



Release Date: 10/01/2020

White Paper

Survey and Analysis of the Written Child Protection Policies

of the 32 U.S. Roman Catholic Archdioceses

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This White Paper was conceived, drafted, and sponsored by CHILD USA, under the direction of Prof. Marci Hamilton, CEO. The social science research was conducted by Stephanie Dallam, PhD, (Lead Investigator), who devised the novel investigative “Tool”, and Sabine Glocker, Esq. CHILD USA is a 501(c)(3) nonprofit think tank that conducts evidence-based social science research and pairs it with cutting edge legal analysis to improve laws and policies dealing with child abuse and neglect. It is the leading nonprofit think tank working to end child abuse and neglect in the United States.

1. INTRODUCTION

For 35 years, the Roman Catholic Church in the United States has felt internal and external pressure to address the problem of child sex abuse in the institution. In 1985, Thomas Doyle and Ray Mouton issued a document that was circulated internally to the bishops, entitled *The Problem of Sexual Molestation by Roman Catholic Clergy: Meeting the Problem in a Comprehensive and Responsible Manner*.¹ Jason Berry took the issues to the public when he published the first major book on the issue in 1992, *Lead Us Not into Temptation: Catholic Priests and the Sexual Abuse of Children*. Seven years later, the *Boston Globe*’s Spotlight investigative team issued its groundbreaking report on the cover up in the Roman Catholic Church’s Boston Archdiocese.² The *Globe* identified what would become known as a paradigm

¹ https://www.bishop-accountability.org/reports/1985_06_09_Doyle_Manual/

² See, Carroll, M., Pfeiffer, S., & Rezendes, M. (2002, Jan. 6). Church allowed abuse by priest for years. *Boston Globe*. Retrieved from <https://www.bostonglobe.com/news/special-reports/2002/01/06/church-allowed-abusepriest-for-years/cSHfGkTlrAT25qKGvBuDNM/story.html>

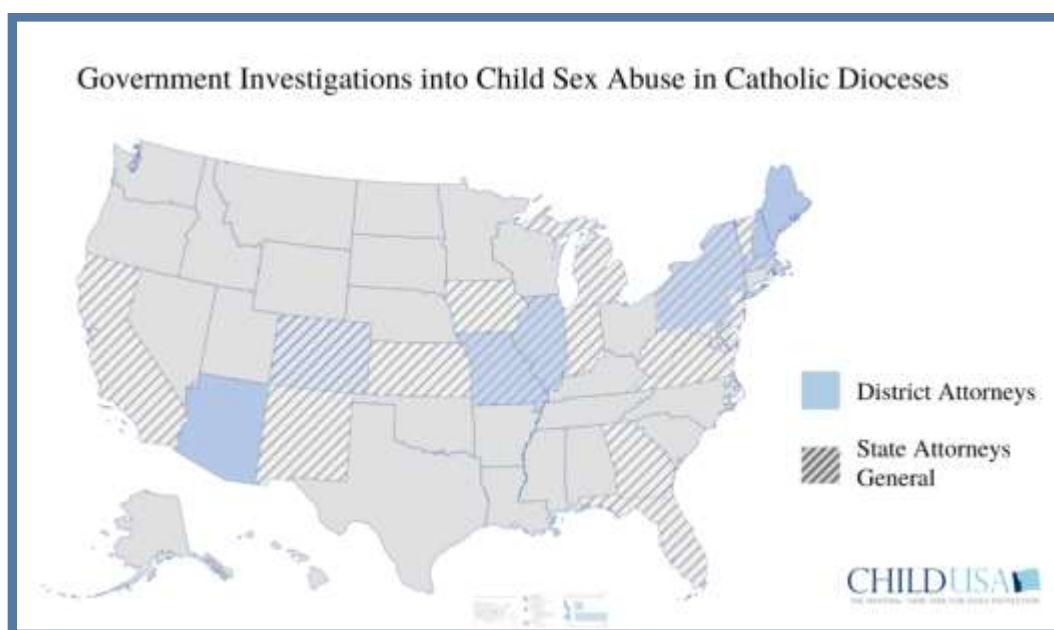
of child endangerment within the Church: (1) priests had access to children alone in numerous settings and the absolute trust of their parents; (2) when bishops learned about a child having been sexually abused by a priest, they did not alert the authorities, and instead moved the priest to a new parish, diocese, or state; and (3) the predatory priest thus had seriatim opportunities to sexually abuse children. In short, this was a systemic problem, not one that could be attributed to a few rogue priests. While the effects of sexual abuse vary and are individual in nature, in many cases survivors have endured profound spiritual, psychological and/or physical injuries, and in some cases, a lifetime of debilitating problems. Every act of abuse constitutes a breach of the trust placed in the abusers by the victims and their families.

As survivors were empowered and the media became more proactive in its coverage, pleas for justice for the survivors and reform of the Church's child protection policies emerged. The legal system has played a pivotal role in bringing the United States Roman Catholic Church to account for its criminal mishandling of clergy sex abuse of children. There have been two paths: criminal investigations and civil lawsuits. Both have put public pressure on the bishops to improve their child protection policies, and changes have been made.

District Attorneys and State Attorneys General have led grand jury and criminal investigations that have documented child sex abuse by clergy and revealed practices that put children at serious risk. Unfortunately, many of the criminal investigations could only be informational, because the criminal statute of limitations ("SOLs") had expired. While there was no opportunity for justice for the victims, they have still made a difference. Philadelphia District Attorney Lynne Abraham's 2005 grand jury investigation set the standard for investigation and

disclosure aimed at creating accountability, even if all claims were beyond the SOL.³ Following the 2018 Pennsylvania Attorney General’s grand jury investigation into clergy sex abuse in six dioceses, 20 states and the District of Columbia passed laws extending or eliminating their statutes of limitations for child sex abuse or allowing prior victims to sue as a result of the report.⁴ Similar investigations into sexual abuse in the Catholic Church were launched in a number of states.⁵ These inquiries have pressured dioceses across the country to improve their policies and increase their transparency.

Figure 1. Government Investigations into Child Sexual Abuse in Catholic Dioceses



³ 2005 Philadelphia Grand Jury Report, available at https://www.bishopaccountability.org/reports/2005_09_21_Philly_GrandJury/Grand_Jury_Report.pdf

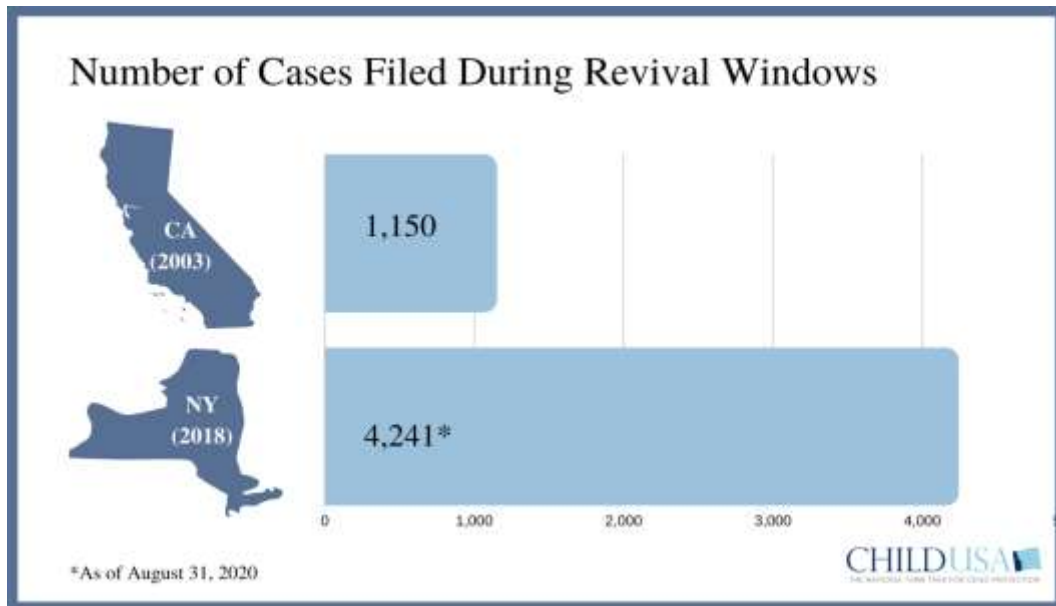
⁴ See CHILD USA’s 2018 SOL Summary available at <https://childusa.org/2018sol/>

⁵ A list of state investigations is available at <https://childusa.org/wp-content/uploads/2020/08/2020-08-24-State-AGs-Investigating-Sexual-Abuse-in-Catholic-Church.pdf>

Figure 2. Grand Jury Investigations as of 2018



Figure 3. Number of Civil Suits Filed During Revival Windows in California and New York



There have been thousands of civil lawsuits filed, and as Professor Timothy Lytton documented in *Holding Bishops Accountable: How Lawsuits Helped the Catholic Church Confront Child Sex Abuse*,⁶ the lawsuits and the attendant discovery process have been an important tool for forcing change. For example, in many cases, bishops failed to immediately remove priests from service despite credible allegations and instead acted only after a lawsuit had been filed against the priest and the diocese.⁷ Lawsuits provide two means to make clients whole: (1) settlements and (2) leverage to require the entity to improve its policies for the future. The vast majority of survivors of child sex abuse are primarily motivated to enter the legal

⁶ Lytton, T. (2018). *Holding bishops accountable: How lawsuits helped the Catholic Church confront sexual abuse*. Harvard, MA: Harvard University Press.

⁷ See e.g., Holzberg, R. L., & the law firm of Pullman and Comley, LLC. (2019). *A Report on the investigation into the history of clergy sexual abuse of minors in the Roman Catholic Diocese of Bridgeport and the diocese's response to that abuse, 1953 to the Present*. Retrieved from <https://ee.bridgeportdiocese.org/wp-content/uploads/2019/10/Report-on-Investigation-of-Clergy-Sexual-Abuse-of-Minors-in-the-Diocese-of-Bridgeport-with-Appendix.pdf>

system because they don't want what happened to them to happen to another child. The settlements paid to victims by Catholic dioceses and Archdioceses in the United States have been reported extensively and approach between \$3 to \$4 billion dollars.⁸ This White Paper, however, is more focused on the other side of the legal process--changes to child protection policies.

As a result of the civil lawsuits, the public is now aware that the culture of the institution aided those who would prey on children. Three characteristics loom large: the extreme trust placed in clergy, the opportunities to spend time with children alone, and the typical delay in disclosure of child sex abuse victims.⁹ As in the criminal context, short SOLs have been a barrier to civil litigation in many states. The movement to open expired SOLs was in motion even before the Boston Globe's *Spotlight* report, but the pace of the movement for victims' access to justice increased dramatically when California enacted a "window" that permitted victims to sue their perpetrators and institutions despite expired civil SOLs during the calendar year 2003. The result was unprecedented pressure on the dioceses to reform their practices. This window was followed by Delaware in 2007, where the settlement reached in the Wilmington Diocese included specific and detailed requirements for the Diocese to improve their child protection

⁸ The non-profit, BishopAccountability.org, cites over \$3 billion in payouts comprising \$750 million in settlements between 1950 and 2002, \$2 billion in large settlements and awards between 1984-2008 and \$500 million in smaller settlements between 2003 and 2008. <http://www.bishopaccountability.org/AtAGlance/data.htm#settlements> (last visited August 24, 2020); In an August 2018 report, CNN cited the most recent figures provided by BishopAccountability.org finding that the Catholic Church had paid more than \$3.8 billion in total settlements in the United States alone. <https://www.cnn.com/2018/08/24/us/catholic-church-abuse-payments/index.html> (last visited August 24, 2020).

⁹ See generally, CHILD USA (2020, Mar.). *Delayed disclosure: A factsheet based on cutting-edge research on child sex abuse*. Available at <https://childusa.org/wp-content/uploads/2020/04/Delayed-Disclosure-Factsheet-2020.pdf>

policies.¹⁰ Similar pressure was exerted on the St. Paul & Minneapolis Archdiocese as part of their 2013-16 window,¹¹ and elsewhere.

It is not uncommon for civil lawsuit settlements to include terms requiring better child protection policies. For example, as part of a 2000 settlement the Los Angeles Archdiocese and Diocese of Orange agreed to eleven changes to church procedures including monitoring of schools and parishes; establishing a toll-free phone number and a website for anonymous abuse complaints; and forbidding priests to be alone with minors in social settings.¹² As part of a 2008 settlement agreement, the Diocese of Davenport Iowa agreed to adopt a whistle-blower policy promising that the diocese will not take any retaliatory actions against people who report abuse in good faith.¹³ As part of a 2010 settlement, the Archdiocese of Indianapolis agreed, among other things, to educate the children within the Archdiocese on safe touch and to educate all employees and volunteers on the signs of child sexual abuse and what to do in cases of suspected child abuse. The Archdiocese of Indianapolis also agreed to adopt policies prohibiting priests from taking overnight trips with any child or from having a child in his automobile; and requiring all priests and parish personnel to contact law enforcement when suspected child abuse is reported.¹⁴

¹⁰ A complete list of the non-monetary terms of the Wilmington settlement is available at http://www.bishop-accountability.org/de_wilmington/chapter_11/2011_07_28_Wilmington_2nd_Amended_Plan_Additional_Nonmonetaries.pdf

¹¹ See CHILD USA. (2020, Mar.). *Comparison of the written child protection policies of the Archdiocese of Saint Paul & Minneapolis to those of other U.S. Archdioceses with recommendations for improvement*. Available at <https://childusa.org/wp-content/uploads/2020/05/Ramsey-Final-3.26.20.pdf>

¹² The complete list of non-monetary provisions from the DiMaria settlement is available at <http://www.bishop-accountability.org/ma-bos/settlements/SettlementLADiMaria.html#nonmonetary>

¹³ The complete list of non-monetary provisions from the Davenport settlement is available at http://www.bishop-accountability.org/news2008/01_02/2008_02_01_McGlynn_DioceseFiles.htm#nonmonetary

¹⁴ A list of non-monetary requests and agreements from the Indianapolis settlement is available at http://www.bishop-accountability.org/news2010/05_06/2010_05_13_Noaker_CourageousClient.htm

Grand jury investigations and civil litigations have spurred change because the victims have demanded it. No other youth-serving organization has been sued more or been under more concerted public pressure to improve its child protection policies than the Catholic Church in the United States. The Catholic Church, however, has left the development and implementation of policies to the discretion of each local bishop. Many bishops currently claim that they now have the “gold standard” for child protection¹⁵ and consequently they no longer need active oversight and should not be held legally accountable for past mistakes.¹⁶ Before accepting these claims, it is important to assess the quality of the child protection policies that have been implemented by the bishops across the country. This White Paper surveys all U.S. Catholic archdioceses’ written child protection policies to quantify where they stand today. This White Paper demonstrates that the efforts have resulted in a patchwork of policies and establishes the Church has much work

¹⁵ Bury, Chris. (2015, Sep. 22). Sex abuse scandals haunt American Catholics. *PBS News Hour*. Retrieved from: <https://www.pbs.org/newshour/show/sex-abuse-scandals-haunt-american-catholics>; McKiernan, T. (2015, Jun. 15). Hunthausen and the tribunal. *Hamilton and Griffin on Rights*. Retrieved from: http://www.bishop-accountability.org/On_Rights/2015_06_15_McKiernan_Hunthausen_and_the_Tribunal.htm; Gunty, C. (2019, Sep. 16). Marie Collins: The Vatican’s response to church abuse crisis is not enough. *America: The Jesuit Review*. Retrieved from: <https://www.americamagazine.org/politics-society/2019/09/16/marie-collins-vaticans-response-church-abuse-crisis-not-enough>; Weber, C. (2019, Apr. 5). *Senate bill 218 helps church advance its safe environment efforts*. Retrieved from: <http://theleaven.org/senate-bill-218-helps-church-advance-its-safe-environment-efforts/>; Archdiocese of Omaha. (2019, Apr. 1). *Archdiocese participates in child abuse prevention efforts*. Retrieved from: <https://archomaha.org/archdiocese-participates-in-child-abuse-prevention-efforts/>.

¹⁶ In 2016, Archbishop of Philadelphia Charles J. Chaput outlined the dangers of a bill that would retroactively lift the statutes of limitation in Pennsylvania for civil lawsuits in cases of child sexual abuse. The letter, read in all Philadelphia parishes, states: “Over the past decade the Church has worked very hard to support survivors in their healing, to protect our children and to root this crime out of Church life. But HB 1947 and bills like it are destructive legislation being advanced as a good solution... The Church in Pennsylvania accepts its responsibility for the survivors of clergy sex abuse. It’s committed to helping them heal for however long that takes. But HB 1947 and bills like it are not an answer.” Chaput, C. (2019, Jun. 6). Archbishop outlines dangers from Pa. bill on statutes of limitation. *CatholicPhilly.com*. Retrieved from: <https://catholicphilly.com/2016/06/archbishop-chaput-column/archbishop-outlines-dangers-from-pa-bill-on-statutes-of-limitation/>; In connection with legislation proposed in Maryland the Catholic urged its readers to contact their legislators, stating: “The Maryland State Senate is considering a bill, Senate Bill 575, that would create new civil lawsuits for money...it disregards that we already protect children and compensate victims through our model policies and procedures.” The Society of Catholic Social Scientists. (2007, Oct. 27). *Institutional church response to proposals to extend statutes of limitation*. BishopAccountability.org. Retrieved from: www.bishop-accountability.org/news2007/11_12/2007_11_07_VoicefromtheDesert_MustRead.htm.

left to do. We found that no archdiocese has established a “gold standard” for child protection; however, when the better practices of all the various archdioceses' are pooled, such a standard begins to take form. The social science Tool introduced by this White Paper, which is based on these pooled better practices, provides a much-needed measure of child protection policies in youth-serving organizations and provides a means of assessing a Catholic diocese's or archdiocese's shortcomings and strengths.

II. PURPOSE

The purpose of this study is to assess the strengths and weaknesses of the child protection and safe environment policies of all U.S. Catholic archdioceses and to make recommendations as to how archdioceses can strengthen their policies to better protect children in the future. Faith-based institutions typically serve youth and thus offer many opportunities for adults who are sexually attracted to children to have close intimate relationships with children. Whenever a child is abused by someone in a youth-serving institution, there is an obligation to investigate to identify system failures with an eye toward improving them in the future. Strong policies are needed by youth-serving institutions to provide a blueprint of appropriate behavior. Policies and procedures also represent important risk-management tools for the prevention and early identification of sexual misconduct, and for protecting those vulnerable to or already victimized by misconduct. In his 2019 address at the Vatican summit on *The Protection of Minors in the Church*, Cardinal Reinhard Marx noted: “The sexual abuse of children and youths is in no small measure due to the abuse of power in the area of administration.” The Cardinal argued, the administration must have standardized procedures and processes as binding rules to “ensure that

decisions and judgments are not merely based on the whims of those carrying them out or of superiors.”¹⁷

Since 2002, many archdioceses have altered their child protection policies under pressure from survivors, parishioners, advocates, and governments as the reality of a nationwide cover-up of child sex abuse by clergy and other church personnel came to the foreground. Unfortunately, the Catholic Church has left the development and implementation of policies to the discretion of each local diocese and archdiocese. As a result, there is now a hodgepodge of relatively new child protection practices across the U.S. Consequently, it is important to examine current policies that have been put in place to prevent abuse and determine the extent to which these policies are likely to be effective. This article surveys the variety of practices across U.S. archdioceses and examines strengths and weaknesses of these policies.

III. REVIEW OF DOCUMENTS

CHILD USA reviewed thousands of pages of information in making this report. These documents can be categorized as follows: (Note: this is not an exhaustive list)

Policies and Procedures of all U.S. Archdioceses

Reviewed child protection policies, safe environment policies, and codes of conduct for all 32 archdioceses in the U.S.

Documents by United States Conference of Catholic Bishops (USCCB)

- USCCB Charter for the Protection of Children and Youth (2002 and 2018)
- USCCB *Affirming Our Episcopal Commitments*
- USCCB Website
- Annual audit reports by USCCB
- Statements issued by the National Review Board for the Protection of Children and Young People.

¹⁷ O’Connell, G. (2019, Feb. 23). Cardinal Marx: the Catholic Church must be transparent in its handling of sexual abuse. *America: The Jesuit Review*. Retrieved from <https://www.americamagazine.org/faith/2019/02/23/cardinal-marx-catholic-church-must-be-transparent-its-handling-sexual-abuse>

Expert Resources

- Documents and Task Force Reports from Archdioceses (including Boston, Oklahoma, San Antonio, St. Paul & Minneapolis, and others)
- John Jay College of Criminal Justice, City University of New York, reports on clergy sexual abuse
- 2005 County Grand Jury Report (Philadelphia).
- Office of the Attorney General, Pennsylvania. Reports of the 37th Statewide Investigating Grand Jury and 40th Statewide Investigating Grand Jury looking into clergy sexual abuse.
- Pew Research Center. (June 11, 2019). *Americans See Catholic Clergy Sex Abuse as an Ongoing Problem*.
- U.S. Department of Justice. (2001). *Law Enforcement Response to Child Abuse*. NCJ 162425.

Media Reports

- Numerous media reports about problems with clergy sex abuse.

IV. LIMITATIONS OF THE REVIEW

This Report examines the written child protection policies of the 32 U.S. archdioceses (see Appendix A for a list). It does not evaluate informal policies and practices that have not been reduced to writing. Because the review is of written material only, it may not provide a complete picture of how each individual archdiocese handles issues related to child protection and sexual abuse. In addition, written policies that are in place may not be followed. Nevertheless, we believe documenting child protection policies is an appropriate place to start as part of a national review of the Catholic archdioceses' responses to widespread child sex abuse in the organization. In addition, we did not compare archdioceses policies against the best child protection policies possible. Therefore, even high-scoring policies may not conform to best practices identified by empirical research.

V. BACKGROUND OF CLERGY SEXUAL ABUSE CRISIS

In 1984, Father Gilbert Gauthe of the Diocese of Lafayette became one of the first priests in the U.S. to receive national public exposure for sexually abusing children. Gauthe, who later

admitted to abusing at least 300 children, pleaded guilty to 34 criminal counts and was sentenced to 20 years in prison. Other allegations against priests surfaced and it was revealed that the Lafayette Diocese had known about the abuse and kept the accused clerics in ministry while covering up their offenses. The diocese was subject to over a hundred claims relating to allegations that minors had been molested by priests. The diocese fought efforts by victims to seek compensation and focused on keeping the names of accused priests secret.

As the crisis unfolded, Rev. Thomas Doyle, a young canon lawyer and Vatican Embassy official, realized that abuse might be happening in other dioceses. In 1985, Doyle teamed up with Ray Mouton, Gauthier's criminal defense attorney, and the Rev. Michael Peterson, who ran a treatment center in Maryland for priests with sexual disorders. They wrote a confidential report called "The Problem of Sexual Molestation by Roman Catholic Clergy."¹⁸ It warned that hundreds of priests might be abusing children and lawsuits and settlements could cost the U.S. Catholic Church \$1 billion in 10 years. The report suggested policies and procedures that dioceses should follow to respond to the problem. Based on their collective experience, they advocated: (a) removing the abuser from his ministry; (b) referring him for medical evaluation and intervention; (c) complying with civil law; (d) reaching out to victims and their families; and (e) dealing openly with members of the affected communities. Doyle was soon forced out of his job.¹⁹ The report was presented at a meeting of diocesan attorneys and executive committee members of the USCCB. Although other cases of abuse were beginning to surface around the

¹⁸ Available at http://www.bishop-accountability.org/reports/1985_06_09_Doyle_Manual/index.html

¹⁹ Baran, M. (2014, July 21). Betrayed by silence: It all began in Lafayette. *MPR*. Retrieved from <https://minnesota.publicradio.org/collections/catholic-church/betrayed-by-silence/ch1/>

country, the executive committee elected not to present the report's recommendations to the full Conference.²⁰

In 1988, the USCCB drafted a memorandum containing a set of guidelines for responding to allegations of abuse that all dioceses were urged (but not required) to follow.²¹ In 1991, the first of approximately 187 lawsuits and claims were levied against the Archdiocese of Santa Fe. The lawsuits alleged acts of abuse committed by priests who were receiving treatment at a center run by a group of priests.²² In 1992, *Five Principles to Follow in Dealing with Accusations of Sexual Abuse* was issued by the USCCB reiterating the principles outlined in the 1988 memorandum. The 1992 Principles urged dioceses to respond promptly to credible accusations of abuse, to relieve offending priests from their ministries, to comply with laws requiring the reporting of sexual abuse to civil authorities, to treat victims with compassion and to deal with sexual abuse as openly as possible while respecting the privacy of those involved. The 1992 Principles were not binding, and at the time only about half of the dioceses chose to develop policies on child sexual abuse.²³ In addition, dioceses who did change their policies, did not always follow them.²⁴ Meanwhile reports continued to surface in different parts of the country of priests abusing children and dioceses covering up the abuse. According to the National Review Board, "The failure to adopt mandatory guidelines throughout the country and recalcitrance in

²⁰ The National Review Board. (2004). *A report on the crisis in the Catholic Church in the United States*. USCCB, p. 33. Retrieved from <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/National-Review-Board-Report-2004.pdf>

²¹ *Id.*, p. 33.

²² *Id.*, p. 33.

²³ *Id.* p. 35.

