

PROCESS

Convening the Board of Inquiry Regarding St. Anthony's Seminary

On January 14, 1993, the six members of the Board of Inquiry assembled for two days of briefing by the Provincial Minister, Fr. Joseph Chinnici, OFM, in order to get a thorough background about both existing reports of abuse and of the structure and scope of operations of the Province of St. Barbara. A set of guidelines and procedures for the Board, defining its mandate, authority, priorities and tasks, were jointly created by the Board and the Provincial Minister. (See Appendix, *Board of Inquiry: Guidelines and Procedures.*) Key guidelines were:

- 2.1. *The Board of Inquiry is established by the Province of St. Barbara, but it will function independently of the Provincial administration, and will report directly to the Provincial Minister.*
- 1.1.1. *The Board has an essentially pastoral purpose, acting to help the victims, the well-being of the community and the friars, and the integrity of the Church. It is fact-finding, consultative, and advisory to the Provincial Minister, not adversarial or adjudicative. Its process is to help identify victims of sexual abuse, the perpetrators of the abuse, and to assess the nature and extent of the reported abuse.*

The board was charged with reporting its findings and making recommendations to the Provincial Minister, which were to cover:

- 1) *An assessment of the nature and extent of sexual abuse of minors;*
- 2) *Whether or not there is reasonable cause to suspect the allegations against an individual are substantial;*
- 3) *How best pastorally to care for victims of abuse in accordance with the Province policies;*
- 4) *What steps can be taken to prevent the recurrence of such instances.*

The Board's members were Geoffrey Stearns, Esq., Chairperson, an attorney with expertise in mediation, and advocacy for children; Kathleen Baggarley, M.F.C.C., and Keith Mar, M.F.C.C., psychotherapists with expertise in the treatment of child and adult survivors of childhood sexual abuse; Eugene Merlin, M.F.C.C., a psychotherapist with expertise in treating sex offenders; Father Dismas Bonner, O.F.M., a Franciscan Friar from outside the Province, skilled in counseling and issues in the area of sexual abuse; and, Ray Higgins, Board Coordinator, father of a former St. Anthony's Seminary student.

Outreach to Victims

The Board's first important task was to develop and maintain an effective effort to contact as many of the approximately 950 former St. Anthony's Seminary students as possible. The intent was to inform them of the recent reports of sexual abuse, advise them of the existence and function of the Board, and, in as tactful a manner as possible, inquire whether they had experienced, or knew of any fellow student who had experienced sexual abuse by a friar or employee of St. Anthony's Seminary.

In February 1993, a letter was sent to all former students in the relevant time period. It was directed to their last known addresses, which were extracted and culled from seminary records through the considerable ongoing collaborative efforts of Ray Higgins and Father Alberic Smith, the friar in charge of the closed seminary. With particular help from the clinical members, the letter was drafted as carefully as possible to be clear, comprehensive, and sensitive to the potentially serious impact it might have on both students who had been victimized and

students who held cherished memories of a positive and meaningful high school experience (see Appendix, letter to students). Thus, it read in part:

While our purpose is to investigate incidents of sexual abuse, we recognize that victims sometimes remember or characterize such experiences in different ways. Therefore, if you believe you were the recipient of either physical or non-physical contact by a member of St. Anthony's staff or faculty, which hurt you or left you feeling confused, frightened, guilty or bad about yourself, we encourage you make confidential (or even anonymous) initial contact with a member of this Board of Inquiry listed on the accompanying sheet...

In its long history, St. Anthony's Seminary has educated, nurtured and been home to many generations of fine men. As an institution, it has done much good for many individuals. It is in the spirit of that education and in witness to the compassion and concern which have been its hallmark that we now write to you in the continued search to be truthful and to heal.

The initial mailing was made to approximately 350 students whose addresses were contained on a current St. Anthony's Seminary alumni list. Accompanying the letter was a return postcard for use of the student to indicate whether he would or would not respond further to the Board (see Appendix). Thereafter, a companion letter was prepared and sent to all clerical and lay faculty who worked at the seminary during the relevant time period (see Appendix).

