

## Expert Report by

THOMAS P. DOYLE, M.A., M.Ch. A., J.C.D., C.A.D.C.

In the case of

Jennifer Herrick vs. Thomas Knowles

Supreme Court of New South Wales

Proceedings no. 2013/212143

### Expert Background, Qualifications and Experience

1. My name is Thomas Patrick Doyle. I was ordained a Catholic priest in the Dominican Order on May 16, 1970. I also served as an officer in the United States Air Force from 1986 until 2004. I currently reside in Vienna, Virginia. My *curriculum vitae* is attached.
2. I have earned the following degrees: B.A. in Philosophy, Aquinas Institute of Philosophy, River Forest, Illinois granted in 1966; M.A. in Philosophy, Aquinas Institute of Philosophy, 1968; M.A. in political science, University of Wisconsin, 1971; M.A. in theology, Aquinas Institute of Theology, Dubuque, Iowa, 1971; M.Ch.A., Catholic University of America, Washington, D.C., 1976; M.A. in Canon Law, University of Ottawa, Ottawa, Ontario, 1977; J.C.L. (Pontifical Licentiate in Canon Law) St. Paul University in Ottawa, Canada, 1977 and a J.C.D. (Pontifical Doctorate in Canon Law), Catholic University of America, 1978. I am also a fully certified addictions counselor. I graduated from the Naval School of Health Sciences in San Diego.
3. I have held several part-time academic positions from 1974 through 1995. These have included Visiting Lecturer in Canon Law at Catholic Theological Union in Chicago, Illinois from 1979-1981; Visiting Lecturer in Canon Law, Catholic University of America, Washington, D.C. from 1981-1986; and faculty member, Midwestern Tribunal Institute, Mundelein Seminary, Mundelein, Illinois from 1979-1986. In addition, I have served as a part-time Tribunal Judge for the Diocese of Scranton, Pennsylvania from 1986-1990, for the Diocese of Pensacola/Tallahassee and the Archdiocese of Military Services from 1993-1995, and the Diocese of Lafayette in Indiana from 1991-1993.
4. I have extensive experience serving in various administrative and judicial posts in the Catholic Church in the United States. These have included appointments as an advocate and later a judge in the Tribunal of the Archdiocese of Chicago and appointments as a judge in the tribunals of the dioceses of Scranton, PA, Pensacola, FL and Lafayette, IN. I have also carried out various administrative duties in the Archdiocese of Chicago due to my training as a canon lawyer.

5. In addition to teaching and administrative work, I have written several books and articles on a variety of subjects related to theology and Canon Law. Included are one book, several articles and contributions to several books on subjects directly related to clergy sexual molestation of minors and vulnerable adults. A complete list of my publications can be found in my curriculum vitae.
6. I continued to do parish work on weekends until I entered the military in 1986. I served as a reserve chaplain with several active duty assignments until 1990 when I became a full-time active duty officer and chaplain. I have held the following permanent assignments: 1990-1993, Grissom Air Force Base, Indiana; 1993-1995, Hurlburt Field, Florida; 1995-1997, Lajes Field, Azores; 1997-2001, Tinker Air Force Base, Oklahoma; 2001-2003, Ramstein Air Base, Germany; and 2003 to 2004, Seymour Johnson Air Force Base, North Carolina. I have also been deployed to Operation Joint Forge, Operation Southern Watch and Operation Iraqi Freedom.
7. From the fall of 1981-1986 I served as secretary and Canon Lawyer on the staff of the Vatican Embassy in Washington, D.C. During my tenure at the Vatican Embassy, accusations of child abuse by Catholic priests and bishops as well as members of religious communities of men and women were reported to the Vatican Embassy by the local bishops. In these cases I was given responsibility for preparing files, following correspondence and preparing responses to letters received by the Vatican Ambassador. I first became involved with sexual abuse by Catholic clergy in 1982 in the course of fulfilling my duties at the embassy. Since that time I have been consistently involved with this issue in a variety of ways throughout the United States and in other countries as well.
8. I have testified as a qualified expert witness and consultant in criminal and civil cases involving clergy sexual abuse since 1988 and have studied documentation in cases from approximately 190 of the 195 Catholic dioceses in the United States. I have also served as an expert witness in civil and criminal cases in Canada, Belgium, The U.K., Ireland, New Zealand and Israel. I have been directly involved with and studied documentation and personnel files from several religious orders with foundations in the U.S., Canada, Ireland, the United Kingdom, Belgium, Mexico, Italy, Germany and Austria. The religious orders and congregations I have studied have included the following, among others: Jesuits, Dominicans, Order of Friars Minor, Capuchin Franciscans, Carmelite Fathers, Maryknoll Fathers and Brothers, Basilians, Pallottine Fathers, Christian Brothers of Ireland, DeLaSalle Christian Brothers, Clerics of St. Viator, Redemptorists, Oblates of Mary Immaculate, Oblates of St. Francis de Sales, Benedictines, Missionaries of the Sacred Heart, Franciscans Third Order Regular, Legionnaires of Christ, Vincentians, Congregation of the Sacred Hearts of Jesus and Mary and Franciscan Brothers of Mount Bellow, Ireland.

