

**DIOCESE OF
PITTSBURGH**

THE DIOCESE OF PITTSBURGH

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**COMMONWEALTH OF PENNSYLVANIA
40TH STATEWIDE INVESTIGATING GRAND JURY**

IN RE SUBPOENA 801

SUPREME COURT OF
PENNSYLVANIA
2 W.D. MISC. DKT. 2016

COURT OF COMMON PLEAS
OF ALLEGHENY COUNTY
CP-02-MD-571-2016

NOTICE: 1

**RESPONSE OF THE CATHOLIC DIOCESE OF
PITTSBURGH TO REPORT OF THE 40TH STATEWIDE
INVESTIGATING GRAND JURY**

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EXHIBIT	DESCRIPTION
A	RESPONSE OF THE CATHOLIC DIOCESE OF PITTSBURGH TO SUBPOENA OF THE 40 TH STATEWIDE INVESTIGATING GRAND JURY (March 5, 2018)
B	CORRESPONDENCE FROM JOSEPH D. KARABIN DATED JUNE 21, 1993 (PGH_CF_0009332)
C	MEMORANDUM FROM FATHER DAVID ZUBIK DATED AUGUST 5, 1994 (PGH_CF_0012144-47)
D	CORRESPONDENCE FROM BISHOP DONALD WUERL DATED AUGUST 26, 1994 (PGH_CF_0012141)
E	CORRESPONDENCE FROM FATHER ROBERT GUAY DATED JANUARY 30, 1996 (PGH_CF_0012127)

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I. OPENING

The Catholic Diocese of Pittsburgh recognizes and appreciates the efforts of the 40th Statewide Investigating Grand Jury. The Grand Jury Report ("Report") describes the tragic reality of child sexual abuse by members of the clergy. The Diocese of Pittsburgh grieves for the victims of abuse, and offers its sincerest apology to the victims and their families.

The Diocese of Pittsburgh recognizes the pain suffered by the victims and their families. While we pray for their recovery, we are also open to them. We are open to meet with them, to hear their voices, to share their concerns, and to provide assistance, pastoral or otherwise, in helping them heal. We invite victims and their families to set aside any hesitancy they may have, and ask them to come to us so that we may walk with them in their journey.

It is never easy to admit failures. It is clear that historically there have been failures with regard to clergy sexual abuse. Church leaders should have always been victim focused, treating victims with compassion and care in every instance. Swift and firm responses to allegations should have started long before they did. Protections and safeguards for God's children should have been implemented long before they were. Because of this, victims and their families suffered. And for that, we again deeply apologize. And to our faithful, we apologize that you

must once again endure the pain of revisiting the details of these abusive acts. To the people of the Commonwealth, you should know that the serious efforts to prevent and combat child sexual abuse, which the Diocese of Pittsburgh initiated decades ago, will continue without compromise. And finally, the Diocese of Pittsburgh is hopeful that anyone who reads the Report also gives a considered review to this Response, as well as to the statement attached hereto.

II. PROTECTION OF CHILDREN AND YOUNG PEOPLE

The Report is correct when it recognizes that “much has changed over the last fifteen years.” The Diocese of Pittsburgh has not been idle in facing the problem of clergy sexual abuse. In fact, for 30 years, the Diocese has engaged in ongoing and relentless pursuits to prevent and combat clergy sexual abuse. These pursuits include:

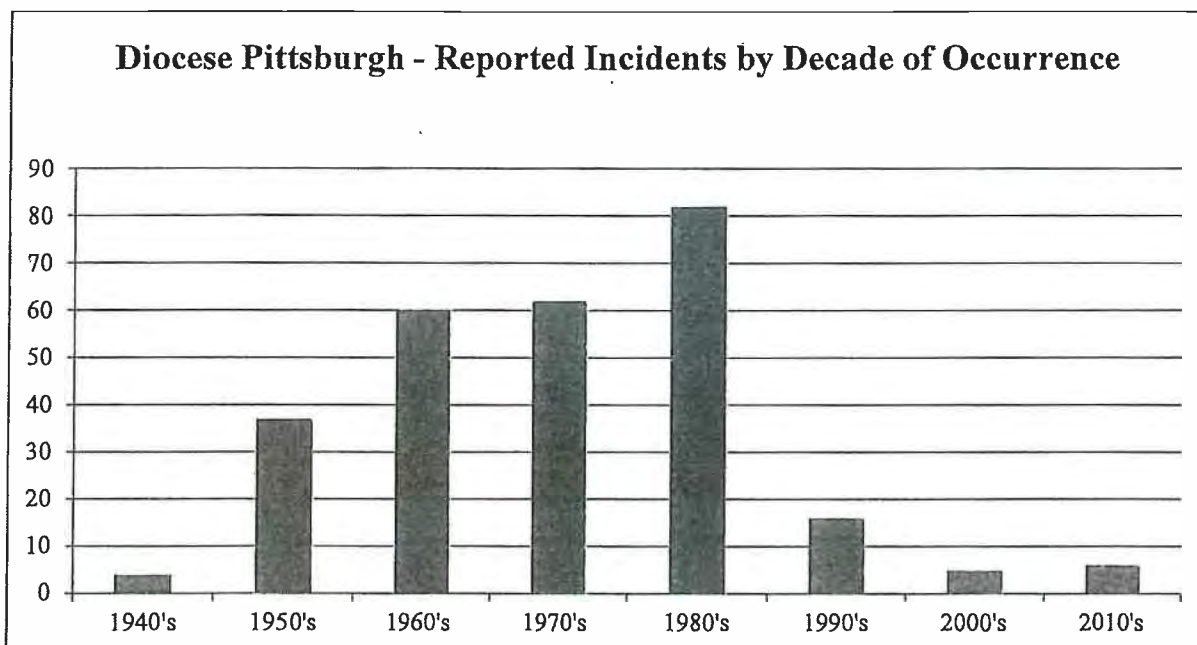
- Requiring background checks by the Pennsylvania State Police, the Pennsylvania Department of Human Services, and the Federal Bureau of Investigation for anyone seeking to work or volunteer in a Catholic parish, school, or institution. Since 2003, 72,657 people, including clergy and laity, have undergone child protection training and background checks, as required by the Diocese of Pittsburgh’s “Policy: Safe Environments for Children;”
- Strengthening and improving psychological screening measures for those who wish to be ordained;
- Establishing a policy for responding to allegations of child sexual abuse (1986);
- Creating an Independent Review Board (1989) consisting of experts on child sexual abuse which advises the Bishop;

- Hiring a full time Diocesan Assistance Coordinator (1993) who oversees the pastoral response to victims who bring allegations of sexual misconduct to the Diocese of Pittsburgh, which includes facilitating access to therapy for victims;
- Revising and publishing policies related to clergy sexual misconduct (starting in 1993);
- Establishing a toll-free abuse hotline that directly connects to the Diocesan Assistance Coordinator's office (2004). The hotline is widely publicized by the Diocese in the *Pittsburgh Catholic* newspaper and in parishes by at least bi-weekly publication in bulletins. It is also required to be clearly posted in the entryways and offices of every parish and school in the Diocese of Pittsburgh;
- Consolidating its safe environment efforts in a new Office for the Protection of Children and Young People in 2007. The full-time Director of this Office trains a Safe Environment Coordinator in every parish and school, whose responsibility is to confirm that all background checks are performed so that known abusers are kept out of ministry, and that allegations of abuse are reported to child protective services and Diocesan officials;
- Opting to undergo an annual, independent onsite audit of its adherence to the *Charter for the Protection of Children and Young People* every year since audits began in 2003. However, in 2008, the U.S. Conference of Catholic Bishops established that each diocese would only have an onsite

audit every three years. Therefore, in each of the intervening years, two-person teams from the Diocesan staff visit approximately 50 parishes and schools to test their adherence to child protection procedures and to coach them on how to improve where necessary. In the findings of each of the independent, onsite audits, the Diocese of Pittsburgh was commended for its policies and practices established to help prevent the sexual abuse of minors;

- Expanding “The Catholic Vision of Love” program to include a kindergarten through 12th grade curriculum on how to identify, avoid, and report predators (2011). These units are required to be taught annually to the more than 50,000 students in Diocesan schools and religious education programs; and
- Requiring mandated reporter training of all clergy, staff members, and volunteers who have regular contact with children. This includes all religious education teachers, school janitors, and cafeteria workers, among others.

The policies, procedures, and efforts of the Diocese of Pittsburgh have been substantial and effective. The following graph highlights the effectiveness of these measures by showing the sharp decline in incidents of abuse, beginning the in 1990s, the same time these policies took effect:



The offenses set forth in the Report are primarily from the 1960s through the 1980s. It is heartbreaking for the faithful to revisit these tragic events. Today, the Diocese of Pittsburgh handles allegations of child sexual abuse very differently than it did 40 years ago.

The Diocese of Pittsburgh has made the protection of God's children of utmost concern, and the Diocese allows no clergy member to serve in public ministry if he has admitted an allegation of abuse, or if a credible allegation has been made and substantiated.

The Diocese of Pittsburgh cooperated with the Grand Jury Investigation by producing over 85,000 pages of hard copy documents, as well as 26 gigabytes of electronically-stored information. In February 2018, the Office of the Attorney General ("OAG") served upon Bishop David A. Zubik a subpoena that requested a description of the actions taken by the Diocese to

address child sexual abuse. The OAG outlined three (3) acceptable responses to the subpoena: (1) providing live testimony; (2) asserting Fifth Amendment rights; or (3) providing a statement to be read in its entirety to the Grand Jury.

Due to the breadth of the subpoena's request and the necessary response, the Diocese of Pittsburgh chose to submit a statement to be read in its entirety to the Grand Jury. The Diocese of Pittsburgh's statement, dated March 5, 2018, is attached hereto as "Exhibit A." The statement describes, in detail, the actions taken by the Diocese of Pittsburgh to address and combat child sexual abuse. The Diocese of Pittsburgh is hopeful that anyone who reads the Report also gives a considered review to this Response, as well as to the statement attached hereto.

III. CLARIFICATIONS

The Diocese of Pittsburgh wishes to clarify or correct certain assertions within the Report. These clarifications and corrections are set forth below. The Diocese of Pittsburgh provides this information for the purpose of reassuring its faithful, not for the purpose of criticizing the Grand Jury.

A. The Inaccurate Attribution of the 'Circle of Secrecy' to Cardinal Wuerl

The Report alleges a "circle of secrecy" and attributes it to Pittsburgh's then-Bishop Donald Wuerl. This is not accurate.

The Report identifies seven (7) factors that the Federal Bureau of Investigation feels arose repeatedly in relation to Diocesan responses to child abuse complaints. (Rep. 297-99.) The Grand Jury described this "constellation of factors" as the "circle of secrecy." The Report then incorrectly attributes the "circle of secrecy" phrase to Bishop Wuerl.

The relevant records are related to Reverend Joseph D. Karabin. (Rep. 674-77.) On June 21, 1993, Karabin wrote to Bishop Wuerl seeking to have his restricted ministry reversed and to

be placed in active ministry in a parish. *See* correspondence from Joseph D. Karabin dated June 21, 1993 attached hereto as "Exhibit B" (labeled for the Grand Jury as "PGH_CF_0009332"). Handwritten notations jotted in the margin of the letter reflect the Diocese of Pittsburgh's response to Karabin's request. Specifically, Karabin, who had been in a 12-step recovery program for the prior eight (8) years, was informed that he would have to disclose to the prospective parish the reasons his ministry was restricted and the fact that he was in a recovery program. Twelve-step recovery programs require participants to honor the principle of anonymity. As the notations indicate, absent full disclosure concerning his past—which would require Karabin to disclose his treatment—he would not be permitted to return to parish ministry.

The Report's interpretation of the handwritten notations is incorrect for a few reasons. First, the phrase "circle of secrecy," which relates to Karabin's recovery, is misused to allege a broad conspiracy in the Church. The notes bear no connection to the seven (7) factors identified by the FBI. Second, the misuse of the phrase "circle of secrecy" obscures the fact that the writer of the notation was confirming that the issue of Karabin's recovery from alcoholism and sexual misconduct would have to be disclosed before he could be returned to ministry. Despite Karabin's willingness to make a disclosure, he was not returned to parish ministry. Finally, the Report provides no evidence that the phrase "circle of secrecy" describes the way the Diocese of Pittsburgh addressed allegations of child sexual abuse.

There is also no indication that the Grand Jury was ever provided with any evidence as to whose handwriting is on the letter. The Diocese of Pittsburgh unequivocally states that it is not the handwriting of Bishop Wuerl. In fact, we have confirmed that the notation was written by the Secretary for Clergy at the time. The attribution of the "circle of secrecy" phrase to Bishop

Wuerl is simply unfounded. The Diocese of Pittsburgh appreciates the opportunity to offer this clarification.

B. Use of Euphemisms

The Report makes the sweeping allegation that euphemisms were used to describe sexual abuse as a strategy to hide child sexual abuse. A fair reading of the Diocese of Pittsburgh's files, which were submitted to the Grand Jury, demonstrates detailed and graphic descriptions of abuse, as provided by the victims. In fact, the Report borrows from these detailed descriptions to make its points elsewhere. We acknowledge that we did not describe the incidents in most graphic terms every time we referred an allegation to the District Attorney or discussed the matter in internal correspondence.

The terms and phrases that describe the removal of a priest from ministry have changed over the last three (3) decades. What we did not always say until 2004 was that the priest was removed from ministry because of a finding of a credible allegation of sexual abuse. We do so today and have done so consistently since 2004.

C. Diocesan Investigations

The Report indicates that abuse investigations are not conducted with properly trained personnel. The Diocese of Pittsburgh cannot and has never performed criminal investigations; rather, since 2002, it has turned credible allegations over to the appropriate district attorney. Since 2007, it has turned over all allegations to the appropriate district attorney. Our internal assessments only address suitability for ministry.

However, for over 25 years, the Diocese of Pittsburgh has employed the professional expertise of a masters-level, licensed social worker who presently has 42 years of experience. She is compassionate and caring, as reflected in the case files quoted in the Grand Jury Report. She has spoken with every victim who has come forward since 1993.

The depth and breadth of the assessments performed by the Diocese of Pittsburgh is extensive and actually demonstrated within the Grand Jury Report. Specifically, the case summaries included in the Report outlining allegations regarding individual clergy members are based largely on the Diocese's reports of its inquiries. Although we take issue with many of the conclusions recited in these summaries, the selected facts upon which they are based came directly from the documented results of assessments performed and provided by the Diocese of Pittsburgh.

Finally, since 1989, the Diocese of Pittsburgh has engaged an Independent Review Board, whose membership has included a former United States Attorney, several lawyers, a clinical psychologist, and several parents of victims. The Independent Review Board provides the Bishop with advice on issues related to clergy sexual abuse, among which is the suitability of a priest for active ministry. The Independent Review Board conducts a comprehensive factual review and analysis outside the influence of the Bishop.

D. Treatment Providers

The Diocese of Pittsburgh utilizes the expertise of accredited, licensed psychiatric facilities. In connection with a facility's evaluation of an alleged abuser, a "self-report" is typically a part of the initial intake, much as would occur when any person visits with their physician. However, the "self-report" is not the singular basis for the diagnosis. The Diocese of Pittsburgh provides extensive collateral information to the treating facility. As a matter of protocol, a treating facility utilizes a professional team to conduct extensive interviews and standardized testing recognized by the American Psychiatric Association.

In short, it is erroneous to assert that such a complex matter as making a psychiatric diagnosis would rely solely on a "self-report," which would be akin to a physician making a diagnosis and prescribing treatment based only on a patient's self-completed intake form.

E. Public Disclosure

The policy of informing parishioners of an allegation against their priest has evolved over time, an evolution that is not unique to the Diocese of Pittsburgh or to the Catholic Church. Consistently since 2004, if an allegation is levied against a clergy member who is assigned to a parish, the parishioners are informed that the priest has been removed pending further investigation of the allegation. Our regular practice has included letters read from the pulpit and placed in the bulletins of affected parishes, pastoral visits, press releases, articles in the *Pittsburgh Catholic* newspaper, notification to all clergy by fax or e-mail, and notification to the appropriate District Attorney and child protective services.

F. Financial Support

The Diocese of Pittsburgh is required by canon law to provide some level of support to all clergy whether disabled, retired, removed from ministry, or even convicted of crimes. The Diocese of Pittsburgh must comply with canon law. This requirement reflects the Catholic understanding that, by ordination, the priest and the Church to which he is ordained have a mutual obligation to each other. Even if the priest fails in his responsibility to the Church and its faithful, the Church must still maintain some limited support for his essential needs.

G. Reports to Law Enforcement

Generally, allegations of abuse fall into two categories. First, there are allegations made by or on behalf of a current minor. The Diocese of Pittsburgh has complied with Pennsylvania law by reporting all allegations of sexual abuse where the victim is currently a minor.

Second, there are allegations made by adults who claim to have been abused by clerics when they were minors. Since at least 1993, we encouraged all victims to report their allegations to law enforcement. Beginning in 2002, we reported all credible allegations to law enforcement

no matter how long ago the abuse occurred. Beginning in 2007, all allegations, credible or not, are reported to law enforcement.

H. The 'Secret Archive'

The Diocese of Pittsburgh does not keep records related to clergy sexual abuse within a "secret archive." The secret archive is a secure file drawer containing only two documents: (1) the last will and testament of the Diocesan Bishop; and (2) the succession plan if the Diocesan Bishop were to become incapacitated.

Records pertaining to clergy misconduct, as well as any other sensitive medical or psychiatric issues requiring privacy, are contained in confidential files. Confidential files are restricted files, not "secret files." The restriction is on who may have access to the files. They are housed in the Clergy Office. The treatment of these files is consistent with the best practices, personnel policies, and confidentiality requirements of the human resource departments of most organizations.

IV. CLERGY CASES

As previously noted, the Diocese of Pittsburgh recognizes and appreciates the efforts of the Grand Jury. However, the Diocese feels that a fair analysis of the problem of clergy sexual abuse requires the following clarifications to certain aspects of the Report.

A. Ernest Paone (deceased 2012)

Ernest Paone was ordained in 1957. As noted in the Report, there were allegations of Paone abusing children in the 1960s. In 1966, Paone was placed on an indefinite leave of absence, and he relocated to Southern California to live with his brother. No one still involved with the Diocese of Pittsburgh is able to speak to the thinking or decision-making of the Diocesan leadership 50 years ago.

In 1991, in response to a request from Paone, Bishop Wuerl informed then-Bishop Daniel Walsh of the Diocese of Reno-Las Vegas that he had no objection to Paone exercising priestly ministry in the Diocese of Reno-Las Vegas. At that time, neither Bishop Wuerl nor anyone in the Clergy Office was aware of Paone's file and the allegations lodged against him in the 1960s. Our research indicates that because he had been outside of the Diocese for nearly 30 years, Paone's files were not located in the usual clergy personnel file cabinet. This earlier handling of Paone's records was a failure of the Diocese of Pittsburgh, and the Paone case would certainly not be handled in the same manner today.

Upon being hired in 1993, the Diocese of Pittsburgh's Diocesan Assistance Coordinator began systematically organizing all of the clergy files. This included the creation of "confidential files," which were designed to identify and catalog allegations of misconduct.

When in 1994, the Diocese of Pittsburgh received a complaint about abuse committed by Paone in the 1960s, the Diocese drew on the newly reorganized files and found the previous allegations from the 1960s. See memorandum from then-Father Zubik to Bishop Wuerl dated August 5, 1994 attached hereto as "Exhibit C" (labeled for the Grand Jury as "PGH_CF_0012144-47"). Paone was then sent to St. Luke Institute for an evaluation, and Bishop Wuerl sent letters notifying the relevant Dioceses in California and Nevada of the 1994 complaint. Specifically, on August 26, 1994, Bishop Wuerl wrote to the Diocese of Reno-Las Vegas saying that had he known in 1991 of the allegations, he would not have supported Paone's request for a priestly assignment. See correspondence from Bishop Wuerl to Bishop Walsh dated August 26, 1994 attached hereto as "Exhibit D" (labeled for the Grand Jury as "PGH_CF_0012141").

Thereafter, on January 30, 1996, Father Robert Guay, then-Secretary for Clergy, informed the Diocese of San Diego that Paone did not possess the faculties of the Diocese of Pittsburgh. See correspondence from Father Guay dated January 30, 1996 attached hereto as "Exhibit E" (labeled for the Grand Jury as "PGH_CF_0012127").

In summary, immediately upon learning of the 1994 complaint, the Diocese of Pittsburgh informed the relevant Dioceses about the allegation. Thereafter, the Diocese acted repeatedly to keep Paone from active ministry wherever he was located.

B. George Zirwas (deceased 2001)

We would like to address the victim named "George," who courageously appeared before the Grand Jury. As we understand it, George has never approached the Diocese of Pittsburgh about the abuse he suffered. We sincerely apologize to George and extend an offer to him to meet with us. We invite anyone who has yet to come forward to contact us and tell us their story.

Today, we would have handled the Zirwas case much differently. We would have immediately removed Zirwas from ministry and reported the allegation to the appropriate District Attorney. The case would then have ultimately been presented to the Independent Review Board for a recommendation to the Bishop on Zirwas' suitability for ministry.

C. Richard Zula (deceased 2017)

Richard Zula was ordained in 1966. The Diocese of Pittsburgh first received an allegation against Zula on September 25, 1987. Zula admitted the abuse. He was immediately removed from ministry, never to be returned. Accordingly, his faculties were removed and he could not identify himself as a priest, either by title or attire.

Once Zula returned from a psychiatric treatment center on January 13, 1988, he made several requests to be assigned or transferred outside of the Diocese of Pittsburgh. The Diocese of Pittsburgh summarily denied all of Zula's requests for assignment or transfer.

The Report takes issue with the fact that the Diocese of Pittsburgh paid for professional medical help for Zula and continued to provide him with sustenance. Canon law required the Diocese of Pittsburgh to support Zula. Contrary to the Grand Jury Report's inference, Bishop Wuerl never offered Zula any amount approaching \$180,000. The approximately \$11,000 he was paid reflected the \$500/month in sustenance payments that accumulated while Zula was incarcerated.

Finally, at no time did the Diocese of Pittsburgh advocate for a lighter sentence for Zula, nor did it request that a psychiatric report be prepared or submitted on Zula's behalf for sentencing purposes.

V. LISTING OF CLERGY

As of this writing, the Report includes an appendix with a list of priests who are identified as offenders. Several are in active ministry. Given that there is an appeal before the Supreme Court of Pennsylvania, we are not now able to offer clarifications. However, we can say that those in active ministry are there because the allegations against them were determined to be unsubstantiated.

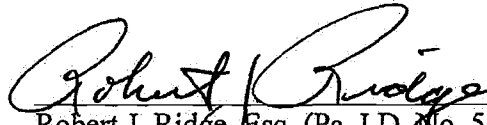
VI. CONCLUSION

The Diocese of Pittsburgh acknowledges the sad history recounted in the Grand Jury Report, both of the abuse that occurred at the hands of priests and the failure, at times, of leaders in the Church to respond with the compassion and care that is the standard today. For the harm inflicted by these actions we again apologize to the victims who suffered the abuse, to their families and loved ones who have shared in their burdens and have supported them with love and

encouragement, and to anyone whose faith and trust in God or in the Church has been shaken. We pledge to remain firmly committed to the protection of children and promise to enhance our programs and efforts to prevent child sexual abuse in our Church and across our society. Finally, we continue our prayers for victims and all who are affected by this tragedy.

Respectfully submitted,

CLARK HILL PLC



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing RESPONSE OF THE CATHOLIC DIOCESE OF PITTSBURGH TO REPORT OF THE 40TH STATEWIDE INVESTIGATING GRAND JURY has been served via FedEx upon the following:

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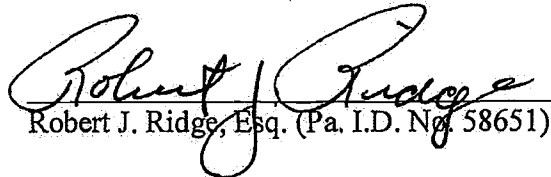

Robert J. Ridge, Esq. (Pa. I.D. No. 58651)

EXHIBIT A

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C	POLICY FOR CLERGY SEXUAL MISCONDUCT
D	POLICY FOR ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY CHURCH PERSONNEL OTHER THAN CLERICS
E	NEWS ARTICLES IN ORDER OF REFERENCE

The Catholic Diocese of Pittsburgh recognizes and appreciates the efforts of the 40th Statewide Investigating Grand Jury and the Office of the Attorney General ("OAG"). The Diocese of Pittsburgh and the Most Reverend David A. Zubik particularly appreciate the Grand Jury's invitation to submit a written response to the Grand Jury Subpoena dated February 9, 2018. In accordance with the OAG's direction, this statement describes the actions taken by the Diocese of Pittsburgh to address child sexual abuse.

I. OPENING

The abuse of children by anyone, including clergy and other representatives of the Catholic Church, is a devastating tragedy. As society and the Diocese of Pittsburgh have come to better understand root causes of abuse and the harm that victims suffer, the Diocese has and will continue to take swift and definitive action to reach out to victims and to make further strides in preventing abuse.

Over thirty years ago, the Diocese of Pittsburgh was among the first to adopt a policy concerning child sexual abuse by clergy. Since then, the Diocese has strived to exceed what is required under state law and the *Charter for the Protection of Children and Young People*.¹ It has been and is the goal of the Diocese of Pittsburgh that there be no cleric in active ministry against whom a credible allegation of child sexual abuse has been made.

The Diocese of Pittsburgh has and will continue to provide conscientious care and to implement best practices to ensure that its parishes and schools are safe environments for children and young people. As Bishop Zubik has previously stated, and reiterates here, the Diocese of Pittsburgh and all dioceses must realize that we can never go too far in acting to prevent the abuse of children. (See Jason Cato, *Dioceses more responsive to Catholic Church sex abuse scandals*, TribLive.com, March 5, 2016.)

¹ See <http://www.usccb.org/issues-and-action/child-and-youth-protection/charter.cfm>.

This statement details the Diocese of Pittsburgh's actions to address child sexual abuse within the Diocese, and provides information relevant to its historical response to child sexual abuse. In addition, it is appropriate to mention the Diocese of Pittsburgh's response to individual victims. As such, added to this statement is a component dealing with the Diocese's concern and care for victims (Section V), which is at the apex of the efforts of the Diocese of Pittsburgh. The Diocese begs the indulgence of the Grand Jury for this addition to the requested information.

II. PROTECTION OF CHILDREN AND YOUNG PEOPLE

A. Safe Environment Programs/Policies

The safe environment programs implemented by the Diocese of Pittsburgh include training and background checks for all Diocesan-related personnel—clergy, staff, and volunteers—and annual age-appropriate training for all children in Diocesan schools and religious education programs. The age-appropriate training for children focuses on how to identify, avoid, and report possible predators.

The Diocese of Pittsburgh's safe environment policies are designed to meet or exceed the requirements of Pennsylvania law and the U.S. Conference of Catholic Bishops' June 2002 *Charter for the Protection of Children and Young People*, and to keep Diocesan parishes and schools safe for children and young people. In particular, we present the following examples of our policies and practices:

- Since 2007, 72,657 people, including clergy, and laity who have sought to work or volunteer in Diocesan parishes and schools, have undergone child protection training and background checks, as required by the Diocese of Pittsburgh's

"Policy: Safe Environments for Children."² Of these 72,657 people, 45 were rejected and denied the opportunity to work or volunteer due to a past history of child abuse or sex crimes. Furthermore, 376 were restricted in their roles due to some other past violation of law unrelated to child abuse or sex crimes.

- In 2007, the Diocese of Pittsburgh centralized its online child protection database of all clergy, employees, and volunteers who serve in our parishes and schools. The purpose of the database is to track which personnel have up-to-date clearances and training. This database is continually updated by Safe Environment Coordinators in our parishes and schools, and is monitored by the staff of our Office for the Protection of Children and Young People (discussed in greater detail below).
- Since 1993, the Diocese of Pittsburgh has encouraged adults who were abused as minors to report the abuse to the civil authorities,³ and prior to this date, the Diocese reported allegations of sexual abuse of current minors to the civil authorities. In 2002, the Diocese began reporting all credible allegations of abuse made by adults who were abused as minors to the civil authorities. In 2007, the Diocese committed to reporting all allegations of sexual abuse made by adults who were abused as minors, whether credible or not.
- In compliance with Pennsylvania law, the Diocese of Pittsburgh requires background checks on staff members and volunteers who have direct contact with children.

² A copy of the Diocese's current "Policy: Safe Environments for Children" is attached hereto as "Exhibit A." It became effective on July 1, 2004, and was revised on April 4, 2008, and October 1, 2015, effective November 1, 2015.

³ "Civil authorities" refers to civil law authorities, including those responsible for criminal prosecutions.

- In 2015, Pennsylvania changed its law to mandate that FBI background checks that include fingerprinting are required of any employee who has direct contact with children. The Diocese of Pittsburgh has complied with this amendment to Pennsylvania law.⁴ To make fingerprinting more convenient, the Diocese of Pittsburgh purchased a mobile fingerprinting unit, which was taken to parishes and schools. However, recent vendor changes by the Commonwealth caused the Diocese to discontinue this service. Nonetheless, all required fingerprinting continues at various Commonwealth-approved sites.
- Pennsylvania law requires only specific certified professionals—such as teachers and social workers—to take mandated reporter training. The Diocese of Pittsburgh, however, requires it of all clergy, staff members, and volunteers who have regular contact with children. This includes all religious education teachers, school janitors, and cafeteria workers, among others. The Pennsylvania Family Support Alliance, a secular non-profit that provides mandated reporter training throughout Pennsylvania, has applauded “the Diocese of Pittsburgh for taking a strong stand in protecting children by ensuring that all their employees and volunteers who have contact with children receive 3 hours of in-person training on how to recognize and report child abuse.” The statement goes on: “Everyone has a role to play in protecting children from abuse - the Diocese of Pittsburgh is stepping up to the plate and taking that role seriously.” (Haven Evans, Director of Training, Pennsylvania Family Support Alliance, Feb. 27, 2018.)

⁴ The Diocese of Pittsburgh’s policy tracks Pennsylvania law in permitting an exemption from fingerprinting for volunteers who have been Commonwealth residents for at least 10 years.

