



ARCHDIOCESE OF PORT OF SPAIN

PROTOCOL AND PROCEDURES FOR MANAGING ALLEGATIONS OF SEXUAL ABUSE OF CHILDREN (MINORS) and VULNERABLE ADULTS BY CLERGY, RELIGIOUS AND LAY PERSONS WITH AN ARCHDIOCESAN APPOINTMENT

- 1. Introduction**
- 2. Important Pastoral-Canonical Principles**
- 3. Reporting Procedures**
- 4. Guiding Principles**
 - Initial Assessment
 - Aim of the Preliminary Investigation
 - Conclusion of a Case

1.0 INTRODUCTION

The Catholic Church in the Archdiocese of Port of Spain cares deeply for the well-being of all its members and of those to whom we minister. The Church is aware of the special care it must observe towards the vulnerable, both minors and adults within our society. We hear Christ's words: "Whatsoever you do to the least of mine, you do to me. (Matt. 25:40). We respond to these words with a renewed commitment to ensuring that our communities are known for their care of the vulnerable, assuring their safety and integrity.

The Church recognizes the terrible pain and tragedy of the abuse scandal in the lives of victims and survivors. It is in this spirit that these Guidelines have been developed. We have also taken into account suggestions made by the Archdiocesan Review Board (2015-2018) as well as from conversations about sexual abuse hosted by a collaborative effort of the Family Life Commission and

Couples for Christ. These guidelines will apply only when it involves an accusation against a cleric, subject to the Archbishop, a religious or laypersons employed or volunteers within an Archdiocesan ministry within the Archdioceses and within an Archdiocesan ministry and during such ministry.

These Guidelines take into consideration the responsibilities of the Archbishop of Port of Spain flowing from Civil and Criminal law as well as from the Code of Canon Law of the Catholic Church to care for those entrusted to his care (c. 383 §1). The Guidelines will also refer to further provisions of the Essential Norms stipulated by the Antilles Episcopal Conference and approved by the Holy See, the provisions of the Apostolic Letter in the form of “*Motu Proprio Vos estis lux mundi*”, which was issued by the Holy Father, Pope Francis on May 07, 2019, as well as Vademecum July 16, 2020 of the Congregation for the Doctrine of the Faith (CDF).

2.0 Important Pastoral-Canonical Principles:

This document offers the official policy that guides the action of our Archdiocese in cases of sexual harassment, sexual abuse of minors, as well as the sexual assault of vulnerable adults by clergy and others who are in the employ of the (Arch)diocese or who are involved in ministry as volunteers. Acknowledging that every Bishop bears a special responsibility for the common good of the faithful entrusted to his care, but especially children and vulnerable persons. Indeed, all pastors have a special responsibility to respond effectively, expeditiously and compassionately to the violation of every person’s physical integrity, emotional and psychological health and human dignity. This is even more so when the victims of such abuse are minors and vulnerable persons.

The Archdiocesan Family Life Commission, Catechetical Commission and Youth Commission will have the responsibility for developing programmes of education, and awareness and prevention of sexual abuse within this Archdiocese. These programmes will be reviewed and amended every three years by a special committee appointed by the Archbishop for such purposes.

These programmes will be made public for parents and others involved in pastoral work and schools so that they will be able to recognize the signs of abuse and take appropriate action to protect the children and vulnerable persons.

Formation for the Priesthood, Diaconate and Religious Life has always involved the following:-

- Proper discernment of Vocations.
- Ongoing pastoral, psychological, and social assessment.
- A balanced human and spiritual formation which promotes healthy relations and interactions among peers and persons of different ages, a willingness to take responsibility for self and others, give support to others and be willing to accept support in return, as well as an ability to give and accept healthy criticism, always adhering to the notion that formation is a continuous process throughout one's life.
- The fostering of an understanding of human sexuality that promotes individual integration and enables one to freely assume the support and challenge of interpersonal relationship with honesty and openness. This must include a genuine appreciation for the gift of celibacy in the lives of those called to live their sexuality in a celibate state.
- A proper instruction on the Church's discipline in these matters.
- Participation in annual programmes developed by the Archdiocese that help to create safe environments for our children, young people, and vulnerable persons.

