

1.26 Only two canonical trials took place over the 30-year period. Both were at the instigation of Archbishop Connell and the Commission gives him credit for initiating the two penal processes which led to the dismissal of in 1990 and Fr Jovito* in 1996. The Commission recognises that he did this in the face of strong opposition from one of the most powerful canonists in the Archdiocese, Monsignor Sheehy. Monsignor Sheehy, who had very extensive knowledge of canon and civil law and argued strongly that canon law was capable of dealing with all cases involving allegations of child sexual abuse, actually considered that the penal aspects of that law should rarely be invoked.

1.38 Archbishop Ryan failed to properly investigate complaints, among others, against Fr McNamee, Fr Maguire, Fr Ioannes*, Fr Jovito*, Fr Septimus* and . He also ignored the advice given by a psychiatrist in the case of Fr Moore that he should not be placed in a parish setting. Fr Moore was subsequently convicted of a serious sexual assault on a young teenager while working as a parish curate.

1.42 The appointment of Archbishop Connell in 1988 was a surprise. He was an academic with virtually no experience of parish work or of management of an organisation. He was aware that Fr [redacted] had a problem before he became Archbishop. He was immediately faced with the problems of [redacted] and Fr Jovito*. The Commission has no doubt that he was stunned not by the fact but by the extent of the clerical child sexual abuse with which he had to deal. Bishop O'Mahony told the Commission that, of the three Archbishops he served as an auxiliary bishop, it seemed to him that Archbishop Connell was *"the most deeply affected by the harm of clerical sex abuse. He was also the most proactive in seeking improvement in the church management of the issue"*.

1.44 It is the responsibility of the Archbishop to make decisions. It is entirely appropriate to take account of professional advice but the weight to be given to that advice is a matter for the Archbishop to decide. In spite of his knowledge of the recidivist nature of abusers such as Fr [redacted], Fr Jovito* and [redacted], Archbishop Connell still allowed Fr Payne to continue in ministry when the complaint against him became known in 1991.

The 2001 procedural rules

4.29 A further instruction came from the Vatican in May 2001 entitled *Sacramentorum Sanctitatis Tutela*. Unlike the 1922 and 1962 documents, this document was made widely available. This initiative represented a major change in Vatican policy. It provided that all allegations of child sexual abuse, which have reached the threshold of “a *semblance of truth*” should be referred directly to the Congregation for the Doctrine of the Faith (CDF) in Rome. That body would either elect to deal with the matter itself or would advise the bishop on the appropriate action to take in canon law. The Commission has been informed that this policy was adopted in order to ensure a co-ordinated and uniform response to allegations of child sexual abuse against clergy throughout the Roman Catholic world. The chancellor, Monsignor Dolan, gave evidence that the policy was subsequently modified as Rome was unable to deal with the vast numbers of referrals. The position now, he said, is that all cases brought to the attention of the Archdiocese before April 2001 and which were outside prescription (see below) were not going to be dealt with by the CDF. It was up to the bishop to apply disciplinary measures to the management of those priests. Monsignor Dolan told the Commission that, up until 2007, 19 cases had been referred by the Archdiocese of Dublin to the CDF. These did not include most of the very serious cases such as those of . , Fr Jovito* (Chapter 19), Fr Ivan Payne (Chapter

24), (Chapter 20) or others that had already been dealt with by the Archdiocese.

4.65 Archbishop Connell was one of the first bishops in the world to initiate canonical trials in the modern era. He did so in relation to two priests in 1990 and Fr Jovito* (Chapter 19) in 1992. A canonical trial was also held in the case of Fr Patrick Maguire (Chapter 16); this was initiated by his religious society in 1999. The canonical penal process is governed by canons 1717 – 1728.

4.66 The Fr Jovito case revealed the degree of tension that existed in the Archdiocese as to how an Archbishop should proceed in the event of attempting to dismiss a priest from the diocese. The chancellor of the time, Monsignor Stenson, had different views to those of the previous chancellor, Monsignor Sheehy. The latter felt it was inappropriate to commence a penal process at all and deprecated the fact that it was indicated to Fr Jovito that, if he did not resign from the priesthood, there would be a penal process. When difficulties with Rome later emerged, Monsignor Sheehy attempted to blame Monsignor Stenson whom he said was perceived by Fr Jovito as “*an adversary who was determined to keep him out of the priesthood*”.

4.67 Both these men were eminent canonists and both were of the view that Fr Jovito was unsuitable for the priesthood because of his proclivities. However, their views on how he should be treated diverged dramatically. The Commission notes their inability to work together to prevent this case becoming, which it did, a major embarrassment and scandal for the diocese. It would have to be said that the reluctance to work together was more on Monsignor Sheehy’s part. He was firmly of the view that Fr Jovito should not be suspended and that he could be persuaded to leave the priesthood. Monsignor Sheehy saw himself as a canonical advisor to Fr Jovito. Cardinal Connell told the Commission that, even though Monsignor Sheehy was a

brilliant man, *“I did not deal with sex abuse cases with him because I think his views on the way these matters should be dealt with would not have been in accordance with my views”*.

4.68 Given Fr Jovito’s history, the Commission considers Monsignor Sheehy to have been misguided in his views and more concerned with avoiding scandal than understanding the impact of Fr Jovito’s actions on those he had abused.

4.72 Once the judges heard the evidence, they then issued their determination. The decision can be appealed. In respect of the two Dublin Archdiocese canonical trials (those of _____ and Fr Jovito), _____, who did not attend the trial, accepted the determination that he be dismissed from the clerical state. Fr Jovito appealed the decision to Rome. Overall, it seems to the Commission that these two trials were conducted carefully and

diligently. Rome accepted that the methodology employed in the case of Fr Jovito was correct.

- 4.74 In the Fr Jovito case, matters became quite complex after the trial. Fr Jovito's appeal to Rome against his dismissal was partially successful in that Rome declared that, instead of dismissal from the clerical state, he should be required to stay in a monastery for a period of ten years. The implementation of this decision by the Dublin Archdiocese proved impossible as it appeared that no monastery was prepared to have Fr Jovito in view of his background.
- 4.75 The decision of the diocesan canonical tribunal was given in August 1993. It was appealed in October 1993. A decision to commute the penalty was made in June 1994. In the interval, Fr Jovito committed one of the crimes for which he was subsequently convicted. The Archdiocese then began the process of a direct appeal to the Pope. Cardinal Connell told the Commission that he contacted a senior member of the Curia in Rome about the matter and the case was referred to the Pope. In January 1996, Fr Jovito was dismissed from the clerical state by decision of the Pope. This option of dismissing a priest directly by the Pope is reserved for grave and clear cases and is regarded as an extraordinary remedy, even when the normal penal process is inadequate.
- 4.76 The Commission recognises Fr Jovito's right to appeal the decision of the diocesan tribunal to Rome under canon law, but the handling of that appeal in Rome was unsatisfactory. The fact that the original decision of dismissal was replaced with a sentence that would have confined Fr Jovito to a monastery for ten years, suggests that after the ten-year period, Fr Jovito might have been entitled to resume his clerical ministry.

4.77 The whole process was unduly cumbersome and at one stage it was suggested to the Archbishop that he should start all over again and initiate a new canonical process.

4.80 In the case of Fr Maguire, because he was a Columban priest, it clearly was easier for the order to facilitate the decree from Rome as they could accept him into one of their houses where they could monitor him and supervise him. As in the Fr Jovito case, a major factor in Rome's decision appears to have been the lack of the imputability by reason of paedophilia.

