

## **GARDA SÍOCHÁNA HANDLING OF ALLEGATIONS OF ABUSE**

In this Chapter, we look at the specific Garda response in all cases of child sexual abuse identified by the Inquiry as relevant to its Terms of Reference.

By letter dated 7 November 2003, Chief Superintendent David Roche wrote to the Inquiry confirming that the Garda Commissioner had appointed Superintendent Kieran Kenny, Crime Policy and Administration, Garda Headquarters, to act as Liaison Officer with the Inquiry and the Inquiry is most appreciative of the assistance provided to it by him throughout the course of its operation.

The Inquiry has identified ten priests operating under the aegis of the Diocese of Ferns about whom members of An Garda Síochána received complaints or allegations or had knowledge or clear suspicion of child sexual abuse whilst those priests were alive. Investigations were carried out by Gardai in respect of seven priests living at the date when the complaint was made. In one case, the Gardai recommended no prosecution should be instituted. In the remaining six cases, a prosecution was recommended. In only 3 cases did the DPP institute criminal proceedings. In two cases, convictions were secured and in the third case, proceedings were discontinued after the accused committed suicide.

### **FR JAMES DOYLE**

Two complaints of child sexual abuse concerning this priest were made known to An Garda Síochána in 1980/1981. A further complaint made known to An Garda Síochána in 1990 resulted in Fr Doyle's conviction within a period of four months from the date of notification.

A Superintendent (now retired) confirmed that a complaint concerning Fr Doyle initially came to his attention from one of his detectives at Wexford Garda Station to the effect that the detective had received confidential information that Fr Doyle had interfered with children and altar servers in the area. He was not aware of the names of any alleged victims. The Superintendent told the detective that it would be necessary to have information from an injured party or other facts to secure a warrant for Fr Doyle's arrest. He understands that the detective pursued inquiries and involved other Gardai who were residing in the Clonard area, particularly those who had school-going children or children who acted as altar servers.

The Superintendent later learned of an incident involving Fr Doyle through a conversation with a colleague at Gorey station. The incident concerned a youth whom he believed to be approximately 17 or 18 years of age. The youth was hitchhiking to Dublin when he either entered Fr Doyle's car or refused to do so whereupon some form of inappropriate advance was made to him. The Superintendent was contacted by his colleague at Gorey and asked if he knew Fr Doyle. The Superintendent told his colleague whatever information he had about Fr Doyle and in particular that he knew of rumours surrounding Fr Doyle in relation to altar servers.

The Superintendent made it clear to this Inquiry that nobody would make a formal complaint and that the rumours emanated from people who would not provide details such as the names of alleged victims. He had instructed his investigating officers that they would need to obtain a formal statement from a victim in order to arrest Fr Doyle but no statements were forthcoming.

At this time, the Superintendent was contacted by Bishop Herlihy in relation to an unrelated matter and in the course of discussions with the Bishop, he mentioned the rumours surrounding Fr Doyle. The Superintendent stated that the Bishop gave him the impression that he was aware of these problems. The Superintendent also discussed the matter with the then parish priest of Clonard. He believes that the parish priest advised him that Fr Doyle had been sent or was being sent for treatment. These discussions took place in or about 1980/81.

In October 1982, Fr Doyle was sent to Professor Feichin O Doherty for psychological assessment.

The Superintendent was in contact with Bishop Herlihy over different matters on various occasions. He had no other dealing with Bishop Herlihy in relation to child sex abuse allegations and he never met with Bishop Comiskey. He left Wexford in 1983. He maintained a record of all incidents in his official journal and believes that the detective whom he instructed to investigate had done likewise. His notes were retained by him for a period of ten years following his retirement in 1987 but have now been destroyed.

The Inquiry spoke with a priest of the Diocese who confirmed he was approached by a Sergeant (now deceased and then based at Gorey station) in or about 1979 or 1980 in relation to a similarly described incident involving a complaint by a youth (described as being a member of the army) of sexual abuse or attempted sexual abuse by Fr Doyle when hitch hiking from Gorey to Dublin. This priest has told the Inquiry that he believed that the matter was being dealt with by An Garda Síochána at the time.

An incident involving abuse against Adam (4.2.3) occurred in 1990.

Garda Patricia O'Gorman was contacted on 27 July 1990 by Mr Joe Smyth, senior social worker in the Wexford area of the SEHB. A complaint of Indecent Assault had been made in respect of Fr James Doyle concerning Adam. Details were taken from Mr Smyth, Adam and his father by Garda O'Gorman, two days later. Fr Doyle was interviewed on the same day but did not make a statement and said he did not remember the incident although he did not deny the allegations when put to him.

Garda O’Gorman then interviewed the victim’s family and took statements from them.

In her report to the Sergeant in Charge at Wexford station, Garda O’Gorman stated that rumour and innuendo had surrounded this priest for the previous ten years. She commented that Bishop Herlihy had been made aware of the matter and it was arranged for Fr Doyle to receive psychiatric attention at that time. Garda O’Gorman recommended charges for a common assault on Adam.

The file was promptly sent to the State Solicitor who referred the matter to the DPP. The DPP directed that Fr Doyle should be prosecuted for indecent assault contrary to Section 62 of the Offences against the Person Act 1881 and for common assault. The Chief Superintendent and Garda Commissioner were duly informed.

Fr Doyle pleaded guilty to both charges at the trial of this matter in 1990 and was convicted of indecent assault and common assault and received a three month suspended sentence. The suspension arose from an undertaking given by Fr Doyle to the court that he would stay outside of the jurisdiction. Fr Doyle had been sent to Stroud in England, which was a treatment centre for priests by Bishop Comiskey some months before the trial date. The Garda Commissioner and the Department of Justice were informed of the outcome of the trial.

Shortly after the trial, the Superintendent contacted the Chief State Solicitor in relation to two newspaper reports on the outcome of the court proceedings which included photographs of Fr Doyle. The Superintendent sought instructions on whether the reports could be in contempt of court. The DPP directed that no action should be taken in relation to the matter.

The Inquiry is aware that two complaints were made to An Garda Síochána by Barry and his brother (4.2.4) in 2003. A file is currently being prepared for the Director of Public Prosecutions in respect of these complaints.

