abuse-related employment decisions.

On this last point, we created this website to publicize the names of individuals who were previously employed by (or volunteered for) the Diocese of Erie or any related agency, but are now are prohibited from such employment (or volunteerism). Any employer, whether public or private—as well as anyone supervising volunteers—, may contact the Diocesan Office for the

EXHIBIT 1: ***Draft*** **of Erie Diocese's Forthcoming Child-Protection Website Update**

Protection of Children and Youth (OPCY) to request a "clearance" from the OPCY for a job applicant or volunteer in terms of child protection. The granting of such a clearance would indicate that the OPCY knows of no record that gives reason to exercise caution regarding that individual around children.

The Diocese of Erie itself—as well as any school, parish, or agency within the Diocese—MUST receive such a clearance before hiring an employee or accepting any volunteer for a position that brings that individual into contact with children (or secondary-school students or vulnerable adults).

Some of the names below may be recognizable as a result of a criminal conviction or other public report. Other names are being disclosed today for the first time. Some people on this list cannot be convicted of a crime because of the passage of time, legal technicalities, their present whereabouts or mental state, or other factors; nonetheless, these people will not be accepted as employees or volunteers by the Diocese of Erie. **Every person named on this list was credibly accused of actions that, in the Diocese's judgment, disqualify that person from working with children. Such actions could include the use of child pornography, furnishing pornography to minors, corruption of minors, failure to prevent abuse that they knew to be happening, and—in some cases—direct physical sexual abuse or sexual assault of minors.** Allegations were corroborated by secular legal proceedings, canon law proceedings, self-admission by the individual, or overwhelming evidence. None of the priests listed are permitted to engage in any form of public ministry or to present themselves publicly as priests. The individuals on this list are believed to be alive and living in the locations noted:

- Ex-Fr. Michael J. Amy — Niceville, Florida
- (Fr.) Michael G. Barletta — Erie, Pennsylvania
- (Fr.) Robert F. Bower — Edinboro, Pennsylvania
- Andre C. Butler — Rosedale, New York
- Dennis C. Chludzinski — Erie, Pennsylvania
- Megan E. Fecko — Cleveland, Ohio
- Kevin J. Feyas — Erie, Pennsylvania
- Ex-Fr. Chester J. Gawronski — Sahuarita, Arizona
- Timothy G. Hanson, Sr. — North East, Pennsylvania
- (Fr.) Stephen E. Jeselnick — Colorado Springs, Colorado
- Ex-Fr. Gary L. Ketcham — Erie, Pennsylvania
- (Fr.) Thaddeus T. Kondzielski — Waterford, Pennsylvania
- Kevin S. Kulhanek — Erie, Pennsylvania
- Ex-Fr. Salvatore P. Luzzi — Bradford, Pennsylvania
- Eve Minter (née Spangler) — Henrico, Virginia
- David Montgomery — Otisville, New York (*in federal prison until 2041*)
- (Fr.) Leon T. Muroski — Erie, Pennsylvania
- Denise J. (née Geitner) Myers (Meyer) — Greensburg, Pennsylvania
- Hattie B. Nichols — Erie, Pennsylvania
- Philip J. Pochatko — Subiaco, Arkansas

- Brian J. Radachy — Elkton, Ohio (*in federal prison until 2024*)
- Ex-Fr. Samuel B. Slocum — Bradford, Pennsylvania
- Ex-Fr. Thomas E. Smith — Erie, Pennsylvania
- (Fr.) Daniel J. Taylor — Tucson, Arizona
- Ron Thomsen — Erie, Pennsylvania
- Dennis E. Vickery – Erie, Pennsylvania
- Joseph M. Votino — Masury, Ohio
- Craig T. Ward — Erie, Pennsylvania

Should anyone have a need for further information about the facts underlying the inclusion of any person on this list, please contact [name] at [e-mail]. This list will be updated as necessary. To report abuse, please contact law enforcement. To report abuse directly to the Diocese, please contact Dr. Robert Nelsen at 814-451-1531 or nelsen001@gannon.edu. To report abuse to the independent investigators retained by the Diocese, please e-mail ErieRCD@klgates.com.

Additionally, we recognize that some of the individuals that failed our children and other vulnerable populations are now deceased. The list below names those individuals that—but for their death—would be on the above list of people prohibited from employment. In furnishing the names of these deceased individuals, the Diocese wishes to acknowledge those victims/survivors who were harmed by their actions, to encourage any other victims/survivors to come forward who have not already done so, and to reaffirm the commitment of the Diocese to offer support and assistance to victims of abuse.

- Fr. Donald C. Bolton, CSsR
- (Fr.) Edmund S. Borycz, OFM
- Msgr. Bonaventure M. Ciufoli
- (Fr.) Donald J. Cooper
- William (Bill) Couse
- Fr. David V. Dobrowolski
- William P. Garvey
- Fr. Herbert G. Gloekler
- (Fr.) Robert E. Hannon
- (Fr.) Joseph W. Jerge
- (Fr.) Edward W. Jungquist
- (Fr.) Thomas C. Kelley
- (Fr.) Gerard (Gerald, Gary) H. Krebs
- (Fr.) Jerry Kucan, OFM
- Msgr. Joseph F. Meisinger
- (Fr.) John L. Murray
- Fr. Giles L. Nealen, OSB
- Fr. John A. Piatkowski
- Ex-Fr. William F. Presley

- (Msgr.) John P. Schanz
- (Fr.) Charles A. Sheets, Jr.

We also find it important to recognize the survivors that have reported abuse, even when the report cannot be investigated fully. Allegations of abuse from decades ago often can be neither proved nor disproved due to a lack of living witnesses or corroborating evidence. The Diocese of Erie is profoundly grateful for the courage demonstrated by the individuals that have come forward to make these allegations known but regrets that—with no way to corroborate these allegations—they cannot be listed here. Nonetheless, the Diocese of Erie always welcomes any additional information that can shed light on past cases of abuse.

Three individuals are currently under investigation by law enforcement (and each is presumed innocent unless proved otherwise):

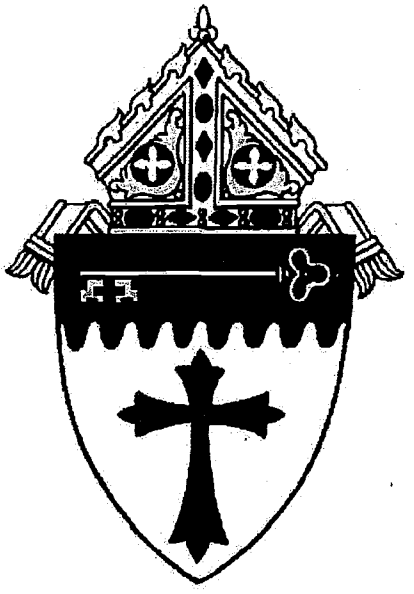
- (Fr.) Sean P. Kerins — Naples, Florida
- (Fr.) David L. Poulson – Oil City, Pennsylvania
- John (Jack) E. Tome — Columbia, Pennsylvania

Finally, in some cases, reports were made out of an abundance of caution rather than because of specific abuse that was perpetrated. In these cases, referrals are made to appropriate law-enforcement agencies, as well as analyzed by the Diocese of Erie's investigators. Where both secular law enforcement and Diocesan investigators concluded that a report is unfounded, the names of the reported individuals involved will not be publicized here to protect the innocent.

While this website specifically addresses employees of the Diocese of Erie, numerous reports also are made in accordance with the law regarding situations where reason to suspect abuse exists but the perpetrator is not connected to the Diocese. For instance, if a parent abuses a child, a Catholic school teacher is required to report that abuse. Those cases are investigated and prosecuted as appropriate. The federal sex-offender registry may be searched here, and the Pennsylvania sex-offender registry may be searched here.

EXHIBIT 2

Policy for the Protection of Children



The Roman Catholic Diocese of Erie

Revised March 2018

Policy for the Protection of Children

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POLICY FOR THE PROTECTION OF CHILDREN

INTRODUCTION

In the *Charter for the Protection of Children and Young People*, the United States Conference of Catholic Bishops reminds us that Jesus extended his care in a tender and urgent way to children. He rebuked his disciples for keeping them away from him: "Let the children come to me" (Mt 19:14). Jesus also uttered a grave warning about anyone who would lead the little ones astray (Mt 18:6). Mindful of these words of the Lord, it is with compassion and care that the Diocese of Erie addresses the issue of child abuse—or any abuse.

Parents and guardians desire that their children experience healthy relationships with their peers and with adults. The responsibility of parents to nurture and protect their children is underscored in official Church teaching (for an excellent summary, see the 1994 *Catechism of the Catholic Church*, n. 2221-2228). Parents and guardians have good reason to expect that others who care for their children do so in a professional and healthy manner. The Diocese of Erie shares these concerns and wants to ensure that all of its programs and activities for children are conducted in a safe environment.

Whether as employees or volunteers, adults who teach, direct, counsel, or coach children must hold themselves to the standards referred to in this Policy. These standards will help insure that trusting relationships work toward growth and maturity of the child in the Catholic faith community. These standards apply to every clergy and lay employee or volunteer who is responsible for nurturing and protecting the children entrusted to their care.

The Policy for the Protection of Children of the Diocese of Erie as set forth in these pages is revised yearly to better provide for the welfare of children who are served by the various parishes, schools, institutions, agencies, departments, and programs of the Diocese. Required procedures are established to prevent child abuse and to respond in those instances when child abuse is discovered or reasonably suspected.

The main safeguards required by this Policy are the screening of personnel; the training of personnel with regard to safe-environment practices and awareness of signs of child abuse; and the reporting of child abuse in compliance with the Child Protective Services Law of the Commonwealth of Pennsylvania. All of these safeguards are intended to assist Personnel in their responsibility to provide children with the greatest care. The Diocese of Erie is committed to the application of these safeguards, including full compliance with state regulations.

Everyone in the Diocese of Erie who is involved in the care of children must become familiar with this Policy. For further information, please contact the Office for Protection of Children and Youth of the Diocese of Erie (814-824-1195) or visit its website (http://www.eriercd.org/protectyouth.htm).

I. DEFINITIONS

A. PERSONNEL

- ***EMPLOYEES:*** All clergy and lay individuals employed by or serving in the Diocese, its parishes, schools, related agencies, and institutions who are paid on a full-time, part-time, or stipend basis and have direct contact with children.

- ***REGULAR VOLUNTEERS:*** Adults who perform a service for the Diocese or its parishes, schools, or related agencies and institutions, who have direct volunteer contact with children on an unpaid full- or part-time basis (scheduled at least once a month).

- ***OCCASIONAL VOLUNTEERS:*** Adults who perform a child-related service for the Diocese or its parishes, schools, or related agencies and institutions on an irregular basis (scheduled or occurring less than once a month).

B. DIRECT CONTACT is defined in the PA Child Protective Services Law as "the care, supervision, guidance or control of children or routine interaction with children."

C. DIRECT VOLUNTEER CONTACT is defined in the PA Child Protective Services Law as "the care, supervision, guidance or control of children and routine interaction with children."

D. ROUTINE INTERACTION is regular and repeated contact with children that is integral to a person's employment or volunteer responsibilities.

E. IMMEDIATE VICINITY is defined to mean an area in which an individual is physically present with a child and can see, hear, direct, and assess the activities of the child.

F. CHILD or MINOR is defined as (1) a person under the age of eighteen, (2) any current student of any secondary school, *or* (3) an adult who is physically or cognitively impaired and unable to protect him/her self.

G. ADULT is any person eighteen years of age or older.

H. CHILD ABUSE shall mean intentionally, knowingly, or recklessly doing (or attempting to do) any of the following:

1. Causing, contributing to, or threatening to cause a non-accidental physical or mental injury by any act or failure to act, including without limitation:

- Kicking, biting, throwing, burning, stabbing, or cutting a child in a manner that endangers the child;

- Unreasonably restraining or confining a child, based on consideration of the method, location, or the duration of the restraint or confinement;

- Forcefully shaking, slapping, or striking a child under one year of age;

- Interfering with the breathing of a child;
- Causing severe pain to a child;
- Significantly impairing a child's physical functioning, either temporarily or permanently; or
- Causing a child to suffer a psychological condition as diagnosed by a physician or licensed psychologist that (1) seriously interferes with the child's ability to accomplish age-appropriate developmental and social tasks or (2) renders the child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic, or in reasonable fear that the child's life or safety is threatened;

2. **Causing Sexual Abuse (*separately defined*) of a child through any act or failure to act;**
3. **Creating an imminent risk of serious physical injury, sexual abuse, or sexual exploitation of a child through any act or failure to act, which includes without limitation:**
   - Causing a child to be present at a location while illegal drug manufacturing is occurring; or
   - Leaving a child unsupervised with an individual—other than the child's parent—who the actor knows or reasonably should have known is required to register as a sexual offender because of a prior crime against a child;
4. **Causing the death of the child through any act or failure to act;**
5. **Ignoring or encouraging suicidal tendencies of a child;**
6. **Neglecting or refusing to provide adequate food, clothing, shelter, mental or physical health care, or adequate supervision in relation to a child's age and level of development;**
7. **Abandoning the child; or**
8. **Engaging a child in human or sex trafficking.**

I. **CHILDLINE**is the Pennsylvania hotline for reporting suspected Child Abuse. Call **1-800-932-0313** 24 hours a day to report. A report may also be made over the Internet at https://www.compass.state.pa.us/cwis/public/home. ***If a child is in immediate danger, call 911!***

J. **SEXUAL ABUSE**shall mean any of the following:

1. **The use, persuasion, or coercion of a child to engage in or assist another individual to engage in sexually explicit conduct, which includes without limitation:**

   - Looking at the sexual or other intimate parts of a child or another individual for the purpose of arousing or gratifying sexual desire in any individual.
   - Participating in sexually explicit conversation either in person, by telephone, by computer, or by a computer-aided device for the purpose of sexual stimulation or gratification of any individual.
   - Actual or simulated sexual activity or nudity for the purpose of sexual stimulation or gratification of any individual.
   - Actual or simulated sexual activity for the purpose of producing a visual depiction in any form, including photographing, videotaping, computer depicting, or filming.
   - Producing, acquiring, possessing, or distributing pornographic images of minors for the purpose of sexual gratification by whatever means or using whatever technology.
   - *This paragraph does not include consensual activities between a child who is 14 years of age or older and another person who is 14 years of age or older and whose age is within four years of the child's age, except in cases involving sexually explicit visual depictions of a minor.*

2. **Any of the following offenses committed against a child:**

   - Rape, which includes forced sex or sex with someone drugged, drunk, or mentally unable to consent. Sex is defined throughout this policy to include vaginal, oral, or anal sex.
   - Sexual assault, which includes any sex without the other person's consent.
   - Statutory sexual assault, which includes any sex with a minor under the age of 16, unless the other person is less than four years older than the minor.

- Institutional sexual assault, which includes any sex or touching of genitals for the purpose of sexual gratification committed by an employee or volunteer of a school, child care center, or child residential facility against a student of the school, a participant in the child care program, or a resident of the facility.

- Aggravated indecent assault, which includes penetrating the genitals or anus with any part of a person's body or any object by force (1) without consent OR (2) if the victim is less than the age of 13 OR (3) if the victim is over age 12 but under the age of 16 and the perpetrator is four or more years older than the victim.

- Indecent assault, which includes touching someone's sexual parts, causing someone to touch your sexual parts, or causing someone to come into contact with seminal fluid, urine, or feces, if those acts were for the purpose of arousing sexual desire and (1) it was without consent OR (2) the victim is less than the age of 13 OR (3) the victim is over 12 but under 16 and the perpetrator is four or more years older than the victim.

- Indecent exposure, which includes exposing one's genitals in a public place or in a place where the person knows or should know his or her exposure would cause offense. Context, place, and duration matter. For example, brief nudity may be appropriate in a locker room, but posing, thrusting, squeezing, or other sexual gestures would cause offense.

- Incest, which includes sex with an ancestor, descendant, brother, sister, uncle, aunt, nephew, or niece.

- Prostitution, which includes hiring a minor prostitute; encouraging or forcing a minor to become a prostitute; soliciting a minor to patronize a prostitute; or transporting a minor with the intent to engage in prostitution.

- Sexual abuse of children, which includes causing or allowing a minor to engage in a real or simulated sexual act for purposes of photographing, videotaping, or obtaining other visual depiction or possessing such visual depictions.

- Sexual exploitation, which includes procuring a child for another to perform actual or simulated sexual activity, including nudity, for the purpose of sexual gratification.

- Unlawful contact with a minor, which includes contacting a minor in an attempt to engage in any of the above conduct.

K. **RELATED AGENCIES**are non-parish, non-school agencies that exercise a Catholic apostolate within the Diocese of Erie with at least some measure of independent control.

L. **SUBSTANTIATED CASE OF CHILD ABUSE**is a case where allegations of Child Abuse are substantiated by any of the following:

1. **The perpetrator admits committing Child Abuse.**

2. **A judicial finding exists confirming that child abuse occurred (*e.g.*, criminal conviction, guilty plea, etc.).**

3. **The perpetrator is listed as the perpetrator of a "founded report" or "indicated report" of child abuse in the Pennsylvania Department of Human Services statewide database.**

4. **The Diocese determines through an investigation that Threshold Evidence of the Child Abuse exists.**

M. **THRESHOLD EVIDENCE**is credible evidence indicating the perpetrator committed Child Abuse that is sufficient to outweigh any contrary credible evidence (*i.e.*, the likelihood of Child Abuse occurring is more than 50%). Evidence should be weighted with consideration given to the source, accuracy, and consistency of the evidence. Evidence that may be considered in determining whether Threshold Evidence exists includes—but is not limited to—the following:

1. Medical examinations and records

2. Expert consultations and opinions

3. Statements made during interviews with the victim, the alleged perpetrator, the victim's parents, the reporter, eyewitnesses, or any other person with knowledge of the abuse where appropriate and feasible

4. Past history of complaints of suspicious behavior and violations of the Diocesan Policy for the Protection of Children

5. Audio/visual evidence

6. Documentary evidence, including correspondence between the victim and the alleged perpetrator in any form

7. Circumstantial evidence and adverse inferences arising from non-cooperation or destroyed evidence

II. CODE OF CONDUCT

To share in the ministry of Christ is a great privilege as well as a tremendous responsibility. The privilege is the joy of sharing in the mission of Jesus Himself. The responsibility is acting in a way that conforms to the attitude and actions of Christ. As is evident in the Gospels, Jesus had a deep, abiding respect for each human being and never did anything that harmed or misled people in their personal or spiritual life.

The public needs to know that the Church is committed to protecting the children who are entrusted to its care and to ensuring that people offering services are in proper relationships with the children receiving services.

There is a challenge in the Scriptures to "live in a manner worthy of the call you have received, with all humility and gentleness, with patience, bearing with one another through love, striving to preserve the unity of the Spirit through the bond of peace." (Ephesians 4:1-3).

In this Spirit, Personnel:

- are expected to represent the Church in a faithful, authentic, and loving way, supporting the teachings of the Catholic Church;
- will exhibit the highest Catholic ethical standards and personal integrity in their day-to-day work and personal lives;
- will conduct themselves in a professional manner in both Church and work environments, avoiding any flagrant or public misconduct;
- will hold one another accountable to conduct and standards appropriate to their respective roles;
- will foster the dignity of each person and be committed to the best interests of others;
- will respect the integrity of all individuals and protect the confidentiality of all information to which they have access;
- will not take advantage of any relationship with a child for their own benefit;
- will not physically, sexually, or emotionally abuse or exploit any person; and
- will not neglect a child who is in their care.

III. PREVENTION OF CHILD ABUSE

A. Screening of Personnel

In accord with Article 13 of the USCCB's Promise to Protect, Pledge to Heal, the following are required as indicated in the Diocese of Erie for all clergy, non-school personnel (paid or unpaid), school personnel (paid or unpaid), and all volunteers whose duties include ongoing, unsupervised contact with minors. These requirements include any individual age 14-17 that is paid or unpaid and that has ongoing, unsupervised contact with other minors.

1. Clergy Personnel

All Priests (including retired), Deacons (including retired) seminary students and Diaconate candidates living in the Diocese of Erie are required to have the following documentation:

- a signed Statement of Intent for Compliance (see Article X)
- indicating the person has received, read and agrees to conform to the Diocesan Policy for the Protection of Children.
- the PA State Police Criminal Record Check (every five years)
- the PA Department of Human Services Child Abuse History Certification (every five years)
- the Federal Criminal Record Check - includes fingerprinting (every five years)
- a completed diocesan Application for Adults Working with Children and Youth
- Signed diocesan Mandated Reporter Compliance Document (every year)

2. Non-School Personnel

a. **Employees:**<u>before working</u> with children in any program, all parish or other non-school employees must have (or demonstrate that they have initiated the process for obtaining) the following documents and clearances:

- a signed *Statement of Intent for Compliance* (see Article X) indicating the person has received, read, and agreed to conform to the Diocesan *Policy for the Protection of Children.*
- the PA State Police Criminal Record Check (every five years)
- the PA Department of Human Services Child Abuse History Certification (every five years)

- the Federal Criminal Record Check - includes fingerprinting (every five years)
- a completed Diocesan Application for Adults Working with Children and Youth
- Signed Diocesan Mandated Reporter Compliance Document (every year)

Any person who obtains clearances may provide services during the length of time that the person's clearances are current.

The process for required clearances must be underway before beginning work with children. Employees have 30 days from the beginning of their work with children to obtain the required clearances. During this 30-day period, the employee must work in the immediate vicinity of a cleared and in-serviced adult when with children. Any employee not completing all of the above requirements within 30 days of beginning work with children will be prohibited from continuing to work with children until all requirements are complete.

b. **Volunteers:**

- Any person who obtained his or her clearances within the previous 60 months may serve in a volunteer capacity for any program, activity, or service.
- Volunteers who reside in Pennsylvania **MUST** obtain the clearances described below <u>before</u> working with children.
- Individuals who reside in another state may serve as a volunteer for no more than 30 days as long as they provide clearances from their state of residence. Within the 30 days, they must obtain clearances from Pennsylvania as described below.

1. **Regular Volunteers:** <u>Before working</u> with children in any program, all regular volunteers must have the following documents and clearances:

- a signed *Statement of Intent for Compliance* (see Article X) indicating the person has received, read, and agreed to conform to the Diocesan *Policy for the Protection of Children*
- the PA State Police Criminal Record Check (every five years)
- the PA Department of Human Services Child Abuse History Certification (every five years)
- <u>one</u> of the following:

- the Federal Criminal Record Check, which includes fingerprinting (required for any volunteer who has not been a continuous resident of Pennsylvania for ten years) OR
- affidavit as required by PA law (for all other volunteers)
- a completed Diocesan Application for Adults Working with Children and Youth
- a signed Diocesan Mandated Reporter Compliance Document (every year)

2. **Occasional Volunteers:** before working with children in any program, occasional volunteers must have the following documents and clearances:
   - the PA State Police Criminal Record Check (every five years)
   - the PA Department of Human Services Child Abuse History Certification (every five years)
   - a signed Diocesan Mandated Reporter Compliance Document form (once a year)
   - a signed Diocesan Occasional Volunteer Conduct Form (once a year)
   - their names listed on either the Diocesan Occasional Volunteer List or a Sign-In/Sign-Out sheet whenever they work with children.

3. **School Personnel**

   a. **Employees:** before working with children in any program, all school employees must have (or demonstrate that they have initiated the process for obtaining) the following documents and clearances:
      - a signed Statement of Intent for Compliance (see Article X)
      - the PA State Police Criminal Record Check (every five years)
      - the PA Department of Human Services Child Abuse History Certification (every five years
      - the Federal Criminal Record Check - includes fingerprinting (every five years)
      - state Mandated Reporter Training (every five years)
      - signed Diocesan Mandated Reporter Compliance Document (every year)
      - completed Arrest/Conviction Form

- Sexual Misconduct/Abuse Disclosure Release Form(s) [Act 168]

- for teachers, a complete personnel file (including the Diocesan *School Educator Employment Application* and references)

- for employees other than teachers (*i.e.*, secretaries, janitors, cafeteria workers, coaches, etc.), a completed Diocesan *Application for Adults Working with Children and Youth*

Any person who obtains clearances may provide services during the length of time the person's clearances are current.

The process for required clearances must be underway before beginning work with children. Employees have 30 days from the beginning of their work with children to obtain the required clearances. During this 30-day period, the employee must work in the immediate vicinity of a cleared and in-serviced adult when with children. Any employee not completing all of the above requirements within 30 days of beginning work with children will be prohibited from continuing to work with children until all requirements are complete.

If an employee is or was arrested for or convicted of any of the disqualifying offenses listed in §111(e) of the Public School Code after September 28, 2011 (*see* § III.A.4.i. of this Policy), that employee is obligated to disclose that arrest or conviction in writing to her or his employer within 72 hours of the change of status.

If an employer has reasonable cause to believe that a current employee has been arrested for or convicted of one of the disqualifying offenses, but the employee has not disclosed that information, the employer may—at the employer's expense—require the employee to obtain and present updated versions of all required background-check clearances as a condition of continued employment.

b. Volunteers

- Any person who obtained their clearances within the previous 60 months may serve in a volunteer capacity for any program, activity, or service.

- Volunteers who reside in Pennsylvania **MUST** obtain the clearances described below before working with children.

- Individuals who reside in another state may serve as a volunteer for no more than 30 days as long as they provide clearances from their state of residence. Within the 30 days, they must obtain clearances from Pennsylvania as described below.

1. **Regular Volunteers:** Before working with children in any school, all volunteers must have the following documents and clearances:

   - a signed Statement of Intent for Compliance (see Article X)
   - a completed Diocesan Application for Adults Working with Children and Youth
   - the PA State Police Criminal Record Check (every five years)
   - the PA Department of Human Services Child Abuse History Certification (every five years)
   - state Mandated Reporter Training (every five years)
   - signed Diocesan Mandated Reporter Compliance Document (every year)
   - one of the following:
   - the Federal Criminal Record Check, which includes fingerprinting (required for any volunteer who has not been a continuous resident of Pennsylvania for ten years) OR
   - affidavit as required by PA law (for all other volunteers)

2. **Occasional Volunteers:** before working with children in any school, occasional volunteers must have the following documents and clearances:

   - the PA State Police Criminal Record Check (every five years)
   - the PA Department of Human Services Child Abuse History Certification (every five years)
   - signed Diocesan Mandated Reporter Compliance Document form (once a year)
   - their names listed on either the Diocesan Occasional Volunteer List or a Sign-In/Sign-Out sheet whenever they work with children.

4. **Supervisory Procedures**

   a. Before an applicant is hired, the hiring or volunteer-placement supervisor shall send an inquiry to the Diocese Office for Protection of Children and Youth to request a clearance for the applicant for child-protection purposes. The supervisor will allow the applicant to begin employment or volunteering only if the OPCY determines that the applicant does not pose a substantial risk of committing child abuse. This step is

to be completed for new employment and volunteer applicants, as well as transfers from elsewhere in the Diocese.

b. In addition to the above detailed clearance procedures, supervising personnel should know their volunteers and use appropriate judgment in allowing them to work with children. For instance, a supervisor should take efforts to learn why the volunteer is interested in working with children (*e.g.*, parent of child at school, studying in relevant field, seeking eventual employment, etc.) and carefully consider any volunteer with no known or reasonable nexus or motivation. In another example, where a supervisor has local community knowledge from reputable sources (including historical and current media) of a person's prior misconduct (*e.g.*, admitted abuse that could not be prosecuted because of the passage of time), they may reject the volunteer's service even if all clearances are obtained. Volunteers must be known to the community for at least six months before entrusting them with the care of children.

c. Documentation for all compliance issues related to *screening* will be maintained by supervising personnel in a secure, locked file in the parish, school, agency, or institution. Each person will have his or her own personnel file, and files should be kept alphabetically so all documentation on a particular individual can be located in an efficient manner if necessary. These records must be kept indefinitely.

d. Written verification of completed clearances for contracted employees who perform a regular service (*e.g.*, bus service, cafeteria service) is the responsibility of the contractor. This written verification will be maintained in a secure locked file in the parish, school, agency, or institution.

e. Results of Federal Criminal Record checks for employees are not permitted to be kept on-site in the schools. All Federal Criminal Record reports for school employees are maintained in the office of the Director of Catholic Schools and School Personnel. In the parish, the Pastor is responsible to ensure the security of the Federal Criminal Record reports. The leader of any other agency or institution within the Diocese is responsible to ensure the security of the Federal Criminal Record reports relevant to that agency or institution.

f. An employer, administrator, supervisor, or other person responsible for selection of employees/volunteers shall require the individual to produce the original documents within 30 days of employment or before acceptance to volunteer in any position that requires clearances and shall maintain copies of the required clearances (*except for the results of Federal Criminal Record checks for school employees, which must be kept as described in 3(e)*).

g. An employer, administrator, supervisor, or other person responsible for selection of employees/volunteers who intentionally fails to require an applicant to submit the

required clearance before the applicant's hiring/service may commit a misdemeanor of the third degree and may be subject to discipline under this Policy.

h. Child Abuse clearance information is confidential and may not be released to other individuals without approval from a Diocesan lawyer.

i. It is prohibited to hire a person or place a volunteer in a position working with children who is a perpetrator of (1) a Substantiated Case of Child Abuse, (2) a founded or indicated report of child abuse listed in the Pennsylvania central register, or (3) an offense under 24 P.S. §§1-111(e) or 1-111(f.1), which consist of the following:

(1) An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes:

- Chapter 25 (relating to criminal homicide)
- Section 2702 (relating to aggravated assault)
- Section 2709.1 (relating to stalking)
- Section 2901 (relating to kidnapping)
- Section 2902 (relating to unlawful restraint)
- Section 2910 (relating to luring a child into a motor vehicle or structure)
- Section 3121 (relating to rape)
- Section 3122.1 (relating to statutory sexual assault)
- Section 3123 (relating to involuntary deviate sexual intercourse)
- Section 3124.1 (relating to sexual assault)
- Section 3124.2 (relating to institutional sexual assault)
- Section 3125 (relating to aggravated indecent assault)
- Section 3126 (relating to indecent assault)
- Section 3127 (relating to indecent exposure)
- Section 3129 (relating to sexual intercourse with animal)
- Section 4302 (relating to incest)

- Section 4303 (relating to concealing death of child)
- Section 4304 (relating to endangering welfare of children)
- Section 4305 (relating to dealing in infant children)
- A felony offense under section 5902(b) (relating to prostitution and related offenses)
- Section 5903(c) or (d) (relating to obscene and other sexual materials and performances)
- Section 6301(a)(1) (relating to corruption of minors)
- Section 6312 (relating to sexual abuse of children)
- Section 6318 (relating to unlawful contact with minor)
- Section 6319 (relating to solicitation of minors to traffic drugs)
- Section 6320 (relating to sexual exploitation of children)

(2) An offense designated as a felony under the "The Controlled Substance, Drug, Device and Cosmetic Act" of April 14, 1972 (P.L. 233, No. 64).

(3) An offense SIMILAR IN NATURE to those crimes listed above in clauses (1) and (2) under the laws or former laws of:

- the United States; or
- one of its territories or possessions; or
- a state (including Pennsylvania); or
- the District of Columbia; or
- the Commonwealth of Puerto Rico; or
- a foreign nation.

(4) An offense graded as a felony offense of the first, second, or third degree, other than one of the offenses enumerated in (1)-(3), if less than (10) ten years has passed since the end of the sentence for the offense.

(5) An offense graded as a misdemeanor of the first degree, other than one of the offenses enumerated in (1)-(3), if less than (5) five years has passed since the end of the sentence for the offense.

(6) An offense under 75 Pa. C.S. § 3802(a), (b), (c), or (d) (relating to driving under influence of alcohol or controlled substance) graded as a misdemeanor of the first degree under 75 Pa. C.S. § 3803 (relating to grading)), if the person has been previously convicted of such an offense and less than (3) three years has passed since the end of the sentence for the most recent offense.

B. Training of Personnel, Children, & Parents

1. Personnel

a. All employees and regular volunteers, including clergy, seminarians, and diaconate candidates are required to complete the online Diocesan in-service program, *Creating a Safe Environment.* This in-service shall be completed every five years.

b. A certificate of completion for the Diocesan in-service program will be maintained by supervising personnel in a secure, locked file in the parish, school, agency, or institution. Each person will have his/her own personnel file, and records should be kept alphabetically so all documentation on a particular individual can be located in an efficient manner, if necessary. These records must be kept indefinitely.

c. It is not necessary for independently contracted employees (*e.g.*, cafeteria or bus service) to complete the Diocesan in-service.

2. Children & Youth

a. Training programs for children will be conducted annually and include age-appropriate materials pertaining to personal safety and healthy relationships, a safe environment, and the prevention of abuse.

b. Training programs must be completed using one of the following methods:

- Diocesan-approved videos
- Diocesan-approved County Agency presentation
- Through public-schools training with documentation sent to the parish

c. Documentation that in-service programs have been completed will be maintained by supervising personnel in a secure file in the parish, school, agency, or institution. These records must be kept indefinitely. It is not necessary to maintain separate files for each student for child-protection documentation purposes.

3. Parents

a. Parishes and schools will make available to parents and guardians the information regarding child abuse and safe environments provided by the Office for the

Protection of Children and Youth. Verification of this will be recorded on the parish/school annual report for compliance filed with the Office for the Protection of Children and Youth.

b. Documentation that information was provided will be maintained by the supervising personnel in a secure file in the parish, school, agency or institution. These records must be kept indefinitely.

C. Guidelines for Working with Children

1. Consent must be obtained from the parent or guardian for children to participate in any extra-curricular activities sponsored by the Diocese, parish, school, agency, or institution. Such permission must include instructions for emergency care.

2. At least two adults must be present for any extra-curricular activity or program sponsored by the Diocese, parish, school, agency, or institution. These adults must have all required documentation on file before the event. This requirement applies to both on-site and off- site events. It is preferable that one or more of the adults be parents or guardians of at least one of the participants. Care should always be taken to ensure an appropriate ratio of adults to children.

3. There must be at least two adults accompanying children on any overnight trips. These adults must be cleared, in-serviced, and have all required documentation on file before the trip. Care should always be taken to ensure an appropriate ratio of adults to children. If both male and female children are present, male and female adult supervision is required. Care needs to be taken that there is a safe environment provided for sleeping, showering, bathing, dressing, and all other aspects of being away for a period of time. Adults must always respect the privacy of children. Adults must likewise maintain standards of personal privacy when using the restroom, showering, dressing, and otherwise engaging in typically private daily activities while traveling.

4. When staying in a hotel-style room or camping, it is never appropriate for an adult—other than a parent or legal guardian—to share a bed or room alone with a child.

5. Persons transporting children to or from events must be known to the leader of the event. The driver must:

   - be at least 21 years old;
   - complete the PA State Police Criminal Record Check and the Child Abuse History Certification; and
   - complete the Diocesan Volunteer Driving Information Sheet, documenting:
     - no record of convictions for the past five years for DUI, driving with a suspended or revoked license, or reckless endangerment;

- proof of insurance; and
- a valid state driver's license qualified for the vehicle being operated.

6. Adults—other than a parent or legal guardian transporting his/her own child—should never transport one child alone. An exception may be made when the safety of the child would be compromised; for example, leaving the child with no ride home after attempts had been made to reach the parents / legal guardian.

7. During the time adults are responsible for the chaperoning of children during day activities or overnight trips, they are never permitted to provide for children—or use themselves—illegal drugs, alcohol, tobacco, or media in any form that is unsuitable for children (*e.g.*, pornography)..

8. A "buddy system" of a child with another child on trips is recommended as a good safety strategy.

9. Employees or volunteers are never to give gifts to individual children without the prior knowledge and consent of the child's parents. Since gift-giving can be a form of buying loyalty or silence, it should be done on a group basis or for special occasions only.

10. Adults must show discretion before touching another person, for often physical touch can be misinterpreted. Age, gender, race, ethnic background, emotional condition, prior experience, and present life situations all affect how touching is received and interpreted. Physical contact with children should occur only when incidental to public activity or when necessary to protect the immediate safety of a child. For example, a baseball coach may adjust a child's hands to help him learn to properly hold a bat. Physical contact should never occur in private.

11. When sacramental preparation programs or other youth gatherings are regularly held in private homes, the adult screening and training standards as stipulated in Section III.A and Section III.B will apply to all adults in residence at the home.

12. If children visiting from out of town (such as youth choirs and sports teams) need to be housed in private homes, all adult residents of the home must obtain the clearances required of volunteers before the children are housed.

13. An employee or volunteer is not to intentionally engage in regular one-on-one telephonic or other form of electronic communication or personally meet alone with a child who attends a Diocese school or parish, or who is a participant in a Diocese program, activity, or service, without the prior knowledge and consent of the parent or guardian and the knowledge and consent of the immediate supervisor of the employee or volunteer.

IV. COUNSELING AND SPIRITUAL DIRECTION OF CHILDREN/YOUTH

A. Counselors who are licensed professionals and spiritual directors and hold recognized credentials bear full responsibility for establishing and maintaining clear and appropriate boundaries in accord with their professional standards.

B. With the exception of those mentioned in statement A. above, all others providing counseling or spiritual direction and meeting alone with children must use the following precautions:

- the door to the meeting room must be left open or allow for visibility from the outside
- barring emergencies, another adult must be informed of the meeting and be nearby
- barring emergencies, meet with the child during standard business, worship, or school hours

C. Counseling and spiritual direction of children should be done in an appropriate setting and at an appropriate time, including without limitation the precautions listed in Section B. *Private* living quarters are never a suitable place for counseling or spiritual direction.

V. RESPONSE TO CHILD ABUSE

A. Reporting

1. Persons Who Must Report Abuse

According to state law, the mandate to report child abuse is imposed on any individual who comes into contact with children in the course of his/her work or professional practice. Volunteers who perform services for the parish/school are also considered mandated reporters if they come into contact with children during the course of their volunteer parish/school work. Legal immunity is granted to any individual who, in good faith, makes a report of suspected child abuse, even if he/she was not under a legal obligation to do so.

The privilege governing communications between a professional person and his/her patient/client typically does not require confidentiality in situations involving child abuse and does not constitute a legitimate reason for failure to report, particularly where *future* harm may be prevented. Nonetheless, clergy are not permitted by Church law to report information received privately during sacramental confession. In addition, according to Pennsylvania state law:

> No clergyman, priest, rabbi or minister of the gospel of any regularly established church or religious organization, except clergymen or ministers, who are self-ordained or who are members of religious organizations in which members other than the leader thereof are deemed clergymen or ministers, who while in the

course of his duties has acquired information from any person secretly and in confidence shall be compelled, or allowed without consent of such person, to disclose that information in any legal proceeding, trial or investigation before any government unit. 42 Pa. C.S. § 5943

2. Incidents to be Reported

Alleged past or present physical abuse, sexual abuse, or neglect of a child must be reported, regardless of where or when the incident occurred. Child abuse disclosed directly to a mandated reporter must be reported to the proper authorities. In addition, any "reasonable suspicion" of child abuse by a mandated reporter must also be reported. In other words, a child need not personally report the abuse to the mandated reporter to trigger the mandate to report. The reporter merely needs a reasonable cause to suspect that the child may be a victim of Child Abuse. Under Pennsylvania law, the abused child must be under the care, supervision, guidance, or training of the agency, institution, organization, or other entity with which that person is affiliated for them to be considered a mandated reporter. Nonetheless, it is the policy of the Erie Diocese that appropriate reports be made to ChildLine (*for current children*) or secular law enforcement (*for adults previously abused as children*) whenever an employee or volunteer learns of child abuse, regardless of whether a mandatory-reporting obligation is triggered by law.

The mandate to report applies to all child abuse, not just abuse that has been perpetrated by Church personnel. Possible abusers could include, for example, parents, relatives, older siblings, neighbors, youth group or sports leaders, family friends, and other children.

When an incident of abuse occurred in the past and the victim is an adult when the information is received, the reporting procedures of this policy still apply (*see* section V.A.4, below). If possible, the adult/victim should be encouraged to contact the Victim Assistance Coordinator of the Diocese.

As a matter of Erie Diocese policy, any doubt concerning the application or interpretation of these provisions should be resolved in favor of reporting. The secular authorities will determine the particulars and take appropriate action. A MANDATED REPORTER SHALL NOT CONDUCT AN INVESTIGATION ON HIS OR HER OWN. AS APPROPRIATE, THE DIOCESE WILL FOLLOW ITS INTERNAL INVESTIGATION PROTOCOLS AND COORDINATE WITH LAW ENFORCEMENT.

Any suspicious or inappropriate behavior involving children that does not give rise to a reasonable suspicion of child abuse, including any violation of the "Guidelines for Working with Children and Youth" or the "Code of Conduct," should be reported directly to the employee's or volunteer's supervisor, who must then immediately notify the Office for Protection of Children and Youth of the complaint and all known details. If the

complaint involves the supervisor, the employee or volunteer must notify the Office for the Protection of Children and Youth him/her self.

3. Other Persons Who Can Report Abuse

Any person may make a report of child abuse. The report is made when abuse is actually disclosed by the child or when a person has reasonable cause to suspect that a child is being or was abused. Reasonable suspicion—not proof—is the standard. Even an erroneous report—made in good faith—is permissible and legally protected.

4. Procedure for Reporting Abuse

a. IN EVERY INSTANCE:

In the event of likely imminent danger to the child, local police (911) should be contacted immediately.

A mandated reporter is legally required to make a direct, immediate report of the suspected abuse to the PA Department of Human Services ChildLine. The toll-free number is **1-800-932-0313.**

An electronic report is to be made within 48 hours of the call to ChildLine and sent to the Children and Youth Agency in the county in which the abuse occurred. A copy of the Department of Human Services form for making a written report can be obtained at http://www/erlercd.org/pdf/cy47.pdf.

The mandated reporter is also to notify the person in charge (Principal/Administrator for a school, Pastor for a parish, Agency Director for an agency), who must thereafter assume the responsibility to assure the cooperation of the institution in any resulting investigation. The person in charge must provide a written report to the Office for the Protection of Children and Youth within 24 hours of having received the allegation.

b. ADDITIONAL REQUIREMENT IF THE ALLEGED PERPETRATOR IS A FELLOW SCHOOL EMPLOYEE/ADMINISTRATOR:

For school employees: If the suspected perpetrator of abuse is a fellow employee in a Catholic school, follow the reporting procedures listed in 4a above, and also:

Immediately and directly notify:

1. local law enforcement officials
2. District Attorney
3. ChildLine
4. County Protective Services agency
5. Principal/Administrator (*If the alleged perpetrator is the Principal/Administrator, notify the Superintendent instead.*)

Be sure to give the following information to the persons or agencies listed above:

- The name, age, address, and school of the student.
- The name and address of the student's parents or guardian.
- The name and address of the school administrator.
- The name, work, and home address of the perpetrator.
- The nature of the alleged offense.
- Any specific comments or observations that are directly related to the alleged incident and the individuals involved.

A copy of the Department of Human Services form for making a written report can be obtained at http://www.eriercd.org/pdf/cy47d.pdf.

The Principal/Administrator will immediately notify the Superintendent of Schools, as well as the Pastor, if applicable. The Superintendent will confirm that all necessary parties have been notified and will file a report with the PA Department of Education within 15 days.

B. Internal Records

The Office for the Protection of Children and Youth shall maintain a centralized depository of reports of suspected child abuse, violations of the Policy for the Protection Children, and other inappropriate behavior. The records shall be kept by the Office for Protection of Children and Youth in digitized files to ensure ease of access and transfer. In addition to the files, the Office for the Protection of Children and Youth should maintain a name-based digital index of the records to allow for a simple name search to quickly determine whether an individual has a record of allegations, complaints, or reports.

The Office for Protection of Children and Youth shall receive new reports and complaints of suspected child abuse, inappropriate behavior relating to a child, and violations of the Policy for the Protection of Children and add them to the digitized record bearing the accused's name. The Office for Protection of Children and Youth will update each record with information from follow-up investigations and any dispositions of a case.

The Office for the Protection of Children and Youth shall maintain a public website listing the names of individuals it has deemed to present a risk of child abuse (regardless of whether these individuals were successfully prosecuted) and are thus prohibited from employment or volunteering in the Diocese, its parishes, schools, related agencies, institutions, or any entity funded by the Diocese. The website shall also contain links to Federal and Pennsylvania sex-offender registries.

C. Response Procedure

Upon learning of an allegation of child abuse, the Office for the Protection of Children and Youth shall be responsible for employing the following procedures:

1. Reporting

   - Immediately verify that all reports to secular and Diocesan authorities required by this policy have been made.

   - If reports required by this policy have not been made and there is a reasonable suspicion that child abuse has occurred or there is an imminent danger that child abuse will occur, the Office for the Protection of Children and Youth shall immediately make such reports.

   - If there is a complaint about behavior, but there is no reasonable suspicion that child abuse has occurred or imminent danger that child abuse will occur, then the Office for the Protection of Children and Youth shall initiate an investigation of the complaint, including a review of the accused's record on file with the Office for the Protection of Children and Youth. If at any time there is a reasonable suspicion that child abuse has occurred or that there is an imminent danger of child abuse, the Office for the Protection of Children and Youth shall immediately make all reports to secular and Diocesan authorities required by this policy.

2. Investigation

   - During the course of the investigation, the alleged perpetrator will be placed on paid leave of absence until the investigation is concluded unless law enforcement or Diocesan counsel instruct otherwise in writing.

   - Upon receipt of an allegation, the Office for Protection of Children and Youth shall inform the alleged perpetrator of the immediate leave and instruct the alleged perpetrator to refrain from any retaliation, contact, or communication involving the alleged victim or witnesses. Additionally, the alleged perpetrator must be instructed that (1) by virtue of this Policy, full cooperation with all investigations is a condition of continued employment and (2) all reasonable steps must be taken to preserve any evidence, including electronically stored information, pending the conclusion of the investigation.

   - Within 48 hours, review the accused's record on file at the Office for the Protection of Children and Youth.

   - Within 7 days, meet separately with the accuser, the accused, the alleged victim, witnesses, and other individuals suspecting abuse or possessing information about the abuse. Identify and follow up with additional witnesses as necessary.

- A written record summarizing all meetings, interviews, evidence, admissions, adjudications, and penalties shall be added to the accused's record in the Office for the Protection of Children and Youth.

- Upon receipt of an allegation, the Office for Protection of Children and Youth should communicate receipt of the allegation to the original reporter. Upon the conclusion of the investigation, the Office for Protection of Children and Youth should communicate the result of the investigation and any follow-up procedures to the original reporter—and anyone else involved in the report or investigation—to ensure that everyone understands the outcome and further action (e.g., dismissal, counseling, individualized monitoring plan), if any.

3. Cooperation

- The Diocese, its Office for Protection of Children and Youth, its schools, agencies, parishes, and all employees and volunteers will cooperate fully in any investigation into child abuse by secular or Diocesan authorities. Cooperation includes making one's self available for interviews, answering all questions truthfully and completely, and providing any requested documents, files, or electronically stored information, in whatever format and stored in whatever fashion.

- By virtue of this Policy, the commitment to fully cooperate in child abuse investigations is a condition of employment or volunteering with the Diocese in any of its schools, parishes, agencies, institutions, programs, or services. To the extent that any Fourth Amendment search/seizure rights, Fifth Amendment self-incrimination rights, privacy rights, or other arguments are asserted to avoid or minimize interaction with Diocesan investigators, it will be deemed non-cooperation both because (1) these rights do not apply in a non-government investigation and (2) all employees expressly consent in their contract and/or compliance certifications when accepting this Policy to waive such rights.

4. Victim Response

- In instances of allegations of child sexual abuse, the Diocese will refer the alleged victim to the Victim Assistance Coordinator, who will coordinate whatever range of care is necessary, including counseling, spiritual assistance, and other social-service assistance.

- If an alleged victim of child sexual abuse is in need of physical medical care or psychological counseling due to the abuse that child has suffered, the Diocese will pay the costs of that care and counseling within reason.

- If a civil settlement agreement is reached with the victim, such agreement shall not contain a confidentiality provision except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement.

5. Penalties

- If a single abuse allegation is confirmed as a Substantiated Case of Child Abuse, the offending employee or volunteer will be immediately dismissed from his/her position and permanently prohibited from working or volunteering with children anywhere in the Diocese.

6. Diocese Website

- The Office for the Protection of Children and Youth shall place on a public website the names of all former or suspended Diocese personnel who present a serious risk Child Abuse and who are prohibited from employment or volunteering in the Diocese, its parishes, schools, related agencies, institutions, or any entity funded by the Diocese. Such individuals include:
  - Individuals whom the Office for the Protection of Children and Youth deem to be perpetrators of a Substantiated Case of Child Abuse.
  - Individuals who failed to report Child Abuse when having knowledge of or reasonable cause to suspect Child Abuse.
  - Individuals who intentionally failed to update child-abuse clearances as required by this Policy.
  - Individuals who have failed to cooperate with—or who have obstructed—a government (e.g., criminal or child protective services) or Diocese child abuse investigation.
  - Individuals who have been accused of Child Abuse involving Sexual Abuse, but where the allegations cannot be fully investigated, such as where a key witness is dead or located outside of the country.

VI. CONFIDENTIALITY

Any communication regarding a Child Abuse case must be limited to the proper reporting authorities unless good cause exists (*e.g.*, seeking public help to identify unknown perpetrators, victims, or witnesses) or until such time as a clear determination of the allegation's veracity has been made.

VII. PASTORAL CARE

The Erie Diocese takes seriously its responsibility for pastoral care for the victim, the accused, and the parish/Diocesan community. The Victim Assistance Coordinator—a professional lay person—is available to victims and their families to provide immediate assistance and to coordinate whatever range of pastoral care is deemed necessary. The name

and contact information of the current Victim Assistance Coordinator can be found at http://www.eriercd.org/protectyouth.htm

VIII. ADDITIONAL RESOURCES AND FORMS

Additional information, resources, and all Diocesan forms required for compliance with this Policy can be found at http://www.eriercd.org/protectyouth.htm or go to www.eriercd.org and from the list on the left side of the page, click on "For the Protection of Children."

IX. CONCLUSION

The purpose of this policy is to ensure a safe environment for all children who are served by the Erie Diocese itself or by any Catholic school, parish, or related agency within the Diocese. By articulating a code of behavior through training and education, guidelines for prevention, recognition of child abuse and through a clear procedural response, the Erie Diocese fortifies that safe environment.

The Most Reverend Lawrence T. Persico, JCL
Bishop of Erie

Promulgated following the approval of the Diocesan Review Board on June 16, 2003
+ Donald W. Trautman, Bishop of Erie

Revised (Introduction; Section IA; Section II; Section IIIA, 1a & 1b, 2a, 2b, & 2c; Section V A, B, D, E, F, G; Section VII; added Section VIII) and promulgated following the approval of the Diocesan Review Board on June 14, 2007
+ Donald W. Trautman, Bishop of Erie

Revised (Section IIIA, 1a & b, 2a, b & c; Section X, Title) and promulgated following the approval of the Diocesan Review Board on July 23, 2009
+ Donald W. Trautman, Bishop of Erie

Revised (Section IIIA, 1a, 2a, 2b; Section VB, VD; Section X) and promulgated following the approval of the Diocesan Review Board on July 1, 2010.
+ Donald W. Trautman, Bishop of Erie

Revised (Section IIIA, 1a, 2a, 2b; Section IIIB, 1a, 1b) and promulgated following the approval of the Diocesan Review Board on July 27, 2011.
+ Donald W. Trautman, Bishop of Erie

Revised (Section IIIC, 2, 11-12) and promulgated following the approval of the Diocesan Review Board on July 16, 2012.
+ Donald W. Trautman, Bishop of Erie

Revised (Section IC; IIIA, 1a,2a,2b, 5; IIIB,1b, 2c; IIIC, 1, 3, 7; VB and VH) and promulgated following the approval of the Diocesan Review Board on July 11, 2013.
+ Lawrence T. Persico, Bishop of Erie

Revised (Section IIIA, 1a,1b, 2a, 2b,2c; Section IIIC, 2; Section V A, B, C, D, E) as required by Pennsylvania state law and promulgated January 23, 2015.
+ Lawrence T. Persico, Bishop of Erie

Extensive revision as required by Pennsylvania state law and promulgated September 11, 2015, following the approval of the Diocesan Review Board on June 10, 2015.
+ Lawrence T. Persico, Bishop of Erie

Amended definition of a Child (IF) and the Code of Conduct (II) to include the issue of pornography, and promulgated June 14, 2016 following the approval of the Diocesan Review Board on June 8, 2016.
+ Lawrence T. Persico, Bishop of Erie

Extensive revision as required by Pennsylvania state law and as suggested by independent investigators to incorporate additional best practices; promulgated on _____, following the approval of the Diocesan Review Board on _____.
+ Lawrence T. Persico, Bishop of Erie

PLEASE NOTE
To be completed and signed by Employees and Regular Volunteers **AFTER** policy is read

X. STATEMENT OF INTENT FOR COMPLIANCE

I have read and understand the policy of the Erie Diocese entitled *For the Protection of Children*. I will comply fully with all the requirements specified in this Policy, including the procurement of background checks and completion of the online Diocesan training session, *Creating a Safe Environment*. My questions (if any) pertaining to this Policy have been satisfactorily answered. I am not aware of (or I have fully disclosed to the OPCY) any violation of this Policy, whether committed by myself or another person.

I also understand that if I do not complete the requirements of this Policy, I will be prohibited from working with children until the requirements are complete.

I testify that I have never been convicted of child abuse or a crime involving actual or attempted sexual molestation. No formal or informal unresolved charge, claim, or complaint has ever been made against me that would call into question the advisability of entrusting me with the supervision, guidance, and care of children. I affirm that I am not disqualified from service based upon a conviction under any federal, state, or foreign law that prohibits or relates to:

- Criminal homicide
- Aggravated assault
- Stalking
- Kidnapping
- Unlawful restraint
- Luring a child into motor vehicle or structure
- Rape
- Statutory sexual assault
- Involuntary deviate sexual intercourse
- Sexual assault
- Institutional sexual assault
- Aggravated indecent assault
- Indecent assault
- Indecent exposure
- Sexual intercourse with animal
- Incest
- Concealing death of child
- Endangering welfare of children
- Dealing in infant children
- Felony prostitution
- Obscene sexual materials and performances
- Corruption of minors
- Sexual abuse of children
- Unlawful contact with minor
- Solicitation of minors to traffic drugs
- Sexual exploitation of children
- Felony drug possession/distribution
- Any felony sentence less than 10 years ago
- Any misdemeanor sentence less than 5 years ago
- Any second-time/repeat DUI

As testimony of the statements above, I affix my signature below.

