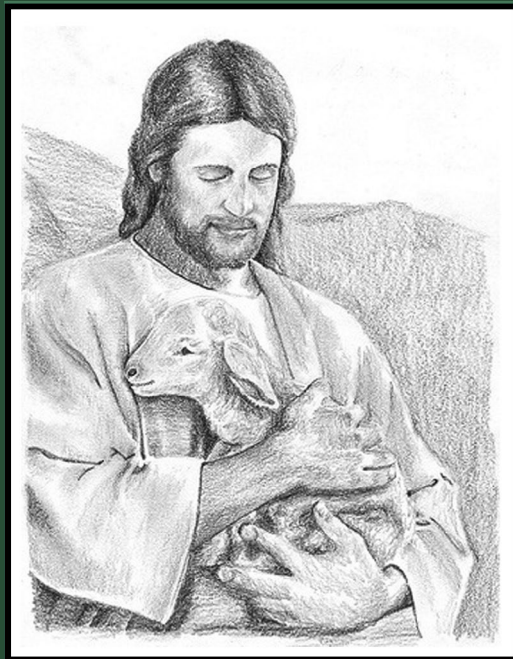


CHILD SEXUAL ABUSE
POLICY AND PROCEDURES
OF THE
DIOCESE OF LACROSSE



REVISED
POLICY AND PROCEDURES



A PASTORAL LETTER TO CHRIST'S FAITHFUL
OF
THE DIOCESE OF LA CROSSE

THE MOST REVEREND WILLIAM PATRICK CALLAHAN
BISHOP OF LA CROSSE



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

Since my appointment as the tenth Bishop of the Diocese of La Crosse, the issue of child sexual abuse has been a primary concern of my Episcopal ministry. Over these nine years the issue of abuse and cover-up has continued to raise its ugly head and remains at the forefront of concern within our Diocese and Church. I continue to be saddened by the depth of pain that so many victims and members of the Church have endured because of this evil. I cannot apologize enough, on behalf of the Church, for the sin of some clergy and bishops in this regard. I, however, can only deal with this evil by spiritually and positively looking forward. I wish I could change the past, but we must look ahead with the assurance of the love of Christ that we can and must comfort those afflicted by this evil. Furthermore, I establish the policies and procedures contained herein for the safeguarding and healing of future generations in order to address future failures in a timely and effective manner. Toward the beginning of my Episcopal ministry to this Diocese, I promulgated a revision to Child Sexual Abuse Policy and Procedures of the Diocese of La Crosse (The Green Book). This document, among others, serves us well and allows us to address in a compassionate and timely way the evil of sexual abuse of minors by the clergy. We continue to learn much more about abuse and its cover-up, along with necessary care for the needs of victims. To assure that we are always attentive to new developments in the Church and the world, I have ordered the review and revision of the Green Book so that we might better serve those traumatized by the issue of sexual abuse at the hands of clergy. This new revision includes the addition of an investigator who reports directly to the Chair of the Review Board. This strengthens the independence of the Review Board, giving it the authority to approve replacements to its membership. It outlines the process of the publication of names and publishes the bylaws of the Review Board. It also includes appropriate references to Pope Francis' Motu Proprio "Vos Estis Lux Mundi" dealing with Bishops who may themselves have abused, or covered up abuse. My hope is that this will lead to an even greater compassionate and timely response to any and all accusations of sexual abuse of children at the hands of clerics. I hereby promulgate the Policies, Procedures and Bylaws: Diocese of La Crosse Complaint Process Regarding Allegations of Sexual Abuse of Minors by Clergy. This will go into effect the beginning of Advent 2019, and should be published and disseminated as quickly as possible.

Given at La Crosse on the 25th day of September in the year of our Lord 2019.



Very Rev. William A. Rhein
Chancellor

William Patrick O'Brien
Bishop of La Crosse

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POLICIES, PROCEDURES AND BYLAWS:
DIOCESE OF LA CROSSE COMPLAINT PROCESS REGARDING ALLEGATIONS
OF SEXUAL ABUSE OF MINORS BY CLERGY

CHAPTER 1

POLICIES AND PROCEDURES REGARDING THE REPORTING AND INVESTIGATION OF COMPLAINTS OF SEXUAL ABUSE OF MINORS BY CLERGY

1. Scope

1. The *Policies and Procedures Regarding the Reporting and Investigation of Complaints of Sexual Abuse of Minors by Clergy* governs all priests and deacons appointed to serve in the Diocese of La Crosse by the Diocesan Bishop.¹

2. The policies and procedures are not intended to cover other moral transgressions or matters involving other violations of the *Code of Canon Law*.