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

- **The Inquiry is concerned that no record of any nature appears on Garda files in relation to Fr Doyle prior to 1990, in circumstances where at least three members of An Garda Síochána were aware of complaints of child sexual abuse made against him by young men and boys. The Inquiry was informed that a Superintendent and Detective Garda had kept proper notes in their official journals but these notes do not appear to have been maintained or readily accessible by Gardai in Wexford. The Inquiry was also advised that the information noted by the Superintendent was passed on as required by investigating Gardai to other Gardai living in the Clonard area. The Inquiry was told by the Superintendent that a record of such information was not kept at the Garda station in order to safeguard the constitutional rights of the suspected person. In the overriding interests of child protection, the Inquiry believes it is essential to maintain a record of all complaints, allegations and clear suspicion surrounding child sexual abuse and that these records should be available**

**under proper conditions to members of the Gardai who are conducting investigations.**

- **The Superintendent who spoke with the Inquiry believes that the practice of the Gardai in the 1980s would have involved monitoring of suspected offenders. Unfortunately, no Garda records evidencing such a response appear on files furnished to the Inquiry.**
- **In the view of the Inquiry, the handling by Gardai of the complaint by Adam was entirely appropriate.**

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### **FR DONAL COLLINS**

**21 November 1994 – 22 November 1996**

There is evidence that Church authorities in Ferns had known since 1966 of the sexual abuse of students at St Peter's College by Fr Collins. However, the first record of a complaint made or information provided to An Garda Síochána about this priest's sexual abuse of children was Rory's complaint (4.1.4), to the Superintendent at Wexford Station by letter dated 21 November 1994.

Detective Garda Pat Geoghegan took a statement from Rory on 11 December 1994 in relation to this complaint which was passed up the line to the Garda Commissioner in January 1995. Statements were also taken from Monsignor Breen and Bishop Comiskey. Monsignor Breen told Gardai that he found this complaint credible. In his statement, Bishop Comiskey said that he had no knowledge of Fr Collins's alleged abuse prior to Rory's complaint in 1994. In fact, Fr Collins had admitted to engaging in inappropriate conduct with young boys including Rory, in 1991 and again in 1993. Bishop Comiskey has told this Inquiry that he has no memory of making this statement to Gardai. Fr Collins refused to make a statement to Gardai.

On 19 April 1995, Edmund (4.1.7) made a statement to Garda Geoghegan in relation to sexual abuse by Fr Collins whilst at St. Peter's. Again, no statement was made by Fr Collins in relation to this complaint and Fr Collins refused to sign any notes taken by the investigating Gardai.

Sergeant Willie Walsh recommended to Superintendent Smyth that one charge be brought of indecent assault for each school quarter from 1975-1979 in relation to

Rory. With regard to Edmund, Sergeant Walsh recommended one charge of indecent assault for each school quarter from 1976-1979 together with a charge of indecent assault at a guesthouse in January 1978 and a charge of attempted buggery at St. Peter's between January and June 1979. The Assistant Commissioner was duly notified.

On 21 October 1995, Dylan (4.1.6) made a statement to Garda Pat Mulcahy in respect of Fr Collins.

On the 7 November 1995, the South Eastern Health Board sent Superintendent Kehoe of Wexford Station details of a complaint made by Darren (4.1.9) which had been received from the Diocesan Secretary on 25 September 1995. In his complaint, the abuser was not named but it appears that Fr Collins was identified. Fr Collins again denied the allegations and made no statement.

Detective Sergeant Walsh was instructed by Superintendent Keogh on 17 November to comply with all aspects of the DPP's directions, and attend to the matter "*as a first priority*". Detective Walsh reported to the Superintendent at Wexford on that date in relation to the three additional complainants, Dylan, Conor and Darren. He recommended prosecutions in respect of each complaint.

#### **22 November 1995 – 23 April 1996**

A warrant was issued to arrest Fr Collins on 22 November 1995 (one year after the initial letter of complaint by Rory to An Garda Síochána).

Fr Collins was charged and remanded on bail by Wexford District Court in December 1995. A Book of Evidence was prepared and the matter was adjourned to March 1996.

On 1 March 1996, the DPP wrote to the State Solicitor with directions on charges in respect of Conor and Darren and recommended that these be brought before the court on 6 March, when the case was adjourned to 3 April for submissions.

Richard (4.1.10) made a statement to a Garda at Enniscorthy Garda Station on 4 April in respect of sexual abuse by Fr Collins. This complaint was considered by the Gardai to be similar in nature to the complaint of Derek (4.1.8) which had been considered by the DPP in February and was not proceeded with on the DPP's directions, and not forwarded to the State Solicitor.

The criminal trial of Fr Collins was adjourned to November 1996.

#### **Judicial Review Process 20 May 1996 – 31 October 1997**

The Judicial Review proceedings came before the High Court on 14 occasions. The application was heard on 16 October 1997 and judgment was delivered on 31 October 1997, by Mr Justice Hugh Geoghegan who refused Fr Collins's application.

The reason for the delay in hearing the Judicial Review proceedings was the necessity on the part of the DPP of obtaining expert evidence to justify the apparent delay of the victims in reporting the abuse.

### **31 October 1997 – 25 March 1998**

The criminal proceedings came before Wexford Circuit Court on 25 March 1998, when Fr Collins pleaded guilty to four charges of Indecent Assault and one charge of Gross Indecency. Evidence was heard from a psychologist who had been treating Fr Collins for four years, indicating that there was little chance of Fr Collins re-offending as he had accepted the reality of his behaviour. Fr Collins was sentenced to four years imprisonment on each charge, to run concurrently. The Judge, in passing sentence, said that she had been influenced by the effect of Fr Collins's actions on the lives of his victims. However, she indicated that she would review the position in one year due to Fr Collins's ill-health. Fr Collins was released from prison one year later.

### **23 July 1998 – 8 January 2003**

A further complaint was notified to the Chief Superintendent of Wexford on 23 July 2002, in respect of Sam (4.1.1) by Fr Denis Brennan, the diocesan delegate. A statement was obtained from Sam by Garda Pat Mulcahy on 19 August 2002 and Fr Collins was interviewed in respect of this complaint but made no comment. The Gardai recommended seven counts of indecent assault in relation to Sam but the DPP directed that proceedings should not be taken because of difficulties which might arise in relation to judicial review proceedings.

The DPP believed that if Fr Collins had been prosecuted in relation to Sam at the same time as the previous offences brought before the court in 1998, it was unlikely that his sentence upon conviction would have been any greater than the sentence received. To wait until after the sentence was completed could be seen as prejudicing the suspect.

A further complaint was made known to An Garda Síochána in respect of this priest on 14 April 2003. However, a statement has not yet been made by this complainant.

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

**The Inquiry is satisfied that the investigation by An Garda Síochána was conducted in an appropriate and efficient manner and that the delay caused by the Judicial Review proceedings is not attributable to them.**

## **FR SEAN FORTUNE**

**9 February 1995 – 1 November 1995**

On 27 February 1995, Frank (4.5.12) made a formal complaint to Garda Patrick Mulcahy of Wexford station of child sexual abuse against Fr Fortune. This initiated a Garda investigation. Garda Mulcahy contacted former employees of Fr Fortune and other persons who could verify seeing Frank at Fr Fortune's house.

Garda Mulcahy informed his Superintendent of the complaint and a team was established to investigate the allegation consisting of Superintendent N. Smyth with Sergeant Quigley, Sergeant Walsh and Garda Mulcahy. As the investigations concerned the Garda district of New Ross, the Chief Superintendent of that district was informed of them.

