

The 2004 Report  
on the  
**Albany Diocese**  
& Response to the Tragedy  
of Clergy Sexual Abuse of Minors

DECEMBER 2004

# Protecting children and young people is an unswerving commitment of the Roman Catholic Diocese of Albany.

Throughout 2004, the Diocese continued to make meaningful progress. For the second consecutive year, independent auditors retained by the U.S. Conference of Catholic Bishops determined that the Albany Diocese is in full compliance with the national “Charter for the Protection of Children and Young People.”<sup>1</sup> The Charter requires each Diocese to establish programs to investigate allegations of sexual abuse of minors and to implement programs to prevent abuse.<sup>2</sup>

The Albany Diocese was among the first dioceses in the United States to implement the Charter in 2002. This year, we undertook several initiatives to assist victims and prevent future abuse, including:

## THE INDEPENDENT MEDIATION ASSISTANCE PROGRAM FOR VICTIMS

The Independent Mediation Assistance Program (IMAP<sup>SM</sup>) was developed to provide victims with meaningful assistance, help with healing, and a sense of justice and closure. Bishop Howard Hubbard commissioned the creation of IMAP to meet the needs of those victims who thus far have not availed themselves of assistance through other Diocesan programs. IMAP was designed and is administered by retired New York State Court of Appeals Judge Howard A. Levine. The Diocese established a \$5-million fund from its insurance reserves to provide assistance to victims through IMAP. IMAP creates personalized programs that may include psychotherapy, family counseling, job training, or other services. IMAP’s operations and its decisions are independent of the Diocese.

## EDUCATIONAL PROGRAMS FOR YOUTH

The Diocese has developed its own “Sexual Abuse Awareness Training” program for the 40,000 children in religious education and youth ministry programs. The Albany program

has been so well-received, it was adopted by the Archdiocese of New York, the Diocese of Syracuse, and the Diocese of Portland, Maine. In addition, the Albany Diocese is now using a similar educational program for the 9,985 students in our Diocesan Catholic schools. “Child Lures” is a nationally recognized abuse prevention curriculum that teaches children how to protect themselves and avoid unsafe situations with adults.

## TRAINING FOR EMPLOYEES AND VOLUNTEERS

The Diocese has trained 12,000 employees and volunteers, including nearly 1,000 Catholic School teachers and 5,500 catechists, in the most effective ways to protect children and recognize the early warning signs of possible abuse. This training is provided through the nationally recognized Virtus program.

## BACKGROUND CHECKS

More than 5,000 Diocesan employees and volunteers, including priests, deacons, school teachers, catechists and others, have undergone background checks as part of a mandatory program for all those who interact, even occasionally, with children under the auspices of the Albany Diocese.

### PREVENTION PROGRAMS

**40,000+** children in religious education and youth ministry receiving Sexual Abuse Awareness Training

**9,985** Diocesan Catholic School students participating in the abuse prevention curriculum

**12,000+** Diocesan employees and volunteers trained through the “Virtus” safe environment program

**5,000+** Diocesan employees and volunteers underwent background checks

1. A report on the Albany Diocese’s compliance audit prepared by independent auditors, the Gavin Group, is posted on the Diocese’s Web site ([www.rcda.org](http://www.rcda.org)).

2. The U.S. Conference of Catholic Bishops’ “Charter for the Protection of Children and Young People” is available on the Diocese’s Web site at ([www.rcda.org/Charter\\_Protection.htm](http://www.rcda.org/Charter_Protection.htm)).

## OUTREACH TO VICTIMS

The Albany Diocese continues to reach out to potential victims to provide information, programs and assistance. Bishop Hubbard continues to offer to meet with individuals who as minors were sexually abused by Diocesan clergy and who have not previously met with him, so that he can apologize on behalf of the Church and provide spiritual and pastoral support. In addition, the Diocese continues to encourage victims to reach out for assistance and information to the Diocesan Assistance Coordinator, Theresa Rodrigues.

## PUBLIC INFORMATION

The Diocesan Web site ([www.rcda.org](http://www.rcda.org)) is regularly updated with information on our programs and policies on this important issue. Links are posted on the site to the Independent Mediation Assistance Program and to Diocesan Assistance Coordinator Theresa Rodrigues. Two informational brochures, "Frequently Asked Questions and Answers about

Sexual Abuse" and "Office of Victims/Survivors Assistance," have been published and distributed to parishes, schools, Diocesan agencies and other organizations that work with victims of sexual abuse.