Name (printed) _____

Signature _____

Date: _____

This record is to be kept on file in the Diocesan office, school, agency, or institution where the individual ministers. The record for priests will be kept in the Office of Priest Personnel Office. The record for permanent deacons will be kept in the Permanent Diaconate Office.

DIOCESE OF GREENSBURG

THE DIOCESE OF GREENSBURG

Page

June 20, 2018

VIA FEDERAL EXPRESS

The Honorable Norman A. Krumenacker, III
Supervising Judge
Fortieth Statewide Investigating Grand Jury
200 South Center Street
Ebensburg, PA 15931

RE: RESPONSE OF DIOCESE OF GREENSBURG TO REPORT NO. 1 OF THE FORTIETH STATEWIDE INVESTIGATING GRAND JURY

Dear Judge Krumenacker:

In accordance with your May 22, 2018 Order, and on behalf of the Diocese of Greensburg ("the Diocese"), I am attaching the Statement that I previously submitted to the Fortieth Statewide Investigating Grand Jury as the Diocese's response to Report No. 1. In doing so, I respectfully request that this letter and my Statement be attached and appended to Report No. 1 before it is made part of the public record.

My Statement and the Diocese's Response to Report No. 1 can be summarized in five words: *This is not today's Church.* As Report No. 1 sets forth in heartbreaking detail, there have been occasions where the Church and the Diocese have faltered in their protection of children, young people and vulnerable adults, and for those the Diocese apologizes to the survivors and their families and continually offers assistance to help them heal. But, while Report No. 1 undertakes an extensive historical analysis of the Diocese's past failures, what Report No. 1 does not do in the same exhaustive detail is highlight, as my Statement does, how the Church and the Diocese have progressed, evolved and dramatically reformed over the last thirty years to the point that today's Church now does more than any other organization to protect children and help survivors of child abuse. Indeed, the vast and expansive child protection policies, procedures and practices currently in place in the Diocese, as set forth in my Statement, ensure that what may have happened in the past is not happening now, and will not be repeated, in today's Church.

Respectfully,

+Edward C. Malesic

The Most Reverend Edward C. Malesic, JCL
Bishop of Greensburg

Enclosure
cc: Daniel J. Dye, Esquire
{01425257;v2 }

Diocese of Greensburg • 723 East Pittsburgh Street • Greensburg, Pennsylvania 15601-2697
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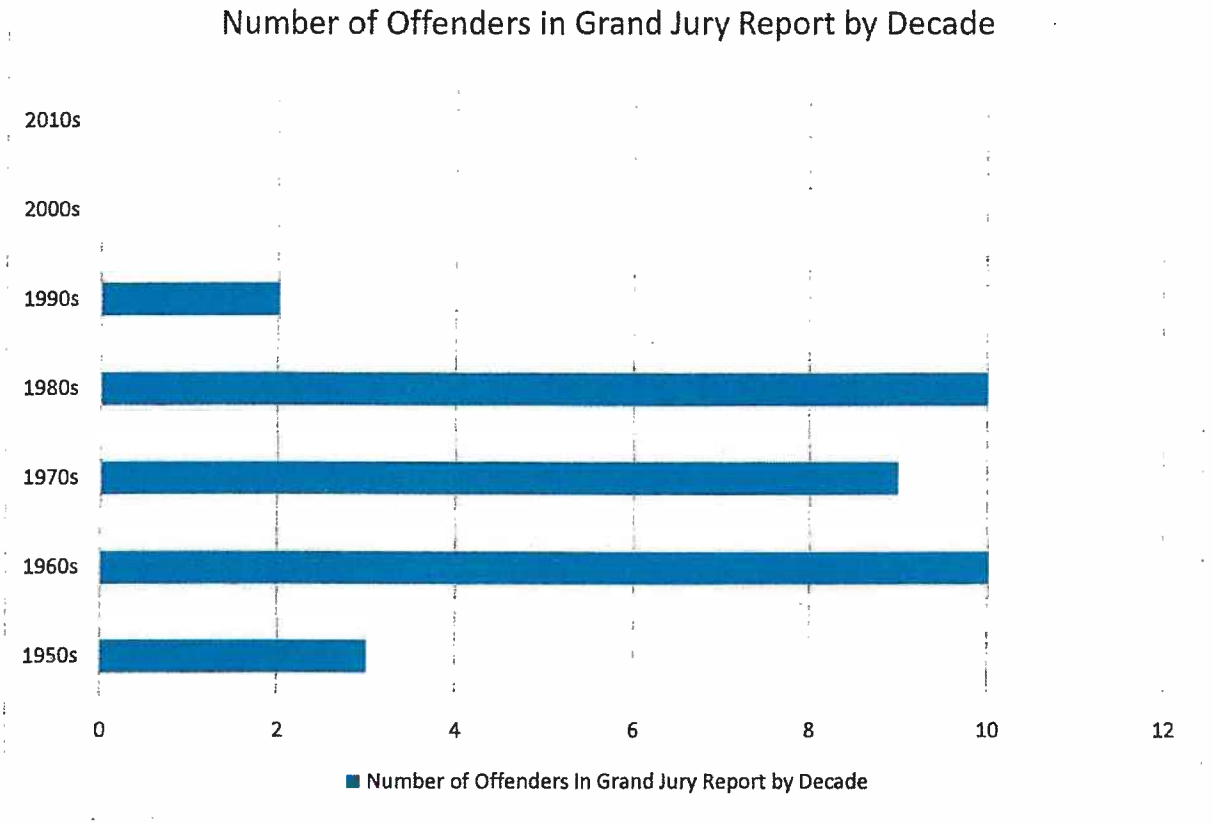

METHODOLOGY: The Grand Jury Report identifies 20 "offenders" from the Diocese of Greensburg (pages 115-116). The above chart tracks the number of "offenders" by decade. An "offender" was listed in a decade based on when the alleged offense occurred, and not when the report of the offense was made. A single "offender" may appear in multiple decades based on offenses occurring in different decades; e.g., if Priest A offended in the 1980s and the 1990s, he is listed in each decade. Thus, the totals by decade added together exceeds 20 "offenders."

For purposes of this chart only, the Diocese charted all "offenders" listed in the Report who were associated with the Diocese of Greensburg.

Statement of Bishop Edward C. Malesic of the Diocese of Greensburg, Pa.

Introduction

I am grateful for the opportunity to present this information to the Office of the Attorney General for use by the 40th Statewide Investigating Grand Jury, and to show how the Diocese of Greensburg constantly rededicates itself to the care and protection of the children, youth and vulnerable adults in our care. This commitment by the Diocese is one of continued progress and improvement as society has learned more about the causes of abuse and the impact it has on survivors. Yes, there have been occasions where we have faltered, and for those the Diocese apologizes to the survivors and their families and continually offers assistance to help them heal.

From the beginning of my priestly ministry in 1987, and through my episcopal ordination and installation as the fifth Bishop of the Diocese of Greensburg on July 13, 2015, the protection of ***all*** children, young adults and vulnerable adults has been of the utmost importance to me, whether those individuals are under the supervision of the Diocese or some other organization.

When I was ordained a priest more than 30 years ago, like all people of good will, I was already committed to the protection of all children and youth. As I have said in homilies and other public addresses, the Church must be held to higher standards because of what we believe, what we teach and who we are.

We pray for all the survivors of abuse — no matter when it occurred, where it occurred or to whom it occurred. I applaud and support all the survivors of abuse who have come forward to report what happened to them. It doesn't matter what the circumstances were or who the abuser was; the survivors' scars run deep, and their pain never goes away. But we do more than pray. They need our help, and we stand ready to assist them with counseling, love and our sincere apologies for any failures on the part of the Diocese.

While I am not proud of the Diocese's past failures in this regard, I am proud of our ongoing and continually evolving response, our efforts to protect and our efforts to help survivors heal. I am proud to be a Catholic priest; I am proud to be the Bishop of Greensburg; and I am proud of the many faithful, generous and hardworking Catholics who make up our Diocese. Our parishioners can be proud of the processes and procedures we have in place today to protect children and report any abuses of which we are aware. We are a strong community of Christian believers who have accepted responsibility and apologized for the long-ago actions of a few clergy and laypeople in this Diocese.

The John Jay study presented to the United States Conference of Catholic Bishops in 2011, "The Causes and Context of Sexual Abuse of Minors by Catholic Priests in the United States, 1950-2010," showed that the incidents of sexual abuse by Catholic priests rose from the mid-1960s through the late 1970s, then declined in the 1980s. The John Jay report also noted that, at that time, there was a substantial increase in knowledge and understanding in American society about victimization and the harm of child sexual abuse. The understanding of the causes of sexual offending have advanced, and the research related to the treatment of sexual abusers has expanded. All of society has learned much from the research referenced in the John Jay report.

The most recent national annual audit on diocesan compliance with the U.S. Conference of Catholic Bishops' "Charter for the Protection of Children and Young People" — conducted in every Catholic diocese in the U.S. by independent investigators, compiled in 2017, and covering the audit year from July 1, 2015, to June 30, 2016 — shows significant progress in the Church's work to help survivors of clergy sexual abuse find healing and the Church's efforts to ensure that abuse does not happen in the future.

As a Church, we know that sexual predators will never go away so we must focus daily on our vigilance to protect our children and eradicate this horrendous crime. To be clear, this vigilance must be extended to all aspects of society, as no organization is immune from this evil.

We all recognize that our children must be protected both within and outside of the Church. We must continue to educate ourselves and our children to know the signs of abuse and how to report it. I think we in the Diocese of Greensburg are doing an outstanding job of protecting our children – in fact, I think we are second to none.

The Diocese works diligently to make sure that our children are safe with all of our priests, seminarians, deacons, employees and volunteers. We continue to do our best to form healthy and holy men who will serve us as good and faithful priests and deacons in the future. We fully vet everyone who ministers, works or volunteers within the Diocese to the best of our ability with no less than three Pennsylvania-mandated background checks: (1) Pennsylvania Act 33 (child abuse clearances); (2) Act 34 (criminal background checks); and (3) FBI fingerprinting, or a signed affidavit affirming that the person has not committed any crime that would prevent them from working with children or youth (if the person has lived in Pennsylvania for at least 10 years). And we require that all clergy, staff and volunteers have mandated reporter and child abuse awareness training. That includes me, the Diocesan Bishop.

Everyone serving or working for the Diocese in any capacity must be proactive in reporting any suspicion of child abuse, which is why we routinely explain how to do this in our Diocesan newspaper, on the Diocesan website and in our parishes and schools.

Of course, we are human. We recognize that there are people who will want to take advantage of our goodness and innocence. We also recognize that, despite checks and rechecks, no organization is infallible. This is why we need to ensure that our parishes and schools are the safest places possible for our young children and teenagers to pray, play and grow in the practice of their faith in God.

We regret that other organizations have not benefitted by following the strong example that our Diocese and other dioceses have set in combatting abuse. We recently have learned of widespread abuses in sports and entertainment and are reminded how organizational behaviors can allow this to begin in the first place and to continue happening for years. People are learning now what we came to understand years ago — no institution is immune from this crime and every single member of society must constantly be vigilant to protect our children and the most vulnerable members of our communities.

Our Commitment to Child Protection

The Diocese of Greensburg requires that every report of suspected abuse of a child, young person or vulnerable adult — sexual, physical or emotional — that is made to the Diocese be immediately reported to PA ChildLine and law enforcement.

We ask that if anyone suspects that a child, young person or vulnerable adult has been abused by any person at any time, the person should call PA ChildLine at 1-800-932-0313, no matter when or where the suspected incident might have occurred. We do this in our parish communications. Notices to this effect are regularly published in parish bulletins and the Diocesan newspaper, *The Catholic Accent.*

The diocese treats its employees as mandated reporters and these same employees are therefore required to contact PA ChildLine if they have any suspicions whatsoever of abuse of a minor, whether by Diocesan clergy, an employee or a volunteer. And the Diocese continues to educate and train the children and adults in the Diocese on how to spot and report abuse.

As Bishop of Greensburg, I openly invite survivors to meet with me to pursue healing and reconciliation as part of the Diocese's commitment to work closely with victims and their families for wholeness and healing. The Diocese also oversees the provision of free counseling, including the offer of independent outside counseling services and contact with support groups and other social service assistance, regardless of when the alleged abuse occurred and whether or not the alleged abuse occurred within the Diocese of Greensburg.

In the relatively short time that I have served the Diocese of Greensburg, I have directed that there be two separate reviews of the Diocesan clergy personnel files to ensure that no one who is or was the subject of a credible or substantiated allegation of improper conduct with a child or young adult is currently serving in any ministerial capacity in the Diocese. One of these independent reviews was conducted by retired Westmoreland County Judge John Driscoll. Neither of the independent file reviews revealed credible or substantiated allegations of prior sexual misconduct by a priest currently serving in the Diocese of Greensburg. The reviews were not undertaken because of an order from an outside agency.

The USCCB and the Charter

The "Charter for the Protection of Children and Young People" and the "Essential Norms" are two documents that were approved by the United States Conference of Catholic Bishops (USCCB) at its national meeting in 2002 in the wake of the national sexual abuse scandal that came to light earlier that year. The Charter created a national policy that put in place structures at the Conference level and required more comprehensive Diocesan structures to be established to create safe environments for children and young people, to reach out to victims and assist them, to end secrecy, to immediately report abusers to law enforcement and cooperate in all law enforcement investigations, and to permanently remove abusers from all ministries.

The USCCB policies established "zero tolerance," which requires that any cleric credibly accused of abusing a child is to be immediately removed from ministry pending a complete and independent investigation. In the event that the allegation is substantiated, the priest is never to be reassigned to ministry. The Norms require all Bishops to adhere to this national policy. The Charter and Norms also require annual independent audits to ensure that each Diocese is in compliance.

The Diocese's Charter Compliance

The Diocese of Greensburg has been determined to be in compliance with the Charter and Norms in every one of its external audits conducted from 2003 to the present. The audits

from 2003 until 2011 were conducted by the Gavin Group and from 2012 until the present by StoneBridge Business Partners. Both audit firms are independent from the Diocese and hired by the USCCB to monitor the compliance of the Diocese with the Charter. The Diocese of Greensburg is firmly committed to continuing all of the measures mandated by the Charter to prevent the sexual abuse of children and young people.

The Diocese's Policy Growth and Development

The Diocese of Greensburg has had policies on clergy sexual misconduct in place since at least 1985, two years before I was ordained a priest. The policies have evolved and been updated as evidenced-based best practices dealing with the mental health issues of abusers and their victims and the short-term and long-term trauma of the survivors of the abuse have evolved. Current policies also emphasize the absolute necessity of letting law enforcement use their professional expertise to complete their investigation of allegations before the Diocese begins its internal canonical review. At all times, the Diocese defers to law enforcement's investigation and directives.

In April 1985, Bishop William G. Connare, the second Bishop of Greensburg, established the Diocese of Greensburg's first written policy on Clergy Sexual Misconduct.

In September 1994, a more detailed policy on Clergy Sexual Misconduct was promulgated by Bishop Anthony G. Bosco. In that policy, Bishop Bosco established a Clergy Sexual Misconduct Review Board consisting of one priest and five independent laypeople from the legal, counseling and child psychology professions who serve for five-year terms.

In 2002, in line with the charter, the Diocesan Review Board was created to replace the Clergy Sexual Misconduct Review Board. The Diocesan Review Board is an advisory group to the Diocesan Bishop and serves as a confidential review body. This group is convened by the Bishop's Delegate. The Bishop's Delegate, appointed by the Diocesan Bishop, is the person in charge of overseeing investigations of clergy sexual misconduct and recommending subsequent interventions, related to the cleric in question, to the Vicar General and the Diocesan Bishop. The Review Board develops those reports and recommendations for the Bishop's Delegate and provides the Delegate advice and recommendations regarding a pastoral response to victims and a comprehensive response plan for an affected parish or institution. The Diocesan Review Board's work is completely independent from the investigation that is conducted by law enforcement. On the part of the Diocese, nothing is ever done to compromise or obstruct any law enforcement investigation.

The Diocese's Clergy Sexual Misconduct Policy was further revised as a result of the Charter with the addition of a Victims Assistance Coordinator who is appointed by the Diocesan Bishop to provide appropriate spiritual and psychological help to families, parishes and church institutions impacted by an abuse allegation.

In 2002, the Diocese of Greensburg also thoroughly reviewed the personnel files of every Diocesan priest who had served in the Diocese since its formation in 1951. This review found indications of possible improper conduct on the part of some priests dating from 1962-1982. Information on all of these cases was forwarded to the Westmoreland County District Attorney. The Diocesan Review Board reviewed all the cases, and the Diocesan Bishop accepted the recommendations of the Board. As a result, some of the priests were banned from public ministry. The District Attorney never filed charges in any of the cases referred to him.

Also beginning in 2002, all Diocesan priests and Religious Order priests with a diocesan assignment were required to comply with Pennsylvania Act 33 (child abuse clearances) and Act 34 (criminal background checks). Before a cleric from outside the Diocese receives permission to minister in the Diocese of Greensburg, he must have the above mentioned state clearances and is required to submit to an FBI fingerprint clearance search, as well as present a current letter of suitability for ministry from his Diocesan Bishop or religious superior that documents the cleric's good standing.

In April 2003, the Diocese promulgated its Policy to Protect Minors, which was a consolidation of all of its existing personnel policy requirements governing Diocesan employees and volunteers who have significant contact with minors. These requirements include the Acts 33 and 34 background checks and clearances. This policy was further refined in September 2003 with the additional mandate that all lay employees and volunteers, in addition to clergy, who have significant contact with minors, receive child protection training.

In September 2012, Bishop Lawrence E. Brandt, my immediate predecessor, promulgated the "Code of Pastoral Conduct," which brought all earlier Diocesan policies into one document and clearly set forth standards and expectations for all people who act in the name of the Diocese. It applies to all bishops, priests, deacons, religious and lay members of the faithful — including all employees and volunteers — who assist in providing pastoral care in the Diocese of Greensburg, including its parishes, schools, programs and other Diocesan entities. The "Code of Pastoral Conduct" provides a new level of protection by including in Diocesan Policy the protection of vulnerable adults and by defining boundary issues.

I reaffirmed this same "Code of Pastoral Conduct" on July 14, 2015, the day following my episcopal ordination and installation as the fifth Bishop of the Diocese of Greensburg. The "Code of Pastoral Conduct" is posted on the Diocesan website.

Diocesan Outreach to Protect Children

The Diocesan website, www.dioceseofgreensburg.org, has a link on its homepage that provides people an accessible way to report any concern about clergy, employee or volunteer sexual misconduct. Here, anyone can readily access the Diocesan "Code of Pastoral Conduct," and the USCCB Charter and Norms.

The Diocesan newspaper, *The Catholic Accent,* regularly publishes the contact information for PA ChildLine and for reaching the Bishop's Delegate regarding matters of sexual misconduct. Every parish receives contact information for PA ChildLine and the Bishop's Delegate in a regularly-scheduled reminder published in their weekly bulletins, as well as informational posters that are required to be displayed prominently in every Diocesan parish, school or other Diocesan entity. Mandatory and regular publication of this information in the Catholic newspaper, the parish bulletins and on the Diocese website is the Diocese's way of reaching out to victims and encouraging them to come forward.

In 2003, the Diocese established a victim's abuse reporting line. This telephone number allows anyone to report suspected child abuse to the Diocese after they have contacted PA's ChildLine. To our knowledge, no other private or public institution undertakes this extensive outreach to protect children, which is an indication of just how seriously the Diocese takes this issue.

Child Protection Training

As of the end of the 2016-17 fiscal year, the Diocese of Greensburg has provided VIRTUS, Protecting God's Children, training to more than 12,000 adults — employees and volunteers — since instituting the program in 2003. VIRTUS is the brand name of a best practices program designed to help recognize and prevent misconduct within religious organizations, primarily in the areas of child sexual abuse and other inappropriate sexual behavior. This type of training, or its equivalent, was mandated by the USCCB Charter and Norms. As of June 30, 2017, the Diocese has invested more than $150,000 in training and educating people through the VIRTUS child protection program. VIRTUS training, or its equivalent, is now required of everyone who volunteers or works in the Diocese. That includes me, all clergy, school employees, parish-based employees and all volunteers.

The Diocese also requires mandated reporting training for all clergy and employees, educating them about the legal requirements for reporting suspected child abuse under the Pennsylvania Child Protective Services Law that went into effect in May 2007 and was updated in December 2014. Moreover, in this past year alone, nearly 10,000 children in our Catholic schools and parish-based religious education programs in the Diocese have received age-appropriate abuse prevention education.

The Commonwealth of Pennsylvania enacted new legislation, which went into effect in December of 2014, that updated, among other items, the Child Protective Services Law related to the reporting of suspected child abuse and background checks. The Diocese of Greensburg, taking the broadest interpretation of those requirements, requires all of its employees and all of its volunteers, whether or not they work directly with children and teens, to go through the state-mandated background checks and to adhere to the new reporting laws. That includes ***every*** member of the clergy, including me, and ***every*** employee and ***every*** volunteer working in any Diocesan entity, including in the parishes and Catholic schools, whether they work directly with children or not.

The Diocese's Policies in Practice

The recent case of Father John T. Sweeney is an example of how effective and efficient the Diocese's current child protection policies and procedures are in practice and how they should serve as a model to be replicated by others.

The Diocese of Greensburg was informed by the Westmoreland County District Attorney's Office on Sept. 20, 2016 that a report of alleged sexual abuse of a child involving Father Sweeney dating back to the early 1990s was made to PA ChildLine. This news was surprising to the Diocese, because the Diocese had uncovered no information raising concerns about Father Sweeney's conduct with children during the multiple independent reviews of his clergy personnel file. Indeed, Father Sweeney's file did not contain a single prior allegation of sexual misconduct, whether credible or not. Nevertheless, the Diocese moved immediately to respond to the PA ChildLine report.

In accordance with Diocesan policy, as soon as the Diocese was made aware of the allegation, Father Sweeney was removed from Holy Family Parish, West Newton, where he had been serving as pastor since Oct. 30, 2008. His priestly faculties were immediately suspended and he was placed on administrative leave effective Sept. 21, 2016, pending an investigation by law enforcement. At that time he was prohibited from presenting himself as a priest in public,

and his residence was transferred to the retired priest facilities at the Bishop Connare Center. He was required to avoid any unsupervised contact with minors.

A few days later, all of the information related to the allegation against Father Sweeney, along with his entire personnel file, was provided to the Office of Attorney General.

At the request of law enforcement officials, the Diocese of Greensburg did not publicize the allegation, even though the canonical precept entered against Father Sweeney on Sept. 21, 2016 made clear to him that he was being removed from ministry for allegedly offending a minor. The Diocese fully cooperated with law enforcement's investigation of the allegation and, at the same time, continued to cooperate with the Grand Jury's ongoing investigation of sexual abuse of minors.

More than ten months after removing Father Sweeney from ministry, on July 24, 2017, Father Sweeney was arrested and charged with one felony count of sexual abuse of a minor.

In response to Father Sweeney's arrest, I sent a letter to every parish in the Diocese to be disseminated to parishioners at the weekend Masses of July 28-29, 2017. Each parish where he had served received a letter specific to them. The letter included the list of his assignments, and a request for anyone who had information pertaining to Father Sweeney to call the Pennsylvania Office of Attorney General's hotline number, which was included in the letter.

The letter also included the fact that the Diocese offers free counseling through Catholic Charities to anyone who has been impacted by sexual abuse by church personnel, even if the abuse occurred in another Diocese.

Parishioners were reminded in the letter that every report made to the Diocese involving the suspected abuse of a child, young person or vulnerable adult — whether the abuse is sexual, physical or emotional — is immediately reported to PA ChildLine ***and*** the appropriate District Attorney.

I attended the three weekend Masses at the parish where Father Sweeney's alleged abuse took place. I delivered the homily, reminded parishioners of the Diocesan commitment to protect children and assured them that the Diocese took immediate action to remove Father Sweeney from his assignment as soon as it learned of the report. I invited anyone who had a question or concern to talk with me or a diocesan counselor, who was also present at all three Masses, immediately after Mass.

Despite the Diocese's full cooperation with the Office of the Attorney General's investigation into the allegations made against Father Sweeney, the Presentment recommending charges be filed against Father Sweeney omitted any notation of such cooperation. Moreover, when Father Sweeney's arrest was unexpectedly announced at a press conference outside of the parish where he had served, many of the parishioners mistakenly believed that one of the current priests at the parish had been implicated. And, even more concerning, the graphic nature of the charging document filed against Father Sweeney directly implicated a long-time and well-respected employee of the parish who is deceased, suggesting, without any evidence whatsoever, that she may have been complicit in the alleged misconduct attributed to Father Sweeney. This was not only traumatic for the woman's family and parishioners, but it also was unfair to the deceased woman who was unable to defend herself against such scandalous accusations.

The Diocese's Other Good Works

Unfortunately, all too often lost in talk of the Catholic Church and child sexual abuse is all of the good work that the Diocese of Greensburg does for parishioners and the community in the realm of education and social services. The Diocese is the second smallest Catholic Diocese in Pennsylvania, consisting of four counties —Armstrong, Fayette, Indiana and Westmoreland — that are primarily rural with areas of high poverty rates. Three of the four counties are among the poorest 10 in the Commonwealth of Pennsylvania. There are approximately 137,000 registered Catholics in a geographic territory of 3,334 square miles. Although we are small, we have big hearts.

But despite its small size and limited resources, the Diocese provides a wide range of ministries, including Catholic schools, faith formation, and social services and charitable support, primarily through Catholic Charities of the Diocese of Greensburg. Catholic Charities was established in 1954 as the primary social service arm of the Catholic Church in the Diocese. Rooted in the Gospel and social teaching of the Church, its mission is to serve the human needs of individuals and families, regardless of their religious affiliation, and to provide leadership in building collaborative efforts with parishes and communities in addressing these needs.

Catholic Charities provides adoption and foster care services; counseling services; emergency assistance such as food and utilities; natural family planning and the Diocesan Poverty Relief Fund Grant program. Recently, Catholic Charities began coordinating the Diocese's outreach to help communities suffering from the ravages of the opioid epidemic.

Due to the support of the people of the Diocese, Catholic Charities has raised $1.2 million through its annual Communities of Salt and Light Award Dinner, which started in 1999. All of those funds have been used to help people in need within the four counties of the Diocese in the form of temporary emergency financial assistance with food, utilities and other essentials. And, with the support of the people of the Diocese, Catholic Charities has administered the awarding of nearly $364,000 in grants through the Diocesan Poverty Relief Fund program since it was established by Bishop Lawrence E. Brandt in 2009 to help support the organizations around the Diocese that also serve people in need.

Through a combination of special collections and Diocesan funds, the Diocese of Greensburg provided $185,000 to help with relief after flash floods hit the city of Connellsville and surrounding communities in 2016. An agency staff member helped coordinate the effort that assisted 61 families with new furnaces, water heaters and oils tanks and repairs to furnaces and air conditioning systems. That same staff person is now helping the city of Uniontown recover from a tornado that hit the community in February 2018, destroying 47 homes and damaging another 200.

The parishioners of the Diocese repeatedly respond with generosity to calls for assistance to people around the country and throughout the world who are suffering from disasters. In September, parishioners contributed $351,710 to a special collection to help victims of last summer's major hurricanes. The most remarkable example of generosity on the part of the parishioners of the Diocese occurred in 2005 when they donated more than $1 million to aid victims of the December 2004 tsunami in southeastern Asia and Hurricane Katrina, which devastated New Orleans and much of the Mississippi Gulf Coast in August 2005.

Conclusion

In closing, I again extend my appreciation for this opportunity to explain the history of our Diocesan efforts to protect the young and vulnerable people in our care. I am saddened by our past failures — grievous failures and conduct I would have never condoned committed by men who, in many cases, I have never known — but I am proud of this Diocese's history in combatting this evil and I am proud of my predecessors' work to establish a safe environment for children and youth in the Diocese of Greensburg. And I am thankful for our faithful, who remain devoted through trying times.

We must all learn from our past mistakes — and we have. We must continue to move forward to help our brothers and sisters who are survivors of abuse heal and move forward with their lives. My heart goes out to all survivors, and I have come to appreciate the depth of their pain because of listening to them. We will remain ever vigilant, transparent in our actions and committed to our 'zero tolerance' policy.

Current Diocesan policies, procedures and processes should serve as a model for child protection programs to be replicated and emulated elsewhere — in schools, nursing homes, foster care programs, special education programs, youth sports and youth service organizations. All children in every situation must be protected.

We will work with every valued institution in our society to address this evil, prevent this crime, and help those survivors heal and move forward, too.

+ Edward C. Malesic

The Most Reverend Edward C. Malesic, JCL
Bishop of Greensburg

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	**: SUPREME COURT OF PENNSYLVANIA**
	: 2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE	**:**
	: ALLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY	**: CP-02-MD-571-2016**
	:
	: NOTICE NO. 1

RESPONSE OF MONSIGNOR THOMAS KLINZING, PURSUANT TO 42 PA.C.S. § 4552(E) TO THE GRAND JURY REPORT

TO THE HONORABLE NORMAN A. KRUMENACKER:

Monsignor Thomas Klinzing, by and through its undersigned counsel, Schnader Harrison Segal & Lewis LLP, hereby submits this Response to portions of the Grand Jury Report (the "Report") received by Monsignor Klinzing on Monday, May 7, 2018 and Tuesday, May 29, 2018,[1] to be attached to and made part of the report before the report becomes public record, pursuant to 42 Pa.C.S. § 4552(e). We appreciate the opportunity to provide this Response to address factual allegations and conclusions that are incomplete or ignore evidence available to the Grand Jury.

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[1] Undersigned counsel received a copy of 9 non-consecutive and redacted pages of the Report from Monsignor Klinzing on May 10, 2018. The Court provided thirty days to provide a response to be appended to the report pursuant to 42 Pa.C.S. § 4552(e). Next, on May 29, 2018, Monsignor Klinzing received additional excerpts from the Report and an Order of Court granting him until June 22, 2018 to respond.

PERSONAL HISTORY AND BACKGROUND INFORMATION

Monsignor Thomas J. Klinzing, J.C.L. was ordained on May 8, 1971. He holds a Bachelor of Science in Chemistry from the University of Pittsburgh, a Bachelor of Arts in Philosophy from St. Mary's Seminary and University in Baltimore, a Master's degree in Divinity from St. Vincent Seminary, and a Licentiate in Canon Law from The Catholic University of America. In February 1986, Pope John Paul II named Monsignor Klinzing Domestic Prelate.

Monsignor Klinzing served as pastor or administrator in several parishes within the Roman Catholic Diocese of Greensburg. In 1978, Monsignor Klinzing was appointed Diocesan Secretary and Assistant Chancellor. As Diocesan Secretary between 1978 and 1983, Monsignor Klinzing did not have access to Diocesan files or confidential information. Between 1984 and 1988, Monsignor Klinzing served the Diocese as Chancellor and Vicar General. As Chancellor and Vicar General, Monsignor Klinzing had limited access to files or confidential information and no decision-making authority. The Bishops had the sole authority to restrict the ministry of priests and routinely ignored Monsignor Klinzing's counsel.

Presently, Monsignor Klinzing is a priest of the Diocese of Palm Beach Florida, serving as a pastor and as an ex officio member of various boards and committees within the Diocese.

The Grand Jury Report notes that Monsignor Thomas Klinzing "played an important role in the Diocese of Greensburg's handling of allegations of priest sexual abuse" and yet the Grand Jury was deprived of his testimony. Since the inception of the Grand Jury's investigation, Monsignor Klinzing has remained willing and available to appear before the Fortieth Statewide Investigating Grand Jury to provide testimony. Undersigned counsel contacted the Pennsylvania Office of Attorney General, identified the important role Monsignor Klinzing played in the

investigation of and response to child sexual abuse in the Roman Catholic Diocese of Greensburg, and expressed Monsignor Klinzing's willingness to travel from Florida to provide testimony.

Despite these efforts, Monsignor Klinzing was never asked to provide testimony and as a result, the excerpts of the Report provide are incomplete and in some instances, inaccurate. Had he been given the opportunity to testify, Monsignor Klinzing would have corroborated many of the Grand Jury's findings, provided significant additional details regarding the handling of child abuse cases within the Diocese of Greensburg, and discussed his documentation of significant events, several of which have been attached to this Response.

THE MATTER OF FATHER EDWARD PARRAKOW

In February of 1985, the Archdiocese of New York requested that Father Edward Parrakow ("Parrakow") be accepted in to the Diocese of Greensburg for 3-4 months. During the initial request, the Archdiocese of New York disclosed that Parrakow was undergoing counseling and failed to disclose the existence of sexual abuse allegations involving minors. Monsignor Klinzing's testimony before the Grand Jury would have disclosed that the Archdiocese of New York covered up and actively hid the abuse allegations pending against Parrakow.

Further, Monsignor Klinzing would have recounted a telephone conversation between the Archdiocese of New York and Bishop Connare, during which the Archdiocese explained that Parrakow was in counseling because "he was worn out from teaching at a girl's school." Monsignor Klinzing was not informed that during this telephone conversation it was disclosed to Bishop Connare that "the reason Parrakow was dispatched to New Mexico was a complaint of sexual abuse committed by Parrakow on a teenage boy fifteen years prior." Had the Archdiocese or Bishop Connare disclosed the allegations concerning the sexual abuse of minors, Monsignor

Klinzing would not recommend that he be accepted into the Diocese of Greensburg and would have counseled Bishop William Connare accordingly.

Parrakow received treatment at the Foundation House, at least through early 1986. Despite significant disclosures concerning the abuse of children during his treatment, the treatment and report of the doctor regarding Parrakow's time at the Foundation House was never shared with Monsignor Klinzing. Disclosure of the sexual abuse of children, Parrakow's acknowledgement of the abuse, and the decision to accept Parrakow into the Diocese rested with Bishop Connare. A letter dated December 11, 1985 to Parrakow from the Bishop of Greensburg, and provided to the grand jury, supports this notion. The Bishop notes that he returned the copy of the confidential report that the Foundation House shared with the Archdiocese of New York. The Bishop went on to report that "I have reviewed it carefully and feel that I am well aware of the information contained. I note a desire that this copy be destroyed. I agree with this and I felt that you would feel more comfortable having the copy so that you could destroy it yourself." (Attached as Ex. A).

Monsignor Klinzing did not become aware of the sexual abuse of minors while Parrakow was a priest of the Archdiocese of New York until 1989, after he was replaced as Vicar General. The Diocese of Greensburg inquired of Parrakow about his intentions to be incardinated in the Diocese. During that process, Parrakow signed a release form for the release of personnel records from the Archdiocese of New York. On January 30, 1989, information was requested from the Vice Chancellor for Priest Personnel of the Archdiocese of New York.

Had Monsignor Klinzing been called to testify before the Grand Jury, he would have provided testimony that he authored additional memoranda recommending to Bishop Bosco that he inquire further of Parrakow's past history and that if there are concerns, Parrakow should be

relieved of his duties and placed on administrative leave. Monsignor Klinzing also recalls advising Bishop Bosco to write a letter to the Archdiocese of New York informing them that Parrakow will be withdrawn from his assignment and that he is under their jurisdiction. Klinzing further recommended that Parrakow be told clearly not to have any contact with Victim Two or anyone in the parish. Monsignor Klinzing never received a response to his counsel of Bishop Bosco.

The excerpts of the Report provided to Monsignor Klinzing are inaccurate and incomplete in that they: (1) largely ignore the active cover up on the part of the Archdiocese of New York; (2) suggest that Monsignor Klinzing was privy to information closely held and ultimately destroyed by Bishop Connare; and (3) disregard Monsignor Klinzing's repeated efforts to have Parrakow placed on administrative leave and ejected from the Diocese of Greensburg.

THE MATTER OF FATHER ROBERT MOSLENER

The Report excerpts provided to Monsignor Klinzing summarize only a small portion of Monsignor Klinzing's involvement in the Moslener matter. Monsignor Klinzing's testimony before the Grand Jury would have revealed a concerted effort on the part of Bishop Connare to hide or destroy evidence of abuse and protect priests.

Monsignor Klinzing began alerting Bishop Connare to his concerns about Moslener in April of 1986, if not before. Had Monsignor been called to testify before the Grand Jury he would have described advice given to Bishop Connare regarding police reports received from the North Huntingdon Police Department. As a result of information provided by law enforcement, Klinzing counseled that the Bishop should speak to Moslener as soon as possible and remove him from his pastoral assignment immediately. Monsignor Klinzing did not receive a response

to his clear counsel. Instead, Bishop Connare instructed Monsignor Klinzing to destroy the police record. When Monsignor Klinzing informed the Bishop that he could not destroy a police report, Bishop Connare said that he "would take care" of the matter. Thereafter, Klinzing's advice went unanswered and ignored.

On April 28, 1986, Monsignor Klinzing issued a confidential memorandum to Bishop Connare regarding Moslener's use of inappropriate discussion of sexual matters in a school setting. Klinzing reported that he "told her [the religious principal of the parish school] not to allow Father Moslener in the classrooms until we can resolve this matter and advised the Bishop that "it is absolutely necessary to remove Father Moslener immediately and send him for psychological evaluation, or let him sit at St. Joseph Hall until some determination can be made." (Attached as Exhibit B). A confidential memorandum dated April 29, 1986, confirms that Monsignor Klinzing ordered that Moslener be kept out of the school until the Bishop took further action.

On April 30, 1986, Monsignor Klinzing met with Moslener and told him to leave the parish and take up residence elsewhere. Moslener refused and said he would appeal to the Bishop. Klinzing, however, remained insistent and documented his efforts to get the Bishop's attention. By way of example, in a memorandum dated September 18, 1986, Monsignor Klinzing reminds Bishop Connare that he "believe[s] it is absolutely necessary, pending this report, that we again reiterate to Father to stay out of any schools. This includes Natrona." (Attached as Exhibit C).

Despite Monsignor Klinzing's well documented and dogged efforts to get the attention and cooperation of Bishop Connare, the Report references one memorandum and ignores Klinzing's repeated counsel to remove Moslener from ministry.

THE MATTER OF FATHER ROGER SINCLAIR

In August of 1981, Monsignor Klinzing served the Diocese of Greensburg as the Bishop's secretary. While in this role, Monsignor Klinzing would have explained to the grand jury that the Bishops shared very little information with him. The meeting referenced and roughly summarized in the report was Monsignor Klinzing's only involvement in the matter. Monsignor Klinzing would have testified that on August 4, 1981, the first victim and his mother came to the Chancery office in Greensburg to see either Bishop Connare or Bishop Gaughan. Both Bishops were unavailable, so Monsignor Klinzing met with the mother and her child.

Monsignor Klinzing noted in his August 5, 1981 memorandum to Bishop Gaughan regarding the meeting that the child was physically upset and crying during the meeting. The child expressed a fear of Sinclair and a belief that Sinclair tells his Father things that get him in trouble. The memorandum notes that Sinclair drank to excess with the child's Father. During the meeting, the child also explained that his father yelled at him for "making up stories about Father Sinclair."

Following his meeting with the complainant, Monsignor Klinzing spoke with Bishop Gaughan by telephone. Bishop Gaughan directed Monsignor Klinzing to inform Father Bertolina of the situation and the mother of the victim that he would speak with her on Friday, August 7, 1981. Monsignor Klinzing complied with these directives. Based upon the documented conversation between Bertolina and Klinzing, it appears that both priests were focused on calming the parents down so that the child would be safe. The memorandum also noted that Sinclair left the Diocese to stay with his mother for a short period of time. Monsignor Klinzing also encouraged the mother of the victim to speak further with Father Bertolina.

This more complete and accurate summary of the matter of Father Roger Sinclair demonstrates that despite Monsignor Klinzing's relatively minor role he took steps to document the reports made to him, took efforts to see that the child's father would not retaliate against him, informed those with authority within the Diocese of the matter, and went out of his way to see that a child was not unnecessarily caught in the middle of a brewing custody dispute.

CONCLUSION

Throughout his lifetime as a priest, Monsignor Klinzing has remained steadfast in his desire to protect children and see that Diocesan policies for the protection of children are strictly followed. He has done so in the face of criticism and ostracization by the Bishops of the past. The Grand Jury's Report unfairly treats Monsignor Klinzing as a yet another individual who failed the children of the Church and more significantly, the Grand Jury lost the privilege of considering the testimony of an honest and direct advocate for the protection of children.

Respectfully submitted,

SCHNADER HARRISON SEGAL & LEWIS LLP

By: 

Laurel Brandstetter
PA I.D. No. 87115

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Pittsburgh, PA 15219
(412) 577-5115
lbrandstetter@schnader.com

December 11, 1985

Reverend Edmond Parrakow
315 Maryland Avenue
Greensburg, Pennsylvania 15601

Dear Father Ed:

I am returning to you the copy of the confidential report which Father Perri shared with Father Mansell. I have reviewed it carefully and feel that I am well aware of the information contained. I note a desire that this copy be destroyed. I agree with this and I felt that you would feel more comfortable having the copy so you could destroy it yourself.

I was delighted with our interview the other day. Father Klinzing is following through on the arrangement with Father Ott for the holidays and Father Macklewicz for the beginning of the new year. I assure you we are delighted to be able to help in any way we can. I am sure your presence among us will be a real blessing.

With all prayerful good wishes for you and your mother in these blessed days of Christmas, I am

Devotedly in the Lord,

Bishop of Greensburg

Enclosure

EXHIBIT
A

DG0004410

CONFIDENTIAL MEMORANDUM

TO: Bishop Connare

FROM: Monsignor Klinzing

DATE: April 28, 1986

RE: THE ATTACHED

I met with Father Marcinek and Sister Joan Francis on separate occasions, on Sunday, April 27, 1986. Father Marcinek was upset about the letters and Father Moslener's actions in the classroom. He informed me that Father teaches one day a week in the 5th through 8th grades. After receiving this information he said he doesn't know how Father can stay in the parish.

Father Marcinek also told me that Father Moslener stated that the reason he came to see you last week was because of a past incident in his life which he has to live with, and as a result he cannot teach in the high school or grade school. (Bishop, Father Marcinek is not stupid and he already has figured out Father Moslener's problem. He discussed the matter with Monsignor Charnoki and he also discussed the problem with Father Joyce that day.)

By accident, I saw Sister Joan Francis, the principal of the school, who was able to give me much more detailed information. She stated that the problem started about three months ago and the teachers brought it to her attention within the last month. She stated that she tried to keep it in perspective and not create

DG0001897

EXHIBIT B

MEMORANDUM

TO: Bishop Connare

FROM: Monsignor Klinzing

DATE: September 18, 1986

RE: FATHER ROBERT MOSLENER

On August 4, we received a note from Father Moslener stating that he is now in therapy with a Russell H. Scott, Ph.D. Even though he's only been seeing the man for a month and a half, I think we should ask for a report from Dr. Scott in light of Father's request for a transfer..

Secondly, I believe it is absolutely necessary, pending this report, that we again reiterate to Father to stay out of any schools. This includes Natrona.

Chancellor

DG0001865

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of June, 2018, I served the within Response Of Monsignor Thomas Klinzing, Pursuant To 42 PA.C.S. § 4552(E) To The Grand Jury Report on the following persons and in the following manner. Such service satisfies the requirements of Rule 114 of the Pennsylvania Rules of Criminal Procedure:

Via electronic and first-class mail addressed as follows:

The Honorable Norman A. Krumenacker, III
nakadmin@co.cambria.pa.us
Supervising Judge, 40th Statewide Investigating Grand Jury
Cambria County Court of Common Pleas
Cambria County Courthouse
200 South Center Street
Ebensburg, PA 15931

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Senior Deputy Attorney General
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IN THE COURT OF COMMON PLEAS OF

ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	:	SUPREME COURT OF PENNSYLVANIA 2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE INVESTIGATING GRAND JURY	:	ALLEGHENY COUNTY COMMON PLEAS CP-02-MD-571-2016
	:	NOTICE NO. 1

MONSIGNOR ROGER STATNICK'S RESPONSE TO REPORT NO. 1 OF THE 40TH STATEWIDE GRAND JURY

Monsignor Statnick served in the Chancery of the Diocese of Greensburg for sixteen years (1989 to 2005) and in that capacity had a role in addressing allegations of sexual abuse. He helped handle dozens of allegations of abuse during his time in the Chancery. In his role, he consistently endeavored to put the need for pastoral care of victims of abuse and their rights first. He believes he did so with the best of intentions and his abilities and that his work in the Chancery reflects that fact.

The Grand Jury Report appears to concur with this assessment. Despite his long tenure in the Chancery, his having been involved in handling dozens of allegations, and the Report indicating that "he played an important role in the Diocese of Greensburg's handling of allegations of priest sexual abuse," the Report mentions Monsignor Statnick by name only in four places based on the materials disclosed to him. Most of these concern Monsignor Statnick simply being involved in the processing of an allegation of abuse or trying to pastorally provide for a victim (*see* pages 482, 493, and 504). A plain reading of the Report reveals that no allegations of misconduct

or efforts to hide allegations of abuse are directly levied against him.[1] Monsignor Statnick files this Response for the limited purpose of clarifying one point.

On page 482 of the Report, Monsignor Statnick's name is mentioned in a broader discussion of Father Charles B. Guth, who died in 1986. When an email from a victim of abuse was received by the Chancery on July 31, 2005, Monsignor Statnick forwarded the email to then Monsignor (now Bishop) Lawrence Persico. This was not a disregard for his role in the Chancery, nor should it be viewed as showing any lack of respect or compassion for this victim. Rather, at the time this email arrived, Monsignor Statnick was in the process of transitioning out of his position in the Chancery to a new role as pastor of a local parish, which position he assumed in August 2015. Because he was no longer going to be working in the Chancery and involved in addressing allegations of abuse, Monsignor Statnick forwarded this email to Rev. Persico, who was stepping into that role in the Chancery.

Monsignor Statnick sends his prayerful support to all victims of abuse.

Respectfully submitted

David J. Berardinelli, Esq., Pa. ID 79204
DeForest Koscelnik Yokitis & Berardinelli
436 Seventh Avenue, 30th Floor
Pittsburgh, PA 15219
Attorney for Monsignor Roger Statnick

[1] Monsignor Statnick was not in the Chancery, and therefore had no involvement, at the time the Report's factual rendition of events concerning Edmond Parrakow and Raymond Lukac occurred. The Report does not reflect the involvement of Monsignor Statnick with any decision related to Robert Moslener.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	:	SUPREME COURT OF PENNSYLVANIA 2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE INVESTIGATING GRAND JURY	:	ALLEGHENY COUNTY COMMON PLEAS CP-02-MD-571-2016
	:	NOTICE NO. 1

CERTIFICATE OF SERVICE

I, David J. Berardinelli, Esquire, hereby certify that a copy of the foregoing RESPONSE TO REPORT NO. 1 OF THE 40TH STATEWIDE GRAND JURY was served on June 11, 2018 *via* overnight mail upon the following individuals:

The Honorable Norman A. Krumenacker, III
Supervising Judge, 40th Statewide Investigating Grand Jury
Cambria County Court of Common Pleas
Cambria County Courthouse
200 South Center Street
Ebensburg, PA 15931

Daniel J. Dye
Senior Deputy Attorney General
Criminal Law Division
1600 Strawberry Square
Harrisburg, PA 17120

By: _____
David J. Berardinelli, PA I.D. No. 79204
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Counsel for Monsignor Roger Statnick

DIOCESE OF HARRISBURG

THE DIOCESE OF HARRISBURG

Page

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June 20, 2018

Dear Reader:

On behalf of the Diocese of Harrisburg, this letter and my March 8, 2018 Statement to the Grand Jury, which is enclosed, is the response of the Diocese to the 40th Statewide Investigating Grand Jury's Report.

With this letter, I wish to make just a few points. To begin, the Diocese apologizes for any abuse committed by clergy, staff, volunteers, or otherwise who were associated with the Diocese. Such abuse is a scourge on Society, and as Bishop of the Diocese of Harrisburg, I take seriously both mine and the Diocese's obligation to prevent such abuse from occurring, to foster healing, and to be transparent.

Next, I must emphasize that the Diocese has substantially overhauled its child protection programs over the years, and I can confidently say today we take every reasonable effort to prevent abuse and take every step necessary to report abuse when such allegations are received. Indeed, when reports of abuse are made, they are promptly acted upon without question, including both the immediate reporting of the abuse to law enforcement and suspending the accused person from contact with children. No exceptions. The Diocese can say without reservation that *every* person with an allegation of child sexual abuse has been turned over to law enforcement.

Finally, this investigation has caused the Diocese to take a frank look at its past as well as its present. Part of that assessment is an evaluation by the Diocese of whether any lingering symbols of the sad history revealed in the Report remain. Specifically, the Diocese is evaluating whether the names carried on certain buildings, rooms, and halls in the Diocese should continue. Accordingly, I have directed my Staff to establish a "committee on names" to advise me whether any of the persons discussed in the Report, who are also named in or on our facilities, should have their names removed. I have directed this committee to report to me in all due haste and I will act promptly on their recommendations.

In closing, on behalf of the Diocese, I again recommit to preventing and eradicating abuse in our midst and to preventing any of this history from repeating. I hope this is an opportunity to not only reflect, yet also a time to heal.

Respectfully,

+Ronald W Gainer

Most Rev. Ronald W. Gainer
Bishop of the Diocese of Harrisburg

Enclosure

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Statement of Bishop Ronald W. Gainer to the 40th Statewide Investigating Grand Jury

My name is Bishop Ronald W. Gainer. I was appointed Bishop of the Roman Catholic Diocese of Harrisburg by his Holiness Pope Francis on January 24, 2014. I was installed on March 19, 2014. This is my first assignment within the Diocese of Harrisburg.

Thank you for this opportunity to offer a written statement to the Grand Jury concerning actions taken by the Diocese to prevent child sexual abuse. It is understood that this statement is submitted in lieu of live testimony before the Grand Jury.

I assure you that, with the guidance of experts in child protection and law enforcement, the Diocese some time ago adopted safeguards for the well-being and protection of children entrusted to our care. This includes a comprehensive program developed, and regularly audited by, the United States Conference of Catholic Bishops, which features, among other things, a Victims Assistance Coordinator (VAC) on staff at the Diocese. The VAC's sole mission is to serve survivors and facilitate their healing. The Diocese also has a comprehensive youth protection program that educates clergy, employees, and volunteers on appropriate and safe interactions with children and ensures that certain basic precautions are implemented whenever children interact with Diocesan personnel. Our commitment to a safe environment for children includes two full-time employees whose charge and chief job responsibilities are the safety of children; these employees are in addition to the VAC.

The Diocese has also implemented the following safeguards to protect children:

- The Diocese has a zero tolerance policy when it comes to individuals who abused minors. No such persons are allowed to work in the Diocese or participate in volunteer activities that may place them in contact with children.

- As part of the employment/volunteer application process, all Diocesan personnel and all Diocesan volunteers who may come in contact with children are required to pass detailed background checks, to disclose information relating to any prior allegations or instances of abuse, and to complete state-mandated reporter training for recognizing and reporting child abuse.

- The Diocese developed a comprehensive educational program to teach children and their parents to recognize, avoid, and report suspicious conduct. Specific instruction is provided to students in Diocesan schools in the first and fifth grades and at the high school level.

- The Diocese regularly trains clergy, employees, and volunteers to recognize and report abuse using a state-approved online training program.

- The Diocese provides easily identifiable ID Badges for all individuals who have completed the required background certification and training for the Diocesan Youth Protection Program.

Additionally, I will continue to aggressively remove abusers from ministry, employment, or volunteer positions. One proven allegation of abuse automatically bars the person in question from association with the Diocese. While new abuse allegations are examined by law enforcement or the Diocese, I place appropriate restrictions on the accused to prevent any contact with children pending the outcome of the investigation.

Further, in addition to reporting every new allegation to law enforcement, the Diocese now submits all investigations of complaints to professional, outside investigators, who are neither clergy nor personnel of the Diocese. These same outside investigators were asked to review a number of historical, unresolved complaints to determine whether additional information was available that might assist in assessing the credibility of the allegations. As a result of these inquiries, we acquired additional information, which was provided to the Office of Attorney General and District Attorneys. The reexamination of those historic allegations led me to replace certain Diocesan personnel.

It is noteworthy that, in connection with the Grand Jury investigation, the Diocese produced over 200,000 pages of records to the Grand Jury, including the records of allegations of child sexual abuse made against personnel of the Diocese. Importantly, the Diocese of Harrisburg has turned over to law enforcement *every* file concerning allegations of child sexual abuse made against the Diocese. These include allegations appearing to be credible and those appearing to be not credible; all have been turned over. Because we have and will continue to provide to law enforcement the identity of **every** accused clergy, employee or volunteer, and because we have implemented a rigorous safe environment program and will continue to examine the program for possible improvements, I believe that our churches and schools are safe for the people of this Diocese.

The Diocese is committed to taking all appropriate measures to protect young people. For instance, soon the Diocese of Harrisburg will launch a website that will include specific instructions on how to report child sex abuse and other information pertinent to our efforts to ensure the safety of our children. The site will include:

- Information on victims' assistance and how survivors can receive the support and counseling that they need.

- A comprehensive overview of the systems we have put in place to prevent abuse, including background checks, clearances, training, and audits of our systems.

- The signs for identifying abuse.

- Information about employee training and screening.

- Phone numbers for reporting allegations of abuse.
- Other Diocesan policies and our code of conduct.

Additionally, graphics from, and links to, the website will be provided to each parish to post on their own website.

I have also directed the Diocese to retain a third-party vendor to host a telephone number for persons to call with allegations of abuse against clergy, employees, and volunteers. The number will be posted prominently on the updated website and will be staffed by persons not associated with the Diocese. The vendor will be responsible for reporting any allegations received directly to ChildLine, to law enforcement, and then to administrative staff at the Diocese. This third-party service will be *in addition* to the phone number the Diocese already maintains for reporting allegations of abuse. Further, every accusation of child sexual abuse against any Diocesan personnel is reported immediately to law enforcement and examined thoroughly. Indeed, when information concerning a reportable allegation is made known to the Diocese, we report it to ChildLine immediately, and follow the report with a letter to the relevant county district attorney. We are, and have been committed, to honesty, transparency, and diligence in ensuring the safety of our children in all matters.

Finally, I have decided to overhaul the current Review Board for the Diocese, which is the body that assists me, as Bishop, in the discharge of my Canonical responsibilities for reviewing allegations of abuse. In the near future, the Board will be reconstituted to include a wider range of perspectives and voices, including persons not associated with the Diocese who have relevant experience in the area of protecting children from abuse.