- Anyone who wishes to serve as either an employee or volunteer in one of the Diocese of Pittsburgh's parishes, schools, or institutions must participate in "Protecting God's Children" training,⁵ either online or at a workshop. Since 2003, more than 70,000 people have participated in this training.
- In 1995, the Diocese of Pittsburgh established "The Catholic Vision of Love" program, whose purpose was to present a Catholic understanding of sexuality for students in grades 6 through 12. This included units on the prevention of child sexual abuse. In 2011, the Diocese of Pittsburgh expanded "The Catholic Vision of Love" program to include a kindergarten through 12th grade curriculum on how to identify, avoid, and report predators. These units are required to be taught annually to more than 50,000 students in Diocesan schools and religious education programs. Parents must also participate in the training to enable them to discuss the program with their children, and students are not permitted to opt out of this program.

B. Diocese of Pittsburgh and the *Charter*

As previously noted, the child protection policies of the Diocese of Pittsburgh meet or exceed the requirements of the *Charter for the Protection of Children and Young People*. The *Charter* is a comprehensive set of procedures established by the U.S. Conference of Catholic Bishops in June 2002 for addressing allegations of sexual abuse of minors by Catholic clergy.

After the June 2002 meeting of the U.S. Conference of Catholic Bishops, the bishops presented to the Vatican a set of norms that required any cleric who was known to have committed sexual abuse of minors to be removed from ministry. The Vatican declared that these

⁵ The Protecting God's Children program is designed to teach priests, deacons, staff, volunteers, and parents to recognize the warning signs of child sexual abuse and to respond appropriately. The program and training service was created by The National Catholic Risk Retention Group, Inc. under the name "VIRTUS."

norms would be Church law for the United States. The Diocese of Pittsburgh, through then-Bishop Donald Wuerl, led the fight to establish this mandate nationwide. (See Ann Rodgers-Melnick, *U.S. Bishops get tough on sex abusers*, Pittsburgh Post-Gazette, June 15, 2002.)

The *Charter* also includes guidelines for reconciliation, healing, accountability, and prevention of future acts of abuse. Some distinctions between the *Charter's* requirements and the Diocese of Pittsburgh's policies are:

- The *Charter* requires clergy, employees, and some volunteers to undergo a single background check. The Diocese of Pittsburgh requires three background checks by the following: the Pennsylvania State Police, the Pennsylvania Department of Human Services, and the Federal Bureau of Investigation.
- The Diocese of Pittsburgh requires background checks and training of not only its clergy, but of far more employees and volunteers than required by the *Charter*, including anyone who could be perceived as a representative of the Church—such as a lector or choir member.
- The *Charter* requires only that dioceses report abuse allegations in which the victim is still a minor. Once again, in cases of a current minor, the Diocese of Pittsburgh reports all allegations to the civil authorities. In addition, since 2007, the Diocese of Pittsburgh has required that all allegations made by adults who were abused as minors, whether credible or not, be reported to the proper civil authorities.
- In 1989, the Diocese of Pittsburgh created what is now known as the Independent Review Board,⁶ which is a panel of volunteers with experience and

⁶ This was originally called the "Assessment Board" and has also been known as the "Diocesan Review Board."

expertise in a range of disciplines relevant to the problem of child sexual abuse. The Board was established to provide the Bishop with advice on issues related to clergy sexual abuse, among which is the suitability of a priest for active ministry. The Board was created 13 years before it was mandated by the *Charter*.

C. Diocese of Pittsburgh's Code of Pastoral Conduct

In August 2003, the Diocese of Pittsburgh published the "Code of Pastoral Conduct."⁷ It set in writing and codified the standards and expectations for all those who act in the name of the Diocese of Pittsburgh. It has been refined and expanded twice—in 2008 and 2017. It applies to bishops, priests, deacons, and religious and lay members of the Christian faithful who assist in providing pastoral care.

The Code of Pastoral Conduct addresses a broad array of personal conduct issues for clergy, employees, and volunteers of the Diocese of Pittsburgh and its parishes. Specific provisions of the Code offer guidance on interaction with children, young people, and vulnerable adults. Among other safeguards, the Code identifies examples of appropriate and inappropriate forms of physical contact with minors, stipulates that personnel in the presence of minors should be within eyesight of another responsible adult, prohibits private communications with minors through social media and other electronic means, and provides that personnel are expected to know mandatory reporting requirements and the sexual misconduct policies of the Diocese of Pittsburgh.

⁷ A copy of the Diocese's current Code of Pastoral Conduct is attached hereto as "Exhibit B."

D. Audits of Compliance with the *Charter for the Protection of Children and Young People*

The *Charter for the Protection of Children and Young People* requires that each diocese undergo an onsite audit by an independent auditing firm every three years. The purpose of this requirement is to ensure that each diocese within the United States is compliant with the *Charter*. The audits begin with volumes of information submitted to the auditors before their visit. The onsite portion of the audit begins and ends with interviews of the Bishop, and includes interviews with key Diocesan officials and the Chairperson of the Independent Review Board.

The audits entail visits to Diocesan parishes and schools chosen by the auditors, without advance notice. Visits to parishes and schools are not mandatory under the *Charter*, but the Diocese of Pittsburgh has consistently requested such visits.

In the past, a diocese could opt to undergo an onsite audit every year under the *Charter*. From 2003 to 2008, the Diocese of Pittsburgh opted to undergo an onsite audit each year. As of 2008, the U.S. Conference of Catholic Bishops established that each diocese would only have an onsite audit every three years. In each of the intervening years, all dioceses are required to submit documentation to the independent auditors verifying their compliance with the *Charter*. The Diocese has been fully compliant in these matters.

The most recent independent audit of the Diocese of Pittsburgh's compliance with the *Charter* conducted by Stonebridge Partners in October 2017 found that for the audit period, 38,993 active clergy, employees, and volunteers have valid background checks and certification in appropriate child protection training. This number includes 100% of active clergy. Furthermore, as indicated in the 2017 audit, 50,453 children received safe environment training, with the goal of teaching them how to identify, avoid, and report possible predators. In the

findings of each of the independent, onsite audits, the Diocese of Pittsburgh was commended for its policies and practices established to help prevent the sexual abuse of minors.

In addition to the external, independent audits, the Diocese of Pittsburgh has historically done much to oversee and enforce its safe environment programs and compliance with the mandates of the *Charter*. While the safe environment programs had existed for years, the Diocese of Pittsburgh consolidated its safe environment efforts in a new Office for the Protection of Children and Young People in 2007. The full-time Director of this Office trains a Safe Environment Coordinator in every parish and school, whose responsibility is to confirm that all background checks are performed so that known abusers are kept out of ministry, and that allegations of abuse are reported to Diocesan officials.

The Office for the Protection of Children and Young People also organizes internal audits of the parishes and schools of the Diocese of Pittsburgh in the two years between the *Charter's* mandated triennial independent audits. Two-person teams from the Diocesan staff visit approximately 50 parishes and schools in each of these years to test their adherence to child protection procedures, as outlined in Diocesan policies, and to coach them on how to improve where necessary. The Diocese of Pittsburgh was one of the first dioceses in the country to establish this procedure.

III. HISTORICAL RESPONSE TO ALLEGATIONS OF CLERGY SEXUAL ABUSE

A. Initial Policy

Fifteen years before the establishment of the *Charter* of the U.S. Conference of Catholic Bishops, the Diocese of Pittsburgh adopted a policy for responding to allegations of child sexual abuse. The initial Diocesan "Policy: For Clergy Sexual Misconduct," as it is formally known, was created in 1986 and formally adopted in February 1987. (See Eleanor Bergholz, *A greater openness*, Pittsburgh Post-Gazette, Aug. 25, 1987.)

The Diocese of Pittsburgh's Policy for Clergy Sexual Misconduct has been under continual review since 1988. (See Ann Rodgers-Melnick, *Diocese revises policy for priest misconduct cases*, Pittsburgh Post-Gazette, March 11, 1993.) It has been amended six times—in March 1993, October 2002, August 2003, August 2006, March 2008, and April 2014. Each of the specified revisions was done to strengthen the policies and procedures necessary to improve the Diocese of Pittsburgh's response to victims. Moreover, these revisions have been performed as the Diocese, together with society as a whole, has over the years come to better understand root causes of sexual abuse and the harm that victims suffer. All revisions to the policy have been made publicly available.⁸

B. Putting Children First

In 1988, then-Bishop of the Diocese of Pittsburgh, Donald W. Wuerl, now Cardinal Wuerl, against the advice of legal counsel, and accompanied by his Administrative Secretary, Reverend David A. Zubik, now Bishop Zubik, visited two brothers who reported that they were abused by Diocesan priests.⁹ Their family was present, as well. The visit with the two brothers and their family permanently changed the Diocese of Pittsburgh's approach to allegations of clergy sexual abuse of minors. It was a watershed moment. From that point onward, under the direction of Bishop Wuerl, the Diocese moved aggressively in response to allegations of child abuse, making the protection of children a top priority. The Diocese of Pittsburgh has made every effort to uphold and strengthen this policy.

⁸ A copy of the Diocese's current Policy for Clergy Sexual Misconduct is attached hereto as "Exhibit C." A copy of the Diocese's Policy for Allegations of Sexual Abuse of Minors by Church Personnel Other Than Clerics is attached hereto as "Exhibit D."

⁹ The priests were removed from public ministry in response to the allegations, and none of the priests ever returned to public ministry. Two of these priests were convicted and imprisoned.

Shortly after Bishop Wuerl and Father Zubik's visit with the family of the abused brothers, Bishop Wuerl called a mandatory meeting with the entire clergy of the Diocese of Pittsburgh in the fall of 1988. At the meeting, Bishop Wuerl outlined the Diocesan policy for responding to allegations of clergy misconduct, declaring that sexual contact with a minor was not simply a moral offense, but a crime under Church law and civil law that would result in permanent removal from ministry and possible imprisonment. Any accused priest could expect to be removed from ministry if an allegation appeared credible. Bishop Wuerl also revealed his intention to meet or speak with victims of clergy sexual abuse who wished to speak with him, a practice that Bishop Zubik carries on to this day.

C. Independent Review Board

In 1988, the Diocese of Pittsburgh announced that it would convene a group of laypersons and pastors to provide advice on the prevention of sexual abuse, and to offer healing and assistance where abuse occurred. (*See Bishop to form committee 'to heal' harm of allegations*, Pittsburgh Catholic, Oct. 28, 1988.) This resulted in the creation of the Independent Review Board in 1989.

The Independent Review Board is a panel of volunteers with experience and expertise in a range of disciplines relevant to the problem of child sexual abuse. It was established to assess individual allegations and to advise the Bishop on issues related to clergy sexual abuse, among which are the credibility of the allegation and the suitability of the priest for active ministry. Lay members of the Board were not required to be Catholic, but were chosen based on their expertise and experience. Shortly after its creation, parents of abuse victims were appointed to the Board. Since its inception, the chair of many Board meetings has been Frederick W. Thiemann, a former chief prosecutor and United States Attorney for the Western District of Pennsylvania. The Board

was created 13 years before it was mandated for all dioceses in the United States by the *Charter for the Protection of Children and Young People* in June 2002.

Since 1993, the Diocese of Pittsburgh has maintained a roster of individuals who have been appointed to serve on the Board for five-year renewable terms. For each case in which there is an allegation against a cleric, five individuals are chosen from the roster to review the case. Four of the individuals are lay people, and one is a priest. Of the four laypersons, one must have professional expertise relating to the sexual abuse of minors. The priest must be a pastor.

As explained, the Independent Review Board reviews allegations of abuse and makes recommendations to the Bishop. Mr. Thieman, the chair of many Board meetings, has noted that the Board has "extreme independence" from Diocesan influence, and the "freedom to reach whatever decisions we wanted to reach, based on the best evidence." (Ann Rodgers and Mike Aquilina, *Something More Pastoral – The Mission of Bishop, Archbishop and Cardinal Donald Wuerl*, The Lambing Press, 2015, p. 101.)

IV. EVOLUTION OF THE POLICY FOR THE PROTECTION OF CHILDREN

A. The Pastoral Process

i. Publication of Clergy Sexual Misconduct Policy

On March 8, 1993, the Diocese of Pittsburgh officially published its revised Clergy Sexual Misconduct Policy, holding a press conference to announce its contents and to distribute copies to the media.¹⁰ Specifically, the policy provided that no cleric against whom there was an admitted or credibly established allegation of sexual misconduct with a minor may serve in any public ministry. The Bishop also has the authority to remove an offending priest from ministry,

¹⁰ The Clergy Sexual Misconduct Policy was also printed in the Pittsburgh Catholic on March 12, 1993.

regardless of whether there has been a conviction or finding of liability in the criminal or civil courts. These Diocesan principles remain unchanged to this day.¹¹

ii. **Employment of Diocesan Assistance Coordinator**

In 1993, the Diocese of Pittsburgh hired Rita E. Flaherty, MSW, LSW, as the "Diocesan Assistance Coordinator," a position which Ms. Flaherty still holds to this day.¹² The Diocesan Assistance Coordinator oversees the pastoral response to victims who bring allegations of sexual misconduct to the Diocese of Pittsburgh.

In addition to facilitating access to therapy for victims, the Diocesan Assistance Coordinator's responsibilities include, in pertinent part:

- Receiving allegations of sexual misconduct;
- Assisting with and reviewing actions taken in response to allegations of sexual misconduct;
- Updating accused clergy's personnel files, specifically noting steps taken in response to allegations;
- Preparing reports for the Clergy Task Force,¹³ and,
- Serving as staff to the Independent Review Board.

Since 2004, the Diocese of Pittsburgh has maintained a toll-free abuse hotline that directly connects to the Diocesan Assistance Coordinator's office. The hotline is widely publicized by the Diocese in the Pittsburgh Catholic newspaper and in parishes by at least bi-

¹¹ The policy did not address sexual activity between consenting adults. Rather, it focused on minors, non-consenting adults, and adults over whom a cleric had spiritual or administrative authority. In 2014, the policy was amended to include specific protections for "vulnerable adults." See Ex. C.

¹² Ms. Flaherty's position has also been referred to as the "Process Manager" and the "Ministerial Assistance Coordinator."

¹³ The Clergy Task Force is a team of Diocesan staff members, both priests and laity, who assist the Bishop in determining an appropriate response to any allegation of serious wrongdoing by clergy, and in determining whether changes should be made to policies regarding clergy misconduct. Clergy Task Force members include the Vicar General (a cleric with canonical authority to act in the Bishop's absence), two clerics in charge of the offices that deal with clergy-related matters, the canon lawyer in charge of the Diocese's Canon Law Department, the civil attorney who represents Diocesan parishes and schools, and the Diocesan spokesperson, among others.

weekly publication in bulletins. It is also required to be clearly posted in the entryways and offices of every parish and school in the Diocese of Pittsburgh.

B. Responding to Allegations of Child Sexual Abuse

i. Initial Response to an Allegation

Since 1988, the Diocese of Pittsburgh has mandated a prompt response to all allegations of sexual abuse. Any priest, deacon, or Diocesan or parish/school employee who receives a complaint that a cleric has sexually abused a current minor must immediately notify the proper civil authorities and the Diocese.

Beginning in 1993, when an adult alleges that he/she was abused as a minor, the Diocese of Pittsburgh mandates that two priests from the Clergy Office, as well as the Diocesan Assistance Coordinator, are required to first interview the person bringing the allegation, and then, to conduct a separate interview of the accused cleric. The objective of the initial interviews is to assess the credibility of an allegation. Credible allegations lead to the removal of clerics from public ministry.

If an allegation is deemed not credible after a review of all available information, including the results of any civil investigation, the matter is not pursued further, and the parties are informed of the decision.

ii. Reporting to Civil Authorities

Since at least 1993, the Diocese of Pittsburgh has encouraged and supported all individuals bringing allegations of sexual abuse to report the abuse to the proper civil authorities.¹⁴ This policy was adopted before the U.S. Conference of Catholic Bishops adopted the *Charter for the Protection of Children and Young People* in June 2002, and was implemented

¹⁴ In some instances, where necessary, the Diocese of Pittsburgh has reported allegations to the civil authorities over the objection of the person bringing the allegation. The Diocese reserves this right when it receives allegations. The Diocese also complies with Pennsylvania law by reporting all allegations of abuse of a current minor.

after a meeting with the District Attorney of Allegheny County and other counties to ensure that victims would be treated with sensitivity during any investigation or prosecution. (See Ann Rodgers-Melnick, *Zappala, Wuerl define policies, roles in abuse cases*, Pittsburgh Post-Gazette, April 17, 2002; Steve Levin, *Diocese expands meetings with district attorneys*, Pittsburgh Post-Gazette, April 26, 2002.)

Generally, allegations of abuse fall into two categories. First, there are allegations made by or on behalf of a current minor. The Diocese of Pittsburgh has complied with Pennsylvania law by reporting all allegations of sexual abuse where the victim is currently a minor.

Second, there are allegations made by adults who claim to have been abused by clerics when they were minors. Beginning in 2002, all credible allegations were reported to the civil authorities. Beginning in 2007, all allegations, credible or not, are reported to the civil authorities.

iii. Evaluating Allegations

The Diocese of Pittsburgh's evaluation of and response to the issue of clergy sexual abuse has progressively evolved since the mid-1980s. Beginning in 1988, the focus of the Diocese of Pittsburgh has been on putting the safety of children first. Where clergy admit to committing abuse, or once allegations of abuse by clergy have been judged credible, the priest is removed from public ministry.

If an allegation involves a current minor, the cleric is immediately removed from ministry and the allegation is immediately referred to civil authorities. During the civil process, the priest remains barred from ministry. Only after the civil process is complete does any canonical process begin. If the cleric is convicted, the canonical process begins to remove him from the priesthood. If the cleric is acquitted, then a canonical process begins to determine whether he is suitable for ministry.

While all allegations of child sexual abuse are taken seriously and receive appropriate attention, the standard for determining whether an allegation is deemed credible has become increasingly deferential toward adult victims of childhood sexual abuse.¹⁵ Initially, the Diocese of Pittsburgh sought to determine whether an allegation might or might not be true, and if the answer was affirmative or inconclusive, the cleric was removed from ministry. By the early 2000s, the Diocese of Pittsburgh began a practice of determining whether there was any semblance of truth to an allegation. If the answer was affirmative or inconclusive, the cleric was removed from ministry and the case was referred to the civil authorities. Beginning in 2007, upon the reassignment of Bishop Zubik to Pittsburgh, the Diocese began forwarding all allegations of abuse of current adults who were abused as minors to the civil authorities, whether the allegation was considered credible or not.

Internally, once an allegation is received by the Diocese of Pittsburgh, the Clergy Task Force is convened to offer a recommendation on placing the cleric on administrative leave that removes his ability to function as a priest or deacon. The Clergy Task Force directs the Clergy Office to arrange for a meeting with the cleric, offers logistical assistance on informing parishioners, and arranges for a psychological evaluation. Accused clerics are expected to undergo a formal psychological evaluation by medical and psychiatric experts at a facility selected by the Diocese. The accused cleric is required to grant the treatment facility permission to share the results of the evaluation with appropriate Diocesan personnel. Once the psychological evaluation is complete, the matter is referred to the Independent Review Board.¹⁶

¹⁵ The Diocese of Pittsburgh has complied with Pennsylvania law by reporting all allegations of abuse of a current minor.

¹⁶ If the accused cleric refuses to undergo a psychological evaluation, the Independent Review Board will proceed without this evaluation and the priest remains on administrative leave.

The Independent Review Board reviews relevant documentation and hears from the victim, the accused priest, and any other pertinent witnesses that either party may present. At the end of its deliberations, the Independent Review Board will offer findings relative to the credibility of the allegation, as well as a recommendation on the suitability of an assignment for the cleric.

During the entire evaluation process, Diocesan officials are required to continually update the person who brought the allegation regarding the process of the investigation and the Bishop's decisions concerning the accused cleric.

C. Bishop Wuerl and the Diocese of Pittsburgh Intervene at the Holy See

In November 1988, a 19 year-old male filed a civil lawsuit claiming that a priest had molested him from the age of 12. Bishop Wuerl sent the priest for an evaluation, and he was never returned to ministry.

Following an appeal by the priest, in March 1993, the Vatican's highest court, the Supreme Tribunal of the Apostolic Signatura, ordered Bishop Wuerl to return the priest to ministry. He was instructed to accept the priest in good standing, give him an assignment, allow him to say Mass publicly, and allow him to wear clerical garb. Instead, Bishop Wuerl took the extraordinary step of personally traveling to Rome to petition the Vatican court to rehear the case. This action demonstrated Bishop Wuerl's commitment to protect children from the harm of sexual abuse.

In October 1995, because of Bishop Wuerl's determination to combat the sexual abuse of minors, the Vatican court reversed itself after reviewing the case again, and ruled that Bishop Wuerl had been correct in removing the priest from ministry. It was the first time in history that the Signatura reversed its decision. Some believe that this ruling made it easier for bishops to remove priests from ministry.

V. CARE AND ASSISTANCE FOR VICTIMS

For the past three (3) decades, the Diocese of Pittsburgh's policy and practice has been to respond with compassion and respect whenever someone comes forward with an allegation of sexual abuse. Pastoral concerns take priority over legal concerns. The Diocese of Pittsburgh has upheld the practice of responding to victims "where they are" in terms of their needs, always acknowledging how difficult and painful it is for them to come forward and speak about the abuse they suffered. We can only hope to bring healing when we are able to listen with an open mind and open heart. With that in mind, Bishop Zubik continues the practice initiated by Bishop Wuerl of meeting or speaking with any victim who wishes to speak with him.

Since 1993, with the full time employment of the Diocesan Assistance Coordinator, the Diocese of Pittsburgh has offered continual care and support to victims and their families. By its own policy, the Diocese of Pittsburgh strives to offer immediate assistance to a person, and their family, who brings an allegation of sexual misconduct.

The Assistance Coordinator is typically the first Diocesan official to speak with victims. Sometimes the first contact from a victim or family member happens through a phone call, email, or letter. A personal meeting is always attempted at a location most convenient for the victim, always at a time when they feel ready to talk in person.

In many of these situations, the Assistance Coordinator has maintained personal contact with the victim for decades. Sometimes this contact relates to their personal struggles about their past abuse while often, the contact is more in line with celebrating their accomplishments or those of their children, or acknowledging their day-to-day challenges and responsibilities. Caring for victims must not be viewed as an obligation or burden, but rather seen as a ministry of healing, wherein we are given the opportunity to walk with those who have been harmed so they

can feel heard, respected, and believed. In instances too numerous to mention, the Diocese has reached out in unconventional ways to assist victims and their families.

While the Diocese of Pittsburgh most frequently responds to victims with an offer of pastoral support and/or psychological counseling, many times the victim does not feel the need for this type of help. There are others, however, who require significant assistance with psychological care, which the Diocese of Pittsburgh offers to provide.

In 2007, the Diocese of Pittsburgh established an Outreach Fund to resolve the abuse claims of numerous plaintiffs presented in the Court of Common Pleas of Allegheny County. These claims included allegations from as far back as the 1950s, with the most recent claim of abuse having allegedly occurred in 1994.

The Diocese of Pittsburgh established an Outreach Fund, notwithstanding viable defenses, and without significant investigation into the merits of the claims. The Diocese also declined to utilize any type of loss matrix or calculator in resolving the claims. Instead, the funds were distributed by an independent, retired judge, after giving the plaintiffs the opportunity to tell their story.

VI. PUBLIC APOLOGY

As part of a continual outreach to victims of sexual abuse and other mistreatment, Bishop Zubik has twice held a "Service of Apology." "For whatever way any member of the church has hurt, offended, dismissed or ignored any one of you, I beg you -- the church begs you -- for forgiveness," Bishop Zubik told several hundred people inside St. Paul Cathedral in Oakland at the first such service in 2009. (Amy McConnell Schaarsmith, *Bishop Zubik leads service of apology*, Pittsburgh Post-Gazette, April 8, 2009.)

Bishop Zubik held a similar service during Lent 2016, as part of Pope Francis's "Year of Mercy." (David Highfield, *Nearly 100 Parishioners Gather For Bishop Zubik's "Service of Apology"*, CBS Pittsburgh, March 21, 2016.)

VII. CLOSING

Since at least 1988, the Diocese of Pittsburgh has attempted to do its utmost to place the interests of children and victims above all other concerns, and to advocate for protecting children and young people. For the past three decades, the Diocese of Pittsburgh has been willing to work with or sought input about its responses to the problem of clergy sexual abuse from its faithful, including parents of victims, outside experts, and public officials. None of our efforts, great or small, can take away the harm that has been done to those who have suffered sexual abuse. In the Diocese of Pittsburgh, we continue, through all of our efforts, to offer healing and hope to those who have been abused and to attempt to restore trust in the Church.

Because of the Diocese of Pittsburgh's dedication to the protection of children and young people, the Diocese welcomes every opportunity to improve. To quote Bishop Zubik from his Service of Apology in 2009 to all hurt by anyone in the Church at any time and in any way:

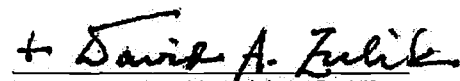
...

To those of you who are here tonight who have in any way been the victims of any abuse, sexual or otherwise, whether as a child or as an adult, or as a parent, or sibling, or friend who shared in the pain of that someone you love -- I ask you, the Church asks you, for forgiveness, ...

For whatever ways any representative of the Church has hurt, offended, dismissed, ignored, any one of you -- I ask you, the Church asks you, for forgiveness, ...

With all the love in my heart and with all the sincerity in my soul, you can be assured that I will do all that I am able to do to restore your trust in the Church and to work together with you to reflect the very love, compassion, mercy of Jesus Himself in and through the Church. ...

This Statement is Respectfully and Humbly
Submitted,


Most Reverend David A. Zubik
Bishop of Diocese of Pittsburgh



Policy: Safe Environments for Children

Effective Date: July 1, 2004
 Revised: April 4, 2008
 Revised: October 1, 2015
 Revision Effective: November 1, 2015



CATHOLIC DIOCESE OF
PITTSBURGH

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EXHIBIT

A

Policy: Safe Environments for Children

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PURPOSE

To take reasonable measures to assure that Church Personnel, as defined below, comply with all required certifications and background checks to permit the necessary assessment of suitability for contact with children with the purpose of providing a safe environment for children.

APPLICABILITY

All Church Personnel are required to obtain certain certifications and background checks as set forth below. Upon obtaining the results of any background check that contains reports of any convictions for any Disqualifying Offense, as listed on pages 8 and 9, that person is not eligible for hire or for retention.

The Diocese has determined that, minimally, this policy applies to those Church Personnel or their equivalent as named in **Appendix A**. In keeping with the purpose and spirit of this policy, and in light of the definitions provided below, a pastor or administrator may determine that the policy also applies to positions not listed in **Appendix A**. When in doubt, the pastor or administrator is urged to apply this policy to the fullest extent possible in the interest of protecting children.

DEFINITIONS

Church Personnel:

- All bishops and priests (active and retired), religious men and women on assignment in the Diocese, deacons and seminarians;
- All diocesan, school and parish employees. This would include any individual 14 years of age or older applying for or in a paid position as an employee responsible for the welfare of a child or having contact with children.
- All school volunteers; and
- All diocesan and parish volunteers who perform a service where they have direct access to children.

Child, Children or Minor:

- All persons under the age of eighteen.

Diocese:

- The Pittsburgh Catholic Diocese, including parishes, schools, and institutions that are directly accountable to the Diocese.

Safe Environment Coordinator:

- The person appointed by the pastor, principal or administrator to oversee compliance with the United States Conference of Catholic Bishops (USCCB) Charter for the Protection of Children and Young People and the Diocese's Safe Environments Policy.

POLICY AND PROCEDURE

Required Background Checks and Certifications

The following criminal background checks ("Background Checks") must be completed by all Church Personnel prior to commencing service:

1. Pennsylvania State Police Criminal Report
2. Pennsylvania Department of Human Services Report (Child Abuse)
3. FBI Criminal History Report (Fingerprinting)

Exception to FBI Criminal History Report for Eligible Volunteers

A volunteer may be excused from the FBI Criminal History Report requirement if he or she has been a Pennsylvania resident continuously for the previous 10 years, has not been convicted of a "Disqualifying Offense" as listed on pages 8 and 9 and signs a Volunteer Disclosure Statement Application to this effect (see **Appendix B**). Volunteers who are current residents of Pennsylvania (but have not been residents for the entire 10 years prior) need only obtain an FBI Criminal History Report once at any time since establishing residency in Pennsylvania and, thereafter, must complete a Volunteer Disclosure Statement Application Form.

Exception to FBI Criminal History Report for Minor Employees

Employees ages 14-17 do not need an FBI clearance if:

- Minor has been a Pennsylvania resident continuously for the past 10 years, and
- Minor and his/her parent or legal guardian signs a Disclosure Statement Application for Minor Employees (see **Appendix C**) that the minor has not committed child abuse or been convicted of "Disqualifying Offense" as listed on pages 8 and 9.

Exception to Background Check Requirements for Adult Students

18+ year old high school students do not need to obtain Background Checks to be in contact with children during their school-related volunteer activities if:

- The student is currently enrolled as a student in the school;
- The student is not responsible for the child's welfare (i.e. care/supervision in lieu of a parent);
- The student is volunteering for an event occurring on school grounds;
- The event is sponsored by the school in which the student is enrolled; and
- The event is not for children who are in the care of a child-care service.

The diocesan policy requires that the following also be completed:

4. Database Application

A database application must be completed by all Church Personnel. Database applications can be obtained online through the diocesan website at www.diopitt.org under the Office for the Protection of Children and Young People.

5. Diocesan Code of Pastoral Conduct Acknowledgement

All Church Personnel are to receive, be oriented in, and electronically sign the "Acknowledgement of Receipt" page from the diocesan *Code of Pastoral Conduct*.

6. Reporting of Child Abuse and the Child Protective Services Law of Pennsylvania Acknowledgement

All Church Personnel are to receive, be oriented in, and electronically sign the "Acknowledgement of Receipt" page from the diocesan *Reporting of Child Abuse and the Child Protective Services Law of Pennsylvania* brochure.

7. Protecting God's Children (Virtus®) Training

All Church Personnel are to complete the Virtus® training program, *Protecting God's Children*, at either a diocesan-sponsored class or through the Virtus® online training course within 90 days of commencement of service. Information about live classes offered throughout the Diocese and online training can be accessed through the diocesan website at: www.diopitt.org and clicking on the Safe Environment link.

8. Online Mandated Reporter Training For Mandated Reporters

The following individuals designated under Pennsylvania law as mandated reporters must complete the online Mandated and Permissive Training Course offered by the University of Pittsburgh within 90 days of commencement of service:

All clergy, all school employees, all school volunteers and all other employees and volunteers who are responsible for the welfare of a child or have regular contact with children (including, at a minimum to those individuals or their equivalent as named in **Appendix D**).