## ZERO TOLERANCE

Since June 2002, when the U.S. Conference of Catholic Bishops adopted the Charter for the Protection of Children and Young People, the Albany Diocese has implemented a zero-tolerance policy for sexual abuse of minors by clergy. No priest or deacon is permitted to remain in public ministry if there are reasonable grounds to believe he sexually abused a minor at any time, and he cannot be transferred for ministry into, out of or within the Diocese.

The Albany Diocesan Sexual Misconduct Review Board oversees the Diocese's investigation of allegations of clergy sexual abuse of minors.

## Virtus Training



*Virtus training sessions are conducted regularly throughout the Diocese, teaching employees and volunteers how to create a safe environment for children and how to recognize early warning signs of potential abuse. More than 12,000 people, including priests, deacons, school teachers, catechists, parent volunteers and others have taken Virtus training in the Albany Diocese. Deborah O'Brien, executive director of the Diocese's DePaul Housing Management, facilitated a recent session that was held at St. Edward the Confessor Church in Clifton Park.*

The board was established in 1993, and is predominantly made up of lay people.

The Review Board members are:

- Hon. Jaclyn A. Brillling, the New York State Public Service Commission;
- Rev. Geoffrey Burke, pastor of Our Lady of Assumption in Latham;
- Kevin P. Glasheen, Esq., a practicing attorney;
- Margaret Griffin, RN, a nurse practitioner;
- Kathryn Martin, CSW, a certified social worker;
- Rev. Michael A. Farano, pastor of St. Pius X in Loudonville and former chancellor and Vicar General of the diocese;
- Christopher P. Rutnik, Esq., a defense attorney in private practice and former Albany County Assistant District Attorney

To ensure that the public is fully aware of our efforts, the Diocese has compiled here, for the second year in a row, statistics on allegations of clergy sexual abuse against minors. We believe we must face squarely the problems of the past, acknowledge our failures and put in place reforms that work.

This report encompasses the 12-month period from Nov. 1, 2003, through Nov. 1, 2004. Last year's report, as the first-ever for the Diocese on this issue, included information from 1950 through Nov. 1, 2003. Both reports are available on the Diocesan Web site, [www.rcda.org](http://www.rcda.org).



*Diocesan Catholic school students are learning how to protect themselves from sexual abusers and avoid unsafe situations using a national curriculum developed with age-appropriate materials for children. Cathy Golas, Director of Prevention Services for the Diocesan School Office, oversees the program.*



*To teach the 40,000 children participating in religious education and youth ministry programs how to protect themselves against sexual abuse, the Diocesan Office of Evangelization and Catechesis developed a customized "Sexual Abuse Awareness Training" program. Joyce Solimini (left), the Associate Director for Sacramental and Intergenerational Catechesis, discusses the materials with Jeanne Schrempf, Director of the Office of Evangelization and Catechesis.*

## ALLEGATIONS RECEIVED

In 2004, at the recommendation of the Diocesan Sexual Misconduct Review Board, Bishop Hubbard removed two diocesan priests from active ministry following a determination that there were reasonable grounds to believe the allegations against them. The removals were publicly announced in March and June. The Diocese received and began investigating allegations in 2003 against one priest, and in 2004 against the other.

Since 1950, the Diocese or the Diocesan Sexual Misconduct Review Board has found reasonable grounds to believe that 20 priests sexually abused minors — approximately 2 percent of the 814 Diocesan priests in service during that period. None of the 20 priests is in active ministry.

During the last 12 months, the Diocese investigated complaints from 24 individuals about 23 priests. The status of these investigations is as follows:<sup>3</sup>

- The Review Board found reasonable grounds to believe that six priests had sexually abused minors. None of the six is in active ministry today. Three had been removed from active ministry prior to 2004 due to previous allegations; two were removed from ministry this year; one is deceased.
- Allegations against nine priests are under active investigation by the Diocesan Sexual Misconduct Review Board. Seven of the priests are no longer in ministry. The other two are in active ministry and have been permitted to

### AT A GLANCE

	2004	2003
Individuals Alleging Sexual Abuse as Minors	24	56
Under Active Investigation (# of clergy)	9	15
Reasonable Grounds to Believe Abuse Occurred (# of clergy)	6	16

remain in ministry pending the outcome of the investigations. If the Review Board determines there are reasonable grounds to believe allegations against a priest in active ministry, he will be removed and the removal will be announced publicly.

- The Review Board found no reasonable grounds to believe allegations against three priests.
- The Review Board determined no further action could be taken on allegations against 10 priests. In these cases, despite the Diocese's requests for information, the victims' representative(s) did not or would not provide information upon which an investigation could be pursued.