²⁴ *Id.* p. 35.

certain dioceses in implementing voluntary ones despite burgeoning problems" set the stage for the public's reaction to the sexual abuse crisis.²⁵

In January 2002, the *Boston Globe* published its "Spotlight" investigation, revealing patterns of child sex abuse in the Boston Archdiocese implicating at least 70 priests. The investigation found that Cardinal Bernard F. Law and his subordinates in the Boston Archdiocese had endangered children by disregarding warnings and repeatedly allowing abusive priests access to children.²⁶ After an investigation, the Massachusetts attorney general reported that at least 789 children had been sexually abused by 250 priests in that Archdiocese since 1940.²⁷

In response to the public outcry over the sex abuse crisis uncovered by the *Boston Globe* spotlight team, in June 2002 the United States Conference of Catholic Bishops (USCCB) met in Dallas. The Conference overwhelmingly approved the *Charter for the Protection of Children and Young People: Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, which became known as the *Dallas Charter*.²⁸ Among other things, the *Dallas Charter* mandated permanent removal from ministry of priests who had committed even a single act of sexual abuse of a minor; called for cooperation with law enforcement authorities in reporting and investigating allegations of abuse; required dioceses and parishes to establish "safe environment programs" and form clergy abuse review boards; and

²⁵ *Id.* p. 38.

²⁶ Globe Spotlight Team. (2002, Jan. 6). Church allowed abuse by priest for years (part 1 of 2). *Boston Globe*. Retrieved from <https://www.bostonglobe.com/news/special-reports/2002/01/06/church-allowed-abuse-priest-for-years/cSHfGkTlrAT25qKGvBuDNM/story.html>

²⁷ Globe Spotlight Team. (2002, Jan. 6). A history of secrecy, coverups in Boston Archdiocese, *The Boston Globe*. Retrieved from http://www.boston.com/globe/spotlight/abuse/extras/coverups_archive.htm

²⁸ U.S. Conference of Catholic Bishops. (2002). *Charter for the protection of children and young people: Essential norms for diocesan/eparchial policies dealing with allegations of sexual abuse of minors by priests or deacons*; The *Charter* was revised in 2005, 2011, and 2018. The *Charter* has 17 articles, covering healing and reconciliation with victims, effective responses to allegations of sexual abuse, accountability, and protecting children going forward.

established a National Review Board to monitor compliance with these Norms. However, the drafting committee purposefully worded the *Charter* so it would not apply to bishops.²⁹ In 2003, Pope John Paul II approved the new norms in the *Dallas Charter* as Catholic law for the U.S. church. To comply with the *Charter*, all dioceses were required to promulgate a written policy on the sexual abuse of minors by clergy.

Shortly after the Dallas meeting, the National Review Board commissioned a study of the nature and scope of the problem of sexual abuse of children by clergy in the United States Roman Catholic Church. The study, conducted by the John Jay College of Criminal Justice at the City University of New York, analyzed allegations of sexual abuse gathered from surveys collected from dioceses where the bishop chose to participate. The report was released in February 2004.³⁰ The report found that during the period from 1950 to 2002, a total of 10,667 individuals had made allegations of child sexual abuse against 4,392 clergy or about 4% of ordained clergy active during the time period covered by the study and in the dioceses that participated in the study. (Subsequent data placed this figure at 5%, involving 15,000 children.³¹) Instead of reporting incidents to police and removing offending clerics, many dioceses directed the offending priests to seek psychological assessment and treatment and transferred them to another diocese. Only 27% of all priests subject to an allegation had their ministry restricted by a

²⁹ Flynn, J. D. (2018, July 24). McCarrick, the bishops, and unanswered questions. *Catholic News Agency*. Retrieved from <https://www.catholicnewsagency.com/news/mccarrick-the-bishops-and-unanswered-questions-87927>.

³⁰ John Jay College of Criminal Justice. (2004). *The nature and scope of sexual abuse of minors by Catholic priests and deacons in the United States 1950–2002*, Washington, D.C.: USCCB. Retrieved from <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/The-Nature-and-Scope-of-Sexual-Abuse-of-Minors-by-Catholic-Priests-and-Deacons-in-the-United-States-1950-2002.pdf>

³¹ Terry, K. (2015). Child sexual abuse within the Catholic Church: A review of global perspectives. *International Journal of Comparative and Applied Criminal Justice*, 39(2) 139-154; Terry, K., Smith, M., Schuth, K., Kelly, J., Vollman, B., & Massey, C. (2011). *Causes and context of the sexual abuse crisis in the Catholic Church*. Washington D.C.: USCCB. Retrieved from <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/the-causes-and-context-of-sexual-abuse-of-minors-by-catholic-priests-in-the-united-states-1950-2010.pdf>

superior, and only 2% of all accused priests served prison sentences. The report concluded that the church hierarchy had systematically protected offending priests and shielded them from criminal prosecution.

From 2002 to the present, diocesan sex abuse scandals have continued to erupt across the U.S. At the same time, SOL reform has gained traction and then speed, opening the door to civil lawsuits that forced more evidence of abuse and cover-up to the public. CHILD USA's study of SOL reform from 2002 to 2019 details that history.³²

In July 2018, Cardinal Theodore McCarrick, previously the Archbishop of Washington, D.C. and among the highest-ranking Church officials in America, was forced to resign his cardinalship following numerous accusations of sexual abuse. This was followed a month later by the release of a report by the Pennsylvania Attorney General's office from a two-year grand jury investigation into six Pennsylvania dioceses.³³ The investigation identified 300 priests accused of molesting at least 1,000 children over the past seven decades in Pennsylvania. The report found evidence of a large-scale operation on the part of church hierarchy to cover up the behavior of offending priests. According to the report, the main focus of the Church was not to help children, but to avoid "scandal." The report confirmed the practice of keeping abuse complaints in a "secret archive" as senior priests and bishops knowingly moved offenders from parish to parish, allowing them to continue their abuse. Because nearly all of the incidents took place beyond the SOL, few of the offending priests faced any legal repercussions. Since the release of the Pennsylvania grand jury report, numerous other states have announced their own

³² *Child Sex Abuse Statutes of Limitation Reform from January 2002 to December 2019*. Retrieved from: <https://childusa.org/wp-content/uploads/2020/03/2019SOLReport2019.12.26.pdf>

³³ Office of the Attorney General of Pennsylvania. *40th statewide investigating grand jury report 1*, p. 2. Retrieved from <https://www.courthousenews.com/wp-content/uploads/2018/08/pa-abuse-report.pdf>

investigations into clerical child sex abuse and some individual dioceses have announced internal reviews of abuse allegations.³⁴ The abuse crisis in the Catholic Church has also led to multiple public inquiries and lay commissions. The reports have produced similar findings and recommendations for preventing abuse in the future including better policies and practices in regards to education and training about abuse; coordinated responses with civil authorities, responding to victims, and transparency to the public.³⁵

On November 4, 2018, the *Boston Globe* and *Philadelphia Inquirer* released the results of a joint investigation into allegations of bishops covering up sexual abuse by priests in their dioceses or their own sexual misconduct. The reporters examined court records, media reports, and interviewed church officials, victims, and attorneys. The *Globe/Inquirer* report found "more than 130 U.S. bishops -- or nearly one-third of those still living -- had been accused during their careers of failing to adequately respond to sexual misconduct in their dioceses."³⁶ Moreover, claims against more than 50 bishops involved incidents that occurred after the adoption of the 2002 *Dallas Charter*, which mandated that all abuse be reported to civil authorities and enacted a zero-tolerance policy for child sexual abuse by priests. However, since the *Dallas Charter* did not pertain to bishops, these bishops faced no repercussions for their misconduct.

In the wake of these revelations, Pope Francis and U.S. bishops began instituting new measures to remove offending clergy from the Catholic Church. On May 9, 2019, Pope Francis

³⁴ Burton, T. I. (2018, Oct. 24). Even more states have launched investigations into clerical abuse since the Pennsylvania report. *Vox*. Retrieved from <https://www.vox.com/2018/9/17/17847466/state-investigations-clerical-abuse-dc-virginia-maryland-florida-new-york> See also, *Reports of attorneys general, grand juries, individuals, commissions, and organizations*. Retrieved from: www.bishop-accountability.org/AtAGlance/reports.htm

³⁵ Terry, K. (2015). Child sexual abuse within the Catholic Church: A review of global perspectives. *International Journal of Comparative and Applied Criminal Justice*, 39(2) 139-154.

³⁶ Abelson, J., & Farragher, T. (2018, Nov. 4). In abuse scandal, spotlight falls squarely on bishops. *The Boston Globe*. Retrieved from http://edition.pagesuite.com/popovers/dynamic_article_popover.aspx?artguid=65192960-a035-4a8b-8a0e-8eb8cfad2cb0&appid=1165

issued a *Motu Proprio* (meaning: on his own initiative) *Vos Estis Lux Mundi* (meaning: You are the Light of the World)³⁷ following a meeting held in Rome with bishops from around the world. The letter established international norms of dealing with child abuse for the Catholic Church. It mandated that every diocese in the world must have a system of reporting abuse claims and directed that proper civil and Church authorities be notified as required by both civil and canon law. In addition, Pope Francis made bishops subject to the *Dallas Charter* and established a process by which abuse, or any cover-up of abuse, by a bishop can be reported. The Pope also encouraged the use of lay experts in Church investigations and mandated “whistle-blower” protections for those who report abuse. The new norms took effect on June 1, 2019.

On December 6, 2019, Pope Francis abolished the “pontifical secret” in cases of sexual abuse committed by clerics.³⁸ This secrecy had been imposed in 1974 on clergy and victims alike as a way of preventing the names of accusers and accused priests from becoming public so as to avoid “scandal” against the Church.³⁹ By eliminating this process, the Pope appeared to be increasing access to documents and testimony previously held in high confidentiality. It also allowed victims to access more information regarding their own cases and to speak out about their own experiences. A church decree approved by Pope Francis, stated: “The person who files the report, the person who alleges to have been harmed and the witnesses shall not be bound by any obligation of silence with regard to matters involving the case.”

³⁷ Pope Francis. (2019, May 7). *Motu proprio, vos estis lux mundi*. Retrieved from http://w2.vatican.va/content/francesco/en/motu_proprio/index.html#motu_proprio

³⁸ Parolin, P. (2019, Dec. 6). *On the confidentiality of legal proceedings*. Retrieved from <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2019/12/17/191217b.html>

³⁹ Chappell, B. (2019, Dec. 17). Pope Francis ends 'top secret' status for sex abuse cases, promising transparency. *NPR*. Retrieved from <https://www.npr.org/2019/12/17/788854769/pope-francis-abolishes-pontifical-secrecy-in-sex-abuse-cases-promising-transpare>.

In June 2019, the U.S. bishops approved a document *Affirming Our Episcopal Commitments*,⁴⁰ which embraced and pledged to implement the Pope's *Motu Proprio*. The bishops stated that all Code of Conduct policies should be amended so they state unequivocally that they apply to bishops as well as other Church personnel. They also promised to set up an independent third-party entity where people can report any instances of sexual abuse of a minor by a bishop, and to include lay professionals in any resulting investigations.

A 2019 *USA Today* review of more than 1,200 priests, Catholic brothers, and Catholic school officials accused of sexual abuse found that most have moved on with their lives with little oversight or accountability. Their movements are unchecked by both the government and the Catholic Church because SOL laws in many states have made it nearly impossible for victims to pursue criminal charges. Consequently, they live and work around children without anyone knowing about their past.⁴¹ A 2020 joint investigation of *ProPublica* and the *Houston Chronicle* found 51 clergy who after allegations of abuse in the U.S. were able to work as priests or religious brothers in a host of other countries. Some offenders left the country with the Church's blessing and continued to work with children.⁴²

⁴⁰ USCCB. (2019, June). *Affirming our episcopal commitments*. Washington D.C.: Author. Retrieved from <http://www.usccb.org/about/leadership/usccb-general-assembly/2019-june-meeting/upload/usccb-affirming-our-episcopal-commitments-2019-06.pdf>

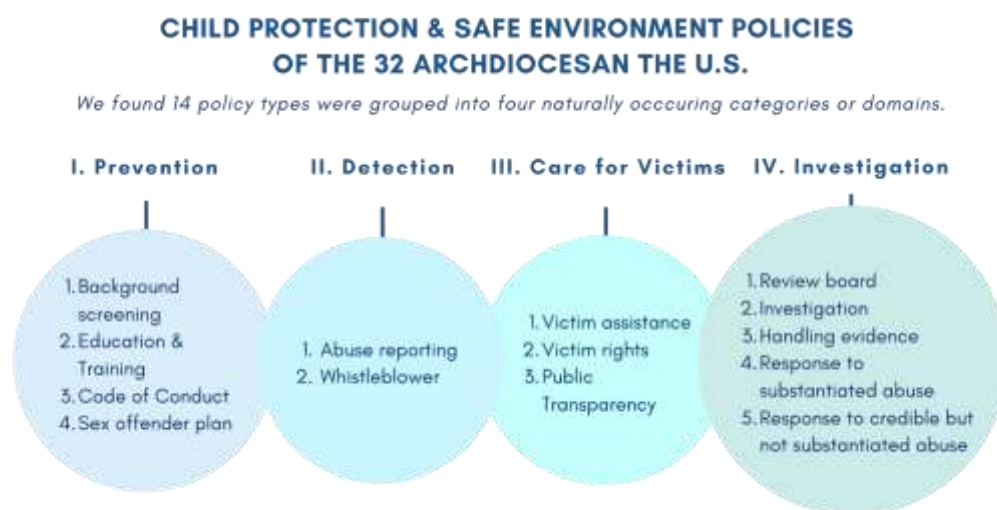
⁴¹ Schnell, L., & Ruland, S. (2019, Nov. 13). The priest nextdoor. *USA Today*. Retrieved from <https://www.usatoday.com/in-depth/news/nation/2019/11/11/catholic-sexual-abuse-accused-priests-arent-sex-offender-registry/4012206002/>

⁴² Zavadski, K., Sanders, T., ProPublica, & Hensley, N. (Mar. 6, 2020). Sins of omission: Dozens of Catholic priests credibly accused of abuse found work abroad, some with the Church's blessing. *ProPublica*. Retrieved from <https://www.propublica.org/article/dozens-of-catholic-priests-credibly-accused-of-abuse-found-work-abroad-some-with-the-churchs-blessing>

VI. METHODOLOGY

The purpose of this study was to examine the safe environment and child protection policies of all U.S. archdioceses and to make recommendations as to how archdioceses can strengthen their policies to better protect children in the future.⁴³ Because there is no current standard by which to judge the content of a Catholic archdiocese's policies and procedures, we began by analyzing all the child protection and safe environment policies of every archdiocese in the U.S. While each archdiocesan policy was different, we found 14 distinct types of policies focused on a specific issue related to protecting children from abuse. These 14 policies fit into four general categories or domains (see Figure 4).

Figure 4. The Relationship between Domains and Policies



Each domain includes individual policies that address the focus of that category. For example, under the domain of "Prevention" we included policies on background checks,

⁴³ We did not include the Archdiocese for the Military in our review as it does not actually have a child protection policy. Instead, the Archdiocese of the Military borrows priests from other archdioceses and requires that they follow the protection policies of the archdiocese in which they normally reside.

education and training on child abuse prevention, Codes of Conduct for church personnel and volunteers, and the monitoring of sex offenders. In turn, each policy was composed of a number of individual practices and procedures that reflected specific actions directed by the policy. For instance, background screening policies include various ways that a candidate for employment may be screened for past arrests.

A. Policy Analysis Tool

To systematically and objectively evaluate its content, each policy was broken down into single components (i.e., practices, procedures or directives) that we could objectively judge as either present or not present in a policy. We found hundreds of components making up the various policies. We then looked at the stated goal(s) of each of the 14 policies and selected components that were most consistent with meeting these goals. We looked for practices that were clearly articulated, goal-directed, and likely to be effective when implemented. We also included components that would work well in combination with the other components. These formed the basis of our Policy Analysis Tool. The development of the tool was an iterative process. It was revised several times during the process as we tested it against the policies of the various archdioceses. We ended up with 171 distinct components consistent with the stated goal of the policy and protecting children and maintaining a safe environment (see Appendix B).

Nothing was included in the Policy Analysis Tool that was not found in a policy already in use in one or more Catholic archdioceses. The practices we included appear to be consistent with the practices recommended in the Five Principles adopted by the bishops in 1992, as stated in the *Dallas Charter* and codified in the *Essential Norms*, along with the recommendations from

the Bishops' National Review Board for the Protection of Children and Young People.⁴⁴ They also appear to be consistent with Pope Francis's 2019 *Motu Proprio*.⁴⁵

Each individual item in the tool was given a point value based on how well it reflected the stated goal of the policy and the overall goal of protecting children from abuse. Most items were given a point value of 1; an archdiocese received a point if the item was present in its child protection policies and a zero if it was not. A few items were given higher point values if they represented particularly important practices and few were given negative values if they clearly worked against the goal of protecting minors from abuse. For example, under investigations, an archdiocese was given 2 points if it had an independent investigator lead the investigation into allegations of abuse. Conversely, points were subtracted if the investigator had an obvious conflict of interest such as having the attorney for the archdiocese or other church authority figure such as the Vicar for Clergy⁴⁶ conduct child abuse investigations.

Using the Policy Analysis Tool, we went through the policies of each archdiocese at least twice. All the policies were scored by the first author and about half were also scored by the third author. We scored separately and then compared results. Our results were usually in agreement. Any differences usually involved one author finding a piece of information that the other had missed and thus were easily resolved. Any items where the information in the policy was unclear making it impossible to determine an archdiocese's actual practice, we elected to err on the side

⁴⁴ National Review Board for the Protection of Children and Young People. (2018, Nov. 13). *Recommendations from the National Review Board Addressing the current crisis specific to restoring the trust of the faithful*. (2018, Nov. 13). Retrieved from <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/NRB-Recommendations-to-Bishops-Nov-2018-Final-2.pdf>

⁴⁵ Pope Francis. (2019, May 7). *Motu proprio, vos estis lux mundi*. Retrieved from http://w2.vatican.va/content/francesco/en/motu_proprio/index.html#motu_proprio

⁴⁶ The Vicar for Clergy is the principle deputy of the archbishop and is responsible for personnel matters related to priests incardinated in the Archdiocese.

of the archdiocese. For example, the Tool provides one point if only a state background check is done and two points if a national background check is done. A number of policies indicated that a background check was done but did not specify whether it was a state or national check. In these cases we assumed it was a national check so that any error would be in the favor of the archdiocese. Because errors tended to be due to failing to find all the needed information, the first author rescored policies a second time a month later so that all the policies would have the benefit of being scored twice. The Tool was found to be reliable as the scores from the two different coding sessions were usually the same. However, in a few cases the score increased slightly as something was found in the second reading of the policies that had been missed in the first.

This scoring process was complicated by the fact that some archdioceses have their child protection policies spread out across a number of documents. In addition, we found that many policies were poorly organized and related information might be found in several different policies. In some cases the different policies were in conflict. If we found policies that conflicted with each other, we relied on the policy most recently updated by the archdiocese. Giving the benefit of the doubt, if material was referred to in a policy that was not actually in the written policy, we would search the archdiocese's website for clarification. For example, a policy might refer in passing to a review board but not include any further information about the board in the policy. In such cases, we would search the website in an attempt to find a webpage that provided more information about how the board functioned. In an effort to be fair, we gave points to archdioceses if we could find the missing material on their website--but only if it was first mentioned in the archdiocese's written policies.

Once all the archdioceses were scored, we ranked and compared them to each other. Thus, each archdiocese ended up with a total score, four domain scores and 14 individual policies scores, all of which could be evaluated in relation to those of other archdioceses. Because each score represents specific goal-directed practices and procedures, a higher scoring policy can be viewed as more comprehensive and more likely to achieve the goal of protecting children than policies that scored lower. For instance, policies on background checks require that a candidate for employment undergo various types of background screening. The more types of personnel (e.g., clerics, staff, volunteers, etc.) subjected to different types of screening (e.g., state background check, national background check, checking the sex offender registry, etc), the higher the resulting score. Thus a higher score on a background screening policy reflects more comprehensive efforts to detect and avoid unsuitable candidates for positions in the archdiocese. In addition, individual items making up the score provide insight into the actual practices of each archdiocese.

VII. RESULTS

A. General Results

All 32 archdioceses have written policies on child protection and/or maintaining a safe environment that are publicly retrievable on their websites. However, there is wide variation in the content and quality of these policies. Some archdioceses have fairly long and comprehensive policies while others have very short, vague ones. For example, the total number of pages for the child protection policies (including safe environment, reporting abuse, code of conduct, investigations, etc.) of the Archdiocese of Dubuque, Iowa is 13 pages; whereas the total number of pages for the child protection policy of the Archdiocese of Washington, D.C. is 70 pages.

Similarly, there are no standardized child protection policies across archdioceses. For example, some archdioceses have a strong Code of Conduct that consists of 10-15 pages. Others have only a one-page list of behaviors to avoid when working with minors. In addition, not all archdioceses have policies in all areas. For example, although most archdioceses have written policies on background screening and child abuse prevention training; a few do not. In addition, while there were often generally agreed upon goals for most policies, many of the actual practices and procedures employed to meet these goals differ significantly across archdioceses.

We also looked at the general ease of finding each archdiocese's policies, the organization of the policies, and whether personnel were required to read and sign them. We found major differences on all these points. Some archdioceses had well-developed and organized policies, others had disorganized and poorly developed policies with little mention of who was responsible for implementing the policy. Nineteen archdioceses (59%) require their policies be signed by those to whom they apply and, of these, about half state that disciplinary action is possible if the policies are disregarded. The remaining archdioceses do not mention any requirement to read the policies or repercussions for failing to follow them.

The average overall score for all 32 archdioceses was 100.9 out of 250 possible points or 40%. The range was 61 to 137. Average scores were low for several reasons. First, not all archdioceses had policies in the 14 policy areas identified and thus received no points in certain areas. In other instances, archdioceses had policies that were very poor, which also pulled down the average score. Thus, scoring above average should not be viewed as an indication that an Archdiocese's policies are adequate, much less optimal. The more important measure is how the Archdiocese scored in relation to the total possible points, as these points represent specific procedures and practices employed to protect children.

The top 10 performing archdioceses, based on overall child protection and safe environment policy scores, are displayed in Table 1.

Table 1. Top-scoring Archdioceses

Top 10 Scoring Archdioceses in Order of Rank	
1.	Washington, D.C.
2.	St. Paul & Minneapolis
3.	Cincinnati
4.	Boston
5.	Philadelphia
6.	New York
7.	San Antonio
8.	Baltimore
9.	Anchorage
10.	Hartford

By looking at the domain scores (higher scores reflect a more comprehensive set of policies in each domain), we were able to determine general areas in which archdioceses are doing well, as well as areas that need improvement. Figure 5 displays how the average of all 32 archdioceses compare with the 10 top-scoring archdioceses in the 4 domains.

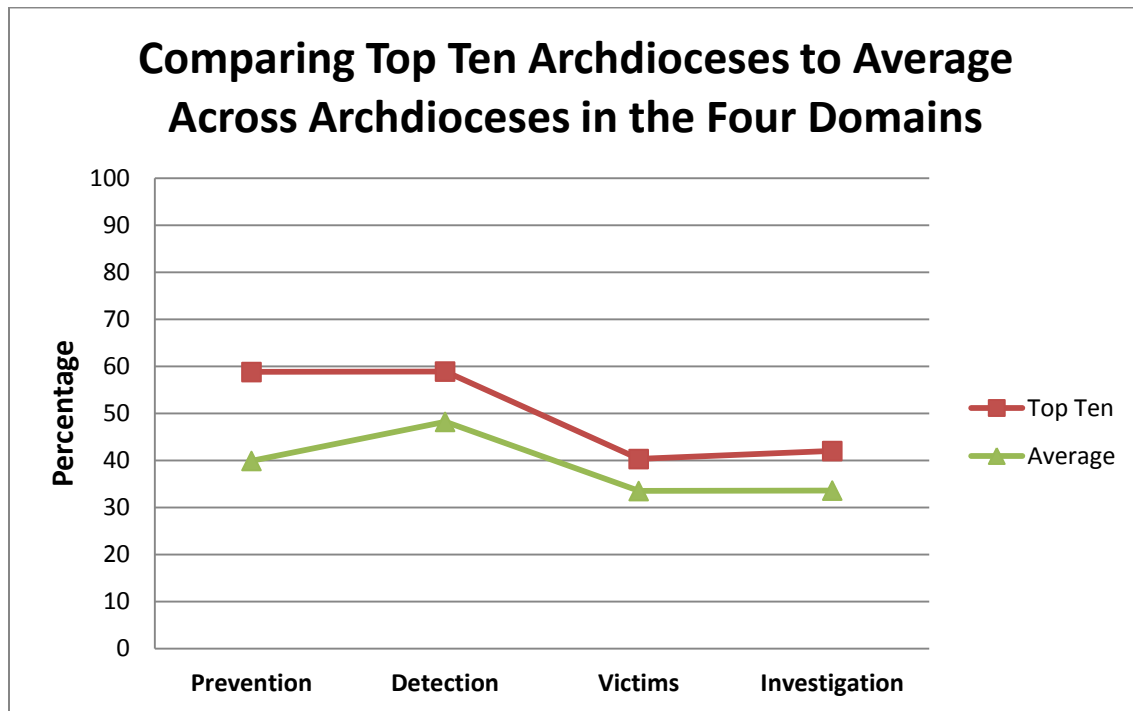
Figure 5. Archdiocese's Performance in Each Domain

Figure 5 shows that archdioceses generally do best in the area of prevention and detection of abuse. This is also the area that the top-scoring archdioceses show the greatest improvement over the average. The Figure also shows that archdioceses, as a whole, did not score as well in the domains of Response to Victims and Investigational Process and Response to Abuse Allegations. While top scoring archdioceses did better than average, the improvement of top scoring was less than in the other domains. Thus, all archdioceses--even those with the best overall policies--appear to have difficulties in these domains. These are also areas the *Dallas Charter* provided the least amount of guidance and the areas in which the Catholic church's failures have garnered the most criticism.

In the next section, we examine each of the policies making up each domain in greater detail.