These officers together with the Chief Superintendent of New Ross were the only persons privy to all of the information being compiled. Garda Mulcahy confirmed that there were weekly meetings with all four officers present as the case developed. Garda Mulcahy told the Inquiry that during the course of his investigation, he was told by the housekeeper's daughter that many boys were seen coming and going every weekend from Fr Fortune's house. He stated that once the investigation started "*it just mushroomed*" and he described it as "*a blister ready to burst*". He confirmed that he did not "*cold-call*" any person but merely reacted to complainants coming forward to him.

Garda Mulcahy commented upon Bishop Comiskey's co-operation with the investigation. He made contact with Bishop Comiskey on three occasions and on each occasion Bishop Comiskey declined to make a statement. He stated that Bishop Comiskey told him "*I spoke to your superiors the night before and I am making no statement.*" Bishop Comiskey has confirmed to the Inquiry that he was in contact with a senior Garda officer at that time. No statement was made by Bishop Comiskey in the course of this investigation. Bishop Comiskey has said that he was not asked for a statement and therefore did not give one. The Gardai have said that attempts to contact Bishop Comiskey with a view to taking a statement from him were unsuccessful.

In February 1996 upon his return to the Diocese almost a year into the Garda investigation, Bishop Comiskey offered the Gardai full access to all diocesan files on this priest although this had not been requested by the Gardai. By this time Fr Fortune had been arraigned on 66 charges before Wexford District Court and a Book of Evidence had been served on him. The Gardai did not require an examination of the diocesan files to be conducted at that time.

Three cases had been reported to Bishop Comiskey prior to Frank's complaint in 1995 namely, Simon (4.5.9) in 1985, William (4.5.10) in 1988 and Mark (4.5.14) in 1990. None of these complaints were communicated to An Garda Síochána until Frank had made his complaint in 1995.

During the course of his investigation, Garda Mulcahy received phone calls on an almost daily basis from Fr Fortune in relation to general progress being made with regard to these complaints. At all times, Fr Fortune denied the allegations describing them as "*a conspiracy of lies*".

Ten additional Garda statements were procured from victims of abuse by Fr Fortune. The statements that had been made related to a period of abuse between 1979 and 1987. Fr Fortune was arrested by Garda Mulcahy at 9.05 a.m. on 31 March 1995 and released at 5.40 p.m. on the same day.

Garda Mulcahy compiled a report following his investigation of all complaints which was sent to Superintendent James Kehoe of Wexford Division on 27 June 1995. Superintendent Kehoe sent Garda Mulcahy's report to Mr J. McEvoy, State Solicitor, on that date, seeking a direction from the DPP. The Commissioner was informed of this report on 24 July.

On the then Assistant Commissioner, Noel Conroy's recommendation, the complaint by Charles (4.5.6) was referred to the RUC as the abuse was alleged to have occurred in Belfast. A similar decision was made by the DPP in relation to Luke (4.5.20).

The State Solicitor wrote to the DPP enclosing Garda Mulcahy's report on 1 August 1995 (5 weeks after his receipt of the report). The DPP directed prosecution in relation to eight complainants and directed that further information be obtained. These directions were received by the Superintendent at Wexford Division on 27 October 1995.

#### **1 November 1995 – 11 November 1996**

An arrest warrant was eventually issued in respect of twenty two charges on 1 November 1995, as directed by the DPP. Owing to Fr Fortune's unexplained absence, the warrant could not be executed until 15 November 1995, when Sean Fortune surrendered himself at Wexford Garda Station.

Fr Fortune appeared before Wexford District Court on 15 November 1995 arraigned on 22 sexual abuse charges. Detective Garda Mulcahy gave evidence on oath of arrest, charge and caution and told the court that he had arrested Fr Fortune that morning on foot of the warrant. Garda Mulcahy told the court that his application was for an adjournment to 6 December. Fr Fortune was remanded on bail and his passport was handed into Court. On 6 December, Fr Fortune appeared again at Wexford District Court when he was remanded on continuing bail to the same court on 18 January 1996.

On 18 January 1996, forty four additional charges were served against Fr Fortune, and on 22 January, a complete Book of Evidence was served on him.



The case was adjourned on several occasions until 23 September 1996, when the case was sent forward for trial to Wexford Circuit Court. During this period, the Assistant Commissioner and Commissioner were notified of all developments.

#### **Judicial Review Process - 11 November 1996 – 17 December 1997**

On 11 November 1996, Fr Fortune was granted leave by Mr Justice Geoghegan to apply for Judicial Review for the prohibition of his criminal trial. The criminal proceedings were adjourned accordingly pending the outcome of this Judicial Review.

As part of the Judicial Review process, reports were prepared by Mr. Alex Carroll, Senior Clinical Psychologist, in relation to eight of the complainants, with a view to providing his expert opinion as to the reasons why these complainants failed to make a complaint at the time when the incidents of abuse were taking place. These complainants were assessed from 27 December 1996 until 14 February 1997. An affidavit was prepared by Mr. Carroll and filed and served on behalf of the DPP in March 1997.

The Judicial Review hearing was initially listed before the High Court for 14 April, 1997, and was thereafter adjourned until 13 May in order to allow the DPP deliver further affidavits. In all, the DPP delivered twelve affidavits including seven by individual complainants, four by investigating Gardai, and one by the expert psychologist. The Judicial Review hearing occurred on 2 and 3 December 1997, at which time judgement was reserved.

On 17 December 1997, Mr. Justice Geoghegan in the High Court delivered a judgment refusing all reliefs claimed on behalf of Fr Fortune other than in respect of William's complaint (4.5 10) where an order of prohibition was granted.

#### **17 December 1997 – 12 January 1999**

A Notice of Appeal to the Supreme Court was filed and served on 28 January 1998, by solicitors on behalf of Sean Fortune. The DPP cross-appealed against that part of the High Court Order of 17 December 1997, which restrained him from proceeding with regard to the complaint of William. The appeal was withdrawn by Fr Fortune in November 1998. The cross appeal in respect of William was heard on 12 January 1999, and the Supreme Court allowed this prosecution proceed. The Chief Justice indicated that the Supreme Court would give its reasons at a later stage but directed that the criminal proceedings should continue in the meantime. The Supreme Court gave its reasons on 30 June 1999.

#### **12 January 1999 – 23 March 1999**

A special sitting of Wexford Circuit Court was arranged for 2 March 1999 where, after hearing submissions from both sides, Judge Joseph Matthews decided that the issue of Fr Fortune's mental health and his fitness to stand trial should be decided by a jury. Fr Fortune was remanded in custody.

On 5 March 1999, Fr Fortune formally applied for and obtained bail at the High Court.

Fr Fortune took his own life on 13 March 1999, and on 23 March 1999, the criminal case against Fr Fortune was struck out at Wexford Circuit Court.

Sergeant Brendan Kelly compiled a report on Fr Fortune's suicide (including reports obtained from the coroner and toxicology labs) for the Superintendent in New Ross on 6 August 1999. A copy of the report was passed to the Assistant Commissioner and Department of Justice, Equality and Law Reform. The Garda investigation into Fr Fortune's suicide has already been dealt with at Chapter 5 of this Report.