When an allegation is received, the Diocesan Sexual Misconduct Review Board determines first if the accused priest poses an immediate threat, and if such a determination is made,

### THE WHITE REPORT

On February 4, 2004, public allegations of sexual misconduct were made against Bishop Hubbard — allegations that ultimately were shown to be entirely false. It was alleged that the Bishop had engaged in homosexual relationships or encounters in the 1970s with a man in his 20s who later committed suicide. Two days later, another man publicly claimed that he was "99.9% certain" that Bishop Hubbard had paid him for sex on two occasions in the 1970s when the accuser was a teenage prostitute in an Albany park. In April, a third man claimed he had seen Bishop Hubbard in what he described as a "gay bar" in Albany in 1978. The news media were given a document believed to be written by a priest that alleged that the Bishop had been involved in homosexual relationships. Bishop Hubbard categorically denied each and all of the allegations and said he had faithfully kept his vow of celibacy at all times. The Diocese sent the allegations to the Albany County District Attorney, who concluded there was no basis for an investigation by his office. The Diocesan Sexual Misconduct Review Board, which is responsible for investigating all sexual abuse allegations against priests, decided to hire an independent investigator to conduct a thorough and impartial investigation into the allegations against Bishop Hubbard. Former U.S. Attorney Mary Jo White of New York, who is now in private practice, was hired and, after an exhaustive four-month investigation, produced a report that was provided simultaneously to the public, news media and Diocese. The White investigation cost \$2.2 million, which was paid from the Diocese's self-insurance fund.

"We have not found any evidence to support these allegations, despite exhaustive examinations of Bishop Hubbard's life, records, friends and adversaries," the report said. "The polygraph test results, not only for Bishop Hubbard but for all those accused of having had a sexual relationship with Bishop Hubbard, consistently indicated that no such activity took place." The White Report is available on the Diocesan Web site at [www.rcda.org](http://www.rcda.org).

3. Readers will note that the investigations total more than the 23 accused priests — some are listed in more than one category.

Bishop Hubbard temporarily removes the priest from ministry while an investigation is conducted. If the Review Board concludes there is no immediate threat, an investigation into the allegation is conducted while the priest remains in ministry.

The Diocese's policy of zero-tolerance for sexual abuse of minors by clergy requires that, if the Diocesan Sexual Misconduct Review Board finds reasonable grounds to believe the allegations against any priest in active ministry, he is removed from ministry. Priests removed from active ministry or placed on leave due to allegations of sexual abuse of a minor are not permitted to function publicly as priests. They are forbidden to celebrate Mass in public, hear confessions, perform any other sacraments, or wear clerical garb. Removals of priests in active ministry due to sexual abuse of minors are publicly announced.

### INCIDENTS OCCURRED DECADES AGO

As has been the trend, most of the alleged incidents reported to the Diocese in 2004 occurred in the 1960s and 1970s. No allegations of recent sexual abuse of a minor were brought to the Diocese in 2004.

More than half of the alleged incidents were reported by victims to have occurred in those two decades: 14 incidents in

the 1970s and six incidents in the 1960s. Five incidents were reported to have happened in the 1950s, four in the 1980s, and one in the 1940s.

### GUIDING PRINCIPLES

The principles that guide our efforts are zero tolerance for clergy who abuse minors; compassion, respect and comprehensive outreach and support for victims; due process for the accused; and transparency in our decision-making. We recognize that we must continue to integrate these principles into the overall mission of the Church. We must also continue to meet the financial needs of the Church's diverse ministries, including vocations, education, human services, health care and parish life, as we meet our moral obligation to victims.

During the past year, the Albany Diocese's self-insurance fund has provided \$327,791 in compensation and services to individuals who as minors were sexually abused by Diocesan clergy. The insurance fund also covered \$772,930 in costs related to educational and prevention programs and legal and other services associated with clergy sexual abuse issues in the last year. The insurance fund also covered the \$2.2 million cost of the Mary Jo White investigation (see Page 5A). In 2004, the Diocese committed an additional \$5 million, from insurance

## RESOURCES

If you were sexually abused as a minor by a priest or deacon of the Albany Diocese, help is available. Please take the first step and reach out for that assistance.

To report an incident of abuse, please contact a law enforcement agency or the district attorney in your county.

If as a minor you were sexually abused by a Diocesan priest or deacon and need assistance, please contact the Diocesan Assistance Coordinator or the Independent Mediation Assistance Program.