7.14 Monsignor Dolan's view was that this placed the bishops in an invidious position because, if they did seek to operate the *Framework Document*, then any priest against whom disciplinary or penal measures were taken had a right of appeal to Rome and was most likely to succeed. The bishops, on the other hand, were not in a position to strengthen the *Framework Document* by enacting it into law. It was his view that the only way a bishop could properly proceed canonically was with the accused priest's co-operation. Monsignor Dolan gave evidence that only one priest of the Archdiocese, Fr Jovito, had appealed to Rome and that the Archdiocese's handling of the situation was upheld by Rome subject to a disagreement over the penalty (see Chapter 19). Since the Commission was established another priest of the Archdiocese has appealed to Rome against penalties imposed.

Introduction

19.1 In 1995 Archbishop Connell wrote that Fr Jovito *“is a confirmed paedophile. He was ordained in 1978, but even before his ordination – as it subsequently appeared – he was engaged in paedophiliac activities with minors”*.

19.2 Fr Jovito is probably the most notorious child sexual abuser to have come to the attention of the Commission. The Commission is aware of more than 40 named people who have complained of child sexual abuse by him. He has admitted to abusing many others; while he may not use the term ‘child sexual abuse’, he has admitted to using children for sexual gratification once a fortnight over an eight-year period. That constitutes child sexual abuse. He claims he did not abuse after that eight year period but the evidence suggests that he continued in a similar pattern. His pattern of behaviour is such that it is likely that he has abused hundreds of children. He was convicted in respect of seven complainants. Civil settlements have been reached with 21 complainants. He was laicised in 1995 and is currently living in Dublin.

19.3 Fr Jovito was born in 1954. He was ordained in 1978. The earliest allegations against him predate his ordination. He himself has admitted that he abused before he was ordained but most of the complaints about his activities prior to 1978 did not surface until many years later. It is known that during his time as a seminarian he had a key to the house of another well known abuser, Fr Noel Reynolds (see Chapter 35), and it is alleged that some of the abuse took place in that house. While he was in Clonliffe College, he organised visits by groups of altar boys to Clonliffe and it is alleged that he abused some of them on the seminary premises.

19.4 During his time as a priest he was a member of a singing group who performed in what was known as the ‘Holy Show’. He was a well-known Elvis Presley impersonator. A number of complaints against him relate to his activities at these performances.

¹ This is a pseudonym.

First complaint, 1978

19.5 Fr Jovito's first appointment was to Ballyfermot parish in July 1978. Two days after his appointment a complaint was received at Archbishop's House that he had sexually abused an eight-year-old boy. The abuse was alleged to have taken place within the previous month at the house of the aforementioned Fr Noel Reynolds. The parents of the boy concerned informed a priest about the alleged abuse. He in turn spoke to Archbishop Ryan's secretary. A note on the file to the Archbishop in July 1978 refers to a "*homosexual incident involving a young lad ... and a newly ordained Dublin diocesan priest*". The Archbishop asked a vicar general, Monsignor Glennon, to investigate the matter.

19.6 It was noted by the priest to whom the complaint was made that "*the parents are most responsible people and there is no danger of publicity*". The Archdiocese made no response to the boy's parents nor, indeed, to the priest to whom the complaint was made.

19.7 Fr Jovito was interviewed by Monsignor Glennon. In his note of this meeting, Monsignor Glennon described the alleged abuse as involving: "*osculae, amplexus and tactus immodesti*". This translates as kisses, embraces and shameless touching.

19.8 Fr Jovito categorically denied any abuse and stated that the boy concerned had been merely sitting on his knee. The vicar general noted that "*Fr [Jovito] impressed me as telling the truth.*" Nothing further was done.

Next complaint, 1979

19.9 The next complaint was made by the mother of a 14-year-old boy who alleged that he was abused by Fr Jovito in Ballyfermot in 1978 and 1979. The boy and his parents lived on the north side of Dublin. The abuse ended when he told his mother. She promptly went to her parish priest who told her that he would contact Archbishop's House about the matter. After some time had elapsed and no further word had been received, the boy's mother contacted the parish priest of Ballyfermot, Canon Val Rogers, seeking some action. The only action taken was that Fr Michael Cleary, who was also based in Ballyfermot at the time, was sent to the boy's house some time in early 1980 in order to educate him on issues of male sexuality. The mother told the

Commission that Fr Cleary did apologise. There are no records available of any communication between the boy's family and the Archdiocese around this time. In 1985, Canon Rogers told Monsignor Stenson that matters were "*hushed up*" at the time of the mother's complaint.

19.10 In 2003, the parish priest to whom the mother initially reported was interviewed by the Gardaí. He remembered the complaint that was made. He said he did not give the mother an undertaking to report to the Archdiocese but he might have said that he would speak to a bishop about it. He did not consider reporting to the Gardaí at the time. He thought he had spoken to Canon Rogers about it but was not fully sure about this. He did not report to the Archdiocese.

Concerns in the early 1980s

19.11 In 2003, when the Gardaí were investigating a number of complaints against Fr Jovito, they were told by a former youth co-ordinator who later became a priest, that he had complained to the chancellery of the Archdiocese, sometime in the period 1980 – 1982, about Fr Jovito's activities with a number of young girls attending a summer camp. The girls claimed he had touched them and felt them. There is no record of this complaint in the archdiocesan files. No action was taken.

Concerns and complaints, 1985

19.12 Fr Donal O'Doherty became parish priest of Ballyfermot in 1984. He subsequently stated that Archbishop Ryan did give him a veiled warning about Fr Jovito without stating exactly what his concerns were. This would suggest that the Archbishop was either not entirely convinced by Monsignor Glennon's 1978 report or that he had heard subsequent reports which concerned him.

19.13 By March 1985, at least seven priests of the Archdiocese were aware of concerns about Fr Jovito's behaviour. At the request of Archbishop McNamara, Monsignor Stenson spoke to these priests. Monsignor Stenson was not aware of the previous complaints prior to his inquiry.

19.14 Fr O'Doherty told Monsignor Stenson of a series of events which, taken cumulatively, caused him alarm. He noted that Fr Jovito was close to

the altar boys. He said he had spoken to Bishop Donal Murray and they agreed that if it occurred again he should act. (It is not clear to what 'it' refers.) It appeared that Fr Jovito was very involved with a particular altar boy and that Fr O'Doherty had caught him behaving in what he described as "*preliminaries*". Fr O'Doherty also noted that Fr Jovito, in the presence of parents and other priests, had children on his knees when hearing their confessions.

19.15 It was also noted that Fr Jovito had been in a relationship of sorts with a young teenager. Around this time, the mother involved in the 1979 complaint had been in touch with another priest. Monsignor Stenson spoke to this other priest and a number of other priests but concluded that no one with whom he spoke could provide him with concrete evidence. There was a lot of "*ill-informed gossip*" and he felt he had to obtain concrete evidence from lay people before moving further.

19.16 In April 1985, a couple complained to Monsignor Stenson that Fr Jovito had interfered with their daughter. They claimed he had put his hands up her clothes and was getting excited.

19.17 Around the same time, the parents of a 14-year-old boy told their local priests that they were concerned about the frequent visits being made to their son by Fr Jovito. This was reported to Monsignor Stenson by a priest in a north side parish. Monsignor Stenson noted that the priest and the family "*do not know if there was anything more to it than that*". Nevertheless Monsignor Stenson noted on the file: "*Given the track record such behaviour was suspicious and very imprudent*".

Admissions, 1985

19.18 Later in April 1985, Monsignor Stenson met Fr Jovito. According to Monsignor Stenson's memo of the meeting, Fr Jovito "*denied nothing*". Fr Jovito admitted his involvement with the young boy in Ballyfermot and he also admitted to another incident with a young boy in Wicklow. The Archdiocese had no prior knowledge of the boy in Wicklow. He did not challenge the allegation in respect of the young girl. Monsignor Stenson did not know the name of the boy in the north-side parish and made it clear that he was not accusing Fr Jovito of anything in respect of this boy. Monsignor Stenson

warned Fr Jovito about possible dangerous situations and noted that he was agreeable to going to a psychiatrist. Fr Jovito was grateful that he had been given a second chance. Archbishop McNamara was brought up to date with Fr Jovito's situation in April 1985.

