

## THE DIOCESAN RESPONSE

The following is an analysis on a priest-by-priest basis of the response by the Diocese of Ferns to allegations of child sexual abuse which have come to the attention of the Inquiry. The allegations and complaints have been outlined in Chapter Four of this Report. As already indicated, the Inquiry has sought to preserve the anonymity of priests against whom allegations have been made by ascribing pseudonyms taken from letters of the Greek alphabet to them where this would be appropriate and effective.

The first allegation of abuse against Fr Donal Collins in 1966 is the earliest example that this Inquiry has of a "church response" to an allegation of child sexual abuse.

### FR DONAL COLLINS.

The allegations that were made in 1966 by pupils of St Peter's secondary school, related to Fr Collins's inspection and measurement of the penises of up to twenty boys in the school dormitory on the pretext of checking their development. Bishop Herlihy was informed of these allegations at that time. His response was to send Fr Collins to the Diocese of Westminster for a period of two years after which Fr Collins returned to a teaching position in St Peter's College. No records appear to exist in relation to the allegations or the diocesan response.

Fr Collins was re-appointed to a teaching post in St Peter's college in 1968 and subsequently in 1974, he was placed in charge of swimming lessons. Bishop Herlihy's secretary's understanding of this re-appointment was that the Bishop believed that having spoken to Fr Collins and having imposed the two year removal from the Diocese, the problem had been solved and it would be unfair and vindictive to pursue the matter further. Bishop Herlihy reply to his queries on the matter is reported as being: "*hadn't he done his penance*".

The Inquiry has been informed that no consideration would have been given as to whether Fr Collins required any medical treatment or intervention. The Inquiry understands that sexual abuse, whether with adults or children, was, at the time, seen by Bishop Herlihy as a moral failure: the psychiatric and criminal aspects of it were not identified. Furthermore, the impact which such abuse had on victims was not recognised by many professionals working in this area at that time and did not become a subject of serious study until some years later in the United States.

One of the great difficulties encountered by the Inquiry in looking at this important episode was the complete lack of any written records from that time. No document exists relating to the alleged abuse, the removal of Fr Collins from St Peter's, his

subsequent appointment to Westminster or his reinstatement to St Peter's. The Inquiry is not in a position to state categorically what may or may not have been communicated to the Diocese of Westminster but it can say that there is no written record of that diocese being informed that Fr Collins had been removed from St Peter's for interfering with boys there. Similarly, the Inquiry has seen no evidence that Bishop Herlihy referred these complaints to the Gardai, or that there was any attempt to offer assistance to the victims.

One former staff member from St Peter's during the 1950s and 1960s told the Inquiry that when Fr Collins was reinstated in St Peter's, Bishop Herlihy requested that he live in rooms in the priests' house rather than in rooms adjacent to the students' quarter. Apart from this obligation in relation to living quarters, no strictures appear to have been imposed on Fr Collins upon his return.

Fr Collins, whilst admitting to inappropriate behaviour, denies that sexual abuse occurred although he did not provide any particulars to the Inquiry on what he considered inappropriate behaviour. Fr Collins told the Inquiry that in May 1966, Fr Patrick Curtis, Dean of the seminary told him there were suspicions that he was acting improperly with some of the students who were attending St Peter's secondary school as boarders. Fr Curtis could not give him any details of what it was alleged he had done nor could he give him the name or names of the students involved. According to Fr Collins what was alleged was vague innuendo and rumour. Fr Collins told the Inquiry that he was told at that time that another clerical member of staff was also the subject of such an allegation in a more serious way than he was (See Fr Delta below). Priests who spoke with the Inquiry described Fr Collins as being very distressed when he was confronted with these allegations.

Fr Collins said he was anxious about these rumours and spoke at first with Dr Ranson who was President of the College at the time and subsequently with Bishop Donal Herlihy to whom he gave "*some detail of what might have been misconstrued*". He expected that a full investigation would take place but instead a month later he was offered a choice by Bishop Herlihy: either a curacy in the Diocese or an appointment to the Emigrant Mission in Britain. He chose the latter option and took up a two-year appointment as a curate in Kentish Town in London in the Diocese of Westminster. Fr Collins said that he was very happy in London as he always preferred parish work to teaching but at the end of two years, Bishop Herlihy insisted he return to St Peter's. Both Bishop Herlihy's secretary and Fr Collins himself have said that they did not believe that the personnel of the Diocese of Westminster knew why he had been sent there.

Fr Collins continued to teach in St Peter's until his retirement in 1991. He was a dedicated teacher who took an active interest in extra-curricular activities such as swimming and photography. When Bishop Comiskey was appointed to Ferns in 1984, Fr Collins was a senior staff member with an outstanding record as a science teacher.

There is no evidence that there was any complaint against Fr Collins made directly to any priest of the Diocese or any staff member in St Peter's between 1968 and 1989 when the first allegation was communicated to Bishop Comiskey. Clerical witnesses and to a lesser extent lay witnesses have indicated that they had no awareness of any improper behaviour on the part of Fr Collins. However, the Inquiry has received direct evidence from past pupils and a lay teacher who were in St Peter's during that time, to

the effect that Fr Collins's continuing inappropriate behaviour with young boys was well known in the school during that period and it is clear that sexual abuse was occurring during that time.