For the Diocesan Assistance Coordinator, Theresa Rodrigues:

Call: (518) 453-6646

E-mail: [assistance.coordinator@rcda.org](mailto:assistance.coordinator@rcda.org)

Mail: Theresa Rodrigues

Diocesan Assistance Coordinator  
Pastoral Center  
40 North Main Avenue  
Albany, NY 12203



Theresa Rodrigues

For the Independent Mediation Assistance Program

Call toll-free: 1-888-388-IMAP (4627)

E-mail: [help@independentmediation.org](mailto:help@independentmediation.org)

Web: [www.independentmediation.org](http://www.independentmediation.org)

Mail: IMAP

255 River Street

Troy, NY 12180



Judge Levine

If as a minor you were sexually abused by a Diocesan priest or deacon and have not previously met with Bishop Hubbard and wish to do so, please contact the Diocesan Assistance Coordinator.

Contact Theresa Rodrigues

Call: 518-453-6646

E-mail: [assistance.coordinator@rcda.org](mailto:assistance.coordinator@rcda.org)



Bishop Howard Hubbard

fund reserves, for services to victims through the Independent Mediation Assistance Program. This brings to \$8.3 million the amount of money that the Diocese has dedicated specifically since 1950 to assisting individuals who as minors were sexually abused by Diocesan clergy.

The premiums for Diocesan insurance coverage — like most other Diocesan programs and services — are paid through parishioners' contributions to their parishes. No funds specifically contributed to the Bishop's Appeal, Capital Campaign or other dedicated programs were or are used to pay compensation or other expenses related to clergy sexual abuse of minors. Clergy sexual abuse of minors is a crime and a violation of the sacred trust granted to priests and deacons. It must not be trivialized. Even one instance of abuse of a minor by a priest is unacceptable.

For perspective, it's important to recognize again that the vast majority of priests in this Diocese, and across the country, have never offended. They have remained faithful to their vows and lived their lives in God's grace and performed their duties and responsibilities honorably and with compassion.

## SUMMARY

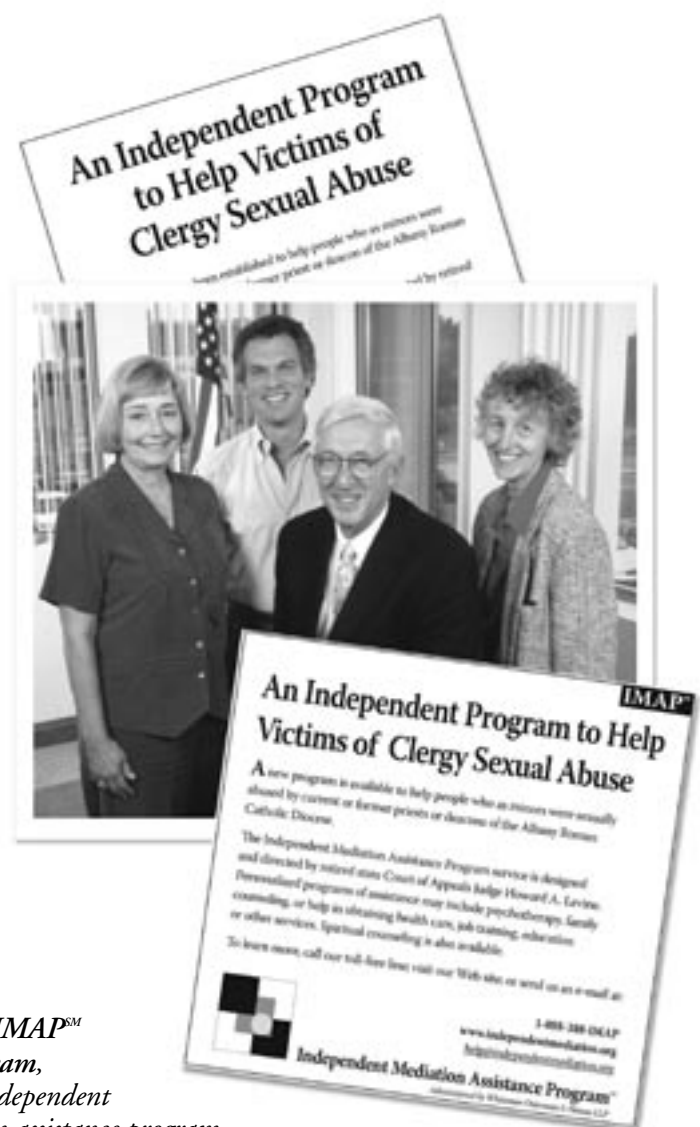
Below is a summary of the complaints brought before the Albany Diocese since Nov. 1, 2003:

- 24 individuals alleged that they were sexually abused as minors by 23 priests, including one who was not a priest of the Albany Diocese.
- The Diocesan Sexual Misconduct Review Board found reasonable grounds to believe allegations against six priests. None of those six priests is in ministry today.
- Allegations against two priests now in ministry are under investigation.
- Allegations against seven priests no longer in ministry are also being investigated.
- Three priests were cleared of allegations.
- There was insufficient information to assess whether there are reasonable grounds to believe allegations against 10 priests.