#### **THE INQUIRY VIEW ON THE GARDA HANDLING OF THE FR FORTUNE CASE:**

- **The Inquiry believes this case was handled in a professional and effective manner at all stages. This was repeatedly acknowledged to the Inquiry by various complainants and other witnesses. Garda Mulcahy was particularly praised for his part in the investigation.**
- **The Inquiry believes that the successful handling of the Fr Fortune case was facilitated by a number of complainants who were prepared to make clear statements to the investigating Garda and to co-operate fully with the criminal prosecution.**
- **Again, the Inquiry recognises that an application for Prohibition by way of Judicial Review proceedings by an accused may cause significant and often unavoidable delay.**
- **The Inquiry is concerned at the level of cooperation extended to the Gardai at the initial stages of their investigation by Bishop Comiskey. Bishop Comiskey did not make a statement to the investigating Garda although he has stated that he was in communication with senior Gardai at the time. He did not volunteer diocesan files relating to Fr Fortune to Gardai which would have facilitated the investigation until a year after the investigation had commenced by which time they were not required by the Gardai. The Inquiry is aware that Bishop Comiskey was out of the country from September 1995 until February 1996.**

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## **FR JAMES GRENNAN**

This case represents the first recorded allegation of child sexual abuse by a member of the diocesan clergy dealt with by An Garda Síochána. The case was comprehensively reviewed by An Garda Síochána in 1996. It must be viewed in the context of the time, in which the original complaints arose in May 1988.

### **(i) 1988**

Garda Donal Behan was living in Monageer in 1988 when former Superintendent Vincent Smith gave him a copy of the report of Dr Geraldine Nolan dated 5 May 1988. He told the Inquiry that Superintendent Smith instructed him to speak with the girls identified in the report. Garda Behan interviewed the seven girls in the presence of their parents and took statements from them. He was assisted by Garda James Sheridan and Sergeant Jim Reynolds.

Sergeant Reynolds recalled Superintendent Smith instructing him to deliver immediately to Superintendent Smith, the statements which had been taken. Sergeant Reynolds told him that the statements were not yet typed or copied and that he had no covering report prepared. However, he was instructed to hand over the files notwithstanding this and accordingly he handed the statements to Garda Behan and directed him to take the statements to Superintendent Smith and could not, as a result, retain any copies. He had no further input into the case after this point.

Garda Behan has stated that he believes that the matter should have been fully investigated and the statements sent to the law officers for a direction as he thought that the matters complained of were of a criminal nature.

Garda Behan told the Inquiry that Superintendent Smith later informed him that he had discussed the matter with Chief Superintendent Doyle. Garda Behan stated; *"I concluded at the time that it was just quashed and that was it"*. Garda Behan confirmed that he never met with any member of the South Eastern Health Board or the Diocese.

Superintendent Smith recalled a man from the South Eastern Health Board, believed to be Dr Patrick Judge who was Director of Community Care at the time, calling to his office in relation to complaints about Fr Grennan in May 1988. He recalled visiting the parents of some of the children who made complaints. He stated that some of these people were anxious not to have any investigations carried out for fear that it would upset the children. He then recalled former Chief Superintendent Doyle enquiring about the investigation and requesting to see the statements. On foot of this request he contacted the Garda station in Ferns and requested the statements from the alleged injured parties to be brought to his office. He confirmed receipt of them,

reading them and being satisfied that there was evidence that the children had been molested by Fr Grennan.

Superintendent Smith then travelled to Wexford Garda station and gave the statements to Chief Superintendent James Doyle. He stated that Chief Superintendent Doyle read the statements and handed them back to him without comment on them. Superintendent Smith retained the statements but was not satisfied that there was sufficient corroboration to justify further action. He stated that he has no idea what became of the statements but is adamant that he did not dispose of them. He retired from An Garda Síochána in August 1989. He stated that nobody influenced him in relation to this case.

Superintendent Smith stated that he was reluctant to prosecute Fr Grennan and thought it would only damage the complainants further. He accepted that he should have sent the file to the DPP with a recommendation not to prosecute rather than take that decision himself. He had no doubt that the complainant girls were interfered with and he knew that the matter was serious but thought that a prosecution was not the answer. He confirmed that he did not inform Garda Behan and Sergeant Reynolds of his decision not to prosecute. He assumed when Chief Superintendent Doyle did not ask him how matters were progressing that he would not take any action.

Chief Superintendent Doyle recalled being informed by Superintendent Smith in May 1988, of the allegations of sexual abuse of school children in Monageer by Fr Grennan. He confirmed attending with Bishop Comiskey at the Bishop's house to tell him of the allegations and that some of the parents had threatened to take their children off the altar if Fr Grennan appeared at the Confirmation ceremony. He stated that he had no doubt whatsoever when leaving Bishop Comiskey that the Bishop was aware and understood the nature of the allegations. He also confirmed that Bishop Comiskey did not attempt to exert any pressure or influence on him. He stated that he never saw a file, the statements of the children or a Health Board report on the matter which is in conflict with Superintendent's Smith recollection of bringing the files to him to Wexford Garda Station. Chief Superintendent Doyle said his visit to Bishop Comiskey was his sole involvement in the case.

Garda Tony Fagan told the Inquiry that he was requested by Chief Superintendent Doyle to ask Fr Grennan to absent himself from the parish during the impending Confirmation ceremony. He reported to Chief Superintendent Doyle that Fr Grennan appeared prepared to visit an uncle or other family member in Wexford. He then recalled being contacted by a solicitor in Wexford Town questioning his authority to order a priest to leave his parish.

**(ii) 1996**

On 6 February 1996, Mr Garry O'Halloran of the South Eastern Health Board sent a letter to the Garda Commissioner and the Minister for Justice in relation to the Monageer incident. The Garda Commissioner appointed Detective Superintendent Dermot Dwyer to carry out an investigation on 12 February 1996, assisted by Detective Sergeant Kelleher.

During the course of the investigation by Superintendent Dwyer, the investigating officers became aware of a fourteen year old boy (Fergus 4.4.5) who had been receiving treatment allegedly as a consequence of sexual abuse by Fr Grennan who had died on 10 May 1994. The boy's mother made a statement to the Gardai. However, this allegation was not within the brief of the investigating officers.

A report was compiled by Superintendent Dwyer on 10 June 1996, which detailed the Garda and Health Board investigations into the allegations. The report concluded that the original investigation was poorly directed and displayed a marked reluctance to intervene with the clergy. The matter was not investigated fully as the senior investigating officers apparently believed that there was not sufficient corroboration to justify taking the matter further. In addition, no directions were sought from the DPP. According to the report, the defective investigation was mainly the fault of the Superintendent, although it was noted that the Chief Superintendent did not follow up the matter. The initiation of criminal proceedings against the officers concerned for subverting the course of justice was considered but the report recommended that no charges be brought. It also concluded that there was no evidence of any collusion between Church and State organisations to stifle, obstruct, or abandon the investigation.

