

# Archdiocesan Policy for Addressing Allegations of Sexual Misconduct by Clergy in the Archdiocese

## I. Introduction

Scope and Historical Development of the Policy  
Underlying Principles for the Policy

## II. Standards and Expectations

Gospels, Church Councils, Catechism, Code of Canon Law, Current Church Law

## III. The Nature of Sexual Misconduct and Sexual Abuse

**Sexual Misconduct:** is any consensual violation of Catholic sexual mores alone or with others.

**Sexual Abuse: includes all** violations of Catholic sexual mores with minors, vulnerable persons, **including child pornography and non-consensual relations with adults.**

## IV. Procedures for Addressing Allegations

1. The Accusation and the Preliminary Investigation
2. The Role of the Victims Assistance Coordinator
3. The Role of the Vicar for Clergy and the Archdiocesan Investigators
4. Notices and Communications by the Archdiocese
5. The Role of Clergy Misconduct Oversight Board
6. The Role of Legal Assistance: Canonical Advocate or Civil Lawyer
7. The Decision of the Archbishop: exoneration, pastoral measures, initiating a canonical penal process (administrative or judicial), possible measures in civil law

## V. Clerics Self-Reporting and Seeking Professional Care for Sexual Misconduct



# Archdiocesan Policy for Addressing Allegations of Sexual Misconduct by Clergy in the Archdiocese

## I. Introduction

### Scope and Historical Development of the Policy

This policy concerns sexual misconduct perpetrated by clergy, whether incardinated in the Archdiocese or serving here while incardinated in another diocese or religious order or community. The term “clergy” includes bishops, priests, and deacons.<sup>1</sup> This policy always presumes the basis of faith, the gospels, and the law of the Church, especially in the Code of Canon Law. The policy concerns sexual misconduct by any cleric but the *procedures* for responding addressing sexual misconduct by bishops are separate and are found in particular in the *Motu proprio, Come una madre amorevole* (June 4, 2016) and *Motu proprio, Vos estis lux mundi* (May 7, 2019).

This policy addresses situations where the victim is: an adult, a minor, including vulnerable adults, or involves child pornography. Similar policies of the Archdiocese govern the same parameters of sexual misconduct by religious or lay persons serving in staff, ministerial, volunteer, or other capacities.

The Archdiocese of Los Angeles recognizes that sexual misconduct by clergy and others violates the God-given human dignity of the person harmed, and, for clergy, is a severe betrayal of the pastoral relationship. It is seriously sinful and has lasting consequences for the victim and his or her family, for the Church community at large, and for the individuals involved in or impacted by the sexual misconduct.

The goal of the Archdiocese of Los Angeles is to provide a safe environment for children, young people and adults in all Church ministries, to prevent and deal with complaints of sexual misconduct including harassment, compassionately, justly and as promptly as possible.

The Archdiocese of Los Angeles first adopted a formal policy concerning sexual misconduct in 1987. From that date, the Archdiocesan policy has covered all sexual misconduct, whether the victim was a minor or an adult. Beginning in 2001, the sexual abuse of a minor or use of child pornography have been the subject of formal policies and pronouncements by the Holy See and the United States Conference of Catholic Bishops (USCCB). In 2019, the scope of the policies and pronouncements were updated for the universal Church to define the parameters of the procedures to include adult sexual misconduct and sexual misconduct by bishops.

### Underlying Principles for the Policy

The policies of the Archdiocese of Los Angeles find a basis in the shared values and common expectations for those serving the Church. Therefore, all policies are based first and foremost

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<sup>1</sup> This Archdiocesan policy includes sexual misconduct on the part of a cleric that violates his commitment to celibacy or of a married deacon that violates his commitment to chastity in matrimony (canon 277 §3).



## Archdiocesan Policy for Addressing Allegations of Sexual Misconduct by Clergy in the Archdiocese

in our relationship to Jesus Christ and his gospel as proclaimed by the authority of the Church. Our common values include the demands of the Ten Commandments pre-dating Christ himself. All baptized Christians are obliged by these principles. **“All the baptized are called to chastity... All Christ’s faithful are called to lead a chaste life in keeping with their particular states of life.** At the moment of Baptism, the Christian is pledged to lead his affective life in chastity” (*Catechism of the Catholic Church*, n. 2348).