Information about the online training can be accessed through the diocesan website at: www.diopitt.org and clicking on the Safe Environment link.

Catholic School Employees

In addition to the above mentioned Background Checks and certifications, employees of the Catholic Grade Schools and Catholic High Schools of the Diocese of Pittsburgh will be required to have Act 24 clearances and to follow the requirements of PA Act 168 and Act 126. Currently, the online Mandated Reporter Training Course offered by the University of Pittsburgh meets Act 126 requirements and could satisfy one five (5) year training cycle requirement. Please consult with the Office for Catholic Schools for the Diocese of Pittsburgh for further clarification and assistance by calling (412) 456-3090.

Responsibility for Assuring Compliance with Background Check and Certification Requirements

The General Secretary of the Diocese or the pastor/parish life collaborator/ deacon administrator/school principal/administrator, in his/her respective role, is responsible for ensuring compliance with these policies. To assist in discharging this responsibility, every diocesan parish, school and institution is to name a safe environment coordinator who will ensure that all Church Personnel have completed all required training and obtained necessary Background Checks and certifications. All records of compliance with these policies, including the signed "Acknowledgement of Receipt" from the Code of Pastoral Conduct and Mandated Reporter and Child Protective Services Law brochure, records of attendance at the Virtus® Protecting God's Children Training Course and the Mandated and Permissive Training Course, and Background Check reports, are to be provided to the safe environment coordinator. The safe environment coordinator is then responsible for tracking records of compliance in the diocesan-wide database established for this purpose.

- ***Annual Verification***

The pastor/parish life collaborator/deacon administrator/ school principal/administrator will be required annually to complete and sign a verification letter affirming that the parish, school or institution has implemented all aspects of the diocesan safe environment policy.

- ***Limited Database Access***

Write access to the diocesan-wide database developed for tracking compliance with this policy is restricted to the safe environment coordinator, school principal (or principal's delegate) and/or catechetical administrator. Write access to the database cannot be delegated to other staff both for reasons of confidentiality and for reasons of quality control of the data. Write access to the database is part of an administrative oversight responsibility and should be treated as such. Giving access to the database to anyone other than those specified in this policy is to be considered a grave matter that is subject to appropriate disciplinary action.

Prospective Church Personnel

Prospective Church Personnel (paid or volunteer) must have all required Background Checks and certifications in place *prior to* being offered a position or commencing service in the Diocese except for Protecting God's Children training and Mandated and Permissive Training, which must be completed within ninety (90) days of commencement of employment or service.

All prospective and current Church Personnel are to be informed that functioning as Church Personnel is contingent on the results of any background investigation and successful adherence to these policies.

Certification Renewals

The Pennsylvania State Police Criminal History Report, the Pennsylvania Department of Human Services Certification, and the FBI Criminal History Report must be renewed every five (5) years. A Volunteer Disclosure Statement Application Form must be signed by applicable Church Personnel every five (5) years. Volunteers who are current residents of PA (but have not been residents for the entire 10 years prior) need only obtain an FBI report once at any time since establishing residency in PA and, thereafter, complete a Volunteer Request for Waiver Form every five (5) years.

Continuing Compliance Obligations

All Church Personnel must notify their employer or administrator in writing within 72 hours after an arrest or conviction for a Disqualifying Offense (as listed on pages 8 and 9) or notification of listing as a perpetrator of child abuse in the Pennsylvania statewide database.

The employer or administrator who is responsible for hiring or the approval of volunteers must demand that an employee or volunteer produce new Background Checks if the employer or administrator has a reasonable belief that the employee or volunteer has been arrested for or convicted of a crime that would require disqualification from employment or approval as a volunteer or that the employee or volunteer has been named as the subject of an indicated or founded report of child abuse.

Responsibility for Criminal Background Check Costs

All prospective paid Church Personnel (employees) are responsible for the cost of obtaining required Background Checks. Background Check renewal costs for paid Church Personnel shall be the responsibility of the parish or diocesan office. Schools may, as a part of its personnel policies, stipulate that employees are responsible for such renewal costs. The parish, school, or applicable diocesan office shall pay the cost for obtaining required Background Checks for all volunteers.

Transfer of Background Checks

For all Church Personnel other than volunteers: Background Checks may be transferred to another entity of the Diocese during the length of time such Background Checks are current. Background Checks from a non-diocesan entity cannot be transferred.

For all volunteers: Any volunteer who obtained their Background Checks within the previous 5 years (60 months) may transfer the Background Checks from non-diocesan entities.

Grounds for Denying Employment

• Disqualifying Offenses

Current and/or Prospective Church Personnel shall not be hired, approved for service as a volunteer, or continue employment or volunteer service where the criminal Background Checks disclose a conviction of a "Disqualifying Offense" as listed below:

- ◆ An offense under one or more of the following provisions of Title 18 of the Pennsylvania Consolidated Statutes or equivalent crime in another state, territory, commonwealth or foreign nation:
 - Chapter 25 (relating to criminal homicide).
 - Section 2702 (relating to aggravated assault).
 - Section 2709 (relating to stalking).
 - Section 2901 (relating to kidnapping).
 - Section 2902 (relating to unlawful restraint).
 - Section 3121 (relating to rape).
 - Section 3122.1 (relating to statutory sexual assault).
 - Section 3123 (relating to involuntary deviate sexual intercourse).
 - Section 3124.1 (relating to sexual assault).
 - Section 3125 (relating to aggravated indecent assault).
 - Section 3126 (relating to indecent assault).
 - Section 3127 (relating to indecent exposure).
 - Section 4302 (relating to Incest).
 - Section 4303 (relating to concealing death of child).
 - Section 4304 (relating to endangering welfare of children).
 - Section 4305 (relating to dealing in infant children).
 - Section 5902(b) (relating to prostitution and related offenses).
 - Section 5903(c) or (d) (relating to obscene and other sexual materials and performances).
 - Section 6301 (relating to corruption of minors).
 - Section 6312 (relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.
- ◆ An offense designated as a felony under the Act of April 14, 1972 (P.L. 233, No. 64) known as "The Controlled Substance, Drug Device and Cosmetic Act." committed within the past five (5) years.
- ◆ Being named in a statewide database as a perpetrator of a founded report of child abuse.

- **Procedure When Volunteer Approval is Questionable**

When there are any questions or concerns regarding whether or not the results of a criminal Background Check poses a threat to children, the procedures set forth in **Appendix E** will be followed. In light of the USCCB *Charter for the Protection of Children and Young People* as well as the accompanying Essential Norms, any question or concern regarding whether a conviction poses a threat to children will be resolved in favor of protecting children.

- ◆ When there are questions regarding whether or not a criminal conviction poses a threat to children, the individual concerned must not begin his/her ministry until the matter can be resolved.
- ◆ Under no circumstances should anyone on the staff of the parish provide legal counsel on any matter relating to the implementation of this policy. All questions should be referred to the diocesan Director of the Office for the Protection of Children and Youth.

- **Failure to Comply With Policy Grounds for Dismissal**

Failure to comply with these policies by Church Personnel shall be grounds for dismissal of any employee and shall preclude a volunteer from engaging in Church activity of any kind that involves possible contact with children.

Only the diocesan bishop can determine suitability to hold ecclesiastical office. Accordingly, if a person who holds ecclesiastical office fails to comply with these policies, the general secretary or his designee will handle the matter in accord with universal Church law and the policies of the Diocese.

Independent Contractors

Independent contractors, such as a janitorial service or food service company, who have direct access to children on parish, school or diocesan property or through parish, school or diocesan-related programs, are to verify that their employees have obtained all necessary Background Checks and are required to submit an *Affidavit of Compliance With Required State and Federal Criminal Background Checks* as set forth on **Appendix G**.

APPENDIX A
Background Checks by Ministry
(includes the equivalent of these positions)

1	Altar Server - Adult	33	Fund Raising Worker/Volunteer (e.g. bingo, festival, fish fry, etc.)
2	Athletic Coach/Volunteer - School/CYO	34	Housekeeper/Cook
3	Athletic Trainer	35	Janitor/Maintenance Worker
4	Bereavement Team Coordinator/Volunteer	36	Lector/Reader
5	Bus Driver	37	Liturgical Art and Environment Coordinator/Volunteer
6	Business Manager/Bookkeeper	38	Organist/Instrumentalist
7	Cafeteria Worker	39	Outreach Coordinator/Volunteer
8	Campus Minister	40	Parish Advocate - Persons with Disabilities
9	Cantor	41	Parish Advocate - Tribunal
10	Catechetical Administrator	42	Parish Employee
11	Catechist	43	Parish Finance Council Member
12	Catechist Aide	44	Parish Nurse
13	Catechumenate Director	45	Parish Safe Environment Coordinator
14	Catholic Committee on Scouting Leader/Volunteer	46	Parish Pastoral Council Member
15	Chaperone	47	Parish Social Minister
16	Child Care Giver (e.g. cry room, pre/after school program, babysitter, etc.)	48	Parish Wedding Coordinator
17	Choir Director - Vocal/Bell	49	Pastoral Associate/Minister
18	Choir Member - Vocal/Bell	50	Pastoral Health Care Minister
19	Coordinator of Evangelization	51	Playground Monitor
20	Coordinator of Liturgy	52	Preschool Employee
21	Deacon - Permanent/Transitional	53	Preschool Volunteer
22	Diocesan Bishop	54	Refugee Sponsorship Coordinator/Volunteer
23	Diocesan Priest Incardinated in the Diocese and On Assignment or Retired in the Diocese	55	Religious Men and Women On Assignment in the Diocese
24	Diocesan Priest Not Incardinated in the Diocese and On Assignment or In Residence in the Diocese	56	Respect Life Coordinator/Legislative Advocate
25	Diocesan Employee	57	Sacristan
26	Director of Music Ministry	58	Secretary - Parish/Religious Education/School/Youth Ministry
27	Elderly Outreach Coordinator/Volunteer	59	Seminarian
28	Elementary/Secondary School Board Member	60	Trainer - Youth Altar Server and/or Lector
29	Elementary/Secondary School Employee	61	Usher/Greeter/Minister of Hospitality
30	Elementary/Secondary School Volunteer	62	Youth Minister
31	Extraordinary Minister of Holy Communion	63	Youth Ministry Volunteer
32	Family Life Minister/Volunteer		

APPENDIX B

Volunteer Disclosure Statement Application Form

DIOCESE OF PITTSBURGH DISCLOSURE STATEMENT APPLICATION FOR VOLUNTEERS

**Required by the Child Protective Service Law
23 Pa. C.S. Section 6344.2
(relating to volunteers having contact with children)**

I swear/affirm that I am seeking a volunteer position and **AM NOT** required to obtain a background check through the Federal Bureau of Investigation, as:

- the position I am applying for is unpaid; and
- I have been a resident of Pennsylvania during the entirety of the previous ten-year period.

I swear/affirm that I have **NEVER** been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have **NEVER** been convicted of any of the following crimes under Title 18 of the Pennsylvania consolidated statues or of offenses similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth:

- Chapter 25 (relating to criminal homicide)
- Section 2702 (relating to aggravated assault)
- Section 2709 (relating to stalking)
- Section 2901 (relating to kidnapping)
- Section 2902 (relating to unlawful restraint)
- Section 3121 (relating to rape)
- Section 3122.1 (relating to statutory sexual assault)
- Section 3123 (relating to involuntary deviate sexual intercourse)
- Section 3124.1 (relating to sexual assault)
- Section 3125 (relating to aggravated indecent assault)
- Section 3126 (relating to indecent assault)
- Section 3127 (relating to indecent exposure)
- Section 4302 (relating to incest)
- Section 4303 (relating to concealing death of child)
- Section 4304 (relating to endangering welfare of children)
- Section 4305 (relating to dealing in infant children)
- Section 5902(b) (relating to prostitution and related offenses)
- Section 5903(c) or (d) (relating to obscene and other sexual material and performances)
- Section 6301 (relating to corruption of minors)
- Section 6312 (relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.

I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years.

I understand that I shall not be approved for service if I am named as a perpetrator of a founded report of child abuse or have been convicted of any of the crimes listed above or of offenses similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice no later than 72 hours after the arrest, conviction or notification that I have been listed as a perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying employment or participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current background checks obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation. The cost of background checks shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including denial of a volunteer position.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my background checks.

I hereby swear/affirm that the information as set forth above is true and correct. I understand that false swearing is a misdemeanor pursuant to Section 4903 of the Crimes Code.

Printed Name

Signature

Witness Printed Name

Witness Signature

Date

APPENDIX C

Disclosure Statement Application for Minor Employees Form

DIOCESE OF PITTSBURGH DISCLOSURE STATEMENT APPLICATION FOR MINOR EMPLOYEES

Required by the Child Protective Service Law
23 Pa. C.S. Section 6344.2
(relating to minor employees having contact with children)

I swear/affirm that I am seeking a paid position and **AM NOT** required to obtain a certification through the Federal Bureau of Investigation, as:

- I am between 14 and 17 years of age; **and**
- I have been a resident of Pennsylvania during the entirety of the previous ten-year period or, if not a resident of Pennsylvania during the entirety of the previous ten-year period, have received a FBI Fingerprint Check at any time since establishing residency in Pennsylvania and have attached a copy of the certification to the employer.

I swear/affirm that I have **NEVER** been named as a perpetrator of a founded report of child abuse within the past five (5) years as defined by the Child Protective Services Law.

I swear/affirm that I have **NEVER** been convicted of any of the following crimes under Title 18 of the Pennsylvania consolidated statutes or of offenses similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth:

- Chapter 25 (relating to criminal homicide)
- Section 2702 (relating to aggravated assault)
- Section 2709 (relating to stalking)
- Section 2901 (relating to kidnapping)
- Section 2902 (relating to unlawful restraint)
- Section 3121 (relating to rape)
- Section 3122.1 (relating to statutory sexual assault)
- Section 3123 (relating to involuntary deviate sexual intercourse)
- Section 3124.1 (relating to sexual assault)
- Section 3125 (relating to aggravated indecent assault)
- Section 3126 (relating to indecent assault)
- Section 3127 (relating to indecent exposure)
- Section 4302 (relating to incest)
- Section 4303 (relating to concealing death of child)
- Section 4304 (relating to endangering welfare of children)
- Section 4305 (relating to dealing in infant children)

- Section 5902(b) (relating to prostitution and related offenses)
- Section 5903(c) or (d) (relating to obscene and other sexual material and performances)
- Section 6301 (relating to corruption of minors)
- Section 6312 (relating to sexual abuse of children), or an equivalent crime under Federal law or the law of another state.

I have not been convicted of a felony offense under Act 64-1972 (relating to the controlled substance, drug device and cosmetic act) committed within the past five years.

I understand that I shall not be approved for service if I am named as a perpetrator of a founded report of child abuse or have been convicted of any of the crimes listed above or of offenses similar in nature to those crimes under the laws or former laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation, or under a former law of this Commonwealth.

I understand that if I am arrested for or convicted of an offense that would constitute grounds for denying participation in a program, activity or service under the Child Protective Services Law as listed above, or am named as perpetrator in a founded or indicated report, I must provide the administrator or designee with written notice no later than 72 hours after the arrest, conviction or notification that I have been listed as a perpetrator in the Statewide database.

I understand that if the person responsible for employment decisions or the administrator of a program, activity or service has a reasonable belief that I was arrested or convicted for an offense that would constitute grounds for denying employment or participation in a program, activity or service under the Child Protective Services Law, or was named as perpetrator in a founded or indicated report, or I have provided notice as required under this section, the person responsible for employment decisions or administrator of a program, activity or service shall immediately require me to submit current background checks obtained through the Department of Human Services, the Pennsylvania State Police, and the Federal Bureau of Investigation. The cost of background checks shall be borne by the employing entity or program, activity or service.

I understand that if I willfully fail to disclose information required above, I commit a misdemeanor of the third degree and shall be subject to discipline up to and including denial of a volunteer position.

I understand that the person responsible for employment decisions or the administrator of a program, activity or service is required to maintain a copy of my background checks.

APPENDIX D

Individuals Required to Obtain Online Mandatory Reporter Training by Ministry (includes the equivalent of these positions)

- Altar Server – Adult
- Athletic Coach/Volunteer
- Bus Driver
- Cafeteria Worker
- Catechetical Administrator
- Catechist
- Catechist Aide
- Catholic Committee on Scouting Leader/Volunteer
- Chaperone
- All Clergy and Religious
 - ◆ Deacon-Permanent/Transitional
 - ◆ Diocesan Bishops
 - ◆ Diocesan Priest Incardinated in the Diocese and on Assignment or Retired in the Diocese
 - ◆ Diocesan Priest not Incardinated in the Diocese, on Assignment or in Residence in the Diocese
 - ◆ Seminarians
 - ◆ Religious Men and Women on Assignment in the Diocese
- Childcare Giver (e.g. cry room, pre-/afterschool program, babysitter, etc.)
- Music Ministry Staff, Paid and Volunteer
- Parish Nurse
- Parish Safe Environment Coordinator
- Parish Social Minister
- Pastoral Associate/Minister
- Pastoral Healthcare Minister
- Playground Monitor
- Preschool Administrator/Aide
- Sacristan Trainer – Youth Altar Servers and/or Lectors
- School Employees
- School Volunteers
- Youth Ministry Volunteers

APPENDIX E

Process for Evaluating Records

- The Director of the diocesan office for the Protection of Children and Young People will review all records found and dates of occurrence as a result of Background Checks.
- If any information is incomplete or unclear, the Director will contact the firm that conducted the Background Check for clarification or rechecking of original sources.
- If the applicant's duties and extent of contact with children cannot be determined from reviewing the database application, the safe environment coordinator will be contacted.
- Any applicant whose background search reveals a conviction for any abuse of children (physical, sexual or mental) shall automatically receive a "rejected" status and be prohibited from employment or volunteering within the parishes or institutions that are part of or related to the Diocese of Pittsburgh.
- If the records found are of a more serious nature (i.e., driving under the influence, illegal use of a controlled substance, etc.) and the violation(s) are recent (within 5 years) or the individual has had more than one violation (regardless of time period), the matter will be presented to an Examination Board consisting of the Vicar for Canonical Services or his designee, a representative from the Legal Department, the Director of the Office for the Protection of Children and Young People, the Vicar for Clergy Personnel or his designee, a representative from the Secretariat for Evangelization and Catholic Education, the Secretary for Parish Life or his designee, and the Diocesan Assistance Coordinator. The Examination Board will determine whether the applicant should be given an "approved," "rejected" or "restricted" status. The pastor and safe environment coordinator will be notified of the board's decision. If the decision recommends/directs a "restricted" status, the employee or volunteer would have to agree in writing to the restriction and a copy shall be kept on file by the safe environment coordinator. (See **Appendix F** for the template for giving notice of a restriction.)
- If the records found are minor in nature (i.e., traffic violations) and unrelated to duties of the applicant, the applicant shall be given an "approved" status. In all instances, the safe environment coordinator should be informed of all records found and be responsible for informing the pastor.
- The pastor or program director may be more restrictive than the diocesan-assigned status (e.g., rejecting someone whom the diocese has restricted) but he/she cannot assign a status that is less restrictive than the diocesan-assigned status (e.g., restricting someone whom the diocese has rejected).
- In the event that a pastor or an applicant disagrees with the report of the records found or how the process for evaluating records was handled, he/she shall have the right to file a written appeal to the diocesan Office for Administrative Procedures within 30 days of being informed of the decision for resolution. The decision of the Office for Administrative Procedures is always final.

APPENDIX F

Letter Acknowledging Restriction in Ministry with Children

PARISH LETTERHEAD

Date

Mr. /Ms. _____
Address

Dear Name:

As you are aware from our previous discussion, a record was found in the background check completed as part of your application. The information found requires that your ministry in our parish as a _____ be restricted. This restriction does not prohibit you from all ministries in our parish; it only restricts you specifically from _____.

This decision has been made with careful thought and only after consultation with the Diocesan Office for the Protection of Children and Young People. Among the many responsibilities of my pastoral ministry is the safeguarding of children in our parish. I believe that I have no other option in this situation but to be extraordinarily cautious.

This restriction shall remain in force until further notice. You may be assured that this matter shall be kept in strict confidence by me. By your signature at the bottom of this letter you verify that you have been informed of this restriction and you agree to abide by it. Should you choose not to abide by the restriction, further ministry in the parish will be prohibited. I am grateful for your cooperation in this matter as we work for the benefit of all members of our parish family.

Sincerely yours in Christ,

Name

I, _____ (Print Name) _____, acknowledge to have received a copy of this correspondence.

Signature

Date

APPENDIX G
Affidavit of Compliance with Required
State and Federal Criminal Background Checks

Type or Print Name of Parish/School/Pre-School

Type or Print Street Address of Parish/School/Pre-School

Type or Print City, State, Zip Code of Parish/School/Pre-School

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF _____)

**AFFIDAVIT OF COMPLIANCE WITH REQUIRED
STATE AND FEDERAL CRIMINAL BACKGROUND CHECKS**

The undersigned, being duly sworn according to law, does depose and state that the following is true and correct:

- I am a management level employee and duly authorized representative of the below named vendor of goods and/or services, or independent contractor, to the parish/school/pre-school named above.
- I have been duly authorized by my employer to execute this Affidavit on behalf of my employer and to bind my employer to the terms, conditions and requirements of this Affidavit.
- I acknowledge that my employer and I have been informed that as a condition of doing business, and continuing to do business, with the above named parish/school/pre-school, that I must complete background evaluations for all employees and other duly authorized representatives of my employer, who will in any way come into contact with children and young people of the parish/school/pre-school.

- The background evaluations to be completed, paid for, filed with the authorities, written responses obtained from the authorities and the originals or copies of such written responses to be retained in our files concerning the subject employees before any employee and other authorized representative of my employer are permitted to come into contact with children and young people of the parish/school/pre-school, shall consist of the following:
 - ◆ Pennsylvania State Police Criminal Report
 - ◆ Pennsylvania Department of Human Services Report (Child Abuse)
 - ◆ FBI Criminal History Report (Fingerprinting)
- I acknowledge and agree to immediately notify the above named parish/school/pre-school if the criminal report discloses a criminal record and/or the child abuse report discloses that an employee is listed in a report of child abuse. I also acknowledge and agree that we will not send the subject employee to the parish/school/pre-school.
- I acknowledge and agree that if the parish/school/pre-school requests copies of the criminal report and child abuse report on any or all of our employees, that we will provide copies upon receipt of such request.
- I acknowledge and agree that all criminal report and child abuse report checks on our employees will be not more than five (5) years old, if the same pre-date this Affidavit.
- I acknowledge that my employer and I have been informed that this is an ongoing responsibility, and that any new or additional personnel or other authorized representatives of my employer shall be subject to the same above referenced background evaluations.
- I acknowledge that my employer and I have been informed that failure to comply with these requirements may lead to a termination of my employer's business relationship with the parish/school/pre-school.
- In order to induce the parish/school/pre-school to continue our business relationship, I warrant and represent to the parish/school/pre-school that we intend to undertake all actions necessary to achieve immediate compliance with the above requirements, and that the parish/school/pre-school may rely upon this Affidavit and the warranties and representations set forth herein.

I have read the above and it is true and correct.

Signature of Management Level Employee of Vendor or Independent Contractor

Print Name of Person Signing

Name of Vendor of Goods and/or Services or Independent Contractor

Address of Vendor or Independent Contractor

Telephone Number of Vendor or Independent Contractor

Brief Description of Goods and/or Services Furnished by Vendor or
Independent Contractor: _____

SWORN TO and subscribed before me

this _____ day of _____, 20____.

(SEAL) NOTARY PUBLIC

My Commission Expires: _____



CATHOLIC DIOCESE OF PITTSBURGH
111 Boulevard of the Allies
Pittsburgh, PA 15222
©2017



Code of Pastoral Conduct

Issued: August 2003
Revised: June 2008 &
August 2017



**CATHOLIC DIOCESE OF
PITTSBURGH**



This Code of Pastoral Conduct is based on a model dated March 17, 2003 and provided by the National Catholic Risk Retention Group, Inc. The Diocese of Pittsburgh expresses its sincere gratitude to the National Catholic Risk Retention Group, Inc. for its work in providing a model and its willingness to allow that model to be used as a basis for this Code.



To Clergy, Religious and Laity of the Diocese of Pittsburgh:

In one of Jesus' most important parables for those engaged in ministry within the Church, He spoke of himself as the Good Shepherd who would lay down his life for his flock. As we follow Him, we are all called to be good shepherds, who protect the lambs from predators. In order to do so we sometimes have to change our procedures and our assumptions.

This is the second revision and a significant expansion of the first Code of Pastoral Conduct that the Diocese of Pittsburgh promulgated in 2003 and updated in 2008. It set in writing and codified the standards and expectation for all those who act in the name of the Diocese of Pittsburgh.

It was first drafted as a direct response to the mandate given by the bishops of the United States in our Charter for the Protection of Children and Young People to publish clear standards of ministerial behavior for clergy and all other Church personnel. However, its scope is significantly broader than child sexual abuse. The Code of Pastoral Conduct sets boundaries for conduct with both adults and children, addresses issues such as workplace harassment and violations of confidentiality.

This is because, in the 14 years since it was first published, we have learned more about how to protect everyone – children, vulnerable adults and Church personnel – from situations that can lead to harm. This new edition addresses behavior that may be neither illegal nor sinful, but which is inappropriate for anyone working in the service of the Church. While it does not exhaust what is expected from those who care for others in the name of the Church, it is a succinct yet thorough statement of expected behavioral standards for all Church personnel.

This document applies to bishops, priests, deacons, religious and lay members of the Christian faithful who assist in providing pastoral care.

As Bishop of the Diocese of Pittsburgh, I am grateful for your service to the Church and for your willingness to protect all who are entrusted to the care of the Church. Your written acceptance of this document is testimony of your commitment to this effort. You are answering the call of Jesus to tend His lambs and protect them against any who would harm them.

I ask you to see this Code of Pastoral Conduct as a helpful instrument that will aid you in that duty, protecting both you and those you serve as you go about our shared mission of bringing the love of God to all in our care.

Grateful for our belief that "Nothing is Impossible with God," I am

Your brother in Christ,

Most Reverend David A. Zubik

Bishop of Pittsburgh

**Code of Pastoral Conduct
For Church Personnel
Within the Diocese of Pittsburgh**

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* For purposes of this *Code of Pastoral Conduct*, the term "Church personnel" includes any person who performs tasks for the Church under the auspices of the Diocese of Pittsburgh or one of its parishes. This includes bishops, priests, deacons, seminarians, those in consecrated life, lay employees, and contract employees who are employed by the Diocese of Pittsburgh or any of its parishes or schools, together with those persons who provide volunteer services to/for the Diocese of Pittsburgh or any parish or school within the Diocese.

I. Preamble

All Church personnel are to conduct themselves in a manner that upholds Christian values and conduct. Church personnel, as referred to herein, are any persons who perform tasks for the Church under the auspices of the Diocese of Pittsburgh or one of its parishes or schools. This Code of Pastoral Conduct provides a set of standards for conduct either in providing or in supporting the pastoral care of the Christian faithful and all others. The code does not present an exhaustive list of expectations, standards, or requirements. Rather, this code accompanies the universal law of the Church, civil law, and diocesan policies. Church personnel are to be aware of and committed to all of these norms that govern pastoral conduct.

II. Responsibility

Responsibility for adherence to the Code of Pastoral Conduct rests with the individual. Church personnel who disregard this Code of Pastoral Conduct will be subject to remedial action up to and possibly including dismissal. Corrective action may take various forms - from a verbal reproach to removal from the ministry - depending on the specific nature and circumstances of the offense and the extent of the harm. (See Appendix for Procedures)

III. Pastoral Standards

The public and private conduct of Church personnel can inspire and motivate people, but it can also scandalize and undermine people's faith. Church personnel are, at all times, to be aware of the responsibilities that accompany their work. They are to know also that God's goodness and grace support them in their ministry.

Church personnel must first recognize that they are disciples of Jesus Christ and members of His Church. Therefore, in order to effectively serve others, Church personnel must first have an intimate relationship with Our Lord and they also need to ensure the stability of their own spiritual, physical, mental and emotional health.

1. Conduct for Pastoral Counseling and Spiritual Direction

Church personnel must respect boundaries in ministerial behavior, in particular with regard to pastoral counseling and spiritual direction.

1.1 Church personnel are not to step beyond their competence in counseling situations and are to refer clients to other professionals when appropriate.

1.2 Church personnel are to consider carefully the possible consequences before entering into a counseling relationship with someone with whom they have a pre-existing relationship (i.e., employee, professional colleague, friend, or other pre-existing

relationship). [See Section 7.2.2]

1.3 Church personnel are not to record these sessions in any audio or video format.

1.4 Church personnel are never to engage in sexual intimacies with the persons they counsel. This includes consensual and nonconsensual contact, forced physical contact, and inappropriate sexual comments.

1.5 Church personnel assume the full burden of responsibility for establishing and maintaining clear, appropriate boundaries in all counseling and counseling-related relationships.

1.6 Physical contact of any kind (i.e., touching, hugging, holding) between Church personnel and the persons they counsel can be misconstrued and is to be avoided.

1.7 Sessions are to be conducted at appropriate times and in professionally appropriate settings where the counselor is visible to other people, such as an office that has an uncovered window.

1.7.1 No sessions are to be conducted in private living quarters.

1.7.2 Sessions are not to be held at places or times that would tend to cause confusion about the nature of the relationship for the person being counseled.

1.8 Church personnel providing pastoral counseling or spiritual direction are to maintain a log of the times and places of sessions with each person being counseled.

1.9 All counseling sessions are to have a fixed duration, with a parting of the ways immediately upon conclusion of the counseling session.

2. Confidentiality

Information disclosed to Church personnel during the course of pastoral counseling, advising, or spiritual direction is to be held in the strictest confidence possible.

2.1 Information obtained in the course of individual or group sessions is to be confidential, except for compelling professional reasons or as required by law.

2.1.1 If there is clear and imminent danger to the client or to others, Church personnel may disclose only the information necessary to protect the parties affected and to prevent harm.

2.1.2 Before disclosure is made, if feasible, Church personnel are to inform the person being counseled about the disclosure and the potential consequences.

2.2 Church personnel are to discuss the nature of confidentiality and its limitations with each person in counseling.

2.3 Church personnel are to keep minimal records of the content of sessions.

2.4 Knowledge that arises from professional contact may be used in teaching, writing, homilies, or other public presentations only when effective measures are taken to absolutely safeguard both the individual's identity and the confidentiality of the disclosures.