Treatment

19.19 Monsignor Stenson recommended that Fr Jovito approach a psychiatrist with a view to addressing "*his problem*". Fr Jovito attended the psychiatrist on two occasions. In June 1985, the psychiatrist told Monsignor Stenson that Fr Jovito was amenable to treatment and that there were three treatment alternatives: medication, electric shock therapy and what was referred to as the "*re-orientation method to channel the drive appropriately*". Fr Jovito had elected for the third option as the "*lesser of the evils*". The psychiatrist was "*cautiously optimistic that this could be successful given the fact that Fr [Jovito] had not the normal sexual outlets available to him in virtue of his priesthood*".

Further complaint, October 1985

19.20 In October 1985, a parent complained to Fr O'Doherty, the parish priest in Ballyfermot, that Fr Jovito had indecently assaulted a young girl. Fr O'Doherty reported this to Bishop O'Mahony who, in turn, told Monsignor Stenson. The psychiatrist was informed. Fr Jovito denied this allegation.

19.21 No further inquiries were made. There is no evidence that any new treatment was considered. Fr Jovito was removed from Ballyfermot and appointed to Westland Row. The Archbishop's letter appointing him states: "*I take this opportunity to thank you for your dedicated work in Ballyfermot*". While this is the standard formula in such appointments, it is, nevertheless, astonishing that it could be used in the light of Fr Jovito's history in Ballyfermot. Since he left Ballyfermot in 1985, numerous complainants have come forward alleging abuse by Fr Jovito while he was there.

19.22 In 2002, the housekeeper in Fr Jovito's house in Ballyfermot told the Gardaí that there were always young children in the house and that on one occasion she was met by two young boys coming out of Fr Jovito's bedroom. She said that she told another priest who lived in the house of her concerns, but he did not say anything in response. On another occasion she recalled

Fr Michael Cleary breaking into Fr Jovito's room and having an argument with him, but she did not know what that argument was about.

Westland Row, 1986

19.23 Fr Jovito took up his appointment in Westland Row in February 1986. In 1997, Monsignor Stenson recorded his memory of the circumstances surrounding this appointment:

"My impression was that by moving him to Westland Row he would be in a more restricted situation insofar as he would be resident in a house with a number of other priests. I recall a sense of urgency in moving him to a safer place, but I think it is true to say that we had no idea of the enormity of his problems. As Chancellor, but working almost full-time in the Marriage Tribunal at that time, I would not have been involved in the making of appointments. I presume, however, that the information that I would have occasionally fed into the Bishops' meetings would have influenced this move. In 1985/86, the seriousness of [Jovito's] situation would not have been fully appreciated. [Jovito] was in psychiatric care. I do not recall if there was any discussion with [the psychiatrist] as to whether or not he should be removed from ministry. I am not sure that even arose with him. I presume that if it was thought his condition was such as to merit that, we would have been alerted to it. Decisions on the manner of appointment in those days were confined to the Archbishop, Auxiliaries and Secretaries. The Chancellor was never involved in appointments nor would he be consulted about them.

I do not know if Fr Des Dockery, the Administrator at Westland Row ... was made aware of [Jovito's] background before [Jovito's] arrival there. I do not know if the risk factors were pointed out to him."

19.24 At this stage, the Archdiocese was aware of four specific complaints and a number of concerns. Fr Jovito had admitted to the abuse of three children. It is difficult to understand how the seriousness of his situation was not fully appreciated. It is also difficult to conclude that the move was for any purpose other than to avoid further scandal in Ballyfermot. Fr Jovito was removed from a parish in which the parish priest was aware of his activities

and was endeavouring to restrain him to a parish in which, it would appear, the parish priest had no awareness of his proclivities.

19.25 Meanwhile, the mother of the 1979 complainant was in touch with Monsignor Stenson because of her son's continuing difficulties. She was being assisted by a priest who was a member of a religious order. This priest was clearly angry at the way the matter was being handled and he upbraided the Archbishop for unsatisfactory responses to the mother's letters and said: *"I think that [the mother] may be forgiven if she regards this letter as an attempt to sweep the matter under a carpet"*. He went on to say: *"Scandal has been given and serious harm done to a young boy by a priest of the Archdiocese. If it is neither feasible nor desirable that this unfortunate priest himself personally try to undo the damage he has done, is it not your duty as his Superior to do so..."*.

19.26 Monsignor Stenson met the mother who wanted help for her son and wanted to ensure that Fr Jovito did not carry on his singing activities around her area. Monsignor Stenson noted: *"I was impressed by this woman who is obviously a concerned person and who is distressed by what has happened to her son [...]. I would also be of the opinion that she was not out to cause trouble or obtain money"*.

19.27 Monsignor Stenson asked Fr Jovito to reconsider his involvement in entertainment and public appearances in the media and to appear in live performances only outside the area where this mother lived. Fr Jovito said he would give thought to these requests. It would appear that he continued with his singing career. Bishop Kavanagh visited this family soon after this but the Archdiocesan files do not have any documentary evidence of this.

1987

19.28 In January 1987, the housekeeper to the administrator in Westland Row alleged that she found items of her clothing in Fr Jovito's room. This included underwear which, she alleged, had been *"used"*. She had to burn the clothing. She also found condoms and syringes in his room. She further mentioned that a number of boys had slept overnight in his bed and a boy from Ballyfermot had been visiting. Monsignor Stenson noted that he had *"no doubt about her truthfulness"*. When these allegations were put to him,

Fr Jovito denied them and further said he did not know what condoms were like.

1988

19.29 In April 1988, a priest from Ballyfermot told Monsignor Stenson that a woman alleged that her son was in the Westland Row presbytery with Fr Jovito.

19.30 In May 1988, some parents complained to the Archbishop that Fr Jovito had interfered with their daughter while sitting her on his knee at a concert. When this was put to him by Monsignor Stenson, Fr Jovito stated he had been drunk and could not remember doing anything. Monsignor Stenson then asked him about the allegation that had been made in April. Monsignor Stenson recorded that *“for the first time he really opened up”*.

19.31 While, with hindsight, it is obvious that Fr Jovito was minimising the extent of the abuse, he did admit to abuse on a scale which was, by any standards, staggering. Monsignor Stenson recorded as follows:

“It began he claims as a Deacon. He used help altar boys when they visited Clonliffe as a student but he had no problems then. He mentioned how he can go into a class of 30 children and treat 29 as anyone would. But one may cause the spark.

He admitted that over the eight years in Ballyfermot he was involved with boys about once a fortnight. He believes they didn't realise what was happening. He would have them on his knee and reach a climax. He denies ever doing anything “queer” with them. He seems to recognise now that some were conscious that his behaviour was wrong – hence the complaints.

[Jovito] was genuinely shocked by the contents of the file spreading back over 10 years - not that he saw it all. He believed that only Mick Cleary and Val Rogers were aware of his problems.

He is willing to do whatever is required ... I think [Jovito] is aware for the first time that he has to face the problem which he says is hard. He

would rather talk to the Archbishop but I suggested that he might write out an account of his difficulties as he has perceived them.

... He asked me to apologise most sincerely to the parents tomorrow night which I will do”.