Continuing review of seminary records produced the names of approximately 600 additional students for whom there was no known current address. The only addresses available were those of the students' parents at the time of attendance at the seminary. Consequently, the original student letter was slightly revised to be read by parents and mailed to them.

As the Board continued to operate and receive information from former students and their family members, it became apparent to it that the previous

outreach effort with respect to former members of the Santa Barbara Boys' Choir might not have been as effective as hoped, because:

- (1) concerns continued to be expressed about certain boys who had not responded to the previous choir letter;
- (2) the fact that the letter was co-authored by the Franciscan Province might have had an inhibiting effect on victims; and,
- (3) it was not clear that all former choir members had been sent letters.

Thus, with the cooperation of the current leaders of the Boy's Choir, a new letter was prepared by the Board and mailed to all former choir members listed on a complete roster furnished to the Board. The letter addressed the choir leaders' concerns about the reputation of their present choir and their ability to recruit for it; and the Provincial Minister's concerns that the choir not be misidentified as a Franciscan entity. It was drafted to avoid mention of the choir itself, and explained to the addressee that the Board wished to hear from anyone who might have come in contact with and been victimized by a friar or employee of St. Anthony's Seminary.

Approximately 175 student letters were returned as undeliverable. Two steps were taken with respect to these students. First, the names of all such students were published in the St. Anthony's Seminary Alumni Newsletter, with a request for information as to their current whereabouts. Subsequently, the services of a private investigator were engaged to perform skip tracing on all students whose letters had been returned. The efforts of the private investigator resulted in ascertainment of 30 valid current addresses.

The student letter produced various responses; in total, approximately 300 students responded in one way or another. When a postcard was returned indicating a further response was forthcoming (approximately 75 were received), but a significant lapse of time occurred without hearing from the student, the Board followed up with written reminders, followed by urgent letters and/or phone calls until the student had been contacted. Some students wrote letters of support with no specific information. A few students and faculty wrote letters critical of the process, although most of those tended to be mixed, e.g., urging the Board to use care and a healthy skepticism with respect to reports of abuse, while at the same time commending the effort to search for the truth. Any student who indicated, either in writing or by a phone contact to a board member, that he had been the subject of abuse, was interviewed.

Meetings with the Greater Community and Relationship with News Media

The disclosures of abuse by friars that predated the convening of the Board of Inquiry had received considerable coverage in the local press. Consequently, in the first months of the Board's operations, there were a number of inquiries from the media concerning numbers of victims and numbers of alleged or established perpetrators.

The Board was also charged with holding monthly meetings with the St. Anthony's Seminary Greater Community (a group much like a parish; for background on Greater Community, see Appendix) to "explain its procedures and give indications of its progress to those interested." (*Guidelines and Procedures, supra.*)

Its dealing with the Greater Community, and the larger community through the media, presented the Board with the challenge of preserving confidentiality without creating the appearance of perpetuating secrecy. On the one hand, we felt that the Greater Community in particular, and the larger Santa Barbara community, had legitimate interests in being kept abreast of our workings and significant developments in our process. We also felt that if we were to be thorough and effective in our solicitation of victims, the Board would need to be perceived as a credible, serious, humane entity, independent of the Franciscan Order, and definitely not part of any "whitewash" or cover-up. On the other hand, the Board was continually receiving and evaluating information of varying degrees of specificity and weight with respect to abuse. In order to assure victims that it was "safe" to contact the Board, and to prevent the premature condemnation through speculation or innuendo of any friar about whom some information had been received, the Board decided that not only would all names be held confidential, but that also there would not be any disclosure of the number of victims or number of possible perpetrators until its final report.

The Board held monthly meetings with members of the Greater Community during which progress reports were made which focused on the Board's process and efforts. At these meetings, valuable suggestions were made by those attending as to various courses of action that might enhance the Board's outreach and investigative efforts. Victims and parents of victims were encouraged to attend these sessions, and several openly vented their anger towards the Franciscans and the Catholic hierarchy for what had occurred. Others publicly revealed the devastating effect of the abuse on their lives. The meetings were filled with both intense emotion and thoughtful, profound

discussion. It was always our hope that these meetings would help promote healing of the great pain and confusion caused by the abuse.