In 1985, Bishop Comiskey appointed Fr Collins as a member of the Administrative Council of St Peter's college and in 1988 the Bishop invited Fr Collins and another priest to apply for the position of Principal of the college. Bishop Comiskey told the Inquiry that he embarked on an intensive consultation process before appointing Fr Collins. He said he wrote to every teacher in St Peter's, none of whom mentioned any question of child abuse or inappropriate behaviour with boys. On the recommendation of an expert advisory panel, Bishop Comiskey appointed Fr Collins as Principal of St Peter's in 1988. One member of that panel has confirmed to this Inquiry that no suggestion of impropriety of any kind came to its attention in the course of the panel's deliberations and that its recommendation to appoint Fr Collins was unanimous. Bishop Comiskey took their advice and made the appointment.

It must be noted that Bishop Comiskey was appointed to the Diocese of Ferns some eighteen years after the incident leading to Fr Collins's removal from St Peter's and he has told the Inquiry that he had heard no allegation or complaint about Fr Collins before 1989.

Two priests of the diocese have told the Inquiry that they recall telling Bishop Comiskey, albeit informally, that they did not think it was a good idea to appoint Fr Collins as Principal of St Peter's in 1988. One priest said that he was influenced by vague stories and rumours surrounding Fr Collins's sudden departure in the mid-1960s to London, and also by the suggestion that teachers found him difficult to work with. He stated to the Inquiry that he had no idea at this time as to the details of the improper conduct although he did form the impression that it was of a sexual nature. In his conversation with the Bishop, he said it was his intention to alert the Bishop to the rumours and so prompt the Bishop to make some enquiries. He told the Inquiry that he also referred to this discussion on a second occasion, in passing, with the Bishop. Bishop Comiskey told the Inquiry that he has no recollection of any such conversation.

Another priest has told the Inquiry that he cautioned Bishop Comiskey against appointing Fr Collins as Principal because he had been removed in 1966 but he did not give the Bishop any details of that removal and the Bishop did not revert to him subsequently.

A third priest has told the Inquiry that although he was on the staff of St Peter's shortly after Fr Collins's return from London, he did not know that Fr Collins had been sent from the College because of his involvement with young boys until told by a fellow staff member in 1973.

This priest lived downstairs from Fr Collins in the priests' house from 1970 to 1971 and again from 1985 until 1988 and during that time was aware of the traffic on the stairs going to his, Fr Collins' rooms, even after lights out, but stated there was "*not the slightest suspicion of anything untoward*".

Bishop Comiskey's vicar general however, said in a statement to the Gardai in May 1995 that it was generally believed that Fr Collins had a problem with abusing young boys in 1966 and that Bishop Herlihy had sent him away because of it.

Between 1968 and 1988, when he was appointed Principal of St Peter's secondary school and it is alleged, beyond that date, Fr Collins abused a number of young boys who attended the school as boarders. This conduct was the subject of criminal charges in 1993 and Fr Collins served a custodial sentence. What is clear to the Inquiry is that a number of individuals in the Diocese and on the staff of St Peter's were aware of Fr Collins's departure from St Peter's in 1966, and the reasons for it.

Even allowing for the limited awareness of the problem of child sexual abuse in the 1960s, 1970s and 1980s, it seems to this Inquiry that some responsibility must lie with the Church Authorities in the Diocese for failing to monitor the behaviour of Fr Collins. The majority of former pupils who spoke with this Inquiry have indicated that they were aware of Fr Collins' inappropriate behaviour towards boys. Given what is now known about the level of awareness of this problem which existed in the Church during the 1970s and 1980s, it was a tragedy that this newly acquired knowledge was not available to the authorities in St Peter's which might have alerted them to what can now be identified as clear danger signals; for example, bringing boys into priests' rooms at night.

Similarly, had individual priests been properly informed on this subject as knowledge developed throughout the 1970s and 1980s, they could have alerted the Diocese to what was occurring in St Peter's. They would also have understood the importance of clearly informing Bishop Comiskey of the risk posed by Fr Collins to young boys.

In April 1989, within seven months of Fr Collins's appointment as Principal to St Peter's, Bishop Comiskey received the first allegation of sexual abuse against him (see Unidentified Complainant 4.1.2). He has told the Inquiry that he is not sure how he came to get this information but he believes it might have been through a staff member in the seminary. He wrote to Fr Collins in April 1989 to inform him of the allegation and in May 1989 he wrote again to say that a further allegation had been made. This was by the parent of a former pupil who said that Fr Collins had been abusing boys in the college. Bishop Comiskey said that he sought advice on the matter and requested a formal and sworn statement from Fr Collins to the effect that he was innocent of the charges made against him. Bishop Comiskey said that Fr Collins did not give such a statement to him but that when confronted with the allegations, denied them aggressively. Bishop Comiskey confirmed that he met with Fr Collins three or four times after these allegations had been made. He said his enquiries revealed unfocused allegations. He also said that he was at pains at that time to keep all enquiries confidential as he feared legal action on the part of Fr Collins.

One clerical witness told the Inquiry that during the summer of 1989, while he occupied a senior role at St Peter's College, he saw lurid graffiti in the school referring to Fr Donal Collins in an offensive and sexually explicit way. Fr Collins told the priest that "they have been saying this about me for years". This matter was not reported to Bishop Comiskey.

There followed a two-year period of apparent inaction with Fr Collins continuing as Principal of St Peter's. Bishop Comiskey has told the Inquiry that he spent that time trying to gather concrete information about Fr Collins but could find nothing definite.

