

The Honourable Pepita G. Capriolo

**Report on the investigation regarding
Brian Boucher's career in the Catholic Church**

Submitted to Archbishop Christian Lépine

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Public version

« Pour guérir il faut prendre la mesure de la maladie qui nous frappe »
Archbishop Christian Lépine.

Sommaire

Monseigneur Christian Lépine, archevêque de Montréal, a confié mandat à l'auteure de ce rapport d'enquêter sur « *qui savait quoi quand* » au sujet des gestes posés par Brian Boucher durant son parcours au sein de l'Église catholique et de formuler des recommandations à l'Archidiocèse de Montréal dans le but que de tels comportements ne puissent se reproduire.

Pour ce faire, l'auteure a cherché et étudié minutieusement des centaines de documents et interviewé plus de 60 témoins. Elle a reçu l'aide et le soutien de Monseigneur Thomas Dowd, nommé par Monseigneur Lépine à titre d'agent de liaison avec les membres de l'Église. Cependant, ceci ne signifie pas que l'auteure ait été dirigée ou censurée dans son travail. Au contraire, elle a obtenu un accès indépendant et complet à tous les documents, y compris ceux contenus aux archives secrètes, que même Monseigneur Dowd n'avait pu consulter. De plus, l'auteure a eu l'occasion d'interviewer toutes les personnes dont elle jugeait le témoignage opportun.

L'implication de Brian Boucher au sein de l'Église catholique s'étend sur une longue période: de catéchiste au milieu des années 1980, jusqu'en 2019, lorsqu'il a été déclaré coupable et condamné pour deux chefs d'accusation d'agression sexuelle sur des mineurs. Tout au long de ces années, ses aptitudes de séminariste, puis de prêtre, ont été remises en question, mais ce n'est qu'en décembre 2015 qu'une enquête sérieuse a finalement été entreprise, menant à ses procès criminel et canonique. Aujourd'hui, Brian Boucher n'est plus prêtre et il purge une peine de 8 ans d'emprisonnement.

Jusqu'en 2016, personne n'avait allégué avoir été victime d'abus sexuel pendant sa minorité de la part de Boucher. Aucun parent n'avait porté une telle accusation à l'attention de ses supérieurs. Mais il n'y a pas de quoi disculper les autorités ecclésiastiques prématurément. De nombreuses personnes s'étaient plaintes du comportement inacceptable de Boucher pendant des années : de son impolitesse, son autoritarisme, sa trop grande intensité, son intransigeance, son homophobie, sa misogynie, son racisme, ses agressions verbales, voire même physiques. Ces plaintes avaient été rapportées à ses supérieurs à répétition. Des rumeurs au sujet de son intérêt malsain envers de jeunes garçons circulaient depuis les années 1980 et avaient été communiquées aux autorités du Grand Séminaire de Montréal et de l'Archidiocèse. Plus tard, ces rumeurs sont devenues plus concrètes : on avait observé Boucher entretenir une relation intime et inquiétante avec un jeune garçon à la fin des années 90. Il est vrai que l'on n'avait pas de preuve concrète d'abus sexuel, mais combien de fois peut-on corroborer de tels comportements par des photos? Malgré les nombreuses

inquiétudes soulevées par cette relation et qui furent rapportées de façon de plus en plus détaillée aux autorités ecclésiastiques, aucune enquête n'eut lieu à cette époque.

De façon contemporaine, des avances sexuelles indésirées envers un jeune homme de 18 ans ont été ignorées et ensuite effacées de la mémoire écrite collective de l'Église. Plus tard, l'histoire déchirante d'une relation abusive envers un jeune étudiant de 19 ans, alors sous la tutelle de Boucher en sa qualité d'aumônier au Centre Newman, est devenue le point tournant... pour envoyer Boucher en traitement psychologique!

L'évaluation psychologique extrêmement vague de Boucher, faite par l'institut Southdown en 2003, eut comme effet désastreux d'écarter tout soupçon qu'il puisse être un abuseur d'enfants jusqu'à ce que Monseigneur Dowd ne commence son enquête en décembre 2015, soit douze ans plus tard. Les rapports contenant les conclusions basées sur l'approche thérapeutique soutenue par Southdown donnèrent aussi plus largement l'impression que le comportement agressif et inapproprié de Boucher avait été guéri.

Malgré les conclusions rassurantes de Southdown, les rumeurs persistaient. En 2006, une autre plainte de comportement inapproprié de Boucher envers un mineur fut transmise aux autorités diocésaines et ignorée aussitôt. En 2011, un cadre supérieur de l'Église écrivit un long sommaire détaillé des manquements chroniques de Boucher afin d'empêcher la reconduction de son mandat comme curé de paroisse. Ce cadre dut s'absenter en congé de maladie et Boucher fut renommé.

Boucher se prit finalement à son propre piège : pendant son congé d'études à Washington, il prétendit avoir été abusé sexuellement par un jeune collègue prêtre. Monseigneur Dowd enquêta sur l'affaire et s'aperçut rapidement, preuve à l'appui, que Boucher avait été non pas la victime, mais plutôt l'agresseur. Lors de l'enquête élargie qui suivit, Monseigneur Dowd découvrit l'existence d'au moins deux victimes d'âge mineur.

Plus de 150 pages de ce rapport sont consacrées à décrire ce déplorable parcours.

L'auteure a identifié de nombreuses causes à cette débâcle, décrites en détail dans la section intitulée « General Remarks¹ ».

L'absence d'imputabilité des personnes impliquées dans l'éducation, la formation et la carrière de Boucher figure au premier rang de ces causes. Ces personnes se sont lancé la balle, sans jamais se charger des plaintes reçues.

On ne posa qu'un seul geste: envoyer Boucher pour des évaluations psychologiques à répétition (trois fois en 1990 et une fois en 2003) et soutenir des interventions thérapeutiques (un an et demi en 1991-1992) et une thérapie résidentielle de six mois en 2003. L'approche thérapeutique remplaçait donc toute action disciplinaire.

En 2003, les autorités ecclésiastiques s'étaient dotées d'un excellent outil, le Comité consultatif en matière d'abus sexuel de mineurs. Malheureusement, ni le président du comité ni le vicaire général de l'archidiocèse (tous deux évêques) n'avaient cru bon d'y référer l'affaire Boucher, alors qu'ils avaient été personnellement impliqués dans la décision de le référer à Southdown.

Un souci indu à l'égard de la réputation de Boucher a empêché toute investigation qui aurait pu mener à des décisions plus réfléchies concernant son ordination. Par la suite, les menaces répétées de poursuites judiciaires de la part de Boucher contre toute personne, y compris les membres du clergé, ayant eu la témérité de le critiquer, ont cimenté ces derniers dans leur inaction.

La culture du secret qui prévalait au sein de l'Église durant la période couverte par la présente enquête a causé tant la disparition d'importants documents que l'absence généralisée de traces écrites. Afin de retrouver toute la documentation relative à Boucher, l'auteure a dû accéder à plusieurs départements à l'intérieur du diocèse, ainsi qu'à des sources extérieures (tels le Grand Séminaire de Montréal et Southdown). De plus, elle a obtenu la permission d'examiner le contenu des archives secrètes à l'insu de son gardien, le Chancelier.

Finalement, limiter l'obligation d'agir des personnes en autorité aux cas d'abus sexuels de mineurs est une erreur, comme nous l'enseigne la présente affaire. Aucune forme d'abus, qu'il soit sexuel, physique ou psychologique, n'a de place à l'école, au travail ou au sein de l'Église. En outre, il n'y a pas que les mineurs qui risquent d'être victimes

¹ En anglais dans le texte d'origine.

d'une personne en autorité. Si les autorités avaient prêté une attention suffisante aux plaintes des deux jeunes hommes, respectivement âgés de 18 et 19 ans, qui ont été victimes de Boucher, il aurait été possible de mettre fin à ses abus plus tôt.

Ce rapport contient 31 recommandations offrant des pistes de solution aux problèmes qui y sont soulevés.

Summary

The author of this report was mandated by Archbishop Christian Lépine to investigate “*who knew what when*” in regard to Brian Boucher’s actions during his career within the Catholic Church and to formulate recommendations to the Archdiocese, with the view that such behaviours not be repeated.

To do so, the author searched for and analyzed in detail hundreds of documents and interviewed more than 60 witnesses. She received the assistance and support of Bishop Thomas Dowd, appointed by Archbishop Lépine as her liaison with the clergy, but she was not in any way directed or censored in her work. Indeed, the author had complete autonomous access to all documents, including those contained in the Secret Archives, which even Bishop Dowd could not consult. Furthermore, she was able to interview anyone whose testimony she judged useful.

The involvement of Brian Boucher in the Catholic Church covers a long period: from his time as a catechist in the mid-1980s to 2019, when he was convicted and sentenced on two counts of sexual assault of a minor. Throughout these years, his suitability as a seminarian and later as a priest was often questioned, but it was only in December of 2015 that a serious investigation began, leading to Boucher’s canonical and criminal trials. Brian Boucher is no longer a priest and is currently serving an eight-year sentence.

Until 2016, no one had come forward and claimed having been Boucher’s victim of sexual abuse while still a minor. No parent had ever brought such a charge against Boucher to the attention of his superiors. But this is no cause for premature exoneration of the Church authorities. Many people had complained about Boucher’s unacceptable behaviour over the years: he was rude, authoritarian, overly intense, intransigent, homophobic, racist, misogynist and verbally, and sometimes even physically, aggressive. These complaints were repeatedly reported to his superiors. Rumours about his untoward interest in young boys had been circulating since the 1980s and communicated to those in charge of the Grand Séminaire de Montréal as well as to the Archdiocese. These rumours later became more concrete: Boucher was observed having a very close and worrisome relationship with a young boy at the end of the 1990s. No concrete evidence of sex abuse was brought forth- but how often is this behaviour caught on camera? Despite the concerns raised over this relationship and brought to the attention of the authorities in ever-increasing detail, no investigation was undertaken at the time.

A contemporary unwanted sexual advance directed at an 18-year-old was dismissed and erased from the collective written memory of the Church. A later, heartbreaking abusive relationship with a 19-year-old student under Boucher’s tutelage when he was Chaplain of the Newman Centre became the tipping point ... to send Boucher for psychological treatment!

The overly vague psychological evaluation of Boucher done by the Southdown Institute in 2003 had the disastrous effect of appearing to shield him from any suspicion of being a child molester, until Bishop Dowd began his investigation in December 2015, twelve years later. The reports containing the conclusions based on Southdown's therapeutic approach also gave the impression that Boucher's aggressive and inappropriate behaviour had been "fixed."

Despite Southdown psychological reassurance, rumours persisted and another complaint about inappropriate behaviour with a minor was sent to the diocesan authorities and quickly dismissed in 2006. In 2011, a senior official of the Church wrote a lengthy, detailed summary of Boucher's ongoing failings in order to stop his reappointment as pastor of a parish. The official left on extended sick leave and Boucher was reappointed.

Boucher was finally caught in his own lies: he claimed that, during his sabbatical studies in Washington, he had been the victim of sexual abuse by a much younger man, a fellow priest. Bishop Dowd investigated this claim and quickly realized, given the evidence he found, that Boucher had been the perpetrator and not the victim. Once a broader investigation was started, Bishop Dowd discovered the existence of at least two child victims.

Boucher's deplorable story is told in detail over 150 pages of the report.

The author identified several reasons for this debacle, which are described at length in the section, "*General Remarks.*"

The primary culprit is the lack of accountability of the people involved in Boucher's education, training and career. Complaints were "passed on" and no one took responsibility for acting on them.

The only action taken was to send Boucher repeatedly for psychological assessments (3 times in 1990 and once in 2003) and to support his part-time therapy (one and a half years in 1991–1992) and his six-month residential therapy in 2003. The therapeutic approach served as an alternative to disciplinary action.

By 2003, the Church authorities had provided themselves with a valuable tool, an Advisory Committee on the Sexual Abuse of Minors. Unfortunately, neither its chairman, nor the Vicar General, both bishops, thought it appropriate to refer the Boucher case to that body, even though they were personally involved in the decision to send him to Southdown.

An overdue concern with Boucher's reputation prevented any kind of investigation that might have given rise to better decisions regarding his ordination. After that, Boucher's constant threats of legal action against anyone, including members of the clergy, who

had the temerity to criticize him effectively supported the inaction of the Church authorities.

The culture of secrecy, which reigned in the Church during the period covered by this investigation, caused the disappearance of important documents and the general lack of a paper trail. In order to find all the documents relating to Boucher (that were not missing or destroyed) the author had to look in several departments of the diocese and she had to access outside sources (such as Le Grand Séminaire and Southdown), as well as obtain permission to examine the contents of the Secret Archives unbeknownst to their custodian, the Chancellor.

Finally, limiting the obligation to intervene to cases of sexual abuse of minors is a mistake, as we have learnt from the present case. All forms of abuse, be it sexual, physical or psychological, have no place in a school, a workplace or a Church. Moreover, not only minors are at risk of abuse by a person in authority. Had sufficient attention been given to the complaints made by the two young men, 18 and 19 years old respectively, who had been Boucher's victims, his abuse might have been stopped sooner.

The report concludes with 31 recommendations offering potential solutions to the problems thus raised.

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INTRODUCTION

I was asked to conduct an investigation by the Archbishop of Montreal at the end of November 2019. This followed Brian Boucher's conviction for sexually assaulting two minor boys. He was sentenced to a prison term of eight years on March 25, 2019.

The objective of this investigation was to inquire into "*who knew what when*" in regard to Brian Boucher's career in the Church. The full text of the mandate can be found in Appendix 1², but its primary purpose is contained in part of its preamble:

"WHEREAS the Archdiocese wishes to have an independent third party fully investigate and report on the manner in which Brian Boucher was supervised, disciplined, transferred or otherwise operated in the course of his involvement in church life, and how any complaints or observations of his conduct were dealt with by the Archdiocese;"

The scope of the inquiry was very large both in time (1985 to 2019) and in location (two seminaries, two treatment centres, several parishes and a university). As I analyzed the documents and interviewed the members of the Church hierarchy and other witnesses, I realized that a complete understanding of the behaviour of those responsible for Brian Boucher's continued presence in the Church required some knowledge of canon law, Catholic dogma, tradition and history.

As I have no training in any of these disciplines, I have made no attempt to formulate recommendations in areas better left to the experts in these areas³. I am, however, capable of pointing out recurrent themes of organizational behaviour which appear to be characteristic of the modern Catholic Church. In this, I was greatly helped by Sr. Nuala Kenny's latest book, *Still Unhealed*⁴, to which I will refer at length in my chapter titled *General Remarks*⁵. I also noted serious practical flaws, especially in the filing and safeguarding of information.

² Appendix 1, page 198.

³ For proposals relating to Canon Law Reform, see amongst others, the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, *Final report*, volume 16 - Religious Institutions, book 1, 2019, Australia, p.45 *et seq.*

⁴ Nuala Kenny, (with David Dean), *Still Unhealed, Diagnosing and treating the clergy sexual abuse scandal*, Novalis, Toronto, 2019, 96 pages, p.20

⁵ General Remarks, page 170.

The responses to my inquiry were at times disappointing, sometimes shocking, always painful. I heard a lot of anger from parishioners and from lapsed Catholics who blamed the clerical sex abuse crisis for their departure from the Church. I heard sorrowful acknowledgments of past mistakes and also broad denials of all responsibility. I was also reassured by members of the clergy and of the Catholic community at large that they saw this investigation as a positive step towards healing and renewal.

Beyond the organizational flaws that transpired, there is also the issue of individual accountability. As it will be made clear throughout the historical part of this report, there were many missed opportunities to inquire into Boucher's behaviour and to put a stop to it. The common excuses of "*I was not in authority*", "*It was not my department*" and, most tragically echoing past history, "*I was following orders*" have led to people even complaining that they are *victimized* by the scrutiny under which they find themselves through this inquiry and by the media.

The real victims are the abused children and young adults who were not given the protection they deserved. It is in order to give them a voice that I accepted this mandate.

METHODOLOGY

I was formally mandated on November 23, 2019, to investigate “*who knew what when*” in the Brian Boucher affair.

The mandate provided that a senior leader in the Diocese would be appointed to act as liaison to ensure that I have access to all relevant information. Bishop Thomas Dowd was so appointed.

Bishop Dowd had been involved with the original internal investigation of Boucher’s abuses and had compiled a full dossier both for the police and for the Church authorities.

His files were the starting point for my investigation.

Bishop Dowd had retrieved some of the documents from several sources at the Diocese’s offices. He also obtained other documents from outside sources, such as Southdown⁶ and the Newman Centre at McGill University as he proceeded with his own investigation in 2016. He personally scanned and eventually sent the originals for safe-keeping to the Archdiocese’s lawyers, Borden Ladner Gervais (“BLG”).

It became clear to me early on in the process that even though Bishop Dowd’s credibility and honesty in this affair appeared spotless, it was essential that I review personally the original documents, examine their provenance and control for missing information. This approach was supported and encouraged not only by Archbishop Christian Lépine, but by Bishop Dowd himself.

The need to distance my investigation from Bishop Dowd’s was based on two equally important considerations: first, Bishop Dowd himself was to be an important witness

⁶ From the Southdown.on.ca website: “*Since 1966, our interdisciplinary team of psychologists, psychiatrists, addictions counsellors, spiritual directors, and related professionals have helped those who minister find healing and wholeness. Southdown provides psychological services ranging from comprehensive assessments through residential programming to post-residential continuing care. Our staff also offers leadership consultation, outpatient counselling, and opportunities for educational programming.*”

and, second, his investigation had been focused on the proof of the abuse committed by Boucher while my mandate covers the broader issue of potential complicit action of members of the clergy.

To achieve this, I proceeded in the following manner:

- I read and analyzed all the scanned documentation made available to me by Bishop Dowd;
- I listened to the interviews he had recorded in 2016 and 2019 with several key witnesses;
- I visited the offices at 2000 Sherbrooke Street West where I was given unlimited access to ALL files and personnel. Moreover, I was also able to gain access to the entire Secret Archives without prior notice to the Chancellor, their custodian at the diocese. Bishop Dowd had not been allowed to consult the files in the Secret Archives during his own investigation.
- I asked for and obtained the files from the Grand Séminaire de Montréal;
- I asked for and was granted full access to the files containing the original documents held at BLG's offices;
- I asked for and obtained access to the archives of the Newman Centre;
- Southdown gave me access to all the documents that originated from the Archdiocese. I already had possession of copies of the various Southdown reports that had been sent to the Archdiocese:
- I personally interviewed a great number of witnesses. The list can be found in Appendix 2⁷. The majority of these interviews were transcribed by an official stenographer whose services were provided by the Archdiocese. I corrected some misheard and mistranscribed words after listening to the audio tapes, but otherwise left the transcriptions as drafted.

The names of all the victims as well as those of most non-clerical witnesses who were not in a position of authority vis-à-vis Boucher are changed in the version of this report that is to be made public. Many people confided that they feared reprisals from Boucher at the end of his prison term. Similarly, the Appendices have been redacted in the public version of the report.

Beyond the indefatigable help of Bishop Dowd, I also received the assistance of the following people at the diocesan office: Fr. Francesco Giordano, Daniel Ducharme, Eric Durocher, Matthieu Houfflain and Martina McLean.

⁷ Appendix 2, page 200.

It became quite clear to me that many documents could no longer be found in the diocesan office. I was told by multiple sources that a great deal of “shredding” had taken place after the departure through promotion or death of many of the principally interested parties. My attempt to find these in parallel sources (Newman Centre, Grand Séminaire for example) was only partially successful.

Sufficient information was, however, found and verified to allow me to proceed with and complete the investigation.

I chose, with Archbishop Lépine’s consent, to draft this report in English, as the vast majority of the documents and the interviews are in that language and I thought it important that the subtlety of the words used not be lost. Moreover, linguistic consistency makes for an easier read.

THE STORY:

Ordination (1982 - 1996)

Boucher first appears in our story in 1982. In the words of Bishop Robert Harris⁸, he was then a teenager about to turn 20. Bishop Harris was the Pastor of Saint Veronica's parish, where the Boucher family lived. Both Brian and his twin brother John* were altar servers.

The family was friends with Msgr. Neil Willard. Even though "*he occasionally was invited to the Boucher parents' home for a meal*", Fr. Harris, as he then was, "*did not consider himself a close family friend.*"⁹

St. Veronica's Parish (1980s)

In the 1980s, Fr. Harris was approached twice by a concerned parent, Dr. Aron Clarke*, a pediatrician. A letter signed by Dr. Clarke* and four other parents, addressed to Father John Walsh in 1992, makes specific reference to these meetings:

"The events raising our concern occurred seven years ago and at that time one of us, Dr. Aron Clarke, had discussions on two separate occasions with the Pastor of St. Veronica's Parish, Fr. Robert Harris."*¹⁰

The issues then raised focused on Boucher's inappropriate behaviours with children:

"Brian Boucher taught our children at the Tuesday religion classes at St. Veronica's Parish in 1985. As such, we were initially unconcerned with his interest in our sons aged 10 to 14 years. Gradually, however, it became apparent to us that, as a young adult male of 24 years, Mr. Boucher spent an inordinate amount of time with our sons. He took the boys to La Ronde, the movies. An air show at Mirabel, restaurants, shopping and other events. Frequently there was

⁸ Bishop Robert Harris, *Statutory Declaration* February 3, 2020, para. 73 ("Declaration"). Much to my surprise, Bishop Harris thought it necessary to hire a lawyer after our initial interview and, with his help, to produce a sworn statement as evidence for my investigation. I never asked for a sworn statement and its exculpatory tone did not provide any additional insight into my understanding of the events.

⁹*Ibid.*, para.75-76

¹⁰ Letter of Dr. Aron Clarke* *et al.* to Fr. John E. Walsh, May 31, 1992 (the "Clarke* letter").

little or no prior consultation regarding these arrangements, with the boys often asking us parents for permission to go with him at the last minute. Moreover, he often returned the boys home much later than the time to which he had originally agreed.

The inappropriate language used in these occasions was another concern. Through remarks from our sons it slowly became apparent that he was using, and encouraging the boys to use, coarse language with many sexual innuendos. He discussed sexual behaviour such as masturbation and oral sex. (...)"¹¹

One of the signatories of the letter, Mrs. Charlotte Walker*, in a recorded interview with Bishop Dowd, referred to an earlier letter that had been sent to Fr. Harris and to the Diocese in 1985. No copy of this letter has been found. Both Mrs. Walker* and Mrs. Geraldine Gosford*, a friend of the signatories who participated in the drafting of the letter, confirmed its existence in two separate interviews I had with them. Fr. Fred Kirouac, who later became pastor at St. Veronica's and is a friend of Geraldine Gosford* and the Walkers* also confirmed that they had told him about this previous letter given to Fr. Harris. At my request, he looked for the letter in the Parish archives, without success.

On April 26, 1987, Fr. Harris recommended most positively Boucher as a candidate for the Seminary to Msgr. (as he then was) Neil Willard:

"Brian has shown by example his love for people, his desire to be involved and progressively over the past few years has participated in Church centered activities. He has taught catechism class and always demonstrated a desire to be helpful. He has been a devout practicing Catholic, and that seems to have taken on a new depth of expression in prayer, since the past little while."¹²

He sent a similarly positive recommendation on July 8, 1987 to the then Rector of St-Peter's Seminary, Fr P.W. Fuerth. Neither letter includes a mention of the concerns raised by Dr. Clarke*. In his declaration, Bishop Harris states that he only met with Dr. Clarke* for the first time *after* he sent those letters. In his letter, dated 1992, Dr. Clarke* refers to events that took place seven years previously, i.e. in 1985. Even in the event that Bishop Harris's memory is more exact than the time frame provided by Dr. Clarke*, Mrs. Walker*, Mrs. Gosford* and Fr. Kirouac, why did Fr. Harris, as he then was, not advise Fr. Fuerth of this allegedly new information received? In a Memo written in November of 1992 (see below), Fr. Harris wrote that he discussed the matter with Dr.

¹¹ *Ibid.*

¹² Letter from to Fr. Robert Harris, St. Veronica's Parish, to Msgr. Neil Willard, April 26, 1987.

Clarke* and that he hesitated to report Boucher as he was “concerned for his reputation”¹³.

One must remember the historical context of the time: in 1989, the Mount Cashel scandal had blown up. Issues of sex abuse within the Church became newsworthy. It was impossible to pretend that *such things could not happen*. And yet...

St. Peter’s Seminary (Fall 1987)

Boucher was admitted to St. Peter’s Seminary in London, Ont. in the fall of 1987. The first two Confidential Reports (March 1988¹⁴ and February 1989¹⁵) addressed to Bishop Leonard Crowley and forwarded by him to Cardinal Paul Grégoire, Archbishop of Montreal, are very positive. In the 1989 report, a mention is made of his being a Big Brother to a young teenager in London to whom he gives a good example of a “*loving but firm hand*”¹⁶.

The Confidential Report of February 1990, while still positive, raises an issue of “*undue intensity*”¹⁷ in his relationship with fellow seminarians.

Withdrawal of St. Peter’s Seminary (November 1990)

In November 1990, Boucher was asked to leave the Seminary. The Rector’s Confidential Report of November 15, 1990, mentions a “*pattern of intensity and anxiety*”¹⁸. The Seminary recommended that Boucher withdraw and obtain a professional psychological assessment. The rector’s report goes on to describe the problem:

¹³ Fr. Robert Harris, *Memo: follow-up to the letter sent to Father John Walsh from certain parishioners of St. Veronica’s Parish expressing concern about Brian Boucher’s becoming a priest*, undated.

¹⁴ Rector Patrick W. Fuerth, St. Peter’s Seminary, *Second Term Confidential report – Brian Boucher*, March 1988.

¹⁵ Rector Patrick W. Fuerth, St. Peter’s Seminary, *Confidential report – Brian Boucher, First year theology*, February 10, 1989.

¹⁶ *Ibid.*

¹⁷ Rector Patrick W. Fuerth, St. Peter’s Seminary, *Confidential report – Brian Boucher, IInd Theology*, February 8, 1990.

¹⁸ Rector Patrick W. Fuerth, St. Peter’s Seminary, *Confidential report – Brian Boucher, Theology III*, November 15, 1990.

“During the summer, I received new information that Brian's intensity in friendships alarmed a number of his fellow seminarians to the extent that it discouraged at least one man from living within the seminary.

It is not clear whether Brian's problem is alcohol, even though there is evidence of intense behaviour when he has only a little to drink, or whether his problem is a psycho-social or psycho-sexual problem, even though there is evidence of a manipulative style in his reactions with others. (...) There was no evidence of alcohol abuse in the ordinary sense, and no accusation whatsoever of homosexual activity.”¹⁹

Guest House Assessment (December 1990)

Following his withdrawal, Boucher was sent to Guest House²⁰ for assessment. The report, dated December 3, 1990, was sent to St. Peter's Seminary as well as to Msgr. Willard and Boucher. Mr. Earl E. Kilbourn, Clinical Services Supervisor, wrote:

“I expressed to him (Boucher) some concern with regard to the Sexual Addiction Questionnaire, wherein He responded YES to 5 of the 25 questions on the questionnaire, which would be generally seen as very significant. Upon further discussion of his responses, I was somewhat less concerned regarding this particular area, however, I none-the-less recommended that perhaps further evaluation through a program such as St Luke Institute could prove beneficial. We discussed the “intensity” that others have observed in Brian and I explained to him that as a primarily substance abuse treatment facility, we were ill-equipped to assess and/or address such personality anomalies (...)”²¹

As a result, Boucher was sent for another assessment to Southdown.

Southdown Assessment (December 1990)

The file I consulted at Southdown contained a referral from St. Peter's seminary and, of course, the assessment made at that time. There was also a letter from Msgr. Neil Willard written on December 6, 1990 “*at the request of Boucher*” which appears to be more a recommendation for a job than a source of information for a psychological assessment of an individual demonstrating unusual and risky behaviour:

¹⁹ *Ibid.*

²⁰ A centre specializing in the diagnosis and treatment of substance abuse in Lake Orion, Michigan, USA.

²¹ Earl E. Kilbourn, Guest house, *Evaluation of Mr. Brian Boucher*, to Sr. Margaret Ferris, St. Peter's Seminary, December 3, 1990.

"(...)

3) PERSONAL RESOURCES

A) *Spiritual: -He is serious about his spiritual life and is a prayerful person; he would consider his spiritual exercises as a priority in his life. In this matter he has certain habits or attitudes that, in my opinion, should be corrected. For example, insisting on praying the breviary, with priest or seminarian guests before upper. He is eucharist centered. He can be a little "right-wing" which leads him to be harsh and judgmental on people who should be and are not living up to their religious and spiritual responsibilities.*

(...)

C) *Relational: - He has had few solid meaningful relationships either with males or females. I think that this is partly due to a poor self-image and insecurity. This leads him, at times, to get too-involved in helping" others; maybe the "savior" mentality. Having known him for the length of time that I have and aware of his scrupulous sincerity, I do not personally believe that this attitude is overly-exaggerated nor that it has led him into any deviant behaviour.*

D) *Vocational appreciation: - As an overall evaluation of Brian's suitability to continue as a candidate for the priesthood I have no doubts. If there is a problem with relationships that needs to be verified further, it is my opinion that this could be done in the context of a field-work period in a parish at the time usually determined for this purpose in the course of one's seminary training."²²*

In the same file, there was a second letter of "recommendation" from Sean Harty, then Associate Executive Director at St. Mary's hospital, written to Southdown at Msgr. Willard request:

"I am aware that Brian can sometimes appear to be "detached" from others and have discussed this with him. I have encouraged Brian to have more confidence in his interpersonal abilities and to take a few more risks interpersonally.

I have had the privilege of talking with Brian on a number of occasions and while I have recognized the fragility of some aspects of his personhood, I have also noted the openness and the courage to recognize and accept these wounded areas and the resolve to make them less operative in his life.

²² Msgr. Neil Willard, *Confidential notes concerning Brian Boucher* (sent to Southdown), December 6, 1990.

By now you will have met Brian and I hope that this letter only serves to affirm your perceptions of this fine young man.”²³

Less than three weeks later, Dr. Ruth Droege, Director of the assessment program at Southdown, drafted her report. Boucher received a health evaluation, psychological testing and interviews, a psychiatric evaluation, an addiction assessment and as well as a spiritual life assessment.

The reason for the assessment was described as *“Brian’s problematic relationships with fellow seminarians”²⁴.*

Fr. Harris was asked to attend a meeting at Southdown on December 14, 1990, at which point he was informed of the reasons for Boucher’s withdrawal from St. Peter’s.

In her conclusions, Dr. Droege suggested a concern regarding maturity of function. She added that:

“there are areas of personality function that could be profitably explored in psychodynamic psychotherapy”. She also mentioned that “Psychological testing warrant the pursuit of further neuropsychological testing. If something concrete should emerge from this, the further possibility of a CT scan and neurological consultation should be considered.”²⁵

The final conclusion was somewhat ambiguous:

“It is recommended that the Archdiocese of Montreal consult with St. Peter’s seminary regarding Brian’s future. The assessment provides no significant data to contradict Brian’s fitness for ordination. It does suggest areas for exploration and for therapeutic intervention. Whether these be resolved in conjunction with Brian’s seminary studies or separately while Brian might pursue some practical kind of ministry experience is for both parties to discuss.”²⁶

²³ Msgr. Sean Harty, St. Mary’s Hospital Center, letter to Reverend John Loftus, Director, Southdown, December 12, 1990.

²⁴ Dr. Ruth Droege, Southdown, *Assessment Report Brian Boucher*, December 20, 1990.

²⁵ *Ibid.*

²⁶ *Ibid.*

On January 3, 1991, Archbishop Jean-Claude Turcotte, as he then was, replied to Fr. Fuerth and advised him that Fr. John Walsh would be charged with the follow-up of the recommendation that Boucher should obtain expert psychological help.

During a telephone interview with Fr. John Walsh, he at first told me that he had never seen the report from Southdown and that Archbishop Turcotte never asked him to follow up on the recommendations. In a later email, he remembered having both communicated with Fr. Fuerth and referred Boucher to Dr. Tom Francoeur to “*try to discern a vocation to the priesthood*”²⁷. This mention appears in typewritten note of December 13, 1991, in which Fr. Walsh adds: “*I spoke to the Bishop and want him to know that the case is one that will take a long period of time to come to grips with the intensity of the candidate. The problem at this juncture is one of intensity.*”²⁸

Institut de formation et de rééducation de Montréal (1991-1992)

Boucher came back to Montreal. He was assessed for a third time, at the *Institut de formation et de rééducation de Montréal*²⁹. This assessment could not be found either in the diocesan office or in the archives of the *Institut*. Boucher underwent a course of psychotherapy treatment there for over a year. At the same time, he joined the Parish of the Transfiguration of our Lord as a potential return candidate for the seminary.

Transfiguration of our Lord Parish (1991-1992)

Fr. Don O'Rourke, pastor of the parish, discussed Boucher's participation in the community. His comments, as summarized by Fr. Harris on June 26, 1992, were mainly positive. However, he mentioned that a problem occurred at the Joliette school:

“I introduced Brian to Joliette Grade School and High School. He would go out there to work with the pastoral animator. It was a negative experience. In that context, he has difficulty accepting criticism. It seems like a difficulty with authority. Because of his tendency towards to social element (sic), at a retreat he and the pastoral animator clashed. The kids got out of hand. The sisters

²⁷ Fr. John Walsh, email to Pepita G. Capriolo, February 28, 2020.

²⁸ Fr. John Walsh, typewritten note to self, December 13, 1991.

²⁹ Now known as the *Institut de formation humaine intégrale*.

complained. Brian got criticised. He didn't take it. He seems to have difficulty accepting criticism - but he is improving!"³⁰

No details are mentioned in this summary of the conversation and I could not obtain anymore information from Bishop Harris or from Fr. O'Rourke, now deceased.

Fr. Harris added that Fr. O'Rourke had noted with pleasure:

"He is even developing a rapport with the parents of some of the kids. He is able to listen to their family problems. He does the same with the teachers at the school. He knows the parents of the altar servers better than any of us."³¹

I only underline this comment, as we now know, that this was in fact going to be Boucher's *modus operandi*: establishing a close personal relationship with the families of his potential victims.

Application to the Grand Séminaire de Montréal (1992)

Boucher applied to continue his studies at the Grand Séminaire de Montréal ("GSM").

Fr. John Walsh did not think that Boucher was ready to go back to the seminary. He wrote to then rector, Marc Ouellet:

"July 17th, 1992

Cher Marc,

J'ai rencontré Brian Boucher et je lui ai proposé d'initier son retour au Séminaire, comme séminariste, par un stage dans une paroisse.

Un retour aux études immédiatement, selon moi, aura des conséquences (sic) en plusieurs (sic) domaines:

(...)

- 1) Je lui fais mention qu'il n'a jamais fait le C.P.E. L'été prochain pourra servir comme le temps propice.*
- 2) Je compte sur les "12 guides" en paroisse qui pourront vraiment évaluer son comportement.*

³⁰ Fr. Robert Harris, *Meeting with Fr. Don O'Rourke, pastor of Transfiguration Parish, Subject: Brian Boucher*, note to file, June 26, 1992.

³¹ *Ibid.*

Il m'a donné aucune raison valable pour recommencer ces études immédiatement. "Je pensais que ça serait mieux," disait-il, pas plus.

Je recommande que Brian fasse son "Internship" à Saint Patrick pour l'année 1992-1993 et que le diaconat ne soit aucunement pensable durant cette année."³²

Prior to his writing this letter, Fr. Walsh had received Dr. Clarke*'s complaint of May 31, 1992, in regard to Boucher partially cited above but now deserving a full reading:

"Dear Father Walsh:

Following your request for written information we, the undersigned, wish to share concerns we have regarding Brian Boucher, who is presently training for the priesthood. The events raising our concerns occurred seven years ago and at that time one of us, Dr. Aron Clarke, had discussions on two separate occasions with the Pastor of St. Veronica's Parish, Fr. Robert Harris. He indicated that he felt our concerns were no longer problems nor serious enough to convey to those involved in Mr. Boucher's training. This decision may have been the product of his perspective as a parish priest. However, our point of view is that of parents concerned with Mr. Boucher's past relationship with our children.*

Brian Boucher taught our children at the Tuesday religion classes at St. Veronica's Parish in 1985. As such, we were initially unconcerned with his interest in our sons aged 10 to 14 years. Gradually, however, it became apparent to us that, as a young adult male of 24 years, Mr. Boucher spent an inordinate amount of time with our sons. He took the boys to La Ronde, the movies, an Air Show at Mirabel, restaurants, shopping, and other events. Frequently there was little or no prior consultation regarding these arrangements, with the boys often asking us parents for permission to go with him at the last minute. Moreover, he often returned the boys home much later than the time to which he had originally agreed.

The inappropriate language used on these occasions was another concern. Through remarks from our sons it slowly became apparent that he was using, and encouraging the boys to use, coarse language with many sexual innuendoes. He discussed sexual behaviour such as masturbation and oral sex. He also viewed with our sons an Eddie Murphy video film replete with foul language. In the context of the time and the ages of our sons, this seemed to us highly improper.

Mr. Boucher was a program assistant to some of us who directed Family Camp at Camp Kinkora during the summer of 1986. A parent complained to us that

³² Fr. John E. Walsh, letter to Rector Marc Ouellet, July 17, 1992.

during an “overnight” with teenagers, aged 13 years and above, the leaders, including Mr. Boucher, repeatedly used and allowed foul language and off-colour jokes in their presence. The directors discussed this behaviour with him soon after, as did other parents later on. Contact between Mr. Boucher and our sons ended soon after this.

We hope the above information will be helpful in the discernment process and wish Mr. Boucher well in his future life. Finally we are highly concerned that this document remain in your confidential file, be used discreetly, and in a manner you deem appropriate. We look forward to your response.

Sincerely,

Dr. Aron Clarke*

Evelyn Clarke*

Stewart Walker*

Charlotte Walker*

Donald Robinson**³³

An Admissions Committee meeting was purportedly held on August 21, 1992, the date not being accurate as the minutes of the meeting refer to later documentation received in September:

**“Admissions Committee - for Brian Boucher
held August 21, 1992, at the Grand Seminary**

The Admissions Committee was composed of: Fathers Marc Ouellet, Rector; Marcel Lagacé; and Robert Harris.

(...)

4. *After 3 years, 3 months at St. Peter's (ie. in his final year) Brian was asked to withdraw from the seminary. In the report dated November 15, 1990, the Rector, Father Patrick Fuerth, stated that Brian needed a psychological assessment. The seminary faculty felt there was a problem which they could not name. They noticed: patterns of intensity, anxiety, signs of possible depression, he was manipulative in his relationships, compulsive in establishing relationships. He had problems with self-perception, self-confidence, self-worth, inadequacy. He was intense, inclined to over-react and lose perspective. Brian recognized he had a problem but didn't know what it was.*

³³ *Supra*, footnote 10.

Brian first went to Guest House, then to Southdown and finally to the Institut de Formation et de Rééducation de Montréal for assessments.

5. *Brian has been following psychotherapy for 1 1/2 years at the I.F.R.M. Since September 17, 1991 - till August 31, 1992, Brian has been exercising ministry at Transfiguration of Our Lord Parish as a candidate preparing for priesthood. (Cf. letter dated September 16, 1991). His psychotherapist is in agreement that the time is right to pursue his formation.*

The pastor of Transfiguration was very pleased with Brian's performance over this past year.

6. *The Admission Committee questioned Brian on the story of his vocation, on his prayer life, his understanding of celibacy, on his human relationships and on his present perception of himself. Brian recognizes that much has changed for him. As he looks back to his last year in London, he recognizes that all was happening too fast. It was like being on a conveyor belt and he needed to get off. His psychotherapy and his eleven months in parish ministry have helped him enormously. His image of self has changed. He is much freer. And now he feels called to continue his formation towards the priesthood.*
7. *The Admissions Committee was impressed with the calm and simple way Brian presented himself. His answers appeared to be genuine, spontaneous.*
8. *The Admissions Committee is aware that Father John Walsh, vocation director of the English Sector is not in favor of Brian's immediate return to the seminary and his admission to le Grand Séminaire. (Cf. letter to Rector dated July 17, 1992).*
9. *It is also aware of a letter sent to Fr. Walsh expressing concern over Brian's pursuing his formation for the priesthood.*
10. *Basing itself on the file, as received, and on the interview with Brian Boucher,*

the Admission Committee recommends to Archbishop Jean-Claude Turcotte that Brian be authorised to (1) resume his formation program; (2) and, that this be done at Le Grand Séminaire."³⁴

³⁴ Rector Marc Ouellet, Fr. Robert Harris, Admissions Committee – for Brian Boucher, dated August 21, 1992.

On September 1, 1992, Luc Corriveau, Boucher's therapist, had written the following to the rector:

« Pour des raisons thérapeutiques, je veux confirmer ma position favorable à une acceptation de Monsieur Boucher au programme d'étude du Grand Séminaire de Montréal. »³⁵

One may wonder at the notion that for “*therapeutic reasons*” Boucher should be allowed to enter the Seminary: is the acceptance to the Seminary part of a process of therapeutic treatment as opposed to a first step into entering the priesthood, with the obligations this choice entails?

Nothing much seems to have been made of the serious concerns raised in the Clarke* letter at that time. In fact, Fr. Harris followed up with Dr. Clarke* *only after* the decision to admit Boucher was made.

On November 6, 1992, Fr. Harris wrote a “Memo” the primary purpose of which seems to be to refute any personal responsibility in the lack of follow-up from Dr. Clarke*'s initial concerns:

“Memo: follow up to the letter sent to Father John Walsh from certain parishioners of St. Veronica's Parish expressing concern about Brian Boucher's becoming a priest

On November 6, 1992 – I met with Dr. Aron Clarke to follow up on the letter sent to Father Walsh and to clarify certain points made in the letter.*

Dr. Clarke came to see me several years ago when I was pastor of St. Veronica's Parish. It was after Brian had decided to study for the priesthood - and was a seminarian at St. Peter's Seminary, London. Brian began his studies there in September 1987. What I recall was a visit in which Dr. Clarke*, representing a few concerned parents of young boys, expressed concern about Brian's spending too much time with their sons and while with them discussing matters of a sexual nature. They wanted me to speak to those responsible for his formation. My*

³⁵ Luc Corriveau, Institut de Formation et de Rééducation de Montréal, letter to Rector Marc Ouellet, September 1, 1992.

response was cautious. I remember agreeing that it was an unfortunate situation, but I did not want to tarnish someone's reputation without proof of anything wrong happening. I note that this was two years after the fact, that I had not received any complaints from other parents (whose children Brian had taught in Catechism class) and I knew Brian myself. I think my initial reaction was - I will keep an eye on things. I hesitated to report him immediately, concerned about his reputation. I cannot agree with the comment in the letter that I felt their concerns were no longer problems nor serious enough to convey to those involved in Mr. Boucher's training.

The fact is I conveyed the incident to Monsignor Neil Willard who agreed with me that it was a delicate matter, that a person's reputation was at stake and that he would handle it. I do not remember when I did this, but I know I did.

When I explained to Dr. Clarke that the matter had been pursued and that I, as the priest responsible for English seminarians in formation, as well as the rector of the Grand Seminary were monitoring the situation, he was reassured.*

He admitted that the letter was sent as a matter of conscience. The purpose was not to do damage to a person, nor his reputation, nor his vocational project, but to prevent something unfortunate from happening in the future. He stated that the events spoken of dated back to 1985 and that there had been no recurrences. He realized that we could not confront Brian on the issue, without revealing who the source of the complaint was. He also recognized that Brian at the time who was younger may have lacked discretion and judgment but that he may have changed and that a lack of judgment in the past should not mark him for the rest of his life. He told me he was satisfied that the matter was being looked at and monitored.

I spoke to Marc Ouellet about my meeting with Dr. Clarke. I also reported my findings to Bishop Crowley. Both were satisfied that we had done what we could to follow up on the matter.*

*Robert Harris*³⁶

³⁶ *Supra*, footnote 13.

In November 1992, Rector Ouellet and Fr. Harris were aware:

- of the problems of Boucher's behaviour while at St. Peter's,
- of the existence of serious concerns dating back to the 80s,
- of the need for three psychological assessments and for one and a half years of psychotherapy.

In his Memo, Fr. Harris mentioned that he had reassured Dr. Clarke* that "*the matter had been pursued*"³⁷ and that he and the rector would be monitoring the situation. It had been "pursued" by advising Msgr. Neil Willard at the time of the initial meetings. How the situation was to be monitored is not clearly stated.

Grand Séminaire de Montréal (1992-1995)

In my interview with Msgr. Francis Coyle, he told me that seminarians from GSM had complained to him of Boucher's intense and overwhelming behaviour similar to that already described at St. Peter's. These complaints were passed on to the authorities at GSM (the rector? Fr. Harris?) on November 2, 1995, as is evidenced in a "*Schedule of Follow-up*" sent to Cardinal Turcotte when the decision regarding Boucher's ordination had to be made: "*Father Frank Coyle passes on concerns which he received*"³⁸.

When I attempted to follow up the origins of these complaints, I could not find any former seminarian who would confirm having discussed such a situation with Msgr. Coyle. However, Msgr. John Sala* related to me that, when he was a seminarian, he had been the object of intense and emotionally manipulative behaviour on the part of Boucher. Msgr. Sala*complained of this to the Rector Marc Ouellet at the time. As a result of the complaint, the behaviour stopped immediately. Behaviour such as this had already pushed Boucher out of St. Peter's. Why was he not immediately asked to leave the GSM then? No minutes of either the Msgr. Sala*complaint or of those later reported by Msgr. Coyle are to be found in the GSM file.

At the end of his first year at GSM, Fr. Harris, responsible for English-speaking seminarians, wrote a review of Boucher's progress. In this report, he reiterated the problems that had surfaced at St Peter's and the assessments from Guest House:

"A perusal of the evaluations from St. Peter's speak of Brian: having a tendency to procrastinate; lacking in confidence; being a perfectionist; arriving late and

³⁷ *Ibid.*

³⁸ *Confidential / Schedule of follow-up / Confidential, Doc.10.*

having difficulty seeing what needs to be done; coming across as rigid; needing more physical exercise; reacting defensively when first corrected and then accepting; being insecure; manifesting intensity in his behavior; noticeable anxiety, possible depression; being manipulative in his relations with others; being compulsive in his project of building friendships.

A look at the psychological assessment from Guest House and Southdown speak of intense behaviour, repression, a cognitive style which is narrow and overly focussed; Raised questions regarding his maturity, conflict with trust, difficulty with self-esteem.

It is interesting to note that several of these areas of concerns have been resolved. And then there are areas which Brian is still working on.”³⁹

In the same month, the official year-end evaluation, signed by both Rector Ouellet and Fr. Harris, omits the detailed reiteration of the reasons for being asked to leave St. Peter’s and the content of the psychological assessments ⁴⁰. The issue of manipulative behaviour or overintense relationships is therefore completely absent.

Both reports end on the same positive note:

“There is no doubt that Brian has made great progress. We note that through all of this, at no time was Brian’s fitness for ordination questioned.”⁴¹

First diaconate application (April 1994)

At a certain point, during his formation at the GSM, Boucher was assigned to St. John Fisher Parish for a pastoral placement. Fr. John Lyng was the pastor at the time. In September 1993, Fr. Lyng was assigned to Transfiguration Parish and was replaced by Fr. Peter Timmins. Boucher remained at St. John Fisher under the supervision of the new pastor. On April 6, 1994, a Lay Committee of twelve people, including Steve Brown*, Youth Group Animator, was convened to decide whether to recommend that Boucher be ordained deacon. Their observations were reported in the Year-end

³⁹ Fr. Robert Harris, *Review of Brian Boucher’s progress*, April 1993.

⁴⁰ Rector Marc Ouellet, Fr. Robert Harris, *Boucher, Brian Year-end evaluation 1992 – 1993*, April 1993.

⁴¹ *Supra*, footnotes 39, 40.

Evaluation of 1993 – 1994 in which the points “to monitor” are phrased in a very positive way:

“Year-End evaluation 1993-1994 in view of the diaconate

(...)

A few things to monitor - At a parish meeting, in response to a controversial question which was raised, he simply dropped a quotation from Canon Law. It was a strict answer. It was as if he were saying: « Here it is - that's it! » This was not an appropriate way of handling the matter. At times, he is too idealistic, when it comes to family life and the relationship within a couple. He uses his parents as the model and seems to live in the ideal of his memory. As well he can be too intellectual on occasion.

(...)

One point to monitor here: Brian's faith is orthodox and by the book. At times, he doesn't couch things properly-. It would be important to develop this skill.

(...)

A concern was raised regarding his position on current questions like married priests, the ordination of women, etc. Concern was expressed about his being traditional and orthodox.

(...)

One area of concern - Brian's lack of initiative. When he's not needed, he's not around. He is a kind person, seems service oriented and anxious to help but he lacks imagination. The pastor wonders what kind of a leader he will be. In his preaching, one detects Brian's knowledge of and competency in theology. Basically, the content is good, but he needs to loosen up. At times, the construction and the logic are faulty. At other times his expressions are stilted. His delivery is monotone. But he's open to criticism and he's improving. No one has complained about his preaching.”⁴²

But the concerns must have been expressed strongly enough because the final vote by the Directors of the GSM on the recommendation for the diaconate was 1 in favour, 6 against and 1 abstention. A second vote led to a unanimous decision to postpone the diaconate and ask Boucher to begin an internship.

⁴² Fr. Robert Harris, Rector Marc Ouellet, *Year-End evaluation 1993 – 1994 in view of the diaconate*, April 1994.

2nd diaconate application (March 1995)

On March 21, 1995, another Lay Committee evaluation took place to evaluate Boucher in view of the diaconate. Steve Brown* was not invited to this meeting, even though he was still the Youth Group Animator at St. John Fisher Parish. This absence will soon appear significant.

There are positive references in this evaluation to Boucher's dealings with others:

"being good with the youth (12 to 18-year-old)"; "He seems equally at ease with men and women, young and old" and:

(...)

*In setting up the Parish Youth Group, Brian has demonstrated his ability to respond to a perceived pastoral need. In his pastoral activities, he has persevered despite difficulties. He is a good team worker, able to recruit lay collaborators and entrust to them responsibilities. He is a good leader. During the absence of the pastor, Brian had additional responsibilities and he did very well.*⁴³

A «*Conseil d'appel*»⁴⁴ was convened on March 27, 1995, for the same purpose. This *Conseil* was constituted by the two pastors who had supervised Boucher at St. John Fisher Parish, Fr. Timmins and Fr. Lyng as well as the new rector, Louis-Paul Gauvreau and four other GSM directors, including Fr. Harris.

Several "red flags" were raised by Fr. Lyng:

« Conseil d'appel » for Brian Boucher in view of the diaconate held at the Grand Seminary March 27, 1995

(...)

Brian needs to pay attention to his listening skills and empathy. When he is dealing with a person in authority, he shows respect. However, when he is before an intellectually inferior person, a vulnerable person or an adversary his approach leaves some-thing to be desired. He needs to learn how to relate to a person who is weak. He can ride over a person who can't defend himself. (Ex.

⁴³ *Evaluation by the Lay Committee of Brian Boucher in view of the diaconate, March 21, 1995.*

⁴⁴ A "Conseil d'appel" is NOT an appeal from a previous decision but rather a consultation regarding the call to a religious commitment.

the curate has complained that Brian does not seem to respect him and when told, acts like he knows it all!). Brian likes to call the shots. He needs a strong person with whom he can grow. He must learn how to evaluate the situation more patiently, rather than overwhelm it.

(...)

One person felt that Brian is compulsively neat. This would be something to monitor. He's a West-Island boy. How would he do in another milieu that was less comfortable? This is a caution flag!

The same person expressed concern about Brian's attraction to younger children (grades 4 to 6). He would gather them for pizza parties. This is a red flag!

And the same person adds:

Brian is a very handsome guy! The ladies of the parish relate well with him and he uses that. He works hard on presenting himself well. Is all this a mask? Where is the true Brian? While he was at Transfiguration parish for a year, the women fell in love with him. This is a flag!

Three flags have been raised by one of the members of the « Conseil d'appel ». In response to these, the present pastor-tutor tried to put things into perspective.

Brian's present situation with regard to young people is the following. On Sundays, he does have a group of about 30 young people from grade 7 to 11. He has helping him a couple of 17 to 18 year olds (sic). The young people like him a lot. And no problems have come to light. His interest in the kids is equally balanced between boys and girls. He speaks to the pastor about the subjects raised for conversation and the pastor thinks it is balanced. Brian is certainly conscious of being tall and handsome. Nevertheless, while conscious of playing the crowd, he doesn't use his good looks offensively. The pastor has not noticed that he is playing a role.

Does Brian have friends his own age? All that the pastor can say is that he meets with fellow seminarians on occasion. He is also close to his family and he is a twin!

(...)

Brian's two major pastoral projects were with the Sacramental Initiation Program (which included the children, the parents, and the catechists) and the youth program. He fulfilled both commitments in an impressive way.

With the Sacramental Program, he worked with the former director and got others involved as well. This included recruiting and preparing the catechists. He did very well. It was a most effective program. He did so well, that the pastor would love to have him there as a curate!

(...)

The vote was taken - re recommending to the Archbishop that Brian Boucher be called to the diaconate in the near future.

Vote 5 Yes
2 No
0 Abstention.

Explanation of the vote

The two negative votes represent the following concerns:

1. *Is he a sleeping volcano? How would he react if he were refused?*
2. *He needs more experience in pastoral work.*
3. *His self-knowledge is weak.*
4. *In the past, he had trouble with anger, and was inclined to be authoritarian and rigid. This has changed but how deeply?*
5. *He could benefit from a C.P.E. course.*
6. *Intellectually strong, he has an affectivity problem. He has difficulties with human relations, he can't keep his friends.*
7. *He has an image.*

In the face of this, the pastor affirms that Brian has grown in his self confidence. If he were refused, it would need to be gently so that he didn't interpret it as a failure. (emphasis added)⁴⁵

I realized that Fr. Lyng had raised these “red flags” because he was conspicuously absent from a later, more positive, Conseil d’appel in view of the priesthood. I decided to interview Fr. Lyng to confirm my impression. He stated clearly that he had been the one to raise these issues and that his concerns created an atmosphere of such animosity, primarily from Fr. Harris and Fr. Timmins, that he had to appeal to the Rector to ask whether he was in fact allowed to speak.

On April 7, 1995, Fr. Harris wrote to Cardinal Jean-Claude Turcotte, Archbishop of Montreal:

“Dear Archbishop,

Having known Brian since 1982 when I was his pastor and having served as Brian's formation advisor since January 1993 shortly after his admission to the

⁴⁵ Fr. Robert Harris, Louis-Paul Gauvreau, Rector, Grand Séminaire de Montréal, Conseil d’appel for Brian Boucher in view of the diaconate, March 27, 1995.

Grand Seminary of Montreal, I would like to add the following observations which may assist you in considering this request for diaconate.

- 1. Brian was asked to withdraw from St. Peter's Seminary in November 1990. A perusal of the evaluation from Saint Peter's speaks of Brian: having a tendency to procrastinate; lacking in confidence; being a perfectionist; arriving late and having difficulty seeing what needs to be done; coming across as rigid; needing more physical exercise; reacting defensively when first corrected and then accepting; being insecure; manifesting intensity in his behaviour, noticeable anxiety, possible depression; being manipulative in his relations with others; being compulsive in his project of building friendships.*

(It is interesting to note that several of these areas of concern have been resolved. And then there are areas which Brian is still working on).

- 2. I was asked by Bishop Crowley to go to Southdown to represent the Archdiocese and receive with Brian his psychological assessment and reports. I experienced at the time the « intensity of personality » that concerned the seminary and led to his dismissal. Shortly afterwards, in a telephone conversation with Brian during which there was a misunderstanding, I experienced an explosive reaction. My conclusion: I was experiencing first hand what was being described by others.*

A look at the psychological assessments from Guest House and Southdown speak of intense behaviour, repression, a cognitive style which is narrow and overly focused; raise questions regarding his maturity, conflicts with trust, difficulty with self-esteem.

