



Office of the Bishop

DIocese OF DALLAS

BISHOP BURNS RESPONDS TO INACCURACIES IN POLICE AFFIDAVIT

On May 15, 2019, the Dallas Police Department, supported by an affidavit sworn to by Detective David Clark, issued a search warrant on three properties related to the Diocese of Dallas. While there are a number of technical issues in the affidavit that will be addressed by lawyers and the Dallas Police Department, I feel a need to respond, as a shepherd of this Diocese, to many of the larger claims and implications made within that affidavit. Before I begin, though, I want to make it clear that the sexual abuse of minors is one of the most egregious sins any human being can commit. I am responding to this affidavit so that the faithful may know how important the issue of eradicating the sexual abuse of minors is to me, particularly with respect to how the Church responds to it. There are a number of important areas that I would like to address:

The fact that the Diocese is not in possession of certain names or information in some of its files does not mean that the Diocese has hidden or concealed those names or information.

The fundamental premise of the affidavit is that because a piece of information discovered in an entirely independent police investigation is not in the Diocese's files, the Diocese must have hidden or concealed that information and is continuing to hide or conceal that information, so that it warrants a raid of religious offices. The affidavit consistently implies that information was not included in files that were turned over and from this fact concludes that the Diocese has, for presumably nefarious reasons, held that information back. But in reality, the Diocese cannot turn over what it does not have. All of the files for the names in the affidavit have been turned over, and the Diocese was working directly with Police on this, spending hours combing through thousands of files, some of which were decades old. In total, we reviewed 115,216 files, encompassing over 221,855 pages, that covered 70 years. Within this process, after files were being submitted to the police, the Diocese discovered additional files, identified by Detective Clark as an "additional 51 pages" in the affidavit. These 51 pages, out of the over 221,855 pages being reviewed, were immediately turned over to the police upon discovery. To imply that these documents were intentionally withheld in any capacity is to truly misrepresent the nature of our correspondence with the Dallas Police Department. In the case of many of the accused, the Diocese had even sought to help find *more* information not in its possession, tracking down dozens upon dozens of witnesses dating back decades so that additional information might be discovered by the Dallas Police. In fact, the Dallas Police Department was able to gather this additional evidence *because* of the information the Diocese had given to police in their efforts.

Every cleric being investigated that is mentioned in the affidavit is on the list released by the Diocese of Dallas on January 31, 2019.

There are no claims of new abusers in this affidavit. The implication that there are new clergy abusers is simply untrue. Every person being investigated in this affidavit was reported by the Diocese, appears on the published list and has been known by the Dallas Police. Even before the release of our list, the Diocese of Dallas was actively engaged with the Dallas Police Department concerning names that would appear on the list, so that the Department would be aware of the names and could act before its release. Detective Clark himself notes this: “The purpose of the meetings was to reveal the names of the credibly accused priests to police personnel before the list was made public.” Moreover, particularly with respect to the names noted in the affidavit, the Diocese has handed over the files of each of those men. It has done this because it *wants to see these men brought to justice*. This sin is a stain on the Church, and it can only be cleansed through justice, which is precisely why we have sought to be diligent in these matters.

The Diocese of Dallas has complied with reporting laws by reporting to Child Protective Services and was recognized in a Grand Jury Examination for its compliance.

The Diocese has immediately and consistently reported to Child Protective Services upon learning of any abuse. In 2005, a special grand jury examined the Diocese’s processes of reporting and concluded the following: “The special grand jury impaneled to examine child-abuse reporting practices of the Catholic Diocese of Dallas has concluded its investigation and has found no evidence of criminal wrongdoing on the part of the diocese or its officials.” Most of the allegations being investigated predate the grand jury report, which found proper compliance, and the implications made in the affidavit are directly at odds with this grand jury examination. Because the Dallas Police Department now feels that reporting to Child Protective Services is insufficient, despite this practice complying with the law and the grand jury conclusions, the Diocese *also* reports to the Dallas Police Department directly *in addition* to contacting Child Protective Services. In the case of Edmundo Paredes in particular, we contacted the Dallas Police Department directly multiple times to inform them of our concerns. (Please note that all reports of abuse should *always* be made to civil authorities first. While the Diocese will relay an allegation on to police, the fastest and best way to get the information to civil authorities is through contact with the police directly.)

There is a difference between the activities of the Diocesan Review Board and the reporting of a claim of abuse.

A serious and concerning problem with the affidavit is that it consistently conflates the activities of the Diocesan Review Board and the reporting of abuse after an allegation is received. The Diocesan Review Board is a canonical process that is used *after* an allegation of abuse is reported to civil authorities. The Diocese, upon learning of abuse, will immediately turn over that allegation to civil authorities for investigation. As noted above, the Diocese has consistently done this, particularly by contacting Child Protective Services, as required by the law. The file with documentation of Child Protection Services contacts dating back numerous years was taken from

the Pastoral Center by police on Wednesday, and the Diocese has digital copies of many of these contacts.