In May 1991, Bishop Comiskey received an anonymous letter alleging sexual abuse by Fr Donal Collins. The complainant (see "Rory" 4.1.4), who wrote under a pseudonym, requested that Bishop Comiskey place a coded advertisement in a daily newspaper indicating a willingness to communicate with him. Bishop Comiskey placed the required advertisement but the complainant did not make any arrangement to meet with him. A number of telephone conversations then took place between Bishop Comiskey and Rory, who did not make himself known to the Bishop until 1993.

In 1991, Fr Collins vehemently denied the extent of the charge made against him but did not dispute that he engaged in indiscreet and inappropriate conduct with young boys. In July 1991, Fr Collins tendered his resignation as Principal of St Peter's on grounds of ill health and Bishop Comiskey confirmed to the Inquiry that Fr Collins was indeed very ill at that time. Bishop Comiskey had no doubt however, that the reason Fr Collins resigned was because of the increasing pressure from him over child sexual abuse. Bishop Comiskey confirmed to the Inquiry that Fr Collins's denials were still hostile and that it was his belief that he, Fr Collins, continued to receive the support of a large number of priests in the Diocese.

In August 1991, a young man came to Bishop Comiskey with an allegation of abuse against Fr Collins (see Noel and Victor 4.1.3). Bishop Comiskey told the Inquiry that the thinking at that time was that people who offended in this way could be rehabilitated, and provided they were given what later became known as "a Certificate of Fitness to Minister", they could be re-appointed to parish duties. The Inquiry has identified support among medical experts for that view at that time.

Fr Collins attended a university in Florida, ostensibly for a course of study, but according to Bishop Comiskey, the real purpose of his being there was to seek psychiatric or psychological counselling. Bishop Comiskey said that although at the time of Fr Collins's going to Florida in 1991, he would have envisaged him resuming his ministry in the Diocese of Ferns upon receipt of a Certificate of Fitness, by the time the certificate was given in March 1993, he no longer considered it appropriate to appoint Fr Collins to a parish.

Between 1991 and 1993, Fr Collins refused to attend a treatment programme as suggested by his Bishop. The Inquiry is not clear as to the nature of any counselling received by Fr Collins during that period or the extent to which his particular problems were addressed. Bishop Comiskey confirmed that he did not inform the Bishop in Florida about the allegations against Fr Collins but that he would do so today. He believes he may have mentioned the allegations to his parish priest, Fr Higgins. Bishop Comiskey was aware that Fr Collins ought not to be involved in any parish duties during his time in Florida. However, when Bishop Comiskey discovered that Fr Collins was connected with a parish in Florida, he failed properly to respond to such a discovery as he said he believed that Fr Collins was only ministering to sick persons during that period. He does not appear to have adverted to the danger posed by Fr Collins to children in the diocese in which he was then residing.

Bishop Comiskey said that he was anxious that Fr Collins receive appropriate treatment for his condition rather than just counselling. In March 1993 he arranged to have Fr Collins admitted to a treatment centre in Hartford, Connecticut, run by Fr James Gill SJ who was highly respected in the field of assessment and treatment of men accused of child sexual abuse.

Fr Collins was under the care of Dr Zeman whilst he was in Hartford. In March 1993, Dr Zeman wrote to Bishop Comiskey recommending that Fr Collins be appointed to a parish but receive on-going psychiatric counselling. Bishop Comiskey said he was astonished and disappointed when he received that letter as it placed him in a very difficult position with Fr Collins who, according to Bishop Comiskey was still being supported by some priests in the Diocese who were exerting pressure on the Bishop to appoint Fr Collins to a curacy in the Diocese.

Bishop Comiskey discovered in September 1993, that Fr Collins had withheld information from his team of counsellors in Hartford. He met with Donal Collins in March 1994, to discuss this. Fr Collins did not deny that he was careful about revelations made to counsellors at that time as he was unsure what affect that could have on future criminal or civil proceedings. He said that he expected anything inaccurate which he said would show up on the tests he underwent in Hartford because he went in for assessment, not treatment. Bishop Comiskey said in his memoranda at the time that he believed that Fr Collins was in denial as to the serious criminal nature of his behaviour. He recommended that Fr Collins attend Dr Patrick Walsh of The Granada Institute, an assessment and treatment centre run by the St John of Gods in Shankill, Dublin, which he did.

In September 1993, Fr Collins admitted the broad truth of many of the allegations made against him at that time and to abusing other boys in St Peter's over a twenty year period. Fr Collins expressly denied that any incident of sexual abuse occurred after his appointment as Principal in 1988<sup>53</sup>.

Bishop Comiskey said that he never intended to appoint Fr Collins to a parish and called upon him to retire from active ministry. In September 1994, Fr Collins wrote to the Bishop saying that he would accept the Bishop's suggestion that he should retire. By this stage, Bishop Comiskey was in discussions with Rory (4.1.4), who was seeking compensation and expenses.

The Inquiry asked Bishop Comiskey if, in 1993, when he had received information that Fr Collins had admitted abusing boys in St Peter's, he had thought of reporting it to the Director of Community Care in the South Eastern Health Board. He said that was not something he considered, neither did he consider going to the Gardai. He said that he might have been influenced by the fact that Fr Collins was, in the Bishop's view, no longer in a position to abuse children, because he was out of ministry. In fact, although Fr Collins had no formal appointment in the Diocese, he had not been subjected to any precept or canonical order which might have prevented him from acting as a priest of the Diocese.

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<sup>53</sup> See however George, 4.1.12

Bishop Comiskey paid for treatment for Rory. He told the Inquiry that around that time, he had the view that if anyone contacted the Bishop and wanted treatment, it should be given immediately notwithstanding any inference of guilt or innocence that could be drawn from such an act. It was around this time that a number of complainants made themselves known to the Diocese.

