



Diocesan Child
Protection Unit

B R I E F I N G N O T E

To: Bishop Wright

From: Sean Tynan

Cc: Diocesan Executive

Subject The Diocese's Role in Supporting the Rehabilitation of Vincent Ryan

Sensitivity: Confidential

Date: 27 September 2011

The Pharisees and their scribes complained to his disciples and said, 'Why do you eat and drink with tax collectors and sinners?' Jesus said to them in reply, 'It is not those that are well who need the doctor, but the sick. I have come to call not the upright but sinners to repentance.'

Luke 5:30-32

FUNCTION OF BRIEFING NOTE

The Diocese of Maitland-Newcastle is supporting Vincent Gerald Ryan in his ongoing rehabilitation and reintegration into society, after having been arrested, subsequently convicted and imprisoned since October 1995. The following paper articulates the extent of the Diocese's involvement and rationale for this provision of service.

SUMMARY

- The Diocese's relationship with Mr Ryan is formally set out in a Memorandum of Understanding (MOU).
- As part of MOU, the Diocese provides a range of standard subsidies for clerics incardinated to the Diocese and additional discretionary payments.
- The Diocese's involvement with Mr Ryan is based in core Catholic theology of forgiveness and restoration of broken communion. It is articulated in a number of official Church documents.
- Mr Ryan remains a cleric of the Diocese. Canon law says that clerics deserve remuneration consistent with their condition.
- The MOU obliges the Diocese to support Mr Ryan while he abides by the terms of the document.
- The Diocese's involvement reduces the risk of Mr Ryan reoffending.
- Bishop Malone made a number of public statements that the Diocese would support Mr Ryan and explaining why.

INFORMATIONAL BASIS

- Building Bridges, Not Walls: Prisons and the justice system. (2011) Australian Catholic Social Justice Council, Social Justice Statement 2011-2012. Australian Catholic Bishops Conference
- Integrity in Ministry. (2004) National Committee for Professional Standards. Australian Catholic Bishops Conference and the Australian Conference of Leaders of Religious Institutes.
- Memorandum of Understanding between Bishop Michael Malone and Mr Vincent Gerard Ryan and Fr William Challenor. (2 November 2010).
- New Commentary on the Code of Canon Law (2000) Beal, J.P., Coriden, J.A. & Green, T.J. (Eds) The Canon Law Society of America.
- Protecting Society from Sexually Dangerous Offenders: Law, Justice and Therapy. (2003) Wininck, B.J. & laFond, J.Q. (Eds) American Psychological Association.
- Towards Healing. (2010) National Committee for Professional Standards. Australian Catholic Bishops Conference and the Australian Conference of Leaders of Religious Institutes.

NATURE OF DIOCESAN INVOLVEMENT WITH MR RYAN

THE MOU

The MOU with Mr Ryan is a modified version of the template authored by the National Committee for Professional Standards and is in use with other clerics and religious who have been convicted of child sexual assaults and other serious breaches of professional standards in other dioceses and orders.

The MOU's stated purpose is to safeguard members of the community from harm and serving the spiritual life of the community (2.1) and *particularly for the protection of children, young people and other vulnerable people, and for the prevention of further harm in the future, the good of the whole community can best be safeguarded by retaining Mr Ryan as a member of the Diocese* (4.3).

The MOU has been altered to make it subservient to the Department of Corrective Service's roles and responsibilities in managing Mr Ryan's rehabilitation and supportive of Mr Ryan's parole conditions.

The MOU's conditions require Mr Ryan to seek approval from his supervisor for recreational, professional/employment, travel and academic activities (7.2). Mr Ryan had already had his faculties permanently removed and is expressly denied the use of any clerical garb or references (7.3). There are also a number of redundant requirements (in as much as they are specified in or exceeded by Mr Ryan's parole conditions). Mr Ryan must reside at a location approved by the Bishop (8.1). Bishop Malone stipulated that Mr Ryan was not allowed to settle within the geographic boundaries of the Diocese.