2.5 While counseling a minor (i.e., anyone under the age of 18) in a formal setting, if Church personnel discover that there is a serious threat to the welfare of the minor and that communication of confidential information to a parent or legal guardian is essential to the child's health and well-being, Church personnel are to:

- Attempt to secure consent from the minor for the specific disclosure;
- Disclose only the information necessary to protect the health and well-being of the minor if consent is not given; and
- Consult with the appropriate Church authority, such as one's immediate supervisor, before disclosure.

These obligations are independent of the confidentiality of the confessional. A priest can never disclose anything revealed in the Sacrament of Confession, not even with the penitent's permission. Further, all others who in any way (e.g., inadvertent overhearing) have information received through the confessional are obliged to secrecy. (Canon 983)

3. Conduct With Children, Young People and Vulnerable Adults

Church personnel working with children, young people and vulnerable adults are to maintain an open and trustworthy relationship between youth or vulnerable adults and adult supervisors.

3.1 Church personnel are to be aware of their own and others' vulnerability when working alone with youth. Church personnel are to use a team approach to managing youth activities.

3.2 Physical contact with youth can be misconstrued and is to occur (a) only when completely nonsexual, (b) otherwise appropriate, and (c) in public. Some examples of **APPROPRIATE FORMS** of physical contact include, but are not limited to, the following:

- Shoulder to shoulder hugs
- Pats on the shoulder or back
- Handshakes
- "High-fives" and hand slapping
- Verbal praise

- Holding hands while walking with small children
- Sitting beside small children
- Holding hands during prayer
- Pats on the head when culturally appropriate

Examples of **INAPPROPRIATE FORMS** of physical contact not to be used, include but are not limited to the following:

- Kisses on the mouth and inappropriate or lengthy hugs or embraces
- Holding minors, above the approximate age of 5, on one's lap
- Touching buttocks, genital areas, or breasts and touching knees, thighs or legs as a sign of affection.
- Showing physical displays of affection in isolated areas of the premises such as bedrooms, closets, employee only areas, or other private-rooms.
- Sleeping in bed with a minor, youth or vulnerable adult.
- Wrestling with minors, youth or vulnerable adults except for legitimate sports coaching, in which case another adult should be present.
- Tickling and piggyback rides.
- Any type of massage given by an adult to a minor, youth or vulnerable adult.
- Any display of unwanted affection towards a minor, youth or vulnerable adult.
- Actions that include compliments relating to sexual attractiveness or sexual development.
- Students or vulnerable adults should only receive assistance with their attire (e.g. buttons, ties, shirts) if they are physically unable to adjust it themselves and when another adult is present as a witness.

3.3 There must be clear social boundaries between adults who serve the Church and minors or vulnerable adults for whom they have professional or volunteer responsibility.

3.4 **The Rule of Two:** Personnel must be aware of their own vulnerability to accusation when working alone with minors and vulnerable adults. The "Rule of Two" protects both Church personnel and those they care for: Any time that an employee or volunteer is acting as an agent of the Church in the presence of minors or vulnerable adults, there must always be another responsible adult within eyesight of their interactions. At least two adults must be present for any activity that a parish, school or diocesan institution sponsors for minors, and the number of adults must rise with the number of minors. The only exceptions to this rule are (1) when a priest hears the Sacrament of Confession and (2) during regular diocesan school classes conducted on the grounds of a parish, Catholic school or other diocesan institution.

3.4.1 Meetings with youth should take place in appropriate areas of church or school property, such as an office, social hall or youth meeting room, that is visible to other people.

3.4.2 Meetings between Church personnel members and youths off-site must be for an organized group activity, held in a public area, with at least one other adult present and for which parents have given written permission.

3.4.3 When meeting one-on-one with youth, Church personnel are to do so in a place that is visible to others, and must keep a desk, table or at least three feet of space between themselves and the young person.

3.4.4 Access to school sports locker rooms, theater dressing rooms or other places where minors may be in a state of undress is limited to coaches, athletic directors, trainers, medical personnel, theater directors, designated costume supervisors and cleaning crew. A list must be kept of those authorized persons. Other school staff members and parents are barred from those areas while they are in active use. **Under no circumstances** is anyone allowed to take a photo or video in areas where minors or adults may be changing clothes.

3.5 Meetings with unchaperoned youth or vulnerable adults in private living quarters is prohibited.

3.6 Church personnel should limit their contact with minors to content on a group social media page/account that (1) has been approved by his/her supervisor and (2) has multiple Church personnel as administrators and monitors. No private communication should occur through social media.

3.6.1 Correspondence should be directed to a youth's parents/guardian. It is not appropriate to engage youth via phone, text or social media.

3.6.2 Any group e-mails to minors should be (1) exclusively work-related and (2) sent via "blind copy", so that e-mail addresses are not distributed among the group without permission.

3.7 Church personnel are to abstain from (a) the use of alcohol when working with youth or vulnerable adults, and (b) the possession or use of illegal drugs at all times.

3.8 The possession or use of firearms when working with minors or vulnerable adults is prohibited except in the case of a federal, state or local law enforcement officer in good standing who is legally carrying a weapon related to his/her job.

3.9 Church personnel are not to share private, overnight accommodations with individual young people. This includes, but is not limited to, accommodations in any Church owned facility, private residence, hotel room, or any other place where there is no other adult supervision present.

3.10 In rare, emergency situations, when accommodation is necessary for the health and wellbeing of the youth, Church personnel are to take extraordinary care to protect all parties from the appearance of impropriety and from all risk of harm. A team approach to managing emergency situations is to be used.

4. Sexual Conduct

Church personnel are not to exploit the trust placed in them by the faith community for sexual gain or intimacy.

4.1 Church personnel who are committed to a celibate lifestyle are called to be an example of celibate chastity in all relationships at all times.

4.2 Church personnel who provide pastoral counseling or spiritual direction services are to avoid developing inappropriately intimate relationships with minors, other Church personnel, or parishioners. Church personnel are to behave in a professional manner at all times.

4.3 Church personnel should not seek emotional support from parishioners, subordinate employees, or persons to whom they give spiritual guidance; instead, they should turn to other networks within the diocese.

4.4 No Church personnel may exploit another person for sexual purposes. This also includes the viewing of pornography.

4.5 Viewing or possessing child pornography is a crime under federal law; allegations regarding this type of behavior will be reported immediately to the proper civil authorities and to the appropriate person in charge (i.e., pastor, principal or supervisor).

4.6 Allegations of sexual abuse involving a minor are to be taken seriously and reported first to the proper civil authorities (ChildLine: 1-800-932-0313 or www.compass.stat.pa.us/cwis) and then to the appropriate person in charge (i.e., pastor, principal or supervisor).

4.7 Allegations of sexual misconduct (i.e., sexual abuse, sexual exploitation or sexual harassment) involving adults are to be taken seriously and are to be reported to the appropriate person in charge (i.e., pastor, principal or supervisor), who may also report the allegation to the proper civil authority.

4.8 Church personnel are expected to know the obligations of the Child Protective Services Law and the reporting requirements that are mandated by it. Additionally, the policies of the Diocese regarding sexual misconduct and sexual abuse are to be obeyed, to protect the rights of all involved.

4.9 Church personnel are to review and know the contents of the child abuse regulations and reporting requirements for the state of Pennsylvania and are to follow those mandates. (*Reference reporting of Child Protective Services Law of Pennsylvania*)

5. Harassment

Church personnel are not to engage in physical, psychological, written, or verbal harassment of staff, volunteers, or parishioners and are not to tolerate such harassment by other Church staff or volunteers.

5.1 Church personnel are to maintain a professional work environment that is free from physical, psychological, written, electronic, or verbal intimidation or harassment.

5.2 Harassment encompasses a broad range of physical, written, or verbal behavior, including, without limitation, the following:

- Physical or mental abuse;
- Racial insults;
- Derogatory ethnic slurs;
- Unwelcome sexual advances or touching;
- Sexual comments or sexual jokes;
- Requests for sexual favors used as a condition of employment, or to affect other personnel decisions, such as promotion or compensation;
- Display of offensive materials.
- Defamatory gossip or otherwise maligning an individual to other employees, except for formally reporting a serious concern to a supervisor or to civil authorities.
- Inappropriate social media postings.

5.3 Harassment can be a single severe incident or a persistent pattern of behavior where the purpose or the effect is to create a hostile, offensive, or intimidating work environment.

5.4 Allegations of harassment are to be taken seriously and reported immediately to the appropriate Church authority such as the pastor, principal, catechetical administrator, or the Vicar for Clergy, Vicar for Canonical Services, or the Superintendent of Catholic Schools.

Diocesan policies are to be followed to protect the rights of all involved.

6. Records and Information

Confidentiality is to be maintained in creating, storing, accessing, transferring, and disposing of Church records.

6.1 Sacramental records are to be regarded as confidential. When compiling and publishing statistical information from these records, great care is to be taken to preserve the anonymity of individuals.

6.2 Access to sacramental records is restricted for 100 years from the date of the creation of the record. After 100 years, access to the information in the sacramental record (but not the record itself) can only be provided in accord with diocesan policy.

6.2.1 Information regarding adoption and legitimacy remains confidential, regardless of age.

6.2.2 Only Church personnel who are authorized to access the records and supervise their use are to handle requests for more recent records.

6.3 Parish financial records are confidential. The financial information is made available to the Parish Finance Council and, in summary form, to the Parish on a yearly basis. The Diocesan Financial Policies are to be observed. Contact the Diocesan Office for Civil Legal Services upon receipt of any request for release of financial records.

6.4 Individual contribution records are to be regarded as private and to be maintained in strictest confidence.

7. Conflicts of Interest

Church personnel are to avoid situations that might present a conflict of interest. Even the appearance of a conflict of interest can call integrity and professional conduct into question.

7.1 Church personnel are to disclose to the appropriate Church authority (such as one's immediate supervisor) all relevant factors that potentially could create a conflict of interest.

7.2 Church personnel are to inform all parties when a real or potential conflict of interest arises. Resolution of the issues is to protect the person receiving ministry services.

7.2.1 No Church personnel is to take advantage of anyone to whom they are providing services in order to further their personal, political, or business interests.

7.2.2 Church personnel are not to provide counseling services to anyone with whom they have a business, professional, or social relationship. When this is unavoidable, the client is to be protected. The counselor is to establish and maintain clear, appropriate boundaries.

7.2.3 When providing pastoral counseling or spiritual direction to two or more people who have a pre-existing personal or business relationship, Church personnel are to:

- Clarify with all parties the nature of each relationship,
- Anticipate any conflict of interest,
- Take appropriate actions to eliminate the conflict, and
- Obtain from all parties written consent to continue services.

7.3 Conflicts of interest may also arise when Church personnel's independent judgment is impaired by:

- Prior dealings,
- Becoming personally involved, or
- Becoming an advocate for one (person) against another.

In these circumstances, Church personnel are to advise the parties that he or she can no longer provide services and refer them to another competent individual qualified to provide assistance.

8. Reporting Misconduct

Church personnel have a duty to report their own ethical or professional misconduct and the misconduct of others.

8.1 Church personnel are to hold each other accountable for maintaining the highest ethical and professional standards. When there is an indication of illegal actions by Church personnel, Church personnel are to notify the proper civil authorities immediately and the Diocesan Office for Civil Legal Services.

8.2 When an uncertainty exists about whether a situation or course of conduct violates this Code of Pastoral Conduct or other religious, moral, or ethical principles, Church personnel are to consult with the appropriate Church authority (such as one's immediate supervisor).

8.3 When it appears that the conduct of Church personnel is in violation of this Code of Pastoral Conduct or other religious, moral, or ethical principles, such conduct shall be reported to the appropriate Church authority, such as one's immediate supervisor. If the immediate supervisor has no direct superior at that location, it shall be reported to the Diocesan Legal Office.

8.4 Allegations of sexual abuse involving a minor, even if uncertain, are to be taken seriously and reported first to the proper civil authorities (Childline: 1-800-932-0313 or www.compass.stat.pa.us/cwis) and then to the appropriate person in charge (i.e., pastor, principal or supervisor).

8.5 The obligation of Church personnel to report client misconduct is subject to the duty of confidentiality. However, any agreement or duty to maintain confidentiality is to yield to the need to report misconduct that threatens the safety, health, or well-being of any of the persons involved except as provided for in Section 2.5.

9. Administration

In the recognition of the dignity of the human person, employers and supervisors are to treat Church personnel with justice, dignity and respect in the day-to-day administrative operations of their ministries.

9.1 Personnel and other administrative decisions made by Church personnel are to meet civil and canon law obligations and also reflect Catholic social teachings and this Code of Pastoral Conduct.

9.2 Church personnel are not to use their position to exercise unreasonable or inappropriate power and authority.

10. Church Personnel Well-Being

Church personnel have a duty to be responsible for their own spiritual, physical, mental and emotional health.

10.1 Church personnel are to be aware of warning signs that indicate potential problems with their own spiritual, physical, mental, and/or emotional health.

10.2 Church personnel are to seek help immediately whenever they notice behavioral or emotional warning signs in their own professional and/or personal lives.

10.3 Catholic Church personnel are to address their own spiritual needs by regular participation in the sacramental life of the Church through frequent reception of the Eucharist and the sacrament of Confession or Reconciliation. They also should participate in activities of spiritual development such as times of recollection and retreat, spiritual direction, and the like.

APPENDIX

Procedural Guidelines for Violation of the Code of Pastoral Conduct

A. When the immediate supervisor of a Church personnel employee or volunteer receives information that an employee or volunteer's conduct constitutes an alleged violation of the Code of Pastoral Conduct, the immediate supervisor must immediately inform the proper ecclesiastical authority (for example, in a parish this would be the pastor). Any alleged or suspected child abuse must be immediately reported to ChildLine (1-800-932-0313 or www.compass.state.pa.us/cwis) and then to the Office of the Diocesan Assistance Coordinator.

B. If the pastor commits an alleged violation of the Code of Pastoral Conduct, is complicit in it, or is involved in any way, the matter will be handled by the Vicar for Clergy in accord with the universal law of the Church and the policies of the Diocese of Pittsburgh.

C. Upon receipt of information regarding a violation of the Code of Pastoral Conduct, the proper ecclesiastical authority will consult with the Diocesan Legal Office, which will then coordinate the appropriate response and investigation.

D. If the person harmed by the alleged violation or the person accused believes that the procedures followed or the facts gathered in the investigation, which resulted in a determination, were faulty or incomplete, he or she may appeal the determination by utilizing the due process procedures of the Diocese of Pittsburgh, which are administered by the Office for Administrative Procedures.

CATHOLIC DIOCESE OF PITTSBURGH

Acknowledgement of Receipt of the Code of Pastoral Conduct

In accord with my role as Church personnel, and in witness to the Gospel of Jesus Christ, I will conduct myself with integrity, acting in a manner that is consistent with the discipline and teachings of the Catholic Church. I will guide my behavior by civil and canon law, by the policies of the Diocese of Pittsburgh and by the Code of Pastoral Conduct by...

1. Respecting the rights of each person and advancing his or her welfare during the course of counseling, advising or spiritual direction.
2. Holding in the strictest confidence information disclosed during the course of counseling, advising or spiritual direction.
3. Maintaining an open and trustworthy relationship when working with youth, free from inappropriate behavior that would put them at risk.
4. Honoring the trust placed in Church personnel by not exploiting others for sexual gain or intimacy.
5. Providing a professional work environment that is free from physical, psychological, written or verbal intimidation or harassment.
6. Maintaining confidentiality in creating, storing, accessing, transferring and disposing of Church records.
7. Avoiding situations that might present a conflict of interest.
8. Reporting to proper authorities my own ethical or professional misconduct and the misconduct of others.
9. Treating Church personnel justly in the day-to-day operations of work and ministry.
10. Being responsible for my own spiritual, physical, mental, and emotional health.

I HAVE CAREFULLY READ, UNDERSTAND, AND HEREBY COMMIT TO CONDUCTING MYSELF AS A PRIEST, PARISH ADMINISTRATOR, DEACON, SEMINARIAN, CHURCH EMPLOYEE OR VOLUNTEER IN ACCORD WITH THE DIOCESAN CODE OF PASTORAL CONDUCT.

(Name)

(Parish, School, Office or Program)

(Position)

(Date)

**RETURN ONE SIGNED ORIGINAL TO THE PARISH OR DIOCESE
AND KEEP THE OTHER COPY.**

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Policy: For Clergy Sexual Misconduct

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Updated: August 2006
Updated: March 2008
Updated: April 2014



CATHOLIC DIOCESE OF
PITTSBURGH

ALL-STATE LEGAL®

EXHIBIT

C

Clergy Sexual Misconduct

The teaching of the Church, particularly her moral teachings rooted in Scripture and Tradition, serve as the basis for this policy. This teaching recognizes the dignity of every human person.

Because of our desire to protect the rights and dignity of every person in the Diocese of Pittsburgh entrusted to the care of a priest, **most especially the safety and wellbeing of children**, the following procedure will be followed whenever an allegation of clergy sexual misconduct is reported to the Diocese.

This policy is intended to complement and at the same time be in compliance with both the *Code of Canon Law*, the *Motu Proprio Normae de Gravioribus Delictis Congregationi Pro Doctrina Fidei Reservatis* and *Sacramentorum sanctitatis tutela* from the Congregation for the Doctrine of the Faith. It is also in conformity with the *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/ Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests, Deacons or Other Church Personnel* established by the United States Conference of Catholic Bishops.

The following principles guide the policy and its application:

- **Children come first.** The safety of anyone entrusted to the care of a priest, especially children, is the first priority in any pastoral assignment.
- **Concern for the victims.** We are always concerned about victims who have suffered abuse and their families. The Diocese offers pastoral and spiritual support to victims and their families as well as psychological counseling.
- **All allegations reported.** All allegations of sexual abuse of minors are turned over to the proper civil authorities.
- **Suitability for parochial ministry.** No cleric against whom there is an admitted or established allegation of sexual misconduct with a minor may serve in any ministry. It is the role of the Church alone to determine the suitability of a cleric for ministry.

This policy will be reviewed every two years to ensure its effectiveness.

In an attempt to review the serious matter of clergy sexual misconduct and how the Church addresses it, this diocesan policy is presented under two aspects: 1) The Pastoral Response and 2) The Administrative Process.

I. The Pastoral Response

The *Policy on Clergy Sexual Misconduct of the Diocese of Pittsburgh* is concerned with allegations that a cleric (a priest or a deacon) has engaged in either sexual misconduct with a minor¹, a vulnerable adult², or nonconsensual sexual misconduct with an adult³.

Allegations of consensual sexual misconduct by clergy will be addressed by the Vicar for Clergy. Recommendations for appropriate spiritual and/or psychological assistance will be made as needed.

The goal of the Diocese in this policy is to respond to allegations in a way that is pastorally and canonically effective in application. The prompt response of the Diocese to complaints of sexual misconduct by clergy will include among other steps:

- A. An examination by the Vicar for Clergy and the Diocesan Assistance Coordinator of the content of the allegation in order to begin the determination of its credibility as regarding the suitability of the cleric for any ministry (cf. Administrative Process);
- B. All allegations of sexual misconduct against minors will be turned over to proper civil authorities; in addition, the diocese encourages and supports the complainants to report the matter in question to the proper civil authorities;
- C. Designated diocesan officials – usually the Vicar for Clergy and the Diocesan Assistance Coordinator – will interview the person who made the allegation, and/or the alleged victim and where appropriate, that person's parents, as well as the cleric against whom the allegation was made;
- D. In addition to turning the allegation over to proper civil authorities, actions which may also be taken as a result of these interviews may include: (1) immediate removal of the cleric from his diocesan assignment; (2) a complete medical and psychological assessment; and/ or (3) ongoing treatment; (4) and an assessment of the allegation and fitness for ministry by the Clergy Task Force and the Independent Review Board;
- E. Allegations cannot be received in confidence given the obligation and/or need to report this information to proper civil authorities;
- F. Assistance to the complainant and his or her family by offering pastoral and spiritual support and psychological counseling as needed;
- G. Recognition of the civil and canonical rights of all involved;

- H. Assistance to parishes or communities affected by the allegations through the help of a Pastoral Support Team, which will provide appropriate spiritual and psychological help;
- I. Availability of the Diocesan Assistance Coordinator to assure that appropriate assistance continues to be made available by the Diocese.

Footnotes

¹Sexual misconduct with a minor (an individual under the age of 18) includes sexual molestation or sexual exploitation of a minor, viewing of child pornography, and other behavior by which an adult uses a minor as an object of sexual gratification.

In Church law, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p.6). A canonical offense against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, "imputability [moral responsibility] for a canonical offense is presumed upon external violations...unless it is otherwise apparent" (CIC, c. 1321 §3; CCEO, c. 1414 §2); cf. CIC, canons 1322-27, and CCEO, canons 1413, 1415, and 1416.

²A person 18 years or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to mental, emotional, physical, development disability, brain damage or the infirmities of aging.

³In addition to rape, "non-consensual sexual misconduct" also includes any breach of professional trust which has as its intent sexual contact. This would include sexual activity with a parish employee or an individual with whom the cleric is providing spiritual direction, counseling or ministry.

II. The Administrative Process

Phase One

If an allegation is lodged against a cleric regarding sexual misconduct with a minor or non-consensual sexual misconduct with an adult, the Vicar for Clergy and the Diocesan Assistance Coordinator must be notified immediately, an investigation is initiated, and the following steps will be taken. It should be noted that the steps presented in this policy should not be construed as a presumption of guilt of the accused cleric.

- A. Those making the allegation will be interviewed by the designated diocesan officials, normally the Vicar for Clergy and the Diocesan Assistance Coordinator. Both the substance and the source of the allegation must be shared with the cleric against whom the complaint is lodged.

No allegation can be received in confidence given the obligation and/or need to report this information to the proper civil authorities. If the allegation appears to have merit, the canonical administrative process begins when the allegation is confirmed in writing.

- B. The cleric must be apprised of the allegation during a separate interview conducted by the appropriate diocesan officials, normally the Vicar for Clergy and the Diocesan Assistance Coordinator. The cleric must be informed before he responds to the allegation that he has a right to canonical counsel, if he chooses. He will be assisted in identifying such counsel, if necessary.
- C. If the cleric against whom an allegation is made is a member of a religious community on assignment or in residence within the Diocese, the Vicar for Clergy and the Diocesan Assistance Coordinator will review the allegations made and the diocesan process with his religious superior. Cases of this nature are within the jurisdiction of the religious community of which the accused is a member.
- D. As a matter of policy, all allegations of clergy sexual misconduct with a minor, no matter how long ago the alleged misconduct occurred, are reported to the proper civil authorities.

Phase Two

After interviewing both the complainant and the accused cleric, the designated diocesan officials, normally the Vicar for Clergy and the Diocesan Assistance Coordinator, must determine action to be taken based on the credibility of the allegation.

A. First Scenario

If, after careful review of all available information, including the results of the civil investigation, the allegation is judged to be without merit, the matter will not be pursued further and the parties will be informed of this decision. Appropriate steps will be taken to affirm the cleric in his ministry and to repair any damage to his reputation.

B. Second Scenario

When the preliminary investigation of an allegation against a cleric is doubtful or there is a semblance of truth, the cleric is immediately removed from his diocesan assignment and placed on an administrative leave of absence.

1. The allegation is referred to the Clergy Task Force and the Independent Review Board to assess the allegation and the cleric's fitness for ministry.
2. Limitations are placed on the ministry of the cleric such as, but not limited to, the following: prohibition from performing any public celebration of sacraments or sacramentals; prohibition from wearing clerical attire; prohibition concerning living in a certain place or territory; and revocation of diocesan faculties.
3. The cleric is urged to undergo, as soon as possible, a complete medical and psychological assessment at a facility selected by the Diocese. Likewise, the cleric is to grant permission that the results of this assessment be shared by the treatment facility with the appropriate diocesan authorities.
4. Those making the allegation will be provided an appropriate update on the process.
5. If either the Clergy Task Force or the Independent Review Board reviews the allegation and recommends to the Diocesan Bishop that the cleric should not be returned to ministry and the bishop accepts the recommendation, one of the following will occur: 1) The cleric may be offered the opportunity to withdraw from priestly ministry; 2) The cleric may seek a dispensation from the obligations arising from the priesthood; or 3) The diocese will initiate a canonical process.
6. When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the cleric, and he will be returned to ministry.

C. Third Scenario

Where sexual abuse by a cleric is admitted or is established after an appropriate investigation in accord with canon law, the following will pertain:

1. The offending cleric will be permanently removed from ministry and the appropriate canonical process will be applied.
2. An offending cleric will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention.
3. In every case, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; cf. Letter from the Congregation for the Doctrine

of the Faith, May 18, 2001). These provisions may include a request by the cleric for dispensation from the obligation of holy orders and the loss of the clerical state, or a request by the bishop for dismissal from the clerical state even without the consent of the cleric.

4. For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese will supply canonical counsel to a cleric.
5. The cleric will be offered assistance for career retraining.
6. If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender is to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly, to wear clerical garb, or to present himself publicly as a priest.

III. The Independent Review Board Norms/ Procedures

Article I – Statement of Jurisdiction

1. **Coverage** – These procedures are established solely for the purpose of presenting to the Diocesan Bishop a recommendation as to a particular course of action to be taken when a doubt remains regarding credibility of an allegation involving sexual misconduct or when the suitability to hold ecclesiastical office or any other ministerial assignment has been questioned due to circumstances beyond those defined in the universal law of the Church. In addition this Board will assist the Diocesan Bishop in a regular review of diocesan policies and procedures for dealing with sexual abuse of minors.
2. **Limitation of Action** – An assessment under these procedures shall be convened only by the Diocesan Bishop or by one specifically delegated by him to act on his behalf.
3. **Exclusion** – These procedures are not applicable to doctrinal matters of faith and morals, the validity of sacred orders or canonical imposition of penalties by judicial or administrative procedures.

Article II – Powers and Duties

1. The Vicar for Canonical Services shall be responsible for the implementation and application of these procedures.
2. It shall be the duty of the Vicar for Canonical Services to:

- a. Effect the proper operation of these procedures;
 - b. Process the request through the established procedures;
 - c. Maintain accurate records;
 - d. Transmit said records together with the recommendation of the Independent Review Board to the Vicar for Clergy following conclusion of the action.
3. A roster of people qualified to serve on the Independent Review Board shall consist of laity not employed by the Diocese, as well as pastors and religious, appointed by the Diocesan Bishop. The list shall include persons who are learned in civil law or the human sciences and who meet any other qualifications which the Diocesan Bishop may establish. They shall be appointed for a five (5) year term that is renewable.
 4. Five (5) members of the Independent Review Board, including at least one pastor, and at least one person who has expertise in the treatment of sexual abuse of minors shall be selected for each case by the Vicar for Canonical Services of these procedures.

Article III – Process of Assessment

1. The designated Independent Review Board shall hold hearings upon any case referred to it by the Vicar for Canonical Services, with the initial hearing being scheduled not more than fifteen (15) calendar days after such referral unless extended by the Vicar for Canonical Services. The Board is convened by the Vicar for Canonical Services with the approval of the Diocesan Bishop.
2. The Vicar for Canonical Services shall set a time, date and place for each hearing and notify the parties, in writing, not less than ten (10) calendar days prior to such hearings.
3. Prior to establishing a time, date and place for the initial hearing by the Vicar for Canonical Services, the Vicar for Clergy or his delegate shall submit to the Vicar for Canonical Services all documentation and information which has been previously gathered concerning the allegation and shall determine the willingness of the person making it to participate in these procedures.
4. All testimony shall be taken under oath or affirmation. The Board may take testimony of the parties and witnesses by deposition, affidavits or otherwise when it is deemed necessary.
5. The Independent Review Board shall make its

recommendation on the evidence presented. All testimony shall be taken in the presence of the entire Board. The parties may offer any evidence as they desire, subject to a decision by the Board as to its relevancy and materiality.

6. Upon completion of the process, the Independent Review Board shall submit, in writing, its findings and recommendations to the Vicar for Clergy through the Vicar for Canonical Services of these procedures. The recommendations are then shared in full with the Diocesan Bishop.
7. The recommendation of the Independent Review Board shall be handed down no later than ten calendar days from the date of the closing of the process.

IV. Canonical Penal Procedures

Introduction

The canonical penal process establishes the fundamental procedures by which truth and justice is served within the ecclesial community. The penal process is divided into two phases:

1. The Prior Investigation; (c. 1717-1719)
2. The Development of the Process. (c.1720-1728)

These two phases form the administrative and judicial process by which the *Code of Canon Law* safeguards the rights of the complainant and the cleric, repairs scandal and restores justice. In addition, the penal process is governed by the *Normae de Gravioribus Delictis Congregationi Pro Doctrina Fidei Reservatis*, and *Sacramentorum sanctitatis tutela*.

Prior Investigation

The prior Investigation phase has two distinct components. The first component is the investigation by the Diocesan Bishop or his delegate to determine:

- The specific offense *alleged to have been* committed;
- The precise canonical violation;
- The evidence available; and
- The canonical statute of limitation (prescription).

As in civil law, during the investigation, the accused enjoys the presumption of innocence, and all appropriate steps shall be taken to protect his reputation.

Development of the Process

When this first component is completed the Diocesan Bishop proceeds to the second component and determines:

1. Whether the specific offense is a delict of the type reserved to the Congregation for the Doctrine of the Faith, in conformity with the *Motu Proprio, Normae de Gravioribus Delictis Congregationi Pro Doctrina Fidei Reservatis*, and *Sacramentorum sanctitatis tutela*.
2. If the Diocesan Bishop has reasonable belief that a reserved delict probably has been committed after the appropriate canonical investigation, he transmits this to the Congregation for the Doctrine of the Faith which, unless the Congregation claims jurisdiction of the case itself, will order the Ordinary to proceed to a conclusion, with due regard, nevertheless, for the right of appealing against a sentence of the first grade to the Supreme Tribunal of the Congregation for the Doctrine of the Faith.
3. If the process is directed to be handled by the Diocesan Bishop, on a local level, the Congregation for the Doctrine of the Faith will forward appropriate norms governing the handling of the case.
4. If a case is not reserved to the Congregation for the Doctrine of the Faith, a determination must be made by the Diocesan Bishop if the process is to be administrative or judicial.
5. If the Diocesan Bishop decides to proceed by an administrative process, he must inform the cleric of the evidence and offer the cleric the opportunity of self - defense before a decision is rendered.
6. If the Diocesan Bishop decides to proceed by a judicial process in a case that is not reserved to the Congregation for the Doctrine of the Faith, he must do so by transmitting the evidence collected to the Promoter of Justice who is to present a formal petition to the Diocesan Tribunal. The Diocesan Tribunal must act on the petition in accord with the procedural norms established by the Code of Canon Law and the *Motu Proprio, Normae de Gravioribus Delictis Congregationi Pro Doctrina Fidei Reservatis* and *Sacramentorum sanctitatis tutela* from the Congregation for the Doctrine of the Faith.