2. Definitions

Minor: A person below the age of 18 years. A person who habitually lacks the use of reason² is to be considered equivalent to a minor.³

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.⁴

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 child⁵
2. Repeated acts of sexual abuse of a child⁶
3. Sexual exploitation of a child⁷
4. Causing a child to view or listen to sexual activity⁸

¹ These *Policies and Procedures Regarding the Reporting and Investigation of Complaints of Sexual Abuse of Minors by Clergy* relate also to Bishops appointed to serve in the Diocese of La Crosse; however, the procedures to be followed for any allegations relating to bishops are set forth in *Vos Estis Lux Mundi*, May 7, 2019, the Apostolic Letter Issued Motu Proprio, by the Supreme Pontiff.

² 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."

³ Pope Benedict XVI, Revised *Normæ de Gravioribus Delictis* reserved to the Congregation for the Doctrine of the Faith, Article 6, §1, 1° (May 21, 2010).

⁴ Cf. *Ibid.*, 2°.

⁵ Sec. 948.02 Wis. Stats.

⁶ Sec. 948.025 Wis. Stats.

⁷ Sec. 948.05 Wis. Stats.

⁸ Sec. 948.055 Wis. Stats.

5. Child enticement ⁹
6. Exposing a child to harmful materials ¹⁰
7. Child pornography ¹¹
8. Exposing genitals, pubic area or intimate parts ¹²
9. Sexual intercourse with a child 16 years or older ¹³
10. Invasion of privacy by video surveillance ¹⁴
11. Unauthorized taking, possessing or distributing nude pictures ¹⁵
12. Sending obscene or sexually explicit electronic messages ¹⁶
13. Use of a computer to facilitate a child sex crime. ¹⁷

III. Policies

1. Sexual abuse of a minor is a crime and “an appalling sin in the eyes of God.” ¹⁸
2. Sexual abuse of a minor by any bishop, priest or deacon is contrary to Catholic faith and morals, is outside the scope of his duties and responsibilities, and is absolutely prohibited.
3. 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. ¹⁹
4. All allegations of sexual abuse of a minor by any bishop, priest or deacon shall be handled in a manner that is expeditious, fair, and compassionate.

⁹ Sec. 948.07 Wis. Stats.

¹⁰ Sec. 948.11 Wis. Stats.

¹¹ Sec. 948.12 Wis. Stats., 18 U.S.C. Sec. 2251, 2252, 2252A.

¹² Sec. 948.10 Wis. Stats.

¹³ Sec. 948.09 Wis. Stats.

¹⁴ Sec. 942.08 Wis. Stats.

¹⁵ Sec. 942.09 Wis. Stats.

¹⁶ Sec. 944.25 Wis. Stats.

¹⁷ Sec. 948.075 Wis. Stats.

¹⁸ Address of Pope John Paul II to the Cardinals of the United States (April 23, 2002).

¹⁹ The Canonical reporting obligation of all clerics, as well as the confidentiality of reports and protection against retaliation for clerics making reports, are defined in *Vos Estis Lux Mundi*, May 7, 2019, the Apostolic Letter Issued Motu Proprio, By the Supreme Pontiff, Articles 3 and 4.

IV. Procedures

1. All allegations of sexual abuse of a minor against a bishop,²⁰ priest, or deacon, regardless of how received,²¹ shall be immediately reported to the Complaint Intake Agent. The Complaint Intake Agent shall have experience or will be trained in Wisconsin's Mandatory Reporting Law (Section 49.981(2), Wis. Stats.) and laws regarding sexual abuse allegations. Pastoral assistance and/or other assistance may be made available to the person making the complaint pending the investigation of the allegation.
2. The Complaint Intake Agent shall promptly notify each of the following parties of the allegation of abuse that has been made:
 - a. Law Enforcement/Social (Human) Services Department (for the County in which the alleged conduct occurred)
 - b. Chairperson of the Diocese of La Crosse Review Board
 - c. Vicar for Clergy
3. The Complaint Intake Agent shall promptly respond to the person making the complaint, acknowledging the allegations and providing the person making the complaint or reporter a copy of both the *Policies and Procedures Regarding the Reporting and Investigation of Complaints of Sexual Abuse of Minors by Clergy* and the *Plain Language Complaint Reporting and Investigation Process*.

The person making the complaint shall be advised of any civil or criminal law reporting requirements and shall be assisted in such reporting if the person making the complaint desires, as well as the Diocesan policy to notify law enforcement and that he/she has no obligation to cooperate with law enforcement's investigation, as well as the right to direct the Diocese to withhold his or her name from the report to law enforcement if he/she wishes to remain anonymous.