The MOU sets up a number of supports for Mr Ryan, including the appointment of:

- Fr William Challenor as supervisor (3.5),
- Auxiliary Bishop Patrick Power as spiritual director (3.6) and
- Mr Thomas Campbell as mentor (3.7).

Only Fr Challenor is a signatory to the MOU, both Messrs Power and Campbell are close friends of Mr Ryan and were part of his supporters group during his imprisonment. Sr. Angela Ryan, National Committee for Professional Standards, (no relation) advised that the supervisor was intended to be an individual with the demonstrated capacity to oversight and, where necessary, direct the person of concern.

As Manager of the Diocesan Child Protection Unit Sean Tynan facilitates the Diocese's support for Mr Ryan and maintain a regime of contact with him but has no formal role in the MOU. Mr Tynan has established contact and an ongoing collaborative support and monitoring role with Mr Ryan's therapist (Gerard Webster¹). Mr Tynan also liaises with Corrective Services, allowing for a rapid rotation of personnel within the Department (Mr Ryan has had four different case manager since release, with one officer having the role in two separate stints).

Excluding any Department of Corrective Services contact, Mr Ryan is visited or visits persons aware of his situation and committed to supporting his rehabilitation, at least 4 times a month plus phone contact.

NORMATIVE FINANCIAL SUPPORT

Mr Ryan remains a priest, incardinated to the Diocese of Maitland-Newcastle. The Maitland Central Clergy Fund (MCCF) is responsible for the provision of a cleric's normative remunerations.

Concerns were expressed that the direct funding of Mr Ryan by the MCCF could cause consternation amongst Diocesan faithful, resulting in a diminution of the contributions given by parishioners (targeting the donation of funds in the 1st collection). Bishop Malone agreed to Zimmerman House (now the Diocesan Child Protection Unit) administering Mr Ryan's payments and recouping the costs from the MCCF.

These funding arrangements consist of:

Accommodation costs	\$500.00 paid fortnightly
Additional allowance costs	\$120.00 paid fortnightly

These payments are drawn from the Bishop's sustentation funds and directly deposited into Mr Ryan's account.

Motor vehicle running expenses and private medical benefits cover are provided directly through prearranged facilities administered by the MCCF.

There are indirect costs to the Diocese for supporting Mr Ryan, including:

- administrative costs incurred for the processing of subsidies and related record keeping of diocesan case management activities, and
- the opportunity costs of the Manager Diocesan Child Protection Unit who spends approximately 1 day per month on Mr Ryan's case rather than other matters more directly related to the protection of children in the Diocese.

¹ Gerard Webster is arguably one of the leading forensic psychologists who assesses and treats child sex offenders in NSW. He is accredited at the highest (supervisory) level of the NSW Child Sex Offender Counsellor Accreditation Scheme.

Excluding discretionary funding, Diocesan entities will contribute approximately \$26,000 in the first year of the MOU to support Mr Ryan's rehabilitation and reintegration into society.

ADDITIONAL DISCRETIONARY FUNDING FOR TREATMENT

In a series of recent letters the MCCF were lobbied to provide additional funding support to meet the costs of Gerard Webster's treatment. These issues were canvassed in a briefing note to the Diocesan Executive, dated 29 August 2011, with an accompanying letter from Mr Webster. In the briefing note Mr Tynan requested funding of \$2,200 for 10 sessions with Mr Webster.

Since that time the situation has varied and both Mr Webster and Mr Tynan have identified an increased need to support Mr Ryan. The rationale for this additional support is based ON an assessment of risk and relates to a number of acute stressors currently affecting Mr Ryan

In the current circumstances Messrs Webster and Tynan have agreed that Mr Ryan requires a return to weekly counselling sessions, commencing 14 September. Given Mr Ryan's financial constraints Mr Tynan has committed the Diocese to financially support his therapy at the rate of one session per week, to be reviewed in the 1st week in November.