CATHOLIC DIOCESE OF PITTSBURGH
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Subject: ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY CHURCH PERSONNEL OTHER THAN CLERICS	Secretariat: Ministerial Leadership	Number: ML-I Page: 1 of 3
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Purpose: To establish a protocol for dealing with allegations of the sexual abuse of minors by Church personnel other than clerics.

Applicability: All non-clergy Church personnel.

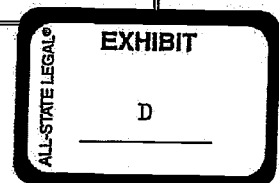
Definitions:

Church Personnel:

- All persons directly employed by the Diocese of Pittsburgh or any parish within the Diocese; and,
- All persons who provide any volunteer services to/for the Diocese of Pittsburgh and to/for any parish within the Diocese.

Minor: Any person under eighteen (18) years of age.

Sexual abuse of a minor: Sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p.6). A canonical offense against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO, c. 1453 §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernable harmful outcome. Moreover, "imputability [moral responsibility] for a canonical offense is presumed upon external violation ... unless it is otherwise apparent" (CIC, c. 1321 §3; CCEO, c. 1414 §2). Cf. CIC, canons 1322–27, and CCEO, canons 1413, 1415, and 1416. This definition is contained in the *Essential Norms* that were adopted by the bishops of the United States. The norms received the *recognitio* of the Apostolic See on December 8, 2002, and became effective as particular law binding all dioceses and eparchies of the United States on March 1, 2003.



Effective Date: June 1, 2003	Revision Date:	Number of Revisions:
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Approved May 21, 2003

Subject: ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY CHURCH PERSONNEL OTHER THAN CLERICS	Secretariat: Ministerial Leadership	Number: ML-I Page: 2 of 3
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Policy and Procedure:	
I.A.	When an allegation of sexual abuse of a minor is made, the Church will respond both pastorally and administratively. <p><i>I.A.1. The Church shall provide assistance to the minor and his/her family with the offer of spiritual support and psychological counseling as needed.</i></p> <p><i>I.A.2. The civil and canonical rights of all involved will be respected while the Church seeks to offer assistance.</i></p> <p><i>I.A.3. A pastoral support team will be put in place to provide assistance to parishes or communities affected by the allegations.</i></p> <p><i>I.A.4. Any allegation of sexual abuse involving a minor may be brought by the minor, his or her parent(s) or guardian(s), or anyone else with knowledge or a reasonable suspicion that sexual abuse has occurred.</i></p> <p><i>I.A.5. The Office of the Secretary for Ministerial Leadership will work with the Office of Civil Legal Services to report promptly all allegations of the sexual abuse of minors to the appropriate civil authorities as well as to comply with all civil law obligations. Any mandatory reporter who receives an allegation from a minor will comply with the requirements of the Child Protective Services Law. Even though the diocese will have informed civil authorities, all persons communicating an allegation of the sexual abuse of a minor will also be encouraged to turn the allegation over to the civil authorities.</i></p> <p><i>I.A.6. The alleged victim of sexual abuse or another individual bringing the allegation will be interviewed by the Office of the Secretary for Ministerial Leadership. If the Church employee or volunteer does not work in Central Administration, then the pastor or other supervisor of the employee or volunteer will participate in the interview. When possible, the allegation should be in writing and signed by the party making the allegation.</i></p> <p><i>I.A.7. The Church employee or volunteer will also be interviewed by the same persons set forth in the preceding paragraph. At the beginning of the interview it should be determined that the employee or volunteer is aware of their civil and canonical rights. If the allegation is deemed to be credible, the employee or volunteer will be suspended immediately. In the case of an employee, the temporary suspension will be with pay.</i></p>

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I.A.8.	<i>After the preliminary review has been conducted, a decision will be made by those conducting the interviews whether the employee or volunteer is to continue on suspension, be reinstated, or dealt with in another manner including termination of employment.</i>
I.A.9.	<i>Further action may be taken later. The circumstances in which further action might be taken include, but are not limited to: (a) a retraction of the allegation; (b) an admission by the employee or volunteer; (c) the institution of or the resolution of either criminal charges or a civil action, (d) or the receipt of any other relevant information at any time</i>
I.A.10.	<i>If at any time it is determined that the allegation is unfounded, then appropriate steps will be taken to affirm the employee or volunteer in their work and to repair any damage to their reputation.</i>

Effective Date: June 1, 2003	Revision Date:	Number of Revisions:
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Approved May 21, 2003



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Dioceses more responsive to Catholic Church sex abuse scandals



JASON CATO (https://twitter.com/Jac412Cato) | Saturday, March 5, 2016, 9:00 p.m.

Decades of silence by the Roman Catholic Church regarding child sexual abuse by priests has given way to an era of atonement, as public apologies and condemnation come from local dioceses up to the Vatican.

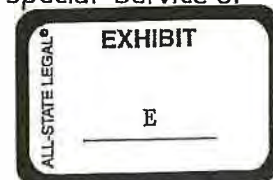
But that isn't enough for some. The church needs to name priests suspected of abuse, like those outed last week in a 147-page grand jury report about the Altoona-Johnstown diocese, so more go to prison, said David Clohessy, national director of SNAP, the Survivors Network of those Abused by Priests.

"More words, clearer words, sadder words — it's all words, and words protect no one. Decisive actions protect kids," said Clohessy, expressing a desire for local dioceses to post online the names of priests accused of sexually abusing children. "They often are fixated on PR, policies, panels and protocols that look terrific on paper but essentially are worthless.

"Sincerity must be judged by actions, not words."

Leaders of the Catholic Church in Pittsburgh and Greensburg said they are committed to stopping sexual abuse and righting decades of wrongs.

"I would hope in every diocese we realize we can never do enough to keep this horror from occurring," said Pittsburgh Bishop David Zubik, who will host a special "Service of Apology" March 21 in St. Paul Cathedral in Oakland.



He said the Mass is not related to the allegations of abuse in Altoona-Johnstown, which Attorney General Kathleen Kane made public in the same week that "Spotlight," a movie about The Boston Globe's investigative reporting into decades of abuse there, won the Academy Award for best film. A Somerset County priest was sentenced last week to nearly 17 years in prison for molesting orphans during mission trips to Central America.

All U.S. dioceses in 2002 adopted zero-tolerance policies for dealing with suspected sexual abuse, though the Greensburg Diocese's policy dates to 1985 and Pittsburgh's to 1988.

Edward Malesic, who last year became bishop in Greensburg, said the church has to remain watchful for cases of abuse and clerical perpetrators.

"This has been a terrible issue for the church for many years," Malesic said. "It's extremely important that the church be vigilant and make sure children are safe."

That includes conducting background checks on everyone who works for or volunteers with the diocese and reporting every case of suspected child abuse to authorities, he said.

"I can't change the past, and I can't change what happened in Altoona-Johnstown," Malesic said. "But I can be strong here in Greensburg."

Messages left with the Altoona-Johnstown Catholic Diocese were not returned. In a statement, Bishop Mark Bartchak noted the diocese cooperated with authorities and is reviewing the grand jury's report, which ended an investigation that lasted nearly two years.

"I deeply regret any harm that has come to children, and I urge the faithful to join me in praying for all victims of abuse," said Bartchak, who committed to posting on the diocese's website the names and current status of every priest in the diocese accused of abuse.

Philadelphia is the only other diocese in Pennsylvania to have posted such a list, according to bishop-accountability.org (<http://bishop-accountability.org>). The website lists 42 cases of abuse involving priests from the Pittsburgh diocese and six from Greensburg.

The National Catholic Reporter revealed last year that U.S. Catholic churches had paid nearly \$4 billion to settle decades of lawsuits. In 2014, the Vatican reported that during the previous decade it defrocked about 850 priests who raped or molested children and sanctioned 2,500 worldwide.

Officials with the Vatican and U.S. Conference of Catholic Bishops in Washington, D.C., could not be reached.

Kane announced Tuesday that the grand jury found that at least 50 priests in Altoona-Johnstown abused hundreds of children at orphanages, foster homes, campsites, confessionals and the cathedral in Altoona from the 1940s to 1980s.

No criminal charges will be filed because the statute of limitations on such crimes has expired, suspected priests have died, and some victims are reluctant to testify, Kane said.

On Wednesday, U.S. District Judge Kim R. Gibson of Johnstown sentenced the Rev. Joseph D. Maurizio Jr., 70, of Central City to prison for engaging or attempting to engage in illicit sexual conduct in foreign places; possession of child pornography; and money laundering.

Prosecutors, who sought 27 years' imprisonment, said the priest traveled to an orphanage in Honduras between 1999 and 2009 and promised cash and candy to boys who allowed him to watch them shower or have sexual contact with them.

Maurizio plans to appeal, his attorney said.

Zubik said he scheduled his apology Mass before the grand jury report and sentencing of Maurizio. It will be the second such Mass he has hosted in Pittsburgh, the other being in 2009. He first hosted a "Service of Apology" in 2006 while bishop in Green Bay, Wis.

The services address several ways people could have been victimized by the church, including sexual abuse. An apology from the church is healing for some but pulls off a scab for others, Zubik said.

"But forgiveness is that way. Saying you're sorry does that," he said. "It highlights that even though the church is divine, we are all certainly human."

Pope Francis apologized to five victims of sexual abuse — both those abused by clergy and by others, such as family members — during his visit to Philadelphia in September.

His predecessor, Pope Benedict XVI, publicly apologized for clergy sex abuse in 2008 and 2010. Pope John Paul II in 2000 said a special Mass in Rome to ask God's forgiveness for the sins of Catholics — though he did not specifically mention sexual abuse by priests.

Zubik said John Paul's public atonement inspired him to conduct similar services later. The one this month is in response to the church's Jubilee Year of Mercy, he said.

"It's a moment of grace," Zubik said.

Clohessy called apologies discouraging rather than hopeful signs of real change.

"This is just more shrewd PR," he said. "You apologize after a threatening harm is over. Church officials know full well this crisis is a continuing crisis."

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SATURDAY, JUNE 15, 2002

VOL. 7

'From this day forward no one known to have sexually abused a child will work in the Catholic Church in the United States.'

— Bishop Wilton Gregory, conference president

U.S. bishops get tough on sex abusers

Policy removes priests for molesting minors

By Ann Rodgers-Morick
Post-Gazette Staff Writer

DALLAS — Reeling from the worst scandal to rock the Catholic Church in memory, the nation's bishops voted overwhelmingly to remove from ministry any priest who has ever sexually abused a minor.

"From this day forward no one known to have sexually abused a child will work in the Catholic church in the United States," said Bishop Wilton Gregory, the conference president. He also apologized for "our tragically slow response in recognizing the horror" of sexual abuse.

Archbishop Harry Flynn, chairman of the bishops' committee on sexual abuse, called it an effort "to root out a cancer in our church."

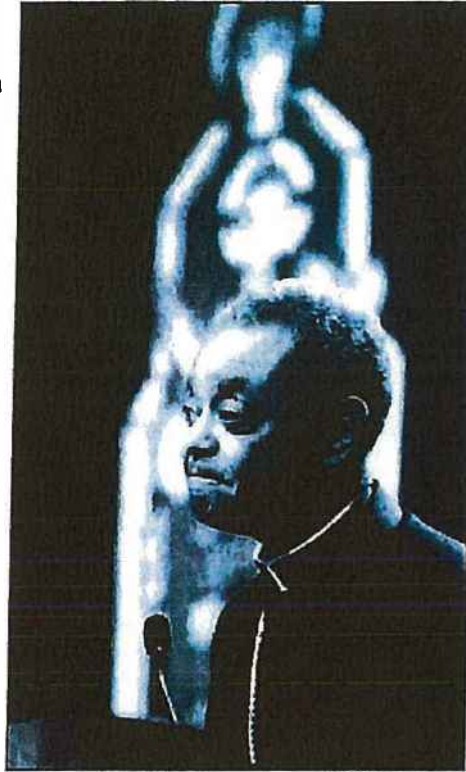
The prelates stood and applauded after they approved the policy on a 239-13 vote by secret ballot. It was the climactic moment of an extraordinary meeting that has been

filled with wrenching accounts of abuse from victims and solemn expressions of remorse from church leaders.

Bishop Donald Wuerl of Pittsburgh played a key role in the debate, calling for a broader definition of sexual abuse and insisting that all allegations of sexual abuse against those who are now minors be immediately given to the civil authorities.

"This document allows us to assure our people that we are not, to the best of our ability, placing any of our children at risk. It basically restores the basis of trust and begins the healing," Wuerl said.

The policy says that no priest who has abused a minor in the past, present or future will remain in ministry. Some victims groups were critical of a clause indicating that such priests who are aged, infirm, or who for some other reason cannot be effectively removed from the priesthood by the Vatican, must



By AP/Associated Press

Bishop Wilton Gregory of Belleville, Ill., president of the United States Conference of Catholic Bishops, addresses the group after passage of its clerical sex abuse policy at the U.S. Conference of Catholic Bishops' meeting yesterday in Dallas.

live a life of supervised penance and be forbidden to wear clerical garb, celebrate Mass publicly or call himself a priest.

The bishops also passed a policy allowing their own Committee on the Life and Ministry of Bishops to take action against bishops who fail to implement the policies, although these disciplinary measures were not spelled out. Bishops' compliance would be determined by a newly established Office for Child and Youth Protection and a blue ribbon national lay review board to

be chaired by Oklahoma Gov. Frank Keating.

The Charter for the Protection of Children and Young People takes effect immediately but will be monitored for two years for possible revisions. Because of that, the bishops asked the Vatican to approve for only an initial two-year period a set of norms that give the standards the force of canon law with the idea that they may be revised later.

SEE BISHOPS, PAGE A-3

PITTSBURGH POST-GAZETTE ■ SATURDAY, JUNE 15, 2002

U.S. bishops vote to remove priests who molest minors

BISHOPS FROM PAGE A-1

Unless and until Rome approves the norms it may be difficult or impossible to locate — effectively remove from the priesthood — some offending priests.

A day of prayer that the bishops had proposed to devote to this issue on Sept. 14 was changed last fall because of potential conflict with national mourning over the first anniversary of Sept. 11.

Wierl was wearing his anguish on the sleeve by the end of a day in which he had successfully fought to take far stronger measures than some of his fellow bishops wanted.

"This has been the most carefully rehearsed, methodologically draining meeting I have ever been involved in," he said.

The concern was telling because many bishops have long said that their most trying meeting was in 1987 and dealt with Wierl's controversial appointment as an auxiliary bishop with unclear powers to override the then archbishop of Seattle on certain issues of concern to the Vatican. But that was just an institutional power struggle, Wierl said.

"This involves the lives of human beings we know and love that appear before us — victims who have been abused and priests who will never serve in ministry again. It is very hard to have to make decisions that so dramatically and unilaterally change people's lives," he said.

Yet he had argued for the necessity of those decisions against bishops who opposed the so-called "zero tolerance" and "zero efforts."

He led a successful fight to define sexual abuse as "Contact or interaction between a child and an adult when the child is being used as an object of sexual gratification for the adult. A child is abused whether or not this activity involves explicit force, whether or not it involves physical contact, whether or not it is initiated by the child and whether or not there is discernible harmful outcome."

Some bishops believed that was far too vague. "Is this going to be a blanket bill going to be a sword?" Archbishop Donald Hunsicker of St. Louis asked of interactions that young parishioners might consider secret. "Remember we are taking the priests out of ministry for this."

Bishop Joseph (Albino) of Dallas, however, argued that one of the most serious scenarios is for offending priests to show pornographic movies to minors. Broad language is necessary to deal with such conduct, he said.

Wierl's language, drawn from a statement by the Canadian bishops, passed overwhelmingly. The church must set a higher standard than civil law, he said later.

"Whatever the sexual abuse is has to be included in our definition of sexual abuse, whether or not it is covered by civil law. What we have been talking about all along is something that is immoral — and

"To come today and hear that they are going to leave"

known molesters in the priesthood is devastating, just devastating."

—Bernard Wilton, director of the Survivors Network of those Abused by Priests

may also be a crime."

It was also a key player in a fight he considered even more important — to require bishops to immediately report all allegations involving victims who are still subject to the civil authorities. Some bishops only wanted to report allegations that they had first investigated and found credible.

Bishop Thomas (Doris) of Stockport, Ill., objected that unless the bishops first established the truth of the allegations "in a moral context" he would be violating the standards of canon law.

"If this means that any person who doesn't like a priest can be reported to civil authorities, and we do that, then we are fools," he said.

"Remember when we do this, we not only protect victims, but we not in favor of it."

Wierl framed that debate for many of the bishops by arguing that the bishops' investigation is only to determine whether the priest is suitable to continue in ministry. Only the civil authorities can determine if the allegation of a crime is credible, he said.

"I believe where we have erred in the past is appropriating to ourselves the decision of whether or not to report the allegation because we have decided it is not credible," he said.

Bishop Anthony (Boero) of Greenburg said that in most cases the bishops are mandatory reporters under civil law. Catholic schools already do this with teachers accused of abuse, and there should not be a separate standard for priests, he said.

His Cardinal Roger (Mahony) of Los Angeles may have carried the most weight when he spoke of twice being falsely accused and then cleared of suspicion of sexual abuse.

"I welcome the police investigation early because they get right on it and deal with it. I think it's very helpful to have the police deal with these things, especially the uncharged ones, and get it over with," he said.

There is a difference between caring for a priest and imposing consequences for misconduct, Wierl said later of bishops who balked at reporting.

"Of course we forgive — but we all have to live with the consequences," he said.

According to the bishops' staff attorney Mark Chapin, allegations involving victims who are no longer minors would be handled according to agreements that each diocese would negotiate with the local district attorney. Diocesan district attorneys have different standards for whether they want to hear about cases that might be decades old, Chapin said.

Some bishops objected strenuously to the one-size policy. They said cases in which a priest who had committed one offense long ago underwent therapy and had an exemplary ministry ever since should be handled on a case-by-case basis.

Bishop Howard (Hebbard) of Albany, N.Y., compared it to the anti-drug laws which he said had failed to rehabilitate career drug runners or to stop drug dealing and which the bishops had opposed as a matter of policy on criminal justice.

Cardinal Avery (Duke), a Jesuit theologian who is the only member of the conference never ordained as a bishop, objected to the broad definition of sexual abuse that Wierl had inserted.

"It puts a very adversarial relationship between bishop and priest," he said. Instead of considering his difficulties to his bishop a priest now "has to be very, very careful what he says to the bishop because the bishop can throw him out of ministry for life."

The Cardinal Anthony (Bettino) of Philadelphia insisted that the bishops must pass the charter. While bishops "speak about Cardinal (Mahony) in their profiles," of the same issue in our present crisis we must place the good of the church first, Bettino said.

"We need strong support of this document to begin to restore the credibility of the church and its moral authority," he said. "We need strong support of this document so our faithful can once again lift up their heads and say, 'I'm proud to be Catholic.'"

When the document had passed overwhelmingly, auxiliary Bishop David (Zobik) of Pittsburgh said it was the testimony of four sexual abuse survivors on Thursday that had galvanized the bishops to reach a near consensus during a long closed-door meeting Thursday night.

"After you heard them talk yesterday morning, you couldn't do anything else," he said of the decision to permanently remove all offenders from ministry.

But some victims gave it a mixed review, especially clauses that allowed offenders to resign voluntarily from ministry but remain on the diocesan payroll, without the right to call themselves a priest, celebrate public Mass or dress as a priest. Possible reasons for this, but the bishops gave was if the offender was 60 old or ill to start over in life.

"To come today and hear that they are going to leave known molesters in the priesthood is devastating, just devastating," said Barbara Blaine, a founder of the Survivors Network of those Abused by Priests.



L.M. Ours/Associated Press

Cardinal Anthony Bettino of Philadelphia made a statement yesterday at the 10th Conference of Catholic Bishops' meeting in Dallas. Bettino insisted that the bishops had to pass the charter.

But Paul Gonzalez-Rebozo of Jonson, Alaska, a survivor who addressed the bishops Thursday, was satisfied that the bishops were serious about removing all offenders from ministry no matter how long ago their offense.

"I know that what they heard yesterday morning had an impact," she said.

James Barry the New Orleans journalist who first began to report on systematic sexual abuse by priests in 1988 and made it a national cause, said he believed that bishops had made a good faith effort to address a problem that was not confined to their continent.

"I think they are trying to walk a fine line between the passionate loyalty of the survivors and the reactionary sentiments of the Vatican," he said, reflecting concerns that Rome may not approve their action.

The pope is very ill. Other Vatican voters on this are temperate in the extreme. The bishops are caught in an historical bind."

Some bishops expressed similar concerns about whether Rome would give the bishops enough the force of canon law. The recent scandal occurred because some bishops ignored similar policies that they adopted in 1992.

But some Vatican officials have recently made statements that call into question Rome's support for zero tolerance and mandatory reporting.

The Rev. Ciro Deodetelli, a Vatican spokesman, had no comment on the policy but said officials there would review it — Eddy a lengthy process.

Asked in the language of basketball, whether the Vatican would quickly approve the policies, Bishop Gregory replied, "I would never presume, when going to the Holy See, that I had a stamp card."

The Associated Press contributed to this report.

PRIESTS AND PEDOPHILIA

A greater

By Eleanor Bergholz
Post-Gazette Staff Writer

The February conviction of the Rev. Roger Trott of the Greensburg Diocese for child sexual abuse contrasts sharply with the way the diocese and local law enforcement officials handled a similar case several years earlier.

Trott, former pastor of St. John the Baptist de la Salle parish in Delmont, admitted molesting 12 boys.

When parents reported Trott's fooling of their children to the Westmoreland County Children's Bureau, it investigated and referred the case to the district attorney for prosecution. Church officials relieved Trott of his pastoral duties.

Under a plea bargain discussed with the parents, Trott was charged with one count of corruption of minors involving a 13-year-old altar boy and sentenced to five years' probation.

The deal also required Trott, 42, to be treated for pedophilia, a sexual disorder in which the lure object is a child, at St. Luke's Institute in Scotland, Md.

Trott's case was handled swiftly, openly and decisively. But that of the Rev. Dennis Dellamalyra a few years earlier did not result in prosecution. Instead, there was a civil case that has remained secret for five years.

In May 1982, the Greensburg Diocese paid two families \$275,000 to settle a civil lawsuit brought in 1979 on behalf of three teen-age boys molested by Dellamalyra, a former associate pastor at Mother of Sorrows parish in Marysville.

District Attorney John Detzloff said he would do it differently if Dellamalyra's case came to him now. He said police, investigators, the Children's Bureau and the diocese all learned a great deal from the laxities that characterized the Dellamalyra case.

"If that case happened today, it would have been reported much sooner and it would have been more fully investigated," he said. "The Children's Bureau was not involved. There was no investigation."

"We prepared a criminal complaint, but the families decided they didn't want to pursue it. [Today] we would have been able to convince the victims that [criminal prosecution] would not have hurt their interests."

Detzloff praised the way the Greensburg Diocese handled the Trott case. "The diocese has made a complete turnaround in the way they view the type of a case. One could not ask for a better response. They were very prompt, very decisive, no equivocation. They acted in a circumspect manner from the outset."

Today's greater openness in handling such cases, in Greensburg and elsewhere, is the result of several factors, one being that require more reporting of child sexual abuse, greater public awareness, cancellation of diocesan liability insurance for actual misconduct and a developing understanding by diocesan officials about the addictive nature of pedophilia.

As a result of these factors, the four Catholic dioceses in Western Pennsylvania are beginning to develop policies to deal with such cases.

Several parishioners describe the Rev. Dennis Dellamalyra as charismatic — a priest who brought new life to the parish when he arrived in 1977.

He enjoyed music and dancing and earned the nickname, "Discobishop." The kids like him and he was often invited to parishioners' homes. He ran the youth group at the parish and spent time hanging out with kids at Franklin Regional High School. He even traveled to the school bus with the team to high school football games.



The Rev. Roger Trott with his lawyer, Ross Bash, after a hearing in February.

The Rev. Roger Trott's case was handled openly and decisively. But that of the Rev. Dennis Dellamalyra a few years earlier did not result in prosecution. Instead, there was a civil case that has remained secret for five years.

In the spring of 1982, without explanation to parishioners, Dellamalyra was transferred to Holy Family in Latrobe.

A year later, two sets of parents from Mother of Sorrows told the district attorney that Dellamalyra had molested their sons.

Detzloff said he learned about Dellamalyra as the status of Hamilton on his offenses was running out.

"We prepared a criminal complaint but we did not officially file charges," he said, adding that his office was guided by the feelings of the families and their attorney who wanted to protect the boys' privacy.

Parishioners say Dellamalyra molested as many as a dozen boys.

In the civil suit filed in April 1981, parents retained Melvin Belli

of San Francisco to represent them.

The complaint states that Dellamalyra "misused his position of special trust and confidence" and that numerous instances of molestation occurred in 1980 and 1981 while Dellamalyra was "acting within the scope of his employment as a priest."

It says Dellamalyra had "improper and illegal sexual contact" by touching their genitals and fooling them "while a guest in one family's home, once on Christmas Day, in the apartment, and in the confessional."

Dellamalyra failed to stop his deviant behavior after being confronted by one family, the complaint states, and the now-retired bishop William Conner "failed to discharge Dellamalyra from his duties after having been confronted by the plaintiffs and others."

In February 1981, diocesan attorneys argued successfully to seal records in the civil suit despite parental opposition.

In March 1987, the Post-Gazette asked that the seal be lifted. After a series of hearings and legal arguments, Common Pleas Judge Donetta Davis one month the record but kept the depositions of Conner and Dellamalyra secret, even though they had been filed in court. As a result, many details of what what happened and how long the diocese knew about Dellamalyra's behavior remain secret today.

Dellamalyra was sent to a psychiatric hospital in Hartford, Conn., called the Institute of Living, sources say. Diocesan officials won't say where Dellamalyra, who opposed the unsealing of the court record, is now, and a family member refused comment. He is listed as being in the 1986 Catholic Kennedy Directory, and a diocesan official has suggested that he is in the



A second Erie priest, the Rev. John Murray, 64, of St. Matthew Parish, was accused of fooling a 12-year-old altar boy.

openness

In September 1980, Brother Ralph Mrazvitz, 60, pleaded no contest to a disciplinary conduct charge after the original charge that he had molested a student at North Catholic High School in Pittsburgh was reduced.

Allegheny County Assistant District Attorney Joseph Ruddy said the plea bargain was arranged at the request of the victim and his family because the boy did not want to testify.

Mrazvitz taught mathematics at Memphis, Tenn., Catholic High School during the past school year.

The Rev. Bert Eby, provincial of the Marist Brothers in Dayton, Ohio, the order to which Mrazvitz belongs, said he is "absolutely certain" Brother Ralph is not a pedophile and feels he was falsely accused. He said the order plans to try to have the conviction expunged from Mrazvitz's record.

Ruddy said Mrazvitz accepted a plea of no contest, calling that a fact admission that he did something wrong. He said he would oppose any effort to expunge Mrazvitz's record.

Ruddy said a friend of the student's reported a similar incident but revealed it to the principal the next day. Mrazvitz did give police a necklace with a naked torso of a woman on the back, which the boy said the teacher wore.

Memphis Catholic High School principal Edward Locks said Mrazvitz presents no danger to students.

"We and the order are behind him 100 percent. They [the order] said there was no incident. Eventually, it will be expunged from his record. He is doing a fine job at Memphis Catholic."

Mrazvitz could not be reached for comment. His attorney, John Deberry, refused a district court case.

A Pittsburgh Diocese spokesman, the Rev. Donald Long, said the diocese had no responsibility for Mrazvitz because the brother is a member of a religious order.

The four Western Pennsylvania dioceses are in varying stages of developing policies to deal with priests accused of child sexual abuse.

The policy of the Greensburg Diocese, adopted in January 1985, states that the diocese will investigate any reports of abuse. If the allegations are true, the priest is relieved of his duties and sent for a medical evaluation. The diocese will cooperate fully with civil authorities and will assure victims that they are of "primary concern."

The policy of the Pittsburgh Diocese, adopted in February, states that if bona fide reports are made regarding the misconduct of a priest, the secretary for clergy and pastoral life will "make whatever intervention seems appropriate."

The Erie Diocese is in the process of drafting a policy covering any diocesan employees involved in child sexual abuse. The policy will deal with the victims, the victims' families and the perpetrator.

In Altoona-Johnson, the policy is to remove the priest from his position as soon as a problem emerges.

"You would try to find an assignment where the priest would not come into contact with children in the course of his duties," said Mr. Philip Sawyer.

He said diocesan officials went to a regional meeting last year at which civil and canon lawyers and a psychiatrist advised that such situations should be dealt with immediately.

But as it stands now, he said, a bishop has "definite discretionary power in dealing with a situation."

"As far as I am concerned, the whole thing infuriates me," Sawyer said. "When you get a bad priest, it reflects on the whole church. It reflects on all priests. But I am not surprised. We are all human beings."

anded swiftly, openly and decisively, four years earlier did not result in prosecution. It has remained secret for five years.

process of being indicted, or removed from the priesthood.

Besides Trout, a brother has been prosecuted in Allegheny County and two priests in Erie County for sexual acts involving children.

In Cambria County, the Altoona-Johnstown Diocese and a Common Pleas judge have mandated four sets of parents who sued the diocese in May 1986. They seek damages on behalf of five children they say were molested by Mgr. Francis McCas.

McCas, 62, was pastor of Holy Name parish in Ebensburg and was once chancellor of the diocese.

In 1983, parents told the district attorney about the molestations after concluding that no action would be forthcoming from non-retired Bishop James A. Hinga.

Within a week of the meeting with the DA and after a television report about the charges, McCas resigned. Altoona station WTAJ-TV reported that McCas had founded the boys.

District Attorney Gerald Long did not file the criminal charges. He has since been elected to Cambria County Common Pleas Court and has become the judge in the civil suit filed by the parents. Long also is a member of Holy Name parish. He did not answer repeated phone calls, nor would he be questioned in person about the case.

Long sealed the record as Amherst had done, again, even though parents of the boys opposed the secrecy. The seal is so loose, the parents and their attorney say, that they are not permitted to discuss anything about the case.

The suit is still pending. McCas now works as a chaplain in a hospital in another state, a diocesan official said. He is listed in the 1986 Catholic Directory as absent on sick leave.

In Erie County, Assistant District Attorney Tim Lucas said parents from St. Gregory parish in North East told him their 7-year-old daughter had been molested by the pastor, the Rev. Donald Bolton.