I believe it is important to also recognize the positive work the Church does by acting as a spiritual center for our community, and to recognize the work we do to help those in need.

In addition to being a place of worship for the Catholic community in our area, Catholic Charities of the Diocese of Harrisburg offers a variety of services for the entire community. In fact, last year Catholic Charities spent $8.4 million dollars funding a variety of programs including:

- Assisting with adoption services, providing housing, assistance, transportation, employment, diapers, clothing, furniture and childbirth and parenting classes to expecting mothers in need.
- Locating foster homes for children in need of stable families.
- Helping families in need of the Intensive Family Services Program, which helps provide family therapy to those in need of parenting skills as well as connecting families to community resources.
- Providing a wide range of social and educational services to immigrants, refugees, visitors, and non-English speakers, including helping them find employment, learn

English, find housing, find financial assistance for housing and utility bills, and obtain immigration legal services.

- Assisting with the interfaith shelter for homeless families, where staff works to help sort out issues that may have caused homelessness, unemployment, education, childcare, healthcare, transportation and other related issues. Upon completion of the program, as many as 98% of the families achieve a stable level of housing and a better quality of life.

- Operating the Paradise School Program, which provides emotional and behavioral support to school age children. Staff members include an Instructional Advisor as well as a School Psychologist, Speech Therapist, and Occupational Therapist. Paradise Staff provide crisis intervention, supervision during lunch and break periods, social skills education, and school district coordination, all to help students return to their home school districts and continue their education.

- Providing the Intensive Day Treatment Program, an alternative to residential treatment services, which serves at-risk youth from age nine to fifteen who possesses significant emotional and behavioral needs.

As you can see, the Diocese fills a variety of critical support functions in mid-state communities, helping those of all backgrounds, faiths, and economic standing, and in particular our youth.

This entire situation causes me great sadness, for once again we come face-to-face with the horror that innocent children were the victims of terrible crimes committed against them. I encourage survivors to come forward so that the Church can aid in their healing.

Our efforts in finding and attempting to aid survivors in their path to healing is ongoing. The Diocese of Harrisburg has worked to help survivors of child sex abuse who have bravely come forward and has made substantial resources available for survivors. In addition to financial support, survivors receive counseling from qualified professionals and other assistance as appropriate. Without any question, counseling is provided to survivors who come forward. Regardless of when the abuse occurred, we respond to the survivors' needs.

In conclusion, I pray that the love of our God, whose tenderness and compassion endures in every age, will continue to restore those who are survivors of all abuse, physical, mental, emotional, and sexual. Thank you again for the opportunity to submit these remarks.

Dated: March 6, 2018

+ Ronald W. Gainer

Bishop Ronald W. Gainer

RESPONSE OF FATHER JAMES McLUCAS TO THE REPORT OF THE INVESTIGATING GRAND JURY PURSUANT TO 42 PA. C.S.§4552(e)

THE LAW FIRM OF WILLIAM G. SAYEGH, P.C.
65 Gleneida Avenue
Carmel, New York 10512
(845) 228-4200

Attorneys for Father James McLucas

Father James McLucas respectfully requests that interested persons read and consider this response before forming any final conclusions about the shocking and horrible accusations that have been leveled against him in the report issued by the 40th Statewide Investigating Grand Jury. These allegations must have been based upon half-truths, false assumptions, and/or innuendo and are categorically false. Any individual that provided information that could have led to such conclusions by the Grand Jury was misinformed, sought to mislead the Grand Jury, or was mistaken. It is unknown what evidence was presented to the Grand Jury; what is known, however, is that Father McLucas was never asked to testify or given an opportunity to present evidence on his own behalf.

While Father McLucas was not charged with any crime, the shocking and horrible accusations in the report – without published evidence, without trial, and without due process of law – will nevertheless blacken his reputation and destroy him in his profession. In this regard, the report so offends traditional notions of fairness that Father McLucas is compelled to publicly make this response denying each and every allegation in the strongest possible terms.

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	:	SUPREME COURT OF PENNSYLVANIA
	:	2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE	:	
	:	ALLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY	:	CP-02-MD-571-2016

BISHOP KEVIN C. RHOADES' RESPONSE TO EXCERPTS OF THE FORTIETH STATEWIDE INVESTIGATING GRAND JURY REPORT NUMBER 1

Kevin C. Rhoades ("Bishop Rhoades"), through his counsel, Eckert Seamans Cherin & Mellott, LLC, pursuant to the Court's Amended Order of May 22, 2018, hereby submits his Response to Excerpts of the Fortieth Statewide Investigating Grand Jury Report Number 1 ("Report").

Initially, Bishop Rhoades offers his heartfelt sympathy and support to all of those victimized by abusive priests. Like so many of his fellow priests, he has worked hard throughout his ministry to expose and punish those who would abuse and to aid and support those harmed by abuse. Sadly, as the Report makes abundantly clear, those collective efforts have fallen short. Bishop Rhoades pledges his ongoing and undying efforts to ensure that abuse does not occur in the future, that abusers are removed immediately from ministry, that victims are provided all necessary care and support and that civil authorities are made fully aware of all allegations of abuse.

Bishop Rhoades is mentioned in the Report in connection with two cases of abuse that occurred long before he was installed as Bishop of the Diocese of Harrisburg. In both cases, after Bishop Rhoades was made aware of allegations of abuse, he reported them to civil authorities and saw to it that the abusers were punished. Given his limited role, it is not surprising that the Report contains scant context about Bishop Rhoades or his involvement in these two cases. With this response, Bishop Rhoades provides that context, in the hope that his actions and intentions are accurately and completely portrayed and understood.

First, Bishop Rhoades was appointed as the Bishop of Harrisburg in December 2004. For the ten years' prior, he had been out of the Diocese, serving as a professor and then the rector of Mount Saint Mary's Seminary in Maryland. Bishop Rhoades began his tenure as Bishop of Harrisburg, therefore, more than two years after the United States Conference of Catholic Bishops adopted the Charter for the Protection of Children and Young People. Thus, prior to his arrival, the Diocese had already developed and implemented a comprehensive set of procedures for addressing allegations of sexual abuse of minors and adopted programs for reconciliation, healing, accountability, and the prevention of future acts of abuse. The Diocese had also already combed through its files and identified all prior allegations of child sexual abuse and ensured that any credibly accused priest had been removed from ministry.

Second, during his five-year tenure in Harrisburg (Bishop Rhoades served until December 2009, after which he was installed as Bishop for the Diocese of Fort Wayne-South Bend, Indiana), Bishop Rhoades ensured that the Diocese scrupulously followed its policies and procedures designed to address allegations of child sexual abuse; that it took all such allegations seriously; treated victims with care and compassion; investigated all allegations and removed all credibly accused priests from ministry; notified civil authorities of the allegations; and, cooperated fully with law enforcement. The Report does not state or suggest otherwise.

Third, in both cases in which he is mentioned in the Report, Bishop Rhoades moved to discipline the abusers (both of whom had previously been removed from ministry) and notified both church and civil authorities of the allegations.

For example, in the first case, William Presley was a priest from the Diocese of Erie who apparently retired to Lancaster in 2000. Bishop Rhoades did not know Presley, was unaware of his presence in the Diocese of Harrisburg, was unaware of what, if any, priestly duties he may have been practicing in Lancaster and had no idea that he had previously been accused of child sexual abuse. To the best of his recollection, Bishop Rhoades first learned of Presley and abuse allegations against him in early 2006, when the Bishop of Erie asked Bishop Rhoades to draft a "votum" - a written statement – that would be used as part of the disciplinary proceeding against Presley that had been initiated by Erie. Unfamiliar with Presley and/or his activities in the Diocese of Harrisburg, Bishop Rhoades asked his Chancery Staff to research Presley's situation and to prepare the votum. Bishop Rhoades relied on his Chancery Staff and believed that the facts asserted in the votum (all of which occurred before Bishop Rhoades arrived in Harrisburg) were true.

Bishop Rhoades was firm in his belief that Presley had to be removed from the priesthood, which was the most severe form of punishment available. Bishop Rhoades' votum is clear and unequivocal on this point:

> [Presley's] lengthy history of sexual misconduct in violation of his promise of clerical celibacy and perpetual continence, his deliberate misrepresentation of the truth to the bishop to whom he promised respect and obedience, and the grisly nature of his many sexual acts even beyond the one known *gravius delictus* committed with a minor, all combine to suggest to me as the ordinary of the place where he now resides, that Bishop Trautman's request is reasonable and necessary. Dismissal from the clerical state may be the only means of removing a sexual predator from the ranks of the priesthood. His age is not necessarily an obstacle to his sexual misconduct, given his history.
>
> As long as Father William F. Presley remains in the clerical state, I harbor fear for the People of God within the Diocese of Harrisburg. I fear that his possession of the clerical state will allow him a means of continuing his pattern of carefully insinuating himself into the lives of others as a prelude to violence and sexual misconduct. Further, I believe that his own contumacy, and his denial of the seriousness of his behavior, may be intransigent until an action as serious as dismissal from the clerical state awakens within him a semblance of repentance.

The Vatican agreed, and on June 6, 2006, Pope Benedict XVI removed Presley from the clerical state. But, having Presley defrocked was not enough. Instead, Bishop Rhoades also made sure that law enforcement was informed of Presley's abuse and his current whereabouts, which was accomplished *via* a letter dated June 23, 2006 to the District Attorney for Lancaster County.

The Report quotes the following portion of a single sentence from the two-page votum: "were this information [about Presley's abuse] to become known, especially in light of his offers of public assistance at Mass in several parishes, great public scandal would arise within this diocese." While this selective quotation is accurate, taken out of context, it could easily be misunderstood. Bishop Rhoades' votum was to be included in a package of information that the Diocese of Erie would to submit to a Vatican judicial entity known as the Congregation for the Doctrine of the Faith ("CDF"). According to canon law, one of the key purposes of imposing ecclesiastical penalties is the "repair of scandal." In the votum, Bishop Rhoades supported his recommendation that the most severe penalty be imposed against Presley by noting that his wrongdoing would cause "great public scandal" if and when it became public. While this language, on its face, could be misinterpreted to indicate that Bishop Rhoades wished to protect Presley or to bury the allegations, *Bishop Rhoades' conduct proves otherwise.* He notified the District Attorney of the allegations against Presley, that Presley had been suspended from ministry, and of Presley's current whereabouts. And he stridently advocated for his removal from the clerical state.

The second case, involving Francis Bach, similarly features a situation where Bishop Rhoades, after learning of a new allegation of abuse against Bach, acted immediately to punish the priest and to notify law enforcement. Bach had been removed from ministry by way of penal precept more than ten years before Bishop Rhoades arrived in Harrisburg. While Bishop Rhoades was aware of the reasons for Bach's removal from ministry, his first direct involvement with allegations of abuse against Bach occurred in April 2007, when another Bach victim advised the Diocese that he had been abused on three occasions between 1966 and 1971. Bishop Rhoades immediately opened a formal investigation and directed his staff to meet with the victim, which meeting took place within 72 hours of the allegation. Bishop Rhoades also instructed counsel for the Diocese to notify the Dauphin County District Attorney's Office of the new allegation and of Bach's whereabouts. That notification letter was also sent within 72 hours of the diocese's receipt of the new allegation. Bishop Rhoades subsequently issued a second, more severe, penal precept precluding Bach from acting as a priest, and reported the case to the CDF.

As the Report notes, in his submission to the CDF, Bishop Rhoades did not recommend the initiation of a formal judicial proceeding. Bishop Rhoades' recommendation was based on many factors, including that Bach had been out of ministry for 13 years, he had been living in another state without incident for many years, his abuse occurred decades earlier (the latest reported abuse appears to have been in the mid-1970's), he was over 70 years old, and he was in ill health and had been recently hospitalized with blood clots in his lungs and legs. In addition, by removing Bach from ministry and forcing him to live a life of prayer and penance, the Diocese followed the precepts of the Dallas Charter, which states: "If the penalty of dismissal from the clerical state has not been applied (*e.g.*, for reasons of advanced age or infirmity), the

offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be instructed not to wear clerical garb, or to present himself publicly as a priest.)"

In addition to bringing the allegations of abuse to the CDF, Bishop Rhoades was careful to make sure that the local District Attorney and the diocese in which Bach lived were informed of the allegations, which notification was accomplished by sending letters to the Dauphin County District Attorney's Office and to the Bishop of Wilmington, where Bach had moved after being removed from ministry in 1994.

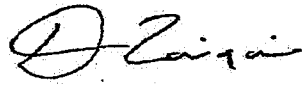
As with the Presley votum, Bishop Rhoades again addressed whether and how the public disclosure of Bach's misconduct would impact the community, noting that such disclosure would "cause scandal to many, as he is still a priest who is beloved by many in our diocese." This is the portion of the votum that the Report quotes. Again, as with Presley, the context for Bishop Rhoades' observation is important. First, there can be no suggestion that Bishop Rhoades intended to keep the allegations secret. In fact, he did the opposite. He disclosed the allegations to the CDF, to the District Attorney and to the Bishop of Wilmington. He also knew that the diocese had notified Bach's home town's Chief of Police of prior allegations of abuse. Similarly, it cannot be suggested that Bishop Rhoades intended to "go light" on Bach. To the contrary, Bishop Rhoades issued a Decree of Penal Precept that precluded Bach from acting like a priest, dressing like a priest, referring to himself as a priest, or celebrating any public sacrament. Short of excommunication, this is the most serious penalty a Bishop can impose. The penalty was redundant, moreover, given that Bach was already subject to a similar, if less onerous, penal precept from 1994 and there was no indication that Bach had ever violated that earlier precept.

Finally, the votum itself comprehensively explains the rationale for Bishop Rhoades' recommendation: that Bach had been living a life of prayer and penance for nearly 13 years, that he had little possibility of contact with children and youth, that the penal precept required that he avoid all contact with children and youth, that he was celibate, that his abuse had occurred more than thirty years earlier, that he was in ill health, that he was living in solitude, and that he was making daily visits to a former neighbor who was confined to a nursing home.

In conclusion, the Report details shocking and heart-wrenching reports of sexual abuse of children and equally appalling indifference to victims. Since his elevation to Bishop in 2004, Bishop Rhoades has committed himself to safeguarding children, to removing abusers and to working to restore the faithful's confidence in the church and its leadership. He will not stop until no child is abused and no abuser is protected.

Respectfully submitted,

ECKERT SEAMANS CHERIN & MELLOTT, LLC



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Counsel for Bishop Kevin C. Rhoades

IN THE COURT OF COMMON PLEAS OF

ALLEGHENY COUNTY, PENNSYLVANIA

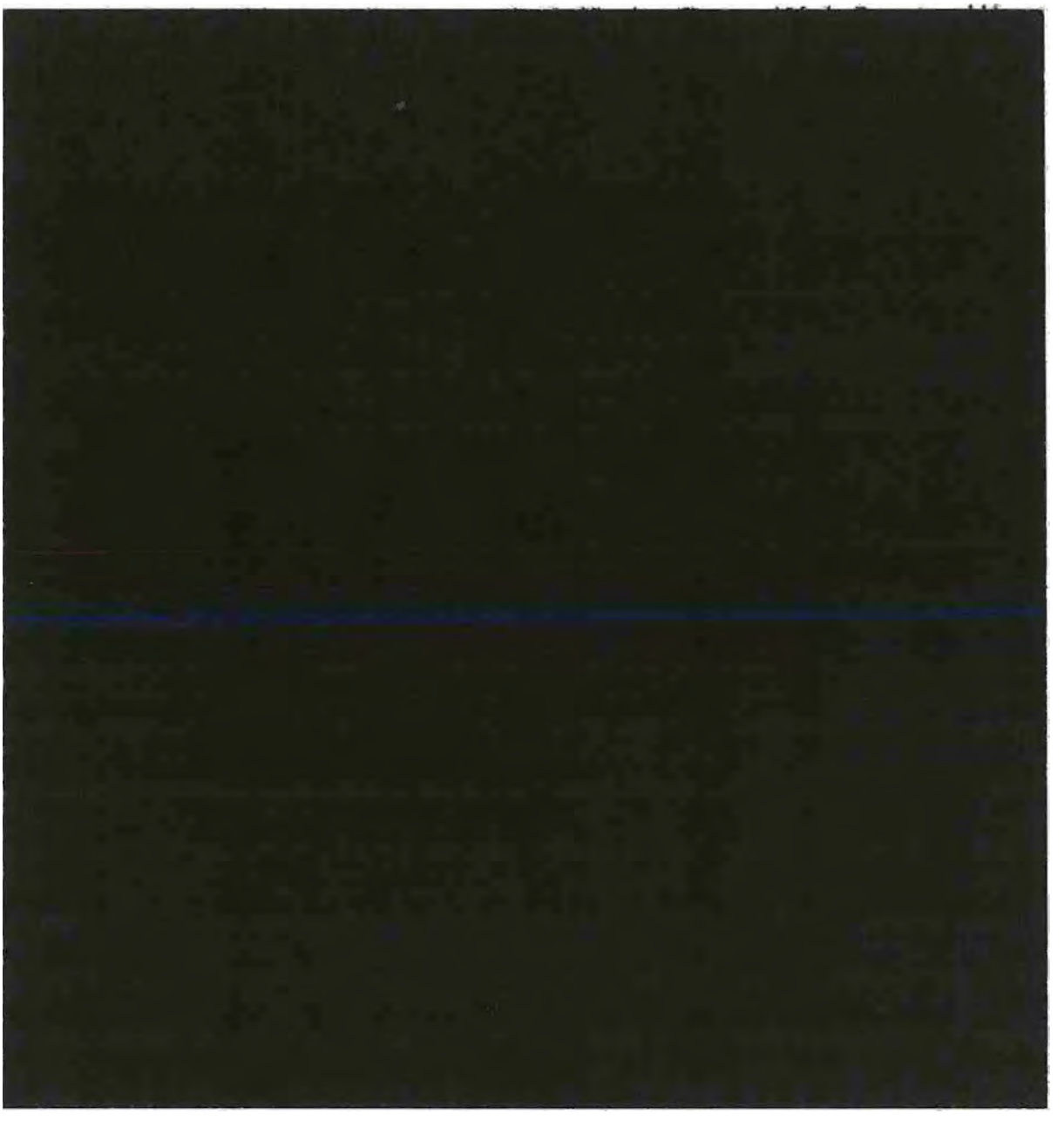
IN RE:	:	SUPREME COURT OF PENNSYLVANIA 2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE INVESTIGATING GRAND JURY	:	ALLEGHENY COUNTY COMMON PLEAS CP-02-MD-571-2016
	:	NOTICE NO. 1

AUXILIARY BISHOP WILLIAM WALTERSHEID'S RESPONSE TO REPORT NO. 1 OF THE 40TH STATEWIDE GRAND JURY

Auxiliary Bishop William Waltersheid served in the Chancery of the Roman Catholic Diocese of Harrisburg from 2006 to 2011 and held the position of Secretary for Clergy and Consecrated Life, and in that capacity had a role in addressing allegations of sexual abuse or improper conduct by priests and deacons. From 2011 to present, Rev. Waltersheid has served in the Chancery of the Roman Catholic Diocese of Pittsburgh, including holding the positions of Auxiliary Bishop, Vicar for Clergy and Consecrated Life and Vicar of Region I, and in that capacity has had a role in addressing allegations of sexual abuse or improper conduct by priests and deacons. He helped handle dozens of allegations of abuse during his time in the respective positions in both Dioceses. In his role in both Dioceses, Rev. Waltersheid consistently endeavored to put the need for pastoral care of victims of abuse and their rights first. He believes he did so and that his work in each respective Chancery reflects this fact.

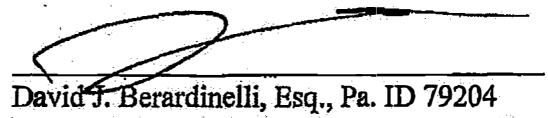
The Grand Jury Report appears to concur with this assessment. Despite his long tenure in his respective positions in both Dioceses and his having been involved in handling dozens of allegations, while his name is mentioned in various places in the Report, references to him almost universally deal with Rev. Waltersheid simply being involved in the processing of an allegation of

abuse or trying to pastorally provide for a victim. A plain reading of the Report reveals that no allegations of misconduct or efforts to hide allegations of abuse are levied against Rev. Waltersheid.



Auxiliary Bishop Waltersheid sends his prayerful support to all victims of abuse.

Respectfully submitted



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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	:	SUPREME COURT OF PENNSYLVANIA 2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE INVESTIGATING GRAND JURY	:	ALLEGHENY COUNTY COMMON PLEAS CP-02-MD-571-2016
	:	NOTICE NO. 1

CERTIFICATE OF SERVICE

I, David J. Berardinelli, Esquire, hereby certify that a copy of the foregoing RESPONSE TO REPORT NO. 1 OF THE 40TH STATEWIDE GRAND JURY was served on June 11, 2018 *via* overnight mail upon the following individuals:

The Honorable Norman A. Krumenacker, III
Supervising Judge, 40th Statewide Investigating Grand Jury
Cambria County Court of Common Pleas
Cambria County Courthouse
200 South Center Street
Ebensburg, PA 15931

Daniel J. Dye
Senior Deputy Attorney General
Criminal Law Division
1600 Strawberry Square
Harrisburg, PA 17120

By: _____
David J. Berardinelli, PA I.D. No. 79204
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DIOCESE OF PITTSBURGH

THE DIOCESE OF PITTSBURGH

Page

COMMONWEALTH OF PENNSYLVANIA
40TH STATEWIDE INVESTIGATING GRAND JURY

IN RE SUBPOENA 801

SUPREME COURT OF
PENNSYLVANIA
2 W.D. MISC. DKT. 2016

COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY
CP-02-MD-571-2016

NOTICE: 1

RESPONSE OF THE CATHOLIC DIOCESE OF PITTSBURGH TO REPORT OF THE 40TH STATEWIDE INVESTIGATING GRAND JURY

COMMONWEALTH OF PENNSYLVANIA
40TH STATEWIDE INVESTIGATING GRAND JURY

IN RE SUBPOENA 801

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A	RESPONSE OF THE CATHOLIC DIOCESE OF PITTSBURGH TO SUBPOENA OF THE 40TH STATEWIDE INVESTIGATING GRAND JURY (March 5, 2018)
B	CORRESPONDENCE FROM JOSEPH D. KARABIN DATED JUNE 21, 1993 (PGH_CF_0009332)
C	MEMORANDUM FROM FATHER DAVID ZUBIK DATED AUGUST 5, 1994 (PGH_CF_0012144-47)
D	CORRESPONDENCE FROM BISHOP DONALD WUERL DATED AUGUST 26, 1994 (PGH_CF_0012141)
E	CORRESPONDENCE FROM FATHER ROBERT GUAY DATED JANUARY 30, 1996 (PGH_CF_0012127)

COMMONWEALTH OF PENNSYLVANIA
40TH STATEWIDE INVESTIGATING GRAND JURY

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CP-02-MD-571-2016

NOTICE: 1

RESPONSE OF THE CATHOLIC DIOCESE OF PITTSBURGH TO REPORT OF THE 40TH STATEWIDE INVESTIGATING GRAND JURY

I. OPENING

The Catholic Diocese of Pittsburgh recognizes and appreciates the efforts of the 40th Statewide Investigating Grand Jury. The Grand Jury Report ("Report") describes the tragic reality of child sexual abuse by members of the clergy. The Diocese of Pittsburgh grieves for the victims of abuse, and offers its sincerest apology to the victims and their families.

The Diocese of Pittsburgh recognizes the pain suffered by the victims and their families. While we pray for their recovery, we are also open to them. We are open to meet with them, to hear their voices, to share their concerns, and to provide assistance, pastoral or otherwise, in helping them heal. We invite victims and their families to set aside any hesitancy they may have, and ask them to come to us so that we may walk with them in their journey.

It is never easy to admit failures. It is clear that historically there have been failures with regard to clergy sexual abuse. Church leaders should have always been victim focused, treating victims with compassion and care in every instance. Swift and firm responses to allegations should have started long before they did. Protections and safeguards for God's children should have been implemented long before they were. Because of this, victims and their families suffered. And for that, we again deeply apologize. And to our faithful, we apologize that you

must once again endure the pain of revisiting the details of these abusive acts. To the people of the Commonwealth, you should know that the serious efforts to prevent and combat child sexual abuse, which the Diocese of Pittsburgh initiated decades ago, will continue without compromise. And finally, the Diocese of Pittsburgh is hopeful that anyone who reads the Report also gives a considered review to this Response, as well as to the statement attached hereto.

II. PROTECTION OF CHILDREN AND YOUNG PEOPLE

The Report is correct when it recognizes that "much has changed over the last fifteen years." The Diocese of Pittsburgh has not been idle in facing the problem of clergy sexual abuse. In fact, for 30 years, the Diocese has engaged in ongoing and relentless pursuits to prevent and combat clergy sexual abuse. These pursuits include:

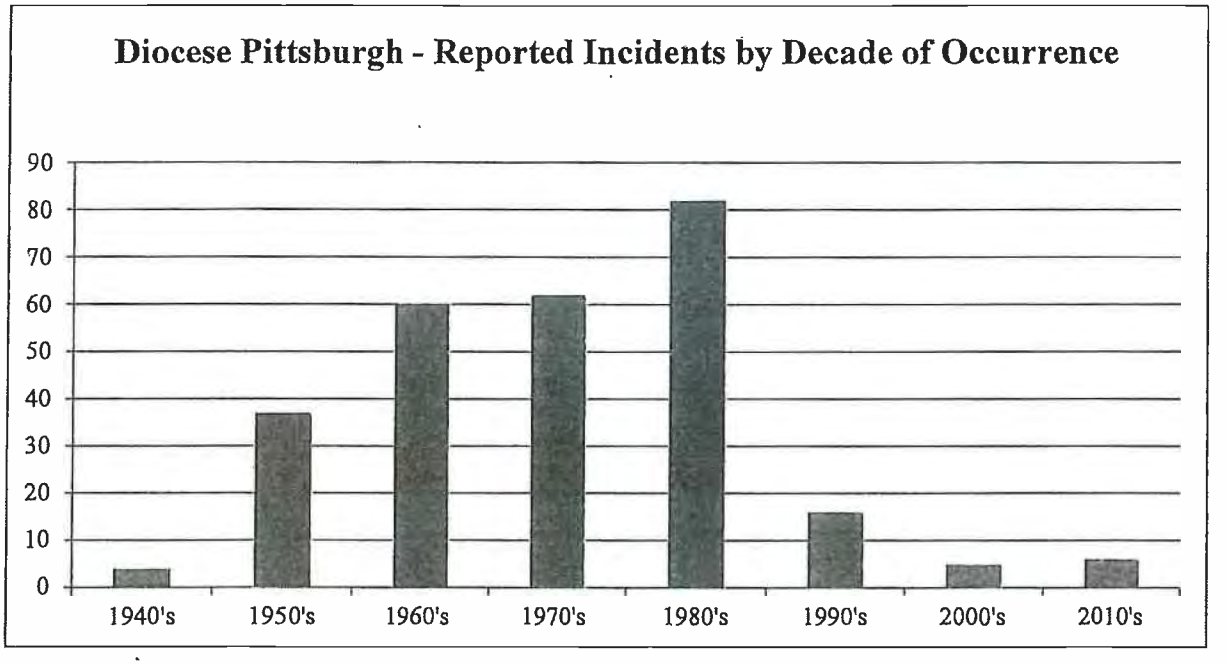
- Requiring background checks by the Pennsylvania State Police, the Pennsylvania Department of Human Services, and the Federal Bureau of Investigation for anyone seeking to work or volunteer in a Catholic parish, school, or institution. Since 2003, 72,657 people, including clergy and laity, have undergone child protection training and background checks, as required by the Diocese of Pittsburgh's "Policy: Safe Environments for Children;"
- Strengthening and improving psychological screening measures for those who wish to be ordained;
- Establishing a policy for responding to allegations of child sexual abuse (1986);
- Creating an Independent Review Board (1989) consisting of experts on child sexual abuse which advises the Bishop;

- Hiring a full time Diocesan Assistance Coordinator (1993) who oversees the pastoral response to victims who bring allegations of sexual misconduct to the Diocese of Pittsburgh, which includes facilitating access to therapy for victims;
- Revising and publishing policies related to clergy sexual misconduct (starting in 1993);
- Establishing a toll-free abuse hotline that directly connects to the Diocesan Assistance Coordinator's office (2004). The hotline is widely publicized by the Diocese in the *Pittsburgh Catholic* newspaper and in parishes by at least bi-weekly publication in bulletins. It is also required to be clearly posted in the entryways and offices of every parish and school in the Diocese of Pittsburgh;
- Consolidating its safe environment efforts in a new Office for the Protection of Children and Young People in 2007. The full-time Director of this Office trains a Safe Environment Coordinator in every parish and school, whose responsibility is to confirm that all background checks are performed so that known abusers are kept out of ministry, and that allegations of abuse are reported to child protective services and Diocesan officials;
- Opting to undergo an annual, independent onsite audit of its adherence to the *Charter for the Protection of Children and Young People* every year since audits began in 2003. However, in 2008, the U.S. Conference of Catholic Bishops established that each diocese would only have an onsite

audit every three years. Therefore, in each of the intervening years, two-person teams from the Diocesan staff visit approximately 50 parishes and schools to test their adherence to child protection procedures and to coach them on how to improve where necessary. In the findings of each of the independent, onsite audits, the Diocese of Pittsburgh was commended for its policies and practices established to help prevent the sexual abuse of minors;

- Expanding "The Catholic Vision of Love" program to include a kindergarten through 12th grade curriculum on how to identify, avoid, and report predators (2011). These units are required to be taught annually to the more than 50,000 students in Diocesan schools and religious education programs; and
- Requiring mandated reporter training of all clergy, staff members, and volunteers who have regular contact with children. This includes all religious education teachers, school janitors, and cafeteria workers, among others.

The policies, procedures, and efforts of the Diocese of Pittsburgh have been substantial and effective. The following graph highlights the effectiveness of these measures by showing the sharp decline in incidents of abuse, beginning the in 1990s, the same time these policies took effect:



The offenses set forth in the Report are primarily from the 1960s through the 1980s. It is heartbreaking for the faithful to revisit these tragic events. Today, the Diocese of Pittsburgh handles allegations of child sexual abuse very differently than it did 40 years ago.

The Diocese of Pittsburgh has made the protection of God's children of utmost concern, and the Diocese allows no clergy member to serve in public ministry if he has admitted an allegation of abuse, or if a credible allegation has been made and substantiated.

The Diocese of Pittsburgh cooperated with the Grand Jury Investigation by producing over 85,000 pages of hard copy documents, as well as 26 gigabytes of electronically-stored information. In February 2018, the Office of the Attorney General ("OAG") served upon Bishop David A. Zubik a subpoena that requested a description of the actions taken by the Diocese to

address child sexual abuse. The OAG outlined three (3) acceptable responses to the subpoena: (1) providing live testimony; (2) asserting Fifth Amendment rights; or (3) providing a statement to be read in its entirety to the Grand Jury.

Due to the breadth of the subpoena's request and the necessary response, the Diocese of Pittsburgh chose to submit a statement to be read in its entirety to the Grand Jury. The Diocese of Pittsburgh's statement, dated March 5, 2018, is attached hereto as "Exhibit A." The statement describes, in detail, the actions taken by the Diocese of Pittsburgh to address and combat child sexual abuse. The Diocese of Pittsburgh is hopeful that anyone who reads the Report also gives a considered review to this Response, as well as to the statement attached hereto.

III. CLARIFICATIONS

The Diocese of Pittsburgh wishes to clarify or correct certain assertions within the Report. These clarifications and corrections are set forth below. The Diocese of Pittsburgh provides this information for the purpose of reassuring its faithful, not for the purpose of criticizing the Grand Jury.

A. The Inaccurate Attribution of the 'Circle of Secrecy' to Cardinal Wuerl

The Report alleges a "circle of secrecy" and attributes it to Pittsburgh's then-Bishop Donald Wuerl. This is not accurate.

The Report identifies seven (7) factors that the Federal Bureau of Investigation feels arose repeatedly in relation to Diocesan responses to child abuse complaints. (Rep. 297-99.) The Grand Jury described this "constellation of factors" as the "circle of secrecy." The Report then incorrectly attributes the "circle of secrecy" phrase to Bishop Wuerl.

The relevant records are related to Reverend Joseph D. Karabin. (Rep. 674-77.) On June 21, 1993, Karabin wrote to Bishop Wuerl seeking to have his restricted ministry reversed and to

be placed in active ministry in a parish. *See* correspondence from Joseph D. Karabin dated June 21, 1993 attached hereto as "Exhibit B" (labeled for the Grand Jury as "PGH_CF_0009332"). Handwritten notations jotted in the margin of the letter reflect the Diocese of Pittsburgh's response to Karabin's request. Specifically, Karabin, who had been in a 12-step recovery program for the prior eight (8) years, was informed that he would have to disclose to the prospective parish the reasons his ministry was restricted and the fact that he was in a recovery program. Twelve-step recovery programs require participants to honor the principle of anonymity. As the notations indicate, absent full disclosure concerning his past—which would require Karabin to disclose his treatment—he would not be permitted to return to parish ministry.

The Report's interpretation of the handwritten notations is incorrect for a few reasons. First, the phrase "circle of secrecy," which relates to Karabin's recovery, is misused to allege a broad conspiracy in the Church. The notes bear no connection to the seven (7) factors identified by the FBI. Second, the misuse of the phrase "circle of secrecy" obscures the fact that the writer of the notation was confirming that the issue of Karabin's recovery from alcoholism and sexual misconduct would have to be disclosed before he could be returned to ministry. Despite Karabin's willingness to make a disclosure, he was not returned to parish ministry. Finally, the Report provides no evidence that the phrase "circle of secrecy" describes the way the Diocese of Pittsburgh addressed allegations of child sexual abuse.

There is also no indication that the Grand Jury was ever provided with any evidence as to whose handwriting is on the letter. The Diocese of Pittsburgh unequivocally states that it is not the handwriting of Bishop Wuerl. In fact, we have confirmed that the notation was written by the Secretary for Clergy at the time. The attribution of the "circle of secrecy" phrase to Bishop

Wuerl is simply unfounded. The Diocese of Pittsburgh appreciates the opportunity to offer this clarification.

B. Use of Euphemisms

The Report makes the sweeping allegation that euphemisms were used to describe sexual abuse as a strategy to hide child sexual abuse. A fair reading of the Diocese of Pittsburgh's files, which were submitted to the Grand Jury, demonstrates detailed and graphic descriptions of abuse, as provided by the victims. In fact, the Report borrows from these detailed descriptions to make its points elsewhere. We acknowledge that we did not describe the incidents in most graphic terms every time we referred an allegation to the District Attorney or discussed the matter in internal correspondence.

The terms and phrases that describe the removal of a priest from ministry have changed over the last three (3) decades. What we did not always say until 2004 was that the priest was removed from ministry because of a finding of a credible allegation of sexual abuse. We do so today and have done so consistently since 2004.

C. Diocesan Investigations

The Report indicates that abuse investigations are not conducted with properly trained personnel. The Diocese of Pittsburgh cannot and has never performed criminal investigations; rather, since 2002, it has turned credible allegations over to the appropriate district attorney. Since 2007, it has turned over all allegations to the appropriate district attorney. Our internal assessments only address suitability for ministry.

However, for over 25 years, the Diocese of Pittsburgh has employed the professional expertise of a masters-level, licensed social worker who presently has 42 years of experience. She is compassionate and caring, as reflected in the case files quoted in the Grand Jury Report. She has spoken with every victim who has come forward since 1993.

The depth and breadth of the assessments performed by the Diocese of Pittsburgh is extensive and actually demonstrated within the Grand Jury Report. Specifically, the case summaries included in the Report outlining allegations regarding individual clergy members are based largely on the Diocese's reports of its inquiries. Although we take issue with many of the conclusions recited in these summaries, the selected facts upon which they are based came directly from the documented results of assessments performed and provided by the Diocese of Pittsburgh.

Finally, since 1989, the Diocese of Pittsburgh has engaged an Independent Review Board, whose membership has included a former United States Attorney, several lawyers, a clinical psychologist, and several parents of victims. The Independent Review Board provides the Bishop with advice on issues related to clergy sexual abuse, among which is the suitability of a priest for active ministry. The Independent Review Board conducts a comprehensive factual review and analysis outside the influence of the Bishop.

D. Treatment Providers

The Diocese of Pittsburgh utilizes the expertise of accredited, licensed psychiatric facilities. In connection with a facility's evaluation of an alleged abuser, a "self-report" is typically a part of the initial intake, much as would occur when any person visits with their physician. However, the "self-report" is not the singular basis for the diagnosis. The Diocese of Pittsburgh provides extensive collateral information to the treating facility. As a matter of protocol, a treating facility utilizes a professional team to conduct extensive interviews and standardized testing recognized by the American Psychiatric Association.

In short, it is erroneous to assert that such a complex matter as making a psychiatric diagnosis would rely solely on a "self-report," which would be akin to a physician making a diagnosis and prescribing treatment based only on a patient's self-completed intake form.

E. Public Disclosure

The policy of informing parishioners of an allegation against their priest has evolved over time, an evolution that is not unique to the Diocese of Pittsburgh or to the Catholic Church. Consistently since 2004, if an allegation is levied against a clergy member who is assigned to a parish, the parishioners are informed that the priest has been removed pending further investigation of the allegation. Our regular practice has included letters read from the pulpit and placed in the bulletins of affected parishes, pastoral visits, press releases, articles in the *Pittsburgh Catholic* newspaper, notification to all clergy by fax or e-mail, and notification to the appropriate District Attorney and child protective services.

F. Financial Support

The Diocese of Pittsburgh is required by canon law to provide some level of support to all clergy whether disabled, retired, removed from ministry, or even convicted of crimes. The Diocese of Pittsburgh must comply with canon law. This requirement reflects the Catholic understanding that, by ordination, the priest and the Church to which he is ordained have a mutual obligation to each other. Even if the priest fails in his responsibility to the Church and its faithful, the Church must still maintain some limited support for his essential needs.

G. Reports to Law Enforcement

Generally, allegations of abuse fall into two categories. First, there are allegations made by or on behalf of a current minor. The Diocese of Pittsburgh has complied with Pennsylvania law by reporting all allegations of sexual abuse where the victim is currently a minor.

Second, there are allegations made by adults who claim to have been abused by clerics when they were minors. Since at least 1993, we encouraged all victims to report their allegations to law enforcement. Beginning in 2002, we reported all credible allegations to law enforcement

no matter how long ago the abuse occurred. Beginning in 2007, all allegations, credible or not, are reported to law enforcement.

H. The 'Secret Archive'

The Diocese of Pittsburgh does not keep records related to clergy sexual abuse within a "secret archive." The secret archive is a secure file drawer containing only two documents: (1) the last will and testament of the Diocesan Bishop; and (2) the succession plan if the Diocesan Bishop were to become incapacitated.

Records pertaining to clergy misconduct, as well as any other sensitive medical or psychiatric issues requiring privacy, are contained in confidential files. Confidential files are restricted files, not "secret files." The restriction is on who may have access to the files. They are housed in the Clergy Office. The treatment of these files is consistent with the best practices, personnel policies, and confidentiality requirements of the human resource departments of most organizations.

IV. CLERGY CASES

As previously noted, the Diocese of Pittsburgh recognizes and appreciates the efforts of the Grand Jury. However, the Diocese feels that a fair analysis of the problem of clergy sexual abuse requires the following clarifications to certain aspects of the Report.

A. Ernest Paone (deceased 2012)

Ernest Paone was ordained in 1957. As noted in the Report, there were allegations of Paone abusing children in the 1960s. In 1966, Paone was placed on an indefinite leave of absence, and he relocated to Southern California to live with his brother. No one still involved with the Diocese of Pittsburgh is able to speak to the thinking or decision-making of the Diocesan leadership 50 years ago.

In 1991, in response to a request from Paone, Bishop Wuerl informed then-Bishop Daniel Walsh of the Diocese of Reno-Las Vegas that he had no objection to Paone exercising priestly ministry in the Diocese of Reno-Las Vegas. At that time, neither Bishop Wuerl nor anyone in the Clergy Office was aware of Paone's file and the allegations lodged against him in the 1960s. Our research indicates that because he had been outside of the Diocese for nearly 30 years, Paone's files were not located in the usual clergy personnel file cabinet. This earlier handling of Paone's records was a failure of the Diocese of Pittsburgh, and the Paone case would certainly not be handled in the same manner today.

Upon being hired in 1993, the Diocese of Pittsburgh's Diocesan Assistance Coordinator began systematically organizing all of the clergy files. This included the creation of "confidential files," which were designed to identify and catalog allegations of misconduct.

When in 1994, the Diocese of Pittsburgh received a complaint about abuse committed by Paone in the 1960s, the Diocese drew on the newly reorganized files and found the previous allegations from the 1960s. *See* memorandum from then-Father Zubik to Bishop Wuerl dated August 5, 1994 attached hereto as "Exhibit C" (labeled for the Grand Jury as "PGH_CF_0012144-47"). Paone was then sent to St. Luke Institute for an evaluation, and Bishop Wuerl sent letters notifying the relevant Dioceses in California and Nevada of the 1994 complaint. Specifically, on August 26, 1994, Bishop Wuerl wrote to the Diocese of Reno-Las Vegas saying that had he known in 1991 of the allegations, he would not have supported Paone's request for a priestly assignment. *See* correspondence from Bishop Wuerl to Bishop Walsh dated August 26, 1994 attached hereto as "Exhibit D" (labeled for the Grand Jury as "PGH_CF_0012141").

Thereafter, on January 30, 1996, Father Robert Guay, then-Secretary for Clergy, informed the Diocese of San Diego that Paone did not possess the faculties of the Diocese of Pittsburgh. *See* correspondence from Father Guay dated January 30, 1996 attached hereto as "Exhibit E" (labeled for the Grand Jury as "PGH_CF_0012127").

In summary, immediately upon learning of the 1994 complaint, the Diocese of Pittsburgh informed the relevant Dioceses about the allegation. Thereafter, the Diocese acted repeatedly to keep Paone from active ministry wherever he was located.

B. George Zirwas (deceased 2001)

We would like to address the victim named "George," who courageously appeared before the Grand Jury. As we understand it, George has never approached the Diocese of Pittsburgh about the abuse he suffered. We sincerely apologize to George and extend an offer to him to meet with us. We invite anyone who has yet to come forward to contact us and tell us their story.

Today, we would have handled the Zirwas case much differently. We would have immediately removed Zirwas from ministry and reported the allegation to the appropriate District Attorney. The case would then have ultimately been presented to the Independent Review Board for a recommendation to the Bishop on Zirwas' suitability for ministry.

C. Richard Zula (deceased 2017)

Richard Zula was ordained in 1966. The Diocese of Pittsburgh first received an allegation against Zula on September 25, 1987. Zula admitted the abuse. He was immediately removed from ministry, never to be returned. Accordingly, his faculties were removed and he could not identify himself as a priest, either by title or attire.

Once Zula returned from a psychiatric treatment center on January 13, 1988, he made several requests to be assigned or transferred outside of the Diocese of Pittsburgh. The Diocese of Pittsburgh summarily denied all of Zula's requests for assignment or transfer.

The Report takes issue with the fact that the Diocese of Pittsburgh paid for professional medical help for Zula and continued to provide him with sustenance. Canon law required the Diocese of Pittsburgh to support Zula. Contrary to the Grand Jury Report's inference, Bishop Wuerl never offered Zula any amount approaching $180,000. The approximately $11,000 he was paid reflected the $500/month in sustenance payments that accumulated while Zula was incarcerated.

Finally, at no time did the Diocese of Pittsburgh advocate for a lighter sentence for Zula, nor did it request that a psychiatric report be prepared or submitted on Zula's behalf for sentencing purposes.

V. LISTING OF CLERGY

As of this writing, the Report includes an appendix with a list of priests who are identified as offenders. Several are in active ministry. Given that there is an appeal before the Supreme Court of Pennsylvania, we are not now able to offer clarifications. However, we can say that those in active ministry are there because the allegations against them were determined to be unsubstantiated.

VI. CONCLUSION

The Diocese of Pittsburgh acknowledges the sad history recounted in the Grand Jury Report, both of the abuse that occurred at the hands of priests and the failure, at times, of leaders in the Church to respond with the compassion and care that is the standard today. For the harm inflicted by these actions we again apologize to the victims who suffered the abuse, to their families and loved ones who have shared in their burdens and have supported them with love and

encouragement, and to anyone whose faith and trust in God or in the Church has been shaken. We pledge to remain firmly committed to the protection of children and promise to enhance our programs and efforts to prevent child sexual abuse in our Church and across our society. Finally, we continue our prayers for victims and all who are affected by this tragedy.

Respectfully submitted,

CLARK HILL PLC

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Attorneys for The Catholic Diocese of Pittsburgh

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing RESPONSE OF THE CATHOLIC DIOCESE OF PITTSBURGH TO REPORT OF THE 40TH STATEWIDE INVESTIGATING GRAND JURY has been served via FedEx upon the following:

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Julie Horst
Executive Secretary for the Grand Jury
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16th Floor, Strawberry Square
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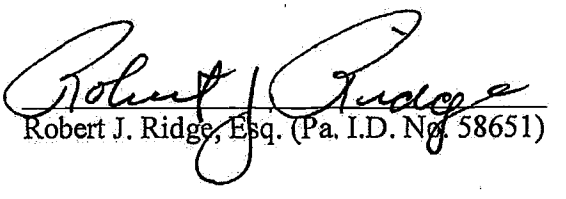

Robert J. Ridge, Esq. (Pa. I.D. No. 58651)

EXHIBIT A

COMMONWEALTH OF PENNSYLVANIA
40TH STATEWIDE INVESTIGATING GRAND JURY

IN RE SUBPOENA 801

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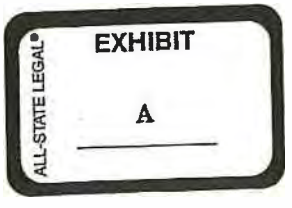

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The Catholic Diocese of Pittsburgh recognizes and appreciates the efforts of the 40th Statewide Investigating Grand Jury and the Office of the Attorney General ("OAG"). The Diocese of Pittsburgh and the Most Reverend David A. Zubik particularly appreciate the Grand Jury's invitation to submit a written response to the Grand Jury Subpoena dated February 9, 2018. In accordance with the OAG's direction, this statement describes the actions taken by the Diocese of Pittsburgh to address child sexual abuse.

I. OPENING

The abuse of children by anyone, including clergy and other representatives of the Catholic Church, is a devastating tragedy. As society and the Diocese of Pittsburgh have come to better understand root causes of abuse and the harm that victims suffer, the Diocese has and will continue to take swift and definitive action to reach out to victims and to make further strides in preventing abuse.

Over thirty years ago, the Diocese of Pittsburgh was among the first to adopt a policy concerning child sexual abuse by clergy. Since then, the Diocese has strived to exceed what is required under state law and the *Charter for the Protection of Children and Young People*.[1] It has been and is the goal of the Diocese of Pittsburgh that there be no cleric in active ministry against whom a credible allegation of child sexual abuse has been made.

The Diocese of Pittsburgh has and will continue to provide conscientious care and to implement best practices to ensure that its parishes and schools are safe environments for children and young people. As Bishop Zubik has previously stated, and reiterates here, the Diocese of Pittsburgh and all dioceses must realize that we can never go too far in acting to prevent the abuse of children. (*See* Jason Cato, *Dioceses more responsive to Catholic Church sex abuse scandals*, TribLive.com, March 5, 2016.)

[1] *See* http://www.usccb.org/issues-and-action/child-and-youth-protection/charter.cfm.

This statement details the Diocese of Pittsburgh's actions to address child sexual abuse within the Diocese, and provides information relevant to its historical response to child sexual abuse. In addition, it is appropriate to mention the Diocese of Pittsburgh's response to individual victims. As such, added to this statement is a component dealing with the Diocese's concern and care for victims (Section V), which is at the apex of the efforts of the Diocese of Pittsburgh. The Diocese begs the indulgence of the Grand Jury for this addition to the requested information.

II. PROTECTION OF CHILDREN AND YOUNG PEOPLE

A. Safe Environment Programs/Policies

The safe environment programs implemented by the Diocese of Pittsburgh include training and background checks for all Diocesan-related personnel—clergy, staff, and volunteers—and annual age-appropriate training for all children in Diocesan schools and religious education programs. The age-appropriate training for children focuses on how to identify, avoid, and report possible predators.

The Diocese of Pittsburgh's safe environment policies are designed to meet or exceed the requirements of Pennsylvania law and the U.S. Conference of Catholic Bishops' June 2002 *Charter for the Protection of Children and Young People*, and to keep Diocesan parishes and schools safe for children and young people. In particular, we present the following examples of our policies and practices:

- Since 2007, 72,657 people, including clergy, and laity who have sought to work or volunteer in Diocesan parishes and schools, have undergone child protection training and background checks, as required by the Diocese of Pittsburgh's

"Policy: Safe Environments for Children."[2] Of these 72,657 people, 45 were rejected and denied the opportunity to work or volunteer due to a past history of child abuse or sex crimes. Furthermore, 376 were restricted in their roles due to some other past violation of law unrelated to child abuse or sex crimes.

- In 2007, the Diocese of Pittsburgh centralized its online child protection database of all clergy, employees, and volunteers who serve in our parishes and schools. The purpose of the database is to track which personnel have up-to-date clearances and training. This database is continually updated by Safe Environment Coordinators in our parishes and schools, and is monitored by the staff of our Office for the Protection of Children and Young People (discussed in greater detail below).
- Since 1993, the Diocese of Pittsburgh has encouraged adults who were abused as minors to report the abuse to the civil authorities,[3] and prior to this date, the Diocese reported allegations of sexual abuse of current minors to the civil authorities. In 2002, the Diocese began reporting all credible allegations of abuse made by adults who were abused as minors to the civil authorities. In 2007, the Diocese committed to reporting all allegations of sexual abuse made by adults who were abused as minors, whether credible or not.
- In compliance with Pennsylvania law, the Diocese of Pittsburgh requires background checks on staff members and volunteers who have direct contact with children.

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[2] A copy of the Diocese's current "Policy: Safe Environments for Children" is attached hereto as "Exhibit A." It became effective on July 1, 2004, and was revised on April 4, 2008, and October 1, 2015, effective November 1, 2015.

[3] "Civil authorities" refers to civil law authorities, including those responsible for criminal prosecutions.

- In 2015, Pennsylvania changed its law to mandate that FBI background checks that include fingerprinting are required of any employee who has direct contact with children. The Diocese of Pittsburgh has complied with this amendment to Pennsylvania law.[4] To make fingerprinting more convenient, the Diocese of Pittsburgh purchased a mobile fingerprinting unit, which was taken to parishes and schools. However, recent vendor changes by the Commonwealth caused the Diocese to discontinue this service. Nonetheless, all required fingerprinting continues at various Commonwealth-approved sites.
- Pennsylvania law requires only specific certified professionals—such as teachers and social workers—to take mandated reporter training. The Diocese of Pittsburgh, however, requires it of all clergy, staff members, and volunteers who have regular contact with children. This includes all religious education teachers, school janitors, and cafeteria workers, among others. The Pennsylvania Family Support Alliance, a secular non-profit that provides mandated reporter training throughout Pennsylvania, has applauded "the Diocese of Pittsburgh for taking a strong stand in protecting children by ensuring that all their employees and volunteers who have contact with children receive 3 hours of in-person training on how to recognize and report child abuse." The statement goes on: "Everyone has a role to play in protecting children from abuse - the Diocese of Pittsburgh is stepping up to the plate and taking that role seriously." (Haven Evans, Director of Training, Pennsylvania Family Support Alliance, Feb. 27, 2018.)

[4] The Diocese of Pittsburgh's policy tracks Pennsylvania law in permitting an exemption from fingerprinting for volunteers who have been Commonwealth residents for at least 10 years.

- Anyone who wishes to serve as either an employee or volunteer in one of the Diocese of Pittsburgh's parishes, schools, or institutions must participate in "Protecting God's Children" training,[5] either online or at a workshop. Since 2003, more than 70,000 people have participated in this training.
- In 1995, the Diocese of Pittsburgh established "The Catholic Vision of Love" program, whose purpose was to present a Catholic understanding of sexuality for students in grades 6 through 12. This included units on the prevention of child sexual abuse. In 2011, the Diocese of Pittsburgh expanded "The Catholic Vision of Love" program to include a kindergarten through 12th grade curriculum on how to identify, avoid, and report predators. These units are required to be taught annually to more than 50,000 students in Diocesan schools and religious education programs. Parents must also participate in the training to enable them to discuss the program with their children, and students are not permitted to opt out of this program.

B. Diocese of Pittsburgh and the *Charter*

As previously noted, the child protection policies of the Diocese of Pittsburgh meet or exceed the requirements of the *Charter for the Protection of Children and Young People*. The *Charter* is a comprehensive set of procedures established by the U.S. Conference of Catholic Bishops in June 2002 for addressing allegations of sexual abuse of minors by Catholic clergy.

After the June 2002 meeting of the U.S. Conference of Catholic Bishops, the bishops presented to the Vatican a set of norms that required any cleric who was known to have committed sexual abuse of minors to be removed from ministry. The Vatican declared that these

[5] The Protecting God's Children program is designed to teach priests, deacons, staff, volunteers, and parents to recognize the warning signs of child sexual abuse and to respond appropriately. The program and training service was created by The National Catholic Risk Retention Group, Inc. under the name "VIRTUS."

norms would be Church law for the United States. The Diocese of Pittsburgh, through then-Bishop Donald Wuerl, led the fight to establish this mandate nationwide. (*See* Ann Rodgers-Melnick, *U.S. Bishops get tough on sex abusers*, Pittsburgh Post-Gazette, June 15, 2002.)