Early on it was decided that members of the news media would be allowed to attend these meetings, provided that they identified themselves at the beginning of the meeting, and agreed to honor any attendee's request to speak "off the record," i.e., to not report anything that was said during that time. Once it had been determined that the media would be at these meetings, the Board decided to be as proactive as possible in its relationship with the media, and in March 1993, issued a press release (see Appendix) which was disseminated not only to local press and television representatives, but also to newspapers in all major metropolitan areas from which St. Anthony's Seminary students had traditionally come. The press release requested the news media's assistance in spreading the word of the Board's existence and operations.

Thereafter, a significant amount of news coverage, including television news stories and interviews of Board members, was focused on the Board, with emphasis on its desire to hear from any and all victims. The Board's contact phone number was given significant air time. Almost uniformly, members of the media were respectful of the need for confidentiality, supportive of the Board's mission, and cooperative and helpful in their dealings with the Board.

Board Process and Relationship with Provincial Minister

Victims

Immediately after being convened, the Board developed its Internal Guidelines. These were as follows:

INTERNAL GUIDELINES

1. **Guiding Principles:**
 - a. *Sensitivity to victims*
 - b. *Thorough gathering of information*
 - c. *Respect for confidentiality*
 - d. *Contemporaneous sharing of information among Board*
 - e. *Diligent and timely discharge of our duties*
2. **Questions for Anyone Contacting Us:**
 - a. *What do you want us to do?*
 - b. *What do you not want us to do?*
 - c. *What do you want us to do with information?*
 - d. *What do you not want us to do with information?*
 - e. *Which individual(s) would you feel most comfortable talking to?*
 - f. *Would you be willing to talk to the entire Board?*
 - g. *Is there any other person or persons you think we should talk to?*
3. **Communication:**
 - a. *Mail non-urgent written materials*
 - b. *Federal Express urgent written materials*
 - c. *Fax time-sensitive, non-confidential housekeeping documents*
 - d. *Keep others apprised of pending interviews and contacts*
 - e. *Report results of same ASAP to other members*
4. **Basic Operating Procedure:**
 - a. *First interview with clinical board member, unless person specifically requests non-clinician*
 - b. *Interviewer prepares and distributes to other members, his/her written summary of information received, impressions and recommendations*
 - c. *Victims and alleged offenders should be interviewed by full board in order to assess accuracy, nature and extent of reported abuse; recognizing that some victims may be not be ready,*

willing and/or able to do so, and that some offenders may decline.

5. **Decision-making Process:** *Consensus, with dissenting views given fullest exploration*
6. **Confidentiality of deliberations:** *Internal deliberations of the full board, and discussions among the board, or any of its members are confidential and shall be held in confidence, absent agreement of all board members for disclosure of specific information on a case-by-case basis, i.e., each and every disclosure needs to be specifically considered and agreed to by the board.*

The Board also developed a form (see Appendix, *Acknowledgment of Purpose and Scope of Operation*) which we requested that each interviewee sign. It essentially described the Board's status and mandate, and made it clear that it was not a legal, adjudicative body, nor was it to be relied upon for legal or mental health advice or services. With respect to legal issues, the Board decided:

1. That its mandated reporter members must and would report any instance of reasonably suspected abuse of an individual who was still a minor;
2. That it would make no non-mandated disclosures to the criminal authorities, but would encourage any victims with a case still within the applicable statute of limitations to consider direct reporting of same; and,
3. That it would neither encourage nor discourage the pursuit of civil damage claims by victims and/or their family members.

Thereafter, the Board met monthly for three-day sessions and began its process of interviewing former students who responded to its letter and who indicated that they had been victimized. A number of responses came from students who were not victimized, but who had information which substantiated statements of the victims. Depending on the weight of the information, geographical considerations, and the comfort level of the student, interviews were

held by telephone, personal sessions with one or more board members, and/or appearances before the full Board. We also interviewed several family members of victims.