Lucas said the parents came to him because they felt Bolton's order, the Redemptorists, had refused on a promise that he would not work with children again. The parents had discovered that Bolton was teaching at a school in New York.

An Erie diocesan official said the diocese was not responsible for Bolton because he was a member of a religious order.

Bolton, 60, was charged in November 1986 with one count each of indecent assault and corruption of minors. He pleaded guilty and received three years' probation in February 1987.

He was accused of fondling the girl many times during the previous two years. The police officer who arrested Bolton said there were other victims but that the statute of limitations had run out and Bolton could not be prosecuted. Bolton agreed to enter a program that treats sexual disorders.

A second Erie priest, the Rev. John Murray, 61, of St. Matthew parish, Erie County, was charged in May 1985 with one count each of indecent assault and corruption of minors. He was accused of fondling a 12-year-old altar boy on April 1, 1985, at the church. The boy's parents reported it to the police.

Murray pleaded no contest in August 1985. In the fall of 1987, he was sentenced to one year's probation. In the interim he went to two treatment facilities.

Gary Losch, director of information for the Erie Diocese, said Murray has been removed from active ministry.

THE PEDOPHILES *A kind of Pied Piper*

Pedophiles come from all groups and professions in society: doctors, lawyers, policemen

They often seek positions where they have access to children. And they are figures traditionally trusted by parents, such as teachers, schoolmasters, band leaders, child directors and fireguards

Catholic priests are no more prone to pedophilia than anyone else and the percentage of priests with the problem is very small, says Stephen Montana, a clinical psychologist at St. Luke Institute in Suitland, Md., a treatment center for priests and nuns with alcohol, drug or sexual disorders

"Pedophiles are sexually attracted to children," Montana says. "Those who are priests do very good work and have excellent reputations. But they have a sexual disorder they cannot control. Almost all of them feel really awful about it."

"Pedophiles go into professions where they can do what they like best at and they can be damn good at working with children. Children are their love object," says Maggie Nyder, administrative coordinator of the Sexual Disorders Clinic at Johns Hopkins University.

Thomas J. Coakley, director of the Retreat at the Institute of Living in Hartford, Conn., a psychiatric center for people in church ministry, describes pedophiles as "Lod of Pied Pipers" who find ways to keep themselves in contact with children and are usually socially adept with adults.

In addition, the experts say

• Between 83 and 89 percent of pedophiles have been victims of child sexual abuse themselves and have never told anyone about it

• Many show higher levels of biological abnormalities that bear on sexuality, such as higher blood testosterone levels

• The vast majority are men

• Homosexual pedophiles outnumber those who are

heterosexual by 3 to 1, but most priests who are known pedophiles are homosexual

• Neither celibacy nor homosexuality causes pedophilia

A pedophile, if highly motivated, can learn to control his sexuality, but experts agree that his sexual orientation cannot be changed

"Celibacy is the only cure," Nyder says. "There is no cure in the sense of changing one's sexual orientation."

Treatment facilities use a three-pronged program to help pedophiles: psychotherapy, attendance at a support group styled on the Alcoholics Anonymous model and use of Depo-Provera, a drug that reduces the sex drive by lowering production of testosterone, a male sex hormone

But the patient must take the drug and be part of the support group for the rest of his life

Nyder says Depo-Provera will not work for someone who does not want to stop. "A man who says there is nothing wrong with doing this — you'd better put him behind bars. He will not remain celibate."

At Johns Hopkins, 750 men have been treated and fewer than 20 percent have had relapses, she says

Conklin says he tells pedophiles that they are never again to be around children on a regular basis. Montana says he would not recommend that a pedophile pretend to go back into a parish or to a job involving children — "just as it would not be advisable for an alcoholic to tend bar"

Montana says the church is now doing an outstanding job in trying to come to grips with pedophilia among priests

"Ten years ago, it was not so," he says. "People did not know what they were dealing with while they were doing their best. They thought it might be a spiritual problem or something temporary."

THE VICTIMS *Dispelling the little girl myth*

The stereotype is that strangers molest little girls wearing white dresses and patent leather shoes

Molly Knox, executive director of Pittsburgh Action Against Rape, calls that image a myth

Boys are molested as well as girls, she says. And in 25 percent of the cases, the offender is someone who knows, trusts and very possibly loves the child

Knox, whose agency sees about 450 sexually abused children a year, says prosecuting an offender can be particularly difficult when the victim is a boy. "The conditioning in society is that boys are never supposed to be victims. If they are victimized, they are never to acknowledge it because it admits weakness," she says

Family Resources, a social service agency, runs a program called Brother Storm which treats young male victims of sexual abuse and incest. It began last October and provides individual counseling and group therapy

Program coordinator Bill Sorrell says one in five girls and one in seven boys are molested before the age of 18 and that a third of sexual abuse victims are male

Sorrell outlined some of the other myths about sexual abuse

• That it occurs only in lower socio-economic groups. On the contrary, he says, victims are not concentrated in any racial, ethnic or socio-economic group

• That the victim is female and usually young, small and weak. A victim can be anyone, Sorrell counters. Some are outstanding athletes. The perpetrator usually does not coerce a child to perform an act. Often the victim cooperates because he is related or given special attention or gifts. Telling a child that he is your favorite is a powerful tool, he says

• All a child has to do is tell someone. Sorrell says along emotions prevent a child from telling. The perpetrator may tell the child that his life will be ruined, that

he will go to jail or that he will kill himself if the child tells. The child feels responsible that the man will get in trouble. The man also tells the child that he is just a kid and that no one will believe him

The male child also may fear that his friends, teachers or girlfriends will think he is homosexual and that he will be ostracized. He wonders if he is homosexual and if that is why he was victimized

Some boys, Sorrell says, minimize the effect that being molested has had on them. They rationalize that it happened only once, that it is not a big deal and that they will get over it. But Sorrell believes it is important for a victim to get help to work through feelings of shame, confusion, fear and guilt

Molestation, like rape, is seen as an act of power rather than a sexual act, he says. Yet it can have sexual implications for the young male

"It is an added conclusion at a time that is already confusing," Sorrell says. "It disrupts the normal pattern of sexual development. It can lead to fear of rejection and can cause confusion for one's own sexual orientation"

Victims fear they will become homosexual, but, Sorrell says, there is no evidence the victim will accept the sexual preferences of the perpetrator. Most victims, Sorrell says, are clearly heterosexual

Treatment can last from three months to two years. Sorrell says molestation can include a wide range of behaviors from touching and fondling to oral or anal intercourse. "The gentleness of how violent," Sorrell says, "all are emotionally traumatic"

"It is a very painful issue for the entire family to go through," Sorrell says. "We don't believe it is a good idea to keep it quiet. Talking about it helps the victim feel empowered to decide what to do"

Brother Storm's hotline number is 562-9110

Diocese revises policy for priest misconduct cases

By Ann Rodgers-Melnick
Post-Gazette Staff Writer

The Catholic Diocese of Pittsburgh will soon hire someone — not a priest — to track complaints of sexual abuse and other misconduct by clergy and help victims through the church's bureaucratic process. It has also established a pastoral team to help parishes devastated by charges of criminal sexual misconduct against priests.

These changes are revealed in a

10-page policy for responding to allegations of criminal sexual misconduct by clergy. Bishop Donald W. Wuerl gave copies to about 100 priests at a voluntary meeting Monday and sent copies to the remaining 400 active diocesan priests.

"We want it to be known that we are as concerned about the families of victims as we are about the priests," the Rev. Harold Langain, spokesman for the diocese, said of the decision to make the newly

revised policy public.

The church established a policy in 1986 but never made it public, though parts of it were revealed in 1988 when those priests were arrested and charged with molesting two former altar boys. The policy has been under review since 1988, Langain said.

The policy drew mixed reactions from experts outside the church. A local advocate for rape victims praised it for increased sensitivity,

but the Allegheny County district attorney criticized it for allowing the church to investigate itself.

"The church has a real conflict of interest," said District Attorney Bob Costello.

Pittsburgh's distribution of its policy is not identical.

"Many, if not the majority, of 11 diocesan dioceses are moving now to try to get plans on paper," said Jason Hery, a New Orleans jurist who has written a book about

diocesan cover-ups of pedophilia scandals nationwide. "That is an important skill, given all of the scandals and the scandalous way those matters have been handled in the past."

Good priests "suffer when the priesthood is tarnished," Wuerl wrote in an opening letter to the diocese. "We too anguish for the child and the family injured. We are

SEE POLICY, PAGE A-13

Diocese revises its policy on misconduct by priests

POLICY FROM PAGE A-1

deeply pained by the media coverage that creates the impression that this problem is somehow more prevalent among priests than it is among other clergy, professional groups or the general population. This is simply not true."

Under the policy, when an allegation is made, three diocesan officials will immediately interview both the accuser and the priest. One of those officials will be the newly created "process manager" who is charged with guiding complainants through the process and making sure the diocese follows its own rules. This full-time employee will not be a priest, Lengwin said.

Molly Knox, executive director of Pittsburgh Action Against Rape, called the new position "wonderful."

"They are taking some leadership, and I feel they should be applauded," she said.

Although Knox said it should be up to adult victims whether to report a crime to the police, both she and Colville criticized the diocese for not automatically reporting charges of crimes against children.

The policy states that it "encourages and supports the complainants to report the matter" to police, and it says the diocese may decide to inform the police of credible allegations even if the victim has not done so.

Churches, like schools, are not included in the state's mandatory reporting law for child abuse, but Colville said they should be. "The diocesan policy resembles school policies with which I also disagree totally," he said.

"I don't think you can leave [investigation] to the people that will be liable or embarrassed by the situation," Colville said.

Lengwin responded, "I don't think there is a conflict of interest because we are taking a public position that we support and encourage families to go to the proper civil authorities."

"As a church, we always have to allow people to come to us and speak confidentially," he said.

If the mandatory reporting law is amended to include churches, the diocese will obey it, Lengwin said.

For now, "We recognize that we are not an investigative body and we believe that others who are trained to do that should follow up on information that may indicate we

3 cases in 1988 revealed policy on priest abuses

The Catholic Diocese of Pittsburgh policies for handling accusations of criminal sexual misconduct by priests were first made public in 1988 when three priests were charged with molesting the same two former altar boys.

• The Rev. Robert Wolk, 52, former pastor of St. Thomas More Church in Bethel Park, is in prison. He is serving concurrent five-to-10-year sentences for involuntary deviate sexual intercourse after pleading guilty in both Allegheny and Washington counties.

• The Rev. Richard Zula, 52, former pastor of St. Mary & Ann Church in Marianna, Washington County, is out of prison and living with his mother, according to the Rev. Ronald Lengwin, diocese spokesman. In 1988, he received a 2½-to-five-year sentence in Washington County for assaulting two boys and a concurrent one-to-two-year sentence in Somerset County for molesting one of the boys at Seven Springs Resort in 1984. In a plea bargain, Washington County dropped 138 counts.

• The Rev. Francis Pucci, 62, former pastor of Our Lady of Lourdes Church in Burgetstown, went free after a Washington County judge ruled in 1981 that the statute of limitations had expired. Although 75 is the normal retirement age for priests, Pucci was allowed to retire for health reasons and lives in the diocese.

are dealing with a very serious problem that involved the common good of society and the church." Under the policy, if diocesan officials decide the allegation is not credible after interviewing both priest and accuser, they drop the matter.

If they can't decide whether the accusation is credible, they send the priest for psychological evaluation

and refer the matter to two special committees that make recommendations to the bishop. One of those committees includes lay people with expertise in such matters, and it will be expanded to include the parent of an abused child, Lengwin said.

If the complaint is judged credible, the priest will be placed on leave of absence, forbidden to dress or function as a priest and be sent to a psychiatric institution for assessment. The victims will be updated on the process.

If the complaint is proven true, the diocese may take many steps, including permanently removing the priest from ministry and offering him career retraining, ordering him into psychiatric treatment and helping him apply to the Vatican for incardination — commonly known as defrocking.

"Ordinarily a cleric against whom a serious accusation of sexual misconduct has been substantiated will not be permitted to return to ministry," the policy said.

Because canon law leaves open the possibility that a convicted priest could win an appeal to the Vatican for reinstatement, Lengwin said, the policy says at least seven criteria must be met for such a priest to return to duty.

Among them is the requirement that, after extensive psychiatric treatment and approval from his psychiatrist, the repentant priest participate in continuing therapy and work in a place where everyone knows about his problem and where he can be monitored at all times.

A new facet of the diocesan plan is a Pastoral Support Team made up of diocesan representatives and mental health professionals that will "offer guidance and support to parishes or communities affected by the allegations," the policy said.

The diocese felt this was a weakness in response to the scandal in 1988, when priests from three parishes were arrested, Lengwin said.

An attorney for a man who has made abuse charges against a Pittsburgh priest whose civil trial is slated this month said a written policy was only half the story.

"It's certainly calculated to give the impression that there is a change in attitude. The proof in the pudding will be whether the enforcement of the policy is carried out," said Douglas Yauger. Yauger represents a man who accused the Rev. Anthony Cipolla of molesting him when he was a teen-ager.

Family Barbara Storer of Hays says there is a family feeling at Holy Angels parish and gives credit to its pastor, Father David Crowley... Page 8	Memories Retired Bishop William O. Connor, native of Pittsburgh, shares early memories of Mother Katherine Drexel and calls her in "apostle for social justice." She will be beatified on Nov. 20 by Pope John Paul II... Page 8	Volunteer Julie Wojtowicz of New Castle is in the habit of volunteering and belongs to numerous church and civic organizations. She also is thinking about going back to school to become a nurse... Page 9	Inside Editorials... Page 4 Letters... Page 5 Editorial Board... Page 6 World News... Page 7 Catholicism... Page 8 Around Diocese... Pages 10-11 Schools... Page 12 Classified... Page 13
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No cure for abusers Medical director explains pedophilia and treatment

By STEPHEN KARLINCHAK
SUITLAND, MD.—Recent allegations of sexual offenses committed by a priest against two boys have resulted in words like "pedophile," "pedophilia" and "ephebophilia" being used in many published news stories, often without an explanation of their meaning.

"Pedophilia is a bona fide psychiatric diagnosis," said Dr. Frank Valcour, M.D., medical director of the St. Luke Institute, an accredited and licensed psychiatric hospital. While not formally associated with any segment of the Catholic Church, the hospital accepts clergy and Religious of all denominations as clients.

"Pedophilia is a 'para-philia,'" Dr. Valcour explained. A paraphilia is when a person has a sexual interest or an attraction to someone who is not of the opposite sex or of an appropriate age. In the case of a pedophile, it is a sexual interest or an attraction to children.

"Pedophilia also implies an interest in the presence of the child," the doctor said. In legal terms, pedophilia can include minors beyond puberty but under the age

of consent.

"Ephebophilia," Dr. Valcour said, "is sexual attraction or interest in adolescents." While not technically recognized by psychiatrists, the doctor said it was a convenient term to be used in specific cases.

"Marriage, he added, isn't a prelude against pedophilia, noting a number of cases involving married individuals.

When asked, Dr. Valcour said that he hadn't seen any scientific data to indicate that Catholic clergy and Religious are more likely to be abusers. "It's my hunch that pedophilia is no more common in the clergy than in any of the other helping professions," he said, "such as social work or teaching."

Pedophilia isn't a concern just of Catholic church personnel, Dr. Valcour said. He said that the St. Luke Institute has done consultations with the Episcopal Church which has indicated that sexual abuse by clergy is of concern to Protestant denominations.

Concerning statistics on cases of sexual abuse of children, Dr. Valcour said that the nature of the problem makes such figures difficult to determine.

"In my opinion, private celibacy doesn't lead to it



All Saints in Marietta... Prayed as their namesake of Marietta's first city... Monsignor Richard R. Decker, St. Elizabeth Arch... Joseph Scobell, pastor, St. Elizabeth Arch... All Saints in Marietta is Nov. 1 and is a Holy Day of Obligation. — Photo by Eric Hoffmann

Bishop to form committee 'to heal' harm of allegations

PITTSBURGH — Bishop Donald W. Wuerl has announced that he will bring together a group of lay people and pastors to discuss what concrete steps the diocese could take as it continues to work to heal whatever harm has been caused by the recent allegations of sexual offenses by priests.

"As a Church, we must be sensitive to the hurt that we know exists among the clergy, religious

and laity of the diocese at this time," Bishop Wuerl said. "I feel that this committee can help us with the kind of insight we need as a Church to direct, in specific ways, our pastoral care to all who need it."

"When we speak of the Church's pastoral care, we mean a way of thinking and acting as Christ did. As individuals and as a Church, we attempt to be Christ for our world and bring God's heal-

ing love to people, even though we are limited to our own human abilities."

Pastoral care has always been the response of the Church, the bishop said, and this latest committee effort is an attempt to determine "how we can best apply what we know to the pain people are experiencing."

The bishop also commended the efforts of diocesan priests to reveal wounds in addressing, in their local parishes, the deep emotional feel-

ings brought about by the allegations.

Although the membership of the body has not yet been selected, the bishop said it would include both lay and clergy, both professional and non-professional.

"I see part of the advisory committee's role as bringing a broader perspective, through its members' talent and experience, through to the consensus we have in this area," he added.

4 schools reorganize in diocese

PITTSBURGH — The Pittsburgh Catholic Schools Office has announced that it will reorganize four elementary schools in the southern area of Pittsburgh and Mount Oliver for the 1989-90 school year.

The four schools — St. Camille, St. George, St. Henry and St. Joseph — will join together in an educational institution with a new identity "committed to new traditional standards of excellence," according to Dr. Rosemarie Cibik, superintendent of Catholic schools. The new school will be in the complex new housing St. Joseph, Mount Oliver.

"Pastors and members of the respective parishes have cooperated in the process of planning for the future of Catholic education in this area," Dr. Cibik said.

The pastors recommended the plan for reorganization to Bishop Donald W. Wuerl following a year of study. The plan was approved last week.

Dr. Cibik added that pastors and study committee members from the parishes deserve credit for emphasizing the need to reorganize, cost-effective Catholic education for their parishes.

The plans now will be reorganizing facilities, curricula and other necessary elements crucial to a successful educational program in preparation for the new school, Dr. Cibik said.



Centennial
Bishop Donald W. Wuerl presided at a special liturgy marking the centennial of St. Joseph the Worker parish in New Castle. Celebrating the centennial of St. Joseph the Worker parish in New Castle. Celebrating the centennial of St. Joseph the Worker parish in New Castle. Celebrating the centennial of St. Joseph the Worker parish in New Castle. — Photo by John C. Korman

CHD grants announced in diocese

PITTSBURGH — Three Pittsburgh area groups have received funds from the national Campaign for Human Development (CHD). Bishop Donald W. Wuerl announced.

The Tri-State Conference on Blind and the Rainbow Kitchen each received \$50,000 grants. The Hill District Federal Credit Union received a \$50,000, three-year deposit from the CHD.

"A bishop of the Diocese of Pittsburgh, I am actively aware of the needs of the unemployed in our area," Bishop Wuerl said. "I am happy that this bishops' program, which reaches people of all races and creates religious in their backgrounds to work together to solve problems of community distress, funded the work of the Tri-State Conference on Blind and the Rainbow Kitchen."

"Equally compelling," the bishop continued, "is the difficult

Blaming celibacy 'unfair,' says child abuse counselor

By WILLIAM FODAX
PITTSBURGH — Blaming celibacy of priests for sexual abuse of youngsters is "unfair," said a counselor who deals with the victims of abuse.

"This is not a religious issue," said James Hepburn, coordinator of Brotherhood, a counseling program operated by Family Resources for sexually abused boys. Such abuse occurs in all sectors of society and abusers include both men and women from all ethnicities, races and socioeconomic classes.

He said there is no such thing as a typical abuser and added there are "too many young men abused in homes."

The issue of celibacy had been raised by critics after charges were filed against a diocesan priest for alleged sexual offenses involving two boys.

Hepburn said that abuse victims who do not get counseling often face difficulties with intimacy and trust. "They want to be in control," he said, "because their trust has been violated."

The counselor said abuse victims especially males, are reluctant to disclose such incidents because of shame and guilt.

"Victims fear they might be blamed," he said. "They want to be in control." "They want to be in control."

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"Victims fear they might be blamed," he said. "They want to be in control." "They want to be in control."

Sexual abuse of boys

Parents need to know who is taking care of their child," he added. "Too many are not vigilant. Responsible caretakers get upset by parents who show no interest in their child's development. It advised parents to regularly sleep in and visit day care centers, pre-

schools and similar programs where their child is staying. He cautioned parents to be aware of sudden changes in mood, anti-social and destructive behavior, or increased sexual awareness that's beyond the child's age. Hepburn said these could be signs that the youngster is being sexually abused.

Parents also need to be aware

Wednesday, April 17, 2002

ZAPPALA, WUERL DEFINE POLICIES, ROLES IN ABUSE CASES

Section: LOCAL

Edition: SOONER

Page: A-5

Source: BY ANN RODGERS-MELNICK, POST-GAZETTE STAFF WRITER

Allegheny County District Attorney Stephen A. Zappala Jr. met yesterday with Bishop Donald Wuerl of the Catholic Diocese of Pittsburgh to discuss how each of them handles allegations of child molestation.

According to Zappala's office, they did not discuss allegations against any specific priest.

"It was the district attorney and the bishop discussing what their roles are in a situation such as this," said Mike Manko, Zappala's spokesman.

Zappala called the hour-long meeting "positive and productive" and Wuerl called it "open and candid."

Wuerl announced last month that he had removed from ministry "several" priests against whom there had been allegations that sounded credible but could not be substantiated.

Wuerl said at the time that he was raising the bar of protection to err in favor of children. Previously, if an allegation came down to the word of one accuser against a priest with a clean history, the priest could remain in ministry.

Wuerl would not release the priests' names or say how many there were because he said they might be innocent. Those cases were not discussed yesterday, Manko said.

"The Diocese of Pittsburgh has always collaborated with my office when necessary and part of today's conversation focused on the mechanisms that my office has in place" to handle allegations, including molestation of minors, Zappala said after the meeting.

"I am confident that if a situation arises that would require involvement on the part of my office, the diocese will communicate that information to me. I assured the bishop that, depending upon the nature of the referral, a person being presented as a victim will be treated with sensitivity and their information will be handled in complete confidence."

They discussed the fears of some victims who are now adults, and of some parents of young victims, that they will be harshly interrogated or exposed to media scrutiny if they go to the authorities. Zappala stopped short of urging Wuerl to go to the police over the objections of adult accusers, Manko said.

Diocesan policy is to automatically report all complaints brought by a minor, said the Rev. Ronald Lengwin, spokesman for the diocese. Adult accusers are encouraged to go to the authorities, and the diocese reserves the right to go to the authorities over the objections of the accuser, but the diocese may choose to honor an adult accuser's request for privacy, he said.

Zappala "wanted to make sure the bishop knew how the office functions with respect to these types of circumstances. I think there is mutual concern about how victims in these circumstances are treated. That is a good deal of what the exchange was about today," Manko said.

Wuerl said that both men agreed that "there is a mechanism in place which enables the Diocese of Pittsburgh to bring an allegation of clergy sexual misconduct to the district attorney's office with full confidence that anyone making such an allegation will be treated with sensitivity."

Under Pennsylvania law, clergy must notify authorities if they have reasonable cause to suspect that a minor who they encounter in their professional capacity is being abused. There is an exception for "confidential communications made to an ordained member of the clergy," but Lengwin said he understood that to apply primarily to sacramental confession.

Complaints of victims who are now adults, or reports of adults that a minor may be being abused, are not required to be reported.

Friday, April 26, 2002

DIOCESE EXPANDS MEETINGS WITH DISTRICT ATTORNEYS

Source: BY STEVE LEVIN, POST-GAZETTE STAFF WRITER

Attorneys for the Pittsburgh Catholic Diocese have met with district attorneys in half of the six southwestern Pennsylvania counties that make up the diocese to discuss how allegations of child sexual abuse by priests should be handled in the future.

Diocesan representatives met yesterday with Butler and Lawrence counties' DAs.

Bishop Donald Wuerl met earlier this month with Allegheny County District Attorney Stephen A. Zappala Jr.

"It is our intention to meet with other district attorneys because we found meeting with District Attorney Stephen Zappala to be beneficial," said the Rev. Ron Lengwin, spokesman for the diocese.

Among the issues discussed by Wuerl and Zappala at their April 16 meeting were the sensitive treatment of victims, and the policies of the diocese and the district attorney's office in cases involving sexual abuse.

The two met after Wuerl's announcement in March that he had removed from ministry "several" priests against whom there had been credible, but unsubstantiated, allegations of abuse. Wuerl has not named the priests or said how many there were.

U.S. Attorney Mary Beth Buchanan said yesterday she would be willing to host a meeting of the district attorneys and the diocese.

Lengwin said the diocese still plans to meet with district attorneys in Beaver, Greene and Washington counties.

Under Pennsylvania law, clergy must notify authorities if they have reasonable cause to suspect that a

minor who they encounter in their professional capacity is being abused. Complaints of victims who are now adults, or reports from adults that a minor may be being abused, are not required to be reported.

The church's role in mandatory reporting of child abuse will be discussed this weekend at the meeting of the executive board of the Pennsylvania District Attorneys Association.

"For whatever way any member of the church has hurt, offended, dismissed or ignored any one of you, I beg you — the church begs you — for forgiveness."

— Bishop David A. Zubik

Bishop Zubik leads service of apology

Sins by clergy, others in church addressed

By Amy McConnell
Schaarsmith
Pittsburgh Post-Gazette

In an emotional "service of apology," Bishop David A. Zubik apologized last night for sins including sexual abuse by clergy and other representatives of the Catholic Church in Pittsburgh, and begged for his parishioners' forgiveness.

Many of them had come to the service with "hurts that you hold and perhaps painfully so," he said.

"For whatever way any member of the church has hurt, offended, dismissed or ignored any one of you, I beg you — the church begs you — for forgiveness," Bishop Zubik told several hundred people

inside St. Paul Cathedral in Oakland.

Out in the pews, former Catholic and onetime seminarian Tim Bendig took comfort from those words and from the rest of Bishop Zubik's service. Sexually abused by former priest Anthony Cipolla as a teenager in the 1980s, Mr. Bendig — now 40 — hadn't entered a Catholic church for 20 years.

He restrained himself from making the sign of the cross, reciting prayers and singing hymns. But he was looking for a chance to forgive the wrongs against him and to renew his life as a Catholic. Last night, he found it.

SEE **APOLOGY**, PAGE B-3

APRIL 8, 2009 WWW.POST-GAZETTE.COM

B-3

Bishop Zubik leads service of apology

APOLOGY, FROM PAGE B-1

"I feel uplifted," Mr. Bendig, who settled a lawsuit against the diocese in 1993, said as he nervously prepared to shake Bishop Zubik's hand after the service. "I feel real light on my feet. I feel refreshed. What I hoped I would accomplish today, I accomplished."

The service began on a somber note. In place of the usual organ music and hymns of welcome, Bishop Zubik and his altar servers entered in silence, the only noises the sound of their footsteps and the rustling and muffled coughing of those in attendance.

Reaching the altar, Bishop Zubik prostrated himself before it, lying flat and motionless on the cool marble floor for a full two minutes. He stood up, and soon offered the opening prayer in a ringing voice that filled the huge, vaulted cathedral.

"Where sin has divided and

scattered, may your love make one again," he said, addressing God. "Where sin has brought weakness and hurt, may your power heal and strengthen. Where sin has brought death, may your spirit raise to life."

But even as he celebrated God's mercy, he acknowledged that the church is made up of men and women who are very human and at times, very sinful.

It was clear from the hundreds of people attending the service that their sins had caused harm, he said.

"Simply by being here, you call me, you charge me, to not only not forget the sins of the church in Pittsburgh, but you charge me to ensure, with our brothers and sisters in the church, that these hurts don't happen again," Bishop Zubik said.

He would do whatever he could, he told his listeners — many of whom were middle-aged men and elderly women

— to restore their trust in the church "so that as a church, we can live our best, love our best, do our best, give our best."

Bishop Zubik then lit six candles of remembrance and apology to the victims — children, teenagers and adults — of abuse by representatives of the church.

"We acknowledge their deep wounds," said a priest, after Bishop Zubik lit the third candle. "We acknowledge the betrayal of a most sacred trust. We acknowledge their courage in speaking the truth. We affirm their dignity as people who are seeking truth and accountability, compassion and redress for the wrong that has been done to them. We support their healing. We offer our prayer for their journey toward wholeness."

Amy McConnell Schaar-smith can be reached at 412-263-1122 or aschaarsmith@post-gazette.com.



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Nearly 100 Parishioners Gather For Bishop Zubik's "Service Of Apology"

By David Highfield March 21, 2016 at 11:08 pm

Filed Under: Bishop David Zubik, David Highfield, Mass, Pittsburgh Catholic Diocese, Saint Paul Cathedral, Service Of Apology



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PITTSBURGH (KDKA) — A "Service of Apology" was held Monday evening by Pittsburgh Catholic Diocese Bishop David Zubik.

It was for people hurt by the church in any way, including those sexually abused by clergy.

Cameras were not allowed inside the service at Saint Paul Cathedral in Oakland, but nearly 100 people gathered to hear what Bishop Zubik had to say.

"Some of the people said they're coming because they're angry that I closed a church building," said Bishop Zubik. "Other people are angry because a priest didn't treat them kindly in the sacrament of confession. Some people are coming because they've been abused by someone in the church."

In fact, it was three weeks ago that a grand jury report alleged two bishops from the Altoona-Johnstown Diocese helped cover up the sexual abuse of children by more than 50 priests over decades.

It did not involve the Pittsburgh Diocese, and the "Service of Apology" was planned well before the announcement.

3/1/2018

Nearly 100 Parishioners Gather For Bishop Zubik's "Service Of Apology" « CBS Pittsburgh

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Bishop Zubik held his first "Service of Apology" when he was in Green Bay, after he was inspired by Pope John Paul II. Then, he held one in here in Pittsburgh in 2009.

"My staff in Green Bay, and when I came back to Pittsburgh for the first time, my staff said, 'I don't think that's such a good idea for you to do it,' but I felt it was," said Bishop Zubik. "It was an important risk to take."

He says both times his staff feared it could make the hurt worse, but he wants people to know his words are sincere.

"Just by my saying I'm sorry for the church, I'm not expecting that's going to make it easier for people," said Bishop Zubik. "But I hope at least it's going to the help there to be a new beginning for folks."

The bishop leaves for Washington D.C. Tuesday.