A public acceptance of celibacy is made by all candidates for the priesthood and by unmarried candidates for the diaconate in the Rite of Ordination for the diaconate itself. The candidate is asked by the bishop: “Are you prepared to embrace the celibate state: do you resolve to keep forever this commitment as a sign of your dedication to Christ the Lord for the sake of the Kingdom of Heaven, in the service of God and man? He answers: “I am”.

In addition, every deacon, priest, and bishop of the Church swears an oath to God before their ordination that:

“With great care and fidelity, I shall carry out the duties incumbent on me toward the Church... I shall hold fast to the deposit of faith in its entirety; I shall faithfully hand it on and explain it, and I shall avoid any teachings contrary to it. I shall follow and foster the common discipline of the entire Church and I shall maintain the observance of all ecclesiastical laws, especially those contained in the Code of Canon Law.”

This oath is the basis of service in the Church and applies equally to each person’s behavior in relation to the Church. These considerations are reflected throughout Church history in its teachings and in its laws in the *Code of Canon Law* with regard to the obligations of clerical celibacy (can. 277, 1394 and 1395).

In this context every policy observed by the Archdiocese of Los Angeles presumes the obligations of the Old and New Testament faith which shapes the service of each person, ordained or not. In consideration of the proper ordering of human sexuality, then, the Ten Commandments serve as a reminder of personal integrity in relation to our love of self and love of our neighbor (6<sup>th</sup> Commandment: *you shall not commit adultery*; 9<sup>th</sup> Commandment: *You shall not covet your neighbor's house; you shall not covet your neighbor's wife, or his manservant, or his maidservant, or his ox, or his ass, or anything that is your neighbor's*; 10<sup>th</sup> Commandment: *you shall not covet*”).

According to the *Catechism of the Catholic Church*:

“The tenth commandment unfolds and completes the ninth, which is concerned with concupiscence of the flesh. It forbids coveting the goods of another, as the root of theft, robbery, and fraud, which the seventh commandment forbids. "Lust of the eyes" leads to the



## **Archdiocesan Policy for Addressing Allegations of Sexual Misconduct by Clergy in the Archdiocese**

violence and injustice forbidden by the fifth commandment. Avarice, like fornication, originates in the idolatry prohibited by the first three prescriptions of the Law. The tenth commandment concerns the intentions of the heart; with the ninth, it summarizes all the precepts of the Law.”

Among the offenses against chastity, the *Catechism of the Catholic Church* expressly cites: lust (n. 2351), masturbation (n. 2352), fornication (n. 2353), pornography (n. 2354), prostitution (n.2355), and rape (n. 2356). Also considered in the context of marriage is: adultery (n. 2380), divorce (n. 2384), polygamy (n. 2387), incest (n. 2388), so-called “free union” (n. 2390), and “trial marriage” (n. 2391), although this is not meant to be an exhaustive listing.

### **II. Standards and Expectations**

#### **Gospels, Catechism, Code of Canon Law, Current Church Law**

This policy for the Archdiocese is based on applicable provisions of Canon Law and the following pronouncements as well as the broader Archdiocesan policies concerning adult sexual misconduct in place since 1987:

- 1) the Apostolic Letter, *Motu proprio, Sacramentorum sanctitatis tutela* with its accompanying Norms governing the *graviora delicta* (John Paul II, April 30, 2001; revised Benedict XVI, May 21, 2010);
- 2) the *Charter for the Protection of Children and Young People* (the “Charter”), USCCB June 2002; revised June 2011; third revision approved June 2018;
- 3) the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (“Essential Norms”), USCCB November 2002; with approval by the Congregation for Bishops December 8, 2002, became particular law for the dioceses of the United States; revised edition effective May 15, 2006; third revision approved June 2018;
- 4) the Apostolic Letter, *Motu proprio, Come una madre amorevole*, (June 4, 2016);
- 5) the Apostolic Letter, *Motu proprio, Vos estis lux mundi* (May 7, 2019); and
- 6) the statement of the USCCB in *Affirming our Episcopal Commitments*, approved by the Bishops of the United States in June 2019.