19.32 Monsignor Stenson met the parents who had made the most recent complaint. He noted: *“[The father] said that he would not like [J] to suffer because of one misdemeanour. They pray for him and hope he can get help. I was greatly impressed by this couple. They were extremely kind and concerned. I did not indicate that there was a history of this behaviour”.*

19.33 As requested by Monsignor Stenson, Fr Jovito wrote out an account of his difficulties. It is clearly not a full account as it deals only with instances of abuse where complaints had been made. It minimises the extent of the abuse by using phrases like *“sat on my lap”* and *“wrestled playfully on my bed with him”*. It does, however, acknowledge that he had a sexual attraction to the children. He concluded this statement:

“I hate myself because of the hurt I have given to others but I also love myself. I know the good points I have. I know I have done more good in my 10 years of priesthood than bad. I know of the love that my family friends and parishioners have for me and the trust they place in me. I have to change now. I feel I would like to go to see those I have hurt and tell them how truly sorry I am but I also realise that I might be the last person some of these people want to see. To change my behaviour, probably with more help, might be the best way to say I am sorry”.

19.34 In May 1988, ten years after the first complaint was made to the Archdiocese, the Archbishop and the auxiliary bishops decided to send Fr Jovito to Stroud for treatment. He was removed from his position in Westland Row in June 1988.

Stroud, 1988

19.35 Monsignor Stenson provided Stroud with a brief history of the incidents he had investigated together with a copy of Fr Jovito’s statement.

Shortly after Fr Jovito's arrival in Stroud, his therapist there reported to Monsignor Stenson that Fr Jovito appeared to be more realistic about his situation than other similar men. A month later, Monsignor Stenson noted the following comments made by a psychologist from Stroud: "[J] is 'extremely compulsive - there have been an awful lot of children involved he is a very disturbed man He is always going to be dangerous. He could not be let near schools, children, Confession without a grille etc...'"

19.36 In its final report in November 1988, Stroud said that it considered that Fr Jovito had been honest. His therapists indicated, however, that under no circumstances should he have any apostolate involving children. He should also receive further counselling. They were unsure whether he was an alcoholic but felt that he should permanently abstain from drink. Shortly afterwards his personal therapist rang Monsignor Stenson and stated that Fr Jovito was the best patient he had seen.

19.37 When giving evidence to the Church penal process in 1992, Fr Jovito said that he had learned in Stroud that the children whom he sat on his knee were aware that he was getting sexual gratification. He said this was the first time he was aware of this and, therefore, of the harm he was causing. He claimed that he did not abuse again because he understood this. Regrettably, the evidence clearly establishes that this is not so.

19.38 In November 1988, Fr Jovito signed a contract with the Archdiocese which included the following provisions:

- *"I will not be involved in any apostolate which involves children;*
- *I understand that under no circumstances must I make any physical contact with a child beyond a handshake in a public place;*
- *I will not be alone with a child;*
- *I understand that the priests with whom I am stationed will be aware of the general nature of my difficulty and they will have the right to discuss any areas of anxiety about the way I am relating, especially to children; ...*
- *I will not visit the Ballyfermot area under any circumstances."*

19.39 Fr Jovito was appointed to help the chaplain in a hospital for older people and people with long term illnesses. He nominated Fr Michael Cleary as his spiritual director. A programme designed to keep him busy was worked out and the priest in charge of him seemed to be adequately informed of his inclinations. His accommodation was in Halston Street and all the priests in the presbytery there were informed of his background and advised that, should there be the slightest suspicious circumstances arising, they should contact named people in Archbishop's House.

1989

19.40 Fr Jovito started to receive counselling from a psychotherapist who was also a priest. Fr Jovito attended for a review in Stroud in early February 1989. Stroud reported to the Archbishop: "*so far, so good*", but in no way indicated that Fr Jovito had been rehabilitated. However, it is clear from the report that Fr Jovito was chafing against the restraints contained in the contract. He did not like the rooms he was living in and wanted bigger ones. He wanted to move back into parish work and, in particular, to be allowed to visit Ballyfermot. Stroud suggested that in the long term he might move to an apostolate dealing with adults or students.

19.41 He returned to Stroud in May for a further review. Again he was extremely reluctant to contemplate anything other than parish work. He was described as being bored. Stroud urged the Archbishop to give a "*positive signal*" and some affirmation to Fr Jovito. His priest therapist in Dublin posed the question: "*how likely [was he] to repeat his actions and constitute a risk to children and, by extension to the church*".

19.42 His therapist accepted Fr Jovito's assurances that he had never directed physical violence at the children or attempted to penetrate them. His views on appropriate ministry for Fr Jovito were broadly similar to those of Stroud. The Archdiocese attempted to find a location which would reduce the risk to children as much as possible.

19.43 In the meantime, Fr Jovito started to resume his old behaviour. Parents complained to Monsignor Stenson that, at a fête at All Hallows in August 1989, Fr Jovito brought their son to his car, sat him on his lap and "*kissed him on the forehead*". Monsignor Stenson met Fr Jovito who admitted

to the encounter but denied any wrongdoing or that this behaviour was a return to his pre-Stroud activity. Subsequently, Fr Jovito went to this family to apologise even though he had been told by Monsignor Stenson not to visit this family's home.

19.44 In September 1989, the Archbishop gave Fr Jovito permission to solemnise a wedding in Ballyfermot.

Moves towards laicisation

19.45 Monsignor Stenson spoke to Stroud about the most recent occurrence. Stroud wrote to the Archbishop in September 1989 and pointed out that the only untried treatment was medical treatment designed to lower the male hormone level. Stroud did not recommend further treatment there:

“However, having reviewed the file and given the matter some thought I think, taking everything into account, it would be wise to raise the question of Fr [Jovito] living as a layman out in the world. As long as he is in the priesthood he is going to have privileged access to children because of the trust offered to priests. He has not shown yet that he can live in this privileged position without abusing it, in spite of all he has been through. Perhaps the time has come to call a halt to these possibilities”.

19.46 Around this time it was suggested to Monsignor Sheehy, who was the judicial vicar, that he might take Fr Jovito into the Regional Marriage Tribunal. Monsignor Sheehy declined on the basis that Fr Jovito's limited intellectual capacity might lead him to become frustrated. He stated that a prison chaplaincy might be more suitable. He also stated that his own experience with Stroud over many years had not generated a great deal of confidence. It is not known what experience Monsignor Sheehy had with Stroud. He did have two known abusers working with him in the Regional Marriage Tribunal at the time but neither had been to Stroud.

19.47 Fr Jovito returned to Stroud, which stated that he was completely on the defensive. On one level he realised his priesthood was on the line but on another level he could not see how this could have occurred because of his

behaviour. Stroud recommended that he have a personal meeting with the Archbishop so that the message could be firmly put across.

19.48 Further medical reports were received, in December 1989 and January 1990, from the psychiatrist who had treated him in 1985 and from the psychotherapist he had been attending since early 1989. The psychiatrist's report was described by Monsignor Stenson as "*anything but encouraging*". The psychiatrist considered that Fr Jovito had made no real progress over the four years 1985 – 1989. He suggested a number of treatments including a drug which would remove the sex drive completely. The psychotherapist concluded there were four options for Fr Jovito:

- voluntary laicisation;
- retirement to a monastery;
- the canonical penal process;
- some form of appointment with or without medication.

19.49 The psychotherapist took the view that forcing Fr Jovito to leave the Church would not solve his problem and it might create more problems. He suggested that a middle ground appointment be sought somewhere between a parish ministry and total isolation but with no involvement with children. He also felt that the Archbishop should meet personally with Fr Jovito to reinforce the message.

19.50 Meanwhile it became known to the Archdiocese that Fr Jovito was visiting scouts in a parish to which he was not assigned but in which he seems to have been doing supply work. Stroud drew the attention of the Archdiocese to Fr Jovito's plans to tour the UK with the 'Holy Show' in March 1990. Monsignor Stenson told Fr Jovito he would need Archbishop Connell's permission to go on this tour. The Archbishop refused permission.

