

Church panels as abuse cops

'Review boards' to investigate sex charges draw fire.

By David Hechler
STAFF REPORTER

THIS WAS SUPPOSED to be the summer of healing for a Catholic church besieged by a child sexual abuse crisis. And perhaps it will yet prove to be.

But only six weeks after the U.S. Conference of Catholic Bishops met in Dallas, questions are already being raised about the investigative "review boards" that the bishops promoted as a centerpiece of their solution.

The bishops decreed that all 194 dioceses nationwide would establish—if they had not already—review boards to investigate allegations of child sexual abuse lodged against church personnel.

The bishops' "charter" went on to say that "where sexual abuse by a priest or a deacon is admitted or established after an appropriate investigation," dio-

cesan policy will dictate that "for even a single act of sexual abuse of a minor—past, present or future—the offending priest or deacon will be permanently removed from ministry."

However, critics complain that local review board members sometimes are too close to the dioceses to conduct impartial investigations. Some question whether they are qualified to do work that challenges even professional investigators with years of training and experience. And several question a process that leaves decisions in the hands of bishops, who may simply ignore the findings of their own review boards.

For example, in June, Bishop Walter Sullivan of the Richmond, Va., Diocese received the report of a two-person investigative team, one of whom was

a member of his "diocesan sexual abuse panel," and reinstated the Rev. John Leonard, who had been suspended for seven weeks while his case was investigated.

On July 1, Theresa May, a psychologist on the panel, re-

signed in protest. May had been on the team that investigated allegations that Leonard sexually abused three boys 30 years ago.

May could not be reached for comment. Following her resignation, however, she told the
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TROUBLED CLERGY: Priests walk to meet the New Orleans archbishop in May.

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Washington Post that she found Leonard's accusers to be credible and resigned because "procedures were not followed."

"The panel is supposed to oversee the investigation, so one would think they get the report and make recommendations to the bishop," she said.

Dennis Laing, a lawyer in suburban Richmond who is also on the panel, complains that he and his colleagues have yet to see the report. It was sent to the bishop and the panel's head, but, contrary to the diocese's own regulations, the bishop acted before the panel could review the investigation and forward its recommendation, Laing says.

"As far as I'm concerned, the work of the panel is incomplete, and I would like to see us finish our job," he says. He's been told they will receive the report on Aug. 1, when they meet with Sullivan. And even though the bishop has said he won't change his mind, Laing is determined that the panel reach its own conclusion. "And the bishop will have to deal with it," he says.

To David Clohessy, national director of the Survivors Network of those Abused by Priests (SNAP), the case speaks volumes.

"It's a clear indication of what many of us have feared and suspected for some time," he says. "Regardless of the review boards, the bishops call the shots."

"We're very encouraged and gratified by the one board member who had the courage to resign in protest. We literally have never seen that before."

Sullivan's spokesman, the Rev. Pasquale Apuzzo, responds that the bishop was given the team's recommendations and supporting materials. The bishop gathered additional information and made his decision, Apuzzo says. He assumed the panel had overseen the investigation, since one of its members was on the team.

"It was not his responsibility, and he



KENNETH LANNING: Ex-FBI agent says it's crucial to understand sexual abuse by acquaintances.

had no awareness of any need to report to the panel for the team," Apuzzo says. "It was the team's responsibility to report to the panel."

In the future, Laing says, he would like to see investigations conducted "principally if not totally" by lay representatives, including

a victims' advocate on the panel.

"I think the clerics and the clergy have too much of a conflict," he says. Before May's resignation, the panel's 10 members included four members of the clergy.

The charter adopted by the bishops in Dallas as a policy statement on the abuse crisis says that boards will assist bishops "in assessing allegations and fitness for ministry."

Procedural norms

An explanatory set of "norms" that accompanies the charter details some procedures, but neither document explains how boards are to determine whether allegations are credible.