VIII. HOW INDIVIDUAL POLICIES COMPARE ACROSS ARCHDIOCESES

A. Child Abuse Prevention Domain

Policies that are part of the child abuse prevention domain include: (1) background screening, (2) education and training, (3) Code of Conduct, and (4) monitoring sex offenders. The focus of this domain is providing a safe environment for children and protecting them from abuse.

1. Background Screening Policies

Article 13 of the *Charter* requires dioceses and eparchies to evaluate the background of clergy, candidates for ordination, educators, employees, and volunteers who minister to children and young people utilizing resources of law enforcement and other community agencies. Article 13 also addresses having policies and procedures in place for obtaining necessary suitability information about priests or deacons who are visiting from other dioceses or religious orders.⁴⁷ The main goal of background screening is to select the best possible people for staff and volunteer positions and to screen out individuals who have sexually abused youth or are at risk of offending.

The average score was 10.1 out of 26 possible points (38.5%; Range = 0-16; see Figure 6). The highest scoring archdiocesan policies were those of Baltimore, Cincinnati and New York which each achieved 61.5% of the points possible. Higher scores represent employing more stringent screening on a wider variety of personnel to avoid hiring a person with a background of harming children.

⁴⁷ U.S. Conference of Catholic Bishops. (2018). *Promise to protect, pledge to heal: Charter for the protection of children and young people: Essential norms for diocesan/ eparchial policies dealing with allegations of sexual abuse of minors by priests or deacons*. Washington, D.C.: Author. Retrieved from <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/Charter-for-the-Protection-of-Children-and-Young-People-2018-final.pdf>

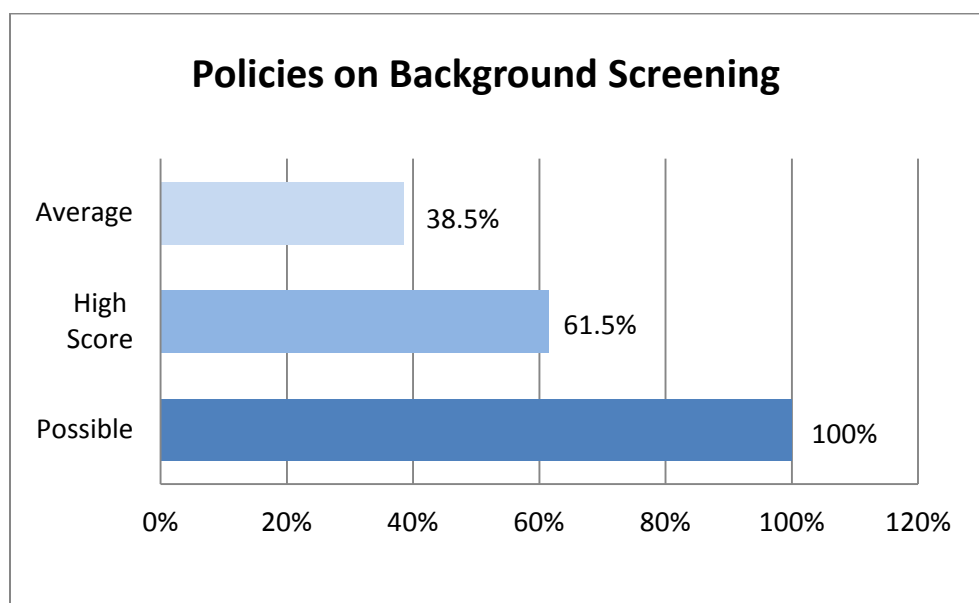
Figure 6. Policies on Background Screening

Table 2 displays better practices from background screening policies across the 32 archdioceses along with the number and percentage of archdioceses that employ each practice.

Table 2. Background Screening: Better Practices Present in the Policies of U.S. Archdioceses

Background Screening Practices	Number of Archdioceses	Percent
When receiving cleric from another jurisdiction, ask about any past acts of abuse ¹	23	72%
Reference checks	18	56%
Standardized employment or volunteer application	16	50%
Interviews	4	12.5%
Background Checks		
<i>National</i>	25	78%
<i>State only</i>	7	22%
<i>Fingerprints taken</i>	10	31%
<i>Check registered sex offender registry</i>	7	22%
<i>Check Child Protective Service registry</i>	3	9%
Must pass background check before beginning employment	13	41%
Background checks done on third party contractors who come into contact with minors	11	34%
Any adult attending overnight events with minors must undergo background check	5	16%

International background checks on personnel from other countries	2	6%
Repeated at least every 5 years	19	59%
Those that fail screening placed on "do not hire" list	4	12.5%
Must report any arrests subsequent to background check	3	9%
¹ Required by <i>Charter for the Protection of Children and Young People</i>		

Many of the screening practices assessed by the Policy Analysis Tool are considered best practices for youth-serving organizations. For example, a Centers for Disease Control (CDC) publication on preventing child sexual abuse within youth-serving organizations recommends that screening include a standardized application, personal interviews, reference checks, and criminal background history.⁴⁸ It is recommended that screening be completed prior to personnel beginning service. The CDC document also recommends keeping lists of applicants who are disqualified during the screening process and employees/volunteers who are dismissed because of an offense. The organization should then check current applicants against these lists to make sure the applicant has not been previously disqualified or dismissed.

A review of literature by South, Shlonsky and Mildon found that because many potential offenders have no criminal record, criminal background screening is limited in its effectiveness when used on its own as a preventative.⁴⁹ To be effective, they recommend that criminal background checks should be combined with personal reference checks, interviews, examining employment history, credential verification, identity verification (such as fingerprinting or photos) and checking abuse registries and other disciplinary bodies. This combined approach

⁴⁸ Saul, J., & Audage, N. C. (2007). *Preventing child sexual abuse within youth-serving organizations: Getting started on policies and procedures*. Atlanta (GA): Centers for Disease Control and Prevention, National Center for Injury Prevention and Control.

⁴⁹ South, S., Shlonsky, A. & Mildon, R. (2015). *Scoping review: Evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse*. Victoria, AU: Parenting Research Centre and the University of Melbourne. Retrieved from: https://www.parentingrc.org.au/wp-content/uploads/2018/01/Scoping-review_Evaluations-of-pre-employment-screening-practices-to-prevent-csa.pdf

was missing from most of the archdiocesan policies. For example, while most archdioceses perform a national criminal background check, many do not mention performing reference checks and interviews. Many also do not check the sex offender or child abuse registries. In addition, some archdioceses only screen personnel for crimes in the state the archdiocese is located. Thus crimes committed in other states would not be revealed.

While the Massachusetts Legislative Task Force on the Prevention of Child Sexual Abuse emphasized that state and national criminal history and sex offender registries should be checked whenever there is potential for personnel to have unsupervised contact with youth.⁵⁰ However, most archdioceses only require background screening for those whose duties involve contact with minors. Thus, an important policy consideration is determining who in the archdiocese qualifies as having duties that include contact with minors. Most policies define this as someone with regular contact with children. The policy of the Archdiocese of New York takes a more comprehensive approach. It states: "All personnel in every Archdiocesan institution whose duties include contact with minors must comply with the Safe Environment Requirements."⁵¹ It goes on to state that this requirement should be interpreted broadly. "If there is any doubt about whether a person has duties that include contact with minors, the question should be resolved in favor of requiring them to comply with the Safe Environment requirements."

An area that was overlooked by most archdiocesan policies is the need for international background checks on personnel from other countries. Currently, approximately one-fourth of all diocesan priests in the U.S. come from foreign countries, and three in ten American priests

⁵⁰ The Massachusetts Legislative Task Force on the Prevention of Child Sexual Abuse. (2017, June). *Guidelines and tools for the development of child sexual abuse prevention and intervention plans by youth-serving organizations in Massachusetts*. p. 42. Retrieved from https://childrenstrustma.org/uploads/files/PDFs/Child_Sexual_Abuse_Prevention_Task_Force_Report.pdf

⁵¹ Archdiocese of New York. (2018). *Safe environment policies*. §2.2.

ordained in 2016 were born outside the country.⁵² According to the USCCB, a 2007 *Charter* compliance audit revealed that 50% of credible allegations concerning current minors involved foreign priests.⁵³ We could not find a report of more recent numbers, but the 2016 compliance audit noted a significant number of new abuse allegations involve international priests working at U.S. dioceses.⁵⁴ In 2010, the USCCB published a checklist for vetting international priests. The document recommends performing international background checks while acknowledging the unique difficulties of conducting cross-border screening.⁵⁵

Despite attention to more thorough vetting, only two archdioceses mention the need for international background screening in their policies—Miami and Portland. According to the Portland Archdiocese's policy: "Parishes/schools wishing to use a person who has been in the United States less than 5 years as a volunteer involved with minors must complete an international background check."⁵⁶ Portland's policy does not mention clergy or other parish personnel. The policy of the Miami Archdiocese states: "Any prospective Church Personnel from another country who has not been in the U.S. for at least one year will receive an International Background Check."⁵⁷ Compared to other youth-serving organizations, these are very lax

⁵² Allen, Jr., J. L. (2017, Mar. 5). Foreign nuns, priests embody historic opportunity for U.S. church. *Crux*, Retrieved from <https://cruxnow.com/analysis/2017/03/foreign-nuns-priests-embody-historic-opportunity-u-s-church/>

⁵³ Secretariat of Child and Youth Protection. (2010, Nov.). *International priests and the Charter for the Protection of Children and Young People: A resource for dioceses/eparchies*. Washington, DC: USCCB.

⁵⁴ Secretariat of Child and Youth Protection and the National Review Board. (2016, May). *The 2015 Annual Report on the Implementation of the "Charter for the Protection of Children and Young People."* Washington, DC: USCCB, p. 4.

⁵⁵ Secretariat of Child and Youth Protection. (2010, Nov.). *International priests and the Charter for the Protection of Children and Young People: A resource for dioceses/eparchies*. Washington, DC: USCCB.

⁵⁶ Archdiocese of Portland. (2014). *Background check policies and procedures*. p. 2

⁵⁷ Archdiocese of Miami. (2019). *Creating and maintaining a safe environment for children and vulnerable adults*. p. 5

policies. In comparison, USA Cycling requires an international background check be performed on any personnel living outside the US for 6 months or more within the past 7 years.⁵⁸

Only about a third (34%) of archdiocesan policies recognize that the responsibility to protect minors extends to those with whom they contract for services. Only 16% of archdioceses mention the need for screening adults attending overnight events with minors. Only three archdioceses (9%) have policies requiring that personnel must report any arrests subsequent to having a background check.

Although the *Dallas Charter* does not require background checks to ever be repeated, repeating background checks every 3 to 5 years is considered a best practice by the USCCB.⁵⁹ The Massachusetts Legislative Task Force recommends that background screening be repeated periodically such as every three years.⁶⁰ However, the policies of only 69% of archdioceses require background checks to be repeated. The average period of time between rescreening in the 22 archdioceses that require rescreening was 3.8 years (mode=5 years), with a range of 30 days to 10 years. While, 31% of archdioceses do not mention rescreening in their policies, a document on the USCCB's website shows that 94% of archdioceses self-report that they repeat criminal

⁵⁸ USA Cycling. (2020). *USA Cycling background check policy*. Retrieved from <https://www.usacycling.org/resources/safesport/background-check-policy>

⁵⁹ Secretariat of Child and Youth Protection and the National Review Board. (2019, May). *The 2018 annual report on the implementation of the "Charter for the Protection of Children and Young People."* Washington, DC: USCCB, p. vii.

⁶⁰ The Massachusetts Legislative Task Force on the Prevention of Child Sexual Abuse. (2017, June). *Guidelines and tools for the development of child sexual abuse prevention and intervention plans by youth-serving organizations in Massachusetts.*

background checks.⁶¹ Analysis of self-reports of the archdioceses to the USCCB resulted in the same average, mode and range reported above.

In summary, while most archdioceses have a background screening policy, few include the procedures necessary to thoroughly vet a candidate's background. Because criminal background checks are limited in their effectiveness, they should be combined with personal reference checks, interviews, examining employment history, credential verification, identity verification (such as fingerprinting or photos) and checking sex offender and abuse registries. Currently, most archdiocesan policies do not mention interviews or checking references. Only 22% require that sex offender registries be checked prior to hiring personnel. It is also concerning that 22% of archdioceses only screen for crimes in the state where they are located, and the majority of archdioceses also fail include provisions for screening adults attending overnight events with minors, international clergy, and third-party contractors. The failure to include procedures to screen international clergy is particularly concerning in light of the fact that a significant number of new abuse allegations involve international priests working at U.S. dioceses. Finally, only 59% of archdioceses direct that personnel should be rescreened at least every five years. A healthy background screening program includes rescreening employees after a certain period and continuing to screen those employees periodically throughout their employment. Another important safeguard missing from most policies is requiring personnel to report any arrests subsequent to background check so that their suitability for being in unsupervised contact with minors can be assessed.

⁶¹ Secretariat for Child and Youth Protection. (2020). *2019 background check methodology Compilation*. Washington, DC: USCCB. Retrieved from <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/2019-Background-Check-Methodologies.pdf>

2. Child Abuse Prevention Training Policies

The goal of child abuse prevention training is to give people information and skills to help them prevent and respond to child sexual abuse. The *Dallas Charter* requires all dioceses to implement safe environment programs for both children and adults, but is silent on the details of program requirements. As a result, the structure and content of training varies across dioceses. Only one archdiocese (Dubuque) did not have a written policy that mentioned child abuse prevention training. Fourteen archdioceses (44%) specify that they use Virtus training. According to the Virtus website, Virtus training was developed by the National Catholic Risk Retention Group, Inc. in conjunction with a group of experts working in the field of child abuse.⁶² Most of the remaining archdioceses did not provide details on the type of training they offered. A document on the USCCB's website shows that 22 (69%) of the archdioceses self-report using Virtus either by itself or in conjunction with other types of training programs, 6 report using self-generated trainings, and four use trainings offered by other commercial vendors.⁶³

Desai and Lew were commissioned by the USCCB to examine the effectiveness of safe environment programs in U.S. dioceses and found some evidence to support the use of Virtus programs.⁶⁴ They cite a survey commissioned by the USCCB that was conducted by Windham and Hudson (2010) which found relatively high level of retention of key elements of the training. Desai and Lew noted the lack of any education standards resulting in a wide variety of different

⁶² http://www.virtusonline.org/virtus/virtus_description.cfm

⁶³ Secretariat for Child and Youth Protection. (2020). *2019 safe environment training program compilation*. Washington, DC: USCCB. Retrieved from <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/2019-Safe-Environment-Programs.pdf>

⁶⁴ Desai, K., & Lew, D. (2012). *Safe environment training: The effectiveness of the Catholic Church's child sexual abuse prevention programs*. Houston, TX: Children at Risk Institute.

training programs being used by the dioceses. Desai and Lew concluded that, "the Church's safe environment programs could be improved by universal implementation of the best practices in the field."⁶⁵

Because of the lack of information available on all the different training programs, child abuse prevention training scores represent training practices but not content. Higher scores represent more frequent and comprehensive training of more types of Church personnel. The average score of training policies across the 32 archdiocese was 11 out of 25 possible points (44%, Range=0-18; see Figure 7). The policies of the Anchorage Archdiocese achieved the highest score attaining 72% of the points possible.

Figure 7. Policies on Child Abuse Prevention Training

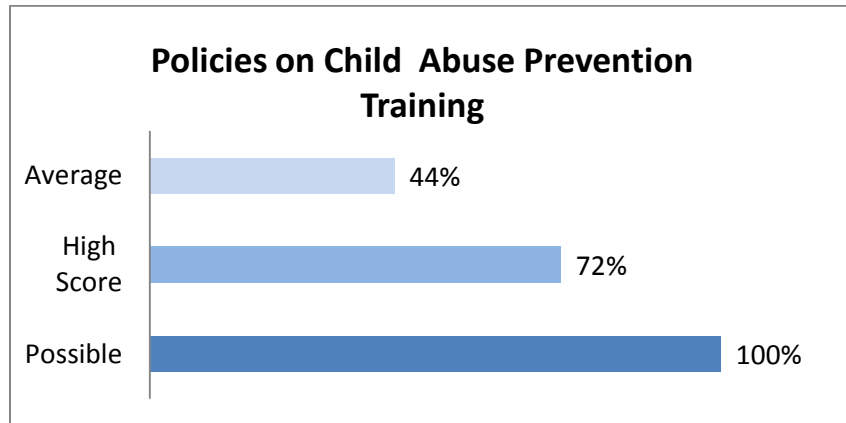


Table 3 displays better practices drawn from the education and training policies across the 32 archdioceses along with the number and percentage of archdioceses that employ each practice.

Table 3. Child Abuse Prevention Training: Better Practices Present in Policies of U.S. Archdioceses

Practices	Number of Archdioceses	Percent
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⁶⁵ *Id.*, p. 5.

Requires clergy, employees and volunteers to complete training on prevention of child sexual abuse	31	97%
Training provided to third-party contractors who have contact with minors	4	13%
Training must be completed within 30 days of being hired	9	28%
Training must be completed before working with minors	6	19%
Training must be repeated at least every 3 years	8	25%
Continuing education offered	10	31%
Training provided to children	25	78%
Training offered to parents	18	56%
Maintain database of training of employees and volunteers	6	19%

Most archdioceses require training either before working with minors or in a specified time period after beginning work. Six archdioceses (19%) require that training be completed before working with minors, while nine (28%) require it within 30 days of being hired. Four archdioceses (Denver, Philadelphia, Portland, and Seattle; 13%) allowed training to be completed up to 90 days after being hired. Thirteen (41%) archdiocesan policies did not specify any time period by which training had to be completed.

Personnel need periodic refresher training. However, as with background screening, the *Dallas Charter* does not require archdioceses to repeat child abuse prevention training. Many archdioceses have no formal policy on retraining so we could not determine if they required retraining and, if so, how often this is required. For the 13 archdioceses that did specify retraining, time between training sessions ranged from 1 to 5 years. The average retraining requirement was every 2.5 years with a median of 3 years. Based on best practices, the Massachusetts Legislative Task Force on the Prevention of Child Sexual Abuse recommended that child abuse training programs be offered at least annually to all administrators, employees, and volunteers to heighten awareness of the youth-serving organization's commitment to child and youth safety and zero tolerance for their abuse. Recurring trainings also help organizations improve practices based on new strategies and new expert recommendations.

Most policies (69%) do not mention continuing education. Among archdioceses that offer continuing education, one of the better policies was that of the St. Louis Archdiocese.⁶⁶ It requires all priests and deacons who are working in ministry to complete monthly online bulletins on child protection issues. Accounts are monitored for compliance and clergy who fail to comply with the continuing education requirement may have their faculties rescinded at the discretion of the Archbishop.

As with background screening, the *Dallas Charter* does not require archdioceses to repeat child abuse prevention training. Many archdioceses have no formal policy on retraining so we could not determine if they required retraining and, if so, how often this is required. For the 13 archdioceses that did specify retraining, time between training sessions ranged from 1 to 5 years. The average retraining requirement was every 2.5 years with a median of 3 years. Based on best practices, the Massachusetts Legislative Task Force on the Prevention of Child Sexual Abuse (2017) recommended that child abuse training programs be offered at least annually to all administrators, employees, and volunteers to heighten awareness of the youth-serving organization's commitment to child and youth safety and zero tolerance for their abuse.

Most (78%) archdiocesan policies mentioned annual providing child abuse prevention training to children attending parish schools; however, many provided little detail on what such training entailed. Training children about sexual abuse and how to respond if someone tries to initiate certain activities with them is an important component in preventing and detecting abuse. A self-report study was conducted with 238 adult males serving a custodial sentence for child sexual abuse in which 82 men identified an occasion in which they had tried to initiate sexual contact with a child but did not because they were stopped or discouraged. The most

⁶⁶ Archdiocese of St. Louis. (2018). *Safe environment program*. §1.1.4.

common reason for stopping the noncompleted offense, given by more than half of the participants, was the negative reaction of the child, and in particular, the direct request by the child to stop.⁶⁷ Thus, it is important to train children on how to respond if someone tries to touch them in a way that makes them uncomfortable and to immediately tell a safe adult what happened.

An audit of U.S. dioceses by the USCCB, calls into question the efficacy of the training offered by some dioceses. The auditors noted that some dioceses counted children as "trained" if safe environment training materials were sent home to parents.⁶⁸ This was done despite the fact that the dioceses had no way to verify that the parents were presenting the information to their children. In addition, only a little more than half (56%) of archdiocesan policies mentioned training children's parents. Parental education is particularly important because parents are most likely to witness behavioral changes in their child that may indicate a problem. Parents should be taught to recognize warning signs of abuse and how to appropriately respond to a disclosure so that children can receive early intervention and protection.

A centralized database is an important tracking tool to ensure that all personnel are appropriately trained. However, only 19% of archdiocesan policies mention using a centralized database for tracking compliance with safe environment requirements for archdiocesan personnel. A recent audit by the USCCB, observed that dioceses not using a centralized database

⁶⁷ Wortley, R., Leclerc, B., & Reynald, D. M. (2019). What deters child sex offenders? A comparison between completed and noncompleted offenses. *Journal of Interpersonal Violence*, 34, 4303-4327.

⁶⁸ Secretariat of Child and Youth Protection and the National Review Board. (2018, May). *The 2017 annual report on the implementation of the "Charter for the Protection of Children and Young People."* Washington, DC: USCCB. p. 16.

continue to struggle with effective monitoring of training and background checks at the parish level.⁶⁹

In summary, the training policies in a majority of archdioceses do not conform to basic practices that would be expected of a youth-serving organization. While all archdioceses that had a training policy require some form of child abuse prevention training, this training is not standardized and may not conform to best practices identified by research. In addition, many archdiocesan policies do not require training before beginning work with minors or even within 30 days of being hired. Most archdioceses do not offer training to third-party contractors and only a little over half offer training to parents. In addition, many do not mention retraining youth-serving personnel or the use of a centralized database to keep track of whether training has been completed.

3. Code of Conduct Policies

According to the *Dallas Charter* (Article 6; 2018 revision): "There are to be clear and well publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other paid personnel and volunteers of the Church with regard to their contact with minors." However, no further guidance was provided and thus each archdiocese has devised their own standards of conduct.

One key theme of the research in relation to child sexual abuse is ‘opportunity’. The power and authority exercised by people in religious ministry gives them access to children and can create opportunities for abuse. Unlike intra-familial perpetrators of child maltreatment who have access to children in private settings, perpetrators in institutions must create ‘opportunities’

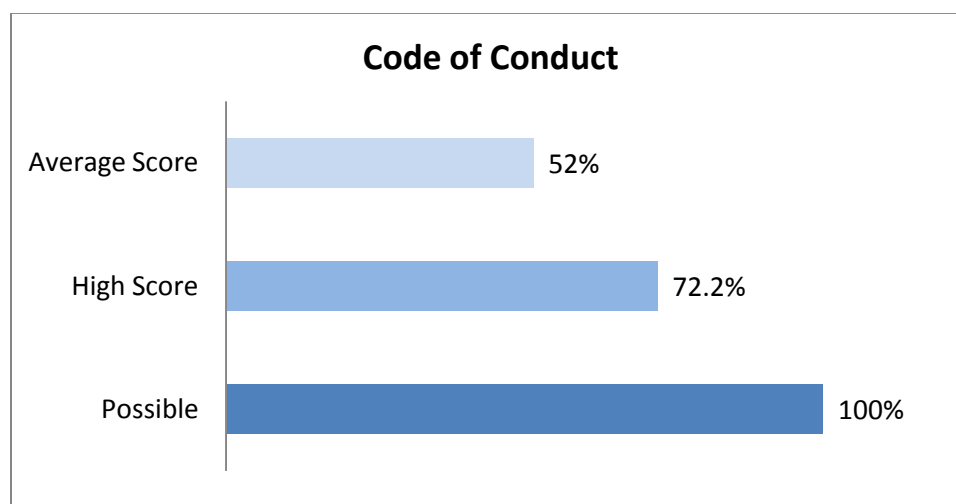
⁶⁹ *Id.*

to offend by arranging both time alone with the child and a location for carrying out the abuse.⁷⁰

A Code of Conduct is a prevention tool that helps youth-serving organizations clearly list and define appropriate, inappropriate and harmful behaviors for anyone in a position of responsibility for the children and youth in their care. The purpose of a Code of Conduct is to keep youth safe in situations in which they may be at increased risk for abuse. While not rising to the level of sexual abuse, inappropriate behaviors can be a warning sign that if left unchecked could result in a child being abused.

We found that all U.S. archdioceses have some type of Code of Conduct, though these vary greatly in content and quality. The average score across the 32 archdioceses was 18.6 out of 36 possible points (51.7%; Range=8.5-26; see Figure 8). The Archdiocese of New York has the highest scoring Code attaining 72.2% of points possible. Scores represent more comprehensive policies with mechanisms to report violations.

Figure 8. Code of Conduct



⁷⁰ Irenyi, M., & Bromfield, L., & Beyer, L., & Higgins, D. (2006). Child maltreatment in organisations: Risk factors and strategies for prevention. *Child Abuse Prevention Issues*, 25, 1-23.

Table 4 displays better practices drawn from the Codes of Conduct across the 32 archdioceses along with both the number and percentage of archdioceses that employ these practices.