Superintendent Dwyer wrote to the Assistant Commissioner on 5 June 1997, reporting that the investigation had concluded. The file was not forwarded to the DPP as there was no evidence to suggest that the offence of subverting the course of justice had taken place. In fact, the investigation report had recommended that this matter be referred to the DPP.

The Superintendent recalled meeting with Bishop Comiskey during the course of his investigation. He was surprised that Bishop Comiskey did not make enquiries in relation to the Garda process – a process which the Bishop clearly relied upon. He suggested that Bishop Comiskey could have insisted upon the Garda process being officially completed and sought reports on progress. However, he also believes that Chief Superintendent Doyle, who was on friendly terms with Bishop Comiskey, would have spoken to him about the matter in any event. He was surprised that none of the parents of the complainants made any enquiries about the progress of the investigation. He said that he could not fault the Garda investigation at local level.

He understands that all cases of this nature would now invariably be sent to the State Solicitor for forwarding to the DPP for a direction.

#### **THE INQUIRY VIEW ON THE GARDA HANDLING OF THE FR GRENNAN CASE:**

- **The Inquiry believes that the response of An Garda Síochána to the complaints made in 1988 was wholly unsatisfactory and it endorses the findings by Superintendent Dwyer in this regard and it regrets that the report was not forwarded to the DPP as recommended by the investigating officers.**

- **The Inquiry considers it important to ensure that all complaints and allegations relating to child sexual abuse are fully investigated in an expeditious and professional manner and a report sent to the DPP in all such cases at the earliest possible opportunity.**
- **The Inquiry is satisfied that current procedures render it extremely improbable that a file on a serious Garda investigation would not be referred to the DPP for his directions and advice. Moreover, facilities are available to any complainant who believes that his complaint has not been adequately or effectively investigated to report the matter to another station or level of An Garda Síochána, the State solicitor or indeed, the DPP.**
- **The Inquiry is of the view that where a complaint of sexual abuse is made by females, particularly in the case of sexual abuse of a minor, then at least one member of the investigation team should be female. The complainants in this case have stated to the Inquiry that they were very upset at having to make statements to a young male Garda who was also a neighbour. This was not a criticism of the Garda in question who handled the matter with sensitivity and discretion but was a criticism of Garda practice at the time.**

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## **FR ALPHA**

### **(i) 1995 – 2002**

On 27 November 1995, Edward (4.3.1) made a formal statement of complaint to Garda Tom Murphy at Enniscorthy Garda Station alleging sexual abuse perpetrated by Fr Alpha over a period of approximately five years from 1974. Edward had made a previous informal complaint and it was recommended that he should think about the allegation before making a formal complaint. Edward was then advised by Garda Murphy to seek counselling and did so.

On 17 February 1996, Eric (4.3.3) made a complaint to a Sergeant at Enniscorthy Garda Station alleging sexual abuse by Fr Alpha in 1992 or 1993. Eric told the Inquiry that he felt pressurised into making a statement and as a consequence the full extent of the abuse suffered by him was not revealed. The Sergeant recalled Eric as being anxious to make a statement and stated that the Gardai had been in contact with the South Eastern Health Board prior to his attendance at the Garda station. On 23 April 1996, Eric requested the withdrawal of his initial statement.

This Sergeant and another member of the Gardai interviewed Fr Alpha on 1 March 1996. In the statement taken, Fr Alpha is recorded as admitting to a sexual relationship with Edward from 1978 – 1981/2. Edward was 19 years old in 1978. This is a matter of considerable contention between Fr Alpha and the two Garda members. Fr Alpha denies he ever made such an admission but the two Garda members are clear that their statement is accurate. The Inquiry cannot resolve this issue. The Sergeant met with Fr Alpha again on 11 March 1996. Fr Alpha informed the Inquiry that at this meeting, he came under considerable pressure to repeat his alleged admission made during the course of the previous interview. Fr Alpha described the conduct and manner of both interviews as threatening and aggressive. The Gardai do not agree with Fr Alpha's account in this regard.

The Garda Sergeant prepared an initial report for Superintendent Moynihan on 15 May 1996. Charges of Gross Indecency by Fr Alpha against Edward between 1 January 1974, and 1 December 1979 were recommended. No recommendations were submitted in respect of Eric as he had withdrawn his complaint at that time.

On 10 May 1996, the Superintendent sent the report to the State Solicitor for forwarding to the DPP. The DPP agreed with the recommendations of the Superintendent. Between July and September 1996, the DPP sought further information in relation to Edward's statement.

On 17 September 1996, a statement was made by Gavin (4.3.2) alleging sexual abuse perpetrated by Fr Alpha. In that statement, Gavin mentioned that he complained of sexual abuse by Fr Alpha to the Spiritual Director of St Peter's College during his time as a student there in the late 1980s. The Spiritual Director was not interviewed at any stage of the investigation. Gavin was annoyed that this aspect of his statement was not properly investigated by An Garda Síochána. The Inquiry also notes that no direction from the DPP, who had been furnished with Gavin's statements, touched upon this issue.

A report was submitted to the State Solicitor, who in turn submitted it to the DPP on 20 September 1996. On 25 September, the DPP requested an additional statement from Gavin accounting for the delay in making the complaint.

In his initial statement, Gavin made reference to photographic images of him semi-naked being retained at Fr Alpha's house. He expressed to the Inquiry his dissatisfaction that no search had been carried out on the premises for such material. However, An Garda Síochána did not possess search powers in relation to such material until the enactment of the Criminal Justice (Miscellaneous Provisions Act) 1997.

A second statement was obtained from Gavin on 15 October 1996. Fr Alpha was interviewed on 14 November 1996 and all statements were sent to the State Solicitor by the Sergeant on 28 November 1996.

On 19 November 1996, Superintendent Moynihan received notification of a complaint by Fr Alpha in the form of a letter written by his solicitor. The complaint related to allegations of sexual assault by Gavin. The Superintendent forwarded Fr Alpha's letter to the State Solicitor on 21 January 1997.

Fr Alpha was interviewed by another Garda Sergeant from Blackwater Station in March 1997. In that interview, Fr Alpha reiterated his counter-complaint of sexual abuse against Gavin. A statement was made by an employee of Fr Alpha in support of Fr Alpha's counter complaint.

Gavin told the Inquiry that when attending with the Garda Sergeant on 17 September 1996 (his initial attendance), he expressly stated prior to making his statement that he had returned to Fr Alpha as an adult when sexual relations resumed. He explained to the Inquiry that he was told by the Sergeant that it would not be necessary to go into detail in relation to this aspect of the complaint. This is vehemently denied by the Sergeant in question. The statements in relation to Fr Alpha's counter claim were sent to the DPP by the State Solicitor on 10 April 1997.