The norms specify that review boards will comprise at least five people of "outstanding integrity," the majority of whom are lay persons not employed by the church. At least one should be a priest, and one should possess "particular expertise in the treatment of the sexual abuse of minors." All are to be unpaid volunteers.

Clohessy argues that the church should not presume to venture into this area.

"Our strong position is that the church ought not to be in the position of investigating these allegations," he says. "The D.A. doesn't give Sunday sermons."

Lt. Bill Walsh, commander of the Dallas police department unit that investigates crimes against children, couldn't agree more. The church should report cases to civil authorities and let them investigate, he says.

"When they go in there and start talking to people, they shut the door on a lot of our investigative techniques," like secretly taping conversations between victims and offenders to document admissions, he says.

Afterward, the church can still "administratively handle it any way they see fit." But the church doesn't always do that, Walsh says.

'Mistakes were made'

"It's clear that mistakes were made" in his diocese's handling of past cases, acknowledges Bronson Havard, a deacon and spokesman for the Dallas Diocese. "With hindsight, one can go back and look at a great deal of information that should have raised red flags."

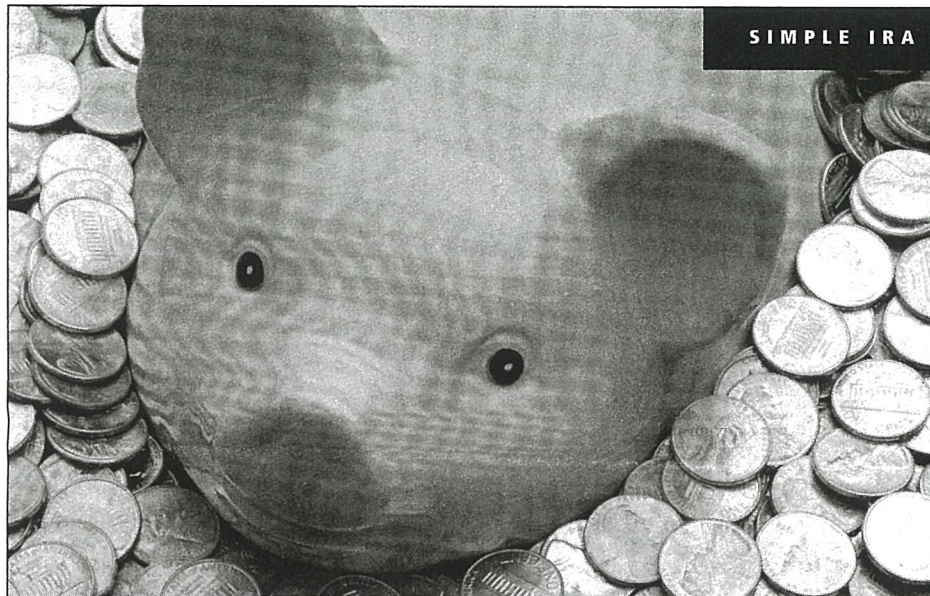
Nowadays, he says, the diocese encourages alleged victims to go directly to the police.

"Review boards do not conduct investigations," he says. "They are the conduits for gathering the reports and passing them along."

They can also help the church decide if a priest is fit to serve when, for example, he hasn't broken laws but has a history of violating boundaries, Havard says.

Church officials in other dioceses seem equally uncomfortable thinking of themselves as investigators.