9. In the course of this work, I have reviewed more than 2000 priest personnel files. I have appeared before the legislatures of the States of Pennsylvania, Illinois, Ohio, Colorado, California, Delaware, Maryland and the District of Columbia to testify relative to child protective legislation including matters related to child abuse, clergy reporting statutes and statutes of limitations. I have also appeared before or consulted with several grand juries in the United States. I have served as a consultant and/or expert witness before the four government appointed commissions investigating clergy sexual abuse in Ireland. I was an expert witness for the Cornwall Public Inquiry, Cornwall, Ontario, Canada. In February 2011 I addressed a special commission of the Parliament of Belgium at their request. In January 2013 I was asked to submit expert testimony to the Australian Royal Commission of Inquiry and to the Commission of the State of Victoria, Australia. In April 2015 I was asked to serve as a consultant to the Vatican Commission on Sexual Abuse of Children in the Catholic Church.
10. The most important part of my involvement has been my direct contact with victims and their families. From 1984 on I have worked extensively with clergy sexual abuse victims of both sexes ranging in age from nine years old to 92 years of age. I have provided pastoral care to their families including parents, spouses and children. I have also worked as a canonical consultant with Dioceses and Religious Orders, giving presentations and lectures and developing policies and procedures in this area as well as assisting numerous dioceses in the United States and abroad in compiling similar policies and procedures. I have given workshops to various dioceses around the country on the issue of clerical sexual misconduct against minors. I have lectured extensively and published articles on issues related to sexual abuse by clerics and religious brothers. In addition to working with victims of sex abuse I have also worked since 1984 with accused clerics as a canonical advocate and advisor and as a pastoral support person.
11. I have been asked to review documentation pertaining to this case and to offer expert opinions concerning aspects of the case that fall within my area of expertise. My expertise includes extensive knowledge of the Church's legal system and governing structure. It also includes extensive knowledge of the Catholic Church's response to sexual abuse and molestation perpetrated by clerics and members of religious orders, both male and female. This knowledge encompasses the history of clergy sexual abuse as well as the manner with which the Church has responded to sexual abuse in the present era. I also have extensive knowledge based on study and experience of the spiritual effects of sexual abuse by clerics and the recovery from this damage by victims.
12. I have read the Expert Witness Code of Conduct under Schedule 7 of the Uniform Civil Procedure Rules (NSW). I will abide by the norms and terms of the Code of Conduct.

The Parties to the Case

13. The parties to this case are Jennifer Herrick, a 62-year-old single woman who was raised and has remained a devout Roman Catholic. The other party to this case is Fr. Thomas Francis Knowles, an ordained priest of the Roman Catholic Church and a member of a Catholic religious institute known as the Blessed Sacrament Fathers.

Material reviewed

14. I have reviewed the following materials provided by plaintiff's counsel in preparation of this report: The Plaintiff's Evidentiary Statement, amended 18 December 2015; Sealed copy of the further Amended Statement of Claim; the Amended Defense of the First Defendant; letter from Peter Karp, dated 26 February 2016, case note dated 45 Aug. 2011 by Michael Salmon; Knowles history from Road to Emmaus; Knowles history; letter to Rev. Thomas Doyle; Medical report, Dr. Ana Grant; Medical Report, Dr. Robertson; Medical Reports of Mark Grant dated 23.10.12, 11.04.14 & 02.10.14 and the Australian Catholic Church publication "Towards Healing – 2010-2015."

The Scope of this report

15. Mr. Peter Karp, solicitor for the plaintiff, has provided the topics upon which he seeks my expert opinion in his letter dated Feb. 26, 2016. The expert opinions I will provide in this report respond to the following questions:
  1. Whether Fr. Knowles conduct towards Ms Herrick amounts to misconduct by a priest?
  2. Identify the systems and procedures, including systems and procedures in relation to supervision of a priest which should reasonably have been in place so as to:
    - a) Ensure that the conduct of Father Knowles would not have been able to take place;
    - b) Ensure that such sexual conduct by Father Knowles should have been discovered at an early stage;
    - c) Appropriately provide assistance to Ms Herrick to extricate her from Father Knowles conduct and;
    - d) Appropriately provide assistance to Ms Herrick to assist her in her rehabilitation from the effects of the conduct?