This update for the Archdiocese continues the underlying commitment and evolution of policies to address matters of sexual abuse, sexual misconduct and child pornography and is being adopted to reflect the pronouncements and standards of *Vos estis lux mundi*. It has been issued by the Archbishop effective November 2020.



## Archdiocesan Policy for Addressing Allegations of Sexual Misconduct by Clergy in the Archdiocese

In accepting candidates for ordination, evaluating a request of a cleric to be incardinated in the Archdiocese, and accepting any clerics for ministry in the Archdiocese, the Archbishop relies on the attestation of those responsible for knowing their suitability that these men are worthy of being entrusted with pastoral care of the People of God. Should a cleric's conduct raise questions about his suitability, the matter will be investigated and corrective action, if needed, will be taken.

Sexual misconduct by clergy will not be tolerated. In dealing with issues of sexual misconduct involving clergy, the *Code of Canon Law*, the *Charter*, the *Essential Norms*, *Come una madre amorevole* and *Vos estis lux mundi* anticipate that the Archdiocese will:

- treat all allegations of sexual misconduct seriously (see *Charter*, article 5) and never deal with a problem of sexual misconduct on the part of a cleric by simply moving him to another ministerial assignment (see *Charter*, article 14; *Essential Norms*, norms 8 and 12);
- respect the rights of all involved, both persons claiming to have been mistreated and clerics who are accused (see *Charter*, article 5; *Essential Norms*, norms 13, 6, 8, and letter of Cardinal Re granting *recognitio* dated December 8, 2002);
- extend the ministry of the Church to ensure that those who have been victimized will be assisted through their trauma and suffering toward genuine healing as well as to ensure that members of the clergy who have been accused are held responsible for their actions, including exclusion from further ministry, but are provided the assistance and support they need to address their actions (see *Charter*, article 1);
- educate clergy and people about the problem of sexual misconduct (see *Charter* article 12);
- continue to utilize and enhance previously implemented screening procedures and educational policies on this subject for those training for the ordained ministry (see *Charter*, articles 13, 17);
- cooperate fully with civil law enforcement and those that may be prosecuting sexual misconduct and comply fully with reporting procedures governing sexual abuse (see *Motu proprio*, *Come una madre amorevole*, Art. 1; *Motu proprio*, *Vos estis lux mundi*, Art. 1 and 19; *Charter*, article 4; *Essential Norms*, norm 11 and Congregation for the Doctrine of the Faith, *Circular letter*, *Tra le importanti responsabilità*, 3 May 2011 to assist episcopal conferences in developing guidelines for dealing with cases of sexual abuse of minors perpetrated by clerics).<sup>2</sup>

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<sup>2</sup> In addition to reports mandated by the law of the State of California, the Archdiocese has committed itself to a policy of reporting in cases beyond the mandate. The provisions of that policy can be found in Appendix 4 of the



## Archdiocesan Policy for Addressing Allegations of Sexual Misconduct by Clergy in the Archdiocese

In situations involving accusations of sexual misconduct by a cleric, the Archbishop is the shepherd and advocate of all parties. He must seek the good of all. This good involves providing a full and fair hearing both for those who complain of sexual misconduct and for clergy accused of such misconduct. The good of all demands that the Archbishop appoint to ministry or allow to remain in ministry only clergy he is confident will minister properly, will not abuse or mistreat those to whom they minister and will not participate in activities or conduct inconsistent with this policy, the *Charter*, the *Essential Norms*, *Come una madre amorevole*, *Vos estis lux mundi* or other particular policies of the Archdiocese adopted to implement those pronouncements. It also demands that clergy be protected against false accusations of sexual misconduct.