The *Charter* also includes guidelines for reconciliation, healing, accountability, and prevention of future acts of abuse. Some distinctions between the *Charter's* requirements and the Diocese of Pittsburgh's policies are:

- The *Charter* requires clergy, employees, and some volunteers to undergo a single background check. The Diocese of Pittsburgh requires three background checks by the following: the Pennsylvania State Police, the Pennsylvania Department of Human Services, and the Federal Bureau of Investigation.
- The Diocese of Pittsburgh requires background checks and training of not only its clergy, but of far more employees and volunteers than required by the *Charter*, including anyone who could be perceived as a representative of the Church—such as a lector or choir member.
- The *Charter* requires only that dioceses report abuse allegations in which the victim is still a minor. Once again, in cases of a current minor, the Diocese of Pittsburgh reports all allegations to the civil authorities. In addition, since 2007, the Diocese of Pittsburgh has required that all allegations made by adults who were abused as minors, whether credible or not, be reported to the proper civil authorities.
- In 1989, the Diocese of Pittsburgh created what is now known as the Independent Review Board,[6] which is a panel of volunteers with experience and

[6] This was originally called the "Assessment Board" and has also been known as the "Diocesan Review Board."

expertise in a range of disciplines relevant to the problem of child sexual abuse. The Board was established to provide the Bishop with advice on issues related to clergy sexual abuse, among which is the suitability of a priest for active ministry. The Board was created 13 years before it was mandated by the *Charter*.

C. Diocese of Pittsburgh's Code of Pastoral Conduct

In August 2003, the Diocese of Pittsburgh published the "Code of Pastoral Conduct."[7] It set in writing and codified the standards and expectations for all those who act in the name of the Diocese of Pittsburgh. It has been refined and expanded twice—in 2008 and 2017. It applies to bishops, priests, deacons, and religious and lay members of the Christian faithful who assist in providing pastoral care.

The Code of Pastoral Conduct addresses a broad array of personal conduct issues for clergy, employees, and volunteers of the Diocese of Pittsburgh and its parishes. Specific provisions of the Code offer guidance on interaction with children, young people, and vulnerable adults. Among other safeguards, the Code identifies examples of appropriate and inappropriate forms of physical contact with minors, stipulates that personnel in the presence of minors should be within eyesight of another responsible adult, prohibits private communications with minors through social media and other electronic means, and provides that personnel are expected to know mandatory reporting requirements and the sexual misconduct policies of the Diocese of Pittsburgh.

[7] A copy of the Diocese's current Code of Pastoral Conduct is attached hereto as "Exhibit B."

D. Audits of Compliance with the *Charter for the Protection of Children and Young People*

The *Charter for the Protection of Children and Young People* requires that each diocese undergo an onsite audit by an independent auditing firm every three years. The purpose of this requirement is to ensure that each diocese within the United States is compliant with the *Charter*. The audits begin with volumes of information submitted to the auditors before their visit. The onsite portion of the audit begins and ends with interviews of the Bishop, and includes interviews with key Diocesan officials and the Chairperson of the Independent Review Board.

The audits entail visits to Diocesan parishes and schools chosen by the auditors, without advance notice. Visits to parishes and schools are not mandatory under the *Charter*, but the Diocese of Pittsburgh has consistently requested such visits.

In the past, a diocese could opt to undergo an onsite audit every year under the *Charter*. From 2003 to 2008, the Diocese of Pittsburgh opted to undergo an onsite audit each year. As of 2008, the U.S. Conference of Catholic Bishops established that each diocese would only have an onsite audit every three years. In each of the intervening years, all dioceses are required to submit documentation to the independent auditors verifying their compliance with the *Charter*. The Diocese has been fully compliant in these matters.

The most recent independent audit of the Diocese of Pittsburgh's compliance with the *Charter* conducted by Stonebridge Partners in October 2017 found that for the audit period, 38,993 active clergy, employees, and volunteers have valid background checks and certification in appropriate child protection training. This number includes 100% of active clergy. Furthermore, as indicated in the 2017 audit, 50,453 children received safe environment training, with the goal of teaching them how to identify, avoid, and report possible predators. In the

findings of each of the independent, onsite audits, the Diocese of Pittsburgh was commended for its policies and practices established to help prevent the sexual abuse of minors.

In addition to the external, independent audits, the Diocese of Pittsburgh has historically done much to oversee and enforce its safe environment programs and compliance with the mandates of the *Charter*. While the safe environment programs had existed for years, the Diocese of Pittsburgh consolidated its safe environment efforts in a new Office for the Protection of Children and Young People in 2007. The full-time Director of this Office trains a Safe Environment Coordinator in every parish and school, whose responsibility is to confirm that all background checks are performed so that known abusers are kept out of ministry, and that allegations of abuse are reported to Diocesan officials.

The Office for the Protection of Children and Young People also organizes internal audits of the parishes and schools of the Diocese of Pittsburgh in the two years between the *Charter's* mandated triennial independent audits. Two-person teams from the Diocesan staff visit approximately 50 parishes and schools in each of these years to test their adherence to child protection procedures, as outlined in Diocesan policies, and to coach them on how to improve where necessary. The Diocese of Pittsburgh was one of the first dioceses in the country to establish this procedure.

III. HISTORICAL RESPONSE TO ALLEGATIONS OF CLERGY SEXUAL ABUSE

A. Initial Policy

Fifteen years before the establishment of the *Charter* of the U.S. Conference of Catholic Bishops, the Diocese of Pittsburgh adopted a policy for responding to allegations of child sexual abuse. The initial Diocesan "Policy: For Clergy Sexual Misconduct," as it is formally known, was created in 1986 and formally adopted in February 1987. (*See* Eleanor Bergholz, *A greater openness*, Pittsburgh Post-Gazette, Aug. 25, 1987.)

The Diocese of Pittsburgh's Policy for Clergy Sexual Misconduct has been under continual review since 1988. (*See* Ann Rodgers-Melnick, *Diocese revises policy for priest misconduct cases*, Pittsburgh Post-Gazette, March 11, 1993.) It has been amended six times—in March 1993, October 2002, August 2003, August 2006, March 2008, and April 2014. Each of the specified revisions was done to strengthen the policies and procedures necessary to improve the Diocese of Pittsburgh's response to victims. Moreover, these revisions have been performed as the Diocese, together with society as a whole, has over the years come to better understand root causes of sexual abuse and the harm that victims suffer. All revisions to the policy have been made publicly available.[8]

B. Putting Children First

In 1988, then-Bishop of the Diocese of Pittsburgh, Donald W. Wuerl, now Cardinal Wuerl, against the advice of legal counsel, and accompanied by his Administrative Secretary, Reverend David A. Zubik, now Bishop Zubik, visited two brothers who reported that they were abused by Diocesan priests.[9] Their family was present, as well. The visit with the two brothers and their family permanently changed the Diocese of Pittsburgh's approach to allegations of clergy sexual abuse of minors. It was a watershed moment. From that point onward, under the direction of Bishop Wuerl, the Diocese moved aggressively in response to allegations of child abuse, making the protection of children a top priority. The Diocese of Pittsburgh has made every effort to uphold and strengthen this policy.

[8] A copy of the Diocese's current Policy for Clergy Sexual Misconduct is attached hereto as "Exhibit C." A copy of the Diocese's Policy for Allegations of Sexual Abuse of Minors by Church Personnel Other Than Clerics is attached hereto as "Exhibit D."

[9] The priests were removed from public ministry in response to the allegations, and none of the priests ever returned to public ministry. Two of these priests were convicted and imprisoned.

Shortly after Bishop Wuerl and Father Zubik's visit with the family of the abused brothers, Bishop Wuerl called a mandatory meeting with the entire clergy of the Diocese of Pittsburgh in the fall of 1988. At the meeting, Bishop Wuerl outlined the Diocesan policy for responding to allegations of clergy misconduct, declaring that sexual contact with a minor was not simply a moral offense, but a crime under Church law and civil law that would result in permanent removal from ministry and possible imprisonment. Any accused priest could expect to be removed from ministry if an allegation appeared credible. Bishop Wuerl also revealed his intention to meet or speak with victims of clergy sexual abuse who wished to speak with him, a practice that Bishop Zubik carries on to this day.

C. **Independent Review Board**

In 1988, the Diocese of Pittsburgh announced that it would convene a group of laypersons and pastors to provide advice on the prevention of sexual abuse, and to offer healing and assistance where abuse occurred. (*See Bishop to form committee 'to heal' harm of allegations,* Pittsburgh Catholic, Oct. 28, 1988.) This resulted in the creation of the Independent Review Board in 1989.

The Independent Review Board is a panel of volunteers with experience and expertise in a range of disciplines relevant to the problem of child sexual abuse. It was established to assess individual allegations and to advise the Bishop on issues related to clergy sexual abuse, among which are the credibility of the allegation and the suitability of the priest for active ministry. Lay members of the Board were not required to be Catholic, but were chosen based on their expertise and experience. Shortly after its creation, parents of abuse victims were appointed to the Board. Since its inception, the chair of many Board meetings has been Frederick W. Thieman, a former chief prosecutor and United States Attorney for the Western District of Pennsylvania. The Board

was created 13 years before it was mandated for all dioceses in the United States by the *Charter for the Protection of Children and Young People* in June 2002.

Since 1993, the Diocese of Pittsburgh has maintained a roster of individuals who have been appointed to serve on the Board for five-year renewable terms. For each case in which there is an allegation against a cleric, five individuals are chosen from the roster to review the case. Four of the individuals are lay people, and one is a priest. Of the four laypersons, one must have professional expertise relating to the sexual abuse of minors. The priest must be a pastor.

As explained, the Independent Review Board reviews allegations of abuse and makes recommendations to the Bishop. Mr. Thieman, the chair of many Board meetings, has noted that the Board has "extreme independence" from Diocesan influence, and the "freedom to reach whatever decisions we wanted to reach, based on the best evidence." (Ann Rodgers and Mike Aquilina, *Something More Pastoral – The Mission of Bishop, Archbishop and Cardinal Donald Wuerl*, The Lambing Press, 2015, p. 101.)

IV. EVOLUTION OF THE POLICY FOR THE PROTECTION OF CHILDREN

A. The Pastoral Process

i. Publication of Clergy Sexual Misconduct Policy

On March 8, 1993, the Diocese of Pittsburgh officially published its revised Clergy Sexual Misconduct Policy, holding a press conference to announce its contents and to distribute copies to the media.[10] Specifically, the policy provided that no cleric against whom there was an admitted or credibly established allegation of sexual misconduct with a minor may serve in any public ministry. The Bishop also has the authority to remove an offending priest from ministry,

[10] The Clergy Sexual Misconduct Policy was also printed in the Pittsburgh Catholic on March 12, 1993.

regardless of whether there has been a conviction or finding of liability in the criminal or civil courts. These Diocesan principles remain unchanged to this day.[11]

ii. Employment of Diocesan Assistance Coordinator

In 1993, the Diocese of Pittsburgh hired Rita E. Flaherty, MSW, LSW, as the "Diocesan Assistance Coordinator," a position which Ms. Flaherty still holds to this day.[12] The Diocesan Assistance Coordinator oversees the pastoral response to victims who bring allegations of sexual misconduct to the Diocese of Pittsburgh.

In addition to facilitating access to therapy for victims, the Diocesan Assistance Coordinator's responsibilities include, in pertinent part:

- Receiving allegations of sexual misconduct;
- Assisting with and reviewing actions taken in response to allegations of sexual misconduct;
- Updating accused clergy's personnel files, specifically noting steps taken in response to allegations;
- Preparing reports for the Clergy Task Force;[13] and,
- Serving as staff to the Independent Review Board.

Since 2004, the Diocese of Pittsburgh has maintained a toll-free abuse hotline that directly connects to the Diocesan Assistance Coordinator's office. The hotline is widely publicized by the Diocese in the Pittsburgh Catholic newspaper and in parishes by at least bi-

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[11] The policy did not address sexual activity between consenting adults. Rather, it focused on minors, non-consenting adults, and adults over whom a cleric had spiritual or administrative authority. In 2014, the policy was amended to include specific protections for "vulnerable adults." *See* Ex. C.

[12] Ms. Flaherty's position has also been referred to as the "Process Manager" and the "Ministerial Assistance Coordinator."

[13] The Clergy Task Force is a team of Diocesan staff members, both priests and laity, who assist the Bishop in determining an appropriate response to any allegation of serious wrongdoing by clergy, and in determining whether changes should be made to policies regarding clergy misconduct. Clergy Task Force members include the Vicar General (a cleric with canonical authority to act in the Bishop's absence), two clerics in charge of the offices that deal with clergy-related matters, the canon lawyer in charge of the Diocese's Canon Law Department, the civil attorney who represents Diocesan parishes and schools, and the Diocesan spokesperson, among others.

weekly publication in bulletins. It is also required to be clearly posted in the entryways and offices of every parish and school in the Diocese of Pittsburgh.

B. Responding to Allegations of Child Sexual Abuse

i. Initial Response to an Allegation

Since 1988, the Diocese of Pittsburgh has mandated a prompt response to all allegations of sexual abuse. Any priest, deacon, or Diocesan or parish/school employee who receives a complaint that a cleric has sexually abused a current minor must immediately notify the proper civil authorities and the Diocese.

Beginning in 1993, when an adult alleges that he/she was abused as a minor, the Diocese of Pittsburgh mandates that two priests from the Clergy Office, as well as the Diocesan Assistance Coordinator, are required to first interview the person bringing the allegation, and then, to conduct a separate interview of the accused cleric. The objective of the initial interviews is to assess the credibility of an allegation. Credible allegations lead to the removal of clerics from public ministry.

If an allegation is deemed not credible after a review of all available information, including the results of any civil investigation, the matter is not pursued further, and the parties are informed of the decision.

ii. Reporting to Civil Authorities

Since at least 1993, the Diocese of Pittsburgh has encouraged and supported all individuals bringing allegations of sexual abuse to report the abuse to the proper civil authorities.[14] This policy was adopted before the U.S. Conference of Catholic Bishops adopted the *Charter for the Protection of Children and Young People* in June 2002, and was implemented

[14] In some instances, where necessary, the Diocese of Pittsburgh has reported allegations to the civil authorities over the objection of the person bringing the allegation. The Diocese reserves this right when it receives allegations. The Diocese also complies with Pennsylvania law by reporting all allegations of abuse of a current minor.

after a meeting with the District Attorney of Allegheny County and other counties to ensure that victims would be treated with sensitivity during any investigation or prosecution. (*See* Ann Rodgers-Melnick, *Zappala, Wuerl define policies, roles in abuse cases*, Pittsburgh Post-Gazette, April 17, 2002; Steve Levin, *Diocese expands meetings with district attorneys*, Pittsburgh Post-Gazette, April 26, 2002.)

Generally, allegations of abuse fall into two categories. First, there are allegations made by or on behalf of a current minor. The Diocese of Pittsburgh has complied with Pennsylvania law by reporting all allegations of sexual abuse where the victim is currently a minor.

Second, there are allegations made by adults who claim to have been abused by clerics when they were minors. Beginning in 2002, all credible allegations were reported to the civil authorities. Beginning in 2007, all allegations, credible or not, are reported to the civil authorities.

iii. Evaluating Allegations

The Diocese of Pittsburgh's evaluation of and response to the issue of clergy sexual abuse has progressively evolved since the mid-1980s. Beginning in 1988, the focus of the Diocese of Pittsburgh has been on putting the safety of children first. Where clergy admit to committing abuse, or once allegations of abuse by clergy have been judged credible, the priest is removed from public ministry.

If an allegation involves a current minor, the cleric is immediately removed from ministry and the allegation is immediately referred to civil authorities. During the civil process, the priest remains barred from ministry. Only after the civil process is complete does any canonical process begin. If the cleric is convicted, the canonical process begins to remove him from the priesthood. If the cleric is acquitted, then a canonical process begins to determine whether he is suitable for ministry.

While all allegations of child sexual abuse are taken seriously and receive appropriate attention, the standard for determining whether an allegation is deemed credible has become increasingly deferential toward adult victims of childhood sexual abuse.[15] Initially, the Diocese of Pittsburgh sought to determine whether an allegation might or might not be true, and if the answer was affirmative or inconclusive, the cleric was removed from ministry. By the early 2000s, the Diocese of Pittsburgh began a practice of determining whether there was any semblance of truth to an allegation. If the answer was affirmative or inconclusive, the cleric was removed from ministry and the case was referred to the civil authorities. Beginning in 2007, upon the reassignment of Bishop Zubik to Pittsburgh, the Diocese began forwarding all allegations of abuse of current adults who were abused as minors to the civil authorities, whether the allegation was considered credible or not.

Internally, once an allegation is received by the Diocese of Pittsburgh, the Clergy Task Force is convened to offer a recommendation on placing the cleric on administrative leave that removes his ability to function as a priest or deacon. The Clergy Task Force directs the Clergy Office to arrange for a meeting with the cleric, offers logistical assistance on informing parishioners, and arranges for a psychological evaluation. Accused clerics are expected to undergo a formal psychological evaluation by medical and psychiatric experts at a facility selected by the Diocese. The accused cleric is required to grant the treatment facility permission to share the results of the evaluation with appropriate Diocesan personnel. Once the psychological evaluation is complete, the matter is referred to the Independent Review Board.[16]

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[15] The Diocese of Pittsburgh has complied with Pennsylvania law by reporting all allegations of abuse of a current minor.

[16] If the accused cleric refuses to undergo a psychological evaluation, the Independent Review Board will proceed without this evaluation and the priest remains on administrative leave.

The Independent Review Board reviews relevant documentation and hears from the victim, the accused priest, and any other pertinent witnesses that either party may present. At the end of its deliberations, the Independent Review Board will offer findings relative to the credibility of the allegation, as well as a recommendation on the suitability of an assignment for the cleric.

During the entire evaluation process, Diocesan officials are required to continually update the person who brought the allegation regarding the process of the investigation and the Bishop's decisions concerning the accused cleric.

C. Bishop Wuerl and the Diocese of Pittsburgh Intervene at the Holy See

In November 1988, a 19 year-old male filed a civil lawsuit claiming that a priest had molested him from the age of 12. Bishop Wuerl sent the priest for an evaluation, and he was never returned to ministry.

Following an appeal by the priest, in March 1993, the Vatican's highest court, the Supreme Tribunal of the Apostolic Signatura, ordered Bishop Wuerl to return the priest to ministry. He was instructed to accept the priest in good standing, give him an assignment, allow him to say Mass publicly, and allow him to wear clerical garb. Instead, Bishop Wuerl took the extraordinary step of personally traveling to Rome to petition the Vatican court to rehear the case. This action demonstrated Bishop Wuerl's commitment to protect children from the harm of sexual abuse.

In October 1995, because of Bishop Wuerl's determination to combat the sexual abuse of minors, the Vatican court reversed itself after reviewing the case again, and ruled that Bishop Wuerl had been correct in removing the priest from ministry. It was the first time in history that the Signatura reversed its decision. Some believe that this ruling made it easier for bishops to remove priests from ministry.

V. CARE AND ASSISTANCE FOR VICTIMS

For the past three (3) decades, the Diocese of Pittsburgh's policy and practice has been to respond with compassion and respect whenever someone comes forward with an allegation of sexual abuse. Pastoral concerns take priority over legal concerns. The Diocese of Pittsburgh has upheld the practice of responding to victims "where they are" in terms of their needs, always acknowledging how difficult and painful it is for them to come forward and speak about the abuse they suffered. We can only hope to bring healing when we are able to listen with an open mind and open heart. With that in mind, Bishop Zubik continues the practice initiated by Bishop Wuerl of meeting or speaking with any victim who wishes to speak with him.

Since 1993, with the full time employment of the Diocesan Assistance Coordinator, the Diocese of Pittsburgh has offered continual care and support to victims and their families. By its own policy, the Diocese of Pittsburgh strives to offer immediate assistance to a person, and their family, who brings an allegation of sexual misconduct.

The Assistance Coordinator is typically the first Diocesan official to speak with victims. Sometimes the first contact from a victim or family member happens through a phone call, email, or letter. A personal meeting is always attempted at a location most convenient for the victim, always at a time when they feel ready to talk in person.

In many of these situations, the Assistance Coordinator has maintained personal contact with the victim for decades. Sometimes this contact relates to their personal struggles about their past abuse while often, the contact is more in line with celebrating their accomplishments or those of their children, or acknowledging their day-to-day challenges and responsibilities. Caring for victims must not be viewed as an obligation or burden, but rather seen as a ministry of healing, wherein we are given the opportunity to walk with those who have been harmed so they

can feel heard, respected, and believed. In instances too numerous to mention, the Diocese has reached out in unconventional ways to assist victims and their families.

While the Diocese of Pittsburgh most frequently responds to victims with an offer of pastoral support and/or psychological counseling, many times the victim does not feel the need for this type of help. There are others, however, who require significant assistance with psychological care, which the Diocese of Pittsburgh offers to provide.

In 2007, the Diocese of Pittsburgh established an Outreach Fund to resolve the abuse claims of numerous plaintiffs presented in the Court of Common Pleas of Allegheny County. These claims included allegations from as far back as the 1950s, with the most recent claim of abuse having allegedly occurred in 1994.

The Diocese of Pittsburgh established an Outreach Fund, notwithstanding viable defenses, and without significant investigation into the merits of the claims. The Diocese also declined to utilize any type of loss matrix or calculator in resolving the claims. Instead, the funds were distributed by an independent, retired judge, after giving the plaintiffs the opportunity to tell their story.

VI. PUBLIC APOLOGY

As part of a continual outreach to victims of sexual abuse and other mistreatment, Bishop Zubik has twice held a "Service of Apology." "For whatever way any member of the church has hurt, offended, dismissed or ignored any one of you, I beg you – the church begs you – for forgiveness," Bishop Zubik told several hundred people inside St. Paul Cathedral in Oakland at the first such service in 2009. (Amy McConnell Schaarsmith, *Bishop Zubik leads service of apology*, Pittsburgh Post-Gazette, April 8, 2009.)

Bishop Zubik held a similar service during Lent 2016, as part of Pope Francis's "Year of Mercy." (David Highfield, *Nearly 100 Parishioners Gather For Bishop Zubik's "Service of Apology"*, CBS Pittsburgh, March 21, 2016.)

VII. CLOSING

Since at least 1988, the Diocese of Pittsburgh has attempted to do its utmost to place the interests of children and victims above all other concerns, and to advocate for protecting children and young people. For the past three decades, the Diocese of Pittsburgh has been willing to work with or sought input about its responses to the problem of clergy sexual abuse from its faithful, including parents of victims, outside experts, and public officials. None of our efforts, great or small, can take away the harm that has been done to those who have suffered sexual abuse. In the Diocese of Pittsburgh, we continue, through all of our efforts, to offer healing and hope to those who have been abused and to attempt to restore trust in the Church.

Because of the Diocese of Pittsburgh's dedication to the protection of children and young people, the Diocese welcomes every opportunity to improve. To quote Bishop Zubik from his Service of Apology in 2009 to all hurt by anyone in the Church at any time and in any way:

> ...
>
> To those of you who are here tonight who have in any way been the victims of any abuse, sexual or otherwise, whether as a child or as an adult, or as a parent, or sibling, or friend who shared in the pain of that someone you love -- I ask you, the Church asks you, for forgiveness, ...
>
> For whatever ways any representative of the Church has hurt, offended, dismissed, ignored, any one of you -- I ask you, the Church asks you, for forgiveness. ...

With all the love in my heart and with all the sincerity in my soul, you can be assured that I will do all that I am able to do to restore your trust in the Church and to work together with you to reflect the very love, compassion, mercy of Jesus Himself in and through the Church. ...

This Statement is Respectfully and Humbly Submitted,

+ David A. Zubik

Most Reverend David A. Zubik
Bishop of Diocese of Pittsburgh

Policy: Safe Environments for Children

Effective Date:	July 1, 2004
Revised:	April 4, 2008
Revised:	October 1, 2015
Revision Effective:	November 1, 2015

CATHOLIC DIOCESE OF PITTSBURGH

ALL-STATE LEGAL®
EXHIBIT
A

Policy: Safe Environments for Children
Table of Contents

PURPOSE

To take reasonable measures to assure that Church Personnel, as defined below, comply with all required certifications and background checks to permit the necessary assessment of suitability for contact with children with the purpose of providing a safe environment for children.

APPLICABILITY

All Church Personnel are required to obtain certain certifications and background checks as set forth below. Upon obtaining the results of any background check that contains reports of any convictions for any Disqualifying Offense, as listed on pages 8 and 9, that person is not eligible for hire or for retention.

The Diocese has determined that, minimally, this policy applies to those Church Personnel or their equivalent as named in ***Appendix A***. In keeping with the purpose and spirit of this policy, and in light of the definitions provided below, a pastor or administrator may determine that the policy also applies to positions not listed in ***Appendix A.*** When in doubt, the pastor or administrator is urged to apply this policy to the fullest extent possible in the interest of protecting children.

DEFINITIONS

Church Personnel:

- All bishops and priests (active and retired), religious men and women on assignment in the Diocese, deacons and seminarians;
- All diocesan, school and parish employees. This would include any individual 14 years of age or older applying for or in a paid position as an employee responsible for the welfare of a child or having contact with children.
- All school volunteers; and
- All diocesan and parish volunteers who perform a service where they have direct access to children.

Child, Children or Minor:

- All persons under the age of eighteen.

Diocese:

- The Pittsburgh Catholic Diocese, including parishes, schools, and institutions that are directly accountable to the Diocese.

Safe Environment Coordinator:

- The person appointed by the pastor, principal or administrator to oversee compliance with the United States Conference of Catholic Bishops (USCCB) Charter for the Protection of Children and Young People and the Diocese's Safe Environments Policy.

POLICY AND PROCEDURE

Required Background Checks and Certifications

The following criminal background checks ("Background Checks") must be completed by all Church Personnel prior to commencing service:

1. **Pennsylvania State Police Criminal Report**
2. **Pennsylvania Department of Human Services Report (Child Abuse)**
3. **FBI Criminal History Report (Fingerprinting)**

Exception to FBI Criminal History Report for Eligible Volunteers

A volunteer may be excused from the FBI Criminal History Report requirement if he or she has been a Pennsylvania resident continuously for the previous 10 years, has not been convicted of a "Disqualifying Offense" as listed on pages 8 and 9 and signs a Volunteer Disclosure Statement Application to this effect (see ***Appendix B***). Volunteers who are current residents of Pennsylvania (but have not been residents for the entire 10 years prior) need only obtain an FBI Criminal History Report once at any time since establishing residency in Pennsylvania and, thereafter, must complete a Volunteer Disclosure Statement Application Form.

Exception to FBI Criminal History Report for Minor Employees

Employees ages 14-17 do not need an FBI clearance if:

- Minor has been a Pennsylvania resident continuously for the past 10 years, and
- Minor and his/her parent or legal guardian signs a Disclosure Statement Application for Minor Employees (see ***Appendix C***) that the minor has not committed child abuse or been convicted of "Disqualifying Offense" as listed on pages 8 and 9.

Exception to Background Check Requirements for Adult Students

18+ year old high school students do not need to obtain Background Checks to be in contact with children during their school-related volunteer activities if:

- The student is currently enrolled as a student in the school;
- The student is not responsible for the child's welfare (i.e. care/ supervision in lieu of a parent);
- The student is volunteering for an event occurring on school grounds;
- The event is sponsored by the school in which the student is enrolled; and
- The event is not for children who are in the care of a child-care service.

The diocesan policy requires that the following also be completed:

4. **Database Application**

   A database application must be completed by all Church Personnel. Database applications can be obtained online through the diocesan website at www.diopitt.org under the Office for the Protection of Children and Young People.

5. **Diocesan Code of Pastoral Conduct Acknowledgement**

   All Church Personnel are to receive, be oriented in, and electronically sign the "Acknowledgement of Receipt" page from the diocesan *Code of Pastoral Conduct*.

6. **Reporting of Child Abuse and the Child Protective Services Law of Pennsylvania Acknowledgement**

   All Church Personnel are to receive, be oriented in, and electronically sign the "Acknowledgement of Receipt" page from the diocesan *Reporting of Child Abuse and the Child Protective Services Law of Pennsylvania* brochure.

7. **Protecting God's Children (Virtus®) Training**

   All Church Personnel are to complete the Virtus® training program, *Protecting God's Children*, at either a diocesan-sponsored class or through the Virtus® online training course within 90 days of commencement of service. Information about live classes offered throughout the Diocese and online training can be accessed through the diocesan website at: www.diopitt.org and clicking on the Safe Environment link.

8. **Online Mandated Reporter Training For Mandated Reporters**

   The following individuals designated under Pennsylvania law as mandated reporters must complete the online Mandated and Permissive Training Course offered by the University of Pittsburgh within 90 days of commencement of service:

   All clergy, all school employees, all school volunteers and all other employees and volunteers who are responsible for the welfare of a child or have regular contact with children (including, at a minimum to those individuals or their equivalent as named in ***Appendix D***).

   Information about the online training can be accessed through the diocesan website at: www.diopitt.org and clicking on the Safe Environment link.

Catholic School Employees

In addition to the above mentioned Background Checks and certifications, employees of the Catholic Grade Schools and Catholic High Schools of the Diocese of Pittsburgh will be required to have Act 24 clearances and to follow the requirements of PA Act 168 and Act 126. Currently, the online Mandated Reporter Training Course offered by the University of Pittsburgh meets Act 126 requirements and could satisfy one five (5) year training cycle requirement. Please consult with the Office for Catholic Schools for the Diocese of Pittsburgh for further clarification and assistance by calling (412) 456-3090.

Responsibility for Assuring Compliance with Background Check and Certification Requirements

The General Secretary of the Diocese or the pastor/parish life collaborator/ deacon administrator/school principal/administrator, in his/her respective role, is responsible for ensuring compliance with these policies. To assist in discharging this responsibility, every diocesan parish, school and institution is to name a safe environment coordinator who will ensure that all Church Personnel have completed all required training and obtained necessary Background Checks and certifications. All records of compliance with these policies, including the signed "Acknowledgement of Receipt" from the Code of Pastoral Conduct and Mandated Reporter and Child Protective Services Law brochure, records of attendance at the Virtus® Protecting God's Children Training Course and the Mandated and Permissive Training Course, and Background Check reports, are to be provided to the safe environment coordinator. The safe environment coordinator is then responsible for tracking records of compliance in the diocesan-wide database established for this purpose.

- ***Annual Verification***

  The pastor/parish life collaborator/deacon administrator/ school principal/administrator will be required annually to complete and sign a verification letter affirming that the parish, school or institution has implemented all aspects of the diocesan safe environment policy.

- ***Limited Database Access***

  Write access to the diocesan-wide database developed for tracking compliance with this policy is restricted to the safe environment coordinator, school principal (or principal's delegate) and/or catechetical administrator. Write access to the database cannot be delegated to other staff both for reasons of confidentiality and for reasons of quality control of the data. Write access to the database is part of an administrative oversight responsibility and should be treated as such. Giving access to the database to anyone other than those specified in this policy is to be considered a grave matter that is subject to appropriate disciplinary action.

Prospective Church Personnel

Prospective Church Personnel (paid or volunteer) must have all required Background Checks and certifications in place *prior to* being offered a position or commencing service in the Diocese except for Protecting God's Children training and Mandated and Permissive Training, which must be completed within ninety (90) days of commencement of employment or service.

All prospective and current Church Personnel are to be informed that functioning as Church Personnel is contingent on the results of any background investigation and successful adherence to these policies.

Certification Renewals

The Pennsylvania State Police Criminal History Report, the Pennsylvania Department of Human Services Certification, and the FBI Criminal History Report must be renewed every five (5) years. A Volunteer Disclosure Statement Application Form must be signed by applicable Church Personnel every five (5) years. Volunteers who are current residents of PA (but have not been residents for the entire 10 years prior) need only obtain an FBI report once at any time since establishing residency in PA and, thereafter, complete a Volunteer Request for Waiver Form every five (5) years.

Continuing Compliance Obligations

All Church Personnel must notify their employer or administrator in writing within 72 hours after an arrest or conviction for a Disqualifying Offense (as listed on pages 8 and 9) or notification of listing as a perpetrator of child abuse in the Pennsylvania statewide database.

The employer or administrator who is responsible for hiring or the approval of volunteers must demand that an employee or volunteer produce new Background Checks if the employer or administrator has a reasonable belief that the employee or volunteer has been arrested for or convicted of a crime that would require disqualification from employment or approval as a volunteer or that the employee or volunteer has been named as the subject of an indicated or founded report of child abuse.

Responsibility for Criminal Background Check Costs

All prospective paid Church Personnel (employees) are responsible for the cost of obtaining required Background Checks. Background Check renewal costs for paid Church Personnel shall be the responsibility of the parish or diocesan office. Schools may, as a part of its personnel policies, stipulate that employees are responsible for such renewal costs. The parish, school, or applicable diocesan office shall pay the cost for obtaining required Background Checks for all volunteers.

Transfer of Background Checks

For all Church Personnel other than volunteers: Background Checks may be transferred to another entity of the Diocese during the length of time such Background Checks are current. Background Checks from a non-diocesan entity cannot be transferred.

For all volunteers: Any volunteer who obtained their Background Checks within the previous 5 years (60 months) may transfer the Background Checks from non-diocesan entities.

Grounds for Denying Employment

- **Disqualifying Offenses**

  Current and/or Prospective Church Personnel shall not be hired, approved for service as a volunteer, or continue employment or volunteer service where the criminal Background Checks disclose a conviction of a "Disqualifying Offense" as listed below:

  - An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes or equivalent crime in another state, territory, commonwealth or foreign nation:
    - Chapter 25 (relating to criminal homicide).
    - Section 2702 (relating to aggravated assault).
    - Section 2709 (relating to stalking).
    - Section 2901 (relating to kidnapping).
    - Section 2902 (relating to unlawful restraint).
    - Section 3121 (relating to rape).
    - Section 3122.1 (relating to statutory sexual assault).
    - Section 3123 (relating to involuntary deviate sexual intercourse).
    - Section 3124.1 (relating to sexual assault).
    - Section 3125 (relating to aggravated indecent assault).
    - Section 3126 (relating to indecent assault).
    - Section 3127 (relating to indecent exposure).
    - Section 4302 (relating to incest).
    - Section 4303 (relating to concealing death of child).
    - Section 4304 (relating to endangering welfare of children).
    - Section 4305 (relating to dealing in infant children).
    - Section 5902(b) (relating to prostitution and related offenses).
    - Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).
    - Section 6301 (relating to corruption of minors).
    - Section 6312 (relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.
  - An offense designated as a felony under the Act of April 14, 1972 (P.L. 233, No. 64) known as "The Controlled Substance, Drug Device and Cosmetic Act." committed within the past five (5) years.
  - Being named in a statewide database as a perpetrator of a founded report of child abuse.

- **Procedure When Volunteer Approval is Questionable**

  When there are any questions or concerns regarding whether or not the results of a criminal Background Check poses a threat to children, the procedures set forth in ***Appendix E*** will be followed. In light of the USCCB *Charter for the Protection of Children and Young People* as well as the accompanying Essential Norms, any question or concern regarding whether a conviction poses a threat to children will be resolved in favor of protecting children.

  - When there are questions regarding whether or not a criminal conviction poses a threat to children, the individual concerned must not begin his/her ministry until the matter can be resolved.
  - Under no circumstances should anyone on the staff of the parish provide legal counsel on any matter relating to the implementation of this policy. All questions should be referred to the diocesan Director of the Office for the Protection of Children and Youth.

- **Failure to Comply With Policy Grounds for Dismissal**

  Failure to comply with these policies by Church Personnel shall be grounds for dismissal of any employee and shall preclude a volunteer from engaging in Church activity of any kind that involves possible contact with children.

  Only the diocesan bishop can determine suitability to hold ecclesiastical office. Accordingly, if a person who holds ecclesiastical office fails to comply with these policies, the general secretary or his designee will handle the matter in accord with universal Church law and the policies of the Diocese.

Independent Contractors

Independent contractors, such as a janitorial service or food service company, who have direct access to children on parish, school or diocesan property or through parish, school or diocesan-related programs, are to verify that their employees have obtained all necessary Background Checks and are required to submit an *Affidavit of Compliance With Required State and Federal Criminal Background Checks* as set forth on ***Appendix G.***

APPENDIX A
Background Checks by Ministry
(includes the equivalent of these positions)

1	Altar Server - Adult	33	Fund Raising Worker/Volunteer (e.g. bingo, festival, fish fry, etc.
2	Athletic Coach/Volunteer - School/CYO	34	Housekeeper/Cook
3	Athletic Trainer	35	Janitor/Maintenance Worker
4	Bereavement Team Coordinator/Volunteer	36	Lector/Reader
5	Bus Driver	37	Liturgical Art and Environment Coordinator/ Volunteer
6	Business Manager/Bookkeeper	38	Organist/Instrumentalist
7	Cafeteria Worker	39	Outreach Coordinator/Volunteer
8	Campus Minister	40	Parish Advocate - Persons with Disabilities
9	Cantor	41	Parish Advocate - Tribunal
10	Catechetical Administrator	42	Parish Employee
11	Catechist	43	Parish Finance Council Member
12	Catechist Aide	44	Parish Nurse
13	Catechumenate Director	45	Parish Safe Environment Coordinator
14	Catholic Committee on Scouting Leader/Volunteer	46	Parish Pastoral Council Member
15	Chaperone	47	Parish Social Minister
16	Child Care Giver (e.g. cry room, pre/after school program, babysitter, etc.)	48	Parish Wedding Coordinator
17	Choir Director - Vocal/Bell	49	Pastoral Associate/Minister
18	Choir Member - Vocal/Bell	50	Pastoral Health Care Minister
19	Coordinator of Evangelization	51	Playground Monitor
20	Coordinator of Liturgy	52	Preschool Employee
21	Deacon - Permanent/Transitional	53	Preschool Volunteer
22	Diocesan Bishop	54	Refugee Sponsorship Coordinator/Volunteer
23	Diocesan Priest Incardinated in the Diocese and On Assignment or Retired in the Diocese	55	Religious Men and Women On Assignment in the Diocese
24	Diocesan Priest Not Incardinated in the Diocese and On Assignment or in Residence in the Diocese	56	Respect Life Coordinator/Legislative Advocate
25	Diocesan Employee	57	Sacristan
26	Director of Music Ministry	58	Secretary - Parish/Religious Education/School/ Youth Ministry
27	Elderly Outreach Coordinator/Volunteer	59	Seminarian
28	Elementary/Secondary School Board Member	60	Trainer - Youth Altar Server and/or Lector
29	Elementary/Secondary School Employee	61	Usher/Greeter/Minister of Hospitality
30	Elementary/Secondary School Volunteer	62	Youth Minister
31	Extraordinary Minister of Holy Communion	63	Youth Ministry Volunteer
32	Family Life Minister/Volunteer		

APPENDIX B

Volunteer Disclosure Statement Application Form

DIOCESE OF PITTSBURGH
DISCLOSURE STATEMENT APPLICATION
FOR VOLUNTEERS

Required by the Child Protective Service Law
23 Pa. C.S. Section 6344.2
(relating to volunteers having contact with children)

I swear/affirm that I am seeking a volunteer position and **AM NOT** required to obtain a background check through the Federal Bureau of Investigation, as:

- the position I am applying for is unpaid; **and**
- I have been a resident of Pennsylvania during the entirety of the previous ten-year period.

I swear/affirm that I have **NEVER** been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have **NEVER** been convicted of any of the following crimes under Title 18 of the Pennsylvania consolidated statues or of offenses similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth:

- Chapter 25 (relating to criminal homicide)
- Section 2702 (relating to aggravated assault)
- Section 2709 (relating to stalking)
- Section 2901 (relating to kidnapping)
- Section 2902 (relating to unlawful restraint)
- Section 3121 (relating to rape)
- Section 3122.1 (relating to statutory sexual assault)
- Section 3123 (relating to involuntary deviate sexual intercourse)
- Section 3124.1 (relating to sexual assault)
- Section 3125 (relating to aggravated indecent assault)
- Section 3126 (relating to indecent assault)
- Section 3127 (relating to indecent exposure)
- Section 4302 (relating to incest)
- Section 4303 (relating to concealing death of child)
- Section 4304 (relating to endangering welfare of children)
- Section 4305 (relating to dealing in infant children)
- Section 5902(b) (relating to prostitution and related offenses)
- Section 5903(c) or (d) (relating to obscene and other sexual material and performances)
- Section 6301 (relating to corruption of minors)
- Section 6312 (relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.

I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years.

I understand that I shall not be approved for service if I am named as a perpetrator of a founded report of child abuse or have been convicted of any of the crimes listed above or of offenses similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice no later than 72 hours after the arrest, conviction or notification that I have been listed as a perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying employment or participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current background checks obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation. The cost of background checks shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including denial of a volunteer position.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my background checks.

I hereby swear/affirm that the information as set forth above is true and correct. I understand that false swearing is a misdemeanor pursuant to Section 4903 of the Crimes Code.

Printed Name _____ Signature _____

Witness Printed Name _____ Witness Signature _____

Date _____

APPENDIX C

Disclosure Statement Application for Minor Employees Form

DIOCESE OF PITTSBURGH
DISCLOSURE STATEMENT APPLICATION
FOR MINOR EMPLOYEES

Required by the Child Protective Service Law
23 Pa. C.S. Section 6344.2
(relating to minor employees having contact with children)

I swear/affirm that I am seeking a paid position and **AM NOT** required to obtain a certification through the Federal Bureau of Investigation, as:

- I am between 14 and 17 years of age; **and**
- I have been a resident of Pennsylvania during the entirety of the previous ten-year period or, if not a resident of Pennsylvania during the entirety of the previous ten-year period, have received a FBI Fingerprint Check at any time since establishing residency in Pennsylvania and have attached a copy of the certification to the employer.

I swear/affirm that I have **NEVER** been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have **NEVER** been convicted of any of the following crimes under Title 18 of the Pennsylvania consolidated statues or of offenses similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth:

- Chapter 25 (relating to criminal homicide)
- Section 2702 (relating to aggravated assault)
- Section 2709 (relating to stalking)
- Section 2901 (relating to kidnapping)
- Section 2902 (relating to unlawful restraint)
- Section 3121 (relating to rape)
- Section 3122.1 (relating to statutory sexual assault)
- Section 3123 (relating to involuntary deviate sexual intercourse)
- Section 3124.1 (relating to sexual assault)
- Section 3125 (relating to aggravated indecent assault)
- Section 3126 (relating to indecent assault)
- Section 3127 (relating to indecent exposure)
- Section 4302 (relating to incest)
- Section 4303 (relating to concealing death of child)
- Section 4304 (relating to endangering welfare of children)
- Section 4305 (relating to dealing in infant children)

- Section 5902(b) (relating to prostitution and related offenses)
- Section 5903(c) or (d) (relating to obscene and other sexual material and performances)
- Section 6301 (relating to corruption of minors)
- Section 6312 (relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.

I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years.

I understand that I shall not be approved for service if I am named as a perpetrator of a founded report of child abuse or have been convicted of any of the crimes listed above or of offenses similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice no later than 72 hours after the arrest, conviction or notification that I have been listed as a perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying employment or participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current background checks obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation. The cost of background checks shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including denial of a volunteer position.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my background checks.

I hereby swear/affirm that the information as set forth above is true and correct. I understand that false swearing is a misdemeanor pursuant to Section 4903 of the Crimes Code.

Check one that applies:

- ☐ I have been a resident of Pennsylvania during the entirety of the previous ten-year period.
- ☐ I have NOT been a resident of Pennsylvania during the entirety of the previous ten-year period but I have received a FBI Fingerprint Check since establishing residency in Pennsylvania and have attached a copy of the certification.

Printed Name _____ Signature _____

Parent/Guardian Printed Name _____ Parent/Guardian Signature _____

Witness Printed Name _____ Witness Signature _____

Date _____

APPENDIX D

Individuals Required to Obtain Online Mandatory Reporter Training by Ministry (includes the equivalent of these positions)

- Altar Server – Adult
- Athletic Coach/Volunteer
- Bus Driver
- Cafeteria Worker
- Catechetical Administrator
- Catechist
- Catechist Aide
- Catholic Committee on Scouting Leader/Volunteer
- Chaperone
- All Clergy and Religious
  - Deacon-Permanent/Transitional
  - Diocesan Bishops
  - Diocesan Priest Incardinated in the Diocese and on Assignment or Retired in the Diocese
  - Diocesan Priest not Incardinated in the Diocese, on Assignment or in Residence in the Diocese
  - Seminarians
  - Religious Men and Women on Assignment in the Diocese
- Childcare Giver (e.g. cry room, pre-/afterschool program, babysitter, etc.)
- Music Ministry Staff, Paid and Volunteer
- Parish Nurse
- Parish Safe Environment Coordinator
- Parish Social Minister
- Pastoral Associate/Minister
- Pastoral Healthcare Minister
- Playground Monitor
- Preschool Administrator/Aide
- Sacristan Trainer – Youth Altar Servers and/or Lectors
- School Employees
- School Volunteers
- Youth Ministry Volunteers

APPENDIX E
Process for Evaluating Records

- The Director of the diocesan office for the Protection of Children and Young People will review all records found and dates of occurrence as a result of Background Checks.
- If any information is incomplete or unclear, the Director will contact the firm that conducted the Background Check for clarification or rechecking of original sources.
- If the applicant's duties and extent of contact with children cannot be determined from reviewing the database application, the safe environment coordinator will be contacted.
- Any applicant whose background search reveals a conviction for any abuse of children (physical, sexual or mental) shall automatically receive a "rejected" status and be prohibited from employment or volunteering within the parishes or institutions that are part of or related to the Diocese of Pittsburgh.
- If the records found are of a more serious nature (i.e., driving under the influence, illegal use of a controlled substance, etc.) and the violation(s) are recent (within 5 years) or the individual has had more than one violation (regardless of time period), the matter will be presented to an Examination Board consisting of the Vicar for Canonical Services or his designee, a representative from the Legal Department, the Director of the Office for the Protection of Children and Young People, the Vicar for Clergy Personnel or his designee, a representative from the Secretariat for Evangelization and Catholic Education, the Secretary for Parish Life or his designee, and the Diocesan Assistance Coordinator. The Examination Board will determine whether the applicant should be given an "approved," "rejected" or "restricted" status. The pastor and safe environment coordinator will be notified of the board's decision. If the decision recommends/directs a "restricted" status, the employee or volunteer would have to agree in writing to the restriction and a copy shall be kept on file by the safe environment coordinator. (See **Appendix F** for the template for giving notice of a restriction.)
- If the records found are minor in nature (i.e., traffic violations) and unrelated to duties of the applicant, the applicant shall be given an "approved" status. In all instances, the safe environment coordinator should be informed of all records found and be responsible for informing the pastor.
- The pastor or program director may be more restrictive than the diocesan-assigned status (e.g., rejecting someone whom the diocese has restricted) but he/she cannot assign a status that is less restrictive than the diocesan-assigned status (e.g., restricting someone whom the diocese has rejected).
- In the event that a pastor or an applicant disagrees with the report of the records found or how the process for evaluating records was handled, he/she shall have the right to file a written appeal to the diocesan Office for Administrative Procedures within 30 days of being informed of the decision for resolution. The decision of the Office for Administrative Procedures is always final.

APPENDIX F
Letter Acknowledging Restriction in Ministry with Children

PARISH LETTERHEAD

Date

Mr. /Ms. _____
Address

Dear Name:

As you are aware from our previous discussion, a record was found in the background check completed as part of your application. The information found requires that your ministry in our parish as a _____ be restricted. This restriction does not prohibit you from all ministries in our parish; it only restricts you specifically from _____.

This decision has been made with careful thought and only after consultation with the Diocesan Office for the Protection of Children and Young People. Among the many responsibilities of my pastoral ministry is the safeguarding of children in our parish. I believe that I have no other option in this situation but to be extraordinarily cautious.

This restriction shall remain in force until further notice. You may be assured that this matter shall be kept in strict confidence by me. By your signature at the bottom of this letter you verify that you have been informed of this restriction and you agree to abide by it. Should you choose not to abide by the restriction, further ministry in the parish will be prohibited. I am grateful for your cooperation in this matter as we work for the benefit of all members of our parish family.

Sincerely yours in Christ,

Name

I, _____(Print Name)_____, acknowledge to have received a copy of this correspondence.

_____

Signature Date

APPENDIX G

Affidavit of Compliance with Required State and Federal Criminal Background Checks

_____

Type or Print Name of Parish/School/Pre-School

_____

Type or Print Street Address of Parish/School/Pre-School

_____

Type or Print City, State, Zip Code of Parish/School/Pre-School

****

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF _____)

AFFIDAVIT OF COMPLIANCE WITH REQUIRED
STATE AND FEDERAL CRIMINAL BACKGROUND CHECKS

The undersigned, being duly sworn according to law, does depose and state that the following is true and correct:

- I am a management level employee and duly authorized representative of the below named vendor of goods and/or services, or independent contractor, to the parish/school/pre-school named above.
- I have been duly authorized by my employer to execute this Affidavit on behalf of my employer and to bind my employer to the terms, conditions and requirements of this Affidavit.
- I acknowledge that my employer and I have been informed that as a condition of doing business, and continuing to do business, with the above named parish/school/pre-school, that I must complete background evaluations for all employees and other duly authorized representatives of my employer, who will in any way come into contact with children and young people of the parish/school/pre-school.

- The background evaluations to be completed, paid for, filed with the authorities, written responses obtained from the authorities and the originals or copies of such written responses to be retained in our files concerning the subject employees before any employee and other authorized representative of my employer are permitted to come into contact with children and young people of the parish/school/pre-school, shall consist of the following:
    - Pennsylvania State Police Criminal Report
    - Pennsylvania Department of Human Services Report (Child Abuse)
    - FBI Criminal History Report (Fingerprinting)
- I acknowledge and agree to immediately notify the above named parish/school/pre-school if the criminal report discloses a criminal record and/or the child abuse report discloses that an employee is listed in a report of child abuse. I also acknowledge and agree that we will not send the subject employee to the parish/school/pre-school.
- I acknowledge and agree that if the parish/school/pre-school requests copies of the criminal report and child abuse report on any or all of our employees, that we will provide copies upon receipt of such request.
- I acknowledge and agree that all criminal report and child abuse report checks on our employees will be not more than five (5) years old, if the same pre-date this Affidavit.
- I acknowledge that my employer and I have been informed that this is an ongoing responsibility, and that any new or additional personnel or other authorized representatives of my employer shall be subject to the same above referenced background evaluations.
- I acknowledge that my employer and I have been informed that failure to comply with these requirements may lead to a termination of my employer's business relationship withthe parish/school/pre-school.
- In order to induce the parish/school/pre-school to continue our business relationship, I warrant and represent to the parish/ school/pre-school that we intend to undertake all actions necessary to achieve immediate compliance with the above requirements, and that the parish/school/pre-school may rely upon this Affidavit and the warranties and representations set forth herein.

I have read the above and it is true and correct.

_____
Signature of Management Level Employee of Vendor or Independent Contractor

_____
Print Name of Person Signing

_____
Name of Vendor of Goods and/or Services or Independent Contractor

_____
Address of Vendor or Independent Contractor

_____
Telephone Number of Vendor or Independent Contractor

Brief Description of Goods and/or Services Furnished by Vendor or Independent Contractor: _____

_____

_____

SWORN TO and subscribed before me

this _____ day of _____, 20_____.

_____ (*SEAL*) NOTARY PUBLIC

My Commission Expires: _____

CATHOLIC DIOCESE OF PITTSBURGH
111 Boulevard of the Allies
Pittsburgh, PA 15222
©2017

Code of Pastoral Conduct

Issued: August 2003
Revised: June 2008 &
August 2017

CATHOLIC DIOCESE OF
PITTSBURGH

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This Code of Pastoral Conduct is based on a model dated March 17, 2003 and provided by the National Catholic Risk Retention Group, Inc. The Diocese of Pittsburgh expresses its sincere gratitude to the National Catholic Risk Retention Group, Inc. for its work in providing a model and its willingness to allow that model to be used as a basis for this Code.

To Clergy, Religious and Laity of the Diocese of Pittsburgh:

In one of Jesus' most important parables for those engaged in ministry within the Church, He spoke of himself as the Good Shepherd who would lay down his life for his flock. As we follow Him, we are all called to be good shepherds, who protect the lambs from predators. In order to do so we sometimes have to change our procedures and our assumptions.

This is the second revision and a significant expansion of the first Code of Pastoral Conduct that the Diocese of Pittsburgh promulgated in 2003 and updated in 2008. It set in writing and codified the standards and expectation for all those who act in the name of the Diocese of Pittsburgh.

It was first drafted as a direct response to the mandate given by the bishops of the United States in our Charter for the Protection of Children and Young People to publish clear standards of ministerial behavior for clergy and all other Church personnel. However, its scope is significantly broader than child sexual abuse. The Code of Pastoral Conduct sets boundaries for conduct with both adults and children, addresses issues such as workplace harassment and violations of confidentiality.

This is because, in the 14 years since it was first published, we have learned more about how to protect everyone – children, vulnerable adults and Church personnel – from situations that can lead to harm. This new edition addresses behavior that may be neither illegal nor sinful, but which is inappropriate for anyone working in the service of the Church. While it does not exhaust what is expected from those who care for others in the name of the Church, it is a succinct yet thorough statement of expected behavioral standards for all Church personnel.

This document applies to bishops, priests, deacons, religious and lay members of the Christian faithful who assist in providing pastoral care.

As Bishop of the Diocese of Pittsburgh, I am grateful for your service to the Church and for your willingness to protect all who are entrusted to the care of the Church. Your written acceptance of this document is testimony of your commitment to this effort. You are answering the call of Jesus to tend His lambs and protect them against any who would harm them.

I ask you to see this Code of Pastoral Conduct as a helpful instrument that will aid you in that duty, protecting both you and those you serve as you go about our shared mission of bringing the love of God to all in our care.

Grateful for our belief that "Nothing is Impossible with God," I am

Your brother in Christ,

Most Reverend David A. Zubik

Bishop of Pittsburgh

Code of Pastoral Conduct
For Church Personnel
Within the Diocese of Pittsburgh

Table of Contents

* For purposes of this *Code of Pastoral Conduct*, the term "Church personnel" includes any person who performs tasks for the Church under the auspices of the Diocese of Pittsburgh or one of its parishes. This includes bishops, priests, deacons, seminarians, those in consecrated life, lay employees, and contract employees who are employed by the Diocese of Pittsburgh or any of its parishes or schools, together with those persons who provide volunteer services to/for the Diocese of Pittsburgh or any parish or school within the Diocese.

I. Preamble

All Church personnel are to conduct themselves in a manner that upholds Christian values and conduct. Church personnel, as referred to herein, are any persons who perform tasks for the Church under the auspices of the Diocese of Pittsburgh or one of its parishes or schools. This Code of Pastoral Conduct provides a set of standards for conduct either in providing or in supporting the pastoral care of the Christian faithful and all others. The code does not present an exhaustive list of expectations, standards, or requirements. Rather, this code accompanies the universal law of the Church, civil law, and diocesan policies. Church personnel are to be aware of and committed to all of these norms that govern pastoral conduct.