- 3. Early in 1991 Brian began psychotherapy which continued till the Summer of 1992. It was during that year, from September 1991 till August 1992 that Brian was assigned to Transfiguration Parish as a candidate preparing for priesthood. (Cf. Sept. 16, 1991).*
- 4. In the Summer of 1992, Brian requested to be admitted to the Grand Seminary of Montreal. Father John Walsh was against this and recommended that Brian do a second year in a parish. After evaluating his year at Transfiguration (cf. report dated June 26, 1992) the Seminary asked for a recommendation from Brian's psychotherapist who responded affirmatively. The Admission's Committee voted in favour of Brian's pursuing his studies. And you readmitted him.*
- 5. In the Fall of 1992 - I was given a file by Bishop Crowley in which there were psychological reports and a letter from a Doctor in Dorval who made himself the spokesperson of a group of concerned parents. The photocopy of the letter, without a date and with the name, blacked out, is what I saw. As I read it, I felt that it contained inaccuracies or misinterpretations.*

6. *On November 6, 1992 - I met with Dr. Aron Clarke* (cf. report of meeting). After this it was felt that the matter which occurred in 1985 could be put to rest.*
7. *The April 1993 year end evaluation tried to show the growth and progress being made by Brian after his first year back in seminary formation.*
8. *N.B. at no time has the subject of Brian's interest in young boys ever been raised other than by Dr. Clarke* and his group of a few concerned parents.*
9. *I have been monitoring the situation. The two points which bothered me were his explosive nature and his interest in the youth. Having monitored these two points, there have been no recurrences.*
10. *At the end of his final year at the Seminary 1993-1994 Brian asked for the diaconate. He was refused. The evaluation reads: « Some of the directors recognize his qualities and abilities, and the progress he has made. However, others think he has more growth to acquire and that he could benefit from an internship... before being ordained deacon. »*
11. *Now, at the end of another full year of internship, Brian is asking once again for the diaconate. As can be seen from reading the most recent evaluations - the laity are in favour of his being called. On the other hand, among the priests there are two negative votes, with the concerns expressed listed.*
12. *There is no doubt that over the years Brian has grown and moved beyond some of the issues which were raised when he was asked to leave St. Peter's Seminary, issues which were also singled out in the psychological assessments at Guest House and Southdown.*
13. *At this critical time - a request for major orders - there are still a few questions being raised as you will notice in the «Conseil d'appel » evaluation. Some are based on previous or present behaviour and others on suspicions.*

With regards to the 1985 incident and his interest in young people, there has never been any recurrence. I asked Brian if he ever discussed sexuality with the young people. His reply to me: « I have never initiated such conversations, but have no difficulty talking about sex with them. »

I spoke to Brian about the publication of banns prior to ordination. I asked him point-blank: have you ever done or said anything that others would consider foreign to your call, and that might lead to a denunciation? He answered with a smile: No, nothing!

May the Holy Spirit inspire your decision. If I can be of any further assistance to you, do not hesitate.

Sincerely,

(emphasis added)⁴⁶

No mention is made of Fr. Lyng's specific concerns, nor is there any reference to the intense and manipulative behaviours related by Msgr. Sala*to Marc Ouellet when he was rector or to the specific concerns raised by the Conseil d'appel in 1994.

Cardinal Turcotte granted Boucher's request for the diaconate. He was ordained a deacon on May 19, 1995.

A few months later, Boucher asked to be ordained to the priesthood.

Priesthood application (October 1995)

The same procedure as for the diaconate was undertaken: the opinion of a Lay Committee was sought on October 11 and a Conseil d'appel was held on October 16, 1995.

Even though Boucher was still at St. John Fisher Parish and Steve Brown* was still a Youth Group Animator there, again he was not asked to participate at the meeting of the Lay Committee. In fact, he was not even aware that the Committee met.

The overall perception, as recorded by Fr. Harris, was very positive. The Committee thought that there was room to improve his leadership skills. They also pointed out a discomfort with young children, but pointed out that "*With teens, he's good*"⁴⁷.

⁴⁶ Fr. Robert Harris, Le Grand Séminaire de Montréal, Letter to Archbishop Turcotte, April 7, 1995.

⁴⁷ *Evaluation of the Lay Committee of deacon Brian Boucher in view of the priesthood*, October 11, 1995.

The evaluation of the Lay Committee was unanimously in favour of his ordination and reduced the previous concerns to "... *the question is whether he has personal friends of his own age? Some say yes. Others don't know! This would be something to monitor. He has befriended and become very close to some young couples in the parish. He seems to have become part of their families.*"⁴⁸

A few days later, the Conseil d'appel was convoked. Fr. John Lyng was not invited, but some of the issues he had raised at the previous Conseil d'appel were briefly discussed and considered resolved:

"At this point in the evaluation, several of the questions lingering since the last evaluation were looked at.

Is Brian a sleeping volcano? It is felt that there is no anger in Brian. He might be frustrated at times but there is no depth of anger or negativism.

It was felt that he needed more pastoral experience. At this point, it can be safely said that he has had lots of pastoral experience.

Self-knowledge? There is always room for more. It is felt that he is aware of his weak points and he is trying to work on them.

What about his rigidity and being authoritarian? It is felt that he has changed somewhat.

How deep is the change?

What about Brian's friendships? He does seem to have friends. He has a few young priest friends who visit him at the rectory, some from London, Ontario, others from here. Brian is very bilingual and has a good rapport with the French. In general, Brian is good with people."⁴⁹

As soon as the word that he could be ordained got out, however, Fr. Harris received several expressions of deep concern.

The first was from Geraldine Gosford*, a psychotherapist who had known Boucher since his days as a catechist at St. Veronica's and who had participated in raising the issue of Boucher's inappropriate interest in young boys together with Dr. Clarke*. She

⁴⁸ *Ibid.*

⁴⁹ Rector Louis-Paul Gauvreau, Fr. Robert Harris, *Conseil d'appel for Deacon Brian Boucher requesting Ordination to the Priesthood*, October 16, 1995.

first phoned Fr. Harris. No notes of this conversation could be found. She then followed up with a letter, on October 26, 1995. She did not discuss any untoward behaviour towards young people but rather limited herself to a more general concern regarding Boucher's ability to fulfill the human requirements of the priesthood:

"(...)

Generally, I have not found Brian to be in touch with himself, his own thoughts or feelings.

Perhaps I am expecting too much. And yet after several years of study and prayer, I expect a young seminarian to be able to speak from a solid stance, a place of knowledge, and a groundedness in God that would give him an openness and generosity of heart. Without this grounded felt-knowledge, I have concerns about the possibility that he may slide towards authoritarianism.

None of these struggles, lack of integration, awkwardness, and uncertainty would be important, if I had seen over the past twelve years a growing compassion and maturity. This I have not seen."⁵⁰

On October 27, 1995, Fr. Harris received a phone call from Marianne Lorry*, Pastoral Animator at St. John Fisher. She had been present at the Lay Committee meeting which approved the request for the diaconate, but had declined to participate in the one for the priesthood. Her concerns were recorded by Fr. Harris:

"(...)

- 1. Her first concern is Brian's attitude towards women. He is very closed. One day, she wanted to speak to Brian about problems she was having. He replied: « Don't tell me that. That is a woman's thing. » Her concern is that if women bring Brian their problems, he will be closed to them.*
- 2. The children at the Elementary School where Mrs. Lorry* is pastoral animator have told her that Brian has a closed mind regarding other faiths. For him the Roman Catholic Faith is the only faith. The non-Catholic children who frequent the school feel excluded.*
- 3. When young women ask him about the ordination of women he becomes very legalistic in his treatment of the subject.*

⁵⁰ Geraldine Gosford*, Letter to Fr. Robert Harris, October 26, 1995.

4. *Brian does not seem to be good with young adults. The Youth Group is made up of youth from 11-13 years of age. There are not many older ones. In fact some of the other ones are leaving because they say he is not open and too legalistic. The Church says this! Period!*

Mrs. Lorry feels that Brian needs to express himself more naturally and share more his own faith experience rather than quote in legalistic terms the teaching. He refers to text books and simply shuts people out.*

5. *He is hard on women. At least six women known to Mrs. Lorry* claim that Brian is closed to women. He is arrogant. He treats women as if they were second class citizens. He always cites the Virgin Mary as the example we should follow. With all due respect, he is not realistic. His lack of realism extends as well to family life.*
6. *Brian lacks maturity. At least two women from a neighbouring parish have expressed the same concern regarding his lack of maturity.*
7. *Mrs. Lorry* feels that when she talks to Brian, he is not listening. When he says « Oh that's a woman's thing» maybe he is joking. Given that Brian is so serious, and maybe too serious, it seems he might be serious about what he is saying.*
8. *In the Youth Group, Brian gives leadership roles to the boys, not to the girls.*
9. *Brian has befriended certain families in the parish and ostracised others. The children of these families become his pets. The others he sets aside. It has become a joke around here. And if this is how he treats the children how does he treat the adults?*
10. *Several times I have heard him say he has thought of the brotherhood or of becoming a monk and not a priest. He is going for priesthood because he says he is being told. I think he should follow his heart.*

11. *Mrs. Lorry* was part of the committee that evaluated Brian for the diaconate. She says she voted YES but she wanted to vote NO. Now, as Brian requests priesthood she has her doubts and would vote **NO** to his request.*⁵¹

(emphasis added)”

Fr. Harris did not follow up on these points with any other person who might have corroborated Mrs. Lorry*'s concerns.

On November 5, 1995, Fr. Harris received a phone call from Steve Brown*. He wrote a short summary of the conversation which ends with a cryptic: *“Names mentioned in the conversation: Father Ray Lafontaine, Father Frank Coyle and Mrs. Geraldine Gosford*.”*⁵² There is no mention in the file from GSM of a follow-up with Fr. Lafontaine or any notes regarding a conversation with Msgr. Coyle, even though a confidential document, titled *“CONFIDENTIAL / Schedule of Follow-Up / CONFIDENTIAL”* mentions that on November 2, 1995, *“Father Frank Coyle passes on concerns which he received”*⁵³. These concerns are not listed or discussed in the documentation later provided to Cardinal Turcotte.

The next day, November 6, Steve Brown* sent a detailed 6-page letter to Fr. Harris recounting the problems incurred with Boucher over the past years. In this, he described at length incidents of anti-Semitic, misogynist, intolerant and inappropriate behaviours with members of the Youth Group. None of these behaviours contained sexual overtones.

Steve Brown* ended his letter with an addendum:

“In conclusion I have perceived the following behaviours which I feel are counter productive to ministry and priesthood.

Breach of confidence

Religious, racial and gender discrimination

Creating divisions within a group and relationships

⁵¹ Fr. Robert Harris notes titled *“Transcript of a telephone conversation from Mrs. Marianne Lorry”*, October 27, 1995.

⁵² Fr. Robert Harris notes titled *“Telephone conversation from Steve Brown*”*, November 5, 1995.

⁵³ *Supra*, footnote 38.

Probing personal information

Control and manipulation

*Lack of discretion.*⁵⁴

Each of these points was illustrated in the text of the letter, which can be found in Appendix 3⁵⁵.

Again, Fr. Harris did not think it necessary to verify these very serious charges by contacting any of the people mentioned in the letter.

When I asked Bishop Harris about the gravity of the behaviours listed by Steve Brown*, the conversation went thus:

“PC: It’s quite a long letter, describing several inappropriate behaviours.

RH: Sure.

PC: And then there’s a, if you want to just, I mean, take your time, but if you want to see, this is his résumé...

RH: Yes.

PC: ... of the issues. None of them have to do with sexual abuse but all of them indicate somebody who...

RH: Hum, hum.

PC: ... from layperson seems pretty inappropriate.

RH: And, and, it’s totally inappropriate (laughter). It’s totally inappropriate. Hum, you know from my perspective, again, you know I shared with you at the beginning, how I look upon priesthood...

PC: Yes.

RH: ... and this is totally inappropriate to be acting that way. Now, the thing is, you know, all of this went to the Bishop before he called him, and so, the Bishop saw all of this, would have read all of this, would have consulted whomever he consulted. But, as I look at this, you know, I wasn’t a Bishop then. As a Bishop, I would say, I wouldn’t ordain a person who had all these flags going up.

PC: And were you allowed to make a recommendation, because there is no recommendation, either way.

⁵⁴ Steve Brown*, letter to Fr. Robert Harris, November 6, 1995.

⁵⁵ Appendix 3, page 202202.

RH: Hum...

PC: When you write to the Bishop, at the time...

RH: Yes, I think, probably, you see, if we put ourselves into the context of how the seminary worked, the Rector was the spokesperson for the council, not each individual member of the council, but the Rector, so maybe I would have had to have been asked to put together the dossier. I don't think I would have just done it on my own and sent it off.

PC: Right.

RH: The Rector would have known, so...

PC: So, any recommendation would have had to come from the Rector?

RH: Yes. Yes, the Rector was always the spokesperson of the council.

PC: So, I should look for his recommendation in the file.”⁵⁶

Fr. Harris drafted a summary of the concerns raised by Brown*, Gosford* and Lorry*. This list does not mention the issues passed on by Msgr. Coyle:

“Questions raised by concerned persons

Subsequent to the publication of banns, three persons raised concerns about Brian Boucher's fitness for ordination to the priesthood. Their objections can be summarized as follows.

- 1. A loss of enthusiasm over the years; socially awkward, with a certain discomfort in some public gatherings.*
- 2. Out of touch with his real feelings and thoughts.*
- 3. Fear of his sliding into authoritarianism.*
- 4. Expresses gender discrimination - closed to women; they are second class; in roles of leadership, favours boys over girls.*
- 5. Expresses religious discrimination - having a closed mind to other faiths.*

⁵⁶ Interview of Bishop Robert Harris, January 3, 2020, p.89-90.

6. *Expresses racial discrimination.*
7. *He is too legalistic, quoting the law to settle a question.*
8. *He is close to some families in the parish to the exclusion of others.*
9. *He has broken confidences.*
10. *He has a way of sowing dissent in a group, creating divisions.*
11. *He probes for personal information about a third party.*
12. *He is controlling and manipulative in his relationships.*
13. *He lacks discretion.*
14. *He lacks judgment.*
15. *Question whether he really wants to be a priest.”⁵⁷*

The situation seemed problematic enough for the Rector and Fr. Harris to meet with Bishop Neil Willard, then Vicar General and Director of the Office of English Pastoral Services (“OEPS”). I could find no minutes of this meeting.

On November 16, the members of the Conseil d’appel decided that there should be a new meeting in view of these “*depositions*”⁵⁸. However, the Rector and Fr. Harris decided that they should speak with Boucher prior to such meeting of the Conseil d’appel. The GSM file contains no minutes of the interview by the rector, but Fr. Harris wrote a detailed memorandum. The content of this interview could be summarized in a

⁵⁷ Fr. Robert Harris, *Brian Boucher: request for ordination to the priesthood, Questions raised by concerned persons*, undated.

⁵⁸ As reported in the minutes of the following Conseil d’appel written by Fr. Louis-Paul Gauvreau, December 7, 1995.

simple phrase: *“I may have made mistakes in the past, but I don’t anymore”*⁵⁹. As for being racist or anti-Semitic or anti-Protestant, the old adage *“Some of my best friends are”* was adapted to *“He has members of his family who are Protestant”*⁶⁰!

On December 7, Fr. Timmins was informed of the list of concerns and, according to the above-mentioned *“CONFIDENTIAL / Schedule of Follow-Up / CONFIDENTIAL”*,⁶¹ responded to them, but no summary of his comments could be found. No other investigation was undertaken.

On December 7, it was decided that there was no need for a meeting of the Conseil d’appel:

“Lors de notre Conseil du 7 décembre 1995, M. Robert Harris a présenté à nouveau le cas de Brian Boucher. On se souviendra que Brian avait été évalué positivement lors d’un Conseil d’appel de prêtres. À la suite de ce conseil, M. Harris avait reçu trois dépositions qui questionnaient son appel au presbytérat. Lors du conseil du 16 novembre 1995 (cf. CGS 68), les directeurs avaient voté unanimement en faveur de la tenue d’un nouveau conseil d’appel.

Toutefois, après avoir rencontré Brian et parlé avec son curé, M. Harris estime qu’il n’est peut-être pas utile de convoquer un nouveau conseil d’appel. Le curé relativise beaucoup la portée des dépositions et il est presque impossible de savoir si les dépositions s’appuient sur des faits solides.

À cause de cela, le conseil corrige son vote précédent par un nouveau vote. Les directeurs estiment qu’il sera suffisant de transmettre à l’Archevêque les évaluations du comité des laïcs et du comité d’appel avec les trois dépositions.

Vote : Pour un nouveau comité d’appel

Oui : 0

*Non: 6”*⁶²

⁵⁹ Fr. Robert Harris, *Meeting with Brian Boucher further to his request for ordination to the priesthood*, December 5, 1995.

⁶⁰ *Ibid.*

⁶¹ *Supra*, footnote 38

⁶² Fr. Louis-Paul Gauvreau, *Minutes of the Conseil d’appel*, December 7, 1995.

As a result, the Rector sent a file containing the Brown* letter⁶³ and the summary of his phone call with Fr. Harris⁶⁴, the summary of the Lorry* phone call⁶⁵, the Gosford* letter⁶⁶, the evaluations of the Lay Committee⁶⁷ and of the Conseil d'appel of October⁶⁸, the list of concerns prepared by Fr. Harris⁶⁹ and the summary of his meeting with Boucher⁷⁰.

The accompanying letter by Rector Gauvreau admits that no further investigation of the matter was done and claims that to do so would have been too damaging to Boucher's reputation:

« (...)

Peu après avoir complété ces deux évaluations, Monsieur Robert Harris a reçu les dépositions de trois personnes qui questionnaient sérieusement la démarche de Brian vers le presbytérat (Doc.3-4-5-6-7).

Nous en avons informé Mgr Neil E. Willard, le 10 novembre, ainsi que les directeurs du Grand Séminaire, le 16 novembre. Les directeurs avaient alors voté (7 oui; 0 non; 1 abst. du directeur spirituel) pour convoquer à nouveau le conseil d'appel. Toutefois, avant de donner suite à cette décision, nous avons d'abord cru bon parler directement avec Brian. Ce dernier partait pour la Floride le 18 novembre et ce n'est qu'à son retour, le 5 décembre, que Monsieur Harris et moi-même l'avons informé des objections soulevées par sa demande (Doc.8). Monsieur Harris a pu parler avec le curé de Brian le 7 décembre.

Après avoir pris connaissance de la réaction de Brian face aux objections des trois personnes (Doc.9) ainsi que de celle de son curé, le Père Peter Timmins, qui maintient toujours son appui à la demande de Brian, les directeurs estiment qu'un nouveau conseil d'appel n'apporterait rien de plus. De fait, pour aller plus

⁶³ *Supra*, footnote 54

⁶⁴ *Supra*, footnote 52.

⁶⁵ *Supra*, footnote 5151.

⁶⁶ *Supra*, footnote 50

⁶⁷ *Supra*, footnote 4747.

⁶⁸ *Supra*, footnote 49.

⁶⁹ *Supra*, footnote 5757.

⁷⁰ *Supra*, footnote 5959.

avant, il faudrait faire une vérification détaillée de tous les reproches faits à Brian et une telle enquête entraînerait inévitablement des bris de confidentialité qui nuiraient à la réputation de Brian. C'est pourquoi, lors de leur réunion du 7 décembre, les directeurs ont voté unanimement contre une nouvelle convocation du comité d'appel. »⁷¹

(emphasis added)

The Rector did not send any recommendation to the Cardinal, only the pious hope that

« *Nous espérons cependant que les documents que nous vous transmettons suffiront pour que vous puissiez prendre la meilleure décision possible.* »⁷²

Unfortunately, Rector Gauvreau is deceased and I was not able to ask him to clarify this position.

The issue of the possible ordination of Boucher was then put on the desk of Fr. Anthony Mancini, as he then was, at that time assistant to the Director of the Office of Pastoral Personnel (“OPP”).

Fr. Mancini had a special interest in the area of Ministry to Priests, a program focussed on the pastoral care of priests. He had been the coordinator of the program at the Montreal archdiocese since 1984 and, on account of the experience attained in this capacity, he later embarked on a doctoral program at the Université de Montréal. His thesis, *The Pastoral Care of Priests: A Ministry of reconciliation* was submitted in December of 1995. This thesis combines elements of psychoanalytic theory with the knowledge of the specific challenges faced by post-Vatican II priests. One of Fr. Mancini’s advisers was Dr. Jeannine Guindon, the founder of the *Institut de Formation et de Rééducation de Montréal*, the very same one from which Boucher had received psychotherapy following his departure from St. Peter’s Seminary in 1990.

Fr. Mancini had worked previously with Dr. Guindon on the report of The Canadian Conference of Catholic Bishops “*From Pain to Hope*”, a report on Child Sexual Abuse published in 1992⁷³. Their subcommittee worked on the development of guidelines and policies for the selection and formation of candidates to the priesthood and religious life.

⁷¹ Rector Louis-Paul Gauvreau, Le Grand Séminaire de Montréal, Letter to Cardinal Turcotte, December 12, 1995.

⁷² *Ibid.*

⁷³ Canadian Conference of Catholic Bishops, *From Pain to Hope*, Report from the Ad Hoc committee on Child Sexual Abuse, June 1992, 91 pages.

These guidelines were based on the concept of Integral Human Formation as defined in Appendix 5 of *From Pain to Hope*:

“THE FORMATION OF CANDIDATES FOR THE PRIESTHOOD

• *WHAT is Integral Human Formation?*

Integral human formation is a process whereby an individual seminarian, with the guidance and accompaniment of a human formation counsellor – as well as the contribution of the other formative resources – can strive for, attain, and grow in personal human maturity by an increased self-awareness and the deliberate integration of the various facets of his identity, that takes into consideration the candidate’s age, his context, the meaning of his life, as well as his relationship with others.

The concept is further described thus:

• *HOW does Integral Human Formation take place?*

*Integral human formation is a process of personal accompaniment involving the human formation counsellor and the candidate within a community of formation. Integral human formation focuses on the candidate’s differentiated self-identities (his body-self – productive-self – individual self – psychosexual-self – psychosocial-self) and aims at the integration of all the facets into his one **self-identity**.*⁷⁴

Given his acknowledged familiarity with the subject, it is not surprising that the file was referred to Fr. Mancini. His mandate, however, seemed to be less centred on the suitability of Boucher as a priest than on his need for help:

“I have read the complete dossier re: Rev. Mr. Brian Boucher, leaving me with more questions than answers. Overall, my reaction is to say that Brian’s history of formation has not been an easy or smooth experience. Rather, it has been an uphill task. There are signs of growth and movement and all the while there are concerns. Never are the concerns clearly or sufficiently identified in my opinion, yet the issues were serious enough to ask Brian to leave St. Peter’s Seminary and to undergo three psychological evaluations. In spite of this, it was felt that Brian could continue his formation. He has been sufficiently supported by laity and seminary to be recommended not only for diaconate, which he has received, but for priesthood. The most recent concerns raised, have once again forced a review and a reassessment of Brian’s general history.

⁷⁴ *Ibid.* p.79.

I have spoken with Fr. Robert Harris, and we are agreed that serious questions need to be further considered, but in the context of wanting to help Brian grow further, in order to be as effective a priest as possible.

Consequently, for me the issue is one of providing Brian with the opportunity for personal growth and integration. That much is possible, and is indicated by the many positive signs of growth reflected in his file. That there is a need for an ongoing process of integration is also reflected by some reports and concerns voiced.

My opinion is that Brian's request for ordination to the priesthood should be studied further, meaning that:

- 1. There is no urgency to accept or deny the request; nor is there any urgency to ordain Brian quickly.*
- 2. Further study of Brian's case would allow time for me or someone else to see him with some regularity, to deal with the questions which arise about Brian.*

For example:

- What explains the divergent views held about Brian?*
 - Why are there recurring questions about Brian's rigidity, relationships with men, women and children?*
 - What, ultimately are people afraid about?*
 - How does Brian relate to his family and has he dealt with his being a 'twin' brother?*
- 3. My own assessment of the various reports is that Brian is slowly putting together the elements which make up the man who wants to be the priest. Brian should be offered the opportunity to continue to work at integrating into a whole person, a variety of factors, a) his dealings with people (psycho-social self), b) with his sense of masculinity (psycho-sexual self), but all of this founded on a more c) conscious awareness of what uniquely*

belongs to him as the basis for his contribution to the local Church. If Brian's shyness, insecurity, uncomfortableness, as well as his rapport to men, women and children leaves something to be desired, it is precisely because the various facets of Brian's self are still in the process of being integrated. Such a process will require more time and patience.

- 4. The reports with all the concerns raised do not present clear and unequivocal obstacles to Brian's ordination. The questions raised need to be dealt with and every consideration should be accorded to Brian who after all has willingly presented himself for ordination and desires it deeply.*

In conclusion my recommendations are that all urgency be set aside; that time be taken to meet with Brian as often as necessary to face not the stated questions, but the underlying issues of personal growth and development.

*Anthony Mancini - December 20, 1995*⁷⁵ (Emphasis added)

When I interviewed Archbishop Mancini on May 13, 2020, he acknowledged that he had then read the entire file, although he could not remember the content of the psychological assessments and was not sure he had in fact seen them. I asked him if he had thought it appropriate to question any of the people who had raised concerns about Boucher's suitability. His answer was that he had just relied on the written reports.

In other words, no further investigation was considered appropriate or necessary, despite Boucher's already long history of problematic behaviours. Neither Fr. Harris, Rector Gauvreau, nor Fr. Mancini thought that the sources of the complaints should be contacted again and that the veracity of their concerns should be verified. Having put the emphasis of their inquiry on Boucher's personal development rather than on his potentially damaging impact on the community, the file took on a *psychotherapeutic* light.

Fr. Mancini's final recommendation of February 14, 1996, to Cardinal Turcotte, based on his personal interviews with Boucher, was positive:

"This report concludes my immediate involvement in Brian Boucher's dossier.

⁷⁵ Fr. Anthony Mancini, Rev. Mr. Brian Boucher, December 20, 1995.

The immediate reason for reviewing Brian's journey to ordination stems from some individuals who have questioned Brian's candidacy. Since their comments appeared similar to concerns surfaced at various points in Brian's journey of formation, their questions could not be ignored.

After receiving your mandate to meet with Brian I contacted him. This led to three (3) meetings of about 2 hours each. I have also met once with Fr. Gauvreau, rector of the seminary, twice with Fr. Robert Harris, once with Fr. Peter Timmins, and throughout I have kept Bishop Neil Willard informed of my activities.

From all of these conversations I have been able to form an opinion and propose a plan of action.

The concern raised about Brian's dealings with people which is related to his psycho-social self, is an area which he would do well to monitor and further develop. I am sure our conversations have helped Brian to see and acknowledge that the psycho-social dimension of his personality can and should improve with increased personal and pastoral experience.

This movement towards improved self-awareness through increased experience and greater maturity, is indicated in his dossier as part of the pattern which Brian has followed throughout his formation. The pattern which I detected is - a desire; a time of relative tranquility in pursuing this desire; a time of questioning, experienced as inner conflict, which is usually associated with intense feelings of frustration and anger, followed then by a decision. His capacity to grow in maturity has manifested itself in the manner that Brian has faced the times of questioning and emotional upheaval in his life, and the fact that he has made decisions which he has put into action.

This most recent critical situation clearly follows the same pattern. Brian's desire for ordination to priesthood was followed by a short time of tranquility where the matter of ordination seemed settled and the priesthood was 'fait accompli'. What followed instead was a time of questioning by others, which left Brian not only questioning himself, but in a personal state of inner turmoil, frustration, anger and fear for the future.

However, Brian's response to all of this indicates his attained level of growth and speaks strongly for an increased maturity for the future. Brian dealt with his emotions and feelings in a controlled way. He acknowledged his feelings, took time to personally reflect, consulted with people whom he trusts, and faced both the seminary personnel and myself in an exemplary fashion. This present manner of dealing with criticism is very different from when he began his formation, indicating that with each struggle, Brian has learned to face obstacles and overcome them. In this most recent setback, Brian has been able to stand up for himself by being able to acknowledge his strengths as well as his weaknesses.

From my perspective this is the element of identity formation to which I was especially attentive. Did Brian have a conscious awareness of his individual existence and identity? If Brian's sense of self was too meshed with, and centred on outside references, such as family, friends, authorities, it would have raised serious doubts in me. In fact, Brian manifested a growing capacity to stand his own ground, to state clearly and openly that he has come a long way. He admitted that there are areas of his life that need to be monitored and further developed. He was open about his feelings and disappointments, and would have liked to confront his critics, yet accepted that they remain anonymous. Brian was able to speak his fears and wondered what impact these criticisms would have on the Archbishop and on his own future. In short, these responses indicated that Brian was sufficiently aware of his own psychic existence, personal self-worth and the need to stand up for himself.

I believe that Brian's present level of self awareness also explains his ability and openness to speak with me about his psycho-sexual identity. As reflected in his file and throughout Brian's formation, there has been an unstated apprehension about Brian's psycho-sexual self. No doubt this issue was dealt with in confidence and in personal spiritual direction. However, in the external form, it seems to have been an on-going source of doubt and unspoken questions.

In an effort to face this issue of sexuality, I clearly and directly questioned Brian about this facet of his identity. By his willingness to dialogue on this matter, he shed a great deal of light on the circumstances surrounding his departure from St. Peter's seminary.

At the time Brian's affective life was in a state of turmoil because of a heterosexual relationship that he was trying to work out. This affected his whole

person as well as his dealings with fellow seminarians, including his academic and spiritual formation. It was understandable therefore, that Brian's priestly formation should be interrupted, and time be taken to deal firstly with the immediate issue of his emotional life, and secondly to clarify the nature of his vocation.

During this time of therapy and reflection on his future, Brian also faced his struggle with sexuality. At no time was the issue one of sexual orientation or sexual disorder, nor are there any indications of this anywhere in his file or in our conversations. In my opinion what has been occurring during these past years, is the slow and often painful integration of Brian's psycho-sexual identity. This process has involved bringing into harmony, Brian's awareness of his maleness, masculinity and manhood to a level of consciousness sufficient for an adequate acceptance of the demands of celibacy.

It is my conclusion therefore that there are no clear and obvious reasons for denying Brian's request to be ordained a priest. There are in fact many good reasons to call him into the service of the People of God.

Recognizing that the responsibility for calling Brian to priesthood rests entirely with the Archbishop, I believe that the overall recommendations of the seminary, supported by the laity consulted, is further upheld by my encounters with Brian.

PROPOSAL

- 1. That Brian should continue at St. John Fisher parish as deacon, until his ordination to priesthood. (Date to be decided by the Archbishop.)*
- 2. That once ordained, it would be helpful to place Brian in another social environment as soon as possible. This will provide him with an opportunity to expand his horizon of Church and his experience of dealing with people of diverse social backgrounds.*

3. That Brian be assigned a personal mentor with whom he can review his personal and pastoral experiences in order to more consciously develop his psycho-social self, through a systematic process of self-representation.

*Anthony Mancini*⁷⁶

(Emphasis added)

Interestingly, Fr. Mancini concluded that there was “*no issue of sexual orientation or sexual disorder in the file*”⁷⁷, even though the Clarke* letter⁷⁸ and the repeated concern with Boucher’s having few friends, if any, of his own age, were part of the file. As a contributor to the “*From Pain to Hope*”, a greater sensitivity to potential problems could have been expected of Fr. Mancini. Also, the final item of Fr. Mancini’s proposal to Cardinal Turcotte exemplifies the interest in Boucher’s personal development as opposed to the need to keep an eye on his behaviour in the community.

Ordination (June 1996)

Following this report, Cardinal Turcotte approved the ordination of Boucher who was ordained on June 6, 1996. From May 1, 1996, he was transferred, with Fr. Peter Timmins, to St. John Brébeuf Parish in LaSalle first as an intern and, after his ordination, as Parish assistant. This appointment did not include a term.

St. John Brébeuf

Problems began and red flags were raised early on.

Boucher’s greatest supporter, Fr. Timmins, revealed to me that as soon as Boucher became a priest, his previously respectful and friendly behaviour changed overnight. He became rude and allowed his violent temper to manifest itself. He had obtained what he wanted, the priesthood, and he no longer needed his mentor’s help.

⁷⁶ Fr. Anthony Mancini, Archevêché de Montréal, *Memo to Archbishop Jean-Claude Cardinal Turcotte*, February 14, 1996.

⁷⁷ *Ibid.*

⁷⁸ *Supra*, footnote 10.

Fr. Timmins described to me Boucher's stay at St. John Brébeuf Parish as "a reign of terror". He recounted an incident when Boucher, unhappy with the housekeeper's refusal to press his trousers, violently shoved her into the wall. Fr. Timmins had to physically intervene.

Boucher's true colours were starting to come through.

In the fall of 1997, Fr. Éric Sylvestre asked him if the young son of Mexican friends of his could stay at the rectory of St. John Brébeuf for a few months in order to learn French. He could not ask him to stay at his place, since he was living at the GSM. Boucher agreed and informed Fr. Timmins who did not object.

Armando Lopez* had just turned 18. The first couple of months went by without a problem. But as the weeks went by, Armando* became more and more uneasy and Fr. Timmins noticed. Armando* told me how he felt that Boucher wanted to control him and Fr. Sylvestre confirmed that Armando* felt that he always had to check with Boucher before agreeing to any outing or meeting on his own. In a conversation with Bishop Dowd, on February 15, 2016, Armando* gave a few examples of Boucher's inappropriate behaviour:

"(...)

- 1. Fr. Boucher would probe about Fr.(sic) Lopez*'s past sexual and relationship history, such as whether he had a girlfriend, and whether he was interested in having one.*
- 2. Fr. Boucher once came into Mr. Lopez*'s room and asked to sleep in his bed with him. Mr. Lopez* refused. The next day Fr. Boucher acted as if nothing had happened.*
- 3. Fr. Boucher once was driving Mr. Lopez* while in an inebriated state. He was speeding and driving recklessly, making comments like "Let's go see Jesus", implying he wanted to have a fatal accident. Mr. Lopez* became so nervous that he jumped out of the car once it was stopped at a red light.*
- 4. Fr. Boucher once invited Mr. Lopez* on a weekend trip to Mont Tremblant. After they returned, Fr. Boucher demanded that Mr. Lopez* reimburse him \$1000 for the cost of the trip. He would have nothing of Mr. Lopez*'s protests that it had been Fr. Boucher who had invited him, and that \$1000 was an unreasonable*

amount to ask. In the end Mr. Lopez had to contact his parents to get the money.*⁷⁹

In January 1998, during the famous ice storm that gripped Southern Quebec, Armando* and Boucher, alone in the rectory, drank alcohol and smoked marijuana. Boucher then made a sexual advance at Armando* who, very frightened, ran out of the building in his shirt and pants, picking up his shoes on the way out the door. He ran across a parking lot, chased by Boucher, until he stopped a car in the street and asked to be driven to the GSM in order to see Fr. Sylvestre. The driver asked him if he wanted to call the police, but Armando* was too upset.

At the seminary, Fr. Sylvestre immediately called Fr. François Sarrazin, as he then was, vice-chancellor at the Archdiocese and made an appointment for the next morning. Fr. Sylvestre explained to me that he felt it was very important to make sure that a paper trail of the event be kept.

The next day, Fr. Sylvestre and Armando* went to see Fr. Sarrazin. According to Fr. Sylvestre, they spent over an hour with him. Fr. Sarrazin even asked for permission to take notes and wrote copiously during the interview. Msgr. Sarrazin, when I interviewed him, told me that he did not listen to them at all because the question was outside of his jurisdiction:

« FS : Bon, cette histoire-là. Alors au fur et à mesure, bon, l'histoire, bon, on va la passer vite, là. Et ce jeune homme est venu me voir à mon bureau. Là, où vous êtes actuellement, c'était mon bureau. Et puis, je lui dis ce n'est pas de ma compétence. Je vais t'envoyer à monseigneur André Rivest qui est le directeur de l'OPP, c'est-à-dire de l'Office du personnel pastoral. Et ce jeune Armando est donc allé s'expliquer auprès de monseigneur. Et là, vous avez probablement des éléments. Je sais pas si...même s'il avait confisqué son passeport. Ça me revient un peu, mais j'étais pas sûr, là.*

PC : Puis c'est monseigneur Mancini qui a dû aller le chercher.

FS : Et puis...

PC : Mais vous, est-ce que vous avez pris des notes de ce qui s'est passé avec...

FS : Jamais.

⁷⁹ Bishop Thomas Dowd, notes on "Phone conversation with Armando Lopez*", February 15, 2016.

PC : ... Armando?*

FS : Jamais.

PC : Pas de notes?

FS : Parce que ce n'était pas de ma compétence. J'ai dit à...j'ai dit au jeune Armando tu dois aller voir monseigneur Rivest, qui est le directeur du personnel. »⁸⁰*

Fr. Sylvestre's memory is quite clear to the contrary:

« PC : Mais vous êtes sûr que l'Abbé Sarrazin vous a écouté et a pris des notes ?

ÉS : Définitivement, oui, oui, oui, oui, oui, l'Abbé Sarrazin, en fait, il a eu ce que j'appellerais un peu une écoute active, c'est-à-dire qu'il a été très... tu sais comme je vous dis, les deux on était détruits parce que moi, je pouvais pas le croire, puis lui non plus, parce qu'il avait mis sa confiance en Brian et puis Brian, bien après ça, on a compris qu'il était très manipulateur. Mais à ce moment-là on en savait pas trop de tout ça. Et puis... et puis évidemment, l'Abbé Sarrazin a été très... je dirais très humain, dans le sens qu'il posait des questions, les bonnes questions à Armando aussi, qu'est-ce qui s'est passé exactement « Armando*, comment tu te sens là-dedans ? » Tu sais, il a été... puis il l'a écrit, moi ce qu'il m'avait dit, il dit... il dit « Écoute, cette déposition-là, je remettrai ça, je remettrai ça à qui de droit...il dit.. tu me permets », il me semble qu'il avait dit ça « Tu me permets de prendre des notes ? »⁸¹*

The contradiction between these two accounts of the events could not be resolved by Armando*. When I spoke to him, on April 16, 2020, he could not remember clearly what happened that day.

Bishop André Rivest has no recollection of ever meeting Armando*, let alone of having received the complaint. Msgr. Michel Parent, at that time Chancellor, told me that Fr. Sarrazin never told him about the Armando* incident, which, he added, "*He should have done*"⁸² since he worked for him. On December 11, 2015, Canon Sarrazin spoke to Bishop Dowd as the latter noted:

⁸⁰ Interview of Msgr. François Sarrazin, February 19, 2020, p.10

⁸¹ Interview of Fr. Éric Sylvestre, March 31, 2020. p.29-30.

⁸² Interview of Msgr. Michel Parent, May 4, 2020, p.44.

“December 11 Formal opening of investigation at a meeting of the Episcopal Council. During this meeting, Canon François Sarrazin, the Chancellor, reveals that he had once received a complaint from a young Mexican in January 1998 (when he was Vice-Chancellor). A search for those notes turns up nothing, but Canon Sarrazin does remember that Father Eric Sylvestre (who now lives in Rome) had a connection to the young Mexican.”⁸³

During my interview with him, Msgr. Sarrazin added:

« PC : Et donc il y a plus eu de suivi après ça, que vous sachiez? Vous, vous n’avez pas été interpellé là-dedans après?

FS : Non, pas du tout. Pas du tout. Mais je revoyais le pattern du Grand Séminaire, puis j’avais déconseillé au prêtre de l’envoyer là, d’envoyer Armando à la paroisse...*

PC : Vous aviez déconseillé à...

FS : Oui, oui, oui, mais discrètement.

PC : C’est l’abbé Sylvestre?

FS : L’abbé Sylvestre, voilà, c’est ça. Je lui avais dit, ben je suis pas sûr que c’est une bonne idée, t’sais. T’aurais pas... Non, non, non, non. Je pense moi, je...t’sais, j’ai confiance. Puis tout ça. Puis bon, bon, bon. Alors c’est comme ça que ça s’est passé. À partir de ce moment-là... Euh... au début, quand je lui ai... que je lui ai déconseillé, puis après ça j’ai su l’histoire de Armando, j’ai pas été étonné.”⁸⁴*

Bishop Anthony Mancini became involved with this situation. Armando* related to me how he had gone back to the rectory to retrieve his personal effects in order to return home to Mexico as soon as possible. His wallet and his passport were missing. He then described a meeting in the rectory between himself, Boucher and Bishop Mancini which had the appearance of an “ecclesiastical hearing”. Armando* was not accompanied. Bishop Mancini asked each to tell his version of the events (we recall that Boucher was then 35 years old and Armando* 18). Armando* had to listen to Boucher accusing him of having hallucinated the whole event. Finally, Boucher agreed to give back the wallet and the passport, claiming he had never hidden them.

⁸³ Appendix 13, page 250. *Timeline of investigation* prepared by Bishop Thomas Dowd in 2016 for the purpose of the investigation into Boucher’s abuses.

⁸⁴ Supra, footnote 80, p.10-11.

Bishop Mancini did not take any notes at the meeting or afterwards. The notes allegedly taken by Fr. Sarrazin cannot be found. Msgr. Sean Harty looked for some evidence in Boucher's file regarding this incident in 2003, when told about it by Msgr. Coyle. He could not find any either.

Not only was the entire incident wiped from the collective written memory of the Archdiocese, the oral memory shows a lack of respect for both Armando* and Fr. Sylvestre.

In his letter of 2011 recommending that Boucher not be reappointed as pastor, Msgr. Sean Harty refers to Armando* "as a young Latino cook"⁸⁵.

Archbishop Mancini, discussing the case with Bishop Dowd in 2016, coloured the incident:

*"TM: But at the time, Brian and he, Eric, it was almost like they were, they were having almost like a lovers' quarrel over this young guy so there was something there. Eric's name was involved in it as well. Hum, that was, that was, that's essentially what I would recall. Now I know that the matter had been reported to André Rivest, we tried to get this thing cleared up as best we could at the time, and when the guy disappeared, went back to Mexico, we never, we never heard any more from him or about him, and I don't remember now what happened right after but I think that Brian Boucher had to be moved."*⁸⁶

Fr. Timmins became more and more disillusioned. A young boy, Jeremy*, started to come to the rectory on a regular basis. Fr. Timmins related how he found Boucher and Jeremy* wrestling on the couch in the dark. When he confronted Boucher with this behaviour, Boucher threatened to sue him and pushed him. He spoke to Bishop Mancini "several times" about this. By May 1998, Fr. Timmins could not handle Boucher anymore:

"Dear Tony:

I think that the time has come when I am no longer of any help to Brian. I am unable to effectively cope with the level of arrogance and volatility evidenced

⁸⁵ Msgr. Sean Harty, letter to Jean-Claude Cardinal Turcotte, April 14, 2011.

⁸⁶ Interview of Archbishop Anthony Mancini by Bishop Dowd, January 20, 2016, p.6-7.

primarily in his frequently disrespectful outbursts aimed toward me, my staff and, from time to time, parishioners

(...)

It is with sincere regret that I am asking you to consider, as we privately discussed in your office several months ago, a transfer for Brian.”⁸⁷

Around the same time, a young couple, Joelle* and Steven Mara*, went to see Fr. Timmins to express their concern about the same boy. Their apartment was back to back to that of Jeremy*' mother's. His father was in jail and the mother coped with her three young children on her own. The Maras* reported often seeing Boucher on Jeremy*' balcony and speaking with them both. Jeremy* mentioned calling Boucher "dad" when they went on trips alone together and stayed in the same room. They noticed that Jeremy* had marks on his neck. When asked about them, Jeremy* and Boucher both laughed like embarrassed teenagers. Another couple, Robert and Chantal Blanchard*, became aware of the same problematic situation.

Fr Timmins, the Maras* and the Blanchards* decided to go together to Bishop Mancini to express their very serious worry sometime in 1998 or 1999. During my interview with Joelle Mara* on March 9, 2020, she related how Bishop Mancini gave them all the time they needed to recount the various instances of inappropriate behaviour they had either witnessed or heard about from Jeremy* himself.

The Blanchards*, the Maras* and Fr. Timmins confirmed in my interviews with them what they had previously communicated to Bishop Dowd: Bishop Mancini's reaction was that "*his hands were tied*" even though "*he had already heard all this before*"⁸⁸. He did not take any notes and nothing appears in Boucher's files at the Archdiocese to indicate that this meeting had ever taken place.

When I interviewed Archbishop Mancini on May 13, 2020, he told me that he could not remember this meeting or Fr. Timmins' repeated complaints:

"PC: ... was a child, he was a minor, they were serious allegations that something untoward was happening. He had hickeys on his neck, and he was sleeping over at the presbytery and you don't remember any of this?"

⁸⁷ Fr. Peter Timmins, letter to Bishop Anthony Mancini, May 29, 1998.

⁸⁸ Interview with Chantal Blanchard* by Bishop Dowd, January 19, 2016, p.6.

TM: That is, I, that is news to me, and it is not for refreshing my memory at all. I don't recall that.

PC: Okay.

TM: Cause, it's just not, it's not my recollection.

(...)

PC: And, apparently, you said of the time that your hands were tied, you don't remember this?

TM: No, I don't...

PC: Okay.

TM: ... I really don't.

PC: Okay.

TM: Yeah.

PC: Now, so obviously you never spoke to Jeremy* or checked with his mother or anything like that?

TM: No. No, I did not."⁸⁹

Archbishop Mancini admitted that at no time did he make any attempt to identify and contact either Jeremy* or his mother. However, the following is included in the minutes of a March 3, 2003, meeting between Bishop Rivest, Bishop Mancini and Boucher under the heading « *Échecs pastoraux* »:

« À St. Jean Brébeuf comme vicaire :

Comportement inadéquat avec un mineur; cependant la mère donne son accord »⁹⁰

(emphasis added)

Neither Bishop Rivest nor Archbishop Mancini could tell me how they knew that the mother had agreed to a « *comportement inadéquat* »:

"PC: ... failures at St. Jean Brebeuf and that's where it's interesting. It says, "comportement inadéquat avec un mineur cependant la mère donne son accord." Now, first of all, I have two issues with that; one is nobody can agree to

⁸⁹ Interview of Archbishop Antony Mancini, May 13, 2020, pp.32-33

⁹⁰ Bishop André Rivest, Minutes of March 3, 2003: "*Rencontre avec Brian Boucher en présence de Anthony Mancini et André Rivest*".

inappropriate behaviour with a minor, not even the minor's mother; secondly, you didn't talk to the mother. Who talked to the mother to know that she had agreed?

TM: That I don't know. I don't know who talked to the mother.

PC: Okay.

TM: Again, those are not, those are not my notes. If they're in French, they're not mine."⁹¹

A couple of weeks after this meeting, Boucher met the Maras* in the parking lot of the church and confronted them verbally accusing them of having gone to the Bishop. Steven Mara* described to me how he had become physically afraid of Boucher who was yelling at them *"I know you went to talk to the Bishop"*⁹². Boucher must have been warned by either Bishop Mancini or Fr. Timmins that there were complaints in his regard.

McGill Newman Centre and Saint Patrick's Parish (January 2000)

On December 8, 1999, Cardinal Turcotte appointed Boucher Chaplain of the Newman Centre at McGill University as well as parish assistant at Saint Patrick's Parish, the appointments coming into effect on January 8, 2000, and remaining valid until January 7, 2002.

One can presume that the various complaints and Fr. Timmins request that Boucher be removed from his parish were "just cause" enough for this change:

*"Can. 552 The diocesan bishop or diocesan administrator can remove a parochial vicar for a just cause, (...)."*⁹³

When I asked Archbishop Mancini why he would recommend to the Cardinal to send Boucher to McGill, and put him in charge of young adults after the Armando* incident, his reply was that the Newman Centre was the best option to take him out of the parish:

"PC: (...) . Now, why would the next appointment be with young men and young people given his previous experience with a young man of eighteen where it is admitted that there'd been a sexual pass and drinking and marijuana. Why would a person like that be sent to the situation that is as fragile as a university group with young people?"

⁹¹ Supra, footnote 8989, p.74

⁹² Interview of Steven Mara*, March 9, 2020.

⁹³ Art.552 Code of Canon Law.

TM: Well when I look back on it right now my question is the same why was that done? It was done because that seemed at the time the best option we had in the immediate and short term to take him out of where he is and put him some place where he could function. The primary, the primary points that came to mind were not that he would be with young people or that he would be doing drugs or that he would be doing drinking, rather the context of the chaplaincy was that it was a team ministry, that there were other adults around that he would be working with, and that that, the hope was that he would be able to work with them and be a little bit more effective and a little bit more successful in what he was doing, and that was the reason still...”⁹⁴

Newman Centre (January 2000)

Boucher arrived at the Newman Centre in January 2000. Professor Dan Cere was then the Executive Director and Trina Bobb* the campus minister. All three had been appointed and were paid by the diocese.

Before Dan Cere, the position of chaplain had been combined with that of executive director. Bishop Mancini explained the change to Cere and mentioned that “*there had been issues*” with Boucher at his previous parish:

“DC: The Bishop did tell me, and I wasn’t left completely in the dark, I think he just said there were issues with, he says, he’s a young priest, he’s had some issues, in particularly the previous Parish there was a conflict with a, with a pastor. He didn’t go into any details.”⁹⁵

Once again, problems started very soon. Dan Cere noticed a boy, a young teenager, coming with Boucher to the Centre and often leaving with him late in the evening. When asked about this, Boucher explained that the boy’s mother was a single parent and that he acted like a father to this child. This was in fact the same Jeremy* who had been seen with Boucher at St. John Brébeuf.

Dan Cere kept contemporary notes which can be found in full in Appendix 4⁹⁶. I will refer to the main events mentioned in these notes as corroborated by my two interviews with Professor Cere and by the correspondence found in the OPP file as well as the

⁹⁴ *Supra*, footnote 89, p.41.

⁹⁵ Interview of Prof. Dan Cere, February 7, 2020, p.22

⁹⁶ Appendix 4, page 208.

additional letters provided by Dan Cere for the purposes of Bishop Dowd's 2016 investigation.

During the last Easter service at Newman, Boucher announced from the pulpit that from that moment on the boy, Jeremy*, "was a formal member of the Newman community"⁹⁷. This was considered unacceptable. Dan Cere asked and obtained a meeting with Bishop Mancini whose reaction is vividly described in his notes;

"(...) As soon as I raised the issue, Bishop Mancini reacted with extreme exasperation and frustration: he raised his voice, swore repeatedly, slammed his hands on the desk, and said that he really didn't want to hear that this was happening again. He proceeded to say that:

- *the relationship with this boy had been going on for 3 years or so;*
- *that it was a tremendous source of conflict and tension between Fr. Brian and Fr. Timmins, his former pastor,*
- *that Fr. Timmins was Fr. Brian's greatest mentor and confidant until this conflict arose. There were serious questions about whether to admit him to the priesthood and Fr. Timmins came to his defense. Fr. Brian said he owed his priesthood to Fr. Timmins.*
- *however, because of this relationship with the boy, Fr. Brian and Fr. Timmins' relationship was shattered and they would no longer even speak to each other, though they were living together in the rectory.*
- *that some of Fr. Brian's closest friends tried to raise questions about the appropriateness of this relationship*
- *that members of the parish had gone to the bishop about this issue*
- *that Fr. Brian had threatened to sue them*
- *that the Bishop had hoped that Fr. Brian would not have carried this relationship into Newman:*
- *When I mentioned that I was not implying that anything morally or legally wrong was going on between Fr. Brian and the boy, the Bishop responded: "Well, if he walks like a duck, and quacks like a duck, he's probably a duck."⁹⁸*

I asked Archbishop Mancini about this last remark:

"PC: Okay. Now do you remember saying," well if he walks like a duck and quacks like a duck, he's probably a duck", do you remember saying...

TM: I don't remember saying it in that context, it is an expression that I did use occasionally, so I'm not, I'm not denying that I might have said that...

PC: Because we were talking...

⁹⁷ *Supra*, footnote 95, p.42

⁹⁸ Appendix 4, p.208 208.

TM: ... to Dan

PC: We were talking about sexual abuse of a minor that was the context.

TM: That's how he puts it (laughter) But, as I say, these are his recollections, they're not mine."⁹⁹

Bishop Mancini refused to meet with Boucher and told Cere to deal with the issue himself.

Cere then confronted Boucher who blew up and told him that he would immediately resign. No resignation letter was ever sent to Cere or found in the diocese files. On May 5, 2000, Cere again asked for Bishop Mancini's help in a letter to which there was no reply. Cere then telephoned the Bishop on May 7 to be told that he would have to resolve "*conflicts in the workplace*"¹⁰⁰ himself.

By June 2, Cere thought it necessary to ask the Bishop for Boucher's transfer out of the Newman Centre¹⁰¹:

"I am requesting a reconsideration of Fr. Brian Boucher's appointment as chaplain to the McGill Newman Centre. As a newly appointed lay director, this recommendation puts me in a difficult and delicate position. However, I feel that this change needs to be made for the sake of the students, staff and Fr. Boucher himself.

(...)

I had brought one serious staff conflict your attention - his threatened resignation when I raised the issue about the minor who has been accompanying him to Newman. I am not sure how this issue is to be finally resolved- Jeremy is still coming to Sunday services. Fr. Brian did indicate a commitment to try to disconnect Jeremy* from the Newman Centre. I think that it is fair to say that in our society Fr. Boucher's pattern of exclusive interaction with a minor is high-risk behavior. It inevitably raises difficult questions and concerns in a university community.*

During this brief period, Fr. Boucher has run into some serious conflicts and tensions with staff and students. I suspect these tensions and frictions will be ongoing and will not be beneficial to Fr. Boucher, the staff or the students. Fr.

⁹⁹ *Supra*, footnote 89, pp.45-46

¹⁰⁰ Appendix 4, page 208.

¹⁰¹ The complete letter can be found at Appendix 5, page 213.

Brian himself may be experiencing some misgivings. His heart does not appear to be in his work. He certainly treasures his relationships with people at his former parish. His own gifts and interests do not seem to have an adequate place for expression in this university ministry.”¹⁰²

A couple of days later, Trina Bobb* wrote a long letter to Dan Cere in which she again raised the problem of Boucher’s relationship with Jeremy* as well as other behavioural issues that seemed incompatible with his ministry:¹⁰³

“... Questions began to surface in my mind as I observed his interaction with staff and students, as well as the close, and eventually "exclusive" relationship with a young 14-year old boy Jeremy (Mason?) which seemed to have been initiated during his mandate at St. Jean Brebeuf.*

Jeremy (Mason?)*

Jeremy appeared at the Newman Centre often, usually before or after the 4:30 pm weekday masses on Thursday or Friday. He seemed to know Fr. Brian very well, and was often asked to help set up for the Mass. Eventually he also began attending the weekend masses, and the Saturday night suppers. Fr. Brian would often ask him to help set up and serve the Mass even though there were members of the community who had been appointed to do so (Eucharistic ministers were supposed to be in charge of setting up the altar.) During the suppers, (if they stayed) Fr. Brian would sit with Jeremy* and converse almost exclusively with him. (At the time I attributed this to shyness and was not overly concerned about the young boy's presence.)*

(...)

... Two things finally raised my concern to worry: I saw Jeremy spend several periods of 45 minutes to 1 hour alone in the office, with the door closed with Fr. Brian; and secondly, a comment that Fr. Brian made to me (in the presence of the boy), to the effect that Jeremy* had been the only person who had been able to help him express himself emotionally. I was not the only person to be concerned. Several students have come to me asking who the boy is, why he is at the Newman Centre, and why Fr. Brian seems to singling him out (by serving at the Mass, and mentioning him during the celebration.)*

For this reason, I decided to raise my questions directly with him. These are the areas I covered:

- *Who is Jeremy*? He is a young 14-year old, who comes from a broken home that includes a mother and two sisters. His father is around, but is*

¹⁰² Prof. Dan Cere, letter to Bishop Anthony Mancini, June 2, 2000.

¹⁰³ The complete letter can be found at Appendix 6, page 216.

often in and out of prison. Fr. Brian appears to have met him through his work at St. Jean Brebeuf.