Overview of the Facts of this Case

16. Ms Herrick was born June 11, 1953. She was born with bilateral congenital hip dysplasia, grade 4, and grade 4 being the most severe. She has had four major surgical procedures for this condition and continues to be in treatment. She describes her father as having been a deeply religious man and her mother less so. Her father was Roman Catholic and her mother Anglican. Ms Herrick admits to a strong belief in the Catholic Church, its teachings and its values. She also admits that from her youth she had a high regard for priests, believing them to be men of God. She believed she was to look up to and respect priests. She was very active in Catholic Church organizations and very much a part of the culture of the Catholic Church.
17. The plaintiff met Fr. Knowles in 1973 when she was just 19 years old. He is seven years older than she. He was working as a priest at the church where she worshipped. Fr. Knowles gradually cultivated and promoted a friendship with Ms. Herrick. An initial incident occurred in 1973 while she was driving Fr. Knowles at his behest as a chaplain to a youth retreat. He stroked her leg in the car. During the incident she stated that she was surprised and it made her jump. The next, overt sexual incident took place in 1976. She was involved in an auto accident and was recuperating at her parents' home. Knowles went to visit her. They were alone and he pushed himself against her and kissed her. After the incident she stated that she was confused and startled. The next incident happened in 1977 when Ms Herrick was living in Harrington. On this occasion Knowles went to visit her at her small cottage and ended up staying the night. She at first thought he would stay in a guest room to which she directed him. He ended up entering her bedroom in the early morning, got into bed with her and attempted to have sexual intercourse.
18. The sexual interaction between Ms Herrick and Fr. Knowles went on until 1989 when, according to her report, they engaged in sexual intercourse for the last time. It appears from her evidentiary statement that she saw him in 1990 and then did not see him until 2010, twenty years later, when he showed up at her ailing mother's retirement residence.
19. Ms. Herrick reported the long-term sexual interaction to "the Church" as she puts it in her statement, in 2011. It is not immediately clear if she first reported it to the Blessed Sacrament Fathers or to the diocesan authorities. Shortly after she made her report, she said that Fr. Knowles was "stood down" by Archbishop Hart for 16 months. "Stood down" appears to be an Australian term for "suspended" which in essence is what happened to Knowles. Apparently Fr. Knowles remains in active ministry.
20. Ms. Herrick entered into a protracted Church sponsored process known as "Towards Healing" whereby she was communicating with the superiors of the Blessed Sacrament Province as well as a representative of the "Towards

Healing” program. As part of that process Archbishop Hart of Melbourne ordered the Blessed Sacrament Provincial Superior, Fr. Graeme Duro, to issue a public apology to their Church’s congregation (St. Francis) in Melbourne. This he did but he minimized it by referring to it as an “adult relationship” and further stated that Knowles had apologized to Ms Herrick. In fact, he had never uttered any apology to her.

21. Ms. Herrick did not believe that her involvement in the “Towards Healing” process achieved its stated goals. Because of the way she was treated by the Blessed Sacrament Fathers provincial superior, Fr. Duro, Ms. Herrick experienced a certain degree of re-victimization. This is described in detail by one of her therapists, Mr. Mark Grant, a clinical psychologist. In his report, dated 23 October 2012, he says: “*Jennifer experienced the process as one which took away her control and actually triggered similar feelings to those associated with the abuse itself.*” (p. 10, par. 4). Ms. Herrick was not able to protect her own interests while going through the process because of the stress associated with her physical and psychological condition at the time.
22. The sexual interaction between Jennifer Herrick and Thomas Knowles began in 1973/1976 and extended until 1989. During that time Knowles held a number of important and influential positions in his religious community. These included member of the Provincial Council, Assistant Director of Scholastics, Novice Master, Member of the Provincial Planning Commission, interim superior and superior of St. Francis community, Melbourne and teacher in the formation program. He was also the Provincial superior from 1992 to 1999, after his interaction with Jennifer had ended.
23. Knowles was on a sabbatical between 2002 and 2005. During this time he was involved in an “open relationship with a woman called Chris.” After Ms. Herrick disclosed the abusive interaction with Knowles in 2011, his provincial put him on an enforced administrative leave for 16 months. At the conclusion of this period Fr. Duro, the provincial at the time, fully re-instated him. When Archbishop Hart returned from an absence in Rome, the archbishop learned of his status and stripped him of his faculties and barred any public ministry or teaching. The provincial obviously had not taken Knowles abusive interaction with Ms. Herrick seriously. This action joined with Fr. Duro’s behavior and attitude manifested during the “Towards Healing” process indicates to me that he did not comprehend the true nature of the abusive interaction with Ms. Herrick nor did he appreciate the very real potential for further harm caused by Knowles. It is obviously at he also either failed to comprehend the spiritual, emotional and psychological damage experienced by Ms Herrick or if he did have a sufficient understanding of it, he chose not to consider it in his dealings with her.
24. The file contains a case note from Michael Salmon, Professional Standards Officer for NSW/ACT, dated Aug. 5, 2011. This note memorializes a phone call from Fr. Graeme Duro, the provincial superior, who recounted some of the

content of conversations with Thomas Knowles. Knowles told Duro that Ms Herrick's account is "largely truthful." He also reported that Knowles was "devastated by all of this." The case note also states that the provincial acknowledged another sexual interaction with another adult woman.