In October 1995, after Darren (4.1.9) had written to the Diocese alleging abuse by Fr Collins, Bishop Comiskey's diocesan secretary, Fr Tommy Brennan, wrote back to say that the Diocese would be reporting the allegation to the Health Board and the Gardai. Bishop Comiskey told the Inquiry that this was an example of how practice was changing as knowledge grew about the seriousness of this problem.

Bishop Comiskey made a statement to the Gardai in May, 1995, in connection with Rory's allegations. He concluded the statement to the Gardai by saying that Fr Collins continued to deny any wrongdoing. In stating this, he was incorrect. Bishop Comiskey knew from at least 1993 if not 1991 that Fr Collins had admitted to the abuse of boys at St Peter's. Bishop Comiskey told the Inquiry that he had no memory of making the statement to the Gardai. Fr Collins continued to deny the criminality of the charges against him to Gardai in accordance with the legal advice he received.

Monsignor Breen, who was Vicar General of the Diocese at the time, was interviewed at the same time as Bishop Comiskey. He told Gardai that it was generally believed Fr Collins had a problem with abusing young boys and that Bishop Herlihy had sent him to London for treatment for two years because of it.

In 1995, Fr Collins was charged with 21 counts of indecent assault, gross indecency and one charge of buggery against four former students at St Peter's College. He instituted civil proceedings by way of judicial review in May 1996, seeking a prohibition of the hearing of the charges against him. That application was refused in October, 1997. In March 1998, he pleaded guilty to four charges of gross indecency and one charge of indecent assault committed at St Peter's College between 1972 and 1984. The charge of buggery was withdrawn by the prosecution. He was sentenced to four years imprisonment with a review after one year on grounds of ill health. Fr Collins served one year at the Curragh prison. No part of the costs of the criminal or judicial review proceedings were paid by the Diocese.

In 1998 Bishop Comiskey made a statement to the people of the Diocese of Ferns in which he said the Diocese had no knowledge of Fr Collins's abuse prior to 1995. This statement was again incorrect. Bishop Comiskey has told the Inquiry that he had forgotten about Fr Collins' admissions at the time of making that statement.

When asked by the Inquiry why he was supportive of a priest who had betrayed his vocation and misled his Bishop, Bishop Comiskey explained that he had a duty in charity to forgive the sinner but not the sin. He told the Inquiry that whatever about the secular world in which we live, the Bishop was bound to treat all of his priests with great kindness. He said that a Bishop's kindness, concern and filial love for his priests were inherent as was the duty to forgive.

Upon Fr Donal Collins's release from prison in 1999, Bishop Comiskey encouraged him to set up the Ferns diocesan website, to edit the diocesan directory and to produce

a manual for the Diocese of Ferns. He was permitted to attend conferences and retreats and to say Mass in a local convent with the permission of the sisters. He was not permitted to attend conferences where lay people could be present although he did attend most of the deanery meetings. He continued to live at his home in Co. Wexford. Bishop Comiskey did accept that nowadays it would be imprudent to provide a convicted child sex abuser with a computer and internet access.

## **BISHOP EAMONN WALSH**

On his appointment as Apostolic Administrator to the Diocese of Ferns on 1 April 2002, Bishop Walsh met with the victims of Fr Donal Collins and contacted Fr Collins' family to extend an offer of support and counselling to them. They did not avail of the offer.

In the summer of 2002, Bishop Walsh conducted a review of all cases of child sexual abuse in the Diocese. He obtained the assistance of the Advisory Panel to the Diocese of Dublin of which Mr David Kennedy was Chairman. This committee is generally described as the Ad Hoc Advisory Panel. The Panel considered Fr Collins's case to involve a particularly grave form of child sexual abuse and recommended that Fr Collins be laicised either voluntarily or involuntarily. This recommendation was accepted by Bishop Walsh. The Panel also recommended that a canonical precept be imposed upon Fr Collins, directing him not to act in any forum as a priest and withdrawing permission to say Mass under any circumstances. The Advisory Panel recommended that Fr Collins have no form of access to the diocesan website and that any computer equipment or files belonging to the Diocese be retrieved immediately.

Fr Collins wrote to Bishop Walsh and asked if the Panel could review his case and take certain factors into consideration, including his forty years of service to the Diocese as a priest, his record as a teacher in St Peter's, and his ten years of counselling.

The Advisory Panel rejected Fr Collins's appeal in September 2002, and he was once again asked to consider seeking voluntary laicisation as a true indication of his sincere acknowledgement and repentance of the past hurt and scandal his abuse had caused. Fr Collins replied that he could not abandon his priesthood which was an intrinsic part of his identity, but Bishop Walsh was quite clear that Fr Collins could not remain a priest. On 13 November 2002, he wrote to Fr Collins in the following terms: "*It is a scandal and an obstacle to the faith of the people that those who have abused children sexually should act in PERSONA CHRISTI.*"

Bishop Walsh informed the Inquiry that Fr Collins's history is widely known in the neighbourhood where he lives. He said that he is regularly contacted by the delegate and meets with Sr Colette Stephenson, a diocesan support person for priests. The purpose of this meeting is to account for his activities during the past month and to outline any concerns that he may have.

Bishop Walsh described to the Inquiry that when Fr Collins had been recently seen speaking with a group of boys on the side of the road in Wexford, a local priest immediately informed Bishop Walsh who confronted Fr Collins. This is a high level

of monitoring and support for a person who has been convicted of abuse and released from prison which would be difficult for any other organisation to achieve.