The net effect of this variation is that the Diocese will provide between \$3,080 to a maximum of \$3,960 in treatment costs to Mr Ryan for calendar year 2011. Payments will be made thru the Bishop's sustentation funds.

As part of these considerations and in the lead up to the 1st annual review of the MOU, due in November 2011, Mr Webster has been asked to conduct a risk assessment of Mr Ryan on behalf of the Diocese, using clinical judgement tested by actuarial assessment tools. This assessment has been estimated to cost \$800.

BASIS FOR SUPPORTING MR RYAN

RELEVANT STATEMENTS FROM THE ORGANISATIONAL CHURCH

The National Committee for Professional Standards issued the latest iteration of *Towards Healing* in January 2010. One of the principles for responding to those guilty of abuse states:

39. In order to carry out this responsibility, Church Authorities need to have some contact with offenders and some form of influence over their conduct. In order to achieve change, they need to be able to tell them that there can be forgiveness, by human beings as well as by God, and that change is possible.

(Towards Healing 2010, p.11)

In June 2004 the National Committee for Professional Standards issued *Integrity in Ministry*. The document provides a detailed theological context for the discussion of living in, breaking and restoring communion:

The Church is to be a "sign of unity, and an instrument of God's peace." It could be said that the mission of the Church, its nature and its way of life are one: a communion of

love committed to the love of God, humanity and God's creation, and to the healing of all hurt and division....

Throughout Luke's gospel Jesus reveals the meaning of God's rule when he heals, mends, reconciles, teaches, forgives and restores life to the men and women of his time. The 'kingdom of God is among us' when women and men are restored to communion with one another and with God.

(Integrity in Ministry 2004, p.viii-ix)

Section 8 of *Integrity in Ministry* deals with the consequences of when communion is broken:

When from time to time communion is broken by the harmful misconduct of one to whom the church has entrusted leadership and responsibility, then the Church will seek to restore communion as quickly and fully as possible. That responsibility lies with the whole community, and in a particular way with the bishops and religious leaders of the Church. Their first concern is for the healing and care of those who have been hurt by the Church's ministers. Their next concerns are for justice and the healing of the community of the Church, its relations with the wider human community, and for the healing and well-being of those who have caused damage by their behaviour.

(Integrity in Ministry 2004, p.19)

The Australian Catholic Social Justice Council's 2011-12 social justice statement *Building Bridges, Not Walls: Prisons and the justice system* includes the following paragraphs discussing provision of practical help for people coming out of prison:

We should maintain and act on the hope that with appropriate support, ex-offenders have the capacity to become productive, law-abiding members of society.

People leaving prison need support until they can manage on their own. Planning for reintegration into the community needs to begin long before a prison sentence is complete and continue after release. 'Reintegration', of course, means helping inmates where necessary to find a new life in the community, rather than simply returning them to the circumstances they came from.

(Building Bridges, Not Walls: Prisons and the justice system. p.10)

The 2011-12 social justice statement articulates a Christian response to people who have committed crimes and are either serving their sentences or recently completed them:

Whenever we proclaim the Gospel we are being commissioned to fulfil the ancient text again, here and now. Jesus associated with the most 'despised and rejected' (cf. Isaiah 53:3); when criticised for eating with those who were outcast or seen as wrongdoers, Jesus said: 'I have come to call not the righteous but sinners to repentance' (Luke 5:32).

No crime can take away or diminish the fact that we are all created in the image and likeness of God.

(Building Bridges, Not Walls: Prisons and the justice system. p.12)

The 2011-12 social justice statement challenges the societal tendency to condemn and seek punitive measures as the first (and only) response to the wrong doing of people:

In the parable of the Prodigal Son, it is easy to understand the anger of the hard-working son who remained by his father's side. For his brother, who had deserted and disgraced the family, he had nothing but contempt.

This parable contains a strong challenge to any community too ready to judge and condemn. The father's unconditional love for his repentant son calls us to recognise that reconciliation and acceptance is more important for us than any feelings of vengeance.