4. The Vicar for Clergy shall notify the accused that an accusation has been made and provide the accused with a copy of the *Policies and Procedures Regarding the Reporting and Investigation of Complaints of Sexual Abuse of Minors by Clergy* and the *Plain Language Complaint Reporting and Investigation Process*. 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

²⁰ If the complaint involves allegations against a bishop, the procedures that will be followed are set forth in *Vos Estis Lux Mundi*, May 7, 2019, the Apostolic Letter Issued Motu Proprio, By the Supreme Pontiff.

²¹ This shall not include communications made under the Sacramental Seal. See Code of Canon Law, Canon 983 & 984.

criminal law reporting requirements, including the Diocesan policy to notify law enforcement, and shall be advised to retain the counsel of both a civil/criminal lawyer and a canon lawyer before making any statements. If the accused admits to the complaint of conduct, the Vicar for Clergy shall notify the Diocesan Bishop, Review Board Chair and the Diocesan Attorney.

The accused shall be informed of the process of the canonical preliminary investigation, which shall be carried out in a timely manner.

5. The Vicar for Clergy shall inform the Diocesan Bishop of all allegations of sexual abuse of a minor against a priest or deacon. 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.
6. The Vicar for Clergy shall notify the Diocesan Attorney of the allegation against a Diocesan priest or deacon and request that the Diocesan Attorney compile a report to forward to the Review Board Chair that includes information relating to the accused's pastoral assignments, as well as any and all prior allegations of misconduct made against the accused.
7. The Review Board Chair shall appoint a Case Investigator to gather detailed facts, including written statements from the person making the complaint, gather documents, witness statements and records (releases); to prepare and submit a written report to the Diocese of La Crosse Review Board to assist the Review Board in making a recommendation to the Diocesan Bishop about whether or not the allegation is sufficiently confirmed. The Case Investigator shall be permitted to review the biographical report prepared by the Diocesan Attorney (*see* paragraph 6, above); however, if the Case Investigator has questions regarding the report, the Case Investigator may elect to review Diocesan records regarding the accused. (Note: if the accused Diocesan priest or deacon admits the alleged conduct, *see* paragraph 4, above, the Review Board may elect to forego appointment of a Case Investigator.)
8. When appropriate, the Review Board, or its Case Investigator, may request a mutually acceptable third-party assessment of the accused and/or person making the complaint, including independent medical, psychological or other examinations at Diocesan expense, provided this does not interfere with any investigation by civil authorities. The person making the complaint and the accused may, but are not required to, cooperate with any requests for third party assessments.
The person making the complaint and the accused may, but are not required to,

meet with the Review Board. After receipt of the Case Investigator's report, the Review Board's Chair may request that the Case Investigator meet with the Review Board.

The Review Board shall prepare a report of its findings to the Diocesan Bishop regarding the review process with its determination as to whether the allegation of child sexual abuse by the person making the complaint against the accused is sufficiently confirmed.

11. The Diocesan Bishop will review the recommendation of the Review Board and communicate his decision in the case to both parties. The Diocesan Bishop will advise the parties of their rights of administrative recourse in the event that either disagrees with the decision.
12. The following will apply if the accusation is either admitted or sufficiently confirmed in the judgment of the Diocesan Bishop.
 - A. The case will be referred to the Congregation for the Doctrine of the Faith, which can result in dismissal from the clerical state.
 - B. The accused shall be 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 discretion of the Diocesan Bishop, when appropriate, the Diocese will make assistance available to the victim. The nature and extent of the assistance will depend upon each case.
 - E. At the discretion of the Diocesan Bishop, when appropriate, the Diocese will make professional resources available to the perpetrator. The nature and extent of the assistance will depend upon each case.
13. When it is apparent that the accusation of sexual abuse has caused hurt and outrage in the communities in which it is alleged to have occurred (or did occur), the Diocesan Bishop shall work with the local Dean to assess the nature and degree of the harm caused, and recommend and implement a plan of community healing and

reconciliation.

14. If the person making the complaint disagrees with the outcome of the complaint process, he or she may seek recourse through the administrative recourse process provided in the *Code of Canon Law* in his or her name within ten (10) days by submitting, in writing, a petition that seeks reconsideration of the decision from which recourse is being sought. The petition must be submitted to the Diocesan Bishop.

CHAPTER 2

POLICIES AND PROCEDURES ON PUBLICATION OF CLERGY NAMES WITH SUFFICIENTLY CONFIRMED ALLEGATIONS OF CHILD SEXUAL ABUSE

I. Scope: The *Policies and Procedures on Publication of Clergy Names with Sufficiently Confirmed Allegations of Child Sexual Abuse* governs the process of disclosure of allegations and publication related to credible allegations of child sexual abuse as determined by the Diocesan Bishop, pursuant to the *Policies and Procedures Regarding the Reporting and Investigation of Complaints of Sexual Abuse of Minors by Clergy*, above.