- *What is the nature his relationship with Fr. Brian? Fr. Brian considers himself a surrogate father figure for the boy. He visibly cares for Jeremy*, and is concerned about his needs and wants.*
- *Has anyone else raised questions about their relationship? Yes. Apparently, when Fr. Brian was at Brebeuf, someone (he did not specify who), questioned him, and the boy's mother about the relationship. According to Fr. Brian, the mother is happy with, and supportive of the relationship.*
- *Has Jeremy* himself not suffered because of the questions that were being asked about their relationship? Fr. Brian replied that someone (he did not specify whom), had interviewed the boy and questioned him. He also said that he and the boy's mother had sat down with him and explained why people were asking questions (the general climate of the culture tends to raise questions about priests having relationships with young boys.) (...)”¹⁰⁴*

When asked whether Boucher’s claim that Jeremy*’ mother was “*supportive of the relationship*”¹⁰⁵ had ever been verified, Dan Cere acknowledged that neither he nor Professor John Zucchi, the president of the Newman Centre, ever attempted to discuss this with her, or even approached Jeremy* himself.

On June 14, Bishop Mancini met the Board of the Centre. No minutes exist of this meeting. The next day, Bishop Mancini advised Dan Cere that he had spoken to Boucher and that the issue was one of “*lack of trust- i.e. my lack of trust in Fr. Brian*”¹⁰⁶. This is a surprising conclusion from the same person who had described Boucher’s potentially abusive behaviour as “*Well, if he walks like a duck, and quacks like a duck, he’s probably a duck*”¹⁰⁷.

John Zucchi was very concerned, particularly after he heard from Dan Cere that “*there had been previous allegations at the Parish in which Father Boucher was first posted,*”¹⁰⁸ as he wrote in a letter of July 13, 2000, addressed to Dan Cere:

¹⁰⁴ Trina Bobb*, letter to Prof. Dan Cere, June 5, 2000.

¹⁰⁵ *Ibid.*

¹⁰⁶ Prof. Dan Cere’s notes, see Appendix 4, page 208.

¹⁰⁷ *Ibid.*, see Appendix 4, page 208.

¹⁰⁸ Prof. John Zucchi, letter to Prof. Dan Cere, July 13, 2000.

“(...)

After our conversation on the phone yesterday in which you told me that you have recently discovered that there had been previous allegations at the Parish in which Father Boucher was first posted, I thought that the risk of keeping such a priest at the Newman Centre is too great. From a legal standpoint, there could be liability questions for our Board members and even our staff. Some of our students might be exposed to risk with the presence of such a priest (I am not saying this is the case, but it could be).

Finally, I don't think that Newman is the place in which such an individual can be monitored by his employer, the Bishop of Montreal.

As you can see, Dan, I feel you have taken the right steps in dealing with this issue. I also recognize that there is only so much you can do because Father Brian is not your employee. Your responsibility is to defend the interests of the Newman Centre and mine is to defend the interests of the Newman Association and its Board. I think that for all concerned it would be best that Father Brian Boucher be placed elsewhere by the Archdiocese. I say this with pain but I also understand that this issue is too grave to be avoided.”¹⁰⁹

It is unfortunate that the concern expressed took a protective tone towards the Newman Centre to the exclusion of a more active intervention in regard to a minor potentially in danger.

Later in July, Cere, Bobb*, Bishop Mancini and Boucher met again to discuss the situation. Bishop Mancini stated that he would not reconsider Boucher's appointment. The parties would have to find a way to work together.

At this time, Boucher went on a mission to obtain positive recommendations from students at the Centre to be sent directly to the Bishop. A few of these were found in his file at the OPP which also included a more nuanced letter from a doctoral candidate and a negative one by a student member of the Centre's executive committee focussing on Boucher's lack of openness and authoritarian attitude¹¹⁰.

Both John Zucchi and Dan Cere mentioned having seen a demand letter from Boucher's purported attorney, Me David Lametti, now Minister of Justice, requesting

¹⁰⁹ *Ibid.*

¹¹⁰ Pierre Coppers*, letter To whom it may concern, undated.

that they stop defaming him. Dan Cere told me that Boucher came into his office waving a paper, claiming it was a letter from Me Lametti, and threatening to sue him and the Centre. The letter could not be found anywhere in the Newman Centre files. I checked the archives held in the McGill library: no such letter. There was no mention of a possible law suit in any of the minutes of the Board of Directors' meetings of that time. Neither Cere nor Zucchi could remember having contacted the Centre's lawyers in this regard. I eventually wrote to the Minister to ask him about it. This is his response of March 12, 2020:

"Dear Justice Capriolo,

I do not recall having written a demand letter for Brian Boucher. I had met him at the Newman Centre as my children were all baptized there, the youngest in 2001.

I recall that he wished to talk to me, and alluded to allegations against him, but I did not do legal work for him (or anyone else). Nor did get a recounting of the allegations against him. It was my standard practice at the time to tell people to get proper legal advice from a practicing lawyer.

My contact with him ceased shortly after.

I did not know of the allegations until I read it in the public press.

If he used my name in conversations with, or in letters to Dan or John, it was without my knowledge or permission.

Sincerely,

David Lametti"¹¹¹

After I contacted John Zucchi with this information, he came to the conclusion that Boucher had used Lametti's name to frighten him into silence. This tactic was not new to Boucher: he had so threatened Msgr. Coyle, Fr. Timmins and even Bishop Mancini as well as several parishioners over the years.

Jeremy* stopped showing up and Boucher stayed on at Newman, despite the other issues that had been raised about his behaviour. Jeremy*'s presence was now observed at the Cathedral residence, where Boucher lived. On April 25, 2016, Bishop Dowd met with Bishop Saint-Antoine and noted:

"Meeting with Bishop Jude Saint-Antoine, who lived in the residence at the time when the abuse of Jeremy Albert occurred (some of it in the residence). Bishop Saint-Antoine reveals that he had raised red flags with the diocese at the time,*

¹¹¹ The Honourable David Lametti, email to the undersigned, March 10, 2020.

and that he had confronted Boucher directly with a threat to go to the Director of youth protection."¹¹²

Bishop Dowd's handwritten notes of this exchange include the mention that Bishop Saint-Antoine had spoken about this to Cardinal Turcotte and to Bishop Rivest.

This is also mentioned in the minutes of the March 3, 2003 meeting between Bishop Mancini, Bishop Rivest and Boucher although the dates are a little confusing: the minutes refer to « *un avertissement de Mgr. Saint-Antoine au sujet d'un jeune amené à la résidence de la cathédrale* »¹¹³ as part of the « *échecs pastoraux* »¹¹⁴ during Boucher's stay at St. Patrick. Boucher resided at the Cathedral during his joint appointment at the Newman Centre and St. Patrick's and only moved into St. Patrick's Basilica in the fall of 2002.

I attempted to speak to Bishop Jude Saint-Antoine to obtain more details about the timing of his observations and his alleged threat to communicate with the Director of Youth Protection. Bishop Saint-Antoine refused to discuss the matter, telling me that it was in the past, he remembered nothing and that in any case « *il a déjà parlé de ça à qui de droit* »¹¹⁵ despite my best efforts to convince him that I was not a journalist and that I was carrying out the investigation asked for by Archbishop's Lépine.

A year passed at Newman. Dan Cere's notes are silent for the period between July 17, 2000, and September 2001.

On September 6, 2001, a confrontation erupted between Trina Bobb* and Boucher. She resigned the next day and sent the following to Cere:

"This is to inform you that on Thursday the 6th, of September, I had a discussion with Fr. Brian Boucher in his office at the Newman Centre. During our discussion, we covered three topics---the scheduling of a Bible study, Newman Centre finances, and Spiritual Direction as it appears in the Newman Centre flyer. In the course of the conversation, Fr. Boucher became angry, and shouted the following:

"You don't know me very well. Don't play any fucking political games with me."

¹¹² Bishop Thomas Dowd Timeline of investigation, Appendix 13, page 250250.

¹¹³ *Supra*, footnote 90.

¹¹⁴ *Ibid.*

¹¹⁵ Interview of Bishop Jude St-Antoine, March 25, 2020.

*In a more deliberate tone: "I can make sure you are seriously hurt."
He continued: "If I wanted to play games I could have gotten a job at 2000
(meaning the Archdiocesan offices)."
I responded: "Don't use that kind of language with me, or this conversation stops
here."*

(...)"

*The explicit threat in "I can make sure you are seriously hurt" led me to resign
September 7th. I delivered my letter of resignation to you Friday the 7th of
September, with a copy to Bishop Mancini on the same day."¹¹⁶*

This letter to Dan Cere was also forwarded to Bishop Mancini.

On the 18th, Cere met with the Bishop who expressed his frustration with Boucher. He first suggested that Trina Bobb* reconsider her decision. A second possibility, as reported in Cere's contemporary notes, was *"that if everyone resigned, it would cause a 'revolution' and it would force him to act, but he didn't indicate how he would act"*¹¹⁷.

Bishop Mancini's third suggestion was to put together a committee to discuss staffing at the Newman Centre and make recommendations. *"If positions were so defined that Fr. Brian's qualifications were not a fit, e.g. chaplain would have qualifications to teach at a university level, then that might give him something to work with."*¹¹⁸

Trina Bobb* refused to reconsider her decision and advised Dan Cere of the possibility that she might raise the issue with the McGill Ombudsman.

John Zucchi wrote to Bishop Mancini. On September 23, he advised the Bishop in a hand-delivered letter of the gravity of the situation *"I do not know if your office or the Cardinal's are aware of how serious could be the implications of all this"*¹¹⁹. He repeated his concern but added *"I should point out that the Board did not wish to enter into the merits of the accusations. This is not our duty."*¹²⁰

¹¹⁶ Trina Bobb*, *Memo to Prof. Dan Cere*, September 7, 2001.

¹¹⁷ Prof. Dan Cere's notes, Appendix 4, page 208.

¹¹⁸ *Ibid.*

¹¹⁹ John Zucchi, letter to Bishop Anthony Mancini, September 23, 2001.

¹²⁰ *Ibid.*

One may wonder whose responsibility it is to maintain a violence-free work environment.

Bishop Mancini wrote to John Zucchi on October 22, 2001, copied to Boucher, Prof. Dan Cere and Fr. Harris, by then Director of OEPS:

“Following our meeting of October 11, 2001, I thought it worthwhile to put into writing some of the key points I discussed with you and Professor David Williams.

Our meeting was occasioned by the resignation of Ms. Trina Bobb from the Newman Centre's staff I indicated to you that while I received Ms. Bobb*'s resignation with sadness, I have nevertheless accepted her decision.*

(...)

The departure of Ms. Bobb provides an opportunity to review the present situation at the Newman Centre, and as we discussed, I would appreciate it if the Board of Directors initiated this review process.*

This process could focus on the Centre's priorities and needs. It could provide some suggested job descriptions for the various essential positions, which make up the Centre's staff. Finally, this report could recommend to our pastoral personnel committee, and me, how the Centre's challenges, in your view, could most effectively be met.

I would expect that this review be carried out as soon as possible, and I will await your report before finalizing any decision regarding personnel changes.

*I leave the constitution of this review process up to the Board of Directors of Newman Centre, however I would hope that all concerned parties would be invited to be part of the process.”¹²¹
(Emphasis added)*

Bishop Mancini seems to be asking for an administrative excuse to move Boucher out of the Newman Centre, instead of dealing directly with Boucher's obviously inappropriate behaviour. There appears to be an underlying fear of Boucher's reaction if faced with consequences from his actions. This is strikingly similar to the remark made in March 1995: *“Is he a sleeping volcano? How would he react if he were refused?”¹²²*

¹²¹ Bishop Anthony Mancini, letter to Prof. John Zucchi, October 22, 2001.

¹²² *Supra*, footnote 49.

Boucher's repeated threats to take legal action probably had a dissuasive effect on the Church authorities, but it is not clear why Bishop Mancini would think that "*his hands were tied*"¹²³ when neither the files nor the verbal testimonies indicate that he had even attempted to handle the situation more directly, let alone been thwarted in such an attempt.

On the contrary, Boucher's appointment to Newman was **renewed** from January 7, 2002, until August 31, 2002.

A handwritten note by Msgr. Parent briefly explains the process of reappointment clearly showing some misgivings:

« J'en parle avec Fr. Harris & Bishop Mancini.

On ne veut pas renouveler au-delà du 1er septembre dans l'hypothèse où l'on aurait un autre poste pour lui.

*Conclusion : prolonger sa nomination et ses facultés jusqu'au 31 août 2002. »*¹²⁴

More disturbing information came in June 2002 in a letter addressed to Bishop Mancini by Emma O'Reilly*, a single mother of a boy:

"When I heard from my son that Fr. Brian was interested in having Raphael come with him ALONE on a camping trip along the Cabot Trail for 2 weeks, I phoned Fr. Brian.*

I did not tell him that I found it very strange that he should ask my son directly and not his family, his mother first about such a long trip. I didn't say that asking him at all on such an intimate vacation (- sleeping together in a tent with a seventeen year old – on a "mature" man's vacation – not at any time wanting to develop a relationship with our family) made me feel uncomfortable.

(...)

Are there no guidelines for priests? There are in other professions. Do you not think it is strange that a priest should desire a two week camping trip vacation with a seventeen year old boy? Do you not think it is odd that he would open himself up to such a situation?

¹²³ Interview of Chantal Blanchard*, *supra*, footnote 88.

¹²⁴ Msgr. Michel Parent, handwritten note, January 22, 2002.

I found it very disturbing that a priest who would wish to befriend a boy would have so little interest in his family. I felt because Raphael does not have his father present (his father left when he was 10) that he would become a target for abuse.”¹²⁵*

Apparently, nothing was done about this and no one followed up with Emma O’Reilly*. Archbishop Mancini said to me during our interview of May 2020:

PC (...) When you got this letter she gives you her phone number, she says “please contact me,” did you contact her?

TM: I don’t have a recollection of having done that, no, I can’t say that I did and I can’t say that I didn’t, I just don’t recall it.

PC: But wouldn’t that be the immediate response to, when you get an allegation that is quite serious and about somebody of whom you already have heard a lot of bad things, why wouldn’t that be automatic that you would get in touch with her to get more information?

TM: It’s more, it’s automatic for me to think that way at this point in time but it wasn’t that way then. I mean we’re looking at this from the perspective of years of experience of how to handle and deal with these types of allegations. I’ve learned a great deal over the last twenty years around this topic, and I would have behaved differently had I known and understood things in the manner that I understand them now. At the time I didn’t...”¹²⁶

When I spoke to Mrs. O’Reilly*, she could not recall having received any kind of response to her letter.

St. Patrick’s appointment (July 2002)

In July 2002, a solution was found: Boucher would be sent to St. Patrick’s Basilica as assistant Pastor to Msgr. Frank Coyle for one year and then to Rome to study for two years. The study leave was non-specific. Msgr. Harris, as he then was, advised Boucher to choose his area of study while working at St. Patrick’s.

Boucher was not happy with this appointment. He delayed showing up at the Basilica and Msgr. Coyle had to call him to ask him to come into work. He was “a very angry,

¹²⁵ Emma O’Reilly*, letter to Bishop Anthony Mancini, June 18, 2002.

¹²⁶ *Supra*, footnote 89, p.58.

*angry, angry man from the moment he walked into the store*¹²⁷ in Msgr. Coyle's words. He was abusive in his treatment of the parishioners signed up in the Rite of Christian Initiation of Adults and regularly gave harsh homilies against homosexuality. Msgr. Coyle asked him repeatedly to "tone it down", but as a result Boucher got angrier and more offensive. He would threaten Msgr. Coyle: "*You don't know how to fucking run this office, and I'm going to make sure that you don't run it very often*" and "*I'll talk to the Bishops and find out what's your story*"¹²⁸.

Msgr. Coyle became frightened of him and had two locks put on his door.

Finally, by December 30, the situation had become untenable at the Basilica and Msgr. Coyle wrote the following to Cardinal Turcotte, with copies to Bishop Mancini, Bishop Rivest and Msgr. Sean Harty, who had just replaced Bishop Harris as director of OEPS:

"It is with heavy heart that I write this letter asking that you terminate the mandate of my assistant priest Fr. Brian Boucher here at St. Patrick's, as soon as time and circumstance allow. I have also sent copies to Bishop Mancini V.G., who knows the case well, to Bishop Andre Rivest as Director of Pastoral Personnel, and my Episcopal Vicar, Fr. Sean Harty, with whom I will be more than willing to work in resolving future replacement or replacements.

I accepted to take Fr. Brian as he, having encountered difficulties at Newman Centre, had to be removed from his post as chaplain. I regret to say that the problems experienced there have resurfaced here, and this is creating stress for myself as well as the staff, and recently some parishioners. There is always a problem created which I then have to clean up after, and most times the problems are created through intransigence, arrogance and immaturity. His respect for me is nil since he once told me in an angry moment. "You are not my boss. God and the Cardinal are my bosses. No one is ever going to tell me what I can or cannot do at St. Patrick's. I will still invite people to dinner, etc." I have no problem with the latter, but he refuses to tell me when and who. We are a community of four priests, and he seems not to take this into consideration.

Further in the same conversation he threatened the parish (or someone in the parish) since he told me it was not I. I quote, "If you keep stressing me out, I will call in the police." For what and for whom, I do not know, and I did not wish to continue the conversation.

Needless to say, our differences are irreconcilable, at least on my part. I have a very busy parish to run. Rather than Brian being of help to me, I feel

¹²⁷ Interview of Msgr. Frank Coyle, March 26, 2020, p.7.

¹²⁸ *Ibid.*, p.10.

psychologically abused and a hostage in my own home, since I am at a loss to correct him fraternally, since he takes criticism very badly, even good criticism.

For reasons concerning my own health of which you are well aware and as I do not wish to suffer another cardiac attack, I would ask that in accord with the various administrators you ask him to leave St. Patrick along with all his belongings.

(...)

On a last note, I would prefer this letter remain sub secreto since I do fear litigation or at least vindictive behaviour.”¹²⁹

On the same day, Alice Hingston*, a parishioner at St. Patrick’s wrote to Msgr. Coyle, with copy to Msgr. Sean Harty, to complain about Boucher’s intransigent and hurtful homilies:

“In this formal letter I would like to express my sincere concern about the permission that has somehow been granted to an obviously emotionally challenged young man, Father Brian Boucher, to preach highly inflammatory judgements, extremely inappropriately and hurtfully, to hundreds of people from the pulpit of St. Patrick’s without restraint or even a required reviewing of his material by yourself, as Parish Priest, beforehand. How does this happen? Are there no filters in place by yourself to ensure that your parish is protected from the kind of fiercely fundamentalist preaching by someone as troubled as Father Boucher? Is there no emotional or psychiatric evaluation required of those who are given a carte blanche to address hundreds of inner-city Catholics from the pulpit?”¹³⁰

Sometime later, Msgr. Harty called Alice Hingston* and reassured her: Boucher would be going to a “retreat centre”.

While the situation was deteriorating at the Basilica, Francis Smith*, a 19-year-old student from the Newman Centre met with Bishop Mancini on November 26, 2002. He told the Bishop about having been subjected to horrendously controlling and frightening behaviour by Boucher. Even though no specific sexual acts were mentioned, the insistence by Boucher that they see each other naked or sleep in the same bed should

¹²⁹ Msgr. Francis Coyle, letter to Jean-Claude Cardinal Turcotte, December 30, 2002.

¹³⁰ Alice Hingston*, letter to Msgr. Francis Coyle, December 30, 2002.

have been a clear call for intervention. His complete testimony, written at Bishop Mancini's request, can be found in Appendix 7¹³¹.

Despite the obvious pain that this relationship had caused a young man some twenty years younger than Boucher and in a very vulnerable position vis-à-vis his chaplain and mentor, Bishop Mancini's note to file of January 16, 2003, is telling:

*"This conversation described a relationship which was complex, confused and inappropriate. If what was related is even partially founded, the situation requires action in the form of psychological assessment and therapy in the hope that Fr. Brian Boucher can be helped."*¹³²

One must remember that by this point the question of inappropriate and overly intense relationships with young adults had come up at St. Peter's, at GSM and with Armando Lopez*. Despite this already charged history, and even leaving aside the question of his relationship with Jeremy* at St. John Brébeuf and the Newman Centre or his antisocial behaviour with Fr. Timmins, Msgr. Coyle and Trina Bobb*, one may wonder at the prioritization of "helping" Boucher rather than ensuring the safety of the people around him.

The fear of reprisals from Boucher is present in this incident as well. When I interviewed Francis Smith* on January 12, 2020, he first told me of his disappointment with Msgr. Harty's depiction of the problem as "a simple psychological disturbance"¹³³. We then continued to discuss his meeting with Bishop Mancini and Msgr. Harty:

"FS: Yeah, they were reasonably supportive, I would say that the sense I got from Father Sean Harty was that he really thought, you know, this is something that can be fixed by Southdown, that was the impression I got that he just needs to be sent away for assessment in some kind of, you know..."*

PC: Yes.

FS: ... strategies to help him improve his psychological situation. Bishop Mancini was visibly upset about it, he was angry about what had happened, he apologized for it, and he was very frank in bringing up that if I was a minor he would have to pursue it with a civil lawsuit, and because I was nineteen at the time, he said this is your decision, whether you want to pursue a civil lawsuit at this stage. He warned me that Brian Boucher would counter-sue for defamation, and..."*

¹³¹ Appendix 7, page 224.

¹³² Bishop Anthony Mancini, note to file, January 16, 2003.

¹³³ Interview of Francis Smith*, January 12, 2020, p. 11-12.

PC: *What, what, what, what?*

FS*: *That's what he said. And, he was pretty adamant that, you know, like, this could be troublesome for you if you did pursue this in accordance, and I took that as, you know what, I have given you guys my statement and I think you know I've done my due diligence. I don't feel like being dragged through the mud in a court system, and so I opted not to, with that advice he gave, that he might countersue for defamation so...*

PC: *So he gave you legal advice?*

FS*: *Well, it sounds like it, yeah, the way that it's, you know, that's how he presented it, and because at the time I didn't think you know, oh I need a lawyer to get advice here, I just took that advice to heart and...*

PC: *No, you were a kid, you were nineteen.*

FS*: *Yeah, that's right so I didn't do anything more.*

PC: *Did he, at any time, say that if you wanted to do something they would support you, pay for a lawyer, do anything like that?*

FS*: *No, nothing like that.*

PC: *So, basically, if you decided to tell the police or to sue him, you'd be on your own?*

FS*: *Yeah, and I didn't get the sense that he would. He would not support me. It was just not, it was certainly not the case that he mentioned we would pay for a lawyer for you and, you know, he didn't say anything, like, oh well, we would certainly if he sued for counter, for defamation, or whatever, you know, we've got your back. You know there was nothing like that, it was more like, it was clear to me that he was discouraging me from pursuing it because of the issue of defamation and, you know, to be fair I thought at the time my assessment was that sounds like good advice because I've got another year to go before a graduate, and I really want to focus on my studies, right, so..."¹³⁴*

Francis Smith* also told me that he warned Msgr. Harty and Bishop Mancini of the possibility that the same kind of inappropriate relationship may have existed between Boucher and another, younger, student "Arthur*" at the Newman Centre. He gave them the student's name, but "*they didn't have much of a reaction, they didn't probe very much.*"¹³⁵

¹³⁴ *Ibid.*, p.12-15.

¹³⁵ *Ibid.* p.29.

I found no notes in the files regarding this other student and no evidence of any attempt to contact him. It's only in 2020, that, after finding out Arthur*'s full name with the help of Dan Cere, Bishop Dowd was able to contact him. I was relieved to hear that Arthur* denied any untoward behaviour.

But why was this not done in 2003?

As a result of Msgr. Coyle's letter and Francis Smith*'s testimony, Boucher was asked to stop celebrating mass or preach. In Msgr. Coyle's words, "*He was hiding in his room*"¹³⁶ until he would be sent to Southdown.

Southdown

The evidence against Boucher was mounting rapidly:

- Msgr. Coyle and Fr. Timmins had both asked that he be removed from their parishes;
- the Newman Centre had also asked for his removal within a few months of his appointment;
- Recurrent complaints about "high-risk" behaviour with minors had been mentioned since Dr. Clarke* letter, Fr. Lyng's comments at the Conseil d'appel of March 1995 and again at St John Brébeuf and the Newman Centre;
- In 2002, a letter of concern was sent to Bishop Mancini by a single mother worried about Boucher's inappropriate interest in her son when he was a minor;
- The incident with Armando Lopez*, an 18-year-old student, although not documented in writing, was well known by Bishop Mancini, Fr. François Sarrazin and Bishop Rivest, even though the latter said that he could not remember this at all when I interviewed to him;
- Everyone was aware of the Francis Smith* deposition, a young man of 19.

Moreover, by May 2002, Bishop Rivest had compiled a list of "problem" priests, in which the name of Boucher appeared under the heading *Pédophilie* with the annotation "(cf. dossier GSM) cf. Tony". Another list, under the heading +AR et

¹³⁶ Interview of Msgr. Francis Coyle, March 26, 2020, p.17.

M.P (Bishop André Rivest and Msgr. Michel Parent) included the name of Boucher followed by “*homosexuel? Pédo?*”, and then marked with an “X” under the column “*Doute*” as opposed to “*Certain*”¹³⁷.

As we saw earlier, on March 3, 2003, Bishops Rivest and Mancini met with Boucher to inform him of the decision to send him to Southdown and to suspend his ministry immediately. The minutes of the meeting reveal both the knowledge of the various issues raised since his time at the GSM and the trivialization of these same issues:

- « *IV - Complément: on lui parle de ses quatre échecs pastoraux (changements dans situation conflictuelle)*
- o *à Saint John Fisher, comme stagiaire-diacre cf question du comité d'appel (Peter Timmins).*
 - o *à Saint John Brébeuf, comme vicaire (Peter Timmins)*
 - o *comportement inadéquat avec un mineur; cependant la mère donne son accord.*
 - o *jeune mexicain dont le passeport supposément égaré est retrouvé dans la chambre de Brian (boisson, marijuana);*
 - o *à Newman Center (McGill University), comme animateur de pastorale*
 - o *à son arrivée : passe beaucoup de temps avec le jeune de Saint John Brébeuf cf plus haut.*
 - o *comportement inadéquat avec un étudiant de McGill (cf récit remis à Mgr Mancini).*
 - o *à Saint Patrick, comme vicaire*
 - o *lettre de Mgr Francis Coyle*
 - o *lettre de Mrs Hingston* (non évoquée)*
 - o *présence de jeunes au presbytère*
 - o *relations difficiles avec autres prêtres résidents et avec le personnel*
 - o *refus de l'autorité du cure : crise verbale, colère, dédain pour le curé ---*
 - o *menace d'appeler la police*
 - o *avertissement de Mgr Saint-Antoine au sujet d'un jeune amené a la résidence de la Cathédrale.*¹³⁸

¹³⁷ These handwritten lists only came to light in 2019. More will be said about their discovery later, *infra*, *Discovery of hidden documents*, page 164162.

Under the heading “Saint John Fisher”, one may presume that the mention “Conseil d’appel” must refer to the complaints registered in the minutes of March 1995, referring specifically to Boucher’s interest in young boys as well as those included in the Brown* and Gosford* letters and the Lorry* telephone call.

The mention, « *comportement inadéquat avec un mineur; cependant la mère donne son accord* »¹³⁹ is shocking. As seen earlier, no one had ever checked directly with the child’s mother. Moreover, a mother **cannot** consent to abusive behaviour towards her child. Whether she did or not, an investigation of this « *comportement inadéquat* » should have been undertaken.

The reference to the Armando Lopez* episode leaves out all mention of sexual misconduct.

The “Newman Centre” heading does not include the threats to Trina Bobb*, underplays the continuing presence of Jeremy* which had so disturbed Dan Cere and John Zucchi and describes the Francis Smith* episode as merely “*inadéquat*” even though it concerned a young man of 19, 20 years younger than Boucher, in a position of great emotional vulnerability.

The “St. Patrick” heading covers briefly various difficulties, but, again, does not point out the potential gravity of Bishop Saint-Antoine’s warning concerning a young boy or the questionable presence of young people at the rectory.

Finally, no mention is made of Boucher’s previous withdrawal from St. Peter’s and of his previous stay at Southdown in 1990.

Why was the decision made to send him to Southdown for a second time? A review of the notes from St. Peter’s show that in 1990 Boucher was already displaying a manipulative, overly intense personality that frightened other people. His behaviour with Lopez* and Smith* repeated the same pattern, with an added sexual connotation that could not have gone unnoticed. His name

¹³⁸ *Supra*, footnote 90.

¹³⁹ *Ibid.*

already had appeared in a list of potential pedophiles in 2002. And yet, no investigation was undertaken and his name was not even brought to the attention of the newly created Advisory Committee¹⁴⁰, which was chaired by Bishop Rivest and on which sat Bishop Mancini.

When I asked Bishop Rivest whether a *suspicion* of sexual abuse of a minor was sufficient to present a case to the Advisory Committee, he answered that it was. His explanation was that the Boucher case fell between the cracks of the separation of jurisdiction between the English-speaking and the French-speaking Church authorities:

« PC : ... est-ce que ce n'était pas le mandat du Comité consultatif que de recevoir ces informations ?

AR : Oui, oui, effectivement, effectivement. Je peux vous dire que dans tous les cas, mais là, je m'aperçois qu'il y a eu un trou à quelque part par rapport à Brian, ça a bloqué, ça a dû bloquer du côté des anglophones, je sais pas là, c'est ça que je.. »¹⁴¹

But both Bishop Mancini, as Vicar General, and Bishop Rivest knew all the allegations listed in the March 3, 2003, minutes and neither brought them to the attention of the Advisory Committee.

In January 2003, Msgr. Sean Harty was charged with the follow-up of Boucher's stay at Southdown. He contacted Southdown by phone to obtain an assessment of Boucher's psychological state:

"(...)

Brief outline of presenting issues:

A 40-year-old priest has had his third failed posting. His pastor asked him to be dismissed, he has "burned bridges" in the house where he lives (the downtown Basilica). He also gave a very inflammatory homily on homosexuality. He may have been assessed at SD and at Guesthouse. There are a lot of anger outbursts, there are some OCD

¹⁴⁰ The role of this Committee was first described in "From Pain to Hope", *supra*, footnote73, p.46. The recommendation was that each diocese or group of dioceses establish an Advisory Committee "to whom is referred any issue of sexual abuse or any allegation of sexual abuse"(emphasis added).

¹⁴¹ Interview of Bishop André Rivest, April 9, 2020, p.34-35.

type behaviors around cleanliness. More recently, a man who was a spiritual directee has communicated some inappropriate behavior, which included things like taking a young man to an isolated retreat house and insisting that they sleep in the same bed. The young man who complained was working through sexual problems with his girlfriend, and Father Boucher apparently suggested that the man suffered from repressing his homosexuality. Father Boucher sees many young men in spiritual direction and this is not a part of his assignment. He does not have any close friends in the clergy. He was previously working at McGill as chaplain and had to be removed

Specific Questions for Assessment:

1. *What is the nature and extent of his boundary violations?*
2. *Is there an AXIS I disorder that contributes to his problem?*
3. *What is his clinical picture in terms of personality?*
4. *What treatment is indicated?”¹⁴²*

This initial referral makes no mention of risky behaviour with minors.

On March 4, 2003, Msgr. Harty sent Southdown the documentation he “*deemed essential in the assessment process*”¹⁴³. When I visited Southdown on March 11, 2020, I noted which documentation had so been sent and could still be found in the 2003 file:

1. The Clarke* letter 1992;
2. The Coyle letter 2002;
3. The Hingston* letter 2002;
4. The Trina Bobb* letter 2000;
5. The Cere letter June 2, 2000;
6. The Cere letters May 2000;
7. The O’Reilly* letter 2002;
8. The Smith* statement 2003;
9. The Copper*s letter 2000.

¹⁴² Dr. Phil Dodgson, *Assessment Referral form*, January 15, 2003 indicating Msgr. Sean Harty as leadership contact person.

¹⁴³ Msgr. Sean Harty, Archevêché de Montréal, letter to Dr. Michael John Sy, March 4, 2003.

On March 11, 2003, Msgr. Harty phoned Southdown to provide further information. The minutes of this phone call¹⁴⁴ include references to all the documentation already provided as well as a distinct mention of “*a relationship with a 15-year old boy*”¹⁴⁵. The complete minutes can be found in Appendix 8¹⁴⁶.

Despite having been made aware of these concerns, Msgr. Harty, in a letter to Archbishop Lépine of January 23, 2020, wrote:

*“I think that it is important for me to state unequivocally that I had no knowledge that Brian had sexually abused a young boy from St. Jean Brébeuf parish in the years prior to my having responsibility for him.”*¹⁴⁷

Msgr. Harty, like many other people in authority before and after him, had no *knowledge*, but certainly had sufficient indications to be seriously worried and to investigate.

Boucher was not pleased about being sent to Southdown. He could not understand why and did not want to participate. A first assessment was completed by March 9 and Msgr. Harty was invited to attend the follow-up meeting between Boucher and the assessment psychologist, Dr. Phil Dodgson. Msgr. Harty took minutes of the main points:

“Thursday, March 13, 2003 - Meeting with Dr. Phil Dodgson, PhD,

Southdown Institute, Fr. Sean Harty & Fr. Brian Boucher

- *Fr. Brian presents well - difficulty in understanding why he was there. (Fr. Sean Harty)*
- *Brian is deeply concerned that he has been labeled as “homosexual” testing suggests otherwise. Brian visibly relieved. Significant boundary issues. (Dr. Dodgson)*
- *However, in all his testing, Brian provides a limited and constricted accord - little access to the emotional elements. Narrow and blocks out feelings. (Dr. Dodgson)*

¹⁴⁴ Southdown, *Re: Boucher, Fr. Brian*, March 11, 2003.

¹⁴⁵ No name is given, although there seems to be some confusion between Smith* and Jeremy*.

¹⁴⁶ Appendix 8, p. 225.

¹⁴⁷ Msgr. Sean Harty, letter to Archbishop Christian Lépine, January 23, 2020.

- *Fr. Brian has no insight of his impact on others - immature and narrow responses. (Dr. Dodgson)*
- *Dr. Dodgson - "I think you are not letting me see the whole truth Brian."*
- *Two Personalities. Antisocial personality. (Clinical Diagnosis)*
- *"You don't seem to understand the damage you do to other people." (Dr. Dodgson)*
- *(Violence - temper. Two personalities)*
- *Not sure that the therapy will be successful (Dr. Dodgson)*
- *Don't know if he can ever return to full-time ministry. (Dr. Dodgson)*
- *His personality is more akin to that of an autocratic type business man: will try - evaluate monthly (Dr. Dodgson)*
- *"Brian you are at a crossroads" (Fr. Sean)*
- *Cardinal, Tony, Andre are not going to spend years compensating - worrying and feeling vulnerable because of your inability to function happily and effectively within your priesthood. (Fr. Sean)*
- *"You are telling lies." (Dr. Dodgson)*
- *Your file is growing, growing with people who are hurt, confused, angry at your style of pastoral interventions. (Fr. Sean)*
- *Big problem with boundaries. (Dr. Dodgson)*
- *Not to have ministry with young people. (Dr. Dodgson)*
- *No special formation in spiritual direction. (Fr. Sean)*
- *Do not do Spiritual Direction. (Dr. Dodgson)*
- *Southdown has agreed to take him April - Month by month.*
- *Need for me to stay involved monthly. (Fr. Sean)."¹⁴⁸*

The complete assessment report can be found in Appendix 9¹⁴⁹.

The assessment report includes one paragraph on psychological testing of sexual interest using the *Abel* test:

"The Abel Assessment of Sexual Interest was administered in order to clarify the nature of Father Boucher's sexuality. In the questionnaire portion, he denied

¹⁴⁸ Msgr. Sean Harty, *Notes of the March 13, 2003 meeting between Dr. Phil Dodgson, Boucher and Msgr. Harty.*

¹⁴⁹ Dr. Philip Dodgson, *Southdown Institute, Assessment Report*, undated, Appendix 9, page 227.

engaging in any sexually deviant behaviour. He did not show signs of cognitive distortions about children and sexuality, suggesting that he has awareness that sexual activity and involvement with minors is inappropriate and harmful. As noted, his defensiveness on this test was high. However, he did acknowledge that he will fantasize sexually about adult women. Results of the visual portion of the test corroborated his self-reported heterosexual interest. Finally, the pattern of his responding does not closely match those who have molested children.”¹⁵⁰

I discussed the usefulness and reliability of this test with Dr. Michael Sy, currently the Assessment Team Leader at Southdown in a phone interview on April 23, 2020. He was co-director of the Assessment program in 2003 together with Dr. Dodgson.

“PC : ... and we’re talking about the Abel assessment of sexual interest.

MS : Okay, page 9?

PC : Yes.

MS : Okay.

PC : Now, I've been reading up on it, in 2003, that test was already a bit controversial.

MS : M'hm.

PC : There’s no note here about the validity or not or, you know, the potential risk in putting too much emphasis on this...

MS : Right.

PC : ... it’s just taken, right?

MS : Right, right.

PC : And you know, I've read that there were peer review journal articles already in 1999 questioning the methodology of the Abel test.

MS : It has been... It has... It has been questioned, yes.

PC : And none of this is mentioned here and it comes... and the result of this test is that he has... He shows no sign of cognitive distortions about children and sexuality...

MS : Yes.

PC : ... his awareness...

MS : That means...

¹⁵⁰ *Ibid.*

PC : Yes.

MS : ... that means that it says that this person knows that this is not a good thing to do that.

PC : Right, yes, I understand.

MS : Yes.

PC : As noted, his defensiveness in this test was high. However, he did acknowledge that he will fantasize sexually about adult women.

MS : Right.

PC : Frankly, if the issue was, even then, young men, it would be pretty easy for somebody to admit, which is, he acknowledged fantasizing about adult women...

MS : Sure, sure.

PC : ... it would be a pretty good way of avoiding the issue.

MS : Yes, that would be part of the defensiveness, yes.

PC : Right. So, this seems to me a fairly problematic test, given what happened...

MS : Yes.

PC : ... and then, at the end, it says, well, « Finally, the pattern of his responding does not closely match those who have molested minors. »

MS : Right.

PC : Now, I could not find anything else in any of the reports, be it the assessment report or the reports of therapy by Dr. Mikail over the next six months, any other semi-objective at least attempt to understand whether there was a risk to minors.

MS : I think you're right there.

PC : And it... it worried me the first time I read it. So, after that, and again, it says «Diagnostic impressions: he's being less than candid », but at the end, it says... at the end of the assessment, just before the diagnosis...

MS : Yes.

PC : ... it says « In regard to boundaries with young males, his interest in them appears to be more about psychological control than related to sexuality. »

MS : Right.

PC : Where does that come from?

MS : That, I think, let me find that, what page are you on, Madam?

PC : Page 10, just before the diagnosis.

MS : Okay. What that is, I think that... Again, I can, you know, read it, what Phil was saying, but I think when somebody writes this, essentially it says that we're dealing with somebody who has more impulse control issues.

PC : But I'm asking where does that... what is that justified on, what... what is it in the assessment that points to the fact that it is more about psychological control than sexuality? Is it just the Abel test?

MS : No, no, it's based on the other tests too in terms of what the MMPI, the MCMI say that... say.

PC : They would point out to what exactly?

MS : For instance, if Boucher's profile indicated a hypervigilant style...

PC : Yes.

MS : ... okay, that's one piece there, "having devoted considerable effort to what is right and proper", you know, that's another line.

PC : But how does that exclude the sexual component of his behaviour?

MS : That could include it, he could just be so hypervigilant that he would deny them or not, you know, or not acknowledge it. If we're dealing with somebody who's very strong in denial, very strong in externalizing...

PC : Now, my question is after that assessment, the sense that the Church hierarchy got was that here is a very damaged, potentially, person, but it doesn't... it doesn't appear to show any kind of risk of sexual abuse to minors, that that's almost eliminated by this assessment.

MS : At this... at this level, I think yes, if there was no mention of any risk assessment, yes.

PC : And that was done on the basis of the Abel test?

MS : And... Yes, based on the Abel test and also based on the... what's really emerged strongly, if you look at it, if we're really looking at the axis to diagnosis...

PC : Yes.

MS : ... so, you're dealing with somebody who's got features of antisocial, obsessive-compulsive and narcissistic.

PC : Right, which... which are perfectly compatible with being an abuser?

MS : Yes, it can be, yes.

PC : I'm not saying they indicate being an abuser, but they're definitely not incompatible with it?

MS : They're not incompatible, yes.

PC : So, my concern is that given the way the... this report was drafted, it sort of washed away the risk of being an abuser of minors or just a sexual abuser, period?

MS : Well, I don't think it... it addresses it.

PC : Well...

MS : I don't think it washes it away, I can't tell you what was in Phil's mind.

PC : No, I don't... No, I'm just looking at what's written, I'm looking at it from the point of view of the Bishop or of Monseigneur Harty who reads this. It says «Finally, the pattern of his responding does not closely match those who molested minors», I'm talking about that Abel assessment of sexual interest paragraph.

MS : Right.

PC : And based on that, and he has awareness that sexual activity and involvement of minors is inappropriate and harmful, I mean I think you can be aware of that and if you have a narcissistic antisocial obsessive-compulsive personality, you might indulge in it anyway, even if you know that it's not a good thing.

MS : Right.

PC : Okay. So, but you know, that brought a bit of concern to me, because if you look at the story of what happened to Boucher, he was brought back into ministry.

MS : Yes.

PC : Now, we happen to know now that prior to his going to Southdown, he had already abused at least one child...

MS : M'hm.

PC : ... and that after that, he abused at least one more, leaving aside the adults that he abused, the young adults he abused.

MS : M'hm, m'hm.

PC : So, obviously with the benefit of hindsight, we know that that Abel test is not...

MS: It was not, he faked it.

PC: Yes, and that would...

MS: He faked.

PC: Exactly, and that seems so apparent to me that he might have faked it, because of everything else that the report says, that I don't understand why no red flag was raised about the validity of its results.

MS: Yes. I need to tell you something about the Abel, which was also what I think of its criticism.

PC: Yes.

MS: What the scales are really, it picks up when it says « Pedophile »...

PC: Right.

MS: ... it picks up people who are pre-pubertal.

PC: Yes.

MS: It is not that clear once, once the... the target population is post-pubertal, that's been one of the problems with the Abel.

PC: But that's not mentioned in the report as a warning.

MS: Yes, I know.

PC: So, Boucher gets white-washed by this report, without any indication of what should have been a warning.

MS: Well, I think, again I can't say what Phil's mind was, but I guess if you interpret the results, that's what the Abel will say, he did not score high in the scales that would indicate somebody who had an interest in pre-pubertal.

PC: Right, yes, he liked young adolescents, that was his...

MS: Yes, yes.

PC: And, but nowhere, it doesn't say "this test applies primarily to..."

MS: Right.

PC: ... pedophiles who are interested in children and not post-pubertal young adults, young teenagers".

MS: Yes, yes. Now, I have to tell you this, I do not have the Abel test in front of me, because when you look at the profiles of the Abel, what it will show, which is not unusual, let's say, you know, somebody shows interest in post-pubertal and adults, okay, that pattern is what you would see, let's say in a heterosexual male,

you would see an interest in post-pubertal girls and adult women, it goes in line, it goes in line with what we call the phenotype.

PC : Yes.

MS : So, that's why the Abel is a bit blurred there. Now, once in a while, you will get somebody whose interests are very clearly defined and there's no interest in post-pubertal and the interest is in exclusively adults, but the grey zone is that post-pubertal stuff.

PC : Right. And you know, if that had been mentioned in the report, maybe history would have been quite different.

MS : Probably, but yes, but no one writes that in those reports.

PC : Why not?

MS : I don't know.

PC : Aren't you supposed to explain what the... what the test's purpose is and what it does show, what it doesn't show?

MS : I know you should.

PC : Especially when at the time, and I know you don't have these documents with you, but one of the letters that was sent, and I was at Southdown myself, I met with Dr. Kappler and I saw it in the file, it was a letter from a pediatrician and it's even mentioned in the referrals, a pediatrician who said that he was hanging out with young boys under... under-aged young boys and that they were... it was actually a pediatrician and two other couples and they were very concerned.

MS : Right.

PC : So, with that information, I'm finding it extremely disconcerting that a conclusion would be made that well, you know, he doesn't molest minors.

*MS : I agree.*¹⁵¹

The controversy around this test is well summarized in an article published in *The Atlantic*¹⁵².

¹⁵¹ Interview of Dr. Michael John Sy, April 23, 2020, p.22-31.

¹⁵² Chammah, Maurice "The Sex-Offender Test: How a computerized assessment can help determine the fate of men who've been accused of sexually abusing children" in *The Atlantic*, July 9, 2015 (<https://www.theatlantic.com/politics/archive/2015/07/the-sex-offender-test/397850>). See also *In Re CDK*, 64 S.W.3d 679 (Tex. App. 2002) where appellate judge Brian Quinn disputed the attempt to use the Abel test to prove "deviant sexual interest": "*In describing the Abel Assessment, Mack (the expert) mentions two*

As a result in large part of the findings from this test, the Assessment Report concludes that: *“In regard to boundaries with young males, his interest in them appears to be more about psychological control than related to sexuality”*¹⁵³. This opinion will follow Boucher during his treatment at Southdown and for the next 12 years it will be instrumental in dismissing past and future expressions of concern about his closeness to young boys. As Msgr. Harty wrote in his letter to Archbishop Lépine on January 23, 2020:

*“Nor did the reports from Southdown suggest a predisposition to such heinous activities.”*¹⁵⁴

Only with Bishop Dowd’s investigation at the end of 2015, will the Southdown report be contextualized.

A clear warning as to the margin of error in the results obtained from the Abel and other psychological tests would have at least alerted the Church authorities that this report did not wash away all risk of sexual abuse of minors. This is particularly evident given the high level of defensiveness noted by the assessment team and their diagnostic impressions:

“Father Boucher presented as highly composed and denying psychological problems. Moreover, he expressed surprise at a number of the concerns that were raised, claiming that he was unaware of the extent of the problems that

components. They consist of a supposed "objective" aspect involving reaction time to sexually laced pictures and a subjective aspect involving self-analysis through the completion of a questionnaire. Also discussed is what the person administering the test does with it once it is completed by the subject; the raw data is sent to Dr. Abel in Atlanta, Georgia. Mack then describes what he does with the information returned by Dr. Abel. Yet, the sum and substance of evidence describing what Dr. Abel does to the data he receives consists of Mack’s testifying that the doctor applies some "formulas" to it and plots the results on graphs. This is of particular import because it is the sum of Abel’s work which is then interpreted by individuals such as Mack to derive the subject’s sexual deviancy and dangerousness via the "danger registry" and like concepts. In short, of what the formulas applied by Abel consist, how they were derived, and whether they have ever been subjected to analysis or testing goes utterly unmentioned by Mack or anyone else. For all we know, they and their components could be mathematically based, founded upon indisputable empirical research, or simply the magic of young Harry Potters’ mixing potions at the Hogwarts School of Witchcraft and Wizardry. Again, Mack simply interpreted the "information" returned from Atlanta. How that undeniably pivotal "information" was contrived or applied by those in Atlanta remains a mystery, given the record before us and the trial court.” (emphasis added)

¹⁵³ *Supra*, footnote 149149.

¹⁵⁴ *Supra*, footnote 147147.

were identified. He denied any wrongdoing with the student who wrote the letter of complaint. He offered that this student is disturbed psychologically and this accounts for his fabrication of events suggesting major boundary violations on Father Boucher's part.

Father Boucher appears to have been less than candid. He appeared to avoid answering questions, to minimize the problems that he has had and to blame others for the problems that arose.

Assessment indicates concern about (1) Father Boucher's lack of self-awareness; (2) the likelihood that he has violated emotional boundaries and is both minimizing and denying the extent; (3) his insensitivity to others' emotional needs; and (3) (sic) his level honesty in reporting what has actually occurred. While Father Boucher does not appear to have the history of criminal activity associated with Antisocial Personality Disorder, his behaviour is quite consistent with this kind of personality organization. (...)

In regard to boundaries with young males, his interest in them appears to be more about psychological control than related to sexuality."¹⁵⁵

The principal diagnosis at this point was "**Personality Disorder Not Otherwise Specified with Features of Antisocial, Obsessive-compulsive and Narcissistic Personality**"¹⁵⁶.

The concluding recommendations were very serious:

"Father Boucher is considered to be at risk for emotionally exploiting vulnerable individuals, particularly young men. He denies having any problems, and this makes the prospect of addressing this situation more difficult. Outpatient psychotherapy is unlikely to be intensive enough to address his problem. Moreover, prognosis is not good overall. Individuals with Father Boucher's personality organization rarely ask for help, and lack the motivation to change.

Should treatment be considered, a residential approach is best. Father Boucher requires support and challenge to help him more honestly examine his feelings, motivations, and behaviours. Group therapy would permit feedback from others and exploration of interpersonal dynamics. Once again, it is unclear whether such treatment would resolve his personality problems adequately to be considered pastorally responsible in his role as a priest, his motivation and openness is a

¹⁵⁵ *Supra*, footnote 149.

¹⁵⁶ *Ibid*.

critical factor in this. Consequently, Father Boucher's honesty and motivation in any future treatment should be appraised on an ongoing basis."¹⁵⁷

Given the disturbing conclusions of this report, the Church authorities had to decide whether to pursue the path of therapy. At a time when priests were leaving the ministry, the loss of a fully trained priest was not to be considered lightly. Msgr. Harty wrote the following to Dr. Samuel F. Mikail, the therapist who would undertake Boucher's therapy:

"As you are aware, we are experiencing a grave shortage of ordained ministry currently within the Catholic Church, and Montreal is not immune to the problems that shortfall creates - Fr. Brian is 40 years old, fluently bilingual, in good physical health, and has been educated by our diocese for what would have been hopefully, a happy term of some 30 years or more as a priest in active ministry.

*Can you understand, and in your opinion can Fr. Brian understand, how alarming and unsettling Fr. Brian's psychological state is to the ecclesiastical authorities, that they feel they have no choices but to remove his faculties?"*¹⁵⁸

He also wrote to Boucher:

"The Cardinal and his chief advisors are gravely concerned about your ability to ever function well and effectively in priestly ministry.

These concerns do not emanate solely from the report but in conjunction with evidence of your past behaviors.

(...)

The principle finding: features of antisocial personality traits combined with a principle diagnosis of narcissistic personality, has raised many concerns not only about your suitability for priestly ministry, but to be equally candid: How was it possible that you were ordained?

Brian, as we speak, it is very unlikely that you will be given a pastoral mandate. The Cardinal strongly suggests that you begin to seriously rethink your vocational options. He is prepared to assist you with Vocational Counseling and a period to retrain in another career.

The line from the report which says individuals with Fr. Boucher's personality organization rarely ask for help and lack the motivation to change, would seem to

¹⁵⁷ *Ibid.*

¹⁵⁸ Msgr. Sean Harty, letter to Dr. Samuel F. Mikail, undated draft copy.

be consistent with their experience with you and your experience at Southdown to date."¹⁵⁹

So, Boucher stayed on for another month at the end of which his future in the priesthood was to be re-examined.

The tone of the following reports is of its time: psychodynamic therapy, with its Freudian overtones, was the therapeutic approach of choice. The objectives for his treatment were set out in the first month report of May 12, 2003:

"(...)

The first objective involves heightening Father Boucher's awareness of his interpersonal patterns, particularly his maladaptive need for psychological control over others and his tendency to appear secretive and guarded.

(...)

The second objective revolves around assisting Father Boucher in his efforts to achieve a greater awareness and integration of his sexuality and exploring his ability to live his promise of chaste celibacy with integrity.

(...)

The third objective has been to explore Father Boucher's reaction and adjustment to the possibility that he may not be able to exercise his priestly ministry publicly."¹⁶⁰

All issues of sexual abuse are omitted, the focus being on a generalized "*integration of his sexuality*".

Dr. Samuel Mikail believed that Boucher was ready to make the effort necessary to enter the treatment process. He concluded this report thus:

"The treatment team is prepared to continue working with Father Boucher with the hopes of advancing his ability to work towards some resolution of the ministerial issues. However, while I cannot hold out the promise that this issue

¹⁵⁹ Msgr. Sean Harty, letter to Boucher, undated draft copy.

¹⁶⁰ Dr. Samuel F. Mikail, Southdown Institute, *First month report to Msgr. Sean Harty*, May 12, 2003.

will be fully resolved by the end of the treatment, he will be able to live a far less conflicted life than he might have without your support of his healing process.”¹⁶¹

Cardinal Turcotte wanted to stop the treatment after the first report, but Boucher wrote to him asking to be allowed to continue with the treatment: *“I truly believe that I need to continue the program in order for healing to occur so that I may live a healthy life free from fear and inner turmoil”¹⁶²*. Boucher had clearly learned the right vocabulary.

Cardinal Turcotte changed his mind: Boucher would stay for the full six-month duration of the treatment.

On July 4, 2003, Dr. Mikail sent his three-month report to Msgr. Sean Harty.

The emphasis was squarely placed on Boucher’s family relationships as being at the origin of his behaviours.

In this, he kept the same three-part format in terms of the objectives sought. Under the first, *“heightening Father Boucher’s awareness of his interpersonal patterns, particularly his maladaptive need for psychological control over others and his tendency to appear secretive and guarded”¹⁶³*, Boucher’s behaviour was attributed to his relationship with his twin brother and his father:

(...)

During adolescence, his twin began to individuate at a rate and in a manner for which Father Boucher was unprepared. Father Boucher found this phase of his life both jarring and psychologically disconcerting. His emotional upset was intensified by the feeling that he had begun to lose his primary source of support and intimacy in the context of a family environment that often felt threatening and disconnected. For much of his adult life, Father Boucher has struggled with this emotional fracture and the resultant sense of loneliness. In the course of individual psychotherapy Father Boucher has come to understand that his tendency to become enmeshed with younger men was driven by an unconscious desire to replicate the bond he had with his twin.

¹⁶¹ *Ibid.*

¹⁶² Brian Boucher, letter to Cardinal Jean-Claude Turcotte, May 23, 2003.

¹⁶³ Dr. Samuel F. Mikail, Southdown Institute, *Three-month report to Msgr. Sean Harty*, July 4, 2003.

Father Boucher acknowledged that he had a covert desire to exercise emotional control and power over young people. At times he actively gravitated toward people who were less powerful than he. It is important to note that this need has not been sexually based. Rather, this aspect of his interpersonal pattern parallels the psychological control that Father Boucher was subjected to by his own father.”¹⁶⁴

(Emphasis added)

Nothing in the report, however, explains the statement that “*this need was not sexually based*”.

In my discussion with him, Dr. Sy could not explain the basis for this statement:

PC : “But it has to do with a psychological control that Father Boucher was subjected to by his own father”. First of all, that could even be an indication of abuse, but we’re not going to go there.

MS : We’re not going to go there, yes.

PC : Okay, but where does this statement that the need was not sexually-based come from? Did you find any... I mean, I read the stuff, I think I know right off by heart, I’m trying to... I’m trying to understand it, to understand why Monseigneur Harty and Cardinal Turcotte gave this guy a parish.

MS : Yes. Because again, all I can say, because, okay, knowing Sam is a psychodynamic therapist...

PC : Yes.

MS : ... so, I can see how this formulation would have been made, how and based on what, I frankly cannot, I don’t know.

PC : But it’s not... it’s not obvious from what we’re reading anywhere.

MS : Yes, it’s not obvious, yes.”¹⁶⁵

This is important because it was later used as further justification in dismissing Boucher’s potential as a sexual abuser.

¹⁶⁴ *Ibid.*

¹⁶⁵ Interview of Dr. Michael John Sy, *supra*, footnote 151, p. 36-37

Under the second objective, “to assist father Boucher in his efforts to achieve a greater awareness and integration of his sexuality and in exploring his ability to live his promise of chaste celibacy with integrity”, Dr. Mikail related a complaint made by Boucher:

“Recently, Father Boucher began to speak of the discomfort he experienced in response to the physical advances made toward him by one of the priests in his rectory. Father Boucher noted that he did not take direct action in response to these. He added that it was his impression the other priests in the rectory also ignored the situation, leading to a collective stance of passivity and silence. Father Boucher came to the awareness that his silence in this matter was motivated by his idealization of this priest and the reality that during Father Boucher's late adolescence and early adulthood, Father Boucher viewed this priest as a father figure.”¹⁶⁶

No mention is made in the report of any verification of this allegation. According to Dr. Sy, a therapist can indeed attempt to verify statements made by a patient that do not appear believable¹⁶⁷. Given the history of the complaints made against Boucher and of his repeated lies during the assessment process, one may wonder why this was not checked.

