

**FINAL REPORT AND RECOMMENDATIONS OF
THE SPECIAL COMMISSION TO STUDY ALLEGATIONS OF
SEXUAL ABUSE BY CLERGY IN THE MILWAUKEE ARCHDIOCESE**

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee
Archdiocese of Milwaukee
3501 S. Lake Drive
Milwaukee, WI 53207

September 12, 2002

Dear Archbishop Dolan:

Archbishop Weakland and subsequently Bishop Sklba have requested that we submit a report and recommendations on three matters:

1. Our observations of the current policies followed by the Archdiocese of Milwaukee in cases in which allegations have been made of sexual abuse by diocesan clergy, and any recommendations we might have for improving those procedures.
2. Our recommendations for the disposition of six priests, against whom credible allegations of sexual abuse of minors have been made, and whether information regarding those six cases should be made public, and, if so, what information should be released to the public.
3. Whether the Archdiocese should adopt a “zero tolerance” policy whereby clergy who have sexually abused minors are permanently removed from the active ministry.

We have already submitted a preliminary report (dated April 26, 2002), and what follows is our final report.

**CURRENT PROCEDURES IN THE ARCHDIOCESE FOR ADDRESSING
ALLEGATIONS OF SEXUAL ABUSE OF MINORS BY CLERGY**

Recognizing the serious effects sexual abuse has on victims/survivors, we believe the Archdiocese of Milwaukee has in place excellent procedures for handling allegations of sexual abuse of minors by clergy. These procedures, which have been followed for over ten years, include prompt notification of civil authorities of any such allegation. Nonetheless, we respectfully make the following recommendations for improving the processes.

1. The procedures of the Archdiocese should be made more accessible to the public.

The current policies of the Archdiocese are contained in several different documents. Often these documents include substantial discussion of the theological and legal bases for such policies. In our preliminary report, we recommend that the policies be reduced to no more than two pages, and preferably one, and that such policies be made generally available to persons throughout the Archdiocese so that they are well known and clear to everyone. This recommendation has since been implemented, and the resulting one page synthesis entitled, *Archdiocese of Milwaukee Clergy Sexual Abuse Policy*, is shown in Appendix A. It should be included on the Archdiocesan web page and should be reviewed on a regular basis.

2. Immediate reporting to civil authorities.

A hallmark of any procedure to address allegations of sexual abuse of minors by clergy should be that the Archdiocese report all allegations to the civil authorities without any preliminary screening, investigation, or legal judgment relating to those cases. The victims of such abuse should also be encouraged to report such incidents to civil authorities. We emphasize that this is already the current policy of the Archdiocese. Nevertheless, the procedure should be more clearly and explicitly spelled out so that there is no confusion about the sequence of events that should occur when an allegation of sexual abuse is made. Our recommendations in this regard are shown in Appendix B. Additionally, the Archdiocese should continue to work with the district attorneys and law enforcement agencies in each county within the Archdiocese to ensure that such cases are promptly reported and investigated.

3. Involvement of victim assistance professionals.

We believe that the Archdiocese should contract with one or more victim assistance professionals, not otherwise affiliated with the Archdiocese, to provide assistance to victims of sexual abuse by clergy. Such professionals would be able to accept allegations regarding clergy when the victim feels uncomfortable making such reports directly to the Archdiocese or civil authorities. The professional would also be available to work with any victims of alleged sexual abuse to ensure that the victims receive adequate counseling and support throughout the processes. Such services should be supplemental and alternative to the services currently offered by the Archdiocese.

We also recommend that the Archdiocese expand its services to create a comprehensive, proactive approach to the issue of clergy abuse, as well as to continue to respond to individual survivors of abuse. This may entail, among other things, outreach to parishes, education, networking with other victim assistance groups, and counseling services to parishes. We recommend that soon after the Archdiocesan victim listening sessions, the Project Benjamin Advisory Committee be convened to address the issues of expanded services and to examine the internal organizational structure of the Archdiocesan response to abuse by clergy. The Advisory Committee may choose to enlist additional persons also versed in victim services.

4. Assuring that clergy within the Archdiocese report information to the Archdiocese.

In several of the cases we reviewed, clergy within the Archdiocese had knowledge of allegations of sexual abuse of minors long before it was actually reported to the Archbishop. It became apparent from these reviews that not all information had been promptly reported to the Archdiocesan office.