"Investigation is too strong a word," says Jim Dwyer, a spokesman for the Chicago Archdiocese. "It's only supposed



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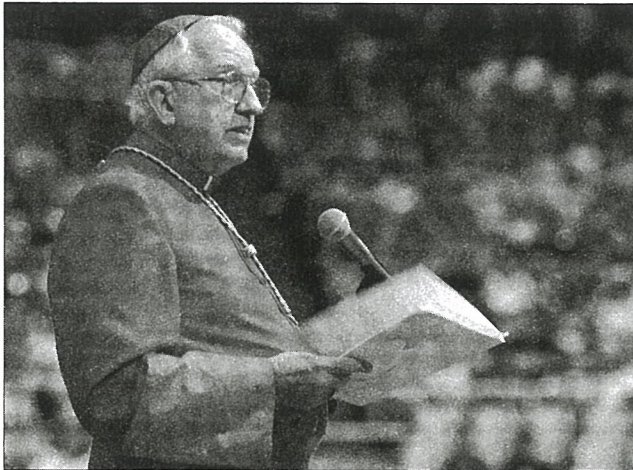
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WALTER SULLIVAN: The Virginia bishop has been criticized for reinstating a priest.

to be a determination of fitness for ministry." He too insists accusers are encouraged to report information to civil authorities.

Likewise, the Rev. William Maestri, a spokesman for the New Orleans Archdiocese, says, "We don't want this to be an adversarial process, with people under oath and all that kind of stuff. We want this to be a pastoral encounter for getting at the truth."

In New Orleans, as in Chicago, investigations consist primarily of interviews with the accuser and the accused, conducted by individuals who are not on the review board but are trained in this area. The review boards rarely, if ever, interview witnesses themselves, although the spokesmen say they do consider additional information the two primary witnesses bring to their attention.

In New Orleans, the next step is unusual. The statements are presented to the vicar general, who passes them directly to the archbishop, who reviews them and decides on a course of action. Only then does he pass the information to the review board, which can affirm what he's done or recommend something else.

Attorney Jeffrey Anderson has little patience for the entire process.

Boards called powerless

"Review boards are a sham because they don't shift the power from the bishop," says Anderson, the founding partner of St. Paul, Minn.'s Reinhardt & Anderson, who often represents plaintiffs in suits against the church. "The review boards are really just a facade."

The church is "trying to create the perception that they are turning it over to an outside power." But in truth, he says, the boards "don't have any power." Anderson says they are similar to civilian review boards that end up protecting the police departments they're supposed to investigate.

One of Anderson's clients has filed allegations with the Chicago Archdiocese. The woman, who asked that her name not be published, says she was sexually abused for six years by the Rev. Raymond Skriba, beginning a month before her 14th birthday. Skriba has denied the accusations.

"He did everything he could possibly do," the woman, who is 53, says of the priest, who is 70. Skriba was a "family friend," she says, adding that her family

was dysfunctional "and he knew that and he took advantage of that and used it for all it was worth."

The woman says the archdiocese has provided therapy that has proved helpful. But overall, it's been a frustrating and disillusioning experience, she says.

Though she sent the archdiocese a three-page letter detailing her allegations in April, her statement wasn't taken for more than a month. Even then, she says, the archdiocese didn't spring into action until she contacted the press.

Why the delay

Dwyer says the delays were caused by a backlog of work and the fact that she no longer lives in Illinois. The woman says she was told there was a mix-up and the committee was caught off-guard by Skriba's response, which was to deny he had any relationship at all with the woman or her family.

A second alleged victim came forward in May, and a third did so last month. Still, it took the archdiocese three months to put Skriba on leave, and even then he voluntarily withdrew "to devote all my energies toward proving my innocence of any wrongdoing," he wrote in an open letter to his former parish.

The woman says she will not sue. Anderson's help has been entirely pro bono. She has no doubt, she says, that the case would have died had she not kept pushing. The review board asked for more and more corroboration, which she supplied.

"They just wanted me to go away," she says. The archdiocese has said it will decide the case no later than Nov. 9, but likely sooner.

Investigating old cases can be particularly tricky, says former prosecutor Linda Pieczynski, because they're too old to refer to the police and ferreting out the truth can be very difficult.

