

WILLIAM PATRICK

By the Grace of God and



the Favor of the Apostolic See

BISHOP OF LA CROSSE

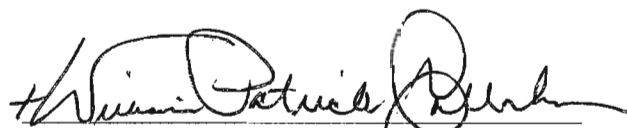
DECREE

**PROMULGATING THE POLICY AND PROCEDURES
OF THE DIOCESE OF LA CROSSE
REGARDING THE SEXUAL ABUSE OF MINORS BY CLERGY**

From the time my appointment as Bishop of La Crosse was announced, one of my stated priorities has been to learn more about the issue of child sexual abuse and to ensure a safe environment for all minors and vulnerable persons in the Diocese. With this in mind it is my duty to see to the full implementation of the United States Conference of Catholic Bishops' *Charter for the Protection of Children and Young People* and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*. Happily the Diocese of La Crosse has been found to be in compliance with the aforementioned *Charter* through the audits conducted by the USCCB Secretariat of Child and Youth Protection. However both of these documents have been revised since the promulgation of the *Revised Child Sexual Abuse Policy and Procedures of the Diocese of La Crosse* by my predecessor then-Bishop Raymond L. Burke on February 5, 2003, and have been in effect since May 15, 2006. Furthermore our Holy Father Pope Benedict XVI, on May 21, 2010, revised the *Normae de gravioribus delictis* reserved to the Congregation for the Doctrine of the Faith. In light of these more recent documents, I have undertaken a review of our diocesan policies and procedures. Having completed this review with the help of the Diocesan Clergy Child Sexual Abuse Review Board at its meeting on August 3, 2011, I hereby promulgate the revised *Policy and Procedures of the Diocese of La Crosse Regarding the Sexual Abuse of Minors by Clergy*, including the "Norms Governing the Diocese of La Crosse Clergy Child Sexual Abuse Review Board." These revised policies and procedures are to take effect immediately, and are to be published and disseminated as quickly as possible.

Given at La Crosse, on the fourth day of November in the year of Our Lord 2011, the memorial of Saint Charles Borromeo, Bishop.

SEAL


Bishop of La Crosse


Chancellor

**POLICY AND PROCEDURES
OF THE DIOCESE OF LA CROSSE
REGARDING THE SEXUAL ABUSE OF MINORS BY CLERGY**

- Scope
 1. The *Policy and Procedures of the Diocese of La Crosse Regarding the Sexual Abuse of Minors by Clergy* govern priests and deacons while they are performing the work of the Diocese with the permission of the Diocesan Bishop.
 2. The policy and procedures are not intended to cover other moral transgressions or matters involving other violations of the Code of Canon Law.
- Definitions

Minor: A person below the age of 18 years. A person who habitually lacks the use of reason¹ is to be considered equivalent to a minor.²

Diocesan Priest or Deacon: A priest or deacon, whether secular or religious, appointed to serve in the Diocese of La Crosse by the Diocesan Bishop.

Sexual Abuse of a Minor: Sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Also to be considered as serious is the acquisition, possession or distribution by a cleric of pornographic images of minors for purposes of sexual gratification, by any means or technology.³

Any conduct of a sexual nature involving persons under the age of 18 which violates any federal or state statute also constitutes sexual abuse of a minor under these policies. This includes, but is not limited to:

1. Sexual assault of a child⁴;
2. Repeated acts of sexual abuse of a child⁵;
3. Sexual exploitation of a child⁶;
4. Causing a child to view or listen to sexual activity⁷;
5. Child enticement⁸;

¹ Canon 99 of the *Code of Canon Law* states: “Whoever habitually lacks the use of reason is considered not responsible for oneself (*non sui compos*) and is equated with infants.”

² Pope Benedict XVI, Revised *Normæ de gravioribus delictis* Reserved to the Congregation for the Doctrine of the Faith, Art. 6, §1, 1° (May 21, 2010).