25. There are several indicators from the files to the effect that the Blessed Sacrament Provincial considered the interaction between Knowles and Ms Herrick to be an "adult relationship." He refused to negotiate the minimal settlement offered Ms. Herrick because he judged that what had happened was an adult relationship. He is quoted in the report by Mark Grant as having said he was not prepared to negotiate because "unlike child abuse, this was an adult thing."
26. It is apparent that Fr. Duro had little if any genuine sensitivity to the nature of the interaction between Knowles and Ms. Herrick and no sensitivity for or understanding of the true nature of this interaction. This is obvious to me from the business-like, dismissive tone of the apology letter he sent to Ms Herrick, a letter that was obviously not spontaneous and based on a true sentiment of apology. It is also obviously from the fact that Fr. Duro re-instated Knowles into full ministry after the period of suspension after being away of two illicit interactions with women.
27. Fr. Duro was in no position to judge or to label the nature of the protracted interaction between Ms Herrick and Fr. Knowles. This task was accomplished by the psychologists and the psychiatrist who treated Ms. Herrick:

Ana Grant, MClin. Psych

*Jennifer's experiences with Rev. Knowles fall within the criteria for Clergy Perpetuated Sexual Abuse (CPSA) which ranges from having sexual relationships with male or females children, adolescents and adult women...One of the defining characteristics of this form of abuse is the betrayal of the trust relationship by someone who is in a position of power and influence...In this sense Jennifer's relationship with Rev. Knowles was not a normal boy-girl relationship, any more than a relationship between a doctor and his patient or client and their therapist would be considered a normal relationship*

*In conclusion I find that Jennifer is suffering from complex PTSD and that this condition is due to the sexual relationship she had with the Rev Knowles between 1973 and 1993 and the negative effects of this on her life, social adjustment and self-esteem. (Report, Aug. 18, 2011, p. 3,4)*

Mark Grant, M.A.

*It bears repeating that the Rev. Knowles abused a position of power and trust to erode Jennifer's boundaries, morals and values, and make her a pliable object for his gratification.*

*Jennifer feels that the Church doesn't have any understanding of what perpetuated exploitation and abuse is and its effects, which is one of the main aims of her claim.*

Dr. Andrew Robertson, M.D., Consulting Psychiatrist

*I think that Ms Herrick has suffered a chronic Post-Traumatic Stress Disorder as a result of the various aspects of the relationship with Fr. Knowles.*

*I agree with the two psychological reports that give the opinion that this relationship had more in common with incest or child sexual assault than a mature heterosexual relationship. (Report, p. 5)*

28. Knowles began an overtly sexual interaction with Ms. Herrick in 1976 although he had been intentionally grooming her prior to this time. The illicit abusive interaction went on until 1989. At the time the sexual interaction was initiated by Knowles, the Catholic Church was governed by the Code of Canon Law, promulgated or published on May 27, 1917 but which did not go into effect until May 19, 1918. This Code remained in effect until the revised Code went into effect. This Code was promulgated on Jan. 25, 1983 and went into effect on Nov. 27, 1983. This means that the canons of the 1917 Code were in effect for most of the time this abusive sexual interaction endured. When the revised Code went into effect in 1983 the abusive sexual interaction was still in existence. Any canons that were applicable under the 1917 Code but which were abrogated by the 1983 Code were no longer in force or relevant to the abusive interaction after the new Code went into effect.
29. Fr. Knowles was also bound to obey the constitutions of his religious institute as well as any other particular norms or laws enacted by the province to which he belonged.
30. The internal regulations of the Catholic Church (The Code of Canon Law, 1917) refer in canon 2359, 1 to a cleric who remains in "concubinage" which produces scandal as one who has incurred a canonical delict. This canon is repeated in the 1983 Code as canon 1395, 1. Fr. Knowles is a member of a religious institute that takes the vow of chastity. As a Roman Catholic priest he had also voluntarily assumed the obligation of mandatory and complete celibacy. He was ordained in 1973, the same year he met Ms. Herrick and started to groom her for



the eventual exploitive sexual interaction. He first engaged in a sexual interaction with her in 1976, three years after his ordination. This situation with Ms Herrick continued for nearly twenty years. In the course of this period, in 1984 to be exact, Knowles was in Washington DC studying at Catholic University of America. At Christmastime he arranged for Ms. Herrick to travel to the U.S. to be with him. According to her evidentiary statement she stayed in the religious house with Knowles. I find it remarkable that no one in the religious institute recognized or acknowledged this situation that in itself is most unusual.