Fr Collins has been discussed at the Review Committee meetings referred to in Chapter 3 and both the Gardai and Health Board have expressed themselves as satisfied that everything that can be reasonably done to safeguard the welfare of children regarding Fr Collins has been done.

On the application of Bishop Walsh, the Pope dismissed Fr Collins from the clerical state in December 2004, with the effect that he is no longer a priest.

Bishop Walsh acknowledged that the Bishop of Ferns has an obligation in charity to support a priest who has been dismissed from the clerical state and was in need. He informed the Inquiry that any assistance given to Fr Collins on a needs basis would be on terms that he complied with the provisions of the precept to which he had been subjected prior to his dismissal.

#### **THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF FR COLLINS' CASE:**

- **If, as would appear to be the case, Bishop Herlihy transferred Fr Collins to Westminster without informing the Bishop of that Diocese of the allegations that had been made against Fr Collins, such omission warrants very serious criticism. The subsequent decision of the late Bishop to restore Fr Collins to his former position as a teacher in a boys' boarding school would seem to have been extremely ill-advised as subsequent events were to prove in a comprehensive and tragic fashion.**
- **It is acknowledged by the Inquiry that the particular propensity of sex offenders to re-offend was not generally recognised in the 1960s and that this wrongdoing was widely viewed as a moral rather than a medical or social problem. Bishop Herlihy's response to remove Fr Collins from St Peter's cannot be categorised as inappropriate judged in the context of the time in which it was made, save in the context of failing to inform diocesan authorities referred to above.**
- **The Inquiry believes that notwithstanding the above, even in 1968 it would have been appropriate to have imposed some monitoring or supervision on Fr Collins on his return to St Peter's given the circumstances of his departure in 1966 and the high number of alleged victims involved. The failure of Bishop Herlihy or those in authority in St Peter's who knew of the 1966 allegations to do so, was inadequate and inappropriate even by the standards of the time.**
- **From evidence that came directly to the Inquiry, it would appear that at least six priests in the Diocese and associated with St. Peter's College knew of troubling rumours about the reason for Fr Collins's removal from St Peter's in 1966. The Inquiry views with grave concern the failure of priests to notify church authorities in the Diocese of the potential**

**danger posed by this priest when his appointment as Principal to St Peter's was suggested. The nature of the problem of child abuse is such that intervention will often be required on the basis of no more than rumour or suspicion. Members of the diocesan clergy of Ferns do not appear to have been alerted to the potential danger unsupervised access to children can present. It is the belief of this Inquiry that they should have been so alerted by Church authorities.**

- **In the face of Fr Collins's denial of allegations of child sexual abuse by the then unidentified Rory, Bishop Comiskey has told this Inquiry that he spent two years trying to find some concrete evidence about Fr Collins. Priests who spoke to this Inquiry and who said that they indicated to Bishop Comiskey that a problem had existed in the past could have given him some help in this regard, but Bishop Comiskey never asked them what they had meant when they had cautioned against his appointment as Principal which might have obviated the need for the lengthy inquiry that ensued.**
- **Whilst Fr Collins was in Florida, and in receipt of some form of counselling although not the assessment and treatment sought by Bishop Comiskey, he was ministering to the sick and attached to a Roman Catholic parish. Bishop Comiskey has accepted that he did not inform the Bishop of the Diocese about the allegations against Fr Collins and may or may not have informed the parish priest. It is clear in speaking with Bishop Comiskey that he believed his responsibility for Fr Collins extended only to his activities in the Diocese of Ferns and he did not have any awareness that he had a responsibility to other children who might be abused by Fr Collins elsewhere. He did not purport to limit in any way Fr Collins' ministry as a priest which continued in the Diocese to which he was transferred. Upon being alerted to a potential liability for damages in the event of Fr Collins abusing children whilst in Florida, Bishop Comiskey informed the Church authorities there of the allegation which had been made against Fr Collins.**
- **The failure of Bishop Comiskey to procure promptly the temporary removal of Fr Collins from active ministry immediately on receipt of credible allegations of child sexual abuse in 1989 was most regrettable. However the actions and inactions of Bishop Comiskey must be seen in the nature of the allegations and the circumstances in which they were made. More particularly the fact that no records had been created, or if created, preserved in the Diocese recording the reasons for the temporary departure of Fr Collins from the Diocese in 1966 and the fact that the Bishop was not informed or briefed on those facts by the members of the clergy who were aware of them. Records are an essential part of any organisation's effective management and the creation and preservation of such records is of vital importance (as Mr Justice Roderick Murphy pointed out in his report on matters relating to Child Sexual Abuse in Swimming, 1999). This is particularly the case in organisations where management roles will change from time to time. This was also an issue which was identified by the Framework Document as requiring attention.**

- **Notwithstanding a commitment under the Framework Document to inform the Health Board in any situation where child protection was an issue, Bishop Comiskey did not inform the Health Board of any of the allegations that arose in this case until 2001.**
- **It was unacceptable that Bishop Comiskey should have made erroneous statements to the Gardai and the media in view of the information available to him in relation to Fr Collins.**

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#### **FR JAMES DOYLE**

The first allegation to come to the attention of the Inquiry, in connection with Fr James Doyle which was reported to the authorities in St. Peter's, arose in 1972 when a prefect in the secondary school of St Peter's College reported an incident of sexual abuse by James Doyle on one of the boys in the boarding school (see Matthew 4.2.1).