(Building Bridges, Not Walls: Prisons and the justice system. p.13)

CANON LAW

Mr Ryan remains a priest, incardinated to the Diocese of Maitland-Newcastle and therefore has a prima facie argument that he is entitled to the normative financial and other supports given to any retired cleric.

Canons 281 §1 states that clerics “deserve remuneration which is consistent with their condition” and §2 notes that provision is made for particular ‘social assistance’ to meet a cleric’s needs when ill, incapable or old. Canon 384 obliges a diocesan bishop to “...take care that provision is made for their [clerics] decent support and social assistance...”. The New Commentary cites C.281§2 as reflecting Pope John XXIII affirmation that all humans have the right to security in the case of sickness, inability to work and old age (Pacem in terris 11).

It may be argued that Mr Ryan failed to dedicate himself to ecclesiastical ministry and therefore is ineligible for the considerations vouchsafe by C.281. Also, Mr Ryan is not deprived of his means of subsistence through no fault of his own (New Commentary p.369), it is a consequence of his crimes. However, there is no clause in C.281 that places a test of ‘worthiness’ on the receipt of remuneration. The simple fact that Mr Ryan remains an anointed member of the diocese’s presbyters and continues to live by the ordinary and special disciplines imposed upon him; would argue that Mr Ryan remains subject to and the beneficiary of the obligations and rights of clerics (except those specifically excluded by Bishop Malone’s enduring authority, as stipulated in the MOU).

THE MOU

The MOU stipulates that the Diocese provides ongoing support for Mr Ryan, based on his continued adherence to the terms of the agreement. Section 9 states:

9.1 *The Diocese shall take responsibility for the following financial matters regarding the nominated Cleric, through the resources of the Maitland Central Clergy Fund and as approved by the Bishop:*

9.1.1 *any costs associated with any medical/clinical treatment*

9.1.2 *medical benefits*

9.1.3 *housing*

Mr Ryan entered the MOU in good faith and has, to date, fulfilled his commitments under the MOU. He has made significant life choices, including his current accommodation, based on the undertakings given by the Diocese, in the person of Bishop Malone. The MOU is rendered null and void if Mr Ryan breaches the terms of the agreement. Otherwise the MOU does not have an end date but is subject to annual reviews.

However, the Bishop is able to terminate the MOU, 1 month after providing Mr Ryan written notice of his intent to do so. This provision notwithstanding, a unilateral termination of the MOU by the Diocese, without due cause, would raise serious ethical concerns and appear to contradict the Church's commitment to communion.

RISK MINIMISATION

There is evidence supporting a model of risk management for sex offenders referred to as 'community containment'. In effect community containment involves a multidisciplinary team monitoring and supporting the rehabilitation of convicted sex offenders post release. In the NSW context, community containment models are enacted with individual offenders through the State Parole Authority and NSW Parole Board establishing parole conditions for the offender and placing them back into the community on parole.

Mr Ryan's early release was opposed and the State Parole Authority conducted a review of his parole application. Through his pre-release participation in the CUBIT sex offenders' treatment programme and as assessed by Department of Corrective Services, Mr Ryan was considered a good prospect for successfully reintegrating into the community and not re-offending. Available documentation and Department of Corrective Services feedback all indicate that Mr Ryan conscientiously and consistently applied himself to his treatment programme and has achieved a well grounded level of insight into the methods, motivations and consequences for his victims, of his abusing.

Mr Ryan's current parole conditions includes 24 hour GPS tracking, in-home monitoring, mandatory reporting requirements, Corrective Services case management including home inspections, restrictions to access of specified public areas and participation in post-release treatment programmes. However, Mr Ryan's parole will end, after which the Department of Corrective Services will no longer have a role with him. Mr Ryan will remain subject to the Child Protection (Offenders Registration) Act 2000, having been placed on the Australian National Child Offender Register. Mr Ryan will be subject to the restrictions that registration entails, e.g. it will remain a criminal offence for Mr Ryan to attempt to undertake paid or voluntary work with children. Local Area crime commanders (Police) will be advised of Mr Ryan's residence within their catchment and Mr Ryan will be required to register with them.