He's the lead petitioner in a case going before the U.S. Supreme Court this week that challenges part of the Affordable Care Act. Specifically, whether church-related organizations have to pay for contraception as part of healthcare.



David Highfield

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David got his start at KDKA as a writer in 1991 before being promoted to a newscast producer. VITALS Joined KDKA:...

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EXHIBIT B

Dignity

Good Shepherd

CATHOLIC CHURCH

416 VERONA STREET
BRADDOCK, PENNSYLVANIA 15104
(412) 271-1515

JUN. 21 1993

*Policy
his is what he
has to do*

6-21-93

Dear Bishop

I am interested in being given consideration for appointment to the Elizabeth - Versailles cluster. I know this area and the healing and growth it needs to experience. It is also somewhat close in distance to my mother who lives alone.

I am in recovery now over eight years. I celebrated my 8th anniversary in recovery on Apr 12th, 1993. I've kept in contact with both Fathers Yodice and Gray.

Sincerely

Joseph D. Karalick

*Circle of his
secret is
to be broken
if you want to
assist
with most work in
our country*

*Can't make it
appointment for
his appointment*

*Accommodation
from his
Catholic*

EXHIBIT C



DIocese OF PITTSBURGH

DEPARTMENT OF CLERGY PERSONNEL

111 BOULEVARD OF ALLIES
PITTSBURGH, PENNSYLVANIA 15222
(412) 466-3060

PERSONAL AND CONFIDENTIAL
MEMORANDUM

TO: Bishop Wuerl
FROM: Father Zubik. *DAZ*
DATE: August 5, 1994
RE: Reverend Ernest C. Paone

On July 25, 1994, Father Lengwin, Mrs. Flaherty and Dr. William Kraft, as a Pastoral Support Team, visited with approximately 18 individuals at Saint Anthony Parish, Bessemer, to listen to their concerns regarding the recent publication of the arraignment of Edward G. Huff. I should like to update you on several facets of that meeting as I understand them to have taken place through Father Lengwin and Mrs. Flaherty.

Apparently, during the course of the evening, the parents of the young men who had some contacts with Ed Huff, indicated some anger with Bob Guay and myself. They felt that we should have substantiated the guilt of Ed Huff. During the course of the last several months, Father Guay, Father Lengwin, Mrs. Rita Flaherty, Bill Steidle and myself met several times with Father John Fitzgerald about arranging for a pastoral support team meeting with the people of Bessemer. Each time that this suggestion was brought up to Father Fitzgerald, he indicated that the timing was not good.

In addition, you should be aware that Mrs. Flaherty has been engaged in a number of conversations over the course of the last several months with Mrs. Ellen Bekoski, a spokesperson for the parents in Bessemer. Rita has attempted to respond each time to the concerns of Mrs. Bekoski. Those concerns were actually focused on the slow process of the CYS and District Attorney's Office in Lawrence County. These are areas which of course are not our responsibility. Rita attempted to help Mrs. Bekoski understand this fact. Rita also attempted to address the importance of such a Pastoral Support Team meeting in her conversations with Mrs. Bekoski who also indicated bad timing because of an auto accident which involved her son and a fatality for which her son is being charged.

It is my understanding that at the end of the pastoral support team meeting on July 25, the parents had calmed down and appreciated the time and energy expended by the team.

As Father Lengwin has apprised you, one other issue which was raised at the meeting, without any advance notice, was a claim by [REDACTED] that more than 30 years ago her brother was abused by Father Ernest Paone. Her accusation caught everyone off guard.

Since that meeting, Father Paone's file was reviewed with great care. There is a great deal of correspondence in his file during his seminary days in the early '50s which raised questions about his physical and emotional health. Each time reports were given to Bishop Dearden by the psychologists examining Father Paone, he was advanced to the next stage toward ordination. Father Paone was ordained a priest for the Diocese of Pittsburgh by Bishop Dearden on May 25, 1957.

Following ordination, Ernie was assigned to a number of different parishes. Those assignments are as follows:

- Parochial Vicar, Saint Titus, Aliquippa (Jan 13, 1957-December 7, 1960)
- Parochial Vicar, Epiphany, Uptown (December 8, 1960-May 30, 1961)
- Parochial Vicar, Mother of Sorrows, McKees Rocks (May 31, 1961-October 24, 1961)
- Parochial Vicar, Saint Monica, Wampum/Saint Theresa, Koppel (October 25, 1961-May 29, 1962)
- Parochial Vicar, Madonna of Jerusalem, Sharpsburg (May 29, 1962-May 24, 1966)

During the course of his 9-years service within the diocese, the file shows that the requests were either made by his respective pastors asking for a transfer or Ernest himself requesting a transfer. The file also holds that in 1964, Bishop Wright presented a petition in Rome that Ernie be reduced to the lay state.

- On May 20, 1966, Bishop Wright granted Father Paone an indefinite leave of absence "for reasons bound up with your psychological and physical health as well as spiritual well-being." The file shows that following the beginning of his leave of absence, Father Paone did weekend work in the Archdiocese of Los Angeles. In 1967 he moved to the Diocese of San Diego. While in San Diego Ernie began a course of studies at the Catholic University of San Diego. During that time he lived in a private residence.
- In 1977, following some dispute with Bishop Leonard, medical coverage was stopped for Father Paone during which time he began personal coverage in California. It was in September 1977 that Bishop Leonard asked Father Paone to "either return and take an assignment or be incardinated in the diocese where you are living. I am writing to release you." There is no further correspondence on that particular issue.
- The next correspondence which the file contains follows your October 6, 1989 letter to Father Paone in which you asked him to provide you a brief description of his present ministry. This was a letter which you sent to all diocesan priests serving outside the diocese. In response to your letter you received a letter from

his physician and a letter from the pastor of Saint Denis Catholic Church, Diamond Bar, California, who indicated that Father Paone was supplying assistance on Sundays and Holy Days in that parish for 21 years. During this time, he continued to live in Oceanside, California.

- In September, 1991, Father Paone requested permission to exercise priestly ministry in the Diocese of Reno, Nevada. Father Paone was granted permission to pursue that possibility with Bishop Daniel Walsh of the Diocese of Reno-Las Vegas, Nevada who appointed him as Parochial Vicar (Pro-Tem) at Saint Ann Parish, Las Vegas, in January 1992. On March 12, 1992, Father Paone wrote to share with you that he was moving from Las Vegas back to his residence in California. There is a letter from his physician supporting the need for him to return to California for reasons of health.

In addition to this chronology, three documents were discovered in his file as follows:

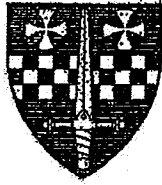
1. A letter dated May 1, 1962 to Bishop Wright from Father Edmund J. Sheety, Pastor of Saint Monica Parish, Wampum. In the letter, Father Sheety wrote, "twice since his appointment I have found it necessary to report him to the Chancery for conduct degrading to the priesthood, scandalous to the parishioners and disobedient to me."

"I have interceded to prevent his being arrested; once for molesting young boys of the parish; again for the illegal use of guns with even younger parishioners." There is no response to Father Sheety from Bishop Wright.
2. A letter dated August 20, 1964 from Dr. Patrick J. McDonough, a psychiatrist, to Bishop Leonard. The report is of a psychological nature and makes reference to "homosexual acting out." There is no reference in the letter to any such behavior with young individuals.
3. An August 20, 1964 letter to Mr. Robert J. Masters, District Attorney of Beaver County from Bishop Leonard. The letter indicates that Father Paone was confined to Saint Francis Hospital but references for the reason for hospitalization are vague. Attached to Bishop Leonard's letter was an August 4, 1964 letter from District Attorney Masters with a transcript of interviews which were conducted in the Beaver County Courthouse with a woman and her son who testified regarding Father Paone's inappropriate behavior with her 16 year old son. The transcript shows that Father Paone offered alcohol to the young man and also tried to engage him in sexual activity. The young man did drink the alcohol but did not oblige in sexual activity. The mother and son did not wish to prosecute Father Paone.

You should know that these last three pieces of correspondence were placed in the confidential files.

Now that I have offered you this synopsis of Father Paone's file, I can also share with you that Mrs. Flaherty has been in contact with [REDACTED] with the invitation that her brother come to meet with us to discuss what happened between himself and Father Paone more than 30 years ago. [REDACTED] promised to discuss this with her brother but felt quite sure that he would not wish to pursue the matter any further. [REDACTED] was very pleased that the diocese was following up so quickly on her reference to Father Paone.

EXHIBIT D



DIocese OF PITTSBURGH

OFFICE OF THE BISHOP

111 BOULEVARD OF ALLIES
PITTSBURGH, PENNSYLVANIA 15222-1898
(412) 456-3010
FAX: (412) 456-3185

August 26, 1994

Dear Bishop Walsh:

On August 16, 1991, the Reverend Ernest C. Paone, a priest of the Diocese of Pittsburgh who has been on an indefinite leave of absence since 1966 requested permission to accept a priestly assignment in the Diocese of Reno-Las Vegas. On November 4, 1991, I granted Father Paone's request and you assigned him as parochial vicar at Saint Anne Parish, Las Vegas.

Very recently, an allegation was made by a woman who claims that more than 30 years ago her brother was molested by Father Paone. Thus far, this allegation has not been substantiated. Since I have only become aware of this matter, I want to share it with you even though, I understand, he has returned to his private residence in Oceanside, California. I am not aware of any information which would suggest that Father Paone was involved in any improper behavior during his brief visit in the Diocese of Reno-Las Vegas, Nevada.

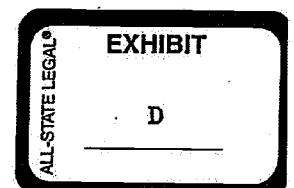
Had I been aware of this allegation in Father Paone's past I would not have supported his request for a priestly assignment in your diocese. Nor would I have written to you indicating that he was a priest in good standing. To address this situation, the Reverend David A. Zubik, Director of the Department of Clergy Personnel of the Diocese of Pittsburgh, has been in touch with Father Paone to invite him to meet and examine the entire situation.

With every personal good wish and prayer, I am

Fraternally in Christ,

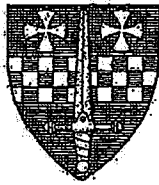
Most Reverend Donald W. Wuerl
Bishop of Pittsburgh

Most Reverend Daniel F. Walsh, D.D.
Diocese of Reno-Las Vegas
Office of the Bishop
PO Box 18316
Las Vegas, Nevada 89114



RGH_CP_0012141

EXHIBIT E



SECRETARIAT FOR CLERGY AND RELIGIOUS

DIOCESE OF PITTSBURGH

111 BOULEVARD OF ALLIES
PITTSBURGH, PENNSYLVANIA 15222
(412) 456-3060

Confidential

January 30, 1996

Msgr. Dan Dillabough
Pastoral Center
P. O. Box 85728
San Diego, CA 92186

Dear Msgr. Dillabough,

As a follow up to your phone conversation of January 25 with Mrs. Rita Flaherty, a staff member in the Clergy Personnel Office, I would wish to inform you that Father Ernest Paone does possess the faculties of the Diocese of Pittsburgh.

I would also like to inform you that we met with Father Paone in September 1994 to discuss the allegation made during a public meeting by a woman who claimed that her brother had been molested by Father Paone over 30 years ago. Despite the vague nature of the allegation and the lack of first hand information by the alleged victim, Father Paone was cooperative in complying with our recommendation that he undergo a comprehensive evaluation at St. Luke Institute. I should also add that Father Paone denied the truthfulness of this allegation during our meeting with him.

The result of the evaluation conducted in October 1994 was that no diagnosis of ephhebophilia or pedophilia was given. Since there has not been any other information that might give cause for concern over the past 30 years, St. Luke Institute did not believe inpatient treatment was warranted.

If I can provide any additional information, do not hesitate to contact me or Mrs. Flaherty.

Wishing you my very best, I am

Sincerely in the Lord,

Reverend Robert F. Guay
Secretary for Clergy and Religious

RFG:m

346

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EXHIBIT

E

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

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

**RESPONSE OF MYLES ERIC DISKIN, PURSUANT
TO 42 PA.C.S. § 4552(E) TO THE GRAND JURY REPORT**

TO THE HONORABLE NORMAN A. KRUMENACKER:

Mr. Myles Eric Diskin, by and through its undersigned counsel, hereby submits this Response to portions of the Grand Jury Report (the "Report") received by him on Monday, May 7, 2018 and Tuesday, May 29, 2018, to be attached to and made part of the report before the report becomes public record, pursuant to 42 Pa.C.S. § 4552(e). We appreciate the opportunity to provide this Response to address factual allegations and conclusions that are incomplete or ignore evidence available to the Grand Jury.

Mr. Diskin has reviewed the materials received by him on May 7, 2018 and or May 29, 2018 and based on this review wishes to make the following response to be attached to the report:

"Most of these allegations come from unnamed sources and the items in the list are duplicated, completely unfounded or substantively inaccurate. Yet, I want to acknowledge that the Grand Jury Report is something of a cry of the heart. It reminds us there is a lot of hurt out there concerning this difficult history. The report will offer affirmation and comfort to many aggrieved people, just as it may open old wounds and stir new suspicion. Still, in the spirit of the Report, I express my deep regret that anyone has found or believe their interaction with me – in any matter – to have been in any way harmful. Recognition of this possibility weighs heavily on me day after day."

Dated: June 20, 2018

Respectfully submitted,

SCHNADER HARRISON SEGAL & LEWIS, LLP

By:



Paul H. Titus

Attorney I.D. No. 01399

Fifth Avenue Place, Suite 2700
120 Fifth Avenue
Pittsburgh, PA 15222-3001
Telephone: (412) 577-5200
E-mail: ptitus@schnader.com

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of June, 2018, I served the within **Response of Myles Eric Diskin, Pursuant To 42 PA.C.S. § 4552(E) to the Grand Jury Report** on the following persons and in the following manner. Such service satisfies the requirements of Rule 114 of the Pennsylvania Rules of Criminal Procedure:


Via Electronic and U.S. First-Class Mail addressed as follows:

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

Daniel Dye
Senior Deputy Attorney General
Criminal Prosecutions Section
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Harrisburg, PA 17120
E-mail: ddye@attorneygeneral.gov

Julie L. Horst
Grand Jury Executive Secretary
Criminal Law Division
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E-mail: jhorst@attorneygeneral.gov

SCHNADER HARRISON SEGAL & LEWIS, LLP



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Attorney I.D. No. 01399

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E-mail: ptitus@schnader.com

18 June 2018

Dear Attorney General et alii,

I am DAVID F. DZERMEJKO. I have been named
in an Investigating Grand Jury.

RE: The 40th Statewide Investigating Grand Jury
Report No. 1

May I first make mention that I was shocked and
in disbelief when this Grand Jury explained their
purpose and intention! They state they want to
shame and punish the individuals that they found in
the Diocese of Pittsburgh Clergy Records. I am not a
lawyer but I was always taught that a Grand Jury
was to decide whether or not the District Attorney
should file charges. They have certainly overstepped
their bounds! This is the United States of America
and the accused (or named individuals) have a
Constitutional Right to be presumed innocent and
also a Constitutional Right to be judged by a JURY
of one's peers to decide their guilt or innocence.

The ACLU and Supreme Court would have
a "field day" with this out-of-control Grand
Jury.

Page 2

I was ordained a Catholic Priest in 1974 and have served faithfully throughout my ministry in the Diocese of Pittsburgh. In every parish which I served, I had NEVER had any allegation of sexual misconduct raised against me! In my last pastoral assignment, I had served 27 years there in Charleroi when I received an unexpected visit from two Diocesan Officials who I accused me of sexual misconduct. I just about collapsed literally and my world and life were crushed immeasurably and permanently. Without even having a chance to ask what should I do, they gave me one hour to pack my things and they would escort me to a facility that they said was expecting me. Unbeknownst to me the Diocese had already released a Press Release that I had been accused of ~~an~~ a sexual abuse that had occurred some 35 years ago.

After some, I was informed of the supposed victim's name and circumstances. I had never heard of his name before and I later found out that this alleged victim was dead!

How could I ever defend myself when I could not confront the accuser? I also discovered the fact that the "victim" and his wife were personal friends of Bishop Zubic who married the couple, baptized all their children and visited and partied with them frequently. Never did the "victim" ever tell Zubic about the alleged abuse.

Bishop Zubic always had an extreme hatred of me because I oftentimes disagreed with him or challenged him at public "priest gatherings". I personally heard him telling someone on his priest personnel board that he had to find a way to get me out of Charlevoix. And boy oh boy, he sure did!

After some months, Zubic held a "Kangaroo Court" for me. My canon lawyer who defended me was only given discovery of the evidence 24 hours before the trial! The "Court" consisted of the Bishops' personal ^{LAY} advisors and his priest advisors who were his dearest friends.

Page 4

They rubberstamped anything that Zabic wanted. To noones surprise, the Kangaroo Kourt decided that the charges were probable. I claim my innocence

If this Grand Jury is allowed to "embarrass, punish and make public" my good ~~re~~ name, then I would want and demand that my Response should also be included!

Sincerely Yours,

David F Dzermetko

DAVID F DZERMETKO

~~at~~ 18 June 2018

RESPONSE OF REV. JOHN P. FITZGERALD
TO THE REPORT OF THE INVESTIGATING GRAND JURY
PURSUANT TO 42 PA. C.S. § 4552(e)

Counsel of Record for Rev. John P. Fitzgerald:

Thomas E. Fitzgerald, ESQ
1040 Fifth Ave.
Pittsburgh PA 15219

412 338 9988

PA ID 43580

**RESPONSE OF REV. JOHN P. FITZGERALD
TO THE REPORT OF THE INVESTIGATING GRAND JURY
PURSUANT TO 42 PA. C.S. § 4552(e)**

This is the Response of Rev. John P. Fitzgerald pursuant to Order and Notice of Court in accordance with 42 Pa. C.S.A.4552(e) which ordered a response to the Report of the 40th Statewide Investigating Grand Jury.

Initially, it is the position of Father Fitzgerald that the Order of Court and the Grand Jury Statute is unconstitutional.

Title 42 Pa C.S. Section 4552 of the grand jury statute which permits a grand jury to issue a report critical of the conduct of an individual, accusing him or her of incompetence or wrongdoing without recommending criminal charges, is a violation of Article I, Section 1 of the Pennsylvania Constitution, as it permits the issuance of a final judicial order damaging a person's reputation without the due process of law required by Article I, Section 11, of the Pennsylvania Constitution.

Article I, Section 1, of the Pennsylvania Constitutions provides, "All men are created equally free and independent, and have certain inherent and indefensible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness."

Article 1, Section 11 of the Pennsylvania Constitution provides, "All courts shall be open and every man for an injury done him in his land, good, person or reputation shall have

remedy by due course of law, and right and justice administered without sale, denial or delay. ...”

This procedure is totally lacking in the due process of law required for the protection of a person’s reputation as required by the Pennsylvania Constitution. There is no opportunity to present evidence, no opportunity to cross examine a witness, no required notice. The proceedings of the grand jury are secret, and are not available to the party so named, even if the person is given the chance to reply. This report becomes a formal court document for full public examination.

The allegations of misconduct against Rev. John P. Fitzgerald contained in the 40th Statewide Investigating Grand Jury Report No. 1 are false. The allegations contained in the Summary referring To. Rev. Fitzgerald are the product of a fabrication made by a convicted thief, a convicted violator of the Controlled Substances Act, a person who “punched his father in the head and body, kicked his mother in the midsection and choked his sister” when they tried to stop him from driving after snorting heroin” according to a police report filed based on the statements of his father, mother and sister.

It is clear from reading the Summary that the alleged accuser did not appear before the Grand Jury. If he had appeared making these allegations contained in the Grand Jury Summary he would have perjured himself.

For example, the Grand Jury Summary states that the events occurred in 1996 including allegations of misconduct at the Pittsburgh International Airport Chapel. The airport chapel did not open until 1998. The walls of the chapel are transparent glass completely visible to office spaces which are adjacent and the food court from above.

The allegations made against Rev. Fitzgerald contained in the Grand Jury Summary were solely compiled from subpoenaed notes of William Walterschied, a bishop of the Pittsburgh Diocese. Walterschied met the alleged accuser on July 30, 2014. At the time Walterschied met the accuser there was an outstanding Allegheny County Bench warrant for the accuser.

Walterschied had met the alleged accuser at the request and instigation of Rev. Patrick Geinzer. Geinzer represents himself as an expert on child abuse by Catholic priests.

Prior to the request the accuser had "borrowed", "stolen" or extorted thousands of dollars from the brother of Patrick Geinzer, John Geinzer, who is also named as an offender in the Grand Jury Report.

Walterschied heard the allegations which included that the accused was sexually assaulted in an airplane, in a car, and at the Pittsburgh International Airport chapel. He claimed that he performed oral sex on Rev. Fitzgerald "maybe a half dozen times".

Walterschied then interviewed Father Fitzgerald on July 31, 2014. Father Fitzgerald

categorically denied all of the allegations telling Walterschied that it was physically impossible to do what the accuser claimed.

Walterschied and Zubik then removed Father Fitzgerald from his position as Pastor at Our Lady of Peace in Conway, PA. He was forbidden to return to Our Lady of Peace and his possessions, computers and personal belongings were seized by the Diocese. They conducted no further investigation to either confirm or deny the allegations. They asked for no physical evidence, sought any corroborating witnesses nor visited the scenes where the allegations of abuse were said to have occurred. They did not interview the pastor of the Church where the some of the allegations were said to occur.

Father Fitzgerald was given an admonition to not speak of the matter to anyone or defend himself in any civil proceeding or to respond in any way to the allegations made against him. It further prevented him from pursuing legal actions against the accuser and others.

In August, 2014, Walterschied and Zubik then referred the matter to the Allegheny County District Attorney and the Lawrence County District Attorney. After four years neither office has filed any charges.

On August 3, 2014, Walterschied appeared at Our Lady Queen of Peace parish and at Sunday Mass defamed Rev. Fitzgerald from the pulpit leaving all parishioners with the

inescapable conclusion that he was a child abuser.

Then Bishop Zubik, Walterschied and Rev. Lawrence DiNardo, through the Diocese of Pittsburgh, authorized payments to the accuser and his family in amount of at least \$40,000.00. Rev. Fitzgerald did not know, consent, or in anyway approve such a payment. He had absolutely no knowledge of the payments until he read it in the Grand Jury Summary that such a payment was made. Any such payment, in his view, was tantamount to legal extortion. Since the \$40,000 payment was made to the accuser he has been arrested at least four times for drug related offenses.

On December 12, 2014, the Diocese of Pittsburgh held a Diocesan Review Board under the direction of Lawrence DiNardo, the vicar general of the Diocese of Pittsburgh, and was prosecuted by Thomas Kunz, a lawyer priest. The review board consisted of lawyers from the law firm of Zimmer Kunz (the father of Thomas Kunz is the former managing partner) and a lawyers who sit on managing Boards of property owned by the Diocese of Pittsburgh. At no time prior to the hearing did DiNardo or Kunz provide a written statement of the exact allegations against Father Fitzgerald including the dates and places where the allegations of abuse were said to have occurred.

The Diocesan Review Board heard testimony from the mother and sister of the accuser. The accuser, who was then well over thirty years old at this time, did not

attend or testify. The Review Board never saw or heard from the accuser directly.

Thomas Kunz, advised the Board of the allegations made by the accuser based on his understanding of the allegations made to William Walterschied. (It should be noted that Kunz testified in an another proceeding that he never personally spoke with the accuser at any time. It also should be noted that Watershed never testified before the Review board.) The Diocesan Review Board was not advised by Kunz that the accuser had been asked when he was in a drug rehabilitation center whether he had ever been sexually abused as a minor. The accuser had denied he had ever been. At the time he was asked that question he was thirty years old.

At the Diocesan Review Board hearing Rev. Fitzgerald denied all of the allegations in emphatic terms.

It is admitted that the findings of review board as summarized by the Grand Jury Report were the findings made. It is denied that the Diocese Pittsburgh does not know the status of the proceedings against Fitzgerald. At all times material to the Grand Jury proceedings the Diocese of Pittsburgh, Kunz, DiNardo, Walterschied, and Zubik have been aware that further proceedings were held. and that the allegations were found to be not proven.

Rev. Fitzgerald immediately appealed the findings of the Diocese of Pittsburgh to the Congregation for the Doctrine of Faith who conducted further proceedings. The

Congregation heard sworn testimony from the mother and father of the accused, Patrick Geinzer, Thomas Kunz and others recommended by Kunz on behalf of the accuser. The accuser, himself, refused to be sworn but was interviewed. In his interview he dramatically changed his allegations made in his July 30, 2014, interview with William Watershed but did maintain he was assaulted in Rev. Fitzgerald's airplane and at the Pittsburgh International Airport chapel.

Father Fitzgerald again testified unequivocally that on no occasion did he have any inappropriate conduct with the accuser. He presented expert testimony from aviation experts familiar with the aircraft that the accuser said that it occurred. They testified that it would have been physically impossible to do what the accuser alleged without crashing the aircraft.

On March 2, 2017, the Judges of the Tribunal for the Congregation for the Doctrine of Faith informed both the Diocese of Pittsburgh and Rev. Fitzgerald that the accusations made by the accuser and the Diocese of Pittsburgh had not been proven.

The Diocese of Pittsburgh has known since March of 2017 that the allegations against Rev. Fitzgerald had not been proven yet did not include those findings to the Statewide Grand Jury although they were under subpoena to do so.

In summary it the position of Rev. Fitzgerald that this procedure is totally lacking in the

due process of law required for the protection of a person's reputation as required by the Pennsylvania Constitution. There is no opportunity to present evidence, no opportunity to cross examine a witness, no required notice. The proceedings of the grand jury are secret, and are not available to the party so named, even if the person is given the chance to reply. This report becomes a formal court document for full public examination.

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

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

**RESPONSE TO THE 40TH STATEWIDE INVESTIGATING GRAND JURY REPORT
NO. 1**

AND NOW COMES Rita Flaherty, by and through her counsel, Michael A. Comber and the law firm of Farrell & Reisinger LLC, and respectfully submits the following Response to the 40th Statewide Investigating Grand Jury Report No. 1:

The allegations set forth within the 40th Statewide Investigating Grand Jury Report No. 1 (the "Report") sadden Ms. Flaherty on several levels, as it must anyone who has worked with victims and their families. While Ms. Flaherty has sat across from dozens and dozens of victims to hear their tragic stories of abuse and the long-lasting implications these incidents had in their lives, seeing these stories collected in this Report brings much sadness for the pain and injury people have experienced.

However, this Report also saddens Ms. Flaherty because it does not tell the full story and, at times, it tells a distorted one.

The full story includes compassionate responses by many individuals, including diocesan staff, who listened with care and sought to assist victims of abuse with all of the resources at their disposal. Such aid to healing was not a "one size fits all" response, but one tailored to the needs and preferences of each individual victim.

The full story also, sadly, includes false allegations. While Ms. Flaherty has always approached each person who came forward with a full recognition of the enormity of pain and courage required to do so, nevertheless, there have been allegations which were not supported by facts and, in some instances, were provably false. Ms. Flaherty remains saddened that the Report, given the very nature of the Grand Jury's process, includes accusations that cannot be substantiated at any modest level of proof or scrutiny. Inclusion of these patently false accusations risks causing great harm to honorable people and their families.

In 1993 when Cardinal Donald Wuerl asked Ms. Flaherty to serve the Roman Catholic Diocese of Pittsburgh as a Licensed Social Worker, no title yet existed such as Victim Assistance Coordinator. That would come later. In the moment, Cardinal Wuerl recognized the need, before many of his brother bishops, to have a lay, professionally trained and licensed person serve the needs of the victims and seek evaluation of and treatment for those priests whose behavior was morally abhorrent and criminally reprehensible. That Ms. Flaherty was a mother of small children was also important to the decision to offer her this new position, as a mother's instinct for the protection of the most vulnerable among us was key to fulfilling this role effectively. Since then, this has been her life's work, her mission.

Ms. Flaherty has served in the administrations of Cardinal Wuerl, Bishop Bradley and Bishop Zubik. Each empowered her to receive and respond to victims and their families with every possible resource at the disposal of the Diocese for their healing, spiritually and psychosocially. Many of the implications throughout the Report about termination of resources mischaracterize the information before the Grand Jury and the reality of the situation. Ms. Flaherty does not wish to respond to nit at each of the instances of literary license that the drafters of the Report take with the selective, incomplete snippets of her notes that misconstrue

reality. The focus must remain on the victims. The priorities must never stray from healing, protection and prevention. This begins with awareness of the nature and extent of sexual abuse in our society, from which, sadly, the Roman Catholic Church has not been exempt. To the extent that the Grand Jury Report creates this awareness, it permits all of us—church, civic and community leaders—to focus on what each of us can do better as human beings and a collective society to ensure that victims are never silenced, that their wounds are healed and that others are protected by appropriate preventative measures.

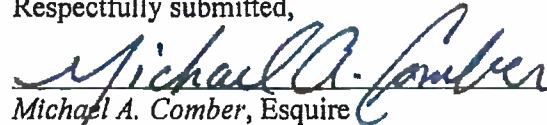
The healing of victims, the protection of minors and vulnerable adults, and the prevention of future abuse must be the focus as we move forward. However, there is another group of individuals for whom we must also recognize the enormity of their suffering – the factually innocent priests and their families. This Grand Jury report process has failed them.

Ms. Flaherty mourns the lives marred by any child predator, lay or ordained. She grieves with and for all of the victims with whom she has worked for over 25 years. She prays for peace for all whose lives have been forever tinged by the tragedies of abuse. But she also prays for those unfairly portrayed in a legal process that, at times, appears to take accusations at face value because it favors a story that some want to tell regardless of the facts or the consequences.

In conclusion, we recall the distinction sometimes made between “doing the right thing” and “doing things right.” Ms. Flaherty has always strived to do both in service to the people with whom she has interacted, be it the primary victim of abuse or a secondary victim, such as a family member, or be it the priest rightly accused or the one wrongly identified. It is a standard Ms. Flaherty has brought to her work for 25 years and that she continues to bring each and every day. Ms. Flaherty’s sincerest hope is that all of us, in whatever capacity of public service in

which we find ourselves, will seek no less. We owe it to each other as we strive to foster a world where the dignity and worth of every human being is protected and promoted.