³ Cf. *Ibid.*, 2°.

⁴ Sec. 948.02 Wis. Stats.

⁵ Sec. 948.025 Wis. Stats.

⁶ Sec. 948.05 Wis. Stats.

⁷ Sec. 948.055 Wis. Stats.

⁸ Sec. 948.07 Wis. Stats.

6. Exposing a child to harmful materials⁹;
 7. Possession of child pornography¹⁰;
 8. Sexual gratification involving children¹¹;
 9. Sexual intercourse with a child 16 years or older¹²;
 10. Possession or use of Internet child pornography¹³;
 11. Invasion of privacy by video surveillance¹⁴;
 12. Sexual exploitation of children by manufacturing pornography¹⁵;
 13. Taking, possessing or distributing nude pictures in locker rooms¹⁶;
 14. Sending obscene or sexually explicit electric/electronic messages¹⁷;
 15. Use of a computer to facilitate a child sex crime.¹⁸
- Policy
 1. Sexual abuse of a minor is a crime and “an appalling sin in the eyes of God.”¹⁹
 2. Sexual abuse of a minor by any Diocesan priest or deacon is contrary to Catholic faith and morals, is outside the scope of his duties and responsibilities, and is absolutely prohibited.
 3. No minor shall be subjected to sexual abuse by any Diocesan priest or deacon.
 4. All Diocesan agents shall comply with all federal, state or local, civil and criminal laws prohibiting sexual abuse of minors; all laws requiring the reporting of known or suspected instances of sexual abuse of minors; and all requirements, procedural and substantive, set forth in this policy.
 - Procedures²⁰
 1. All allegations of sexual abuse of a minor against a Diocesan priest or deacon shall be immediately reported to the Diocesan Bishop. All such reports are confidential.
 2. The Diocesan Bishop shall meet with the Diocesan Attorney and may meet with others to assess initially the nature of the allegations and the appropriate response to the allegations. This initial assessment will address issues of the possible risks to the accuser and potential

⁹ Sec. 948.11 Wis. Stats.

¹⁰ Sec. 948.12 Wis. Stats.

¹¹ Sec. 948.10 Wis. Stats.

¹² Sec. 938.09 Wis. Stats.

¹³ Sec. 948.012 Wis. Stat. and 18 USC Sec. 2252.

¹⁴ Sec. 942.08 Wis. Stats.

¹⁵ 18 USC Sec. 2251 Wis. Stats.

¹⁶ Sec. 942.09 Wis. Stats.

¹⁷ Sec. 944.25 Wis. Stats.

¹⁸ Sec. 948.075 Wis. Stats.

¹⁹ Address of Pope John Paul II to the Cardinals of the United States (April 23, 2002).

²⁰ Except for paragraphs 1 and 2, these procedures are not necessarily listed in the order followed in each case. The safety of minors is the paramount concern.

victims; reporting requirements; possible risks to the accused; the selection of the persons to represent the Diocesan Bishop to the accuser and the accused (see Paragraphs 7 and 8 below); and the investigative protocol.

3. The Diocesan Bishop and/or his designee shall promptly respond to the accuser/reporter, acknowledging the allegations and providing the accuser/reporter a copy of the *Policy and Procedures of the Diocese of La Crosse Regarding the Sexual Abuse of Minors by Clergy*.

The accuser shall be advised of any civil or criminal law reporting requirements and shall be assisted in such reporting, if the accuser desires.

4. The Diocesan Bishop and/or his designee shall notify the accused that an accusation has been made and provide the accused with a copy of the *Policy and Procedures of the Diocese of La Crosse Regarding the Sexual Abuse of Minors by Clergy*. If the accused is a cleric of another diocese, or a consecrated person of an institute of consecrated life or society of apostolic life, the ecclesiastical superior of the accused shall also be notified.