As a means of supporting this depth of formation, these programmes are hereby officially endorsed for the Archdiocese of Port of Spain:

- **Emotional Intelligence**
- **Virtues programme**
- **Good Leaders Good Shepherd, and**
- **Any other programme further endorsed by the Archbishop.**

These programmes then become a necessary prerequisite and ongoing measure for any cleric, religious and layperson involved in ministry within this Archdiocese.

Sexual abuse is a terrible crime both in Civil law as well as in Canon Law. It becomes even worse when the perpetrators are clerics or others who share ministry within the Church. The Archdiocese will continue to cooperate with the Civil authorities in such cases where, Clerics, religious or laity, subject to the Archbishop of Port of Spain, are accused of such crimes as defined by law within the Republic of Trinidad and Tobago.

3.0 REPORTING PROCEDURES

3.1 The Sexual Offences Act of Trinidad & Tobago imposes mandatory reporting for certain categories of persons who, upon suspecting or receiving an allegation concerning a minor who has suffered or may be suffering from sexual abuse and who has not completed his/her 16th year, must comply with the legal obligation to report by informing the relevant Government Agency with responsibility for such matters.

The Archbishop has adopted this law as Particular law within this Archdiocese of Port of Spain thus making this law binding to all Catholics to comply with this norm. Further, as a means of encouraging and facilitating such mandatory reporting, Offices will be created, and a Delegate(s) will be named to whom such reports can be made. Such persons will be appointed Delegate(s) and the necessary contact numbers, emails and office addresses will be published within the Catholic news and other suitable means of communications.

3.2 Anyone serving the Church in Ministry and who either:

- (a) suspects that a minor is suffering from sexual abuse (including grooming and exposure to pornography) on the part of a member of the clergy, a religious, a lay employee or a volunteer, or
- (b) receives an allegation of such sexual abuse of a minor or a vulnerable person has an obligation to report it to the Offices of the Delegate or directly to the Archbishop.

3.3 Upon receiving the report of any allegation of sexual abuse by a cleric or lay leader, the duly appointed Delegate of the Archbishop of Port of Spain, shall meet with the complainant, collect the basic information, the name/s of the victim/s, address, and a report of the circumstances. When all the basic information is collected by the Complaint office, the Delegate will then make copies for the members of the Review Board for their study and eventual consultation with the Archbishop.

3.4 If the complaint involves a minor who at the time of the complaint is still a minor, the Delegate must insist that the case be reported immediately to the civil authorities if this has not yet been done.

3.5 There will be no **INITIAL ASSESSMENT** or review of the Board until the civil case is ended.

3.6 If the complaint involves a minor who at the time of the complaint is not a minor or if it is a case of historical abuse the Delegate will advise the complainant of his/her right to contact the police, or other civil authorities, at any stage of the process, if this has not yet been done.

3.7 In cases where :

1. **the family is against reporting to the civil authorities, or**

2. **refuses to meet with the Delegate or Bishop.**

If either of these two cases occur or the complainant wishes to remain anonymous then the Delegate should take note of this as evidence. The Delegate has the responsibility of having this evidence notarized by an ecclesiastical Notary. Also, it must be noted that according to Civil law, the Church has an obligation to report the possible crime to the civil authorities.

If there is a refusal to report either to the Civil authorities or to the Archbishop or the Delegate(s), in Law, a complaint does not exist. If there is reasonable

suspicion of a possible crime, it is the responsibility of the Archbishop or his Delegate(s) to do whatever is possible to bring such offense to justice.

INITIAL ASSESSMENT

The initial assessment is the first contact procedure where those appointed by the Archbishop for this task will receive any complaint of sexual abuse involving a cleric, religious or lay leader against a minor or vulnerable person. Those appointed for this task are called Delegates.

The task of the Delegates are as follows:

- To receive any complaint of sexual abuse by a cleric, religious or lay leader against a minor or vulnerable person.
- To receive the complaint in a written format duly signed by the one making the complaint, giving names of the alleged victim/s and abuser, address, date, time, and place where the purported abuse took place.
- To collect any other evidence which may assist the determination of possible abuse.
- To duly inform the one making the complaint of the law which requires them to report such crime to the relevant civil authorities.
- To report the information directly to the civil authorities if the complaint involves someone who is a minor or vulnerable person at the time of the complaint.