Nevertheless, from 22 May 2014, there will be no direct or ongoing monitoring or support for Mr Ryan, other than that of the Diocese.

Mr Ryan's pattern of abusing was dedicated and predatory in nature; with 34 known victims over 25 years. This makes him one of a relatively small group of high risk abusers for whom offending is compulsive and requires significant, stringent intervention to halt offending and sustain non-offending. It appears that the psychosexual pathology that led to Mr Ryan sexually abusing children stemmed from his own abusive

childhood, reactive depression and unresolved generalised anxiety. Mr Ryan's sense of extreme insecurity and unworthiness were relieved by the sexual exploitation of children. In the periods between the actual sexual gratification, the abuse reinforced the negative self-assessment, as his actions were clearly criminal and irreconcilable with his clerical oaths. This fuelled a negatively reinforcing cycle helping drive Mr Ryan's abusive behaviour.

Mr Ryan's period of incarceration halted his offending but it also produced a significant level of additional trauma. Whilst Mr Ryan will not as yet articulate what occurred to him in prison, there is some documentary evidence to suggest that Mr Ryan was brutalised. Mr Ryan's re-emergence into society also poses a significant number of challenges for him. Mr Ryan is devoid of those external definitions of self that he relied on (clerical titles and positions).

Mr Ryan is strongly committed to not re-offending and Mr Webster has provided clinical observations that Mr Ryan is aware of potential stressors and risks to him reoffending and is applying self regulatory techniques learnt as part of his rehabilitation. Nevertheless, Mr Ryan will remain some level of risk for re-offending whilst he is still physically and mentally capable. Barring unforeseen circumstances, that may be reasonably expected to be another 8-10 years.

In absence of the Diocese, after May 2014, there will be no empowered organisation that will maintain contact with, oversight and support Mr Ryan's rehabilitative journey. The continued involvement of the Diocese reduces the risks that Mr Ryan will reoffend.

PUBLIC COMMITMENTS

Bishop Malone's public commitments to maintain a relationship with Mr Ryan and the rationale underpinning it:

Bishop Malone said Ryan was unlikely to be laicised, or defrocked, and was unable to operate as a priest after his faculties were removed following his conviction in 1996.

Bishop Malone said the decision not to defrock Ryan was based on the church supervising and remaining responsible for him.

"I don't think people would look kindly on us if we just released him into the community," he said.

The diocese had already sought appropriate accommodation for Ryan in Sydney.

A victim of Vince Ryan said...He understood the bishop's decision to keep Ryan within the church.

"If they defrock him he's just out there, and I would never want him to just be out there," he said.

Newcastle Herald, 24 July 2010

It is widely known in the Diocese that Bishop Malone intended to maintain Mr Ryan's incardinated state and 'leverage' the Diocese's continued support for Mr Ryan's acceptance of diocesan 'oversight' and not reoffending.

RECOMMENDATIONS

Based on the arguments presented, it is recommended that:

1. The Diocese of Maitland-Newcastle continues its involvement with Vincent Gerard Ryan to support his rehabilitation and reintegration back into society.
2. This relationship be codified and renewed with the first annual review of the MOU between the Diocese and Mr Ryan.
 - a. Sean Tynan as Manager of the Diocesan Child Protection Unit undertakes this review as part of his ongoing role as Diocesan liaison with Mr Ryan.
 - b. The Diocesan liaison role be codified in a revised MOU.
3. The Bishop support Mr Ryan's treatment with Gerard Webster, through discretionary funding.
 - a. Sean Tynan be given delegation up to \$5,000 per annum to apply such discretionary funding on behalf of the Bishop.
 - b. Any such support be drawn from the Bishop's sustentation funds.

For your consideration,



Sean Tynan

Manager Diocesan Child Protection Unit