Respectfully submitted,



Michael A. Comber, Esquire

PA ID No. 81951

FARRELL & REISINGER, LLC

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Pittsburgh, PA 15219

412-894-1380

412-894-1381 (fax)

mcomber@farrellreisinger.com

Dated: June 21, 2018

FILED UNDER SEAL

IN THE COURT OF COMMON PLEAS OF
ALLEGHENY COUNTY, PENNSYLVANIA

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

CERTIFICATE OF SERVICE

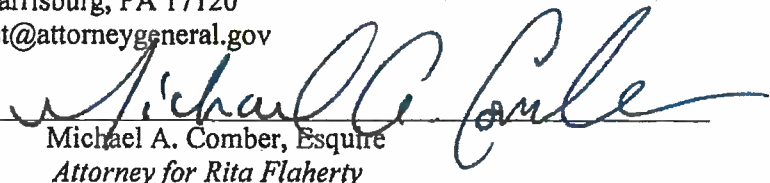
I, Michael A. Comber, Esquire, hereby certify that a copy of the foregoing Response to the 40th Statewide Investigating Grand Jury Report No. 1 was served on June 21, 2018 *via* electronic mail and overnight mail upon the following individuals:

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

Daniel J. Dye
Senior Deputy Attorney General
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ddye@attorneygeneral.gov

Julie Horst
Executive Secretary for the Grand Jury
Commonwealth of Pennsylvania Office of Attorney General
16th Floor, Strawberry Square
Harrisburg, PA 17120
jhorst@attorneygeneral.gov

By:


Michael A. Comber, Esquire
Attorney for Rita Flaherty

Reverend John A. Geinzer' s Response to Grand Jury Report No. 1

In regard to the Grand Jury charge of child abuse---which I abhor---I cannot recall any action that could be considered or construed as such. This charge can only refer to conduct which has been misinterpreted and thus misunderstood. Secondly, in regard to my heartfelt greeting of children viewed as inappropriate, I have been counselled by a diocesan official in a "teachable moment," which became for me a good lesson about social boundaries. Since then, there have been no complaints.

Response of Father Robert F. Guay

First and foremost, I feel that reading the details in Report No. 1 of the 40th Statewide Investigating Grand Jury ("the Grand Jury Report") regarding sexual abuse by a priest, or by any adult for that matter, toward a child affirms how horrific and devastating these events were and how they have greatly impacted the overall well-being of the victims and their families. For that reason, counseling at the Diocese's expense was offered to victims of such abuse who came forward, and this offer of counseling was often accepted by the victims. While the Grand Jury Report was difficult for me to read, I hope that it can help the Church in general and the Diocese of Pittsburgh in particular in improving their responses in the future to matters of sexual abuse by clergy, should they arise.

I served as Clergy Personnel Director of the Diocese of Pittsburgh from June 16, 1986 through the end of January 1991. I was then Secretary for Clergy and Pastoral Life in the Diocese from the end of January 1991 through May 31, 1996, when I returned to serving as the pastor of a parish. As Clergy Personnel Director, I knew of some of these types of issues, but most such issues of abuse by clergy were handled by my predecessors without my involvement. Once I took over in 1991 as Secretary for Clergy and Pastoral Life, Father (now Bishop) Zubik, who succeeded me as Clergy Personnel Director for the Diocese, and I met with victims of sexual abuse and priests who were accused of such acts, and, later, Rita Flaherty, a trained and licensed social worker, was hired by the Diocese and joined us in these meetings in an effort to better respond to the needs of the victims in a more timely fashion.

In this day and age, we now know much more about child sexual abuse and how to best respond to it than we did in the 1980s and 1990s. Continuing education about child sexual abuse and the need for clearances for those working with children, including priests and deacons, has been helpful today in terms of raising a greater awareness about this issue and preventing such conduct. The Church itself has learned and grown from this process since the 2002 Charter for the Protection of Children and Young People ("the Dallas Charter") was issued by the United States Conference of Catholic Bishops. With the Bishop's acceptance of the Dallas Charter in 2002, there were more clear guiding principles put in place for handling these situations than had been in place in the past.

The Grand Jury Report is presented in such a way that it seems that nothing was ever done right by the Diocese of Pittsburgh in response to allegations of sexual abuse by members of the clergy, and that is just not true. The Report only focuses on the negative, not on any situations that were handled well or on any improvements that have been made. I feel that the Report portrays me in an unfair and disingenuous light. The Report lists me as a "Church leader" who "played an important role in the Diocese of Pittsburgh's handling of child sexual abuse complaints." Such a characterization implies that I had decision making power within the Diocese's handling of these complaints that I just did not have. Although I was part of the decision-making process, with the consultation of others, I was an administrator, following Diocesan policies. At the time, the Church believed that the treatment facilities the Church was using would and could be successful in treating and rehabilitating those accused of sexual abuse. These treatment facilities would make recommendations, which the Diocese usually followed. However, for the most part, now it

seems clear, in retrospect, that such treatment and rehabilitation was not successful and that such recommendations should not have been followed.

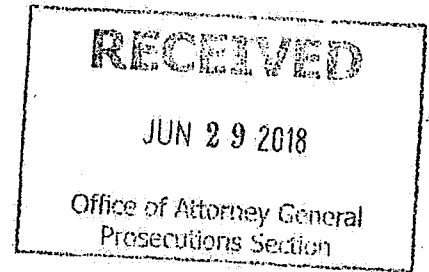
Once again, I feel that it is important to note that the Diocese of Pittsburgh tried to respond to the victims and their families in a compassionate way by offering counseling assistance. At all times, I, along with others at the Diocese, sought to help both victims of abuse and those struggling with addiction. I never discouraged anyone from making a report to law enforcement authorities, and I never engaged in any misconduct myself. Furthermore, at all times, I did my best to abide by the laws of the Commonwealth of Pennsylvania as well as church law. Then and now, I seek to fulfill my duties as a priest in accordance with the teachings of Jesus Christ.

The Church is not perfect and those who run the Church are not perfect, but I believe that the leaders of the Church should try their best every day to help victims of past sexual abuse and to prevent sexual abuse from occurring in the future. Since the time that much of the conduct in the Grand Jury Report occurred, I feel that the Church in general, and the Diocese of Pittsburgh in particular, have made great strides and significant improvements in the way that they handle these situations, and I hope that the Grand Jury Report will be an impetus for the Church and the Diocese to continue to improve until there are no more sexual abuse victims and until it can be ensured that this will never happen again.

Reading the Grand Jury Report caused me to think long and hard about what the Church could have done better. As a result, I have some recommendations for additional improvements that I believe the Church should make to prevent and address sexual abuse in the future. I intend to share these recommendations with the Diocese of Pittsburgh and hope that the Diocese will consider and implement my recommendations in the future. I pray for all those locally and throughout the world who are victims of abuse as well as their families, and I pray that our Lord will grant them healing and comfort.

Respectfully submitted this 20th day of June 2018.

s/ Fr. Robert F. Guay



IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE: : SUPREME COURT OF PENNSYLVANIA
: 2 W.D. MISC. DKT.2016
THE FORTIETH STATEWIDE :
: ALLLEGHENY COUNTY COMMON PLEAS
INVESTIGATING GRAND JURY : CP-02-MD-571-2016
: :
: SEALED RESPONSE

SEALED RESPONSE OF REVEREND BERNARD J. KACZMARCZYK

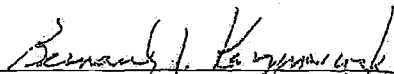
AND NOW comes Reverend Bernard J. Kaczmarczyk, with the assistance of undersigned counsel, and files the following sealed response with the Court regarding a report critical of him containing findings that he may be characterized to have engaged in child sexual abuses, or being an enabler thereof, or otherwise violated a duty to safeguard the welfare of children, and by way of said response, avers as follows:

1. I, Bernard J. Kaczmarczyk, have no recollection of committing any of the conduct outlined in the summary provided with the Order and Notice dated May 22, 2018.


2. I, Bernard J. Kaczmarczyk, specifically deny committing any of the conduct outlined in the summary provided with the Order and Notice dated May 22, 2018.

3. I, Bernard J. Kaczmarczyk, aver that I would never commit any of the conduct outlined in the summary provided with the Order and Notice dated May 22, 2018, and that such conduct is outside my character and reputation in the Community.

Respectfully Submitted,


Bernard J. Kaczmarczyk

Date: 6/21/18

Witness: 
T. Brent McCune, Esq.

PA ID #47794

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

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

RESPONSE

I, Edward L. Kryston, deny any wrongdoing regarding the circumstances set out in the summary of the Grand Jury notes provided to me at pages 362, 363, 364 and 365.

By: Edward L. Kryston
Edward L. Kryston

IN THE COURT OF COMMON PLEAS
ALLEGHENY COUNTY, PENNSYLVANIA

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

**RESPONSE OF NANCY DELGENIO, EXECUTRIX OF THE ESTATE OF FATHER
DONALD MCILVANE PURSUANT
TO 42 PA.C.S. § 4552(E) TO THE GRAND JURY REPORT**

TO THE HONORABLE NORMAN A. KRUMENACKER:

Ms. Nancy Delgenio, Executrix of the Estate of Father Donald McIlvane by and through its undersigned counsel, hereby submits this Response to portions of the Grand Jury Report (the "Report") which she has learned of from the undersigned counsel, to be attached to and made part of the report before the report becomes public record, pursuant to 42 Pa.C.S. § 4552(e). We appreciate the opportunity to provide this Response to address factual allegations and conclusions that are incorrect.

The undersigned counsel in reviewing materials received by clients whose names were contained in the Grand Jury Report noted that Father Donald McIlvane was listed as No. 47 on the list of "Offenders" from the Diocese of Pittsburgh and learned in confidence that the listing was based on a report of allegations made in 2008 against Father McIlvane. The undersigned represented Father McIlvane in the Diocesan proceedings against him. The charges were so bizarre that the Independent Review Board unanimously dismissed them and he was immediately restored to ministry. Counsel did reach out to Ms. Delgenio who was the Executrix of Father McIlvane's Estate who has asked that if no hearings are held as to the validity of allegations against certain people named in the Report, this statement should appear as an attachment to the

Report in an effort to avoid having his name tarnished. Father McIlvane was a leader in the Civil Rights Movement who marched with Dr. King in Selma, Alabama. He was a community leader in the City of Pittsburgh who worked with interfaith organizations in numerous activities designed to combat racism and to alleviate poverty.


He did not engage in any improper sexual activity and his legacy should not be harmed by false allegations that he was an "Offender".

Respectfully submitted,

Dated: June 20, 2018

SCHNADER HARRISON SEGAL & LEWIS, LLP

By:



Paul H. Titus
Attorney I.D. No. 01399

Fifth Avenue Place, Suite 2700
120 Fifth Avenue
Pittsburgh, PA 15222-3001
Telephone: (412) 577-5200
E-mail: ptitus@schnader.com

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of June, 2018, I served the within **Response of Nancy Delgenio, Executrix of the Estate of Father Donald McIlvane, Pursuant To 42 PA.C.S. § 4552(E) to the Grand Jury Report** on the following persons and in the following manner. Such service satisfies the requirements of Rule 114 of the Pennsylvania Rules of Criminal Procedure:

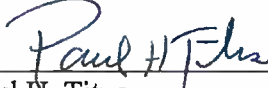
Via Electronic and U.S. First-Class Mail addressed as follows:

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

Daniel Dye
Senior Deputy Attorney General
Criminal Prosecutions Section
1600 Strawberry Square
Harrisburg, PA 17120
E-mail: ddye@attorneygeneral.gov

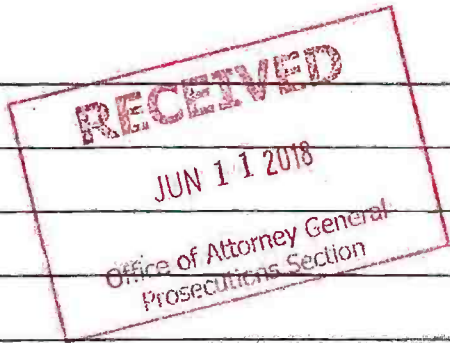
Julie L. Horst
Grand Jury Executive Secretary
Criminal Law Division
1600 Strawberry Square
Harrisburg, PA 17120
E-mail: jhorst@attorneygeneral.gov

SCHNADER HARRISON SEGAL & LEWIS, LLP



Paul H. Titus
Attorney I.D. No. 01399

Fifth Avenue Place, Suite 2700
120 Fifth Avenue
Pittsburgh, PA 15222-3001
Telephone: (412) 577-5200
E-mail: ptitus@schnader.com



Arthur R. Merrill
728 E. Warrington Ave, Apt 'B'
Pittsburgh PA 15210
412-463-2845
4/20/18 // 6/07/18

Dear Attorney Dye,

Thank you very much for your helpful responses to my phone call last week. I would presume that the Attorney General's office would have access to all information about this case, but since only the earliest parts are referred to, I want to give you information about the entire case.

1) The name of the young man referred to in this case is [REDACTED] (not [REDACTED]). [REDACTED] has been diagnosed with several mental health issues and was regularly interviewed. Early in 2011 he was asked if he had any sexual contact with anyone - he replied 'yes' and that led to the 'Child Advocacy Center in Washington County (where he lives)'. They notified Allegheny County Authorities in March of 2011. And, shortly after that, I received a notice from Allegheny County authorities that these charges were being filed.

2) As soon as I understood how serious this could be, I contacted a lawyer I knew of, Attorney John Knorr.

in Pittsburgh. He agreed to meet with me and agreed to begin the initial steps needed to successfully address my problem. He did not agree to follow up on the whole trial (I was unable to afford Tris charges for the whole trial (as I remember \$7,000) but he would "get things started".

In early May of 2011, Attorney Know called me and advised me to go to the Pittsburgh Police Headquarters on Pittsburgh's "North Side" where someone would interview me. A couple days later (5/06/11 - I believe) I went to the station where I surrendered to Detective April Campbell who, I found out later, was a specialist in the Sex Assault Family Crisis Unit. Detective Campbell got my identification information. She then interviewed me for about an hour, then released me to go home. She also assured me that, as long as I kept the promises I had made and showed up for any meeting at the court, I would not have to worry about police showing up at my door.

Unfortunately, someone at the Police Headquarters forgot to take my name off of the "wanted" list and two constables (J. Dytko and D. Brytius) showed up at my home and, at gunpoint, arrested me; put hand cuffs on me, put me in their car and drove me to the Allegheny County Jail. After going through

the "screening procedures", I was taken to a cell (with a cell-mate who, as I remember, was facing a homicide charge - but we got along pretty well). The next day I had use of a phone and called Attorney Knorr. He said he'd make some calls for me, and "especially" to respond to the regular visit of the Public Defenders Office to the unit. The Public Defenders office was there a few days later. I gave them my information and requested the services of a Public Defender. A short time after that I was assigned a Public Defender, Attorney David Obaro, and I met him a week or two later. He interviewed me, looking for all the details. I wrote to him (the "letter to the Public Defender") just wanting to include the details about my times with [REDACTED]. He used details of the letter to clarify some of the stories that Matt was telling. I was never present at the trial sessions that the judge and [REDACTED] were present, but my attorney said that my statements seemed to make sense to the judge more than some of the statements that [REDACTED] was making. That seemed to allow the judge to make the decision to lower my charges from felony to misdemeanor. After the last session, my attorney pointed out that accepting misdemeanor charges rather than felonsy = Court costs rather than fines; and probation rather than time in prison was a better

deal for me----- How could I disagree?
Anyway, after that I appeared before a Judge
in a room with multiple defendants. Each of us was
called before the judge, our charges were read
and we were referred to a court group who would explain the
details. Basically, the sentence was Court costs and
two years of probation. I arranged a payment plan for the
Court costs and was referred to the Probation Office
on Arlington Ave. In my first week or two I was interviewed
by probation officers at the center. Within a few weeks a probation
officer came to my home once a month for the rest of the
two year period. The probation officers were very civil and
I have no complaints at all about their service.

The end of my probation was the end of my sentence. I
was able to get two jobs because my security checks only
asked if I was convicted of a felony. That probably was
also the reason I was able to get a very reasonable
deal on my apartment rental.

I would just ask if it would be possible that
my name would not be printed in the public newspapers.
I have already served my sentence and that public
revelation would probably cost me my jobs and
my home. And now that I'm 75 years old, that would
be a disaster.

Well, Attorney Dye, thank you for giving me
the opportunity to present my case. With this I am

including a copy of the letter I provided my attorney (the Public Defender). If there is any other information I can supply, please let me know.

Sincerely

Arthur R. Merrell

728 E. Warrington Ave

Apt B'

Pittsburgh, PA 15210-1565

412-463-2845

Attorney Page,

Unfortunately, there seems to be some confusion about the dates + the issues. In the mid 1990's I was the chaplain in the Allegheny County Jail. A guard reported that I had an inappropriate discussion with an inmate. That claim was investigated by a board at the jail and I was found to be "not guilty" of the charge, and was restored to my chaplain position.

At the beginning, the 'charge' was reported to the Diocese of Pittsburgh and they sent me to the St. Luke's mental health facility in Maryland for an "evaluation". After I returned to Pittsburgh, I was told that the Diocese wanted me to return to St. Luke's for a "treatment" program that could last many months. Since I really didn't like St. Luke's, I told the Diocese that I didn't want to go there, but offered to go to Western Psych or another local program. That was not accepted by the Diocese and I was suspended from the ministry. That was in

1997. Since that time, I have never identified myself as a priest to anyone.

That includes the teenage boy who, in 2008 asked me to become his "Big Brother". The story of my relationship with him is included here in the letter I wrote to Attorney Obara (my public defender at the 2011 trial). I just want to clarify that these two events (1997 + 2011) were totally unconnected, and the later events (regarding the teenager) were never, in any way, connected, and neither the teen, his parents, or anyone else involved in this case had any knowledge that I was a priest or had any official connection to the Catholic Church.

Again, thank you
Art

Public Defender's letter - page 1

To: Public Defender
July 19, 2011

After reading Detective Campbell's report, I find that she has merged several incidents into one and omitted several things I told her. I just want you to know what happened. I, of course, will provide you with any needed details.

I met Matt at a gathering of teens with Asperger's Syndrome which their parents had arraigned. This was early in 2008. I had worked with two of the boys and their parents had invited me. I have never had any professional relationship with Matt. He apparently heard from the other teens about activities I had arraigned for them and asked me if I could become his 'big brother'. I was a little taken by surprise, since that seemed to be a rather unusual request for a teen from an intact family to be making, so I talked to his parents and they said it would be a good thing. The parents are both very nice people, but dad has some very serious health problems.

- After visiting their home several times and getting to know each other, I agreed to give the relationship with Matt a try. I asked Matt what he would like to do and he said "Lets go camping". Since their home is only a short drive away from Raccoon Creek State Park, we gave it a try for a weekend. Things went well at first, pitching the tent, cooking a meal over the fire and taking a short hike around the park. Then we got ready to bed and things got complicated. We both had an air mattress and sleeping bag and were laying there in almost total darkness. I then heard (and dimly saw) Matt get out of his sleeping bag and move over till he was kneeling over me. He then reached down, pulled back the top of my sleeping bag and laid down (face down) on top of me. Now, Matt is over six feet tall and weighs nearly 300 pounds and this was uncomfortable to say the least, but given some of his psychiatric diagnoses I thought he was just acting a little immature and wanted to 'wrestle'. Then I felt something pushing into my abdomen and realized it was his erection. I reached up and rolled him over onto the ground and grabbed my flashlight. He was laying there, clutching his penis and masturbating by 'punching' it. He asked me to join him. I refused, but couldn't help watching because of the pain he must have been inflicting on himself. It was over in a few minutes and I just told him to go to sleep and he did. The next morning I decided to pack up and go home after just one night. He got very angry about not staying the second night. On the drive home, he punched me as I was driving and then opened the car door and made as though he was going to jump out of the moving car. I pulled over, got him calmed down then returned him home with no further problem
- For the next couple weeks, I saw Matt at his home and talked to him about the incident at the park. I thought we had it worked out. He did ask to visit my home and I agreed. A week or so later (I believe it was on a Saturday) I took him to my place - 606 South Main - and showed him around. As soon as we got to the bedroom he pulled down his pants and began masturbating. I just told him he was on his own and that I was going downstairs and that he should call me when he was done. I walked down to the kitchen and had a cup of coffee. Eventually, I heard something from upstairs and walked up. Matt was standing at the top of the stairs - masturbating - but this time his hand and penis were covered with blood. I was more concerned about his injuring himself than about the sexual matter. I showed him (using my pointed finger -not his penis as the police report has it - to illustrate how most other boys do it). I did also tell him about using a lubricant because I could imagine that he was doing this frequently and could really hurt himself. I was also beginning to worry that I should get him to a doctor to take care of the torn skin. However, after a few minutes I began to understand that this had been all for show, He had been using stage blood!!! Matt is smart, and his 'encompassing preoccupation' (a la Asperger's) is anything to do with movies and TV. He is constantly writing and 'shooting' movies with his cameras and recording equipment. I had already taken him to a store in Robinson that specializes in costumes and stage equipment ... and yes, he had been looking at stage blood.
- The date that my attorney and the District Attorney had agreed to focus on - April 1st 2008 - was apparently chosen because Matt had told them that that was the first time he stayed over at my place. (I was told that I could get a detailed account of what he told them but although both I and my attorney have written and asked for it, I have never received it.) Matt had been acting fairly well and he constantly asked to stay with me over a weekend, I had set up my bedroom for two of us. He was to use my bed and I had set up an air mattress and sleeping bag on the other side of the room for myself. As I remember, we had picked up a movie to watch and gone out for something to eat. It was getting late

and we were getting ready for bed. I was sitting on the side of the bed taking my shoes off when Matt sat down right next to me. I don't remember if I realized he was naked but I would in a few seconds. He reached over, took my right hand and pulled it over to him. By the time I looked over, he had placed my hand over his erection and was holding it there with both of his hands. I just remember asking him "What are you doing?", and telling him to "let go!". Of course, at this time we get into the problem of defining what I was doing. In Matt's mind, I was masturbating him--- in my mind, I was trying to jerk my hand free from his organ. Of course, it was all over in just a minute or two and I can assure you that the only 'seminal fluid' that was produced here belonged to Matt, not me. By my response to Detective Campbell's question that I felt like "a somewhat willing participant", I meant that I realized after this incident started that I could have ended it by getting very physical (by hitting or otherwise harming him) but I decided not to because I still really wanted to try a more positive approach to helping Matt.

- During the first couple of months I knew Matt, he wanted to spend all of his weekends at my place. In fact, he said several times that he wanted to move in with me. He was constantly arguing with his parents and in trouble at school. He did come back to my place overnight several times and, yes, he tried the masturbation thing again. I told him strongly that I was getting sick and tired of it but if being 'close' to me - as he put it - was so important, I asked him to think of another way to do it. He asked if I could give him a back-rub. That seemed to be offer an improvement in the situation, so I agreed to try it. Unfortunately, the first time we tried it, he reached behind himself, grabbed my hand and pulled it down over his buttocks. When I told him I didn't want to do this either, he became angry again. He really seemed to think that rejecting these sexual advances were rejecting him! I believe that on the drive home, he tried another 'acting out' for the first time - while we were driving down a road near his home, at about 45 mph, he lunged over from the passenger side, grabbed the top of the steering wheel, and tried to make a hard right turn - which would have had us crash into a bridge abutment. Fortunately, I saw it coming and was able to slow down and keep control of the steering wheel.
- After several instances like this, I was getting very concerned about where this was going and felt that I should let his parents in on what was going on. I finally called his dad (dad apparently didn't remember the call when the detective asked him about it). That's probably because I wasn't too explicit when I talked to him, I just told him about the incident at the park as "Matt had laid down on top of me", and that "Matt was masturbating and wanted me to help him".
- Finally, after several talks and frequent admonitions didn't change things, I began to see that this couldn't continue. After Matt had acted out sexually three or four more times, trying to involve me, I had to address this - or get out of it! On one of the Saturdays I saw Matt at his home, we went out to lunch in McDonald and, on the way back to his place, we drove past the Ft. Cherry High School. Matt wouldn't talk about any of these things at home because he felt he would be overheard, so I pulled into the school parking lot. It was a sunny and warm day, so I guess it was the end of May or beginning of June. I told him that we really had to do more than just talk. I had to say something that he would have to agree to or our relationship, which he said meant so much to him, was headed nowhere. As well as I can remember, what I said was "Matt, I really like you and care about you. I want to be your big brother and I appreciate how smart and talented you are... but this sex thing has to end! It can get me into a lot of trouble.. and it's going to finish off the first real friendship you've had in your life. If you don't end this stuff right here and now, I'm just going home and staying there. I'm going and never coming back. You will never see me again! Do you understand?" He seemed to be tearing up, but he nodded a 'yes'. The amazing thing was that it worked! From that day, he never tried to involve me in any sexual act or situation. For the next two and a half years, I saw Matt on most weekends and he did stay at my place a few more times, mostly on a few weekends when we had arraigned for him to have an 'extra' part in a motion picture being filmed here in Pittsburgh. But from the time of our 'talk' in the high school lot, he never again tried or even suggested that we have any improper contact.
- The last time I saw Matt was at Christmastime last year (2010) when I dropped off his present, a book about how to become a movie producer. When I didn't hear from him after Christmas, I called him a couple times but he didn't return the calls. My guess is that the conversation with the social worker had taken place and he was afraid to follow up on it. During those two and a half years, Matt asked me to teach him how to drive (we tried that out for a few times on a neighbors private road, but he gave up on it). For most of the time, he was constantly getting me to have a 'part' in one of the movies he was constantly producing. The scripts were usually rather strange - featuring strange relationships between seriously disturbed people, but he would come up with a new project at least once a month, and ask me

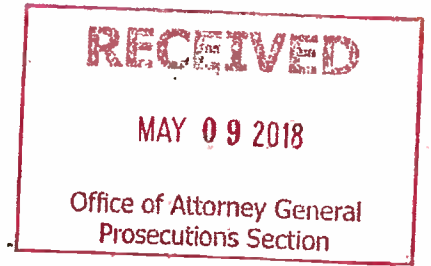
to appear in it. I think he's worn out several camcorders. Things changed a little during 2010. As I have already pointed out, for all of his emotional problems and diagnoses, he is bright and talented. One of the local cable companies actually gave Matt his own television news show! (You can see several of his 'newscasts' at: mcdonaldareanews.com). For the last months I was with Matt, I was constantly helping him to finish his studio. You can still watch several of his shows on-line. There are none done in the last few months, so he may have lost his connection with the cable channel. On the negative side, he is still having sexual problems. I didn't know it at the time. But he was apparently downloading 'kiddy-porn' from the internet. A speaker from the FBI had apparently appeared at his school and told the students about the government crackdown on the problem. He stopped the downloads, but has become obsessed with the idea that the government might be spying on him. The last time I really spent time with Matt, he was totally absorbed in his television show and wanted me to help him get enough money to upgrade his studio. I don't know whether my inability to do so had anything to do with his recent statements.

- Finally, even as I sit here typing this out, I ask myself why I didn't try to get out of this situation a lot sooner. I guess it's as follows: When this kid came up to me over four years ago, I could feel the loneliness and frustration in his story. He had no friends and had already been diagnosed with several psychiatric problems (Asperger's, Bi-Polar and several others). He's been under treatment and taking a rather heavy load of medications for most of his life, this includes several hospitalizations. When he came and just about begged me to be his 'big brother', I knew that I had some unused free time on my weekends and just couldn't refuse him. I guess that my reaction to his bizarre behaviors at the beginning was that I thought of them as symptoms of his mental health problems that I could help him overcome. Several schools and programs have thrown him out because of his behaviors (not necessarily his sexual ones), I didn't want to be another rejection, and after a few months I succeeded in what I was trying to do.. But now I have to ask if those schools and programs were right...like them, maybe I should have just walked away.

My contact information: Arthur Merrell, 606 South Main Street, Pittsburgh, PA 15220
Phone: 412-922-3844. e-mail: arthurmerrell@gmail.com

13251 Apalooosa Lane Apt. 317

Ft. Myers, Florida, 33912



May 8, 2018

Mr. Daniel J. Dye
Senior Deputy Attorney General
16th Floor
Strawberry Square
Harrisburg, Pa. 17120

Dear Mr. Dye,


I am writing in response to the document which you sent me which was dated May 4, 2018. I do not know the full legal implications of this document, but I will try to answer some of the questions which it contains.

At the present time, I am eighty-four years old. I cannot walk very well and must use a mobility scooter to get around. I have not been involved in any basketball programs for thirty years since 1988 when the Diocese of Pittsburgh asked me to withdraw from the basketball program. I did comply with this order.

The main complaint in this document is that I was present in the locker room when the boys were taking showers. This is accurate. However, at no time was I ever in the locker room by myself; the coaching staff was always there. As far as the boys being required to take showers, this was not my request but that of the head coach. The coach thought that this was a way to prepare the boys for the practice of showering when they would be playing basketball in high school.

At no time did I ever touch a boy or any child. There has been no child who has made an accusation against me that I touched him. In the summary of the document it states: "The Diocese could attest to the following statements: 'No accusation of misconduct have ever been made against him, nor has he ever been involved in any incident, to my knowledge, which has led to potential or public scandal and to the best of my knowledge he has never engaged in sexual behavior inconsistent with priestly celibacy, nor has he ever acted in an inappropriate manner with minors.'" Father Mark Eckman, the Vicar for Clergy, signed this statement and attested to its veracity. I have also included a copy of the Certificate of completion for Recognizing and Reporting Child Abuse.

Sincerely,


(Rev.) Thomas M. O'Donnell

Certificate of Completion

Recognizing and Reporting Child Abuse: Mandated and Permissive Reporting in Pennsylvania

Meets ACT 31 of 2014 training requirements

Meets the Recognizing Child Abuse and Mandated Reporting components of
ACT 126 of 2013 training requirements

3 continuing education hours

Presenter:

University of Pittsburgh School of Social Work,
PA Child Welfare Resource Center
403 East Winding Hill Road, Mechanicsburg, PA 17055

Presented to:

O'Donnell, Thomas

on the date:
October 30, 2016



Provider Number:
CACE000004

CE Course Number:
PCW000001


 Tracy Soska, Director of
Continuing Education
School of Social Work


 Michael Byers, Director PA
Child Welfare Resource
Center

Paul G. Spisak
2600 Morange Road
Pittsburgh, PA 15205

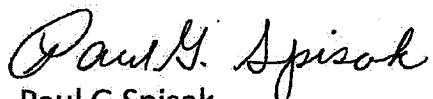
May 24, 2018

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

Dear Sir:

I received your 40th Statewide Investigating Grand Jury Report dated May 4, 2018. I have read it thoroughly and found some discrepancies and false assumptions in the report. All I can say at this time is that I have followed all of the recommendations of the Diocese of Pittsburgh.

Respectfully,


Paul G Spisak

Cc: The Honorable Normal A. Krumenacker, III