3.8 Once the Delegates have completed their task, a written report must be submitted to the Archbishop who then calls a meeting of the Delegates and the Review Board. This meeting is to ascertain whether there is a plausible cause for initiating a PRELIMINARY INVESTIGATION.

3.9 If the Archbishop, after due consultation with the Review Board determines that the allegations are baseless, he promptly prepares his official votum concerning the matter, giving a summary of the matter and his reasons for dismissing the case. The entire case is sent to the Congregation for the Doctrine of the Faith via the Apostolic Nunciature's office.

- 3.10 If on the other hand, the Archbishop determines that the complaint has merit, in accordance with c. 1717, The Archbishop then initiates a formal investigation by decree, naming a priest Instructor as well as a Notary to work in collaboration with the Review Board.

The Aim of the Preliminary Investigation

- 3.11 If the accused is a religious cleric with a diocesan appointment, the Instructor appointed for the case can be that of the relevant Ordinary who received the accusation and initiates the procedure. Collaboration between the Archbishop and other Ordinaries will be of great benefit for all concerned in such cases.

- 3.12 The aim is to gather, in accord with canonical prescript, any evidence relevant to the accusation against a cleric. The evidence must be relevant towards the commission and imputability of a clear established canonical crime of sexual abuse towards a minor or vulnerable person. A timeframe of ninety (90) days is mandated for this investigation.

The Instructor has to make full use of the expertise available to him via the Review Board. Great care must be exercised when interviewing any minor in this matter. The use of an expert psychologist must be engaged and only in the presence of the parents where this is concerned.

All persons giving testimonies on this matter must take an oath to speak the truth and also keep confidential the matters of the case in question so as to protect the alleged victim(s), their family and all concerned in the matter. (c. 1550 § 2, 2°)

- 3.13 Once the preliminary investigation is completed, the Archbishop must receive the final report of the case from the Instructor. The Archbishop then determines after consultation with the Review Board and/or with two Assessors, whether the case has merit for a Penal procedure or not.

3.14 If the Archbishop determines that there are sufficient grounds for a penal process, he then puts into writing his votum concerning the case and submits the entire case to the CDF via the Papal Nunciature's office. At this stage, the CDF will respond directly to the Archbishop, advising him of the Penal process and may give him the authority to begin the Penal or Administrative process with the necessary instructions concerning the case or the CDF can make their own appointments.

3.15 It is only at the penal process that the Archbishop officially confronts the accused cleric with the formal accusation brought against him.

The cleric is duly informed and is given the opportunity to have legal counsel both canonical and civil. Spiritual and psychological help must also be provided for the cleric during this period.

It is also strongly recommended that a mental health expert be present at this initial confrontation. This person must be an expert at dealing with the psychological patterns of denial by abusers.

Special care however must be taken not to presume guilt due to the response by the cleric especially if the latter is wrongly accused.

3.16 Status of the accused cleric.

In following canonical procedures, the Archbishop cannot impose any penalty at this stage. However, the Archbishop after consulting with the Promoter of Justice and having cited the accused cleric can remove the cleric from the following:

- sacred ministry
- Ecclesiastical office
- Ecclesiastical function

Further, the Archbishop can impose:

- Residence
- Prohibit certain residence
- Non- participation in the Holy Eucharist for the public

Such action is meant to protect the freedom of witnesses, to safeguard the course of justice and to preclude undue scandal.

These actions can take place at any point during the Penal process.

3.17 Save for the fact that a report has been made (which may be disclosed to persons who supervise or are otherwise responsible for the religious), all reports/claims of sexual abuse will be treated with the strictest confidence and shall only be disclosed to those persons who are involved in the investigation process.

3.18 A complaint must be made in writing, signed by the complainant, dated, and then notarized by an ecclesiastical Notary. In cases where such a submission is made and the person requests to remain anonymous (**whistleblower**), such request will be adhered to recognizing that the complainant's wish for anonymity may affect the response to the report. However, the fact that a complaint is made orally or anonymously shall not prevent the application of these procedures. However, it will be noted that this can seriously affect the case and even open the possibility of legal retaliation from the accused if such accusation proves to be false or unfounded. Caution is thus strongly recommended in such cases.

3.19 It must be noted that the needs and concerns of the victim(s) will be taken seriously based on the responses whilst respecting and treating the alleged accused with both truth and justice, remembering the lawful guide, innocence until proven guilty.

