

Penance, support and control of perpetrators

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Overview

- **Introduction**
- **Treatment**
- **Policy of Religious Orders and Congregations**
- **Virtual discussion**
- **Open questions**

Introduction

- Perpetrators: Penance! Control!??
Support???
- Dioceses *versus* Religious Orders and
Congregations

Treatment: levels of therapeutic work

- **Personnel**
- **Network**
- **Risk management**
- **Follow-up**

Treatment: major difficulties

- Treatment starts late
- No / little compliance
- Denial
- Condemnation of abuse *versus* respect for human person
- Ethical responsibility of therapist
- Social context
- Public opinion

Treatment: Recidivism risk high

- Static risk factors
 - Young age at first offense; other offenses
 - Violence
 - No stable (love) relationship
 - Subgroups of victims: males, strangers
- Stable-dynamic risk factors
 - Social influences (+/-)
 - Sex as coping strategy, low impulse control
 - Low empathy
- Acute-dynamic risk factors
 - Aggressive, emotional crisis; sexual craving
 - Substance abuse
 - Resistance to control and treatment
 - Access to victims

Treatment: resources and limits

- **Social support systems**
 - **Self-determined compliance with treatment**
 - **Effective follow-up**
 - **Social competence, empathy**
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- **Goal: do as much as possible but ...**
 - **... will not provide absolute safety!**

Policies of Religious Orders and Congregations: Overview

- General remarks
- The allegation
- Confidentiality
- The files
- The procedures
- Care for the perpetrator
- Prevention

Policies: General Remarks

- Focus on perpetrators
- Brothers and Fathers
- A variety of documents; not always public; context; male and female congregations; content : definitions, conduct, procedure, victims and perpetrators

Policies: The allegation

- The allegation can come from a variety of sources : including complainants or their family members, diocesan officials, members of the congregation, a colleague in the workplace, or from the perpetrator.
- Who has to be notified?
- Within the congregation : the responsible and the committee
 - The one against whom an allegation is made
 - The Provincial, the General Superior
- On a diocesan level : The bishop where the priests resides and where he and/or the National Episcopal Conference
- Civil authorities
- The family of the minor

Policies: Confidentiality

- A Member should discuss the nature of confidentiality and its limitations with each person in counseling.
- Information obtained in the course of sessions shall be confidential, except for compelling professional reasons or as required by law.
- If there is clear and imminent danger to the client or to others, the Member is to disclose the information necessary to protect the parties involved and to prevent harm.
- Before disclosure is made, if feasible, the Member should inform the person being counseled about the disclosure and the potential consequences.
- Knowledge that arises from professional contact may be used with permission in teaching or other public presentations as illustrative examples to enhance lessons

Policies: Confidentiality

- Knowledge of the sexual abuse of a minor, received through sacramental confession, is under the seal of confession and confidentiality is to be observed. However some add : practices need to be considered that ensure the safety of all those involved.
- Because of the obligations of the sacramental seal, no priest exercising a function under child safeguarding procedures should celebrate the sacrament of penance with a person whom he knows is a respondent or a complainant in a child abuse case.

Policies: Files

- All reports of alleged abuse will be documented and retained in Province files
- Other documents tell us : only when the abuse has been established one should start to keep files : before, everything should be dealt with verbally
- Content :
 - About how the case has been handled
 - All conversations and actions
 - The conversation with the victim should be documented (during or after)

Policies: Procedures

- **The preliminary inquiry :**
- Establishing the truth of the allegation
- Should an allegation be unsubstantiated, the Province will reinstate to ministry any accused, and will work towards the restitution of his good name
- The investigation is suspended if civil investigation takes place

Policies: Procedures

- **Protective measures :**
- Innocent until proved guilty
- Non-judgmental suspension of Ministry : suspension of all public ministry, including faculties as a priest (if applicable)
- An intermediate course that minimizes dealing in public, sacramental rites can be performed
- No intermediate steps are to be taken during the course of investigation
- No contact with the victim
- During the inquiry by civil authorities or by the Province, the member who is the subject of the inquiry will ordinarily be removed from ministry responsibilities and duties.

Policies: Procedures

- **Decisions :**
- in cases where one has admitted substance of abuse, or in those cases where the allegation has been established
- A variety of elements:
 - If applicable : sending the file to the CDF
 - Brothers : the final decision rests with the Provincial Leader/Superior General
 - Non-perpetually professed Members, about whom an established accusation of sexual abuse has been made, will, at this point, have their association with the Province terminated
 - Psychological and medical assessment and intervention (Diagnosis and Therapy)

Policies: Procedures

- *(Decisions continued)*
- Limitations imposed on employment and on ministerial activities,
 - Administrative leave
 - An assignment to other duties
 - Removal from the project they are working on
 - He has to cease from wearing clerical garb
- Total removal from public ministry
- Withdrawal : on request of the perpetrator
- Dismissal from the Congregation : several opinions:
 - only when imputability is demonstrated,
 - only after warnings of dismissal
 - if the allegation has been proved
- A confrere who has abused must be assigned to live in one of our communities
- Retirement facility

Policies: Care for the Perpetrator

- Civil Attorney
- Canon Lawyer
- Therapy : psychiatric evaluation, psychiatric treatment, (Voluntary)
- Spiritual direction
- Supervision : having a mentor, a supervisor, or a counselor
- A safety plan
 - The plan will include
 - a. a summary of problem behaviors,
 - b. information about how the Member spends the majority of his time.
 - c. limitations on the Member's access to minors and how any such access is supervised
 - d. issues of personal relationships with friends and family, to ensure that the member does not have unsupervised access to minors.
 - e. an indication of who is responsible to implement each risk reduction strategy,
 - f. consequences for non-compliance with the safety plan.

