

REPORT ON THE DIOCESE OF OGDENSBURG INDEPENDENT RECONCILIATION AND COMPENSATION PROGRAM

Introduction.

In March 2018, the Diocese of Ogdensburg launched the Independent Reconciliation and Compensation Program (IRCP), part of an on-going effort to express contrition to those who suffered sexual abuse by diocesan clergy and to help them find a sense of healing. Bishop LaValley instituted this IRCP, motivated in part by the successful IRCP programs undertaken by other dioceses in New York State. Victims who participated in those programs expressed gratitude for the opportunity to be heard.

At the time that the IRCP was under consideration, we did not anticipate the crisis the Church now faces due to the scandal involving former Cardinal McCarrick and the release of the Pennsylvania Grand Jury Report. Additionally, the former Apostolic Nuncio to the United States, Archbishop Vigano, released a letter in which he suggests that Pope Francis and other members of the hierarchy protected abusers. These events raise questions about the integrity and transparency of the Church. While the sin and crime of sexual abuse of minors is found in every segment of society, it is especially horrific when these acts are committed by those who represent Christ and His Church. We, as a Church and as a diocese, have worked hard to eliminate this evil and to protect our children and young people. It is an effort that demands our constant attention and total commitment. Prevention of abuse, education and training of those who work with minors, and reconciliation with those who have been hurt remain an on-going priority.

As the People of God, we undertook the IRCP because it was the right thing to do. There are wounded voices that need to be heard. There are broken hearts that need tending. Concrete actions of repentance and words of apology are so necessary.

Our desire in this program was to help victims heal. This report outlines the IRCP's progress and reviews the lessons we learned in the process. Over a period of many years now, the Diocese of Ogdensburg has made significant strides forward in dealing with the sexual abuse of minors by clergy, and in preventing acts of abuse through our safe environment programs.

The IRCP.

The Diocese of Ogdensburg has consistently reached out to victims of sexual abuse and offered them assistance and support. Through the years, the Diocese has offered counseling and other types of support and assistance to victims who have come forward. With the IRCP, the Diocese has offered financial compensation in response to what these victims, who as minors or vulnerable adults, had been victimized by Church leaders.

In introducing the IRCP, Bishop LaValley stated, "This is an opportunity for victims to find healing. We cannot give back what they have lost. Victims have told me that they want a tangible sign of the Church's desire for healing and reconciliation. We trust and believe that this

program can aid in healing and reconciliation.” The IRCP addresses the request for a tangible sign of our desire for healing and reconciliation.

The IRCP was administered by Mr. Kenneth Feinberg, a respected and trusted mediator. Mr. Feinberg and his colleague, Ms. Camille Biros, exercised complete autonomy in assessing claims and awarding compensation to victims, and the diocese abided by their decisions.

In the IRCP, as of October 4, 2018 approximately thirty-seven victims have resolved their claims and have received \$5,495,000 in compensation. Two other claimants are still considering whether to accept the compensation offered by the independent administrator. Throughout the process, claimants made clear they were not interested in money alone but, were grateful that the Church reached out to them, listened to them, and expressed sorrow and understanding. We pray this program brings some measure of peace and consolation to the victims. We are happy that many have indicated that their healing has been aided by our outreach to them in the IRCP.

The diocese is financing the IRCP through a line of credit and long-term loan. The diocese will not and has not used money donated to parishes, schools, charitable organizations, *It's our Church, It's our Future* Capital Campaign, or donations to any specific programs or ministries to fund the IRCP or compensate claimants. Funds to repay the loans for the claims of the IRCP will come from accumulated net investment returns in the Diocese Loan Account and net accumulations due to good claims performance in the diocesan self-insurance program.

Lessons Learned.

When the IRCP was undertaken, we did not fully grasp the extent of the abuse that occurred over the last seventy years. As of this writing, our diocese over the last 70 years has received approximately 72 credible claims of sexual abuse of a minor by a member of our clergy which involved twenty-seven priests, including the claims handled by the IRCP. Ten of these claims were resolved outside of the IRCP process for an aggregate amount of approximately \$750,000.00. In eleven cases not submitted to the IRCP, the claimants had died or were unable to be found.

Thirty-eight credible claims were submitted to the independent administrator at the start of the IRCP. During the course of the IRCP, eleven additional credible claims were brought forward in the program. Of these forty-nine credible claims, thirty-nine participated in the IRCP. Six of the claimants could not be located, two declined to submit a claim, and two had died.

There were twenty-six priests who had credible allegations brought against them in relation to the claims in the IRCP, including eleven repeat offenders. The incidents of abuse occurred over a period of seventy-five years, with some claims dating to the 1940s. The fact that no incidents of abuse were reported to have occurred in the last twenty years gives us hope that the safe environment efforts we have undertaken are effective. Despite the justifiable anger aimed at the Church at the present time, it's important to acknowledge that we have made much progress in providing a safe environment for our children and vulnerable adults.