The Archdiocese acts with the conviction that a true solution to situations involving sexual misconduct requires helping victims to find healing, providing corrective assistance to those who commit sexual misconduct, and ensuring that clerics in ministry will not be a danger to minors or adults, removing them from ministry when appropriate or otherwise disciplining clergy who have been involved in sexual misconduct (see *Charter*, articles 1, 2; *Essential Norms*, norm 3).

### III. The Nature of Sexual Misconduct and Sexual Abuse

Sexual abuse or harassment against a minor<sup>3</sup> or vulnerable adult<sup>4</sup> or involving child pornography is always seriously sinful and is a crime both in ecclesiastical law and the laws of civil society. Sexual misconduct or harassment involving another adult is always sinful and a violation of the cleric's moral, ecclesial and ethical responsibilities; under certain circumstances such sexual misconduct may also be an ecclesiastical crime (canons 1389, 1394, 1395 and 1399) and/or a civil crime under the laws of the state. The law of the Church in its various forms reiterates that sexual abuse of a minor shall include any offense by a cleric against the sixth commandment of the Decalogue.

Whether involving minors or adults, some behaviors may not rise to the level of sexual misconduct but may be nonetheless inappropriate, misleading, potentially criminal, and scandalous, and may be sinful, or violate professional boundaries and Archdiocesan

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Archdiocesan Clergy Policies and Guidelines.

<sup>3</sup> A minor is any person below the age of eighteen (18). See the Holy See's derogation of the provision of canon 1395, §2, dated November 30, 1993, as well as the Norms governing the *graviora delicta* of April 30, 2001.

<sup>4</sup> The revised Article 6 §1 1° of *Normae de gravioribus delictis* specifies that "a person who habitually lacks the use of reason is to be considered equivalent to a minor." The "brief introduction" to the revised norms states that one "who is developmentally disabled is equated to a minor" in this particular regard. In practical terms anyone who needs a legal guardian can be considered equivalent to a minor in the matter of sexual abuse of a minor (see canon 1478 §§1 and 4). An adult who is otherwise *sui compos* can also be regarded as emotionally vulnerable if he or she is in such a state as to be fragile or susceptible to manipulation. In this case sexual advances by a cleric would be a form of exploitation and hence abusive.



## Archdiocesan Policy for Addressing Allegations of Sexual Misconduct by Clergy in the Archdiocese

regulations. The Vicar for Clergy investigates such reports of such “boundary violations” and intervenes as necessary to protect the sanctity of the ministerial relationship and to assure that the cleric will minister in a manner that is ethical and respectful of all persons. Such matters are reported to the Clergy Misconduct Oversight Board, as described in the procedure below.

Therefore:

**Sexual Misconduct:** is any consensual violation of Catholic sexual mores alone or with others.

**Sexual Abuse:** includes all violations of Catholic sexual mores with minors, vulnerable persons, **including child pornography and non-consensual relations with adults.**

Previously the policies and pronouncements addressed sexual abuse of a minor, but the norms as expressed in *Vos estis lux mundi* now include conduct against minors and any vulnerable person, and misconduct involving child pornography, defined as:

- “ a) “minor” means: any persons under the age of eighteen, or who is considered by law to be equivalent of a minor;
- b) “vulnerable person” means: any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offense;
- c) “child pornography” means: any representation of a minor, regardless of the means used, involved in explicit sexual activities, whether real or simulated, and any representation of sexual organs of minors for primarily sexual purposes.”

*Vos estis lux mundi* Title I: Article 1, §2

It was Pope Francis who issued the *Motu proprio, Come una madre amorevole – As a Loving Mother* (June 4, 2016) and the *Motu proprio, Vos estis lux mundi*, while the USCCB adopted the *Directives for the Implementation of the Provisions of Vos estis lux mundi* (June 2019) which outline the policies and procedures that are to be followed should allegations be made against a Bishop. Those policies and procedures are followed for Bishops of the Archdiocese.

The Archdiocese has long emphasized the seriousness of any form of sexual misconduct. Therefore, this policy governs all forms of sexual misconduct by clergy, whether the person harmed is a minor or an adult. While the specific provisions of the *Charter* and *Essential*



## **Archdiocesan Policy for Addressing Allegations of Sexual Misconduct by Clergy in the Archdiocese**

*Norms* focus on abuse of a minor or vulnerable adult and child pornography, the Archdiocese has and continues to include in the matters addressed by its Clergy Misconduct Oversight Board other situations where the sexual misconduct involves adult relationships between a cleric and another person.