Table 4. Code of Conduct: Better Practices Present in Policies of U.S. Archdioceses

Elements of the Code of Conduct	Number of Archdioceses	Percent
<i>Behavioral Guidelines</i>		
1. Guidelines on appropriate physical contact with examples	27	84%
2. Guidelines on verbal interactions with examples	21	66%
3. Guidelines on displaying affection with examples	14	44%
4. Avoid being alone with (one-on-one Interactions)	29	91%
5. Guidelines for being off site with minor	22	69%
6. No overnight stays with unrelated youth	23	72%
7. No sleeping in same bed or sharing room	24	75%
8. Ban on giving/receiving expensive gifts	22	69%
9. Don't use in front of, or give drugs/alcohol to minors	30	94%
10. No sexually oriented materials/ porn	25	78%
11. No nudity in presence of minors	5	16%
12. No demands for secrecy	5	16%
13. No photographs without signed permission of parents	2	6%
14. No dating or becoming romantically involved with youth or vulnerable adults	10	31%
15. No form of abuse, sexual harassment	26	81%
16. No physical discipline	27	84%
<i>Guidelines on Electronic Communication</i>		
17. Guidelines on electronic communication	19	59%
Guidelines for interacting on social media	8	25%
18. Parents must be copied on any messages or emails sent to child	12	38%
19. Notes the right to inspect, review, intercept or access all matters on systems of the archdiocese including email without notice	8	25%
<i>Follow Reporting Procedures</i>		
20. Must follow civil reporting requirements	30	94%
21. Must cooperate fully with any investigation	10	31%
<i>Accountability</i>		
22. Must sign that read code	29	91%
23. Must read and sign on regular basis	5	16%
<i>Addresses Code Violations</i>		
24. Must report if arrested or received citation for behavior violating policies	8	25%
25. Must report if others violate code	28	88%
26. Provides info on who to contact of uncertain if conduct violates code	15	47%
27. Can confidentially report conduct violations to 3 rd party	3	9%

28. Penalty for violating code	22	69%
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While most archdioceses (91%) had guidelines for avoiding being alone with a child on site, only 69% provided guidelines on interacting with children off site. This is an important omission as research suggests an important way to prevent abuse is to increase the chance that the abuse will be detected such as someone being nearby and the possibility of being observed.⁷¹ Most Codes simply ban prohibit inappropriate or sexualized physical contact; while better policies provide examples of the types of behaviors that are considered appropriate or inappropriate. An area neglected by most archdiocesan Codes are common grooming techniques among child sex offenders such as developing special relationships with a child or asking a child to keep secrets. The Code of the Miami Archdiocese was one of the few that addressed grooming techniques. It contains a section in its *Standards of Conduct* listing eight behaviors that raise serious concerns with respect to maintaining a safe environment for children. These behaviors include: over-identification with children, keeping secrets with children, allowing children under supervision to break rules, and developing a special relationship with an individual child, among others.⁷²

An area that requires updating in many archdioceses' Codes of Conduct is electronic communication with minors. While 59% addressed electronic communication, few had comprehensive policies in this regard and only 25% addressed interacting with children on social media. Better policies ban personnel from communicating with an unrelated child via private messaging except under certain circumstances and never from a private device. Better policies

⁷¹ Wortley et al., 2019.

⁷² Archdiocese of Miami. (2012). *Creating and maintaining a safe environment for children and vulnerable adults*. p. 8.

also ban interacting with minors on social media unless it is a group set up specifically for use by the parish or school and monitored by more than one adult. For example, the policies of the New York Archdiocese inform Church personnel what to do if a minor initiates a private electronic communication with them:

[T]he adult shall advise the Minor that, under the policies of the Archdiocese, private direct communications are not permitted between an adult and a Minor, and then seek to establish contact with the Minor's parent or guardian instead, or with the Minor through an official email account of an Archdiocesan institution.⁷³

The Mobile Archdiocese also forbids using chat apps with disappearing content to communicate with a minor.⁷⁴

A number of archdioceses state that parents must be aware of or copied on messages from an adult to a child but do not ban personal online relationships outright. From an abuse prevention perspective it appears that personal online relationships with an unrelated child should be prohibited even if the adult has the permission of the child's parent. While it is important that parents are aware of the content of private messages, a personal online relationship could easily evolve into a situation in which at some point the parent is no longer consulted. Research into the causes and context of priest abuse by researchers at John Jay College of Criminal Justice found that priests would often build relationships with the families of the victims in order to gain their trust prior to abusing a child. In addition, most abuse took place in locations where the child had parental permission to be, including the school, the parish, and

⁷³ Archdiocese of New York. (2018). *Safe environment policies*. §12.4(i).

⁷⁴ Archdiocese of Mobile. (2016). *Policy for electronic communication with minors*.

the child's own home.⁷⁵ Thus parental permission is not a sufficient way to prevent such misconduct.

The success of a Code of Conduct is largely dependent on the willingness of personnel to report violations. Most archdioceses (88%) direct personnel to report misconduct of which they are aware. In most cases, they are directed to report to their superior. The CDC recommended that organizations establish both direct-line and back-up reporting systems.⁷⁶ The back-up option should be used if the incident involves the direct-line authority. Back up lines of reporting were largely absent from archdiocesan Codes. The CDC also recommended that youth-serving organizations create a climate that encourages people to question confusing or uncertain behaviors and to require employees and volunteers to report any behaviors and practices that may be harmful. Only 47% of codes included information on who to contact about conduct that they are not sure about. The Royal Commission into Institutional Responses to Child Sexual Abuse echoed the recommendations of the CDC but also recommended the Code of Conduct should include a specific requirement to report any concerns, breaches or suspected breaches of the Code and also outline the protections available to individuals who make complaints or reports in good faith to any institution engaging in child-related work.⁷⁷ The Massachusetts Legislative Task Force on the Prevention of Child Sexual Abuse also noted that penalties for

⁷⁵ John Jay College of Criminal Justice. (2004). *The causes and context of sexual abuse of minors by Catholic priests in the United States, 1950-2010*. Washington, D.C.: USCCB.

⁷⁶ Saul, J. & Audage, N. C. (2007). *Preventing child sexual abuse within youth-serving organizations: Getting started on policies and procedures*. Atlanta (GA): Centers for Disease Control and Prevention, National Center for Injury Prevention and Control.

⁷⁷ Royal Commission into Institutional Responses to Child Sexual Abuse. (2017). *Final Report: Preface and executive summary*. Commonwealth of Australia. p. 122. Retrieved from https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_preface_and_executive_summary.pdf

failing to report should also be outlined.⁷⁸ Sixty-nine percent of archdiocesan policies included a description of the penalties for failing to report misconduct but only nine (28%) archdioceses assure reporters that they will not be retaliated against.

Even when clear reporting mechanisms are available, staff can be hesitant to bring problems to the attention of leaders, especially if the problem involves someone senior to them in the organizational hierarchy. A growing trend among archdioceses with higher quality child protection policies is providing third-party hotlines that personnel and the laity can call to report ethical or professional misconduct. Having the hotline administered by a third party provides the option for the reporter to remain anonymous and has become a standard best practice in many organizations.⁷⁹ However, currently, only three archdioceses have third party misconduct hotlines. The Archdiocese of Washington, for example, has an Ethics and Compliance Hotline that allows reports to be made anonymously – 24 hours a day, 7 days a week.⁸⁰ EthicsPoint is an independent, third-party contractor that provides a hotline service to organizations, companies, and dioceses around the country. The company does not share the identity of reporters who wish to remain anonymous. On its website, the Archdiocese of Washington states that the hotline helps to detect employee misconduct and also deters others from considering such violations.⁸¹ Complaints also help assess risk and identify areas where change may be needed to policy or

⁷⁸ The Massachusetts Legislative Task Force on the Prevention of Child Sexual Abuse. (2017, June). *Guidelines and tools for the development of child sexual abuse prevention and intervention plans by youth-serving organizations in Massachusetts*.

⁷⁹ Association of Certified Fraud Examiners. (2016). *Report to the nation on occupational fraud and abuse*. Austin, TX: Author.

⁸⁰ Archdiocese of Washington. (2016). *Pastoral code of conduct Archdiocese of Washington*. §IV 6.3., p. 8.

⁸¹ *FAQ: Ethics and compliance hotline*. Retrieved from <https://adw.org/wp-content/uploads/sites/2/2018/06/17Ethics-Hotline-FAQ.pdf>

procedures. The Archdioceses of Indianapolis and Baltimore also have misconduct hotlines provided by EthicsPoint.⁸²

Most (91%) archdioceses require staff and volunteers to sign a statement of receipt of and agreement with the Code of Conduct upon being hired. Some of the better archdiocesan policies require the Code of Conduct to be reviewed and signed on a regular basis, such as when renewing their child abuse prevention training.

In summary, a strong Code of Conduct is a front-line defense against the types of conduct violations that may culminate in a child being abused. While all archdioceses have some type of Code of Conduct there is much variation in the content and quality of these Codes. Many fail to provide examples of appropriate and inappropriate ways to touch or show affection to children and some fail to address interacting with parish children off site. We also recommend that the Codes of Conduct for all church personnel provide guidance for interacting with parish children off site and expressly prohibit grooming techniques such as developing a special relationship with an individual child, singling out a child for special privileges, allowing children to break rules, and asking children to keep secrets. The Code of Conduct should also include strong prohibitions against inappropriate electronic communications and private interactions on social media. While most archdioceses require reporting misconduct internally, only 69% reference the possibility of disciplinary action for failing to do so and few policies promised protection from retaliation for making a report. In addition, the Code of Conduct should offer guidance on where to go with questions if a person is uncertain about whether conduct violates the Code and provide both direct and indirect lines for making reports. We also recommend that each archdiocese

⁸²See: <https://secure.ethicspoint.com/domain/media/en/gui/23224/index.html>;
<https://secure.ethicspoint.com/domain/media/en/gui/16066/report.html>

establish an anonymous, third-party hotline where violations of the Code of Conduct or suspected misconduct can be reported.

4. Sex Offender Policies

Currently few archdioceses have policies that address protecting minors from sex offenders while attending parish events. Higher scores in this area represent: (a) plans to monitor clergy who have committed sexual misconduct with minors and (b) protecting minors from lay sex offenders attending events at a church or parish schools. Points in these two areas were combined into a single score. The average score of sex offender policies across the 32 archdiocese was 1.3 out of 15 points possible (9%, Range 0=10).

a. Monitoring Clergy Who Have Committed Misconduct Related to Minors

The *Dallas Charter* includes a "zero-tolerance" clause stating that a priest shall be removed from ministry if child sexual abuse is found to be substantiated. In these cases the archbishop is to refer the offender to the Vatican for laicization. Defrocking a priest is a process that takes years⁸³ and, under canon law, dioceses have an obligation to these individuals as long as they remain priests. The one exception is set forth in Norm 8B which indicates that laicization is not required for aged or infirm priests. Norm 8B dictates, however, that such a priest "ought to lead a life of prayer and penance" and is not to present himself publicly as a priest, though he will still be one. Priests who opt for a life of prayer and penance generally continue to reside in archdiocesan residential facilities. As a result, many archdioceses provide residences to clerics

⁸³ In the Boston Archdioceses some referrals of priests to Rome for laicization have been pending for over 17 years. See: Green, E. (2019, Feb. 14). Why does the Catholic Church keep failing on sexual abuse? *The Atlantic*. Retrieved from <https://www.theatlantic.com/politics/archive/2019/02/sean-omalley-pope-francis-catholic-church-sex-abuse/582658/>

who have substantiated abuse claims against them.⁸⁴ The USCCB's National Review Board has called on all dioceses to implement standardized safety plans for all clergy who are confined to prayer and penance for abusing a child.⁸⁵ However, currently, only three archdioceses (Chicago, St. Louis, and Philadelphia) have policies addressing monitoring clerics that have committed misconduct. Of these, Chicago had the most complete policy which provides for having a safety plan, daily monitoring, requirements that the cleric stay away from minors, and notes repercussions if the cleric does not comply.⁸⁶

b. Safety Plan for Sex Offenders Attending Church or School Activities

In addition to offending clerics, children also need to be protected from lay persons who are registered sex offenders, or persons otherwise known to be sex offenders, who attend church or school activities. Currently, only eight (25%) archdioceses have policies addressing sex offenders attending parish and school activities. Table 5 displays practices drawn from sex offender policies of the 8 archdioceses that have policies in this area along with the number and percentage of U.S. archdioceses that employ each practice.

Table 5. Policy on Known Sex Offenders: Better Practices Present in the Policies of U.S. Archdioceses

Practices Included in Policies on Known Sex Offenders	Number of Archdioceses	Percent
1. Registered sex offender banned from schools	3	9%
Safety plan for being on parish and/or school premises		

⁸⁴ Between July 1, 2017 and June 30, 2018, Catholic dioceses reported paying over 20 million dollars for the support (including living expenses, legal expenses, therapy, etc.) of offenders (Secretariat of Child and Youth Protection and the National Review Board. (2019, June). *The 2018 annual report on the implementation of the "Charter for the Protection of Children and Young People."* Washington, DC: USCCB. p. 60).

⁸⁵ National Review Board for the Protection of Children and Young People. (2018, Nov. 13). *Recommendations from the National Review Board addressing the current crisis specific to restoring the trust of the faithful.* Washington DC: USCCB. Retrieved from <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/NRB-Recommendations-to-Bishops-Nov-2018-Final-2.pdf>

⁸⁶ Archdiocese of Chicago (n.d.). *Book II: The people of God.* §1105.3.

2. Must identify self to pastor or school administrator who will communicate to others in position to monitor	4	13%
3. Offender must be accompanied by an escort	4	13%
4. Offender must stay away from minors	3	9%
5. Failure to follow policy may result in being banned	3	9%
6. Signed safety plan is developed	2	6%

Three archdioceses (Atlanta, Baltimore and Omaha) ban registered sex offenders from being on school premises when children are present even if the offender has a child attending classes. Five archdioceses have some type of safety plan for sex offenders. For example, the St. Louis Archdiocese has a safety plan for registered sex offenders attending mass and church events. It also has a safety plan for sex offenders who have a close relative who is a student attending school activities. The decision of whether to allow a sex offender to enter parish or school property is made by the Pastor or chief school administrator. The *Archdiocesan High School Safety Plan for the Protection of Students* requires that the sex offender must always be accompanied by one or more adults who must be identified to and approved by the chief school administrator. Violation of the safety plan may result in the individual being restricted from attending future activities.⁸⁷

In summary, few archdioceses have written policies that specify how each archdiocese will monitor priests who have committed misconduct with minors. Policies are needed that provide detailed procedures for how the priests will be monitored and outline potential repercussions for failure to adhere to the program. Archdiocese should also enact policies to address sex offenders attending parish activities. Currently, only 25% of archdioceses have

⁸⁷ The Archdiocese of St. Louis. (2018). *Policy: Registered sex offender: Participation and accountability*. Retrieved from https://www.archstl.org/Portals/0/Documents/Child_Youth_Protection/RegSexOffenderParticipation2018.pdf?ver=2018-10-08-153122-070

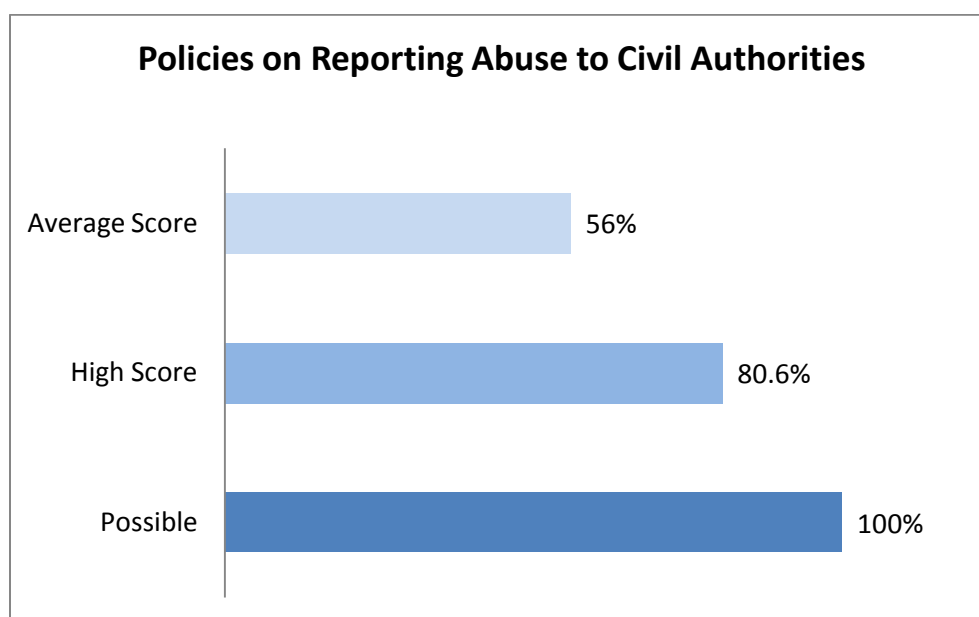
developed a policy with a safety plan for dealing with sex offenders who plan to attend church and/or school events.

B. The Detection and Reporting Domain

Policies that are part of the Detection and Reporting domain include: (1) reporting abuse to civil authorities, and (2) whistleblower protection. The focus of this domain is to encourage reporting of abuse to civil authorities and to protect those who do so from work related repercussions.

1. *Policies on Reporting Abuse to Civil Authorities*

The *Dallas Charter* holds that all dioceses must report allegations of abuse to the civil authorities and cooperate with law-enforcement officials on investigations. The purpose of reporting policies is to respond quickly and appropriately to evidence or allegations of child sexual abuse. The average score of reporting policies across the 32 archdiocese was 17.5 out of 31 possible points (56%, Range=7-25; see Figure 9). The highest scoring reporting policies were those of the Archdioceses of Cincinnati and New Orleans who each scored 80.6%.

Figure 9. Policies on Reporting Abuse to Civil Authorities

Scores represent practices and directives to ensure any suspected abuse is promptly reported to civil authorities. Higher scores represent a more detailed and forceful policy. Table 6 displays the better practices drawn from the reporting policies across the 32 archdioceses along with the number and percentage that employ each practice.

Table 6. Detection and Reporting Child Abuse: Better Practices Present in the Policies of U.S. Archdioceses

Practices Included in Policies on Reporting Abuse	Number of Archdioceses	Percent
1. Report all allegations of abuse to civil authorities ¹	32	100%
2. Follow applicable laws ¹	31	97%
3. Includes applicable law in policy or appendix	18	56%
4. Lays out who to call	24	75%
--Lays out information to include in call	18	56%
--Provides phone numbers to call	25	78%
--Directs that the call should be documented in writing	21	66%
5. Provides information on how to report abuse on website	26	81%
6. Defines who is a mandated reporter	16	50%
--Notes civil immunity for good faith reports	13	41%
--Explains legal ramifications for failing to report	13	41%
7. Advises <u>all</u> employees and volunteers to report	22	69%

8. Must report within 24-48 hours	20	63%
9. Makes clear that abuse only has to be suspected	22	69%
--States that if in doubt err on side of reporting	7	22%
10. States that reporting to superior doesn't replace duty to report to civil authorities	14	44%
11. Enhanced reporting to civil authorities (e.g., abuse disclosures not legally required to be reported) ¹	16	50%
12. Includes what to do if the report involves the Archbishop	5	16%
13. Penalties for failure to report (e.g., termination of employment)	3	9%
14. Advise all victims of right to file own report to civil authorities ¹	23	72%
15. Adult victims of past abuse encouraged to report abuse to archdiocese	15	47%
16. Clerics not required to report confidential communications but should encourage person to make a report	3	9%
¹ Required by <i>Charter for the Protection of Children and Young People</i>		

All the U.S. archdioceses had some type of reporting policy which stated that abuse allegations should be reported to civil authorities. Most (97%) also stated that personnel should follow applicable state laws. A little over half (56%), included some of the state law in their policy or in an attached appendix. While most archdiocesan policies (75%) provided information on who to call and provided phone numbers to the appropriate civil authorities, only 56% detailed the type of information to include in a report.⁸⁸ Most archdioceses (69%) have policies requiring all archdiocesan personnel to report abuse, while 25% only require personnel to report abuse if they are mandated to do so by state law. Only half of archdiocesan policies address who

⁸⁸ For example, the reporting policy of the Archdiocese of Santa Fe, states: "The person making a report should provide as much information as possible. He/she should not conduct an investigation in order to obtain more information than is readily available. It is the responsibility of the civil authority to ascertain whether an investigation is warranted.

The following information should be reported to the extent it is known:

- a. Name, address and age of the child.
- b. Name and address of the child's parent, guardian or caretaker.
- c. Whereabouts of the child.
- d. Nature and extent of the alleged maltreatment and any past history of injury possibly occurring from abuse or neglect.
- e. Name, address and whereabouts of the person or persons suspected of perpetrating the abuse or neglect, if known.
- f. Any other information which might help to determine the cause of the suspected abuse or the identity of the person responsible." Archdiocese of Santa Fe. (2014). *Policy of the Archdiocese of Santa Fe: Abuse awareness training for adults relating to sexual misconduct and sexual harassment*. p. 4.

is considered a mandated reporter in their state, and even less (41%) discuss the legal ramifications of failing to report and civil immunity for good faith reporting. The fact that many archdioceses do not include this material in their policies is particularly concerning, because in most states many church personnel, including clergy and parish teachers and administrators, are legally mandated reporters.

While enhanced reporting is required by the *Dallas Charter*,⁸⁹ only half of the archdioceses' reporting policies require reporting sex abuse not required by law, such as adults victimized as children. An example of a better practice requiring enhanced reporting can be found in the child protection policy of the Boston Archdiocese. Its policy states:

Any suspected physical abuse, sexual abuse, sexual assault or neglect of a child or young person shall be reported as soon as possible, regardless of where the incident occurred or by whom it was committed. Past incidents of sexual abuse that are alleged to have occurred when the victim was a minor, even if the victim is now an adult, also must be reported.⁹⁰

It seems prudent to make law enforcement aware of any potential sexual offenders in the community even if the abuse being reported is from years past. Child sex abusers may seek out children to abuse well into their elderly years. These alleged offenders may have committed more recent crimes and thus civil authorities should be informed.

Another area where a number of archdioceses' reporting policy fall short is guidance on what a suspicion of abuse entails. Most policies (69%) require all Church personnel who have reason to suspect child sexual abuse to report it to the appropriate authorities. However, many nonprofessionals have difficulty determining whether or not they have a valid reason to suspect

⁸⁹ Article 4 of the *Dallas Charter* requires reports to the authorities about “allegations[s] of sexual abuse of a person who is a minor” even if the reporter is no longer a minor, also requires compliance “with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors...and cooperat[ion] in their investigation.”

⁹⁰ Archdiocese of Boston. (2018). *Child protection policy*. §5: Civil Reporting Requirements, p. 17.

abuse. As a result, some archdioceses include strong statements in their reporting policies to encourage reporting despite having doubts. This is important, because most people have difficulty believing that someone they know and respect would ever abuse a child.

In fact, one of the public's most dangerous assumptions is the belief that a person who both appears and acts normal could not be a child molester.⁹¹ In truth, child perpetrators are more often than not trusted adults in the child's life. Because people generally cannot imagine a "normal" person doing such a heinous act, they assume that child molesters must be monsters. If the accused does not fit this stereotype (in other words, if he or she appears normal), many people will discount even clear evidence of abuse. This principle is even more pronounced when the perpetrator is someone who is revered and loved such as a parish priest.

Another reason that people fail to report suspected abuse is that they doubt their own perceptions. If they do not have incontrovertible evidence of the abuse, which is rare, they worry they may be overreacting. There is also a tendency to be more concerned about the suspected adult's reputation than the potential that multiple children could be at risk. In addition, many people worry about negative repercussions from others including retaliation by the accused, his or her friends and supporters, and the organization.

Because people have difficulty believing an otherwise "good" person would molest a child and worry about retribution for sharing their concerns, it is important that archdioceses make strong statements that encourage people to follow through on their suspicions even if they have doubts. For example, the Anchorage Archdiocese's reporting policy states: "Doubt does not

⁹¹ Salter, A. C. (2003). *Predators: Pedophiles, rapists and other sex offenders: Who they are, how they operate, and how we can protect ourselves and our children*. New York: Basic Books. p. 34; See also, Lanning, K. (2010). *Child molesters: A behavioral analysis* (5th ed). National Center for Missing & Exploited Children. Retrieved from <https://www.ncjrs.gov/pdffiles1/Digitization/149252NCJRS.pdf>

remove obligation to report."⁹² The policy of the Galveston-Houston Archdiocese emphasizes: "PERMISSION TO MAKE A REPORT IS NOT REQUIRED OR EXPECTED. ERR ON THE SIDE OF MAKING A GOOD FAITH REPORT RATHER THAN FAILING TO DO SO."⁹³ The Mobile Archdiocese notes that all archdiocesan personnel have an obligation to report "a reasonable suspicion of child abuse, regardless of any adverse consequences of such disclosure."⁹⁴

Only three archdioceses (Louisville, Newark and New York) reference disciplinary consequences for failing to report a reasonable suspicion of abuse. An example of one of the better practices in this regard can be found in the reporting policy of the Louisville Archdiocese:

Failure to report suspected child abuse to the civil authorities is a Class B misdemeanor punishable by law and is *grounds for the termination of employment and/or the termination of a volunteer relationship* with a diocesan entity. The only exceptions to this requirement involve information learned within the Sacrament of Reconciliation or within an attorney-client relationship.⁹⁵

Another area that needs to be addressed is that of confidential communications. Only three archdioceses (Hartford, Milwaukee, New Orleans) had policies that prioritized the safety of children during confidential communications. For example, the Hartford Archdiocese's policy notes that, although the sacramental seal of confession is inviolable, "any priest who hears the confession of someone who reveals information about past or present abuse of a Minor or

⁹² Archdiocese of Anchorage. (2018). *Pastoral policies*. p. 21.

⁹³ Archdiocese of Galveston-Houston. (2019). *Safe environment policy*.

⁹⁴ Archdiocese of Mobile. (2009). *Child protection policy*. p. 8.

⁹⁵ Archdiocese of Louisville. (2013). *Restoring trust: The sexual abuse policies of the Archdiocese of Louisville*. p. 10. (Emphasis added)

Vulnerable Adult shall strongly urge the penitent to report the abuse to proper civil and Church authorities."⁹⁶

The seal of confession has been a major barrier to reporting child sex abuse in the Catholic Church. It has also enabled perpetrators to resolve their sense of guilt without fear of being reported. It is CHILD USA's position that the compelling interest in stopping child predators should outweigh the interest in secrecy even in confession. Given the deceptive tactics of perpetrators and the extreme vulnerability of children, any and all delay in reporting may endanger a child, and likely more than one child. So long as the Church continues to permit information to be suppressed because it came through the confessional, it has a heightened obligation to clearly and strongly mandate reporting, above and beyond state law requirements.