We are saddened that there were repeat offenders. Our files reveal that the protocols in place for dealing with abuse in the past were not effective and are not acceptable today. Our records show a common protocol that was followed with tragic effects. The abuser would be arrested or the matter would be reported to a diocesan official. To avoid scandal and spare the victims from giving grueling testimony, where police agencies were involved plea deals were reached with the approval of law enforcement agencies, judges or district attorneys. When no law enforcement agency was involved, the matter was handled quietly by the diocese and parents or guardians of the victim to avoid putting the victim through the legal process. The accused was sent for counseling, and upon receiving a recommendation from mental health professionals that there was no danger to others, the bishop would reassign the offender to another assignment. Although this protocol was done in good faith and with good intentions, these tragic decisions allowed the abuse of other victims in many cases.

The protocols for handling abuse cases in past decades, not only for the Catholic Church but for other public and private employees, emphasized secrecy to protect victims and avoid scandal and embarrassment. It was believed that the stigma of being a victim of sexual abuse was a harsh one for the victims to bear. Testifying in court about sexual abuse was thought to be a hard burden for victims and the general practice seems to have been to avoid such burden at all costs. This past protocol assumed that the abuser could be rehabilitated and returned to gainful employment. Advances in the areas of psychiatry and counseling have taught us that those assumptions are not valid. Such procedures for handling sex abuse cases were terribly wrong based on what we know today. The majority of the individuals involved in making those decisions under that old protocol are deceased.

Safe Environment Program in the Diocese of Ogdensburg.

Over the last two decades, our diocese and the Catholic Church throughout the United States has made documented progress in dealing with this crime of sexual abuse of minors, especially since the implementation of the *Charter for the Protection of Children and Young People* ("Charter") in 2002. The Charter calls for zero tolerance for guilty clergy with removal from ministry, full cooperation with law enforcement, comprehensive child safety education, safe environment training and background checks for all who work with children and youth in the Church, and on-going audits to assure compliance with our diocesan safe environment policies.

The Diocese of Ogdensburg has implemented comprehensive policies and programs for child protection and safety in all of our parishes, schools and programs. Each year, we are audited by an independent auditing firm to make sure we are in compliance with the Charter. We have been found to be consistently compliant with the Charter in each audit. Our Director of Safe Environment conducts periodic inspections of our parishes and schools to make certain they know and are adhering to our safe environment policies. The Director of Safe Environment assures that all clergy, seminarians, employees and required volunteers receive safe environment training and undergo a background check.

Handling of Allegations of Misconduct Today.

The diocese has a comprehensive *Child & Youth Protection Policy* that addresses how allegations of misconduct are handled. All allegations of sexual abuse are handled according to the diocesan policy and all applicable provisions of New York State law and Church law. The diocese reports all allegations of sexual abuse of minors to the local law enforcement authorities and cooperates in any of their investigations. Our Victims' Assistance Coordinator offers to meet with the victim to offer support and assistance. Every complaint received by the diocese is investigated, including meetings with the accuser and accused. The victim is invited to meet personally with the bishop. The person making the allegation is advised of his or her right to have an attorney present to assist him or her, and to submit a complaint to the district attorney having local jurisdiction. In addition, the diocese will report the complaint to the appropriate district attorney, even if the statute of limitations has expired.

After the preliminary investigation of the matter, the matter is submitted to the diocesan Review Board which assesses the credibility of the complaint and advises the bishop regarding further actions to be taken. If the Review Board finds the allegation credible, the bishop removes the cleric from ministry. Since its establishment, the Bishop of Ogdensburg has acted upon all recommendations made by the Board. The Victims' Assistance Coordinator will offer immediate pastoral care of persons who bring a claim of clergy sexual abuse of a minor. Our Victims' Assistance Coordinator is Terrienne Yanulavich, Ph.D., M.A., M.H.T.

The diocesan Review Board is made up of lay persons possessing the integrity, life experience and good judgment that will enable them to assess claims of clergy sexual abuse. They review diocesan policies and practices and make recommendations to the bishop on areas of safe environment and the handling of accusations. The current members of the Review Board include: Mr. Mark House, MA, Chairperson, Judge (ret.) Patrick McGill, Timothy Farrell, DNP, Kurt Halliday, Ph.D., Mrs. Sheila Peo, Judge (ret.) Barbara Potter, Mr. Mark & Dr. Kelly Scott, Ms. Kathleen Wears, Rev. Douglas Comstock, pastor, Rev. Msgr. John Murphy, Promoter of Justice, Rev. Christopher Carrara, Vicar for Pastoral Personnel, and Msgr. Harry Snow. As you see, the Board includes counselors with expertise in child sex abuse cases, retired judges and law enforcement officers, teachers, medical professionals, psychologists, parents, and a pastor.

As this IRCP program comes to a close and upon further reflection on lessons learned from its implementation, particularly in light of the recent revelations and accusations in the Church, Bishop LaValley has consulted further with the Diocesan Review Board and has determined that the longstanding decisions by the bishops of the Diocese of Ogdensburg not to reveal the names of clerics who have been accused of sexual misconduct must be reconsidered.