II. Responsibility

Responsibility for adherence to the Code of Pastoral Conduct rests with the individual. Church personnel who disregard this Code of Pastoral Conduct will be subject to remedial action up to and possibly including dismissal. Corrective action may take various forms - from a verbal reproach to removal from the ministry - depending on the specific nature and circumstances of the offense and the extent of the harm. (See Appendix for Procedures)

III. Pastoral Standards

The public and private conduct of Church personnel can inspire and motivate people, but it can also scandalize and undermine people's faith. Church personnel are, at all times, to be aware of the responsibilities that accompany their work. They are to know also that God's goodness and grace support them in their ministry.

Church personnel must first recognize that they are disciples of Jesus Christ and members of His Church. Therefore, in order to effectively serve others, Church personnel must first have an intimate relationship with Our Lord and they also need to ensure the stability of their own spiritual, physical, mental and emotional health.

1. Conduct for Pastoral Counseling and Spiritual Direction

Church personnel must respect boundaries in ministerial behavior, in particular with regard to pastoral counseling and spiritual direction.

1.1 Church personnel are not to step beyond their competence in counseling situations and are to refer clients to other professionals when appropriate.

1.2 Church personnel are to consider carefully the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing

relationship). [See Section 7.2.2]

1.3 Church personnel are not to record these sessions in any audio or video format.

1.4 Church personnel are never to engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.

1.5 Church personnel assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

1.6 Physical contact of any kind (i.e., touching, hugging, holding) between Church personnel and the persons they counsel can be misconstrued and is to be avoided.

1.7 Sessions are to be conducted at appropriate times and in professionally appropriate settings where the counselor is visible to other people, such as an office that has an uncovered window.

1.7.1 No sessions are to be conducted in private living quarters.

1.7.2 Sessions are not to be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.

1.8 Church personnel providing pastoral counseling or spiritual direction are to maintain a log of the times and places of sessions with each person being counseled.

1.9 All counseling sessions are to have a fixed duration, with a parting of the ways immediately upon conclusion of the counseling session.

2. Confidentiality

Information disclosed to Church personnel during the course of pastoral counseling, advising, or spiritual direction is to be held in the strictest confidence possible.

2.1 Information obtained in the course of individual or group sessions is to be confidential, except for compelling professional reasons or as required by law.

2.1.1 If there is clear and imminent danger to the client or to others, Church personnel may disclose only the information necessary to protect the parties affected and to prevent harm.

2.1.2 Before disclosure is made, if feasible, Church personnel are to inform the person being counseled about the disclosure and the potential consequences.

2.2 Church personnel are to discuss the nature of confidentiality and its limitations with each person in counseling.

2.3 Church personnel are to keep minimal records of the content of sessions.

2.4 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

2.5 While counseling a minor (i.e., anyone under the age of 18) in a formal setting, if Church personnel discover that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, Church personnel are to:

- Attempt to secure consent from the minor for the specific disclosure;
- Disclose only the information necessary to protect the health and well-being of the minor if consent is not given; and
- Consult with the appropriate Church authority, such as one's immediate supervisor, before disclosure.

These obligations are independent of the confidentiality of the confessional. ***A priest can never disclose anything revealed in the Sacrament of Confession, not even with the penitent's permission.*** *Further, all others who in any way (e.g., inadvertent overhearing) have information received through the confessional are obliged to secrecy. (Canon 983)*

3. Conduct With Children, Young People and Vulnerable Adults

Church personnel working with children, young people and vulnerable adults are to maintain an open and trustworthy relationship between youth or vulnerable adults and adult supervisors.

3.1 Church personnel are to be aware of their own and others' vulnerability when working alone with youth. Church personnel are to use a team approach to managing youth activities.

3.2 Physical contact with youth can be misconstrued and is to occur (a) only when completely nonsexual, (b) otherwise appropriate, and (c) in public. Some examples of **APPROPRIATE FORMS** of physical contact include, but are not limited to, the following:

- Shoulder to shoulder hugs
- Pats on the shoulder or back
- Handshakes
- "High-fives" and hand slapping
- Verbal praise

- Holding hands while walking with small children
- Sitting beside small children
- Holding hands during prayer
- Pats on the head when culturally appropriate

Examples of **INAPPROPRIATE FORMS** of physical contact not to be used, include but are not limited to the following:

- Kisses on the mouth and inappropriate or lengthy hugs or embraces
- Holding minors, above the approximate age of 5, on one's lap
- Touching buttocks, genital areas, or breasts and touching knees, thighs or legs as a sign of affection.
- Showing physical displays of affection in isolated areas of the premises such as bedrooms, closets, employee only areas, or other private-rooms.
- Sleeping in bed with a minor, youth or vulnerable adult.
- Wrestling with minors, youth or vulnerable adults except for legitimate sports coaching, in which case another adult should be present.
- Tickling and piggyback rides.
- Any type of massage given by an adult to a minor, youth or vulnerable adult.
- Any display of unwanted affection towards a minor, youth or vulnerable adult.
- Actions that include compliments relating to sexual attractiveness or sexual development.
- Students or vulnerable adults should only receive assistance with their attire (e.g. buttons, ties, shirts) if they are physically unable to adjust it themselves and when another adult is present as a witness.

3.3 There must be clear social boundaries between adults who serve the Church and minors or vulnerable adults for whom they have professional or volunteer responsibility.

3.4 **The Rule of Two**: Personnel must be aware of their own vulnerability to accusation when working alone with minors and vulnerable adults. The "Rule of Two" protects both Church personnel and those they care for: Any time that an employee or volunteer is acting as an agent of the Church in the presence of minors or vulnerable adults, there must always be another responsible adult within eyesight of their interactions. At least two adults must be present for any activity that a parish, school or diocesan institution sponsors for minors, and the number of adults must rise with the number of minors. The only exceptions to this rule are (1) when a priest hears the Sacrament of Confession and (2) during regular diocesan school classes conducted on the grounds of a parish, Catholic school or other diocesan institution.

3.4.1 Meetings with youth should take place in appropriate areas of church or school property, such as an office, social hall or youth meeting room, that is visible to other people.

3.4.2 Meetings between Church personnel members and youths off-site must be for an organized group activity, held in a public area, with at least one other adult present and for which parents have given written permission.

3.4.3 When meeting one-on-one with youth, Church personnel are to do so in a place that is visible to others, and must keep a desk, table or at least three feet of space between themselves and the young person.

3.4.4 Access to school sports locker rooms, theater dressing rooms or other places where minors may be in a state of undress is limited to coaches, athletic directors, trainers, medical personnel, theater directors, designated costume supervisors and cleaning crew. A list must be kept of those authorized persons. Other school staff members and parents are barred from those areas while they are in active use. **Under no circumstances** is anyone allowed to take a photo or video in areas where minors or adults may be changing clothes.

3.5 Meetings with unchaperoned youth or vulnerable adults in private living quarters is prohibited.

3.6 Church personnel should limit their contact with minors to content on a group social media page/account that (1) has been approved by his/her supervisor and (2) has multiple Church personnel as administrators and monitors. No private communication should occur through social media.

3.6.1 Correspondence should be directed to a youth's parents/guardian. It is not appropriate to engage youth via phone, text or social media.

3.6.2 Any group e-mails to minors should be (1) exclusively work-related and (2) sent via "blind copy", so that e-mail addresses are not distributed among the group without permission.

3.7 Church personnel are to abstain from (a) the use of alcohol when working with youth or vulnerable adults, and (b) the possession or use of illegal drugs at all times.

3.8 The possession or use of firearms when working with minors or vulnerable adults is prohibited except in the case of a federal, state or local law enforcement officer in good standing who is legally carrying a weapon related to his/her job.

3.9 Church personnel are not to share private, overnight accommodations with individual young people. This includes, but is not limited to, accommodations in any Church owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.

3.10 In rare, emergency situations, when accommodation is necessary for the health and wellbeing of the youth, Church personnel are to take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm. A team approach to managing emergency situations is to be used.

4. Sexual Conduct

Church personnel are not to exploit the trust placed in them by the faith community for sexual gain or intimacy.

4.1 Church personnel who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.

4.2 Church personnel who provide pastoral counseling or spiritual direction services are to avoid developing inappropriately intimate relationships with minors, other Church personnel, or parishioners. Church personnel are to behave in a professional manner at all times.

4.3 Church personnel should not seek emotional support from parishioners, subordinate employees, or persons to whom they give spiritual guidance; instead, they should turn to other networks within the diocese.

4.4 No Church personnel may exploit another person for sexual purposes. This also includes the viewing of pornography.

4.5 Viewing or possessing child pornography is a crime under federal law; allegations regarding this type of behavior will be reported immediately to the proper civil authorities and to the appropriate person in charge (i.e., pastor, principal or supervisor).

4.6 Allegations of sexual abuse involving a minor are to be taken seriously and reported first to the proper civil authorities (ChildLine: 1-800-932-0313 or www.compass.stat.pa.us/cwis) and then to the appropriate person in charge (i.e., pastor, principal or supervisor).

4.7 Allegations of sexual misconduct (i.e., sexual abuse, sexual exploitation or sexual harassment) involving adults are to be taken seriously and are to be reported to the appropriate person in charge (i.e., pastor, principal or supervisor), who may also report the allegation to the proper civil authority.

4.8 Church personnel are expected to know the obligations of the Child Protective Services Law and the reporting requirements that are mandated by it. Additionally, the policies of the Diocese regarding sexual misconduct and sexual abuse are to be obeyed, to protect the rights of all involved.

4.9 Church personnel are to review and know the contents of the child abuse regulations and reporting requirements for the state of Pennsylvania and are to follow those mandates. *(Reference reporting of Child Protective Services Law of Pennsylvania)*

5. Harassment

Church personnel are not to engage in physical, psychological, written, or verbal harassment of staff, volunteers, or parishioners and are not to tolerate such harassment by other Church staff or volunteers.

5.1 Church personnel are to maintain a professional work environment that is free from physical, psychological, written, electronic, or verbal intimidation or harassment.

5.2 Harassment encompasses a broad range of physical, written, or verbal behavior, including, without limitation, the following:

- Physical or mental abuse;
- Racial insults;
- Derogatory ethnic slurs;
- Unwelcome sexual advances or touching;
- Sexual comments or sexual jokes;
- Requests for sexual favors used as a condition of employment, or to affect other personnel decisions, such as promotion or compensation;
- Display of offensive materials.
- Defamatory gossip or otherwise maligning an individual to other employees, except for formally reporting a serious concern to a supervisor or to civil authorities.
- Inappropriate social media postings.

5.3 Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.

5.4 Allegations of harassment are to be taken seriously and reported immediately to the appropriate Church authority such as the pastor, principal, catechetical administrator, or the Vicar for Clergy, Vicar for Canonical Services, or the Superintendent of Catholic Schools.

Diocesan policies are to be followed to protect the rights of all involved.

6. Records and Information

Confidentiality is to be maintained in creating, storing, accessing, transferring, and disposing of Church records.

6.1 Sacramental records are to be regarded as confidential. When compiling and publishing statistical information from these records, great care is to be taken to preserve the anonymity of individuals.

6.2 Access to sacramental records is restricted for 100 years from the date of the creation of the record. After 100 years, access to the information in the sacramental record (but not the record itself) can only be provided in accord with diocesan policy.

6.2.1 Information regarding adoption and legitimacy remains confidential, regardless of age.

6.2.2 Only Church personnel who are authorized to access the records and supervise their use are to handle requests for more recent records.

6.3 Parish financial records are confidential. The financial information is made available to the Parish Finance Council and, in summary form, to the Parish on a yearly basis. The Diocesan Financial Policies are to be observed. Contact the Diocesan Office for Civil Legal Services upon receipt of any request for release of financial records.

6.4 Individual contribution records are to be regarded as private and to be maintained in strictest confidence.

7. Conflicts of Interest

Church personnel are to avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

7.1 Church personnel are to disclose to the appropriate Church authority (such as one's immediate supervisor) all relevant factors that potentially could create a conflict of interest.

7.2 Church personnel are to inform all parties when a real or potential conflict of interest arises. Resolution of the issues is to protect the person receiving ministry services.

7.2.1 No Church personnel is to take advantage of anyone to whom they are providing services in order to further their personal, political, or business interests.

7.2.2 Church personnel are not to provide counseling services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the client is to be protected. The counselor is to establish and maintain clear, appropriate boundaries.

7.2.3 When providing pastoral counseling or spiritual direction to two or more people who have a pre-existing personal or business relationship, Church personnel are to:

- Clarify with all parties the nature of each relationship,
- Anticipate any conflict of interest,
- Take appropriate actions to eliminate the conflict, and
- Obtain from all parties written consent to continue services.

7.3 Conflicts of interest may also arise when Church personnel's independent judgment is impaired by:

- Prior dealings,
- Becoming personally involved, or
- Becoming an advocate for one (person) against another.

In these circumstances, Church personnel are to advise the parties that he or she can no longer provide services and refer them to another competent individual qualified to provide assistance.

8. Reporting Misconduct

Church personnel have a duty to report their own ethical or professional misconduct and the misconduct of others.

8.1 Church personnel are to hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by Church personnel, Church personnel are to notify the proper civil authorities immediately and the Diocesan Office for Civil Legal Services.

8.2 When an uncertainty exists about whether a situation or course of conduct violates this Code of Pastoral Conduct or other religious, moral, or ethical principles, Church personnel are to consult with the appropriate Church authority (such as one's immediate supervisor).

8.3 When it appears that the conduct of Church personnel is in violation of this Code of Pastoral Conduct or other religious, moral, or ethical principles, such conduct shall be reported to the appropriate Church authority, such as one's immediate supervisor. If the immediate supervisor has no direct superior at that location, it shall be reported to the Diocesan Legal Office.

8.4 Allegations of sexual abuse involving a minor, even if uncertain, are to be taken seriously and reported first to the proper civil authorities (Childline: 1-800-932-0313 or www.compass.stat.pa.us/cwis) and then to the appropriate person in charge (i.e., pastor, principal or supervisor).

8.5 The obligation of Church personnel to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality is to yield to the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved except as provided for in Section 2.5.

9. Administration

In the recognition of the dignity of the human person, employers and supervisors are to treat Church personnel with justice, dignity and respect in the day-to-day administrative operations of their ministries.

9.1 Personnel and other administrative decisions made by Church personnel are to meet civil and canon law obligations and also reflect Catholic social teachings and this Code of Pastoral Conduct.

9.2 Church personnel are not to use their position to exercise unreasonable or inappropriate power and authority.

10. Church Personnel Well-Being

Church personnel have a duty to be responsible for their own spiritual, physical, mental and emotional health.

10.1 Church personnel are to be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.

10.2 Church personnel are to seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.

10.3 Catholic Church personnel are to address their own spiritual needs by regular participation in the sacramental life of the Church through frequent reception of the Eucharist and the sacrament of Confession or Reconciliation. They also should participate in activities of spiritual development such as times of recollection and retreat, spiritual direction, and the like.

APPENDIX

Procedural Guidelines for Violation of the Code of Pastoral Conduct

A. When the immediate supervisor of a Church personnel employee or volunteer receives information that an employee or volunteer's conduct constitutes an alleged violation of the Code of Pastoral Conduct, the immediate supervisor must immediately inform the proper ecclesiastical authority (for example, in a parish this would be the pastor). Any alleged or suspected child abuse must be immediately reported to ChildLine (1-800-932-0313 or www.compass.state.pa.us/cwis) and then to the Office of the Diocesan Assistance Coordinator.

B. If the pastor commits an alleged violation of the Code of Pastoral Conduct, is complicit in it, or is involved in any way, the matter will be handled by the Vicar for Clergy in accord with the universal law of the Church and the policies of the Diocese of Pittsburgh.

C. Upon receipt of information regarding a violation of the Code of Pastoral Conduct, the proper ecclesiastical authority will consult with the Diocesan Legal Office, which will then coordinate the appropriate response and investigation.

D. If the person harmed by the alleged violation or the person accused believes that the procedures followed or the facts gathered in the investigation, which resulted in a determination, were faulty or incomplete, he or she may appeal the determination by utilizing the due process procedures of the Diocese of Pittsburgh, which are administered by the Office for Administrative Procedures.

CATHOLIC DIOCESE OF PITTSBURGH

Acknowledgement of Receipt of the Code of Pastoral Conduct

In accord with my role as Church personnel, and in witness to the Gospel of Jesus Christ, I will conduct myself with integrity, acting in a manner that is consistent with the discipline and teachings of the Catholic Church. I will guide my behavior by civil and canon law, by the policies of the Diocese of Pittsburgh and by the Code of Pastoral Conduct *by...*

1. Respecting the rights of each person and advancing his or her welfare during the course of counseling, advising or spiritual direction.
2. Holding in the strictest confidence information disclosed during the course of counseling, advising or spiritual direction.
3. Maintaining an open and trustworthy relationship when working with youth, free from inappropriate behavior that would put them at risk.
4. Honoring the trust placed in Church personnel by not exploiting others for sexual gain or intimacy.
5. Providing a professional work environment that is free from physical, psychological, written or verbal intimidation or harassment.
6. Maintaining confidentiality in creating, storing, accessing, transferring and disposing of Church records.
7. Avoiding situations that might present a conflict of interest.
8. Reporting to proper authorities my own ethical or professional misconduct and the misconduct of others.
9. Treating Church personnel justly in the day-to-day operations of work and ministry.
10. Being responsible for my own spiritual, physical, mental, and emotional health.

I HAVE CAREFULLY READ, UNDERSTAND, AND HEREBY COMMIT TO CONDUCTING MYSELF AS A PRIEST, PARISH ADMINISTRATOR, DEACON, SEMINARIAN, CHURCH EMPLOYEE OR VOLUNTEER IN ACCORD WITH THE DIOCESAN CODE OF PASTORAL CONDUCT.

_____

(Name) (Parish, School, Office or Program)

_____

(Position) (Date)

RETURN ONE SIGNED ORIGINAL TO THE PARISH OR DIOCESE AND KEEP THE OTHER COPY.

CATHOLIC DIOCESE OF PITTSBURGH

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(Position) (Date)

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CATHOLIC DIOCESE OF PITTSBURGH
111 Boulevard of the Allies
Pittsburgh, PA 15222
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Policy: For Clergy Sexual Misconduct

Issued:	March 1993
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Updated:	March 2008
Updated:	April 2014

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Clergy Sexual Misconduct

The teaching of the Church, particularly her moral teachings rooted in Scripture and Tradition, serve as the basis for this policy. This teaching recognizes the dignity of every human person.

Because of our desire to protect the rights and dignity of every person in the Diocese of Pittsburgh entrusted to the care of a priest, **most especially the safety and wellbeing of children**, the following procedure will be followed whenever an allegation of clergy sexual misconduct is reported to the Diocese.

This policy is intended to complement and at the same time be in compliance with both the *Code of Canon Law*, the *Motu Proprio Normae de Gravioribus Delictis Congregationi Pro Doctrina Fidei Reservatis* and *Sacramentorum sanctitatis tutela* from the Congregation for the Doctrine of the Faith. It is also in conformity with the *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/ Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons or Other Church Personnel* established by the United States Conference of Catholic Bishops.

The following principles guide the policy and its application:

- ***Children come first.*** The safety of anyone entrusted to the care of a priest, especially children, is the first priority in any pastoral assignment.
- ***Concern for the victims.*** We are always concerned about victims who have suffered abuse and their families. The Diocese offers pastoral and spiritual support to victims and their families as well as psychological counseling.
- ***All allegations reported.*** All allegations of sexual abuse of minors are turned over to the proper civil authorities.
- ***Suitability for parochial ministry.*** No cleric against whom there is an admitted or established allegation of sexual misconduct with a minor may serve in any ministry. It is the role of the Church alone to determine the suitability of a cleric for ministry.

This policy will be reviewed every two years to ensure its effectiveness.

In an attempt to review the serious matter of clergy sexual misconduct and how the Church addresses it, this diocesan policy is presented under two aspects: 1) The Pastoral Response and 2) The Administrative Process.

I. The Pastoral Response

The *Policy on Clergy Sexual Misconduct of the Diocese of Pittsburgh* is concerned with allegations that a cleric (a priest or a deacon) has engaged in either sexual misconduct with a minor[1] , a vulnerable adult[2] , or nonconsensual sexual misconduct with an adult[3].

Allegations of consensual sexual misconduct by clergy will be addressed by the Vicar for Clergy. Recommendations for appropriate spiritual and/or psychological assistance will be made as needed.

The goal of the Diocese in this policy is to respond to allegations in a way that is pastorally and canonically effective in application. The prompt response of the Diocese to complaints of sexual misconduct by clergy will include among other steps:

A. An examination by the Vicar for Clergy and the Diocesan Assistance Coordinator of the content of the allegation in order to begin the determination of its credibility as regarding the suitability of the cleric for any ministry (cf. Administrative Process);

B. All allegations of sexual misconduct against minors will be turned over to proper civil authorities; in addition, the diocese encourages and supports the complainants to report the matter in question to the proper civil authorities;

C. Designated diocesan officials – usually the Vicar for Clergy and the Diocesan Assistance Coordinator – will interview the person who made the allegation, and/or the alleged victim and where appropriate, that person's parents, as well as the cleric against whom the allegation was made;

D. In addition to turning the allegation over to proper civil authorities, actions which may also be taken as a result of these interviews may include: (l) immediate removal of the cleric from his diocesan assignment; (2) a complete medical and psychological assessment; and/ or (3) ongoing treatment; (4) and an assessment of the allegation and fitness for ministry by the Clergy Task Force and the Independent Review Board;

E. Allegations cannot be received in confidence given the obligation and/or need to report this information to proper civil authorities;

F. Assistance to the complainant and his or her family by offering pastoral and spiritual support and psychological counseling as needed;

G. Recognition of the civil and canonical rights of all involved;

H. Assistance to parishes or communities affected by the allegations through the help of a Pastoral Support Team, which will provide appropriate spiritual and psychological help;

I. Availability of the Diocesan Assistance Coordinator to assure that appropriate assistance continues to be made available by the Diocese.

Footnotes

[1]Sexual misconduct with a minor (an individual under the age of 18) includes sexual molestation or sexual exploitation of a minor, viewing of child pornography, and other behavior by which an adult uses a minor as an object of sexual gratification.

In Church law, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p.6). A canonical offense against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, "imputability [moral responsibility] for a canonical offense is presumed upon external violations...unless it is otherwise apparent" (CIC, c. 1321 §3; CCEO, c. 1414 §2); cf. CIC, canons 1322-27, and CCEO, canons 1413, 1415, and 1416.

[2]A person 18 years or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to mental, emotional, physical, development disability, brain damage or the infirmities of aging.

[3]In addition to rape, "non-consensual sexual misconduct" also includes any breach of professional trust which has as its intent sexual contact. This would include sexual activity with a parish employee or an individual with whom the cleric is providing spiritual direction, counseling or ministry.

II. The Administrative Process

Phase One

If an allegation is lodged against a cleric regarding sexual misconduct with a minor or non-consensual sexual misconduct with an adult, the Vicar for Clergy and the Diocesan Assistance Coordinator must be notified immediately, an investigation is initiated, and the following steps will be taken. It should be noted that the steps presented in this policy should not be construed as a presumption of guilt of the accused cleric.

A. Those making the allegation will be interviewed by the designated diocesan officials, normally the Vicar for Clergy and the Diocesan Assistance Coordinator. Both the substance and the source of the allegation must be shared with the cleric against whom the complaint is lodged.

No allegation can be received in confidence given the obligation and/or need to report this information to the proper civil authorities. If the allegation appears to have merit, the canonical administrative process begins when the allegation is confirmed in writing.

B. The cleric must be apprised of the allegation during a separate interview conducted by the appropriate diocesan officials, normally the Vicar for Clergy and the Diocesan Assistance Coordinator. The cleric must be informed before he responds to the allegation that he has a right to canonical counsel, if he chooses. He will be assisted in identifying such counsel, if necessary.

C. If the cleric against whom an allegation is made is a member of a religious community on assignment or in residence within the Diocese, the Vicar for Clergy and the Diocesan Assistance Coordinator will review the allegations made and the diocesan process with his religious superior. Cases of this nature are within the jurisdiction of the religious community of which the accused is a member.

D. As a matter of policy, all allegations of clergy sexual misconduct with a minor, no matter how long ago the alleged misconduct occurred, are reported to the proper civil authorities.

Phase Two

After interviewing both the complainant and the accused cleric, the designated diocesan officials, normally the Vicar for Clergy and the Diocesan Assistance Coordinator, must determine action to be taken based on the credibility of the allegation.

A. First Scenario

If, after careful review of all available information, including the results of the civil investigation, the allegation is judged to be without merit, the matter will not be pursued further and the parties will be informed of this decision. Appropriate steps will be taken to affirm the cleric in his ministry and to repair any damage to his reputation.

B. Second Scenario

When the preliminary investigation of an allegation against a cleric is doubtful or there is a semblance of truth, the cleric is immediately removed from his diocesan assignment and placed on an administrative leave of absence.

1. The allegation is referred to the Clergy Task Force and the Independent Review Board to assess the allegation and the cleric's fitness for ministry.
2. Limitations are placed on the ministry of the cleric such as, but not limited to, the following: prohibition from performing any public celebration of sacraments or sacramentals; prohibition from wearing clerical attire; prohibition concerning living in a certain place or territory; and revocation of diocesan faculties.
3. The cleric is urged to undergo, as soon as possible, a complete medical and psychological assessment at a facility selected by the Diocese. Likewise, the cleric is to grant permission that the results of this assessment be shared by the treatment facility with the appropriate diocesan authorities.
4. Those making the allegation will be provided an appropriate update on the process.
5. If either the Clergy Task Force or the Independent Review Board reviews the allegation and recommends to the Diocesan Bishop that the cleric should not be returned to ministry and the bishop accepts the recommendation, one of the following will occur: 1) The cleric may be offered the opportunity to withdraw from priestly ministry; 2) The cleric may seek a dispensation from the obligations arising from the priesthood; or 3) The diocese will initiate a canonical process.
6. When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the cleric, and he will be returned to ministry.

C. Third Scenario

Where sexual abuse by a cleric is admitted or is established after an appropriate investigation in accord with canon law, the following will pertain:

1. The offending cleric will be permanently removed from ministry and the appropriate canonical process will be applied.
2. An offending cleric will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention.
3. In every case, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; cf. Letter from the Congregation for the Doctrine

of the Faith, May 18, 2001). These provisions may include a request by the cleric for dispensation from the obligation of holy orders and the loss of the clerical state, or a request by the bishop for dismissal from the clerical state even without the consent of the cleric.

4. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese will supply canonical counsel to a cleric.
5. The cleric will be offered assistance for career retraining.
6. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender is to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly, to wear clerical garb, or to present himself publicly as a priest.

III. The Independent Review Board Norms/ Procedures

Article I — Statement of Jurisdiction

1. **Coverage** – These procedures are established solely for the purpose of presenting to the Diocesan Bishop a recommendation as to a particular course of action to be taken when a doubt remains regarding credibility of an allegation involving sexual misconduct or when the suitability to hold ecclesiastical office or any other ministerial assignment has been questioned due to circumstances beyond those defined in the universal law of the Church. In addition this Board will assist the Diocesan Bishop in a regular review of diocesan policies and procedures for dealing with sexual abuse of minors.
2. **Limitation of Action** – An assessment under these procedures shall be convened only by the Diocesan Bishop or by one specifically delegated by him to act on his behalf.
3. **Exclusion** – These procedures are not applicable to doctrinal matters of faith and morals, the validity of sacred orders or canonical imposition of penalties by judicial or administrative procedures.

Article II — Powers and Duties

1. The Vicar for Canonical Services shall be responsible for the implementation and application of these procedures.
2. It shall be the duty of the Vicar for Canonical Services to:

a. Effect the proper operation of these procedures;

b. Process the request through the established procedures;

c. Maintain accurate records;

d. Transmit said records together with the recommendation of the Independent Review Board to the Vicar for Clergy following conclusion of the action.

3. A roster of people qualified to serve on the Independent Review Board shall consist of laity not employed by the Diocese, as well as pastors and religious, appointed by the Diocesan Bishop. The list shall include persons who are learned in civil law or the human sciences and who meet any other qualifications which the Diocesan Bishop may establish. They shall be appointed for a five (5) year term that is renewable.

4. Five (5) members of the Independent Review Board, including at least one pastor, and at least one person who has expertise in the treatment of sexual abuse of minors shall be selected for each case by the Vicar for Canonical Services of these procedures.

Article III – Process of Assessment

1. The designated Independent Review Board shall hold hearings upon any case referred to it by the Vicar for Canonical Services, with the initial hearing being scheduled not more than fifteen (15) calendar days after such referral unless extended by the Vicar for Canonical Services. The Board is convened by the Vicar for Canonical Services with the approval of the Diocesan Bishop.

2. The Vicar for Canonical Services shall set a time, date and place for each hearing and notify the parties, in writing, not less than ten (10) calendar days prior to such hearings.

3. Prior to establishing a time, date and place for the initial hearing by the Vicar for Canonical Services, the Vicar for Clergy or his delegate shall submit to the Vicar for Canonical Services all documentation and information which has been previously gathered concerning the allegation and shall determine the willingness of the person making it to participate in these procedures.

4. All testimony shall be taken under oath or affirmation. The Board may take testimony of the parties and witnesses by deposition, affidavits or otherwise when it is deemed necessary.

5. The Independent Review Board shall make its

recommendation on the evidence presented. All testimony shall be taken in the presence of the entire Board. The parties may offer any evidence as they desire, subject to a decision by the Board as to its relevancy and materiality.

6. Upon completion of the process, the Independent Review Board shall submit, in writing, its findings and recommendations to the Vicar for Clergy through the Vicar for Canonical Services of these procedures. The recommendations are then shared in full with the Diocesan Bishop.
7. The recommendation of the Independent Review Board shall be handed down no later than ten calendar days from the date of the closing of the process.

IV. Canonical Penal Procedures

Introduction

The canonical penal process establishes the fundamental procedures by which truth and justice is served within the ecclesial community. The penal process is divided into two phases:

1. The Prior Investigation; (c. 1717-1719)
2. The Development of the Process. (c.1720-1728)

These two phases form the administrative and judicial process by which the *Code of Canon Law* safeguards the rights of the complainant and the cleric, repairs scandal and restores justice. In addition, the penal process is governed by the *Normae de Gravioribus Delictis Congregationi Pro Doctrina Fidei Reservatis,* and *Sacramentorum sanctitatis tutela.*

Prior Investigation

The prior investigation phase has two distinct components. The first component is the investigation by the Diocesan Bishop or his delegate to determine:

- The specific offense *alleged to have been* committed;
- The precise canonical violation;
- The evidence available; and
- The canonical statute of limitation (prescription).

As in civil law, during the investigation, the accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation.

Development of the Process

When this first component is completed the Diocesan Bishop proceeds to the second component and determines:

1. Whether the specific offense is a delict of the type reserved to the Congregation for the Doctrine of the Faith, in conformity with the *Motu Proprio, Normae de Gravioribus Delictis Congregationi Pro Doctrina Fidei Reservatis*, and *Sacramentorum sanctitatis tutela.*
2. If the Diocesan Bishop has reasonable belief that a reserved delict probably has been committed after the appropriate canonical investigation, he transmits this to the Congregation for the Doctrine of the Faith which, unless the Congregation claims jurisdiction of the case itself, will order the Ordinary to proceed to a conclusion, with due regard, nevertheless, for the right of appealing against a sentence of the first grade to the Supreme Tribunal of the Congregation for the Doctrine of the Faith.
3. If the process is directed to be handled by the Diocesan Bishop, on a local level, the Congregation for the Doctrine of the Faith will forward appropriate norms governing the handling of the case.
4. . If a case is not reserved to the Congregation for the Doctrine of the Faith, a determination must be made by the Diocesan Bishop if the process is to be administrative or judicial.
5. If the Diocesan Bishop decides to proceed by an administrative process, he must inform the cleric of the evidence and offer the cleric the opportunity of self - defense before a decision is rendered.
6. If the Diocesan Bishop decides to proceed by a judicial process in a case that is not reserved to the Congregation for the Doctrine of the Faith, he must do so by transmitting the evidence collected to the Promoter of Justice who is to present a formal petition to the Diocesan Tribunal. The Diocesan Tribunal must act on the petition in accord with the procedural norms established by the Code of Canon Law and the *Motu Proprio, Normae de Gravioribus Delictis Congregationi Pro Doctrina Fidei Reservatis* and *Sacramentorum sanctitatis tutela* from the Congregation for the Doctrine of the Faith.

CATHOLIC DIOCESE OF PITTSBURGH
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Subject:	Secretariat:	Number: ML-I
ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY CHURCH PERSONNEL OTHER THAN CLERICS	Ministerial Leadership	Page: 1 of 3

Purpose: To establish a protocol for dealing with allegations of the sexual abuse of minors by Church personnel other than clerics.

Applicability: All non-clergy Church personnel.

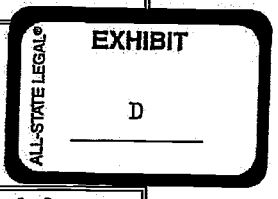
Definitions:

***Church Personnel*:**

- All persons directly employed by the Diocese of Pittsburgh or any parish within the Diocese; and,
- All persons who provide any volunteer services to/for the Diocese of Pittsburgh and to/for any parish within the Diocese.

***Minor*:** Any person under eighteen (18) years of age.

***Sexual abuse of a minor*:** Sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p.6). A canonical offense against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO, c. 1453 §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernable harmful outcome. Moreover, "imputability [moral responsibility] for a canonical offense is presumed upon external violation ... unless it is otherwise apparent" (CIC, c. 1321 §3; CCEO, c. 1414 §2). Cf. CIC, canons 1322–27, and CCEO, canons 1413, 1415, and 1416. This definition is contained in the *Essential Norms* that were adopted by the bishops of the United States. The norms received the *recognitio* of the Apostolic See on December 8, 2002, and became effective as particular law binding all dioceses and eparchies of the United States on March 1, 2003.



Effective Date:	Revision Date:	Number of Revisions:
June 1, 2003		

Approved May 21, 2003

Subject:	Secretariat:	Number: ML-I
ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY CHURCH PERSONNEL OTHER THAN CLERICS	Ministerial Leadership	Page: 2 of 3

Policy and *Procedure*:

I.A. When an allegation of sexual abuse of a minor is made, the Church will respond both pastorally and administratively.

I.A.1. *The Church shall provide assistance to the minor and his/her family with the offer of spiritual support and psychological counseling as needed.*

I.A.2. *The civil and canonical rights of all involved will be respected while the Church seeks to offer assistance.*

I.A.3. *A pastoral support team will be put in place to provide assistance to parishes or communities affected by the allegations.*

I.A.4. *Any allegation of sexual abuse involving a minor may be brought by the minor, his or her parent(s) or guardian(s), or anyone else with knowledge or a reasonable suspicion that sexual abuse has occurred.*

I.A.5. *The Office of the Secretary for Ministerial Leadership will work with the Office of Civil Legal Services to report promptly all allegations of the sexual abuse of minors to the appropriate civil authorities as well as to comply with all civil law obligations. Any mandatory reporter who receives an allegation from a minor will comply with the requirements of the Child Protective Services Law. Even though the diocese will have informed civil authorities, all persons communicating an allegation of the sexual abuse of a minor will also be encouraged to turn the allegation over to the civil authorities.*

I.A.6. *The alleged victim of sexual abuse or another individual bringing the allegation will be interviewed by the Office of the Secretary for Ministerial Leadership. If the Church employee or volunteer does not work in Central Administration, then the pastor or other supervisor of the employee or volunteer will participate in the interview. When possible, the allegation should be in writing and signed by the party making the allegation.*

I.A.7. *The Church employee or volunteer will also be interviewed by the same persons set forth in the preceding paragraph. At the beginning of the interview it should be determined that the employee or volunteer is aware of their civil and canonical rights. If the allegation is deemed to be credible, the employee or volunteer will be suspended immediately. In the case of an employee, the temporary suspension will be with pay.*

Effective Date:	Revision Date:	Number of Revisions:
June 1, 2003		

Approved May 21, 2003

I.A.8. *After the preliminary review has been conducted, a decision will be made by those conducting the interviews whether the employee or volunteer is to continue on suspension, be reinstated, or dealt with in another manner including termination of employment.*

I.A.9. *Further action may be taken later. The circumstances in which further action might be taken include, but are not limited to: (a) a retraction of the allegation; (b) an admission by the employee or volunteer; (c) the institution of or the resolution of either criminal charges or a civil action, (d) or the receipt of any other relevant information at any time*

I.A.10. *If at any time it is determined that the allegation is unfounded, then appropriate steps will be taken to affirm the employee or volunteer in their work and to repair any damage to their reputation.*

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Dioceses more responsive to Catholic Church sex abuse scandals

JASON CATO (https://twitter.com/Jac412Cato) | Saturday, March 5, 2016, 9:00 p.m.

Decades of silence by the Roman Catholic Church regarding child sexual abuse by priests has given way to an era of atonement, as public apologies and condemnation come from local dioceses up to the Vatican.

But that isn't enough for some. The church needs to name priests suspected of abuse, like those outed last week in a 147-page grand jury report about the Altoona-Johnstown diocese, so more go to prison, said David Clohessy, national director of SNAP, the Survivors Network of those Abused by Priests.

"More words, clearer words, sadder words — it's all words, and words protect no one. Decisive actions protect kids," said Clohessy, expressing a desire for local dioceses to post online the names of priests accused of sexually abusing children. "They often are fixated on PR, policies, panels and protocols that look terrific on paper but essentially are worthless.

"Sincerity must be judged by actions, not words."

Leaders of the Catholic Church in Pittsburgh and Greensburg said they are committed to stopping sexual abuse and righting decades of wrongs.

"I would hope in every diocese we realize we can never do enough to keep this horror from occurring," said Pittsburgh Bishop David Zubik, who will host a special "Service of Apology" March 21 in St. Paul Cathedral in Oakland.

He said the Mass is not related to the allegations of abuse in Altoona-Johnstown, which Attorney General Kathleen Kane made public in the same week that "Spotlight," a movie about The Boston Globe's investigative reporting into decades of abuse there, won the Academy Award for best film. A Somerset County priest was sentenced last week to nearly 17 years in prison for molesting orphans during mission trips to Central America.

All U.S. dioceses in 2002 adopted zero-tolerance policies for dealing with suspected sexual abuse, though the Greensburg Diocese's policy dates to 1985 and Pittsburgh's to 1988.

Edward Malesic, who last year became bishop in Greensburg, said the church has to remain watchful for cases of abuse and clerical perpetrators.

"This has been a terrible issue for the church for many years," Malesic said. "It's extremely important that the church be vigilant and make sure children are safe."

That includes conducting background checks on everyone who works for or volunteers with the diocese and reporting every case of suspected child abuse to authorities, he said.

"I can't change the past, and I can't change what happened in Altoona-Johnstown," Malesic said. "But I can be strong here in Greensburg."

Messages left with the Altoona-Johnstown Catholic Diocese were not returned. In a statement, Bishop Mark Bartchak noted the diocese cooperated with authorities and is reviewing the grand jury's report, which ended an investigation that lasted nearly two years.

"I deeply regret any harm that has come to children, and I urge the faithful to join me in praying for all victims of abuse," said Bartchak, who committed to posting on the diocese's website the names and current status of every priest in the diocese accused of abuse.

Philadelphia is the only other diocese in Pennsylvania to have posted such a list, according to bishop-accountability.org (http://bishop-accountability.org). The website lists 42 cases of abuse involving priests from the Pittsburgh diocese and six from Greensburg.

The National Catholic Reporter revealed last year that U.S. Catholic churches had paid nearly $4 billion to settle decades of lawsuits. In 2014, the Vatican reported that during the previous decade it defrocked about 850 priests who raped or molested children and sanctioned 2,500 worldwide.

Officials with the Vatican and U.S. Conference of Catholic Bishops in Washington, D.C., could not be reached.

Kane announced Tuesday that the grand jury found that at least 50 priests in Altoona-Johnstown abused hundreds of children at orphanages, foster homes, campsites, confessionals and the cathedral in Altoona from the 1940s to 1980s.

No criminal charges will be filed because the statute of limitations on such crimes has expired, suspected priests have died, and some victims are reluctant to testify, Kane said.

On Wednesday, U.S. District Judge Kim R. Gibson of Johnstown sentenced the Rev. Joseph D. Maurizio Jr., 70, of Central City to prison for engaging or attempting to engage in illicit sexual conduct in foreign places; possession of child pornography; and money laundering.

Prosecutors, who sought 27 years' imprisonment, said the priest traveled to an orphanage in Honduras between 1999 and 2009 and promised cash and candy to boys who allowed him to watch them shower or have sexual contact with them.

Maurizio plans to appeal, his attorney said.

Zubik said he scheduled his apology Mass before the grand jury report and sentencing of Maurizio. It will be the second such Mass he has hosted in Pittsburgh, the other being in 2009. He first hosted a "Service of Apology" in 2006 while bishop in Green Bay, Wis.

The services address several ways people could have been victimized by the church, including sexual abuse. An apology from the church is healing for some but pulls off a scab for others, Zubik said.

"But forgiveness is that way. Saying you're sorry does that," he said. "It highlights that even though the church is divine, we are all certainly human."

Pope Francis apologized to five victims of sexual abuse — both those abused by clergy and by others, such as family members — during his visit to Philadelphia in September.

His predecessor, Pope Benedict XVI, publicly apologized for clergy sex abuse in 2008 and 2010. Pope John Paul II in 2000 said a special Mass in Rome to ask God's forgiveness for the sins of Catholics — though he did not specifically mention sexual abuse by priests.

Zubik said John Paul's public atonement inspired him to conduct similar services later. The one this month is in response to the church's Jubilee Year of Mercy, he said.

"It's a moment of grace," Zubik said.

Clohessy called apologies discouraging rather than hopeful signs of real change.

"This is just more shrewd PR," he said. "You apologize after a threatening harm is over. Church officials know full well this crisis is a continuing crisis."

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'From this day forward no one known to have sexually abused a child will work in the Catholic Church in the United States.'

— Bishop Wilton Gregory, conference president

U.S. bishops get tough on sex abusers

Policy removes priests for molesting minors

By Ann Rodgers-Melnick
Post-Gazette Staff Writer

DALLAS — Reeling from the worst scandal to rock the Catholic Church in memory, the nation's bishops voted overwhelmingly to remove from ministry any priest who has ever sexually abused a minor.

"From this day forward no one known to have sexually abused a child will work in the Catholic church in the United States," said Bishop Wilton Gregory, the conference president. He also apologized for "our tragically slow response in recognizing the horror" of sexual abuse.

Archbishop Harry Flynn, chairman of the bishops committee on sexual abuse, called it an effort "to root out a cancer in our church."

The prelates stood and applauded after they approved the policy on a 239-13 vote by secret ballot. It was the climactic moment of an extraordinary meeting that has been filled with wrenching accounts of abuse from victims and solemn expressions of remorse from church leaders.

Bishop Donald Wuerl of Pittsburgh played a key role in the debate, calling for a broader definition of sexual abuse and insisting that all allegations of sexual abuse against those who are now minors be immediately given to the civil authorities.

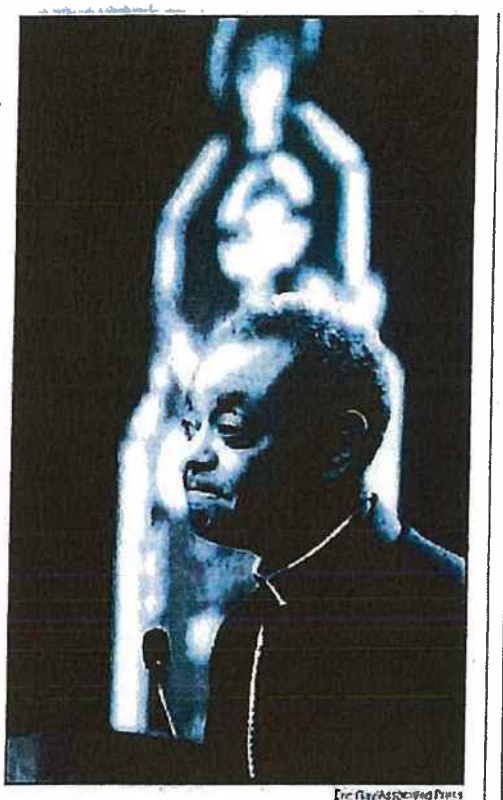
"This document allows us to assure our people that we are not, to the best of our ability, placing any of our children at risk. It basically restores the basis of trust and begins the healing," Wuerl said.

The policy says that no priest who has abused a minor in the past, present or future will remain in ministry. Some victims groups were critical of a clause indicating that such priests who are aged, infirm, or who for some other reason cannot be effectively removed from the priesthood by the Vatican, must live a life of supervised penance and be forbidden to wear clerical garb, celebrate Mass publicly or call himself a priest.

The bishops also passed a policy allowing their own Committee on the Life and Ministry of Bishops to take action against bishops who fail to implement the policies, although those disciplinary measures were not spelled out. Bishops' compliance would be determined by a newly established Office for Child and Youth Protection and a blue ribbon national lay review board to be chaired by Oklahoma Gov. Frank Keating.

The Charter for the Protection of Children and Young People takes effect immediately but will be monitored for two years for possible revisions. Because of that, the bishops asked the Vatican to approve for only an initial two-year period a set of norms that give the standards the force of canon law with the idea that they may be revised later.

SEE BISHOPS, PAGE A-3



Eric Gay/Associated Press

Bishop Wilton Gregory of Belleville, Ill., president of the United States Conference of Catholic Bishops, addresses the group after passage of its clerical sex abuse policy at the U.S. Conference of Catholic Bishops' meeting yesterday in Dallas.

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Pittsburgh Post-Gazette (Pittsburgh, Pennsylvania) · Sat, Jun 15, 2002 · Page 3
Printed on Mar 1, 2018

U.S. bishops vote to remove priests who molest minors

BISHOPS FROM PAGE A-1

Unless and until Rome approves the norms it may be difficult or impossible to laicize — effectively remove from the priesthood — some offending priests.

A day of prayer that the bishops had proposed to devote to this issue on Sept. 11 was changed to Aug. 31 because of potential conflict with national mourning over the first anniversary of Sept. 11.

Wuerl was wearing his anguish on his sleeve by the end of a day in which he had successfully fought to take far stronger measures than some of his fellow bishops wanted.

"This has been the most emotionally exhausting, psychologically draining meeting I have ever been involved in," he said.

The comment was telling because many bishops have long said that their most trying meeting was in 1997 and dealt with Wuerl's controversial appointment as an auxiliary bishop with unheard of powers to overrule the then archbishop of Seattle on certain issues of concern to the Vatican. But that was just an institutional power struggle, Wuerl said.

"This involves the lives of human beings we know and faces that appear before us — victims who have been abused and priests who will never serve in ministry again. It is very hard to have to make decisions that so dramatically and unilaterally change people's lives," he said.

Yet he had argued for the necessity of those decisions against bishops who opposed the idea of "zero tolerance" and "one strike."

He led a successful fight to define sexual abuse as, "Contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification for the adult. A child is abused whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not it is initiated by the child and whether or not there is discernible harmful outcome."

Some bishops believed that was far too vague. "Is this going to be a glance? Is this going to be a word?" Archbishop Justin Rigali of St. Louis asked of interactions that young parishioners might complain about. "Remember we are asking the priests out of ministry for this."

Bishop Joseph Galante of Dallas, however argued that one of the most common scenarios is for offending priests to show pornographic movies to minors. Broad language is necessary to deal with such conduct, he said.

Wuerl's language, drawn from a statement by the Canadian bishops, passed overwhelmingly. The church must set a higher standard than civil law, he said later.

"Whatever the sexual abuse is has to be included in our definition of sexual abuse, whether or not it is covered by civil law. What we have been talking about all along is something that is immoral — and may also be a crime."

He was also a key player in a fight he considered even more important — to require bishops to immediately report all allegations involving victims who are still minors to the civil authorities. Some bishops only wanted to report allegations that they had first investigated and found credible.

Bishop Thomas Doran of Rockford, Ill., objected that unless the bishop first established the truth of the allegation "to a moral certainty" he would be violating the standards of canon law.

"If this means that any person who doesn't like a priest can be reported to civil authorities, and we do that, then we are fools," he said. "Further, when we do this, we put our priests. And I'm not in favor of it."

Wuerl framed that debate for many of the bishops by arguing that the bishop's investigation is only to determine whether the priest is suitable to continue in ministry. Only the civil authorities can determine if the allegation of a crime is credible, he said.

"I believe where we have erred in the past is appropriating to ourselves the decision of whether or not to report the allegation because we have decided it is not credible," he said.

Bishop Anthony Bosco of Greensburg said that in most cases the bishops are mandatory reporters under civil law. Catholic schools already do this with teachers accused of abuse, and there should not be a separate standard for priests, he said.

"My feeling is that we might be in danger of going to jail if we do not comply," he said.

But Cardinal Roger Mahony of Los Angeles may have carried the most weight when he spoke of twice being falsely accused and then cleared of suspicion of sexual abuse.

"I welcomed the police investigation early because they got right cards it and dealt with it. I think it's very helpful to have the police deal with these things, especially the unfounded ones, and get it over with," he said.

There is a difference between caring for a priest and imposing consequences for misconduct, Wuerl said later of bishops who believed at reporting.

"Of course we forgive — but we all have to live with the consequences," he said.

> "To come today and hear that they are going to leave known molesters in the priesthood is devastating, just devastating."
>
> — Barbara Blaine, founder of the Survivors Network of those Abused by Priests

According to the bishops' chief attorney Mark Chopko, allegations involving victims who are no longer minors would be handled according to agreements that each diocese would negotiate with the local district attorney. Different district attorneys have different standards for whether they want to hear about cases that might be decades old, Chopko said.

Some bishops objected strenuously to the one-strike policy. They said cases in which a priest who had committed one offense long ago, undergone therapy and had an exemplary ministry ever since should be handled on a case by case basis.

Bishop Howard Hubbard of Albany, N.Y., compared it to the one-strike drug laws, which he said had failed to rehabilitate minor drug runners or to stop drug dealing and which the bishops had opposed as a matter of policy on criminal justice.

Cardinal Avery Dulles, a Jesuit theologian who is the only member of the conference never ordained as a bishop, objected to the broad definition of sexual abuse that Wuerl had inserted.

"It puts a very adversarial relationship between bishop and priest," he said. Instead of confiding his difficulties to his bishop a priest now "has to be very, very careful what he says to the bishop because the bishop can throw him out of ministry for life."

But Cardinal Anthony Bevilacqua of Philadelphia insisted that the bishops must pass the charter.

While bishops "must adore Christ this remainder" to their priests, "at the same time in our present crisis we must place the good of the church first," Bevilacqua said.

"We need strong support of this document to begin to restore the credibility of the church and its moral authority," he said. "We need strong support of this document so our faithful can once again lift up their heads and say, 'I'm proud to be Catholic.'"

When the document had passed overwhelmingly, auxiliary Bishop David Zubik of Pittsburgh said it was the testimony of four sexual abuse survivors on Thursday that had galvanized the bishops to reach a near consensus during a long closed-door meeting Thursday night.

"After you heard them talk yesterday morning, you couldn't do anything else," he said of the decision to permanently remove all offenders from ministry.

But some victims gave it mixed reviews, especially clauses that allowed offenders to resign voluntarily from ministry but remain on the diocesan payroll, without the right to call themselves a priest, celebrate public Mass or dress as a priest. Possible reasons for this that the bishops gave was if the offender was too old or ill to start over in life.

"To come today and hear that they are going to leave known molesters in the priesthood is devastating, just devastating," said Barbara Blaine, a founder of the Survivors Network of those Abused by Priests.

But Paula Gonzalez Fohrbacher of Juneau, Alaska, a survivor who addressed the bishops Thursday, was satisfied that the bishops were serious about removing all offenders from ministry, no matter how long ago their offense.

"It shows that what they heard yesterday morning had an impact," she said.

Jason Berry, the New Orleans journalist who first began to report on systematic sexual abuse by priests in 1985 and made it a national cause, said he believed that bishops had made a good faith effort to address a problem that was not entirely in their control.

"I think they are trying to walk a fine line between the passionate loyalty of the survivors and the reactionary sentiments of the Vatican," he said, reflecting concerns that Rome may not approve their actions.

"The pope is very ill. Other Vatican voices on this are intemperate in the extreme. The bishops are caught in an historical bind."

Some bishops expressed similar concerns about whether Rome would give the bishops norms the force of canon law. The present scandal occurred because some bishops ignored similar polices that they adopted in 1992.

But some Vatican officials have recently made statements that call into question Roman support for zero tolerance and mandatory reporting.

The Rev. Ciro Benedettini, a Vatican spokesman, had no comment on the policy but said officials there would review it — likely a lengthy process.

Asked in the language of basketball, whether the Vatican would quickly approve the policies, Bishop Gregory replied, "I would never presume, when going to the Holy See, that I had a slam dunk."

The Associated Press contributed to this report.

L.M. Otero/Associated Press

Cardinal Anthony Bevilacqua of Philadelphia made a statement yesterday at the U.S. Conference of Catholic Bishops' meeting in Dallas. Bevilacqua insisted that the bishops had to pass the charter.

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PRIESTS AND PEDOPHELIA

A greater

By Eleanor Bergholz
Post-Gazette Staff Writer

The February conviction of the Rev. Roger Trott of the Greensburg Diocese for child sexual abuse contrasts sharply with the way the diocese and local law enforcement officials handled a similar case several years earlier.

Trott, former pastor of St. John the Baptist de la Salle parish in Delmont, admitted molesting 12 boys.

When parents reported Trott's fondling of their children to the Westmoreland County Children's Bureau, it investigated and referred the case to the district attorney for prosecution. Church officials relieved Trott of his pastoral duties.

Under a plea bargain discussed with the parents, Trott was charged with one count of corruption of minors involving a 13-year-old altar boy and sentenced to five years' probation.

The deal also required Trott, 42, to be treated for pedophilia, a sexual disorder in which the love object is a child, at St. Luke's Institute in Suitland, Md.

Trott's case was handled swiftly, openly and decisively. But that of the Rev. Dennis Dellamalva a few years earlier did not result in prosecution. Instead, there was a civil case that has remained secret for five years.