On 24 March 1997, Eric re-entered his original complaint with two amendments. He confirmed that he had withdrawn his original complaint owing to family pressures that had arisen as a result of a note of a meeting between him and Bishop Comiskey being transmitted to his father through a diocesan official. The updated statement was forwarded to the DPP on 29 April.

The DPP responded on 13 May, stating that there should be (i) no prosecution relating to Edward because of a difficulty in proving a lack of consent, and (ii) no prosecution relating to Eric due to inconsistencies in the statements made.

The DPP was undecided at that time in relation to the allegations by Gavin.

On 13 May, Gavin made a statement addressing the points of Fr Alpha's allegation and stating that his behaviour on that occasion was attributable to Fr Alpha's long-standing abuse of him throughout his youth. On 4 June, the Sergeant, who had taken the original statement from Gavin, wrote to the Superintendent Moynihan stating that it would be unsafe to proceed with a prosecution in this case. The DPP advised by letter dated 23 June, that there should not be a prosecution of either Fr Alpha or Gavin in this case.

On 15 September 1997, Eric made another statement. This was added to his file which was sent to the DPP on 1 October. On 31 October, the DPP requested detailed reports in respect of Eric's psychiatric and psychological condition with reference to medical and Health Board reports.

In September 1998, Eric wrote to the Gardai instructing them to discontinue their investigation. He stated that he believed that the first statement he had made was more accurate and this statement had already been considered by the DPP with directions not to prosecute.

On 3 March 1999, the DPP confirmed that a prosecution in respect of Eric's complaint would be unsafe, even before he considered Eric's letter of withdrawal of September 1998. Fr Alpha has informed the Inquiry that he was not made aware of this decision at this time and that as far as he was concerned the investigations were continuing. He has stated that the stress and anxiety of this seriously impacted on his health at that time.



By that time, all complaints made to An Garda Síochána against this priest had been decided upon by the DPP. The Garda files do not evidence further formal Garda contact with any alleged victim of Fr Alpha until April 2002.

**(ii) 2002 – 2003 - GAVIN**

On 16 September 2002, Gavin made a complaint to the Gardai of buggery allegedly perpetrated against him by Fr Alpha when he was aged 8 or 9 years. This complaint was made to Garda Thomas Murphy of Enniscorthy station and gave rise to Fr Alpha's arrest on 21 November 2002 at 9.50 am. Fr Alpha was released at 3.43 pm on that day.

In December 2002, a report was compiled for the DPP with a recommendation that there was a lack of independent evidence to sustain a prosecution. In April 2003, the DPP directed no prosecution in respect of this case.

**(iii) 2002-2003 - ERIC**

In April 2002, Eric made a written complaint to Gardai at a Co Wexford Station repeating his complaint in respect of sexual assault and adding a new complaint of Buggery.

Arising from this complaint, Fr Alpha was arrested in August 2002, and brought to Enniscorthy station at 10.49 am and released at 4.18 pm on that day. In January 2003, a Garda report recommended a prosecution for sexual assault and buggery in respect of Eric. The Superintendent of Enniscorthy Garda station sent the report to the State Solicitor on 23 January 2003, agreeing with this recommendation and pointing out that whilst Eric's evidence showed inconsistency it was corroborated by other witnesses.

In April 2003, the DPP directed no prosecution in respect of this case.

**THE INQUIRY VIEW ON THE GARDA HANDLING OF THE FR ALPHA CASE:**

- **The Inquiry is satisfied that the different issues raised by the complainants in this matter were investigated by Gardai in an effective and professional manner over a lengthy period with commendable sensitivity.**
- **The Inquiry believes that this case illustrates the difficulty encountered by Gardai in investigating cases involving child sexual abuse. These are offences for which corroborative evidence can be difficult to obtain. Furthermore, the impact of child sexual abuse on complainants is recognised by psychologists as often impairing their ability to make clear and concise statements in relation to their experiences.**

- **The Garda investigation coincided with the first diocesan investigation under The Framework Document and illustrates the potential conflict to which such duplication may give rise. The Inquiry is informed that the disclosure of Eric's statement to his father in the course of this diocesan investigation led to his being forced to withdraw his original statement to the Gardai. The Inquiry has been informed by the Garda Authorities that the investigation carried out by the Diocese did not adversely affect Garda investigations in any other way.**
- **The initial complaint against this priest was made to Gardai in November 1995 and detailed inquiries continued until March 1999 when the DPP decided against any prosecution against Fr Alpha. In September 2002 further allegations were made and investigations continued until April 2003. In circumstances where allegations are made at such intervals the continuing uncertainty for the priest against whom these allegations are made is inevitable but regrettable. Fr Alpha has informed the Inquiry that he was not aware of the DPP decision not to prosecute which was taken in 1999 and therefore for him, the Garda investigation appeared to continue uninterrupted for a period of eight years. The Inquiry would regard it as most unusual that an accused person would not be informed of decisions taken by the DPP and would recommend that such information should be communicated as soon as possible.**

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### CANON MARTIN CLANCY

By letter dated 2 June, 1991 Clare's father wrote to Canon Clancy alleging that he had abused his daughter and threatening to report the matter to An Garda Síochána unless a payment of IR£20,000.00 was made. Clare (4.7.4) had made a written complaint to Bishop Comiskey in relation to such abuse on 1 May 1991. That letter was not provided to Gardai. The letter from Clare's father was forwarded to the diocesan solicitors and thereafter sent to An Garda Síochána. Two members of the Gardai called to Clare's home in early 1992 with instructions to investigate the matter.

A Garda Superintendent (now retired) informed the Inquiry that he advised Clare's father, in a Garda patrol vehicle outside the family home, that it would be more prudent to make a formal complaint rather than to seek a payment from the priest. The second Garda who was present at this meeting, a retired Sergeant, confirmed the Superintendent's account. The Superintendent heard nothing further in relation to the complaint against Canon Clancy but the Sergeant informed the Inquiry of rumours surrounding Canon Clancy in respect of which no actual complaints were made.

This Sergeant recalled being told by an anonymous lady of abuse by Canon Clancy at Kiltaly from 1978-1981 about which she refused to make a formal complaint. He also told the Inquiry that he received a letter from the office of the Garda Commissioner in or about 1981 enquiring if he had any further information of complaints made against Canon Clancy. He replied advising that he had heard rumours but no official complaint had been made and he would not investigate on the basis of such rumours without a written direction from the office of the Commissioner. No such direction was issued. Such correspondence has not been sighted by the Inquiry.

In May 1993, Canon Clancy died.

In February 1996, Clare's mother wrote to Fr Cosgrave, diocesan delegate, referring to abuse alleged by her daughter. In that letter she adverted to Gardai calling to her home in 1991/1992 in respect of the original complaint. Fr Cosgrave notified Superintendent Moynihan of this allegation pursuant to The Framework Document. The matter was investigated by Superintendent Kehoe at the direction of Superintendent Moynihan. The Superintendent met with Clare's mother who was upset about the matter. She explained to the Superintendent that Gardai had called to their home uninvited and spoke with Clare's father telling him not to talk about the alleged abuse and not to go to the press. Clare's father had died in the meantime and the Inquiry was unable to pursue the apparent conflict of accounts further. No Garda record was made in relation to the 1991 meeting.