The incident was reported to a clerical member of the secondary school staff who passed it on to the Dean of St Peter's, Dr Thomas Sherwood, who is now deceased. The Dean told the Inquiry that he was not satisfied with Dr Sherwood's reaction which he considered questioning and dismissive, and so brought the matter to the attention of the President of St Peter's College. The President recommended that James Doyle leave St Peter's and join a religious order rather than the diocesan priesthood. James Doyle did not leave St Peter's but the President of the College informed him that he would not be called to the Deaconate that year and his suitability for the priesthood would have to be re-examined at the end of the year.

The President of St Peter's was replaced in 1973 and in May 1974, James Doyle was approved for orders of deacon and priest. The new President at the time confirmed to the Inquiry that he knew nothing about any incident concerning James Doyle apart from alcohol abuse. He also confirmed to the Inquiry that he could not remember what kind of document he signed recommending Doyle for orders, and stated that the Dean regularly handed him over the list of people and that he would simply sign his name to it. He said he was not aware of any interview between James Doyle and the former President relating to child sexual abuse nor was he aware that Doyle's ordination had been postponed for a year. He stated that whilst a file would have been kept in St Peter's on a potential candidate, he did not in fact refer to the file when recommending James Doyle for ordination.

The Inquiry has seen a series of memoranda and correspondence relating to this incident which would have been available to the authorities in St Peter's and the Diocese when making the decision to ordain this priest. These records clearly state that an incident of interfering with boys in the boarding school had occurred but it appears that these records were either ignored or not consulted when James Doyle's ordination was decided upon.

Fr Doyle served in a parish in Belfast from 1974 until 1979 and although the Inquiry has heard that there were rumours of him interfering with altar boys at that time, no specific allegation was made until 2001 when a young boy came forward to the Diocese of Down and Connor. The Inquiry does not have any details of this allegation which is being handled at present by the authorities in Northern Ireland.

Fr Doyle returned to Wexford and was appointed as curate to Clonard in 1979. Evidence was given to the Inquiry that just after his appointment, an incident arose in which it was alleged that he attempted to sexually assault a young male hitch-hiker in his car. The victim reported the incident to the Gardai and a Garda from Gorey went directly to a priest of the diocese, whom he knew, to speak to him about it. The Gardai had decided not to pursue this matter but thought that the priest they spoke to should reinforce their insistence that no further events of this kind should occur. It was understood by the priests who knew of this incident at the time that it related to a verbal propositioning of a young male hitch-hiker and not child sexual abuse. The diocesan priest approached by the Gardai who was not in a position of authority over Fr Doyle, spoke with Bishop Herlihy's secretary as well as another senior priest in the diocese and it was agreed that Fr Doyle should be encouraged to get medical assistance for his alcohol problem. He agreed to do so. The priest in question also advised the Garda to speak with Fr Doyle's parish priest and believes he mentioned the incident to Bishop Comiskey in 1990 during the prosecution of Fr Doyle.

The four priests who knew of the incident in 1979 did not report either the incident or their intervention to Bishop Herlihy.

According to Garda Patricia O'Gorman, who made a statement in 1990 in the course of a Garda investigation leading to the prosecution of Fr Doyle, complaints against Fr Doyle were investigated by the Gardai in or about 1980 when it was reported that Fr Doyle had committed acts of indecent assault on young altar boys. She stated it was decided that there was insufficient evidence to prefer any charges at the time. However, she confirmed that the matter was brought to the notice of the then Bishop, Donal Herlihy, and it was arranged that Fr Doyle would receive psychiatric attention. She said that Fr Doyle's behaviour was monitored for a couple of years by An Garda Síochána and no further incidents of wrongdoing came to their attention. A former Superintendent told the Inquiry that he also reported these incidents to Bishop Herlihy at this time.

Fr Doyle's parish priest in Clonard said that he had been notified of two incidents by a former Superintendent, one involving the hitch-hiker which he understood the Gardai were dealing with, and the other involving an altar boy. The parish priest reported the second incident to Bishop Herlihy, who appeared shocked. The Bishop arranged for Fr Doyle to attend Monsignor Professor Feichin O'Doherty for psychological examination.

When a new parish priest was appointed in 1985, he was not informed by either the Bishop or the outgoing parish priest about the incident concerning Fr Doyle.

Professor Feichin O'Doherty provided a report to Bishop Herlihy on 31 October 1982. In that report, Professor O'Doherty stated:

*"Father [Doyle] has had a history of auto-eroticism and homo- and heterosexual behaviour. These problems were manifest during his seminary years, but passed unnoticed. As far as one can see, he did not face up to celibacy in any realistic sense... It would also seem desirable that he should have a change of role, away from working with young people".*

This advice was not acted upon by Bishop Herlihy and neither was it taken up by Bishop Comiskey who, although not given any direct information about Fr Doyle by any of the priests in the parish who knew his history, did have Professor O'Doherty's report available to him when he became Bishop of Ferns in 1984.

The decision by Bishop Herlihy to send Fr Doyle for a psychological examination in relation to allegations of child sexual abuse marks recognition by the Bishop that this problem was not exclusively a moral issue which appears to have been his view and indeed the generally accepted view up until then.