The interviews started with explanation and signing of the Acknowledgment form, and a general presentation of the questions set forth in Section 2 of the above guidelines. Thereafter, interviewees were given the opportunity to relate their story in their own words, and convey other information they wished to communicate to the Board. While asking necessary and appropriate questions to clarify and elicit key points and to allow us to evaluate the credibility, weight and import of the information, we strove to keep victims at ease, and to avoid leading, challenging or argumentative questions or statements. In general, we tried to make the interviews as therapeutic as possible for victims and their family members.

The Board assembled a Resource Packet (see Appendix) which was distributed to victims, parents of victims and anyone else we felt could benefit from it. The packet included a list of Santa Barbara therapists who were selected by the Board as experienced and qualified in the treatment of survivors of sexual abuse. Selection was based on review of their *curricula vitae*, professional license, proof of professional liability insurance coverage, and personal interview with the Board's clinical members. Also included was a list of San Francisco Bay Area therapists, a bibliography of materials on sexual abuse, suggested guidelines for selecting a therapist, and relevant forms related to presenting a claim for therapy to the Board. In addition, we distributed two Hazelden Pamphlets, specifically written for male victims and their families, and a book, *Outgrowing the Pain* by Eliana Gil.

Because one of the primary functions of the Board was to facilitate victims requesting and receiving therapy paid for by the Franciscan Province, guidelines and procedures were created to handle this process. These were:

THE THERAPY PROCESS GUIDELINES

1. *Requests for therapy by victims will be passed upon by the full Board in an expedited manner. Following initial Board authorization of a request for therapy, ongoing submission of billings will be handled directly between the victim and therapist and the Province.*
2. *If requested, victim's anonymity will be preserved; code names or numbers will be assigned for use by victims and/or therapists in direct dealings with the Province.*
3. *In order to attempt to see that all victims get necessary therapy services, the following guidelines will be observed:*
 - a. *After fifty (50) sessions (group sessions will count as 0.4 of an individual session), or the expiration of eighteen (18) months, whichever comes first, further therapy sessions will be arranged by and between the victim, his therapist and the Province. In the event of disagreement, any dissatisfied party will be entitled to present the matter to the Permanent Board. (cf. p. 64)*
 - b. *Families of victims will be entitled to therapy on the same basis as victims, per subparagraph "a" above; provided that there will be a maximum of fifty sessions, absent extraordinary circumstances determined to exist by the Permanent Board, upon review requested by the family.*
 - c. *The requests of any "secondary victims", e.g. siblings of victim/perpetrators, will be carefully reviewed on a case-by-case basis with attention to the causal nexus, if any, between friar abuse and secondary abuse in light of all presenting circumstances.*
4. *The Board will develop a referral list of therapists who are experienced and qualified in the area of sex abuse treatment, and who have personally indicated their willingness to take on victims' cases on an expedited basis.*
5. *The Board will develop criteria for approval of pre-existing therapists of victims requesting compensated therapy, and will have the authority to impose conditions on payment for continuing therapy services of such therapists.*

6. *The Board will make recommendations to the Province for future treatment of offending friars and will evaluate any past or ongoing treatment of such friars.*

The above guidelines were formulated with reference to the State of California Victim Witness program. Although it was anticipated that some victims might require more than fifty sessions, it was decided that fifty sessions would be an appropriate point for the therapist to assess progress and provide a clinical rationale for additional sessions. A number of victims and family members wished to remain anonymous to the Franciscan Province, and were thus assigned code numbers. The therapy claim process was also designed to leave the Board "out of loop" after initial approval, unless a disagreement arose and either the therapist, the victim or the Province requested the permanent board to resolve the issue.

Offenders

Because of the gravity of its charge, and the risk that an identified perpetrator might continue to offend if not restrained, the Board decided early on that it needed to forge a working and collaborative relationship with the Franciscan Provincial Minister, Father Joseph Chinnici, O.F.M., with due respect for our respective areas of authority and operating constraints. While the Province had taken serious corrective steps with respect to certain previously disclosed friars, the Board received substantial information about friars whose offenses were either only partially known or previously unknown to the Province. On the other hand, although the Board was proving to be an effective receptacle of valid information from many victims, it had no subpoena, disciplinary or other power over any reported offender. The Provincial Minister, albeit constrained to a certain

extent by canon law precepts of confidentiality and personal privacy, was in a position to exert a substantial amount of influence and control over any given friar.