In May 1986, the Greensburg Diocese paid two families $375,000 to settle a civil lawsuit brought in 1983 on behalf of three teen-age boys molested by Dellamalva, a former associate pastor at Mother of Sorrows parish in Murrysville.

District Attorney John Driscoll said he would do it differently if Dellamalva's case came to him now. He said police, investigators, the Children's Bureau and the diocese all learned a great deal from the inaction that characterized the Dellamalva case.

"If that case happened today, it would have been reported much sooner and it would have been more fully investigated," he said. "The Children's Bureau was not involved. There was no investigation.

"We prepared a criminal complaint, but the families decided they wished not to pursue it. [Today] we would have been able to convince the victims that [criminal] prosecution would not have hurt their interests."

Driscoll praised the way the Greensburg Diocese handled the Trott case. "The diocese has made a complete turnabout in the way they view this type of a case. One could not ask for a better response. They were very prompt, very decisive, no equivocation. They acted in a clear-cut manner from the outset."

Today's greater openness in handling such cases, in Greensburg and elsewhere, is the result of several factors: new laws that require more reporting of child sexual abuse; greater public awareness; cancellation of diocesan liability insurance for sexual misconduct; and a developing understanding by diocesan officials about the addictive nature of pedophilia.

As a result of these factors, the four Catholic dioceses in Western Pennsylvania are beginning to develop policies to deal with such cases.

Several parishioners describe the Rev. Dennis Dellamalva as charismatic — a priest who brought new life to the parish when he arrived in 1977.

He enjoyed music and dancing and earned the nickname, "Disco Denny." The kids liked him and he was often invited to parishioners' homes. He ran the youth group at the parish and spent time hanging out with kids at Franklin Regional High School. He even traveled to the school but with the team to high school football games.

The Rev. Roger Trott with his lawyer, Ross Nash, after a hearing in Febru

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But that of the Rev. Dennis Dellamalva a fe
There was instead a civil case that

In the spring of 1982, without explanation to parishioners, Dellamalva was transferred to Holy Family in Latrobe.

A year later, two sets of parents from Mother of Sorrows told the district attorney that Dellamalva had molested their sons.

Driscoll said he learned about Dellamalva as the lawyer for families on his offenses was coming out.

"We prepared a criminal complaint but we did not officially file charges," he said, adding that his office was guided by the feelings of the families and their attorney who wanted to protect the boys' privacy.

Parishioners say Dellamalva molested as many as a dozen boys.

In the civil suit filed in April 1983, parents retained Melvin Belli of San Francisco to represent them.

A second Erie priest, the Rev. John Murray, 64, of St. Matthew Parish, was accused of fondling a 12-year-old altar boy.

The complaint states that Dellamalva "violated his position of special trust and confidence," and that numerous instances of molestation occurred in 1980 and 1981 while Dellamalva was "acting within the scope of his employment as a priest."

It says Dellamalva had "improper and illegal sexual contact by touching their genitals and fondling them" while a guest in one family's home, once on Christmas Day, in the sacristy, and in the confessional.

Dellamalva failed to stop his deviant behavior after being confronted by one family, the complaint states, and the now-retired Bishop William Connare "failed to discharge Dellamalva from his duties after having been confronted by the plaintiffs and others."

In February 1984, diocesan attorneys argued successfully to seal records in the civil suit despite parental opposition.

In March 1987, the Post-Gazette asked that the seal be lifted. After a series of hearings and legal weavers, Common Pleas Judge Dominic Amborn opened the record but kept the depositions of Connare and Dellamalva secret, even though they had been filed in court. As a result, many details of what what happened and how long the diocese knew about Dellamalva's behavior remain secret today.

Dellamalva was sent to a psychiatric hospital in Hartford, Conn., called the Institute of Living, sources say. Diocesan officials won't say where Dellamalva, who opposed the unsealing of the court record, is now, and a family member refused comment. He is listed on leave in the 1986 Catholic Ready Directory, and a diocesan official has suggested that he is in the

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openness

Tony Tye/Post-Gazette

...handled swiftly, openly and decisively.
...few years earlier did not result in prosecution.
...it has remained secret for five years.

...privacy.

process of being indicted, or removed from the priesthood.

Besides Trott, a brother has been prosecuted in Allegheny County and two priests in Erie County for sexual acts involving children.

In Cambria County, the Altoona-Johnstown Diocese and a Common Pleas judge have muzzled four sets of parents who sued the diocese in May 1986. They seek damages on behalf of five children they say were molested by Msgr. Francis McCan.

McCan, 62, was pastor of Holy Name parish in Ebensburg and was once chancellor of the diocese.

In 1985, parents told the district attorney about the molestations after concluding that no action would be forthcoming from now-retired Bishop James J. Hogan.

Within a week of the meeting with the DA and after a television report about the charges, McCan resigned. Altoona station WTAJ-TV reported that McCan had fondled the boys.

District Attorney Gerald Long did not file criminal charges. He has since been elected to Cambria County Common Pleas Court and has become the judge in the civil suit filed by the parents. Long also is a member of Holy Name parish. He did not answer repeated phone calls, nor would he be questioned in person about the case.

Long sealed the record as Ambrose had done, again, even though parents of the boys opposed the secrecy. The seal is so broad, the parents and their attorney say, that they are not permitted to discuss anything about the case.

The suit is still pending. McCan now works as a chaplain in a hospital in another state, a diocesan official said. He is listed in the 1986 Catholic Directory as absent on sick leave.

In Erie County, Assistant District Attorney Tim Lucas said parents from St. Gregory parish in North East told him their 7-year-old daughter had been molested by the pastor, the Rev. Donald Bolton.

Lucas said the parents came to him because they felt Bolton's order, the Redemptorists, had agreed on a promise that he would not work with children again. The parents had discovered that Bolton was teaching at a school in New York.

An Erie diocesan official said the diocese was not responsible for Bolton because he was a member of a religious order.

Bolton, 60, was charged in November 1986 with one count each of indecent assault and corruption of minors. He pleaded guilty and received three years' probation in February 1987.

He was accused of fondling the girl many times during the previous two years. The police officer who arrested Bolton said there were other victims but that the statute of limitations had run out and Bolton could not be prosecuted. Bolton agreed to enter a program that treats sexual disorders.

A second Erie priest, the Rev. John Murray, 61, of St. Matthew parish, Erie County, was charged in May 1985 with one count each of indecent assault and corruption of minors. He was accused of fondling a 12-year-old altar boy on April 1, 1985, at the church. The boy's parents reported it to the police.

Murray pleaded no contest in August 1985. In the fall of 1985, he was sentenced to one year's probation. In the interim he went to two treatment facilities.

Gary Loschi, director of information for the Erie Diocese, said Murray has been removed from active ministry.

In September 1985, Brother Ralph Mravintz, 40, pleaded no contest to a disorderly conduct charge after the original charge that he had molested a student at North Catholic High School in Pittsburgh was reduced.

Allegheny County Assistant District Attorney Joseph Ruddy said the plea bargain was arranged at the request of the victim and his family because the boy did not want to testify.

Mravintz taught mathematics at Memphis, Tenn., Catholic High School during the past school year.

The Rev. Bert Euby, provincial of the Marianist Brothers in Dayton, Ohio, the order to which Mravintz belongs, said he is "absolutely certain" Brother Ralph is not a pedophile and feels he was falsely accused. He said the order plans to try to have the conviction expunged from Mravintz's record.

Ruddy said Mravintz accepted a plea of no contest, calling that a tacit admission that he did something wrong. He said he would oppose any effort to expunge Mravintz's record.

Ruddy said a friend of the student reported a similar incident but recanted it to the principal the next day. Mravintz did give policemen necktie with a naked torso of a woman on the back, which the boy said the teacher wore.

Memphis Catholic High School principal Edward Locke said Mravintz presents no danger to students.

"We and the order are behind him 100 percent. They [the order] said there was no incident. Eventually, it will be expunged from his record. He is doing a fine job at Memphis Catholic."

Mravintz could not be reached for comment. His attorney, John Doherty, refused to discuss his case.

A Pittsburgh Diocesan spokesman, the Rev. Ronald Lengwin, said the diocese had no responsibility for Mravintz because the brother is a member of a religious order.

The four Western Pennsylvania dioceses are in varying stages of developing policies to deal with priests accused of child sexual abuse.

The policy of the Greensburg Diocese, adopted in January 1985, states that the diocese will investigate any reports of abuse. If the allegations are true, the priest is relieved of his duties and sent for a medical evaluation. The diocese will cooperate fully with civil authorities and will assure victims that they are of "primary concern."

The policy of the Pittsburgh Diocese, adopted in February, states that if bona fide reports are made regarding the misconduct of a priest, the secretary for clergy and pastoral life will "make whatever intervention seems appropriate."

The Erie Diocese is in the process of drafting a policy covering any diocesan employee involved in child sexual abuse. The policy will deal with the victims, the victims' families and the perpetrator.

In Altoona-Johnstown, the policy is to remove the priest from his position as soon a problem emerges.

"You would try to find an assignment where the priest would not come into contact with children in the course of his duties," said Msgr. Philip Saylor.

He said diocesan officials went to a regional meeting last year at which civil and canon lawyers and a psychiatrist advised that such situations should be dealt with immediately.

But as it stands now, he said, a bishop has "infinite discretionary power in dealing with a situation."

"As far as I am concerned, the whole thing infuriates me," Saylor said. "When you get a bad priest, it reflects on the whole church. It reflects on all priests. But I am not surprised. We are all human beings."

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THE PEDOPHILES *A kind of Pied Piper*

Pedophiles come from all groups and professions in society: doctors, lawyers, policemen.

They often seek positions where they have access to children. And they are figures traditionally trusted by parents, such as teachers, scoutmasters, band leaders, choir directors and clergymen.

Catholic priests are no more prone to pedophilia than anyone else and the percentage of priests with the problem is very small, says Stephen Montana, a clinical psychologist at St. Luke Institute in Suitland, Md., a treatment center for priests and nuns with alcohol, drug or sexual disorders.

"Pedophiles are sexually attracted to children," Montana says. "Those who are priests do very good work and have excellent reputations. But they have a sexual disorder they cannot control. Almost all of them feel really awful about it."

"Pedophiles go into professions where they can do what they are best at and they can be darn good at working with children. Children are their love object," says Maggie Ryder, administrative coordinator of the Sexual Disorders Clinic at Johns Hopkins University.

Thomas J. Conklin, director of the Retreat at the Institute of Living in Hartford, Conn., a psychiatric center for people in church ministry, described pedophiles as "Lind of Pied Pipers" who find ways to keep themselves in contact with children and are usually socially inept with adults.

In addition, the experts say:

- Between 85 and 88 percent of pedophiles have been victims of child sexual abuse themselves and have never told anyone about it.
- Many show higher levels of biological abnormalities that bear on sexuality, such as higher blood hormone levels.
- The vast majority are men.
- Heterosexual pedophiles outnumber those who are homosexual by 3 to 1, but most priests who are known pedophiles are homosexual.
- Neither celibacy nor homosexuality causes pedophilia.

A pedophile, if highly motivated, can learn to control his sexuality, but experts agree that his sexual orientation cannot be changed.

"Celibacy is the only cure," Ryder says. "There is no cure in the sense of changing one's sexual orientation."

Treatment facilities use a three-pronged program to help pedophiles: psychotherapy, attendance at a support group styled on the Alcoholics Anonymous model and use of Depo-Provera, a drug that reduces the sex drive by lowering production of testosterone, a male sex hormone.

But the patient must take the drug and be part of the support group for the rest of his life.

Ryder says Depo-Provera will not work for someone who does not want to stop. "A man who says there is nothing wrong with doing this — you'd better put him behind bars. He will not remain celibate."

At Johns Hopkins, 750 men have been treated and fewer than 20 percent have had relapses, she says.

Conklin says he tells pedophiles that they are never again to be around children on a regular basis. Montana says he would not recommend that a pedophile priest go back into a parish or to a job involving children — "just as it would not be advisable for an alcoholic to tend bar."

Montana says the church is now doing an outstanding job in trying to come to grips with pedophilia among priests.

"Ten years ago, it was not so," he says. "People did not know what they were dealing with. While they were doing their best, they thought it might be a spiritual problem or something temporary."

THE VICTIMS *Dispelling the little girl myth*

The stereotype is that strangers molest little girls wearing white dresses and patent leather shoes.

Molly Knox, executive director of Pittsburgh Action Against Rape, calls that image a myth.

Boys are molested as well as girls, she says. And in 85 percent of the cases, the offender is someone who knows, trusts and very possibly loves the child.

Knox, whose agency sees about 450 sexually abused children a year, says prosecuting an offender can be particularly difficult when the victim is a boy. "The conditioning in society is that boys are never supposed to be victims. If they are victimized, they are never to acknowledge it because it admits weakness," she says.

Family Resources, a social service agency, runs a program called Brother Storm which treats young male victims of sexual abuse and incest. It began last October and provides individual counseling and group therapy.

Program coordinator Bill Sorrels says one in five girls and one in seven boys are molested before the age of 18 and that a third of sexual abuse victims are male.

Sorrels outlined some of the other myths about sexual abuse:

- That it occurs only in lower socio-economic groups. On the contrary, he says, victims are not concentrated in any racial, ethnic or socio-economic group.
- That the victim is female and usually young, small and weak. A victim can be anyone, Sorrels counters. Some are outstanding athletes. The perpetrator usually does not coerce a child to perform an act. Often the victim cooperates because he is petted or given special attention or gifts. Telling a child that he is your favorite is a powerful tool, he says.
- All a child has to do is tell someone. Sorrels says strong emotions prevent a child from telling. The perpetrator may tell the child that his life will be ruined, that he will go to jail or that he will kill himself if the child tells. The child feels responsible that the man will get in trouble. The man also tell the child that he is just a kid and that no one will believe him.

The male child also may fear that his friends, teachers or girlfriends will think he is homosexual and that he will be ostracized. He wonders if he is homosexual and if that is why he was victimized.

Some boys, Sorrels says, minimize the effect that being molested has had on them. They rationalize that it happened only once, that it is not a big deal and that they will get over it. But Sorrels believes it is important for a victim to get help to work through feelings of shame, confusion, fear and guilt.

Molestation, like rape, is seen as an acting out of power rather than a sexual act, he says. Yet it can have sexual implications for the young male.

"It is an added confusion at a time that is already confusing," Sorrels says. "It disrupts the normal pattern of sexual development. It can exhibit fear of rejection and can cause confusion for one's own sexual orientation."

Victims fear they will become homosexual, but, Sorrels says, there is no evidence the victim will accept the sexual preference of the perpetrator. Most victims, Sorrels says, are clearly heterosexual.

Treatment can last from three months to two years. Sorrels says molestation can include a wide range of behavior from touching and fondling to oral or anal intercourse. "Regardless of how violent," Sorrels says, "all are emotionally traumatic."

"It is a very painful issue for the entire family to go through," Sorrels says. "We don't believe it is a good idea to keep it quiet. Talking about it helps the victim feel empowered to decide what to do."

Brother Storm's hotline number is 562-9410.

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Diocese revises policy for priest misconduct cases

By Ann Rodgers-Melnick
Post-Gazette Staff Writer

The Catholic Diocese of Pittsburgh will soon hire someone — not a priest — to track complaints of sexual abuse and other misconduct by clergy and help victims through the church's bureaucratic process.

It has also established a pastoral team to help parishes devastated by charges of criminal sexual misconduct against priests.

These changes are revealed in a 10-page policy for responding to allegations of criminal sexual misconduct by clergy. Bishop Donald W. Wuerl gave copies to about 100 priests at a voluntary meeting Monday and sent copies to the remaining 400 active diocesan priests.

"We want it to be known that we are as concerned about the families [of victims] as we are about the priests," the Rev. Ronald Lengwin, spokesman for the diocese, said of the decision to make the newly revised policy public.

The church established a policy in 1988 but never made it public, though parts of it were revealed in 1988 when three priests were arrested and charged with molesting two former altar boys. The policy has been under review since 1988, Lengwin said.

The policy drew mixed reactions from experts outside the church. A local advocate for rape victims praised it for increased sensitivity, but the Allegheny County district attorney criticized it for allowing the church to investigate itself.

"The church has a real conflict of interest," said District Attorney Bob Colville.

Pittsburgh's distribution of its policy is not isolated.

"Many, if not the majority, of Catholic dioceses are moving now to try to get plans on paper," said Jason Berry, a New Orleans journalist who has written a book about diocesan cover-ups of pedophilia scandals nationwide. "That is an important shift, given all of the scandals and the scandalous way those matters have been handled in the past."

Good priests "suffer when the priesthood is tarnished," Wuerl wrote in an opening letter to the diocese. "We too anguish for the child and the family injured. We are

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Diocese revises its policy on misconduct by priests

POLICY FROM PAGE A-1

deeply pained by the media coverage that creates the impression that this problem is somehow more prevalent among priests than it is among other clergy, professional groups or the general population. This is simply not true."

Under the policy, when an allegation is made, three diocesan officials will immediately interview both the accuser and the priest. One of those officials will be the newly created "process manager" who is charged with guiding complainants through the process and making sure the diocese follows its own rules. This full-time employee will not be a priest, Lengwin said.

Molly Knox, executive director of Pittsburgh Action Against Rape, called the new position "wonderful."

"They are taking some leadership, and I feel they should be applauded," she said.

Although Knox said it should be up to adult victims whether to report a crime to the police, both she and Colville criticized the diocese for not automatically reporting charges of crimes against children.

The policy states that it "encourages and supports the complainants to report the matter" to police, and it says the diocese may decide to inform the police of credible allegations even if the victim has not done so.

Churches, like schools, are not included in the state's mandatory reporting law for child abuse, but Colville said they should be. The diocesan policy resembles school policies "with which I also disagree totally," he said.

"I don't think you can leave [investigation] to the people that will be liable or embarrassed by the situation," Colville said.

Lengwin responded, "I don't think there is a conflict of interest because we are taking a public position that we support and encourage families to go to the proper civil authorities.

"As a church, we always have to allow people to come to us and speak confidentially," he said.

If the mandatory reporting law is amended to include churches, the diocese will obey it, Lengwin said.

For now, "We recognize that we are not an investigative body and we believe that others who are trained to do that should follow up on information that may indicate we are dealing with a very serious problem that involved the common good of society and the church."

Under the policy, if diocesan officials decide the allegation is not credible after interviewing both priest and accuser, they drop the matter.

If they can't decide whether the accusation is credible, they send the priest for psychological evaluation and refer the matter to two special committees that make recommendations to the bishop. One of those committees includes lay people with expertise in such matters, and it will be expanded to include the parent of an abused child, Lengwin said.

If the complaint is judged credible, the priest will be placed on leave of absence, forbidden to dress or function as a priest and be sent to a psychiatric institution for assessment. The victims will be updated on the process.

If the complaint is proven true, the diocese may take many steps, including permanently removing the priest from ministry and offering him career retraining, ordering him into psychiatric treatment and helping him apply to the Vatican for laicization — commonly known as defrocking.

"Ordinarily a cleric against whom a serious accusation of sexual misconduct has been substantiated will not be permitted to return to ministry," the policy said.

Because canon law leaves open the possibility that a convicted priest could win an appeal to the Vatican for reinstatement, Lengwin said, the policy says at least seven criteria must be met for such a priest to return to duty.

Among them is the requirement that, after extensive psychiatric treatment and approval from his psychiatrist, the repentant priest participate in continuing therapy and work in a place where everyone knows about his problem and where he can be monitored at all times.

A new facet of the diocesan plan is a Pastoral Support Team made up of diocesan representatives and mental health professionals that will "offer guidance and support to parishes or communities affected by the allegations," the policy said.

The diocese felt this was a weakness in response to the scandal in 1988, when priests from three parishes were arrested, Lengwin said.

An attorney for a man who has made abuse charges against a Pittsburgh priest whose civil trial is slated this month said a written policy was only half the story.

"It's certainly calculated to give the impression that there is a change in attitude. The proof in the pudding will be whether the enforcement of the policy is carried out," said Douglas Yauger. Yauger represents a man who accused the Rev. Anthony Cipolla of molesting him when he was a teen-ager.

3 cases in 1988 revealed policy on priest abuses

The Catholic Diocese of Pittsburgh policies for handling accusations of criminal sexual misconduct by priests were first made public in 1988 when three priests were charged with molesting the same two former altar boys:

- The Rev. Robert Wolk, 52, former pastor of St. Thomas More Church in Bethel Park, is in prison. He is serving concurrent five-to-10-year sentences for involuntary deviate sexual intercourse after pleading guilty in both Allegheny and Washington counties.
- The Rev. Richard Zula, 52, former pastor of SS. Mary & Ann Church in Marianna, Washington County, is out of prison and living with his mother, according to the Rev. Ronald Lengwin, diocese spokesman. In 1990, he received a 2½-to-five-year sentence in Washington County for assaulting two boys and a concurrent one-to-two-year sentence in Somerset County for molesting one of the boys at Seven Springs Resort in 1984. In a plea bargain, Washington County dropped 138 counts.
- The Rev. Francis Pucci, 62, former pastor of Our Lady of Lourdes Church in Burgettstown, went free after a Washington County judge ruled in 1991 that the statute of limitations had expired. Although 75 is the normal retirement age for priests, Pucci was allowed to retire for health reasons and lives in the diocese.

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PITTSBURGH catholic

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No cure for abusers

Medical director explains pedophilia and treatment

By STEPHEN KARLINCHAK

SUITLAND, MD.— Recent allegations of sexual offenses committed by a priest against two boys have resulted in words like "pedophile", "pedophilia" and "ephebophilia" being used in many published news stories, often without an explanation of their meaning.

"Pedophilia is a bona fide psychiatric diagnosis," said Dr. Frank Valcour, M.D., medical director of the St. Luke Institute, an accredited and licensed psychiatric hospital. While not formally associated with any segment of the Catholic Church, the hospital accepts clergy and Religious of all denominations as clients.

"Pedophilia is a 'para-philia,'" Dr. Valcour explained. A paraphilia is when a person has a sexual interest or an attraction to someone who is not of the opposite sex or of an appropriate age. In the case of a pedophile, it is a sexual interest or an attraction to children.

"Pedophilia also implies an interest in the pre-pubertal child, the doctor said. In legal terms, pedophilia can include minors beyond puberty but under the age of consent."

"Ephebophilia," Dr. Valcour said, "is sexual attraction or interest in adolescents." While not technically recognized by psychiatrists, the doctor said it was a convenient term to be used in specific cases.

Hearing scheduled

A preliminary hearing for Father Robert Wolk, former pastor of St. Thomas More Parish, concerning alleged sexual offenses has been tentatively scheduled for 1:30 p.m. on Thursday, Nov. 3, before District Justice Russell L. Kimberland II of Bethel Park.

Nationally, Dr. Valcour said that heterosexual abuse of children is more common than homosexual abuse of children, especially in cases of incest. Most abusers are men. He said statistics showing sexual abuse of children caused by women are hard to get. However, Dr. Valcour added that he worked with some clients who had been sexually abused by women.

"In my opinion, priestly celibacy doesn't lead to it (pedophilia). The actual establishment of sexual preference is unknown, although biological and physical factors are believed to be involved." One's sexual preference, the doctor noted, is established long before any priestly ordination."

Marriage, he added, isn't a precluder against pedophilia, noting a number of cases involving married individuals.

When asked, Dr. Valcour said that he hasn't seen any scientific data to indicate that Catholic clergy and Religious are more likely to be abusers. "It's my hunch that pedophilia is no more common in the clergy than in any of the other helping professions," he said, "such as social work or teaching."

Pedophilia isn't a concern just of Catholic church personnel, Dr. Valcour said. He said that the St. Luke Institute has done consultations with the Episcopal Church, which has indicated that sexual abuse by clergy is of concern to Protestant denominations.

Concerning statistics on cases of sexual abuse of children, Dr. Valcour said that the nature of the problem make such figures dif-

(Continued on page 2)

All Saints in Munhall

Dressed as their namesake [illegible] saint are students of St. Therese School in Munhall. Front, from left, are Nichole Cogo, guardian angel; Ryan Urban, St. Anthony; Edward Kelly, St. Edward; and Stephen Ploya, St. Stephen. Back row, Mrs. Marie [illegible], teacher, St. Elizabeth Ann Seton; Bridget Kudla, St. Bridget; and Margie Sabolakis, St. Margaret. All Saints Day is Nov. 1 and is a Holy Day of Obligation.

— Photo by Eric Hofmann

Bishop to form committee 'to heal' harm of allegations

PITTSBURGH — Bishop Donald W. Wuerl has announced that he will bring together a group of lay people and pastors to discuss with him what concrete steps the diocese could take as it continues to work to heal whatever harm has been caused by the recent allegations of sexual offenses by priests.

"As a Church, we must be sensitive to the hurt that we know exists among the clergy, religious and laity of the diocese at this time," Bishop Wuerl said. "I feel that this committee can help us with the kind of insight we need as a Church to direct, in specific ways, our pastoral care to all who need it.

"When we speak of the Church's pastoral care, we mean a way of thinking and acting as Christ did. As individuals and as a Church, we attempt to be Christ for our world and bring God's healing love to people, even though we are limited to our own human abilities."

Pastoral care has always been the response of the Church, the bishop said, and this latest consultative effort is an attempt to determine "how we can best apply what we know to the pain people are experiencing."

The bishop also commended the efforts of diocesan priests in recent weeks in addressing, in their local parishes, the deep emotional feelings brought about by the allegations.

Although the membership of the body has not yet been selected, the bishop said it would include both laity and clergy, both professional and non-professional.

"I see part of the advisory committee's role as bringing a broader perspective, through its members' talent and experience, to many of the concerns we have in this area," he added.

4 schools reorganize in diocese

PITTSBURGH — The Pittsburgh Catholic Schools Office has announced that it will reorganize four elementary schools in the southern area of Pittsburgh and Mount Oliver for the 1989-90 school year.

The four schools — St. Canice, St. George, St. Henry and St. Joseph — will join together in an educational institution with a new identity "committed to our traditional standards of excellence," according to Dr. Rosemarie Cibik, superintendent of Catholic schools. The new school will be in the complex now housing St. Joseph, Mount Oliver.

"Pastors and members of the respective parishes have cooperated in the process of planning for the future of Catholic education in this area," Dr. Cibik said.

The pastors recommended the plan for reorganization to Bishop Donald W. Wuerl following a year of study. The plan was approved last week.

Dr. Cibik added that pastors and study committee members from the parishes deserve credit for emphasizing the need to retain quality, cost-effective Catholic education for their parishioners.

The focus now will be on reorganizing faculties, curricula and other necessary elements crucial to a successful educational program, in preparation for the new school, Dr. Cibik said.

Centennial

Bishop Donald W. Wuerl presided at a special liturgy marking the centennial of St. Joseph the Worker parish in New Castle. Greeting the bishop are, from left, Ray Russick, president of church council; Mary O' Laughlin and Father Norbert J. Campbell, pastor. The celebration was held Oct. 16.

— Photo by John C. Kernan

CHD grants announced in diocese

PITTSBURGH — Three Pittsburgh area groups have received funds from the national Campaign for Human Development (CHD), Bishop Donald W. Wuerl announced.

The Tri-State Conference on Steel and the Rainbow Kitchen each received $30,000 grants. The Hill District Federal Credit Union received a $50,000, three-year deposit from the CHD.

"As bishop of the Diocese of Pittsburgh, I am acutely aware of the needs of the unemployed in our area," Bishop Wuerl said. "I am happy that this bishops' program, which enables people of all races and creeds, religions and backgrounds to work together to solve problems of community distress, funded the work of the Tri-State Conference on Steel and the Rainbow Kitchen.

"Equally compelling," the bishop continued, "is the difficult

(Continued on page 2)

Blaming celibacy 'unfair,' says child abuse counselor

By WILLIAM PODIAK

PITTSBURGH — Blaming celibacy of priests for sexual abuse of youngsters is "unfair," said a counselor who deals with the victims of abuse.

"This is not a religious issue," said James Hepburn, coordinator of Brotherstorm, a counseling program operated by Family Resources for sexually abused boys. Such abuse occurs in all sectors of society and abusers include both men and women from all lifestyles, races and socio-economic classes.

He said there is no such thing as a typical abuser and added there are "so many young men abused in homes."

The issue of celibacy had been raised by critics after charges were filed against a diocesan priest for alleged sexual offenses involving two boys.

Hepburn said that abuse victims who do not get counseling often face difficulties with intimacy and trust. "They want to be in control," he said, "because their trust has been violated.

The counselor said abuse victims, especially males, are reluctant to disclose such incidents because of shame and guilt.

"Victims fear they might be blamed," he said. "There is a lot of risk involved. They would have to tell the story to a lot of strangers and that's embarrassing."

Hepburn counsels approximately 80 victims each year in the Brotherstorm program. Services are provided free.

"They learn to deal with the emotions and trauma," he said. In cases of small children, treatment would include play therapy. Older boys and young men are involved in both individual and group therapy — which includes talking with others having the same experiences.

Abuse victims often will block out particular details and experiences, Hepburn said. Group therapy sessions allows them to recall those moments when they hear others talking about similar occurrences.

He noted that victims not receiving professional help often suffer difficulties with intimacy and trust.

He advised parents "to start at a very young age" in teaching a child the difference between "good touch and bad touch. They [children] need to learn that it's okay to say 'no' and 'I don't like that.'" He also recommended that parents tell the child to immediately inform them whenever someone is touching (abusing) them.

"Parents need to know who is taking care of their child," he added. "Too many are not vigilant. Responsible caretakers get upset by parents who show no interest" in their child's development. He advised parents to regularly stop in and visit day care centers, preschools and similar programs where their child is staying.

He cautioned parents to be aware of sudden changes in mood, anti-social and destructive behavior, or increased sexual awareness that's beyond the child's age. Hepburn said these could be signals that the youngster is being sexually abused.

Parents also need to be aware

(Continued on page 2)

Sexual abuse of boys

[illegible]

Wednesday, April 17, 2002
ZAPPALA, WUERL DEFINE POLICIES, ROLES IN ABUSE CASES
Section: LOCAL
Edition: SOONER
Page: A-5
Source: BY ANN RODGERS-MELNICK, POST-GAZETTE STAFF WRITER

Allegheny County District Attorney Stephen A. Zappala Jr. met yesterday with Bishop Donald Wuerl of the Catholic Diocese of Pittsburgh to discuss how each of them handles allegations of child molestation.

According to Zappala's office, they did not discuss allegations against any specific priest.

"It was the district attorney and the bishop discussing what their roles are in a situation such as this," said Mike Manko, Zappala's spokesman.

Zappala called the hour-long meeting "positive and productive" and Wuerl called it "open and candid."

Wuerl announced last month that he had removed from ministry "several" priests against whom there had been allegations that sounded credible but could not be substantiated.

Wuerl said at the time that he was raising the bar of protection to err in favor of children. Previously, if an allegation came down to the word of one accuser against a priest with a clean history, the priest could remain in ministry.

Wuerl would not release the priests' names or say how many there were because he said they might be innocent. Those cases were not discussed yesterday, Manko said.

"The Diocese of Pittsburgh has always collaborated with my office when necessary and part of today's conversation focused on the mechanisms that my office has in place" to handle allegations, including molestation of minors, Zappala said after the meeting.

"I am confident that if a situation arises that would require involvement on the part of my office, the diocese will communicate that information to me. I assured the bishop that, depending upon the nature of the referral, a person being presented as a victim will be treated with sensitivity and their information will be handled in complete confidence."

They discussed the fears of some victims who are now adults, and of some parents of young victims, that they will be harshly interrogated or exposed to media scrutiny if they go to the authorities. Zappala stopped short of urging Wuerl to go to the police over the objections of adult accusers, Manko said.

Diocesan policy is to automatically report all complaints brought by a minor, said the Rev. Ronald Lengwin, spokesman for the diocese. Adult accusers are encouraged to go to the authorities, and the diocese reserves the right to go to the authorities over the objections of the accuser, but the diocese may choose to honor an adult accuser's request for privacy, he said.

Zappala "wanted to make sure the bishop knew how the office functions with respect to these types of circumstances. I think there is mutual concern about how victims in these circumstances are treated. That is a good deal of what the exchange was about today," Manko said.

Wuerl said that both men agreed that "there is a mechanism in place which enables the Diocese of Pittsburgh to bring an allegation of clergy sexual misconduct to the district attorney's office with full confidence that anyone making such an allegation will be treated with sensitivity."

Under Pennsylvania law, clergy must notify authorities if they have reasonable cause to suspect that a minor who they encounter in their professional capacity is being abused. There is an exception for "confidential communications made to an ordained member of the clergy," but Lengwin said he understood that to apply primarily to sacramental confession.

Complaints of victims who are now adults, or reports of adults that a minor may be being abused, are not required to be reported.

Friday, April 26, 2002

DIOCESE EXPANDS MEETINGS WITH DISTRICT ATTORNEYS

Source: BY STEVE LEVIN, POST-GAZETTE STAFF WRITER

Attorneys for the Pittsburgh Catholic Diocese have met with district attorneys in half of the six southwestern Pennsylvania counties that make up the diocese to discuss how allegations of child sexual abuse by priests should be handled in the future.

Diocesan representatives met yesterday with Butler and Law-rence counties' DAs.

Bishop Donald Wuerl met earlier this month with Allegheny County District Attorney Stephen A. Zappala Jr.

"It is our intention to meet with other district attorneys because we found meeting with District Attorney Stephen Zappala to be beneficial," said the Rev. Ron Lengwin, spokesman for the diocese.

Among the issues discussed by Wuerl and Zappala at their April 16 meeting were the sensitive treatment of victims, and the policies of the diocese and the district attorney's office in cases involving sexual abuse.

The two met after Wuerl's announcement in March that he had removed from ministry "several" priests against whom there had been credible, but unsubstantiated, allegations of abuse. Wuerl has not named the priests or said how many there were.

U.S. Attorney Mary Beth Buch-anan said yesterday she would be willing to host a meeting of the district attorneys and the diocese.

Lengwin said the diocese still plans to meet with district attorneys in Beaver, Greene and Washington counties.

Under Pennsylvania law, clergy must notify authorities if they have reasonable cause to suspect that a

minor who they encounter in their professional capacity is being abused. Complaints of victims who are now adults, or reports from adults that a minor may be being abused, are not required to be reported.

The church's role in mandatory reporting of child abuse will be discussed this weekend at the meeting of the executive board of the Pennsylvania District Attorneys Association.

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Pittsburgh Post-Gazette (Pittsburgh, Pennsylvania) · Wed, Apr 8, 2009 · Page 13
Printed on Mar 1, 2018

"For whatever way any member of the church has hurt, offended, dismissed or ignored any one of you, I beg you – the church begs you – for forgiveness."

— Bishop David A. Zubik

Bishop Zubik leads service of apology

Sins by clergy, others in church addressed

By Amy McConnell Schaarsmith
Pittsburgh Post-Gazette

In an emotional "service of apology," Bishop David A. Zubik apologized last night for sins including sexual abuse by clergy and other representatives of the Catholic Church in Pittsburgh, and begged for his parishioners' forgiveness.

Many of them had come to the service with "hurts that you hold and perhaps painfully so," he said.

"For whatever way any member of the church has hurt, offended, dismissed or ignored any one of you, I beg you — the church begs you — for forgiveness," Bishop Zubik told several hundred people inside St. Paul Cathedral in Oakland.

Out in the pews, former Catholic and onetime seminarian Tim Bendig took comfort from those words and from the rest of Bishop Zubik's service. Sexually abused by former priest Anthony Cipolla as a teenager in the 1980s, Mr. Bendig — now 40 — hadn't entered a Catholic church for 20 years.

He restrained himself from making the sign of the cross, reciting prayers and singing hymns. But he was looking for a chance to forgive the wrongs against him and to renew his life as a Catholic. Last night, he found it.

SEE **APOLOGY,** PAGE B-3

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Pittsburgh Post-Gazette (Pittsburgh, Pennsylvania) · Wed, Apr 8, 2009 · Page 15
Printed on Mar 1, 2018

Bishop Zubik leads service of apology

APOLOGY, FROM PAGE B-1

"I feel uplifted," Mr. Bendig, who settled a lawsuit against the diocese in 1993, said as he nervously prepared to shake Bishop Zubik's hand after the service. "I feel real light on my feet. I feel refreshed. What I hoped I would accomplish today, I accomplished."

The service began on a somber note. In place of the usual organ music and hymns of welcome, Bishop Zubik and his alter servers entered in silence, the only noises the sound of their footsteps and the rustling and muffled coughing of those in attendance.

Reaching the altar, Bishop Zubik prostrated himself before it, lying flat and motionless on the cool marble floor for a full two minutes. He stood up, and soon offered the opening prayer in a ringing voice that filled the huge, vaulted cathedral.

"Where sin has divided and scattered, may your love make one again," he said, addressing God. "Where sin has brought weakness and hurt, may your power heal and strengthen. Where sin has brought death, may your spirit raise to life."

But even as he celebrated God's mercy, he acknowledged that the church is made up of men and women who are very human and at times, very sinful.

It was clear from the hundreds of people attending the service that their sins had caused harm, he said.

"Simply by being here, you call me, you charge me, to not only not forget the sins of the church in Pittsburgh, but you charge me to ensure, with our brothers and sisters in the church, that these hurts don't happen again," Bishop Zubik said.

He would do whatever he could, he told his listeners — many of whom were middle-aged men and elderly women — to restore their trust in the church "so that as a church, we can live our best, love our best, do our best, give our best."

Bishop Zubik then lit six candles of remembrance and apology to the victims — children, teenagers and adults — of abuse by representatives of the church.

"We acknowledge their deep wounds," said a priest, after Bishop Zubik lit the third candle. "We acknowledge the betrayal of a most sacred trust. We acknowledge their courage in speaking the truth. We affirm their dignity as people who are seeking truth and accountability, compassion and redress for the wrong that has been done to them. We support their healing. We offer our prayer for their journey toward wholeness."

Amy McConnell Schaarsmith can be reached at 412-263-1122 or aschaarsmith@post-gazette.com.

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Nearly 100 Parishioners Gather For Bishop Zubik's "Service Of Apology"

By David Highfield March 21, 2016 at 11:08 pm

Filed Under: Bishop David Zubik, David Highfield, Mass, Pittsburgh Catholic Diocese, Saint Paul Cathedral, Service Of Apology

PITTSBURGH (KDKA) — A "Service of Apology" was held Monday evening by Pittsburgh Catholic Diocese Bishop David Zubik.

It was for people hurt by the church in any way, including those sexually abused by clergy.

Cameras were not allowed inside the service at Saint Paul Cathedral in Oakland, but nearly 100 people gathered to hear what Bishop Zubik had to say.

"Some of the people said they're coming because they're angry that I closed a church building," said Bishop Zubik. "Other people are angry because a priest didn't treat them kindly in the sacrament of confession. Some people are coming because they've been abused by someone in the church."

In fact, it was three weeks ago that a grand jury report alleged two bishops from the Altoona-Johnstown Diocese helped cover up the sexual abuse of children by more than 50 priests over decades.

It did not involve the Pittsburgh Diocese, and the "Service of Apology" was planned well before the announcement.

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Bishop Zubik held his first "Service of Apology" when he was in Green Bay, after he was inspired by Pope John Paul II. Then, he held one in here in Pittsburgh in 2009.

"My staff in Green Bay, and when I came back to Pittsburgh for the first time, my staff said, 'I don't think that's such a good idea for you to do it,' but I felt it was," said Bishop Zubik. "It was an important risk to take."

He says both times his staff feared it could make the hurt worse, but he wants people to know his words are sincere.

"Just by my saying I'm sorry for the church, I'm not expecting that's going to make it easier for people," said Bishop Zubik. "But I hope at least it's going to the help there to be a new beginning for folks."

The bishop leaves for Washington D.C. Tuesday.

He's the lead petitioner in a case going before the U.S. Supreme Court this week that challenges part of the Affordable Care Act. Specifically, whether church-related organizations have to pay for contraception as part of healthcare.

— David Highfield

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David got his start at KDKA as a writer in 1991 before being promoted to a newscast producer. VITALS Joined KDKA:...

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Policy
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6-21-93

Dear Bishop

I am interested in being given consideration for appointment to the Elizabeth - Versailles cluster. I know this area and the healing and growth it needs to experience. It is also somewhat close in distance to my mother who lives alone.

I am in recovery now over eight years. I celebrated my 8th anniversary in recovery on Apr 12th 1993. I've kept in contact with both Fathers Zelbie and Guay.

Sincerely

Joseph D. Karalin

Circle of his secrecy to be broken if future ministry assignment
if not work in own confines

Can't rule in [illegible] consideration for this viewpoint

[illegible]

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B

EXHIBIT C

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PERSONAL AND CONFIDENTIAL
MEMORANDUM

TO: Bishop Wuerl

FROM: Father Zubik DAZ

DATE: August 5, 1994

RE: Reverend Ernest C. Paone

On July 25, 1994, Father Lengwin, Mrs. Flaherty and Dr. William Kraft, as a Pastoral Support Team, visited with approximately 18 individuals at Saint Anthony Parish, Bessemer, to listen to their concerns regarding the recent publication of the arraignment of Edward G. Huff. I should like to update you on several facets of that meeting as I understand them to have taken place through Father Lengwin and Mrs. Flaherty.

Apparently, during the course of the evening, the parents of the young men who had some contacts with Ed Huff, indicated some anger with Bob Guay and myself. They felt that we should have substantiated the guilt of Ed Huff. During the course of the last several months, Father Guay, Father Lengwin, Mrs. Rita Flaherty, Bill Steidle and myself met several times with Father John Fitzgerald about arranging for a pastoral support team meeting with the people of Bessemer. Each time that this suggestion was brought up to Father Fitzgerald, he indicated that the timing was not good.

In addition, you should be aware that Mrs. Flaherty has been engaged in a number of conversations over the course of the last several months with Mrs. Ellen Bekoski, a spokesperson for the parents in Bessemer. Rita has attempted to respond each time to the concerns of Mrs. Bekoski. Those concerns were actually focused on the slow process of the CYS and District Attorney's Office in Lawrence County. These are areas which of course are not our responsibility. Rita attempted to help Mrs. Bekoski understand this fact. Rita also attempted to address the importance of such a Pastoral Support Team meeting in her conversations with Mrs. Bekoski who also indicated bad timing because of an auto accident which involved her son and a fatality for which her son is being charged.

It is my understanding that at the end of the pastoral support team meeting on July 25, the parents had calmed down and appreciated the time and energy expended by the team.

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EXHIBIT
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As Father Lengwin has apprised you, one other issue which was raised at the meeting, without any advance notice, was a claim by [redacted] that more than 30 years ago her brother was abused by Father Ernest Paone. Her accusation caught everyone off guard.

Since that meeting, Father Paone's file was reviewed with great care. There is a great deal of correspondence in his file during his seminary days in the early '50s which raised questions about his physical and emotional health. Each time reports were given to Bishop Dearden by the psychologists examining Father Paone, he was advanced to the next stage toward ordination. Father Paone was ordained a priest for the Diocese of Pittsburgh by Bishop Dearden on May 25, 1957.

Following ordination, Ernie was assigned to a number of different parishes. Those assignments are as follows:

Parochial Vicar, Saint Titus, Aliquippa (June 13, 1957-December 7, 1960)
Parochial Vicar, Epiphany, Uptown (December 8, 1960-May 30, 1961)
Parochial Vicar, Mother of Sorrows, McKees Rocks (May 31, 1961-October 24, 1961)
Parochial Vicar, Saint Monica, Wampum/Saint Theresa, Koppel (October 25, 1961-May 29, 1962)
Parochial Vicar, Madonna of Jerusalem, Sharpsburg (May 29, 1962-May 24, 1966)

During the course of his 9-years service within the diocese, the file shows that the requests were either made by his respective pastors asking for a transfer or Ernest himself requesting a transfer. The file also holds that in 1964, Bishop Wright presented a petition in Rome that Ernie be reduced to the lay state.

— On May 20, 1966, Bishop Wright granted Father Paone an indefinite leave of absence "for reasons bound up with your psychological and physical health as well as spiritual well-being." The file shows that following the beginning of his leave of absence, Father Paone did weekend work in the Archdiocese of Los Angeles. In 1967 he moved to the Diocese of San Diego. While in San Diego Ernie began a course of studies at the Catholic University of San Diego. During that time he lived in a private residence.

— In 1977, following some dispute with Bishop Leonard, medical coverage was stopped for Father Paone during which time he began personal coverage in California. It was in September 1977 that Bishop Leonard asked Father Paone to "either return and take an assignment or be incardinated in the diocese where you are living. I am writing to release you." There is no further correspondence on that particular issue.

— The next correspondence which the file contains follows your October 6, 1989 letter to Father Paone in which you asked him to provide you a brief description of his present ministry. This was a letter which you sent to all diocesan priests serving outside the diocese. In response to your letter you received a letter from

his physician and a letter from the pastor of Saint Denis Catholic Church, Diamond Bar, California, who indicated that Father Paone was supplying assistance on Sundays and Holy Days in that parish for 21 years. During this time, he continued to live in Oceanside, California.

— In September, 1991, Father Paone requested permission to exercise priestly ministry in the Diocese of Reno, Nevada. Father Paone was granted permission to pursue that possibility with Bishop Daniel Walsh of the Diocese of Reno-Las Vegas, Nevada who appointed him as Parochial Vicar (Pro-Tem) at Saint Ann Parish, Las Vegas, in January 1992. On March 12, 1992, Father Paone wrote to share with you that he was moving from Las Vegas back to his residence in California. There is a letter from his physician supporting the need for him to return to California for reasons of health.

In addition to this chronology, three documents were discovered in his file as follows:

1. A letter dated May 1, 1962 to Bishop Wright from Father Edmund J. Sheety, Pastor of Saint Monica Parish, Wampum. In the letter, Father Sheety wrote, "twice since his appointment I have found it necessary to report him to the Chancery for conduct degrading to the priesthood, scandalous to the parishioners and disobedient to me."

   "I have interceded to prevent his being arrested; once for molesting young boys of the parish; again for the illegal use of guns with even younger parishioners." There is no response to Father Sheety from Bishop Wright.

2. A letter dated August 20, 1964 from Dr. Patrick J. McDonough, a psychiatrist, to Bishop Leonard. The report is of a psychological nature and makes reference to "homosexual acting out." There is no reference in the letter to any such behavior with young individuals.

3. An August 20, 1964 letter to Mr. Robert J. Masters, District Attorney of Beaver County from Bishop Leonard. The letter indicates that Father Paone was confined to Saint Francis Hospital but references for the reason for hospitalization are vague. Attached to Bishop Leonard's letter was an August 4, 1964 letter from District Attorney Masters with a transcript of interviews which were conducted in the Beaver County Courthouse with a woman and her son who testified regarding Father Paone's inappropriate behavior with her 16 year old son. The transcript shows that Father Paone offered alcohol to the young man and also tried to engage him in sexual activity. The young man did drink the alcohol but did not oblige in sexual activity. The mother and son did not wish to prosecute Father Paone.

You should know that these last three pieces of correspondence were placed in the confidential files.

PGH_CF_0012146

Now that I have offered you this synopsis of Father Paone's file, I can also share with you that Mrs. Flaherty has been in contact with [redacted] with the invitation that her brother come to meet with us to discuss what happened between himself and Father Paone more than 30 years ago. [redacted] promised to discuss this with her brother but felt quite sure that he would not wish to pursue the matter any further. [redacted] was very pleased that the diocese was following up so quickly on her reference to Father Paone.

EXHIBIT D

DIOCESE OF PITTSBURGH

OFFICE OF THE BISHOP
111 BOULEVARD OF ALLIES
PITTSBURGH, PENNSYLVANIA 15222-1698
(412) 456-3010
FAX: (412) 456-3185

August 26, 1994

Dear Bishop Walsh:

On August 16, 1991, the Reverend Ernest C. Paone, a priest of the Diocese of Pittsburgh who has been on an indefinite leave of absence since 1966 requested permission to accept a priestly assignment in the Diocese of Reno-Las Vegas. On November 4, 1991, I granted Father Paone's request and you assigned him as parochial vicar at Saint Anne Parish, Las Vegas.

Very recently, an allegation was made by a woman who claims that more than 30 years ago her brother was molested by Father Paone. Thus far, this allegation has not been substantiated. Since I have only become aware of this matter, I want to share it with you even though, I understand, he has returned to his private residence in Oceanside, California. I am not aware of any information which would suggest that Father Paone was involved in any improper behavior during his brief visit in the Diocese of Reno-Las Vegas, Nevada.

Had I been aware of this allegation in Father Paone's past I would not have supported his request for a priestly assignment in your diocese. Nor would I have written to you indicating that he was a priest in good standing. To address this situation, the Reverend David A. Zubik, Director of the Department of Clergy Personnel of the Diocese of Pittsburgh, has been in touch with Father Paone to invite him to meet and examine the entire situation.

With every personal good wish and prayer, I am

Fraternally in Christ,

+Donald W. Wuerl

Most Reverend Donald W. Wuerl
Bishop of Pittsburgh

Most Reverend Daniel F. Walsh, D.D.
Diocese of Reno-Las Vegas
Office of the Bishop
PO Box 18316
Las Vegas, Nevada 89114

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EXHIBIT
D

EXHIBIT E

SECRETARIAT FOR CLERGY AND RELIGIOUS

DIOCESE OF PITTSBURGH

111 BOULEVARD OF ALLIES
PITTSBURGH, PENNSYLVANIA 15222
(412) 456-3060

Confidential

January 30, 1996

Msgr. Dan Dillabough
Pastoral Center
P. O. Box 85728
San Diego, CA 92186

Dear Msgr. Dillabough,

As a follow up to your phone conversation of January 25 with Mrs. Rita Flaherty, a staff member in the Clergy Personnel Office, I would wish to inform you that Father Ernest Paone does possess the faculties of the Diocese of Pittsburgh.

I would also like to inform you that we met with Father Paone in September 1994 to discuss the allegation made during a public meeting by a woman who claimed that her brother had been molested by Father Paone over 30 years ago. Despite the vague nature of the allegation and the lack of first hand information by the alleged victim, Father Paone was cooperative in complying with our recommendation that he undergo a comprehensive evaluation at St. Luke Institute. I should also add that Father Paone denied the truthfulness of this allegation during our meeting with him.

The result of the evaluation conducted in October 1994 was that no diagnosis of ephebophilia or pedophilia was given. Since there has not been any other information that might give cause for concern over the past 30 years, St. Luke Institute did not believe inpatient treatment was warranted.

If I can provide any additional information, do not hesitate to contact me or Mrs. Flaherty.

Wishing you my very best, I am

Sincerely in the Lord,

Reverend Robert F. Guay
Secretary for Clergy and Religious

RFG:m

PGH_CF_001212

L-STATE LEGAL®

EXHIBIT

E

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	**: SUPREME COURT OF PENNSYLVANIA**
	: 2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE	**:**
	: ALLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY	**: CP-02-MD-571-2016**
	:
	: NOTICE NO. 1

RESPONSE OF MYLES ERIC DISKIN, PURSUANT TO 42 PA.C.S. § 4552(E) TO THE GRAND JURY REPORT

TO THE HONORABLE NORMAN A. KRUMENACKER:

Mr. Myles Eric Diskin, by and through its undersigned counsel, hereby submits this Response to portions of the Grand Jury Report (the "Report") received by him on Monday, May 7, 2018 and Tuesday, May 29, 2018, to be attached to and made part of the report before the report becomes public record, pursuant to 42 Pa.C.S. § 4552(e). We appreciate the opportunity to provide this Response to address factual allegations and conclusions that are incomplete or ignore evidence available to the Grand Jury.

Mr. Diskin has reviewed the materials received by him on May 7, 2018 and or May 29, 2018 and based on this review wishes to make the following response to be attached to the report:

> "Most of these allegations come from unnamed sources and the items in the list are duplicated, completely unfounded or substantively inaccurate. Yet, I want to acknowledge that the Grand Jury Report is something of a cry of the heart. It reminds us there is a lot of hurt out there concerning this difficult history. The report will offer affirmation and comfort to many aggrieved people, just as it may open old wounds and stir new suspicion. Still, in the spirit of the Report, I express my deep regret that anyone has found or believe their interaction with me – in any matter – to have been in any way harmful. Recognition of this possibility weighs heavily on me day after day."

Respectfully submitted,

Dated: June 20, 2018

SCHNADER HARRISON SEGAL & LEWIS, LLP

By: 

Paul H. Titus
Attorney I.D. No. 01399

Fifth Avenue Place, Suite 2700
120 Fifth Avenue
Pittsburgh, PA 15222-3001
Telephone: (412) 577-5200
E-mail: ptitus@schnader.com

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of June, 2018, I served the within **Response of Myles Eric Diskin, Pursuant To 42 PA.C.S. § 4552(E) to the Grand Jury Report** on the following persons and in the following manner. Such service satisfies the requirements of Rule 114 of the Pennsylvania Rules of Criminal Procedure:

Via Electronic and U.S. First-Class Mail addressed as follows:

The Honorable Norman A. Krumenacker, III
Supervising Judge, 40th Statewide Investigating Grand Jury
Cambria County Court of Common Pleas
Cambria County Courthouse
200 South Center Street
Ebensburg, PA 15931
E-mail: nakadmin@co.cambria.pa.us

Daniel Dye
Senior Deputy Attorney General
Criminal Prosecutions Section
1600 Strawberry Square
Harrisburg, PA 17120
E-mail: ddye@attorneygeneral.gov

Julie L. Horst
Grand Jury Executive Secretary
Criminal Law Division
1600 Strawberry Square
Harrisburg, PA 17120
E-mail: jhorst@attorneygeneral.gov

SCHNADER HARRISON SEGAL & LEWIS, LLP

Paul H. Titus

Paul H. Titus
Attorney I.D. No. 01399

Fifth Avenue Place, Suite 2700
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Telephone: (412) 577-5200
E-mail: ptitus@schnader.com

18 June 2018

Dear Attorney General et alii,

I am DAVID F. DZERMEJKO. I have been named in an Investigating Grand Jury.

RE: the 40th Statewide Investigating Grand Jury
Report No. 1

May I first make mention that I was shocked and in disbelief when this Grand Jury explained their purpose and intention! They state they want to shame and punish the individuals that they found in the Diocese of Pittsburgh Clergy Records. I am not a lawyer but I was always taught that a Grand Jury was to decide whether or not the District Attorney should file charges. They have certainly overstepped their bounds! This is the United States of America and the accused (or named individuals) have a Constitutional Right to be presumed innocent and also a Constitutional Right to be juged by a JURY of one's peers to decide their guilt or innocence.

The ACLU and Supreme Court would have a "field day" with this out-of-control Grand Jury.