### **IV. Procedures for Addressing Allegations**

#### **1. The Accusation and the Preliminary Investigation**

In accord with the requirements of Church law (can. 1717): “Whenever an ordinary has knowledge, which at least seems true, of a delict, he is carefully to inquire personally or through another suitable person about the facts, circumstances, and imputability, unless such an inquiry seems entirely superfluous.”

Therefore, in the Archdiocese of Los Angeles, all complaints received against the behavior of a cleric are subject to a serious investigation. Those involving sexual misconduct are of particular concern. Complaints against a cleric may be filed directly to the Office of the Victims Assistance Coordinator or to the Office of the Vicar for Clergy.

#### **2. The Role of the Victims Assistance Coordinator**

Reports of sexual misconduct involving clerics are usually received first by the Office of Victims Assistance Ministry. The Victims Assistance Coordinator follows the individual cases throughout the process described herein in fulfillment of the Archdiocese of Los Angeles’ commitment to providing pastoral care and appropriate therapeutic support to anyone harmed by a cleric. Through its Victims Assistance Ministry office, the Archdiocese reaches out to victims of clergy sexual misconduct – those harmed as children or as adults - to assist them in a pastoral way. This pastoral response includes compassionate listening and documentation of the alleged sexual misconduct, participation in the reporting of the incident to civil authorities and to the appropriate people at the Archdiocese, coordination of professional support by mental health clinicians with expertise in trauma, and coordination of spiritual direction by trained spiritual directors. Victims Assistance Ministry maintains contact with victims to provide ongoing support, information, and updates regarding the matter.

#### **3. The Role of the Vicar for Clergy and the Archdiocesan Investigators**

The Vicar for Clergy, on receiving a complaint, formally opens a canonical preliminary investigation. He will normally inform the accused cleric and the regional bishop or episcopal vicar of the allegation. In the case of an accusation involving a current minor, the cleric will be removed from ministry during the preliminary investigation. If the nature of the allegation is such that there is reason to believe that a delay in notification is necessary to protect the course of justice for all involved, the cleric and the regional



## **Archdiocesan Policy for Addressing Allegations of Sexual Misconduct by Clergy in the Archdiocese**

bishop or episcopal vicar will be notified as soon as the situation allows. A meeting in person with the cleric is then scheduled with the Vicar for Clergy which usually is held at the archdiocesan offices. A priest friend is allowed to accompany the cleric for this meeting.

### ***The Archdiocesan Investigator***

The Archdiocese has a group of professionals with law enforcement experience who serve as investigators in the canonical investigation. The Vicar for Clergy, the Clergy Misconduct Oversight Board (CMOB) as described below, the investigators and other Archdiocesan staff work together to ensure that persons who complain of sexual misconduct receive a full and fair hearing (see *Essential Norms*, norms 6, 13; *Charter*, article 5) while respecting the rights of the accused. Interviews with the accused cleric by the investigators will normally include the Vicar for Clergy.

The cleric will be encouraged to have canonical counsel, or another cleric accompany him at this meeting (*Essential Norms n. 6*). The Vicar for Clergy will appoint a canon lawyer to be present as his Advocate *ex officio* for the meeting as appropriate. The cleric retains the right to select a canon lawyer, approved by the Archdiocese, as his Advocate, if a canonical penal process is initiated. The approved fees of the canon lawyer will be paid by the Archdiocese on behalf of the cleric.

### ***Accusations against clerics not incardinated in the Archdiocese***

When there is an allegation of sexual misconduct which occurred within the Archdiocese against a cleric incardinated in another diocese or belonging to an institute of consecrated life, or society of apostolic life, or personal prelature, the Archdiocese will assume responsibility for the investigation of the accusation. It will inform the appropriate Ordinary of the accused cleric, understanding that the Ordinary has the chief oversight and financial responsibility for the conduct of each of his clerics. Depending on the nature and facts of the allegation, the Archdiocese may remove the cleric's faculties as a temporary measure during the course of an investigation. The regional bishop or episcopal vicar will be advised when the cleric's status changes.