CONCLUSION OF A CASE

Guiding Principles:

After the full examination of a case of abuse, this Archdiocese continues to have some major responsibilities towards both victim(s) and accused.

- If the Civil authorities have through their investigation found the accused guilty and the charge is sustained, then the canonical conclusion, in accordance with the evidence it has at its disposal may also come to the same verdict of sustaining the guilt of the accused.

In such cases, depending on the severity of the crime committed, the further process of laicization may be the only option. This process then must be forwarded to the relevant Dicastery in Rome for its conclusion.

- If the Civil authorities have concluded their investigation and have dropped the charge against the accused or have not found sufficient evidence to convict the accused, then, the canonical process will continue to its conclusion.

If the conclusion makes it clear that no crime has been committed but perhaps a misdemeanor, then the Archbishop has to make this known. The Archbishop can impose some necessary remedies as a means of discouraging any future reoccurrence of such behavior before readmitting the cleric to public ministry.

- If after both the Civil and Canonical process has concluded and the accused have not been convicted of a civil nor canonical crime or misdemeanor, then, in due justice, the Archbishop must take all necessary steps to clear the cleric's good name and reputation. These steps may include an official letter of apology from those who made the accusation, counseling for the accused and any other action which may seem necessary for reinstatement of the cleric into ministry.

This Archdiocese is acutely aware of the immense psychological and spiritual damage that can be inflicted when sexual abuse of an individual occurs. Such acts can result in tremendous pain for the individual. As a means of our ongoing commitment to caring for each other, the Archdiocese will make the necessary arrangements for psychological and spiritual care for the victim(s) and the indirect victims that includes those closely related to them who are also affected.

Further, the Archdiocese realizes that the accused as well as their communities may also be in great need of psychological and spiritual care whether the accused is found to be guilty or not.

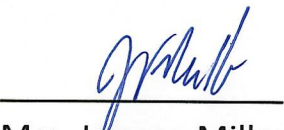
This Archdiocese will continue to offer support and guidance to all who are in need, remembering the words of our Lord: "it is not the healthy who needs the doctor but the sick." (Mark 2:17)

Given at the Office of the Archbishop, Port of Spain, Trinidad on this day,

15th June, 2021



+ Charles Jason Gordon
Archbishop of Port of Spain



Mrs. Joanne Miller
Chancellor

APPENDIX

Definition of certain words and phrases

1. Accused

The one against whom an allegation is made.

2. Allegation

A statement or accusation of sexual abuse or sexual assault that is yet to be proven.

3. Assessor

Can. 1424 In any trial a sole judge can associate with himself two assessors as advisers; they may be clerics or lay persons of good repute. They act as consultors to the bishop in conducting an administrative penal process.

4. CDF

Congregation for the Doctrine of the Faith.

5. Complainant

A person who raises an allegation. Anyone who knows or suspects abuse of any minor or vulnerable person including the victim themselves.

6. Clergy

Includes deacons, priests, and bishops.

7. Code of Canon Law

A body of church law to be observed by members of the Catholic Church and made up of 1752 canons or laws relating to persons, sacraments, material goods, and organizations. Book VI of the Code (canons 1311 to 1752) deals with sanctions in the Church (offences and punishments) and with processes (trials) relating to them. It is the responsibility of the

Archbishop to see that all canons are followed in the Archdiocese. Diocesan policies must also be in accord with civil law.

8. Delegate

Appointed by the Archbishop, as the principal agent within the Archdiocese for receiving and handling the initial phase of allegations of sexual abuse or sexual assault. He or She can be either clergy or lay.

9. Deputy Delegate

On his own initiative, or at the request of the Delegate, the Archbishop may appoint one, or more, Deputy Delegates who will assist the Delegate in the management of this Protocol and inquiries that occur hereunder. In the event that the Delegate is unable, or unwilling, to serve in a particular case, the Archbishop may appoint one of the Deputy Delegates for the management of the particular inquiry.

10. Diocesan Review Board

A standing interdisciplinary body of at least five persons, named by the Archbishop, whose members include five lay people of pertinent life and professional experience (should include a lawyer, a psychologist and a counsellor). When convoked for a specific case, the principal duty of the Board is to review the findings of the Preliminary Investigation and make recommendations to the Archbishop as to whether there are reasonable and probable grounds to determine that an offence has been committed, its nature and circumstances, and to see that this Protocol is followed.