Policies: Prevention

- Reclutment :
 - Screening : All candidates should be thoroughly investigated and screened to reveal any indications of tendencies toward the sexual abuse of minors
 - Agree in writing that they have read, understood and comply with all the policies on this matter.
- Formation
 - Initial formation : Formation programs must include adequate programs for developing a mature, integrated, and healthy celibate sexuality.
 - On-going formation : All members of the Society should be engaged in on-going education about the dynamics, prevalence, identification, and prevention of sexual abuse of minors.

Discussion within one Province

- **A:** no proven child sex offender should be returned to any kind of ministry, in any circumstances, ever; demands of justice and the defense of the meaning of priesthood and the consecrated life not only demand permanent removal from ministry for child sex offenders, but also **laicization and dismissal**;
- One argument used **against the dismissal** of child sex abusers from religious institutes is that families do not disown members of the family. However, the bonds between members *are not bonds of blood, but bonds of mutual commitment and obligation*.
- Continuing residence in a religious community with the obligations of religious vows, **allows for better ongoing protection** of children against further criminal behavior by the offender.
- But why **should religious communities be expected to provide a level of supervision and support to child sex offenders** that no other organisation is obliged to provide in similar circumstances and that is far greater than that which the State and the courts provide for known sex offenders outside prisons?

Discussion within one Province

- **B:** If an offender stays as a member of the Province, how might members of the Province be able to accept, understand and explain to others (in the Church and outside) how his remaining assists this healing of trust?
- How important is the example and expression of penitence? What forms might this take? Also, how are decisions made around travel, retreats, holidays, entertainment etc.?

Discussion within one Province

- **C:** no consideration of the relationship of the Order to the offending members themselves, of how the **bonds of companionship, recognition of shared sinfulness** and our commitment to express in our lives the compassion of Christ, should be expressed in a way that is consistent with the needs for safeguarding and publicly recognizing our detestation of the crime and its harm to children.
- **lack of differentiation between offences, levels of risk and the treatment** of offending members.
- **punitive public mood** leads to building more prisons, overcrowding and the conditions that lead to reoffending and a less secure society; detention centres 'factories for producing mental illness'
- prescriptions for offending members, the concept of penance and a penitential life, **conflated with measures deriving from the protection of children**

Discussion within one Province

- **D:** Since we cannot ensure the “taking of responsibility” as our communities are not therapeutic ones, equipped with the psychological and psychiatric skills necessary to support and monitor offenders in it, we only really have recourse to surveillance of their behaviour. Again, though, such surveillance is ultimately ineffective and thus, as a group, we cannot currently meet the minimum requirements for child protection.
- It will be costly and time consuming. I do not myself feel called to either supervise these men or to undertake their risk assessments, both of which I am qualified to do. Is this an appropriate use of our endowed monetary resources and apostolic energy? Most of us have long histories with these men through relationships of mutuality and reciprocity and so would be compromised in our ability to both monitor them and ensure adequate supervision. We are trained pastors, not trained monitors of “safe” behaviour and thinking.

Discussion within one Province

- **A2:** if they remain a threat to children in the future, we have some responsibility to keep them under surveillance. If not, the most **compassionate response, particularly those still active, is to encourage them to leave the Order and find a new life**; we will help them do this;
- those who have been removed from ministry are, effectively, laicised (they cannot, ever, perform priestly ministry and, in doing this, we are taking a harder line than some other religious Orders); we would only **seek to dismiss those who, on the best available evidence, pose no reasonable threat to children, were still active and refused to take up the option to leave**;
- I am not sure if we can ask people to leave or begin a process to dismiss them if we believe they remain at risk of harming others. On the other hand, **we do not have the expertise to closely monitor** such men nor should our small communities be asked to do so.

Discussion within one Province

- **E:** If children are not more likely to be at risk if the person be allowed to remain a member, an assessment should be made **whether a local community would be able to function fraternally and apostolically with that person being a member of the community.** **If it could not so function, he should be dismissed.**
- In making this latter assessment, the capacity to supervise should not be the primary consideration but rather the capacity for proper fraternal relations and apostolic effectiveness to be maintained in the community.

Questions for Discussion

- Dismissal as „default“ solution?
- Treatment centres? Follow-up?
- Statutes of limitations restrict the maximum time after an event that legal proceedings may be initiated. Should a congregation or religious order take measures after the maximum time has elapsed?