Allegations of sexual misconduct or involving child pornography presented to the Archdiocese against a cleric not incardinated in the Archdiocese and which did not occur in the Archdiocese or while the cleric was serving in the Archdiocese will be referred to the appropriate Ordinary for investigation and appropriate action. The Ordinary may seek the assistance of the Vicar for Clergy and other Archdiocesan officials for the investigation. The Archdiocese requires a report of the findings of the investigation by the cleric's Ordinary and any action taken in the case in order to assist the Vicar for Clergy in determining future ministry by the accused cleric in the Archdiocese (see *Essential Norms*, norm 12, *Charter*, article 14).



## **Archdiocesan Policy for Addressing Allegations of Sexual Misconduct by Clergy in the Archdiocese**

When further investigation is determined to be unnecessary, after consultation with the CMOB, the investigative process concludes in accord with all relevant canons, and in accord with the provisions of *Sacramentorum sanctitatis tutela* and the *Essential Norms*.

#### **4. Notices and Communications by the Archdiocese**

It is the position of the Archdiocese that accurate information, provided in a timely fashion about what has happened in a particular case of alleged sexual misconduct, is a most important element contributing to healing within a parish or school community and the local church (see *Charter*, article 7). When allegations of sexual misconduct are received, the Vicar for Clergy will consult with other senior leadership concerning when communication of the allegations should be issued and the manner for such communication to the faith communities impacted by the matter. Such communication is always guided by the need to respect the rights and reputations of all involved (*Essential Norms*, nn.13, 6). The Archdiocesan policy is that open and timely communication protects all impacted by the matter, may prevent rumors and unfounded speculation, and allows for others who may have been harmed to come forward.

If the nature and circumstances of the allegation so require, including whether the cleric is away from his place of assignment, appropriate Archdiocesan representatives will meet with the parish or office staff to inform them of the allegation and the cleric's response, and to advise them of the action which will be taken. Appropriate communications also will be provided promptly to the parish or other impacted faith community. The form of the communication will be selected in the context of type of communications generally used in the particular faith community to reach the full community. If the cleric has resigned, appropriate Archdiocesan representatives will inform the parishioners why the cleric is not present and ministering in the parish.

The advisory notice to the parish staff and/or parishioners will be prepared in advance. It will be reviewed by the cleric and by legal counsel of the Archdiocese and any counsel representing him. The agreed-upon text will be read or provided to those to whom it is directed in accord with Archdiocesan policy. The content of the notice will follow communications policy in the Archdiocese to provide a clear indication of the circumstances of the case and to be sensitive to, and fully respect the rights of all parties. The Vicar for Clergy will respect the rights of the accused cleric found in canon law (cf. can. 220), in determining the information to be disclosed as well as the *Charter* (see *Charter*, article 7).

In cases of conflict between the cleric and the Archdiocesan authorities regarding the disclosure, every reasonable effort will be made to resolve any conflict. The final



## **Archdiocesan Policy for Addressing Allegations of Sexual Misconduct by Clergy in the Archdiocese**

decision concerning disclosure remains the decision of the Archbishop and Vicar for Clergy. The cleric will be informed in advance of the exact nature of that disclosure.

In addition, the Archdiocese has published and continues to update its “Report to the People of God” which lists clergy who have been credibly accused of sexual misconduct or, with respect to clergy who were already deceased, those who have been plausibly accused. Its “Report” is available to the public.

### **5. The Role of Clergy Misconduct Oversight Board**

The Clergy Misconduct Oversight Board (CMOB) was established in the Archdiocese in June of 2002 as an independent, “confidential consultative body” to advise the Archbishop “in his assessment of allegations of sexual abuse of minors” that are lodged against the clergy “and in his determination of a cleric’s suitability for ministry” (*Charter*, article 2; also see *Essential Norms*, norms 4, 5). It is the successor to the Sexual Abuse Advisory Board that had been in place in the Archdiocese since 1994.

