

# **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)**

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**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*

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## **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 un.masks 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.erieecd.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."<sup>1</sup> 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."<sup>2</sup>

**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@kigates.com](mailto:ErieRCD@kigates.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.<sup>a</sup> 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.<sup>3</sup> In 1986, the Erie

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<sup>a</sup> 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.<sup>4</sup>

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);<sup>b</sup>
- 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).<sup>5</sup>

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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<sup>b</sup> 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.

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<sup>1</sup> Keith Gushard, [http://www.meadvilletribune.com/news/full-story-two-priests-removed-by-diocese-of-erie/article\\_16693df6-1124-11e8-83dc-677fa8a2af0f.html](http://www.meadvilletribune.com/news/full-story-two-priests-removed-by-diocese-of-erie/article_16693df6-1124-11e8-83dc-677fa8a2af0f.html).

<sup>2</sup> Christine Vendel, [http://www.pennlive.com/news/2018/05/erie\\_bishop\\_meets\\_with\\_attorne.html](http://www.pennlive.com/news/2018/05/erie_bishop_meets_with_attorne.html).

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

<sup>4</sup> 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>.

<sup>5</sup> 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<sup>1</sup> 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.

<sup>1</sup> "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.



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 to 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 \_\_\_\_\_  
(Fr. \_\_\_\_\_)

\_\_\_\_\_  
The Roman Catholic Diocese of  
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  
16<sup>th</sup> Floor  
Strawberry Square  
Harrisburg, Pa. 17120



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.

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 40<sup>th</sup> Statewide Investigating Grand Jury  
Cambria County Court of Common Pleas  
Cambria County Courthouse  
200 South Center Street  
Ebensburg, PA 15931

**Re: 40<sup>TH</sup> 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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*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 reflect 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.

*40<sup>th</sup> 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. This 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.<sup>1</sup> So, when was he identified? Where was he identified? How was

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<sup>1</sup> 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 it*, 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](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 their 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<sup>2</sup> 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.

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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>).

<sup>2</sup> Betrayal – The Crisis in the Catholic Church, Investigative Staff of the Boston Globe, Little Brown and Company, May 2002.

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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<sup>3</sup>*. 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 Persiço 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

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<sup>3</sup> 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

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  
20 APR 2011

DATE OF BIRTH  
20 JUL 1951

GRADE FOR RETIRED PAY  
(HIGHEST GRADE SATISFACTORILY HELD)  
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]

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](http://www.military.com) or [www.globemaster.de](http://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](http://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 G. 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

1. NAME (Last, First, Middle Initial) [REDACTED]		2. DEPARTMENT, COMPONENT AND BRANCH AIR FORCE - REG AF	
3. GRADE, RATE, RATE BAND, PAY GRADE [REDACTED]	4. DATE OF BIRTH (YYMMDD) [REDACTED]	6. RESERVE OBLIG. TERM. DATE Year N/A   Month   Day	
12. PLACE OF ENTRY INTO ACTIVE DUTY DuBois PA	7. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) Colorado Springs CO		
8a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND 88 AW/HQ (USAFE)	8b. STATION WHERE SEPARATED Peterson AFB CO		
9. COMMAND TO WHICH TRANSFERRED Not Applicable		10. SGLI COVERAGE <input type="checkbox"/> 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		
	a. Date Entered AD This Period	Year(s)	Month(s)
	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		
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 <input type="checkbox"/> <input checked="" type="checkbox"/>	15b. HIGH SCHOOL GRADUATE OR EQUIVALENT
		Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	16. DAYS ACCRUED LEAVE PAID -0-
17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION			Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
18. REMARKS [REDACTED]			
19. SIGNATURE OF MEMBER [REDACTED]			
20. SIGNATURE OF COMMANDING OFFICER [REDACTED]			

DD Form 214, NOV 88, EG

Previous editions are obsolete. Generated by Dept of the Air Force PC-10

MEMBER-1

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ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID

**CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY**

1. NAME (Last, First, Middle) **WESLICK, STEPHEN E. (O)** 2. DEPARTMENT, COMPONENT AND BRANCH **AIR FORCE-ANGUS** 3. SOCIAL SECURITY NUMBER [REDACTED]

4a. GRADE, RATE OR RANK **MA** 4b. PAY GRADE **04** 5. DATE OF BIRTH (YYYYMMDD) [REDACTED] 6. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD) **N/A**

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) **BALTIMORE MD**

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

9. COMMAND TO WHICH TRANSFERRED **ANG, State of Maryland** 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.) <b>52R3, CHAPLAIN</b>	12. RECORD OF SERVICE			
	YEAR(S)	MONTH(S)	DAY(S)	
	a. DATE ENTERED AD THIS PERIOD	2001	SEP	17
	b. SEPARATION DATE THIS PERIOD	2001	SEP	30
	c. NET ACTIVE SERVICE THIS PERIOD	2001	00	18
	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	
d. EFFECTIVE DATE OF PAY GRADE	1988	JUN	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  NO  
 15b. HIGH SCHOOL GRADUATE OR EQUIVALENT  YES  NO

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

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 M Devices with 1 hourglass device, AF Training Ribbon. Member served on AD in support of Operation Resolve IAW 10 USC 1231(D) at Arlington, Virginia from 12 Sep 01 to 20 Sep 01.**  
**NOTHING FOLLOWS**

The information contained herein is shown to comply with the Department of Defense and any other applicable Federal or State agency for verification purposes and to preserve accuracy and consistency with the requirements of a Federal benefit program.

19. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code) [REDACTED] 20. MEMBER REQUESTS COPY BE SENT TO: MD - DIRECTOR OF VETERANS AFFAIRS  YES  NO

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

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ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

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

4. GRADE, RATE OR RANK MAJ 5. PAY GRADE O4 6. DATE OF BIRTH (YYYYMMDD) [REDACTED] 7. RESERVE OBLIGATION TERMINATION DATE (YYYYMMDD) N/A

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) BALTIMORE MD

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

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

Table with 4 columns: RECORD OF SERVICE, YEAR(S), MONTHS(S), DAY(S). Rows include: DATE ENTERED AD THIS PERIOD (2001 OCT 21 06), SEPARATION DATE THIS PERIOD (2001 NOV 22 06), NET ACTIVE SERVICE THIS PERIOD (300 03 20), TOTAL PRIOR ACTIVE SERVICE (310 03 06), TOTAL PRIOR INACTIVE SERVICE (043 03 05), FOREIGN SERVICE (000 01 01), SEA SERVICE (000 00 00), EFFECTIVE DATE OF PAY GRADE (4-1988 JAN 24 88).

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 (Table as above). 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 1986, AIR COMMAND - STAFF COLLEGE - JOINT (BEFORE 2005), JAN 1989.

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

16. DAYS ACCRUED LEAVE PAID 0 17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 30 DAYS PRIOR TO SEPARATION [ ] YES [X] NO

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 oak leaf clusters with 1 bronze device, AF Training Ribbon, Member served on AD in support of Operation Southern Watch during Freedom (AW 10 USC 12301(d)) at Prince Sultan Air Base Saudi Arabia from 05 Oct 01 - 05 Nov 01. NOTHING FOLLOWS.