19.51 In April 1990, Archbishop Connell and Monsignor Stenson met Fr Jovito and told him the only options available to him were voluntary laicisation or dismissal. He was given until 1 May to make a decision. The Archbishop formally ended Fr Jovito's public ministry but he was allowed to say mass in private.

Leave of absence May 1990

19.52 Fr Jovito contacted Monsignor Sheehy who intervened on his behalf with Archbishop Connell. Monsignor Sheehy warned the Archbishop of the “*canonical minefield*” into which he would be stepping if he pursued the course of dismissal. He also asked the Archbishop not to show his letter to the chancellor, Monsignor Stenson. There was further correspondence between the Archbishop and Fr Jovito and between the Archbishop and Monsignor Sheehy. Monsignor Sheehy spoke to Canon Rogers and Fr Cleary and was satisfied that they fully understood the problem and would use their influence to persuade Fr Jovito to voluntarily apply for laicisation. It is clear that there were differing opinions among the bishops and others in Archbishop’s House about how to deal with Fr Jovito. Monsignor Sheehy described one meeting in August as:

“probably the most depressing meeting that I have ever attended. There was not a single word, from anyone, about the fact that we are dealing with a disordered person. The whole thrust was: 'how best can we get rid of him?' ... To crown my depression, Bishop Walsh made the outrageous suggestion that the Archbishop should inform the civil authorities about Fr [Jovito’s] homosexual orientation”.

Bishop Eamonn Walsh told the Commission that his concern related to Fr Jovito’s paedophile orientation and not his sexuality in general.

19.53 Archbishop Connell, Bishops Kavanagh, O’Mahony, Murray and Walsh were present at this meeting, as was Monsignor Stenson. This seems to be the first time that the possibility of reporting to the Gardaí was raised and, as is clear from Monsignor Sheehy’s reaction, Bishop Walsh’s suggestion did not get very far.

19.54 In September 1990, Fr Jovito’s deadline was extended to allow him a leave of absence for a year. It is quite clear that the intention of Archbishop Connell in agreeing to the leave was to prepare him for life as a layman. He was not allowed practice any ministry or wear clerical clothes. Later correspondence shows, however, that Fr Jovito thought that there might be a change of heart.

19.55 An arrangement was made for Fr Jovito to live in a rehabilitation centre outside Dublin. It was envisaged that he would remain there until September 1991.

1991

19.56 By early January 1991, Fr Jovito was back in Dublin and living again in Halston Street. Monsignor Stenson discovered this by chance in a conversation with Canon Rogers. Canon Rogers and Fr Cleary were supposed to be involved in monitoring Fr Jovito and Canon Rogers did not want Monsignor Stenson to tell the Archbishop that Fr Jovito was back in Dublin. Canon Rogers was clearly very kind to Fr Jovito but was also very blind to the criminal nature of his behaviour. While he understood the purpose of the leave of absence it seems that he did give Fr Jovito mixed messages about the likelihood of his returning to ministry. Fr Cleary organised for Fr Jovito to attend a psychologist. In February 1991, Monsignor Stenson made it clear to Fr Jovito that there would be no future for him in ministry and that he should “*start planning constructively for the future*”.

19.57 In March 1991, a scout leader and a parent contacted the Archdiocese to report that Fr Jovito was back in Dublin. Fr Jovito had been seen with a boy in his car and was calling frequently to this boy’s house. Monsignor Stenson made inquiries with professionals about what to do in respect of this boy as there were concerns but no complaint or evidence of abuse. A short time later, the mother of this boy asked questions about Fr Jovito and she was told by another priest that he was a danger to children.

19.58 Monsignor Stenson met Fr Jovito and, according to Fr Jovito, told him that he had been discussed at the bishops’ meeting and that everyone was sick and tired of him “*calling the shots*”. He also said that he was told to move out of his present accommodation within seven days and get a job and, if he did not apply for laicisation, the penal process to dismiss him would be set in train. In a letter to Archbishop Connell, Fr Jovito stated:

“I don’t know very much about the kind of process Msgr Stenson talked about, except that it seems to be some kind of enquiry board which might listen to me, even if it might in the long run dismiss me. So I agree to cooperate with the board or process if it will let me state

my own case before it and let me have some people to explain my side of the story and give me a fair trial”.

19.59 At a bishops' meeting in March 1991 it was decided to institute a penal process against Fr Jovito. The bishops also discussed informing the Gardaí but did not do so.

19.60 Fr Jovito was continuing to attend the psychologist. The psychologist had been in touch with the Archdiocese to try to establish the full extent of the problem.

19.61 The psychologist reported to Monsignor Stenson that Fr Jovito was a long way from understanding the nature of his problem. Coincidentally the psychologist had, in the recent past, met one of Fr Jovito's victims whose mother had contacted him to advise on a family matter. The psychologist arranged a meeting between this victim's mother and Fr Jovito at her request.

19.62 Fr Jovito was sent to Mellifont Abbey in May 1991. The Archdiocese was examining some options for residential treatment. In June, the psychologist reported that he believed Fr Jovito was making progress. Fr Jovito told him that the first incident happened when he was 24 and involved a boy sitting on his lap. This, of course, was subsequently established to be untrue but, at this time, the earliest abuse known to the Archdiocese did occur when Fr Jovito was 24. The psychologist favoured intensive residential treatment but pointed out: *“he should be able to realise that it is not about a treatment package that will cure him but his learning controls for the rest of his life”*. Stroud was consulted and they also recommended a particular centre in the UK. Fr Jovito did not want to go for residential treatment.

19.63 In June 1991, Monsignor Stenson met a young man from Ballyfermot who complained that he had been abused by Fr Jovito in 1980/1981 when he was aged about 12. This complainant told him that Fr Jovito had started to frequent Ballyfermot again around 1990 and was continuing to do so.

19.64 In August 1991, Fr Jovito had a review meeting with Monsignor Stenson where he expressed his dissatisfaction with Mellifont. He refused to

go to the therapeutic centre in the UK stating that he was happy with his current therapist.

Concerns reported to Gardaí

19.65 Shortly after this meeting, Fr Jovito approached a young boy in Drumcondra and, having established his name and address, asked him to get into the car. The boy immediately went home and told his mother. The following day he called to the boy's house. The mother called the Gardaí.

19.66 The garda investigation started in the absence of any specific allegation of child sexual abuse. The Gardaí contacted Mellifont. A priest in Mellifont told the Gardaí that Fr Jovito was in Mellifont because there were numerous allegations of paedophilia against him and referred them to the Archdiocese. In his report on the matter in 2002, the garda investigating the case stated that, as no crime had been committed, he himself reported the matter (he does not say to whom and there is no record of a report on the garda files) and then circulated Fr Jovito's car number and a description of Fr Jovito as being likely to engage in paedophilia. No attempt was made at that stage to investigate the statement that Fr Jovito had been sent to Mellifont because of numerous allegations of paedophilia.

19.67 The Archdiocese took the fact that Fr Jovito had now come to the attention of the Gardaí far more seriously than the Gardaí did. Monsignor Stenson noted:

"Apparently [a garda] from Whitehall Garda Station had been looking for a Fr [Jovito] with an address at Mellifont. [Jovito] had approached a child and the mother had complained to the Police. ...

I rang [the garda] and explained who I was and what I had heard. I asked if he could provide details. He did but wondered if [Jovito] had a record. I evaded that but told him to proceed with whatever steps he thought he should take."

19.68 The memo records that Monsignor Stenson had been telephoned by the superior of Mellifont and told the Gardaí were investigating the incident. Monsignor Stenson told the Commission that he acted within the bounds of his oath of secrecy as chancellor but rang the Gardaí to ensure confirmation

of the identification of Fr Jovito and of his attachment to the Archdiocese of Dublin.