The Charter of the CMOB says that it will “make recommendations for strengthening and enhancing the effectiveness of these policies in preventing and dealing with sexual misconduct.... The Board will consider all allegations of sexual misconduct by clergy which occur within the geographical boundaries of the Los Angeles Archdiocese or which involve clerics assigned to or working or living within the Archdiocese. This includes... clerics from elsewhere... religious order clerics... and clerics who have been granted hospitality... on a temporary basis.

The structure, role, membership, functions, and procedures of the CMOB are elaborated in its own Charter.

Since the formation of the Sexual Abuse Advisory Board in the Archdiocese in 1994, all complaints or other reports of alleged sexual misconduct by a priest or deacon, whether with minors or adults have been referred for review and are now addressed by the CMOB, including complaints by those who are vulnerable adults under *Vos estis lux mundi*. Similarly, the CMOB has addressed matters involving child pornography since it was included by the USCCB in its policy statements and that will continue under *Vos estis lux mundi*.

Accordingly, in the Archdiocese, all reports of sexual misconduct including matters of “boundary violations”, are also communicated to the Chair of the CMOB promptly after being received or referred to the Vicar for Clergy. The Chair of the CMOB is consulted and apprised of the progress of the investigation of the matter. The full CMOB receives an edited summary of the reports, and without the name of the accused cleric, and then



## **Archdiocesan Policy for Addressing Allegations of Sexual Misconduct by Clergy in the Archdiocese**

makes recommendations to the Archbishop with regard to the investigation<sup>5</sup> and disposition of individual cases as well as with regard to the overall policies and procedures of the Archdiocese in addressing matters of sexual misconduct or child pornography.

### **6. The Role of Legal Assistance: Canonical Advocate or Civil Lawyer**

Before the meeting, the Vicar for Clergy will encourage the accused cleric to have canonical counsel, or another cleric accompany him at this meeting (*Essential Norms n. 6*). The Vicar for Clergy will appoint a canon lawyer to be present as the cleric's Advocate *ex officio* for the meeting as appropriate. The cleric retains the right to select a canon lawyer, approved by the Archdiocese, as his Advocate, if a canonical penal process is initiated. The approved fees of the canon lawyer will be paid by the Archdiocese on behalf of the cleric. The cleric is advised of the importance of retaining civil counsel especially in cases of sexual abuse.

In addition, the office of the General Counsel in the Archdiocese, advises the Archbishop, the Vicar for Clergy, the Victims Assistance Ministry office and the CMOB on matters covered by this policy.

### **7. The Decision of the Archbishop: exoneration, pastoral measures, initiating a canonical penal process (administrative or judicial), possible measures in civil law**

At the conclusion of the preliminary investigation, the Archbishop will make a determination in accord with the norms of can. 1718.

Since all cases of violating the sixth commandment by a cleric with a minor or vulnerable person or child pornography are the exclusive competence of the Congregation for the Doctrine of the Faith, whatever the outcome of the preliminary investigation, a report must be sent by the Archdiocese to the Congregation (see: Congregation for the Doctrine of the Faith, *Vademecum* July 16, 2020, n. 69).

The Archdiocese of Los Angeles will not knowingly assign to any ministry a cleric who has sexually abused a minor. As emphasized by Pope John Paul II: "There is no place in the priesthood or religious life for those who would harm the young" (see *Charter*, article 5).

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<sup>5</sup> The CMOB Chair is kept informed of all preliminary investigations as described in the Section IV on "Procedures." Unless the names of those involved are already publicly known, the Chair presents an edited account of the canonical auditor's findings that omits identifying information such as names of persons and places to the full CMOB membership for consideration and to make appropriate recommendations.



## Archdiocesan Policy for Addressing Allegations of Sexual Misconduct by Clergy in the Archdiocese

The Archdiocese will fully implement the provision of the *Essential Norms* that:

When even a single act of sexual abuse of a minor or vulnerable adult or use of child pornography by a priest or deacon is admitted or established after an appropriate process in accord with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state, if the case so warrants. (*Essential Norms*, norm 8).<sup>6</sup> Those priests or deacons permanently removed from ministry will be invited and encouraged to petition for dispensation from the obligations of the clerical state.