After a report is made to civil authorities, the Diocese then immediately acts in addressing the allegation internally. The accused is removed from ministry, and an internal investigation takes place. The allegation is *then* reviewed by the Diocesan Review Board. Detective Clark's explanation of the Review Board in the affidavit as preceding and impeding reporting abuse to civil authorities represents a fundamental misunderstanding of the purpose of the Review Board. This is surprising, considering the fact that Detective Clark himself seems to indicate that he understands the proper process, quoting the norms for the Diocesan Review Board, which state that the purpose of the board is for offering advice to a bishop on whether a cleric is *suitable for ministry*, *not* for giving advice on whether the accused should be reported to civil authorities.

In order to further protect children and out of a desire for transparency, a team of professionals, made up of former FBI agents, was retained to review all of the Diocese's files.

Because we wanted to make sure we had the right men shepherding our Parishes, a team of well-respected professionals led by a former agent with expertise in sex crimes was hired to comb through our files to make sure that the clerics of this Diocese were fit for ministry. This independent team diligently searched through thousands of files to find even a hint of impropriety. The affidavit implies, or even states, that child abuse was merely an incidental concern of this group. Nothing could be further from the truth. The team, in addition to looking at abuse, did flag other concerns (such as financial malfeasance, clerics promoting teachings contrary to the Church, sexual relationships with adults, etc.), but that was not its primary purpose. In the case of Edmundo Paredes specifically, abuse was discovered through an internal investigation of financial malfeasance.

The members of the Diocesan Review Board are some of the most well-respected members of the Dallas community and consist of experts in child psychology and law enforcement.

The Dallas Police Department is aware of the identities of some of these members, yet still feels the need to imply that they lack the credentials to give advice on the credibility of an allegation for the purpose of, again, determining ministerial suitability. The Diocesan Review Board consists of two local police chiefs, a clinical child psychologist who specializes in child abuse victims, a doctor and an attorney. In light of this, I am certainly open to members of the Review Board coming forward to identify themselves. It is up to them to do this, of course. As a shepherd of the flock, I respect that they may prefer privacy and recognize that their role on the Review Board is entirely voluntary. They are lay people, not employees of the Diocese and have given their time and expertise for the good of protecting minors. For this affidavit to imply that they are anything but upstanding, eminently qualified and respected members of the community is genuinely troubling.

That the Diocesan Review Board reached out to law enforcement in seeking additional investigation of clerics who did not appear on the list expresses a desire to go above and beyond to report possible inappropriate activity.

In the affidavit, Detective Clark claims that individuals from the Review Board reached out to him in identifying additional people who were considered by the Review Board but did not appear on the list. To be very clear, one, the individuals reached out because I wanted them to do so, of which Detective Clark is aware. The Diocese's *own attorneys* informed Detective Clark of these individuals. And two, the Board did not reach out because of a loss of confidence in the process, as Detective Clark concludes, but because, while we had insufficient information to arrive at a finding of a credible allegation in certain cases, members (and I) felt that the Police should *nevertheless* do an investigation with *its* resources of these other individuals because there was a possibility that something *could* be there worth investigating. As Detective Clark himself notes in the affidavit, in quoting the Review Board norms, the Review Board is not an investigative body, but merely a consultative one, presented with the information the Diocese currently possesses.

Any additional files that were being sought by the Dallas Police Department were in the process of being addressed.

As noted, the Diocese of Dallas was in constant communication with the Dallas Police Department about any additional files the Dallas Police may need in its investigations, and in fact was in regular meetings with Detective Clark and others in the Department. The purpose of these meetings was to determine who was under investigation, what additional information was needed in that investigation and what files were in the Diocese's possession. The Diocese's attorneys and the District Attorney's office had been attempting to schedule a meeting with Detective Clark and others in the Department for almost two months to address these files, but the Police Department would not make themselves available for this meeting. This was supposed to be a cooperative process, not an adversarial one, but the abrupt cutting off of this process through this raid was a direct affront to this necessary notion of cooperation.

I am saddened, but the Diocese will continue forward in asking for the Dallas Police Department's cooperation.

Despite months of working with members of the Dallas Police Department and civil officials with respect to the release of our list of credible allegations on January 31, 2019, some members of the Police Department still felt it necessary to write the affidavit and institute this raid. It is truly disheartening to see that despite our many efforts, spending countless hours trying to address this issue, that the Police, whom we need most in helping us to combat abuse, write this document and participate in this search. Detective Clark received a number of phone calls from me personally offering openness and communication. I did everything I could to indicate that the Diocese was willing to participate and cooperate through any means. The Dallas Police Department could have called me before this happened. The Dallas Police Department could have met with the Assistant District Attorney and Diocesan lawyers, which would have also addressed any issues. And thirdly, this matter could have easily been handled through a simple subpoena. However, the Dallas Police Department chose the sensational action of conducting this unnecessary raid. This event was most traumatic for those who were present in the building at the time, as some of the approximate forty

law enforcement agents approached employees in ski masks and SWAT gear. We find this week's events to be most troubling and consuming of significant resources that could have been put to much better use.

The only way abuse can be stopped, in any organization or group, Church or otherwise, is through proper procedures and cooperation with civil authorities. While I understand that civil authorities often do not trust the Church and other religious groups, this truly disappoints me today. In speaking to civil authorities, I say that the Catholic Church *needs you*; we do not want to feel as if we are your enemies, but that is precisely what we have been made to feel today. I will continue to work diligently in removing even the hint of sexual impropriety among the clerics in this Diocese, and I pray that the Dallas Police Department will help me to do this.