19.69 In September 1991, the Archbishop ordered Fr Jovito to live in St John of God psychiatric hospital until such time as he was to be transferred to the therapeutic centre in the UK. On the night before he was due to enter St John of God's, he attempted to persuade a young boy aged 11, whom he had baptised, into his car. The boy refused. He then followed the boy to his house and attempted to persuade his sister that the boy should go out with him. The family called the Gardaí. In an interview with his psychologist the following day Fr Jovito described the boy as "*incredibly good looking*". He did go into St John of God's but "*balked at forfeiting his car*".

19.70 A few days later, the garda investigating the concerns expressed in August 1991 rang Monsignor Stenson inquiring about Fr Jovito's whereabouts. It seems that gardaí from another station had been in touch with him concerning a young boy who had recently been approached by Fr Jovito outside a shopping centre. Monsignor Stenson told the garda that Fr Jovito was in St John of God's and that he had no access to his car. It then emerged that this Garda was aware of an incident involving Fr Jovito and the most recent complainant which occurred a year earlier. At the time, the garda reported the incident to the boy's headmaster but did not do anything else. Monsignor Stenson's note of these contacts with the garda ends: "*[the garda] assured me that there was 'no question of prosecution'- asked has he a history etc. I indicated that we had been concerned about him*".

19.71 The garda, in his report written some 11 years later, stated that Monsignor Stenson told him that the Church was carrying out an internal investigation into the paedophile activities of Fr Jovito and that he had asked for the garda's co-operation. What was meant by co-operation is not clear. Monsignor Stenson has indicated to the Commission that he may have been referring to the possibility of the garda giving evidence to the Church penal process. The garda did, in fact, give evidence to that process.

19.72 At around this time the garda's report also records that Fr Willie Walsh called to Whitehall station stating that he had been appointed to carry out an internal investigation into the paedophile activities of Fr Jovito. Fr Willie

Walsh was the presiding judge in the Church penal process being undertaken at that time. The garda gave him details of the incident in August. The garda report stated that neither Monsignor Stenson nor Fr Willie Walsh made any report of a criminal nature concerning the activities of Fr Jovito or any other priest.

19.73 Further correspondence ensued between Monsignor Stenson and the garda (see below). However, for all practical purposes, any garda investigation into Fr Jovito's activities ceased at this point even though by now, while there were no specific complaints of child sexual abuse known to the Gardaí, they were aware of three incidents of suspicious behaviour. Of course, Monsignor Stenson's failure to tell the Gardaí of the other known allegations against Fr Jovito meant that they were, as yet, unaware of the bigger problem.

19.74 Meanwhile Fr Jovito was proving to be difficult and unco-operative in St John of God's. He was sent to the UK clinic in November 1991 and he remained there until December. A report from this clinic states that he admitted to abusing 100 boys. The report outlines the classic picture of a paedophile grooming children, then abusing them and minimising the impact of his behaviour. The clinic recommended that he undergo a six month intensive course. Fr Jovito returned to Dublin to live with his sister. Monsignor Stenson reported this to the garda and also said that Fr Jovito had been told not to use his car. It is not clear whether the sister was informed of Fr Jovito's proclivities.

1992

19.75 Fr Jovito returned to the UK clinic in January 1992 to begin his intensive course. A remarkable tale then emerged. Apparently the clinic allowed Fr Jovito to roam the streets of the nearby large city unsupervised. He dressed in clerical attire and introduced himself to local clergy and said mass in local churches. He befriended a family with young children telling them that he was training as a counsellor at the clinic and that if they saw him with other people in the street they should not approach him as you could not be too careful around sex offenders. Fr Jovito visited their house and paid a lot of attention to their 11-year-old son including sitting him on his lap. He agreed to baby-sit for their children. By chance, the father of the children

called to the clinic where the true story emerged. Fr Jovito was immediately removed from the clinic and returned to Ireland. Monsignor Stenson noted: *“The real problem is what do we do now? At least the penal process can continue”*.

19.76 Monsignor Stenson reported Fr Jovito’s return to the garda sergeant and commented: *“In view of Fr [Jovito’s] behaviour in the past you might give this information whatever attention you think it may require”*.

19.77 In March 1992, the bishops again decided that he was to be instructed not to say mass, not to wear clerical dress and not to exercise any functions of priesthood. He was to engage in a form of occupational therapy and it was decided to inform a number of parish priests of the position. He was also told that he could not use his car. He was given work in the archdiocesan library.

Evidence to the Church penal process, April 1992

19.78 The process to dismiss Fr Jovito from the clerical state was started in January 1992, almost a year after the decision was made to do so. Fr Jovito fought the penal process at every stage.

19.79 In April 1992, he gave evidence. He admitted to abusing five named individuals and to approximately 100 instances of abuse in respect of ten unnamed children. He said that he had had another 80, 90 or possibly 100 children sitting on his knee in Ballyfermot. When questioned further on this, he agreed that he was sexually aroused when the children were sitting on his knee. This is child sexual abuse. He claimed that the last time he abused had been in April 1988. He complained about most of the treatment he had received. He wanted to remain a priest and felt a keen sense of injustice in being the subject of the penal process: *“I will continue to fight. I intend doing this because I believe that it is the Archbishop of Dublin and Alex Stenson versus [Jovito] and God and who can fight against God?”*.

19.80 Among the other people who gave evidence at the penal process were a number of parents of complainants, the garda involved in the 1991 concerns and the psychologist who was treating Fr Jovito. The mother of the 1979 complainant who gave evidence to the penal process told the

Commission that she did not understand what the penal process was. The process and her role within it were not explained to her and nobody contacted her after she gave evidence. She did subsequently, in or around 1995, meet Bishop Willie Walsh who had been the presiding judge. He apologised to her and she told him more about Jovito.

19.81 The psychologist told the process:

"I think the problem rests in this privileged access. [Jovito] in at least three of the recent encounters where there was no sexual contact but there was if you like engagement of young boys and some kind of relationship has made it known that he was a priest and as such, we should see it as both a power base which gives them the ability to engage and control the child and secondly perhaps sanction because a normal man cannot but someone who is entitled to talk to people like a priest can".

Further concerns, 1992

19.82 In July 1992, Fr Jovito befriended a 15-year-old boy and made arrangements to go bowling with him. One of the boy's parents, who was a garda, contacted a local priest who in turn contacted the chancellery. This incident was also reported to his psychologist. Fr Jovito denied any sexual intent. He then drafted a series of undertakings in relation to his future behaviour and gave this to Monsignor Sheehy.

19.83 Fr Jovito was not getting on very well in the archdiocesan library. He failed to turn up for two weeks in July 1992. A priest from Westland Row told Monsignor Stenson that he was spending some time in that parish. Monsignor Stenson asked this priest to contact the garda superintendent at College Green, who was a friend of this priest, and request that he keep an eye on Fr Jovito. In September 1992, Fr Jovito complained to the Archbishop about "*persecution*" by Monsignor Stenson.

19.84 In December 1992, a couple reported to Monsignor Stenson that Fr Jovito had been calling to their home and one day they discovered their ten-year-old son sitting on his lap. The couple were not making a complaint but Monsignor Stenson warned them to ensure that Fr Jovito stayed away from their son. A few days later one of the parents told Monsignor Stenson that Fr

Jovito had called into the local scouts meeting stating that he was “*attached to Clonliffe*”. Monsignor Stenson reported this to the bishops.

1993

19.85 In May 1993 Monsignor Stenson received a letter from another priest advising of concerns expressed by a parishioner in Ballyfermot about Fr Jovito’s inappropriate behaviour with a young girl. There were also rumours about his behaviour with altar boys. This priest clearly knew of Fr Jovito’s reputation as he advised the parishioner to avoid all contact with him.

