



ARCHDIOCESE OF NEW YORK

A Brief Overview of the Archdiocese of New York's Response to the Sexual Abuse of Minors and Vulnerable Adults

(La traducción al Español de este documento se puede encontrar en la página web de la Arquidiócesis de Nueva York, www.archny.org.)

The vast majority of clerical sex abuse took place before 2000.

Independent analysis by John Jay College and the Center for Applied Research in the Apostolate (CARA) at Georgetown University confirm that the vast majority of reported offenses took place between the 1960's and 1980's, then declined sharply. The allegations that we have received in the Archdiocese follow that same pattern, as do the offenses reported in the Pennsylvania Grand Jury Report. Since 2015, there has been an average of 7 reported cases of clerical sexual abuse nationwide that occurred during that time. Here in the Archdiocese, we have no contemporary cases since 2011. The only acceptable number is zero, but the fact is that we are primarily dealing with a historical problem.

The 2002 Bishops Charter was a decisive moment.

In the aftermath of the revelations about abuse in Boston, the Bishops adopted the *Bishops Charter on the Protection of Children and Young People*. The *Charter* requires that: all allegations of child sexual abuse must be reported to law enforcement; every diocese is to have an independent review board to evaluate the legitimacy of these allegations; any priest who is found to have abused a child must be permanently removed from ministry (the "Zero Tolerance Policy"); and every diocese must establish a child protection (typically called "safe environment") program to implement preventive measures. It also requires that pastoral assistance be offered to all victims of abuse and that dioceses cannot demand that settlements of lawsuits be kept confidential.

Things have dramatically changed for the better since the Charter.

The audit reports issued by the National Review Board, which are published on the U.S. Bishops' website, show that there are very few allegations of recent sexual abuse. For example, in the 2016-2017 audit year, there had only been 4 reported cases nationwide of sexual abuse that happened during that year. Here in the Archdiocese, we have had no contemporary allegations since 2011.

All allegations are now reported to the authorities and investigated.

Whenever an Archdiocesan official receives an allegation of child sexual abuse by a cleric, we report the allegation to law enforcement and fully cooperate with their investigation. The Archdiocese also conducts its own investigation, relying on independent investigators, and the

results of the investigation are presented to the independent *Lay Review Board*. Even new allegations against former priests who have already been removed from ministry are reported to law enforcement and investigated.

The Zero Tolerance Policy has been a success.

In keeping with the requirements of the *Charter*, anyone (clerical or lay) who is found to have committed sexual abuse of a minor is removed permanently from ministry and/or employment. Cases involving priests are then sent to Rome so that the person can be removed from the clerical state (often called "laicized" or "defrocked"). Since the *Charter*, approximately 50 priests from the archdiocese who had been in active service or retired were found to have committed sexual abuse and permanently banned from ministry. There are no second chances, no return to ministry after psychological testing, and no moving people around. Those days are over forever.

What about sexual abuse of adults?

The archdiocese's *Policy on Sexual Misconduct* also covers offenses committed against adults in cases of abuse of power or authority. Persons who commit an offense against an adult are reported to law enforcement if their conduct constitutes a crime. They are subject to disciplinary action including permanent removal from ministry or employment.

All victims who come forward are offered help.

The *Charter* requires that every diocese appoint a Victim Assistance Coordinator whose responsibility is to provide pastoral care to victims. This may include support for professional counseling. Any victim, no matter how old the offense, is offered help. In the Archdiocese of New York, the Victim Assistance Coordinator is Sister Eileen Clifford, who can be reached at 646-794-2949 or at victimassistance@archny.org. In addition, in 2016 the Archdiocese instituted an *Independent Reconciliation and Compensation Program* that offers financial compensation to victims. Over 275 victim-survivors have received compensation through this program. The IRCP has also uncovered, as with Theodore McCarrick, previously unknown cases of priests who had committed abuse, who are now permanently removed from ministry.

Oversight and transparency have been implemented.

The *Charter* established an independent *National Review Board* to provide oversight of how the *Charter* is being implemented nationwide. The *Charter* requires that every diocese be annually audited to ensure that the requirements are being implemented and that an annual report would be published with the results of these audits. The audit involves statistical evidence, examination of files, and personal interviews. At the conclusion of the audits, an annual report is issued by the *National Review Board* and published on the U.S. Bishops' website. Statistical information about abuse cases is also submitted to the Center for Applied Research in the Apostolate (CARA) at Georgetown University for analysis, and their results are also published.