## INDEPENDENT MEDIATION PROGRAM

Last December, Bishop Howard Hubbard commissioned an independent program to provide victims with pastoral, spiritual and emotional care, and in some cases, financial assistance for rehabilitation services. Retired state Court of Appeals Judge Howard A. Levine developed and implemented the Independent Mediation Assistance Program, known as IMAP<sup>SM</sup>, with the goals of offering meaningful assistance, help with healing, and a sense of justice and closure for victims.

The Diocese established a \$5-million fund from its self-insurance reserves to cover the costs of services provided to victims through IMAP. The program is independently operated, and mediators and victim advocates have been hired through the not-for-profit New York State Dispute Resolution Association.



*The IMAP<sup>SM</sup> program, an independent victim assistance program developed by retired state Court of Appeals Judge Howard A. Levine, is reaching out to those who were sexually abused as minors by a priest or deacon of the Albany Diocese. IMAP's services provide an alternative for those who do not wish to participate in Diocesan programs.*

Judge Levine developed the program after consulting with victims and their attorneys, victims' organizations, psychiatrists and other medical professionals, and experts on childhood sexual abuse trauma.

Individuals who as minors were sexually abused by a priest or deacon of the Albany Diocese may receive assistance including psychotherapy, family counseling, family health care, job training, education or other services. Thus far, more than 20 individuals have contacted IMAP to start the mediation process.

IMAP established a Web site ([www.independentmediation.org](http://www.independentmediation.org)) and a toll-free number (1-888-388-IMAP) to provide information on IMAP's services. In addition, informational pamphlets have been distributed throughout the Diocese, and print advertisements have appeared in daily newspapers throughout the Diocese's 14 counties, to ensure victims are aware of the program.

## WHERE WE ARE HEADED

The future will judge the Catholic Church's response to the problem of clergy sexual abuse on how compassionately we treated victims, how honestly we faced our own failures and mistakes, and how effectively we prevented the abuse from recurring. Until we as a Church are fully reconciled with anyone who as a minor was sexually abused by one of our priests or deacons, our work will not be done.

*The U.S. Conference of Catholic Bishops commissioned independent auditors to visit every Diocese in the country to gauge compliance with the national Charter for the Protection of Children and Young People. Auditors visited the Albany Diocese in November, and determined the Diocese is fully complying with the national Charter. A page from the auditor's report is reproduced here.*

Bishop Hubbard continues to offer to meet with individuals who as minors were sexually abused by Diocesan clergy and who have not previously met with him, so that he can apologize on behalf of the Church and provide spiritual and pastoral support.

To meet with Bishop Hubbard, please contact Diocesan Assistance Coordinator Theresa Rodrigues.

This has been a dark and painful period for the Church, but with the grace of God — and guidance of the Holy Spirit — we are determined to continue to make steady progress toward healing and reconciliation.

TO: Albany Diocese

FROM: USCCB Independent Auditors

The information found herein represents conditions as they were found to exist during the week of November 1-4, 2004.

### Findings

The diocese has established clear and well-publicized standards of ministerial behavior for priests and deacons. A communications policy is in effect which reflects the bishop's pledge to be open and transparent on issues regarding the sexual abuse of children. The diocese does assist and support all parish communities directly affected by ministerial misconduct involving minors ...

The diocese has fully implemented a "safe environment" education program ... The diocese has clear and well publicized standards of conduct for persons in positions of trust with regard to sexual abuse. The diocese conducts background evaluations for all diocesan and parish personnel who have regular contact with minors, using appropriate law enforcement resources where permissible. The diocese employs adequate screening and evaluative techniques in deciding the fitness of candidates for ordination.

The diocese has not transferred any priest or deacon who has had a credible allegation of sexual abuse made against him to another ministerial assignment since the last audit. The diocese has not transferred any priest or deacon who has had a credible allegation of sexual abuse made against him to another diocese/eparchy for residence since the last audit.

### Compliance with the Provisions of the Charter

At the conclusion of this compliance audit, the diocese was found to be compliant with all articles of the Charter for the Protection of Children and Young People.



**Roman Catholic Diocese of Albany**  
40 North Main Avenue, Albany, New York 12203