It is our firm opinion that the clergy of the Archdiocese need to be made more clearly aware of their obligation to “lateral accountability,” i.e., to take appropriate action whenever, by personal observation or from a secondary source, they have information that other clergy or parish employees have been or may be involved in inappropriate sexual behavior with minors. We recommend that, when another priest or deacon has information outside the seal of confession suggesting that a cleric has been inappropriately involved with a minor, the alleged perpetrator should be notified of such information and urged to provide any relevant information to the Archdiocese immediately. If the alleged

perpetrator does not self-report to the Archdiocese, the cleric or deacon having such information shall immediately report it to the person authorized by the Archdiocese to receive such reports (see: *Code of Ethical Standards for Church Leaders*, 1994, revised 1999).

5. Concern about legal rights of clergy.

The files we have reviewed affirm that the Archdiocese has shown appropriate compassion and understanding for the psychological and religious trauma that allegations of sexual abuse cause both the victims of that abuse and the priest or deacon who is the alleged perpetrator. However, the Archdiocese must also recognize that clergy who are alleged to have committed these acts have legal rights. Sexual assault of minors is a serious crime carrying significant periods of confinement. Allegations of sexual abuse, therefore, have serious legal consequences for clergy. For those reasons, the Archdiocese should encourage all clergy, against whom such allegations are made, to seek independent legal counsel and take no action to discourage them from obtaining independent legal representation.

6. Adjudicating cases not resolved by civil authorities.

In most cases we reviewed, the matter was referred to the appropriate district attorney or law enforcement agency for investigation or prosecution. In most cases, the matter was not pursued by civil authorities either because the statute of limitations had expired or because the case presented other legal difficulties. For that reason, in none of the six cases we reviewed had there been a final determination of the truth of the allegations by civil authorities. We recommend that the Archdiocese develop an adjudicatory process for determining the facts in all cases, except when the priest or deacon has already been found guilty by civil authorities. Independent and impartial adjudicators should be retained to assist the Archdiocese in establishing such factual findings. Such adjudications should occur only after the criminal investigation or prosecution has ended. We have since recommended a plan for such an adjudicatory process. The initial steps in the plan have already been implemented by the Archdiocese. (See Appendix B.)

In cases in which a cleric has entered a guilty plea or a court of law has adjudicated guilt, that fact should be dispositive. In cases in which prosecution is declined for any reason, or in the cases that are dismissed without a determination of guilt, the Archdiocese should then invoke its own process. The Archdiocese should conduct an adjudication even after an acquittal because any allegation of sexual abuse must be carefully evaluated even when the evidence does not meet the usual standards for criminal or civil prosecution.

Such a process should be closed to the public and media with utmost concern shown for the rights of the victim and the accused cleric. The Archdiocesan adjudication procedure will not have the same evidentiary restrictions or the same burden of proof as a criminal trial. However, this procedure must comply with fundamental fairness. Victims have the right to use whatever support resources they need during the adjudication process. Clergy have the right to be represented by independent legal counsel and to be fully informed of the allegations made against them. Further details of our recommendations in this regard are available in Appendix B.

7. Reinstatement of clergy when cleared through adjudication.

Upon adjudication that the cleric did *not* commit the offense, the cleric should be returned to his prior position without prejudice, and the Archdiocese and the accused cleric should determine on an individual basis whether the result of the adjudication and the facts leading to that process should be made public. Where the allegations have been made public, but later proved to be unfounded, the Archdiocese should ensure that all reasonable steps are taken to restore the reputation of the priest and the confidence in him by the members of the community.

8. The Archdiocese should act proactively in identifying and addressing any psychological problems of clergy.

Historically, treatment professionals have often framed the criminal sexual assault of minors as a consequence of pre-existing psychological or addictive problems, as if these problems led to sexual abuse. We now know this to be untrue. Such problems do not of themselves lead to sexual abuse, but they can and do weaken the resistance of those already pre-disposed to sexual abuse.

In the 1970s and early 1980s, we believe the Archdiocese received professional opinions to the effect that its sexually abusing clergy needed treatment for depression or alcoholism, as if healing these disorders would put an end to the sexual abuse. We now recognize that the sexual abuse of minors is a separate sexual disorder, often indicative of an arrested sexual development in those pre-disposed to such abuse.

We recommend that the Archdiocese continue its policy of screening clergy candidates for psychological, addictive, and sexual disorders. We also recommend that an ongoing program on prevention of sexual abuse be established as mandatory for all clergy and church professionals.

We also recommend that the Archdiocese provide independent professional assistance for clergy affected by psychological, addictive, and sexual disorders so that problems can be resolved before any destructive behavior occurs.