No further incident is reported to the Diocese until April 1990 when Fr Doyle molested Adam (see 4.2.3). Bishop Comiskey told the Inquiry that upon hearing Adam's complaint, he was influenced by the Department of Health Guidelines which had been published in 1987. He said he was anxious that the incident should be reported but he was uncertain if he should go to the Gardai and report the matter himself. He therefore encouraged Adam's parents to inform their doctor and told them to ensure that the doctor inform the Health Board. Around that time he heard of the other reports concerning Fr Doyle referred to above.

Bishop Comiskey then instructed Fr Doyle to take leave of absence from the parish and this was put into effect one month after meeting Adam's parents.

Bishop Comiskey told the Inquiry that within months of arriving at Ferns, he was aware that Fr Doyle was being treated by Dr John Cooney, St Patrick's Hospital, Dublin, for alcohol dependency. He said that while there was a clear reluctance on the part of the priests of the diocese to tell him about sexual abuse incidents with Fr Doyle, they did not have the same reluctance in discussing alcoholism as it was regarded as a less shameful complaint. Bishop Comiskey stated to the Inquiry that he had no idea that Fr Doyle had any problem other than alcoholism. He said that he had received no file from St Peter's when he became Bishop and in fact all that was available to him was Professor Feichin O'Doherty's report which had been sent to Bishop Herlihy.

Having given assurances to the Gardai of Fr Doyle's cooperation with any criminal prosecution, Bishop Comiskey arranged for him to attend for treatment in Stroud, Birmingham. Whilst receiving treatment, Fr Doyle pleaded guilty in Wexford District Court to a charge of indecent assault on a minor and a three-month sentence was

imposed, which was suspended on condition that he remain away from the parish of Clonard for the period.

The Fr Doyle case received extensive coverage in the local papers and, contrary to the orders of the court and statutory prohibitions, the media made known the identity of the boy involved. The coverage by one local newspaper in particular provoked a considerable backlash against that paper in the Wexford area as it was felt that Fr Doyle had been badly treated by the publicity his case had attracted. As the media had already given enough information to disclose the identity of the complainant, this backlash was also directed towards him and his family.

The psychologist treating Fr Doyle at the Stroud Institute identified Fr Doyle's key problem as being one of alcoholism and maintained that the child abuse only occurred during an alcoholic blackout. He did not believe Fr Doyle's basic sexual orientation was towards children. Towards the end of Fr Doyle's time in Stroud, he appeared in court on a drunk-driving charge, was banned from driving for one year and fined £150. Notwithstanding this, he left Stroud in September 1991, and was offered occasional and unpaid work by a parish in Southwark. Bishop Comiskey required Fr Doyle to agree in writing to the following conditions: that he would abstain from alcoholic drink; that he would receive counselling for his alcoholism; that he would attend after-care support and that *"if he drank again, he undertook to leave the presbytery without waiting to be confronted and without attempting to negotiate"*.

Some 18 months after his discharge from Stroud, Fr Doyle informed Bishop Comiskey that he was working occasionally as chaplain to a mixed secondary school with over 600 pupils in addition to his parish work.

At this stage, a civil action was taken by Adam's parents in relation to the assault by Fr Doyle in April 1990. Fr Doyle discharged his own legal expenses and the settlement amount. During the preparation for the defence, Bishop Comiskey became aware of a number of other incidents involving Fr Doyle. Bishop Comiskey said he was satisfied with Fr Doyle's work as chaplain because the school management and church authorities had been informed about Fr Doyle and knew his full history.

In 1994, on his return from London, Fr Doyle commenced working in a half-way residential out-patient support house for adults. Bishop Comiskey told the Inquiry that he is not sure how Fr Doyle came to be working there but when he heard about this placement, he said he was pleased and thought it was a perfect half-way house and that Fr Doyle represented no danger to children there. However, the Archbishop of Dublin, Archbishop Desmond Connell, asked Bishop Comiskey to remove Fr Doyle from the centre because he had no supervision and was accountable to nobody while he was there. Bishop Comiskey maintained that Fr Doyle was functioning in a healthy way and that the centre was an appropriate place for him to be, given the requirement of supervision and monitoring. At Archbishop Connell's suggestion, Bishop Comiskey informed the Gardai in Wexford of Fr Doyle's address. The Archbishop of Dublin issued a decree withdrawing faculties from Fr Doyle and forbidding him from exercising any ministry in the Diocese which involved *"the care of souls"* including the public celebration of Mass. He was also prohibited from wearing clerical dress.

During his response to complaints surrounding this priest, Bishop Comiskey told the Inquiry that he had come under a degree of pressure from priests in the parish for bringing about the reporting of Fr Doyle's incident to the Gardai and the Health Board. In November 1990, Bishop Comiskey called a meeting with a number of senior churchmen in the Diocese and briefed them on the case. Bishop Comiskey told the meeting that the Child Abuse Guidelines which had been issued by the Department of Health in 1987 made it mandatory for all doctors to report abuse.

Bishop Comiskey advised the priests that the policy he proposed to adopt thereafter imposed the following requirements:

- *A Bishop must be notified of any accusation and the Bishop must thereafter investigate whether the charge is credible;*
- *A Bishop must meet with the priest in question and carry out any investigatory judgement that is necessary;*
- *A Bishop must offer what assistance he could to the victim; and*
- *A Bishop must relieve the accused priest temporarily of his duties in order to protect other children at risk.*

The Inquiry has seen no evidence that Bishop Comiskey subsequently referred to this policy in dealing with complaints of child sexual abuse.

Bishop Comiskey told the Inquiry that he developed this policy through reading an extensive amount of American documentation which he had on the subject. The policy as enunciated above clearly understood that the Diocese would take responsibility for the care of the victim as well as dealing with the accused priest.