In summary, all archdioceses should adopt policies directing that all clergy, staff, and volunteers, even those not mandated by state law, must report knowledge or suspicion that a child is being abused to child protection or law enforcement authorities. To overcome people's natural reluctance to report their colleagues, stronger language should be included to encourage reporting of suspected abuse despite having doubts. In addition to stronger encouragement to report suspected abuse, archdiocesan policies should also include information explaining who is a mandated reporter and outlining their duties under the law, and stating this is the minimum that is required. They should include applicable state law in the policy (or an attached appendix) along with phone numbers for the appropriate civil authorities. The legal ramifications of failing to report and civil immunity for good faith reporting should also be noted. We also recommend that archdioceses direct that all abuse be reported regardless of how long ago it is alleged to have

⁹⁶ Archdiocese of Hartford. (2016). *Policies and procedures for the protection of minors and vulnerable adults and the Code of Ministerial Behavior for personnel of the Archdiocese of Hartford*. §IV(4).

occurred. We also recommend archdioceses reference disciplinary consequences for failing to report a reasonable suspicion of abuse. Reporting policies should also include guidance on how to handle knowledge of child abuse gained through confidential communications.

2. Whistleblower Protection Policies

While protecting whistleblowers is not mentioned in the *Dallas Charter*, for child protection policies to be effective, personnel must trust that they will not be penalized for coming forward and raising issues, questions or concerns. Whistleblower protection policies encourage reporting abuse or inappropriate behavior and prohibit retaliation against any cleric, employee, volunteer, parishioner or other individual who acts in good faith. Studies of whistleblowers reveal that retaliation in organizations may come in many forms including: ad hominem attacks, increased monitoring of work performance, demotion or denial of promotion, social ostracism, referral to a mental health professional, being fired, counter accusations, and professional blacklisting.⁹⁷ Negative consequences for reporting concerns will also discourage others from coming forward – thus increasing the potential risk to children.⁹⁸

Because only five archdioceses (Boston, Galveston-Houston, Mobile, Philadelphia, and St. Paul & Minneapolis) have whistleblower policies, there was no meaningful average to calculate. The highest scoring policy is that of the Archdiocese of St. Paul & Minneapolis which scored 100%. A *Settlement Agreement* with Ramsey County Attorney's Office (St. Paul, Minnesota) required the Archdiocese to develop a whistleblower protection policy and, as a

⁹⁷ Cassematis, P. G., & Wortley, R. (2013). Prediction of whistleblowing or non-reporting observation: The role of personal and situational factors. *Journal of Business Ethics*, 117(3), 615-634.

⁹⁸ The Massachusetts Legislative Task Force on the Prevention of Child Sexual Abuse. (2017, June). *Guidelines and tools for the development of child sexual abuse prevention and intervention plans by youth-serving organizations in Massachusetts*. p. 53.

result, the Archdiocese of St. Paul & Minneapolis now has one of the strongest whistleblower protection policies among U.S. archdioceses.⁹⁹

Table 7 displays better practices found in the policies of the five archdioceses with whistle blower protection policies and the number of U.S. archdioceses that include each practice in their policies. Because so few archdioceses had policies in this area, we gave archdioceses points if any of the practices were present in their policies whether or not a formal whistleblower protection policy was in place.

Table 7. Whistleblower Protection: Better Practices Present in the Policies of U.S. Archdioceses

Whistleblower Protection Practices	Number of Archdioceses	Percent
1. Assures no retaliation	9	28%
2. Encourages all to report concerns about violations of Code of Conduct, abuse or inappropriate behavior	8	25%
3. Penalty for retaliation	5	16%
4. Provide reporting procedure for violations	3	9%
5. Denotes who is responsible for investigation	2	6%
6. Confidentiality assured	2	6%

Eight archdioceses encourage all personnel to report violations of the Code of Conduct but only three actually provide a reporting procedure for doing so. Only two archdioceses had policies that assured confidentiality for those making reports. Nine archdioceses assured no retaliation against those making reports; however, only five denoted a penalty for retaliation.

In summary, for reporting policies to be effective, personnel must trust that they will not be penalized for coming forward and raising issues, questions or concerns. Currently, only 16% of archdioceses have a whistleblower protection policy and many of these are underdeveloped. We recommend that all archdioceses develop policies that encourage reporting inappropriate

⁹⁹ Archdiocese St. Paul & Minneapolis. (2016). *Reporting wrongdoing – "Whistleblower" protection policy*.

behavior, provide a reporting procedure, assure confidentiality, assure no retaliation and outline penalties for retaliation if it occurs.¹⁰⁰

C. Response to Victims Domain

The Response to Victims domain includes policies to address the Church's responsibility to assist all those affected by sexual abuse of minors by Church personnel including the victim, the victim's family, and the community. Policies that are part of the Victim Assistance domain include: (1) victim assistance, (2) victim rights, and (3) public transparency.

1. *Victim Assistance Policies*

The position of victim assistance coordinator was established in the *Dallas Charter*. According to Article 1, the first obligation of the Church with regard to victims is for healing and reconciliation. Article states: "dioceses/eparchies are to have a competent person or person to coordinate assistance for the immediate pastoral care of persons who report having been sexually abused as minors by clergy or other church personnel." The purpose of victim assistance policies is to provide assistance to victims and communities affected by sexual abuse in order to promote their healing.

Almost all archdioceses (94%) have some type of victim assistance policy. The average score across the archdioceses was 5.3 out of 13 points possible (40.8%; Range 0-9; see Figure 10). Scores represent more practices to ensure all victims receive pastoral support and professional treatment as needed. Scores also represent assistance to communities affected by

¹⁰⁰ Although whistleblower protection policies are rare in U.S. archdioceses, there appears to be a trend in this direction. In his recent *Motu Proprio* directive, Pope Francis stated: "...prejudice, retaliation, or discrimination as a consequence of having submitted a report is prohibited." Pope Francis. (2019, May 7). *Motu proprio, vos estis lux mundi*. Retrieved from http://w2.vatican.va/content/francesco/en/motu_proprio.index.html#motu_proprio

sexual misconduct. The victim assistance policy of the Archdiocese Louisville had the most comprehensive policy and achieved the highest score (69.2%).

Figure 10. Victim Assistance Policies

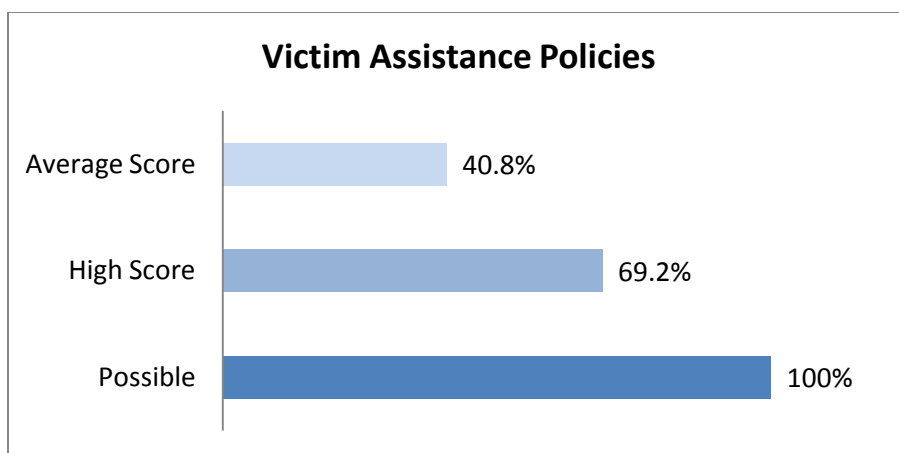


Table 8 displays better practices drawn from victim assistance policies across the 32 archdioceses including both the number and percentage of archdioceses that employ each practice.

Table 8. Victim Assistance: Better Practices Present in the Policies of U.S. Archdioceses

Victim Assistance Practices	Number of Archdioceses	Percent
1. Offers pastoral support ¹	30	94%
2. Offers to pay for therapy ¹	26	81%
3. Encourages victim to file own report	18	56%
--Offers to help victim to file own report	6	19%
4. Offers victim the opportunity to meet with the Archbishop or his representative so he can listen to them ¹	16	50%
5. Coordinates assistance to communities affected by sexual misconduct	13	41%
6. Offers help regardless of truth of allegation	8	25%
7. Victim allowed to choose own therapist	4	13%
8. Keeps victims informed about the progress of the investigation	4	13%
9. Recognizes need to prevent revictimization	1	3%
¹ Required by <i>Charter for the Protection of Children and Young People</i>		

While all the 30 archdioceses with victim assistance policies direct that victims will be offered pastoral support, only 25% direct the Victim Assistance Coordinator to focus on the needs of the alleged victim without first attempting to investigate the claim. The Archdiocese of Louisville has a better victim assistance policy in this regard. Its policy states:

Several principles guide the victim assistance policies and procedures of the Archdiocese: The Archdiocese presumes that victims/survivors who come to the Church about sexual abuse, exploitation, or harassment are being truthful.¹⁰¹

Similarly, the Atlanta Archdiocese's child protection policy notes that those involved in providing support to victims should avoid being concerned with the validity of the allegations: "His or her function is strictly postoral in nature without regard to the truth of any allegation or to the circumstances surrounding any alleged incident."¹⁰²

Eighty-one percent of archdioceses mention the possibility of offering to pay for professional counseling; however, some place restrictions on who qualifies for this assistance. For instance, despite its policy against investigating an allegation before offering pastoral assistance, the Atlanta Archdiocese takes the opposite approach on paying for therapy. Its policy states that it will not pay for therapy unless "an allegation has been termed 'actionable' (defined as "a determination by the Archbishop that an allegation is more likely than not true"¹⁰³) and if it is deemed appropriate by the Archbishop."¹⁰⁴ The Santa Fe Archdiocese takes a similar stance regarding paying for treatment. Its policy states: "The Victim Assistance Coordinator will obtain factual information to ascertain the veracity of the allegation. If there is reasonable cause to

¹⁰¹ Archdiocese of Louisville. (2013). *Restoring trust: The sexual abuse policies of the Archdiocese of Louisville*. p. 22.

¹⁰² Archdiocese of Atlanta. (2014). *Updated policy of the Archdiocese of Atlanta concerning the protection of children and vulnerable individuals from sexual abuse by church personnel*. pp. 7-8.

¹⁰³ *Id.* p. 1.

¹⁰⁴ Archdiocese of Atlanta. (2014). *Procedures for processing allegations*. p. 6.

believe sexual misconduct may have occurred, psychological assistance will be offered."¹⁰⁵ The Santa Fe Archdiocese apparently also refuses to pay for therapy if the victim brings the claim to litigation.¹⁰⁶ While not every diocese does this to victims, it is crucial to not engage in such a practice given the significant stress caused by litigation.

While all policies require that a treatment plan be approved before paying for therapy, only 13% mentioned allowing the victim to choose their own therapist. Most policies stated that the therapist had to be approved by the archdiocese but did not mention whether the victim was allowed to choose the therapist or not. Two policies (Hartford and St. Paul & Minneapolis) controlled where the victim could get treatment. The Hartford Archdiocese appears to require victims to get treatment through Catholic Charities,¹⁰⁷ while the Archdiocese of St. Paul & Minneapolis appears to require victims to choose a therapist who is part of the Canvas Health system – a third party with whom they have contracted with to provide services.

We recommend that victims be allowed to choose their own therapist. This is particularly important for victims of clergy abuse, because they may feel distrustful of seeing a therapist recommended to them by the Church. Just as important, therapy is more effective when the victim has good rapport with the therapist, which is easier to achieve when victims are allowed to select their own therapist. After pursuing other approaches, the Philadelphia Archdiocese now has a strong victim assistance policy in this regard. It allows victims to seek treatment from a

¹⁰⁵ The Archdiocese of Santa Fe. (2014). *Abuse awareness training for adults relating to sexual misconduct and sexual harassment*. p. 8.

¹⁰⁶ *Id.* p. 11. (Stating: "The Archdiocese does not pay for forensic evaluation or therapy (for use in litigation)...")

¹⁰⁷ Archdiocese of Hartford. (2016). *Safe environment handbook*. §5.2. (stating: "Under the direction of the Victim Assistance Coordinator, competent counselors and social workers employed or designated by Catholic Charities of the Archdiocese or other competent professionals will offer to provide appropriate assistance to persons who make a claim having a semblance of truth that any Personnel of the Archdiocese sexually abused them when they were Minors or Vulnerable Adults.")

licensed therapist of their choice. It also reimburses victims for medications related to mental health treatment, along with transportation and childcare expenses related to attending therapy session.¹⁰⁸

Despite being required by the *Dallas Charter*, most (59%) archdioceses' written policies failed to mention providing assistance to pastoral communities affected by sexual misconduct. Research into the impact of child sexual abuse on affected parish communities suggests that they experience "deep hurt in response to perceived betrayal by church leaders."¹⁰⁹ To recover, the parish must undergo its own process of healing.¹¹⁰ An example of how archdiocese's can offer assistance can be found in the Victim's Assistance policy of the Hartford Archdiocese. Its policy states:

Outreach to Affected Parishes/Schools The Victim Assistance Coordinator will be responsible for causing immediate steps to be taken to assist and support parish and/or school communities directly affected by Sexual Misconduct involving Minors or Vulnerable Adults by Personnel of the Archdiocese. This outreach may be accomplished by competent counselors or social workers employed or designated by Catholic Charities of the Archdiocese or other competent professionals under the direction of the Victim Assistance Coordinator. The outreach may consist of a parish and/or school meeting at the affected parish/school, an offer of counseling to members of the affected community, explanation of the response process and informing the affected community of the action taken in response to the allegation.¹¹¹

It is also important that archdioceses recognize the difficulty that adult victims of clergy abuse may have when dealing with Church institutions. Only one archdiocese has a policy that

¹⁰⁸ Archdiocese of Philadelphia. (2015). *Policies for the protection of children and young people*. Appendix A.

¹⁰⁹ Kline, P. M., McMackin, R., & Lezotte, E. (2008). The impact of the clergy abuse scandal on parish communities. *Journal of Child Sexual Abuse*, 17(3-4), 290-300.

¹¹⁰ Canadian Conference of Catholic Bishops. (2018). *Protecting minors from sexual abuse: A call to the Catholic faithful in Canada for healing, reconciliation, and transformation*, p. 59. Retrieved from http://www.cccb.ca/site/images/stories/pdf/Protecting_Minors_2018.pdf

¹¹¹ Archdiocese of Hartford. (2016). *Safe environment handbook*. § 14.

recognizes the need to mitigate retraumatizing abuse survivors--the Archdiocese of Louisville.

Its policy states:

The Victim Assistance Coordinator will encourage victims to bring an advisor or advocate with them when they are making a complaint. The prospect of bringing this information to the Church can be frightening and intimidating, and the support of a knowledgeable companion is invaluable.¹¹²

This is a simple thing that can help victims feel more comfortable, and we encourage more archdioceses consider adding this to their policy.

In summary, we recommend that archdioceses adopt victim assistance policies that assume a report is credible and offer immediate help to those reporting abuse. The policy should also support a victim's right to choose their own therapist as long as the therapist is appropriately licensed. In addition, the policy should note who in the organization is designated to provide assistance to communities affected by sexual misconduct and what form this assistance might take. The policy should also recognize that after being abused by an authority figure in the Church, meetings with Church officials can be traumatic. Strategies to mitigate this trauma should be instituted such as encouraging victims to bring a support person with them to any meeting with a Church official.

2. *Victims' Rights Policies*

For years, victims have had few rights during canonical proceedings looking into allegations of abuse. As a recent article noted:

Over and over, one hears complaints from abuse survivors of being kept in the dark about what's happening with their canonical complaints, of being refused access to files

¹¹² Archdiocese of Louisville. (2013). *Restoring trust: The sexual abuse policies of the Archdiocese of Louisville*. p. 22.

compiled as part of the process, and of having no say in whatever canonical sanction is imposed.¹¹³

Failure to assign any rights to victims remains a major problem with many of the child protection policies of U.S. archdioceses. Article 5 of *Dallas Charter* states that an accused priest or deacon "is to be accorded the presumption of innocence during the investigation of the allegation and all appropriate steps are to be taken to protect his reputation. He is to be encouraged to retain the assistance of civil and canonical counsel." and almost every archdiocese has a policy that lists rights for accused clerics and requires clerics be advised of these rights. Most archdiocesan policies emphasize that the accused has the right to be presumed innocent, to be informed of the accusations against him, to defend himself, and the right to be represented by counsel (usually paid for by the archdiocese). At the same time, only four archdioceses (Hartford, New York, St. Paul & Minneapolis, and San Antonio) have a formal policy delineating rights for victims. Because there were so few actual policies on victims' rights, we gave the various archdioceses points if *any* victims' rights were mentioned anywhere in their policies, even if a formal policy did not exist.

The average score across archdioceses was 3.6 out of 11 points possible (32.7%; Range 1-7.5; see Figure 11). Scores represent rights recognized for victims of sexual abuse by clergy or other church personnel. Higher scores represent a policy that recognizes more rights. The policy of the San Antonio Archdiocese achieved the highest score (68.3%).

¹¹³ Allen Jr., J. L. (2019, Dec. 22). Is a Catholic 'victims' rights' movement the next frontier in abuse reform? *Crux*. Retrieved from <https://cruxnow.com/news-analysis/2019/12/is-a-catholic-victims-rights-movement-the-next-frontier-in-abuse-reform/>

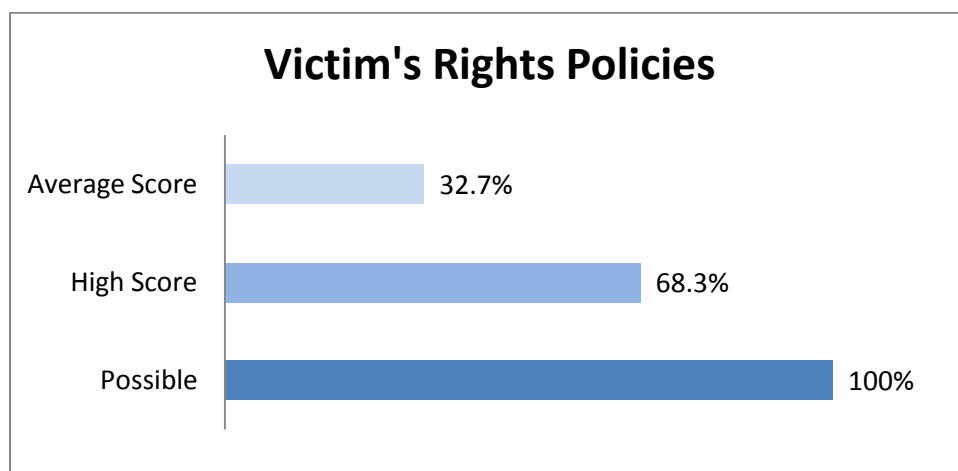
Figure 11. Victim Rights

Table 9 displays rights drawn from policies across the 32 archdioceses along with the number and percentage of archdioceses that recognize these rights. Because so few archdioceses had policies in this area, we gave archdioceses points if any of the practices were present in their policies whether or not a formal victims' rights policy was in place.

Table 9. Victims' Rights Present in the Policies of U.S. Archdioceses

Rights of Victims	Number of Archdioceses	Percent
1. Right to receive support and assistance (e.g., spiritual counseling, mental health treatment) ¹	29	91%
2. Right to make a report ¹	25	81%
3. Right to privacy	18	56%
4. Right to not be bound to confidential settlement unless victim requests ¹	14	44%
5. Right to know status and results of investigation	8	25%
6. Right to feel safe in church	4	13%
7. Right to contact an attorney	4	13%
8. Right to respond to any response from accused	3	9%
9. Right to not be retaliated against for reporting abuse	3	9%
10. Right to an apology letter from Archbishop	2	6%
¹ Required by <i>Charter for the Protection of Children and Young People</i>		

Ironically, despite all archdioceses having a safe environment policy, a key right that most archdioceses fail to clearly articulate is the right for victims of clergy abuse to feel safe

attending church services and events. An exception is the Archdiocese of Washington, D.C. In its introduction to its safe environment policies, it states that all people--children and adults--have the right to be safe and protected from harm in any and all environments including religious institutions.¹¹⁴ The Washington Archdiocese goes on to say that it is dedicated to promoting and ensuring the protection of all children entrusted to its care.

Most archdioceses recognize a victim's right to privacy, right to make a report, and to receive support; however, less than half (44%) note the right not to be bound to confidential settlement agreements—a right provided in Article 3 of the *Dallas Charter*. Another key right missing from almost every archdiocese's child protection policies is the right of the accuser to contact an attorney. Most archdiocesan policies state that the accused cleric has the right to be represented by an advocate or counsel. It would seem that the same right to counsel should also be extended to victims, whether the victim is navigating the archdiocese's assistance program or the victim is expected to participate as a witness in a canonical trial. The New York Archdiocese is one of the few archdioceses that clearly states the right of victims to be represented by counsel. Its *Policy on Sexual Misconduct* states that both the complainant and the accused person have: "the right to have assistance of counsel, both civil and canonical."¹¹⁵ The San Antonio Archdiocese also recognizes this right. Its reporting policy states: "For cases involving clergy, OVASE [Office of Victim Assistance & Safe Environment] will inform the reporting individual(s) of his/her rights to legal counsel, to contact local law enforcement, and to meet with the Archbishop or his designee."¹¹⁶ In addition, on its website in a one-page summary entitled

¹¹⁴ Archdiocese of Washington. (2016). *Pastoral code of conduct Archdiocese of Washington*. p. 3.

¹¹⁵ The Archdiocese of New York. (2016). *Policy on sexual misconduct*. p. 8.

¹¹⁶ Archdiocese of San Antonio. (n.d.). *Code of Conduct For Church Personnel*, p. 14.

Procedures for Reporting Abuse, the San Antonio Archdiocese emphasizes: "The victim has the right to contact a lawyer at any time during this process."¹¹⁷

Another area neglected by many archdioceses are the rights of the alleged victim during the investigatory process. For example, while the policy of the Archdiocese St. Paul & Minneapolis notes that the accused has the right to review evidence and proofs of the case,¹¹⁸ the victim is not afforded the same right. In contrast, the child sexual abuse policy of the St. Louis Archdiocese states that the victim has the right to meet with the investigative team and to review a summary of the case for errors.¹¹⁹ The Archdiocese of San Antonio has an exceptionally strong victims' rights policy.¹²⁰ Its policy lists ten rights the archdiocese pledges to safeguard, including the right to: "seek and retain counsel"; "reply to any response from the accused"; "provide evidence in support of the complaint"; and to "be free of intimidation by the Catholic Church, the accused, and the faith community." By placing these rights prominently on its website and providing phone numbers to call for further assistance, the San Antonio Archdiocese is helping overcome the sense of betrayal that can make victims fear coming forward with a complaint.

In summary, basic rights and protections for victims are important and offer acknowledgment by the Church of the of the personal nature of the crime and of the harm suffered. Victims should be notified of their right to contact the civil authorities, to retain counsel

¹¹⁷ Archdiocese of San Antonio. (2016). *Procedures for reporting abuse*. Retrieved from https://www.archsa.org/images/uploads/Reporting_Procedures_2016.pdf

¹¹⁸ Archdiocese of St. Paul & Minneapolis. (2016). *Sexual abuse policy*. §III.F.8.d.

¹¹⁹ Archdiocese of St. Louis. (2017). *Policies and procedures regarding cases of sexual abuse of minors by clergy or other church personnel*. p. 8.

¹²⁰ Archdiocese of San Antonio. (n.d.). *Right's of a victim*. Retrieved from <https://www.archsa.org/child-protection/victim-assistance>

and they should have the right to be notified of the timeframes for all major stages of the Church's internal investigation. Archdioceses should develop a victims' rights policy recognizing the rights outlined Table 9. We also suggest that a list of victims' rights be posted on each archdioceses' website and be provided to victims who contact an Archdiocese with an abuse complaint.

3. *Public Transparency Policies*

According to the *Dallas Charter* (Article 7; 2018 revision):

Dioceses/eparchies are to be open and transparent in communicating with the public about sexual abuse of minors by clergy within the confines of respect for the privacy and the reputation of the individuals involved. This is especially so with regard to informing parish and other church communities directly affected by sexual abuse of a minor.