#### **THE INQUIRY VIEW ON THE GARDA HANDLING OF THE CANON CLANCY CASE:**

- **The Inquiry was shocked at the extent of sexual abuse allegedly perpetrated by this priest in the Diocese of Ferns over a period of some thirty years. The Inquiry is satisfied that rumour, suspicion and innuendo had come to the attention of members of the Gardai as well as members of the teaching profession, the medical profession, the Church and the general public and were never acted upon.**
- **The Inquiry is concerned that no record was kept of the allegation of abuse on behalf of Clare. The Garda files do not include the letter from the diocesan solicitors in 1993 informing Gardai of the alleged abuse.**
- **The Inquiry appreciates the difficulties which would be involved in conducting an investigation of allegations of child sexual abuse without the co-operation of the victim but the Inquiry is strongly of the view that in this case, where, in addition to the written complaint by Clare's father, Gardai were aware of rumours surrounding the priest concerned, that some effort should have been made to probe the matter and create a record for further information.**

## **MONSIGNOR MICHAEL LEDWITH**

### **(i) RAYMOND**

On 5 January 1995, Dr A. Rogers, acting Director of Community Care, wrote to Chief Superintendent Murphy in Wexford with notification of information received from Bishop Comiskey in relation to allegations of sexual abuse against Monsignor Michael Ledwith. Dr Rogers had met with Bishop Comiskey on 23 December 1994 and was informed of the allegations made by Raymond (4.6.2) - Bishop Comiskey would not identify him further. Raymond alleged that he had been abused by Monsignor Michael Ledwith in the mid 1980s when he was aged approximately 14 years.

The Chief Superintendent met with Dr Rogers and Dr Liddy and in January 1995, gave the file to Superintendent Smith in Wexford for investigation.

In February, Bishop Comiskey wrote to the relevant Health Board and Superintendent Smith stating that the complainant had refused to allow the Bishop to disclose his identity. However, Bishop Comiskey did provide the name of Raymond's solicitor.

In May 1995, Superintendent Smith, then in Naas, prepared a report for the Chief Superintendent in Wexford. The report stated that the Superintendent had contacted the complainant's solicitors who were not prepared to release the identity of the complainant. The Assistant Commissioner was notified on the following day.

In July 1995, the Chief Superintendent of a different area was advised by Inspector Kerin that Monsignor Ledwith had a holiday home and Gardai had conducted a limited surveillance on that premises with a view to ensuring that young persons were not frequenting it. Such surveillance did not produce any evidence of wrongdoing on the part of Monsignor Ledwith. It was pointed out by Gardai that surveillance is a resource not available for every investigation and it is usually carried out on the basis of specific information.

Between July 1995 and February 1996, several attempts were made by Gardai to encourage the alleged victim to meet with them and report the matter. Further inquiries were also made at various locations where Monsignor Ledwith, lived, worked and holidayed.

On 2 February 1996, Superintendent James Kehoe wrote to the Chief Superintendent with a report on the matter. This stated that the family of the complainant would still not cooperate with the Gardai. Further updates were sent in June and August 1996, from the investigating officers confirming that there had been no change in the case.

**(ii) SHANE**

On 19 April 2000, Detective Garda Malachy Dunne met with Shane (4.6.3) as a result of contact from a firm of solicitors. A detailed statement of complaint was taken in relation to allegations of sexual abuse by Monsignor Ledwith at St. Patrick's College Maynooth on two occasions in November 1994. These allegations were categorically denied by Monsignor Ledwith.

As a result of the allegations made, twelve people were interviewed and provided Garda statements. The interviews uncovered a number of inconsistencies in the original statement made by Shane.

On 31 May 2001, Garda Dunne met again with Shane. During the meeting, Shane indicated that the incident described in his first complaint was inaccurate. He then claimed that what had been alleged as abuse was consensual. On 20 June 2001, the allegations of criminal wrongdoing were retracted. Following Shane's retraction of the allegations made, Garda Dunne informed all relevant persons. Monsignor Ledwith vehemently denied that any relationship with Shane occurred.

In May 2002, a file was prepared for the DPP recommending that because of Shane's psychological state of mind, a prosecution for making a false statement should not be pursued. In November 2002, the DPP directed no prosecution in respect of either Monsignor Ledwith or Shane.

**THE INQUIRY VIEW ON THE GARDA HANDLING OF THE MONSIGNOR LEDWITH CASE:**

**The Inquiry is satisfied that An Garda Síochána carried out as full and effective an investigation of the allegations made on behalf of Raymond as could have been undertaken without his co-operation.**

**The complaint by Raymond illustrates the dilemma faced by many complainants of sexual abuse who, whilst wishing to see the perpetrator punished, are fearful of being identified as a victim of such abuse. Even if he was granted confidentiality by the courts, details of the evidence could identify him and he was understandably concerned about the effect that would have on his family. The Inquiry believes that this is one of the main impediments to victims making a complaint to the Gardai. The Inquiry believes that this fear, whilst understandable, is not properly informed. The Courts can and do effectively protect the identity of victims in sexual abuse cases.**

**The comprehensive investigation of the allegations made by Shane are noteworthy as an illustration that such investigations may provide an effective protection for those who believe themselves wrongly accused of a criminal offence.**

## FR DELTA

On 11 October 2002, Fr Denis Brennan, diocesan delegate, notified Inspector Thomas Dixon of the Domestic Violence and Sexual Assault Investigation Unit, Harcourt Street, Dublin 2 that information came to the attention of the Diocese relating to a complaint by Bill (4.10.1) of child sexual abuse. The alleged victim was not identified in this notification. Fr Brennan noted in that letter that he made contact with the alleged victim to see if he was prepared to confirm or deny the allegation. He would do neither and said he wished to hear no more about the matter. Chief Superintendent Camon of the National Bureau of Criminal Investigation confirmed that where Gardai had no complaint, it could not undertake an investigation, and if the alleged victim did not wish to report the matter to the Gardai there was nothing the Gardai could do. He stated in a letter to Superintendent Saunderson on 4 January 2003, *"I do not feel that we should approach [Fr Delta] or cast any aspersions on him without a statement of complaint."* Superintendent Gallagher of the Child Abuse Special Investigations Unit at Harcourt Street raised the question with the Superintendent at New Ross Garda Station at 2 October 2003, of whether or not a child care issue arose in the matter, in light of Fr Delta's current residence. This query was repeated on 22 April 2004, and a reply to same does not seem to have been made.

