

## Survey of the Written Child Protection Policies of the 32 U.S. Archdioceses

Stephanie Dallam, Marci Hamilton & Sabine Glocker

To cite this article: Stephanie Dallam, Marci Hamilton & Sabine Glocker (2021): Survey of the Written Child Protection Policies of the 32 U.S. Archdioceses, Journal of Child Sexual Abuse, DOI: [10.1080/10538712.2021.1938770](https://doi.org/10.1080/10538712.2021.1938770)

To link to this article: <https://doi.org/10.1080/10538712.2021.1938770>



Published online: 29 Jul 2021.



Submit your article to this journal [↗](#)



View related articles [↗](#)



View Crossmark data [↗](#)

REPORT



## Survey of the Written Child Protection Policies of the 32 U.S. Archdioceses

Stephanie Dallam<sup>a</sup>, Marci Hamilton<sup>b</sup>, and Sabine Glocker<sup>c</sup>

<sup>a</sup>CHILD USA, Social Science, Paola, United States; <sup>b</sup>CHILD USA, Legal, Philadelphia, United States; <sup>c</sup>Private Attorney, Philadelphia, United States

### ABSTRACT

Amid considerable public scrutiny, Roman Catholic institutions in the United States have been called upon to address underlying organizational conditions that may facilitate child sex abuse and establish effective policies for early intervention and prevention. The development of child protection policies has largely been left to the discretion of local dioceses with little in the way of central oversight. This study examined the 32 U.S. archdioceses' written policies on child protection and maintaining a safe environment. We found 14 distinct policies spread across the archdioceses which fit into four general categories or domains: (1) Prevention of Child Sexual Abuse; (2) Detection and Reporting of Abuse; (3) Response to Victims; and (4) Investigational Process and Response to Allegations of Abuse. Using a tool developed from a list of unique components selected from the better policies of all 32 archdioceses, we compared policies across archdioceses. On a group level, we found current policies to be inadequate. The average score for all 32 archdioceses was 100.9 out of 250 possible points or 40%. The range was 61 to 137 (SD 20.4). The variation and inconsistencies across multiple archdioceses within the U.S. reveal the need for the Catholic Church to establish evidence-based standards on appropriately and effectively addressing child sexual abuse within its dioceses. These standards should be based on empirically supported best practices and emerging consensus of experts on better practices for youth-serving organizations in relation to child abuse. This article points to parameters for consideration in developing such standards.

### ARTICLE HISTORY

Received 19 October 2020

Revised 28 April 2021

Accepted 2 May 2021

### KEYWORDS

child sexual abuse; Policy; Prevention; Clergy abuse; youth serving organizations; Catholic Church; religious institutions

## Introduction

Clergy-perpetrated sexual abuse during childhood represents a betrayal of trust that has caused substantial damage to victims (McGraw et al., 2019), their families (Wind et al., 2008), and parishioners (Kline et al., 2008). In 2012, it was estimated that there may have been as many as 100,000 total victims of clerical sexual abuse (Allen, 2012). Research suggests that the Catholic Church's organizational structure and culture allowed for onset and persistence of abuse within the institution (e.g., Doyle, 2012; Terry, 2015). By 1985,

almost all of the dioceses in the U.S. had experienced cases of sexual abuse of minors by priests (John Jay College Research Team, 2011). However, bishops tended to believe that sexual abuse by priests was an internal, supervisory matter to be handled by them (Formicola, 2016). In many cases the abuse was never reported to the police; offending priests were instead sent to treatment and then transferred to another parish where they found new victims (John Jay College Research Team, 2004).

Incidents of clergy-perpetrated sexual abuse appeared sporadically in the news since the 1980s but came to the forefront of public attention in early 2002 when the *Boston Globe's* Spotlight investigation found that officials in the Boston Archdiocese had endangered children by repeatedly allowing abusive priests access to children (Globe Spotlight Team, 2002). As the media exposed the scope of the abuse, hundreds of victims across the U.S. began coming forward to disclose their abuse.

In June 2002, the United States Conference of Catholic Bishops (USCCB) met in Dallas and approved the *Charter for the Protection of Children and Young People: Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, which became known as the *Dallas Charter* or simply the *Charter*. In 2003, Pope John Paul II approved the *Charter and Essential Norms* ("Charter") as law for the U.S. Church. The *Charter* outlines a number of steps for the Catholic Church in the U.S. to address the priest abuse crisis. The *Charter* has 17 articles covering healing and reconciliation with victims, responses to allegations of CSA, accountability, and protecting children. It forbids transfers of clergy who had been found to have committed abuse and directs that if abuse is substantiated, offenders should be relieved of ministry. The *Charter* also requires every diocese to promulgate a written policy on the sexual abuse of minors by clergy. The *Charter* was revised in 2011 and 2018. However, little guidance has been provided regarding the specific policies and procedures that should be put in place to enact it.

The Catholic Church has 32 territorial archdioceses and 144 territorial dioceses in the U.S. The difference between a diocese and an archdiocese is primarily one of size (Kosloski, 2019). A diocese is made up of several parishes and is headed by a bishop. An archdiocese is a diocese with greater size or historical significance than a typical diocese. The bishop of an archdiocese is called an archbishop. Each diocese and archdiocese is subject to the *Charter* but otherwise sets its own child protection policies. Thus, despite the hierarchical nature of the Church's organizational structure, the development of child abuse prevention practices has largely been left to the discretion of local dioceses and archdioceses with little in the way of independent or cohesive oversight.

The Catholic Church in the U.S. has been under concerted public pressure to improve its child protection policies. Catholic dioceses and archdioceses are

among the most sued entities in the U.S. for CSA. Between 1950 and August 2015, the U.S. Catholic church had paid nearly 4 billion dollars in settlement costs related to the priest sex abuse crisis (Ruhl & Ruhl, 2015). Thousands of more cases have been filed since 2015 due, in part, to laws enacted in 15 states that extend or suspend the statute of limitations to allow claims stretching back decades (Associated Press, 2019). An important aspect of civil lawsuits is that they give victims leverage to insist on changes to church policies (e.g., Pasco & Lobdell, 2001). There have also been a number of grand jury investigations and some archdioceses have convened lay commissions to review their handling of clergy accused of abuse. These reports have produced findings and recommendations for preventing abuse in the future including better policies and practices in regards to education and training about abuse; coordinated responses with civil authorities, responding to victims, and transparency to the public (Terry, 2015). In addition, a few archdioceses have submitted to government oversight in lieu of criminal charges also resulting in changes to their policies on CSA (e.g., Collins & Feshir, 2015).