Verdict of the penal process

19.86 In August 1993, the verdict of the penal process was given. The finding was that Fr Jovito had offended against the sixth commandment of the Decalogue (the Ten Commandments) with a minor or minors under the age of 16 and that he should be dismissed from the clerical state (see Chapter 4).

19.87 Fr Jovito’s psychologist was not impressed with the decision to dismiss him from the priesthood. He expressed his dissatisfaction to Fr Aidan McGrath (who was Fr Jovito’s advocate or procurator during the penal process) in September 1993:

“As you know, I favour judgements in the courts which both impose a punishment, but which allow genuine change to lead to escape from that punishment. Good deeds can earn both remission and forgiveness. [Jovito] faces no such prospect, and I wonder why this kind of sentence was excluded”.

19.88 The psychologist explained his position to the Commission: *“What I said was he has to have some carrot and some means of being controlled and I told you there was a better way of controlling him if the priesthood could find a way to use him rather than to dump him”.*

Appeal to Rome

19.89 In October 1993, Fr Jovito appealed to Rome against the decision to dismiss him. He stated that he had not offended since 1988 and considered the punishment of the tribunal too harsh. In June 1994, the appellate judges in Rome allowed his appeal as to the penalty imposed and held that he ought

to remain in the clerical state provided he enter a monastery for a period of ten years.

1994

19.90 Meanwhile, a complaint of sexual assault was made to the Gardaí. In May 1994, a young boy complained to the Gardaí in Ballyfermot that he had been sexually assaulted by Fr Jovito in the toilet of a pub following the funeral of the boy's grandfather. The family alleged that a similar incident had happened a year earlier but they did not report it at the time. The Gardaí contacted Monsignor Stenson. Fr Jovito attended the garda station and declined to answer any questions. The Gardaí told Monsignor Stenson of their intention to arrest Fr Jovito. They also told him that they were in the process of "*linking of various skeletons*" and that press were "*sniffing out a story*". Fr Jovito denied the allegation.

19.91 In late 1994 there were newspaper reports about this latest incident; these did not name either Fr Jovito or the boy. In December 1994, a mother of boys who had been abused by Fr Jovito rang Monsignor Stenson to say that her son was suicidal and that Fr Jovito had been babysitting in recent weeks. Monsignor Stenson advised her to ring the Gardaí. This case was reported to the Gardaí.

19.92 Monsignor Stenson met Fr Jovito and conveyed the views of the Archbishop, which in summary were:

- He was still a priest of the Archdiocese answerable to the Archbishop.
- He was not to wear clerical dress as previously advised on any occasion.
- He was banned from being alone with a child.
- He was not to mislead people that he was attached to the Archbishop's House, the Marriage Tribunal, Clonliffe College or the library.
- If he did not comply with the Archbishop's directions, his financial situation would be reviewed.

1995

- 19.93 In spite of the mounting evidence and in the light of the recent media coverage, Monsignor Sheehy advised Archbishop Connell: *"I think it important that every one of us should at this stage avoid any excessive reaction - no matter what the civil law may say. Least of all should we pay any real attention to the money-making posturing of the media"*.
- 19.94 Early in 1995, Fr Jovito admitted to the Gardaí that he had indecently assaulted two boys in the 1980s. These boys were being helped by their local priest. Fr Jovito, however, denied sexually assaulting either of the brothers whose mother had recently been in touch with Monsignor Stenson and who, on his advice, had reported the matter to the Gardaí.
- 19.95 A number of other complainants came to the attention of the Gardaí and the Archdiocese. In February 1995, Fr Jovito was charged in the District Court with sexual assault in relation to the May 1994 complainant – the boy who had been molested after his grandfather's funeral. Fr Jovito pleaded not guilty. He was convicted and sentenced to 12 months imprisonment. He appealed both conviction and sentence. The appeal was subsequently withdrawn when he was convicted of further offences in December 1997.
- 19.96 In May 1995, the Archdiocese contacted the Gardaí and told them about the other complaints which had come to the attention of other garda stations. Archbishop Connell instructed Monsignor Stenson to contact known complainants to make them aware that Fr Jovito was facing criminal charges and to empower them to make complaints to the Gardaí.
- 19.97 In June 1995, priests from Ballyfermot and other parishes were invited to a meeting with Archbishop Connell for the purposes of discussing pastoral problems that might be encountered in parishes following the recent publicity surrounding Fr Jovito.

Finding a monastery

- 19.98 The Archdiocese was meanwhile grappling with the problem of what to do with Fr Jovito. According to the Archdiocese, no monastery would take him and it was left in the situation that he was still a priest and it was obliged to support him. Archbishop Connell wrote to the judicial body in Rome (the

Roman Rota) and outlined his disappointment with the decision of that body. He also formally appealed its decision. He told them he was unable to find a monastery in Ireland. He said that he had considered sending him abroad but was unable to do so because Fr Jovito had been charged with a criminal offence and could not be sent out of the jurisdiction. He stated:

“Equally, however, I must stress that, in view particularly of the impending criminal proceedings in the civil court, it is imperative that I as Archbishop be seen to act definitively in respect of Father [Jovito] in accordance with the Canon Law. In the present climate in this country, the alternative could well be a serious scandal for the Church.

*In the light of these circumstances, I request, **as a matter of extreme urgency**, that the Rome Rota would advise me as to the wish of the Apostolic Tribunal and of the Holy See in this regard”.* (Emphasis in original).

19.99 The publicity about Fr Jovito prompted the mother involved in the 1979 complaint to contact Monsignor Stenson in June 1995. She told him that he had not been helpful when they first communicated in 1986. She also said that her local parish priest had not been helpful either. Monsignor Stenson noted that she was a fine person who *“is not interested in seeking compensation”*. He explained to her the various attempts made to restrict and treat Fr Jovito over the years. Monsignor Stenson told the Commission that he regrets that the mother did not perceive him as helpful. Monsignor Stenson had, in fact, made efforts to help her son in 1986 and he did try to restrict Fr Jovito’s singing appearances but he did not tell her this. He now regrets that he did not tell her of his intentions in 1986.

19.100 In July 1995, Fr Jovito was charged with further sexual offences in the District Court. The case was adjourned to allow the Gardaí pursue further investigations. In November 1995, the Gardaí told Monsignor Stenson that all garda stations had been asked to collate all cases they had concerning Fr Jovito.

19.101 At this stage, the Archdiocese was reporting all complaints to the Gardaí. Complainants were being offered counselling.

Dismissed by the Pope

19.102 Following a number of letters to Rome, in November 1995 Archbishop Connell contacted a senior member of the Curia in Rome in order to petition Pope John Paul II to dismiss Fr Jovito from the clerical state *ex-officio*: “*The Archbishop humbly begs the Holy Father graciously to grant him this favour in the interests of the well-being of the Church*”.

19.103 This plea was successful and in January 1996, a decree was issued by Cardinal Ratzinger confirming that the Pope had dismissed Fr Jovito from the clerical state. Monsignor Sheehy expressed surprise at this entirely new departure in canon law which would take him some time to digest. That decree was executed by the Archbishop in February 1996. The Commission understands that this initiative to personally petition the Pope was a novel one which created a precedent.

19.104 Fr Jovito tried to appeal against the Pope's decision. He petitioned Rome to seek to intervene with the Pope and allow him to remain a priest, stating that he was currently living in a Cistercian monastery in Mount Mellerey and was awaiting the outcome of criminal proceedings. It is not clear how he ended up in Mount Mellerey given that they had originally declined, understandably, to allow him to stay there.

19.105 From July 1996, the Archdiocese no longer regarded Jovito as entitled to receive remuneration in the normal way. He was awarded £10,500 in severance pay (see Chapter 8).