Bishop Comiskey did not envisage reporting allegations to civil authorities himself at this stage. He told the Inquiry that, prior to 1990, the question of reporting child abuse complaints or allegations to the Garda authorities never arose. He recognised that this issue arose in some cases after 1990 following his review of the Department of Health Guidelines of 1987. In particular, Bishop Comiskey has said that he was guided by the Department of Health recommendations on reporting where the alleged victim was still a child at the time of making the complaint. Adam is the only such case that arose during Bishop Comiskey's episcopacy where a complaint was notified to An Garda Síochána, in this case by the complainant's local doctor. Bishop Comiskey did not report other allegations made by children where the priest was deceased at the time of the allegation. He did not report any adults who made allegations as he believed that that was the responsibility of the adult him or herself. It appears that the child protection aspect of such reporting was not appreciated by the Bishop at this time.

#### **BISHOP EAMONN WALSH**

The case of Fr James Doyle was considered by the ad-hoc Advisory Panel established by Bishop Walsh on his appointment to Ferns. On the advice of the Advisory Panel he issued a Precept to Fr Doyle restricting him in the following manner:

- *To refrain from all unsupervised access with minors,*

- *All persons involved in his placement at [the adult support centre] be fully aware of his history,*
- *His role must be purely a bookkeeping one,*
- *He is to cease saying Mass even in private in his place of residence or anywhere else lest he give the impression that he had some chaplaincy role when his role was bookkeeping, and*
- *That the local Garda station be advised of Fr Doyle's whereabouts as well as the local Bishop.*

Bishop Walsh has told the Inquiry that the Fr Doyle case has been discussed three times in the last year with the Health Board and the Gardai. Both of these agencies expressed themselves satisfied that his accommodation and occupation were compatible with child protection policies and believed that his present residence was as safe an environment as possible.

In April 2002, a further complaint was made by Barry (4.2.4). Barry met with the Delegate and the Apostolic Administrator in relation to his allegation of abuse by Fr Doyle. He also alleged that his younger brother was abused by this priest. He has been offered the services of the victim support person of the Diocese.

Bishop Walsh invited Fr Doyle to apply for laicisation but Fr Doyle declined. The Pope, on the application of Bishop Walsh, dismissed Fr Doyle from the clerical state in December 2004. Fr Doyle has informed the Inquiry that he has received no financial assistance from the Diocese of Ferns since August 1991 when he left Wexford for Stroud. He has been promised financial aid but to date this has not been forthcoming. He has received payment from the St Aidan fund which is a priests' fund and not a fund of the Diocese.

#### **THE INQUIRY VIEW ON THE DIOCESAN HANDLING OF THE FR DOYLE CASE:**

- **If, as appears to be the case, the President of St Peter's was satisfied as to the truth of the allegations of child sexual abuse against James Doyle in 1972, the ordination of James Doyle with the unsupervised access to children which that necessarily entailed, was wholly inappropriate. No doubt in 1972 the understanding of child sexual abuse was less developed than today, but the then President of the college did recognise that the suitability of Mr Doyle would require re-examination.**
- **Such records as were available to St Peter's do not appear to have been accessed by the authorities there in making a decision to ordain James Doyle. In addition, these records were not passed on to the Diocese of Ferns upon Fr Doyle's ordination.**
- **By October 1982, Professor O' Doherty was in a position to say that the problems of Fr Doyle which had manifested in the seminary rendered him unfit for ordination and that it was desirable that he should have a role**

away from working with young people. Whilst the Inquiry would regard referring Fr Doyle to Monsignor Professor O'Doherty as adequate and appropriate in the context of the time, the failure of the Bishop and his successor to act on the recommendations contained therein was entirely unsatisfactory.

- The fact that three priests of the Diocese, apart from the authorities in St Peter's, were aware of Fr Doyle's activities but did not consider it necessary or appropriate to speak with Bishop Herlihy or his successor, indicates a system of secrecy which did not advance the achievement of child protection in the Diocese. The diocesan priests did speak with Gardai and ensured medical intervention for Fr Doyle, but ultimately, under Canon law, the responsibility for the disciplining all priests rests with the Bishop. One of these priests was in fact aware of the allegation made against this priest seven years earlier whilst he was a seminarian and so was aware of a dangerous pattern of behaviour.
- It is matter of some concern that the psychiatrists treating Fr Doyle in Stroud, the Bishop of Ferns and the Archbishop of Southwark would have countenanced allowing him work either in a parish or as a chaplain to a secondary school given their understanding that one relapse from sobriety could result in him abusing a child.
- Bishop Comiskey was unaware that Fr Doyle took up a position in a treatment centre in Dublin. The Inquiry was surprised that a priest who had been convicted on charges of criminal sexual abuse could have been permitted to move back to this country and take up a position in another diocese without his Bishop being notified.
- The Inquiry believes that Bishop Walsh's response as outlined in the Report was adequate and appropriate in the context of child protection.

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### **FR ALPHA**

Fr Alpha was a curate in the Diocese of Ferns in the 1970s and 1980s. The Inquiry has heard from one priest who expressed his personal concern and unease with Fr Alpha's behaviour during his early years as a curate in the Diocese. The priest described an experience with a potential sexual connotation with Fr Alpha which caused him some concern and made him very uneasy and somewhat fearful of the growing presence of boys in Fr Alpha's house. When allegations against Fr Alpha were made in 1995, this priest spoke to Bishop Comiskey about his own experience of Fr Alpha. Bishop