[REDACTED SECTION]

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

19a. MAILING ADDRESS AFTER SEPARATION (Include ZIP Code) [REDACTED] 19b. HOUSEHOLD RELATIVE (Name and address - include ZIP Code) [REDACTED]

20. MEMBER REQUESTS COPY BE SENT TO: [ ] NO [X] YES DIRECTOR OF VETERANS AFFAIRS

21. SIGNATURE OF MEMBER BEING SEPARATED MEMBER NOT AVAILABLE TO SIGN 22. OFFICIAL AUTHORIZED TO SIGN (Typed name and title) ELIZABETH A. MCINTOSH, TS/SGT, ID/ANG PERSONNEL RELATIONS [Signature]

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CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (Last, First, Middle) [REDACTED]	2. DEPARTMENT, COMPONENT AND BRANCH AIR FORCE - ANGUS	3. SOCIAL SECURITY NUMBER [REDACTED]
4. GRADE OR RATE OF RANK [REDACTED]	5. DATE OF BIRTH (YYYYMMDD) 19510720	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) [REDACTED]	

8A. LAST DUTY ASSIGNMENT AND MAJOR COMMAND 175 WING WG (ACG)	8B. STATION WHERE SEPARATED MSAF BALTIMORE MD
---	--

9. COMMAND TO WHICH TRANSFERRED N/A	10. EGLI 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 03MDS 00DYS ////////////////////	12. RECORD OF SERVICE	YEAR(s)	MONTH(s)	DAY(s)
	a. DATE ENTERED AD THIS PERIOD	000	0000	00
	b. SEPARATION DATE THIS PERIOD	0000	0000	00
	c. NET ACTIVE SERVICE THIS PERIOD	00	00	00
	d. TOTAL PRIOR ACTIVE SERVICE	00	00	00
	e. TOTAL PRIOR INACTIVE SERVICE	00	00	00
	f. FOREIGN SERVICE	00	00	00
	g. SEA SERVICE	00	00	00

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

MEMBER SERVED ON AND IN SUPPORT OF OPERATION ENDURING FREEDOM FROM 10/01/01 TO 10/01/03 AND WAS AWARDED THE GOLD STAR AND BRASS BARS FOR 14 MONTHS OF ACTIVE DUTY IN SUPPORT OF OPERATION ENDURING FREEDOM. MEMBER WAS AWARDED THE AIR FORCE COMMERCIAL PILOT WING AND THE AIR FORCE COMMERCIAL PILOT WING (C-130) FOR 10 YEARS OF ACTIVE DUTY IN SUPPORT OF OPERATION ENDURING FREEDOM. MEMBER WAS AWARDED THE AIR FORCE COMMERCIAL PILOT WING (C-130) FOR 10 YEARS OF ACTIVE DUTY IN SUPPORT OF OPERATION ENDURING FREEDOM. MEMBER WAS AWARDED THE AIR FORCE COMMERCIAL PILOT WING (C-130) FOR 10 YEARS OF ACTIVE DUTY IN SUPPORT OF OPERATION ENDURING FREEDOM.