I was ordained a Catholic Priest in 1974 and have served faithfully throughout my ministry in the Diocese of Pittsburgh. In every parish which I served, I had NEVER had any allegation of sexual misconduct raised against me! In my last pastoral Assignment, I had served 27 years there in Charleroi when I recieved an unexpected visit from two Diocesan Officials who accused me of sexual misconduct. I just about collapsed literally and my world and life were crushed immeasurably and permanently. Without even having a chance to ask what should I do, they gave me one hour to pack my things and they would escort me to a facility that they said was expecting me. Unbeknownst to me the Diocese had already Released a Press Release that I had been accused of ~~an~~ a sexual abuse that had occurred some 35 years ago.

After some, I was informed of the supposed victim's name and circumstances. I had never heard of his name before and I later found out that this alleged victim was dead!

How could I ever defend myself when I could not confront the accuser? I also discovered the fact that the "victim" and his wife were personal friends of Bishop Zubic who married the couple, baptized all their children and visited and partied with them frequently. Never did the "victim" ever tell Zubic about the alleged abuse.

Bishop Zubic always had an extreme hatred of me because I oftentimes disagreed with him or challenged him at public "priest gatherings". I personally heard him telling someone on his priest personnel board that he had to find a way to get me out of Charleroi. And boy oh boy, he sure did!

After some months, Zubic held a "Kangaroo Court" for me. My canon lawyer who defended me was only given discovery of the evidence 24 hours before the trial! The "Court" consisted of the Bishops' personal lay advisors and his priest advisors who were his dearest friends.

they Rubberstamped anything that Zabic wanted. To noones suprise, the Kangaroo Kourt decided that the charges were probable. I claim my innocence

If this Grand Jury is allowed to "embarass, punish and make public" my good ~~me~~ name, then I would want and demand that my Response should also be included!

Sincerely Yours,

David F Dzermejko

DAVID F DZERMEJKO

18 June 2018

RESPONSE OF REV. JOHN P. FITZGERALD
TO THE REPORT OF THE INVESTIGATING GRAND JURY
PURSUANT TO 42 PA. C.S. § 4552(e)

Counsel of Record for Rev. John P. Fitzgerald:

Thomas E. Fitzgerald, ESQ
1040 Fifth Ave.
Pittsburgh PA 15219

412 338 9988

PA ID 43580

RESPONSE OF REV. JOHN P. FITZGERALD
TO THE REPORT OF THE INVESTIGATING GRAND JURY
PURSUANT TO 42 PA. C.S. § 4552(e)

This is the Response of Rev. John P. Fitzgerald pursuant to Order and Notice of Court in accordance with 42 Pa. C.S.A.4552(e) which ordered a response to the Report of the 40th Statewide Investigating Grand Jury.

Initially, it is the position of Father Fitzgerald that the Order of Court and the Grand Jury Statute is unconstitutional.

Title 42 Pa C.S. Section 4552 of the grand jury statute which permits a grand jury to issue a report critical of the conduct of an individual, accusing him or her of incompetence or wrongdoing without recommending criminal charges, is a violation of Article I, Section 1 of the Pennsylvania Constitution, as it permits the issuance of a final judicial order damaging a person's reputation without the due process of law required by Article I, Section 11, of the Pennsylvania Constitution.

Article I, Section 1, of the Pennsylvania Constitutions provides, "All men are created equally free and independent, and have certain inherent and indefensible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness."
Article 1, Section 11 of the Pennsylvania Constitution provides, "All courts shall be open and every man for an injury done him in his land, good, person or reputation shall have

remedy by due course of law, and right and justice administered without sale, denial or delay. ..."

This procedure is totally lacking in the due process of law required for the protection of a person's reputation as required by the Pennsylvania Constitution. There is no opportunity to present evidence, no opportunity to cross examine a witness, no required notice. The proceedings of the grand jury are secret, and are not available to the party so named, even if the person is given the chance to reply. This report becomes a formal court document for full public examination.

The allegations of misconduct against Rev. John P. Fitzgerald contained in the 40th Statewide Investigating Grand Jury Report No. 1 are false. The allegations contained in the Summary referring To. Rev. Fitzgerald are the product of a fabrication made by a convicted thief, a convicted violator of the Controlled Substances Act, a person who "punched his father in the head and body, kicked his mother in the midsection and choked his sister" when they tried to stop him from driving after snorting heroin" according to a police report filed based on the statements of his father, mother and sister.

It is clear from reading the Summary that the alleged accuser did not appear before the Grand Jury. If he had appeared making these allegations contained in the Grand Jury Summary he would have perjured himself.

For example, the Grand Jury Summary states that the events occurred in 1996 including allegations of misconduct at the Pittsburgh International Airport Chapel. The airport chapel did not open until 1998. The walls of the chapel are transparent glass completely visible to office spaces which are adjacent and the food court from above.

The allegations made against Rev. Fitzgerald contained in the Grand Jury Summary were solely compiled from subpoenaed notes of William Waltershied, a bishop of the Pittsburgh Diocese. Waltershied met the alleged accuser on July 30, 2014. At the time Waltershied met the accuser there was an outstanding Allegheny County Bench warrant for the accuser.

Waltershied had met the alleged accuser at the request and instigation of Rev. Patrick Geinzer. Geinzer represents himself as an expert on child abuse by Catholic priests.

Prior to the request the accuser had "borrowed", "stolen" or extorted thousands of dollars from the brother of Patrick Geinzer, John Geinzer, who is also named as an offender in the Grand Jury Report.

Waltershied heard the allegations which included that the accused was sexually assaulted in an airplane, in a car, and at the Pittsburgh International Airport chapel. He claimed that he performed oral sex on Rev. Fitzgerald "maybe a half dozen times".

Waltershied then interviewed Father Fitzgerald on July 31, 2014. Father Fitzgerald

categorically denied all of the allegations telling Waltershied that it was physically impossible to do what the accuser claimed.

Waltershied and Zubik then removed Father Fitzgerald from his position as Pastor at Our Lady of Peace in Conway, PA. He was forbidden to return to Our Lady of Peace and his possessions, computers and personal belongings were seized by the Diocese. They conducted no further investigation to either confirm or deny the allegations. They asked for no physical evidence, sought any corroborating witnesses nor visited the scenes where the allegations of abuse were said to have occurred. They did not interview the pastor of the Church were the some of the allegations were said to occur.

Father Fitzgerald was given an admonition to not speak of the matter to anyone or defend himself in any civil proceeding or to respond in any way to the allegations made again him. It further prevented him from pursuing legal actions against the accuser and others.

In August, 2014, Waltershied and Zubik then referred the matter to the Allegheny County District Attorney and the Lawrence County District Attorney. After four years neither office has filed any charges.

On August 3, 2014, Waltershied appeared at Our Lady Queen of Peace parish and at Sunday Mass defamed Rev. Fitzgerald from the pulpit leaving all parishioners with the

inescapable conclusion that he was a child abuser.

Then Bishop Zubik ,Waltershied and Rev.Lawrence DiNardo, through the Diocese of Pittsburgh, authorized payments to the accuser and his family in amount of at least $40,000.00. Rev. Fitzgerald did not know, consent, or in anyway approve such a payment. He had absolutely no knowledge of the payments until he read it in the Grand Jury Summary that such a payment was made. Any such payment, in his view, was tantamount to legal extortion. Since the $40,000 payment was made to the accuser he has been arrested at least four times for drug related offenses.

On December 12, 2014, the Diocese of Pittsburgh held a Diocesan Review Board under the direction of Lawrence DiNardo, the vicar general of the Diocese of Pittsburgh, and was prosecuted by Thomas Kunz, a lawyer priest. The review board consisted of lawyers from the law firm of Zimmer Kunz (the father of Thomas Kunz is the former managing partner) and a lawyers who sit on managing Boards of property owned by the Diocese of Pittsburgh. At no time prior to the hearing did DiNardo or Kunz provide a written statement of the exact allegations against Father Fitzgerald including the dates and places where the allegations of abuse were said to have occurred.

The Diocesan Review Board heard testimony from the mother and sister of the accuser. The accuser, who was then well over thirty years old at this time, did not

attend or testify. The Review Board never saw or heard from the accuser directly. Thomas Kunz, advised the Board of the allegations made by the accuser based on his understanding of the allegations made to William Waltershied. (It should be noted that Kunz testified in an another proceeding that he never personally spoke with the accuser at any time. It also should be noted that Watershed never testified before the Review board.) The Diocesan Review Board was not advised by Kunz that the accuser had been asked when he was in a drug rehabilitation center whether he had ever been sexually abused as a minor. The accuser had denied he had ever been. At the time he was asked that question he was thirty years old.

At the Diocesan Review Board hearing Rev. Fitzgerald denied all of the allegations in emphatic terms.

It is admitted that the findings of review board as summarized by the Grand Jury Report were the findings made. It is denied that the Diocese Pittsburgh does not know the status of the proceedings against Fitzgerald. At all times material to the Grand Jury proceedings the Diocese of Pittsburgh, Kunz, DiNardo, Waltershied, and Zubik have been aware that further proceedings were held. and that the allegations were found to be not proven.

Rev. Fitzgerald immediately appealed the findings of the Diocese of Pittsburgh to the Congregation for the Doctrine of Faith who conducted further proceedings. The

Congregation heard sworn testimony from the mother and father of the accused, Patrick Geinzer, Thomas Kunz and others recommended by Kunz on behalf of the accuser. The accuser, himself, refused to be sworn but was interviewed. In his interview he dramatically changed his allegations made in his July 30, 2014, interview with William Watershed but did maintain he was assaulted in Rev. Fitzgerald's airplane and at the Pittsburgh International Airport chapel.

Father Fitzgerald again testified unequivocally that on no occasion did he have any inappropriate conduct with the accuser. He presented expert testimony from aviation experts familiar with the aircraft that the accuser said that it occurred. They testified that it would have been physically impossible to do what the accuser alleged without crashing the aircraft.

On March 2, 2017, the Judges of the Tribunal for the Congregation for the Doctrine of Faith informed both the Diocese of Pittsburgh and Rev. Fitzgerald that the accusations made by the accuser and the Diocese of Pittsburgh had not been proven.

The Diocese of Pittsburgh has known since March of 2017 that the allegations against Rev. Fitzgerald had not been proven yet did not include those findings to the Statewide Grand Jury although they were under subpoena to do so.

In summary it the position of Rev. Fitzgerald that this procedure is totally lacking in the

due process of law required for the protection of a person's reputation as required by the Pennsylvania Constitution. There is no opportunity to present evidence, no opportunity to cross examine a witness, no required notice. The proceedings of the grand jury are secret, and are not available to the party so named, even if the person is given the chance to reply. This report becomes a formal court document for full public examination.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	:	SUPREME COURT OF PENNSYLVANIA 2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE INVESTIGATING GRAND JURY	:	ALLEGHENY COUNTY COMMON PLEAS CP-02-MD-571-2016
	:	NOTICE NO. 1

RESPONSE TO THE 40TH STATEWIDE INVESTIGATING GRAND JURY REPORT NO. 1

AND NOW COMES Rita Flaherty, by and through her counsel, Michael A. Comber and the law firm of Farrell & Reisinger LLC, and respectfully submits the following Response to the 40th Statewide Investigating Grand Jury Report No. 1:

The allegations set forth within the 40th Statewide Investigating Grand Jury Report No. 1 (the "Report") sadden Ms. Flaherty on several levels, as it must anyone who has worked with victims and their families. While Ms. Flaherty has sat across from dozens and dozens of victims to hear their tragic stories of abuse and the long-lasting implications these incidents had in their lives, seeing these stories collected in this Report brings much sadness for the pain and injury people have experienced.

However, this Report also saddens Ms. Flaherty because it does not tell the full story and, at times, it tells a distorted one.

The full story includes compassionate responses by many individuals, including diocesan staff, who listened with care and sought to assist victims of abuse with all of the resources at their disposal. Such aid to healing was not a "one size fits all" response, but one tailored to the needs and preferences of each individual victim.

The full story also, sadly, includes false allegations. While Ms. Flaherty has always approached each person who came forward with a full recognition of the enormity of pain and courage required to do so, nevertheless, there have been allegations which were not supported by facts and, in some instances, were provably false. Ms. Flaherty remains saddened that the Report, given the very nature of the Grand Jury's process, includes accusations that cannot be substantiated at any modest level of proof or scrutiny. Inclusion of these patently false accusations risks causing great harm to honorable people and their families.

In 1993 when Cardinal Donald Wuerl asked Ms. Flaherty to serve the Roman Catholic Diocese of Pittsburgh as a Licensed Social Worker, no title yet existed such as Victim Assistance Coordinator. That would come later. In the moment, Cardinal Wuerl recognized the need, before many of his brother bishops, to have a lay, professionally trained and licensed person serve the needs of the victims and seek evaluation of and treatment for those priests whose behavior was morally abhorrent and criminally reprehensible. That Ms. Flaherty was a mother of small children was also important to the decision to offer her this new position, as a mother's instinct for the protection of the most vulnerable among us was key to fulfilling this role effectively. Since then, this has been her life's work, her mission.

Ms. Flaherty has served in the administrations of Cardinal Wuerl, Bishop Bradley and Bishop Zubik. Each empowered her to receive and respond to victims and their families with every possible resource at the disposal of the Diocese for their healing, spiritually and psycho-socially. Many of the implications throughout the Report about termination of resources mischaracterize the information before the Grand Jury and the reality of the situation. Ms. Flaherty does not wish to respond to nit at each of the instances of literary license that the drafters of the Report take with the selective, incomplete snippets of her notes that misconstrue

reality. The focus must remain on the victims. The priorities must never stray from healing, protection and prevention. This begins with awareness of the nature and extent of sexual abuse in our society, from which, sadly, the Roman Catholic Church has not been exempt. To the extent that the Grand Jury Report creates this awareness, it permits all of us—church, civic and community leaders—to focus on what each of us can do better as human beings and a collective society to ensure that victims are never silenced, that their wounds are healed and that others are protected by appropriate preventative measures.

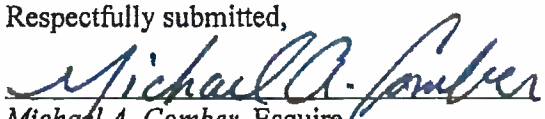
The healing of victims, the protection of minors and vulnerable adults, and the prevention of future abuse must be the focus as we move forward. However, there is another group of individuals for whom we must also recognize the enormity of their suffering – the factually innocent priests and their families. This Grand Jury report process has failed them.

Ms. Flaherty mourns the lives marred by any child predator, lay or ordained. She grieves with and for all of the victims with whom she has worked for over 25 years. She prays for peace for all whose lives have been forever tinged by the tragedies of abuse. But she also prays for those unfairly portrayed in a legal process that, at times, appears to take accusations at face value because it favors a story that some want to tell regardless of the facts or the consequences.

In conclusion, we recall the distinction sometimes made between "doing the right thing" and "doing things right." Ms. Flaherty has always strived to do both in service to the people with whom she has interacted, be it the primary victim of abuse or a secondary victim, such as a family member, or be it the priest rightly accused or the one wrongly identified. It is a standard Ms. Flaherty has brought to her work for 25 years and that she continues to bring each and every day. Ms. Flaherty's sincerest hope is that all of us, in whatever capacity of public service in

which we find ourselves, will seek no less. We owe it to each other as we strive to foster a world where the dignity and worth of every human being is protected and promoted.

Respectfully submitted,



Michael A. Comber, Esquire
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300 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
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Dated: June 21, 2018

****FILED UNDER SEAL****

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	:	SUPREME COURT OF PENNSYLVANIA 2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE INVESTIGATING GRAND JURY	:	ALLEGHENY COUNTY COMMON PLEAS CP-02-MD-571-2016
	:	NOTICE NO. 1

CERTIFICATE OF SERVICE

I, Michael A. Comber, Esquire, hereby certify that a copy of the foregoing Response to the 40th Statewide Investigating Grand Jury Report No. 1 was served on June 21, 2018 *via* electronic mail and overnight mail upon the following individuals:

The Honorable Norman A. Krumenacker, III
Supervising Judge, 40th Statewide Investigating Grand Jury
Cambria County Court of Common Pleas
Cambria County Courthouse
200 South Center Street
Ebensburg, PA 15931
nakadmin@co.cambria.pa.us
nakbench@co.cambria.pa.us

Daniel J. Dye
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16th Floor, Strawberry Square
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ddye@attorneygeneral.gov

Julie Horst
Executive Secretary for the Grand Jury
Commonwealth of Pennsylvania Office of Attorney General
16th Floor, Strawberry Square
Harrisburg, PA 17120
jhorst@attorneygeneral.gov

By: _____
Michael A. Comber, Esquire
Attorney for Rita Flaherty

Reverend John A. Geinzer' s Response to Grand Jury Report No. 1

In regard to the Grand Jury charge of child abuse---which I abhor---I cannot recall any action that could be considered or construed as such. This charge can only refer to conduct which has been misinterpreted and thus misunderstood. Secondly, in regard to my heartfelt greeting of children viewed as inappropriate, I have been counselled by a diocesan official in a "teachable moment," which became for me a good lesson about social boundaries. Since then, there have been no complaints.

Response of Father Robert F. Guay

First and foremost, I feel that reading the details in Report No. 1 of the 40th Statewide Investigating Grand Jury ("the Grand Jury Report") regarding sexual abuse by a priest, or by any adult for that matter, toward a child affirms how horrific and devastating these events were and how they have greatly impacted the overall well-being of the victims and their families. For that reason, counseling at the Diocese's expense was offered to victims of such abuse who came forward, and this offer of counseling was often accepted by the victims. While the Grand Jury Report was difficult for me to read, I hope that it can help the Church in general and the Diocese of Pittsburgh in particular in improving their responses in the future to matters of sexual abuse by clergy, should they arise.

I served as Clergy Personnel Director of the Diocese of Pittsburgh from June 16, 1986 through the end of January 1991. I was then Secretary for Clergy and Pastoral Life in the Diocese from the end of January 1991 through May 31, 1996, when I returned to serving as the pastor of a parish. As Clergy Personnel Director, I knew of some of these types of issues, but most such issues of abuse by clergy were handled by my predecessors without my involvement. Once I took over in 1991 as Secretary for Clergy and Pastoral Life, Father (now Bishop) Zubik, who succeeded me as Clergy Personnel Director for the Diocese, and I met with victims of sexual abuse and priests who were accused of such acts, and, later, Rita Flaherty, a trained and licensed social worker, was hired by the Diocese and joined us in these meetings in an effort to better respond to the needs of the victims in a more timely fashion.

In this day and age, we now know much more about child sexual abuse and how to best respond to it than we did in the 1980s and 1990s. Continuing education about child sexual abuse and the need for clearances for those working with children, including priests and deacons, has been helpful today in terms of raising a greater awareness about this issue and preventing such conduct. The Church itself has learned and grown from this process since the 2002 Charter for the Protection of Children and Young People ("the Dallas Charter") was issued by the United States Conference of Catholic Bishops. With the Bishop's acceptance of the Dallas Charter in 2002, there were more clear guiding principles put in place for handling these situations than had been in place in the past.

The Grand Jury Report is presented in such a way that it seems that nothing was ever done right by the Diocese of Pittsburgh in response to allegations of sexual abuse by members of the clergy, and that is just not true. The Report only focuses on the negative, not on any situations that were handled well or on any improvements that have been made. I feel that the Report portrays me in an unfair and disingenuous light. The Report lists me as a "Church leader" who "played an important role in the Diocese of Pittsburgh's handling of child sexual abuse complaints." Such a characterization implies that I had decision making power within the Diocese's handling of these complaints that I just did not have. Although I was part of the decision-making process, with the consultation of others, I was an administrator, following Diocesan policies. At the time, the Church believed that the treatment facilities the Church was using would and could be successful in treating and rehabilitating those accused of sexual abuse. These treatment facilities would make recommendations, which the Diocese usually followed. However, for the most part, now it

seems clear, in retrospect, that such treatment and rehabilitation was not successful and that such recommendations should not have been followed.

Once again, I feel that it is important to note that the Diocese of Pittsburgh tried to respond to the victims and their families in a compassionate way by offering counseling assistance. At all times, I, along with others at the Diocese, sought to help both victims of abuse and those struggling with addiction. I never discouraged anyone from making a report to law enforcement authorities, and I never engaged in any misconduct myself. Furthermore, at all times, I did my best to abide by the laws of the Commonwealth of Pennsylvania as well as church law. Then and now, I seek to fulfill my duties as a priest in accordance with the teachings of Jesus Christ.

The Church is not perfect and those who run the Church are not perfect, but I believe that the leaders of the Church should try their best every day to help victims of past sexual abuse and to prevent sexual abuse from occurring in the future. Since the time that much of the conduct in the Grand Jury Report occurred, I feel that the Church in general, and the Diocese of Pittsburgh in particular, have made great strides and significant improvements in the way that they handle these situations, and I hope that the Grand Jury Report will be an impetus for the Church and the Diocese to continue to improve until there are no more sexual abuse victims and until it can be ensured that this will never happen again.

Reading the Grand Jury Report caused me to think long and hard about what the Church could have done better. As a result, I have some recommendations for additional improvements that I believe the Church should make to prevent and address sexual abuse in the future. I intend to share these recommendations with the Diocese of Pittsburgh and hope that the Diocese will consider and implement my recommendations in the future. I pray for all those locally and throughout the world who are victims of abuse as well as their families, and I pray that our Lord will grant them healing and comfort.

Respectfully submitted this 20th day of June 2018.

s/ Fr. Robert F. Guay

RECEIVED
JUN 29 2018
Office of Attorney General
Prosecutions Section

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	: SUPREME COURT OF PENNSYLVANIA : 2 W.D. MISC. DKT.2016
THE FORTIETH STATEWIDE	:
	: ALLLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY	: CP-02-MD-571-2016
	:
	: SEALED RESPONSE

SEALED RESPONSE OF REVEREND BERNARD J. KACZMARCZYK

AND NOW comes Reverend Bernard J. Kaczmarczyk, with the assistance of undersigned counsel, and files the following sealed response with the Court regarding a report critical of him containing findings that he may be characterized to have engaged in child sexual abuses, or being an enabler thereof, or otherwise violated a duty to safeguard the welfare of children, and by way of said response, avers as follows:

1. I, Bernard J. Kaczmarczyk, have no recollection of committing any of the conduct outlined in the summary provided with the Order and Notice dated May 22, 2018.

2. I, Bernard J. Kaczmarczyk, specifically deny committing any of the conduct outlined in the summary provided with the Order and Notice dated May 22, 2018.

3. I, Bernard J. Kaczmarczyk, aver that I would never commit any of the conduct outlined in the summary provided with the Order and Notice dated May 22, 2018, and that such conduct is outside my character and reputation in the Community.

Respectfully Submitted,

Bernard J. Kaczmarczyk

Date: 6/21/18

Witness: _____
T. Brent McCune, Esq.

PA ID #47794

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	:	**SUPREME COURT OF PENNSYLVANIA**
	:	**2 W.D. MISC. DKT. 2016**
THE FORTIETH STATEWIDE	:	
	:	**ALLEGHENY COUNTY COMMON**
INVESTIGATING GRAND JURY	:	**CP-02-MD-571-2016**
	:	
	:	**NOTICE NO. 1**

RESPONSE

I, Edward L. Kryston, deny any wrongdoing regarding the circumstances set out in the summary of the Grand Jury notes provided to me at pages 362, 363, 364 and 365.

By: Edward L. Kryston
Edward L. Kryston

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	**: SUPREME COURT OF PENNSYLVANIA**
	: 2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE	**:**
	: ALLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY	**: CP-02-MD-571-2016**
	:
	: NOTICE NO. 1

RESPONSE OF NANCY DELGENIO, EXECUTRIX OF THE ESTATE OF FATHER DONALD MCILVANE PURSUANT TO 42 PA.C.S. § 4552(E) TO THE GRAND JURY REPORT

TO THE HONORABLE NORMAN A. KRUMENACKER:

Ms. Nancy Delgenio, Executrix of the Estate of Father Donald McIlvane by and through its undersigned counsel, hereby submits this Response to portions of the Grand Jury Report (the "Report") which she has learned of from the undersigned counsel, to be attached to and made part of the report before the report becomes public record, pursuant to 42 Pa.C.S. § 4552(e). We appreciate the opportunity to provide this Response to address factual allegations and conclusions that are incorrect.

The undersigned counsel in reviewing materials received by clients whose names were contained in the Grand Jury Report noted that Father Donald McIlvane was listed as No. 47 on the list of "Offenders" from the Diocese of Pittsburgh and learned in confidence that the listing was based on a report of allegations made in 2008 against Father McIlvane. The undersigned represented Father McIlvane in the Diocesan proceedings against him. The charges were so bizarre that the Independent Review Board unanimously dismissed them and he was immediately restored to ministry. Counsel did reach out to Ms. Delgenio who was the Executrix of Father McIlvane's Estate who has asked that if no hearings are held as to the validity of allegations against certain people named in the Report, this statement should appear as an attachment to the

Report in an effort to avoid having his name tarnished. Father McIlvane was a leader in the Civil Rights Movement who marched with Dr. King in Selma, Alabama. He was a community leader in the City of Pittsburgh who worked with interfaith organizations in numerous activities designed to combat racism and to alleviate poverty.

He did not engage in any improper sexual activity and his legacy should not be harmed by false allegations that he was an "Offender".

Respectfully submitted,

Dated: June 20, 2018

SCHNADER HARRISON SEGAL & LEWIS, LLP

By: Paul H Titus

Paul H. Titus
Attorney I.D. No. 01399

Fifth Avenue Place, Suite 2700
120 Fifth Avenue
Pittsburgh, PA 15222-3001
Telephone: (412) 577-5200
E-mail: ptitus@schnader.com

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of June, 2018, I served the within **Response of Nancy Delgenio, Executrix of the Estate of Father Donald McIlvane, Pursuant To 42 PA.C.S. § 4552(E) to the Grand Jury Report** on the following persons and in the following manner. Such service satisfies the requirements of Rule 114 of the Pennsylvania Rules of Criminal Procedure:

Via Electronic and U.S. First-Class Mail addressed as follows:

The Honorable Norman A. Krumenacker, III
Supervising Judge, 40th Statewide Investigating Grand Jury
Cambria County Court of Common Pleas
Cambria County Courthouse
200 South Center Street
Ebensburg, PA 15931
E-mail: nakadmin@co.cambria.pa.us

Daniel Dye
Senior Deputy Attorney General
Criminal Prosecutions Section
1600 Strawberry Square
Harrisburg, PA 17120
E-mail: ddye@attorneygeneral.gov

Julie L. Horst
Grand Jury Executive Secretary
Criminal Law Division
1600 Strawberry Square
Harrisburg, PA 17120
E-mail: jhorst@attorneygeneral.gov

SCHNADER HARRISON SEGAL & LEWIS, LLP

Paul H. Titus
Attorney I.D. No. 01399

Fifth Avenue Place, Suite 2700
120 Fifth Avenue
Pittsburgh, PA 15222-3001
Telephone: (412) 577-5200
E-mail: ptitus@schnader.com

RECEIVED
JUN 11 2018
Office of Attorney General
Prosecutions Section

Arthur R. Merrell
728 E. Warrington Ave, Apt 'B'
Pittsburgh PA 15210
412-463-2845

4/20/18 // 6/07/18

Dear Attorney Dye,

Thank you very much for your helpful responses to my phone call last week. I would presume that the Attorney Generals office would have access to all information about this case, but since only the earliest parts are referred to, I want to give you information about the entire case.

1) The name of the young man referred to in this case is [redacted] (not [redacted]). [redacted] has been diagnosed with several mental health issues and was regularly interviewed. Early in 2011 he was asked if he had any sexual contact with anyone – he replied 'yes' and that led to the 'Child Advocacy Center in Washington County (where he lives). They notified Allegheny County Authorities in March of 2011. And, shortly after that, I received a notice from Allegheny County authorities that these charges were being filed.

2) As soon as I understood how serious this could be, I contacted a lawyer I knew of, Attorney John Knorr

in Pittsburgh. He agreed to meet with me and agreed to begin the initial steps needed to successfully address my problem. He did not agree to follow up on the whole trial (I was unable to afford his charges for the whole trial (as I remember "7,000) but he would "get things started".

In early May of 2011, Attorney Knorr called me and advised me to go to the Pittsburgh Police Headquarters on Pittsburgh's "North Side" where someone would interview me. A couple days later (5/06/11: I believe) I went to the station where I surrendered to Detective April Campbell who, I found out later, was a specialist in the Sex Assault Family Crisis unit. Detective Campbell got my identification information. She then interviewed me for about an hour, then released me to go home. She also assured me that, as long as I kept the promises I had made and showed up for any meeting at the court, I would not have to worry about police showing up at my door.

Unfortunately, someone at the Police Headquarters forgot to take my name off of the "wanted" list and two constables (J. Dytko and D. Brytes) showed up at my home and, at gunpoint, arrested me; put handcuffs on me, put me in their car and drove me to the Allegheny County Jail. After going through

P2

the "screening procedures", I was taken to a cell (with a cellmate who, as I remember, was facing a homicide charge - but we got along pretty well). The next day I had use of a phone and called Attorney Knorr. He said he'd make some calls for me, and "especially" to respond to the regular visit of the Public Defenders Office to the unit. The Public Defenders office was there a few days later. I gave them my information and requested the services of a Public Defender. A short time after that I was assigned a Public Defender, Attorney David Obara, and I met him a week or two later. He interviewed me, looking for all the details. I wrote to him (the "letter to the Public Defender") just wanting to include the details about my times with [redacted]. He used details of the letter to clarify some of the stories that Matt was telling. I was never present at the trial sessions that the judge and [redacted] were present, but my attorney said that any statements seemed to make sense to the judge more than some of the statements that [redacted] was making. That seemed to allow the judge to make the decision to lower my charges from felony to misdemeanor. After the last session, my attorney pointed out that accepting misdemeanor charges rather than felonys = Court costs rather than fines; and probation rather than time in prison was a better

deal for me---- How could I disagree? Anyway, after that I appeared before a Judge in a room with multiple defendants. Each of us was called before the Judge, our charges were read and we were refered to a Court group who would explain the details. Basically, the sentence was Court costs and two years of probation. I arranged a payment plan for the Court costs and was referred to the Probation Office on Arlington Ave. In my first week or two I was interviewed by probation officers at the center. Within a few weeks a probation officer came to my home once a month for the rest of the two year period. The probation officers were very civil and I have no complaints at all about their service.

The end of my probation was the end of my sentence. I was able to get two jobs because my security checks only asked if I was convicted of a felony. That probably was also the reason I was able to get a very reasonable deal on my apartment rental.

I would just ask if it would be possible that my name would not be printed in the public newspapers. I have already served my sentence and that public revelation would probably cost me my jobs and my home. And now that I'm 75 years old, that would be a disaster.

Well, Attorney Dye, thank you for giving me the opportunity to present my case. With this I am

including a copy of the letter I provided my attorney (the Public Defender). If there is any other information I can supply, please let me know.

Sincerely

Arthur R. Merrell
728 E. Warrington Ave
Apt B'
Pittsburgh, PA 15210-1565
412-463-2845

Attorney Page,

Unfortunately, there seems to be some confusion about the dates + the issues. In the mid 1990's I was the chaplain in the Allegheny County Jail. A guard reported that I had an inappropriate discussion with an inmate. That claim was investigated by a board at the jail and I was found to be "not guilty" of the charge, and was restored to my chaplain position.

At the beginning, the 'charge' was reported to the Diocese of Pittsburgh and they sent me to the St. Luke's mental health facility in Maryland for an "evaluation". After I returned to Pittsburgh, I was told that the Diocese wanted me to return to St Luke's for a "treatment" program that could last many months. Since I really didn't like St Luke's, I told the Diocese that I didn't want to go there, but offered to go to Western Psych or another local program. That was not accepted by the Diocese and I was suspended from the ministry. That was in

P5

1997. Since that time, I have never identified myself as a priest to anyone.

That includes the teenage boy who, in 2008 asked me to become his "Big Brother". The story of my relationship with him is included here in the letter I wrote to Attorney O'Hara (my public defender at the 2011 trial). I just want to clarify that these two events (1997 + 2011) were totally unconnected, and the later events (regarding the teenager) were never, in any way, connected, and neither the teen, his parents, or anyone else involved in this case had any knowledge that I was a priest or had any official connection to the Catholic Church.

Again, thank you

Art

P6

Public Defender's letter - page 1

To: Public Defender
July 19, 2011

After reading Detective Campbell's report, I find that she has merged several incidents into one and omitted several things I told her. I just want you to know what happened. I, of course, will provide you with any needed details.
I met Matt at a gathering of teens with Asperger's Syndrome which their parents had arraigned. This was early in 2008. I had worked with two of the boys and their parents had invited me. I have never had any professional relationship with Matt. He apparently heard from the other teens about activities I had arraigned for them and asked me if I could become his 'big brother'. I was a little taken by surprise, since that seemed to be a rather unusual request for a teen from an intact family to be making, so I talked to his parents and they said it would be a good thing. The parents are both very nice people, but dad has some very serious health problems.

- After visiting their home several times and getting to know each other, I agreed to give the relationship with Matt a try. I asked Matt what he would like to do and he said "Lets go camping". Since their home is only a short drive away from Raccoon Creek State Park, we gave it a try for a weekend. Things went well at first, pitching the tent, cooking a meal over the fire and taking a short hike around the park. Then we got ready to bed and things got complicated. We both had an air mattress and sleeping bag and were laying there in almost total darkness. I then heard (and dimly saw) Matt get out of his sleeping bag and move over till he was kneeling over me. He then reached down, pulled back the top of my sleeping bag and laid down (face down) on top of me. Now, Matt is over six feet tall and weighs nearly 300 pounds and this was uncomfortable to say the least, but given some of his psychiatric diagnoses I thought he was just acting a little immature and wanted to 'wrestle'. Then I felt something pushing into my abdomen and realized it was his erection. I reached up and rolled him over onto the ground and grabbed my flashlight. He was laying there, clutching his penis and masturbating by 'punching' it. He asked me to join him. I refused, but couldn't help watching because of the pain he must have been inflicting on himself. It was over in a few minutes and I just told him to go to sleep and he did. The next morning I decided to pack up and go home after just one night. He got very angry about not staying the second night . On the drive home, he punched me as I was driving and then opened the car door and made as though he was going to jump out of the moving car. I pulled over, got him calmed down then returned him home with no further problem
- For the next couple weeks, I saw Matt at his home and talked to him about the incident at the park. I thought we had it worked out. He did ask to visit my home and I agreed. A week or so later (I believe it was on a Saturday) I took him to my place - 606 South Main - and showed him around. As soon as we got to the bedroom he pulled down his pants and began masturbating . I just told him he was on his own and that I was going downstairs and that he should call me when he was done. I walked down to the kitchen and had a cup of coffee. Eventually, I heard something from upstairs and walked up. Matt was standing at the top of the stairs - masturbating - but this time his hand and penis were covered with blood. I was more concerned about his injuring himself than about the sexual matter. I showed him (using my pointed finger -not his penis as the police report has it - to illustrate how most other boys do it). I did also tell him about using a lubricant because I could imagine that he was doing this frequently and could really hurt himself. I was also beginning to worry that I should get him to a doctor to take care of the torn skin. However, after a few minutes I began to understand that this had been all for show, He had been using stage blood!!! Matt is smart, and his 'encompassing preoccupation' (a la Asperger's) is anything to do with movies and TV. He is constantly writing and 'shooting' movies with his cameras and recording equipment. I had already taken him to a store in Robinson that specializes in costumes and stage equipment ... and yes, he had been looking at stage blood.
- The date that my attorney and the District Attorney had agreed to focus on - April 1st 2008 - was apparently chosen because Matt had told them that that was the first time he stayed over at my place. (I was told that I could get a detailed account of what he told them but although both I and my attorney have written and asked for it, I have never received it.) Matt had been acting fairly well and he constantly asked to stay with me over a weekend, I had set up my bedroom for two of us. He was to use my bed and I had set up an air mattress and sleeping bag on the other side of the room for myself. As I remember, we had picked up a movie to watch and gone out for something to eat. It was getting late

and we were getting ready for bed. I was sitting on the side of the bed taking my shoes off when Matt sat down right next to me. I don't remember if I realized he was naked but I would in a few seconds. He reached over, took my right hand and pulled it over to him. By the time I looked over, he had placed my hand over his erection and was holding it there with both of his hands. I just remember asking him "What are you doing?", and telling him to "let go!". Of course, at this time we get into the problem of defining what I was doing. In Matt's' mind, I was masturbating him--- in my mind, I was trying to jerk my hand free from his organ. Of course, it was all over in just a minute or two and I can assure you that the only 'seminal fluid' that was produced here belonged to **Matt,** not me. By my response to Detective Campbell's question that I felt like "a somewhat willing participant", I meant that I realized after this incident started that I could have ended it by getting very physical (by hitting or otherwise harming him) but I decided not to because I still really wanted to try a more positive approach to helping Matt.

- During the first couple of months I knew Matt, he wanted to spend all of his weekends at my place. In fact, he said several times that he wanted to move in with me. He was constantly arguing with his parents and in trouble at school. He did come back to my place overnight several times and, yes, he tried the masturbation thing again. I told him strongly that I was getting sick and tired of it but if being 'close' to me -as he put it- was so important, I asked him to thing of another way to do it. He asked if I could give him a back-rub. That seemed to be offer an improvement in the situation, so I agreed to try it. Unfortunately, the first time we tried it, he reached behind himself, grabbed my hand and pulled it down over his buttocks. When I told him I didn't want to do this either, he became angry again. He really seemed to think that rejecting these sexual advances were rejecting him! I believe that on the drive home, he tried another 'acting out' for the first time - while we were driving down a road near his home, at about 45 mph, he lunged over from the passenger side, grabbed the top of the steering wheel, and tried to make a hard right turn - which would have had us crash into a bridge abutment. Fortunately, I saw it coming and was able to slow down and keep control of the steering wheel.
- After several instances like this, I was getting very concerned about where this was going and felt that I should let his parents in on what was going on. I finally called his dad (dad apparently didn't remember the call when the detective asked him about it). That's probably because I wasn't too explicit when I talked to him, I just told him about the incident at the park as "Matt had laid down on top of me ", and that "Matt was masturbating and wanted me to help him".
- Finally, after several talks and frequent admonitions didn't change things, I began to see that this couldn't continue. After Matt had acted out sexually three or four more times, trying to involve me, I had to address this - or get out of it! On one of the Saturdays I saw Matt at his home, we went out to lunch in McDonald and, on the way back to his place, we drove past the Ft. Cherry High School. Matt wouldn't talk about any of these things at home because he felt he would be overheard, so I pulled into the school parking lot. It was a sunny and warm day, so I guess it was the end of May or beginning of June. I told him that we really had to do more than just talk. I had to say something that he would have to agree to or our relationship, which he said meant so much to him, was headed nowhere. As well as I can remember, what I said was " Matt, I really like you and care about you. I want to be your big brother and I appreciate how smart and talented you are...but this sex thing has to end! It can get me into a lot of trouble.. and it's going to finish off the first real friendship you've had in your life. If you don't end this stuff right here and now, I'm just going home and staying there. I'm going and never coming back. You will never see me again! Do you understand?" He seemed to be tearing up, but he nodded a 'yes'. The amazing thing was that it worked! From that day, he never tried to involve me in any sexual act or situation. For the next two and a half years, I saw Matt on most weekends and he did stay at my place a few more times, mostly on a few weekends when we had arraigned for him to have an 'extra' part in a motion picture being filmed here in Pittsburgh. But from the time of our 'talk' in the high school lot, he never again tried or even suggested that we have any improper contact.
- The last time I saw Matt was at Christmastime last year (2010) when I dropped of his present, a book about how to become a movie producer. When I didn't hear from him after Christmas, I called him a couple times but he didn't return the calls. My guess is that the conversation with the social worker had taken place and he was afraid to follow up on it. During those two and a half years, Matt asked me to teach him how to drive (we tried that out for a few times on a neighbors private road, but he gave up on it). For most of the time, he was constantly getting me to have a 'part' in one of the movies he was constantly producing. The scripts were usually rather strange - featuring strange relationships between seriously disturbed people, but he would come up with a new project at least once a month, and ask me

to appear in it. I think he's worn out several camcorders. Things changed a little during 2010. As I have already pointed out, for all of his emotional problems and diagnoses, he is bright and talented. One of the local cable companies actually gave Matt his own television news show! (You can see several of his 'newscasts' at: mcdonaldareanews.com). For the last months I was with Matt, I was constantly helping him to finish his studio. You can still watch several of his shows on-line. There are none done in the last few months, so he may have lost his connection with the cable channel. On the negative side, he is still having sexual problems. I didn't know it at the time. But he was apparently downloading 'kiddy-porn' from the internet. A speaker from the FBI had apparently appeared at his school and told the students about the government crackdown on the problem. He stopped the downloads, but has become obsessed with the idea that the government might be spying on him. The last time I really spent time with Matt, he was totally absorbed in his television show and wanted me to help him get enough money to upgrade his studio. I don't know whether my inability to do so had anything to do with his recent statements.

- Finally, even as I sit here typing this out, I ask myself why I didn't try to get out of this situation a lot sooner. I guess it's as follows: When this kid came up to me over four years ago, I could feel the loneliness and frustration in his story. He had no friends and had already been diagnosed with several psychiatric problems (Asperger's, Bi-Polar and several others). He's been under treatment and taking a rather heavy load of medications for most of his life, this includes several hospitalizations. When he came and just about begged me to be his 'big brother', I knew that I had some unused free time on my weekends and just couldn't refuse him. I guess that my reaction to his bizarre behaviors at the beginning was that I thought of them as symptoms of his mental health problems that I could help him overcome. Several schools and programs have thrown him out because of his behaviors (not necessarily his sexual ones), I didn't want to be another rejection, and after a few months I succeeded in what I was trying to do.. But now I have to ask if those schools and programs were right...like them, maybe I should have just walked away.
-

My contact information: Arthur Merrell, 606 South Main Street, Pittsburgh, PA 15220
Phone: 412-922-3844, e-mail: arthurmerrell@gmail.com

13251 Apaloosa Lane Apt. 317

Ft. Myers, Florida, 33912

RECEIVED

MAY 09 2018

Office of Attorney General
Prosecutions Section

May 8, 2018

Mr. Daniel J. Dye
Senior Deputy Attorney General
16th Floor
Strawberry Square
Harrisburg, Pa. 17120

Dear Mr. Dye,

I am writing in response to the document which you sent me which was dated May 4, 2018. I do not know the full legal implications of this document, but I will try to answer some of the questions which it contains.

At the present time, I am eighty-four years old. I cannot walk very well and must use a mobility scooter to get around. I have not been involved in any basketball programs for thirty years since 1988 when the Diocese of Pittsburgh asked me to withdraw from the basketball program. I did comply with this order.

The main complaint in this document is that I was present in the locker room when the boys were taking showers. This is accurate. However, at no time was I ever in the locker room by myself; the coaching staff was always there. As far as the boys being required to take showers, this was not my request but that of the head coach. The coach thought that this was a way to prepare the boys for the practice of showering when they would be playing basketball in high school.

At no time did I ever touch a boy or any child. There has been no child who has made an accusation against me that I touched him. In the summary of the document it states: "The Diocese could attest to the following statements: 'No accusation of misconduct have ever been made against him, nor has he ever been involved in any incident, to my knowledge, which has led to potential or public scandal and to the best of my knowledge he has never engaged in sexual behavior inconsistent with priestly celibacy, nor has he ever acted in an inappropriate manner with minors." Father Mark Eckman, the Vicar for Clergy, signed this statement and attested to its veracity. I have also included a copy of the Certificate of completion for Recognizing and Reporting Child Abuse.

Sincerely,

Thomas M. O'Donnell

(Rev.) Thomas M. O'Donnell

Certificate of Completion

Recognizing and Reporting Child Abuse: Mandated and Permissive Reporting in Pennsylvania

Meets ACT 31 of 2014 training requirements

Meets the Recognizing Child Abuse and Mandated Reporting components of ACT 126 of 2013 training requirements

3 continuing education hours

Presenter:

University of Pittsburgh School of Social Work,
PA Child Welfare Resource Center

403 East Winding Hill Road, Mechanicsburg, PA 17055

Presented to:

O'Donnell, Thomas

on the date:

October 30, 2016

Provider Number:
CACE000004

CE Course Number:
PCW000001

Tracy Soska, Director of Continuing Education
School of Social Work

Michael Byers, Director PA Child WelfareResource Center

Paul G. Spisak

2600 Morange Road

Pittsburgh, PA 15205

May 24, 2018

Daniel J. Dye

Senior Deputy Attorney General

16th Floor

Strawberry Square

Harrisburg, PA 17120

Dear Sir:

I received your 40th Statewide Investigating Grand Jury Report dated May 4, 2018. I have read it thoroughly and found some discrepancies and false assumptions in the report. All I can say at this time is that I have followed all of the recommendations of the Diocese of Pittsburgh.

Respectfully,

Paul G. Spisak

Paul G Spisak

Cc: The Honorable Normal A. Krumenacker, III

DIOCESE OF SCRANTON

THE DIOCESE OF SCRANTON

Page

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	:	SUPREME COURT OF PENNSYLVANIA
	:	2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE	:	
	:	ALLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY	:	CP-02-MD-571-2016

THE DIOCESE OF SCRANTON'S RESPONSE TO EXCERPTS OF THE FORTIETH STATEWIDE INVESTIGATING GRAND JURY REPORT NUMBER 1

The Diocese of Scranton (the "Diocese"), through counsel, Eckert Seamans Cherin & Mellott, LLC, pursuant to the Court's Amended Order of May 22, 2018, hereby submits this Response to Excerpts of the Fortieth Statewide Investigating Grand Jury Report Number 1 ("Report").

Introduction

The Diocese of Scranton is deeply saddened by the horrific abuse and indifference detailed in the Grand Jury's Report and fully understands the anger that will most assuredly be directed at it and the Catholic Church as a whole following the Report's publication. The purpose of this response is not to make excuses for the past, but to provide assurances that the Diocese is currently doing everything in its power to protect its children.

The sexual abuse of children is a scourge that must be eradicated and cannot be tolerated. The Catholic Church – be it in Boston, Europe, or Scranton – has frankly at times fallen short. Uncovering and analyzing those shortcomings is painful, but necessary. The Diocese of Scranton respects the work of the Fortieth Statewide Grand Jury and has cooperated fully with that work.

As the Grand Jury acknowledges in the Report, "much has changed over the past fifteen years." That is certainly true within the Diocese of Scranton. The Diocese has learned from past mistakes, continuously improved its response to allegations of child sexual abuse, committed itself

to transparency with civil authorities and congregants, and treated victims of abuse with respect and empathy. The Diocese's work will continue in earnest until that day when no child is abused and no abuser is protected.

Background on the Diocese

The Roman Catholic Diocese of Scranton was established on March 3, 1868. It is currently celebrating its 150th anniversary. The seat of the Diocese is St. Peter's Cathedral in Scranton, Pennsylvania. Some of the larger cities in the Diocese include Scranton, Wilkes-Barre, Williamsport, Hazleton, Carbondale, and Pittston. The Diocese sprawls over nearly 8,500 square miles throughout Lackawanna, Luzerne, Bradford, Susquehanna, Wayne, Tioga, Sullivan, Wyoming, Lycoming, Pike, and Monroe counties. Its nearly 250 priests (active and retired) serve approximately 250,000 Catholics in approximately 120 Parishes, 170 Churches and 19 schools.

Responding to Allegations of Abuse: Vigilance, Transparency and Healing

The Diocese of Scranton strictly adheres to a zero tolerance policy in relation to allegations of childhood sexual abuse. The Diocese has developed a comprehensive policy of best practices for dealing with allegations of abuse that mandates an immediate, vigilant and transparent response that both ensures the safety and healing of its most vulnerable and restores trust from parishioners. The policy -- called the "Policy for Response to Allegations of Sexual Abuse of Minors" -- evolved from predecessor policies dating back more than twenty-five years and has been revised twice in recent years (in 2013 and 2015). As part of its commitment to transparency, the Diocese shared both the 2013 and 2015 revisions with every State Representative, State Senator, and District Attorney representing the eleven counties in which the Diocese operates.

As mandated by the policy, within 24 hours of receiving an allegation of abuse, the Diocese vigilantly and transparently responds. First, the Diocese immediately calls law enforcement to report the allegation. That initial verbal report is followed-up by letter to the District Attorney. The Diocese also immediately reports the allegation to the appropriate child protective services agency. Where the allegation appears credible on its face, the Diocese also immediately removes the accused priest from ministry pending further investigation. The Diocese provides support and assistance to the victim, including arranging and paying for counseling from mental health professionals with no affiliation to the Diocese. Finally, when a priest is removed from ministry after investigation, the Diocese notifies the community of the allegation and the resulting removal in the following ways: (1) in person at the parish(s) or school(s) where the accused was posted; (2) in writing to the local media; and (3) by publication on the Diocese's website and in the Diocese's newspaper, the *Catholic Light*. Such broad notification serves at least two purposes. First, it effectuates the Diocese's goal of transparency. Second, it maximizes the chance that other potential victims of abuse will come forward and receive assistance.

The Diocese fully cooperates with law enforcement in the investigation once an allegation of abuse is reported. So as not to interfere in any way, the Diocese does not conduct any Church-based judicial proceedings, called "canonical proceedings," until after law enforcement has concluded its investigation. If and when canonical proceedings occur, the utmost care is taken by the Diocese to ensure the confidentiality of the victim, the victim's family, and the individual reporting the allegation (if different from the victim).

All victims that come forward are referred to the Diocese's Victim Assistance Coordinator who provides victims with support and coordinates counseling with a mental health provider of their choosing. Understanding that victims may require a lengthy period of treatment, counseling

is provided for as long as it is needed. Our Victim Assistance Coordinator, Mary Beth Pacuska, is an experienced nurse with a Master's Degree in Adult Mental Health. She has, for many years, served as a sexual assault counselor at the Victim's Resource Center in Wilkes-Barre and as a trainer with the Luzerne County Domestic Violence Task Force. She is also the Director of a Wilkes-Barre area nursing program. She tirelessly assists all victims.

Preventing Abuse: Screening, Training and Education

Properly handling allegations of abuse is one critical goal; preventing abuse altogether is another. Thus, the Diocese has taken considerable steps to make sure that its children are protected. Criminal background and child abuse clearances are required for every member of the clergy, employee, and volunteer. VIRTUS training -- designed by experts to build awareness of the signs and methods of child abuse, prevention measures, reporting policies, and victim advocacy -- has been provided to more than 28,000 adults in the Diocese since 2003. Additionally, employees and volunteers within the Diocese are trained on their obligations as mandatory reporters of allegations of abuse.

In addition, "Safe Environment" training is regularly provided to all students within the Diocese's schools and parish religious education programs with the goal to teach students to recognize and avoid situations that could lead to abuse and to encourage communication between children and parents if an incident were to occur. The Diocese has also created a Safe Environment Advisory Committee, consisting of forty committed volunteers from across the Diocese. The Advisory Committee provides feedback, support and recommendations on safe environment policies and practices. The Diocese's Safe Environment Coordinator, Kathy Bolinski, is committed full-time to the development and implementation of the Diocese's safe environment

program. This comprehensive program of screening, training and education is bringing about the Diocese's ultimate goal: that no child be abused.

Learning From Past Mistakes

As described above, the Diocese's current response to allegations of abuse is transparent and vigilant. While fully aware that further improvement is always possible, the Diocese is proud of the way that it now handles allegations of abuse and how it trains and educates in order to prevent abuse. Those current practices were forged through years of constant improvement. Yet, as the Report demonstrates, there were times when the Diocese's reaction to an allegation of abuse was inadequate. In such cases, however, the Diocese learned its lessons and improved. Thus, while not perfect, the Diocese has grown and evolved.

The Robert Caparelli case, discussed in detail in the Grand Jury's Report, exemplifies how the Diocese should have done more to safeguard children in the past. As a result of the Caparelli case, the Diocese enacted several important improvements in how it responded to allegations of sexual abuse. Specifically, after Caparelli's arrest, under the leadership of Bishop James Clifford Timlin (Bishop of Scranton, 1984-2003), the Diocese took two major steps forward. First, the Diocese adopted a policy setting forth a uniform procedure for responding to allegations of abuse (the "1993 Policy"). While not measuring up to the standards that we adhere to today, the 1993 Policy did provide a systematic method of addressing allegations of child sexual abuse. For example, the 1993 Policy required that in every credible instance of alleged child sexual abuse, an investigation into the allegation, temporary removal of the accused from ministry, and reporting to the appropriate child protection agency. The Policy ensured that needed pastoral, medical and psychological care was provided to victims. A cleric credibly accused of sexual abuse, moreover, could be returned only to a limited ministry and only under three conditions: he had to successfully

complete an appropriate treatment program; the healthcare provider had to recommend a return to ministry; and, the priest had to participate in a closely-monitored, four-year supervised aftercare program. The 1993 Policy allowed for return to full ministry in a pastoral assignment only after completion of such an aftercare program.

The Diocese also publicized its efforts to address allegations of sexual abuse. For example, the adoption of the 1993 Policy was featured in a story in the Diocese's newspaper, the *Catholic Light*. While the 1993 Policy is less robust in comparison to today's standards (*e.g.*, it did not require notification of civil authorities or the public), the fact of the matter is that the adoption and publication of the 1993 Policy demonstrated that the Diocese learned from the Caparelli situation and placed the Diocese in the vanguard of dioceses attempting to tackle the problem of child sexual abuse.

The second significant step taken in 1993 was to establish an Internal Review Board (later referred to as the Diocesan Review Board). Coming nearly ten years before the Dallas Charter, we understand that Scranton's Review Board was one of the first in the nation. The Review Board reviews all allegations of abuse received by the Diocese and provides the Bishop with recommendations as to how to proceed. From inception, the Review Board has included an impressive assortment of respected lay professionals including college professors, psychiatrists, psychologists, other mental health professionals, attorneys, a former sexual assault prosecutor, teachers, the Executive Director of the Lackawanna County Children and Youth Services agency, and numerous other social service professionals. And, from its inception, the Review Board has been far from "a rubber stamp." Notably, since its inception in 1993, no Bishop has ignored or failed to accept a consensus recommendation from the Review Board, even in instances where the Bishop may have preferred a different approach. The Diocese has similarly fostered openness from

its senior clerics, the members of the Chancery Staff, who have been given latitude to speak their minds, even if it means disagreeing with the Bishop.