The Archdiocese has been found to be fully compliant with the *Charter* in thirteen consecutive audits since the Safe Environment program became fully operational in 2005. The auditors often

give suggestions on how to improve our policies and practices, and we have taken their advice and made constructive changes. All the policies and procedures of the Safe Environment program are also subject to the oversight of our independent review board.

Further Explanations

How have the policies of the Archdiocese developed over time?

In 1993, the Archdiocese first adopted and published a formal policy to deal with sexual abuse complaints. The policy committed the Archdiocese to fully investigate all allegations, encouraged victims to report offenses to law enforcement, and established an advisory board, predominantly laypersons, to consult about specific cases. If a cleric was found to have committed an offense, he would be removed from ministry for evaluation and treatment at a leading psychiatric institution. It was possible under this policy that a cleric could be returned to ministry after a substantiated allegation of sexual abuse if it was deemed by the psychiatric institution that a priest was no further risk to children. At the time, this policy was praised by independent parties, including the *New York Times*.

In 2001, a new policy was adopted. Under this policy, any time an Archdiocesan official received an allegation of child sexual abuse by a cleric, the person would be urged to report the matter to law enforcement. Full cooperation was given to any investigation being carried out by law enforcement and child protection officials. Under this policy, any personnel of the Archdiocese who were found to have committed sexual abuse of a minor were removed permanently from ministry and/or employment. This Zero Tolerance Policy pre-dated the *Charter* and continues to this day.

In 2002, the *Charter* began to be implemented in the Archdiocese, in coordination with the existing policy. A safe environment program was established along with an independent *Lay Review Board* to evaluate sexual abuse complaints. Also in 2002, a formal agreement was entered between the archdiocese and the ten county District Attorneys who serve the within the archdiocese. Under this agreement all allegations of clerical sexual abuse of minors were to be immediately reported to the District Attorneys. Beginning in 2005, formal policies were adopted that governed the *Safe Environment* program. These policies have been regularly updated to meet new circumstances.

In 2016, the *Archdiocesan Policy on Sexual Misconduct* was fully revised, with updated definitions of offenses and clarified rules of procedure. In 2018, the *Policy* was modified to conform to amendments to the *Charter* adopted by the bishops.

What kind of offenses are covered by the Archdiocesan policies?

Under our policies, "Child Sexual Abuse" is defined to include any sexual act between an adult and a minor; soliciting sexual acts or sexual materials from a minor; possession of child

pornography; providing sexual materials to a minor; indecent exposure that may be witnessed by a minor; and any other offense against a minor prohibited by civil or canon law. Anyone found guilty of a single act of child sexual abuse is banned permanently from ministry or employment - the "Zero Tolerance Policy".

The following kinds of acts constitute "Sexual Misconduct" in violation of our policy: any sexual act with another person without consent; any sexual conduct that is a violation of civil law; sexual harassment; the use of archdiocesan computers to possess, obtain, or transmit sexual materials; and sexual conduct in violation of appropriate professional standards within a pastoral or counseling relationship. This would cover sexual acts that involve abuses by persons in positions of power. Anyone who commits one of these acts is subject to punishment up to being permanently barred from ministry or employment, based on the severity of the act.

The policies protect not only minors, but also vulnerable adults who habitually lack the use of reason and persons of any age who lack the capacity to give consent due to a mental or developmental condition or disability.

What does the Archdiocesan "Safe Environment Program" do?

Everyone whose duties involve contact with minors must: (1) be screened, including a background check for criminal convictions and sex offender status; (2) abide by the Safe Environment Policies, the *Policy Relating to Sexual Misconduct*, and the *Code of Conduct*; and (3) complete Safe Environment training appropriate to their position. The training includes how to identify warning signs of victims and offenders, how to respond and report incidents, and the requirements of our *Code of Conduct* and other policies (e.g., electronic communications, social media, and proper professional boundaries). If any person is not in compliance with these requirements, they may not work or volunteer with minors. We currently have approximately 49,000 people (clergy, employees and volunteers) whose duties involve contact with minors. In addition, the Safe Environment Office has hired former police detectives, all from sex-crimes units, who constantly visit parishes and schools to make sure that they remain in compliance with the requirements of the Safe Environment Program.

Since 2003, the following steps have been taken:

130,000+ background checks have been completed;
114,000+ clergy, employees, and volunteers have received training on keeping children safe;
129,000+ children received age-appropriate, morally sound safety training during the 2017-2018 school year.