19. MEMBER'S ADDRESS FOR MAIL DELIVERY TO HOME OF RECORD (City and state, or complete address if known)

20. MEMBER'S ADDRESS FOR MAIL DELIVERY TO MAJOR COMMAND (City and state, or complete address if known)

21. MEMBER'S ADDRESS FOR MAIL DELIVERY TO MAJOR COMMAND (City and state, or complete address if known)

22. MEMBER'S ADDRESS FOR MAIL DELIVERY TO MAJOR COMMAND (City and state, or complete address if known)

23. MEMBER'S ADDRESS FOR MAIL DELIVERY TO MAJOR COMMAND (City and state, or complete address if known)

24. MEMBER'S ADDRESS FOR MAIL DELIVERY TO MAJOR COMMAND (City and state, or complete address if known)

25. MEMBER'S ADDRESS FOR MAIL DELIVERY TO MAJOR COMMAND (City and state, or complete address if known)

26. MEMBER'S ADDRESS FOR MAIL DELIVERY TO MAJOR COMMAND (City and state, or complete address if known)

27. MEMBER'S ADDRESS FOR MAIL DELIVERY TO MAJOR COMMAND (City and state, or complete address if known)

28. MEMBER'S ADDRESS FOR MAIL DELIVERY TO MAJOR COMMAND (City and state, or complete address if known)

29. MEMBER'S ADDRESS FOR MAIL DELIVERY TO MAJOR COMMAND (City and state, or complete address if known)

30. MEMBER'S ADDRESS FOR MAIL DELIVERY TO MAJOR COMMAND (City and state, or complete address if known)

31. SPECIAL INFORMATION

32. SPECIAL INFORMATION

33. SPECIAL INFORMATION

34. SPECIAL INFORMATION

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99. SPECIAL INFORMATION

100. SPECIAL INFORMATION

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ANY ALTERATIONS IN SHADED AREAS RENDER FORM VOID

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (Last, first, middle initial) [REDACTED] 2. DEPARTMENT, COMPONENT AND BRANCH AIR FORCE - ANGUS 3. SOCIAL SECURITY NUMBER [REDACTED]

4. GRADE, RATE OR RANK [REDACTED] 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 (ACG) 8b. STATION WHERE SEPARATED MSAP BALTIMORE MD

9. COMMAND TO WHICH TRANSFERRED N/A 10. SGLI COVERAGE NONE AMOUNT: \$250,000

Table with 4 columns: 11. PRIMARY SPECIALTY (52B3 CHAPLAN, 00YRS 06MDS 00DYS), 12. RECORD OF SERVICE (A. DATE ENTERED AD THIS PERIOD, 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) TR, IS W/2 OLC, AM, OU W/4 OLC, MD7A W/1 OLC, MD8A, AE, ND W/1 OLC, 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

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

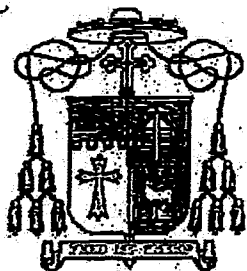
16. DAYS ACCRUED LEAVE PAID 0.0 17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION YES NO X

REMARKS: [REDACTED]

[REDACTED]

Signature: [REDACTED]

# Exhibit B



Office of the Bishop

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

July 12, 2010

Rev. Stephen E. Jeselnick

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.

Fratemally yours in Christ,

*Donald W. Trautman*

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

DWT/tp

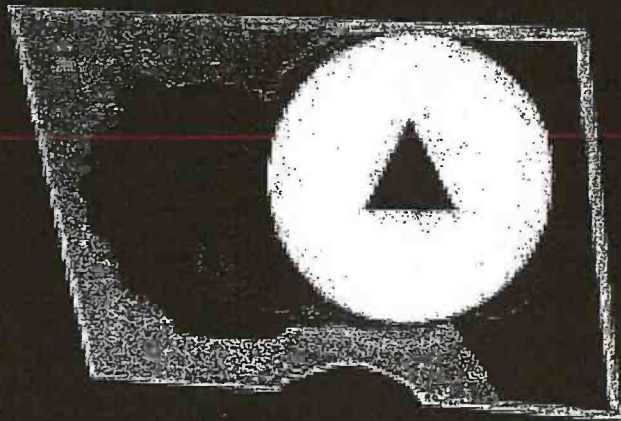
enclosures

# Exhibit C





#ted.com



Actual perpetrator



Misidentified



**IN THE COURT OF COMMON PLEAS  
ALLEGHENY COUNTY, PENNSYLVANIA**

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

**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.

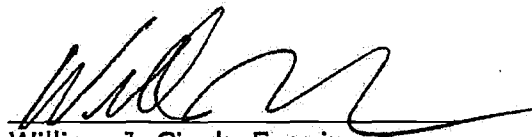
**d.** In 1990 Monsignor Andrew Karg was appointed the Vicar of Education of the Erie Diocese until 2000.

**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  
16<sup>th</sup> 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 grievance. 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 OK'd paying for ~~an~~ going counseling. No money was ever mentioned in this encounter. (Later on after working as a COO for 5 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 Personnel Board of Diocese.  
 Therefore my comments about him for  
 laization.