31. Canon 124 of the 1917 Code is applicable here: *Both the interior life and the exterior conduct of the clergy should be superior to that of the laity to whom they should furnish an example of virtue and good deeds,*” Canon 133 of the 1917 Code sets forth some rules for the deportment of clerics and women:

1) *Clerics should take care not to retain or in other ways frequent women upon whom suspicion can fall*

2) *It is permitted for them to cohabit only with women whose natural bond places them above suspicion*

3) *The judgement about retaining or frequenting women, even those who commonly fall under no suspicion, in particular cases where scandal is possible or where there is given danger of incontinence belongs to the local Ordinary who can prohibit clerics from retaining (having) or frequenting such women.*

All religious clerics (members of religious communities) are bound, as are secular or diocesan clerics to the canons on the behavior of clerics, (cc. 124-142

32. The superiors of religious communities have certain obligations toward their subjects. They must see that they are present for the daily prayer times as these are set down by the Order and this includes daily Mass (canon 595, 1.
33. In order to respond to the questions posed by plaintiff’s attorney I believe it is necessary to have an understanding of the context. Ms. Herrick was clearly a vulnerable young woman at the time she met Thomas Knowles. The interaction between them was not a mature adult interpersonal relationship as is clearly attested to by the three medical experts who treated Ms. Herrick. Ms. Herrick was a devout Catholic and Knowles was a priest. Ms. Herrick clearly held Knowles in a position of awe and admitted in therapy that recalled feeling addicted to his approval. It is important to note that the official doctrine of the Catholic Church about priests and the priesthood fosters a belief that priests are ontologically different from other human being, rightly deserving of complete trust and confidence and rightly entitled to deference. This attitude of

specialness is imbued in seminarians in the years of preparation for the priesthood. In the Catholic culture within which Ms Herrick was raised, the priest in general was always in a position of superiority to all lay people. Consequently, there is no question that there was a very significant power imbalance between Ms. Herrick and Fr. Knowles. The medical experts explored this imbalance and commented on its negative influence on Ms Herrick in her on-going interaction with Knowles and on her participation in the “Towards Healing” process.

34. The first question:

**Whether Fr. Knowles conduct towards Ms Herrick amounts to misconduct by a priest?**

- a) Knowles conduct towards Ms Herrick amounts to misconduct on two levels. First, he was obliged by the general law of the Church (canon 277) to observe “perfect and perpetual continence” which means he was prohibited from engaging in any form of sexual interaction with anyone for any reason. Knowles engaged in an abusive sexual interaction with Ms Herrick for nearly twenty years.
- b) The prolonged sexual interaction was also a violation of Knowles vow of chastity that he took in the Congregation of the Blessed Sacrament.
- c) Since the interaction was clearly an exploitive one on Knowles part as is evidence from Ms. Herrick’s evidentiary testimony, the reports of the medical experts and Knowles own statements to Ms. Herrick that he feared discovery lest he be in serious trouble, it appears clear to me that he is also guilty of the canonical crime of **abuse of authority (ca. 1389)**: “...one who abuses ecclesiastical power or function...” It is my expert opinion that Knowles abused his function as a priest in that he engaged in an exploitive sexual interaction with Ms. Herrick primarily for his own satisfaction. He used his position as a priest, knowing full well that she held him in high esteem and awe, to entice her into a sexual interaction and also used this power and position to keep her in the toxic interaction.

35. The second question:

**Identify the systems and procedures, including systems and procedures in relation to supervision of a priest that should reasonably have been in place so as to:**

- a) **Ensure that the conduct of Father Knowles would not have been able to take place;**

- (1) The superiors of the Congregation of the Blessed Sacrament were primarily responsible for supervising and monitoring Fr. Knowles. A fundamental obligation for the provincial superior of any religious institute is to promote the obedience of their subjects to the vows they have taken, to the general law of the Church and to the internal governing norms of the institute. It is unreasonable to expect religious superiors on the local level or on the provincial level to micro-manage their subjects by insisting on knowing where they are and what they are doing at all times. However, it is not unreasonable to expect the local superiors of the community in which a subject lives, in this case Knowles' local superior, to hold him accountable for his life style if this does not conform to the expectations of the community. It is unrealistic to believe that Fr. Knowles could have conducted a sexual interaction with a woman for as long as he did without someone in the community noticing. The community should have had a process in place whereby Knowles reported to his superior on his ministry and his whereabouts. The superiors should have inquired of Knowles as to where he was and what he was doing during the significant periods of time when he was absent and in the company of Ms. Herrick.
- (2) The Blessed Sacrament Superiors, especially the local superior who had first-hand knowledge, should have closely monitored Fr. Knowles behavior since it is almost certain that he noticed his frequent absences from community. In my experience having lived in a religious community for years, behavior similar to that manifested by Knowles was always considered to be a "red flag" that the member was engaged in an outside interaction with a woman (or a man). The superiors would have been well within their rights to directly question Knowles if he was seeing a woman or engaging in a sexual interaction with a woman.
- (3) The Code of Canon Law does not provide detailed regulations or procedures that must be followed by superiors in monitoring their subjects on a daily, weekly or monthly basis. The Code specifies that members of religious institutes are to go to confession weekly, an obligation that is enforced by the superior (canon 595). The superiors know that their subjects are obliged to follow Canon Law and the community's own regulations. The superiors are obliged to see that their subject lives up to their obligations and follow the church's laws and rules. The local and regional superiors do not need detailed and specific regulations or protocols that spell out exactly how they are to exercise their authority in monitoring the behavior of their subjects. They are presumed to know that a religious member who is constantly or at least regularly in the company of a woman or in the

company of young minors is either engaged in an illicit sexual interaction or grooming the person for such an interaction.