In explaining Article 7 of the *Charter*, the USCCB states:

To restore that trust, the faithful must know that their bishop and pastor are being truthful with them involving cases of abuse at their parish. The parish community should hear the facts of the abuse from their Church leaders while respecting the privacy of the individuals involved....Dioceses/eparchies have a variety of ways of notifying the faithful of past and current abuse allegations. Most elect to visit the affected parish and directly inform the congregation about the circumstances...¹²¹

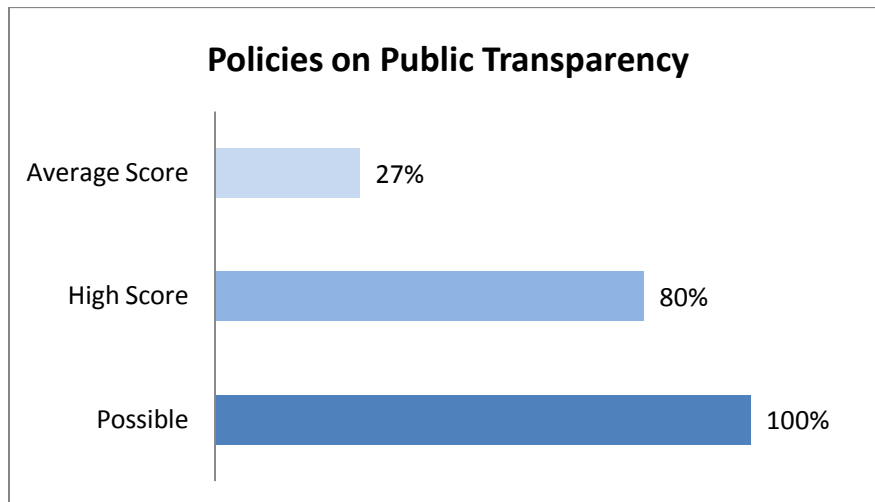
A lack of public transparency regarding child sex abuse has been an issue plaguing the Catholic Church for many years. The Church has been scandalized not just by the abuse but the concealment of the crimes. Cardinal Reinhard Marx called for increased transparency when he addressed the Vatican summit on the protection of minors. He declared, “It is not transparency which damages the church, but rather the acts of abuse committed, the lack of transparency, or the ensuing cover-up.” He further argued that transparency is “a decisive factor in the

¹²¹ http://bishopaccountability.org/usccb/implementation/report_on_2011.pdf - p. 15

trustworthiness and credibility of the church.”¹²² Transparency also empowers more victims, who often think they are the only ones, to come forward when they see their abuser exposed. Moreover, publicizing the names of abusive priests notifies the public that these men should not be allowed near children; thus, possibly preventing further occurrences of abuse.

We found little consistency in how bishops address and publicize allegations of abuse and only 15 (47%) of archdioceses have a formal policy on public transparency or communications. The average score for the archdioceses was 2.7 out of 10 points possible (27%; Range 0-8; see Figure 12). The policy of the Archdiocese of Boston was the most comprehensive and achieved the highest score (80%).

Figure 12. Policies on Public Transparency



Higher scores represent more practices and procedures ensuring transparency. Table 10 displays better practices found across the 32 archdioceses to ensure public transparency including the number and percentage of archdioceses that employ these practices. Because the

¹²² O’Connell, G. (2019, Feb. 23). Cardinal Marx: the Catholic Church must be transparent in its handling of sexual abuse. *America: The Jesuit Review*. Retrieved from <https://www.americamagazine.org/faith/2019/02/23/cardinal-marx-catholic-church-must-be-transparent-its-handling-sexual-abuse>

majority of archdioceses do not have a policy on public transparency, we gave points if any of the practices were listed in any policies or found on archdiocesan websites.

Table 10. Public Transparency: Practices Present in the Policies of Archdioceses

Public Transparency Practices	Number of Archdioceses	Percent
1. Notify public of credible abuse allegations	1	3%
2. Disclose substantiated abuse on website	21	66%
3. Inform parish and other church communities affected by the sexual abuse of a minor ¹	13	41%
4. Notify all past parishes/schools a cleric has worked in	4	13%
5. Provide time frame for making the notifications	1	3%
¹ Required by <i>Charter for the Protection of Children and Young People</i>		

Of the 47% of archdioceses with policies on public transparency or communication, most were extremely vague. For example, the Detroit Archdiocese's policy simply states it "will deal as openly as possible with the media and those parishes and institutions involved," without any further guidance except to list its media contact and spokesperson.¹²³ The Indianapolis Archdiocese has a similarly ambiguous policy. Its policy states that the archdiocese "will reflect a commitment to transparency and openness with regard to sexual misconduct....However, this commitment will be carried out with due regard to the respect owed to the privacy and reputations of all persons involved—accused, alleged victims, and others—and with respect to Church law."¹²⁴ It provides no guidance on how to accomplish this, much less of the right of the public to know of sexual offenders in the community.

¹²³ Archdiocese of Detroit. (2007). *Sexual abuse of minors policy*. p. 6.

¹²⁴ Archdiocese of Indianapolis. (2015). *To be safe and secure: Policies and procedures, standards of behavior for the protection of minors and others from sexual misconduct by those ministering on behalf of the Archdiocese of Indianapolis*. Article 7: Communications policy.

The USCCB has issued no instructions on disclosures related to credibly accused priests, leaving individual dioceses to decide for themselves how much or how little to publish.¹²⁵ For years, many dioceses have resisted notifying the public about substantiated cases against clergy. When such lists were released, it was often in order to comply with the nonmonetary requirements of a settlement. After the 2018 Pennsylvania Grand Jury Report, more than a dozen attorneys general began similar investigations, as did federal investigators. These investigations led most archdioceses who had not previously released this information to release a public list of “credibly accused” abusers who have served in their ranks. However, each archdiocese uses its own criteria for determining whether a clergy member has been credibly accused of sexual misconduct¹²⁶ and whether or not the name will be released to the public.¹²⁷

At the time of our research, two-thirds of U.S. archdioceses notified the public of substantiated allegations of abuse on their websites; however, only one archdiocese (St. Paul & Minneapolis) committed in its policies to notify the public about credible allegations of abuse before they had been substantiated.¹²⁸ The Archdiocese of St. Paul & Minneapolis was required to add this procedure as a result of the Archdiocese's settlement agreement with the Ramsey

¹²⁵ Churchhill, L., Simani, E., & Sanders, T. (Jan. 28, 2020). Sins of omission: Catholic leaders promised transparency about child abuse. They haven't delivered. *ProPublica*. Retrieved from <https://www.propublica.org/article/catholic-leaders-promised-transparency-about-child-abuse-they-havent-delivered>

¹²⁶ Keane, J. T. (2018, Dec. 20). If a priest is ‘credibly accused’ of sexual abuse, what does that mean? Depends whom you ask. *America: The Jesuit Review*. Retrieved from <https://www.americamagazine.org/faith/2018/12/20/if-priest-credibly-accused-sexual-abuse-what-does-mean-depends-whom-you-ask>

¹²⁷ Lauer, C., & M. Hoyer. (2019, Dec. 28). Hundreds of accused clergy left off church's sex abuse lists. *ABC News*. Retrieved from <https://abcnews.go.com/US/wireStory/hundreds-accused-clergy-left-off-churchs-sex-abuse-67954198>

¹²⁸ The Archdiocese of Boston does not mention publicizing credible claims of abuse in its Communication policy but does list "the names of priests or deacons who have been publicly accused of sexually abusing a child, but where there remain to be completed canonical proceedings..." Apparently, it only lists the priests' names if the claim has been previously made public. See: <https://www.bostoncatholic.org/offices-and-services/accused-clergy>

County Attorney's Office.¹²⁹ It was also the only archdiocese that provided a time frame for the notification. Its policy states:

The Archdiocese shall make public disclosures of Substantiated Claims of Sexual Abuse of Minors by Clerics and pending Credible Allegations of Sexual Abuse of Minors by Clerics that are under investigation. In each case of a Substantiated Claim, the Archdiocese will add the name of the Cleric to the disclosure section of its website. Public disclosures under this paragraph shall be made as soon as reasonably practicable but, in any event, no later than forty-five (45) days after the relevant determination. The Archdiocese will also share this information with the public by issuing and posting a press release on its website.¹³⁰

Less than half of archdioceses (41%) mentioned notifying the local church community of child sexual abuse by clerics. Only three archdioceses mentioned notifying communities that the offending priest previously served in (Baltimore, Louisville, and Milwaukee). The Louisville Archdiocese has one of the better procedures for notifying the local church community along with those where the accused previously worked. Its policy states:

Members of the parish/school or other agency in which the accused last served will be notified by the Archbishop's office. Parishioners will be informed about how to report child abuse, and parents will be advised on how to discuss child abuse with their children. Care will be taken at all times to protect the identity of the victim/survivor and his or her family. If the clergy or lay employee had previous assignments or employment, these parishes, schools, or agencies also will be notified.¹³¹

Notifying communities where an offending priest previously served is particularly important because these communities may not be aware of the the cleric has been accused of abuse. These notifications may lead to more victims coming forward to begin the healing process.

¹²⁹ *Settlement Agreement between The Archdiocese of St Paul and Minneapolis and Ramsey County Attorney*. (Dec. 17, 2015), File No. 62-JV-15-1674. Section 9.4. (On December 12, 2015, the Ramsey County Attorney's Office (RCAO) entered into a settlement agreement with the Archdiocese. The settlement was in response to a Civil Petition filed in Ramsey County District Court on June 17, 2015, against the Archdiocese concerning the welfare of three minors abused by a clergy member who served in the Archdiocese and was under its direct supervision at the time of the abuse.)

¹³⁰ Archdiocese of St. Paul & Minneapolis. *Sexual abuse* (2016 Revision). §III(E).

¹³¹ Archdiocese of Louisville. (2013). *Restoring trust: The sexual abuse policies of the Archdiocese of Louisville*. pp. 15-16.

In summary, we recommend that archdioceses publish the names of credibly accused priests, religious, and lay pastoral workers on the diocesan website. To be effective, policies should provide a time frame for this notification to happen. In addition, policies should provide procedures for informing parish and other church communities affected by the sexual abuse of a minor. All past parishes and/or schools where the accused has worked should also be notified and encouraged to report any abusive acts of which they may be aware.

D. Domain of Investigational Process and Response to Allegations of Abuse

The investigational domain includes the following policies (1) review board; (2) investigations, (3) handling evidence, (4) response to substantiated allegations of abuse, and (5) response to credible allegations of abuse that cannot be substantiated. The domain involves conducting credible investigations untainted by conflicts of interest and internal pressures to avoid scandal. It also involves being responsive to the rights and needs of victims and lay oversight of the investigation with the goal rendering justice and protecting children from future harm.

It should be noted that the *Charter and Essential Norms* do not provide any guidance on how to conduct an investigation. These documents simply provide: (1) that the diocese conduct an investigation, in accordance with canon law, upon the receipt of an allegation of abuse; (2) that a diocesan lay review board functions as a confidential consultative body to the bishop; and (3) that "all appropriate steps shall be taken to protect the reputation of the accused during the investigation." Thus, there is no guidance on who should conduct the investigation, on whether the accused should be placed on administrative leave during the investigation, and no requirement that the archbishop even notify the review board of an allegation of abuse. The only other guidance provided in the *Dallas Charter* is the "zero-tolerance" clause stating that a priest

shall be removed from ministry if the abuse is found to be substantiated. However, there is no standard for determining who should be considered credibly accused or how to determine whether an allegation is substantiated. Because of the lack of guidance in the nuances of conducting an investigation and dealing with priest misconduct, policies in this domain had little uniformity and many were lacking in substance.

1. Review Board Policies

Having a review board to advise archbishops on clergy sex abuse was mandated in 2003 by the *Dallas Charter*. According to the *Charter*, the majority of the board members must be lay persons in full communion¹³² with the Church but not in the employ of the archdiocese. The board is to assist the archbishop in assessing abuse allegations and fitness for ministry, and is charged with regularly reviewing the archdiocese's policies and procedures for dealing with sexual abuse of minors.

The majority (84%) of archdioceses have policies on review boards. The average score of review board policies across archdioceses was 3.8 out of 10 points possible (38%; Range 0-8; see Figure 13). Scores represent practices to ensure effective functioning of the review board.¹³³ Higher scores represent more comprehensive practices and procedures. The policy of the Chicago Archdiocese achieved the highest score (80%).

¹³² Being "in full communion with the Catholic Church" means being allowed to partake of the Eucharist. To partake of the Eucharist, a specific profession of the faith of the Catholic Church is required. A person must firmly accept its teaching on faith and morals with the "submission of will and intellect to the teachings" of the Church's governance. See, Ratzinger, J., & Bertone, T. (1998). *Doctrinal commentary on the concluding formula of the professio fidei*. Vatican. Available at https://web.archive.org/web/20131202223910/http://www.vatican.va/roman_curia/congregations/cfaith/document/rc_con_cfaith_doc_1998_professio-fidei_en.html

¹³³ Because review boards operate in secrecy and are only answerable to the archbishop who appoints them, it was impossible to determine whether they are functioning appropriately.

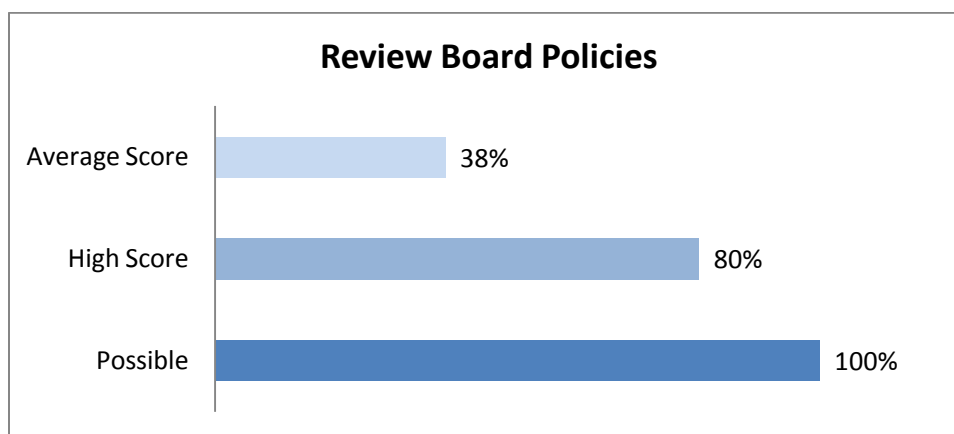
Figure 13. Review Board Policies

Table 11 displays better practices drawn from review board policies across all 32 archdioceses along with the number and percentage of archdioceses that employ these practices..

Table 11. Review Board: Practices Present in the Policies of Archdioceses

Review Board Practices	Number of Archdioceses	Percent
1. More than half are lay people not employed by diocese ¹	27	84%
2. Include person with expertise in treatment of CSA ¹	23	72%
3. Include sex abuse survivors as potential members	4	13%
4. Encouraged to suggest revisions to policies ¹	27	84%
5. Includes duties of the board	24	75%
7. Must take notes or minutes of the meetings	8	25%
6. To have regularly scheduled meetings	7	22%
8. Will review past cases even if cleric is retired ¹	4	13%
9. Includes orientation for new members	3	9%
10. Provides continuing education on child sexual abuse	2	6%
¹ Required by <i>Charter for the Protection of Children and Young People</i>		

The number and composition of members on review boards varied greatly between the various archdioceses. Most archdioceses comply with the directives of the *Dallas Charter*¹³⁴ and have at least five members, one being a priest and another having expertise in the treatment of sexual abuse. Some archdioceses have larger review boards and a few, in addition to the priest

¹³⁴ USCCB Charter, art. 2, and USCCB Essential Norms 5.

and professional with child abuse expertise, mandate the inclusion of other types of professionals. For example, the Philadelphia Archdiocese's policy directs that the board be composed of 7 to 12 members. It notes that members "shall include a licensed psychiatrist, a psychologist or social worker, an attorney, and a parent."¹³⁵ Four archdioceses have instituted a policy of including either a survivor of clergy abuse or a parent whose child was abused on the board. We consider including someone personally affected by priest abuse to be important as it may help board members better focus on the needs of abuse victims.

Only three archdioceses provide orientation for new board members (Chicago, Philadelphia and St. Paul & Minneapolis) and only two (Philadelphia and St. Louis) offer continuing education for review board members. It is not clear why more archdioceses do not provide for the continuing education of their board members. In several cases we found that archdiocese had apparently ignored recommendations in this area from special lay panels convened after clergy abuse scandals to advise them on revising their policies. For example, in 2014 the Environment and Ministerial Standards (SEMS) Task Force recommended to the Archdiocese of St. Paul & Minneapolis that review board members "should receive continuing training and education on issues likely to be presented to the board in programs administered by the Delegate for Safe Environment."¹³⁶ Similar recommendations were made to the San Antonio Archdiocese by a lay commission empaneled to improve its handling of child sexual abuse. The commission recommended that the San Antonio Archdiocese allocate a budget for board

¹³⁵ Archdiocese of Philadelphia. *Policies for the Protection of Children and Young People* (2015 Revision), §1103.8.1.

¹³⁶ Safe Environment and Ministerial Standards Task Force. (2014, Mar. 31). *Report and recommendations to protect children from clergy sexual abuse*. Submitted to the Episcopal Vicar For Ministerial Standards of the Archdiocese of Saint Paul and Minneapolis. p. 13.

members' continuing education on best practices in their areas of responsibility.¹³⁷ For reasons we were not able to discern, neither archdiocese revised their policies to incorporate these recommendations.

a. Problems Found with Review Boards Across the Country

To better understand the problems that can arise with review boards, we examined reports from task forces and commissions convened by other archdioceses. An assessment of the implementation of the policies of the Archdiocese of Boston found a number of problems with the way its review board was being utilized, which were traced in part to the board's lack of independence.¹³⁸ The evaluators found problems with the review board not being consulted in some cases and being given incomplete information in others. They noted that the review board needs to have direct access to all information from the preliminary investigation and must see the same information the Archbishop sees.

The Archbishop of San Antonio appointed a Lay Commission to review procedures for addressing claims of sexual abuse by members of the clergy. The Commission reviewed the functioning of the archdiocese's review board as part of its investigation into how the San Antonio Archdiocese had handled past claims of abuse.¹³⁹ Based on its review, the Commission sought to improve the quality of board members and the independence of the board as a whole. For example, the Commission encouraged the archbishop to establish a nominating committee to identify and screen qualified candidates to serve on the board. They also recommended the

¹³⁷ The Lay Commission on Clergy Sexual Abuse of Minors in the Archdiocese of San Antonio. (Jan. 31, 2019). *Report of the Lay Commission*.

¹³⁸ *Children first: A two-year assessment of the implementation of policies and procedures for the protection of children, Archdiocese of Boston*. (2003). (April 7, 2006).

¹³⁹ The Lay Commission on Clergy Sexual Abuse of Minors in the Archdiocese of San Antonio. (2019, Jan. 31). *Report of the Lay Commission*.

archbishop increase the independence of the board by agreeing to accept the recommendations of the review board as a matter of written archdiocesan policy.

In June 2019, the USCCB's National Review Board recognized the problem of diocesan Review Boards failing to be consulted in cases of clergy abuse. In its report to the bishops, the National Review Board recommended that *all* allegations be reported to review boards, following notification of civil authorities.¹⁴⁰

Critics of review boards say they can be easily compromised because bishops control who is on the boards, what cases they review, and what information they receive about alleged offenders.¹⁴¹ A 2016 grand jury investigating Pennsylvania's Altoona-Johnstown diocese called its board's work a cover-up. While ostensibly looking at the credibility of a claim, board members were actually seeking damaging information about victims to use against them if they sued.¹⁴² The grand jury report stated: "The Allegation Review Board is fact-finding for litigation, not a victim service function of the Diocese."¹⁴³

A recent Associated Press (AP) investigation of review boards across 180 dioceses in the U.S. found evidence to support these concerns. The investigation found that review boards often fail to provide the independent assessment of clergy misconduct that they were created to provide. Instead, according to the report, review boards appointed by bishops and operating in secrecy have routinely undermined sex abuse claims from victims, shielded accused priests, and

¹⁴⁰ Cesareo, F. (2019, June). *2019 progress report to the Body of Bishops*. National Review Board for the Protection of Children and Young People. p. 3. Retrieved from <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/2019-Annual-Progress-Report-6-4-2019.pdf>

¹⁴¹ Smietana, B. (2012, June). Take It to the board: How effective are lay review boards in preventing sex abuse? *U.S. Catholic*, 77(6), pp. 12-17. Retrieved from <https://www.uscatholic.org/church/2012/04/take-it-board-how-effective-are-lay-review-boards-preventing-sex-abuse>

¹⁴² Office of the Attorney General, Pennsylvania. (2016). *A Report of the Thirty-Seventh Statewide Investigating Grand Jury*. pp. 123-124.

¹⁴³ *Id.* p. 123.

helped the church avoid payouts to victims.¹⁴⁴ In the roughly 80 dioceses that posted review board member names, the investigation found that at least 40 bishops placed high-ranking aides and attorneys on the board who had defended the church or its priests in sex-assault cases. The AP even found three cases of clergy serving on boards who themselves faced allegations of sexual misconduct. The AP also found dozens of cases in which review boards rejected complaints from survivors which were later validated by civil authorities.

In summary, we recommend that review board members be victim oriented and impartial. Requiring at least one member to be a survivor of clergy abuse or a parent whose child was abused would help other board members better understand the difficulties victims face. In addition, we recommend that review boards meet regularly and keep notes of their meetings. All board members should be offered orientation and continuing education on best practices in their areas of responsibility. We also recommend that all allegations be reported to diocesan review boards, following notification of civil authorities, and that all information from the investigation be made available to the board.

2. Policies on Conducting Investigations

It can take years for sexual-abuse survivors to report their abuse; consequently many clerics are never investigated by civil authorities due to the short civil statutes of limitation. For adults victimized as children, the Church is often the only place where they can seek justice. Following the receipt of a complaint, the archbishop or his designee makes a determination as to whether or not the complaint is credible. Archdiocesan policies offer differing definitions for a credible accusation. Most archdiocesan policies define "credible" to mean the allegations has

¹⁴⁴ Dunklin, R., Weiss, M., & Sedensky, M. (2019, Nov. 20). Catholic boards hailed as fix for sex abuse often fail. *Associated Press*. Retrieved from <https://apnews.com/66ffb032675b4e599eb77c0875718dd4>

"the semblance of truth." The Archdiocese of Minneapolis-St. Paul defines an accusation as credible if it is "not manifestly false or frivolous."¹⁴⁵ The Archdiocese of Boston provides a list of thresholds that the accusation must meet and directs that the "trustworthiness of the source" must be taken into consideration.¹⁴⁶ When archdioceses receive allegations they consider to be credible, they may initiate canonical proceeding, which involves an investigation by a Church body into accused priests. Canon law requires each diocese to establish a tribunal in which cases can be heard. Canonical trials are governed by the rules of the Catholic Church and judges are appointed by the archbishop. The standard of proof in canonical trials is usually "moral certainty" which is similar to the legal standard of "beyond a reasonable doubt."¹⁴⁷

All archdioceses have some type of policy or procedure regarding investigating and responding to abuse allegations. However, many policies are lacking in substance and offer little guidance on how conduct an investigation or deal with the alleged offender during the investigatory process. Archdioceses that do have substantive investigatory policies have developed widely disparate approaches on how to conduct an investigation and in all cases the archbishop has the final decision-making authority regarding whether the allegation is deemed credible and worthy of investigation.

¹⁴⁵ See <https://safe-environment.archspm.org/frequently-asked-questions-disclosure-substantiated-claims/>

¹⁴⁶ Archdiocese of Boston. (2018). *Child protection policy*. §1.9:

Credible Accusation

An allegation that, based upon the facts of the case, meets one or more of the following thresholds:

- a. Believable and plausible;
- b. Natural, reasonable and probable;
- c. Corroborated with other evidence or another source and/or
- d. Acknowledged/admitted to by the accused.

In making this determination, consideration should be given to the trustworthiness of the source.

¹⁴⁷ See Coughlin, J. J. (2010). *Canon law: A comparative study with Anglo-American legal theory*. Oxford University Press. pp. 62-63.

The average score across archdioceses was 8.4 out of 24 points possible (35%; Range 2-14.5; see Figure 14). Scores represent practices to ensure a more impartial and thorough investigation along with protections for alleged victims and vulnerable minors during the process. The Washington D.C. Archdiocese has the highest scoring policy and achieved 60.4% of the points possible.

Figure 14. Policies on Conducting Investigations

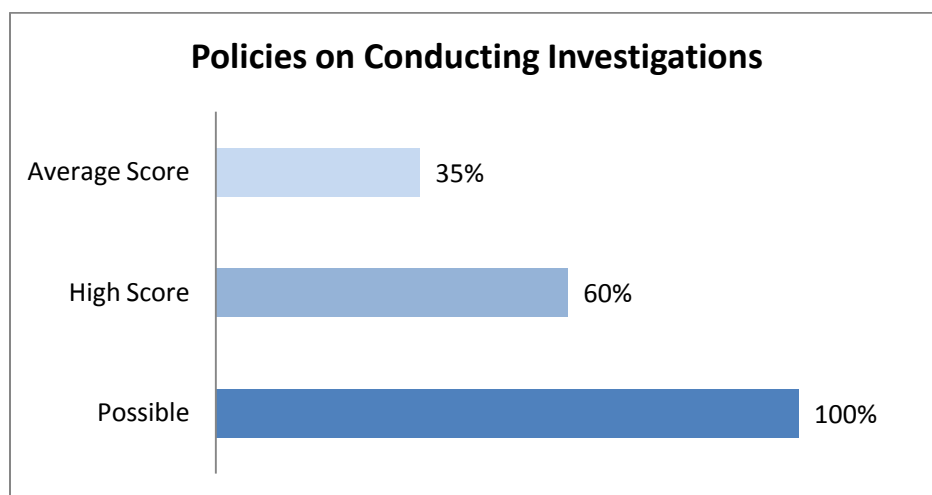


Table 12 displays better practices drawn from the investigatory policies of the 32 archdioceses along with the number and percentage of archdioceses that employ each of these practices.

