

**Remarks of Gina Maisto Smith  
News Conference  
Friday, May 4, 2012**

Good afternoon. Thank you, Archbishop Chaput for your unwavering commitment to this issue, and your continued faith in this investigative process. I would like to provide an overview of the process used in our review, a review that was set in motion in February 2011 by the Grand Jury with the following quote:

"We implore Cardinal Rigali and his staff to review all of the old allegations against currently active priests, and to remove from ministry all of the priests with credible allegations against them".

**That is exactly what Cardinal Justin Rigali and the leadership of the Archdiocese did.**

Within days of the Grand Jury's call to action, Cardinal Rigali turned to me, a veteran child abuse prosecutor, to lead the re-examination of these old allegations.

While the depth and breadth of my experience comes from nearly two decades of evaluating thousands of allegations of sexual misconduct and seeing first hand the pain this issue brings to all involved, I want to acknowledge that I could not have managed such a daunting task without my colleagues at Ballard Spahr who provided unparalleled support and invaluable assistance in this process.

To respond to the call to action by the Grand Jury, and to build a process that was fair to victims and priests, we designed a process that would be equitable, thorough, and reliable – a process that would mandate that each claim was thoroughly vetted; a process that was fair to all involved and a process that would allow the results to be received with confidence.

As Archbishop Chaput explained, our process involved three phases: first, coordination with law enforcement; second, a comprehensive investigation of each allegation by a multidisciplinary team of experts; and third, a review by the Archdiocesan Review Board.

In designing this investigative process, I knew I could not shoulder the burden of these difficult decisions alone. Despite my decades of experience as a prosecutor, my training of child abuse professionals and my understanding of the dynamics of child sexual abuse, I recognized that a competent investigation and assessment of child sexual abuse must be informed by many disciplines. A task of this magnitude, I knew, could be carried out only by a multidisciplinary team of experts.

In addition to my colleagues John Grugan, Dee Spagnuolo and Leslie Gomez, a veteran child abuse prosecutor and former Chief of the Juvenile Unit of the Philadelphia District Attorney's office responsible for the investigation, charging, and prosecution of thousands of child abuse cases, and actively involved in training child abuse professionals from all disciplines, I called upon a team of well-known child abuse experts who have dedicated their lives to the protection of children and the assessment of sexual misconduct offenders and allegations. These individuals have joined us here today.

They are:

Maria McColgan, M.D.: Dr. McColgan is board-certified in both pediatrics and child abuse pediatrics, the Medical Director of the Child Protection Program at St. Christopher's Hospital for Children, and an Associate Professor of Pediatrics at Drexel University. Dr. McColgan was also the founding Chair of the Advisory Board for Prevent Child Abuse Pennsylvania, under the American Academy of Pediatrics, She continues to serve as Pediatric Advisor and a board member.

Thomas McDevitt: Mr. McDevitt retired from the Philadelphia Police Department ("PPD") in December 2010. He is a 36-year veteran of the PPD, including 14 years as Lieutenant and Commanding Officer of the Special Victims Unit/Special Investigations Unit, and acted as lead investigator in thousands of sexual assault investigations. Mr. McDevitt also has taught a number of courses on the investigation of sex crimes.

Harry Young: Mr. Young retired from the PPD in December 2010. He is a 40-year veteran of the PPD and retired as a detective. Mr. Young spent the last 14 years of his career at the PPD assigned to the Special Investigations Unit of the Special Victims Unit, where he focused on investigating sex crimes involving serial predators, high profile offenders, and internet pornography.

Barry Zakireh, Ph.D.: Dr. Zakireh, a psychologist, is the Director of Adult and Forensic Programs at the Joseph J. Peters Institute ("JJPI"), where he oversees the operation of the adult sex offender and forensic evaluation programs. Dr. Zakireh also oversees JJPI's treatment of sexual offenders referred by the Philadelphia County Adult Probation Department, the Pennsylvania Board of Probation & Parole, and the United States Federal Probation and Pretrial. He is a member of the Sexual Offenders Assessment Board for Pennsylvania. He is also a Clinical Associate in the Department of Psychiatry, University of Pennsylvania.

Barbara Ziv, M.D.: Dr. Ziv is a board-certified psychiatrist who specializes in forensic psychiatry. She is a member of Pennsylvania's Medical/Legal Advisory Board on Child Abuse and the Pennsylvania Sexual Offender Assessment Board. Dr. Ziv is an adjunct professor at the Temple University School of Medicine.

Each of these individuals brought the experience of his or her discipline to bear in this matter. Members of the team conducted psychological and psychiatric assessments, assisted us in interviewing witnesses, gathering and evaluating evidence, and provided advice and guidance throughout the investigative and deliberative process.

Our first priority was a high level review of all the cases of concern identified by the Grand Jury Report of 2011 to identify the cases of greatest risk should the allegations in those cases be proven to have merit. This initial review took into consideration criminal statutes, the child protective services laws and the Archdiocese's Standards of Ministerial Behavior and Boundaries. It was through that lens that we made recommendations regarding which priests should be placed on administrative leave pending a thorough review. This interim measure reflected the Archdiocese's commitment to the protection of children.

I want to emphasize that these initial recommendations regarding administrative leave were preliminary decisions only. They were made before a thorough investigation had been undertaken, and they were not, nor were they intended to be, final recommendations as to suitability. As you heard from Archbishop Chaput, in some cases, priests who were initially placed on leave will be returned to ministry – in other cases there are priests who will not be returned. These decisions are rooted in a comprehensive process that has delved deeply into the question of suitability for ministry and the protection of children.