II. Policies

1. Publication of clergy names against whom there are sufficiently confirmed allegations of child sexual abuse will acknowledge past abuse and unmask offenders.
2. Publications of clergy names will encourage accountability and reinforce the Diocese of La Crosse's commitment to the *Charter for the Protection of Children and Young People*, United States Conference of Catholic Bishops (Rev. June 2018).
3. A policy of transparency will further the Diocesan Bishop's ministry to his flock and, with hope and prayer, bring healing to those afflicted by clergy abuse.

III. Procedures

1. The Diocese shall publish on its website a list of all clergy against whom allegations of child sexual abuse have been sufficiently confirmed.
2. The publication on the Diocese of La Crosse's website shall include the following information: clergy name, last known status or date of death, pastoral assignments, whether one or multiple allegations were determined sufficiently confirmed, and the date of addition of the clergy's name to publication list or last modification.
3. The website address (URL) of the disclosure shall be sent to all parishes within the Diocese of La Crosse for purposes of publication in the parishes' bulletins.
4. For allegations made following implementation of the revised (2019) *Policies and Procedures Regarding the Reporting and Investigation of Complaints of Sexual Abuse of Minors by Clergy* that are determined by the Diocesan Bishop to be sufficiently confirmed, the following steps will occur:
 - a. All parishes at which the clergy was assigned will be notified for purposes of publication in the parish bulletin;
 - b. The Diocesan website administrator will be notified of the determination of the credible allegation for inclusion of the clergy name (pursuant to Paragraph III.2., above) or, if the cleric's name had previously been disclosed as having a single credible allegation found against him, then the information will be revised to indicate that multiple credible allegations may be found to have been made against him.

CHAPTER 3

DIOCESE OF LA CROSSE INDEPENDENT REVIEW BOARD BYLAWS

I. Composition and Appointment

The Diocese of La Crosse Independent Review Board shall consist of at least six (6) but not greater than (10) ten persons. The initial Review Board, at the time of implementation of the Diocese of La Crosse's revised (2019) *Policies and Procedures Regarding the Reporting and Investigation of Complaints of Sexual Abuse of Minors by Clergy*, shall consist of six (6) members, who shall be appointed by the Diocesan Bishop; however, any additional, future, and/or replacement members on the Review Board shall be nominated and elected by the remaining members of the Board.

II. Qualifications of Board Members

Members shall be adult lay persons not in the employ of the Diocese of La Crosse, in full communion with the Catholic Church, and shall be representatives of different parishes and deaneries of the Diocese of La Crosse. The Review Board shall have representatives of the following areas of professional expertise: mental/behavioral health, health care, law enforcement, legal, and education. In addition, one experienced and respected pastor of the Diocese shall be appointed as a regular (voting) member of the Board.

III. Meeting Invitees

The Diocese of La Crosse's Vicar for Clergy and its Chancellor and/or its Promoter of Justice shall be permitted to attend any meetings of the Review Board but shall not be entitled to cast any vote at any meeting of the Review Board. If requested by the Review Board, the Vicar for Clergy, Chancellor, or Promoter of Justice may provide consultative counsel to the Board.

IV. Term

The term for each voting Review Board member shall be five (5) years, which can be renewed once for a total of ten (10) years of service. Terms shall be staggered so an equal number of members' terms are up for renewal/expiration each year.

V. Chair

The Chairperson of the Review Board shall be appointed by the Diocesan Bishop. The Chairperson of the Review Board must be a layperson from the Board and may not be a priest, deacon, or any other religious Board representative.

VI. Meetings

Meetings shall occur at least quarterly. Agendas shall be prepared by the Review Board Chair in consultation with the Vicar for Clergy. Meetings shall be held in a central location according to the Board Members' locations or shall rotate among the deaneries.

VII. Purpose

The purpose of the Diocese of La Crosse Independent Review Board shall be:

1. To advise the Diocesan Bishop in assessing specific allegations of sexual abuse of minors by a priest or deacon,²² when the allegations have not been admitted, consistent with the *Charter for the Protection of Children and Young People*, United States Conference of Catholic Bishops (Rev. June 2018).
2. To review regularly the Diocesan policies and procedures for dealing with sexual abuse of minors by a bishop, priest or deacon, and to recommend to the Diocesan Bishop any modifications; and
3. To render such other advice and counsel regarding sexual abuse of minors when requested by the Diocesan Bishop.