There is now a hodgepodge of relatively new child protection practices across the U.S. dioceses and archdioceses. Some in the Church hierarchy are asserting that they have put into place the “gold standard” of policies to protect children (e.g., Bury, 2015; Gunty, 2019). Consequently, it is important to examine current policies that have been put in place to prevent CSA and determine how likely they are to be effective. The current article provides an overview of the results of a larger study that analyzed all U.S. archdioceses’ policies for preventing and responding to CSA (Dallam, Hamilton, & Glocker, 2020).

## Methodology

Because there is no current standard by which to judge the content of a Catholic archdiocese’s policies and procedures, we began by analyzing all the child protection and safe environment policies of each of the 32 archdiocese in the U.S.<sup>1</sup> To systematically and objectively evaluate its content, each policy from each archdiocese was broken down into single components (i.e., discrete practices, procedures or directives). We created a list of unique components selected from the policies of all the individual archdioceses. We looked at the stated goal(s) of each policy and selected components that were most consistent with meeting these goals. We also looked for practices that were clearly articulated, goal-directed, and likely to be effective when implemented. These formed the basis of our Policy Analysis Tool (reproduced in

---

<sup>1</sup>Archdioceses include: Anchorage, Atlanta, Baltimore, Boston, Chicago, Cincinnati, Denver, Detroit, Dubuque, Galveston-Houston, Hartford, Indianapolis, Kansas City, Los Angeles, Louisville, Miami, Milwaukee, Mobile, New Orleans, New York, Newark, Oklahoma City, Omaha, Philadelphia, Portland, St. Louis, St. Paul & Minneapolis, San Antonio, San Francisco, Santa Fe, Seattle, Washington, D.C.

Appendix B, Dallam et al.,2020). The development of the tool was an iterative process. It was revised several times during the process as we tested it against the policies of the various archdioceses. We ultimately found 171 distinct components that we could objectively measure. Nothing was included in the Policy Analysis Tool that was not found in a policy already in use in one or more Catholic archdioceses.

## Coding

Each individual item in the Tool represented a specific goal-directed practice or procedure and was given a point value based on how well it reflected the general goal of the policy and the overall objective of protecting children from abuse. Most items were given a point value of 1; an archdiocese received a point if the item was present in its child protection policies and a zero if it was not. A few items were given higher point values if they represented particularly important practices. For example, the Tool awards one point if only a state background check is done and two points if a national background check is done. Each policy score was based on the total item scores. Thus, a higher scoring policy can be viewed as more comprehensive and more likely to achieve the goal of protecting children. For instance, policies on background checks require that a candidate for employment undergo various types of background screening. The more types of personnel (e.g., clerics, staff, volunteers, etc.) subjected to more types of screening (e.g., national background check, checking the sex offender registry, contacting references, etc), the higher the resulting score. Thus a higher score on a background screening policy reflects more comprehensive efforts to detect and avoid unsuitable candidates for positions in the archdiocese.

All 32 archdioceses have written policies on child protection and/or maintaining a safe environment that are publicly retrievable on their websites. Using the Policy Analysis Tool, we went through the policies of each archdiocese at least twice. This analysis was performed between August and December 2020. To assess inter-rater reliability, both the first author and third author coded five of the same archdioceses separately and then compared results. Coding was straightforward and based on whether or not an item was present in the policies. Our results were in substantial agreement ( $\kappa = .92$ ). Most differences involved one author finding a piece of information that the other had missed and thus were easily resolved. Items found to be unreliable were dropped or revised.

## Results

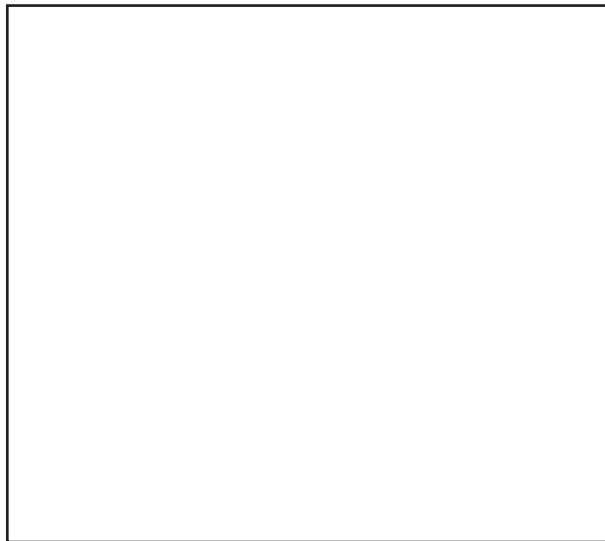
While each archdiocese's policies are different, we found 14 distinct types of policies focused on a specific issue related to protecting children from abuse.

These 14 policies fit into four general categories or domains: (1) Prevention of Child Sexual Abuse; (2) Detection and Reporting of Abuse; (3) Response to Victims; and (4) Investigational Process and Response to Allegations of Abuse. The sum of the policy scores for each domain resulted in domain scores and the sum of the domain scores resulted in a total score. The policies in each Domain are depicted in [Figure 1](#).

At the level of individual archdioceses, the policies and practices were largely inadequate. The average score for all 32 archdioceses was 100.9 out of 250 possible points or 40%. The range was 61 to 137 (SD 20.4). Average scores were low for several reasons. First, not all archdioceses had policies in each of the 14 areas identified and thus received no points in missing areas. In other instances archdioceses had policies that were very poor with few articulated practices and procedures, which also pulled down the group average.

By looking at the domain scores (higher scores reflect a more comprehensive set of policies in each domain), we were able to determine general areas in which archdioceses are doing well as well as areas that need improvement. For [Figure 2](#), we computed averages for the top 25% and the bottom 25% of archdioceses and graphed these in comparison to the group average for all 32 archdiocese. For ease of comparison, scores have been converted to a percentage of the total points possible.