Regarding 18yr old - MW hardware store

THIS MAN REPORTED me to police + to the local dean - finally to Bishop. I went to AN ATTORNEY

DANIEL HARTLE

78 MAIN ST

BRADFORD, PA 16701 - PHONE 814-362-7100

He set up a lie detector for me. He was an ex 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 the letter others were ACCUSED, but I could not make it out BECAUSE ALL NAME but mine were blacked out

1) accused me of giving him a passbook - 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 ABUSING 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 BRINGING UP IN A CLOSE KMIT ITALIAN FAM. + EXTENDED FAMILY. I WAS VERY LACKING IN SETTING UP BOUNDARIES + I LEARNED MUCH ABOUT EMPATHY

WHEN I RETURNED HOME FROM ST LUKES - I GOT INVOLVED IN ESTABLISH A SOGG KITCHEN - CALLED THE FRIENDSHIP TABLE I WAS INVOLVED FOR 21 YRS THIS YEAR. I WAS ON BOARD OF TRUSTEES - I COOKED FOR THE TABLE FOR 4 YR. AFTER THAT VOLUNTEERING - RAN IT 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 WEEKS OF RADIATION - BURNED BADLY - HAD 4 WEEKS 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. Luzzi  
May 13<sup>th</sup> 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 ~~and~~ 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  
grievances, 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 ~~par~~ Bishop offered to pay  
for any counseling - 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 cook  
for 30+ 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 Amy  
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

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 on shoulder & but try to make a pass at.  
 I went to an attorney - DAN HARTLE  
 78 MANUSI

We setup a lie detector for me. THE MAN WAS AN EX FBI  
 doing this kind of work for St Police. IN P. ITSBURG AREA.  
 The test was administered in the LAW OFFICE  
 CONFERENCE Room - with the Smithport 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 OTHER - BUT ALL  
 NAMES WERE BLACKENED OUT

- 1) ACCUSED ME OF GIVING HIM A ASSOCK - 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 WHO WERE A PART. IT WAS NOT FROM THE BISHOP, BUT FROM ONE HIS DEPT HEAD - SOME TIME AFTERWARDS

I WAS ALSO ACCUSED BY BISHOP OF ABUSING A BLACK STUDENT; I TOLD HIM DURING MY TIME AT ST. MARK'S WE NEVER HAD A BLACK STUDENT

MY TIME AT ST. LAURENCE WAS VERY POSITIVE. I LEARNED MUCH ABOUT MY BRINGING UP IN A CLOSELY KNIT FAM. MY PARENTS WERE BORN IN ITALY. I WAS VERY TACKLING IN SETTING UP BOUNDARIES + LEARNED 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

ON OCT 30 2016 I WAS DIAGNOSED WITH BREAST CANCER

I HAD A RADICAL MASTECTOMY OF LEFT SIDE - HAD 18 WKS OF HEAVY X CHEMO + 6 WKS OF RADIATION - BARELY 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 PLUZZI  
MAY 13-1916



**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,<sup>1</sup> "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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<sup>11</sup> 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 priest, 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.<sup>2</sup> 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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<sup>2</sup> 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.<sup>3</sup> 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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<sup>3</sup> 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.<sup>4</sup> 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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<sup>4</sup> 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,

**SCHNADER HARRISON SEGAL & LEWIS LLP**

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CERTIFICATE OF SERVICE

I hereby certify that on this 19<sup>th</sup> 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](mailto:nakadmin@co.cambria.pa.us)  
Supervising Judge, 40<sup>th</sup> Statewide Investigating Grand Jury  
Cambria County Court of Common Pleas  
Cambria County Courthouse  
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IN THE COURT OF COMMON PLEAS OF  
ALLEGHENY COUNTY, PENNSYLVANIA

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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

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**BISHOP DONALD TRAUTMAN'S RESPONSE TO REPORT NO. 1 OF THE 40<sup>TH</sup>**  
**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.<sup>1</sup>

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<sup>1</sup> 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?<sup>2</sup>

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.