9. Archdiocesan relationship with religious communities and clergy from other dioceses.

Although we recognize that the Archdiocese has limited jurisdiction over religious communities and clergy from other dioceses, we recommend that:

1. A copy of the policy on response to sexual abuse of any religious community be filed with the Archdiocese before granting faculties for the religious order priests and permission for other women and men religious to minister within the Archdiocese;
2. The superior of each cleric provide the Archdiocese with written documentation that no credible allegations exist against the individual seeking or exercising faculties or authorization to minister in the Archdiocese;
3. If the Archdiocese receives a report of allegations of abuse by clergy or religious, the Archdiocese should immediately notify the civil authorities and then notify the individual's appropriate superior about the allegation.

DISPOSITION OF THE SIX CASES

THE COMMISSION WAS ASKED TO REVIEW

As requested, all five members of the Commission independently reviewed the relevant files of the six priests who had credible allegations of sexual abuse against them but who were returned to active ministry under a program of restrictions and regular monitoring. They continued to receive some form of therapy and were judged to pose no further threat to minors by the professionals who had evaluated them. Based on our review, we were asked to provide guidance to the Archdiocese regarding the continuation in ministry of these six priests, with special consideration given to the concern expressed in the public forum about their suitability for active ministry.

Our *Preliminary Report*, dated April 26, 2002, recommended that: 1) everything should be done to keep the identities of the victims confidential insofar as possible; 2) the six priests under review should be encouraged to identify themselves publicly, no later than September 1, 2002; and 3) that both victims and these six priests be afforded as much support as possible during this difficult period

of public disclosure. Without further study and discussion, the Commission was not prepared at the time of the *Preliminary Report* to make a firm recommendation regarding the continuation of these six priests in active ministry.

Before the Commission was able to reach a consensus on the question of retaining any of the six priests in active ministry, its work was overtaken by events that rendered any further discussion on this matter moot. Within a seven week period following the submission of our *Preliminary Report*, the cardinals had made their visit to the Vatican, and the U.S. Conference of Catholic Bishops had promulgated their *Charter for the Protection of Children and Young People*, which declared that priests who had even a single act of sexual abuse in the past were to be removed permanently from active ministry. The Archdiocese began procedures immediately thereafter to remove the six priests, then under review by the Commission, from their ministerial assignments.

ZERO TOLERANCE POLICY

Paragraphs 14, 15, and 16 of the *Preliminary Report* have been incorporated, wherever appropriate, in the earlier sections of the *Final Report*, or have been rendered moot by the Archdiocesan ongoing implementation of the Bishop's *Charter for the Protection of Children and Young People* (June 15, 2002) and therefore requires no further comment by the Commission.

The members of the Commission wish to express our deep appreciation for the opportunity to assist you and your predecessors in developing a balanced and reasoned response to the tragic events caused by clergy sexual abuse. We are confident that our previous chair, Dean Howard Eisenberg, would share that sentiment, and we do wish to acknowledge herein the importance his early leadership had on the direction and substance of our work.

We stand ready to assist you in any way we can to promulgate and implement any aspect of our report where you think our efforts would be helpful. As in the case of our *Preliminary Report*, we recommend that this report be made public and given full media coverage.

Respectfully submitted,

Anthony M. Kuchan, Ph.D., Chair

Arthur R. Derse, M.D., J.D.

Rev. Donald R. Hands, Ph.D.