[Figure 2](#) shows that archdioceses generally do best in the area of prevention and reporting of abuse. This is also the area that the top-scoring archdioceses show the greatest improvement over average. [Figure 2](#) also shows that archdioceses as a whole did not score as well in the domains of Response to Victims and Investigational Process and Response to Abuse Allegations. While top-



**Figure 1.** The Relationship between Domains and Policies.



**Figure 2.** Comparison Between Higher and Lower Scoring Archdioceses in the Four Domains of Child Protection.

scoring archdioceses did better than average, as would be expected, yet they still did not do as well on response and process as in the domains of prevention and reporting. Thus all archdioceses – even those with the best overall policies – appear to have difficulties in the domains of responding to victims and investigating abuse. In the next section, we examine how archdioceses scored in the individual policies making up each domain.

### ***Child abuse prevention***

The focus of the prevention domain is providing a safe environment for children and protecting them from abuse.

#### ***Background screening policies***

Article 13 of the *Charter* requires dioceses to evaluate the background of all clergy as well as candidates for ordination, educators, employees, and volunteers who minister to young people by utilizing the resources of law enforcement and other community agencies (USCCB, 2018). The main goal of background screening is to screen out individuals who have sexually abused youth or are at risk of offending.

While most archdioceses have a screening policy, there is a lot of variation across archdioceses. The average score was 10.1 out of 26 possible points (38.5%; Range = 0–16). The highest scoring policies were those of Baltimore, Cincinnati and New York, which each scored 16 points (61.5%). Higher scores

on background screening represent more types of personnel (e.g., clerics, staff, volunteers, etc.) subjected to more types of screening (e.g., state background check, national background check, checking the sex offender registry, etc.).

Most archdioceses do some type of criminal background screening; however, few include the procedures necessary to thoroughly vet a candidate. Because criminal background checks are limited in their effectiveness they should be combined with personal reference checks, interviews, examining employment history, identity verification (such as fingerprinting or photos) and checking sex offender and abuse registries (South et al., 2015). Currently, most archdiocesan policies do not mention conducting interviews or checking references. It is also concerning in light of the interstate movement of offending priests between archdiocese and dioceses that 22% of archdioceses only screen for crimes in the state where they are located. In addition, only 22% require that sex offender registries be checked prior to hiring personnel. Further, the majority of archdioceses fail to include provisions for screening adults attending overnight events with minors, international clergy, and third-party contractors. Only a little more than half of policies (59%) direct that personnel should be rescreened at least every five years.

### ***Child abuse prevention training policies***

Article 12 of the *Charter* requires dioceses to provide education and training for minors, parents, ministers, employees, volunteers, and others about ways to sustain and foster a safe environment for minors (USCCB, 2018). Higher scores on child abuse training represent more frequent and comprehensive training of more types of Church personnel.

While most archdioceses have a training policy, there are no shared educational standards resulting in a wide variety of training programs being used by the various archdioceses. Few policies describe the curriculum they use and, as a result, we were not able to evaluate actual training content – only procedures to ensure some form of training takes place. The average score of training policies across the 32 archdioceses was 11 out of 25 possible points (44%, Range = 0–18). The highest scoring policy was that of the Anchorage Archdiocese (72%). Major problem areas included: failing to specify a time period in which training had to be completed (41%), failing to require that training be completed before working with minors (81%), failing to require training for third-party contractors who have contact with minors (87%), and failing to specify periodic retraining (59%).

### ***Code of conduct policies***

According to Article 6 of the *Charter* (USCCB, 2018, p. 11): “There are to be clear and well publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other paid personnel and volunteers of the Church with regard to their contact with minors.” However,

no further details are provided and consequently each archdiocese devised their own guidelines for what constitutes appropriate and inappropriate behavior. The main purpose of conduct codes is to provide a detailed description of what types of behavior are expected when interacting with minors and to encourage personnel to report violations so that risky behaviors can be stopped before they progress to child abuse.

We found that all U.S. archdioceses have a code of conduct, though these vary greatly in content and quality. The average score of code of conduct policies across the 32 archdiocese was 18.6 out of 36 possible points (51.7%; Range = 8.5–26). The New York Archdiocese had the highest scoring code, attaining 72.2% of points possible. Higher scores represent more comprehensive guidance on behaviors that place children at risk along with mechanisms to report violations.

One of the major problems areas was failing to provide examples of appropriate and inappropriate ways of showing affection to children. In addition, while most archdioceses (91%) had guidelines for avoiding being alone with a child on site, only 69% provided guidelines on interacting with children off site. An important area neglected by most archdiocesan codes was grooming techniques used by sex offenders. Most codes failed to prohibit common grooming techniques such as developing special relationships with a child or asking a child to keep secrets. Another area of concern was electronic communication. While 59% of codes addressed electronic communication, few had comprehensive policies in this regard and only 25% addressed interacting with children on social media.

The success of a code of conduct is largely dependent on the willingness of personnel to report violations. Most codes (88%) directed personnel to report misconduct of which they are aware; however, 31% failed to reference any penalties for failing to report misconduct and only 28% of archdioceses provided assurances to reporters that they would not be retaliated against.

### *Safety plans for sex offenders*

The purpose of sex offender policies is to protect children from contact with known sex offenders at parish schools and church services. Archdioceses were evaluated in two areas: (1) procedures for monitoring clergy who have committed sexual misconduct with minors; and (2) procedures to protect minors from known sex offenders attending parish schools or services. These scores were combined. Because few archdioceses have policies in these areas, the average score across archdioceses was only 1.3 out of 15 points possible (9%; Range 0 = 10).

*Monitoring clergy who have committed misconduct related to minors.* The *Charter* includes a “zero-tolerance” clause stating that a priest shall be removed from ministry if the abuse is found to be substantiated (USCCB, 2018). In these cases the archbishop is to refer the offender to the Vatican for laicization.

Defrocking a priest is a process that can take many years and, under canon law,<sup>2</sup> dioceses have an obligation to care for these individuals as long as they remain priests. Laicization is not required for aged or infirm priests who may opt for a life of prayer and penance and continue to reside in archdiocesan residential facilities. As a result, many archdioceses provide residences to clerics who have substantiated abuse claims against them. Only three archdioceses (Chicago, St. Louis, and Philadelphia) have written policies that address monitoring clerics that have committed misconduct. Of these, Chicago has the most complete policy, which provides for having a safety plan, daily monitoring, requirements that the cleric stay away from minors, and repercussions if the cleric does not comply.