In fact, Msgr. Coyle recounted to me an incident at St. Patrick’s where Boucher accused Msgr. Barry Jones, an elderly priest in residence, of having made a pass at him. Boucher wrote to Cardinal Turcotte about it and the Cardinal later asked Msgr. Coyle whether that was true, which Msgr. Coyle denied vehemently:

“PC: ... now in your letter you mention you want this to stay very private and confidential because you were afraid of being sued. Did Boucher threaten lawsuits?”

FC: Yes, he did. This is what happened, Monsignor Jones was a former pastor, was living in here...

PC: Hum, hum.

FC: ... and he was about seventy-five, he knew Brian from Dorval years, and years and years and years ago.

PC: Hum, hum.

FC: And they seemed to be friendly at times and at times they weren’t friendly, and Brian used to make fun of him and say, the old drunk and this and that, and I’d

¹⁶⁶ *Supra*, footnote 163.

¹⁶⁷ Interview of Dr. John Sy, *supra*, footnote 151, p.38.

say, *Excuse me, I'd say, you know he's a Monsignor, and he says, Oh yeah, but he's an old fart, he's an old drunk and he would abuse him, and there he didn't even know that, and there, sometimes watching television he'd put his arm around Brian, like, like, like a father...*

PC: *Hum, hum.*

FC: *... and when I asked Brian to leave here, he wrote a letter to Cardinal Turcotte saying that...*

PC: *Who did, I'm sorry, who did?*

FC: *Brian Boucher...*

PC: *Okay.*

FC: *Now I don't know where that letter is but I know that letter existed because I was called in by the Archbishop himself, Cardinal Turcotte to ask me this, he said, "Did Monsignor Jones ever aggress Brian Boucher?"*

PC: *Oh my god!*

FC: *I said, What! I said, he's seventy-five year's old, he's an old man! And Brian is six foot, he can certainly punch him in the mouth, I said, that's absolutely false. He wrote that because that's what he does, and that's where the suing was going to come in that I was also a gay priest, and all this and that, whether I am or not is not the point but the point is, is that he was going to bring us down with him, you see, that's what he does.*

PC: *So he wrote...*

FC: *I don't know where that letter is but oh boy, oh boy...*

PC: *I've never seen it.*

FC: *Well, I guess it was...*

PC: *Yep, I've never seen that letter...*

FC: *Because that was part of, that was part of my fear, that was part of my fear and he always, always said "I'm going to sue you", always, yeah. I forgot about that part.*

PC: *Okay so Brian Boucher wrote a letter...*

FC: *Yeah, yeah.*

PC: *... to the Archbishop...*

FC: *Yeah.*

PC: *... complaining about advances by Monsignor Barry Jones?*

*FC: Yes, and Cardinal Turcotte was very concerned and called me in, sat me in his living room and we spoke about it and he was concerned about that, and I said, absolutely in no way did Monsignor Jones have any desire for that, I mean, he was an old man, he was content to have his gin and watch TV and I guess that's what angered Brian, I don't know. I don't know."*¹⁶⁸

There is an obvious parallel to be made here with the events leading to the final investigation into Boucher's behaviour in 2015. On October 22, 2015, Boucher called Bishop Dowd to complain about having been sexually abused by a younger man, but, as it was later discovered, the reverse had been true. Whenever Boucher felt that his own situation was getting too hot to handle, he went on the attack as a deflecting move.

The final report from Dr. Mikail was sent on September 22, 2003¹⁶⁹.

Under the heading of the first objective, Dr. Mikail noted Boucher's greater self-awareness:

*"Over the course of treatment Father Boucher came to realize that his ongoing effort to differentiate from his parents and his twin would involve a certain degree of existential loneliness that cannot be filled by others. In the past few months he has become more tolerant of such loneliness."*¹⁷⁰

When discussing the second objective, Dr. Mikail referred in greater detail to "the complaint letter", which, I presume, is the Smith* letter:

"Initially, Father Boucher's understanding of sexuality and sexualized behavior was rather narrow. In the first few months of treatment, he was guarded and somewhat dismissive of the concerns expressed in the letters of complaint that precipitated the need for treatment. Father Boucher was encouraged to review carefully the contents of the complaint letter.

Emphasis was placed on heightening his awareness of the manner in which others experience him. Specifically, Father Boucher worked with the feedback that at times others experience him as intimidating. Initially, he interpreted this feedback rather concretely, attributing it to his height and size. Gradually, however, he began to acknowledge behaviors that were passive aggressive and dismissive of others. This work was further deepened when Father Boucher

¹⁶⁸ Interview of Msgr. Coyle, *supra*, footnote 127136, p.26-28

¹⁶⁹ Dr. Samuel F. Mikail, Southdown Institute, *Final report to Msgr. Sean Harty*, September 22, 2003.

¹⁷⁰ *Ibid.*

came to the awareness that such responses were triggered by feelings of powerlessness, insecurity or fear. Father Boucher was able to place this behavior pattern within the context of his relationship with the complainant as well as several brother priests.”¹⁷¹

No question of inappropriate *sexual* behaviour is raised here.

Nor is it clearly mentioned in the final summary and recommendations:

“(…)

In summary, I would note that members of the treatment team feel that Father Boucher has made significant progress beyond his initial defensiveness, mistrust and anger. Over the past six months he has taken an honest look at himself and the varied ways in which his behavior has been a source of pain, tension and anxiety for others as well as himself. As Father Boucher prepares to leave residential treatment, the team would offer the following recommendations:

- (1) That Father Boucher continue in individual psychotherapy with a focus on facilitating his re-entry, solidifying the growth that he has realized, and continuing to heighten his awareness of his sexuality and the manner in which it becomes expressed.*
- (2) That Father Boucher engages in ongoing spiritual direction.*
- (3) That Father Boucher continue to employ various sources of emotional and spiritual support, including identifying and working closely with a designated support person and continuing to attend a local priest support group.*
- (4) That Father Boucher is placed in a living situation that offers ongoing support and minimizes the opportunity for secrecy, isolation and interpersonal withdrawal. (Emphasis added)*

The final recommendation is critical, as the progress noted above has occurred within a highly structured, supportive, albeit emotionally intense environment. Father Boucher is likely to return to an environment that will certainly have its own degree of emotional intensity. However, efforts to create structure and seek needed support will be entirely under Father Boucher's volition and will need to be established deliberately during this period of transition.

¹⁷¹ *Ibid.*

Finally, for purposes of your records, I would note that Father Boucher's initial diagnosis has been modified. The discharge diagnosis is:

Axis I: Generalized Anxiety Disorder

*Axis II: Personality characterized by Obsessive-Compulsive, Narcissistic and Dependent Traits.*¹⁷²

I thought it very important to discuss these recommendations with Dr. Sy as they were the basis for the future decisions made by the Church authorities in regard to Boucher's assignments.

I asked him whether the first recommendation regarding the "expression of his sexuality" was "code" for anything else. He answered:

MS : It's not code for anything in the sense of... you know, it's not "it's a code for something". We use the term "sexual expression"...

PC : Right.

MS : ... and that can cover anything, you know, it contains a code, you know, that we don't want to say it will be his homosexual activity and all that, that sort of thing, but it's not code for sort of saying, you know, this guy did something very bad. It's like okay, take a look at how he expresses or acts out his sexuality.

PC : But all along, they said that that hasn't been an issue.

*MS : Yes, I get it, yes.*¹⁷³

The second and the third recommendations dealt with his spiritual growth and his need for a support group.

The most important recommendation is the fourth, which unfortunately suffers from the greatest opacity. Dr. Sy and I discussed it at length:

PC : And then, we get to number 4.

MS : Oh yes, okay.

PC : I missed...

¹⁷² *Ibid.*

¹⁷³ Interview of Dr. Michael John Sy, *supra*, footnote 151, p.41-42.

MS : This, you see, I'm frustrated by this report.

PC : You are or I am?

MS : We're both.

PC : Yes, thank you. What does that mean, to minimize the opportunity for secrecy, isolation and interpersonal withdrawal, we're talking about a priest.

MS : Right, okay. So, what this really says is that he's got to be living in a situation, you know what this is, this is the new word, the word we're using these days of « accountability ».

PC : Oh, that's what it meant.

MS : Yes.

PC : That's what I thought it meant.

MS : Yes, that's what... you know, that is not a code, but that's... you know, the term «accountability » was still on the horizon and that had not quite made it to mainland.

PC : But you understand that when I read this, to me, the first time I read it, I said « Okay, this is code for the guy should not really be left alone to do anything on his own. »

MS : Yes. Now, this is "accountability".

PC : It was interpreted as meaning "Well, it's not good for him to live alone, he should have somebody to talk to".

MS : Yes, that's one way you could read it, but it also...it's also saying, you know what, check into this guy.

PC : And you know, these are not clear recommendations.

MS : I beg your pardon?

PC : These are not very clear recommendations.

MS : I would tend to agree, we wouldn't write something like that now in 2019, 2020, we would not.

PC : Unfortunately, it was.

MS : Yes.

PC : So, it does mean "accountability". So, I was right when I first thought that.

MS : Yes, yes.

PC : And then, it talks, this final recommendation is critical, okay.

MS : *Right.*

PC : *So, you know, I think some of this code words are...I mean if I picked them up, somebody ought to have picked them up, but the... what I hear from anybody who was in charge at the time is “ Look, they gave him... they said he was okay.”*

MS : *I can see why they would come to that conclusion.”¹⁷⁴*

I also thought it important to discuss the change in the final diagnosis with Dr. Sy:

“PC : Then also, his diagnosis has changed, so he had a personality disorder in the assessment, which is a pretty serious thing to have...

MS : *Right.*

PC : *... and now, he’s only got dependent traits.*

MS : *Right.*

PC : *How does that happen?*

MS : *I beg your pardon?*

PC : *How did that diagnosis change?*

MS : *How does that happen? Well, I don’t know, I don’t know. Okay. I went to look at it and it really... it really doesn’t matter to me whether I diagnose he has a disorder or not, as long as already mentioned the narcissistic piece and obsessive, it’s like « Look out, boys and girls ».*

PC : *Okay, but you see, because it was taken down a notch... Okay, but you see, because it was taken down a notch...*

MS : *Yes.*

PC : *... it made it looks like he was better.*

MS : *I can see that.”¹⁷⁵*

The impact of this report was dramatic.

Boucher had been “fixed”.

¹⁷⁴ *Ibid.*, p.42-45

¹⁷⁵ *Ibid.*, p.45.

Dan Cere referred to a conversation he had with Msgr. Harty after Boucher's discharge:

*"...there's issues of immaturity with Father Boucher but he was reassuring me that everything was fine now. He had this wonderful, almost miraculous time, at Southdown."*¹⁷⁶

According to Msgr. Sean Harty, Southdown had fulfilled the mandate to fix Boucher so he could go back to work. This was considered particularly important given the high cost of the residential treatment he had received there. Cardinal Turcotte had expressed his concern over the cost to Msgr. Harty *"but they wanted him to be back healthy."*¹⁷⁷

Boucher received a double assignment upon his return from Southdown: he would be chaplain at the Lakeshore Hospital (a half-time position) and be responsible for Pastoral Care at the West Island Palliative care residence while taking up residence at St. Luke's Parish, where he would have no special ministry.

*"In addition to this ministry, after you have had an opportunity to orient yourself to it, I am proposing that you offer regularly, a preaching ministry to those pastors in the West Island who do not have assistants or deacons who preach: i.e. St. Edmund's, St. Luke's, St. David's. I propose this in keeping with the requirement of the Archbishop that your ministry not be a mandate to a particular parish. In addition, you will be providing a much-needed support to these pastors."*¹⁷⁸

This went somewhat further than what Msgr. Harty had initially recommended to the Cardinal. On September 25, 2003, he had suggested:

"(...)

That Fr. Boucher take up residence at St. Luke's Parish, without any mandate for pastoral work in the parish, for an undetermined length of time (to be reviewed quarterly).

*That Fr. Boucher confine his ministry to the care of the sick in the hospital and residences."*¹⁷⁹

(Emphasis added)

¹⁷⁶ Interview of Prof. Dan Cere, *supra*, footnote 95, p.75.

¹⁷⁷ Interview of Msgr. Sean Harty, April 20, 2020, p.71

¹⁷⁸ Msgr. Sean Harty, letter to Brian Boucher, October 16, 2003.

¹⁷⁹ Msgr. Sean Harty, letter to Archbishop Jean-Claude Cardinal Turcotte, September 25, 2003, Appendix 11, page 232.

I asked Msgr. Harty how he had interpreted the fourth recommendation in the Southdown report. He understood it to require that Boucher should be in a rectory or in a residence where he would not live alone¹⁸⁰. His main concern was that Boucher not be allowed to do spiritual direction and he advised Father Roger Martineau, pastor of St. Luke's, of this.

Msgr. Harty admitted that Boucher had no training in hospital work, but that the assignment was seen as "*a stop-gap measure to reintroduce him slowly into public ministry*"¹⁸¹.

Unfortunately, Fr. Martineau is deceased and I could not ask him about Boucher's stay at the rectory.

I heard, however, from Deacon Bill Jones*. He told me that he had been warned by Deacon Gerald Lismer*, now also deceased, to "*watch out for his boys*"¹⁸² when they were altar servers at St. Luke's. He also recounted that Gerald Lismer* told him that he had spoken or written to the Diocese about his concerns regarding Boucher and that he was later threatened by Boucher who had pushed him against a wall and warned him, "*never to do that again*"¹⁸³. I attempted to obtain more information from Deacon Lismer*'s widow, but she could not tell me more than "*her husband told her that Boucher was not a good person and should not be there*"¹⁸⁴.

Steve Brown* told me that Deacon Lismer* had organized concerned parishioners in order to have Boucher removed from St. Luke's¹⁸⁵. This corroborates the incident told to me by Deacon Jones*. When I discussed Boucher's stay at St. Luke's with Msgr. Harty, Gerald Lismer*'s name was never mentioned. Msgr. Harty only remembered a different incident, with Deacon George Henny*. Steve Brown*'s version of this event is that his father witnessed Boucher push George Henny* to the floor. When I spoke to him, Msgr. Harty's recollection was that Deacon Henny* underplayed the event as "*maybe he brushed against him*"¹⁸⁶. However, in a 2011 letter addressed to Cardinal Turcotte, Msgr. Harty's memory had been clearer:

¹⁸⁰ Interview of Msgr. Sean Harty, *supra*, footnote 177, p.79.

¹⁸¹ *Ibid.*, p.82.

¹⁸² Interview of Deacon Bill Jones*, February 19, 2020.

¹⁸³ *Ibid.*

¹⁸⁴ Interview of Sarah Lismer*, June 17, 2020.

¹⁸⁵ Interview of Steve Brown*, May 14, 2020.

¹⁸⁶ Interview of Msgr. Sean Harty, *supra*, footnote 177, p.97-98.

“Deacon George Henny came to see me and told me that “Fr. Brian had shoved me up against the wall in the Sacristy.”¹⁸⁷*

I interviewed Deacon Henny*. He told me that one day, when Fr. Martineau was away, Boucher was asked to preside mass. As was customary at St. Luke’s, Deacon Henny* had taken care of the arrangements. He had asked a young woman to sing, but Boucher refused to let her, much to her mortification.

When Deacon Henny* attempted to speak with him about this after the mass, Boucher became enraged and threatened him by becoming aggressive and advancing right into him. The Deacon felt intimidated by this much bigger and younger man in a violent temper and backed away¹⁸⁸.

Deacon Henny* told me that he spoke about this with Gerald Lismer* who recommended that he tell Msgr. Harty. When he did so, the reception was cool. Deacon Henny* called back Msgr. Harty to follow up on their conversation, but never received a return call. Boucher, however, attempted a half-hearted apology in an awkward phone call with Deacon Henny* who told him *“You’re trying to save your rear-end”¹⁸⁹*.

Boucher’s appointment at the Lakeshore Hospital was not a success, as Msgr. Harty said to me: *“It did not work, and I considered it to be a failed appointment”¹⁹⁰*. He also told me that he contacted Dr. Mikail for advice then: *“Dr. Mikail told me that, yeah, he’s going to have, you know, he has obsessive compulsiveness and see if you can get his family doctor to give him a prescription for medication that would help with that, and make sure that he’s going back to see his psychologist.”¹⁹¹*

And yet, despite the failed appointments and the concerns expressed by Dr. Mikail, Boucher was appointed pastor at Our Lady of the Annunciation Parish in Town of Mount-Royal on August 30, 2005, for a six-year mandate.

¹⁸⁷ *Supra*, footnote 85.

¹⁸⁸ Interview of Deacon George Henny*, June 16, 2020.

¹⁸⁹ *Ibid.*

¹⁹⁰ Interview of Msgr. Sean Harty, *supra*, footnote 177, p.104

¹⁹¹ *Ibid.*, p.84

Our Lady of the Annunciation Parish (2005-2011)

Msgr. Harty considered the appointments at St. Luke's and the Lakeshore hospitals to have been failures. In his January 2020 letter to Archbishop Lépine, he passed over the decision to send him to Annunciation very briefly: "*After discussion with Cardinal Turcotte and the OPPS (sic) it was decided to give Brian an opportunity to pastor in a small community*"¹⁹².

In our interview, he described the appointment process in greater detail.

It was first discussed that he could go for graduate studies so that he could eventually teach at the seminary. Msgr. Harty thought it might be a good move: "*And I said yeah, yeah, that's potential that's not a bad place, I said, you know he could go there, and the seminary is now filled with mature candidates, very mature candidates, some of them are grandfathers.*"¹⁹³ Obviously, young men were still a source of concern.

The idea of graduate studies was, however, dismissed by Cardinal Turcotte. As related by Msgr. Harty, Cardinal Turcotte believed that the Diocese had spent enough money on Boucher at Southdown.

The option of staying on at St. Luke could not be envisaged: "*So I said, okay, so I said, I don't think it's fair that he stay at, I think Roger Martineau is getting, he's getting you know antsy and he's not as comfortable with Brian as he once was*".¹⁹⁴

The discussion continued and someone asked if there was a "*small parish*" Boucher could go to. Msgr. Harty relates having raised the issue that Boucher would be alone in a small parish. He suggested instead that he live in the Cathedral but:

"SH: Yeah and that did not go well. I think, I think because that's a little bit of a, that's a little bit of a gossip mill in the Cathedral, and I don't know whether it was the Cardinal or maybe Tony (Mancini) that said, you know that won't be good for him there, but I said, you know, I was thinking well he's got supervision there but that wouldn't be good for him there, you know because Brian's bilingual I thought he could go as a part-time assistant at the Cathedral..."

¹⁹² *Supra*, footnote 147.

¹⁹³ Interview of Msgr. Sean Harty, *supra*, footnote 177, p.100

¹⁹⁴ *Ibid*.

PC: Hum, hum.

SH: ... that did not seem to wash, did not seem to go over. And, again, I was the low person on the totem pole here.”¹⁹⁵

Finally, Msgr. Harty went along with the appointment:

“SH: ... I had enough trust and hope that the Southdown experience, the ongoing psychological training, the relationship that I had built up with him which I had significantly invested in, significantly invested in, in terms of coaching, mentoring.”¹⁹⁶

When I discussed this appointment with Archbishop Mancini, he denied having been involved in this decision:

“PC: ... he was given a parish, did you have anything to do with his being given a parish?

TM: Not, I did not suggest it, I did not recommend anything. I knew that this parish was being suggested for him. The parish that he was going to was a parish that where people knew him, and it seemed like it might be a good thing but that was about it.

PC: But did you have to approve of it, did you have any role to play in that decision?

TM: No. That was done through the Personnel Committee and through the office of Pastoral Personnel, and those recommendations were brought to the Cardinal who accepted those unless there were obvious reasons for him not to accept them.

PC: And you never...

TM: That’s the way it was done.

PC: And you didn’t ask to have access to the recommendations of Southdown?

TM: No, I didn’t.”¹⁹⁷

I spoke to Msgr. Fortier, who had been director of OPP at that time. He vehemently denied having been at all involved in that appointment, as it had been in the hands of the English-speaking hierarchy¹⁹⁸.

¹⁹⁵ *Ibid.*, p.102-103.

¹⁹⁶ *Ibid.*, p.103.

¹⁹⁷ Interview of Archbishop Anthony Mancini, *supra*, footnote 89, p.84-85.

¹⁹⁸ Interview of Msgr. Jean Fortier, May 4, 2020, p.7.

Boucher was appointed pastor at the Annunciation Parish in Town of Mount Royal on August 30, 2005, for a period of six years starting August 31, 2005. Boucher replaced a very well-loved pastor, Fr. Lawrence MacEachen, who was asked to take over a new assignment in another parish.

Once more, complaints started pouring in immediately.

This is Msgr. Harty's recollection of a first meeting:

"The Annunciation Years:

Immediately after Brian's nomination to Annunciation parish was made known I received a delegation from the parish asking that his nomination be cancelled. The focus of the meeting was not focused on Brian rather they did not want to lose their much loved pastor Fr. MacEachen. There were three delegates from Annunciation, Fred Paton, David Dubois, and the Mayor of Ville Mont Royal, Vera Danyluk. The purpose was to reverse the nomination. Some 15 minutes into the meeting the strategy changed and Mr. Paton* made some oblique reference to what he had just heard about Brian. I questioned him he was evasive and at this point Mrs. Danyluk excused herself on the pretense of having to go "and put more money in the parking meter" and she never returned. The meeting broke up cordially with the delegates promising to support Brian.*

Much later I realized that Vera Danyluk was a close friend of Fr. Peter Timmins, who had obviously shared with her what he knew transpired in the rectory of St. Jean Brebeuf with Fr. Eric Sylvestre, Brian Boucher and the young Mexican. Where was the documentation of this incident?

I never saw or spoke with Vera Danyluk again."¹⁹⁹

I spoke to a former parishioner of Annunciation, Henry McKinnon*, whose memory of that same meeting was quite different: four people had gone to see Msgr. Harty: Henry McKinnon*, Andrew Short*, Fred Paton* and Vera Danyluk. The main issue had been that they had heard rumors about improper behaviour by Boucher and that *"they did not want a pedophile in their midst"*²⁰⁰. Msgr. Harty reassured them that Boucher had undergone a psychological evaluation that showed no evidence of pedophilia. Mr. McKinnon* also denied that Vera Danyluk had left before anyone else.

¹⁹⁹ *Supra*, footnote 147.

²⁰⁰ Interview of Henry McKinnon*, June 25, 2020.

I also spoke to Mr. Fred Paton* to obtain more details about that meeting. He remembered expressing a concern about Boucher's fitness for the job and being reassured by Msgr. Harty that Boucher had gone to Southdown for "anxiety or anger management"²⁰¹.

Msgr. Fortier remembers another, separate, meeting:

« PC : ... et c'est là où madame Vera Danyluk est venue vous rencontrer pour parler de... des sentiments des paroissiens de la... de l'Annonciation.

JF : Oui, mais...

PC : Est-ce que ça vous... est-ce que vous vous en... vous vous en..

JF : Oui, oui, oui, je m'en souviens d'ailleurs parce que j'ai trouvé ça... dans le fond, c'est donc deux (2) bonnes mesdames qui sont venues me voir.

PC : C'était madame Danyluk et c'était quelqu'un d'autre ? Est-ce que vous vous souvenez de qui ?

JF : C'était... il y avait la mairesse et puis il y avait une marguillière, là j'oublie le nom, par exemple, de l'autre dame, c'était une des marguillières de la paroisse, mais elles sont venues me voir pour me dire « Nous, on pense que notre curé, il est trop jeune pour être curé. »

PC : Là, vous parlez de Boucher ?

JF : Oui, oui, en parlant de Brian Boucher. Alors, moi, j'ai dit « Bon écoutez, pouvez-vous m'expliquer qu'est-ce qui vous fait penser ça ? -j'ai dit-... Moi, je reçois beaucoup plus de téléphones de gens qui nous disent notre curé est trop vieux, on en voudrait un plus jeune. » J'ai essayé de toutes sortes de... mais j'avais pas ou j'avais... à ce moment-là, j'avais aucune idée de... du problème qui pouvait exister et elles ne l'ont pas abordé dix secondes. Et là, je me disais bon, est-ce que c'est un problème de fonctionnement, d'administration ? Tu sais, après coup, quand j'ai appris, quand j'ai appris les choses plus tard, je me suis dit mais dans le fond, si elles m'avaient dit « Écoutez, on pense qu'il y a peut-être des manières d'agir avec les jeunes », me mettre un peu sur la piste, mais...

PC : Ils vous ont rien dit ?

JF : Rien, absolument rien, mais j'étais... au bout d'une demi -heure, elles sont reparties, puis je comprenais pas, je comprenais pas. C'est après coup que...

²⁰¹ Interview of Fred Paton*, March 27, 2020.

c'est après coup que j'en ai parlé à monseigneur Harty, l'officier à l'épiscopal... »²⁰²

As soon as Boucher started at Annunciation, his arrogant and rude behaviour towards some parishioners became apparent. Ms. Christine McCall* wrote in September 2005 to Msgr. Harty to describe Boucher's treatment of her, a volunteer, and of the secretary: "*I have never been treated so rudely nor allowed or witnessed an employee to be treated with such lack of respect*"²⁰³. I could not find any response in the files.

A more serious warning was sent on October 2006 to Bishop Mancini, copied to Msgr. Michel Parent, by Mrs. Dorothy Mint*:

"(...)

On recent visits to the rectory in TMR it became evident to me that Fr. Boucher was developing a relationship with a young teen in his parish, whom he had hired to do odd jobs around the church and rectory. In June I was introduced to this boy on a day that he was doing work on the rectory grounds. Two things struck me as odd that day: the care with which Fr. Boucher ensured that the boy had sun cream applied, and the freezer stocked full with a large box of Pogo sticks and cartons of vanilla ice cream, items which Fr. Boucher told me he had bought especially for the boy. In September Fr. Boucher told me he had begun tutoring the boy at the rectory.

*That Fr. Boucher would put himself in such a position struck me as odd, especially in view of the scandals that have done so much damage to the Church and the discipline which the Church has been trying to cultivate. But I have been more troubled as I have recently been told by several sources that Fr. Boucher has a history of problematic relationships involving youths, and so I feel that it would be remiss of me not to inform you of my experience and of my deep concern that he has been placed by the Archdiocese in a position of authority."*²⁰⁴

Msgr. Parent wrote on the back of this document:

« Le 24 novembre 2006

Je parle du sujet avec Mgr. Mancini

- Il n'a pas l'intention de s'en mêler ou d'écrire quoi que ce soit*
- Me demande de ne pas réagir*

²⁰² Interview of Msgr. Jean Fortier, *supra*, footnote 198198, p.9-10.

²⁰³ Christine McCall*, letter to Msgr. Sean Harty, September 26, 2005.

²⁰⁴ Dorothy Mint*, letter to Bishop Anthony Mancini, October 30, 2006.

- A chargé Mgr. Harty d'assurer le suivi

Mgr. Harty accompagne régulièrement l'abbé Boucher. »²⁰⁵

In the meantime, Boucher heard that Dorothy Mint* had been speaking about him and wrote her a warning letter by registered mail:

(...)

If in your view, there is nothing more to discuss with me, then I would appreciate as a matter of honesty, fairness and courtesy -- as well as-moral and legal duty -- if you could kindly refrain from discussing with anyone else any such perceived problems relating to me or to my character.”²⁰⁶

(Emphasis added)

Mrs. Mint* was later interviewed by Fr. Francesco Giordano in the context of Boucher's canonical trial. In this, she recounted an exchange with Bishop Mancini and Msgr. Harty:

“In a later conversation, with both Mgr. Mancini and Mgr. Harty, the issue Fr. Brian's stay at Southdown treatment center arose, and Mgr. Harty assured her that the staff of the center reported that Fr. Brian had made real progress.

(...)

Dorothy expressed her concern regarding Fr. Brian's nomination as pastor of a parish to Mgr. Harty. Mgr. Harty mentioned that Fr. Brian had been instructed not to conduct any spiritual direction.*

Dorothy's son Vince* was a student at Loyola High School in approximately 2008, and he mentioned that Fr. Brian would attend Loyola HS for reconciliation services. Dorothy* felt that given the alleged restrictions regarding spiritual direction, she felt that this was odd. She shared her concerns with Mr. Paul Donovan, principal of the high school at the time.*

(...)

Dorothy found the conversation with Mgr. Mancini and Mgr. Harty strange. She had the impression that Mgr. Mancini had a lot of information about Fr. Brian, but*

²⁰⁵ Msgr. Michel Parent, handwritten note on the back of Ms. Mint*'s letter, November 24, 2006.

²⁰⁶ Brian Boucher, Our Lady of the Annunciation Parish, letter to Dorothy Mint*, October 27, 2006.

felt that there was nothing he could do, whereas Mgr. Harty appeared to adopt a protective role towards Fr. Brian.

In retrospect, she also found it odd that Mgr. Harty allowed Fr. Brian to participate in Loyola High School activities, given his history.”²⁰⁷

Msgr. Harty confirmed that he had this conversation with Mrs. Mint*, when he reassured her:

“SH: Yes, and what happened was, is I explained to her, I tried to be, you know as professional as I can but I said to her, Brian has problems with some boundaries. I have been assured from what I understand that he doesn’t have sexual tendencies to abuse, little did I know at the time...

PC: But how would you say you had been assured because of the Report from Southdown?

(...)

SH: ... and, so, I’m being told by, ostensibly is one of the finest treatment facilities for clergy in the world they come from England and Ireland for this as clients there, so I’ve been told and I questioned it, I said, I just don’t get it, you know, and they said, no, it doesn’t show any high indication of that or same-sex attraction, and certainly doesn’t fall within the testing that we would evaluate for a pedophile. So, I explained all that to Dorothy Mint...*

(...)

SH: They assured me that he had boundary issues, and then they latched into the twin thing, and a lot of his issues had to do with him trying to find the lost twin...

PC: Yes, yes, yes, right I read all that...

SH: ... the lost twin

PC: ... yes, I read that.

SH: The lost twin, and that that was going to be a compulsion for him, and for a long time even, even when he went well he had this existential loneliness.”²⁰⁸

Given Msgr. Harty’s and Bishop Mancini’s knowledge of Boucher’s past history, how could this reminder of his previous inappropriate behaviours not raise a serious alarm?

²⁰⁷ Dorothy Mint*’s interview, as reported by Fr. Francesco Giordano and signed by Dorothy Mint*, January 30, 2017.

²⁰⁸ Interview of Msgr. Sean Harty, *supra*, footnote 177, p 92-93

I asked Archbishop Mancini about Dorothy Mint*'s letter:

“PC: Do you remember any of this, and why didn’t you respond? The letter was addressed to you.

TM: I didn’t respond because I saw this as part of the work that Sean Harty was supposed to look after, he was the one that was looking after it, he was the one that was accompanying Brian, and so that was his, his responsibility as Episcopal Vicar

PC: Right but you were in a very good position because you had followed this file much longer than Msgr. Harty, you knew this file from ninety-five, didn’t that scare you to see this come up again?

TM: Oh, I was, I was quite, I was quite upset by the fact that it came up again and it was probably, I did discuss it with Sean Harty...

PC: Yes?

TM: ... to what could be done, and what should be done, and he was going to follow it up...

PC: How did you want him to follow it?

TM: ... and he did...

PC: What, I’m sorry?

TM: I said and he did follow it up, the follow-up was to meet with him, again to try to help him to see the inappropriateness of the situation as he was in.

PC: But what about the risk to the child?

TM: I know, I know. I don’t know what to tell you there. I honestly don’t know what to tell you there.”²⁰⁹

(emphasis added)

Msgr. Harty followed up with Boucher: *“I told him that was totally inappropriate, and I said, I have to be sure that this is not going on.”*²¹⁰

No one thought it necessary or even desirable to contact the child in question.

²⁰⁹ Interview of Archbishop Anthony Mancini, *supra*, footnote 89, p.86-87.

²¹⁰ Interview of Msgr. Sean Harty, *supra*, footnote 177, p.91.

Fr. Joseph P. Sullivan, who was living at The Annunciation rectory for a short time, told me that he too had witnessed a disconcerting behaviour: a young boy from the parish rubbing Boucher's neck. When I asked him if he told anyone, he said: "*No, I didn't tell anybody, no.*"²¹¹ The boy in question turned out to be one of Boucher's known victims.

Another situation arose involving a child in 2007.

Fr. Thomas Dowd, as he then was, wrote a summary and minutes of a meeting on May 17, 2007, between Msgr. Harty, Charlie*, a 12-year-old child, and his grandfather, Mr. Benvenuto*. These can be found in Appendix 10²¹².

Charlie*'s account, given in the presence of his grandfather, is troublesome: Boucher had pushed him into his office, locked the door, threatened that he would not be confirmed and then asked him for a hug, which Charlie* refused to give him. Boucher finally asked him "*Am I a bad man?*" to which Charlie* responded "*Yeah*". This incident had occurred because Charlie* had wanted to go home during a musical evening at the Church.

The next day, Mr. Benvenuto* attempted to speak to Boucher, who avoided him. The parish catechetical leader ("PCL"), Kate Welsh*, told him that any issue regarding Charlie* could only be discussed with his mother. A dispute ensued and Mr. Benvenuto* banged on Boucher's private door to talk to him. Security was called and registered letters went back and forth.

Mrs. Welsh* wrote to Mr. Benvenuto* a registered letter on May 14:

"I understand that you are motivated by concern for your grandson, however, I have explained to you repeatedly that neither Father Brian nor I, nor any personnel or volunteers, are at liberty to discuss Charlie with you. We have been advised by his mother, Diane Benvenuto-Johnson*, not to discuss her son with anyone. Diane* has been very involved in the faith education of Charlie* and has participated fully in liturgies and parent meetings. We have every confidence that she is capable and committed to his healthy Christian upbringing.*

²¹¹ Interview of Fr. Joseph P. Sullivan, March 31, 2020 p.11 .

²¹² Bishop Thomas Dowd, *Summary of meeting with Charlie* and Mr. Benvenuto**, May 17, 2007, Appendix 10, page 228.

Further, I regret that I must remind you that you have both a moral and legal obligation to refrain from speaking to others in such a manner as to spread rumours or to potentially damage another's reputation.

Finally, as you have no legitimate business here on Tuesday afternoons, please do not return. If you do, the police will be called immediately."²¹³

On May 18, 2007, the grandfather wrote back, also by registered mail, with copy to Msgr. Harty:

"Whether you like to hear it or not, the incident on the night of May 5th between my grandson and the priest, involved forcible confinement after he pushed Charlie into his office and locked the door, blackmailing by denying him the sacrament of Confirmation if he didn't stay with his mother till the end of the concert and added, just as I denied you being in the Christmas pageant, no amount of screaming by anyone will change my mind. Charlie* said he would stay because he was scared and just wanted to be out of there. Then the priest hugged him, stepped back and asked "Do you think I'm a bad man"? Charlie* nervously answered Ya. Once downstairs he called me, told me what had happened and I went and brought him home. Regardless of what my daughter entrusted Fr. Brian, you or anyone else with her indifference to the mental and physical abuse of her son is reprehensible and it is obvious that she is not capable of having her son's best interests at heart. I as a grandfather would be remiss in my moral duty not to bring this priest's improper behaviour to the attention of his superiors, You Kate*, Tyler* and Annie* in defending and condoning this type of behaviour have added to the stress and mental anguish my wife and I are going through."*²¹⁴

The situation escalated. Mrs. Welsh* then wrote a 3-page letter to Msgr. Harty on May 23, refuting Mr. Benvenuto*'s and Charlie*'s version of the events²¹⁵.

The family situation was difficult: Charlie*'s mother, a single parent suffering from a serious physical handicap, encouraged Boucher's "parental role" vis-à-vis Charlie* and resented her own parents' interference.²¹⁶

²¹³ Kate Welsh*, Our lady of the Annunciation Parish, registered letter to Frank Benvenuto*, May 14, 2007.

²¹⁴ Frank Benvenuto*, registered letter to Kate Welsh*, May 18, 2007.

²¹⁵ Kate Welsh*, letter to Msgr. Sean Harty, May 23, 2007.

²¹⁶ *Supra*, footnote 147

Msgr. Harty suggested mediation between Boucher and Mr. Benvenuto*, but neither accepted. He asked Boucher never to be alone with this child, to which Boucher consented. Charlie*'s mother, however, chastised Msgr. Harty for this because she thought Boucher was a wonderful influence over her child²¹⁷.

No one thought this may be a case for the Director of Youth Protection.

Boucher's "management style" was irking many parishioners. The letters of complaint started coming in regularly as Msgr. Harty recollected in his letter to Archbishop Lépine:

"Constant arguments with the choir director.

Brian McDonough from our social justice office referred an individual to me that had worked as a domestic in the rectory but left because of Brian's compulsive demanding manner. Brian refused to pay her the money that was due to her.

Mary Jones who worked as a bookkeeper left because of his demanding and arrogant behavior to her, her pay was also delayed.*

Josée Doyle who worked as secretary/catechetical resource also left she also was denied her back pay.*

*Each time I was required to intervene with Brian."*²¹⁸

More letters arrived.

On February 25, 2008, Fred Walsh*, a long-standing parishioner, wrote to Msgr. Harty to advise him that Boucher had forced him to remove his children from the Faith First Programme because of his own inability to attend "mandatory" parents' meetings: "*I have never met one (priest) as dogmatic, intransigent and disrespectful as Fr. Boucher.*"²¹⁹

Harty wrote to Boucher on April 11, 2008, in which he warned him of the increased criticism of which he was the object. After summarizing the complaints received and Boucher's disrespectful behaviour towards himself, he concluded:

²¹⁷ *Supra*, footnote 177, p.96.

²¹⁸ *Supra*, footnote 147.

²¹⁹ Fred Walsh*, letter to Msgr. Sean Harty, February 25, 2008.

“All this to state Fr. Brian, that I am worried about your continuing presence at the Annunciation, and as I said to you when you began this mandate, “the parish is yours to have or lose”!”²²⁰

Chaos took over the parish in regard to Boucher’s treatment of the choir and the choir director in March 2009. Several members of the choir were incensed after a meeting with Boucher during which he attacked them with a total lack of respect, despite their long-standing attachment to Annunciation²²¹.

Interestingly, one of the writers, Ms. Rosalie Tucci*, retracted her complaint just a few days after having written it and sent her retraction not only to Msgr. Harty, but also copied to Cardinal Turcotte and Boucher, as if to pacify the latter²²². Boucher’s attitude to those who appeared to criticize him was obviously still the same. On April 27, he sent a registered letter to John Stanley*, copied to Msgr. Harty:

“If in your view there is nothing more to discuss with me directly, then I would appreciate as a matter of honesty , fairness and courtesy-as well as moral and legal duty-if you could kindly refrain from discussing with anyone else any such perceived problems relating either to me personally or to my management of parish affairs.”²²³

(emphasis added)

All these complaints related to Boucher’s disrespectful, rude and authoritarian behaviour. None of them indicated any untoward relationship with minors.

In May 2009, Msgr. Harty decided to meet with the dissatisfied parishioners and wrote a letter inviting the Faithful of Annunciation Parish to come to discuss the issues that had been raised:

“I would also like to use this opportunity to meet with as many of the parishioners as possible after the ceremony, in the hall downstairs.

²²⁰ Msgr. Sean Harty, Archevêché de Montréal, letter to Brian Boucher, April 11, 2008.

²²¹ Joseph French*, letter to Msgr. Sean Harty, March 25, 2009; Joanne Dunn*, letter to Msgr. Sean Harty, March 19, 2009; Rosalie Tucci*, letter to Msgr. Sean Harty, March 23, 2009; John Stanley*, letter to Cardinal Jean-Claude Turcotte and Msgr. Sean Harty, April 7, 2009.

²²² Rosalie Tucci*, letter to Msgr. Sean Harty, April 5, 2009.

²²³ Brian Boucher, registered letter to John Stanley*, April 27, 2009.

My meeting is not intended to be solely social. For a number of months, I have been receiving letters from parishioners indicating their lack of satisfaction with the parish community.

This is, as you can appreciate, of concern to me and our Archbishop. I feel that the time has come to have an opportunity to air some of the views that are circulating throughout the parish.

I have received conflicting messages from a number of individuals, and feel that the Mission of the parish will only be compromised if we do not all have a common focus.

I will chair the meeting and Fr. Brian, your Pastor, will be in attendance. I want this gathering to be an opportunity for reasonable dialogue and a refocusing on the common goals of your faith community.”²²⁴

Cardinal Turcotte forbade the meeting as it could be “scandalous”:

“SH: No because as soon as the Cardinal got the copy of it (the letter) ...

PC: Which one, this...

SH: ... I was called upstairs and said I shouldn't do that.

PC: So, the meeting was cancelled?

SH: The meeting was cancelled.”²²⁵

On September 17, 2009, Msgr. Harty wrote again to Boucher, this time in regard to a visit by Mr. Stanley*. His letter contains a warning in regard to Boucher's habit of sending registered letters: *“I would caution your use of “Registered Letters” It is not an acceptable pastoral communication style and reflects a very secular mentality and one of distrust...”²²⁶*

Msgr. Harty, who had been Boucher's supporter and mentor since Southdown, was now becoming *persona non grata* in Boucher's eyes.

²²⁴ Msgr. Sean Harty, Archevêché de Montréal, letter to the Faithful of Annunciation Parish, May 5, 2009.

²²⁵ Interview of Msgr. Sean Harty, *supra*, footnote 177, p.159.

²²⁶ Msgr. Sean Harty, Archevêché de Montréal, letter to Brian Boucher, September 17, 2009.

“Brian mounted a strategy to limit my influence. He stopped asking for me to Confirm the children of the parish and only wanted Cardinal Turcotte. As Cardinal Turcotte did preside (sic) at any confirmations I continued to go to Annunciation to confirm the children.

While the reception from the congregation and the children was warm, it was clear that Brian had convinced the Wardens and some members of the Pastoral Council that I was now a negative force in his life.”²²⁷

In 2010, Msgr. Harty became involved in a dispute between Boucher and his twin brother John*. John* was divorced from his wife and claimed he was having difficulty seeing his children, despite a judgment giving him access. Msgr. Harty told me that John* had gone to see him to complain that Boucher was “alienating” his children away from him. In 2011, Msgr. Harty had recounted this incident in a more worrisome tone in a letter to Cardinal Turcotte in 2011:

“Last Fall 2010, another issue surfaced which has caused me great concern. Fr. Brian's twin brother, John Boucher, is divorced from his wife and there is a vicious battle for custody of the children - 16, 15 and 11 years old. John* Boucher asked for an interview with Bishop Gendron, and at that meeting, and other subsequent meetings, he stated that his brother, Fr. Brian, was part of the reason his children were alienated from him, their father.*

He stated that his lawyer intended to bring forth as evidence the assumption that Fr. Brian was a form of "pedophile", and that he had given his lawyer names of people who had strong suspicions of Fr. Brian's orientation.

I subsequently met with Fr. Brian's parents and John Boucher, the allegation of alienating John*'s children's affection was supported by the grandparents and indirect reference was made to Fr. Brian's predilection for "youth", if not sexually, certainly emotionally.*

The strategy emerging from this situation was that I instructed Fr. Brian to write a "registered letter" to his brother and sister-in-law informing them that as a public figure in Montreal, he could not be involved in matters of family disputes, and that he would cease any involvement in the lives of his nieces and nephews, so as to allow the possibility of each parent to assume their proper place in their lives. All through this period, Fr. Brian was very anxious. However, it took him six weeks to compose the letter and send it and only after several reminders from me.”²²⁸

²²⁷ *Supra*, footnote 147.

²²⁸ *Supra*, footnote 85.

When I reminded Msgr. Harty of the content of this letter, he assured me that the parents had not suspected Boucher of pedophilia, but rather were worried that he was interfering with John*'s responsibilities as a father²²⁹.

Msgr. Harty advised Boucher to stay out of the dispute between John* and his wife. Boucher sent a registered letter to this effect to both his brother and his wife on July 7, 2010²³⁰. This seemed to calm the situation down, at least for a while.

In December 2010, Msgr. Harty went to Loyola High School to help with the confessions. He noticed that Boucher was there too.

“SH: ...So, then they had, so then I was finished and the confessions worked, so I walked around a little bit, and I noticed that Brian was hearing confessions but they were long, they were long and I waited deliberately and I must have seen two or three young boys go in, and they were in there, oh, for about fifteen, twenty minutes each, and I didn't like it. I didn't like it. I just said, yes, unless on boys' confession, you know you give them a sense of the goodness you tell them, I mean you help them to lead good moral lives. The moral of the school is, you be a man for others so you incorporate that...”

PC: Hm.

SH: And I didn't think the confessions of Grade 8 students warranted, you know fifteen or twenty minutes and so quite spontaneously I took Father Brennan aside who was a friend of mine, a friend, a close colleague I should say and said to him.....I told him that Brian has an intensity and a pre-disposition to give spiritual direction and he is not qualified to do that, and he sometimes doesn't, is not able to draw the line between the sacrament and spiritual direction (...)”²³¹

This caused a problem, as Fr. Joseph Mroz, chaplain at the Loyola High School, had already invited Boucher to come back to hear confessions and wanted to know what he should say to him.

Msgr. Harty answered his query in an email on December 8, 2010:

“On Wed, Dec 8, 2010, at 10:22 AM, Sean Harty <sharty@diocesemontreal.org> wrote:

²²⁹ Interview of Msgr. Sean Harty, *supra*, footnote 177180, p.134.

²³⁰ Brian Boucher, registered letter to John* Boucher, July 7, 2010.

²³¹ Interview of Msgr. Sean Harty, *supra*, footnote 177, p.114.

Dear Joe, When I discussed this with Fr. Brennan it seemed to have been accepted. From my experience last year, I went to spend the afternoon and had three confessions, Now it's not about quantity I know but you can simply say that you invite the priests who have parishes close to Loyola so as to not have priests from further parishes travelling.

As to your questions does Fr. Boucher know why he is aware of the big picture but is very poor in self-monitoring sort of denial. Joe this information was disclosed to Rob Brennan for the protection of Loyola students not the diocese.

(emphasis added)

*From: Joe Mroz [mailto:mrozj@loyola.ca]
Sent: December 8, 2010, 10:45 AM
To: Sean Harty
Subject: Re: confidential question re Confessions*

Dear Sean,

thank you. I understand that you discussed this with Fr Brennan; the problem is that the first I heard of it was just a few weeks ago after I had already invited Fr Boucher. I understand the necessity of discretion. I was concerned that if Fr Boucher knew he was not to come, he might have been using me in a fight with you, or he might have thought that the situation had changed.”²³²

In early 2011, when Boucher's appointment was about to expire, two wardens of Annunciation Parish, Mrs. Simone Perreault* and Mr. Joseph French* (now deceased), went to speak to Msgr. Harty with a file folder full of complaint letters. Mrs. Perreault* was very clear about the content of these complaints when she spoke to me: they were strictly about Boucher's verbal abuse of the parishioners, his authoritarian style and his angry explosions²³³. They did NOT include any mention of inappropriate behaviour towards children or young men. Mrs. Perreault* confirmed that she and Mr. Joseph French* had no suspicions in that regard.

According to her, Msgr. Harty told them that he knew of the complaints and that he had “an equally full file”²³⁴, but reminded them that Boucher had “his backers”. He then asked Msgr. Fortier, head of OPP, to join them. Mrs. Perreault* felt that Msgr. Fortier was not interested in anything but the state of the collections. Msgr. Fortier could not

²³² Msgr. Sean Harty and Fr. Joe Mroz, email exchange, December 8, 2010.

²³³ Interview of Simone Perreault*, March 26, 2020.

²³⁴ *Ibid.*

remember this meeting when I asked him about it. Msgr. Harty remembered the visit and the fact that Msgr. Fortier had mentioned “*that there are those who like a priest and those who don’t*.”²³⁵

Msgr. Harty’s health was declining at that point. According to him, the Boucher “dossier” had been a heavy one and had taken its toll on him.

On April 14, 2011, he wrote a letter to Cardinal Turcotte with copy to Msgr. Fortier²³⁶, detailing Boucher’s failures and asking that Boucher not be renewed. The complete letter can be found in Appendix 11.

Despite his written request for a meeting to discuss this issue, Msgr. Harty was never asked to see the Cardinal or Msgr. Fortier. His attempts to make an appointment remained unanswered. Sometime in May 2011, Msgr. Harty became too ill to go back to work and went on sick leave.

Msgr. Harty’s letter had been very forceful. At first, it seemed to have at least some impact. On June 14, 2011, a *Feuille de nomination* proposed that Boucher be appointed as pastoral administrator at Our Lady of the Annunciation Parish for one year only as of the end of his present post, *i.e.* September 1, 2011. It indicated that his current position as Pastor would not be renewed. The proposition was made by Msgr. Fortier, who also signed the document. It was countersigned by Msgr. Michel Parent as Chancellor and it mentioned that the appointment should be published in *Vivre en Église*.

When I asked about this, Msgr. Fortier denied any memory of the events surrounding this appointment. He also denied having ever seen Msgr. Harty’s letter and went as far as to suggest that it had never been sent to him. He could not explain the demotion contained in this new appointment. He could not remember whether Msgr. Harty’s letter had ever been brought to the attention of the Nominating Committee.

« *PC : Mais est-ce que la lettre... est-ce que la lettre du 14 avril 2011 de Monseigneur Harty qui étale toutes les raisons pour lesquelles il devait... Boucher ne devrait pas être renouvelé, est-ce que ça a été apporté à l’attention du Comité de nominations ?*

²³⁵ Interview of Msgr. Sean Harty, *supra*, footnote 177, p.152.

²³⁶ *Supra*, footnote 85, Appendix 11, page 232232.

JF : Bien, je me rappelle pas parce que si ça avait été ça, je serais d'abord allé voir le Cardinal Turcotte, avant même de faire la proposition et c'est ça. C'est pour ça que je dis ça me surprend beaucoup que Sean Harty m'ait donné à moi la lettre avec toutes les... avec tous les items, tu sais, qui faisaient qu'il aurait pas fallu qu'il soit nommé. S'il me l'avait vraiment donnée, il y avait peut-être une copie qui était faite pour moi, mais que j'ai peut-être pas eue, parce que ça, dans le fonctionnement, j'aurais pas... j'aurais pas voulu mettre sur la table du Comité de nominations quelque chose que le Cardinal aurait dit « Non, non, non, regardez même pas ça, ça passera pas. »

Alors, c'est... écoutez, compte tenu des liens ou des relations avec monseigneur Harty qui... qui était pas très heureux dans son rôle de... il aurait voulu faire le vicaire général, puis pour remplacer (inaudible), puis il voulait fonctionner comme si c'était lui l'évêque des anglophones. Alors, il agissait plus directement avec le Cardinal qu'en passant par les autres structures, mais là, en même temps comme je vous dis, parce que là, ça, un cas comme ça que j'aurais... moi, j'aurais eu en main toutes les bonnes raisons de ne pas nommer Brian curé ou de le nommer, bien voyons donc, je serais d'abord allé voir le Cardinal pour lui dire « Écoute, qu'est-ce que tu en penses là ? Penses-tu qu'on va... on va mettre ça sur la table du Comité des nominations ? » C'est comme le jugement était porté avant même que... qu'on voit le contenu, alors...

PC : Puis vous n'avez jamais rencontré le Cardinal Turcotte au sujet de Brian Boucher ?

JF : Non, jamais jamais jamais jamais. C'est pour ça que je dis, tu sais, mon ami Sean, il faisait ses affaires tout seul. »²³⁷

I found Msgr. Harty's signed letter in the OPP files kept at BLG²³⁸. Msgr. Fortier had been the Director of OPP in 2011.

As for Msgr. Parent, he also could not remember the reasons for this appointment.

On November 4, 2011, a new *Feuille de nomination* was signed by Msgr. Fortier in which he proposed that Boucher be appointed as pastor of Annunciation for a six-year mandate. The document indicated that Boucher's previous appointment was that of parochial administrator, which he would no longer keep. The proposed appointment was retroactive to September 1, 2011. On November 30, the *Feuille* was modified by hand.

²³⁷ Interview of Msgr. Jean Fortier, *supra*, footnote 198, p.48-49.

²³⁸ The law firm hired by the Archdiocese in 2017 and in whose hands all the Boucher files were remitted.

The words “*parochial administrator*” as “previous position” were crossed off and replaced by the word “*pastor*” and the appointment was now defined as a “*renouvellement*”. This was countersigned by Msgr. Parent and was also to be published in *Vivre en Église*.

Neither Msgr. Fortier nor Msgr. Parent could tell me how this new appointment came about.

I asked Msgr. Fortier:

« PC : ..Mais vous avez dit être informé parce que vous avez changé votre nomination, vous en avez fait une autre.

JF : Bien oui, mais Madame, ce que j’essaie de vous dire là, c’est qu’il y avait des chemins pour passer à - côté de moi et d’aller voir directement le Cardinal pour dire « On veut telle chose. »

PC : Absolument, je comprends ça, tout ce que je veux savoir est-ce que c’est le Cardinal qui vous a dit « Changez-le » ?

JF : Bien non, je me rappelle pas de toute cette affaire-là, je me rappelle pas, ça m’apparaît passer à côté de... du fonctionnement habituel, mais... puis là, ça me surprend de pas me rappeler de ça parce que si ça avait été des choses tellement spéciales, parce que Brian Boucher, il me semble que je m’en rappellerais. Mais là, il y a quelque chose, moi-là que... il y a quelque chose que je comprends pas ou bien non, ma mémoire fait tellement défaut que j’arrive pas à me remettre devant ça toutes ces choses-là, parce que des nominations, on en faisait des centaines chaque année. »²³⁹

On October 6, 2011, Boucher wrote to Bishop Thomas Dowd: “*Jean Fortier called me a couple of weeks ago and mentioned that it had been decided that my mandate be renewed and that there was personnel meeting the following week*”.²⁴⁰

Msgr. Parent thought all this was unusual:

« PC : Mais est-ce que vous ne trouvez pas... ça vous dit absolument rien qu’on ait modifié sa nomination ? Parce qu’il a été nommé comme administrateur pour

²³⁹ Interview of Msgr. Jean Fortier, *supra*, footnote 198, p.52-53

²⁴⁰ Brian Boucher, email to Bishop Dowd, October 6, 2011.

un an et quelques mois plus tard, on change la nomination rétroactivement et on lui donne le poste de curé pour six ans.

MP : Écoutez, moi, je vais vous dire les mêmes paroles que... que monseigneur Fortier, la même chose, je marche pas là-dedans, parce qu'on peut pas faire une discussion de droit comme ça. Lui, il avait sa nomination comme administrateur « parochial administrator », ça avait été possiblement déjà publié dans... parce qu'en droit canonique, il faut... il faut pour qu'une nomination soit valide, il faut qu'elle soit promulguée, il faut qu'elle soit connue. Alors, il a dû avoir quelque chose en quelque part, comment ça se fait que ça a été effacé puis tout ça? »²⁴¹

The official reappointment as pastor of Annunciation Parish was sent to Boucher at an unknown date. The letter, signed by both Cardinal Turcotte and Msgr. Parent, is dated August 31, 2011, two months *before* the date appearing on the *Feuille de nomination*. I asked Msgr. Parent about this:

« PC : Mais il y a une lettre qui est datée rétroactivement avec une... une nomination rétroactive, est-ce que ça, ça vous aurait pas dérangé ?

MP : Ah oui, absolument, je sais pas qu'est-ce qui s'est passé, mais... je le sais pas, oui, ça m'aurait dérangé, professionnellement parlant, ça m'aurait dérangé parce qu'on peut faire des fictions de droit, un moment donné ce qu'on appelle dans notre jargon canonique des sanatio in radice, mais il y a... il y a des sanatio in radice qu'on peut pas faire, parce qu'ils étaient compliqués. »²⁴²

In the winter and spring of 2011, Fr. Thomas Dowd, was the assistant to the Director of OPP and, in this role, would participate in the Nominations committee meetings. I asked him about the appointment of Boucher as parochial administrator and he told me that he too had no recollection of it²⁴³. He also said that he did not see Msgr. Harty's April letter until he started his investigation at the end of 2015²⁴⁴.

In July 2011, Fr. Dowd was named as a future Auxiliary Bishop for Montreal, together with Fr. Christian Lépine. The episcopal ordination took place in September.

Cardinal Turcotte told Bishop Dowd that he would become the Episcopal Vicar for the English-speaking faithful replacing Msgr. Harty still on sick leave since May of that year.