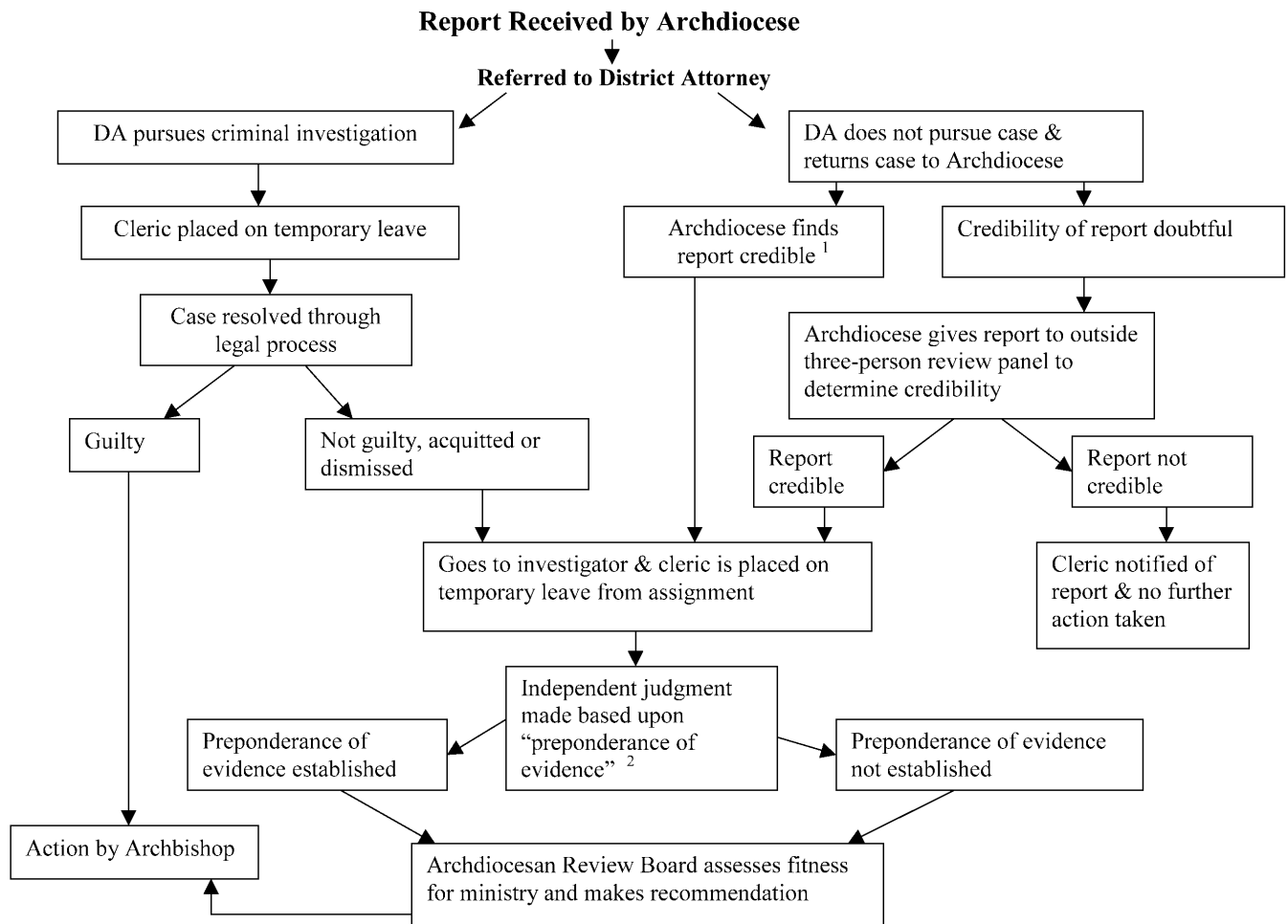
Mary Howard Johnstone, OP, J.D.

APPENDIX A

ARCHDIOCESE OF MILWAUKEE CLERGY SEXUAL ABUSE POLICY

- **General Principle:** There is a sacred relationship, which exists between the Church and its members, whether they be adult or child. Sexual abuse, sexual misconduct, sexual assault, and/or sexual exploitation, when it occurs within the context of the Church, creates a tragic reality which misrepresents the Good News to those who have been victimized. Each and every instance of sexual violation of those who are the most vulnerable among us is a matter of the gravest concern and calls for an organized Archdiocesan response that healing may occur and the safety of the community be assured.
- **Reporting Abuse:** Reports of sexual abuse of a minor can be made to Dr. Barbara Reinke, the Director of Project Benjamin (414-769-3436), or to Dr. Anna Campbell (414-476-2699), a practicing psychologist who works outside the diocesan system and has agreed to take intake reports. Individuals are also encouraged to take their reports directly to civil authorities.
- **Assistance:** Out of pastoral concern for the victim/survivor of sexual abuse, referrals for assistance with costs of therapy will be offered even prior to the conclusion of any formal investigation and finding of fact.
- **Reporting to Authorities:** Every report of sexual abuse of a minor, regardless of when the offense occurred, will be taken seriously. When the allegation is against a person who is still alive, whether they are currently in ministry or not, all reports will be handed over to the district attorney of the county in which the offense took place. The Archdiocese commits itself to a policy of cooperation with the civil officials who are charged with handling these matters.
- **Investigations:** If the civil authorities cannot proceed with criminal action for any reason and the case is returned to the Archdiocese, there will be a thorough investigation of allegations using an established process which includes an outside adjudicator. The cleric will be temporarily removed from any ministry assignment while the investigation is underway. The adjudicator will take whatever steps are needed to arrive at a finding of fact in the case. The archdiocese commits itself to full cooperation in this adjudicatory review process.
- **Final Disposition:** In every case, upon conviction, plea of guilty, or determination by the outside adjudication process that a cleric has sexually abused a minor, he will be permanently removed from active ministry and divested of authority to perform ministerial duties.

APPENDIX B



¹ Credibility is defined as: Is it believable, i.e. would a reasonable person believe it?

² Preponderance of evidence is defined as: Is it more likely than not that the incident occurred?