***Policies on sex offenders attending parish or school activities.*** Currently only eight (25%) archdioceses have policies addressing sex offenders attending parish and school activities. Three archdioceses (Atlanta, Baltimore and Omaha) ban registered sex offenders from being on school premises when children are present, including when the offender has a child attending classes. Five archdioceses have some type of safety plan for sex offenders attending mass and parish school events. Safety plans include practices such as requiring the sex offender to obtain prior permission before entering parish premises, to be accompanied by an escort, to stay away from minors, and provides for penalties if offenders fail to comply. The Archdiocese of St. Louis had the highest-scoring safety plan.

### ***Detection and reporting***

The focus of the Detection and Reporting Domain is to encourage reporting of abuse to civil authorities and to protect those who do so from work-related repercussions.

#### ***Policies on reporting abuse to civil authorities***

Article 4 of the *Charter* holds that all dioceses must report allegations of abuse to the civil authorities and cooperate with law-enforcement officials on investigations (USCCB, 2018). Scores represent practices and directives to ensure any suspected abuse is promptly reported to civil authorities. Higher scores represent a more detailed and forceful policy. The average score of reporting policies across the 32 archdioceses was 17.5 out of 31 possible points (56%, Range = 7–25). The highest scoring policies were those of the archdioceses of Cincinnati and New Orleans who each scored 80.6%.

---

<sup>2</sup>The Roman Catholic Church has an internal, religio-legal system, incorporating a judicial framework and a complex set of laws, or canons, regulating the internal church organization and its members. It originated in early Christian communities in the third century and enforcement of the canons was placed in the hands of bishops. (Warner, 2018)

All U.S. archdioceses have some type of reporting policy which states that abuse allegations should be reported to civil authorities. Most archdiocesan policies also direct that personnel should follow applicable state laws and provide phone numbers for calling the appropriate civil authorities; however, only 6% detail the type of information to include in a report. Only half of archdiocesan policies address who is considered a mandated reporter in their state; even fewer (41%) discuss the legal ramifications of failing to report or mentioned civil immunity for good faith reporting. Only three archdioceses (Louisville, Newark and New York) referenced disciplinary consequences for failing to report a reasonable suspicion of abuse.

### **Whistleblower protection policies**

Whistleblower protection is not mentioned in the *Charter*. However, for child protection policies to be effective, personnel must trust that they will not be penalized for coming forward and raising concerns or making a report. Negative consequences to a person who reports a concern discourages other people from voicing their concerns, thus increasing the potential risk to children (Massachusetts Legislative Task Force on the Prevention of Child Sexual Abuse, 2017). Whistleblower protection policies encourage reporting abuse or inappropriate behavior and prohibit retaliation against any cleric, employee, volunteer, parishioner or other individual who acts in good faith.

Only five archdioceses (Boston, Galveston-Houston, Mobile, Philadelphia, and St. Paul & Minneapolis) have whistleblower policies; consequently, the average score was very low – 1.1 out of 8 points possible (14%; Range 0–8). The highest scoring policy was that of the Archdiocese of St. Paul & Minneapolis which scored 100%. The policy was a requirement of a settlement sgreement with Ramsey County Attorney’s Office (*Settlement Agreement between the Archdiocese of St Paul and Minneapolis and Ramsey County Attorney*, 2015) and, as a result, the Archdiocese of St. Paul & Minneapolis now has the strongest whistleblower protection policy among U.S. archdioceses. Its policy encourages reporting inappropriate behavior, provides a reporting procedure, assures confidentiality for those reporting, proscribes retaliation, and outlines penalties for retaliation should it occur.

### **Response to victims**

The Response to Victims domain includes policies to address the Church’s responsibility to assist all those affected by CSA including the victim, the victim’s family, and the faith community.

### ***Victim assistance policies***

According to Article 1 of the *Charter*, the first obligation of the Church with regard to victims is for healing and reconciliation (USCCB, 2018). The purpose of victim assistance policies is to provide support to victims and communities affected by CSA in order to promote their healing. The average score across archdioceses was 5.3 out of 13 points possible (40.8%; Range 0–9). Scores represent practices to ensure victims receive pastoral support, professional treatment as needed, and providing assistance to faith communities affected by sexual misconduct. The victim assistance policy of the Archdiocese Louisville had the most comprehensive policy and achieved the highest score (69.2%).

While most archdioceses have a victim assistance policy these policies differ as to who qualifies for assistance, whether victims are allowed to choose their own therapist, the types of help provided, and the criteria for payment of treatment. In addition, most (59%) archdioceses' assistance policies failed to mention providing assistance to pastoral communities affected by sexual misconduct.

### ***Victims' rights policies***

We identified 11 total rights for victims mentioned in policies across the 32 archdioceses. Four of these rights are mentioned in the *Charter* including the right to: privacy (Article 7), report abuse to civil authorities (Article 4), be offered some form of support (Article 1), and the right not to be bound to confidential (or nondisclosure) settlement agreements (Article 3). Only four archdioceses (Hartford, New York, St. Paul & Minneapolis, and San Antonio) have a formal policy on the rights of victims. Because there are so few actual policies on victims' rights, we gave the various archdioceses points if any victims' rights were mentioned anywhere in their policies, even if a formal policy did not exist. The average score across archdioceses was 3.6 out of 11 points possible (32.7%; Range 1–7.5). The policy of the Archdiocese of San Antonio achieved the highest score (68.2%). Higher scores represent the recognition of more rights.

While most archdioceses recognize a victim's right to privacy, right to make a report, and to receive support, less than half (44%) note the right not to be bound to confidential (or nondisclosure) settlement agreements. Another key right missing from most (87%) archdiocese's policies, is the right of the accuser to contact an attorney. Also neglected by many archdioceses are the rights of the alleged victim during the investigatory process, such as the right to be notified of the time frames for all major stages of the Church's internal investigation and to review a summary of the internal case for errors.