I also want to emphasize that the allegations underlying all of these cases included a range of behaviors—some of which involved allegations of sexual abuse, and some of which did not. The cases we investigated were both unique and complex. Many cases involved “boundary violations” – a class of behavior that required us to differentiate between innocent behaviors and those that could be considered “grooming behaviors” which may be a precursor to child exploitation. The challenge in evaluating the nature of these boundary violations is assessing both intent and the effect on the child or other observers. Moreover in a handful of cases there were allegations of both categories.

Following these initial determinations as to administrative leave, we provided the District Attorney’s Offices in Philadelphia, Bucks, Chester, Delaware and Montgomery counties with the allegations of each case in their jurisdiction and an opportunity to review for criminal action. From the beginning - and throughout this process - we cooperated and communicated with law enforcement. We developed working relationships with the District Attorney's offices in each of these counties. We worked to ensure that each allegation had been reviewed criminally before we conducted our investigations.

After local law enforcement released a case, we conducted exhaustive investigations into each allegation that was released. Those investigations were informed by our multidisciplinary team. Before we began any investigation, we first took on the daunting task of identifying and gathering documents relevant to each case for review. To date, our team located, gathered and reviewed more than 400,000 pages of relevant documents, - identified, located and interviewed 227 witnesses, across the United States and in several foreign countries, and conducted countless site visits to parishes and schools where incidents were alleged to have occurred. Many cases involved a search for additional evidence including yearbooks, parish records, photographs and public documents. Some cases dated as far back in time as 40 years, which posed significant investigative challenges.

We took care to design a process to accommodate all of these complexities. We recognize that allegations of child sexual abuse can be incendiary in nature. The stakes are high for both the accused and the accuser. Moreover, most child sexual abuse cases turn on credibility—the evaluation of word against word. Accordingly, the process must be painstakingly detailed. Its integrity is demonstrated by an exhaustive search for corroboration - a synthesis of witness interviews, documents and any additional available evidence, all of which must be analyzed in light of the expertise of trained professionals.

As credibility determinations hinge on the account of abuse and its attendant circumstances, it is imperative that the process that vets such allegations is thorough and that information is gathered and evaluated by trained investigators. The guidance of the multidisciplinary team not only

assured the quality of the investigation, but also provided vital competence to assess behaviors and provide informed recommendations.

Our process was not designed to mimic civil or criminal courts of law. Our inquiry as to the facts, however, was guided by a preponderance standard, a standard that is sometimes portrayed by the image of the scales of justice tipping ever so slightly in the favor of one side. In our context, this standard meant determining whether the acts are “more likely than not” to have occurred as alleged. Our overarching objective in this investigation was to determine whether a priest is currently suitable for active ministry when viewed through the multidisciplinary team’s lens of protection of children.

Our goal at all times was to seek the facts and provide sound recommendations. This approach, which was guided by the core values of competence and thoroughness, could not be short-circuited, nor rushed. We were sensitive to the concerns of all those we interviewed, victims, priests and witnesses alike, some of whom were distrustful, others of whom cooperated fully with our inquiries. We were also sensitive to fundamental principles of fairness for all. Those priests on administrative leave were provided with canonical counsel, and given an opportunity to review the allegations, to be evaluated and to be heard.

In the final phase, at the conclusion of our investigation in each case, the matter was reviewed by the Archdiocesan Review Board.

Through this multi-layered process, we have been able to provide the Archbishop with a solid foundation to make suitability determinations with confidence. As part of this review, we have also provided and continue to provide advice from the lessons learned as to policy and procedure moving forward.

I want to emphasize that in our review of these cases - The Archdiocese did not influence or direct our investigation or our recommendations in any way. Moreover, no request of ours has been denied and the scope of our review has never been restricted. I was given total freedom, constant support, and unfettered access to both individuals and documents at every step of the process.

As we near the conclusion of this investigative process, I can attest firsthand to the commitment of this Archdiocese and its leadership to respond fully to the concerns identified by the Grand Jury, to review systems and processes, and above all, to protect our children from harm.

Under the leadership of first, Cardinal Justin Rigali, and now, Archbishop Charles Chaput, the Archdiocese has worked diligently to rebuild relationships of trust with law enforcement, parishioners, victims, and priests. We are mindful that reasonable people may disagree with the findings presented, and that not every party will be satisfied with each outcome. It is not satisfaction that we seek. This process, however, was designed to seek the facts through competence and thoroughness, and to provide the most reliable results humanly possible. We are hopeful that most constituents will respect the rigor applied and trust that we approached these serious cases with the highest degree of integrity and sensitivity to the humanity of all involved.

On a personal note, as a mother of five children and a Catholic, I would like to again thank the Archbishop for the privilege of this humbling and sobering task. I would also like to thank all

those who have supported, participated and challenged this process. I wish to thank all of my colleagues from Ballard and finally I would like to thank my family for carrying me through this year –my mother for giving me the tenacity and the voice to speak my mind, and my father for giving me the judgment and the discretion to find the words to be heard.

I am optimistic that this process represents both a conclusion and a beginning for the Archdiocese – closure to a dark chapter, and in connection with improvements to policy and procedures, the foundation for a new chapter of hope and faith.