VIII. Confidentiality.

Subject to the Diocese's policy to notify law enforcement upon receipt of an allegation of child sexual abuse against a diocesan bishop, priest or deacon, for purposes of which, the person making the complaint may elect to have his or her name withheld from the report to law enforcement so as to remain anonymous, until the Review Board determination is made, all matters are confidential. If the allegation is sufficiently confirmed, information regarding the allegation will be reported consistent with Diocesan policy. *See Diocese of La Crosse Policies and Procedures on Reporting of Allegations and Publication of Clergy Names with Sufficiently Confirmed Allegations of Child Sexual Abuse.*

IX. Norms Governing the Assessment of Allegations.

1. Issue: "Is the allegation sufficiently confirmed to recommend to the Diocesan Bishop that he take further action?"
2. Burden of proof: the person making the complaint carries the burden of proof, consistent with concepts of fundamental fairness.
3. Standard of proof: corroborating evidence from witnesses, documents or other sources.
4. Representation:
 - a. The person making the complaint may be represented by a civil and/or canon lawyer at his or her own expense.
 - b. The accused may be represented by a civil and/or canon lawyer at his own expense.

X. Record.

A summary of the meetings of the Review Board shall be prepared by a member of the Board or the Chancellor who is appointed by the Chair and maintained by the Chair.

²² If the complaint involves allegations against a bishop, the procedures to be followed are set forth in *Vos Estis Lux Mundi*, May 7, 2019, the Apostolic Letter Issued Motu Proprio, By the Supreme Pontiff.

XI. Rules of Evidence.

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

XII. Board Liability and Indemnification.

Members of the Review Board shall be indemnified in accordance with the provision of Chapter 181, Wis. Stats. Insurance shall be purchased for those individuals serving as members of the Review Board against liability asserted against and incurred by those individuals in, or arising from, the individuals' capacity as members of the Review Board.

DIOCESE OF LA CROSSE
PLAIN LANGUAGE FOR COMPLAINT REPORTING
AND THE INVESTIGATION PROCESS

1. Allegations of sexual abuse of a minor by a bishop, priest or deacon are made or sent to the Complaint Intake Agent.
2. The person making the allegation will be given copies of the Diocese of La Crosse's written policies on the reporting process of sexual abuse of minors.
3. They will be told about legal reporting requirements and the Diocese of La Crosse's policy to notify law enforcement of all allegations of child sexual abuse but that your name will be withheld if you want to remain anonymous.
4. The Complaint Intake Agent will notify Law Enforcement of the allegation, as well as the Review Board Chair and the Vicar for Clergy.
5. The Review Board Chair will appoint a Case Investigator to investigate the allegation.
6. The Case Investigator will gather documents, interview witnesses, and review records.
7. You may be asked to participate in an interview with the Case Investigator. You are not required to do so, but your participation could help the Review Board in its review of the allegation. The accused may also be asked to speak to the Case Investigator but is also not required to do so.
8. The Case Investigator may ask you to provide releases or to participate in independent medical, psychological, or other examinations. You are not required to do so, but your cooperation could help the Review Board in its review of the allegation. The accused may also be asked to cooperate but is not required to do so.
9. The Case Investigator will prepare a report for the Review Board which will remain anonymous, along with his/her investigative materials, which will be reviewed only by the Diocesan Bishop, Chancellor, Promoter of Justice and Vicar for Clergy.
10. The Review Board may ask to meet with you. You are not required to do so. The accused may also be asked to meet with the Review Board but is also not required to do so.
11. The Review Board will report its findings to the Diocesan Bishop, including its recommendation about whether the allegation was confirmed.

12. The Diocesan Bishop will make a final decision about the allegation and will communicate that decision to you and the accused.

13. If the Diocesan Bishop determines that the complaint is sufficiently confirmed, the following will occur:

- a. The clergy member will be removed from ministry and other restrictions may be imposed.
- b. The case will be referred to the Congregation for the Doctrine of the Faith.
- c. Assistance will be made available to you as determined by the Diocesan Bishop.
- d. Information will be provided for publication on both the Diocesan website and at all parishes at which the clergy was assigned regarding the name of the cleric, last known status or date of death, pastoral assignments (on website), and whether one or multiple allegations were determined to be sufficiently confirmed against the cleric.

14. If you do not agree with the outcome of the complaint process, you may appeal the Diocesan Bishop's decision within ten (10) days of the date of his decision by filing an appeal to ask for reconsideration in writing to the Diocesan Bishop.

15. If the allegation is sufficiently confirmed, the Diocese's policies on publication will be followed to ensure public awareness of the confirmation of the allegation against the clergy member.