### ***Public transparency policies***

According to Article 7 of the *Charter* (USCCB, 2018, p. 12), dioceses “are to be open and transparent in communicating with the public about sexual abuse of minors . . . especially so with regard to informing parish and other church communities directly affected by sexual abuse of a minor.” Only 15 (47%) of archdioceses have a formal policy on public transparency or communications. The average score for the archdioceses was 2.7 out of 10 points possible (27%; Range 0–8). Scores represent practices to ensure the public and parishioners are notified about credible claims of CSA committed by a member of the clergy. The policy of the Archdiocese of Boston was the most comprehensive and achieved the highest score (80%).

After decades of shielding the identities of accused child abusers from the public, at the time of our research, two-thirds of U.S. archdioceses notify the public of substantiated allegations of abuse on their websites; however, only one archdiocese (St. Paul & Minneapolis) provided a time frame for the notification to the public to occur. In addition, only 41% of policies include procedures for informing church communities affected by the sexual abuse of a minor, and even less (13%) have procedures for notifying past parishes and/or schools where the accused has worked.

### ***Investigational process and response to allegations of abuse***

The Investigatory domain covers policies pertaining to conducting internal investigations and lay oversight of the investigation with the goal of rendering justice and protecting children from future harm. The *Charter* states that: (1) the diocese conducts an investigation, in accordance with canon law, upon the receipt of an allegation of abuse; (2) a review board is formed that acts as a confidential consultative body to the bishop; and (3) all appropriate steps should be taken to protect the reputation of the accused during the investigation (USCCB, 2018). The archbishop has complete control of the process. The *Charter* provides no guidance on who should conduct the investigation, whether the accused should be placed on administrative leave during the investigation, and offers no advice on determining when an allegation should be deemed credible or substantiated. Because of the lack of guidance in the nuances of conducting investigations and dealing with priest misconduct, policies in this domain had little uniformity and many were lacking in critical substance.

### ***Policies on internal child sexual abuse investigations***

When an allegation of abuse is made against a priest, the archbishop conducts a preliminary investigation to determine whether the claim is credible. If the claim is deemed credible, the archbishop sends the case to the Congregation for the Doctrine of the Faith (CDF) at the Vatican for review. The CDF may

authorize the bishop to either hold a canonical trial locally or to address the allegation through a simplified administrative process in which the archbishop himself makes the decision regarding the charges brought against the accused (USCCB, n.d.). The CDF could also decide to hold a trial in Rome although this is rarely done. According to the *Essential Norms*, the investigation should be conducted promptly and objectively (USCCB, 2018). At the end of the process, if the archbishop determines the allegation to be substantiated, the case is sent back to the CDF as it retains the sole authority to dismiss priests (Warner, 2018).

Scores in investigational policies represent administrative practices to ensure a more impartial and thorough investigation along with procedures to protect alleged victims and vulnerable minors during the investigatory process. The average score across archdioceses was 8.4 out of 24 points possible (35%; Range 2–14.5). The Washington D.C. Archdiocese has the highest scoring policy and achieved 60.4% of the points possible.

All archdioceses have a policy of informing law enforcement and cooperating with civil investigations and most (94%) state they suspend, or may suspend, the accused during the investigation. A particularly important practice missing from 84% of policies is the use of an independent, outside investigator. In evaluating U.S. archdioceses, we found little uniformity regarding who conducts the investigation; the policies of 16% of archdioceses do not even mention who is to perform this internal function. In the majority of archdioceses, the investigation is conducted by a church official with no expertise in the area of CSA and obvious conflicts of interest such as the archbishop, chancellor, vicar general, or legal counsel for the archdiocese. Most archdiocesan investigatory policies also lack important safeguards for victims and minors. Only 32% of archdioceses include provisions in their policies to protect the alleged victim during the investigation such as prohibiting the accused from attending church events during suspension, directing him to not contact the alleged victim, not to have anyone else contact the victim on his behalf, and not to retaliate against the victim in any way.

### ***Review board policies***

Having a lay review board to advise archbishops on clergy sex abuse was mandated by the *Charter*. The majority of the board members must be lay persons in full communion with the Church, but not in the employ of the archdiocese. The board is also supposed to include a person with expertise in sexual abuse as well as regularly review the archdiocese's policies and procedures for dealing with CSA (USCCB, 2018). The purpose of the review board is to assist archbishops in assessing abuse allegations and determine accused priest's fitness for ministry.

The majority (84%) of archdioceses have policies on review boards. Because review boards operate in secrecy and are only answerable to the archbishop who appoints them (Smietana, 2012), it was impossible to determine whether they are functioning appropriately. Consequently, scores represent practices to ensure functioning of the review board but do *not* represent whether they are being consulted, providing appropriate advice, or whether the advice is being followed. The average score of review board policies across archdioceses was 3.8 out of 10 points possible (38%; Range 0–8). The policy of the Chicago Archdiocese achieved the highest score (80%). Higher scores represent more comprehensive practices and procedures such as requiring the majority of board members be from the laity, one member is an expert in CSA, there are regularly scheduled meetings, notes are kept, and orientation and continuing education are provided to board members.

### ***Policies on handling evidence***

The *Charter* does not mention how to deal with evidence of CSA and currently only one archdiocese has a policy addressing this issue. The Archdiocese of St. Paul & Minneapolis was required to develop a policy on handling evidence in a settlement agreement with the Ramsey County Attorney's Office (*Settlement Agreement between the Archdiocese of St Paul and Minneapolis and Ramsey County Attorney*, 2015). The policy of the Archdiocese of St. Paul & Minneapolis directs that evidence be seized in a timely fashion, documented in writing, and chain of custody maintained to preserve its integrity. Because no other archdiocesan policies on preserving the integrity of evidence exist, the Archdiocese of St. Paul & Minneapolis achieved 100% in this area and all other archdioceses scored zero. Consequently, there was no meaningful average to compute.

### ***Responding to substantiated allegations of abuse***

The archbishop or a canonical tribunal (made up of three priests) decides whether to substantiate abuse claims (USCCB, n.d.). Article 5 of the *Charter* holds that any priest or deacon who has committed even one act of sexual abuse of a minor shall not continue in ministry and, if warranted, be dismissed from the clerical state (USCCB, 2018, p. 11). The purpose of response policies is to provide guidance on what to do when allegations of abuse are substantiated against clerics. Because defrocking can only be done by the Pope (*The Catholic Sun*, 2010), policies on responding to substantiated abuse mainly focus on administrative actions to be taken by the archdiocese.

