

FINDINGS OF FACT

I. Introduction

“ A diocese is a portion of the people of God which is entrusted for pastoral care to a Bishop...” Code of Canon Law, 369, (Grand Jury Exhibit 26).¹

The Diocese of Rockville Centre was founded in 1957 and incorporates the geographic jurisdiction of Nassau and Suffolk Counties in the State of New York.² It is the sixth largest diocese in the United States and is distinguished from all other dioceses by having a village, and not a city as its center and for being entirely suburban in character. A Bishop heads the Diocese. At present there are also three Auxiliary Bishops who assist the Bishop; two of them have responsibility for portions of the diocese divided by geography. The senior Auxiliary Bishop is retired, therefore, one portion of the diocese currently has as its territorial supervisor a priest, who is not a bishop. (Grand Jury Exhibit 26, p.9).

The Diocese is divided into 134 parishes. These parishes and their priests serve a total Catholic population of about 1.3 million.³ The vast majority of priests assigned to the Diocese are dedicated to their pastoral ministry. Most priests in the Diocese of Rockville Centre, are trained at the Immaculate Conception Seminary in Huntington. (Grand Jury Exhibit 26, p.10). Each parish is headed by a pastor,⁴ who speaks for the Bishop. A pastor acts as the CEO of the

¹ Dates, page numbers and exhibit numbers refer to the Grand Jury minutes submitted to the Court under separate cover.

² Jurisdiction to examine matters relating to events occurring in the Diocese of Rockville Centre is predicated upon CPL §190.55(1), CPL §20.40(1), (2)(c), (4)(c)(g).

³ Religious brothers and women from religious communities also work in the Diocese. The Grand Jury has confined its inquiry exclusively to priests.

⁴ A pastor is a priest who has been designated by the Bishop to head a parish. He is chosen from a pool of applicants.

parish. Depending on the size of the parish, any number of priests assist the pastor. They are called associates. Generally, priests are assigned to parishes for six-year terms. Permanent deacons, who assist the priests, officiate at Baptisms, weddings, and funerals. The majority are married men who are seminary trained. They are not permitted to remarry if their spouse dies.

In addition to parish assignments, priests may be assigned to administrative positions in the Chancery, the diocesan headquarters, located in the village of Rockville Centre. A Chancellor who serves as the Bishop's archivist⁵ heads the administrative offices. Priests are also assigned to teach at the seminary, as Chaplains at Diocesan hospitals and to Diocesan high schools. Some have special ministry assignments in Tribunals and in Rome.

The Grand Jury has examined many instances of criminal sexual abuse by priests incardinated⁶ and/or working in the Diocese of Rockville Centre. To that end, the Grand Jury has reviewed personnel records, including the secret archives files of forty-three priests. It is important to recognize that criminal clergy sexual abuse did not occur in a vacuum. Priests who committed these offenses were ordained clergy of the Diocese of Rockville Centre, and they resided in rectories in the parishes of Nassau and Suffolk Counties. They were responsible to an immediate supervisor, the pastor, and served the parishes with other priests.

⁵ Canon Law requires the Chancellor of the Diocese to maintain records on all priests. In the Diocese of Rockville Centre, the personnel records are maintained in blue folders. The Chancellor also maintains confidential records in a red folder. Canon 489 requires that the Diocese maintain a secret archive file. The Diocese of Rockville Centre refers to these files as secondary confidential files. These folders are usually manila and they are sealed with instructions not to be opened without the permission of the Bishop or the Chancellor.

⁶ Incardinated is the official word to describe the relationship of a priest to his diocese. The diocese is ultimately responsible for a priest incardinated in it. Most often, a priest is incardinated in the diocese where he is ordained. A priest may be incardinated elsewhere with the permission of his home diocese and the new diocese. When a priest officially leaves a diocese he is excardinated.

Diocesan priests do not take vows; they make promises. Included in these promises are obedience to the Bishop and the promise of celibacy.⁷ Since, under Canon Law a pastor is the appointed representative of the Bishop and, acts in his place within the parish, a priest also owes obedience to his pastor. Celibacy prohibits any sexual contact by a priest whatsoever; the possession of pornography and other sexual materials by a priest is considered an occasion of sin.

The priests in a parish all live in the same rectory building and share a common life. Within the rectory each has his own private living quarters. All priests are supposed to live by certain rules of conduct. They are guided by the Bible, Canon Law and a Diocesan Priest Personnel Manual. (Grand Jury Exhibit 199). Pastors also have a manual to assist them. (Grand Jury Exhibit 38). Some of these rules are common to all parishes and others are refined or established by individual pastors. The Grand Jury finds that the priest perpetrators of sexual abuse flagrantly violated many of these rules. A general failure of supervision from officials of the Diocese, to individual pastors and other priests living in rectories, compounded and perpetuated these violations with devastating consequences for children.

With unprecedented access to thousands of pages of records, memos, notes and other confidential documents, the Grand Jury has examined the response of the Diocese to the criminal conduct of priests.⁸ The recommendations of the Grand Jury are based upon this exhaustive review and follow the Findings of Fact and Conclusions.

⁷ There is no significant difference between a promise and a vow.

⁸ The Grand Jury issued a total of 51 subpoenas to the Diocese for the production of documents and witnesses.