



Attachment to the letter:

Practical steps to follow when an allegation reaches the Minister or Custos

- 1) Once a complaint (*notitia de delicto*), it is very important to keep calm and not to act with panic, even if emotionally it is not an easy time. It is always better not to act alone, but to consult with a commission (already established or *ad hoc*) and, if necessary, with a canonist.
- 2) From the outset it is necessary to assess whether there is a risk for the victim that the accused friar or the accused lay person might commit other crimes, and to decide on possible precautionary measures to protect the victim.
Information about a crime (*notitia criminis*) can reach the Minister Provincial in any form (oral or written, presented by the alleged victim or by others, received by public authorities or newspapers ...). It does not need to be a formal complaint; however, it must be considered, even if it is rather vague, and even if it is anonymous.
- 3) When he receives "news of a crime", an information about a possible crime, concerning one of his own friars, the minister makes a very first assessment of whether it is at least plausible (... *saltem verisimilem*). If the news is completely unfounded (see n. 4 below), the Minister must keep the documentation together with a note, in which he sets out his considerations about the groundlessness of the case.
- 4) The judgment on the lack of a foundation can be given only in the case of manifest absence of likelihood, that is, if it is objectively impossible that the crime could have been committed. If it is a non-reserved crime or, in any case, improper conduct, you do not go through the DDF, however you must proceed, in some other way (see below).
- 5) The accompaniment of the accused friars during the preliminary investigation: From a therapeutic point of view, the most critical moment for the accused friar is the period immediately after being presented with the accusations. The fear of mass media attention and the resulting derision and hatred of the public sphere may become so pervasive that the risk of suicide is very high. For this, if there are signs of suicidal ideation, you should not wait too long to offer competent psychotherapeutic help. It would be desirable for the friar to be accompanied by a spiritual or pastoral companion who has much experience. Since at this stage the friar continues to belong to the Order, it would be good to designate a friar who is available to offer regular fraternal support.
- 6) If the Minister decides to initiate a preliminary investigation, the friar must be informed in a transparent manner of the individual steps of the procedure. Every accused friar has the right to avail himself of juridical advice in both canon and civil law. All necessary measures must be applied to protect the good reputation and presumed innocence of the accused friar until the end of the canonical and/or civil process. At the same time, everything possible must be undertaken to protect the integrity of any victims in relation to the accused friar.
- 7) If the plausibility of the accusations is confirmed by the preliminary investigation, the friar must be confronted with the seriousness of his situation and the possible consequences.
- 8) If necessary, the precautionary measures must be re-evaluated, and the friar must prepare for a form of religious life with more restrictions. From a psychiatric point of view, paedo-sexuality, that is, the abuse of minors, is not curable, but it can be treated "successfully" in the sense that predators better control their tendency and develop more mature relationships with adult people. To ensure that the precautionary measures are put into practice throughout the procedure and possibly after, it would be good to instruct, alongside the Minister Provincial, a friar, or an external person to coordinate all forms of medical, psychotherapeutic, pastoral accompaniment over time, that is, beyond the six-year term of government.



At the level of the canonical procedure, it is necessary to follow the following indications:

- Carefully read two recent documents of the Holy See: *Sacramentorum Sanctitatis Tutela, Norms on crimes reserved for the Congregation for the Doctrine of the Faith* (11 Oct. 2021) and the *Vademecum on some points of procedure in the treatment of cases of sexual abuse of minors committed by clerics*, version 2.0 (5 June 2022).
- If it is a non-reserved crime or improper conduct, you do not go through the DDF; however you must proceed by another way, for example: because the accused was not a priest, or because the victim was not a minor, or because at the time of the facts the accused certainly lived in another country.
- **Even if the Ordinary assumes the responsibility of not proceeding with the preliminary investigation, it is strongly recommended that he inform the Dicastery for the Doctrine of the Faith (DDF) through the Order's Procura about the *notitia de delicto* that has reached him and the decision to archive it.**
- If the news of a crime is at least plausible, then the Minister Provincial must initiate a preliminary investigation, by means of a special decree, in which, unless he conducts the investigation himself, he also appoints the investigator and a priest-notary.
- **In this field, the failure of the Minister to act by negligence now constitutes a crime, which may entail the loss of office and other penalties.**