<sup>2</sup> 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.<sup>3</sup> 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 reference to each victims' compliments of and appreciation for Bishop Trautman personally having helped him through 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).<sup>4</sup> 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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<sup>3</sup> 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.

<sup>4</sup> 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.<sup>5</sup>

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<sup>5</sup> 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.<sup>6</sup> 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

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<sup>6</sup> 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.<sup>7</sup>

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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<sup>7</sup> 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.<sup>8</sup>
- 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." (RCD Eerie 0008658).

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<sup>8</sup> 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.<sup>9</sup>

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,

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<sup>9</sup> 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 referred 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.<sup>10</sup> 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

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<sup>10</sup> 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.<sup>11</sup>

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.<sup>12</sup> 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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<sup>11</sup> 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.

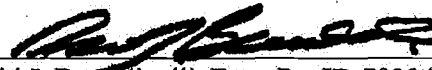
<sup>12</sup> The Report on page 111, insinuates that Smith was still in ministry on March 15, 2002 when Bishop Trautman indicated in an interview that no priest or deacon in active ministry had a pedophilic background. The insinuation is wrong and the Bishop's statement is accurate. Smith was not a 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



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Pittsburgh, PA 15219  
*Attorney for Bishop Donald Trautman*<sup>13</sup>

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<sup>13</sup> 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**

<b>IN RE:</b>	:	SUPREME COURT OF PENNSYLVANIA 2 W.D. MISC. DKT. 2016
<b>THE FORTIETH STATEWIDE INVESTIGATING GRAND JURY</b>	:	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 40<sup>th</sup> 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, 40<sup>th</sup> 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.

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

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<sup>REDA</sup> is a straight a student and a wonderful person. She would make Gannon proud. The four years of education for her, and my daughter<sup>REDA</sup> 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. Troutman  
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

RCDErie 0012754

# **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*

K&L GATES LLP  
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301509950 v5

## 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,<sup>a</sup> 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

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<sup>a</sup> 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.<sup>1</sup> "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."<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup> 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."<sup>5</sup> 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.<sup>6</sup> 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);<sup>b</sup>
- 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).<sup>7</sup>

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;

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<sup>b</sup> 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;<sup>8</sup>
- 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.<sup>9</sup> 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.”<sup>10</sup>

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.<sup>11</sup> 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.<sup>12</sup> The allegation came from a third-party source who remembered the boy telling her about the abuse during religious-education classes.<sup>13</sup> 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.<sup>14</sup>

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.<sup>15</sup> 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.<sup>16</sup> Per the Protection Policy, the Erie Diocese immediately notified the local police, who seized the computer.<sup>17</sup> The priest's faculties were also quickly suspended.<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup> 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.<sup>21</sup> The Erie Diocese also conducted its own investigation, interviewing the priest about the charges against him, for which he claimed he was innocent.<sup>22</sup> 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.<sup>23</sup> 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.<sup>24</sup>