The average score across archdioceses was 4.6 out of 9 points possible (51.1%; Range 0–8). The policies of the Archdioceses of Louisville, Philadelphia, and Washington, D.C. achieved the highest scores with 88.9% of possible points. Scores represent practices and procedures to ensure an offending cleric is not allowed to continue in ministry and loses his status in

the Church, records are kept of the investigation, and that any new diocese within whose territory the cleric takes up residence will be notified of his status as an offender.

All 32 archdioceses have policies that comply with the *Charter's* zero tolerance clause on removing clerics who have been found to have committed CSA from ministry and 91% had provisions directing that there would be no transfers for ministerial assignment for abusive clerics. However, only 47% of archdioceses had policies that direct the disclosure of information about the abuse if the cleric moved to reside in a new diocese. Only 22% of archdioceses include specific instructions for maintaining records of the investigation.

### ***Responding to credible allegations of abuse that cannot be substantiated***

In some cases, investigations into credible allegations are inconclusive due to lack of evidence. In other cases, there is insufficient evidence of CSA but the cleric's conduct with minors was still inappropriate. Unfortunately, the *Charter* does not address this important issue. Referring to priests accused of CSA, Article 5 of the *Charter* simply states: "If the allegation is deemed not substantiated, every step possible is to be taken to restore his good name, should it have been harmed" (USCCB, 2018, p. 11).

Only 13 archdioceses had policies addressing credible but unsubstantiated claims of abuse. Eleven had policies that allowed for the review board to review the case and assess whether some type of restriction on the cleric's ministry was appropriate. Two archdioceses indicated that they returned the accused cleric to ministry without any precautions. The remaining 19 archdioceses did not have policies addressing this issue and so presumably follow the *Charter's* guidance and treat the allegation as false. Consequently, the average score across archdioceses was low – 1 out of 7 points possible (14.2%; Range 0–6). The Archdiocese of Louisville had the highest-scoring policy and achieved 86% of the points possible. Scores represent practices and procedures to evaluate the fitness of the accused for ministry and to determine whether any safeguards should be put in place to protect minors.

## **Discussion**

This analysis finds that archdioceses have implemented disparate and often inadequate policies to protect children from clerical sexual abuse. Most comply with the minimal standards required by the *Charter*; however, the *Charter* itself does not provide a comprehensive set of policies for the effective and meaningful prevention of CSA. As noted by Chan and Scott-Ladd (2014), "Without any clear and formal direction from the USCCB, the *Charter* could simply be seen as a nice wish list of ideals" (p. 335). In addition, the *Charter* has not undergone significant revision since it was adopted in 2002, thus it

does not reflect advancements of the study of child traumatology in the intervening years.

Archdioceses have focused most of their policy efforts in the domains of Child Abuse Prevention and Detection and Reporting. However, many of these policies need improvement with group averages between 40 and 50% of available practices identified by our Tool. One of the most glaring omissions is that most archdioceses lack policies for the monitoring and supervision of offending clergy who have been removed from active ministry but have not been laicized.

In the domain of Detection and Reporting, all archdioceses have policies that support reporting abuse to civil authorities. However, there is a great deal of variation between policies regarding basic reporting requirements and few policies mention any consequences for failing to report abuse. For reporting policies to be effective, personnel must not only must be required to report abuse, they must also trust that they will not be penalized for raising concerns. Only five archdioceses have whistleblower policies in place to protect personnel from retaliation for reporting suspicions of sexual misconduct or other inappropriate behavior.

Overall, archdiocesan policies were weakest in the domains of Response to Victims and Investigational Process and Response to Abuse Allegations. These are also the areas the *Charter* provided the least amount of guidance and the areas in which the Catholic church's failures have garnered the most criticism. Basic rights and protections for victims are important due to the extreme power differential between abuse victims and members of the Church hierarchy. For years, victims have had few rights during canonical proceedings looking into allegations of abuse (Allen, 2019). Most archdioceses have a policy that lists rights for accused clerics and requires clerics to be advised of these rights. These policies emphasize that the accused has the right to be presumed innocent, to be informed of the accusations against him, to defend himself, and the right to be represented by counsel. Conversely, only four archdioceses have a formal policy on the rights of victims. Public transparency is another area in which archdioceses performed poorly. Of the 47% of archdioceses with policies on public transparency or communication, most were extremely vague and failed to provide instructions or a timeline for releasing information about substantiated claims of CSA to the public.

Investigational Process and Response to Abuse Allegations was the domain in which we found the most problems. The *Charter* directs dioceses to remove priests from ministry if an abuse allegation is investigated and found to be substantiated. However, the *Charter* fails to provide any guidance on how to conduct an investigation, who should conduct the investigation, or whether the accused should be placed on administrative leave or kept away from alleged victims and minors

during the investigation.<sup>3</sup> Because of the lack of guidance in the nuances of conducting an investigation and dealing with priest misconduct, policies in this domain had little uniformity and many were critically lacking in substance.

Many of the people designated by U.S. archdioceses as investigators have obvious conflicts of interest, such as the archbishop, the Vicar General for Clergy, and the legal counsel for the archdiocese. Most also lack expertise in conducting investigations, much less those involving allegations of CSA, which are considered among the most difficult investigated by law enforcement (U.S. Department of Justice, 2001). Only one archdiocese has a policy addressing handling and preserving evidence. Given the practice of conducting internal CSA investigations, this is a serious problem. Further, most archdioceses do not have policies addressing how to handle credible allegations that are not substantiated due to a lack of evidence or situations in which abuse is not substantiated but a cleric's behavior was nonetheless inappropriate. When credible allegations are not substantiated and not completely ruled out, returning an accused cleric to his position without restrictions potentially places minors at risk and can be traumatizing to victims.