- (4) It is my expert opinion that no such attention was given to Knowles behavior. It was probably noticed but the superior obviously ignored it. Knowles' abusive sexual interaction with Ms. Herrick extended for nearly two decades. In my opinion reasonable care was never exercised and this I believe was due to negligence on the part of the superiors. By negligence I mean that the superior of the community, being the immediate superior responsible for the actions of the members of the community, knew that Knowles was frequently absent from the community for not just periods of hours but days, and never confronted him about this. Reasonable care, which is the same in this instance as appropriate and responsible action, should have started with a confrontation by the superior in which he required that Knowles give an exact accounting of his frequent absences from the community.
- (5) Had Knowles been properly monitored and confronted about his absences after even the first such overnight absence, it is likely that the superiors would have uncovered his deceptive behavior early on and consequently prevented the abusive interaction from developing and doing the damage it ended up doing to Ms. Herrick. This of course presupposes that Knowles would have been truthful when being questioned by the superiors. Proper monitoring by the local superior simply means that he is attentive to the behavior of the members of the community and if he notices that one is habitually absent, he confronts the member. Some religious communities have specific rules in place such as requiring that members inform the superior and seek his permission to be absent overnight or longer. Also, since automobiles are owned by the community many require that a member sign an auto out giving the times he will be using it.
- (6) The superiors, upon discovering the sexual interaction could and should have done what was commonly done in such situations: the cleric, in this case Knowles, would be removed from the environment, given a new assignment and ordered to receive assistance in properly living out his vows.

**b) Ensure that such sexual conduct by Father Knowles should have been discovered at an early stage;**

Ms Herrick and Knowles often spent prolonged periods of time together when Knowles was away overnight from his religious community. There

is no evidence that his superior ever questioned him about this. In most religious communities it is standard procedure for subjects to require permission of the superior to be away overnight. If the superior had such a policy and were enforcing it then it is likely Knowles would not have been able to get away with spending as much time engaged in an abusive interaction as he did with Ms. Herrick.

**c) Appropriately provide assistance to Ms Herrick to extricate her from Father Knowles conduct and;**

If the Blessed Sacrament superiors knew that Knowles was engaged in the abusive sexual interaction with Ms. Herrick prior to 2011 when she reported it then there is no question that they were willfully negligent in their supervision of Knowles. After she disclosed in 2011 all the Blessed Sacrament superiors did was suspend Knowles from actively functioning as a priest. There is no evidence available to me that the Blessed Sacrament superiors provided any pastoral assistance to Ms. Herrick. Furthermore, there is evidence that the provincial superior did not know or understand the toxic nature of the interaction that had taken place between Ms. Herrick and Father Knowles. He appears to have believed that the abusive interaction was a mutually consensual relationship between two mature adults. It is my opinion that the Blessed Sacrament superior did not extend any offer of even a modicum of pastoral care to Ms. Herrick. He should have offered to facilitate psychological assistance for Ms. Herrick to deal with the abusive interaction with Knowles on that level and should also have found a resource person who was capable of assisting her with the religious and spiritual issues that she experienced at the time. Unfortunately, not only was nothing provided Ms. Herrick pastorally but also her participation in the “Towards Healing” process and her interaction with the Blessed Sacrament provincial actually caused her to experience more victimization and traumatic stress.

**d) Appropriately provide assistance to Ms Herrick to assist her in her rehabilitation from the effects of the conduct?**

Ms Herrick disclosed her situation with Fr. Knowles in 2011. She did not disclose it in 1960, 1970 or 1980. Consequently, the Blessed Sacrament Fathers are presumed to have known about the effects on victims of sexual abuse and exploitation by clerics. This should have included the effects on minors as well as the effects on vulnerable adults and Ms. Herrick was clearly and without question a very vulnerable adult. Along with this presumption is the presumption that the congregation would have put into place an educational program for all members but especially superiors whereby they would become enlightened both cognitively and emotionally as to the complex nature of sexual abuse by

clerics as well as the unique effects of such sexual abuse upon the victims especially if the victims are devout Catholics. The congregation, equipped with an adequate level of awareness, then should have created a protocol or policy that would have provided several levels of assistance to Ms. Herrick including financial assistance. If indeed they had such a policy it should have been managed by a layperson trained and competent to interact with victims of clergy sexual abuse including adult women who had been victimized. It appears that the Blessed Sacrament Father not only had no such a policy or outreach person but also they had no awareness that such would be required.