Table 12. Investigation: Better Practices Present in the Policies of U.S. Archdioceses

Investigative Practices and Procedures	Number of Archdioceses	Percent
1. Inform law enforcement and cooperate ¹	32	100%
2. Defer internal investigation during criminal investigation	15	47%
3. Law enforcement offered first contact with accused	3	9%
4. Investigation is conducted promptly	12	38%
5. Use of an independent investigator	5	16%
6. Inform coworkers and direct to report any in-appropriate behavior by accused they have observed	4	13%
7. Review board makes recommendation and Archbishop makes final determination ¹	27	84%

<i>Accused</i>		
8. Suspend accused during investigation	30	94%
9. Prohibit accused from attending church events	6	19%
10. Accused to have no contact with alleged victim during investigation	8	25%
11. Accused not to retaliate against victim in any way	2	6%
12. No transfers allowed w/ pending claims of abuse	3	9%
13. No employment recommendations w/ pending claims of abuse	1	3%
14. Notify any diocese accused moves to w/ pending claims of abuse	2	6%
<i>Victim</i>		
15. Notify victim of right to contact civil authorities	16	50%
16. Notify victim of right to retain counsel	3	9%
17. Offer victim assistance	20	63%
18. Take care to protect victim's identity/privacy	15	47%
19. Keep victim informed of progress and outcome of investigation	6	19%
¹ Required by <i>Charter for the Protection of Children and Young People</i>		

All archdioceses have a policy of informing law enforcement and cooperating with civil investigations and most (94%) suspend the accused during the investigation. Another area neglected by 87% of archdiocesan policies is informing the alleged offender's coworkers to report any inappropriate behavior they may have observed. One of the better procedures in this regard can be found in the the Louisville Archdiocese's policy. It states:

The Archdiocese will inform selected coworkers or others with whom the accused lives or works that an accusation has been made and that the accused has been placed on administrative leave. These individuals will be directed to report inappropriate behavior or violations of ministerial restrictions to a designated archdiocesan official.¹⁴⁸

A particularly important point missing from 84% of investigatory policies is the use of an independent, outside investigator. In evaluating the 32 U.S. archdioceses we found that there is little uniformity when it comes to who conducts the investigation and the policies of 16% of archdioceses do not even mention who is to perform this function (see Table 13).

¹⁴⁸ *Id.*

Table 13. Main Officials Charged with Conducting the Investigation

Main Official Charged with Conducting the Investigation in Each US Archdioceses	Number of Archdioceses Who Use
Archbishop or designee	6 (19%)
Independent Investigator	5 (16%)
Not specified	5 (16%)
Legal Counsel for Archdiocese	4 (13%)
Vicar General for Clergy	3 (9%)
Director of Investigations	3 (9%)
Director of Office of Child and Youth Protection or Safe Environment	3 (9%)
Chancellor	1 (3%)
The Victim Assistance Coordinator	1 (3%)
The Review Board	1 (3%)

Many of the people designated by U.S. archdioceses as investigators have obvious conflicts of interest, such as the Archbishop, the Vicar General for Clergy, and the legal counsel for the archdiocese. A recent decree by Pope Francis holds that, "Any person assisting the Metropolitan in the investigation is required to act impartially and must be free of conflicts of interest."¹⁴⁹ A conflict of interest arises when a person has competing interests or loyalties that either are, or potentially could be, at odds with each other. Since employees and members of the church hierarchy are hired to represent the interests of the archdiocese, they cannot be considered impartial in investigations potentially implicating the Church in wrongdoing.¹⁵⁰

To ensure a credible, impartial investigation, the investigator should be completely independent of the archdiocese. In addition, the investigator needs special expertise as crimes

¹⁴⁹ Pope Francis. (2019, May 7). *Motu Proprio Vos Estis Lux Mundi*. Retrieved from http://w2.vatican.va/content/francesco/en/motu_proprio.index.html#motu_proprio

¹⁵⁰ One of the worst policies on investigations was found in the Child Protection Policy of the Archdiocese of Kansas City. The policy states that the Vicar General for Priests or another priest designated by the Archbishop is to lead the investigation. It further states: "In the spirit of charity, a religious order shall be invited to participate in and to cooperate with any investigation of one of its members." The policy also directs the religious order "to attend to the spiritual, psychological and physical well-being of an accused member during the investigation." Thus the religious order is charged both with supporting the alleged offender while also investigating him. See, Archdiocese of Kansas City in Kansas. (2007). *Child Protection Policy*. pp. 9-10.

involving child abuse, particularly child sexual abuse, are among the most difficult investigated by law enforcement. The U.S. Department of Justice has laid out some of the reasons that investigations of child abuse can be so challenging:¹⁵¹

- Children are usually unable to protect themselves because of their level of physical and mental development; frequently they do not like to talk about the abuse. They may delay disclosure or tell only part of the story.
- An emotional bond often exists between the child and the offender; children may want the abuse to stop, but they may not want the offender to be punished.
- Crimes of abuse are not usually isolated incidents; instead, they take place over a period of time, often with increasing severity.
- In most sexual abuse cases, there is no conclusive medical evidence that sexual abuse occurred. Moreover, it occurs in a private place with no witnesses to the event.
- Interviews of children require special handling; legal issues governing child testimony are complicated and ever changing, and children—whether victims or witnesses—are often viewed as less credible or competent than the accused.
- Child abuse cases often involve concurrent civil, criminal, and sometimes administrative investigations; they often cross jurisdictional lines.
- The criminal justice system was not designed to handle the special needs of children.

Because of the difficulties involved, we recommend using an independent investigator who has proven expertise conducting child sexual abuse investigations. In addition, using the same individual for multiple investigations can create a de facto employer-employee relationship, and hence a conflict of interest. Thus, it is best to draw from a pool of potential investigators rather than using the same individual for all investigations. This recommendation is consistent with recent directives by U.S. bishops. In June 2019, the Bishops issued directives to implement the *Motu Proprio*.¹⁵² These directives include utilizing proven experts in the

¹⁵¹ U.S. Department of Justice. (2001). *Law enforcement response to child abuse*. NCJ 162425. Retrieved from <https://www.ncjrs.gov/pdffiles/162425.pdf>

¹⁵² Pattison, M. (2019, June 11). Bishops OK plan to implement 'motu proprio' on addressing abuse. *Catholic News Service*. Retrieved from <https://www.ncronline.org/news/accountability/bishops-ok-plan-implement-motu-proprio-addressing-abuse>

investigatory process chosen from among the laity such as law enforcement, criminal investigation, civil law, canon law, psychology, and social work. In addition, the archbishop is directed to report any "conflict of interest or lack of impartiality" to the Vatican, including that of an investigator.¹⁵³

Most archdiocesan investigatory policies lack important safeguards for victims and minors. Only 32% of archdioceses include provisions in their policies to protect the alleged victim during the investigation. These include provisions such as prohibiting the accused from attending church events during suspension, directing him to not contact the alleged victim, not to have anyone else contact the victim on his behalf, and/or not to retaliate against the victim in any way.¹⁵⁴ In addition, while 50% of policies direct that victims should be notified of their right to contact civil authorities, only three (9%) advise victims of their right to contact an attorney.

In summary, we recommend archdioceses create a pool of qualified investigators and experts. Any investigation into allegations of child abuse should be conducted by an independent, outside professional with proven expertise in investigating allegations of child abuse. Policies should also specify that selected coworkers or others with whom the accused lives or works will be informed that an accusation has been made and the accused has been placed on administrative leave. These individuals should be encouraged to report any inappropriate behaviors they may have observed or violations of ministerial restrictions.

Archdioceses also need to include more protections for victims. These include adding a

¹⁵³ *Id.*

¹⁵⁴ See e.g., Archdiocese of New Orleans. (2011). *Policy concerning abuse or neglect of minors*, p. 5. (holding that during the preliminary investigation: "The accused cleric is to be counseled that he is not to confront or challenge the accuser, nor is he to arrange for any confrontation or challenge in any way by another person, nor is he to retaliate against his accuser or the reporter in any way."); see also, The Archdiocese of Milwaukee. (2017 Revision). *Promise to protect - pledge to heal: The policies, procedures, and protocols for clergy sexual abuse of minors: Prevention and response*. p. 8. (holding that: "The Vicar for Clergy will direct the accused to have no contact with the accuser or family and the accused will sign a document to that effect.")

prohibition against the accused attending church events during his suspension, and requiring the accused to refrain from all public ministries and all unsupervised contact with children pending the outcome of the internal or criminal investigation. Policies should also include a directive that the accused will be told not to contact the alleged victim, not to have anyone contact the victim on his behalf, and not to retaliate against the victim in any way. In addition, archdioceses should advise victims of their to reort their claims directly to civil authorities and advise them of their right to retain counsel.

3. *Handling Evidence Policies*

Only one archdiocese has a policy on handling evidence: the Archdiocese of St. Paul & Minneapolis. Developing a policy handling evidence was a requirement of the archdiocese's *Settlement Agreement* with the Ramsey County Attorney's Office.¹⁵⁵ Currently, no other archdioceses have policies that address perserving the integrity of evidence during investigations. Consequently there was no meaningful average to compute. Table 14 displays the practices practices contained in the Archdiocese of St. Paul & Minneapolis policy.

Table 14. Handling Evidence: Practices Present in the Policy of the Archdiocese of St. Paul & Minneapolis¹⁵⁶

Policy on Handling of Evidence
1. Seized in timely fashion
2. Described and documented in writing
3. Chain of custody/stored to preserve its integrity

We believe that this is an important policy which more archdioceses should adopt. In a recent address, a Cardinal Reinhard Marx referenced a study commissioned by German bishops

¹⁵⁵ *Settlement Agreement between The Archdiocese of St Paul and Minneapolis and Ramsey County Attorney*. (Dec. 17, 2015), File No. 62-JV-15-1674.

¹⁵⁶ Archdiocese of St. Paul & Minneapolis. (2016). *Handling evidence policy*.

in 2014. The study found that some dioceses in Germany "destroyed" or altered documents in an effort to cover up sexual abuse.¹⁵⁷ Marx said that he did not believe that this is a problem that is isolated to Germany.¹⁵⁸ In addition, directives by U.S. bishops issued on implementing the *Motu Proprio* reference safeguarding evidence. The Bishops stated: "In the event that there are well-founded motives to conclude that information or documents concerning the investigation are at risk of being removed or destroyed, the Metropolitan shall take the necessary measures for their preservation."¹⁵⁹

In summary, all archdioceses need to have a policy that addresses how they plan to safeguard evidence in child sexual abuse cases. These policies should, at minimum, include the three procedures listed in Table 14.

4. *Response to Substantiated Allegations of Abuse Policies*

Article 5 of the *Dallas Charter*, states that, "Diocesan/eparchial policy is to provide that for even a single act of sexual abuse of a minor—whenever it occurred—which is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon is to be permanently removed from ministry and, if warranted, dismissed from the clerical state." This directive is included in all of the child protection policies of the 32 U.S. archdioceses. However, each archdiocese determines its own standard to deem a priest credibly accused. In addition, it appears that few current cases of child sexual abuse are being substantiated by U.S.

¹⁵⁷ Givetash, L., & Lavanga, C. (2019, Feb. 23). Cardinal says Catholic Church 'destroyed' documentation of sex abuse. *NBC News*. Retrieved from <https://www.nbcnews.com/news/world/cardinal-says-catholic-church-destroyed-documentation-sex-abuse-n974941>

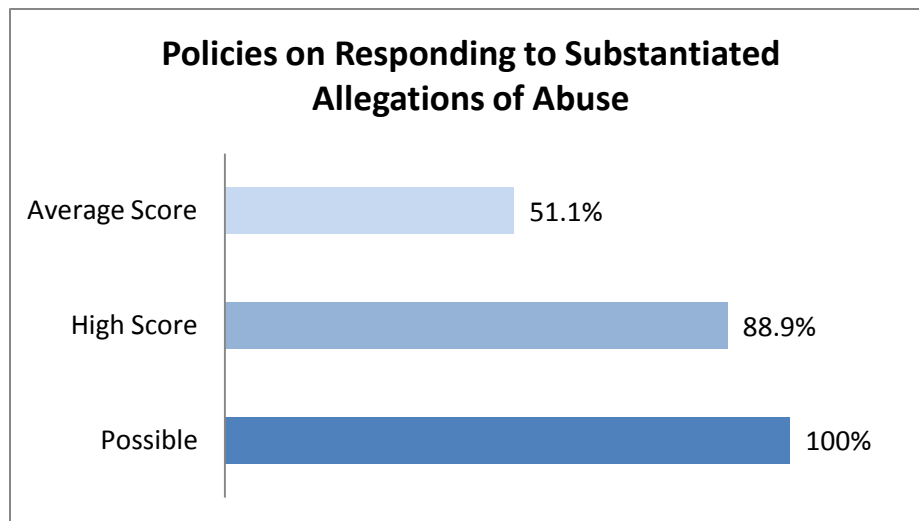
¹⁵⁸ Burke, D., & Flores, R. (2019, Feb. 23). Top Catholic cardinal admits church destroyed documents on clergy sexual abuse. *CNN*. Retrieved from <https://www.cnn.com/2019/02/23/europe/cardinal-documents-destroyed/index.html>

¹⁵⁹ Pattison, M. (2019, June 11). Bishops OK plan to implement 'Motu Proprio' on addressing abuse. *Catholic News Service*. Available at <https://www.ncronline.org/news/accountability/bishops-ok-plan-implement-motu-proprio-addressing-abuse>

dioceses. According to self-reports by dioceses collected by the USCCB, there were 26 allegations by current minors reported in the one year period between July 1, 2017 – June 30, 2018. As of June 30, 2018, three were substantiated and the clergy were removed from ministry. Of the remaining 23 allegations, seven were unsubstantiated, three were unable to be proven, six were still under investigation, two were referred to religious orders, two involved unknown clerics, and three were incidents of boundary violations not sexual abuse (Secretariat for Child and Youth Protection, 2019).¹⁶⁰

The average score across archdioceses was 4.6 out of 9 points possible (51.1%; Range 0-8; see Figure 15). Scores represent practices to ensure offending cleric is not allowed to continue in ministry and loses his status in the Church. The policies of the Archdioceses of Louisville and Washington, D.C. achieved the highest score with 88.9% of possible points.

Figure 15. Policies on Responding to Substantiated Allegations of Abuse



¹⁶⁰ Secretariat of Child and Youth Protection and the National Review Board. (2019, May). *The 2017 Annual Report on the Implementation of the "Charter for the Protection of Children and Young People."* Washington, DC: USCCB.

Table 15 displays practices across archdioceses for responding to substantiated abuse along with the the number and percentage of archdioceses that employ these practices.

Table 15: Responding to Substantiated Abuse: Practices Present in the Policies of Archdioceses

Practices on Responding to Substantiated Abuse	Number of Archdioceses	Percent
1. Cleric permanently removed from ministry ¹	30	94%
-- If time barred apply for exception	12	38%
2. No transfers for ministerial assignment ¹	29	91%
3. If moves to another diocese, information about the abuse will be disclosed to new diocese	15	47%
4. Maintain all records securely and indefinitely	7	22%
5. Remove pictures and visible honors from display	1	3%
¹ Required by <i>Charter for the Protection of Children and Young People</i>		

All 32 archdioceses have policies stating that clerics who are found to have committed abuse will be removed from ministry. In 25% of archdioceses, this is the only guidance contained in their policy on dealing with substantiated allegations of abuse. Only 38% of archdioceses had policies that directed applying for an exception if defrocking the priest was barred due to the length of time since the alleged abuse took place.

Ninety-one percent of archdioceses had provisions directing that there would be no transfers for ministerial assignment for abusive clerics but only 47% had policies that directed the disclosure of information about the abuse if the cleric moved to reside in a new diocese. This is an obviously needed policy since children in the new diocese could be at risk of abuse.

Only 22% of archdioceses include instructions for maintaining records of the investigation. Several examples of appropriate record-keeping procedures can be found in the policies of the Archdioceses of Louisville and Washington, D.C. The Louisville Archdiocese's policy states:

Maintain, whether the accusation is substantiated or not, accurate and complete reports of the accusation and investigation as well as all actions and notifications by the Archdiocese and/or other authorities. These records will be kept by the Chancellor in strict and secure confidence and will be maintained indefinitely.¹⁶¹

The policy of the Washington, D.C. Archdiocese provides similar instructions:

Accurate records of allegations received, whether supported or not, and all actions taken and notifications by the Archdiocese and/or other church authorities in response to such reports, and of evidence and relevant comment, shall be kept on file in strict and secure confidence. Copies of original statements provided to the police will be kept on file.... For the protection of both the involved individuals and institutions, records shall be kept in perpetuity. Continuity of information is essential and shall be assured.¹⁶²

We recommend that the location where all materials gathered during an investigation are kept should be stated in each archdiocese's investigatory policy. The policy should also direct that these records be maintained securely and indefinitely. However, the requirement of “strict and secure confidence” should be qualified with a statement that victims have a right to the files and that they will be produced for the authorities or when ordered by a court.

The Archdiocese of St. Paul & Minneapolis is the only U.S. archdioceses whose policy directs that pictures and visible honors be removed from display after a priest is found to have abused a child.¹⁶³ This directive was a requirement of the Archdiocese's settlement agreement with the Ramsey County Attorney's Office. Removing pictures and visible honors can be very meaningful to the victims and their families and doing so underscores the Church's commitment to holding abusers accountable for their actions.

In summary, archdioceses should develop procedures for protecting victims and minors by removing abusive clerics from ministry and stripping them of their honors. Policies should

¹⁶¹ Archdiocese of Louisville. (2013). *Restoring trust: The sexual abuse policies of the Archdiocese of Louisville*. p. 21.

¹⁶² Archdiocese of Washington. (2019). *Child protection and safe environment policy*. §12.3, p. 43.

¹⁶³ Archdiocese of St. Paul & Minneapolis. (2016). *Sexual abuse*. §III. D.

also forbid any transfers for ministerial assignment and notify any new diocese within whose territory the abuser takes up residence. Policies should also direct accurate and comprehensive retention of records of the investigation and location where all materials gathered during an investigation. The location where records are to be kept should also be stated in each archdiocese's investigatory policy.

5. Policies on Responding to Credible Allegations of Abuse that Cannot Be Substantiated

In regards to allegations of sexual abuse against a priest that cannot be substantiated, Article 5 of the *Dallas Charter* simply states: "If the allegation is deemed not substantiated, every step possible is to be taken to restore his good name, should it have been harmed" (USCCB, 2018, p. 11). The *Charter* fails to note that when judging allegations of abuse a number of outcomes are possible. In some cases, investigations into credible allegations are inconclusive due to a lack of evidence. In other cases, there is insufficient evidence of sexual abuse of a minor but the cleric's conduct was otherwise inappropriate. When credible allegations are not substantiated, but not completely ruled out, returning an accused cleric to his position without restrictions potentially places minors at risk and can be traumatizing to victims.

Unfortunately, most archdioceses treat abuse allegations as either substantiated or false and ignore the gray area in between. Only 13 archdiocese had policies addressing credible but unsubstantiated claims of abuse. Eleven had policies that allowed for examining the case and assessing whether some type of restriction on the cleric's ministry was appropriate. Two archdioceses returned the accused to cleric to ministry without any precautions. The remaining 19 archdioceses did not have policies addressing this issue and so presumably followed the guidance of the *Charter* and treated the allegation as false. Consequently, the average score across archdioceses was low—1 out of 7 points possible (14.2%; Range 0-6; see Figure 16).

Scores represent practices to protect children from a potential offender. The Archdiocese of Louisville had the highest-scoring policy and achieved 86% of the points possible. The second highest-scoring policy was that of the Archdiocese of St. Paul & Minneapolis which scored 79%. The Archdioceses of Chicago, Kansas City and Washington, D.C. each achieved 57% of the points possible. Most other archdioceses either did not have a policy (n=19), or had policies that were so poor they did not score many points (n=5).

Figure 16. Response to Credible Allegations of Abuse that Cannot be Substantiated

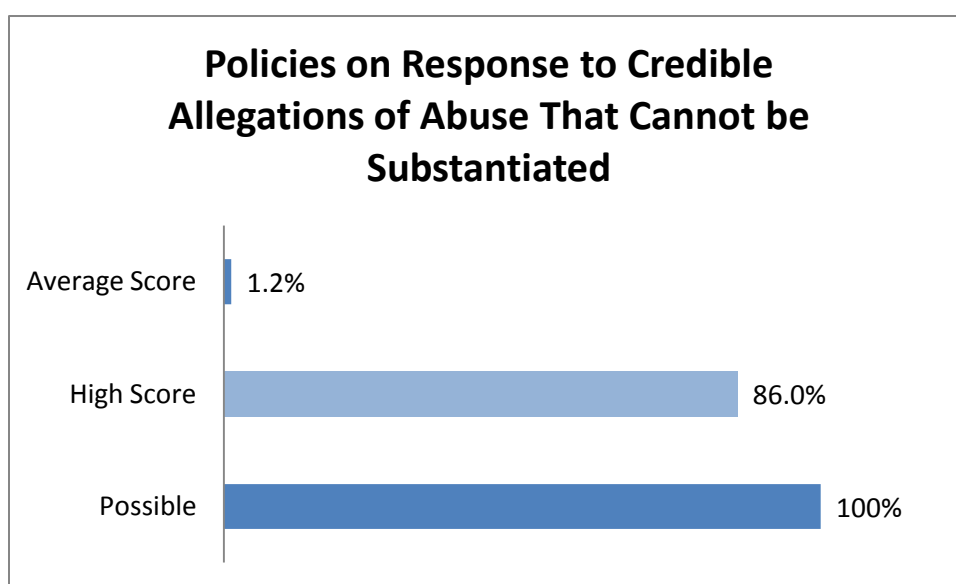


Table 16 displays better practices of the 13 archdioceses that had policies dealing with unsubstantiated but credible claims of abuse along with the number and percentage that employ each of these practices.

Table 16: Responding to Credible but Unsubstantiated Allegations of Abuse: Practices Present in the 13 Archdioceses Which Have Policies

Practices on Responding to Credible but Unsubstantiated Allegations of Abuse	Number of Archdioceses	Percent
1. Convene the Review Board to determine fitness for ministry and decide on any restrictions	9	28%
2. Allows for similar actions as delineated for substantiated abuse if review board deems abuse	7	22%

allegation credible		
3. May limit contact with minors	1	3%
4. Inform accuser of recommendation of the review board and offer pastoral support as needed	1	3%
5. Maintain all records indefinitely	3	9%

The Archdiocese of St. Paul & Minneapolis offered the most comprehensive procedure for dealing credible allegations of sexual abuse of a minor by clergy that are unresolvable or inconclusive. Its policy states:

An appropriate response will be made to the allegations, in consultation with the Ministerial Review Board and the Director. Possible responses or resolutions include, but are not limited to:

- i. Issuance of discipline based on inappropriate conduct not constituting Sexual Abuse of a Minor;
- ii. Voluntary resignation from office;
- iii. Involuntary removal from office;
- iv. Removal or restriction of ministerial faculties;
- v. Dispensation from, or prohibition of, wearing clerical attire;
- vi. Transfer of the Cleric to a suitable assignment;
- vii. Refusal of commendatory letter to exercise ministry outside of the Archdiocese;
- viii. Requirement to disclose allegation to appropriate parties;
- ix. Mentoring, monitoring, counseling, or other assistance programs;
- x. Written warning or rebuke, or penance;
- xi. Prohibition of contact with specific persons or categories of persons.¹⁶⁴

None of the policies specifically stated that the accused cleric's contact with minors could be limited. However, the policy of the Archdiocese of St. Paul & Minneapolis directed that the Review Board could prohibit contact with specific persons or categories of persons which could reasonably include minors. Two archdioceses had policies that appeared to return clerics to ministry without any consideration of the archdiocese's responsibility to protect minors (New Orleans and Seattle). For example, the policy of the New Orleans Archdiocese states: "The cleric will be declared to be acquitted of all charges when it is determined that the complaint is

¹⁶⁴ Archdiocese of St. Paul & Minneapolis. (2016). *Sexual abuse*. §III.D(4)(a).

unfounded, false, or not factual, or that the complaint is unsubstantiated *due to insufficient evidence*.¹⁶⁵ The Seattle Archdiocese's policy states: "When an allegation of sexual abuse is not substantiated after the established process, the subject of the investigation is reinstated to his or her position."¹⁶⁶

Only one response policy—that of the Archdiocese of Louisville—directed that the victim be told the results of the investigation and offered pastoral assistance as needed.¹⁶⁷ While many archdioceses' policies on victim assistance include informing victims of the outcome of investigations, we feel it requires special mention in this policy. Coming forward with an allegation of abuse can be very traumatic for victims as they are forced to recount, and in many cases relive, their abuse. This trauma can be compounded by being told that their allegation could not be substantiated and may result in victims feeling revictimized by the Church. The *Associated Press* reported on the experience of one such victim:

In Philadelphia, grand jurors in 2011 cited the case of a former altar boy who described his molestation with precision, backed by the testimony of others, and whose complaint echoed one brought a year earlier. The review board, unconvinced, rejected the case as “unsubstantiated.”...Less than a year after the review board ruling, the former altar boy killed himself. His mother said that in a lifetime scarred with pain, the ruling stood out for her son.¹⁶⁸

Consequently, this is a notification that should be handled with great care.

In summary, archdioceses should develop procedures that address the safety of minors when dealing with credible allegations of sexual abuse that are unresolvable or inconclusive. We also recommend that these policies instruct that the alleged victim will be told the results of the

¹⁶⁵ Archdiocese of New Orleans. (2011). *Policy concerning abuse or neglect of minors*. p. 7. (emphasis added)

¹⁶⁶ Archdiocese of Seattle. (2018). *The policy for the prevention of and response to sexual abuse, sexual misconduct and sexual harassment*. p. 6.

¹⁶⁷ Archdiocese of Louisville. (2013). *Restoring trust: The sexual abuse policies of the Archdiocese of Louisville*.

¹⁶⁸ Dunklin, R., Weiss, M., & Sedensky, M. (2019, Nov. 20). Catholic boards hailed as fix for sex abuse often fail. *Associated Press*. Retrieved from <https://apnews.com/66ffb032675b4e599eb77c0875718dd4>

investigation in a trauma-informed fashion and offered therapeutic and pastoral assistance as needed. Archdioceses should also direct that accurate and complete reports of the accusation and the investigation be retained permanently.