²⁴¹ Interview of Msgr. Michel Parent, *supra*, footnote 82, p.53.

²⁴² *Ibid.*, p.55.

²⁴³ Interview of Bishop Thomas Dowd, June 19, 2020, p.10.

²⁴⁴ *Ibid.*, p.22.

I asked Bishop Dowd if there ever was a “hand-over” of the important or difficult files in the OEPS from his predecessor. No such discussion took place. Bishop Dowd, who considered Msgr. Harty a friend, had taken him at his word that “*he wanted to be left alone*”²⁴⁵.

In a written statement, dated June 16, 2020, Bishop Dowd recounts that it was probably at his first one-on-one meeting with Cardinal Turcotte since his appointment as Auxiliary Bishop that he heard that Boucher would be renewed as pastor of Annunciation:

“... Cardinal Turcotte told me that he had decided to rename Brian Boucher as Pastor of Annunciation. It became part of a broader conversation: Cardinal Turcotte told me that he felt he had to remove Msgr. Harty as Episcopal Vicar because of complaints about his leadership style. One of those complaining had been Brian Boucher, and the Cardinal wondered if Msgr. Harty had been fair to Brian. He went on to say that he knew Brian had problems in the past, but that he had sent him for treatment. As Cardinal Turcotte put it to me, “Je suis prêt à tout faire pour sauver un prêtre.””²⁴⁶

On September 20, 2011, Bishop Dowd met Boucher for lunch. Boucher thought it necessary to send him a “follow-up” of their conversation the next day. Two items on that list are relevant to our inquiry: the first is “Mandate: Request to be renewed as pastor...” The second is “Loyola High School”.

A series of emails followed. It appears that Boucher was still uncertain as to his reappointment as pastor. Bishop Dowd wrote:

“Brian,

(...)

Regarding the nomination as pastor, I spoke with Jean Fortier about it this morning. According to him, the decision to name you administrator for one year did in fact come from the Cardinal, but he does not recall if the decision came before or after your meeting with the Archbishop. Jean said he will call you sometime in the next few days to follow up. I am cc'ing him on this email for the sake of keeping us all on the same wavelength.

²⁴⁵ *Ibid.*, p.19.

²⁴⁶ Bishop Thomas Dowd, written statement, June 16, 2020, p.24.

(...)”²⁴⁷

To which Boucher replied:

“(..."

In terms of my mandate Jean (Fortier) did tell me in my first meeting with him that it was indeed the Cardinal's decision. Upon reflection, I wasn't comfortable - for reasons discussed yesterday - so I meet (sic) with Jean again to talk about it and express my desire to see the Cardinal. My main reason for meeting with the archbishop was to discuss his decision. I will wait for Jean's call.

*God bless, Brian”*²⁴⁸

Bishop Dowd recalls that he had to deal with Boucher's complaint about not being allowed to hear confessions at Loyola High School at that same time:

*“His meeting with the Cardinal was to follow up this promised renewal and to bring a new complaint. I say this because one afternoon (probably that one) I had a message to go and see the Cardinal. When I got to his office he told me that he had met with Brian Boucher that morning, and Brian had reported to him that he was no longer welcome at Loyola High School to hear confessions, and that this was apparently the result of an intervention by Msgr. Harty. Cardinal Turcotte was very unhappy with this. He said it was not fair of Msgr. Harty to have manipulated Brian's reputation like that, and that he wanted me to fix the situation by calling Loyola and telling the Principal to start to invite Brian Boucher back for confessions. I was not entirely comfortable doing this, as I didn't think I had the authority to tell a religious order that reported directly to the Pope (Loyola is a Jesuit school) how to run their affairs. In the end I spoke with the Mr. Paul Donovan, the Principal, and told him what I knew: Brian Boucher was a priest in good standing, whom the Cardinal was renewing as Pastor of Annunciation Parish, and who had full faculties to hear confessions. From the point of view of the diocese, therefore, there was no reason for him to not be invited to hear the confessions of the students.”*²⁴⁹

Bishop Dowd did not think it necessary to ask either the principal of Loyola or Msgr. Harty for the reasons for Boucher's exclusion from hearing confessions at the High

²⁴⁷ Bishop Thomas Dowd, email to Brian Boucher, September 21, 2011, copied to Msgr. Jean Fortier.

²⁴⁸ Brian Boucher, email to Bishop Thomas Dowd, September 21, 2011, copied to Msgr. Jean Fortier.

²⁴⁹ Bishop Thomas Dowd, written statement, *supra*, note 246, p.25.

School. This was a missed opportunity to hear about another facet of Boucher's problematic behaviour.

In October 2011, McGill University hosted a multi-discipline conference on sex abuse in the Catholic Church: *Trauma and Transformation*. The conference was in part financed and sponsored by the Canadian Conference of Catholic Bishops. Unfortunately, Bishop Dowd was the only senior diocesan official from Montreal. Among the speakers was Archbishop Mancini, by now considered an authority.

Before and after Boucher's reappointment became public knowledge, Our Lady of Annunciation parishioners reprised their efforts to get rid of him. The complaints dealt with his lack of pastoral interest²⁵⁰, authoritarian manner²⁵¹, his rudeness and disrespect²⁵², display of anger²⁵³, divisive attitude²⁵⁴ and, more particularly, with his ongoing feud with the parish choir which culminated in the Music Director's and the Cantor's resignation on October 30, 2011²⁵⁵. The first of these letters, Mrs. Frances McKenzie's, had been addressed directly to the Cardinal, with a copy to Boucher. The Cardinal gave it to Bishop Dowd telling him not to respond until Boucher himself had done so. Bishop Dowd obeyed and only followed up in 2013²⁵⁶. The other letters were addressed to him.

By November 8, Boucher started getting nervous about the rumblings in the parish. He wrote to Bishop Dowd:

"Since that time (October 30) the choir has effectively been on strike, but of greater concern is that I am hearing about a whisper campaign blaming me for Manuel's leaving and in some manner disrespecting the choir - I'm not sure exactly what, as it is all in secret. My understanding is that they hope to meet with you. The following was in an email I received from a member of the Parish Pastoral Council late this afternoon:

²⁵⁰ Frances McKenzie*, letter to Cardinal Jean-Claude Turcotte, October 21, 2011 (unfinished burial prayer by Boucher); Joanne Dunn*, letter to Bishop Thomas Dowd, undated (parishioners' requests ignored by Boucher).

²⁵¹ Albert and Gaby Levasseur*, letter to Bishop Thomas Dowd, November 3, 2011.

²⁵² Letters of parishioners to Bishop Thomas Dowd: Robert and Geneviève Sontag*, November 13, 2011; Sarah MacKay*, undated; Henry McKinnon*, November 4, 2011.

²⁵³ Vivian Lavoie*, letter to Bishop Thomas Dowd, undated.

²⁵⁴ Simone Perreault*, letter to Bishop Thomas Dowd, November 21, 2011.

²⁵⁵ Jonathan Larivière* and François Lapointe*, letter to Brian Boucher and Wardens of Our Lady of Annunciation Parish, October 30, 2011.

²⁵⁶ OEPS Ombudsperson, phone call to Mrs. McKenzie* according to new complaints procedure, March 12, 2013.

"I heard that the choir (or at least one member of the choir) is drafting some sort of list of problems they've had with you. They've been calling around to other parishioners looking for more ammunition, and they plan on presenting this list or petition to the Bishop. That's what I've been hearing. It's pretty nasty."

In my six years here, the members of the choir have been the most tenacious in their sense of entitlement and have refused every effort to bring them on board as members of a community that extends beyond the choir loft. Every year or so there has been some drama and they would usually traipse downtown to visit with the former Episcopal Vicar, who not only received them, but sadly on at least one occasion fanned the flames of their discontent. It is my hope, Tom, that you will help me to quell them."²⁵⁷

In his written statement, Bishop Dowd recalls that he spoke to either the Cardinal or to Msgr. Fortier about this and was advised to let Boucher handle it on his own²⁵⁸. Boucher did. He wrote an email to all the parishioners justifying his interventions with the choir and ending in his typically combative way:

*"Subject: Choir Email #2
From: Our lady of the Annunciation parish <info@annunciationparish.ca>
Date: Tue, 15 Nov 2011 13:11:00-0500
To: 'Our lady of the Annunciation parish' <info@annunciationparish.ca>*

(...)

*Surely, you will agree that clandestine meetings and calumnious conversations are not 'of God'. These are not the actions of committed Christians. They are sinful and are destructive to the common good of our community you purport to serve through your ministry of music. If you should have any issues with another person or with me then I invite you to speak directly with them or me. Otherwise, both Christian and civil justice demand that you refrain from doing so with anyone else at the risk of being slanderous. To those of you who have participated in such behavior, I invite you to read Matthew 18:15-17. To those of you - the majority - who have conducted yourselves with Christian dignity, charity and integrity, at what is a difficult time, I commend and thank you."²⁵⁹
(Emphasis added)*

²⁵⁷ Brian Boucher, email to Bishop Thomas Dowd, November 8, 2011.

²⁵⁸ Bishop Thomas Dowd, written statement, *supra*, footnote 246, p.25.

²⁵⁹ Brian Boucher, email to all parishioners of Our Lady of Annunciation Parish, November 15, 2011.

On December 16, 2011, Bishop Dowd met with Joseph French*, Henry McKinnon* and Fred Walsh* to hear about the problems at Annunciation. Henry McKinnon* told me that the Bishop had been very sympathetic and transparent during their meeting²⁶⁰. Bishop Dowd took notes of the meeting: the complaints levelled at Boucher were that he was psychologically ill, stubborn, incompetent and had serious anger issues. The Parish was losing people and money: “*Parishioners are voting with their feet*” they said²⁶¹.

Henry McKinnon* remembers that Bishop Dowd said the removal of Boucher from his position was outside his control: only the Cardinal could rescind the appointment and even if the Cardinal agreed to do so, Boucher could appeal the decision to Rome²⁶². In his notes of that meeting, Bishop Dowd mentioned that he needed “*objective measures*” to be able to intervene²⁶³.

The issue of Boucher’s not being allowed to hear confessions at Loyola appears again in Bishop Dowd’s notes for December 20, 2011, in which he indicates waiting for a call from the Principal of the school²⁶⁴. When I interviewed Bishop Dowd, he could recall neither the reason for the reappearance of this issue nor the follow-up with the Principal, if any²⁶⁵.

On March 20, 2012, Cardinal Turcotte resigned and Archbishop Lépine was appointed the next day.

In May of that year, Archbishop Lépine and Bishop Dowd went to the “March for Life” in Ottawa. There they met Boucher who congratulated the Archbishop on his new appointment. Archbishop Lépine remarked that he was happy to see Boucher at the March, especially given the small number of Montreal priests attending.

Bishop Dowd recounts that he then advised Archbishop Lépine that there were problems with Boucher at Annunciation and invited him to look at the Southdown reports (which he believed were in the Secret Archives) and offered to show him his minutes of the Benvenuto* incident:

²⁶⁰ Interview of Henry McKinnon*, June 25, 2020.

²⁶¹ Bishop Thomas Dowd, handwritten notes from the meeting, December 16, 2011.

²⁶² *Code of Canon Law*, can.1740-1752

²⁶³ *Supra*, footnote 261.

²⁶⁴ *Ibid.*

²⁶⁵ Interview of Bishop Thomas Dowd, *supra*, footnote 243, p.169.

“Archbishop Lépine was concerned and asked me point-blank if I was aware of any allegations against Brian of actual abuse of a minor, i.e. of a criminal allegation. I said I was not aware of anything of the sort, which was true. The issue did not go further, and I was never asked for a copy of what I had written in 2007, or for a look at the complaints.”²⁶⁶

Given that exchange, I asked Bishop Dowd why he did not look in the OPP files or ask to have access to the Secret Archives himself to check further into Boucher’s past. Had he looked in the OPP files he would have found the Southdown reports and references to the more serious complaints of that time. Bishop Dowd acknowledged that this was another missed opportunity.

In June 2012, Bishop Dowd met with Boucher to discuss the consequences of the choir *imbroglio*.

“Brian volunteered that he would be willing to break his mandate as pastor to go for studies, with a preference for dogmatic theology (I promised to bring it up with the Archbishop). Finally, I asked Brian if there was any truth to a rumour that he was planning on inviting university students to come live with him at the rectory. He denied any such plans.”²⁶⁷

I asked Bishop Dowd about the origins of that rumor, which he could not remember²⁶⁸. Had he seen the *Smith** statement, this might have been a much more memorable conversation.

In September 2012, Archbishop Lépine appointed Msgr. Michel Parent Vicar General and promoted the former Vice-Chancellor, Fr. François Sarrazin, to the post of Chancellor. Msgr. Fortier was replaced by Msgr. Roger Dufresne as Director of OPP and Director of Formation (the latter a post previously held by Bishop Dowd).

A few months later, on December 21, 2012, St Edmund’s Parish Deacon Bill Kokesch was arrested for possession of child pornography.

The initial approach of the Archdiocese in that case was one of openness and transparency:

²⁶⁶ Bishop Thomas Dowd, written statement, *supra*, footnote 246, p.29.

²⁶⁷ *Ibid.*, p.30.

²⁶⁸ Interview of Bishop Thomas Dowd, *supra*, footnote 243, p.59.

“We had to prepare a pastoral strategy and a communications plan from scratch, and no one at the diocese had any experience doing so in the face of this kind of crisis. The media were already starting to get word, and camera crews were parked outside the parish the next evening interviewing parishioners as they left mass to get their reactions. For communications, we initially decided on a strategy of maximum transparency.

(...)

For our pastoral strategy, we decided to keep journeying with the community, with a maximum support from diocesan leadership for the local pastoral team. As a message of hope, we also promised the people a program of safe environments and abuse prevention, which had never been established until that point but which was to come "soon".²⁶⁹

But this approach was not to last:

“As for the promised transparency, this was withdrawn. Basically, I was told to stop keeping the people informed as the progress of Bill Kokesch's case -- if the diocese had any comments to make, it would make them. The reason I was given for this was "respect for the judicial process already underway". When I objected that we could at least inform the people of where things were at in the judicial process, or even just to check in every so often to say we had no new information, I was told that silence was to be our approach.”²⁷⁰

The Kokesch case was a wake-up call for the Montreal Church authorities to the fact that sex abuse of children was not a theoretical problem that occurred elsewhere, but rather a serious local issue as well.

At his request, Bishop Dowd’s team identified a programme already in use in Manitoba to keep children safe in different environments: schools, daycares, faith organizations, etc.:

“The Commit to Kids program helps child-serving organizations reduce the risk of sexual abuse and create safer environments for children in their care.

The program’s tools provide organizations with information on the issue of child sexual abuse which forms the basis for educated policies and procedures — from hiring and screening to reporting and staff training. This enables all employees and volunteers throughout an organization to uphold standards of conduct that

²⁶⁹ Bishop Thomas Dowd, written statement, *supra*, footnote 246, p.32.

²⁷⁰ *Ibid.*, p.32.

protect children and youth in their care by focusing on healthy interaction between adults and children.

Through the use of print material, with customizable templates, check lists, and electronic resources, as well as online training, Commit to Kids offers tailored options to help organizations create a culture of safety in which employees/volunteers feel confident in both their interactions with children and their decision making when it comes to reporting inappropriate behaviour.”²⁷¹

This programme was bilingual and could thus be of service for the entire diocese and not just the English-speaking community. This was not to be:

“Unfortunately, this program seemed to become a casualty of the English-French divide in the diocese. My thought had been to start implementing the program in the English sector, as we had been the most hit by the arrest of Bill Kokesch, but with the French side catching up at its own pace (given the materials were bilingual, this seemed very feasible). However, I was told by Archbishop Lépine to transfer all our research to Msgr Roger Dufresne of the OPP, and he would take care of the follow-up for the whole diocese. So, I did. Sadly, nothing ever happened with Commit2Kids, and no program of a similar nature was announced until June 2016.”²⁷²

At the same time, Bishop Dowd started to work on a complaint procedure, which he implemented for the English-speaking community in March 2013. A copy of this procedure, as amended in 2015, can be found in Appendix 12²⁷³.

Between 2012 and 2014, only a few complaints against Boucher were recorded. These raised, again, issues of anger, unkind behaviour during his pastoral duties (funerals) and an overall controlling manner. On April 23, 2013, Bishop Dowd noted that a telephone complaint reported: *“Boucher had gotten worse, has serious emotional problems, the parish seems to be hurting.”*²⁷⁴ This, like the other complaints made since the implementation of the new complaint recording procedure, was duly filed.

Mrs. Isabel Davies* wrote a three-page letter to Bishop Dowd on May 30, 2013:

²⁷¹ <https://commit2kids.ca>.

²⁷² Bishop Thomas Dowd, written statement, *supra*, footnote 246, p.32-33. See also <https://diocesemontreal.org/fr/signaler-un-abus>.

²⁷³ Appendix 12, page 237.

²⁷⁴ Bishop Thomas Dowd, handwritten notes of a telephone conversation with Michael Byrd*, April 23, 2013.

*“However, I now write you out of sincere concern for his mental and spiritual health. Fr Boucher uses intimidation, ridicule, explosive outbreaks, disdain, gossip, secrecy and distrust to manipulate his environment and those around him. I have witnessed him reduce stalwart adults and innocent children to tears and raise his voice to both employees and volunteers of the parish. He frequently reminds us that he is "not here to be our friend and doesn't care if anyone likes him. He is just here to be our pastor." He boasts often that he has 'washed his hands and shaken the dust from his feet' (as regards those who have fled the parish in despair), that his favorite and frequent expression is **'this is non-negotiable'** and his favorite word is **'no'**.”²⁷⁵*

In this letter, she recounted a particularly obnoxious incident where Boucher yelled at her in front of the teachers and the children of the Faith First class. She describes the response she received from the diocese in a letter addressed to Fr. Ray Lafontaine in 2017:

“Attached is a copy of my letter to Bishop Dowd in 2013. It was followed by phone and face-to-face conversations with his assistant, plus face to face with Bishop Dowd during his visit to St Monica's. They asked if I wanted to press charges. Was I inferring there were 'other concerns'? Unaware of any sexual abuse, I was just reporting a priest in meltdown. They knew he was famous for his explosive temper.

Their primary concern was for my family. They recommended I transfer to St Monica's, son Sean could be confirmed in a community of faith and love.*

Bishop Dowd insisted he could not intervene unless there were actionable charges. His assessment was that Brian had psychological / personality trait issues that prevented him from connecting with parishioners. This was not something that could be addressed unless Brian himself asked for help. They did say they had reached out to him and told him of my letter.

A few days after the archdiocese's call, my fellow catechist, parish warden Donald Childe hosted a 'reconciliation meeting' in his home for Brian and me. The bishop's assistant was aware of the meeting and wished us a positive outcome.*

Instead of peace, Brian lashed out at me further. He pulled out his cellphone threatening to call Bishop Dowd and denied he knew about my letter. Increasingly agitated, he kept demanding that I apologize for my behaviour and that he had nothing for which to apologize. Finally, he concluded saying that as I preferred Ignatian spirituality, he would reference the Two Standards .

²⁷⁵ Isabel Davies*, letter to Bishop Thomas Dowd, May 30, 2013.

**"You are either doing God's work or Satan's.
And you are definitely not doing God's work, Isabel*!"**

Stunned, Donald asked him to leave the house ."*²⁷⁶

I was puzzled by the reference to "pressing charges". The events described in the letter, although distasteful, were not criminal in nature. When I interviewed Mrs. Davies*, she clarified her statement. Bishop Dowd's assistant had asked her if there were any other concerns that might need "pressing charges" in the context of a general inquiry into Boucher's behaviour. Mrs. Davies* confirmed to me that she had denied being aware of any such issues²⁷⁷. Bishop Dowd had never discussed criminal charges with her.

In 2013, John* Boucher contacted Bishop Dowd to discuss his ongoing difficulties with Boucher in regard to his children. He thought that Boucher was interfering with his access to his children who did not want to see him. Brian Boucher followed up:

"According to my notes, on May 31 I got a call from Brian Boucher, ostensibly asking for my advice. John had called asking for a meeting between the two of them. Brian was anxious that John* might "falsely accuse" him of something with the children, and possibly use the threat of a false accusation to extort money from him. I explained that we had an advisory committee in place that would have to look at the situation in an objective manner. As well, I advised that any threat of extortion be reported to police, possibly with the help of a lawyer. Finally, I suggested I share all of this with Msgr. Parent and Msgr. Dufresne, which he accepted I do, saying he wanted to live this situation with transparency. I did so, explaining everything as I understood it up until that point. I did not get any particular reaction from either of them."*²⁷⁸

When I interviewed Msgr. Parent, he told me that John* Boucher had earlier gone to see him with a similar complaint. Msgr. Parent had written a memo to this effect in which he had noted that he had seen Bishop Mancini about this and that the case had been referred to Msgr. Harty at OEPS "*parce que les anglophones (...) ils lavaient leurs choses entre eux*"²⁷⁹. Msgr. Parent never mentioned this to Bishop Dowd and the handwritten note is nowhere to be found.

²⁷⁶ Isabel Davies*, letter to Fr. Ray Lafontaine, January 15, 2017.

²⁷⁷ Interview of Isabel Davies*, July 23, 2020.

²⁷⁸ Bishop Thomas Dowd, written statement, *supra*, footnote 246, p.34.

²⁷⁹ Interview of Msgr. Michel Parent, *supra*, footnote 82, p.31.

In June, Bishop Dowd met again with John* Boucher:

“He continued his allegation that Brian was “interfering” with his teenaged children. At this point I asked John to define what exactly he meant by this word. He struggled to do so. He then tossed a bombshell: he said that he “knew” Brian had been sent to Southdown for an unhealthy emotional attachment to adolescent boys.”²⁸⁰*

Troubled by this, Bishop Dowd phoned Msgr. Harty who reassured him:

“I asked if what John had alleged was true. Msgr. Harty assured me it was not: his discharge diagnosis was one of anxiety and Msgr. Harty told me he had been assured there was no sign of pedophilia in Brian's psychological profile.”²⁸¹*

Once again, Bishop Dowd approached Archbishop Lépine:

“Upon telling the story Archbishop Lépine once again asked me if there were ever any allegations of abuse of minors against Brian, and I repeated what I had told him the last time: as far as I knew, no, although there was that incident with young Charlie Benvenuto. Of course, the Southdown records (I believed) were in the secret archive, so perhaps Archbishop Lépine could take a look at them, especially as John* had made a claim about Brian's reason for being there. (As of that point, Archbishop Lépine had not looked at them.)”²⁸²*

In March 2014, a new complaint against Boucher came in. The Pastoral Registration Sheet summarizes it thus:

“She is deeply disturbed about the situation at Annunciation of Our Lady Parish. Been a parishioner since 1957, and she has never seen such a decline in attendance. She fears that they will lose the parish. She says the homilies are long and are more like lectures to people. She feels that the priest is not happy there. He would be a wonderful teacher in her opinion.”²⁸³

The notes on the response given are laconic:

“Bishop cannot discuss personnel issues with other individuals. Bishop acknowledges and takes note of complaint. Not to worry about closing of church.”²⁸⁴

²⁸⁰ Bishop Thomas Dowd, written statement, *supra*, footnote 246, p.35.

²⁸¹ *Ibid.*, p.36.

²⁸² *Ibid.*

²⁸³ *Ombudsman Pastoral Complaint Cover Sheet*, March 21, 2014.

²⁸⁴ *Ibid.*

Despite his eagerness to have his mandate at Annunciation renewed, Boucher had indicated to Bishop Dowd in 2012 that he was interested in a study leave and was willing to resign from his position as pastor of Annunciation. Archbishop Lépine, unlike his predecessor in his later years, encouraged priests to follow advanced studies. In 2012, he had sent Father Francesco Giordano to study Canon Law and Father Robert Clark to study Sacramental Theology in Rome. In 2013, the Archbishop and Bishop Dowd decided to send only one priest, as Fr. Giordano and Clark were still in Rome. The choice was to be made between two priests who had put forward their request: one was Boucher, the other, Fr. Stephen Otvos. The latter wanted to study the spirituality of priestly formation, an expertise which would benefit the GSM. Fr. Otvos was chosen.

By 2014, Boucher was already 52 years old. He indicated to Bishop Dowd that it was “*now or never*.”²⁸⁵

This is how Bishop Dowd recounts the making of the decision to send Boucher to further studies in Washington:

“As we looked over the list once again I mentioned Brian's willingness to go, and raised the point he had raised about his age. I also raised the question of Brian's success (or challenges thereof) as a pastor with regards to his interpersonal relations, and the suggestion raised by a parishioner that he might make a good teacher (a remark I had also heard from Jonathan Larivière about his ability to explain the Bible, and from the leader of the marriage preparation team with whom he worked). Brian was also interested in studying an area of theology that didn't often have a lot of takers.*

Archbishop Lépine asked me (once again) if there had ever been any allegations of abuse of a minor in his past, and (once again) I said I had no knowledge of any but that he should perhaps look in the secret archive. After this, he asked if I ever saw Brian becoming a parish pastor again in the future, and I said I honestly had my doubts. He wondered what job we might be able to offer him, and I said I did not know, as teaching at a seminary was not a full-time position. Still, I did point out that, with the return of Father Clark from his two years of studies in Rome, we had someone ready to take over the parish should Brian be sent, and given that Brian and Father Clark were friends it would probably make for a smooth transition. In the end, Archbishop Lépine said “un temps d'études peut aider un

²⁸⁵ Bishop Thomas Dowd, written statement, *supra*, footnote 246, p.38.

prêtre à relancer son sacerdoce", and we decided to send him, even if we didn't have a complete plan in place for his duties when he got back in two years."²⁸⁶

Once again, neither Archbishop Lépine nor Bishop Dowd took the time to check the existing OPP files or asked to see the Secret Archives.

Boucher was delighted.

Archbishop Lépine sent a letter of recommendation:

"As I am his Archbishop and he is studying at my invitation, obviously I believe he is capable of succeeding. That being said, I can affirm this not only as his Archbishop, but also as one of his former professors. He was one of my students when I taught a course on social justice at the Grand Séminaire de Montréal, back in the early 1990's.

In his ministry he has never stopped studying and teaching with the scope of always keeping together "Truth and Love". I recommend him for two years of study in dogmatics in order to obtain a licentiate."²⁸⁷

So did Bishop Dowd:

"While I was never one of Father Boucher's professors (he was, in fact, ordained before me), I am his immediate superior. He is a highly intelligent man with a clear mind and a thirst to deepen his knowledge of the faith. He is one of our regular lecturers for our marriage preparation program, for example, and his presentations are known for their depth and clarity."²⁸⁸

Both these letters skirt the evidence in the many complaints received about Boucher's offensive homilies, intransigence and apparent homophobia.

But much more troubling are the forms of "suitability" signed by Canon Sarrazin:

"To the best of my knowledge, in the external forum, I am of the opinion that he is of good character and reputation. He has had a criminal background check, which is on file in our Priest Personnel Office. I believe that he is qualified to

²⁸⁶ *Ibid.*, p.38.

²⁸⁷ Archbishop Christian Lépine, letter to Members of the Admissions Committee – Pontifical Faculty of the Immaculate Conception, June 20, 2014.

²⁸⁸ Bishop Thomas Dowd, letter to Members of the Admissions Committee – Pontifical Faculty of the Immaculate Conception, June 20, 2014.

perform his ministerial duties in an effective and suitable manner. In accordance with the Charter for the Protection of Children and Young People, I can attest that there are no canonical or civil reason(s) for his leaving The Archdiocese of Montreal. Moreover, I have no knowledge that he has been arrested, charged, or convicted of any criminal act. More specifically, I am unaware of anything in his background that would render him unsuitable to work with minor children. Further, I have no knowledge that he has a current, untreated alcohol or substance abuse problem.”²⁸⁹

(emphasis added)

And he also signed a separate form:

“Dear Cardinal Wuerl:

The reverend Fr. Brian Boucher presently studying at the Pontifical Faculty of the Imm. Conc. be given faculties and/or exercise priestly ministry in the Archdiocese of Washington. I have carefully reviewed our personnel files and all other records that we maintain, and I have consulted with those who served with him in the works he has been assigned under our authority. Based on these inquiries, and on my own personal knowledge, I am able to make each of those statements listed below which I have checked off and initialed:

(✓) (initials)

✓ _____ *He is a priest in good standing whose faculties are still in force in _____ the Archdiocese of Montreal _____ (DIOCESE or RELIGIOUS CONGREGATION)*

✓ _____ *He has never been suspended or otherwise canonically disciplined, a warning notwithstanding, nor have any criminal charges ever been brought against him nor does he have any criminal record. He has had a criminal background check which is on file in our Priests Personnel Office.*

✓ _____ *No accusations of misconduct have ever been made against him, nor has he ever been involved in any*

²⁸⁹ Canon François Sarrazin, *Request for Faculties - Archdiocese of Washington*, January 23, 2015.

incident, to my knowledge, which has led to potential or public scandal.

✓ _____ *To the best of my knowledge, he has never engaged in sexual behavior inconsistent with priestly celibacy, nor has he ever acted in an inappropriate manner with minors.*

✓ _____ *To the best of my knowledge, he has never suffered from alcoholism or other forms of substance abuse.*

✓ _____ *He has no mental, moral, emotional, or physical condition that might adversely affect his performance as a priest.*

Based on my inquiries and on my personal knowledge, I attest that Reverend Fr. Brian Boucher is a man of good moral character and reputation and is fully qualified to serve as a priest in an effective and suitable manner if he should be granted a residence, be given faculties and/or an assignment in the Archdiocese of Washington.”²⁹⁰

(Emphasis added)

I interviewed Msgr. Sarrazin on February 19, 2020.

After discussing Armando Lopez*, we moved on to Boucher’s study leave. His initial reaction was that he had been aghast at the thought of sending Boucher to study:

« FS : Si vous voulez que je dise la vérité, elle est pas jolie.

PC : Dites donc. Je suis là pour entendre la vérité.

FS : Je suis donc... Je suis donc chancelier. J’entends dire, dans les nominations qui m’arrivent, que Brian va être nommé aux études à Washington.

PC : J’allais vous en parler. J’allais justement vous parler de ça.

FS : Je pars de mon bureau et je vais juste ici au-dessus.

²⁹⁰ Msgr. François Sarrazin, *Testimonial to the Archdiocese of Washington of Suitability for Priestly Ministry*, January 23, 2015.

PC : Chez qui?

FS : Fra noi²⁹¹, chez monseigneur Dowd.

PC : O.K.

FS : Et je dis à monseigneur Dowd, écoutez, qu'est-ce que vous faites? Vous l'envoyez aux études. Mais est-ce que vous êtes conscient? Est-ce que vous réalisez? Ah oui, oui, oui, mais ça, c'est fini, et c'est fini. C'est la seule façon de le... de le retirer de la paroisse et puis de l'envoyer comme ça étudier aux études. Mais j'ai dit, écoutez, vous pouvez pas faire ça.

PC : C'est monseigneur Dowd qui vous dit ça?

FS : Moi, je dis ça à monseigneur Dowd.

PC : Non, mais lui, il vous dit c'est... il faut... c'est la seule façon...

FS : C'est une façon de le sortir de la paroisse. Je suis revenu à mon bureau avec mon petit bonheur. »²⁹²

Bishop Dowd denied to me ever having been warned or advised by Canon Sarrazin that it would be unwise to send Boucher to study²⁹³, which is very plausible, given the attestations cited above.

I asked Msgr. Sarrazin about this apparent contradiction:

“PC : Mais vous avez signé un document qui dit que vous...vous avez dit, “I am unaware of anything in his background that would render him unsuitable to work with minor children.” Puis...

FS : Oui, ça, c'est un...

PC : Et puis, “to the best of my knowledge, no accusation of misconduct has ever been made against him.”

FS : Dites-moi pas j'ai signé ça.

(...)

FS : Ça venait de Washington. Ayoye! 2015. J'étais bien ici. Je vais pas me défendre là-dessus, mais je dirais probablement que on m'a demandé de signer ce document les yeux fermés.

²⁹¹ Italian for “between us”.

²⁹² Interview of Msgr. François Sarrazin, February 19, 2020, *supra* footnote 80 p.11-12

²⁹³ Additional interview of Bishop Thomas Dowd.

PC : Mais qui pourrait vous... demander, exiger, vous dire, signez ça ici?

FS : Je sais vraiment pas qui m'aurait apporté ça. Là, là, je peux dire que j'ai aucune mémoire de... Parce que si on était aujourd'hui, là, sachant ce qu'on sait...

PC : Ben c'est sûr.

FS : ... c'est sûr...

PC : Ben c'est sûr. Aujourd'hui, on en sait beaucoup plus. Mais il y avait quand même un dossier assez important déjà. Et j'allais vous demander, parce que vous avez écrit que vous avez vérifié ici, c'est écrit que... ça, je vais vous dire... "I have carefully reviewed our personnel files and all other records."

FS : C'est pas moi qui aurais pu écrire ça. D'abord, je parle très mal l'anglais, premièrement.

PC : Mais c'est ce qui est... c'est ce que vous avez signé.

FS : Mais je l'ai signé.

PC : Vous l'avez signé, mais vous n'aviez pas...

FS : Je l'ai signé.

PC : ... vérifié les dossiers...

FS : Non.

PC : ... avant de le signer.

FS : On a dû me le dire, correct, là, il est correct. Mais voyez-vous, là, ça me mène... ça me mène à une chose que j'aurais pas dû signer. Tout à fait. Je le reconnais.

PC : Vous savez, c'est ça ce qu'on nous apprend à la faculté de droit. Ne signez jamais sans avoir tout lu.

FS : Oui. Mais en 2015, on n'était pas dans une tourmente.

PC : Ben en...

FS : On n'avait pas le contexte social actuel qui cherche...qui cherche des membres du clergé en situation délicate. Est-ce qu'on m'aurait présenté ça?"²⁹⁴

The Chancellor has custody of the Secret Archives as well as of the regular Chancery files which contain the originals of the appointments of each priest. The Secret Archives

²⁹⁴ Interview of Msgr. François Sarrazin, *supra*, footnote 80292, p.12-14

contained two files titled “Brian Boucher”, which, while incomplete, certainly included sufficient evidence to begin questioning Boucher’s suitability²⁹⁵. If Msgr. Sarrazin had in fact checked the personnel files (OPP and OEPS) and the Secret Archives before signing these documents, he might have refrained from doing so.

Boucher resigned from his post and left for Washington. Fr. Robert Clark replaced him at Annunciation. As soon as he arrived, he let go the three under age boys who were working at the Parish, because he thought it was inappropriate to hire minors. He had heard vague rumors about Boucher since his own seminary days, but nothing concrete. Fr. Clark told me that he thought people did not confide in him because they believed that he and Boucher were friends²⁹⁶. He received a clear warning, however, from Fr. Sullivan who told him about young boys in pyjamas massaging Boucher’s neck in the rectory²⁹⁷. He also heard about the incident with Mrs. Davies*.

Even from Washington, Boucher did not stop threatening anyone who disagreed with him.

When Fr. Clark took over as pastor, he realized that the parish had bought Boucher a cell phone, contrary to the accepted practice, and that Boucher had taken it with him to Washington:

“RC: Brian, I said, I just found out that you know Eric bought a cellphone for you and you left the parish with parish property. He said, “You’re accusing me of stealing?” I said, who bought the cellphone, Brian? He goes, “The parish”. And I said, where is the cellphone, Brian? “In Washington”, so I said, you left with parish property, didn’t you? He goes, “if you tell anybody I’ll sue you, I’ll wreck your reputation”.”²⁹⁸

²⁹⁵ The first file contained the complete GSM admissions and ordination file, including the two Fr. Mancini reports of December 1995 and February 1996. The second file was much scantier: Dorothy Mint* letter (with Msgr. Parent’s hand-written annotation) and Fr. Timmins letter requesting the removal of Boucher from St. John Brébeuf as well as handwritten notes by Bishop Mancini taken when he interviewed Boucher in 1996 and 3 Post-it notes with Bishop Rivest’s comments on Fr. Timmins’ request and « *une plainte légère* » with reference to Dorothy Mint*’s complaint. When I had access to the Secret Archives, this second file contained as well some, but not all, the documents relating to the canonical process that followed.

²⁹⁶ Interview of Fr. Robert Clark, March 3, 2020, p.14.

²⁹⁷ *Ibid.*, p.47.

²⁹⁸ *Ibid.*, p.55- 56

On October 22, 2015, Boucher phoned Bishop Dowd to advise him that he had filed a complaint for sexual assault in Washington against a fellow student, Fr. Edward Allscombe*.

The Dowd Investigation

I will not review here the details of Bishop Dowd's investigation as prompted by Boucher's October 22, 2015, phone call. A timeline of the investigation prepared by Bishop Dowd can be found in Appendix 13²⁹⁹.

I will, however, emphasize some key events that can shed a light on the attitudes and practices of the Church hierarchy at the time.

October 2015

When Bishop Dowd received Boucher's phone call, his initial reaction was suspicion. Why had Boucher waited a whole month before relating the event? By the time Boucher called Bishop Dowd, he had already called the Chancellor of Fr. Allscombe*'s home diocese, spoken to the Dean of Students at the University, but had refused to file a formal complaint. Bishop Dowd decided to check the story by contacting Fr. Allscombe*'s superiors and, eventually, speaking to Fr. Allscombe* himself.

December 2015

Bishop Dowd interviewed Fr. Allscombe* and recorded their conversation on December 10. Fr. Allscombe* related how he had become enmeshed in an emotionally abusive relationship eventually resulting in homosexual physical contact. At his first attempt to end it, Boucher had threatened to damage Fr. Allscombe*'s priesthood. When Fr. Allscombe* made it clear that this relationship could not continue, Boucher acted on his threat and started his campaign of accusations against him.

On December 11, Bishop Dowd played the recorded conversation for the members of the *Conseil de l'évêque*. Beside himself, these were Archbishop Christian Lépine, Msgr. Michel Parent, Vicar General, Msgr. Roger Dufresne, director of OPP, Canon François

²⁹⁹ Bishop Thomas Dowd, Timeline of Investigation, Appendix 13, p.250.

Sarrazin, Chancellor and Fr. Pierangelo Paternieri, responsible for Cultural Communities.

According to Bishop Dowd, after he played the recording, Canon Sarrazin mentioned to him having received a similar complaint in the past from “a young Mexican” and taking notes at the time. These notes cannot be found. As we have seen, when I interviewed Msgr. Sarrazin, he emphatically claimed that he had not even let Armando Lopez* speak to him, *as this was not in his jurisdiction*³⁰⁰. Fr. Sylvestre vehemently contradicted Msgr. Sarrazin’s version of the events when I spoke to him³⁰¹.

Similarly, Bishop Dowd remembers that Msgr. Parent raised the fact at that meeting that this smacked of recidivism³⁰². However, when I interviewed him, Msgr. Parent did not even remember hearing the recording. I then asked him whether he had heard of Armando Lopez*. He spontaneously answered:

*« MP : Ça, c'est tu le jeune séminariste ou le jeune prêtre qui s'était fait enlever son passeport par Brian Boucher ? »*³⁰³

But when I tried to probe for more detail, he suddenly denied any knowledge of the Lopez* story and referred to the passport incident as having happened in Washington:

« MP : Non. Moi, c'est la première fois que j'entends parler de ça, en mon âme et conscience, moi ce que j'ai su, c'est quand il avait été envoyé aux études à Washington, je crois.

PC : Ça, c'est en 2014, beaucoup plus...

MP : Oui et puis qu'il avait attiré, là, un jeune, un jeune séminariste ou prêtre, je ne sais plus, et puis qu'il avait retiré son passeport pour faire du chantage.

PC : Non, non, le passeport, c'était Armando Lopez, c'est en '98 l'histoire du passeport.*

*MP : Ah bon, bien, vous voyez qu'il m'en manque des bouts, là. »*³⁰⁴

³⁰⁰ Interview of Msgr. François Sarrazin, *supra*, footnote 8080, p.9.

³⁰¹ Interview of Fr. Sylvestre, March 31, 2020, p.18-21.

³⁰² Additional interview of Bishop Thomas Dowd.

³⁰³ Interview of Msgr. Michel Parent, *supra*, footnote 8282, p.34.

³⁰⁴ *Ibid.*, p.36

Archbishop Lépine decreed the opening of an official investigation, appointing Bishop Dowd to carry it out. Msgr. Parent commented on this choice to me:

“MP : Bon. Alors, ça, je me souviens, j'étais plus à la Chancellerie, j'étais vicaire général, mais je me souviens que monseigneur Dowd avait pris le dossier, qui m'avait un peu étonné, mais là avec... avec l'histoire, je me dis c'était le bon Dieu qui... je veux pas mettre le bon Dieu partout, mais je vais le mettre là où il est, parce que normalement, c'était le vicaire épiscopal auprès des communautés anglophones, qui était monseigneur Dowd, qui aurait dû soutenir pastoralement le prêtre et c'était au chancelier de faire l'enquête ou au vicaire judiciaire. Mais là, moi, ça m'avait étonné parce que c'est monseigneur Dowd qui avait décidé de faire l'enquête, parce qu'il venait à peine d'avoir ses degrés en droit canonique et puis... mais l'Abbé Sarrazin avait pas protesté, mais... mais c'est sa compétence, comment ça se fait que monseigneur Dowd, qui devrait être... qui était de facto le vicaire épiscopal auprès des communautés anglophones dont la fonction était une fonction hautement pastorale, je me disais qu'est-ce que... bon, mais... mais vous comprenez que comme c'étaient les anglophones, puisque je voulais pas que le chancelier pense que je faisais la belle- mère en me disant c'est... non, non, mais j'avais été tellement longtemps que je passais en dessous du tapis pour le laisser faire son travail, là. »³⁰⁵

Bishop Dowd phoned Southdown during the second week of December to discuss an assessment in view of determining imputability in the sense of criminal responsibility in Canon law. He found out from Dr. Michael Sy that there had already been **two** prior assessments of Boucher at Southdown. He asked for the Southdown files, which he received a few days later. This is when he first saw the Smith* statement given to Bishop Mancini. He then went to the OPP office and asked for the Boucher file, which he proceeded to scan.

He also asked Canon Sarrazin for the files in the regular and the Secret Archives.

“I was refused to be allowed to remove them, but the Chancellor promised to get me a copy of everything in them. In the end, he didn't give me anything from the regular archive, stating that it was only Boucher's routine paperwork (letters of appointment, for example) -- nothing that would indicate this kind of behaviour. As for the secret archive, he gave me a single sheet of paper from it, stating that it was all he had.”³⁰⁶

³⁰⁵ *Ibid.*, p.38-39.

³⁰⁶ Bishop Thomas Dowd, email to the undersigned, List of what documents was where, May 19, 2020.

That ONE-page document was a photocopy of the handwritten notes on the **back** of Dorothy Mint*'s 2006 letter to Bishop Mancini³⁰⁷. Canon Sarrazin did not give Bishop Dowd the front of the page, containing the actual complaint³⁰⁸.

In order to verify the contents of the Secret Archives, I asked Archbishop Lépine to be allowed access to them without prior notice to the Chancellor or his staff as I wanted to be sure that the files were not moved or in any way tampered with. I found **two full file folders in Boucher's name**: one contained the GSM files, the other Bishop Mancini's handwritten notes for his February 1996 report as well as the report itself and the one preceding it, of December 1995, Fr. Timmins 1998 letter and yellow handwritten Post-its by Bishop Rivest commenting on Boucher's ordination and Fr. Timmins' letter. There were also two early St. Peter's reports (prior to Boucher's withdrawal) and, of course, Dorothy Mint*'s letter with the handwritten note on the back.

I asked Msgr. Sarrazin about this:

« PC : Quand monseigneur Dowd vous a demandé, parce que lui y a pas accès aux archives secrètes, quand il était en train de faire son rapport, il vous a demandé les documents qui... pertinents à Boucher dans les archives secrètes. Ce qu'il m'a dit, c'est que vous lui avez remis une page, une feuille où il y a des annotations manuscrites de monseigneur Parent.

FS : Ah bon?

PC : Et c'est tout. Alors que moi, j'ai vu deux dossiers. Est-ce que vous pourriez me dire un petit peu qu'est-ce qui s'est passé?

FS : Pas du tout.

PC : Pourquoi vous lui auriez donné juste... même pas la feuille au complet parce que, au verso, il y avait une plainte de 2006 et ce que vous lui avez donné, c'est la partie manuscrite où, je pense, c'est Michel Parent qui dit « on envoie ça à Sean Harty. Mancini m'a dit de ne pas m'en occuper ». Est-ce qu'on le sait?

FS : Mais...

PC : Vous auriez fait...

FS : Non.

PC : ... ce tri?

FS : Non. Honnêtement, là, vous me rappelez des choses. Je sais pas si c'est...

³⁰⁷ *Supra*, footnote 205.

³⁰⁸ *Supra*, footnote 204.

PC : C'était en 2015.

FS : ... ma mémoire qui...

PC : C'était en 2015, ça.

FS : ... qui fait défaut comme ça, là, mais j'aimerais bien pouvoir vous aider. Est-ce que cette feuille-là est encore dans les archives?

PC : Oui.

FS : Donc je lui aurais donné une photocopie?

PC : Une photocopie, c'est sûr.

FS : O.K.

PC : Vous lui avez pas donné des documents des archives. Mais une photocopie d'un côté seulement de la feuille, mais il y a beaucoup plus que ça dans les dossiers.

FS : Est-ce qu'il m'aurait demandé que ça? Est-ce qu'il y avait...

PC : Ben il pouvait pas savoir.

FS : Mais... Honnêtement, là, honnêtement, j'ai pas idée. Vous savez, ici, à la chancellerie, c'est un stress considérable. C'est des demandes... Tout est urgent. Tout est... Toutes les demandes sont urgentes. C'est comme si j'arrivais pas toujours à me concentrer sur ce qui est important. Alors c'est probablement là ma mémoire qui est pas, qui est pas fidèle. »³⁰⁹

Bishop Dowd ordered Boucher to report to him in Montreal on December 22, 2015. That same morning, before meeting with Boucher, Bishop Dowd received a call from Fr. Clark advising him that he had just found out that there had been a physical altercation between Nathan Wright*, a young employee at Our Lady of the Annunciation Parish, and Boucher during the previous summer, when Boucher was back from Washington on vacation. Bishop Dowd spoke to Nathan*, his mother and his father that day. He began to suspect that Boucher had sexually abused Nathan*, but the latter would not discuss it although he mentioned having made a complaint to the police regarding a criminal matter. In the afternoon, Bishop Dowd met with Boucher in the presence of Canon Sarrazin. Boucher's faculties were suspended and he was forced to return the keys to the Annunciation rectory.

³⁰⁹ Interview of Msgr. François Sarrazin, *supra*, footnote 80 p.17-18

On December 29, Bishop Dowd wrote a lengthy letter to Dr. Sy in view of a future reassessment of Boucher:

"The objective of this assessment at Southdown

Given the above revelations, the Archdiocese has several main interests:

- 1. The Archdiocese is proceeding with a preliminary investigation in accordance with canon law. As part of this investigation, we must look into not just the facts, but also the "circumstances and imputability" of any misconduct. A better understanding of Father Boucher's mental state will help us in this regard.*
- 2. Even if the investigation does not confirm the existence of a canonical crime," the Archdiocese of Montreal will have to assess Father Boucher's suitability for ministry. Obviously, any final determination in this regard is the responsibility of the Archbishop, not of Southdown. However, the psychological insight that Southdown can provide, as well as any suggestion on how to properly approach the question of future ministry, would be welcome.*
- 3. Finally, if Father Boucher really is suffering from his own trauma, we would want to know how best to help him."³¹⁰*

January 2016

The Archdiocese wrote to the Congregation for the Doctrine of the Faith ("CDF") in Rome to open an official investigation and obtain a protocol number.

Bishop Dowd spoke to Fr. Timmins who told him about a possible victim named Jeremy* from the time Boucher was at St. John Brébeuf but Fr. Timmins could not remember the boy's last name. Bishop Dowd started a wide-reaching search for this young man and spoke to Joelle and Steven Mara* and Chantal* and Robert Blanchard*. He also contacted Dan Cere at the Newman Centre and obtained more information about Boucher's behaviour there.

February 2016

Dr. Sy responded to Bishop Dowd with a devastating letter about Boucher's past history and prognosis:

³¹⁰ Bishop Thomas Dowd, letter to Dr. Michael Sy, Southdown Institute, December 29, 2015.

“Dear Bishop Dowd:

I have completed reviewing the material you sent concerning the recent complaints against Rev. Brian Boucher. Fr. Boucher's behaviour described in the recent complaints is similar to the behaviour described in the complaints of 2003. His behaviour is, similarly, opportunistic, predatory, and exploitative (emotionally and sexually) as it was in 2003.

During his stay in the residential program in 2003, Fr. Boucher was challenged about his behaviour and appeared to have acquired good insight and awareness of his behaviour and its dynamics. He expressed a strong commitment of living a life of chaste celibacy and was aware of his core issues that needed to continue to be addressed in therapy.

Regardless of what Fr. Boucher seems to have accomplished during his residential stay, the gravity of the current complaints about him are similar to the 2003 complaints. His actions are indicative of a severe narcissistic and antisocial personality disorder. His denial of wrongdoing and his externalization of blame are associated with his personality disorder. Presenting himself as the victim is a way of rationalizing his behaviour and avoiding accountability of his actions. All of this places him at a very high-risk level of reoffending, and our recommendation is that he not be assigned.”³¹¹

In the same month, the CDF granted a protocol number to the investigation.

March 2016

Bishop Dowd continued his active search for Jeremy*, the child who had been the object of Fr. Timmins and Professor Cere’s concerns.

He also obtained a meeting of the Advisory Committee as he thought there might be more to Nathan*’s December complaints of physical assault and that, when found, Jeremy* might prove to have been a victim of sex abuse:

“I asked for a meeting of the Comité aviseur, and it literally took weeks of asking and one meeting of me begging on my knees to get it called. The Comité aviseur

³¹¹ Dr. Michael Sy, Southdown Institute, letter to Bishop Thomas Dowd, February 2, 2016.

*itself advised strongly against the diocese going to the police, even to accompany a victim.*³¹²

April 2016

Bishop Dowd finally identified Jeremy* who confirmed to him that he had been a victim of Boucher's sexual abuse while he was a minor. In order to make it easier for Jeremy*, Bishop Dowd offered to accompany him to the police whenever he was ready. On April 25, Bishop Saint-Antoine revealed to Bishop Dowd that he had warned "the diocese" in 2000 and had threatened Boucher with a call to the Director of Youth Protection.

May 2016

On May 7, Bishop Dowd's preliminary investigation report was completed and on May 16 it was transmitted to the CDF via the papal Nuncio, the diplomatic representative of the Vatican. On that day, Bishop Dowd also provided the Nuncio, Archbishop Luigi Bonazzi, with documents that showed that Archbishop Mancini had received many complaints and indications of potential sex abuse while he was still in Montreal and had not acted upon them. Archbishop Bonazzi told Bishop Dowd to speak directly with Archbishop Mancini when he next saw him³¹³.

On May 18, 2016, the Advisory Committee met again, and again it recommended NOT going to the police, as elaborated in Bishop Dowd's email to me:

"The issue came up again when we did the next meeting of the Comité aviseur on May 18. By this time I had met with Jeremy, but he had not yet decided to go to the police. I wanted to revisit the question of whether or not we should approach the police, or what assistance we should offer to Jeremy*.*

Again, the recommendation was that the diocese not approach the police. Also, I was told I should not have offered to go to the police with Jeremy when I met with him. Finally, a suggestion was made at the meeting by Msgr. Parent that all records related to Boucher be sequestered, possibly at the offices of the Apostolic Nunciature, so that they would be immune to seizure.*

³¹² Bishop Thomas Dowd, written statement, *supra*, footnote 246, p.42.

³¹³ Bishop Thomas Dowd, text emailed to the undersigned, *Lessons learned from the case of the former priest Brian Boucher*, January 23, 2020.

I was not happy with that meeting. Two days later we had a meeting of the Conseil de l'évêque with Archbishop Lépine. A summary of the Comité aviseur meeting was presented to him, and Mgr Parent repeated his suggestion re: Boucher's records.

I offered my dissenting point of view regarding what we should do, and we didn't come to any definitive conclusions or consensus on how to proceed. I was not comfortable with leaving things like that, and I wanted my perspective to be made absolutely clear. I wrote the attached memo and gave it to Archbishop Lépine that afternoon."³¹⁴

The memo mentioned in the email can be found in Appendix 14³¹⁵.

Archbishop Lépine did not respond.

On May 20, Bishop Dowd met with Fr. Clark and told him about the sexual nature of the accusations leading to the investigation³¹⁶. He asked him to keep this information to himself. This request was very difficult for Fr. Clark who felt he had an obligation to protect his parishioners, since he could not be sure that Boucher would not contact them. In fact, he was aware that Boucher was emailing his friends at the parish as if he was still studying in Washington.

June 2016

Nathan* told his parents about the sexual abuse suffered in the hands of Boucher and informed them that he had already filed a complaint with the police in 2015. His mother then reported it to Fr. Clark who immediately notified Bishop Dowd.

On June 6, Jeremy* went to file a complaint with the police and asked Bishop Dowd to accompany him, which the Bishop did, despite the Advisory Committee's position.

³¹⁴ Bishop Thomas Dowd, email to the undersigned, April 1, 2020.

³¹⁵ Bishop Thomas Dowd, memo to Archbishop Christian Lépine, May 20, 2016, found in Appendix 14, page 257257.

³¹⁶ Interview with Fr. Robert Clark, *supra* footnote 296, p.57.

On June 15, Bishop Dowd flew to Halifax on a different matter and met with Archbishop Mancini. He shared with him the gravity of the situation and showed him the same documents he had previously shown the Nuncio: his February 14, 1996, memo containing his psychological analysis of Boucher³¹⁷; the notes from Dan Cere describing his interactions with him; the 2002 letter from Emma O'Reilly*; the Francis Smith* letter and the 2006 Dorothy Mint* letter with the handwritten note from Msgr. Michel Parent.

This is how Bishop Dowd related what happened next in the email addressed to me on January 23, 2020, before I met with Cardinal Marc Ouellet in Rome:

“The meeting went about as well as it could, I suppose. Archbishop Mancini sat very quietly in his chair as I passed him papers seeming to document his inaction. When I asked him for his reaction, he simply acknowledged what was before him and said, “If I could go back I’d do things differently”.

As it happened, Archbishop Mancini and I were on the same flight to Montreal that afternoon, as that evening was the ordination of Alain Faubert as bishop. When we got to Montreal Archbishop Mancini told me he had thought about it some more and wanted to continue the discussion. He was clearly troubled. We discussed the matter some more at the airport in Montreal before taking a taxi downtown.

The Apostolic Nuncio, Archbishop Bonazzi, was in Montreal as well for the ordination, as is normal for a man with his role. Many other bishops were there for the celebration, and a small reception was held in the Red Room of the residence of the Cathedral for them. I was in the room greeting guests when I saw Archbishop Mancini arrive. He went straight to speak with Archbishop Bonazzi. I could see them speaking very seriously.

(...)

Three months later, at the plenary of the Canadian Conference of Catholic Bishops in September 26-30, 2016, I spoke with Archbishop Mancini to see how he was doing. He announced to me that he was not going to run for the office of Vice-President of the conference once his term was over as Treasurer. He also told me that he had offered to resign when he saw the Nuncio at the reception in June, and that the Nuncio had counselled him not to do anything hasty.”³¹⁸

Later in June, Bishop Dowd met with Fr. Clark, pastor of Annunciation, Fr. Gerry Martineau, pastor of St John Brébeuf and Fr. MacEachen, Boucher’s predecessor at

³¹⁷ *Supra*, footnote 76.

³¹⁸ *Supra*, footnote 313.

Annunciation. They were worried that Boucher might still be in touch with young men and boys from their parishes. As a result of this meeting, Bishop Dowd contacted the police again to urge some action in both the Nathan* and Jeremy* files, speaking to the police lieutenant in charge of these major crimes.

The Journal de Montréal caught wind of an investigation about a pedophile priest and rumors started circulating more broadly.