Consequently, when the Board determined that a previously unidentified friar had, to a reasonable certainty, been the perpetrator of sexual abuse, it promptly notified Fr. Chinnici in writing of its recommendation that such friar be sent for a complete and comprehensive sex offender psychological evaluation to one of the most expert, reliable and experienced evaluation facilities on the West Coast. Pending the evaluation, in accordance with existing Provincial policy, Fr. Chinnici handled the friar's case by placing severe restrictions on public ministry, ordering no contact with minors, and assigning a monitor to the friar.

The Board also acted in an advisory capacity to the Provincial Minister concerning friars who had been identified to the Province as perpetrators prior to the convening of the Board, and already had been subjected to evaluation, treatment and restrictions in accordance with Provincial policy (see Appendix, *Operating Policies and Procedures in the St. Barbara Province for Friar Misconduct*). In some cases, releases were obtained so that Eugene Merlin, M.F.C.C., the member of the Board with expertise in sex offender treatment, could review reports of previously performed evaluations and assess the quality and efficacy of treatment being provided to friar offenders. As evaluations of Board-identified friars were completed by the evaluation facility, its recommendations for treatment and handling of the friar were discussed with Fr. Chinnici; the Board continued to act in an advisory capacity, assisting in, among other things, selection of appropriate outpatient sex offender treatment for individual friars.

Report

The Board's report was written in accordance with the following provisions of its Guidelines and Procedures:

- 2.2.6 *When the Board is prepared to make its final report, it will meet with the Provincial Minister to review the contents of the report and make further remarks as is agreed appropriate.*
- 2.2.7 *The text of the report as discussed in 2.2.6., respecting confidentiality, will be made public jointly by the Board of Inquiry and the Provincial Minister.*
- 6.1.1 *The final report of the Board to the Provincial Minister, respecting confidentiality, will be made public to the members of the Greater Community of St. Anthony's.*

Prior to the public release of this report, the Board presented it to the Provincial Minister, and reviewed it with him in great detail. This internal confidential review process allowed us to thoroughly discuss with Fr. Chinnici our findings about each offending friar's activities with his victim(s), whose experiences we synopsisized and edited to avoid disclosure of any victim's identities. We also reviewed with him our prior and current recommendations, and the dispositions that he had effected, with respect to each offender.

We then turned our attention to the process of agreeing upon the version of the report to be made public in accordance with our above guidelines regarding confidentiality. The Board was not authorized or empowered to identify any offenders not previously known to the public; any decision as to whether or when to reveal any of their identities lies with the Provincial Minister and the offenders themselves, and would be made in light of, among other things, relevant precepts of Canon Law, the policies of the Province, and the therapeutic progress of any given offender.

Therefore, the Board's primary concern was that its findings with respect to the nature and extent of the sexual abuse at the seminary be presented accurately and completely without compromising the security of any victim. As much as possible, we wanted the reader to be able to understand (and even to some extent experience) the trauma and devastation of the abuse; and, we were committed to doing everything in our power to avoid revictimization of any victim through revelation of information that might lead to his being identified, or that might even make him worry that he could be identified.

The Board solicited the input of several professionals who had participated in similar investigatory and reporting processes. We thoroughly and carefully discussed the many considerations involved in creating the strongest and most effective report possible. As will be seen in the following Findings section, we have used quantitative information, as well as composite narrative case studies to convey to the reader both the extent and the nature of the abuse at St. Anthony's Seminary.

We believe the process of meeting and conferring with the Provincial Minister has made for two strong, clear and effective documents: an internal confidential version for use by the Provincial and permanent board for ongoing monitoring and management of friar offenders; and this public version which describes the true nature and extent of the abuse without jeopardizing victims security. Our hope is that while protecting those who came forward and spoke to us in reliance on our pledge of confidentiality, this report will convey their experiences in a way that has a real possibility of promoting changes necessary to significantly reduce the likelihood of recurrence of these tragic and extremely damaging events.