36. The Australian process, “Towards Healing,” clearly sets forth the nature of sexual abuse by a cleric no matter the age of the victim, in no. 1, part two. The words of the paragraph are clear. Yet the Blessed Sacrament provincial’s attitude toward the situation between Knowles and Ms. Herrick shows that either he had never read this paragraph or decided not to put it into practice in real life.
37. The section of the document on “Healing for the Victims” clearly states valid principles that should have been active in the Blessed Sacrament congregation’s response to Ms. Herrick. Yet she did not perceive or sense a compassionate response. In light of the norms of “Towards Healing” it is my opinion that the leadership of the Blessed Sacrament Congregation did not fulfill these norms in their response to Ms. Herrick.

Vienna, Virginia

April 11, 2016

Thomas P. Doyle, J.C.D., C.A.D.C.

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1. I am presenting this Addendum to my Expert Report in the above-referenced case, dated April 11, 2016. This Addendum is in response to my review of additional materials obtained by the plaintiff's attorney from the Society of the Blessed Sacrament and from the Archdiocese of Melbourne. The materials from the Archdiocese of Melbourne were received by me on May 24, 2016. The materials from the Blessed Sacrament congregation were received on May 25, 2016.
  
2. In response to my request, presented to counsel for the plaintiff, the Society of the Blessed Sacrament send the following documents:
  - a. Statuts Generaux, Congregation du T.S.S. - 1975 (in French)
  - b. Acts of the provincial Chapter of 1975
  - c. Statutes of the Province of the Holy Spirit, - 1975
  - d. Regle de Vie – Congregation du Saint-Sacrement – 1984 (in French)
  - e. The Rule of the Congregation of the Blessed Sacrament – 1985
  - f. The General Statutes of the Congregation of the Blessed Sacrament – 1987
  - g. The Rule of Life of the Congregation of the Most Blessed Sacrament (undated)
  
3. The Archdiocese of Melbourne produced documents that pertained to Fr. Knowles' return to ministry by the Blessed Sacrament provincial in 2013 and the subsequent removal of Fr. Knowles from ministry in the Archdiocese of Melbourne. There is also a letter from Fr. Joachim Dirks, Provincial of the Blessed Sacrament Fathers, to Archbishop Hart, informing the Archbishop that Fr. Knowles had asked to initiate the process whereby he would petition the Holy See for dispensation from vows and from the Blessed Sacrament Congregation as well as laicization and dispensation from the obligations of the priesthood, dated December 8, 2014. There is a copy of the Votum or official opinion, of Archbishop Hart in the matter of Fr. Knowles' dispensation from the priesthood, addressed to the Holy Father and dated Dec. 16, 2014.

4. There is no indication in this file when Fr. Knowles was actually dismissed from the Blessed Sacrament Congregation or when he was laicized by the Holy Father. These are two separate processes. The file produced did not contain any of the documents that are required for the dispensation-laicization process. These files would be kept on file at the provincial headquarters, at the archdiocese and in the Holy See.
5. I reviewed all of the documents produced by the Blessed Sacrament Fathers with a view to explaining for the court the systems in place for monitoring the priests and brothers in general and for monitoring priests such as Fr. Knowles in particular.
6. After studying documents that pertain to the entire congregation, namely, the Statuts Generaux, Le Regle de Vie, The Rule of Life of the Congregation, 1985, The General Statutes of the Congregation, 1987 and the undated Rule of Life of the Congregation, I found no procedures mandated or even suggested for the entire congregation whereby individual members were reviewed by their superiors on a regular basis.
7. I did find however, some statements in the Rule of Life and General Statutes of the congregation that reflected an awareness of a need for some degree of discipline or at least direction. In the Rule of Life (1985), n. 95 refers to the local superior and admits that he does indeed have authority but advises that this authority should be exercised within the framework of a fraternal relationship with the members: *“The local superior exercises his authority at the service of his brothers and the community...He maintains a fraternal relationship with each one [members], while animating the communal life of his house in such a way that it becomes a true family, united in the Name of the Lord.* (n. 95, p. 119).
8. The document also refers to “co-responsibility” which means that everyone in the community takes part in the decision-making processes.
9. Other than the above-cited references there is nothing in The Rule of Life that addresses confrontation of members who are engaged in illicit interactions or other behavior patterns that are contrary to the Rule. It must be admitted that documents such as the Rule of Life are generally more exhortatory and theological in nature and do not include specific legislation or specific rules for particular situations. This type of legislation is generally contained in the General Statutes of the Congregation or in the Statutes of individual provinces.



10. The Statuts Generaux 1975 were applicable for the first years of Knowles abusive interaction with Ms Herrick. There is only one section that is applicable and that section, n. 18.01, “Portee du voeu d’obeissance,” says that if a religious refuses to conform to decisions made (presumably commands or orders not to disobey the rules), the provincial can issue a formal order. If the religious refuses the provincial can start the process to exclude the member from the congregation. **There is no indication that any superior ever confronted Knowles about any of his behavior.**
  
11. The Acts of the Provincial Chapter of 1975 contain no procedures for calling members to account. The acts contain only one exhortatory statement that is somewhat relevant: “*Encouragement for individual religious to dialogue with the superior with regard to particular difficulties in fulfilling their vocation and mission.*” (p. 32). This statement is included in a general section titled “Programme of Renewal.” The “Statutes of the Province of the Holy Spirit,” the Australian province of the Blessed Sacrament Congregation, contain nothing relevant.
  