July 2016

Fr. Clark talked to a parishioner:

“RC: One of my parishioners said, “you know we’re hearing things about Brian now, and I was having a, well, you know and this and that”, then he said, “Listen, I have two) children that grew up here in this parish, they were his altar servers. I need to know.” So I told him and then I immediately got on the phone and phoned Bishop Dowd and said, “ I went against what you asked me I’ll accept any punishment that you’re going to give to me, like transfer me, remove me or whatever, not from my priesthood but from the parish and all that, he goes, “ Robert what were you supposed to do, lie to the man?” You know, so nothing ever happened to me, breaking it but I was put under, there was a period where I felt I couldn’t say anything which was driving me crazy for two reasons; pastoral, I thought my children, my parishioners were in danger and I think they were, and myself, my own reputation I couldn’t say, well it’s garbage that he’s telling that he was doing his thesis, he’s turned up in Montreal, you know, so that period, asides from all levels of authority in the Diocese, I think are the twenty-one years, almost twenty-two years that I’ve been ordained a priest that for me, has been the biggest disappointment is that we can’t even be honest with our parishioners, you know people that I’m sworn to, I’m taking oath, you know but I mean these are my people. I have to protect them and I was told, keep your mouth shut. I feel like pain (inaudible), you know.”³¹⁹

On July 20, the CDF wrote to Archbishop Lépine to authorize him *“to proceed in an expeditious manner, by means of an extra-judicial process.”³²⁰*

³¹⁹ Interview of Fr. Robert Clark, *supra*, footnote 296, p.68-69

³²⁰ Congregation for the Doctrine of the Faith, letter to Archbishop Christian Lépine, July 20, 2016.

The letter indicates some reticence vis-à-vis Bishop Dowd's style of investigation:

*"In examining the interviews with the two young men who accuse Rev. Boucher of the crime indicated above, this Dicastery noted some irregularities in the manner of questioning employed by the delegate for the investigation. It appears that the delegate for the preliminary investigation was in possession of information regarding the accusations, before the interview of the two alleged victims. The prior information was inserted, occasionally, into the questions that were posed during the interview, giving the appearance that the questions were not unbiased."*³²¹

The CDF then recommended that a different delegate be appointed for the instruction of the administrative process. This reproach is difficult to understand from the viewpoint of a lawyer trained in the civil system: investigations are not subject to the rules forbidding leading questions, which apply only during the adversarial trial process. Moreover, the latest *Vademecum* from the CDF, which purports not to alter current canonical legislation, describes in very broad terms the kind of investigation that must be made:

*"34. For this reason, as the canons cited in No. 32 indicate, the preliminary investigation should gather detailed information about the notitia de delicto with regard to facts, circumstances and imputability. It is not necessary at this phase to assemble complete elements of proof (e.g. testimonies, expert opinions), since this would be the task of an eventual subsequent penal procedure. The important thing is to reconstruct, to the extent possible, the facts on which the accusation is based, the number and time of the criminal acts, the circumstances in which they took place and general details about the alleged victims, together with a preliminary evaluation of the eventual physical, psychological and moral harm inflicted. Care should also be taken care to determine any possible relation to the sacramental internal forum (in this regard, however, account must be taken of the prescriptions of art. 24 SST). At this point, any other delicts attributed to the accused (cf. art. 8 § 2 SST) can be added, as well as any indication of problematic facts emerging from his biographical profile. It can be useful to assemble testimonies and documents, of any kind or provenance (including the results of investigations or trials carried out by civil authorities), which may in fact prove helpful for substantiating and validating the plausibility of the accusation."*³²²

³²¹ *Ibid.*

³²² Congregation for the Doctrine of the Faith, "Vademecum, on certain points of procedure in treating cases of sexual abuse of minors committed by clerics", July 16, 2020.

September 2016

The police had still not acted on the information received. Archbishop Lépine agreed to hire the law firm BLG, to help the police understand the seriousness of the case not only for the victims, but also for the entire community. Bishop Dowd transferred the original content of all the relevant files to BLG, with the exception of the Secret Archives, to which he still had not had access.

November, December 2016 and 2017

BLG contacted the police and succeeded in obtaining some quick action: Boucher was first arrested in January and then indicted in March 2017. Bishop Dowd felt that, once again, he could not discuss the investigation in public:

"In their press release, the police said that they had been able to count on the "entière collaboration" of the diocese of Montreal. While for most of the diocese this was a huge shock, for me it came as a huge relief, as people could now know why I had been acting so mysteriously for so long.

Of course, this new situation created a new condition of silence for me. I was now a potential witness, particularly to rebut any allegation that I had coached those two young men into coming up with such similar stories. The diocese reverted to making no comments, as we had done in the Bill Kokesch case."³²³

The canonical process in Montreal was suspended from June 2017 to February 2019 pending the outcome of the criminal trial.

[Some consequences of the investigation](#)

Follow-up with Rome

Bishop Dowd met with Cardinal Ouellet in Rome in June 2018. He learned that the Nuncio had failed to alert him of Archbishop Mancini's treatment of the Boucher file. In November 2018, Bishop Dowd was back in Rome and, once again, met with Cardinal Ouellet. He attempted to leave with him the documents he had previously shown the Nuncio and Archbishop Mancini in 2016. The Cardinal asked him to do so formally via the Apostolic Nunciature, but Bishop Dowd did not follow suit:

³²³ Bishop Thomas Dowd, *supra*, footnote 246, p.44.

“As I reflected on this request, I realized I was not comfortable with the proposed procedure. Letters for Rome that pass through the Nunciature are supposed to be read by the staff of the Nunciature before being forwarded. In other words, the report and documents would be read by the Nuncio prior to being sent to Rome.”³²⁴

The Nuncio had not forwarded the information given in 2016, why would he do it now?

In January 2020, I also met with Cardinal Ouellet. I gave him and discussed with him all the documents relating to Boucher’s time at the GSM, including Bishop Mancini’s assessment of Boucher’s suitability for the priesthood, the Dan Cere’s notes regarding his concerns with the presence of a minor at Newman and his interactions with Bishop Mancini as well as the Smith* statement and the O’Reilly* and Mint* letters.

We then broached the question of his not having received the documents first shown to the Nuncio in 2016:

« MO : ... Alors le nonce, il faut que le nonce, au fond, aussi, ben porte... disons essaye d’évaluer les choses un peu. Alors est-ce qu’il... mais est-ce retient des informations qui devraient m’être transmises? Ça, c’est une autre question. Et ça, je serais malheureux si c’était le cas. Euh... bon. Mais parce que, il a...

PC : Parce que, finalement, c’est vous qui devez prendre des décisions.

MO : Bien sûr. Bien sûr. C’est-à-dire que le nonce a pas...

PC : C’est votre job.

MO : ... d’autorité sur les évêques. Le nonce a un rôle de médiation, euh, d’information, mais il n’a pas d’autorité sur les évêques, à moins de recevoir un mandat de la part du pape, et à travers moi, normalement, ou à travers le secrétaire d’État, que sais-je. Euh... Et donc euh... bon. Ben ça...

PC : Ce qui est troublant, c’est que vous n’avez pas eu ces documents avant...

MO : Oui.

PC : ... qu’on ait tenté de vous les donner...

MO : Oui.

PC : ... de vous les communiquer...

³²⁴ Bishop Thomas Dowd, *supra*, footnote 246.

MO : Oui.

PC : ... et que ça a été arrêté.

MO : Oui.³²⁵

I asked Cardinal Ouellet if he wanted me to send him any new information I might uncover in the course of my investigation. He said yes, via Archbishop Lépine.

Discovery of hidden documents

In 2019, when the late Justice Anne-Marie Trahan had received the mandate to do an audit of the sexual abuse cases within the Archdiocese of Montreal, Msgr. Parent gave Msgr. Sarrazin some documents.

These were the handwritten notes containing lists of priests under different categories: “homosexuel”, “pédophile” “has a family, children” and categorized as “doute” or “certain”, which I discussed earlier³²⁶. They covered two separate periods: one set was dated 1990, the other 2004. Msgr. Sarrazin brought them to Archbishop Lépine who had never been told of their existence.

This is what Msgr. Parent told me about them:

« PC : Racontez-moi un petit peu d'où ça vient, ça.

MP : ... je peux vous conter beaucoup, Maître, parce que c'est presque une épopée. Alors, dans ces années-là, les chanceliers, l'assemblée des chanceliers du Québec a été traumatisée parce que les dossiers personnels de... les dossiers personnels de l'évêque de Saint-Jérôme à l'époque avaient été saisis par huissier, parce que le bureau du procureur, je crois, voulait faire condamner un citoyen, mais qui avait été prêtre. Et puis ils ont su, je sais pas trop comment, que l'évêque de Saint-Jérôme avait gardé dans... dans ses dossiers personnels la lettre que le prêtre avait écrite au Pape.

Voyez-vous quand vous vouliez quitter l'exercice du Ministère, il faut la dispense qui est donnée par le Pape et le Pape ne donnera pas si le prêtre ne se... ne raconte pas sa vie dans le détail comme une confession et l'évêque doit accompagner cette lettre-là de son prêtre par ce qu'on appelle un votum c'est-à-dire qu'il recommande au Pape ou non de donner la dispense, de ne pas

³²⁵ Interview of Cardinal Marc Ouellet, January 24, 2020, p.73-74.

³²⁶ *Supra*, footnote 137

l'accorder. Alors, ça touche pour nous plus que le secret professionnel, ça touche le secret sacramentel du pardon parce que le prêtre dit son péché au Pape.

Alors, vous comprenez que les chanceliers, on était consternés quand le huissier est arrivé, il a saisi le fichier de l'évêque et puis ils ont... ça a pris comme preuve pour condamner l'ex-prêtre. Alors, ça, ça a été amené à l'assemblée des chanceliers, et là, on a consulté un avocat qui était maître... mon Dieu, il a été ministre de la Justice, lui, maître... maître Ménard, Ménard, qui était notre avocat à ce moment-là. Et là, lui nous a dit « Écoutez, si jamais on dit qu'est-ce qu'on va faire s'ils arrivent pour saisir les dossiers de l'archevêque ou les dossiers de l'Office du personnel pastoral, voire les dossiers des archives secrètes, est-ce qu'on est obligé ? »

Bon. Alors, c'est là qu'il nous a dit deux choses ; il avait dit si jamais ils font ça, demandez au huissier de mettre les documents sous scellé et de... de faire décider de son utilisation ou non par le tribunal. Et puis, c'est là qu'il nous avait suggéré dans le sens du canon qu'on citait à l'instant, « Vous devriez faire du ménage dans vos dossiers », pas en ce sens qu'il nous disait « Cachez des choses », mais toutes les choses qui sont pas prouvées, des choses qui sont des allégations, les unes plus farfelues que les... que les autres, ne gardez dans vos dossiers que des éléments qui sont professionnellement admissibles.

Et là, il nous avait recommandé d'envoyer tous nos dossiers secrets, bien recommandés, c'est un dialogue qu'on avait avec l'avocat, d'envoyer nos dossiers à la nonciature qui était un territoire protégé par le droit international, bon, à l'assemblée des chanceliers, on a. d'abord, on n'était pas sûr qu'on accepterait ça, puis là, on s'est dit bien si à chaque fois qu'on a besoin d'un dossier qui va à la nonciature. Alors, c'est là qu'on nous avait dit pour que l'archevêque et les évêques diocésains ne soient pas accusés d'outrage au tribunal, vous devriez garder dans un endroit secret cette liste-là, de sorte que si on demande à l'archevêque ou au directeur de l'Office du personnel pastoral, au vicaire général « Êtes-vous au courant où sont ces dossiers-là » qu'ils puissent, sans être condamnés pour outrage au tribunal, dire « non, on le sait pas ? »

(...)

Ça, ça avait été pendant la réunion dont on a parlé tantôt, il y avait le Cardinal Turcotte, il y avait monseigneur Rivest, il y avait monseigneur Saint- Antoine, il y avait le vicaire général (Monseigneur Mancini) et moi et c'est là que ça a été donné, puis c'est là qu'ils m'ont remis des... et là, j'ai dit « Je veux devant témoin qu'on me dise de les mettre dans un endroit où s'il y a une saisie par huissier », parce que ça, je veux dire s'ils vont voir un archevêque lui dire « Avez-vous des... savez-vous où sont les documents ? », qu'il puisse dire en toute honnêteté « Non, je le sais pas. » Alors, moi, quand Francesco Giordano m'a dit il y a quelques... quelques mois, quelques années, mais je pense quand il m'a dit «

Est-ce que vous savez s'il y a d'autres documents ? » J'ai dit « C'est le chancelier », j'ai dit « Oui » et je les ai fait parvenir au chancelier. »³²⁷

It was in the context of Justice Trahan's mandate that Fr. Giordano had asked Msgr. Parent whether he knew of any other relevant documents.

As soon as he received them, Archbishop Lépine made sure that these lists were safeguarded and sent them to BLG. He told me that he had never previously heard of their existence, either from his predecessor, Cardinal Turcotte or from Msgr. Parent. The envelope containing these documents clearly stated:

« Personnel et confidentiel

À n'ouvrir que par l'Archevêque ou le Chancelier

(signé) Michel Parent V.E.

Chancelier

3 sept 2004 »

Canon Sarrazin had become Chancellor in 2012, six months after Archbishop Lépine had been appointed Archbishop of Montreal.

Break-in

Around the time of Boucher's trial, in the fall of 2018, the Archbishop's personal apartment at the Cathedral residence was entered into and a sensitive document (not related to sex abuse) was stolen from his briefcase. No trace of forced entry was found at the apartment door, which had been locked. The security cameras did not show the entrance of any stranger. The only conclusion to be drawn from this is that this theft was committed by an insider.

A couple of weeks later, someone broke into the Archdiocese's offices at 2000 Sherbrooke Street West, in Montreal during the night.

³²⁷ Interview of Msgr. Michel Parent, *supra*, footnote 82 p.19-21.

The Chancellor's office had been clearly searched. His door and that of his secretary had been breached. The door to the Secret Archives cabinet had been opened, but there was no evidence of its having been forced. The envelopes containing the keys to the drawers of the Secret Archives were found ripped open. Only two laptops and two video cameras were stolen, even though a great quantity of valuable equipment was easily accessible.

The Archbishop's own office had also been visited:

« CL : ... de façon factuelle, il y a quelqu'un qui est rentré dans mon bureau à la... à l'archevêché et qui, sans rien forcer, c'est-à-dire sans forcer la porte, donc il a trouvé la clé, il savait où était la clé passe-partout, il est rentré, il a... il a forcé le petit meuble dans lequel historiquement le Cardinal Turcotte mettait ses dossiers, alors c'est ce qu'il a forcé. »³²⁸

Matthieu Houfflain, assistant to the Chancellor, wrote a report describing the state of the offices at the Archdiocese³²⁹. He gave this to Canon Sarrazin, who did not share it with the Archbishop, despite the coincidental timing with the break in at the Cathedral residence.

When I asked Msgr. Sarrazin about this, he downplayed the whole episode:

« FS... On me dit, on a été cambriolés. Votre bureau est tout à l'envers. Alors moi, une fois qu'on est à l'extérieur, on pense au pire. Et quand je suis revenu ici, on m'a dit que la porte, là, qui conduit aux archives avait été forcée. Est-ce qu'il y a quelque chose qui a disparu à ma connaissance? Le classeur n'a pas été ouvert. Et il y a rien qui serait disparu, à ma connaissance.

PC : Est-ce que vous avez fait... Comment vous le savez? À votre connaissance? Vous avez fait le tour? Vous avez...

FS : Et je pourrais vous dire que, visuellement, je savais le nombre de dossiers qu'il y avait. Et si il y avait quelqu'un qui aurait souhaité que son dossier disparaisse, je m'en serais aperçu immédiatement. Mettons que je veux faire disparaître mon dossier, et puis après le cambriolage, je vois que mon dossier est disparu. Alors je m'en serais aperçu. Et j'avais assez de... Ça, pour ça,

³²⁸ Interview of Archbishop Christian Lépine, May 5, 2020, p.26

³²⁹ Matthieu Houfflain, Report on break-in, Appendix 15, page 259.

j'avais assez de mémoire pour savoir qui était là-dedans. Mais selon la police, il s'agissait d'un itinérant qui serait rentré. »³³⁰

(emphasis added)

(...)

« Si je l'ai pas donné à l'archevêque, c'est que, personnellement, je trouve que Matthieu est souvent alarmiste et qu'il a tendance à grossir les événements. Et j'ai même les photos. Vous les avez probablement? »

PC : Oui.

FS : Et c'est sûrement pour ça que j'ai pas donné le rapport à l'évêque.

PC : Pour ne pas inquiéter l'archevêque indûment.

FS : Parce qu'à mon avis, il y avait pas de quoi à inquiéter. »³³¹

It took me two days to go through the Secret Archives filing cabinet when I visited the Archdiocese's offices at 2000 Sherbrooke Street West. The file folders were crowded together, to the point of being difficult to extract. Many were not in alphabetical order and a great number contained misfiled documents.

It would have been **impossible** to determine that nothing had been removed with a simple look. Also, one may contrast Canon Sarrazin's inability to find Boucher's documents when asked by Bishop Dowd in 2015 and his suddenly perfect memory of the contents of all the files in 2018.

Communications with Parishioners

The obligation of silence imposed on Fr. Clark created a great deal of anger and frustration among the parishioners of Annunciation. They raised this at a meeting on March 24, 2019, at which were present Archbishop Lépine, Bishop Dowd and Fr. Ray Lafontaine (now director of OEPS) as well as the communications staff from the Archdiocese and Fr. Clark himself.

³³⁰ Interview of Msgr. François Sarrazin, *supra*, footnote 80, p.19.

³³¹ *Ibid.*, p.26.

The lack of communication from the Archdiocese was raised as part of the problem with transparency that many felt to be an ongoing issue with the Church. People also expressed their dismay at the possibility that Boucher could have reached out to the children of the parish and that the parents had not even been warned that his faculties had been withdrawn.

This is Bishop Dowd's response from the minutes of the meeting:

"The terrible dilemma he personally felt faced with was to deal with the trust of the two victims he accompanied, who were seeking justice from the police and from the court, honouring their desire and collaborating with the police, knowing the police asked him to say nothing until their investigation is finished . Maintaining silence on what had just been mentioned was the challenge, and there is no manual for that. He consulted with an advisory committee (a former senior police officer, a lawyer, the police themselves, the prosecution). If it had been done otherwise, it is entirely possible that Brian Boucher would have walked free. It was a challenging situation, like when you walk on a crime scene and are being asked to leave it exactly the way it is, so that the police can come and do their job. That was our choice at that time."³³²

He repeated his reasons in my interview with him:

"TD: I believed I was a potential witness because one of the potential defences of Brian, you see you had these two young men who don't know each other so how do you explain the similarity of their testimony given they don't know each other. You have to find a uniting link, an attack the credibility of that link. Who was the link? It was me, and based on everything I'd see, I did not put it past Brian to accuse me of hating him, of, you know, un coup monté contre lui, all that¹ kind of stuff. You know by then, obviously the masterful manipulation side had emerged and I just felt that I have to preserve the integrity of any potential evidence, or even the things that I had uncovered that led to an investigation, there's that expression that was in my mind, the fruit of the poisonous tree?"

PC: Hum, hum.

TD: Well if his trial is the fruit but I'm the poisonous tree, could that mean that other things get thrown out? I didn't know and I just felt that, I really, really believed that he was guilty and I really...

³³² Minutes of the special meeting, Our Lady of the Annunciation Parish, March 24, 2019.

PC: But did you...

TD: ... I could not have lived with myself if an error on my part had led to him not...³³³

Bishop Dowd also referred to the notion of leaving the crime scene untainted by gossip, in order not to cause interference in the police investigation.

I continued questioning him on this point:

“PC: But couldn’t you have pulled yourself out of it and let somebody else deal with advising, I don’t know, Annunciation in particular because that’s where his contacts were.

TD: Yeah, sure. Well, I never advised Annunciation. I was not Episcopal Vicar as of September 1, 2016, that was Father Ray Lafontaine.

PC: Well when you spoke to Robert Clark, I’m just trying to figure out, you said it’s a trade-off between keeping the crime scene intact and you being a potential witness, and the safety of the public. This is what upset Annunciation and this is what I think they, when they ask for transparency, they would ask for transparency at that level too...

TD: Sure.

PC: ... they said they were, let, down at different times, they were let down through the process.

TD: Well when the police are initiating an investigation, at what point do they inform the public? You know Bill Kokesch was arrested in 2013 based on an investigation in child pornography that had started in 2010.

PC: But you’re not the police.

TD: I’m not, I’m not...

PC: No, no, what I’m trying to say from their point of view, you are there to protect the faithful not to be a policeman so...

TD: Yeah...

PC: ... it’s...

TD: ... I guess, and I understand I heard this objection from the parishioners when I went to the meeting at Annunciation, and they raised the point and I stood

³³³ Interview of Bishop Thomas Dowd, *supra*, footnote 243, p.142-143.

up and I gave the very explanation that I'm giving you now, and people were not, necessarily, happy with my explanation, and I didn't, I wasn't there to convince them that I was right maybe I was wrong but those were my reasons. What I do know is Brian's in jail where he belongs, and so at the very least I can say to myself, I didn't make a mistake that would have led to him getting off on a technicality because that..."³³⁴

During the period from Boucher's return to Montreal on December 22, 2015, to his sentencing, on March 25, 2019, he was not in jail. As Bishop Dowd told me:

"TD: He came back from Washington, he spent, I think one night living at the seminary and a guest room, then a hotel room a couple of nights. Then he moved to a retreat house in Ste-Agathe, I don't remember how long he was there, and then at a certain point the Director of the house, he was there until, at least, Easter. At one point the Director of that house needed to go for a heart surgery, something, had a medical issue and so Brian moved to the Monastery of the Recluses Missionnaires on Gouin Boulevard, and that's where he remained until his trial."³³⁵

I also spoke to Archbishop Lépine about this issue of transparency with the public. He suggested the implementation of a "*protocole de divulgation*" approved of by the police and legal counsel. This protocol would take into account the need for confidentiality and the protection of an accused's reputation until proven guilty and the obligation to protect the public.

³³⁴ *Ibid.*, p.155-157.

³³⁵ *Ibid.*, p.146.

GENERAL REMARKS

Sister Nuala Kenny, the outspoken critic of the Church's response to the clergy sex abuse crisis, has summarized the sources of their inability to deal effectively with this situation over the centuries:

“Three characteristics that will dominate the history emerge: debates regarding the “privilege of the clergy” to be tried exclusively in Church courts, unaccountable to civil law; secrecy and avoidance of scandal, as in Pope Pius XI’s 1922 decree Crimen Sollicitationis, which placed abuse of minors under the “Secret of the Holy Office” and Pope Paul VI’s 1974 Secreta Continere, which renamed this the “Pontifical Secret”; and the focus on the offending cleric rather than on victims. This last element was exemplified in 1051, when the great reformer St. Peter Damian appealed to Pope Leo IX to take strong action against clerical sexual contact with young boys.”³³⁶

St. Peter's supplication for reform had not been received in the spirit in which it had been made:

“Although Peter had paid significant attention to the impact of offending clerics on their victims, the Pope focused only on the sinfulness of the clerics and their need to repent”.³³⁷

Sr. Kenny continues:

“In 2004, the National Review Board set up by the United States Conference of Catholic Bishops to monitor the abuse situation identified characteristics of US Church officials' response as a failure to recognize the magnitude of the harm to victims, presumptions in favour of accused priests, secrecy and avoidance of scandal, dependence on the therapeutic model, reliance on attorneys, clericalism, and lack of episcopal accountability. It concluded that “this is a failing not simply on the part of the priests who sexually abused minors but also on the part of those bishops and other church leaders who did not act effectively to preclude abuse in the first instance or respond appropriately when it occurred.”³³⁸

³³⁶ Nuala Kenny, *Still Unhealed, Diagnosing and treating the clergy sexual abuse scandal*, *supra*, footnote 4, p.20

³³⁷ C. Colt Anderson, “When Magisterium Becomes Imperium: Peter Damian on the Accountability of Bishops for Scandal”, *Theological Studies* 65 (2014): 741-66, as quoted in *Still Unhealed*, *supra*, footnote 4.

³³⁸ *Still Unhealed*, *supra*, footnote 4, p.23, quoting National Review Board for the Protection of Children and Young people, *A Report on the Crisis in the Catholic Church in the United States* (Washington, D.C. United States Conference of Catholic Bishops, 2004).

We will find the same elements in our overview of what went wrong in the Boucher affair. To these, however, I want to add another factor, always present in any discussion of human interpersonal relations: the individual personality of those involved.

Failure to recognize the harm

As it was often repeated to me, there was “no clear evidence” of sex abuse of a minor ever brought to the authorities before 2015. What there was, however, was ample reason to be concerned and to check whether harm had indeed occurred. A flagrant example of this is the repeated mention in regard to Jeremy*, that “his mother was in agreement” with Boucher’s involvement with the child³³⁹.

Despite all my efforts, I could not find a single person in authority who could affirm having discussed the issue with the mother or with Jeremy* himself prior to Bishop Dowd.

Already in 1992, the Canadian Conference of Catholic Bishops (“CCCB”) acknowledged the difficulty in breaking a victim’s silence: “*The wound caused by abuse is invisible and often rendered almost inaccessible through an unholy alliance whereby victims are convinced they must protect the abuser by their silence.*”³⁴⁰. The recipients of the “vague” complaints should not have relied on the need for hard evidence of abuse before attempting to investigate the situation. The potential for harm had been illustrated since, at the latest, 1987. Bishop Harris’s response to Dr. Clarke*’s 1992 letter is typical of this hesitancy:

*“I remember agreeing that it was an unfortunate situation, but I did not want to tarnish someone’s reputation without proof of anything wrong happening.”³⁴¹
(emphasis added)*

This attitude is a Catch-22 one: one cannot investigate without proof and proof cannot be obtained without investigation. *Ergo*: do nothing. The same reasoning had been

³³⁹ *Supra*, footnote 90, « *Comportement inadéquat avec un mineur, cependant la mère donne son accord* ».

³⁴⁰ CCCB, *From Pain to Hope*, *supra*, footnote 7373, p.27. See also, Kenny, Nuala, footnote 4, p.47 : “*Because of the nature of the psychological damage, the time from abuse to the revelation of the abuse is on average 25 years for males and 18 years for females.*”

³⁴¹ *Supra*, footnote 1313.

adopted by the rector of GSM, Louis-Paul Gauvreau, who had thus written to Cardinal Turcotte in 1995:

« De fait, pour aller plus avant, il faudrait faire une vérification détaillée de tous les reproches faits à Brian et une telle enquête entraînerait inévitablement des bris de confidentialité qui nuiraient à la réputation de Brian. »³⁴²

In the case of vulnerable adults, both barely over majority age in the cases of Smith* and Lopez*, the harm inflicted, although clearly alleged, was ignored. Lopez*'s complaint has “disappeared” from the diocese’s files. No attempt was made to offer him any support other than, through an “ecclesiastical hearing”, helping him retrieve his passport. In the case of Smith*, he was advised that he could be sued by Boucher if he reported him and he was not given the reassurance that legal representation would be given him. Bishop Mancini wrote in a contemporary memo:

“This conversation described a relationship which was complex, confused and inappropriate. If what was related is even partially founded, the situation requires action in the form of psychological assessment and therapy in the hope that Fr. Brian Boucher can be helped. (...) I offered to help Mr. Francis Smith find assistance, if and when, he personally might feel the need for counselling.”³⁴³ (emphasis added)*

Quite clearly, Boucher’s need for help was more apparent than his victim’s.

Secrecy and avoidance of scandal

Secrecy is everywhere in this file: Secret Archives, secret hiding places for sensitive documents and documents so secret that they have been eliminated completely.

Secret Archives

The Code of Canon law sets up the Secret Archives³⁴⁴ to which only the bishop is to have the key, although it has been customary in Montreal to let the Chancellor be the guardian of the contents.

³⁴² *Supra*, footnote 71.

³⁴³ *Supra*, footnote 132132.

³⁴⁴ *Code of Canon Law*, can. 489 et seq.

Documents are not to be removed from the Secret Archive or safe, except in specified cases. Even when a document or file is removed, a note summarizing its contents must be found in its place.

Several different types of sensitive documents must be kept in these archives. Among these are:

- Acts of criminal cases that concern matters of morals;
- Documents selected by the bishop in order to prevent scandal or damage to someone's good name³⁴⁵.

The Secret Archives' inadequate filing and disastrous control in this case have rendered their usefulness close to nil.

The absence of the Smith* testimony and of Dan Cere's correspondence to Bishop Mancini surprised me. Those included very serious allegations against Boucher that should have been included in the file as they both could have damaged Boucher's reputation and constituted criminal acts that concerned morals under Canon Law. I also had expected to find the entire investigation report done by Bishop Dowd in 2016, since it contained very sensitive material and it had given rise to a canonical process against Boucher. It was absent.

Moreover, how could only one side of a document be extracted by the Chancellor when there were two entire file folders bearing Boucher's name? Why was no careful audit of the contents done after the break-in?

Secret hiding places

Msgr. Parent's suggestion that the Boucher files be sent to the Nuncio to take advantage of his diplomatic immunity is mind-boggling. So is his idea that he should hide the lists of problematic priests in a place known only to himself « *pour que l'archevêque et les évêques diocésains ne soient pas accusés d'outrage au tribunal, vous devriez garder dans un endroit secret cette liste-là, de sorte que si on demande à*

³⁴⁵*Ibid.* Dr. Diane L. Barr, JD, "Diocesan Archives: Canonical and Civil Law Issues", PowerPoint presentation, July 13, 2016.

*l'archevêque ou au directeur de l'Office du personnel pastoral, au vicaire général : « Êtes-vous au courant où sont ces dossiers-là » qu'ils puissent, sans être condamnés pour outrage au tribunal, dire « non, on le sait pas? »*³⁴⁶ Whether that was indeed the legal advice given at the time, it is in clear violation of the moral duty of the Church authorities to assist the police in case of a criminal investigation.

Disappearance of documents

Whether through deliberate attempt to hide disagreeable information or through an exaggerated respect for the privacy of those involved, the loss of important documents has made this investigation much lengthier and more complex than it could have been. The disappearance of the notes taken of the Lopez* complaint is inexcusable. The incident constituted a very serious allegation against a priest. It should have been recorded and, at the very least, kept in his personnel file in order to ensure that any other similar incident would immediately draw attention to the risk of future recidivism. Similarly, I received reliable testimony from the writers of a letter sent to the diocese and to Fr. Harris in 1985 regarding Boucher's inappropriate behaviour with young adolescent boys. This letter cannot be found and neither can Boucher's letter of complaint regarding Fr. Barry Jones despite my search for them both.

Bishop Rivest told me that he had drafted notes on every possible abuser before he left in 2004. These notes have also disappeared: *« c'est si vous pourriez mettre la main sur ce document, ce dossier que j'avais laissé avant de partir où j'avais fait le rapport de l'analyse par le Comité aviseur de tous les cas qu'on jugeait possibles, à risque, dans le sens qu'il y avait... j'ai des allégations, mais ça, ça serait... »*³⁴⁷

Archbishop Lépine was concerned about such disappearances:

« CL : C'est ça. Alors donc, les... ça fait que là, je me disais s'il y a des... il y a des noms qui sont sur ces listes-là, écrits sur des enveloppes (les documents cachés par Msgr. Parent et remis en 2019), mais qu'on n'a rien dans leur dossier, ça veut dire qu'ils ont été nettoyés... »

PC : C'est ça.

CL : ... plus que ce que le droit canon demande.

PC : C'est sûr, c'est sûr.

³⁴⁶ Interview of Msgr. Michel Parent, *supra*, footnote 82, p.21.

³⁴⁷ Interview of Bishop André Rivest, *supra*, footnote 141141, p.61.

CL : Alors, ça fait que c'est certain qu'ils ont été nettoyés, ça, c'est certain. Au moins... au moins, en tout cas, au moins pour quelques cas qu'on a vus qu'on a ces données, parce que ma préoccupation de base...

PC : Oui.

CL : ... c'était est-ce qu'il y a... c'était pas de régler tous les problèmes du monde, c'était est-ce qu'il y a des prêtres qui ont été responsables d'abus, qui ont commis des abus et qui font encore du Ministère. »³⁴⁸

Avoidance of scandal

This concept is defined in the Catholic Catechism:

*Art.2284 Scandal is an attitude or behavior which leads another to do evil. The person who gives scandal becomes his neighbor's tempter. He damages virtue and integrity; he may even draw his brother into spiritual death. Scandal is a grave offense if by deed or omission another is deliberately led into a grave offense.*³⁴⁹

But it has also been used inappropriately to mean “*avoidance of loss of reputation*”. References to the fear of damaging Boucher’s reputation can be found throughout as being of such importance that any further investigation should be avoided.

Boucher had a history of threatening to sue anyone who attempted to question his actions. He waved an imaginary demand letter from The Honourable Lametti at Dan Cere and John Zucchi in 2000. He confronted Steven Mara* about the latter’s conversation with Bishop Mancini. He wrote registered, “WITHOUT PREJUDICE” letters to unhappy parishioners during his entire time at Annunciation. His “registered” letters were even the object of a reprimand from Msgr. Harty in 2009. His combative approach to any kind of direct or indirect criticism may have been a factor, albeit an unjustifiable one, in the avoidance of honest disclosure of his questionable past. Many have told me that they refrained from including in their letters of complaint more direct allegations of inappropriate behaviour for fear of reprisal. And some were Monday morning quarterbacks, such as Fr. Joseph P. Sullivan, who, after complaining that the Church had done nothing to stop Boucher, told me that when he resided at Annunciation, he saw Nathan* rubbing Boucher’s neck in the morning:

³⁴⁸ Interview of Archbishop Christian Lépine, *supra*, footnote 348, p.41.

³⁴⁹ *Catechism of the Catholic Church*, source: www.vatican.va.

“PC: ... but I was just wondering, when you saw that, when you walked into the kitchen, and saw Nathan rubbing Boucher’s neck...”*

JS: Yeah.

PC: ... did you tell anybody?

JS: No, I didn’t tell anybody, no...”³⁵⁰

Even more disturbing, is the avoidance of the truth in the suitability forms signed by Canon Sarrazin in 2015. Was this due to simple negligence or was it rather a deliberate choice to avoid the difficult confrontation that a more honest response would have surely provoked? This lack of honesty and transparency in the suitability forms allowed for Fr. Allscombe* to become another victim.

Dependence on the therapeutic model

As I noted previously, Boucher’s second stay at Southdown had the disturbing effect of clearing him of the possibility of being a pedophile.

Two remarks must be made.

First, the choice of a Southdown “solution” to fix Boucher in 2003 is questionable. The evidence piled against him should have been sufficient to bring the issue to the Advisory Committee. I understand, as Louise Cormier (formerly assistant at OPP) told me, that “*a priest is not an employee, he is family*”³⁵¹ and therefore cannot be abandoned. That may well be the case, but it does not mean that the objectively inappropriate behaviour should be retroactively whitewashed.

Perhaps it was reasonable to send Boucher to Southdown to help him, if possible, with his obvious problems; it was not reasonable to allow him to continue as a priest without a preliminary investigation into the serious allegations that had been made prior to his going. The reasons for the referral did not disappear as a result of six months of therapy. Nothing was done to follow up on Fr. Timmins’s, the Maras** or Dan Cere’s concerns about a minor child. The Smith* story on its own should have forced a reconsideration of Boucher’s future. Cardinal Turcotte’s first reaction had been to put an

³⁵⁰ Interview of Fr. Joseph P. Sullivan, *supra*, footnote 211, p.10-11

³⁵¹ Interview of Louise Cormier, June 18, 2020.

end to the therapy and ask Boucher to reconsider his career. Unfortunately, he changed his mind and allowed Boucher to stay at Southdown. The financial investment in him grew considerably and, as Msgr. Harty has said, the need to obtain a good return increased alongside the investment³⁵².

The second remark also pertains to the Southdown therapy and final report. The change of diagnosis was made without explanation and without the benefit of Dr. Sy's later clarification. It appeared to be much less severe than the diagnosis first reported in the assessment report. A layperson seeing that the diagnosis had changed from "Personality Disorder Not Otherwise Specified - Features of Antisocial, Obsessive-Compulsive & Narcissistic Personality"³⁵³ to "Generalized anxiety disorder" and "Personality characterized by obsessive-compulsive narcissistic and Dependent Traits"³⁵⁴ could easily conclude that the problem had been fixed and feel reassured. The *Antisocial* aspect of the diagnosis had been completely dropped and the *Anxiety* factor added as principal diagnosis. This, combined with the initial statement that Boucher could not be a pedophile based on the controversial Abel test, gave a false sense of security to those involved in Boucher's future appointments.

A similar approach had been taken in 1996, when Bishop Mancini had opted for in-depth psychological interviews with Boucher instead of checking with the sources of the many contemporary complaints. The result of the therapeutic approach then had been Boucher's ordination.

Clericalism

Sr. Kenny cites the following definition:

*"The conscious or unconscious concern to protect the particular interests of the clergy and to protect the privilege and power that traditionally has been conceded to those in the clerical state. Among its chief manifestations are an authoritarian style of ministerial leadership, a rigidly hierarchical worldview, and a virtual identification of the holiness and grace of the church with the clerical state and thereby with the cleric himself."*³⁵⁵

³⁵² Interview of Msgr. Sean Harty, *supra*, footnote 177, p.99-100.

³⁵³ Southdown Assessment Report, 2003, *supra*, footnote 149.

³⁵⁴ Southdown Final Report, 2003, *supra*, footnote 169.

³⁵⁵ Kenny, Nuala, *Still Unhealed*, *supra*, footnote 4, p. 118 quoting Conference of Major Superiors of Men, *In solidarity and service: Reflections on the Problem of Clericalism in the Church* (Washington, DC, 1983).

The risk of putting priests on a pedestal that frees them from the scrutiny that would be considered normal for lay people is at the root of the many times parishioners or even other priests did not follow up with their complaints about Boucher. In many instances, I was told “*There is no point*” when I asked why a complaint was not addressed to the diocese. More poignantly, some people who either had been subjected to or witnessed Boucher’s abusive behaviour, told me that they were afraid of the repercussions on their own careers in the Church if they spoke up. Each of these missed complaints was a missed opportunity for intervention.

The pedestal is supported by the embodiments of the special status given to clergy: from the clothes to the honorifics. Fr. André Poilièvre , a Saskatchewan priest, told the CBC that “*intimidating names and elaborate regalia are part of the problem. He said they create a power dynamic that enables sexual abuse and helps cover it up: “Look at the titles we’ve given ourselves — your eminence, your grace, your holiness, your excellency, reverend, most reverend, right reverend. You want me to continue?”*”³⁵⁶

The power of the position should be the source of greater responsibility. Unfortunately, it has often had the contrary effect of taking away accountability.

Authority and accountability

One of the most common remarks I heard from the many people I interviewed was “*I did not have the authority to act*”.

Bishop Harris:

*“No authority, you know when we use the expression, I was sent as a liaison, that was just to be a person who could talk to the English Seminarians if they needed somebody to talk with. I had no authority over them, the Seminary Rector had the authority over them.”*³⁵⁷

³⁵⁶ CBC.ca: *Sask. priest calls on Catholic church to release records of abusive priests, enablers*, CBC News; December 27, 2019.

³⁵⁷ Interview of Bishop Robert Harris, *supra*, footnote 5656, p.57.

Archbishop Mancini:

“Yeah, I mean, you know, part of the struggle that I had in all of this, right from the get-go, was that I was always in the position of being in authority but not in authority. I was an Auxiliary Bishop, so that I was working for somebody else that was an Auxiliary Bishop.”³⁵⁸

Msgr. Harty:

“And, again, I was the low person on the totem pole here.”³⁵⁹

Msgr. Fortier:

« ...et quand des situations comme celle-là des fois arrivaient ou des oui-dire ou autre, c'est beaucoup le vicaire épiscopal qui s'en... qui s'en occupait. »³⁶⁰

And later : :

« PC : Puis vous n'avez jamais rencontré le Cardinal Turcotte au sujet de Brian Boucher ?

JF : Non, jamais jamais jamais jamais. C'est pour ça que je dis, tu sais, mon ami Sean, il faisait ses affaires tout seul. »³⁶¹

Bishop. Rivest:

« ..mais comme... comme c'était pas sous ma... ma responsabilité immédiate, mais celle du représentant anglophone, du coordonnateur anglophone, j'ai aucun suivi de ça, moi. »³⁶²

Msgr. Parent :

« La Chancellerie n'avait pas comme responsabilité de régler les problèmes, on était une Chancellerie, donc on... on classifiait les papiers, on donnait des avis

³⁵⁸ Interview of Archbishop Anthony Mancini, *supra*, footnote 8989, p.49.

³⁵⁹ Interview of Msgr. Sean Harty, *supra*, footnote 177, p.102.

³⁶⁰ Interview of Msgr. Jean Fortier, *supra*, footnote 202, p.7.

³⁶¹ *Ibid.*, p.49.

³⁶² Interview of Bishop André Rivest, *supra*, footnote 141141, p.20-21.

juridiques, on assurait un suivi de... de remettre à l'Office du personnel pastoral. »³⁶³

And also :

« ...comme Brian Boucher était un anglophone, ça relevait non pas de l'Office du personnel pastoral, mais the Office for English Pastoral Services, parce que les anglophones, puis là, je fais pas de commentaires politiques, je fais juste décrire, ils lavaient leurs choses entre eux ; ce n'est pas aux francophones à régler les problèmes des anglophones. »³⁶⁴

Msgr. Sarrazin :

« Parce que ce n'était pas de ma compétence. J'ai dit à... j'ai dit au jeune Armando tu dois aller voir monseigneur Rivest, qui est le directeur du personnel. »³⁶⁵*

Bishop Dowd :

"At one point I was asked if I could do anything to change that appointment, and I remember telling them I had no authority at all to remove him: it could only come from the Cardinal himself".³⁶⁶

Cardinal Ouellet :

« MO : Bon. C'est-à-dire un évêque, c'est le pape qui juge les évêques. Et donc, c'est le pape qui décide de, qu'on doit faire une investigation sur un évêque pour voir s'il a été négligent, quelle est sa responsabilité dans tel cas. S'il a couvert quelqu'un, s'il a empêché la justice au sujet d'un... Bon. Alors euh... Et moi, je n'ai pas... j'ai pas suffisamment de données en ce moment pour dire je soumetts au pape le cas et le pape me dit il faut faire une investigation sur le... sur l'évêque comme tel.

PC : Et donc il faut que vous fassiez une préenquête pour décider s'il y a lieu de présenter ça au pape? »³⁶⁷

³⁶³ Interview of Msgr. Michel Parent, *supra*, footnote 82, p.29-30.

³⁶⁴ *Ibid.*, p.31.

³⁶⁵ Interview of Msgr. François Sarrazin, *supra*, footnote 80, p.9.

³⁶⁶ Bishop Thomas Dowd, *supra*, footnote 246, p.25.

³⁶⁷ Interview of Cardinal Marc Ouellet, *supra*, footnote 325, p.83.

What is striking about these statements is that they may in fact represent the reality of what a former parishioner of Annunciation called “the intractable pyramidal structure” of the Church. But not having the authority to make a final decision should not equate with not sounding the alarm or not attempting to influence the final decision maker by providing that person with the necessary information and reasoned recommendations. As for the final decision makers, such as Cardinal Turcotte, it appears that even after having received disturbing information (such as Msgr. Harty’s 2011 letter), it was easier to do nothing.

Other than Boucher’s forced stay at Southdown and Msgr. Harty’s letter of April 2011³⁶⁸, I could not find any clear effort to put a stop to Boucher’s career until the Dowd investigation started in 2015. Much could have been done well before this. An investigation of the complaints prior to the ordination could have given Cardinal Turcotte the information needed to make a negative decision in this regard. Had Rector Ouellet documented in writing Msgr. Sala*’s complaint, the parallel with Boucher’s inappropriate behaviour at St. Peter’s would have been striking and difficult to ignore. Bishop Harris’s dismissal of the Clarke* concerns, his lack of follow-up of the other complaints and his refusal to commit himself to making a recommendation to either the Rector or the Cardinal, made it easier for Boucher to get past these hurdles practically unscathed.

At that time, Bishop Mancini relied on his familiarity with psychological concepts to take it upon himself to evaluate Boucher’s state and also omitted to check on the possible veracity of the complaints:

“PC: And you’ve met him, now you say on your first page, you met him three times, and you’ve also met with Father Gauvreau the Rector, twice with Father Robert Harris, once with Peter Timmins, and you’ve kept Bishop Neil Willard informed but, again...

TM: Yeah.

PC: ... at this time when you were doing a more in-depth evaluation, you did not think it appropriate to call any of the people who had complained.

TM: No, I did not because...

PC: Yes...

TM: Why?

PC: Yes.

³⁶⁸ *Supra*, footnote 179, Appendix 11, page 232.

TM: Well because the people that I was responding to, and who gave me the job to do what I was doing, are the 4 names that I've just, you've just read.

*PC: Well Peter Timmins didn't give you the job, so you must have called him...*³⁶⁹

Once ordained, it became in fact more difficult to deal with Boucher. And yet, serious red flags were raised at St. John Brébeuf and at Newman. Bishop Mancini's response had been that "*his hands were tied*"³⁷⁰. Why? Why is there no letter from Bishop Mancini to Cardinal Turcotte asking for assistance in removing Boucher from Newman in 2000? Why were these allegations not brought to the attention of the Advisory Committee? Why were Jeremy* and/or his mother never contacted?

The Southdown final report gave everybody a clear conscience: Boucher was suffering from "anxiety" and could be trusted. One of the most heartbreaking testimonies I heard came from the father of one of the victims who was told by Msgr. Harty that Boucher suffered from intense anxiety and needed the help and support of his community. As a result, the parents of the victim did their best to protect Boucher from criticism without realizing that their own son was in danger.

When the Benvenuto* situation came up, the preferred approach was one of mediation and reconciliation. No one thought it useful or necessary to advise the DYP. The Mint* letter was dismissed in Bishop Rivest's words as a "*plainte légère*" as I found on a Post-it in his writing in the Secret Archives. Msgr. Harty spoke to Mrs. Mint* and "*I said to her, Brian has problems with some boundaries. I have been assured from what I understand that he doesn't have sexual tendencies to abuse, little did I know at the time...*"³⁷¹ He did not attempt to identify the young boy mentioned in her letter.

When Bishop Dowd warned the Archbishop that things were not quite right with Boucher, neither one checked the Southdown reports. No one looked at Boucher's personnel file before making the decision to send him to Washington for further studies.

³⁶⁹ Interview of Archbishop Anthony Mancini, *supra*, footnote 89 , p.24-25.

³⁷⁰ Interview of Chantal Blanchard*, *supra*, footnote 88

³⁷¹ Interview of Msgr. Sean Harty, *supra*, footnote 177, p.91.

The intractable pyramidal structure

I must disagree with the “pyramidal” epithet in this catchy description of the hierarchical structure of the Church. I attempted in vain to obtain an organigramme of the Montreal Archdiocese. Such an animal does not exist. A three-dimensional, multi-base complex structure would better represent the flow of authority and responsibility within the Archdiocese and no one could provide me with one. Without entering into the political foray of English vs. French power disputes, the divisions within the Archdiocese have made it easier to avoid responsibility: Msgr. Fortier thought it was the job of the Anglophone sector to deal with their priests, the director of the OEPS had no direct access to the Advisory Committee chaired by the Director of OPP...

An example of this complexity and of its danger can be found in the reappointment of Boucher in 2011 and the modification of his mandate from pastoral administrator to pastor. No one would admit to having had any role to play in it, even though both Msgr. Fortier, Director of OPP, and Msgr. Parent, Chancellor, had signed the various “*feuilles de nomination*”. Msgr. Fortier did not even recall Cardinal Turcotte telling him to make the change. Who then could have had the authority to do so? It may be presumed that Cardinal Turcotte was persuaded by Boucher to reappoint him as pastor, but why is there no trace of this very significant change?

Paper trail

One of the most frustrating aspects of this investigation has been the discovery that information has been kept and filed according to different criteria depending not only on the department within the Archdiocese (OEPS, OPP, Chancery, Secret Archives), but even more so depending on the individual in charge at any one time.

The shredding of documents was a well-known practice in Cardinal Turcotte’s office³⁷² .

Msgr. Parent discussed freely his perceived need to hide sensitive documents, even from the eyes of the new Archbishop.

³⁷² This was told to me by many sources at the 2000 Sherbrooke West offices.

Msgr. Sarrazin's custody of the Secret Archives is questionable, after his deliberate omission to give Bishop Dowd the true contents of the Boucher files or his refusal to check on the integrity of the Secret Archives after the break-in.

Documents, whose existence is corroborated by reliable testimony, have disappeared.

Complaints were at times filed in the OPP office, sometimes in the Secret Archives and sometimes, in the case of English priests, in the OEPS office. No cross-reference existed or exists to this day.

Bishop Dowd introduced a complaint protocol for OEPS and with the arrival of Fr. Charles Langlois as head of OPP a more centralized approach has been instituted for the entire Archdiocese only for cases of sexual abuse of minors. But these procedures do not provide for a unique source of information for individual priests. Their files would still need to be cross-referenced.

This documentary confusion has encouraged faulty memories to go unchallenged. For instance, Msgr. Fortier insisted that he had no recollection of Msgr. Harty's April 2011 letter addressed to the Cardinal and copied to him. It was only after I found the signed copy of the letter in a brown OPP file folder at BLG, that I could be certain that he had in fact received it.

Personalities

Of course, much could be said about some individuals' dislike of confrontation, or others' over positive view of their own abilities in disciplines not their own. Also, one could wonder about the avoidance of responsibility through allegedly defective memories. That is not the point of this investigation.

A solid, accountable structure with clearly defined lines of authority and checkpoints could have prevented the personal characteristics of individuals from impacting unduly on the course of the events recounted here.

RECOMMENDATIONS

Investigating the story of the Boucher file has raised serious issues with its management by the Church.

Some of the questions must be answered by people qualified to do so within the parameters of the Catholic faith.

Examples of these questions are found in Sr. Kenny's work, *Still Unhealed*: should women have a role in the clergy and what difference would that make to the present sexual abuse crisis? Does celibacy constitute an additional element to the "*holier than thou*" view of a priest?³⁷³

Or even more dramatically, how is the Church to respond to the often-asked question about the seal of confession when faced with the possibility that a confessor could become aware of ongoing sexual abuse of a minor?

I will not attempt to answer these very pertinent queries, hoping, however, that they continue to foster discussion and open-minded willingness to rethink accepted dogma.

My recommendations will focus on the more immediate and obvious problems encountered throughout the Boucher saga in particular. The following recommendations do not exclude the ones contained in *From Pain to Hope* and *Protecting Minors from Sexual Abuse*³⁷⁴ but mostly add to these. In one aspect, however, my recommendations differ dramatically. I do not believe that restricting the need for greater responsibility, accountability and transparency to the sole issue of sexual abuse of minors is reasonable. All abuse, be it sexual, physical or psychological is unacceptable. And although the idea of subjecting a child to sexual abuse is particularly abhorrent, the abuse of anyone in a position of vulnerability and inferiority must equally be pointed out and eliminated. Children trust their elders and must be protected. But so, must students vis-à-vis their teachers and players vis-à-vis their coaches. A priest has an inordinate power over people who put their trust in his spiritual strength and his apparent

³⁷³ *Supra*, footnote 4, p.154.

³⁷⁴ Canadian Conference of Catholic Bishops, *Protecting Minors from Sexual Abuse, A Call to the Catholic Faithful in Canada for Healing, Reconciliation and Transformation*, CCCB Publications, 2018, 181 pages.

connection with the divine. It is therefore easy for a priest to abuse this trust if he so wishes and that can happen even if his victim is 18, 25 or 90³⁷⁵.

RESPONSIBILITY

The flagrant avoidance of personal decision-making responsibility by means of a “pass the buck” approach became obvious as of Boucher’s years at the Seminary. Neither Fr. Harris nor Rector Gauvreau felt compelled to investigate the allegations received in regard to Boucher’s misconduct. The file was sent to the Cardinal, **without any recommendation**. Even prior to this, Dr. Clarke’s letter had been brought to the attention of Msgr. Willard, Rector Ouellet and Bishop Crowley by Fr. Harris, and therefore considered “*that the matter had been pursued*”³⁷⁶.

#1 Recommendation

That an individual be clearly selected to be responsible to investigate and make clear recommendations to his/her superiors at each stage of a priest’s career, from entering the seminary to his retirement.

At the seminary, this person could be the rector or an individual with close ties to the seminarians, such as a Director. After ordination, a **qualified and specially trained external** ombudsperson³⁷⁷ should be appointed at the Archdiocese. It would be incumbent on this person to investigate all complaints, allegations or concerns and make recommendations to the Archbishop directly as to future actions.

³⁷⁵ Pope Francis’ Apostolic letter, in “*motu proprio*” form, *Vos estis lux mundi*, May 7, 2019 (in force on June 1, 2019) expands the notion of sexual abuse to “*forcing someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts*” regardless of age. I suggest that ALL acts of abuse should also be included.

³⁷⁶ *Supra*, footnote 13.

³⁷⁷ I am aware of the existence of a Sexual Abuse Protocol and of a Complaint Procedure at OEPS presently in force at the Montreal Archdiocese.

#2 Recommendation

That the person so designated not limit his/her investigations to cases of sexual abuse of minors.

The artificial separation of the issues of sexual abuse of minors from other serious misconduct allowed for Boucher to escape the consequences of his exploitative and abusive behaviours of two young men, 18 and 19 respectively. It also created a false sense of security in regard to his potential for abusing children. Abuse should not be compartmentalized, we should be wary of unacceptable behaviour that does not, or does not appear, to involve sexual abuse of children.

#3 Recommendation

That all issues of abusive behaviour, not limited to sexual abuse of minors, be referred immediately to a modified Advisory Committee³⁷⁸.

#4 Recommendation

That this Advisory Committee include a survivor as well as a psychologist with expertise in the field of abuse.

#5 Recommendation

That this Advisory Committee keep minutes of its deliberations and that it make written recommendations to the Archbishop directly³⁷⁹.

³⁷⁸ The existing Advisory Committee, as recommended by the CCCB in both *From Pain to Hope* and its sequel, *Protecting Minors from Sexual Abuse* deals exclusively with issues of sexual abuse of minors.

³⁷⁹ Presently, all discussions are undocumented and it is incumbent on the delegate (the Archbishop's appointee in regard to the sexual abuse of minors) to carry out their recommendations.

ACCOUNTABILITY

As the buck was passed, no one was held accountable for having allowed Boucher to continue his abuse.

#6 Recommendation

That a clear and well-defined organizational chart of accountability with delegated authority be created within the Archdiocese.

It should no longer be possible to pass the buck between departments by saying that A is not accountable to B. Nor should it be possible that each diocesan officer claim that the only authority over them is that of the Archbishop.

#7 Recommendation

That a clear and well-defined flow of information be established laterally between the various departments and vertically from the employee to superior to the Archbishop.

Bishop Dowd, when he was head of the OEPS did not know the contents of the OPP Boucher file. Similarly, Msgr. Parent said that when he was Chancellor he was not told by Msgr. Sarrazin, his vice-Chancellor, about the Lopez* incident.

#8 Recommendation

That suitable sanctions accompany breaches in the delivery of information according to the established flow.

The exchange of information should not be dependent on a personal choice, but should be part of a strictly enforced policy.

#9 Recommendation

That all members of the clergy, employees and volunteers be advised and regularly reminded of their OBLIGATION to report immediately all abuse to the Ombudsperson and, in the case of sexual or physical abuse of minors, to the DYP³⁸⁰.

#10 Recommendation

That severe sanctions be established for any breach of this obligation.

This parallels Pope Francis's Law no.CCXCVII which imposes fines and even jail sentences to officials of the Vatican State who omit to report the sexual abuse of a minor or of a vulnerable person³⁸¹.

#11 Recommendation

That anyone charged with the responsibility of investigating a complaint or of acting upon the recommendation of the person so charged and who omits to carry out this responsibility within a defined delay should be sanctioned.

In the case of the upper echelons of the Church hierarchy, this may have to be done with the assistance of the appropriate Vatican department, in which case, the Archbishop will be under the obligation to so advise the department.

TRANSPARENCY

We have seen how secrecy dominated the Boucher story. We may wonder how many other situations have been hidden from scrutiny.

³⁸⁰ Art.39.1 *Youth Protection Act*, CQLR, c P-34.1.