One of the major issues underlying all the policies appears to be the unitary power of the archbishop. The archbishop has control over what policies are adopted and how they are implemented. The archbishop, or his designee, also has authority over the internal investigational process when CSA is alleged. The archbishop decides whether an allegation is credible, who conducts the internal investigation, and makes the final decision on whether reported abuse should be deemed substantiated. An investigation by the *Boston Globe* and *Philadelphia Inquirer* found more than 50 U.S. bishops and archbishops had been accused of failing to adequately respond to sexual misconduct in their dioceses after the adoption of the 2002 *Charter*, which mandated that all abuse be reported to civil authorities and enacted a zero-tolerance policy for CSA by priests (Abelson & Farragher, 2018). The National Review Board, a lay panel formed to collaborate with the USCCB in preventing the sexual abuse of minors, issued a 2018 statement stating, "The evil of the crimes that have been perpetrated reaching into the highest levels of the hierarchy will not be stemmed simply by the creation of new committees, policies, or procedures." The Board noted that systemic change requires "holding bishops accountable" (Public Affairs Office, 2018). The Board noted that full accountability requires "ensuring consequences for bishops who have failed in their responsibility to protect the vulnerable" (National Review Board, 2018, p. 2).

---

<sup>3</sup>Recently, the Congregation for the Doctrine of the Faith (2020) at the Vatican released guidance on investigating and responding to sexual abuse. It did so, "In response to numerous questions about the procedures to be followed . . ." (p. 1).

## Limitations

There are some important limitations to keep in mind regarding our research. We surveyed the written child protection policies of the 32 U.S. archdioceses. We did not include the 144 dioceses in this analysis. It should be noted that dioceses, like archdioceses, are subject to the same *Charter*; however, since they were not included in our study, our results may not accurately reflect their policies. In addition, our research did not include informal policies and practices that have not been reduced to writing. Because the review is of written material only, it may not provide a complete picture of how each individual archdiocese may handle issues related to child protection and sexual abuse. Another limitation is that we did not evaluate the implementation of policies within each archdiocese, nor did we compare archdiocesan policies against the best child protection policies possible. Therefore, even high-scoring policies may not conform to best practices identified by empirical research. Finally, some archdioceses may have revised their policies after our analysis, which is important to keep this in mind when a specific archdiocese is named in this paper. Despite these limitations, we believe that a review of written policies is valuable as written policies are binding on a youth-serving organization and are valuable to parents and the public when making decisions about child safety within the organization.

## Conclusion

Since adoption of the *Charter* in 2002, U.S. archdioceses have all enacted policies to safeguard the welfare of children; however, this analysis finds that archdioceses have implemented disparate and often inadequate policies to protect children from clerical sexual abuse. The variation and inconsistencies across multiple archdioceses within the U.S. reveal the need for the Catholic Church to establish standards to appropriately and effectively address CSA within its dioceses. More uniform standards should be adopted at a national level and should be based on empirically-supported best practices and emerging consensus by experts on better practices for youth-serving organizations in relation to CSA. There is also a need for more effective procedures requiring greater transparency and accountability of Church leaders to their members and the public they serve. This article points to parameters for consideration in developing such standards.

## Acknowledgment

It was partially funded by Ramsey County Attorney's Office.

## Notes on contributors

**Dr Stephanie Dallam**, PhD, is a visiting scholar at CHILD USA and former lead researcher for the Leadership Council on Child Abuse and Interpersonal Violence. She has written numerous articles and chapters on issues related to child sexual abuse.

**Dr Marci A. Hamilton**, JD, is the Founder and CEO of CHILD USA, a nonprofit academic think tank dedicated to interdisciplinary, evidence-based research to improve laws and public policy to end child abuse and neglect. She is also the Fels Institute of Government Professor of Practice and a Resident Senior Fellow in the Program for Research on Religion at the University of Pennsylvania. She previously held the Paul R. Verkuil Chair in Public Law at Benjamin N. Cardozo School of Law, Yeshiva University. She is considered a leading expert on clergy sex abuse and child sex abuse statutes of limitation. She has authored numerous articles, chapters and several books including *God vs. the Gavel* and *Justice Denied: What America Must Do to Protect Its Children*.

**Dr Sabine A. Glocker**, ESQ., is licensed attorney and judicial law clerk in the Philadelphia Family Court and a MS in forensic psychology. She is a former Legal Fellow with CHILD USA and has significant experience in research and writing, including amicus briefs to the Supreme Courts of the United States and Poland.

## References

- Abelson, J., & Farragher, T. (2018, Nov 4). In abuse scandal, spotlight falls squarely on bishops. *The Boston Globe*. Retrieved from [http://edition.pagesuite.com/popovers/dynamic\\_article\\_popover.aspx?artguid=65192960-a035-4a8b-8a0e-8eb8cfad2cb0&appid=1165](http://edition.pagesuite.com/popovers/dynamic_article_popover.aspx?artguid=65192960-a035-4a8b-8a0e-8eb8cfad2cb0&appid=1165)
- Allen, J. L., Jr. (2012, Feb 8). Vatican abuse summit: \$2.2 billion and 100,000 victims in U.S. alone. *National Catholic Reporter*. Retrieved from <https://www.ncronline.org/blogs/ncr-today/vatican-abuse-summit-22-billion-and-100000-victims-us-alone>
- Allen, J. L., Jr.. (2019, Dec 22). Is a Catholic ‘victims’ rights’ movement the next frontier in abuse reform?. *Crux*. Retrieved from <https://cruxnow.com/news-analysis/2019/12/is-a-catholic-victims-rights-movement-the-next-frontier-in-abuse-reform/>
- Archdiocese of St. Paul Archdiocese & Minneapolis. (2016). *Reporting wrongdoing – “Whistleblower” protection policy*. Author.
- Associated Press. (2019, Dec 2). New wave of sexual-abuse lawsuits could cost Catholic church more than \$4 billion. *MarketWatch*. Retrieved from <https://www.marketwatch.com/story/new-wave-of-sexual-abuse-lawsuits-could-cost-catholic-church-over-4-billion-2019-12-02>
- Bury, C. (2015, Sep 22). Sex abuse scandals haunt American Catholics. *PBS News Hour*. Retrieved from: <https://www.pbs.org/newshour/show/sex-abuse-scandals-haunt-american-catholics>
- The Catholic Sun. (2010, Feb 16). *Questions and answers: on being dismissed from the clerical state*. Author. Retrieved from <https://www.catholicsun.org/2010/02/16/questions-and-answers-on-being-dismissed-from-the-clerical-state/>
- Chan, C., & Scott-Ladd, B. (2014). The judas within: A look at the sexual abuse crisis in the Catholic church. *Ethics & Behavior*, 24(4), 326–339. <https://doi.org/10.1080/10508422.2013.865525>
- Collins, J., & Feshir, R. (2015, Dec 18). Archdiocese, ramsey co. agree to settle civil charges in priest child abuse case. *MPRNews*, Retrieved from <https://www.mprnews.org/story/2015/12/18/archdiocese-stpaul-minneapolis-civil-abuse-case-settlement-clergy>