The Review Board is to advise the Archbishop in his assessment of allegations of sexual abuse of a minor; sexual assault of an adult; and in his determination of suitability for ministry of those accused; to review and make recommendations to the Archbishop with respect to Archdiocesan policies for dealing with the sexual abuse of minors as well as sexual assault of adults and to offer advice on all aspects of these cases.

It will be the duty of the Review Board to see that individualized support is available to a victim, both during and after the investigative process. Acting out of pastoral concern, the help offered is intended to be without

prejudgment of the allegation. Such help can include paying for counselling or therapy. The committee also makes proposals for the care of indirect victims.

The Review Board meets, at least annually, with the Archbishop who receives its report and its suggestions as to possible updating of the Protocol.

Before sitting on this committee, prospective members take part in a training program related to its responsibilities. There also would-be ongoing training as necessary for the members of the Review Board. Its members are sworn to confidentiality.

11. Diocesan Spokesperson and Alternate

A person appointed by the Archbishop who is competent in media relations and who, on behalf of the diocese, supplies accurate, pertinent information to the public at appropriate times. The alternate handles the diocesan spokesperson's responsibilities when the latter is unavailable.

12. Historical abuse

A case of sexual abuse that has come to light after the victim has completed 18 years of age.

13. Indirect victims

The parents, foster parents, siblings, extended family, and close friends of the direct victim who belong to the parish communities within which the priest or religious served.

14. Instructor. A Priest appointed by the Archbishop to lead the formal investigation of sexual abuse by clerics subject to him.

15. Lay employees

Those members of the laity and/or religious who are employed by a parish or the Archdiocese to perform specific duties on behalf of the parish or the Archdiocese.

16. Legal obligation to report

Section 31 of the Sexual Offences Act of Trinidad & Tobago imposes mandatory reporting where a person who is:

- a The parent or guardian of a minor.
- b Has actual custody, charge, or control of a minor.
- c Has temporary custody, care, charge, or control of a minor for a special purpose, as his attendant, employer, or teacher, or in any other capacity; or
- d Is a medical practitioner, or a registered nurse or midwife, and has performed a medical examination in respect of a minor?

And that person has reasonable grounds for believing that a sexual offence has been committed in respect of the minor. As such, the receipt of a report by a delegate or any other person outside of the four categories listed above will not trigger the mandatory reporting requirement of the Act. However, it would be good practice to counsel the accuser/family that they should report it and in the case of the family of a minor, they are subject to the mandatory reporting requirements.

17. Minor

One who is under 18 years of age at the time of the offence. (The laws of Trinidad & Tobago define a minor as one who is below the age of sixteen (16) years.

18. Notary

A notary in the canon law is a person appointed by the competent authority to draw up official or authentic documents.

19. Person of interest. Any cleric, religious or lay leader against whom an accusation has been made but the formal investigation has not been initiated.

20. Religious

All who commit themselves to live the evangelical counsels (poverty, chastity, and obedience) in an institute or society approved by the Catholic Church, e.g., sisters, nuns, monks, brothers, etc.

19. Sexual abuse of a minor

Contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification by the offending adult.

20. Victim

A minor who has been sexually abused by an adult, or an adult survivor of such abuse. For the purposes of this Protocol, one who claims to be a victim is presumed to be a victim unless there is a substantive doubt regarding the complaint.

21. Volunteer

An unpaid person who is engaged in a recognized Archdiocesan or parish ministry/activity.

22. Vulnerable Person

A vulnerable person is defined as someone who may not be able to take care of himself or herself i.e. someone by reason of physical illness, mental disorder, or disability at the time of the alleged abuse occurred was or might be able to protect himself or herself from significant harm or exploitation. In the case of a vulnerable adult, it is someone who lacks adult mental capacity or who by reason of advance age, physical illness, mental disorder or disability at the time of the alleged abuse occurred was or might be able to protect himself/herself from significant harm or exploitation.

23. Whistleblower

A whistleblower is a person who exposes secretive information or activity that is deemed illegal, unethical, or not correct within a private or public organization.