³⁸¹ Art.3, Law No. CCXCVII On the Protection of Minors and Vulnerable Persons, March 26, 2019.

#12 Recommendation

That all complaints be noted, followed up and filed in one common register for the Archdiocese.

The complaints procedure now existing in the OEPS should be clarified and extended to the whole of the Archdiocese.

#13 Recommendation

That the existence of a complaint procedure be made public and easily available through the website, brochures and posters in the parishes.

I was frequently told that “*there is no point*” to make a complaint. The publication of a clear and simple complaint procedure with the guarantee that it will be followed up may encourage people to use it. The existing protocol is long and overly complex.

#14 Recommendation

That all complaints be forwarded to the Ombudsperson, whose name, telephone number, office mail and email addresses should be made public.

The present “REPORT ABUSE” box in the website leads to a phone number answered by an anonymous answering machine. The same is true for the email address. It is difficult enough to report abuse, making the recipient of the report an anonymous voice does not promote confidence that the complaint will be followed up.

#15 Recommendation

That the complaint procedure allow for anonymous complaints.

This is, of course, impossible under the present system of “leave a message, we will call you back”.

#16 Recommendation

That severe sanctions be established for any omission to immediately forward a complaint received to the Ombudsperson.

This is a logical continuation of Recommendation #8, with the added epithet of “severe” given the past history of “lost” documents.

#17 Recommendation

That the Ombudsperson bring all complaints of abuse to the Advisory Committee.

This refers directly to the expanded role of the Advisory Committee (see Recommendation #3)

#18 Recommendation

That a support line for minors be set up in accordance with recommendation #47 of *From Pain to Hope* be set up³⁸².

The severe impact of abuse, sexual and otherwise, on children merits a special investment.

#19 Recommendation

That the Archdiocese obtain the assistance of their attorneys and of the police in setting up a protocol of disclosure of information, which should be made public.

³⁸² *From Pain to Hope*, *supra*, footnote 73, p.61: “#47 Explore ways of participating in a telephone service to provide assistance to troubled youth.”

The lack of information from the Archdiocese during the Dowd and the police investigations angered many parishioners. The criteria used for disclosing or not disclosing the progress could not be understood without a proper framework explaining both the obligation to respect privacy laws and that of safeguarding the safety of the public. A clear protocol would help the Archdiocese representatives walk this fine line more effectively and with greater compassion.

FORMATION

#20 Recommendation

That the Archdiocese create an educational programme about the impact of abuse and about each individual's responsibility to prevent it and denounce it.

#21 Recommendation

That this educational programme also cover the temptation of abuse of power and the risks associated with clericalism.

As we saw previously, clericalism still imbues the position of priests.

#22 Recommendation

That this be taught by specialists in the field with the assistance of survivors.

#23 Recommendation

That all candidates for orders and current staff of diocesan institutions, whether clerical, pastoral or other, whether paid or volunteer, receive this training, and that all new staff be required to receive the same training prior to beginning their function.

A similar study day marked the beginning of the *Meeting for the Protection of Minors in the Church* held in Rome from February 21 to 24, 2019. Its impact would make it more difficult to ignore or underestimate the evil of abuse.

#24 Recommendation

That all diocesan staff, whether clerical, pastoral or other, be made aware of existing complaint protocols.

The purpose of these recommendations is not necessarily to prevent people such as Boucher from committing their crimes as much as it is to make honest and devoted people aware of the horrendous effect that abuse has and of their personal responsibility when they encounter it, whether from a colleague, a layperson or a bishop.

ARCHIVES

While it is possible to understand that damaging information should be contained, nothing can justify the removal of important documents or their unsupervised custody. The Secret Archives cannot be left under the control of a single individual.

#25 Recommendation

That the “Secret Archives” be under the control of two separate individuals and that all removals, additions or reordering of their contents be done by one and countersigned by the other.

#26 Recommendation

That a single complete paper file be kept in the Chancery for each individual member of the clergy and that this file be immediately accessible to all those with a supervisory role vis-à-vis the priest in question.

All decisions, complaints, promotions, etc. relating to an individual should be collected in one place in order to make possible an immediate review of that person's history. Such a file would probably have resulted in Boucher not being sent for further studies in Washington.

#27 Recommendation

That the single complete file contain a reference to any document that must be kept in the Secret Archives.

#28 Recommendation

That a precise replica of the paper file be kept in the computerized database.

Given the possibly damaging information included in these paper and cyber files, access to these should be limited to a defined set of people in decision-making positions. Once Recommendation #6 has been put in effect, the choice of these individuals will become clear.

SUPPORT OF SURVIVORS AND VICTIMS VS SUPPORT OF THE OFFENDER

#29 Recommendation

That victims of abuse be given psychological and legal support throughout the investigation and judicial processes, whether criminal or canonical and, in cases of reprisals from a complaint, in civil cases.

While both *From Pain to Hope* and *Protecting Minors from Sexual Abuse* underscore the importance of putting the victims' needs first, clearer statements regarding the support to be offered to them must be made separately from those offered to the accused priest. Clarity is needed in regard to such issues as to who pays for the priest's defence lawyer in a civil trial? Should the Church be involved in the payment of bail if it is offered? I cannot forget Francis Smith's testimony that he was warned by Bishop Mancini that Boucher might sue him if he went to the police. No offer was made to him of legal support.

Similarly, the therapeutic approach used in Boucher's case showed a greater concern with his needs than with those of his victims as we saw in the historical part of this report. I would like to think that this would not be the case today, but I still want to add another recommendation on this topic:

#30 Recommendation

That all references to support of the potential offender be removed from the complaint protocol and be made part of a separate document under the responsibility of someone other than the Ombudsperson. This protocol should also be made public and widely available.

#31 Recommendation

That all policies, procedures and programmes contained in the previous recommendations be submitted to a regular external audit and that a summary of such audit be made public.

Even the best-intentioned people may forget, delay or even ignore clearly defined rules. An outside auditor will serve as a "quality control" and regular reminder of the importance of respecting the policies, procedures and programmes enacted as a result of this report.

ACKNOWLEDGMENTS

I would like to thank Mr. Jeff Li Ying for his help in turning hundreds of PDF files into copiable Word documents. Mr. Li Ying worked through his vacation to keep me on schedule.

Many thanks are due to Me Marie Christine Kirouack, *Ad.E.*, for her assistance in giving this report the structured format it now presents.

I am very grateful to Me Doug Mitchell who has given me invaluable advice and legal support throughout this demanding endeavour.

I cannot thank Bishop Dowd enough for his availability, hard work and honesty in responding to difficult questions. His commitment to this work was unflinching as was his hope for positive changes to come because of it.

My special gratitude goes to Archbishop Lépine who entrusted me with this mandate and never held back on his promise of full and complete support.

As always, I thank my husband, Dr. David Morris, for being by my side.

APPENDIX SECTION :

Appendix 1 :

Mandate to Conduct an Investigation Relating to Brian Boucher.

WHEREAS Brian Boucher ("Boucher") was a priest within the Archdiocese of Montreal (the "Archdiocese") from 1996 to 2015;

WHEREAS Boucher was arrested in 2017 and was found guilty on January 21, 2019 of three indictments by the Honourable Judge Patricia Compagnone;

WHEREAS the Archdiocese wishes to have an independent third party fully investigate and report on the manner in which Brian Boucher was supervised, disciplined, transferred or otherwise operated in the course of his involvement in church life, and how any complaints or observations of his conduct were dealt with by the Archdiocese;

WHEREAS The Honourable Pepita G. Capriolo, retired Justice of the Québec Superior Court (the "Investigator") has agreed to conduct the investigation and prepare a report, within six months of the execution of the current mandate;

WHEREAS the Archdiocese and more particularly, the Archbishop of Montreal and the Auxiliary Bishops undertake to fully cooperate to ensure that the Investigator and the members of her team will have full and unimpeded access to all files and information concerning Boucher, including confidential files as well as to personnel, in order to properly complete the investigation;


The Parties therefore agree as follows:

1. The terms of the Preamble form an integral part of this Agreement.
2. It is of the essence of the investigation that it be complete, independent and transparent;
3. The Investigator will determine in her judgment, how to complete her investigation and will have the full cooperation of the Archdiocese.
4. The Archbishop, or his appointee, will also provide all assistance to the Investigator, necessary to obtain all relevant files at Southdown or when Boucher was outside the territory of the Archdiocese.
5. The investigation will cover the period from when Boucher was first considering the priesthood until the present;
6. The Investigator has the right and ability to meet with all persons involved and will have the authority to ask all necessary questions and will be remitted all documents in order to come to the understanding necessary to write the comprehensive report outlining the above-mentioned details.

t.b.l.

7. The comprehensive report will include recommendations concerning improvements to policies and procedures internal to the Archdiocese. It can also include recommendations related to selection and training of personnel and, if necessary, any disciplinary measures to be imposed or recommended to other authorities.
8. The Investigator will report directly to the Archbishop. A senior leader in the diocese (such as an Auxiliary Bishop) will be appointed to act as liaison with the Investigator, to ensure that the Investigator have access to any and all information necessary in the course of the mandate.
9. The Investigator will be provided with office space and administrative support as required to accomplish the mandate. This includes the services of Me Doug Mitchell of IMK LLP, which will be billed directly to the Archdiocese, with the description of the services removed. The Investigator will be compensated under the terms of a separate agreement. Necessary travel expenses will be covered as well.
10. The Archdiocese will obtain adequate insurance coverage for the Investigator, and in addition, undertakes to hold harmless, defend and indemnify the Investigator in the event she is sued for any actions or inactions relating to her investigation, save and except in the event of gross negligence;
11. No announcements or public communications will be made by either the Archdiocese or the Investigator with regard to the Investigator's investigation or report without being previously approved by the other party and/or their legal advisors.
12. The report will be remitted to the Archbishop at the latest within six months of the execution of the present agreement.

Signed in Montreal, November 23, 2019.


Mgr. Christian Lépine
Archbishop

Honourable Pepita G. Capriolo

Appendix 2:

List of persons interviewed

- Me Laura Tossi **
- Fr. Patrice Bergeron
- Dr. Thomas Smith*
- Prof. Dan Cere
- Geraldine Gosford*
- Fr. Robert Clark
- Deacon Bill Jones*
- Louise Cormier
- Msgr. Frank Coyle
- Bishop Thomas Dowd
- Eric Durocher
- Henry McKinnon*
- Joelle* and Steven Mara*
- Angie Sutherland*
- Kate Welsh*
- Deacon George Henny*
- Msgr. Jean Fortier
- Fr. Francesco Giordano
- Alain Favel*
- Bishop Robert Harris
- Msgr. Sean Harty
- Chantal Blanchard*
- Robert Blanchard*
- Matthieu Houfflain
- Dr. Stephane Kappler
- Fr. Fred Kirouac
- Fr. Ray Lafontaine
- Fr. Charles Langlois
- Dr. Larry Prévost**
- Msgr. John Sala*
- Archbishop Christian Lépine
- Emma O'Reilly*
- Fr. John Lyng
- Roger Taylor*
- Archbishop Anthony Mancini
- Giovanna Verdi*
- Lucie Martineau
- Bob Evans*
- Isabel Davies*

- Steve Brown*
- Edna Brown*
- Peter Brown*
- Paul Walker*
- Charlotte Walker*
- Cardinal Marc Ouellet
- Msgr. Michel Parent
- Fred Paton*
- Bishop André Rivest
- Bishop Jude Saint-Antoine
- Simone Perreault*
- Msgr. François Sarrazin
- Annie and Tyler Wright*
- Fr. Joseph P. Sullivan
- Dr Michael Sy
- Fr. Eric Sylvestre
- Luc Deschamps**
- Sarah Lismer*
- Father Peter Timmins
- Armando Lopez**
- Fr. John Walsh
- Prof. John Zucchi

: The names with an asterisk are changed in the public version.

** : Members of the Advisory Committee, names also changed in the public version.

CONFIDENTIAL

[REDACTED]

November 6, 1995

Dear Fr. Harris,

After a long period of discernment I feel that God is calling me to express my concerns toward the ordination of Brian Boucher. The last year and a half I have had a long struggle to maintain my involvement in St. John Fisher church. For me at the age of nineteen this is a very hard decision to disclose some of the many incidents that have taken place between Brian Boucher and myself. The main concern that lies within me is that I could not in my conscience allow any other young teenager to go through what I experienced with Brian Boucher. The incidents that I shall bring forth I ask to remain confidential.

Four years ago at St. John Fisher, Brian Boucher, [REDACTED] and I began a youth group. After a successful year [REDACTED] and I proceeded the following year to work with the youth while Brian focused his attention towards other areas in the Church. The beginning of the third year Brian expressed that he would be joining us in the weekly running of the group. At that time it seemed to me that Brian and [REDACTED] had arranged ahead of time to take control over the group. Brian said [REDACTED] will be President, [REDACTED] will be Vice President and I shall be the CEO." He then proceeded to say that "all communication will go through [REDACTED] and me". Expressing my concerns to Father Peter Timmins, he quietly expressed to Brian that [REDACTED] should be equally involved. This conversation was told to me later by Brian. Brian then phoned me and expressed a wish to meet with me about this issue. At that time [REDACTED] was present in the church when Brian invited me for Breakfast. At that time [REDACTED] and Brian engaged in a serious conflict about the issue of having me come into the leadership as an equal. The next day [REDACTED] resigned officially from his involvement in the youth group. Brian then began to tell me what [REDACTED] had said about me to him. I confronted [REDACTED] on some of these issues and he said Brian had exaggerated every statement. Brian, for that following two months ridiculed [REDACTED] behind his back with me and the other youth members. Some of his statements were "I'm glad [REDACTED] has left the group, at least we can relax without all of [REDACTED] computerized documents", "[REDACTED] thinks that he is an important member of the church because of his possible vocation to the priesthood". I am enclosing a flier written by Brian regarding a Leadership Weekend. This letter is in response to [REDACTED] questions about food and accomodations, and is clearly exaggerated to ridicule [REDACTED] behaviour. Brian had created a temporary division between [REDACTED] and me who had been friends since we were five.

During the first two years of working with the youth group my close friend, [REDACTED] had offered his service to the youth group helping out driving some of the youth to different activities. [REDACTED], being of the Jewish faith troubled Brian. Brian addressed [REDACTED] as " [REDACTED] the Jew" over and over behind his back. This made me feel very upset especially when [REDACTED] was offering his service to a catholic youth group. Brian kept asking me why I was hanging around Jewish people and not catholics as friends. One Sunday not too long ago Brian was explaining the Gospel to the youth. From his understanding of the Gospel he was trying to explain to the children how this group, the Jewish Rabbi's in the gospel, had little faith. He then asked what group had very little faith in the Gospel. One boy replied " the Jewish people have very little faith in God", Brian replied " you are correct". One Sunday My sister [REDACTED] came home from church saying that the Jehovah's who recently had built a temple around our church do not have the same truth in God and will not be going to heaven, only if you are Catholic will you be able to go to heaven. My mother concerned about this statement asked my sister who said this and she replied " Brian Boucher, this morning". These incidents proved to me that Brian seems to have difficulty accepting people of different faiths and cultures.

On October 28th 1994 the youth group decided to hold a giant Halloween party in the church basement. At that time being actively involved with the youth group I held many responsibilities for that evening. Two days before Friday my uncle had passed away. The funeral was on Friday morning and held me up because I had to drive my cousin to the train station for 2:30 pm. I phoned Brian and told him I could only make it to the church for 2:30pm, he said that will be " okay". When I arrived at three o'clock having been stuck in Friday traffic Brian was very upset that my friend Jason, who was supposed to be at the church for 2:00pm arrived at 3:00 because he wanted to pick some gifts up from Fairview as raffle prizes. Brian would not talk to him for the whole evening, not even thanking him for all his work. That next Saturday night I came into church for the 5:00pm mass, Brian would not talk to me or even look at me. I was told from a girl who knew Brian well that Brian told a certain group of kids that I was an irresponsible person, and that he was going to exclude me from now on in the activities. For the next following two months Brian would hardly look at me or talk to me. I now went from planning the Gospels each Sunday with Brian as a team, to sitting on the sidelines watching Brian take total control over the group. Each Sunday Brian would take cheap shots and ridicule me. Youth members who I had known for a long time were now making jokes about me and laughing right in my face while Brian would laugh with them always encouraging them.

In the meantime Brian had developed a small group apart from the regular group, I was unaware of any activities that were taking place in the group. This group would now be going out for supper to restaurants with Brian and watching video's with him on a Saturday night.

After about a month or so my friend [REDACTED] had left his \$150.00 sun glasses at the church on October the 28th 1994. I asked Brian if he could give me [REDACTED] sun glasses. Brian lectured me about how [REDACTED] was a materialistic person and he really does not need to have \$150.00 pair of sun glasses. Brian refused to give them to me saying that [REDACTED] will have to come pick them up at the church in person. When [REDACTED] went to the church, Brian kept [REDACTED] for two hours talking about my personal life. My friend [REDACTED] said he would not give up asking questions. [REDACTED] said to me that Brian said "I had serious psychological problems and that I need help" he further went on to say to [REDACTED] that if he was wise he would leave me as a friend and that he would be better off". The next Sunday Brian spoke very briefly to me saying that "[REDACTED] had serious problems, that he gossips too much behind your back". Brian then advised me that I would be better off to end my friendship with him. Again there was another attempt to create division in a friendship.

In March, Brian having rarely spoken to me since October 30th, asked if I could replace him while he was away for his vacation in Florida. On Friday March 17th 1995 the youth group had organized an activity to go to the movies. I had asked Pat Ryan, elementary teacher and president of the parish council to be a chaperon. After the movies the youth were told that they were to stay with the group. A few kids asked if they could sneak into another movie in the theatre. Both [REDACTED] and I said no to the kids and they went into the show anyway. [REDACTED] had them escorted from the theatre and took them home to their parents. On the permission form it said that the youth would be dropped off at home at 9:30pm. Also, being a group from the church, how can we allow the youth to think that it is acceptable to sneak into movies without paying. The youth involved were impolite to [REDACTED], talking back to him and arguing. When telling this to Brian when he got back he said "well I would have phoned their parents and asked if they could watch the other show", he said that "[REDACTED] over reacted". I said to him that I think that as a group we should all meet, Brian said yes. That Sunday he met privately with these boys before mass and told them that I wanted them "punished" for what they had done. That statement came back to me from one of the boys involved in the incident. This made it very difficult for me to assume any leadership role in the group.


Another area where Brian has disturbed me is his views towards women. One time I was vacuuming after a party in the church and Brian said to me in front of the girls "you know that this job is for women to do" He then called one of the girls to come vacuum, but I kept doing it. Once we had lunch in the kitchen and I said to him, "Do you want me to do the dishes?" He then said that "The lady who cooks dinner for them is coming later, she must be good for something". One Sunday he asked for volunteers to move furniture, and girls and boys raised their hands. Brian then said "I need boys with muscles, you girls can vacuum and do the dishes". Another Sunday I went to check to see where the mass was in progress and informed Brian that there was a women homilist speaking and it was quite late from what we are used to. Brian then said in front of all the kids "women homilists always talk for a long time". From these statements made from the last four years an original female member of our youth group has left the group because of Brian's sexist remarks towards women.

In June 28-30 1995, our youth group had a weekend retreat at the Stables (Villa Marguerite). On the Thursday night Brian had all the youth members sit in a circle in the dark and have them read out loud a biblical passage which had been passed around in a balloon written by somebody else during the day. The idea was fantastic and had tremendous potential for discussion. Brian then proceeded to have each member read out their passage and in front of thirty kids he told them personally what God was telling them from it. Indicating to one girl who is very shy "that maybe you do not love your self, you do not know who you really are" he told another boy "that maybe you show off too much and God is telling you that you love your self too much". For two and a half hours we sat in 30 heat and endured this experience. I was told by two experienced spiritual directors that Brian's methods were inappropriate and that you never tell someone what they are feeling especially telling them what God feels about them. At a later meeting I told Brian that you do not tell people what they are feeling and he said to me this had been done before in other groups and workshops that he had attended. He said it is a very hard thing for the kids to accept but they must be able to hear the truth about themselves.

I am very thankful that I had strong people in my life who helped me through each of these events. This was a very tough test to my faith and I have grown because of this. The only thing that scares me is that a youth who does not have these support people to help in trouble, might abandon Church and God. I always thought we were supposed to encourage youth to grow in a positive way, and to help them to be responsible by sharing work and leadership. This was not my experience and I do not wish this on anyone else in the Church. It is for this reason that I am disclosing this information to you.

I hope this information will be helpful for you in your discernment for ordination and for the greater good of the Church.

In Christ,



Further to our conversation on Sunday November 5/95 I wish to add the following data to my letter:

On two occasions Brian disclosed to me information concerning Charles' meetings with you regarding his vocation to the priesthood. At that time I felt uncomfortable because it seemed to be confidential information.

In conclusion I have perceived the following behaviours which I feel are counter productive to ministry and priesthood.

Breach of confidence

Religious, racial and gender discrimination

Creating divisions within a group and relationships

Probing personal information

Control and manipulation

Lack of discretion



Appendix 4:

██████████ a fourteen year old, started coming to Newman as soon as Fr. Brian Boucher moved in. He was at Newman frequently on Thursday nights, consistently on Fridays and Saturdays, and very frequently on Sundays. ██████████ would spend significant stretches of time alone with Fr. Brian in his office. He would stay late and leave with Fr. Brian. For example, on the Easter Vigil ██████████ was still at the Centre with Fr. Brian when I finally had to leave at 4 am in the morning.

I found this pattern of behavior, a 38 (?) year old man in constant and close companionship with a 14 year old boy, to be troubling. I was uncertain how to proceed. So in the week after Easter I met with Bishop Mancini and raised my concerns about the presence of this boy. As soon as I raised the issue, Bishop Mancini reacted with extreme exasperation and frustration: he raised his voice, swore repeatedly, slammed his hands on the desk, and said that he really didn't want to hear that this was happening again. He proceeded to say that:

- the relationship with this boy had been going on for 3 years or so;
- that it was a tremendous source of conflict and tension between Fr. Brian and Fr. Timmons, his former pastor,
- that Fr. Timmons was Fr. Brian's greatest mentor and confidant until this conflict arose. There were serious questions about whether to admit him to the priesthood and Fr. Timmons came to his defense. Fr. Brian said he owed his priesthood to Fr. Timmons.
- however, because of this relationship with the boy, Fr. Brian and Fr. Timmon's relationship was shattered and they would no longer even speak to each other, though they were living together in the rectory.
- that some of Fr. Brian's closest friends tried to raise questions about the appropriateness of this relationship
- that members of the parish had gone to the bishop about this issue
- that Fr. Brian had threatened to sue them
- that the Bishop had hoped that Fr. Brian would not have carried this relationship into Newman.
- When I mentioned that I was not implying that anything morally or legally wrong was going on between Fr. Brian and the boy, the Bishop responded: "Well, if he walks like a duck, and quacks like a duck, he's probably a duck."

I asked if the Bishop could speak to Fr. Brian. He said that he couldn't just step in out of the blue, he needed a reason. He insisted that I raise the issue in a staff meeting with ██████████, Fr. Brian and myself. I resisted. I asked why the bishop couldn't just deal with it one-on-one with Fr. Brian. The bishop kept insisting that I needed to raise the issue. Towards the end of the conversation he said "just do this for me." So I agreed.

May 4th: at a meeting with Fr. Brian and ██████████. I raised the issue of the appropriateness of minors unaccompanied by parents in our ministry. When I brought up the specific issue of ██████████ Fr. Brian stood up, said that he would take any more innuendoes, that he was phoning the bishop to resign from Newman, and stormed out of the room, slamming the door.

May 5th: I sent a message to the bishop indicating that we had had the staff meeting, the issue was raised and Fr. Brian said he was resigning.

I met briefly with John Zucchi to explain what had transpired. John was deeply concerned and in agreement with the actions that had been taken.

On Sunday evening May 7th, I phoned Bishop Mancini to see if he received the letter. The Bishop said he had. I asked him what would happen now. The Bishop said that he didn't know what to do. He said that I would have to work my relationship with Fr. Brian. Conflicts in the workplace do happen and you just have to deal with them. Needless to say, I felt that I was sent out on very far on a limb and then left hanging.

On Tuesday May 9th, I met with Fr. Brian. I was as firm as I could be and said that we couldn't accept the presence of minor unaccompanied by a parent. There was a very tense discussion Fr. Brian in which Fr. Brian asked if I was accusing him of pedophilia. He finally agreed he would try to wear [REDACTED] from the Centre. He insisted that I write a letter to the Bishop indicating that the conflict had been resolved. I agreed.

On June 2nd, after some consultation with John Zucchi, I wrote the bishop indicating some of the difficulties we had run into in the first few months, and requested a reconsideration Fr. Brian's position, and, in generally, asking for help to sort things out since at that point the Bishop had still not spoken with Fr. Brian.

On June 14th Bishop Mancini met with our board at our annual board meeting. After the meeting he mentioned that he would finally be meeting with Fr. Brian later that night to talk about everything.

On June 15th Bishop Mancini phoned to say that he had talked with Fr. Brian, that he saw the issue as essentially one of trust – i.e. my lack of trust in Fr. Brian.

I sent a letter to John Zucchi accompanied by the letters that had been exchanged. I offered a brief summary of the events. Our concerns with this whole situation had been aggravated by Bishop Mancini's contention that there had been very serious conflict over the relationship with the boy in St. John Brebeuf.

On June 23rd I happened to meet Fr. Timmens. Fr. Timmens asked about Newman Centre, he asked if the boy was showing up. He expressed profound frustration with the whole situation with Fr. Brian and the boy, and the way it had been handled (or not handled) by the bishop. He said:

- that there had been an incident and formal complaint a few years ago. An older teenager (a young Latin American) who was living at the rectory for awhile complained that Fr. Brian had sexually assaulted him. It was brought to the diocese but the diocese did not act on the complaint.
- that the relationship with the boy [REDACTED] began when the boy was about 11 years old.
- that the relationship was intense and exclusive.

- that the boy had slept over regularly at the parish in Fr. Brian's section of the rectory.
- that the boy had been on weekends away alone with Fr. Brian. The boy said that when stayed at motels he was introduced as Mr. Boucher's son.
- that parishioners had raised serious questions about the relationship
- that parishioners had been to see the bishop.
- that the diocese took no action.

On July 13th John Zucchi wrote me indicating his concern for this situation, my responsibility to defend the interests of the Newman Centre. He indicated his concern about liability and said in the letter that it would be best if Fr. Brian could be placed elsewhere in the Diocese than Newman.

On July 17th [REDACTED], Fr. Brian Boucher, Dan Cere, and Bishop Mancini met to discuss the issue. We reviewed the situation. I expressed my concerns to the best of my ability. I said that Fr. Brian's conduct with this minor was inappropriate, raised too many questions, and that it indicated a lack of sensitivity to boundaries in dealing with young people. The bishop indicated that he would not reconsider Fr. Brian's appointment to Newman and that we would simply have to find a way to work together. He suggested trying to define our roles more clearly.

Sept 2001: On Sept. 6th [REDACTED] and Fr. Boucher had a conversation in which Ms. [REDACTED] alleges that Fr. Boucher threatened her. On Sept 7th I received a letter indicating that [REDACTED] was resigning.

Meeting with bishop Mancini Tuesday Sept 18th, 2001 9 am.

Met at his office to discuss the resignation of [REDACTED]. Documents that had been sent to the bishop ([REDACTED]'s letter of resignation and her memo explaining the reasons for the resignation) were discussed. I explained that [REDACTED] saw the threat as serious.

Bishop spent some time explaining the fact that he was receiving many complaints about priests and was frustrated.

He also expressed real frustration with Fr. Brian. He said that the difficulties at Newman were not new, that he had never been able to work with any of his colleagues in previous positions. He said bluntly that Fr. Brian cannot work with colleagues, that he is a lone ranger.

The bishop also said that he had nowhere to move Fr. Brian. He suggested three options.

First, he wished that [REDACTED] would simply reconsider.

Secondly, he suggested that if everyone resigned it would cause a "revolution" and it would force him to act, but he didn't indicate how he would act

Third, he suggested putting together a committee of the board to discuss Newman staff positions and to make recommendations. If positions were so defined that Fr. Brian's qualifications were not a fit, e.g. chaplain should have qualifications to teach at a university level, then that might give him something to work with.

He asked me to schedule a meeting for [REDACTED] on Oct. 2nd 9 am. However, the meeting was partially predicated on [REDACTED] holding back on her resignation.

Meeting with [REDACTED] Oct 18th 11 am. [REDACTED] dismissed the idea of holding back on her resignation. She has already begun to make her intentions public to both students and staff. [REDACTED] once again underlined the seriousness of a threat and expressed the concern that it should be raised with the McGill ombudsman since all the parties involved are listed as McGill staff.

Telephone conversation with John Zucchi Wednesday Oct 19th 9:30. John Zucchi was very concerned about these developments. He warned against any attempt to discourage [REDACTED] from raising issues with McGill. He continued to raise issues about the potential risk to the centre because of the concerns raised about the relationship of Fr. Brian and [REDACTED] both at his previous parish and at the Newman Centre. He wondered if our documentation should be given to McGill to ensure transparency. Secondly, he felt that there should be a meeting with the Cardinal if there is no change. Finally, he expressed willingness to resign as president if nothing happens.

I received a letter of resignation from [REDACTED] today (Sept 7th). [REDACTED] met with me later that day to discuss the reasons. The immediate reason for the resignation was a meeting with Fr. Brian Boucher on the previous day. He called her into his office to discuss a number of points. During this meeting [REDACTED] states that she was threatened by Fr. Brian

[REDACTED]'s new role as associate director she was helping to coordinate finances with Treasurer and Bookkeeper. In that capacity she resisted Fr. Brian's determination to add new item to budget without consultation with board of directors. Her position was not particularly controversial. Fr. Brian's response was angry and included an explicit threat of serious harm to her if she got in his way.

There were many other work related issues with Fr. Brian that fed into her resignation, however, the threat for her was the most clear and dramatic indication that her presence at Newman could not continue.

Daniel Cere

████████████████████
Montreal Quebec
████████████████████

June 2nd, 2000

Dear Bishop Mancini,

I am requesting a reconsideration of Fr. Brian Boucher's appointment as chaplain to the McGill Newman Centre. As a newly appointed lay director this recommendation puts me in a difficult and delicate position. However, I feel that this change needs to be made for the sake of the students, staff and Fr. Boucher himself.

This request does not reflect any judgment on Fr. Boucher's ministry as a priest. Fr. Brian has a reverence for the liturgical and sacramental life of Church. However, there are other considerations which I feel that I need to speak to. The nature of university chaplaincy, staff, work, and student relationships create special demands and expectations. I am not sure that Fr. Brian appreciates the significant differences between university mission and parish life. In fact, he maintains that his role in both contexts is essentially the same. The students have raised this concern a number of times and it is one which I share. University chaplaincy demands close interaction with students, collegial cooperation among staff and student leaders, and a willingness to go the extra mile.

Both our student leaders and staff have raised concerns about Fr. Brian's lack of communicativeness. A major part of the chaplain's role is to foster friendships and relationships with the students. This typically involves getting together with students at lunch, out on campus, interacting in social events, etc. It may be a personality issue—but most of the students do find Fr. Brian very difficult to interact with. Fr. Brian also insists that his role is not to be a "buddy" with the students. However, Fr. Brian's psychological or ideological "distance" presents a real difficulty for chaplaincy ministry.

Fr. Brian's contributions over the last semester has focused almost exclusively on the liturgical life of the community. However, even here problems were surfacing. From the beginning students involved with liturgy were raising concerns about Fr. Brian's lack of collegial cooperation. Decisions were made abruptly and there was little consultation with the students involved. They felt sidelined. The issue here was not content but process. The students were not demanding control or direction over our liturgical celebrations but they wanted involvement with and participation in this aspect of community life. They often felt that he takes a dismissive attitude towards the concerns which they raised.

Transitions are always difficult for staff. [REDACTED], our campus minister, our volunteer staff members (Sr. Marie and Fr. Ernest) have devoted extra time and effort during this period. We all need to make sacrifices in this kind of work. We operate with about 1/3rd of the staff of Hillel yet we deal with far more students. Fr. Boucher's work ethic doesn't work well in this kind of ministry. His days at Newman are relatively short (3-4 hours usually). He seems to be busy with other meetings most evenings, but they are not part of the Newman work. All of us are stretched out with commitments. However, I suspect that most of the staff feel that they have to be dancing around Fr. Boucher's schedule. Newman events often seem to take a back burner to his other non-Newman meetings.

Another critical part of our chaplain's work is his role as the official Catholic representative on the McGill Chaplaincy team. The team meets every month, however Fr. Brian shows little interest in its work. He attended the first meeting in January and has not been back since then. He was reluctant to be involved in any of the June convocations. We struggled to find a date that would fit his schedule. Once again other meetings and events seemed to take precedence. We finally came up with one date, however the McGill chaplaincy director Gwenda Wells expressed frustration with Fr. Boucher's apparent lack of interest in university chaplaincy activities.

[REDACTED] has made a valiant effort to work collaboratively with Fr. Boucher. [REDACTED] feels somewhat bewildered after five months of fairly intensive interaction with Fr. Boucher. Relationship and personality issues keep surfacing which we do not feel capable of dealing with.

My own staff relationships with Fr. Boucher have been strained. He rarely gives any explanations for his decisions. He is unpredictable. He initially showed no interest in working with the residents and said that this area should be handled by the director. Then he had a change of heart and got involved in the selection process. However, he seemed to lose interest and students were left hanging. His comings and goings are somewhat unpredictable. He is typically elusive about his non-Newman meetings and events. For example, two weeks ago he disappeared for four days (including a weekend) without ever notifying me. He announced at our last executive meeting that he plans to take the first few weeks of September off as vacation time—the busiest time in our schedule. He should have spoken to the director before making this decision.

I had brought one serious staff conflict your attention – his threatened resignation when I raised the issue about the minor who has been accompanying him to Newman. I am not sure how this issue is to be finally resolved—[REDACTED] is still coming to Sunday services. Fr. Brian did indicate a commitment to try to disconnect [REDACTED] from the Newman Centre. I think that it is fair to say that in our society Fr. Boucher's pattern of exclusive interaction with a minor is high risk behavior. It inevitably raises difficult questions and concerns in a university community.

During this brief period, Fr. Boucher has run into some serious conflicts and tensions with staff and students. I suspect these tensions and frictions will be ongoing and will not be beneficial to Fr. Boucher, the staff or the students. Fr. Brian himself may be experiencing some misgivings. His heart does not appear to be in his work. He certainly treasures his relationships with people at his former parish. His own gifts and interests do not seem to have an adequate place for expression in this university ministry.

The Newman Centre has been going through a considerable period of development over the last few years. We have had our difficulties but we have not had a history of serious staff conflicts at the centre. I am sorry to have to bring these difficulties before you at this time. However, these struggles have consumed a considerable amount of our attention and energy over the last few months. In my judgment we are not equipped to resolve these problems. We need a hand.

Fraternally in Christ,

A handwritten signature in cursive script, appearing to read "Daniel Cere".

Daniel Cere

Confidential

June 5, 2,000

To : Daniel Cere
Director
Newman Centre
McGill University

Dear Dan,

You requested that I write out a report stating my observations and concerns about the role that Fr. Brian Boucher has played during the recent transition at the Newman Centre. I have tried to separate my observations from my conclusions by stating my opinions at the end of this report. Please bear in mind, that although I have received training to develop listening and observations skills in spiritual direction and pastoral care, I am not a professional psychologist or psychiatrist. I do not have the training to diagnose a potential psychological problem, but can only raise questions and refer people for professional help.

* * *

I have known Fr. Brian Boucher only since he was appointed to work at the Newman Centre on January 1st, 2,000 (approximately 5 months). At the beginning of his mandate, I was very hopeful that he would be able to provide the stable, full-time presence of another staff member that the students need. He seemed to be a young, dedicated priest, who energetically sought to improve the services that were being offered. Although he was clearly a quieter, more thoughtful person than our previous chaplain, he appeared to have the potential to be a very valuable member of the chaplaincy team. Unfortunately, he was not often present at the Centre during the first few weeks, because (he himself said that) the sudden transition in the middle of the year left him with heavy responsibilities at St. Jean Brebeuf that needed to be taken care of. Questions began to surface in my mind as I observed his interaction with staff and students, as well as the

close, and eventually “exclusive” relationship with a young 14-year old boy [REDACTED] [REDACTED] which seemed to have been initiated during his mandate at St. Jean Brebeuf.¹

[REDACTED] appeared at the Newman Centre often, usually before or after the 4:30 pm weekday masses on Thursday or Friday. He seemed to know Fr. Brian very well, and was often asked to help set up for the Mass. Eventually he also began attending the weekend masses, and the Saturday night suppers.² Fr. Brian would often ask him to help set up and serve the Mass even though there were members of the community who had been appointed to do so (Eucharistic ministers were supposed to be in charge of setting up the altar.) During the suppers, (if they stayed) Fr. Brian would sit with [REDACTED] and converse almost exclusively with him. (At the time I attributed this to shyness and was not overly concerned about the young boy’s presence.)

As time passed, I tried to engage [REDACTED] in conversation (especially after weekday masses), to understand who he was, and to see how and why he was becoming a part of the community. He and Fr. Brian seemed to be “buddies,” so I thought they were probably part of a “big brother” program of some kind. However, I became concerned as several weeks passed, and the young boy seemed to be the only person Fr. Brian could relate to on a less formal footing. Two things finally raised my concern to worry: I saw [REDACTED] spend several periods of 45 minutes to 1 hour alone in the office, with the door closed with Fr. Brian; and secondly, a comment that Fr. Brian made to me (in the presence of the boy), to the effect that [REDACTED] had been the only person who had been able to help him express himself emotionally. I was not the only person to be concerned. Several students have come to me asking who the boy is, why he is at the Newman Centre, and why Fr.

¹ I’m using the word “exclusive” in the sense that [REDACTED] was the focus of Fr. Brian’s attention, often to the exclusion of the student population around him, who were anxious to get to know him.

² Saturday night suppers are cooked every Saturday during the term by teams of students. Approximately 20 to 40 people attend. They are the primary means of staying in touch with the core members of the community. At least one other staff member is present, but the chaplain’s physical (and emotional) presence is vital.

Brian seems to singling him out (by serving at the Mass, and mentioning him during the celebration.)

During the course of the first three months, Fr. Brian and I were able to work together happily, on a professional basis. On a one to one basis, with someone he knows and trusts, he can be a gentle and considerate listener. For this reason I decided to raise my questions directly with him. These are the areas I covered:

- Who is [REDACTED] He is a young 14-year old, who comes from a broken home that includes a mother and two sisters. His father is around, but is often in and out of prison. Fr. Brian appears to have met him through his work at St. Jean Brebeuf.
- What is the nature his relationship with Fr. Brian? Fr. Brian considers himself a surrogate father figure for the boy. He visibly cares for [REDACTED] and is concerned about his needs and wants.
- Has anyone else raised questions about their relationship? Yes. Apparently, when Fr. Brian was at Brebeuf, someone (he did not specify who), questioned him, and the boy's mother about the relationship. According to Fr. Brian, the mother is happy with, and supportive of the relationship.
- Has [REDACTED] himself not suffered because of the questions that were being asked about their relationship? Fr. Brian replied that someone (he did not specify whom), had interviewed the boy and questioned him. He also said that he and the boy's mother had sat down with him and explained why people were asking questions (the general climate of the culture tends to raise questions about priests having relationships with young boys.)

I finally raised this issue with you, Dan, because the questions asked by students and other members of the community became more frequent. You raised the issue with Fr. Brian

directly during a staff meeting. When you insisted that the policy at Newman was not to allow un-supervised minors to become part of the community, he insisted that he was there to supervise [REDACTED]. However, as you kept on insisting that minors should be supervised by their parents or legal guardian, Fr. Brian became very upset and threatened to contact the Bishop to ask for a transfer from Newman.

My own relationship with Fr. Brian became rather strained after this meeting. But it was not until the following Sunday, when his homily seemed to express anger and frustration with the whole community, that I finally decided to meet with him. During our meeting, which lasted for 2 hours, he expressed disillusionment with the community (for lack of acceptance of others), and with me for being at the staff meeting and hearing your "accusations." At one point, the emotional stress he is experiencing seemed to surface as his face contorted, he clenched his fists, and raised his voice. (However, on no occasion has he been rude, or abusive with me.) After this meeting we have been able to work together, but not with the openness of our previous relationship.

General Concerns:

Although Fr. Brian's relationship with [REDACTED] has been the focal point for some dissension, there are other, more general relationship issues that have a greater and more serious impact on the Newman community.

The most important issue is Father Brian's preference for working and relating to only one or two people at a time. He tends to focus on one person whom he trusts, and assign them almost all the tasks that need to be performed concerning the liturgies. I experienced this myself, and was not aware this was happening until someone else in the community pointed it out to me. At the present time, his focus has shifted to one other student whom he asks to help distribute communion at weekday masses and on Sunday, even though there are other trained ministers of communion present.

This preference for working alone, or with one or two carefully selected people was confirmed to me by Fr. Brian himself. In a recent meeting I had with him, I tried to suggest that he attend the executive meeting, or allow me to present some of his ideas for the coming liturgical year. He stated categorically that things were "compartmentalized" at Newman, and that frankly he preferred it that way, and even found it very freeing. He did not see why he had to work with one of the students from the executive. When I tried to explain that working with the students in the context of the Mass is a great way for them to get to know the foundations of their faith, he replied that the Mass is not a pedagogical tool.³

Fr. Brian's isolation from the rest of the community is evident, and has raised questions among the students. In the beginning they were asking why he surrounded himself with people from his previous parish during times when they hoped to socialize and get to know him. During the Newman Ball, for example, he invited people from Brebeuf into his office and stayed with them for the duration. This is a pattern that has repeated itself in other contexts.

An issue closely related to self-isolation, is lack of self-disclosure. Fr. Brian has taken the position that he is not at Newman to be friends with the students. He has set very clear boundaries, but in doing so has almost walled himself up in anonymity. He shares very little about himself as a human person with the rest of the community. To the point that it is even difficult for us as staff members to know whether or not he plans to preside at the masses on any given Sunday. I have tried to explain that we need to know, so that at least one of us is present when a new priest, who does not know the Newman community, comes in.

Two other issues that have become more and more evident since the last staff meeting are Fr. Brian's mood swings and what appears to be inconsistency, or self-reversal. With

³ Many students that come to the Newman have never experienced a Mass, or have never been taught the meaning of it. They are curious about the symbolism of the liturgy and other types of devotions.

increasing stress, Fr. Brian has shown signs of moving from elation to isolation very quickly. For several weeks I tried to arrange a time so that he could meet with the Newman executive to plan the activities for the coming year. Each time he replied that he had previous commitments elsewhere. Finally I decided on a date, because the meeting was becoming a pressing issue. He said "sorry" he had a previous commitment, yet on the date of the meeting appeared with no explanation, but refused to participate fully. (It was a dinner meeting. He refused to eat. Spoke very little, and pressured me to hurry up and finish the meeting.) At the end of the meeting he complained about the "stupid meetings taking too damn long." In the weeks following this, he has reversed himself, you and I, whom he had been avoiding for weeks, he has suddenly started to contact to meet again with no explanation for the change.

I have noticed inconsistency or self-reversal in other contexts as well. Fr. Brian will interpret other people withdrawing from him when he is harsh, as aggressive behaviour towards himself. One day a student brought in flowers for the altar during Lent. He was very categorical about getting them "out of the chapel," and later interpreted the fact that she cried during Mass as hostility towards himself. ("Why is she glaring at me?")

Finally, the issue that has probably caused the most pain to the Newman community is Fr. Brian's very negative view of its members. This has expressed itself as disdain for the students "intellectual" bent, for their lack of maturity, and for the lack of cleanliness and order in the place. When he first arrived, I tried to invite him to come and have lunch with staff and students, but he told me that he found the dirtiness of the kitchen offensive to human dignity. I do not know where or how he has formed his image of young people, but he views them as seriously lacking interest in their faith. (He holds this view in spite of the fact that he himself was a spiritual director for our Lenten retreat, and found it a great experience!?) He is trying to work with me to design an Introduction to the Bible study, while at the same time expressing the idea that most students are not interested in the Bible anyway !? In his homilies, he often talks about shortening the Mass because he knows that most people just want to "escape as quickly as possible" anyway. (Little does

he know that the core community enjoys liturgies that are a bit longer, but celebrated deeply and with a lot of singing and participation.) While orderliness is not one of the Newman community's strengths, and students do let spiritual matters slide when they are under pressure from exams and other issues, by and large, they try their best under the circumstances. Fr. Brian's negative view of this age group persists because he has not been able to relate to the students on a regular basis.

Conclusion:

The factors I have described above make it increasingly difficult to function as a team at the Newman Centre. However, there are two sides of the problem to be considered: How can the needs of the community be addressed? How can Fr. Brian's needs as a human person also be considered? The following reflections should be treated as the opinions of someone who is not a trained psychologist, but nevertheless, has had a close working relationship with Fr. Brian Boucher.

I believe the Fr. Brian may be struggling with some deep personal issues that lead him to create a strong shield to protect himself from his environment. I can sense that he suffers intensely and profoundly, but is perhaps unable to move beyond denial and self-protection. I am very concerned that the highly personal and social nature of ministry at the Newman Centre may be exerting a lot of psychological stress on him, and could lead him to "wall himself up," to isolate himself even more from others as a way of coping with pain, or maybe even precipitate a breakdown.

What can be done to help him? Both staff and students have tried to be as welcoming as possible to Fr. Brian. When issues and questions about his work have been raised, we have attempted to talk them out with him. However, he has shielded himself from interaction by refusing to discuss issues, blowing up and escaping, or simply refusing to engage in discussion.

We the staff of the Newman Centre, do not have the professional competence to deal with issues involving the psychological or emotional aspect of other staff members. Our mandate is to serve the student's needs.

I believe Fr. Brian needs the help of a professional counselor, or perhaps the opportunity to work in a pastoral setting with another priest who has this type of training, and could help him understand the scope of the issues he is struggling with. Unfortunately, half the battle in helping someone, is for them to acknowledge the problem, and decide that they want to receive help for it. I have never spoken to Fr. Brian about his personal issues, but I sense that he might be reluctant to receive help.

The needs of the Newman community are also an important consideration. Many of the students we come into contact with are returning to the Church or encountering it for the first time. They need to perceive a welcoming presence in the members of the staff, but most especially from the chaplain. Unfortunately, many come with preconceived ideas that the factors I have described above can often serve to reinforce. The Newman community would be best served if someone could be found to replace Fr. Brian.

On a more personal note, I wish to state that I value and esteem Fr. Brian Boucher as a gentle and considerate colleague. I fear that inaction in this situation, could result in the loss of a potentially very good priest for the Diocese of Montreal.

Sincerely,



Campus Minister

[Appendix 7:](#)

This Appendix is omitted from the public version because of its very personal and graphic content.

Appendix 8

Copied on 9/3/20 Provided to
The Hon. Pepita Capriolo on 9/3/20,
as per agreement with
Most Rev. Thomas Doud,
Archdiocese of Montreal
H.C.

11 March 2003

RE: BOUCHER, Fr. Brian

Father Hearty called to provide additional information. Cardinal Turcotte is at his "wit's end" and this young man is very close to losing his faculties. The doors are closing on Brian and he does not seem conscious of this.

Brian was asked to leave St. Peter's seminary originally, and there were some questions as to why, but this was all kept very quiet. He was then readmitted into Legrand seminary, and then did internship at St. John Fisher parish. There was a young man there whose parents were heavily involved in the church. The young man spoke about how Fr. Brian would give young people alcohol, would endeavor to gain control over young people and talk about sexuality. He would talk about the evils of masturbation, how women should be kept in the kitchen.

The man writing letter expressing concern with young boys is a pediatrician.

Brian fell under the protection of a priest who was very homophobic who would write letters to The Tablet about how gay priests should not be ordained. This priest was popular and took Brian under his wing until ordination.

Brian had made some type of overture to a Mexican cook and held the man's passport. Bishop Mancini was involved and now the priest stopped supporting Brian, made a complete reversal. They needed to be separated.

Bishop Mancini spent countless hours with Brian and moved him to the Newman Centre at McGill. This was not a great appointment because he had access to young people. Brian, for example, at 34 invited a 17-year-old boy on a solo vacation camping with him in Cape Breton. The mother refused to let him go.

The appointment at the Newman Centre was disastrous and there are letters on the file. Brian worked very badly with a woman who was his supervisor; she came close to taking him to a human rights committee at the university; she only held off from this when the bishop intervened.

He gets involved in a relationship with a 15-year-old boy. [REDACTED] approached the Bishop about this experience.

Brian focuses on lost young men and tries to see them in an exclusive relationship, separating them from others.

Cult figure, control, young people. Forms very strong attachments to young men and can't set boundaries and limits

A "herb" of young men going into his office for "hours on end" and the conversation is clearly about taking the bible literally.

He washes his own laundry daily and will not allow the people in the service to do it. He showers daily. If there is a hair left in the shower he will call the pastor in to look at it. Brian said to the pastor that the monsignor is "after my ass and I will call the police." All staff are complaining about him.

Appendix 9:

This appendix is omitted from the public version because it contains non-relevant medical and personal information

CONFIDENTIAL

Summary of meeting with [REDACTED] and Mr. [REDACTED]

PART ONE: [REDACTED]'S ACCOUNT OF THE INCIDENT

[REDACTED] is a 12-year-old boy (grade 6). He gets good grades, and has been accepted to Loyola. He came very willingly to speak about the incident.

- 1 This particular incident took place at a parish event called "Pasta Musica".
- 2 After mass this particular evening was a period of entertainment involving opera.
- 3 [REDACTED] didn't enjoy the opera much, and had a bit of a stomach ache, so he wanted to go home on his bike. After some pleading with his mother, she eventually said yes.
- 4 He met Fr. Brian in the hallway, who asked him why he was leaving. Fr. Brian grabbed him on the back of his shirt and pushed him into his office, and then locked the door. He said "give me one good reason why you should leave".
- 5 [REDACTED] began giving reasons, but none were "good enough". This lasted about 10 minutes. At one point Fr. Brian threatened that he would not get confirmed if he did not cooperate.
- 6 [REDACTED] finally said he would stay. He said this because he felt very uncomfortable and wanted to leave.
- 7 Fr. Brian asked that [REDACTED] give him a hug. [REDACTED] refused. Fr. Brian then asked [REDACTED] "Am I a bad man?" [REDACTED] replied "Yeah."
- 8 Upon leaving he called his grandfather, who came to pick him up.

*PART TWO: MR. ██████'S ACCOUNT OF HIS SUBSEQUENT ATTEMPT TO
MEET FR. BRIAN*

On the Tuesday following the Pasta Musica evening, Mrs. ██████ went to church and attempted to speak with Fr. Brian about the incident. Fr. Brian threatened to call municipal security. She left very upset.

Mr. ██████ then went to see Fr. Brian, who was occupied in the church. Fr. Brian apparently told ██████ (the parish PCL) to speak with Mr. ██████ informing him that anything involving ██████ was to stay between the parish and ██████'s mother, and that they could not speak with Mr. ██████ about it. As Fr. Brian left ("scurried off" according to Mr. ██████) Mr. ██████ followed. ██████ said that she would have to call municipal security if Mr. ██████ who agreed (as he desired that a report be taken by a third party regarding this situation). Mr. ██████ was then locked in, and while alone he knocked forcibly on the door to Fr. Brian's quarters to get him to talk. Security eventually arrived, and the report was taken.

A registered letter has since been sent from the parish to Mr. ██████. He intends to reply with a letter of his own (both of which are on file).

According to Mr. ██████ his daughter (████████'s mother) sees nothing wrong in what happened. She sees it as "tough love" (her words).

PART THREE: ██████'S THOUGHTS

████████ believes that Fr. Brian picks on him, and that he does not deserve it. Along with some friends he did act up once prior to the Christmas pageant, from which he was banned, but since then he believes that he has been good.

When asked what he might say to Fr. Brian, he said he would not even want to speak to him [REDACTED] did say he is angry with Fr. Brian, and that he might mention that. He would like to be treated like everybody else, to be listened to, to not be singled out, and to have his ideas respected.

[REDACTED] referred to Fr. Brian as a "hypocrite". He is nice with him one minute, and then blames things on him.

[REDACTED] believes that Fr. Brian does this because he knows that [REDACTED]'s mom can't (or won't) do something about it. He sees this in two ways: on the one hand, Fr. Brian is pushing himself into this role, but on the other hand the mother is also letting him in.

When asked, [REDACTED] said clearly that he'd "be ok" with our mentioning this to Fr. Brian - to help prevent this from happening again.

PART FOUR: ADDITIONAL DISCUSSION WITH MR. [REDACTED]

[REDACTED] left the room at this time. Msgr. Harty then broached the subject with Mr. [REDACTED] about his relationship with his daughter, her own situation (handicapped, married to a prisoner who is now out of jail, etc.) There was a lengthy discussion in this area, in which Mr. [REDACTED] expressed his frustrations in his relationship with his daughter.

Msgr. Harty then attempted to bring the discussion back to [REDACTED] and his needs. His mother clearly has an affinity with Fr. Brian, and has delegated to Fr. Brian certain "parental roles" which Fr. Brian has taken on. While aware of this incident she feels it is harmless and is choosing not to do anything. As she is the legal guardian, however, she does have authority in this situation, and clearly often acts defiantly towards her parents. Msgr. Harty therefore put forward that, for the sake of the boy, it is important that there be some healing in the family so that everyone can be reading from the same page. He

offered to suggest a mediator, which Mr. [REDACTED] accepted.

Msgr. Harty asked Mr. [REDACTED] a direct question: "What would you want me to say to Fr. Brian?" Mr. [REDACTED] did not answer this question directly. He felt that Fr. Brian needs to "change his ways" – including elements of his whole pastoral approach and style – and that he needs to apologize (or at least admit that he is wrong sometimes). Mr. [REDACTED] clearly stated that he does not want to pursue and sort of court action, but at the same time that he does not consider Fr. Brian fit to be pastor.

AGREED ACTIONS

1. Msgr. Harty will speak with Fr. Brian.
2. Msgr. Harty will talk with [REDACTED]'s mother to suggest the mediation process.
3. Mr. [REDACTED] will speak with his wife about entering into the mediation process.

Prepared by Fr. Thomas Dowd, Office for Pastoral Personnel
May 17, 2007

Appendix 11:

April 14, 2011

Jean-Claude CARDINAL Turcotte
Archbishop of Montreal
2000 Sherbrooke St. W.
Montreal QC H3H 1G4

Dear Cardinal Turcotte,

On January 19, 2011, I received, in the presence of Msgr. Fortier two representatives from the Parish of the Annunciation, Madame [REDACTED] and Mr. [REDACTED]. Mrs. [REDACTED] is a 40 year member of the parish and has held positions of Warden, Parish Council Chair, Renew Coordinator and many other such parish responsibilities. Mr. [REDACTED] is Past-President of St. Mary's Hospital, Foundation of Catholic Community Services, and is a trustee of Montreal St. Patrick's Foundation. Mr. [REDACTED] and his wife [REDACTED] are also recipients of the Ignace Bourget award. I mention all this to establish the credibility of these individuals as involved and committed laity.

The purpose of the visit was to ask us to consider the non-renewal of Fr. Boucher's mandate as Pastor of Annunciation Parish. Fr. Boucher's mandate expires August 30, 2011. The following are some quotes from the individuals:

"We need a break. We have had six years where everything is so difficult with Fr. Boucher. We are so tired of 'sin, sin, sin'. We are the faithful; we are there every week and little is about the joy of our faith. We need to be encouraged to grow spiritually."

"Fr. Boucher is so difficult and so in need to be in control, that everything grinds to a halt while we are waiting for him to make a decision on the simplest of matters." They gave examples of these kinds of delays.

"We have lost a significant number of parishioners who just gave up. They must be going elsewhere. We suspect they have followed our former pastor to his new parish, St. Malachy's."

I was not surprised to hear these comments, as over the last six years, I have received both written and many, many, verbal complaints about Fr. Boucher's ministry at Annunciation.