The decision to permit a cleric to return to active ministry must take into account the nature and seriousness of the sexual misconduct, the progress in treatment, positive signs of continuing recovery, the need to prevent a relapse into abusive behaviors, and the danger of scandal. In deciding whether to permit a return to active ministry, the Archbishop and Vicar for Clergy will seek advice from the CMOB as well as experts in the field. The cleric may be returned to ministry with appropriate restrictions and follow-up program; asked to engage in a mutually agreed protocol or program, during which the possibility of a return to ministry will be evaluated regularly; or advised after evaluation or assessment, that there is little or no possibility of a return to active ministry.

The cleric's immediate supervisor and others with knowledge of the situation will be consulted throughout the process and, as appropriate, the cleric who is returned to ministry may be asked to participate in an after-care program or may be subject to other restrictions. From the very beginning, the hope is that some form of ministry can be restored, and efforts will be made during the leave to prepare for that possible return. Any return will likewise involve appropriate restrictions and an aftercare program. The purpose of this program is to allow the cleric to demonstrate continuing and progressive signs of recovery. Should ongoing discernment coupled with significant progress in treatment lead to a decision that ministry is unlikely then the cleric in question will be advised of the conclusion and of his right under canon law to petition for reinstatement or otherwise appeal the decision.

In the event that a return to ministry is not possible, and the cleric is unwilling to seek laicization, the Archdiocese may initiate appropriate canonical procedures to preclude him from active ministry.

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<sup>6</sup> See page 7 for the definition of a minor as including a vulnerable adult, and of sexual abuse as including child pornography.



## Archdiocesan Policy for Addressing Allegations of Sexual Misconduct by Clergy in the Archdiocese

In cases involving adult sexual misconduct, where there are no other witnesses or corroborating evidence, no previous allegations of a similar nature, or where no other behavior from the past lends substance to the allegations, and where the explanation of events given by the cleric is credible, such credible denial will normally bring the case to a close, after an affirmative review by the CMOB.

A record of the complaint, the response of the cleric and the Archbishop's decision to close the matter is maintained in the cleric's file as required by canon 1719. In all circumstances the Archdiocese will always treat all parties with pastoral care and sensitivity.

In instances involving alleged adult sexual misconduct, where there is a previous or related allegation against a cleric concerning sexual misconduct, or other reported behavior gives substance to the allegations, he will ordinarily be asked to submit to a psychological evaluation (see *Essential Norms*, norm 7). Such an evaluation is not therapy, but a psychological assessment through interview and testing by a licensed professional, who prepares a report for the Vicar for Clergy with the approval of the cleric. If the cleric decides not to undertake such an evaluation, he cannot be compelled to do so. However, the Archbishop may require it as a condition to returning to ministry. If the cleric agrees to an evaluation, the Archdiocese will determine what professional or institution will be entrusted with the evaluation and will bear the related expenses. Should the accused cleric disagree with the results of the evaluation, he has the right to consult another approved professional for a second evaluation at the cleric's expense.

Once the evaluation is completed, the report is shared by the Vicar for Clergy with the CMOB to assist them in preparing their advice to the Archbishop. The Archbishop determines whether it is possible to resolve the matter without a formal penal process or if it is necessary to apply the penal process provided in the Code of Canon Law. The Archbishop will meet with the cleric and the Vicar for Clergy to advise them of his decision.

### V. Clerics Self-Reporting and Seeking Professional Care for Sexual Misconduct

When a cleric comes forward to disclose that he **has been engaged in** sexual misconduct or sexual abuse, including child pornography, all the provisions above apply. A cleric who recognizes in himself **tendencies toward sexual misconduct**, including pornography, even if he has never acted on such tendencies is encouraged to present this matter personally to the Archbishop or Vicar for Clergy. They will provide care for him to address the difficulties and to grow in virtue and living a holy way of life as a priest.