#### **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

- <sup>1</sup> 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#>.
- <sup>2</sup> *Id.*
- <sup>3</sup> See Policy for the Protection of Children, The Roman Catholic Diocese of Erie (June 2016), <http://www.erlercd.org/pdf/protectionpolicy.pdf>.
- <sup>4</sup> 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>.
- <sup>5</sup> *Id.*
- <sup>6</sup> See Exh. 2.
- <sup>7</sup> Pennsylvania Department of Education, "Background Checks," 2016, available at <http://www.education.pa.gov/Teachers%20-%20Administrators/Background%20checks/Pages/default.aspx#tab-1>.
- <sup>8</sup> See Mandated Reporter Compliance Document, The Roman Catholic Diocese of Erie (October 1, 2017), <http://www.erlercd.org/pdf/mandatedreporters.pdf>.
- <sup>9</sup> See January 26, 2018 memorandum from Fr. Christopher Singer to Bishop Lawrence Persico.
- <sup>10</sup> Keith Gushard, [http://www.meadvilletribune.com/news/full-story-two-priests-removed-by-diocese-of-erie/article\\_16693df6-1124-11e8-83dc-677fa8a2af0f.html](http://www.meadvilletribune.com/news/full-story-two-priests-removed-by-diocese-of-erie/article_16693df6-1124-11e8-83dc-677fa8a2af0f.html)
- <sup>11</sup> See RCDErie0032445 - September 16, 2016 letter from Bishop Persico to Fr. Robert Humenay
- <sup>12</sup> See March 31, 2017 summary written by Msgr. Edward Lohse.
- <sup>13</sup> *See id.*
- <sup>14</sup> See April 17, 2017 letter from K&L Gates LLP to Clearfield County District Attorney William Shaw.
- <sup>15</sup> August 1, 2017 interview of Curtis Wilkinson
- <sup>16</sup> March 1, 2017 interview of Msgr. Charles Kaza
- <sup>17</sup> *See id.*
- <sup>18</sup> *See id.*
- <sup>19</sup> *See id.*
- <sup>20</sup> See RCDErie0058786 - April 17, 2002 news article ("Priest's Case Raises Questions" by Ed Palattella), posted to BishopAccountability.org
- <sup>21</sup> *See id.*
- <sup>22</sup> *See id.*
- <sup>23</sup> *See id.*
- <sup>24</sup> 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. Jeseinick — 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 Gelfner) Myers (Meyer) — Greensburg, Pennsylvania
- Hattie B. Nichols — Erie, Pennsylvania
- Phillip J. Pochatko — Subiaco, Arkansas

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- 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](mailto:nelsen001@gannon.edu). To report abuse to the independent investigators retained by the Diocese, please e-mail [ErieRCD@kigates.com](mailto:ErieRCD@kigates.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. Platkowski
- Ex-Fr. William F. Presley

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- (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):

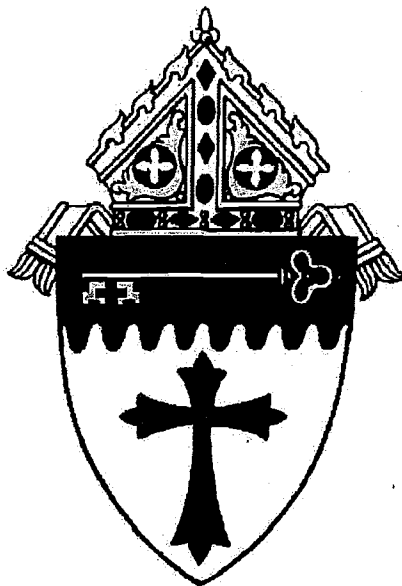
- (Fr.) Sean P. Kerins — Naples, Florida
- (Fr.) David L. Poulson — Oil City, Pennsylvania
- John (Jack) E. Tome — Columbia, Pennsylvania

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: before working 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 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 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)
- 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)
- 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.eriecd.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.eriecd.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, counselling, 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 counselling, spiritual assistance, and other social-service assistance.
- If an alleged victim of child sexual abuse is in need of physical medical care or psychological counselling 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](http://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                              | Incest   |
| Aggravated assault                             | Concealing death of child                      |
| Stalking                                       | Endangering welfare of children                |
| Kidnapping                                     | Dealing in infant children                     |
| Unlawful restraint                             | Felony prostitution                            |
| Luring a child into motor vehicle or structure | Obscene sexual materials and performances      |
| Rape   | Corruption of minors                           |
| Statutory sexual assault                       | Sexual abuse of children                       |
| Involuntary deviate sexual intercourse         | Unlawful contact with minor                    |
| Sexual assault                                 | Solicitation of minors to traffic drugs        |
| Institutional sexual assault                   | Sexual exploitation of children                |
| Aggravated indecent assault                    | Felony drug possession/distribution            |
| Indecent assault                               | Any felony sentence less than 10 years ago     |
| Indecent exposure                              | Any misdemeanor sentence less than 5 years ago |
| Sexual intercourse with animal                 | 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.*