IX. CONCLUSION

Institutions that work with children have a special responsibility to keep the children under their care safe. Child abuse prevention is most effective when it is part of an integrative organizational framework that promotes a safe environment and provides clear policies based on best practice strategies.¹⁶⁹ The publicity generated by the dozens of investigations into the Catholic Church's handling of child sex abuse since the first *Boston Globe's Spotlight* report and onslaught of lawsuits that followed forced the dioceses to show that they had improved their child protection policies. The Report quantifies how far they have come and the work left to do.

This Report provides an analysis of the current child protection policies of the 32 Catholic archdioceses in the US. Overall, we found 14 distinct types of policies focused on a specific issue related to protecting children from abuse. These 14 policies fit into four general categories or domains. Archdiocesan policies have focused most of their efforts in the domains of Child Abuse Prevention and Detection and Reporting. In the domain of Prevention, most archdioceses have a background screening policy, offer child abuse education, and have a Code of Conduct. However, many of these policies do not conform to basic best practices that would be expected of a youth-serving organization.

Because many potential offenders have no criminal record, criminal background screening is limited in its effectiveness when used on its own as a preventative. In addition to a

¹⁶⁹ Saul, J., & Audage, N. (2007). *Preventing child sexual abuse within youth-serving organizations: Getting started on policies and procedures*. Atlanta, GA: Centers for Disease Control & Prevention.

criminal background check, employee screening best practices includes an in-depth application, personal and professional references, and an extensive interview—something few archdiocesan policies mention performing. In addition, less than a quarter of archdioceses require that sex offender registries be checked prior to hiring personnel. In addition, some archdioceses only screen for crimes in the state where they are located, thus missing crimes that may have been committed in other states. The majority of archdioceses fail include provisions for screening adults attending overnight events with minors, international clergy, and third-party contractors. The failure to include procedures to screen international clergy is particularly concerning in light of the fact that a significant number of new abuse allegations involve international priests working at U.S. dioceses. A healthy background screening program includes rescreening employees after a certain period and continuing to screen those employees periodically throughout their employment. However, only 59% of archdioceses direct that personnel should be rescreened at least every five years.

Training is needed to help personnel understand, recognize and report abuse, as well as learn practices and supervision strategies that can protect youth from harm. While all archdioceses that had a training policy that required some form of child abuse prevention training, this training is not standardized and may not conform to best practices identified by research. Recurring trainings help organizations improve practices based on new strategies and new expert recommendations. However, many archdioceses also have no formal policy on retraining and do not mention offering any continuing education on child abuse.

A strong Code of Conduct is a front-line defense against the types of conduct violations that may culminate in a child being abused. While all archdioceses have some type of Code of Conduct there is much variation in the content and quality of these Codes. Many failed to

provide examples of appropriate and inappropriate ways to touch or show affection to children and some fail to address interacting with parish children off site. In addition, most Codes of Conduct failed to prohibit common grooming behaviors that can lead to abuse. An area that requires updating in many archdioceses' Codes of Conduct is electronic communication with minors. While 59% addressed electronic communication, few had comprehensive policies in this regard and only a quarter of Codes addressed interacting with children on social media.

Another area that caused concern was the fact that the majority of archdioceses have no policy addressing sex offenders attending church or school functions. Most, also, have no written policy for monitoring priests who have committed misconduct and are considered a risk to minors. The failure of the majority of archdioceses to create written policies regarding how problem priests will be monitored is incongruous with the Catholic Church's child protection efforts and contrary to the recommendations of the National Review Board, which has called on all dioceses to implement standardized safety plans for all clergy who are confined to prayer and penance for abusing a child.¹⁷⁰

In the domain of Detection and Reporting, all archdioceses had policies that supported reporting abuse to civil authorities. However, some policies lacked basic information on mandatory reporting requirements and failed to direct that all abuse be reported regardless of how long ago it is alleged to have occurred. In addition, many archdiocesan policies failed to emphasize that abuse merely needs to be suspected and does not need to be confirmed before reporting to authorities. Because people have difficulty believing an otherwise "good" person

¹⁷⁰ National Review Board for the Protection of Children and Young People. (2018, Nov. 13). *Recommendations from the National Review Board addressing the current crisis specific to restoring the trust of the faithful*. Washington DC: USCCB. Retrieved from <http://www.usccb.org/issues-and-action/child-and-youth-protection/upload/NRB-Recommendations-to-Bishops-Nov-2018-Final-2.pdf>

would molest a child and worry about retribution for sharing their concerns, it is important that archdioceses make strong statements that encourage people to follow through on their suspicions even if they have doubts. As well, policies rarely referenced disciplinary consequences for failing to report a reasonable suspicion of abuse and only five archdioceses have whistleblower policies in place to protect personnel from retaliation for reporting report suspicions of sexual misconduct or other illegal or inappropriate behavior. For child protection policies to be effective, personnel must trust that they will not be penalized for raising concerns.

Overall, archdiocesan policies were weakest in the domains of Response to Victims and Investigational Process and Response to Abuse Allegations. In the Response to Victims domain almost all archdioceses have a victim assistance policy to ensure victims receive pastoral support and professional treatment as needed. However, policies differed as to whether victims are allowed to choose their own therapist and on criteria for paying for treatment. In addition, most victim assistance policies failed to reference providing assistance to pastoral communities affected by sexual misconduct. This is a serious oversight given that sexual abuse by a respected pastor constitutes a devastating betrayal of trust that can have longlasting effects on faith communities.

A major shortcoming in dealing with victims was the failure of most archdioceses to recognize that victims should be afforded the same types of rights granted to alleged abusers. While the policies of almost every archdiocese list rights for the accused, only four archdioceses have a formal policy addressing the rights of victims. Basic rights and protections for victims are important due to the extreme power differential between abuse victims and members of the Church hierarchy. Most archdioceses recognize a victim's right to privacy, right to make a report, and to receive support; however, few recognize other basic rights such as the victim's right to

retain counsel, to review a summary of their case for errors, to respond to any response from the accused to the allegation, and to be notified of the time frames for all major stages of the archdiocese's internal investigation.

Public transparency is another area in which archdioceses performed poorly. Only 47% of archdioceses have policies on public transparency or communication, and most of these were extremely vague. For example, many policies encouraged dealing as openly as possible with the public while balancing the right to privacy of both the victim and accused; however, they failed to provide any guidance on how this should be accomplished. In addition, most policies failed to provide any time frame for notifying the public when abuse has been substantiated against one of the archdiocese's priests. Moreover, less than half of archdiocesan policies mentioned notifying the local church community and only three mentioned notifying communities that the offending priest previously served in. These notifications are important as they may lead to more victims being discovered who are in need of assistance.

Investigational Process and Response to Abuse Allegations was the domain in which we found the most problems. The *Charter and Essential Norms* direct dioceses to create a review board and remove priests from ministry if an abuse allegation is found to be substantiated. However, these documents do not provide any guidance on how to conduct an investigation, who should conduct the investigation, or whether the accused should be placed on administrative leave during the investigation. Likewise, there is no standard for determining whether an allegation is credible or should be substantiated. Because of the lack of guidance in the nuances of conducting an investigation and dealing with priest misconduct, policies in this domain had little uniformity and many were critically lacking in substance.

All archdioceses had some type of policy or procedure regarding investigating and responding to abuse allegations. However, archdioceses have developed widely disparate approaches on how to conduct an investigation. In some cases, policies were so vague that we were unable to determine who was even responsible for conducting the investigation. In most archdioceses the investigator is someone whose main job is protecting priests and the institution such the Archbishop, the Vicar General for Clergy, or the legal counsel for the archdiocese. These officials have blatant conflicts of interest that call into question their ability to conduct an impartial investigation. In addition, these members of the church hierarchy do not have the education and experience necessary for investigating child sexual abuse allegations. Only five archdioceses have policies that allow for the use of an independent investigator. In addition, many archdiocesan policies offered little guidance on how to deal with the alleged offender during the investigatory process. Many policies also failed to provide adequate protections for victims such as prohibiting the accused from contacting the victim and attending church events during suspension, along with requiring the accused to refrain from all public ministries and all unsupervised contact with children pending the outcome of the internal or criminal investigation.

The Church also needs to institute a better system of oversight and accountability to ensure that policies are followed. Currently, there is little centralized oversight above the level of the archbishop assigned to each archdiocese. The investigation by the Australian Royal Commission into Institutional Responses to Child Sexual Abuse found that independent, autonomous governance structures may serve to protect leaders of religious institutions from being scrutinized or held accountable for their actions, or lack of action, in responding to child

sexual abuse.¹⁷¹ While the USCCB does annual audits on dioceses' implementation of the *Charter*, much of the data is based on self-reports --some of which is not accurate. So while the Archdiocese of Philadelphia had passed its annual USCCB audits of compliance with the *Charter*, a Philadelphia grand jury report found that years after the so-called "zero-tolerance" policy was in place, 37 credibly accused priests were still openly working in the Archdiocese.¹⁷² It is also important to note that no bishop has ever been defrocked by the Church for concealing child sexual abuse, protecting offending priests, or failing to report and cooperate with civil authorities in the investigation and prosecution of these types of cases (The Center for Constitutional Rights, 2013).¹⁷³ One bishop has been convicted by civil authorities of failure to report, but no penalties were levied by the Church against him and he continued to head his diocese another two and a half years after his conviction.¹⁷⁴ Clearly, the Catholic Church's official "zero tolerance" policy on abuse cannot be effective as long as there are no consequences for Church leaders who fail to implement it.

The Catholic Church's errors on sexual abuse have damaged its mission and reputation and caused incalculable harm to thousands of child victims. The variation and inconsistencies across multiple archdioceses within the U.S. reveal the need for the Catholic Church to establish basic standards on appropriately and effectively dealing with child sexual abuse within its

¹⁷¹ Royal Commission into Institutional Responses to Child Sexual Abuse. (2017). *Final Report: Preface and executive summary*. Commonwealth of Australia. p. 122.

¹⁷² Report of the Philadelphia Grand Jury. (2011, Jan. 23). In Re County Investigating Grand Jury XXIII, MISC. No. 0009901-2008, Philadelphia, PA. p. 1.

¹⁷³ The Center for Constitutional Rights. (2013, Feb.). *Fighting for the future: Adult survivors work to protect children and end the culture of clergy sexual abuse*. New York, NY: Author. Retrieved from http://www.bishop-accountability.org/reports/2013_02_28_CCR_SNAP_Fighting_for_the_Future.pdf

¹⁷⁴ McElwee, J. J., Roewe, R., & Coday, D. (2015, Apr. 21). US Bishop Finn symbol of church's failure on sexual abuse, resigns. *National Catholic Reporter*. Retrieved from <https://www.ncronline.org/news/accountability/us-bishop-finn-symbol-churchs-failure-sexual-abuse-resigns>

dioceses. These standards should be based on empirically supported best practices and recommendations from organizations with experience and expertise in relation to child sexual abuse. There is also a need for more effective procedures that require greater transparency and accountability of the Church to its members and the public it serves. This article points to parameters for consideration in developing such standards.

X. APPENDICES

Appendix A. List of the 32 U.S. Archdioceses

Archdiocese of Anchorage
Archdiocese of Atlanta
Archdiocese of Baltimore
Archdiocese of Boston
Archdiocese of Chicago
Archdiocese of Cincinnati
Archdiocese of Denver
Archdiocese of Detroit
Archdiocese of Dubuque
Archdiocese of Galveston-Houston
Archdiocese of Hartford
Archdiocese of Indianapolis
Archdiocese of Kansas City
Archdiocese of Los Angeles
Archdiocese of Louisville
Archdiocese of Miami
Archdiocese of Milwaukee
Archdiocese of Mobile
Archdiocese of New Orleans
Archdiocese of New York
Archdiocese of Newark
Archdiocese of Oklahoma City
Archdiocese of Omaha
Archdiocese of Philadelphia
Archdiocese of Portland
Archdiocese of St. Louis
Archdiocese of St. Paul and Minneapolis
Archdiocese of San Antonio
Archdiocese of San Francisco
Archdiocese of Santa Fe
Archdiocese of Seattle
Archdiocese of Washington

Appendix B: Policy Analysis Tool

Diocesan Policy Analysis Tool

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NAME:		Date done:		Overall Score	
Under Court supervision? (explain)		# pages total		Date Policy last revised	
Sex Abuse Scandal?				Yes	NO
Policies in General					
1. Policies easy to find on website				1	
2. Includes goal(s) at beginning of each policy				2	
3. Clear actionable rules/behaviors/expectations		Language is not ambiguous or subject to much interpretation		2	
4. Policies are well organized – information is easy to find				2	
5. Those responsible for enacting the policy or making sure procedures get done are identified				2	
6. Include general definitions of terms		Defines sexual, physical abuse, neglect, child pornography, mandated reporter and other relevant terms		1	
7. Must sign that read policies		This is separate from Code of Conduct		2	
8. Notes penalty for failure to follow all policies?		e.g., disciplinary action, termination of employment		2	
9. Encourages revisions				2	
10. Revisions scheduled at least every 4 years				1	
11. Has regularly scheduled internal audits for compliance				2	
12. Introduction (must be in the introduction itself)				Yes	No
Opening Statements that strongly opposes abuse (must be in introduction to count here)		a. Strongly opposes and prohibits sexual abuse, sexual exploitation, or any form of abuse		1	
		b. States no form of abuse will be tolerated, and confirmed abuse will result in immediate dismissal		1	
		c. Offers apology for past abuse		1	
TOTAL					
Total Possible				(22)	

I. Prevention				
Policies		Specifics		Present
I.A. Policy on Background Screening (Article 12)				Yes No
Who It applies to:		Clergy and Employees	Volunteers	
13. Standardized Application	written	1	1	
14. Interviews		1	1	
15. Reference Checks	Requires references to be checked	1	1	
16. Background Checks				
a. State mainly	Mainly does state check	1	1	
b. National	Does national check (assume national if not specified)	2	2	
c. Sex offender registry	Checks sex offender registry(&/or) checks for history of child maltreatment	1	1	
d. Child protective service database				
e. Fingerprints taken		1	1	
17. Repeated at least every 5 years?	How often repeated?	1	1	
18. Must pass background check before beginning employment		1	1	
19. Those that fail screening placed on "do not hire" list			1	
20. International background checks on personnel from other countries			1	
21. Background checks for third party contractors			1	
22. When receiving cleric from another jurisdiction ask about any past acts of abuse (*Norm 12)			1	
23. Any adult attending overnight events with minors must undergo background check			1	
24. Must report any arrests subsequent to background check			1	
TOTAL				
Total Possible				(26)
I.B. Policy on Training on Child Abuse Education				Yes No
Who It applies to:		Clergy and Employees	Volunteers	
25. Child Protection training		2	2	
Name of program:				
26. Training must be completed within 30 days of being hired	Other #	1	1	
27. Training must be completed before working with minors		2	2	
28. Training must be repeated at least every 3 years	#	2	2	
29. Continuing education each year		2	2	
30. Training 3 rd party contractors who have contact with minors			2	
31. Education provided for parents and interested adults in congregation			2	
32. Education provided for children			2	
33. Maintain database of training of employees and volunteers			1	
TOTAL				
Total possible				(25)

I.C. Policy on Known Sex Offenders		Yes	No
34. Registered sex offender banned from school and/or church		5	
Or Safety Plan (if assign points for #34 do not assign any for 35-39)			
35. Must identify self to pastor who will communicate to others in position to monitor		1	
36. Signed safety plan is developed		1	
37. Offender must be accompanied by an escort		1	
38. Must stay away from minors		1	
39. Failure to follow policy may result in being banned		1	
TOTAL			
Total Possible		(5)	
I.D. Policy on Clerics with Substantiated Abuse or Misconduct with Youth		Yes	No
40. Case manager or safety plan for clergy on prayer and penitence		2	
41. Plan to monitor		2	
42. Monitored daily		2	
43. Must stay away from minors		2	
44. Repercussions for failure to follow monitoring plan		2	
TOTAL			
Total possible		(10)	
I. E. Code of Conduct for Working with Youth (Article 6)		Yes	No
Who It applies to:		Clergy and Employees	Volunteers
45. Physical Contact	Provides <u>examples</u> appropriate/inappropriate physical interactions (e.g., tickling, massages) (Give 1 point if no examples)	2	2
46. Verbal interactions	Prohibits speaking to youths in a way that is harsh, coercive, threatening, intimidating, shaming, derogatory, demeaning, or humiliating	2	2
47. Displaying affection	Provides <u>examples</u> of appropriate/inappropriate displays of affection (1 point if no examples)	2	2
48. Being alone with (One-on-One Interactions)	Sets out guidelines for not being alone with child. If meeting in a room leave the door open. Minimum 2 adults at activities	2	2
49. Off site	Sets guidelines for not being alone with child off site, getting parents' permission	1	1
50. No overnight stays with unrelated youth		1	1
51. No sleeping in same bed or sharing		1	1
52. Electronic communication	Discusses inappropriate electronic communications, no private texting, chatting, no sexualized content, no disappearing content -- on archdiocese or PRIVATE communication devices	1	1
--Social media	no friending on FB and following on social media aside from Church monitored accounts	1	1
53. Notes the right to inspect, review, intercept or access all matters on systems of the archdiocese including email without notice		1	1
54. Parents must be copied on any messages or emails sent to child		1	1
55. Gift giving	Prohibits giving gifts to child unless parents and church administration	1	1

	notified		
56. Will not date or become romantically involved with youth or vulnerable adults		1	1
57. Don't use in front of, or give, drugs /alcohol to minors		1	1
58. No sexually oriented materials/ porn		1	1
59. No nudity in presence of minors		1	1
60. No photographs without signed permission of parents		1	1
61. No form of abuse, sexual harassment		1	1
62. No physical discipline		1	1
63. No demands for secrecy		1	1
64. Must follow reporting requirements		1	1
65. Cooperate fully with any investigation		1	1
66. Must report if they are arrested or received citation for behavior violating policies		1	1
67. Must report if others violate code		2	2
68. Provides info on who to contact of uncertain if conduct violates code		1	1
69. Can confidentially report conduct violations to 3 rd party		2	2
70. Must sign that read code		1	1
71. Must read and sign on regular basis		1	1
72. Penalty for violating code		2	2
TOTAL (*must be in code to count) take total and divide by 2			
Total Possible			(72/2=36)
SECTION I TOTAL (Prevention)			[102]
II. DETECTION OF ABUSE			
II.A. Policy on Mandated Reporting / Responding to allegations of abuse		Yes	No
73. Report all allegations of abuse to authorities	(Article 4)		2
74. Follow applicable laws	(Article 4)		2
75. Includes applicable law in policy or appendix	Includes the statute or specifics of the law in the reporting policy		2
76. Lays out who to call			2
77. Lays out information to include in call	e.g., name of child, suspected perpetrator, where to find him or her, etc		1
78. Provides phone numbers to call			1
79. Must document the call in writing			1
80. Provides information on how to report abuse on website			2
81. Defines who is a mandated reporter			1
82. Explains legal ramifications for failing to report	(e.g., misdemeanor)		1
83. Only people mandated by law have to report			-2
Advises <u>all</u> employees and volunteers to report	Choose just one		2
84. Enhanced reporting to civil authorities	e.g., Report victims not required by law such as adults victimized as children		1
85. Adult victims of past abuse encouraged to report abuse to Archdiocese			1
86. Makes clear that abuse only has to be suspected	Clarify person does not try and determine whether the abuse is valid. Only reasonable or good faith suspicion		2
87. States that if in doubt err on side of reporting			1
88. States that reporting to superior doesn't replace duty to report to civil authorities			1
89. Includes what to do if the report involves the	Provides alternative reporting if		1

Archbishop	Archbishop is involved	
90. Penalties for failure to report	e.g., Termination of employment	2
91. Notes immunity for good faith reports		1
92. Must report within 24-48 hours		1
93. Advise all victims of right to also file own report to civil authorities (Article 4)		2
94. Clerics not required to report confidential communications but should encourage person to report		1
TOTAL		
Total Possible (must be in policy to count)		(31)
II.B. Whistle blower protection policy		Yes No
95. Encourages all to report concerns about violations of Code of Conduct, abuse or inappropriate behavior		2
96. Provides reporting procedure	Who to report to and/or how to make a report	2
97. Denotes who is responsible for investigation		1
98. Confidentiality assured		1
99. Assures no retaliation		1
100. Penalty for retaliation		1
TOTAL		
Total Possible		(8)
SECTION II Total possible		[39]
III. RESPONSE TO ABUSE- VICTIMS		
III.A. Has Victim Advocate/Assistance Coordinator (Article 2; Norm5)		Yes No
101. Offers help regardless of truth of allegation		1
102. Encourages victim to file own report		2
103. Helps victim to file own report		1
104. Offers to pay for therapy (Article 1; Norm 3)		2
105. Church dictates where must get treatment	e.g., Catholic Charities or particular mental healthcare facility	-2
-----Victim allowed to choose own therapist		2
106. Church will not pay for therapy if victim represented by lawyer or brings suit		-2
107. Offers pastoral support (Article 1)	e.g., spiritual counseling	1
108. Coordinates assistance to communities affected by sexual misconduct		1
109. Recognizes need to prevent revictimization	Encourages victim to bring friend along	1
110. Offers victim the opportunity to meet with the Archbishop or his representative so he can listen to them (Article 1)		1
111. Keeps victims informed about the progress of the investigation		1
TOTAL		
Total Possible		(13)
III.B. Rights of Victim/Accuser (**award points even if no formal policy)		Yes No
112. Right to feel safe in church		1
113. Right to privacy		1
114. Right to make a report		1
115. Right to receive support and assistance	e.g., spiritual counseling, mental health bc	1
116. Right to know status and results of investigation	(award 1 point if only results mentioned)	1

117.	Right to an apology		1
118.	No confidential settlements unless victim requests (Article 3)		1
119.	Right to contact attorney		2
120.	Right to respond to any response from accused		1
121.	Right to not be retaliated against		1
TOTAL			
Total Possible			(11)
III.C. Policy on Public Transparency - Disclosure (Article 7) (**award points even if no formal policy)			Yes No
122.	Notify public of credible allegations		2
123.	Notify public of substantiated allegations	Includes name of cleric, known assignment hx, date removed from ministry,	2
124.	Provides reasonable time frame	Ex: notify public within 30 days	2
125.	Inform parish and other church communities affected by sexual abuse of a minor		2
126.	Notify all past parishes/schools a cleric has worked in		2
TOTAL			
Total Possible			(10)
SECTION III TOTAL			[34]
IV. RESPONSE TO ABUSE- INVESTIGATION AND RESOLUTION			
IV.A. Has Review Board for reviewing abuse allegations? (Article 2; Norm 5)			Yes No
Number of people in the Board?		Term?	-
127.	More than half are lay people not employed by Diocese	(Norm 5)	1
128.	Includes person with expertise in treatment of CSA	(Norm 5)	1
129.	Includes sex abuse survivors as potential members		1
130.	Includes orientation for new members		1
131.	Provides continuing education on child sexual abuse		1
132.	Includes duties of the Board		1
133.	To have regularly scheduled meetings		1
134.	To take notes of meetings		1
135.	Does investigation		-2
136.	Encouraged to suggest revisions to policies	(Norm 5)	1
137.	Will review past cases even if cleric is retired	(Norm 5)	1
TOTAL			
Total Possible			(10)
IV.B. Policy on Investigative procedure?			Yes No
138.	Inform law enforcement and cooperate (Article 4; Norm 11)		2
139.	Defer internal investigation during criminal investigation		2
140.	Law enforcement offered 1 st contact with accused		2
141.	Suspend accused during investigation		2
142.	Prohibit accused from attending church events		1
143.	Accused to have no contact with alleged victim during investigation		1
144.	Accused not to retaliate against victim in any way		1
145.	Inform coworkers and direct to report any inappropriate behavior they have observed		1

146.	No Employment recommendations w/ pending claims of abuse		1
147.	No Transfers allowed w/ pending claims of abuse		1
148.	Notify any diocese moves to w/ pending claims of abuse		1
149.	Notify victim of right to contact civil authorities	(Norm 11)	1
150.	Notify victim/accuser of right to retain counsel		1
151.	Offer victim assistance		1
152.	Take care to protect victim's identity/privacy		1
153.	Who is the main Investigator?		
	- Church authority (e.g., Archbishop, legal counsel, Vicar)		-2
	- Review Board		0
	- Director of Safe Environments or OCYP		1
	-Independent outside investigator		2
154.	Investigation is conducted promptly		1
155.	Keep victim informed of progress and outcome of investigation	½ point if only informs of outcome	1
156.	Review board makes recommendation and Archbishop makes final determination		1
TOTAL			
Total Possible			(24)
IV.C. Policy on Handling of Evidence			
<i>(**award points even if no formal policy)</i>			
	Yes	No	
157.	Seized in timely fashion		1
158.	Described and documented in writing		1
159.	Chain of custody/stored to preserve its integrity		1
TOTAL			
Total Possible			(3)
IV.D. Policy on what to do when abuse by cleric is substantiated			
<i>(award points even if no formal policy)</i>			
	Yes	No	
160.	Cleric permanently removed from ministry (Norm 8)		2
161.	Remove pictures and visible honors from display		1
162.	No transfers for ministerial assignment (Norm 12)		2
163.	If moves to another diocese, information about the abuse will be disclosed to new diocese		2
164.	If time barred apply for exception		1
165.	Maintain all records indefinitely		1
TOTAL			
Total Possible			(9)
IV.E. Policy on what to do when abuse allegation against cleric is credible but is not substantiated			
<i>(award points even if no formal policy)</i>			
	Yes	No	
166.	Convene Review Board to determine fitness for ministry and decide on any restrictions		2
167.	Allows for similar actions as delineated above if review board deems abuse allegation credible		2
168.	May limit contact with minors		1
169.	Inform accuser of recommendation of the Review Board and provide support		1
170.	Allow cleric to return to same or similar position in church without review.		-4

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171. Maintain all records indefinitely	1
TOTAL	
Total Possible	(7)
SECTION IV TOTAL	[53]
OVERALL TOTAL POSSIBLE	250