- Dallam, S. J., Hamilton, M. A., & Glocker, S. (2020). White paper: Survey and analysis of the written child protection policies of the 32 U.S. Roman Catholic Archdioceses. CHILD USA. <https://uscatholic.org/articles/201205/take-it-to-the-board-how-effective-are-lay-review-boards-inpreventing-sex-abuse/>
- Dallam, S. J., Hamilton, M. A., Glocker, S., (2020). Oct1 White paper: Survey and analysis of the written child protection policies of the 32 U.S. Roman Catholic Archdioceses. CHILD USA.
- Formicola, J. R. (2016). The politics of clerical sexual abuse. *Religions*, 7(1), 9. <https://doi.org/10.3390/rel7010009>
- Globe Spotlight Team. (2002, Jan 6). A history of secrecy, coverups in boston archdiocese. *The Boston Globe*. Retrieved from [http://www.boston.com/globe/spotlight/abuse/extras/coverups\\_archive.htm](http://www.boston.com/globe/spotlight/abuse/extras/coverups_archive.htm)
- Gunty, C. (2019, Sep 16). Marie Collins: The Vatican's response to church abuse crisis is not enough. *America: The Jesuit Review*. Retrieved from: <https://www.americamagazine.org/politics-society/2019/09/16/marie-collins-vaticans-response-church-abuse-crisis-not-enough>
- John Jay College Research Team. (2004). *The nature and scope of sexual abuse of minors by Catholic priests and deacons in the United States 1950–2002*. USCCB.
- John Jay College Research Team. (2011). *The causes and context of sexual abuse of minors by Catholic priests in the United States, 1950-2010*. USCCB.
- Kline, P. M., McMackin, R., & Lezotte, E. (2008). The impact of the clergy abuse scandal on parish communities. *Journal of Child Sexual Abuse*, 17(3–4), 290–300. <https://doi.org/10.1080/10538710802329817>
- Kosloski, P. (2019, Jul 23). What is the difference between an archdiocese and a diocese? *Aleteia*. Retrieved from <https://aleteia.org/2019/07/23/what-is-the-difference-between-an-archdiocese-and-a-diocese/>
- Massachusetts Legislative Task Force on the Prevention of Child Sexual Abuse. (2017, June). *Guidelines and Tools for the Development of Child Sexual Abuse Prevention and Intervention Plans by Youth-Serving Organizations in Massachusetts*. Author.
- McGraw, D. M., Ebadi, M., Dalenberg, C., Wu, V., Naish, B., & Nunez, L. (2019). Consequences of abuse by religious authorities: A review. *Traumatology*, 25(4), 242–255. <https://doi.org/10.1037/trm0000183>
- National Review Board. (2018, Nov 13). *Special report of the National Review Board to the body of bishops on the sexual abuse crisis in the church*. Author.
- Pasco, J. O., & Lobdell, W. (2001, Aug 21). Church settles suit, toughens policies. *Los Angeles Times*. Retrieved from <https://www.latimes.com/archives/la-xpm-2001-aug-21-mn-36526-story.html>
- Public Affairs Office. (2018, Aug 29). *Statement from the National Review Board Calls for lay leadership amid sexual abuse crisis*. USCCB.
- Ruhl, J., & Ruhl, D. (2015, Nov 2). NCR research: costs of sex abuse crisis to US church underestimated. *National Catholic Reporter*. Retrieved from <https://www.ncronline.org/news/accountability/ncr-research-costs-sex-abuse-crisis-us-church-underestimated>
- Settlement Agreement between the Archdiocese of St Paul and Minneapolis and Ramsey County Attorney*. (Dec 17, 2015), File No. 62-JV-15-1674.
- Smietana, B. (2012, June). Take it to the board: how effective are lay review boards in preventing sex abuse? *U.S. Catholic*, 77(6), 12–17. Retrieved from <https://uscatholic.org/articles/201205/take-it-to-the-board-how-effective-are-lay-review-boards-inpreventing-sex-abuse/>
- South, S., Shlonsky, A., & Mildon, R. (2015). *Scoping review: Evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse*. Parenting Research Centre and the University of Melbourne.

- Terry, K. (2015). Child sexual abuse within the catholic church: A review of global perspectives. *International Journal of Comparative and Applied Criminal Justice*, 39(2), 139–154. <https://doi.org/10.1080/01924036.2015.1012703>
- The Congregation for the Doctrine of the Faith. (2020). *Vademecum on certain points of procedure in treating cases of sexual abuse of minors committed by clerics*. Author.
- U.S. Conference of Catholic Bishops. (2002). *Charter for the protection of children and young people: Essential norms for diocesan/ eparchial policies dealing with allegations of sexual abuse of minors by priests or deacons*. Author.
- U.S. Conference of Catholic Bishops. (2018). *Promise to protect, pledge to heal: Charter for the protection of children and young people: Essential norms for diocesan/ eparchial policies dealing with allegations of sexual abuse of minors by priests or deacons*. Author.
- U.S. Conference of Catholic Bishops. (n.d.). *Questions and answers regarding the canonical process for the resolution of allegations of sexual abuse of minors by priests and deacons*. Author. Retrieved from <https://www.usccb.org/upload/FAQs-canonical-process-sexual-abuse.pdf>
- U.S. Department of Justice. (2001). *Law Enforcement Response to Child Abuse*. NCJ 162425. Author.
- Warner, C. M. (2018, Aug 27). Why it's so hard to hold priests accountable for sex abuse. *The Conversation*. Retrieved from <https://theconversation.com/why-its-so-hard-to-hold-priests-accountable-for-sex-abuse-101947>
- Wind, L. H., Sullivan, J. M., & Levins, D. J. (2008). Survivors' perspectives on the impact of clergy sexual abuse on families of origin. *Journal of Child Sexual Abuse*, 17(3–4), 238–254. <https://doi.org/10.1080/10538710802329734>