Implementing the Dallas Charter

While the Diocese made great strides with the enactment of 1993 Policy and the creation of the Review Board, there certainly remained room for improvement. In January 2002, the Boston Globe published a series of articles documenting widespread abuse at the hands of Catholic priests and the fact that Church leadership knew of the abuse yet failed to act. In response to the Globe's reporting, the consensus of the American Bishops was that something needed to be done and in 2002 the United States Conference of Catholic Bishops convened in Dallas and adopted The *Charter for the Protection of Children and Young People*, known today as the Dallas Charter. The Dallas Charter is a comprehensive set of uniform procedures put in place nationwide, mandating how dioceses must address allegations of sexual abuse by clergy. The Charter requires dioceses *inter alia* to make a prompt and effective response to allegations, cooperate with civil authorities, and discipline offenders.

Bishop Timlin was an active and integral part of the USCCB debate leading to adoption of the Charter. The USCCB adopted "zero tolerance," meaning that any priest against whom a credible allegation of sexual abuse of a child is levelled must be permanently removed from ministry. In response to the adoption of the Dallas Charter, Bishop Timlin vigorously implemented the "zero tolerance" provisions and made sure that those provisions were fully applied within our Diocese.

First, Bishop Timlin revised the Diocese's 1993 Policy to conform with the Dallas Charter. Second, he established an "Ad Hoc Committee" -- consisting of the Chancellor, the Vicar for Clergy, two former Vicars for Clergy, and a future Vicar General -- to perform a historical review

of all abuse allegations ever received by the Diocese. The committee drafted a Report which recommended that ten men be removed from ministry based on the "zero tolerance" policy outlined in the Dallas Charter. The Ad Hoc Committee's review was exacting and unvarnished. Its Report openly criticized how certain past allegations of abuse had been handled, demonstrating that members of the Committee had little fear in "speaking truth to power." Bishop Timlin followed each of the Ad Hoc Committee's recommendations and ensured that the Diocese properly implemented the Charter's "zero tolerance" requirement.

Post-Charter: Continuous Improvement

In 2003, Bishop Joseph Martino (Bishop of Scranton, 2003-2009) enlisted the help of Father James Conn, a Jesuit canon and civil lawyer, to again review all past allegations of abuse within the Diocese to make sure that the Dallas Charter and canonical processes were followed. That review resulted in the initiation of canonical proceedings against several priests who had already been removed from ministry. Bishop Martino also had the then-Chancellor redo the work of the Ad Hoc Committee by reviewing all priest personnel files to make sure that there were no priests in ministry against whom credible allegations of child sexual abuse had been levied. Bishop Martino wanted to ensure that, as he took over leadership of the Diocese, there were no hidden allegations or men remaining in ministry contrary to the Dallas Charter.

The Diocese has consistently improved its handling of allegations of abuse. For example, the Diocese has moved away from investigating allegations internally, instead leaving such investigations to the civil authorities. Prior to 2010, investigations into abuse allegations were conducted by the Chancellor and a former FBI agent retained by the Diocese. This was not optimal, given that the Diocese is not an investigative agency. For example, in 2006, allegations of abuse

were leveled against Father Thomas Shoback.[1] The Diocese immediately reported the allegations to civil law enforcement and it also investigated the allegations internally. After a long series of interviews (including an interview where an alleged victim flatly denied any abuse), the Diocese's investigator concluded that Shoback's accuser was not credible. Based on that determination, the Diocese allowed Shoback to return to ministry. Five years later, in 2011, the alleged victim who had previously denied abuse recanted his original statement and admitted that Shoback had in fact sexually abused him. Shoback was immediately removed from ministry, criminally charged, and sentenced to prison. That situation highlighted the fact that investigations into allegations of abuse were better left to civil authorities, which is precisely what the Diocese began doing and still does.

In 2011, at the direction of Bishop Joseph Bambera (Bishop of Scranton, 2010-today) the Diocese conducted another comprehensive review to ensure that all allegations of abuse were properly handled and that all priests against whom such allegations were made were removed from ministry and civil authorities notified. This review was carried out over a number of months and culminated with the creation of a detailed Report. The review included all priest files. As with the 2002 Ad Hoc Committee review and the reviews conducted after Bishop Martino took office, the purpose of the review was to guarantee that all priests who were credibly alleged to have sexually abused a minor were removed from ministry.

The 2011 review served another critical purpose. It identified priests living in the Diocese against whom such credible allegations had been made. Even though these men were removed from ministry they remained the Diocese's responsibility to monitor. In 2012, Bishop Bambera and Vicar General, Monsignor Thomas M. Muldowney, established the Clergy Case Management Program to monitor accused priests by conducting regularly scheduled compliance visits as well

[1] A discussion of the Shoback case is included in the Appendix to the Grand Jury's Report.

as unannounced spot checks. This program is headed by a Clergy Case Manager, Ronald McCann, who is a retired Pennsylvania State Trooper with more than twenty-five years of law enforcement experience. The Case Management Program has served as a model for other Dioceses around the country and Msgr. Muldowney regularly gives presentations on the efficacy of the program and what is required to establish similar programs in other dioceses.

Recognizing the need for transparency, in 2016, Bishop Bambera directed the Diocese to provide the District Attorneys for each of the eleven counties in which the Diocese operates a comprehensive list of all cases involving allegations of child sexual abuse against any cleric or lay employee of the Diocese. The Grand Jury commented favorably concerning the Diocese's provision of this comprehensive list to civil authorities, citing it as an example of progress in the handling of allegations of child sexual abuse. The comprehensive list (which spans the Diocese's entire recorded history) disclosed substantial relevant information about the allegations, the status of the accused and the resolution of the matter. The Diocese sent this to the District Attorneys in order to be transparent and also so that the District Attorneys could ask any questions about or follow up on any situations that involved their offices. To be clear, the list was provided by the Diocese of Scranton before it was aware of the existence of the Fortieth Statewide Investigating Grand Jury and before it had any inkling that it was to be subjected to such an inquiry. Thus, the Diocese of Scranton voluntarily and completely reported to law enforcement all but one of the offenders identified in the Grand Jury's Report (as noted in the Report, there was no mention of allegations of abuse by Joseph Hammond contained in the Diocese's file; as a result, the Diocese's repeated file reviews did not uncover any allegations, and Hammond was not included on the list of accused personnel).

Present Efforts

The Grand Jury's Report is staggering. It highlights decades of abuse and decades of indifference and/or negligence by church leaders. While the Diocese does not necessarily agree with everything in the Report, it will not and cannot refute the Report's clear message, that the Church generally, and the Diocese specifically, should have done better and must continue to improve.

At the same time, the Report also contains reason for hope. The vast majority of the abusive conduct detailed in the Report occurred prior to 2000. The Grand Jury noted as such, "the bulk of the discussion in this Report concerns events that occurred before the early 2000's."[2] This is because the improvements detailed above have taken hold: abuse allegations are now handled appropriately, victims are treated with compassion and care, abusers are removed from ministry, and both law enforcement and the public are informed. As the Grand Jury noted, "the church is now advising law enforcement of abuse reports more promptly. Internal review processes have been established. Victims are no longer quite so invisible." The Report demonstrates that the Diocese's efforts to identify, address, and prevent instances of childhood sexual abuse have been working. Since 2010, when Bishop Bambera assumed leadership, the Diocese has:

- Reported all allegations of abuse to the civil authorities;
- Notified the public and parishioners of all instances where priests were removed from ministry based on allegations of abuse; and
- Provided a comprehensive list of all abuse allegations (substantiated and unsubstantiated) to law enforcement throughout the Diocese.

[2] The Grand Jury posited that the focus on older activity was due to the fact that "the bulk of the material we received from the dioceses concerned those events," suggesting that perhaps information about additional or more recent events was not provided to the Grand Jury. That is not the case. The Diocese of Scranton provided every document in its possession concerning every allegation of abuse, both substantiated and unsubstantiated, for more than 70 years.

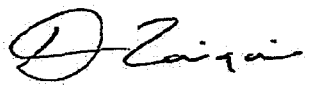
The Diocese will continue its aggressive efforts to continuously improve its handling of allegations of abuse and its treatment of victims.

Conclusion

The Diocese of Scranton grieves for the pain (both physical and mental) endured by victims of abuse and prays for their healing. The Diocese currently deals with allegations of sexual abuse with vigilance and transparency and it provides all necessary assistance to victims. The Diocese, through screening, education and training, also commits itself to eradicating abuse. While the Diocese has not been perfect in the past, it has learned from its past mistakes and constantly strives to improve.

Respectfully submitted,

ECKERT SEAMANS CHERIN & MELLOTT, LLC



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OFFICE OF THE BISHOP

June 20, 2018

VIA FEDEX

President Judge Norman A. Krumenacker, III
Court of Common Pleas, Cambria County
200 South Center Street
Ebensburg, PA 15931

Re: Response to Excerpts of the Fortieth Statewide Investigating Grand Jury Report Number 1

Dear Judge Krumenacker:

Thank you for the opportunity to respond to the 40th Statewide Investigating Grand Jury Report Number 1. The Diocese of Scranton has responded separately to the Report. I will refrain from reiterating what is included in the Diocese's response, but instead will focus on the instances in the Report where I am mentioned personally. I respectfully request that the Court attach my Response to the Report before it is issued to the public.

First, I want to provide some background on me. I am the tenth Bishop of the Diocese of Scranton, having been appointed to the post in April 2010. I was born in Carbondale, Pennsylvania on March 21, 1956. I attended Saint Rose of Lima Elementary School and graduated from Saint Rose of Lima High School in 1974. Following graduation, I enrolled in the University of Pittsburgh and was awarded a Bachelor of Arts degree in 1978. I then entered the seminary, was awarded a Master of Divinity degree in 1982, and was ordained to the Priesthood on November 5, 1983. I have held a variety of jobs during my 35 years of service to the Diocese, most notably as Assistant Pastor or Pastor of numerous parishes throughout the Diocese, including Church of Saint Mary of the Assumption, Scranton, the Cathedral of Saint Peter, Scranton, the Church of the Holy Name of Jesus, Scranton, the Church of Saint John Bosco, Conyngham, the Church of the Visitation of the Blessed Virgin Mary in Dickson City, the Church of Saint Thomas Aquinas, Archbald, and the Church of Saint Mary of Czestochowa, Eynon. I have also served the Diocese in a variety of roles, such as Diocesan Director of Ecumenism and Interfaith Affairs, Vicar for Priests, Director of Continuing Education for Priests, Director of Formation at Saint Pius X Seminary, moderator of The Diocesan Annual Appeal, as well as many other administrative and consultative roles.

Second, I want to provide some background on my and the Diocese's view of the work being done by the 40th Statewide Investigating Grand Jury. The sexual abuse of children is a scourge that must be eradicated and cannot be tolerated. The Catholic Church – be it in Boston, Europe, or Scranton – has frankly at times fallen short. Uncovering and analyzing those shortcomings is painful, but necessary. My Diocese and I respect the work of the 40th Statewide Investigating Grand Jury and we have cooperated fully with that work. We have also learned from past mistakes, continuously improving our response to allegations of childhood sexual abuse, committing ourselves to transparency with civil authorities and congregants, and treating victims of abuse with respect and empathy. We look forward to the day when no child is abused and no abuser is protected.

The Report addresses dark and difficult times in the Diocese of Scranton's 150 year history. The abuse cases included in the Report are disturbing to say the least. Equally disturbing are instances where church leaders made decisions that placed children in harm's way. Clearly, the general public and the faithful have every right to be angry. I'm angry, too. While such behavior is unacceptable in any element of society, it is particularly abhorrent in the Church, which calls us all to something better.

The Diocese of Scranton has made changes to be better. For example, since I became Bishop in 2010, the Diocese continued to implement many changes to improve how we handle allegations of abuse.

- We strictly adhere to a zero tolerance policy on abuse.
- We immediately notify law enforcement of all allegations of abuse.
- We notify Pennsylvania Child Line.
- We remove abusers from ministry and immediately notify the parish and the public.
- And we provide all necessary support to victims, knowing that the healing process can be difficult and lengthy.

In addition, to demonstrate our commitment to transparency, long before we were made aware of the Grand Jury investigation, we provided a comprehensive list of all accused members of the clergy and their current status to every District Attorney in each of the eleven counties in which the Diocese operates.

Of course, while properly handling such allegations is critical, our utmost goal is stopping abuse altogether and protecting the children in our Diocese. All volunteers, employees, and members of the clergy must have criminal background and child abuse clearances. Every person is trained extensively on sexual abuse prevention, reporting, victim advocacy and more. Since 2003, we have trained more than 28,000 adults in child protection awareness. We also teach our children in grades K-12 how to recognize and report inappropriate behavior.

As the Bishop of Scranton, I am deeply sorry for the hurt that this scandal has brought to our church and am heartbroken for the victims who have suffered so much. I promise that I have worked every day – and will continue to work every day – to make sure that the children and youth of the Scranton Diocese are safe and that abusers are removed, reported and punished.

Finally, those few cases in which I am mentioned in the Report demonstrate that the changes discussed in this letter have taken hold and have resulted in better handling of allegations, more compassionate treatment of victims, and proper notification concerning and punishment of abusers.[1] For example, in the Altavilla matter, which first came to light when the priest was arrested in April 2014, the Diocese responded immediately by both removing the priest from ministry and by placing notices in the bulletins in all parishes in which Altavilla served inquiring into whether anyone had been sexually abused and encouraging them to immediately report such abuse to law enforcement. The fact that charges against Altavilla were subsequently dropped did not impact the fact that he has been permanently removed from ministry.

In the Boylan matter, again, the priest was removed immediately upon the Diocese's receipt of an allegation of child sexual abuse (and despite the priest's vehement denial of the allegation). The Diocese also immediately notified the Wayne County District Attorney's Office of the allegation. Finally, as with Altavilla, Boylan will permanently remain out of ministry even though civil authorities have declined to file charges against him.

In 1996, when I served as Vicar for Priests, I learned that the Director of Formation at the Diocesan Seminary, Albert Liberatore, was exhibiting problematic behavior, such as missing mass and engaging in an inappropriate relationship with an adult male seminary employee (at that time, neither I nor the Diocese were aware of any allegations of sexual abuse of minors). I put my concerns in writing in a memo addressed to Bishop Timlin. Years later, allegations of child sexual abuse were raised against Liberatore which resulted in Liberatore's criminal conviction and the payment of a large civil settlement by the Diocese. The memo that I wrote to Bishop Timlin (which again did not involve child sexual abuse) turned out to be an important piece of evidence at the civil trial against the Diocese. I have no doubt that Bishop Timlin would have acted differently (and I would have acted more decisively) if when I wrote that memo we even suspected that Liberatore was sexually abusing minors. Nonetheless, the incident shows that the Chancery Staff generally, and me specifically as Vicar for Priests, felt free to challenge Bishop Timlin. That openness to input and, at times, challenge, helped the Diocese evolve and improve its handling of child sexual abuse allegations in the more than 20 years since I wrote that memo.

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[1] Several of the instances where I am mentioned in the Report merely note that I sent the comprehensive list of abuse allegations to each of the District Attorneys for the eleven counties in which the Diocese operates. That list is discussed elsewhere in the letter, so I will not re-address it here. In other instances, my name is mentioned in relation to purely administrative actions (*e.g.* that I issued a decree, received an email, or sent a letter, *etc.*).

Finally, in the McAuliffe case, the Diocese responded immediately and decisively when an unknown person in 2010 placed an advertisement in the newspaper inquiring into whether anyone who served as an altar boy with McAuliffe had been abused. The Diocese placed announcements in the bulletins circulated in all parishes in which McAuliffe had been assigned requesting that any victims of sexual abuse come forward for treatment and assistance. The Diocese also notified law enforcement of the advertisement and of allegations of abuse as victims came forward. I met personally with a victim who had been abused in 1963 and explained how McAuliffe had been returned to ministry after a former Bishop who had refused to place him back into ministry (even though the mental health professionals recommended that he be reinstated) died unexpectedly, and offered a sincere apology.

I do not mean to argue or to imply that the Diocese handled these matters flawlessly. Clearly, it did not. These specific cases, however, support my overall point: that the Diocese has striven to do better and that it currently responds to allegations of abuse with vigilance, transparency and healing. I promise that, for as long as I am its Bishop, the Diocese of Scranton will continue to provide empathy and healing to the victims of child sexual abuse, to notify civil authorities of allegations of abuse, to remove abusers from ministry and to notify the public and parishioners of such removal.

Sincerely yours,

Joseph C. Bambera
Bishop, Diocese of Scranton

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RECEIVED
MAY 25 2018
Office of Attorney General
Prosecutions Section

May 23, 2018

Daniel J. Dye
Senior Deputy Attorney General
Criminal Law Division

Re: The 40th Statewide Investigating Grand Jury

Dear Attorney Dye:

Please be advised that I represent Father Martin Boylan. I am in receipt of your Order and Notice together with a portion of the above-captioned report, specifically, pages 486 and 487. Grand Jury proceedings are secret for the express purpose of protecting people against whom accusations have been made that cannot be substantiated. Why should Father Boylan be named when no charges have ever been presented.

It should first be noted the Order and Notice, reference that the Grand Jury is critical of certain individuals. It should be further noted that the "Court finds that these individuals may be characterized as: having engaged in child sexual abuse."

The first paragraph of the summary of this report references an allegation of something that was alleged to have occurred in April 1993 with a graduate student at Marywood University. Obviously, a graduate student could not be labelled as a "child" who was subjected to abuse and this gratuitous statement could not be characterized as anything other

than character assassination. While admitting no wrong-doing , Father Boylan did apologize to the accuser for any misperceived contact, as well as to the Bishop and President of the college. These allegations have no place in a report on allegations of child sex abuse.

The directive from the diocese was that Father Boylan undergo cautionary therapy while in care of ministry and that directive was fulfilled.

The second paragraph of your summary suggested that additional evaluations were necessary in 1994, 1997 and 2004. Nothing could be further from the truth. These evaluations were periodic follow-up and consistent with new appointments and to satisfy any lingering concerns. None of these evaluations raised any concerns and quite frankly don't belong in a public report.

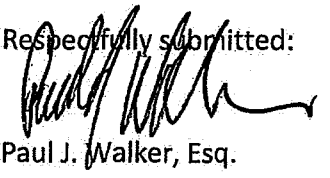
In your summary, you reference a report of March 31/April 1, 2016 wherein 18-year-old male reported abuse when he was 8 years old, at St. Vincent's Camp in Honesdale. While the details of this allegation were sparse, Father Boylan was able to point out many factual inaccuracies about this allegation. The first of which was that there was not a St Vincent's Camp in Honesdale. Further, Father Boylans investigation revealed that no person who would have had information even recall Father Boylan being at any such event, including the sixteen Chaperones who were regularly present. Father Boylan has consistently and emphatically denied these allegations and was fully prepared to defend against them, when they were withdrawn.

Your report also references subjective statements from a member of an Independent Review Board. Father Boylan has always dutifully obeyed the directives of the church and fulfilled his obligations. Whatever objections an anonymous member of the Board had, Father Boylan was appointed pastor, and did make public appearances as is consistent with his position within the Diocese.

The remainder of the report is a regurgitation of the previously discussed incident.

While representing Father Boylan, no less than 75 letters of reference were provided to me attesting to his good character. This allegation has cost him dearly and has caused him to contemplate retirement from the Ministry.

Respectfully submitted:



Paul J. Walker, Esq.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY, PENNSYLVANIA

IN RE:	:	**CP-67-MD-571-2016**
THE FORTIETH STATEWIDE	:	
INVESTIGATING GRAND JURY	:	**Norman A. Krumenacker, III, Judge**

RESPONSE TO GRAND JURY REPORT #1

To the Honorable, the Judges of the said Court:

AND NOW, this 4th day of June, 2018, comes Virgil Bradley Tetherow, by and through his attorney, Marc J. Semke, Esquire, who respectfully represents:

1. On or about May 6, 2018, Respondent received a from the Office of Attorney General, dated May 4, 2018, notifying him that he was named in Grand Jury Report No. 1 and informing that he had 30 days from the date of the letter to respond. *See Copy of the Letter from the Office of Attorney General dated May 4, 2018, attached hereto and made hereof as Exhibit "A."*
2. The third paragraph of the report indicates that he "admitted to downloading the child pornography. Tetherow was arrested and removed from ministry on March 24, 2005. He pled guilty to criminal charges and received a probationary sentence.
3. Respondent respectfully submits the following correction and clarification to the report.
   a. The report gives the impression that the Respondent pled guilty to Possessing Child Pornography.
   b. However, on or about October 18, 2005, Respondent pled guilty to only one count of Criminal Use of Communication graded as a Felony of the 3rd degree.

See Copy of the Criminal Docket, CP-45-0404-2005, attached hereto and made hereof as Exhibit "B."

c. All other charges including all ten (10) counts of Possession of Child Pornographywere nolle prossed by the Commonwealth. *See Copy of the Courts Order dated November 25, 2005, attached hereto and made hereof as Exhibit "C."*

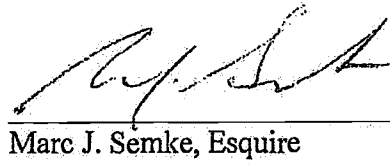
d. Further, Respondent respectfully requests the final paragraph be amended as follows:

e. The report states "Tetherow was thereafter dismissed from the clerical state by the Holy Father on January 23, 2015."

f. Respondent submits that on January 23, 2015, he was dismissed from the clerical state by Francis I.

WHEREFORE, Respondent respectfully requests this Honorable Court to allow the above response to be attached to the report as part of the report pursuant to 42 Pa.C.S. 4552(e).

Respectfully submitted,



Marc J. Semke, Esquire
Attorney I.D. # 93166
11 E. Market Street, Suite 202
York, PA 17401

Exhibit A

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
ATTORNEY GENERAL

16TH FLOOR
STRAWBERRY SQUARE
HARRISBURG, PA 17120
(717) 783-6273 (desk)
(717) 705-7246 (fax)
ddye@attorneygeneral.gov

May 4, 2018

RE: The 40th Statewide Investigating Grand Jury
REPORT No. 1

Dear Sir:

You have been named in a grand jury report. Please find enclosed the portion of the report which I have been authorized to release to you by the Supervising Judge of the 40th Statewide Investigating Grand Jury pursuant to 42 Pa. C.S. § 4552(e). You will also find the Court's order providing thirty (30) days to respond from today's date. Please be advised any response may be made public.

This matter may be discussed with your attorney. However, any additional disclosure may be subject to criminal penalties enumerated within the Grand Jury Act or applicable Pennsylvania law.

Regards,

DANIEL J. DYE
Senior Deputy Attorney General
Criminal Law Division
Criminal Prosecutions Section

CC: File; OAG CPS; OAG BCI
The Honorable Norman A. Krumenacker, III

c.Copy

Exhibit B

COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET

Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
Virgil Bradley Tetherow

CASE INFORMATION

Cross Court Docket Nos: CP-58-MD-0000125-2006
Judge Assigned: Vican, Ronald E.
OTN: K 005382-6 LOTN:
Initial Issuing Authority:
Arresting Agency: Pocono Mt Regl Police Dept
Complaint/Incident #: Unknown
Case Local Number Type(s)
Legacy Docket Number

Date Filed: 03/18/2005 Initiation Date: 03/18/2005
Originating Docket No:
Final Issuing Authority: C. W. Dennis
Arresting Officer: Lenning, Kenneth E. III

Case Local Number(s)
2005-404

STATUS INFORMATION

Case Status: Closed

Status Date	Processing Status
11/07/2006	Completed
10/21/2005	Sentenced/Penalty Imposed
10/20/2005	Awaiting PSI
10/20/2005	Awaiting Sentencing
08/17/2005	Awaiting Sentencing
05/09/2005	Awaiting Formal Arraignment
04/25/2005	Awaiting Pre-Trial Conference
03/18/2005	Migrated Case

Arrest Date: 03/17/2005

Complaint Date: 03/17/2005

CALENDAR EVENTS

Case Calendar Event Type	Schedule Start Date	Start Time	Room	Judge Name	Schedule Status
Formal Arraignment	05/09/2005	1:30 pm	Courtroom 1	Senior Judge Ronald E. Vican	Scheduled
Call/Guilty Plea/ARD	06/15/2005	9:00 am	Courtroom 1	Senior Judge Ronald E. Vican	Scheduled
Call of the List	07/06/2005	9:00 am	Courtroom 3	Senior Judge Jerome P. Cheslock	Scheduled
Call of the List	08/16/2005	9:00 am	Courtroom 1	Senior Judge Ronald E. Vican	Scheduled
Sentencing	10/18/2005	9:00 am	Courtroom 3	Senior Judge Ronald E. Vican	Scheduled

DEFENDANT INFORMATION

Date Of Birth: 08/25/1964 City/State/Zip: Scranton, PA 18505

Alias Name
Tetherow, Bradley

CASE PARTICIPANTS

Participant Type	Name
Defendant	Tetherow, Virgil Bradley

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COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET

Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
Virgil Bradley Tetherow

BAIL INFORMATION

Tetherow, Virgil Bradley

Nebbia Status: None

Bail Action	Date	Bail Type	Percentage	Amount	Bail Posting Status	Posting Date
Set	03/17/2005	ROR		$0.00	Posted	03/17/2005

CHARGES

Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Dt.	OTN
1	1	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
2	2	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
3	3	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
4	4	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
5	5	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
6	6	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
7	7	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
8	8	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
9	9	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
10	10	F3	18 § 6312 §§D1	Possession Of Child Pornography	01/01/2005	K 005382-6
11	11	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
12	12	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
13	13	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
14	14	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
15	15	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
16	16	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
17	17	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
18	18	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
19	19	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
20	20	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
21	21	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6
22	22	F3	18 § 7512 §§A	Criminal Use Of Communication Facility	01/01/2005	K 005382-6

DISPOSITION SENTENCING/PENALTIES

Disposition
Case Event
Sequence/Description
Sentencing Judge
Sentence/Diversion Program Type
Sentence Conditions

Disposition Date
Offense Disposition
Sentence Date
Incarceration/Diversionary Period

Final Disposition
Grade Section
Credit For Time Served
Start Date

Guilty Plea

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COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET

Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
Virgil Bradley Tetherow

DISPOSITION SENTENCING/PENALTIES

Disposition / Case Event / Sequence/Description / Sentencing Judge / Sentence/Diversion Program Type / Sentence Conditions	Disposition Date / Offense Disposition / Sentence Date / Incarceration/Diversionary Period	Final Disposition / Grade	Section / Credit For Time Served / Start Date
Sentencing	10/18/2005	Final Disposition	
1 / Possession Of Child Pornography Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 6312 §§ D1
2 / Possession Of Child Pornography Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 6312 §§ D1
3 / Possession Of Child Pornography Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 6312 §§ D1
4 / Possession Of Child Pornography Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 6312 §§ D1
5 / Possession Of Child Pornography Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 6312 §§ D1
6 / Possession Of Child Pornography Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 6312 §§ D1
7 / Possession Of Child Pornography Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 6312 §§ D1
8 / Possession Of Child Pornography Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 6312 §§ D1
9 / Possession Of Child Pornography Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 6312 §§ D1
10 / Possession Of Child Pornography Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 6312 §§ D1
11 / Criminal Use Of Communication Facility Vican, Ronald E. Probation	Guilty Plea 10/18/2005 Min of 2.00 Years Max of 2.00 Years 2 Years	F3	18 § 7512 §§ A

Sexual Offender Evaluation - Defendant shall undergo a sexual offender's evaluation and cpmply with all treatmenet recommendations, and pay the costs assoicated with those requirements.
Pay Costs of these proceedings.
Upon parole defendant shall make a payment of thirty-five dollar ($35.00) per month supervisory fee.

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COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET

Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
Virgil Bradley Tetherow

DISPOSITION SENTENCING/PENALTIES

Disposition / Case Event / Sequence/Description / Sentencing Judge / Sentence/Diversion Program Type / Sentence Conditions	Disposition Date / Offense Disposition / Sentence Date / Incarceration/Diversionary Period	Final Disposition Grade	Section / Credit For Time Served / Start Date
Act 185 of 2004. Monroe County Probation Department shall obtain a DNA blood sample and fingerprints from the Defendant.			
12 / Criminal Use Of Communication Facility Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 7512 §§ A
13 / Criminal Use Of Communication Facility Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 7512 §§ A
14 / Criminal Use Of Communication Facility Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 7512 §§ A
15 / Criminal Use Of Communication Facility Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 7512 §§ A
16 / Criminal Use Of Communication Facility Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 7512 §§ A
17 / Criminal Use Of Communication Facility Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 7512 §§ A
18 / Criminal Use Of Communication Facility Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 7512 §§ A
19 / Criminal Use Of Communication Facility Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 7512 §§ A
20 / Criminal Use Of Communication Facility Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 7512 §§ A
21 / Criminal Use Of Communication Facility Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 7512 §§ A
22 / Criminal Use Of Communication Facility Vican, Ronald E.	Nolle Prossed 10/18/2005	F3	18 § 7512 §§ A

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COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET

Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
Virgil Bradley Tetherow

COMMONWEALTH INFORMATION

Name:

Supreme Court No:

ATTORNEY INFORMATION

Name: Mark Steven Love
Private

Supreme Court No: 024844

Rep. Status: Active

Phone Number(s):

570-629-6322 (Phone)
062-963-22 (Phone)
570-629-6322 (Other)

Address:

Route 611
PO Box 349
Tannersville, PA 18372

Representing: Tetherow, Virgil Bradley

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
1	03/18/2005		Unknown Filer
Original Papers Received from Lower Court			
2	03/18/2005		Migrated, Filer
MOTION & ORDER TO SET BAIL FILED			
MOTION & ORDER TO SET BAIL FILED			
3	03/18/2005		Migrated, Filer
OTN FROM MAGISTRATE, FILED.			
OTN FROM MAGISTRATE, FILED.			
1	04/25/2005		Love, Mark Steven
Waiver of Appearance at Arraignment			

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COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET

Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
Virgil Bradley Tetherow

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
2	05/09/2005		Monroe County District Attorney's Office

Criminal Information Filed

Count 1: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
Count 2: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
Count 3: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
Count 4: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
Count 5: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
Count 6: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
Count 7: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
Count 8: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
Count 9: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
Count 10: Possession of Child Pornography. (18 Pa.C.S. 6312D) F3
Count 11: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
Count 12: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
Count 13: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
Count 14: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
Count 15: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
Count 16: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
Count 17: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
Count 18: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
Count 19: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3
Count 20: Criminal Use of Communication Facility. (18 Pa.C.S. 7512A) F3

1	05/19/2005		Love, Mark Steven

Motion for Discovery

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COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET

Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
Virgil Bradley Tetherow

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
1	05/23/2005		Miller, Linda Wallach

Order Granting Motion

AND NOW, this 23rd day of May, 2005, upon consideration of the attached Motion, a Rule is issued upon the Commonwealth of Pennsylvania to show cause why the Defendant's Motion to Compel Discovery and to Extend Time for Filing of the Omnibus Pretrial Motion should not be granted.

RULE RETURNABLE for Answer in the Office of the Clerk of Courts of Monroe County on or before the 13th day of June, 2005 at 9:30 a.m.

If an Answer to the Rule is filed, either party may file a Motion for aheearing or praecipe the case for Argument, as appropriate. If no Answer is filed on or before the return date, the moving party may file a Motion to Make the Rule Absolute. A Motion to Make the Rule Absolute shall evidence compliance with the service requirements of 43 J.D.R.C.P. 206 (4,5). It is further Ordered that the Counsel for Defendant is hereby granted an extension of thirty (30) days from the date the District Attorney provides discovery in which to file an Omnibus Pretiral Motion pursuant to Pa.R.Crim.P. No. 306.

By The Court:
Linda Wallach Miller, Judge

CC: District Attorney; Mark S. Love, Esq.

2	07/06/2005		Cheslock, Jerome P.

Order Call of the List

AND NOW, to wit this 6th day of July, 2005 upon motion of Mark S. Love, Esquire, Attorney for Defendant this matter is continued from the July 20055 Criminal Trial Term until the September 2005 Criminal Trial Term. Defendanta is directed to attend the Call of the September Criminal Trial List scheduled for Tuesday, August 16, 2005 at 9:00 a.m. Courtroom No. 1, Monroe County Courthouse, Stroudsburg, Pennsylvania.

BY THE COURT:
JEROME P. CHESLOCK, JUDGE

cc: Mark S. Love, Eaq; District Attorney; Probation; Court Administrator

1	08/16/2005		Tetherow, Virgil Bradley

Written Guilty Plea Colloquy Filed

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COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET

Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
Virgil Bradley Tetherow

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
1	08/17/2005	08/16/2005	Vican, Ronald E.

Order/Guilty Plea/Sentence Deferred

AND NOW, this 16th day of August, 2005, the Defendant having entered a plea of guilty to Count XI, Criminal Use of Communications Facility, a felony of the third degree, imposition of sentence is deferred pending a presentence investigation report. The Defendant is continued at liberty on bail.

BY THE COURT;
RONALD E. VICAN, PRESIDENT JUDGE

cc: District Attorney;M Ventrella, Esq;; Probation; Court Administrator; Sheriff; MCCF; S. Kern, RPR

1	10/18/2005		O'Brien, Peter J.

Guilty Plea

2	10/18/2005		O'Brien, Peter J.

Disposition Filed

1	10/21/2005	10/18/2005	Vican, Ronald E.

Order - Sentence/Penalty Imposed

AND NOW, this 18th day of October 2005, the Defendant having entered a plea of guilty on Count XI, Criminal Use of Communication Facility, a felony of the third degree, it is the sentence of this court that the Defendant, Virgil Bradley Tetherow, be placed on probation for a period of two (2) years, which shall included the payment of a thirty-five dollar ($35.00) per month supervisory fee pursuant to Act 35 of 1991, undergo a sexual offender's evaluation and comply with all treatment recommendations, plus pay the costs associated with those requirements, pluse pay the costs of these proceedings. The Monroe County Probation Department shall obtain a DNA blood sample and fingerprints from the Defendant pursuant to Act 185 of 2004.

BY THE COURT: RONALD E. VICAN, PJ

cc: D.A.
M. Ventrella, Esquire
Probation
Sheriff
MCCF
Court Administrator
S. Kern, RPR

1	11/04/2005		Vican, Ronald E.

Guideline Sentence Form

1	11/28/2005		Unknown Filer

Motion for Nolle Prosequi

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COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET

Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
Virgil Bradley Tetherow

ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
1	11/30/2005	11/29/2005	Vican, Ronald E.

Order Granting Motion for Nolle Prosequi

AND NOW this 29th day of November, 2005 the Commonwealth is granted leave to enter a nolle prosequi in the above captioned case to:

Count 1, Possession of Child Pornography; Count 2, Possession of child Pornography; Count 3, Possession of Child Pornography; Count 4, Possession of Child Pornography; Count 5, Possession of Child Pornography; Count 6, Possession of Child Pornography; Count 7, Possession of Child Pornography; Count 8, Possession of Child Pornography;
Count 9, Possession of Child Pornography; Count 10, Possession of Child Pornography; Count 12, Criminal Use of Communication Facility; Count 13, Criminal Use of Comunication Facility; Count 14, Criminal Use of Communication Facility; Count 15, Criminal Use of Communication Facility; Count 16, Criminal Use of Communication Facility; Count 17 Criminal Use of Communication Facility; Count 18, Criminal Use of Communication Facility; Count 19, Criminal Use of Communication Facility; Count 20, Criminal Use of Communication Facility

BY THE COURT;
RONALD E. VICAN, PRESIDENT JUDGE
cc: District Attorney; Mark S. Love, Esq; MCCF

1	02/21/2006		Court of Common Pleas - Monroe County

Penalty Assessed

1	03/15/2006		Court of Common Pleas - Monroe County

Delinquency Notice Filed - 105 Days Overdue

1	05/05/2006		Tetherow, Virgil Bradley

Penalty Satisfied

1	11/07/2006		Unknown Filer

Transferred to Another Jurisdiction

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COURT OF COMMON PLEAS OF MONROE COUNTY

DOCKET

Docket Number: CP-45-CR-0000404-2005

CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania
v.
Virgil Bradley Tetherow

CASE FINANCIAL INFORMATION

Last Payment Date: 09/22/2015

Total of Last Payment: -$1.00

Tetherow, Virgil Bradley
Defendant

Costs/Fees	Assessment	Payments	Adjustments	Non Monetary Payments	Total
Automation Fee (Monroe)	$5.00	-$5.00	$0.00	$0.00	$0.00
State Court Costs (Act 204 of 1976)	$10.77	-$10.77	$0.00	$0.00	$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	$16.16	-$16.16	$0.00	$0.00	$0.00
County Court Cost (Act 204 of 1976)	$23.57	-$23.57	$0.00	$0.00	$0.00
Crime Victims Compensation (Act 96 of 1984)	$35.00	-$35.00	$0.00	$0.00	$0.00
Domestic Violence Compensation (Act 44 of 1988)	$10.00	-$10.00	$0.00	$0.00	$0.00
Victim Witness Service (Act 111 of 1998)	$25.00	-$25.00	$0.00	$0.00	$0.00
Firearm Education and Training Fund	$5.00	-$5.00	$0.00	$0.00	$0.00
Judicial Computer Project	$8.50	-$8.50	$0.00	$0.00	$0.00
ATJ	$1.50	-$1.50	$0.00	$0.00	$0.00
DNA Detection Fund (Act 185-2004)	$250.00	-$250.00	$0.00	$0.00	$0.00
Court Costs (Monroe)	$75.00	-$75.00	$0.00	$0.00	$0.00
OSP (Monroe/State) (Act 35 of 1991)	$420.00	$0.00	-$420.00	$0.00	$0.00
OSP (Monroe/State) (Act 35 of 1991)	$420.00	$0.00	-$420.00	$0.00	$0.00
Judgment Fee (Monroe)	$29.50	-$29.50	$0.00	$0.00	$0.00
Copy Costs (Monroe)	$1.00	-$1.00	$0.00	$0.00	$0.00
Costs/Fees Totals:	$1,336.00	-$496.00	-$840.00	$0.00	$0.00
Grand Totals:	$1,336.00	-$496.00	-$840.00	$0.00	$0.00

** - Indicates assessment is subrogated

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assume any liability for inaccurate or delayed data, errors or omissions on these reports. Docket Sheet information should not be used in place of a criminal history background check which can only be provided by the Pennsylvania State Police. Moreover an employer who does not comply with the provisions of the Criminal History Record Information Act may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

Exhibit C

COURT OF COMMON PLEAS OF MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA : No. 404-2005 CRIMINAL

vs.

VIRGIL BRADLEY TETHEROW

MONROE COUNTY, PA
2005 NOV 28 P 3:25
CLERK OF COURTS

PETITION TO NOLLE PROSEQUI

TO THE HONORABLE RONALD E. VICAN, PRESIDENT JUDGE OF THE SAID COURT:

COMES NOW The Commonwealth of Pennsylvania, by and through Robert A. Saurman, Assistant District Attorney and respectfully requests that a nolle prosequi be allowed in this case as follows:

1. Charges for nolle prosequi:

   Count 1, Possession Of Child Pornography; Count 2, Possession Of Child Pornography; Count 3, Possession Of Child Pornography; Count 4, Possession Of Child Pornography; Count 5, Possession Of Child Pornography; Count 6, Possession Of Child Pornography; Count 7, Possession Of Child Pornography; Count 8, Possession Of Child Pornography; Count 9, Possession Of Child Pornography; Count 10, Possession Of Child Pornography; Count 12, Criminal Use Of Communication Facility; Count 13, Criminal Use Of Communication Facility; Count 14, Criminal Use Of Communication Facility; Count 15, Criminal Use Of Communication Facility; Count 16, Criminal Use Of Communication Facility; Count 17, Criminal Use Of Communication

Facility; Count 18, Criminal Use Of Communication Facility; Count 19, Criminal Use Of Communication Facility; Count 20, Criminal Use Of Communication Facility

2. Reason for nolle prosequi: Defendant pled guilty on August 16, 2005 to the related charge(s) of:

Count 11, Criminal Use Of Communication Facility

3. Defendant was sentenced before the Honorable Ronald E. Vican, President Judge in the above-captioned case on October 18, 2005.

WHEREFORE, your Petitioner respectfully requests that this Honorable Court grant permission to enter a nolle prosequi to the above-stated charges.

Respectfuly submitted,

Robert A. Saurman
Assistant District Attorney
Monroe County Courthouse
Stroudsburg, PA 18360

AND NOW, this 19th day of November, 2005, the Commonwealth is granted leave to enter a nolle prosequi in the above-captioned case to:

Count 1, Possession Of Child Pornography; Count 2, Possession Of Child Pornography; Count 3, Possession Of Child Pornography; Count 4, Possession Of Child Pornography; Count 5, Possession Of Child

Pornography; Count 6, Possession Of Child Pornography; Count 7, Possession Of Child Pornography; Count 8, Possession Of Child Pornography; Count 9, Possession Of Child Pornography; Count 10, Possession Of Child Pornography; Count 12, Criminal Use Of Communication Facility; Count 13, Criminal Use Of Communication Facility; Count 14, Criminal Use Of Communication Facility; Count 15, Criminal Use Of Communication Facility; Count 16, Criminal Use Of Communication Facility; Count 17, Criminal Use Of Communication Facility; Count 18, Criminal Use Of Communication Facility; Count 19, Criminal Use Of Communication Facility; Count 20, Criminal Use Of Communication Facility

BY THE COURT:

Ronald E. Vican, President Judge

I hereby enter a nolle prosequi on the charge(s) designated above.

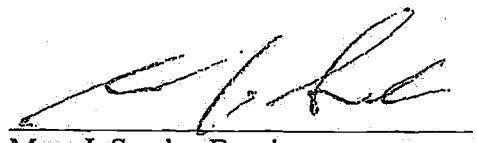
Robert A. Saurman
Assistant District Attorney
Monroe County Courthouse
Stroudsburg, PA 18360

2005 NOV 30 A 9:28
MONROE COUNTY, PA.
CLERK OF COURTS

cc: District Attorney, RAS/amb
Mark S. Love, Esq.
MCCF

VERIFICATION

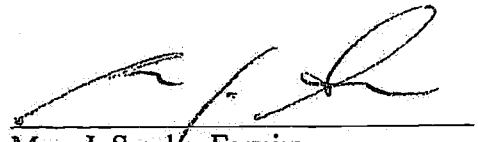
I verify that the statements made in this motion are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.



Marc J. Semke, Esquire
Attorney I.D. # 93166
11 E. Market Street, Suite 202
York, PA 17401

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.



Marc J. Semke, Esquire
Attorney I.D. # 93166
11 E. Market Street, Suite 202
York, PA 17401

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	:	SUPREME COURT OF PENNSYLVANIA
	:	2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE	:	
	:	ALLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY	:	CP-02-MD-571-2016

RESPONSE TO THOSE EXCERPTS OF THE FORTIETH STATEWIDE GRAND JURY REPORT NUMBER 1 PROVIDED TO BISHOP EMERITUS JAMES CLIFFORD TIMLIN

James Clifford Timlin ("Bishop Emeritus Timlin"), through his counsel, Pietragallo Gordon Alfano Bosick & Raspanti, LLP, pursuant to the Court's Amended Order of May 22, 2018, hereby submits his Response to Excerpts of the Report of the Fortieth Statewide Investigating Grand Jury Report Number 1 Related to Bishop Timlin ("Report").[1]

Preliminary Statement

While Bishop Emeritus Timlin does not agree with all of the conclusions and opinions expressed by the Grand Jury in these excerpts, he finds it disheartening to review the sins of the clergy over such an extended period of time. Bishop Emeritus Timlin is grateful that so much has been done to prevent these evils in the future and to better respond to, and care for, the victims of such abuse.

In August of this year, Bishop Emeritus Timlin will be 91. He has served the majority of his adult life in the community of the Diocese of Scranton. During his tenure as Bishop, the Diocese of Scranton engaged in serious and evolving efforts to address child sexual abuse by its priests. Bishop Emeritus Timlin has reviewed the excerpts of the Grand Jury Report provided to him – including references to Caparelli and Skotek - and the summary information about other

[1] Bishop Timlin received a large excerpt of the Report dealing with the Diocese of Scranton, but did not receive the full Report Number 1.

Diocesan priests who were accused of child sexual abuse before, during and after he served as Bishop.

Respectfully, the Diocese of Scranton was, in many ways, in the forefront of the Church's response to these concerns. As early as 1993, Bishop Emeritus Timlin established an Independent Review Board, composed of lay people, to advise him in responding to allegations of sexual misconduct by priests. In addition, in 1993 he created a uniform procedure for addressing allegations of child sexual abuse. As the Diocese reviewed allegations pursuant to the 1993 Policy (and subsequent versions), and as it gained greater experience in doing so, the Bishop's and the Diocese's processes evolved and improved.

Bishop Emeritus Timlin sadly acknowledges that his and the Diocese's efforts were imperfect. Bishop Emeritus Timlin acted with his best judgment, informed by his then-existing understanding of medical science's ability to identify and treat offenders, and based (at times) on legal advice he received from Diocesan counsel. Over the course of his tenure, as he personally gained greater experience in handling allegations of child sexual abuse by priests, and as his personal understanding of, and the understanding of medical science about, child sexual offenders evolved, Bishop Emeritus Timlin's handling of these allegations also evolved and continued to improve. Bishop Emeritus Timlin recognizes that some of his past decisions regarding offenders were imperfect, and in hindsight regrets that his past judgments at the time caused a single day of pain to any victims.

Indeed, subsequent events demonstrated that while the Bishop's and Diocese's earnest efforts during Bishop Emeritus Timlin's tenure aided greatly, those efforts sadly did not stop altogether the sexual abuse of children by clergy. Bishop Emeritus Timlin offers his sincere apology to all victims of sexual abuse by priests of the Diocese of Scranton. He regrets the pain

suffered by those victims and prays that they will find peace, healing and some measure of closure.

After Bishop Emeritus Timlin stepped down in 2003, the Diocese continued to evolve and improve under the guidance of succeeding Bishops. The Diocese of Scranton remains firmly committed to immediately and transparently addressing child sexual abuse by any clergy member.

Background Concerning Bishop Emeritus James Timlin

Bishop Emeritus Timlin served as a priest in the Diocese of Scranton ("Diocese") for the past sixty-six years, nineteen of which he served as the Eighth Bishop of the Diocese. At the age of 90, Bishop Emeritus Timlin continues to do his best to minister to congregants, even if only on a limited basis. Bishop Emeritus Timlin was born in Scranton, grew up in Scranton, and has ministered to members of the Scranton Diocese most of his adult life. He served as a priest in several locations in the Scranton Diocese both before and after his tenure as Bishop. Bishop Emeritus Timlin has always enjoyed direct ministry with members of the Church and the community at large.

When Bishop O'Connor was elevated to Cardinal and transferred to the Archdiocese of New York in March of 1984, Bishop Emeritus Timlin was elected Diocesan Administrator by the Diocesan Board of Consultors. The Diocesan Administrator serves as interim leader of the Diocese until a new Bishop is appointed by Our Holy Father, the Pope. On April 24, 1984, Bishop Emeritus Timlin was appointed Eighth Bishop of Scranton by His Holiness, Pope John Paul II and was installed on June 7, 1984.

Bishop Emeritus Timlin served as the Bishop of the Diocese of Scranton for almost twenty years. Due to his advancing years, he stepped down on July 25, 2003, at 75. Bishop Emeritus Timlin returned to ministry approximately six months later. On February 4, 2004, he was appointed Administrator of Saint Joseph's Church, in Wilkes-Barre. On July 6, 2004, he assumed new duties as rector of Villa St. Joseph in Dunmore, Pennsylvania. Bishop Emeritus Timlin continues to provide temporary coverage for priests within the Diocese as he is needed.

How The Diocese Of Scranton Responded To Allegations Of Abuse Under Bishop Emeritus Timlin's Tenure

During Bishop Emeritus Timlin's tenure, the Diocese of Scranton addressed allegations of child sexual abuse guided by a number of principals: 1) compassion for the victim; 2) an open dialogue with the victim, whom Bishop Emeritus Timlin would often directly contact and with whom he would meet whenever requested; 3) a frank and direct discussion with the accused; 4) an "open door" policy for anyone who wished to discuss their concerns; 5) fair treatment of all parties; and 6) a commitment that those individuals who reported that they were victims of child sexual abuse received all necessary medical, psychological and pastoral care.

As a result of the Caparelli incident, Bishop Emeritus Timlin recognized that the Diocese's then-existing system of addressing allegations of abuse by clergy needed substantial review, modification, and improvement. The Diocese of Scranton, at Bishop Emeritus Timlin's direction, established a policy setting forth a uniform procedure for responding to allegations of abuse ("1993 Policy"). The 1993 Policy provided a systematic method of addressing allegations of child sexual abuse. For example, the 1993 Policy required, in every credible instance of

alleged child sexual abuse, an investigation into the allegation, temporary removal of the accused from ministry, and reporting of the incident to the appropriate child protective agencies.

The 1993 Policy required that all available resources be provided to victims, including pastoral, medical, and psychological care. The Policy also detailed how a priest who was credibly accused of sexual abuse would be handled by the Diocese. To Bishop Emeritus Timlin's knowledge, this was one of the earliest policies in effect in the country concerning a diocesan response to allegations of child sexual abuse. Bishop Emeritus Timlin ensured that the 1993 Policy was openly communicated to all members of the Diocese, as it was a feature story in the Diocesan newspaper, *The Catholic Light*. The 1993 Policy evolved constructively over the course of his tenure as Bishop, and was revised further by the Diocese in the years following the Dallas Charter.

Further, during Bishop Emeritus Timlin's tenure, and at his specific direction, in 1993 the Diocese of Scranton established an Internal Review Board (now known as the "Diocesan Review Board"). Bishop Emeritus Timlin notes that he took these actions nine (9) years before the adoption of the Dallas Charter. While not perfect, the Diocese of Scranton was in the vanguard of many religious organizations addressing the serious concerns related to child sexual abuse by members of the clergy. Bishop Emeritus Timlin appointed to the Internal Review Board ("IRB") a cross section of lay people, including leaders of the Scranton community and esteemed professionals with a wide range of expertise.

The IRB included: former members of law enforcement; a former prosecutor; psychiatrists, psychologists and other mental health professionals; social service professionals; as well as other respected community members. The purpose of the IRB was to gather a diverse group of individuals with a wide range of expertise who could assist in the independent review of

cases involving allegations of child sexual abuse by priests and who would recommend an appropriate course of action based on the IRB's determination about the credibility of the allegations.

Bishop Emeritus Timlin believed such an independent body of experienced lay people was an important step in improving the Diocese's process for responding to allegations of child sexual abuse in the Diocese. Similarly, Bishop Emeritus Timlin encouraged open communication from other members of Diocesan leadership, and welcomed input from others within and outside the laity on the best way to proceed concerning allegations against clergy.

Both the Policy and the IRB were part of Bishop Emeritus Timlin's and the Diocese of Scranton's constructive and continuing efforts to address credible allegations of child sexual abuse against clergy. Like the 1993 Policy, the Diocese of Scranton's IRB process and the IRB's recommendations evolved over the years, informed by experience and a growing awareness that individuals who sexually abused children could not be successfully cured through medical science.

Implementing The 2002 Dallas Charter in the Diocese of Scranton

In 2002, the United States Conference of Catholic Bishops convened in Dallas, Texas and adopted the Charter for the Protection of Children and Young People, which became known as the "Dallas Charter." The Dallas Charter is a comprehensive set of uniform procedures put in place nationwide, mandating how dioceses must address allegation of sexual abuse by clergy. The Charter requires prompt and effective responses to allegations, cooperation with civil authorities, and the immediate discipline of offending clergy. Bishop Emeritus Timlin participated in the United States Conference of Catholic Bishops in Dallas and played an active

role in the debate which led to the adoption of the Dallas Charter. In sum, the Dallas Charter required zero tolerance, meaning that all priests credibly accused of child sexual abuse must be permanently removed from ministry.

Upon Bishop Emeritus Timlin's return to Scranton from this significant Dallas meeting, he did all he could to ensure that the Diocese of Scranton's policies, practices, and procedures were in full accord with those set forth in the Dallas Charter. He also ensured, that going forward, the Diocese of Scranton fulfilled the zero tolerance policy endorsed by the Dallas Charter. Further, Bishop Emeritus Timlin established an "Ad Hoc Committee," consisting of the Diocesan Director of Ecumenism and Interfaith Affairs, the Chancellor, the Vicar of Clergy, and a future Vicar General, in order to perform a historical review of all of the allegations received by the Diocese. The Ad Hoc Committee's review was comprehensive. This Committee drafted a report which recommended that ten (10) men be removed from ministry based on the zero tolerance policy outlined in the Dallas Charter. Bishop Emeritus Timlin followed each of the Ad Hoc Committee's recommendations and insured that the Diocese enforced the Dallas Charter's zero tolerance requirements.

After Bishop Emeritus Timlin's retirement, the Diocese of Scranton continued to vigorously implement the policies of the Dallas Charter and enforce its zero tolerance mandate.

PIETRAGALLO GORDON ALFANO
BOSICK & RASPANTI, LLP

By: Kevin Raphael

Marc S. Raspanti, Esquire(#41350)
Kevin E. Raphael, Esquire (#72673)
1818 Market Street, Suite 3402
Philadelphia, PA 19103
(215) 320-6200

Counsel for Bishop Emeritus James Timlin (Retired)

3595108v1

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:	:	SUPREME COURT OF PENNSYLVANIA 2 W.D. MISC. DKT. 2016
THE FORTIETH STATEWIDE INVESTIGATING GRAND JURY	:	ALLEGHENY COUNTY COMMON PLEAS CP-02-MD-571-2016
	:	NOTICE NO. 1

CERTIFICATE OF SERVICE

I, Kevin E. Raphael, Esquire, hereby certify that a copy of the foregoing Response to Excerpts of Fortieth Statewide Grand Jury Report No. 1 Provided to Bishop Emeritus James Clifford Timlin was served on June 18, 2018 *via* overnight mail upon:

The Honorable Norman A. Krumenacker, III
Supervising Judge, 40th Statewide Investigating Grand Jury
Cambria County Court of Common Pleas
Cambria County Courthouse
200 South Center Street
Ebensburg, PA 15931

Daniel J. Dye
Senior Deputy Attorney General
Criminal Law Division
1600 Strawberry Square
Harrisburg, PA 17120

PIETRAGALLO GORDON ALFANO
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Attorney for Bishop Emeritus James C. Timlin (Retired)