The accused shall be informed of the nature of the accusation and of any civil or criminal law reporting requirements, and shall be advised to retain the counsel of both a civil/criminal lawyer and a canon lawyer before making any statements.

5. The Diocesan Bishop shall take immediate steps to safeguard the health, safety and welfare of all persons, which may include a leave of absence for the accused; reports to the appropriate authorities; notice to the insurance carriers; and/or referral to professionals (medical, psychological or legal).
6. The canonical preliminary investigation shall be carried out in a timely manner.
7. The Diocesan Bishop shall appoint a person to act as a liaison between the Diocesan Bishop and the accuser/reporter to represent the compassionate pastoral presence of the Diocesan Bishop; to gather detailed facts, including written statements from the accuser/reporter, documents, witness statements and records (releases); to submit written reports to the Diocesan Bishop; and ultimately to facilitate reconciliation and healing. All documents and all communications with the accuser shall be confidential.
8. The Diocesan Bishop shall appoint a person to act as a liaison between the Diocesan Bishop and the accused to represent the compassionate pastoral presence of the Diocesan Bishop; to gather detailed facts, including written statements from the accused, documents, witness statements and records (releases); to submit written reports to the Diocesan Bishop; and ultimately to facilitate reconciliation and healing. All documents and all communications with the accused shall be confidential.
9. When appropriate, the Diocesan Bishop may request a mutually-acceptable third-party assessment of the accused and/or accuser, including independent medical, psychological or

other examinations at Diocesan expense, provided this does not interfere with the investigation by civil authorities. All documents and all communications shall be confidential.

10. If the accusation is not admitted, the matter will be referred to the Diocese of La Crosse Clergy Child Sexual Abuse Review Board.
11. After the canonical preliminary investigation and the Diocese of La Crosse Clergy Child Sexual Abuse Review Board process have been followed, the Diocesan Bishop shall make a determination of whether or not the accusation is sufficiently confirmed.
12. If the accusation is not admitted or sufficiently confirmed, the Diocesan Bishop, with the respective liaisons to the accuser/reporter and the accused, shall communicate such determination to both parties. In addition the Diocesan Bishop shall assist the parties to achieve reconciliation. A written statement shall be made, and shall be placed and recorded in the confidential records of the Diocese. Every step possible will be taken to restore the good name of the priest or deacon.
13. The following will apply if the accusation is either admitted or sufficiently confirmed in the judgment of the Diocesan Bishop.
 - A. The Congregation for the Doctrine of the Faith shall be notified.
 - B. The perpetrator shall be permanently removed from ministry. He will not be permitted to celebrate Mass publicly, to wear clerical garb or to present himself publicly as a priest or deacon.
 - C. The Diocesan Bishop shall take reasonable immediate steps to safeguard the health, safety and welfare of the victim and others involved, and to prevent sexual abuse of a minor from being repeated.
 - D. At the sole discretion of the Diocesan Bishop, when appropriate, the Diocese may make assistance available to the victim. The nature and extent of the assistance will depend upon each case. Factors to be considered include the nature of the offense; the harm caused by the offense; the degree of culpability of the Diocese; the financial and professional resources available to the Diocese; and what canon law, civil law and contractual agreements of the Diocese permit.
 - E. At the sole discretion of the Diocesan Bishop, when appropriate, the Diocese may make professional resources available to the perpetrator. The nature and extent of the assistance will depend upon each case. Factors to be considered include the nature of the offense; the harm caused by the offense; the degree of culpability of the Diocese; the financial and professional resources available to the perpetrator and the Diocese; and what canon law, civil law and contractual agreements of the Diocese permit.

- F. Confidential written records concerning any accusations of sexual abuse shall be maintained by the Diocese. All records of the canonical preliminary investigation and of the Diocese of La Crosse Clergy Child Sexual Abuse Review Board process are confidential.
14. In any case involving canonical penalties, the processes provided for in canon law must be observed.
15. When it is apparent that the accusation of sexual abuse has caused hurt and scandal in the communities in which it is alleged to have occurred or did occur, the Diocesan Bishop shall direct the local Dean to assess the nature and degree of the harm caused, and recommend and implement a plan of community healing and reconciliation.

