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Summary of Findings and Recommendations of the Honorable Barbara S. Jones (ret.), Independent Reviewer and Special Counsel for the Archdiocese of New York

September 30, 2019

Last September, Cardinal Dolan asked me to review the Archdiocese of New York's policies and procedures for responding to allegations of sexual abuse and to make recommendations for improvements. My review has focused on current practices and on the Archdiocese's compliance with its obligations under the Charter for the Protection of Children and Young People adopted by the United States Conference of Catholic Bishops in 2002. I have received the Archdiocese's total cooperation, including complete access to all records. I have conducted dozens of interviews, performed an exhaustive review of documents, and assessed many different aspects of the Archdiocese's practices.

The Cardinal asked for my honest, objective assessment, and I have reported my findings and recommendations to him on an ongoing basis. Overall, I have found that the Archdiocese has complied with the Charter in all material respects. It has faithfully followed its policies and procedures and responded appropriately to abuse complaints, and is committed to supporting victims-survivors of abuse. I have recommended some enhancements to current practices. A summary of my findings and recommendations is set forth below.

Findings:

- The Archdiocese follows strict protocols any time that it receives an allegation that a cleric has sexually abused a minor. The District Attorney for the appropriate county is promptly notified of the allegation. When an allegation is made against a cleric in ministry, regardless of whether criminal charges are brought, the Archdiocese initiates an independent investigation of the allegation. The results of that investigation are presented to a Lay Review Board, which decides whether the allegation is substantiated. If the allegation is substantiated, the Board recommends to the Cardinal that the cleric be permanently removed from ministry. Cardinal Dolan accepts the Board's recommendation and has never returned a cleric to ministry against whom there has been a substantiated complaint.
- Working with a team of lawyers, I have reviewed the personnel files for every priest and deacon in the Archdiocese and confirmed that no Archdiocesan priest or deacon against whom there is a substantiated complaint of abuse of a minor is in ministry today.
- The Archdiocese has taken meaningful steps to support victim-survivors of sexual abuse. Victim-survivors can report abuse to the Archdiocese through a Victims Assistance Coordinator or online through the Archdiocese website. The Victims Assistance Coordinator is available to offer victims support, including counseling with a counselor of the victim's choice. The Archdiocese pays for all counseling.

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- In 2016, the Archdiocese instituted the Independent Reconciliation and Compensation Program (IRCP), which was the first compensation fund of its kind in the nation for clergy abuse. The IRCP's administrators – two nationally recognized experts – determine a claimant's eligibility for, and award, appropriate compensation. To date, the Archdiocese has always accepted the administrators' determination. Over \$67 million has been paid to 338 victim-survivors. Participation in the IRCP is voluntary. Although the IRCP process is confidential, victim-survivors are always free to discuss their abuse or their experience with the IRCP. It has proven to be a highly effective program that provides expedited relief to victim-survivors without the need for costly litigation and the emotional distress that can result from that process.
- The Archdiocese's Office of Priest Personnel has protocols that require any priest from outside the Archdiocese who wants to minister here – on a short-term or long-term basis – to provide a certification from his home diocese or religious order that he has never been credibly accused of sexual abuse. An Archdiocesan priest must present a similar certification if he wishes to minister in another diocese. These protocols are sound but are hindered by a paper filing system that can be susceptible to mistakes. The Office could perform its functions more effectively with better technology.
- The Archdiocese's Safe Environment Office plays a crucial role in ensuring that children are safe in Archdiocesan schools, parishes, and programs. The Office promulgates a code of conduct for any adult interacting with children in an Archdiocese institution. It monitors more than 30,000 employees and volunteers and conducts criminal background checks and trainings before any employee or volunteer can begin working with children. I have found the Safe Environment Office's policies and procedures to be sound and effective, but the Office could be improved with better technology. More cooperation from parishes and programs is also needed to maintain up-to-date information and track compliance.

Recommendations:

- I have recommended that the Archdiocese hire a person whose sole responsibility is to oversee its response to sexual abuse complaints.
- Safe Environment training is currently required once for anyone working with children. I have recommended annual training, particularly in Archdiocesan schools.
- The Archdiocese's relationship with the ten New York-area District Attorneys is governed by Memoranda of Understanding that include a protocol for reporting allegations of clerical sexual abuse of minors. After consulting with each of the District Attorney's offices, I have recommended that the Memoranda be updated to include a

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reporting protocol for allegations of sexual abuse of non-consenting adults, as well as for allegations of sexual abuse committed by employees and volunteers.

- I have recommended that certain best practices be used in all independent investigations into sexual abuse allegations. These include enhanced investigative techniques to ensure the thoroughness of the process.
- I have recommended that the Archdiocese continue to advertise the IRCP and accept new claims.
- I have recommended that new members, with additional areas of expertise, be added to the Lay Review Board. The Board's current members include judges, lawyers, parents, a priest, a psychiatrist and a religious sister.
- I have recommended technological enhancements in three areas:
 - (1) I have recommended an electronic case management system to track every sexual abuse complaint that the Archdiocese receives, from first report through final resolution. Such a system has been implemented for several months now, and it is working well. It provides instant notification to all necessary personnel, stores relevant documents, and includes reminders to ensure that protocols are being followed.
 - (2) I have recommended an electronic document management system for the Office of Priest Personnel. Once implemented, all priest personnel files would be digitized, and the system would be searchable and capable of running necessary reports. My recommendation was directed at the Office of Priest Personnel, but the Archdiocese has gone further: it has purchased a system for the entire chancery with implementation to begin in the Priest Personnel Office next month.
 - (3) I have recommended an updated database for the Safe Environment Office, which would allow for easier data entry and compliance tracking to monitor any adults – lay or clergy – who come into contact with children.
- I have recommended that the Archdiocese hire a compliance officer for the Office of Priest Personnel to monitor its functions and oversee the new document management system.