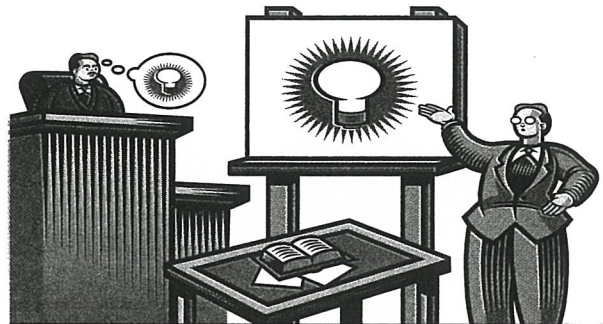
Pieczynski is a spokeswoman for Call to Action, a Chicago-based organization that advocates reforms in the Catholic church. In recommendations it submitted to the bishops in May, the group argues that dioceses should not undertake investigations themselves, "but should leave this to trained investigators."

"I think there's been a lot of poor investigating by the church that has done a lot of harm, especially to survivors," Pieczynski says. "Sometimes it seems that they're asking for information to dis-

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Catholic church review boards draw controversy

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credit a victim rather than corroborate the allegation.

"That's why independent investigators are so important. They're going after the truth, no matter where it lies." They also offer protection to the falsely accused, Pieczynski adds.

Asked about the expense, Pieczynski responds: "It would cost money, but my goodness, look at the amount of money that's been paid in settlements. You can't expect a well-meaning lay person to have the expertise to investigate these cases."

Defending the boards

Pamela Hayes, a former prosecutor herself, disagrees. The New York solo practitioner is on the national review board composed entirely of volunteer lay Catholics appointed by the bishops last month. Its mission is to monitor the church's compliance with its new policies and to oversee the newly formed Office of Child and Youth Protection, which is charged with auditing the performance of the diocesan review boards. Contrary to Pieczynski, the review boards look fine to Hayes.

"What is wrong with the review boards they have?" she asks. They're composed of psychologists, psychiatrists, lawyers and former prosecutors, she points out.

"They have qualified people on there who can do that job. They don't need to hire cops." She'd like to see people give them a chance.

As for criticism from people like Dallas' Lt. Walsh, she says, "We're dealing with apples and oranges. The police can-

not tell the review board, 'You can't exist because you're going to make our job difficult.' Most of the people who go to the review board haven't wanted to go to the police."

Many people don't want the pressures and publicity, she says.

"As long as the victim gets the comfort and aid that they need, it's their choice whether they go to the police, or the review board or both," she says. "The church's job is to protect the flock from these renegade priests."

The Los Angeles Archdiocese presents itself as Exhibit A. Its review board doesn't shy from words like "evidence" and "investigation," according to spokesman Tod Tamberg. It's headed by a retired judge, he says, and Cardinal Roger Mahony is in the process of putting 12 lay persons on a 15-person board.

It investigates every case and reports directly to the cardinal. Although by canon law the board cannot have the final word, Tamberg says, Mahony is "planning on taking their recommendations and implementing them."

He will also issue public reports. They won't contain names or identifying details, but enough "to show people that the cardinal is actually utilizing the board's recommendations," Tamberg says.

Kenneth Lanning, a long-time consultant for child sexual abuse investigators, cautions that these cases are "extremely difficult to evaluate." Lanning, for many years a child abuse expert with the FBI who is now a private consultant, says that understanding how the "acquaintance molester grows and seduces" victims is crucial



CHURCHMEN:
Archbishop Alfred Hughes, left, and retired Archbishop Francis Schulte walk to a meeting of several hundred archdiocese priests at Notre Dame Seminary in New Orleans on May 16.

acceptable. The molesters may appear to be nice guys and, in many respects, may be nice guys, he says. All of this can make it difficult for uninitiated investigators to assess the credibility of the two main witnesses.

And even if review board members understand the issues and are "objective fact finders," Lanning suggests that may not be enough. People often believe what they want to believe, he says, and the greater the need, the greater the tendency.

"If the bishop wants to believe that Father is a good person and really didn't do these things," he adds, "then that's what he will believe." ■

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