NORMS

GOVERNING THE DIOCESE OF LA CROSSE CLERGY CHILD SEXUAL ABUSE REVIEW BOARD

1. Composition and Appointment.

The Diocese of La Crosse Clergy Child Sexual Abuse Review Board shall consist of at least six (6) persons appointed by the Diocesan Bishop and who serve at the pleasure of the Diocesan Bishop. All persons must be of outstanding integrity and good judgment. At least five (5) of the persons must be in full communion with the Catholic Church.

2. Qualifications.

No less than four (4) of the members shall be adult lay persons not in the employ of the Diocese of La Crosse, one of which, at least, shall have particular expertise in the treatment of the sexual abuse of children. In addition one experienced and respected pastor of the Diocese shall be appointed to advise and consult with the Board. Three (3) *ex officio* nonvoting members shall be appointed by the Diocesan Bishop: the Vicar for Clergy, a knowledgeable canon lawyer and the Diocesan Attorney.

3. Term.

The term for each Review Board member shall be five (5) years, which can be renewed.

4. **Purpose.**

The purpose of the Diocese of La Crosse Clergy Child Sexual Abuse Review Board shall be:

- A. To assist the Diocesan Bishop, at his request, in assessing specific allegations of sexual abuse of minors by a priest or deacon, when the allegations have not been admitted.
- B. To review regularly the Diocesan policy and procedures for dealing with sexual abuse of minors by a priest or deacon, and to recommend to the Diocesan Bishop any modifications; and
- C. To render such other advice and counsel regarding sexual abuse of minors when requested by the Diocesan Bishop.

5. **Confidentiality.**

All matters submitted to and all proceedings of the Diocese of La Crosse Clergy Child Sexual Abuse Review Board are confidential. The procedures constitute part of the process to assess the fitness for assignment and the assignment of clergy. The process is therefore privileged under the First Amendment. The procedures may require the examination of documents and records which are privileged. That may require seeking and hearing legal advice which is privileged, and may require review of privileged communications between priests, doctors, psychologists, social workers and lawyers. By its very nature the Diocese of La Crosse Clergy Child Sexual Abuse Review Board's proceedings involve matters of a highly personal nature, protected by the Wisconsin Privacy Law. Therefore all of its communications, proceedings and records are confidential and may not be disclosed or made public.

6. **Norms Governing the Assessment of Allegations.**

- A. Issue: "Is the allegation sufficiently credible to recommend to the Diocesan Bishop that the case be advanced?"
- B. Burden of proof: the accuser carries the burden of proof, consistent with concepts of fundamental fairness.
- C. Standard of proof: corroborating evidence from witnesses, documents or other sources.
- D. Representation:
 - (1) The accuser may be represented by a civil and/or canon lawyer at his or her own expense.
 - (2) The accused may be represented by a civil and/or canon lawyer at his own expense.
 - (3) When necessary the Diocese will supply canonical counsel to a priest or deacon.
 - (4) The Diocese of La Crosse Clergy Child Sexual Abuse Review Board shall be represented by the Diocesan Attorney.

7. **Record.**

There shall be no record made of the proceedings of the Diocese of La Crosse Clergy Child Sexual Abuse Review Board.

8. **Rules of Evidence.**

Adherence to the application of the strict rules of evidence shall not be required.

9. **Discovery.**

There shall be no discovery by any party before the Diocese of La Crosse Clergy Child Sexual Abuse Review Board.

10. **Nature of the Proceeding.**

Initially the Diocese of La Crosse Clergy Child Sexual Abuse Review Board shall review the records submitted to it by the Diocesan Bishop. If testimonial proof is necessary, the Review Board shall secure sworn statements from witnesses. If the record review and written testimonial proof is insufficient to make a recommendation to the Diocesan Bishop, oral testimony may be obtained.