1996 - 1997

19.106 By February 1996, the DPP had directed that Jovito be tried on indictment in relation to six complainants. In June 1997 he pleaded guilty to seven charges in respect of four complainants. He pleaded not guilty to four other charges.

19.107 The young man who was the subject of the 1979 complaint contacted the Archdiocese in November 1997 and complained about the inadequate response of Bishop Kavanagh to the complaint by his parents in 1979. He said that, had a more robust response been taken at the appropriate time, further abuses could have been avoided. Monsignor Dolan then met this

young man and his mother. The young man made it clear that he wanted the Church to facilitate a mechanism whereby Jovito's victims could be heard. He later met Archbishop Connell. Counselling was offered to the young man.

19.108 In November 1997, the health board contacted Monsignor Dolan and was told that Jovito was living in Mount Melleray.

19.109 In December 1997, at Dublin Circuit Criminal Court, Jovito pleaded guilty to approximately 12 counts of indecent assault and gross indecency in respect of six boys. He was sentenced to consecutive terms in prison of six and four years. Subsequently, on appeal to the Court of Criminal Appeal, in August 1998, the prison sentences were upheld but were imposed on a concurrent basis effectively reducing the prison term from ten to six years.

19.110 Following Jovito's conviction, Archbishop Connell released a press statement stating that Jovito had betrayed his mission of spiritual service and expressed his deep sorrow and regret for the suffering endured by Jovito's victims.

19.111 The psychologist who had been treating Jovito gave evidence at the request of the defence lawyers. Some of the victims were very unhappy about this as the psychologist was an employee of the Eastern Health Board.

Further complaints

19.112 Further complaints in relation to Jovito have continued to emerge during the late 1990s and, indeed, in the 2000s.

19.113 In most cases, the complainants were met by Monsignor Dolan and were offered counselling. However, one complainant told the Commission that he was unhappy with how he was treated and said that "*the Church have failed me and still fail me today*".

19.114 Various efforts were made to organise a meeting between Archbishop Connell and the Ballyfermot victims. At one stage, it was proposed to use a mediator but that did not work out. The 1979 complainant told the Commission that he had noted that the Archbishop did not personally meet complainants. He arranged to meet the Archbishop. He told the Commission

that he challenged the Archbishop's "*management of the company*". He said: "*I did advise him he would be probably better off if he didn't take some of the advice that he gets and just uses his heart as his guide*".

19.115 A number of the victims from Ballyfermot met the Archbishop in May 1998.

Release from prison

19.116 In September 2001, as the time approached for Jovito's release from prison, the advisory panel recommended that the Archdiocese formally advise the Probation and Welfare Services about his impending release and of the fact that he was no longer a priest. Archbishop Connell accepted this recommendation. The panel also expressed concerns about Jovito's future.

19.117 Jovito wrote to the Abbot of Mount Melleray in March 2002 seeking to be accommodated after his release from prison. The Abbot contacted Monsignor Dolan who told him that Jovito was no longer a priest. The Abbot declined to provide him with accommodation. Around this time, Archbishop Connell also contacted the governor of the prison and advised him that Jovito had been laicised and that he must organise his own accommodation and work upon his release. Jovito then wrote to Cardinal Connell stating that he had no place to live and no money. He stated: "*I have been looking forward to my release date for a long time but I did not expect that it would be accompanied by the added ordeal of having nowhere to go*".

19.118 Jovito subsequently met the Archbishop and indicated that he would do an Open University course living as a priest who could not function as a priest. He said it came as a considerable shock to him when it was explained that he could not function as a priest.

19.119 Jovito has never accepted that he is dismissed from the priesthood. He continued to seek ways of appealing against the Pope's decision even though the impossibility of this has been explained to him many times by many qualified people. He has appeared in clerical dress on some occasions. He has been threatened with excommunication should he continue to represent himself as a priest but this does not seem to have deterred him.

The Prime Time Programme: Cardinal Secrets

19.120 In October 2002 Prime Time broadcast its *Cardinal Secrets* programme. A number of further complainants emerged. Many of the complaints related to activities in the 1970s and 1980s.

19.121 One of the complainants alleged that he had been abused in 1974 in Clonliffe College. He alleged that other people including a staff member had seen him emerge from a locked room with Jovito. Jovito was a seminarian at that time and was involved in organising altar boy outings to the college. The Commission is not aware of any evidence that anyone in Clonliffe suspected Jovito of child abuse at this time. The Gardaí took the view that the complainant was telling the truth and recommended prosecution. However, the DPP decided not to prosecute.

19.122 Between 2002 and 2006, over 20 further individuals alleged that they were abused by Jovito.

The Commission's assessment

Archdiocese

19.123 The first complaint, in 1978, was investigated in a fairly desultory way by Monsignor Glennon who accepted the priest's denial. That is, perhaps, understandable, although it must be said that Monsignor Glennon rarely, if ever, doubted the word of a priest when he was investigating cases such as these. The failure to deal with the second complaint, in 1979, is not so readily understandable. Of course, this complaint was being dealt with by different people who may not have known about the earlier complaint. By 1985, the Archdiocese knew that he was a serial abuser. His transfer to Westland Row was clearly an attempt to avoid further scandal in Ballyfermot. There was an established clear danger to children and yet the welfare of children simply did not arise for consideration.

19.124 There is no doubt that action should have been taken by the Archdiocese at a much earlier stage – in 1979 at the latest. However, the Commission recognises that Archbishop Connell did act decisively once he became Archbishop. He decided to have Jovito laicised and he pursued this

course in spite of the advice and, indeed, interference of his judicial vicar and in spite of the Roman Rota.

19.125 As in other cases, it is notable how charitable the parents who complained were. It is abundantly clear that they simply wanted to ensure that other children were not abused.

Gardaí

19.126 The Commission finds it unacceptable that two gardaí who had concerns about Fr Jovito in 1990 and in 1992 failed to pursue a thorough criminal investigation. When a criminal investigation of sorts got under way in 1991, it was effectively shelved because the Church was carrying out its own penal process. The Commission recognises that there was no specific complaint before the Gardaí at that stage but there were at least three instances of concern.

19.127 The Archdiocese should have informed the Gardaí of all of its concerns at this time but did not do so.

19.128 Subsequent complaints to the Gardaí were handled appropriately.

35.52 In many cases the abuse continued for between two and seven years. In another case one of Fr Reynolds's victims alleged he was also abused by Fr Jovito*, who was a trainee priest at the time. It is known that, as a deacon, Jovito had a key to Fr Reynolds's house in Kilmore.

41.13 Interestingly, the Gardaí had earlier interviewed Fr McCarthy in relation to a complaint they had received about Fr Jovito* (see Chapter 19). This interview had taken place in June 1995 in or around the time Fr McCarthy was canvassing a religious order about working on the missions. The complainant had alleged that he had been assaulted by Fr Jovito in 1981 in the presbytery where Fr McCarthy was now living. This complainant claimed that he had told Fr Mc McCarthy about the assault. Fr McCarthy admitted that this was the case and that he had taken notes at the time, but that he had destroyed them as he did not wish to leave them lying around. He had recommended that the complainant against Fr Jovito get help, but the complainant was not anxious to pursue the matter.

dismissal of Fr Jovito* (1996), 19.102-19.105

Jovito*, Fr, 1.38, 1.42, 1.44, 1.77, 4.29, 4.66-4.68, 7.14, 19.1-19.128

Commission's assessment, 19.123-19.128

Jovito* case, 19.13-19.20, 19.23, 19.25-19.36, 19.43, 19.48, 19.50-19.51, 19.56-19.76, 19.79, 19.83-19.85, 19.90-19.92, 19.99-19.100