On 15 April 2003, Fr Denis Brennan wrote to the Chief Superintendent at Wexford station in relation to a complaint against this priest by Terry (4.10.2.). That letter of notification appears not to have been received and as a result of there being no acknowledgement, Fr Denis Brennan, the diocesan delegate wrote again to Chief Superintendent Murphy on 15 November 2004 (over one and a half years later). The Chief Superintendent forwarded that letter to the District Officer at Wexford and a local Sergeant was nominated as investigating officer. The Sergeant met with Terry on three occasions and spoke with him on two other occasions by telephone. He stated that Terry had received legal advice and did not wish to pursue the matter any further. Accordingly, no further Garda action could be taken and Fr Brennan was so advised.

## **THE INQUIRY VIEW ON THE GARDA HANDLING OF THE FR DELTA CASE:**

- **This case aptly highlights the necessity of a willing complainant in order to pursue properly a Garda investigation. The Inquiry is satisfied that Gardai made sufficient efforts to procure the co-operation of the complainant and could not proceed any further in the absence of the complainant.**
- **The Inquiry is concerned at the failure of the Gardai to acknowledge the notification of this allegation by the Diocese.**

## **FR UPSILON**

In July 1998, a complaint made by Denis (4.17.1) was notified by the South Eastern Health Board to Enniscorthy Garda Station. Denis had made a complaint of sexual abuse against Fr Upsilon to a social worker in Dublin one week earlier. That complaint was immediately communicated to the South Eastern Health Board, the area in which Fr Upsilon resided. The alleged abuse took place in the late 1970s and early 1980s. The Diocese of Ferns was notified of this complaint by this Inquiry.

The Gardai at Enniscorthy notified the Superintendent at Wexford of the complaint and recommended that the file be forwarded to the local Garda station where the complainant resided so that a statement of complaint could be taken from the alleged victim. A few weeks later, Denis was informed by Gardai that his complaint had been made known to them. He attended his local Garda station approximately one month after making the complaint to the social worker, and made a statement that he had withdrawn his complaint against Fr Upsilon and did not want an investigation in the matter to continue. The Superintendent at Wexford was then furnished with the original Garda file on the matter and all Gardai involved in the investigation were informed that the matter could not be pursued because of the objection of the complainant.

### **THE INQUIRY VIEW ON THE GARDA HANDLING OF THE FR UPSILON CASE:**

- **It is accepted that Gardai cannot act or be expected to act where a complaint has been withdrawn.**
- **The Inquiry is satisfied that adequate measures were taken by Gardai from the time they received notification of the complaint until the time it was withdrawn.**

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## **FR GAMMA**

Ten females made statements of complaint to An Garda Síochána alleging indecent assault by Fr Gamma. Three of these complainants were made known to An Garda Síochána by the Diocese of Ferns. On 28 May 2002, the Diocese notified Gardai of Julie's complaint (4.9.1). Julie made a statement of complaint to a female Garda in

July 2002 and a further statement in October 2002, in relation to sexual abuse alleged during the 1970s. In her initial statement, Julie alleged sexual abuse which occurred in 1974 but on An Garda Síochána checking records, it was confirmed that the abuse could only have occurred in 1976 as alleged. A file was sent to the DPP in June 2003. In July 2003, at the request of the DPP, Julie made a further statement explaining that the delay in her making a statement of complaint arose from the issue of child sex abuse becoming heightened in terms of public awareness as a result of recent media coverage.

In October 2002, a local curate met with Grace (4.9.2). She alleged sexual abuse against Fr Gamma but did not wish to meet with Gardai about her complaint. The curate spoke with a local Garda at Tinahely Garda Station in October 2002 in relation to this complaint. He then alerted Fr Brennan, diocesan delegate, to the matter. He said that he had several discussions with the local Garda in relation to parish records and dates. In November, 2002, the diocesan delegate made a notification to the Gardai of child sexual abuse against this priest by Grace. Grace made a statement to the Gardai describing the abuse which she suffered from 10 to 13 years of age during the early 1970s. Grace made a further statement to Gardai in July 2003, explaining that she only became encouraged to make a complaint as a result of a recent Prime Time television programme.

A complaint was made by Orla (4.9.4) to Gardai directly in November 2002. Orla complained of four incidents of child sexual abuse during the 1980s when she attended Fr Gamma during confession. She explained that the delay in making her statement arose from a belief she held that she would not be believed.

Bernadette (4.9.5) made a statement of complaint of child sexual abuse directly to An Garda Síochána in July 2002 in relation to events which occurred when she was 7 or 8 years of age. Gráinne (4.9.6) made statements to An Garda Síochána in November, 2002, and in July, 2003, in relation to abuse which occurred when she was approximately 10 years of age. She also stated that the reason for her not making a complaint sooner was that she did not think she would be believed. Caroline (4.9.7) made a statement of complaint to An Garda Síochána in November 2002. She was 18 years of age when the alleged abuse occurred. Hilary (4.9.8) made a statement directly to An Garda Síochána in January 2003, in relation to sexual abuse against Fr Gamma which occurred when she was approximately 11 years of age. This related to two incidents of sexual abuse whilst she was a car passenger with Fr Gamma. Deirdre (4.9.9) made a statement of complaint to An Garda Síochána in December 2002, in relation to sexual abuse by Fr Gamma when she was a teenager. She stated that she did not want the matter pursued for personal reasons and did not provide any further details in respect of the alleged abuse. Marie (4.9.10) made a statement of complaint directly to An Garda Síochána in April 2004, in relation to sexual abuse by Fr Gamma whilst she was attending Confession with Fr Gamma as preparation for her First Holy Communion.

Fr Gamma was interviewed in relation to all complaints made to An Garda Síochána and all statements were notified promptly to the DPP. On 14 June 2004, the DPP directed that all complaints made known to it at that stage would not merit prosecution on the basis that the DPP believed that a court would be unlikely to hold a view that the reason given by complainants that they would not be believed was a



reasonable explanation for the delay given the ages of the complainants and the fact that this type of matter has been in the public arena for ten years at least. On 4 May 2005, the DPP directed in relation to Marie's complaint, that the delay was not satisfactorily explained and the inconsistencies in her account would be exploited by the defence in any prosecution.

**THE INQUIRY VIEW ON THE GARDA HANDLING OF THE FR GAMMA CASE:**

- **The Inquiry believes that these investigations were carried out effectively and reported promptly to the DPP.**

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**FR BETA**

On 7 April 2002, a complaint by Trevor (4.8.1) was made known to An Garda Síochána by the diocesan delegate. Trevor made a statement to Gardai in May 2002, and a file was sent to the DPP in October. The DPP decided not to institute criminal proceedings on foot of the complaint as there was insufficient evidence that Trevor was under 18 years old at the time of the incident. In addition, Trevor's inability to recall the detail of the abuse suffered would have made a successful prosecution less likely. The Garda file in relation to this complaint is now closed.

On 24 December 2003, An Garda Síochána received another complaint through a third party (Ben 4.8.2). The Garda file in respect of this complaint is now closed on the basis that it has been unable to contact the alleged victim.

**THE INQUIRY VIEW ON THE GARDA HANDLING OF THE FR BETA CASE:**

- **The Inquiry is satisfied that these complaints were investigated appropriately.**