12. The General Statutes of 1987 provide documentation with more detail about accountability but do not provide the specificity that would both enable and encourage a superior to intervene in situations such as that of Fr. Knowles.
  
13. There is a section on “Religious In Difficulties:”
  - a. Our religious [referring to members] especially those in positions of responsibility, shall show a particular charity towards their brothers who prove to be weak or are undergoing a crisis. This charity shall be carried out with understanding, forgiveness and continuous prayer, without judging or condemning.
  - b. If however, a religious, whether living within or outside a community, refuses, regularly and without just cause, to participate in the expressions of community life to which he is obliged, the one responsible or the local superior shall challenge him, in a brotherly and frank dialogue, regarding the demands of our religious life to the point, if necessary, of issuing a canonical admonition. General Statutes, 08.06, p. 23.
  
14. There is nothing more specific than the above-cited references that could be considered to be specific procedures for monitoring the actions of priests. This legislation was enacted in the aftermath of Vatican Council II (1962-1965). The Council passes a great deal of legislation and issued a number of key documents that significantly changed the way religious congregations lived. Prior to the Council the norm was significant isolation, strict adherence to detailed rules of

life and regular accountability to superiors. I cannot comment on the rules of the Blessed Sacrament Congregation prior to the Vatican Council since these have not been produced.

15. After the Vatican Council religious communities began to “open up” and to move away from the very strict life styles that had been in place for centuries prior to the Council. Every religious congregation was obligated to revise its constitutions and general statutes to conform to the new legislation and new spirit from the Vatican Council. After the religious orders and congregations revised their laws they were to be presented to the Holy See for ratification. The next step involved the individual provinces. They were to revise their particular legislation also known as their provincial statutes, to conform to the revised constitutions.
16. The definite trend was to move away from detailed legislation and to revise the constitutions and statutes so as to emphasize individual responsibility, community life and personal autonomy. This philosophy is reflected in the sections cited above. The superiors were strongly encouraged to challenge members who were not following the rules however there is nothing more specific than the citation from the 1975 Statuts Generaux and the General Statutes from 1987.
17. The absence of specific procedures and detailed rules does not mean the superiors no longer had the same degree of responsibility for their subjects. In this case Fr. Knowles regular absences from the community had to have been noticed but as far as is known based on documents provided, nothing was done or if something was done such as an admonition, it was not followed by Knowles and there was no follow-up by the superiors.
18. The documents provided by the Archdiocese of Melbourne do not add anything to the issue of procedures available to the Blessed Sacrament superiors. However among the documents are those that provide insight into the attitude of the provincial at the time of Ms Herrick’s disclosure, Fr. Duro. In his document titled “Possible Statement by GD in response to emails/letters,” the former provincial reveals that although he admits to having complied with the protocols prescribed at the time, he does not appear to have comprehended the full impact of the abusive interaction on Ms. Herrick but rather was focused on returning Knowles to ministry. He decided that it was unlikely that Knowles would violate “professional boundaries” again therefore he could place him back in active ministry. His attitude is further revealed in a paragraph referencing Archbishop Hart’s subsequent removal of Knowles faculties, in which he says that “*It is essential to note that the prime reason for this decision cited by the archbishop was the scandal originating from Fr. Knowles past behavior, not the likelihood*

*of any further failure by Fr. Knowles to uphold professional standards.”* The archbishop focused on the scandal caused to the people because of Knowles’ past behavior. The prognosis for Fr. Knowles future adherence to the rules was more important to the provincial that the decades-long life of duplicity he led, the damage done to Ms. Herrick and the level of scandal. He seems to have believed that these issues were relegated to the mists of history because he had decided Knowles was now fit for ministry. His behavior in placing Knowles back in ministry was irresponsible and potentially damaging to the wider community.

19. In his letter to Archbishop Hart, dated Jan. 3, 2013, Fr. Duro, the provincial at the time, outlines the process he used whereby he decided that Fr. Knowles could be returned to ministry. He said he consulted with people in the Professional Standards field and with senior religious in his province. This type of consultation is not only irrelevant but minimizes the seriously abusive actions of Fr. Knowles and dismisses the damage done to Ms. Herrick. Although Duro made a perfunctory expression of sympathy to Ms. Herrick his overall correspondence leads me to the expert opinion that he does not comprehend the damage done to Ms. Herrick or the extreme gravity of Fr. Knowles toxic and destructive interaction with her and if he does have some level of comprehension, he does not appear to have cared much about Ms. Herrick’s welfare. His concerns appear focused on Fr. Knowles welfare as well as that of his community.
  
20. The concern of the Archbishop for scandal is relevant and realistic however it must be noted that nowhere is there evidence of concern for Ms. Herrick or other possible victims that is commensurate with the extreme nature of Knowles’ abusive actions.

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