To review Fr. Boucher's nomination history:

- Fr. Boucher was ordained with Fr. Peter Timmins as his mentor, at St. John Fisher Parish on June 7, 1996.
- He subsequently went with Fr. Timmins as Assistant at St. John Brebeuf Parish. An incident occurred while Fr. Timmins was away with Fr. Boucher, Fr. Eric Sylvestre, p.s.s., and a young Latino cook during the ice storm, an incident that required Bishop Mancini to personally go to the rectory of St. John Brebeuf. Fr. Timmins, upon returning from his vacation, asked for his removal.
- Fr. Boucher was assigned to Newman Centre. After a number of clashes with the female Pastoral Animator, and the fact that a young boy from St. John Fisher was now accompanying him most times on weekends, much to the discomfort of the Newman staff, the Director of Newman Centre asked Bishop Mancini to remove him from this nomination as the atmosphere of the Centre was very toxic, and the female associate, a doctorate level Biblical Scholar, was threatening to seek recourse with the Quebec Human Rights Commission. During this time at Newman, Fr. Boucher developed intense relationships with young students, in particular, male students. I encourage you to read the deposition by [REDACTED] that I have enclosed and which was given to Bishop Mancini. Bishop Mancini was extremely concerned about this deposition and other complaints, and he asked you to remove him from contact with young people at the Newman Centre.
- His next assignment was at St. Patrick's Basilica where shortly after his arrival Msgr. Coyle noted that he did not respond to requests to assume responsibility for certain pastoral assignments at the Basilica. His homilies, again very much the focus of sin, were directed to homosexuals and others who were in the constant state of "mortal sin". Msgr. Coyle received a number of complaints. However, Msgr. Coyle noted a steady stream of students coming to Fr. Boucher's office for

spiritual direction - an area that Fr. Boucher has absolutely no training in.

Finally in December 2002, Msgr. Coyle wrote to you (see accompanying letter) and asked to have him removed.

Please note the reference to: "I will call the police" for further reference in this letter.

At this time, it was decided to ask for an evaluation of the Southdown Institute and Fr. Boucher subsequently reluctantly, underwent an evaluation (see attached report) and entered into six months of intensive therapy. During this period, I visited him five times and kept in communication with him regularly.

- Upon his return from Southdown, he was assigned as $\frac{1}{2}$ time Chaplain at the Lakeshore General Hospital and eventually $\frac{1}{2}$ Assistant at St. Luke's Parish where he resided.

Initially, Fr. Brian did very well and seemed content. However, as time passed there were rumblings about incidents that were not congruent with his good state of mind when he returned from Southdown. Fr. Roger Martineau confided to me, "Fr. Brian makes me nervous" - referring to some of his obsessive compulsive traits. Initially, I saw this as the difference of personalities with Fr. Roger being very easy-going and Fr. Brian usually stressed.

Just before his departure from St. Luke's to go to Annunciation Parish, Deacon [REDACTED] of St. Luke's came to see me and told me that Fr. Brian had "shoved me up against the wall in the Sacristy when I tried to speak with him about the upcoming Mass." Deacon [REDACTED] did not want to have this incident made public, however, I was concerned and when I asked Fr. Brian to explain his alleged action, he denied the allegation completely.

- Fr. Brian's nomination has not been without difficulty (see some of the attached correspondence).

On one incident after a Mr. [REDACTED], a long-time parishioner of the parish asked repeatedly to meet with Fr. Brian concerning the fact that Fr. Brian was spending a great deal of time with his 12 year-old grandson. Mr. [REDACTED] went to the rectory and "pounded on the door" and said, "I know you are there. I want to talk to you". No reply came from the door and Mr. [REDACTED] persisted in pounding his fist. Fr. Brian, who was in the rectory, called the police. When I asked him

why he called the police, he said, "I was afraid for the safety of my staff and myself."

This incident was followed by a complaint to me that Fr. Brian had detained his young grandson in an office in the rectory, against his wishes, and had locked the door with his grandson and himself (Fr. Brian) in the office.

- Fr. Brian's former secretary at the parish, who is now one of our finest religious educators, stated to me that Fr. Brian would laugh when people called repeatedly and asked to see him without receiving a return call. Subsequently, this woman had to wait 3-4 months before receiving her last payment when she left the employment of the parish. So too, with the individual who cleaned the rectory and made a complaint to Brian McDonough of the Social Justice Office, that Fr. Brian refused to pay her the day she was owed because he was angry with her. It took months and several interventions on my part to get her cheque sent to her.

In all of these and other incidents, Fr. Brian simply denies or creates a scenario that does not, in my opinion, reflect the truth.

- Last Fall 2010, another issue surfaced which has caused me great concern. Fr. Brian's twin brother, [REDACTED] is divorced from his wife and there is a vicious battle for custody of the children - 16, 15 and 11 years old. [REDACTED] asked for an interview with Bishop Gendron, and at that meeting, and other subsequent meetings, he stated that his brother, Fr. Brian, was part of the reason his children were alienated from him, their father. He stated that his lawyer intended to bring forth as evidence the assumption that Fr. Brian was a form of "pedophiliac", and that he had given his lawyer names of people who had strong suspicions of Fr. Brian's orientation. I subsequently met with Fr. Brian's parents and [REDACTED], the allegations of alienating [REDACTED] children's affection was supported by the grandparents and indirect reference was made to Fr. Brian's predilection for "youth", if not sexually, certainly emotionally.
- The strategy emerging from this situation was that I instructed Fr. Brian to write a "registered letter" to his brother and sister-in-law

informing them that as a public figure in Montreal, he could not be involved in matters of family disputes, and that he would cease any involvement in the lives of his nieces and nephews, so as to allow the possibility of each parent to assume their proper place in their lives. All through this period, Fr. Brian was very anxious. However, it took him six weeks to compose the letter and send it and only after several reminders from me.

- Two weeks ago, Fr. Brian called me to state that his brother [REDACTED] has once again raised the subject, and is threatening to "expose" his brother for what he is. Fr. Brian denies any responsibility in this matter.

I regret having to write this very long missive to you, your Eminence; however, I believe the time has come to make a decision concerning Fr. Brian's future in parish work within our diocese. I believe Fr. Brian represents a great risk to our Archdiocese, either directly through his own actions, or that of his brother.

I believe that as in the past, we removed from parish work those whose behaviours were suspect or proven. It is time to make such a decision now. I make this suggestion to you, conscious that I am personally weary of carrying most of this file since January 2003.

I would like a meeting with yourself and Msgr. Fortier at your convenience, to further discuss this important decision.

Msgr. Sean Harty, E.V.
Director, Office for English Pastoral Services

Cc: Msgr. Jean Fortier, P.H.
Vicaire épiscopale du personnel pastoral

COMPLAINTS HANDLING IN THE OEPS PRINCIPLES AND PROCEDURES

PART I: PRINCIPLES

1 Preamble

- 1.1 The issue of the handling of complaints within the Church is a delicate one. The Church is not a corporation, with a "customer service" department. Instead, the Church is a family, and any conflicts or disappointments within it need to be seen as family disputes. This does not mean that complaints or disagreements should not be handled using the best of the techniques and wisdom learned from the corporate or government world. However, it does mean that the Church must go beyond them, setting her standards according to Gospel norms.

2 Goals

- 2.1 This complaint handling procedure has the following goals:
- Knowing there is an objective complaint handling procedure should help people feel more secure as members of the Church.
 - The procedure should help foster truth, reconciliation and communion among the members of the Body of Christ.
 - The results of the procedure should help foster continuous improvement of pastoral services.

3 Core principles from the Bible

- 3.1 What are the core scriptural principles which must be kept in mind for this procedure?
- 3.2 *By this everyone will know that you are my disciples, if you have love for one another. (John 13: 35).*

Jesus himself wishes that the way people would recognize his disciples was their love for one another. This mutual love is the "badge of identity" for his followers. The most serious complaints arise when the gospel of love is being subverted by strife between Christians. In such cases, the ultimate goal of any complaint handling procedure must be to promote genuine reconciliation of hearts.

3.3 *I am among you as one who serves. (Luke 22: 27b)*

For those in his Church who have positions of authority, Jesus taught that they were never to lord their power and status over others, but rather use it in service to the community. Service complaints can involve poor behaviour from people, but can also involve the frustrations that come from inadequate provisioning of services. Servant leaders must have the humility to be open to the latter form as well.

3.4 *If another member of the church sins against you, go and point out the fault when the two of you are alone. If the member listens to you, you have regained that one. But if you are not listened to, take one or two others along with you, so that every word may be confirmed by the evidence of two or three witnesses. If the member refuses to listen to them, tell it to the church. (Matthew 18: 15-17)*

Jesus, despite setting these high standards for his disciples, was also realistic. In this passage he sets out what amounts to a dispute-settling mechanism which encourages reconciliation but which also allows for an eventual appeal to authority. His example authorizes the modern church to be just as realistic, and to set objective mechanisms for itself.

3.5 *Now during those days, when the disciples were increasing in numbers, the Hellenists complained against the Hebrews because their widows were being neglected in the daily distribution of food. And the twelve called together the whole community of the disciples and said, "It is not right that we should neglect the word of God in order to wait on tables. Therefore, friends, select from among yourselves seven men of good standing, full of the Spirit and of wisdom, whom we may appoint to this task. (Acts 6: 1-3).*

The Acts of the Apostles records an event where members of the early community had complaints about the fairness of a particular pastoral service that was being offered, namely the service to the widows. In this passage we see the members of that community approaching the apostles as the authority figures in the community. The apostles, in turn, appoint seven people to settle the situation in a way that re-establishes peace and unity.

3.6 *The truth will make you free. (John 8: 32)*

Any procedure or manner for handling complaints must begin with respect for the truth. It must be as transparent and objective as possible, without forgetting that, when a dispute arises or a complaint is made, there are often two versions of the truth which may be difficult to reconcile but which are deeply held.

- 3.7 *Do not speak evil against one another. (John 4: 11)*

The Church has always recognized that a person's good name is one of his most important goods. Undeserved threats to one's reputation are among the greatest causes of stress and even despair. Any complaints procedure must carefully protect the reputation of persons, and must not be capable of being used contrary to that purpose.

- 3.8 *Do not let the sun go down on your anger. (Ephesians 4: 26)*

While we cannot promise same-day turnaround, any complaints handling or dispute settling mechanism should act in a timely manner. Knowing that things will be handled well helps people keep trust and remain patient, allowing emotions to calm and for principles of justice and love to run their course.

- 3.9 *If any of you put a stumbling block before one of these little ones who believe in me, it would be better for you if a great millstone were fastened around your neck and you were drowned in the depth of the sea. (Matthew 18: 6)*

A complaint handling procedure is meant as a tool to help provide effective pastoral care to the people of God. Should it reveal cases where pastoral care is being delivered abusively, such matters must never be swept under the rug. An effective complaints procedure must take such situations into account.

- 3.10 *Pay respect to whom respect is due. (Romans 13: 7b)*

As much as there can sadly be cases of abuse within pastoral care, there can also be cases where those exercising a ministry of service are themselves subject to abuse. While no one is perfect, the vast majority of those providing pastoral care do so with a generous spirit. An effective complaints procedure must be immune to being used as a means to harass or punish.

4 Scope

- 4.1 The remainder of this document describes how the OEPS handles complaints regarding pastoral services provided by those subject to the authority of the Episcopal Vicar for the English-speaking faithful, i.e.:
- Ordained and mandated ministers serving the English-speaking faithful.
 - Employees and agents of the Office for English Pastoral Services.
 - Parishes and other public juridical persons of the Church serving the English-speaking faithful, as well as their employees and agents.

- Private associations of the faithful recognized by the Church as providing a pastoral service to the English-speaking faithful.
 - Outside organizations offering pastoral services to the English-speaking faithful as the result of a service agreement or other obligation (such as a mandate under law).
 - Any organization offering pastoral services to the English-speaking faithful and using the word "Catholic" in its name or other branding/marketing materials.
- 4.2 This procedure does not describe the providing of services of mediation and reconciliation meant to promote harmony in ordinary life, such as in personal relationships.
- 4.3 This procedure is not a diocesan law, and so only binds the Episcopal Vicar and those directly under his line authority.

5 Roles

- 5.1 The Episcopal Vicar for the English-speaking faithful is the representative of the Archbishop possessing ordinary vicarial power to coordinate the efforts of English-speaking groups towards the common spiritual good of all the faithful. His task is to give cohesion, direction, and effectiveness to every sphere of Catholic life among the English-speaking faithful. This complaints handling procedure must be understood in the context of that mandate.
- 5.2 As the authority of the Episcopal Vicar is truly vicarial, the Archbishop of Montreal may bypass or intervene in any element of this procedure as he sees fit. In addition, his authorization, or at least his *nihil obstat*, is required to initiate certain special procedures.
- 5.3 The OEPS Ombudsperson is designated from among the OEPS staff to assist the Episcopal Vicar in the carrying out of the tasks of this procedure. The Ombudsperson does not have line authority, so as to be freed from the pressures that come from it and act as a constant voice of reason in complaints cases. The task of Ombudsperson may be associated with another role in the OEPS.
- 5.4 All other OEPS staff are required to collaborate in the effective functioning of this procedure, particularly in ways in which they are specifically mentioned.
- 5.5 Both the Episcopal Vicar and the Ombudsperson should be Commissioners of Oaths.

- 5.6 It should be noted that this procedure has been designed based on the notion with that the Director of the OEPS is directly subject to the authority of the Episcopal Vicar (or that they are, in fact, the same person). In the event those roles become parallel, this procedure loses its force unless promulgated by a higher authority.

6 Training

- 6.1 All persons and groups mentioned in paragraph 4.1 should be made aware of this procedure.
- 6.2 All OEPS staff members should be trained in how to receive complaints: the mechanisms of the procedure, as well as training in active listening (this should include how to handle unusual cases, such as mental health issues, or questions of cultural sensitivity).
- 6.3 The Ombudsperson receives more in depth training regarding that specific role. This may include membership in a professional association.
- 6.4 The Episcopal Vicar is responsible to see that this training is carried out.

PART II: PROCEDURE

7 Initiating a complaint

- 7.1 A formal complaint can be initiated by anyone by contacting a staff member at the offices of the OEPS for that explicit purpose.
- 7.1.1 Sometimes the OEPS becomes aware of a situation in an indirect manner. An example of this would be when a letter of complaint is addressed to a priest but with a copy to someone in the OEPS. On the one hand, the person has not explicitly initiated a complaint, but on the other hand it is clear the person wants the OEPS to be aware of the situation. Such indirect complaints should be registered and discussed at an evaluation meeting as usual.

- 7.2 One does not need to be Catholic to initiate such a complaint, although the complaint should involve a ministerial personal or service normally oriented to the English-speaking Catholic community. Complaints outside this scope can be forwarded to the appropriate authority, as situations warrant.
- 7.3 One can initiate a complaint on behalf of another, particularly for someone in a vulnerable situation (such as on behalf of a child, a mentally ill or handicapped person, etc.). However, any such a person must recognize that he or she is entering into this process fully, such that failure to follow through can result in the complaint going nowhere. As well, a complaint made on behalf of another can be stopped if that other person so desires, regardless of the wishes of the person initiating the complaint.
- 7.4 A complaint can be made anonymously. However, any such complaint that touches upon the reputation of persons is normally considered a form of abuse, and is therefore deleted/shredded without the complaint going further (see below).
- 7.5 It is also possible for a person to make a complaint in a manner that reveals his or her identity, but in the hopes of remaining anonymous. We generally accept to maintain confidentiality in such cases, unless some positive reporting obligation exists (such as in the case of suspected child abuse). Despite the possibility of confidentiality, contact information should nevertheless be taken for possible follow-up, if necessary, by the OEPS. Such complaints are otherwise generally treated as anonymous complaints, and the person making the complaint should be aware of that fact.
- 7.6 A formal complaint can be made by any means, i.e. by means of a letter, email, fax, phone call, face-to-face conversation, etc. However, it should be received at the OEPS offices at the Archdiocese, so that it can properly enter into the mechanisms of this procedure. Casual remarks made at diocesan or parish gatherings, or sent to members of the OEPS at a home address, email, or telephone number, cannot be expected to receive the same sort of treatment.
- 7.6.1 OEPS staff receiving verbal complaints outside of the office are to decide if they should simply offer a sympathetic ear, or if they should encourage the person to take the step of contacting the OEPS for this purpose. A good question to ask might be, "Would you like someone from the OEPS to follow-up with you on this?" If so, the staff member can offer to initiate that follow-up, or can offer to provide the contact information for the Ombudsperson.

- 7.6.2 Regardless of where the complaint is initially heard, OEPS staff are expected to remain polite, professional and courteous in reaction to any complaint, particularly for those received in a "live" format (such as face-to-face, or over the phone)
- 7.7 Petitions or other group complaints are treated as a single collective complaint, rather than as multiple single complaints. For such a complaint to be taken seriously, it is important that contact information be provided for all those signing the petition. In addition, the petition should indicate the name and contact information of the person who has been designated as the respondent for the group.
- 7.8 It is helpful if a complaint can include a suggestion for how the situation might be resolved, although that is not necessary.
- 7.9 The OEPS keeps track of people with a history of making minor or even abusive complaints, or those containing falsehoods, so that any future complaints can be taken, as necessary, with a grain of salt.

8 Registering a complaint

- 8.1 A staff member who receives a complaint prepares a tracking sheet to go with that complaint (see appendix). This sheet acts as a sort of checklist, making it easier to provide good follow-up and preventing anything from being forgotten. This is especially important for live telephone complaints.
 - 8.1.1 Written complaints received by mail or fax should be attached to the tracking sheet.
 - 8.1.2 Email complaints should be printed out and attached to the tracking sheet. As well, they should be forwarded to the Ombudsperson with a reply receipt requested. They should not be deleted until the reply receipt has been received from the Ombudsperson.
 - 8.1.3 Verbal complaints received by voice mail should be saved until they have been transferred to an audio file or transcribed.
- 8.2 All complaints, with their tracking sheets, are given to the Ombudsperson. A file is opened with a file number assigned, and the complaint is entered into a list for easier reference.

- 8.3 OEPS staff members are expected to keep received complaints confidential. Any outside inquiries regarding complaints, such as a media inquiry, should be forwarded to the Ombudsperson.

9 Initial evaluation of a complaint

- 9.1 All new complaints are evaluated in a confidential meeting attended by:
- The Episcopal Vicar
 - The Ombudsperson
 - The staff member who received the complaint, as necessary
 - Any other diocesan official whose presence may be warranted by the nature of the complaint (e.g. the episcopal vicar for cultural communities).
 - Any expert consultant, as warranted (e.g. a lawyer)
- 9.2 Should an OEPS staff member be the subject of a complaint, then that person is not present in the initial evaluation.
- 9.3 The evaluation should cover:
- If any additional information is required before going further
 - If the complaint comes under the scope of the OEPS jurisdiction
 - If the complaint involves a subject normally requiring a special procedure
 - If the complaint is minor or abusive (as situations warrant)
 - If the complaint warrants an acknowledgment, and in what form
 - In the case of a collective complaint (e.g. a petition), if further communication should be with the respondent or with the entire group.
 - If the person or service responsible is aware the complaint was coming, and/or there is an objection to such a notification
 - If any initial resolution was attempted already
 - If the complaint involves an initial incident, or the manner in which an initial incident was handled at an earlier stage.
 - What the next steps in handling the complaint might be.

10 Special procedures

- 10.1 This complaints procedure should not be used to cover certain special situations.
- 10.1.1 Once a formal complaint has been initiated by an employee against his or her ecclesiastical employer, it is handled by the appropriate office in the Archdiocese (usually either the Economat or the Vicar General).

- 10.1.2 Complaints regarding the celebration of the liturgy are handled according to the procedures found in Chapter VIII of the Instruction *Redemptionis Sacramentum*.
- 10.1.3 Any complaint regarding a matter that is already before a civil or ecclesiastical tribunal is to be referred to that tribunal.
- 10.1.4 Appeals against ecclesiastical decrees are to be handled by the canonical procedures for administrative recourse, and as such are not handled by this procedure.
- 10.1.5 Complaints regarding behaviour subject to an ecclesiastical penalty are handled according to canon 1394.
- 10.1.6 Complaints regarding possible criminal behaviour are passed to the Vicar General or the Director of the Office for Pastoral Personnel for further resolution.

11 Minor complaints

- 11.1 Minor complaints are those which do not deal with matters of real substance. A complaint by a mentally disturbed person, for example, may be quite confused or lack foundation in reality. It should be pointed out, however, that the person making such a complaint may not see it as minor, and so the person should be treated in such a manner that they feel taken seriously.
- 11.2 Anonymous complaints are generally considered minor, unless they are the result of a procedure that itself promised anonymity (e.g. an evaluation sheet at the end of a session).
- 11.3 Depending on the seriousness of the complaint, it is possible to ask a person making a complaint to engage themselves more deeply in the process (e.g. by accepting to have their identity revealed, by signing a formal affidavit, etc.).
- 11.4 All complaints, even those that seem minor, should be passed on by OEPS staff to the Ombudsperson. The staff member receiving a complaint is not the one who should judge whether a complaint is minor or not.
- 11.5 Complaints judged as minor may be retained or destroyed, as suggested in the initial evaluation.

12 Abusive complaints

- 12.1 Complaints may be judged as abusive (or potentially abusive) for one or more of several possible reasons:
- The complaint is designed to cause harm: to attack a person's reputation, to provoke emotional distress, etc.
 - The number or frequency of complaints does not add anything of substance, but instead creates stress and possible torment. Orchestrated campaigns of complaints can easily fall into this category.
 - The complaint is in some way dishonest, whether in what it says or in what it omits.
 - The complaint is copied more or less widely, thus creating a sense of scandal. Threats to do the same can also cause a complaint to be judged as abusive.
- 12.2 Anonymous complaints containing accusations potentially harmful to a person's reputation without any evidence trail are, as a rule, considered abusive.
- 12.3 It should be noted that complaints are not automatically judged as abusive simply because a person expresses themselves angrily while making the complaint. It is important to listen to the person and see what substance might lie behind the emotion.
- 12.4 All complaints, even those that seem abusive, should be passed on by OEPS staff to the Ombudsperson. The staff member receiving a complaint is not the one who should judge whether a complaint is abusive or not.
- 12.5 Complaints judged as abusive may be retained or destroyed, as suggested in the initial evaluation.

13 Acknowledging a complaint

- 13.1 As a rule, formal complaints should receive an initial acknowledgment that they have been received. However, there are exceptions to this rule:
- When the complaint was anonymous, or did not present any contact information allowing for follow-up.

- When the individual making the complaint expresses that there is no need for things to go further (i.e. the simple expression of the complaint to a listening ear and/or the reassurance that it will be taken seriously is satisfying enough to the individual concerned).
 - When the complaint is judged as minor or abusive, such that even an acknowledgment might empower the complainant. If there is a later complaint about this lack, a follow-up acknowledgment should be given (albeit one that is carefully worded).
 - Indirect complaints (see 7.1.1) do not normally require acknowledgement.
- 13.2 The means of an acknowledgment (verbally or in writing) should be determined in the initial evaluation. A copy of a written acknowledgment, or a brief conversation summary of a verbal acknowledgment, should be retained in the file.
- 13.3 An initial acknowledgment should be offered within 30 days of the initial complaint, assuming the initial evaluation has occurred within that time.

14 Accompanying a complaint

- 14.1 In the vision of this policy, complaints are not “processed” so much as they (and the persons and services involved) are “accompanied”, so that what may otherwise be a painful experience or process may lead to learning and growth. This is particularly the responsibility of the Ombudsperson and, where necessary, the Episcopal vicar.
- 14.2 Jesus himself suggests that the first step in a conflict is a private communication with the offending party. This can take place verbally, or in writing, although verbally is always initially preferred. As part of the accompanying of a complaint, the Ombudsperson should take note if this has happened, and encourage it. Of course, this can be intimidating for the person concerned. While it would be improper for the Ombudsperson to be present in this initial stage (as it would no longer be private), the Ombudsperson can suggest that the person mention that the Ombudsperson encouraged this discussion. This helps level out the imbalance of power. The Ombudsperson can follow-up with the person concerned to see if the complaint should remain active.
- 14.2.1 It should be pointed out that the refusal of a person to engage in a private communication does not mean that the OEPS will cease treating the complaint, although it is helpful to know the reasons for such a refusal. After all, it is important to know that the complaint is being made in good faith.

- 14.3 If a private communication does not settle the matter, Jesus suggested that “two or three witnesses” be brought along for a further discussion. This is a legal formula: in a culture where illiteracy was high and documents were scarce, witnesses acted as an objective measure that a complaint was truly made. Today, while this literal advice may still be useful, the common next step is for the person making the complaint to write to the individual or service involved, expressing their dismay, with a copy to the superior of the person involved. As this is a more formal step, and as there are people with linguistic difficulties, the Ombudsperson can help a person draft their letter.
- 14.4 If this second step does not provide satisfaction, the final step is (as Jesus put it) to “take it to the Church”, i.e. to those in authority. This can involve a direct conversation with the authority involved, but usually (given the previous steps) this involves a further letter. In this case, the letter is sent to the appropriate authority, with a copy to the person concerned. In this letter, the person requests authoritative action. It is up to the authority concerned to investigate and offer a reply.
- 14.5 It is possible that the authority in question does not offer satisfaction either. Sometimes this is due to inaction, but other times it is simply due to the authority taking a view different from that of the person making the complaint, even after reviewing the facts. In such cases, the complaint may be escalated to a higher level of authority. Canon law requires an authority to indicate how a person may appeal to the next level.

15 Process improvement and ministerial evaluation

- 15.1 Complaints deemed to have substance should be incorporated into process reviews (if they involve a service) or into the regular formal employee/ministerial evaluation (if they involve a person). Corrective measures, if necessary, should be taken and documented in the appropriate file.

16 Conclusion of a complaint

- 16.1 A complaint file may be closed at any time by the individual making the complaint. Some record of this should be made in the file.
- 16.2 Complaints where no acknowledgment has been made are considered closed from the date of the initial evaluation, unless a further follow-up requires such an acknowledgment.

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version 1.1

16.3 Complaint files deferred to other jurisdictions or lower levels of authority do not need to be followed up unless they return

17 Revision history

Date	Version	Comment
2013-03-06	1.0	Initial version.
2015-08-13	1.1	Added 7.1.1 and modified 13.2 regarding indirect complaints.

[Appendix 13:](#)

TIMELINE OF INVESTIGATION³⁸³

October 22, 2015 BB calls to report that he has opened up a complaint against a priest in Washington DC (Father Allscombe*) who supposedly assaulted him. Opening of BB's file to review any possible past complaints. The Newman Centre complaint and the Southdown reports are particularly noted.

October 28 Phone conversation with BB, to follow up the initial conversation.

October 29 Phone conversation and email with Matt Althoff, Chancellor of the diocese of Father Allscombe*.

November 4 Phone conversation with Bishop Swain of Sioux Falls, SD (Father Allscombe*'s bishop).

November 4-5 Further email exchanges with Matt Althoff.

November 18 Conversation with Father Boucher, who refused to commit any narrative to paper.

November 18 (bis) Email exchange with Bishop Swain, asking him for help in speaking with Father Allscombe*.

November 21 Response from Bishop Swain, who sent a copy of the notice from the Catholic University of America.

Late Nov – early Dec Initial contact with Father Allscombe*, trying to make an appointment to speak.

December 10 Bishop Dowd received testimony from the priest in Washington DC against BB. The resemblance is noted with the Newman Centre complaint.

December 11 Formal opening of investigation at a meeting of the Episcopal Council. During this meeting, Canon François Sarrazin, the Chancellor, reveals that he had once received a complaint from a young Mexican in January 1998 (when he was

³⁸³ After I noticed some discrepancies in the time of the discovery of the Smith* testimony and the Southdown reports, I checked with Bishop Dowd. He assured me the earliest date on which he read these documents was **after** he was made investigator, ie. after December 11. The earlier references in this timeline are mistaken.

“PC: Okay Francis Smith, who did you hear Francis Smith* from? How did you get the information about Tom Smith*?”*

TD: December when the investigation was formally opened, gathering the documentation in order to create the consolidated file.”(Interview of Bishop Thomas Dowd, supra, footnote 243, p.116.

Vice-Chancellor). A search for those notes turns up nothing, but Canon Sarrazin does remember that Father Eric Sylvestre (who now lives in Rome) had a connection to the young Mexican.

December 15 Bishop Dowd contacted Father Francis Morrissey, OMI, to ask his opinion on the case. Father Morrissey advised that the case be sent to the Congregation for the Doctrine of the Faith. He also advised that the diocese could restrict the faculties of Father Boucher during the preliminary investigation.

December 16 Bishop Dowd spoke with John Sawyer, the Dean of Students at Catholic University. Mr. Sawyer confirmed that no formal complaint had been initiated at the university up until that point.

December 18 Letter from Chancellor of diocese of Washington DC priest, summarizing his conversations in October with BB.

Phone call with Dr. Marcie Moran. She sent an electronic copy of her report (a paper copy followed later).

December 18-22 Email exchange with Father Brian, asking him to come to Montreal for a meeting on December 22. Despite multiple attempts to probe, the purpose of the meeting was not revealed, simply the request that he attend. Note that we put off contacting Father Boucher by 1 week from the date of the opening of the investigation to give Father Allscombe* a chance to return to his diocese for the Christmas holidays and thereby avoid any possible reprisal.

December 22 Meetings in the morning with the victim in the Annunciation case (Nathan Wright*) and his parents (all meetings took place individually, in person or by phone). Note that they came forward on their own, and that at this point there was no formal denunciation of sexual abuse.

Meeting in the afternoon: BB is informed that his faculties are suspended and that he must leave the parish residence.

December 23 Complaint from Kate Welsh* regarding possible grooming behaviours from BB.

December 23 I met with Father Robert Clark, in order to get his account of his meeting with the Wright* family, as well as to know how things went with BB the previous evening.

I met with Tyler Wright* face to face, to continue the conversation previously begin by phone. The meeting was primarily pastoral in nature, helping Mr. Wright* process his feelings following our previous conversation.

I spoke with Bishop Barry Knestout of Washington D.C., informing him that BB's faculties had been restricted. Bishop Knestout replied with a copy of a letter sent by his

diocese to BB confirming that his confessional faculties had been revoked in that diocese.

I spoke with Father Charlie Donoghue, the superior of Saint Paul's college in Washington D.C., informing him that BB would not be returning to the college for the next semester.

December 29 Letter to Southdown introducing a possible assessment (which never took place).

Letter from Kate Welsh*, clarifying some of what she expressed in our phone conversation.

December 30 – Jan 3 Email to BB offering some details on the investigation and inviting him to go to Southdown for an assessment. This led to a further exchange on the possibility of an assessment. (In the end he did not go.)

January 4, 2016 Written testimony from Father Allscombe* outlining his complaint.

January 6 Letter to Southdown asking them to provide an expert opinion on BB's behaviour as described in the testimonies received. Those testimonies were sent in audio format.

January 12 Chance encounter with Father Eric Sylvestre, who while in Canada for Christmas holidays was at a post-Christmas party. He agrees to meet to discuss the young Mexican, whose name is Armando Lopez* and with whom he is still in contact.

January 14 Letter to the Holy See (Congregation for the Doctrine of the Faith) offering an initial indication of the investigation and asking for the protocol number.

January 16 Meeting with Fr. Eric Sylvestre. He agrees to try and put me in contact with Armando Lopez*.

January 18 Second meeting with BB. He wants to know more about the process, and proposes a psychological assessment be done somewhere other than Southdown. He offered three other possibilities. (Although these were investigated by me, in the end the Archbishop decided it was Southdown or nothing.)

January 19 Conversation with Fr. Peter Timmins, BB's first pastor. Fr. PT suspected BB had abused a young teenager (the STJB case). He did not remember the potential victim's name, but offered the name of a couple who might know (Joelle* and Steven Mara*).

Conversation with Joelle* and Steven Mara*. They could not remember the family name of the young man either, but gave a first name (Jeremy*). They recommended I call another couple (Robert and Chantal Blanchard*).

Conversation with Robert and Chantal Blanchard*. They also could not remember the family name of the young man, but offered to contact other parishioners who might know, and offered the first name of a young woman (Kristin) who once led youth activities in the parish.

January 20 Conversation with Dr. Dan Cere regarding BB's time at Newman. He provided documents outlining the problematic behaviours observed during that time. Unfortunately he also did not know the family name of the young man at STJB.

I spoke with Archbishop Anthony Mancini regarding the events in which he had been a participant.

February 3 Letter from Southdown calling BB's behaviour "opportunistic, exploitive, and predatory".

February 5 Date of a letter from the Holy See granting a protocol number.

February 5-11 Email exchange with BB asking for follow-up regarding a psychological assessment.

February 15 After some back and forth by email to set it up, I had a phone conversation with the Mexican victim, Armando Lopez*, who offered his testimony regarding the incident in January 1998. Pattern is similar to the Newman Centre and Washington DC complaints.

February 19 Email to BB saying that the offer to do a psychological assessment is off the table.

March 22 Telephone conversation with Alec Fry*, another young worker at the parish. He reports nothing untoward, although it was hard to ask questions without creating alarm.

March 23 First meeting of the Comité aviseur. It confirms the approach we've taken so far.

March 28 I had a brain flash regarding the identity of the young woman who ran the youth activities at STJB. I suspected she might be the same Kristin (family name: Drummond) who helped run summer camps for the diocese, and whom I knew in that context. A quick search on Facebook showed that she was indeed from STJB. I tracked Kristin Drummond down and had a phone conversation with her. She remembered the name of the young man (Jeremy Albert*) and all the members of his family (sisters Felicity* and Linda*, mother Francesca Dulau*). She also remembers that Felicity* had contacted her back then to express concerns.

March 29 Email to Felicity Albert*, inviting her to express herself if she had anything on her mind.

April 7 Email response from Felicity Albert*.

April 8 Meeting with Felicity Albert*. She reveals that her brother had once confided in her that he had been sexually abused by BB. She offers to set up a meeting between me and her brother.

April 25 Meeting with Jeremy Albert* (with his girlfriend and older sister present). He offers detailed testimony of direct sexual abuse by BB against him over a period of approx. 3 years. CONFIRMED MINOR VICTIM #1

Meeting with Bishop Jude Saint-Antoine, who lived in the residence at the time when the abuse of Jeremy Albert* occurred (some of it in the residence). Bishop Saint-Antoine reveals that he had raised red flags with the diocese at the time, and that he had confronted BB directly with a threat to go to the Director of youth protection.

April 29 Phone call with Trina Bobb*, to receive her complaint and clarify points from a memo she had written when she was at the Newman Centre.

May 7 Date of my final report to the Archbishop, with annexes.

May 13 Decree closing the preliminary investigation.

May 16 Report is transmitted to the Holy See via the Apostolic Nunciature.

May 18 Second meeting of the Comité avisur.

May 20 Memo to the Archbishop from me, expressing my disagreement with aspects of the conclusion of the Comité avisur regarding the advisability of going to the police.

June 2 BB is advised in person of the closing of the investigation and of the general contents of the report. He offers no response.

June 5 Urgent call from Father Robert Clark, current pastor at Annunciation. Nathan Wright* has told his family he was abused, and the mother has revealed this to the pastor.

June 6 Jeremy Albert* victim goes to the police. He asked me to be there for him, so I met him at the police station.

June 7 Nathan Wright* meets with me again and reveals he was sexually abused by BB over a period of 3 years. CONFIRMED MINOR VICTIM #2

June 9 Conversation with Tyler Wright* (Nathan*'s father). He expresses his grief, and shares his suspicions that there were two other victims: Alec Fry* (who was already spoken with) and Timothy Welsh*.

June 10 Attempt to contact Timothy Welsh* by phone. He answers, but refuses to take the call, and never calls back.

June 11 I visit Annunciation parish. Father Robert Clark and I do a search of the rectory, including the computers, to see if there is anything from BB's

tenure that might be problematic. Nothing is found. Father Clark mentions his suspicion that another young man, Tom Sullivan, might have been a target of BB (without knowing if he was an actual victim).

June 15 Meeting with Archbishop Mancini in Halifax. He is further informed of the case and of its gravity.

June 16 Letter sent to CDF informing them of the increasing urgency of the case, along with a copy of Nathan Wright**'s testimony.

June 21-23 Meeting with the pastors of the parishes where BB has exercised ministry to inform them of the situation and to develop a pastoral strategy. They express concern that BB might still have contact with kids despite being removed from ministry. Based on this concern, I reached out to a friend who is a police officer to get some sense of how the police might treat this case, and to stress its importance (as no contact has been had with the police yet, from anyone, apart from the initial complaints). He accepts to look into it internally.

June 23 Articles on sex abuse appear in the Journal de Montreal. Among other things, they report that “Le diocèse de Montréal est aux prises actuellement avec un autre cas possible de prêtre pédophile, a confirmé au Journal Mgr Lépine. « Il y a un cas, mais je ne peux pas donner de détails. Depuis quatre ans, c’est la seule plainte qui s’est avérée sérieuse », dit-il.” This is a reference to this investigation.

Phone conversation with Christian Verret, the police lieutenant in charge of the sex assault squad. I inform him of our investigation, and help him connect the two victim reports. I impress upon him the concerns of the pastors. I pledge that the diocese is willing to offer full cooperation. He expressed appreciation for our initiative, and states that he is short-staffed and that as this case involves survivors who are no longer minors it may take some time to be treated.

July 12 Father Clark is confronted by a parishioner at Annunciation regarding his suspicions of BB, based on the articles in the Journal de Montreal and BB's absence from ministry. Without offering a direct confirmation, Father Clark suggested the parishioner speak with his kids. We suspect rumours are starting.

July 20 (early Aug) Date of a letter from the Holy See authorizing a canonical trial (this letter was actually received in early August). Archbishop Lépine is appointed as judge. I begin to assemble the members of the panel for the trial, see to their official appointments, etc.

September 21 Appointment of Father Francis Morrissey as Promoter of Justice.

October 3 Submission of the libellus by Father Francis Morrissey outlining the case against BB.

October 20-21 First meeting of the panel for the canonical trial.

Appendix 14:



To: Archbishop Christian Lépine
From: Bishop Thomas Dowd
Date: May 20, 2016
RE: Next steps regarding Brian Boucher

Your Excellency,

I attended a meeting of the Comité aviseur on May 18. In that meeting, we discussed whether or not the Archdiocese of Montreal has a duty to report Brian Boucher to the police. A summary of this meeting was reported to you at the Comité de l'évêque this morning.

One thing became clear thanks to the legal experts present at the Comité aviseur: as all those involved are now adults, we do not have a legal duty to report. This being said, the legal duty involved is only one part of the equation. This is a question not only of legality, but of morality, and the conclusion of our discussions regarding a moral duty to report was less clear.

I am writing you this memo because the investigation with which I was entrusted has convinced me that Brian Boucher is a dangerous individual. The process we have undertaken according to canon law has revealed that, on more than one occasion, he has sought out vulnerable persons (including pre-teens, adolescents, and young adults) and dominated, exploited and manipulated them to satisfy his own emotional needs. While I believe this canonical process has been undertaken to date according to a high standard of care and completeness, it can only, at most, lead to his dismissal from the priesthood. The Catholic Church has no jails, and the Archdiocese of Montreal has no mechanism to monitor offenders once they are in the community. The only mechanism we have to help protect the public is to inform the appropriate officials of the State.

I agree with the other members of the committee that, in a perfect world, the victims themselves will come forward, and the police will undertake their due diligence. The problem with this, however, is that the Archdiocese of Montreal is the only body that has the complete picture. None of the victims (and other complainants) are aware of the extent and overall gravity of the situation. The police are certainly not aware. The only group outside of the

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Archdiocese that has seen part of the bigger picture is the Southdown Institute, and they offered the professional opinion that Brian Boucher's behaviour was opportunistic, exploitative, and predatory.

I do not want to betray the confidence of those who have come forward to us. If there was some way to guarantee that they will come forward to the police, and that the police will act rather than let the file sit on a desk somewhere, I would be most happy. But if that does not happen, I am of the moral conviction that we must encourage and assist the secular authorities in their duty of protecting the public, especially the most vulnerable.

I am writing you this memo to help ensure that this moral question of reporting for the sake of the protection of the public remains on the table. Surely we can find a creative way to address this while at the same time not revictimizing the victims. At the Comité adviseur there was an openness to getting the explicit consent of the victims for us to move forward. I am confident that consent could be obtained.

I also wish to make clear that I believe that it is our moral duty to offer 100% cooperation with the police when they do eventually come to us looking for additional information. No files regarding Brian Boucher should be hidden, deleted or destroyed.

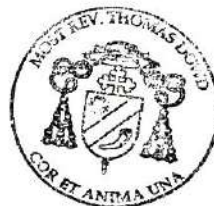
Again, this problem may take care of itself thanks to the initiative and diligence of victims and police. Personally, I think it is wise for us to continue to encourage the victims to come forward and to give them and the police a reasonable delay for them to act on their own. I imagine it would do the victims a lot of good to exercise their inner power again, and to be part of a process of justice led by the police. That being said, if we come to the conclusion that the victims' wounded memories make it unreasonable for us to hope this of them, or that the police do not seem to understand the gravity of the situation, we should, after informing victims and ideally obtaining their permission, go forward to the police ourselves. I do not believe we can, in good conscience, just cross our fingers and hope for the best in what is a matter of public security simply because we do not have a legal duty to report. The woundedness of the current victims, terrible as it might be, simply confirms for me our duty of care regarding possible future victims.

This memo is for you to know my mind on this in the clearest manner possible.

Yours in Christ,

+Thomas Dowd

+Thomas Dowd



Appendix 15:

NOTE AU DOSSIER

Chancellerie

Main courante suite au cambriolage qui a eu lieu dans différents bureaux du 2000 dans la nuit du 28 au 29 octobre 2018

TRES CONFIDENTIEL

1. État des lieux de la Chancellerie :

Le lundi matin 29 octobre 2018, je suis arrivé sur le stationnement du « 2000 » à 8 :25 Am. J'ai ouvert la porte d'entrée du sous-sol avec ma clé et je n'ai rien remarqué d'anormal dans le couloir du sous-sol.

J'ai pris l'ascenseur et je suis allé directement au 3^{ème} étage, celui de mon bureau à la Chancellerie. En sortant de l'ascenseur je suis tombé sur Daniel Ducharme, notre Archiviste récemment en poste. La mine défaite, il n'a pas eu besoin de m'expliquer ce qui c'était passé, en voyant les bris de vitre partout, j'ai très vite compris que quelque chose s'était passé.

La première chose que j'ai vue, c'est que la porte menant aux Archives confidentielles avait été fracturée. Les casiers blindés en revanche, étaient fermés, bien que le barillet de la serrure principale fût sorti.

En me retournant j'ai vu les policiers dans l'ascenseur qui repartaient de leur inspection. (Je reviendrais sur ce point à la fin de ma déposition).

La porte du bureau du Chancelier était fracturée ainsi que la porte du bureau de sa secrétaire Mme Lyne Joly. On distingue également une trace de coup majeur dans le côté gauche de la porte. Cependant, curieusement, la porte du local des Archives confidentielles était ouverte sans avoir été forcée. Soit les personnes en avaient la clé, soit ils ont croché la serrure sans laisser de traces. (Photos)

Le bureau de Lyne Joly avait tous les placards ouverts avec de nombreux cadeaux éparpillés, mais non déballés. (Photos)

Le bureau du Chancelier était sans-dessus-dessous (Photos), cependant, tous les tiroirs n'ont pas été ouverts, le tiroir de droite était vidé de son contenu et éparpillé partout. Le tiroir de gauche, contenant la documentation confidentielle en cours (relations avec le Vatican et la Nonciature Apostolique, dossiers sensibles, etc...), du Chancelier était éparpillé tout autour du bureau, j'ai pu constater de visu, que certains dossiers contenaient des documents, tandis que d'autres étaient vides. N'étant pas habilité à ce niveau de

discrétion, je n'ai pas regardé les noms des dossiers et j'ai fait en sorte que personne ne les regarde. Cependant je ne peux pas garantir que personne d'autre n'y ait eu accès, jusqu'à mon arrivée, tant les bureaux ont été visités par de nombreux employés et par deux officiers de police en uniforme (je reviendrais plus tard sur ce point).

Des objets pieux et personnels du Chancelier avaient été répandus partout sans avoir été brisés. L'écran du PC était face contre table. De son bureau, seuls les tiroirs à documents ont été ouverts et vidés. Derrière le bureau les 3 tiroirs de la console étaient ouverts et plus ou moins vidés sans avoir apparemment fait l'objet d'une attention particulière. Le chargeur Apple du chancelier a disparu, mais là, les personnes ont pris soin de laisser le cordon. De même, son stylo numérique Apple avait été laissé en place, le contenu des 3 tiroirs était plus ou moins vidé. L'étagère qui se trouve en face du bureau du Chancelier a été en revanche totalement ignorée et laissée intacte. Sur le bureau du chancelier, était étalée une petite enveloppe portant l'inscription « central » avec une clé permettant l'ouverture de filières que je ne connaissais pas. Également deux vieux papiers contenant les codes de la grande Voute principale des Archives.

Sur la gauche du bureau gisaient une trousse personnelle du Chancelier et juste à côté des enveloppes numérotées de 1 à 5 et les clés des Archives confidentielles. Les enveloppes étaient éventrées et vidées.

Je n'avais jamais entendu parler des papiers contenant les codes ni de ces enveloppes ni encore moins de l'endroit où le Chancelier les cachait. Je ne pense pas qu'en dehors des chanceliers qui se les transmettent et de l'Archevêque, beaucoup de personnes soient au courant de ces documents et clés.

Le fait que ces clés, qui ouvrent les filières des Archives confidentielles, aient été découvertes, doivent poser la question de l'ouverture de la porte des Archives confidentielles sans effraction et de l'ouverture possible de la filière. Plus tard, lorsque le Chancelier est arrivé, il a ouvert devant moi la filière, des documents étaient présents, ce qui l'a rassuré. Cependant, il ne pouvait pas savoir s'il en manquait d'un seul coup d'œil, ou si certains avaient été photographiés, surtout compte-tenu du nombre de documents.

Le bureau de l'ancien Vice-chancelier qui jouxte celui du Chancelier a été lui aussi fracturé, cependant, bien qu'il ait été clairement visité, aucun tiroir n'a été ouvert.

Le bureau du second Vice-chancelier qui se trouve en face de l'escalier a été, lui aussi, fracturé. (Photos). Lui en revanche a été bien fouillé un peu les étagères, mais surtout le classeur à document en particulier le tiroir du bas qui se trouvait être l'endroit où l'abbé Giordano plaçait ses dossiers sensibles avant qu'il ne les transfère au tribunal depuis sa nouvelle nomination comme Vicaire Judiciaire.

L'open-space de la Chancellerie a été complètement ignoré par le/les voleurs. Aucun tiroir n'a été fouillé. Seul le laptop de Jean Louis paya, qui est administrateur informatique de la base de données du diocèse a été dérobé. (Je reviendrais plus tard sur ce point dans la partie des questions).

Mon bureau n'a subi aucun dommage de dégradation, mais le tiroir de droite, fermé à clé a été arraché. Son contenu concerne les rapports de Rome, et mes dossiers du personnel et des employés, rien ne semble avoir bougé. Mes tiroirs de gauche étaient également ouverts, dans l'un d'entre eux il y a une enveloppe brune qui contient des copies de documents sensibles dont je ne peux parler. Cette enveloppe était sur le dessus et sortie du tiroir. Je ne pense pas qu'il manque des documents mais quelqu'un l'a manipulé.

A noter que ni la porte de l'open-space de la chancellerie, ni celle des archives n'ont la vitre brisée, ce qui indique que le ou les personnes sont entrées dans les archives par le couloir de la salle de bain, coté est du bâtiment. Dans les Archives, Le bureau de Cosmin Dina qu'il partage avec Sœur Elisabeth f.m.j. a été visité, les tiroirs ont été ouverts.

Le bureau de Daniel Ducharme, l'Archiviste a été épargné.

La grande console de consultation des Archives n'avait qu'un seul tiroir ouvert, qui se trouve être le premier en haut à gauche et qui se trouve être celui qui dispose de la clé de secours du dépôt des dossiers papiers, des Archives diocésaines, actifs et semis actifs. La clé y était toujours. La porte du dépôt porte des traces d'effraction, (Photos) mais elle était barrée et non fracturée. A-t-elle été ouverte?

En apparence, aucun signe d'intrusion n'a été constaté, mais compte tenu des milliers de dossiers dans ce dépôt, il est impossible de dire immédiatement s'il manque quelque chose, surtout que nous n'avons actuellement aucune personne en pleine connaissance des dossiers, puisque nous sommes en transition depuis l'arrivée du nouvel Archiviste. La question se pose cependant, pourquoi avoir arrêté de forcer la porte et en même temps avoir ouvert le seul tiroir qui contenait la clé de secours?

2. État des Lieux du reste de l'étage et d'autres étages selon ce que j'ai appris (*):

Le service des communications a été visité, la porte du Bureau de Jean Nicolas Desjeunes a été fracturée, les 3 bureaux des communications ont été fouillés, et ont été dérobés :

- 2 laptop (voir partie questions)
- Une caméra photo dans le tiroir du bureau de Richard Maltais, parmi d'autres objets eux, laissés.

Cependant, ils ont laissé en évidence sur le bureau de Richard Maltais un iPad et des enceintes de son.

Le studio vidéo qui jouxte le bureau de Richard et de Sœur Arlette f.m.j. et qui ne dispose cependant d'aucune fenêtre, est le seul bureau aveugle, à ma connaissance, dont la porte a été défoncée pour y rentrer. Deux caméras vidéos y ont été dérobées, ainsi que des micros audio. (Voir partie questions).

Le bureau de Sœur Madeleine Rochette ainsi que les bureaux d'à côté ont eux aussi été visités.

Pour le reste, et selon ma connaissance :

Le bureau de Fr, Raymond Lafontaine a été visité, là encore seules les casiers ont été ouverts, mais sans être forcés car les clés étaient dans les serrures. (Contacter à ce sujet : Mrs. Martina McLean pour plus d'informations).

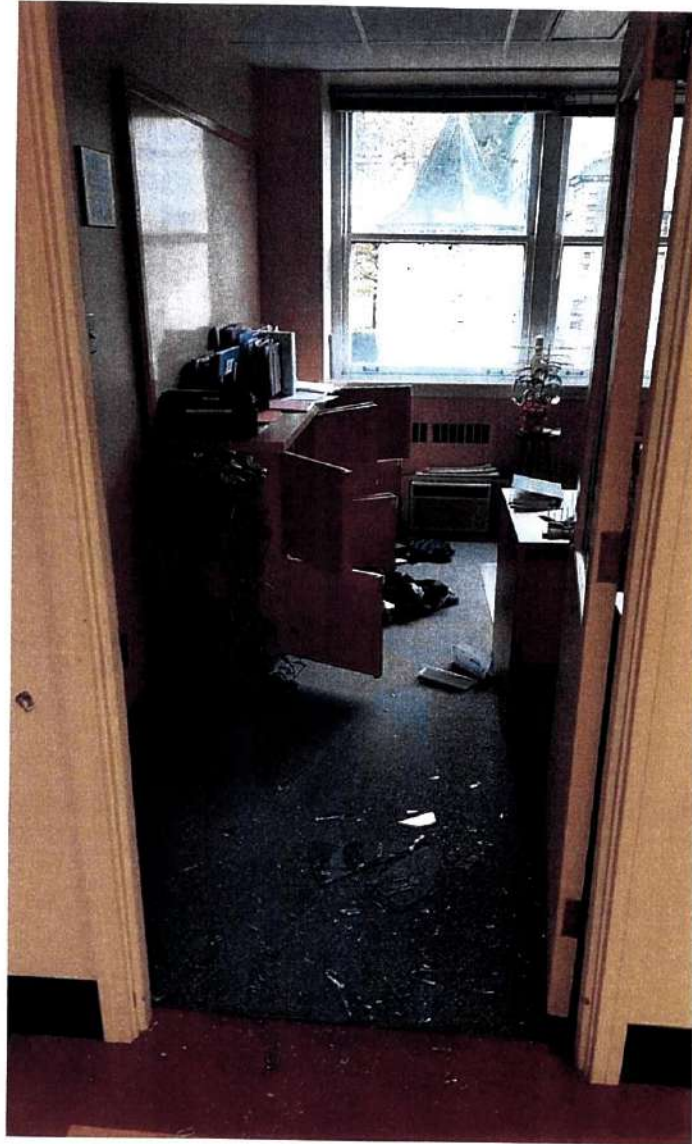
Une armoire du bureau de Michel Poirier a été forcée mais sans succès d'ouverture.

D'autres bureaux ont été visités, et dont je n'ai pas la connaissance du résultat des constatations, il convient donc de s'adresser aux différents chefs d'offices et services pour plus d'informations.

3. Descriptif photos prises à 8H30 le 29 octobre 2018:



Entrée du bureau du Chancelier



Bureau de Lyne Joly, la secrétaire du Chancelier. (Noter le coup dans le côté gauche)



Porte des Archives confidentielles ouverte, sans aucune trace d'effraction.

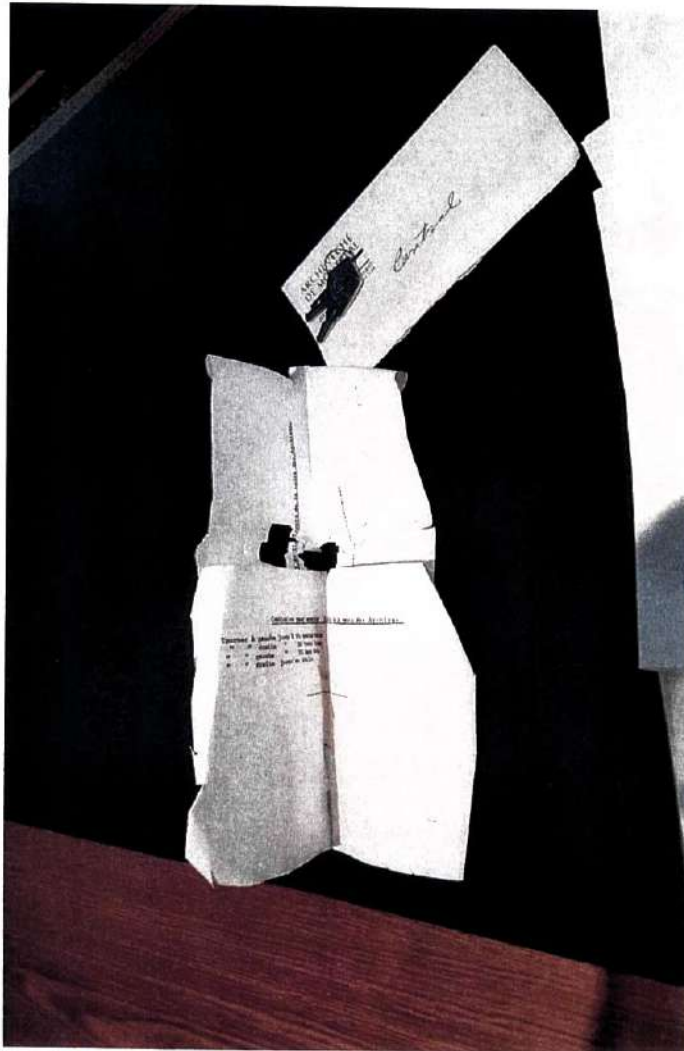


Légère trace rouge sur le chambranle de la porte, peut-être plus ancienne, mais non remarquée avant ce jour.



Bureau du Chancelier : à droite, des tiroirs à dossiers ouverts et à gauche des tiroirs contenant des affaires personnelles principalement vidées sans dégâts.

Le tiroir au fond sous le téléphone (décroché) contenait des dossiers sensibles que l'on voit éparpillés par terre.



Étalés sur le bureau ainsi que sur le sol, des enveloppes contenant les clés des coffres et armoires fortes, ouvertes et/ou déchirées, ainsi que les documents de combinaison de la Voute principale.



Trace d'effraction sur la porte du dépôt des dossiers dans les Archives. La porte était fermée et barrée, la clé permettant de l'ouvrir était dans le seul tiroir ouvert de la table de consultation qui se trouve immédiatement sur la droite.



Bureau du Second Vice-chancelier.

Questions pertinentes :

1. Ceci fait l'objet de la seconde visite, après la visite des bureaux de l'archevêque et de l'office de l'éducation de la Foi il y a un peu plus de 2 semaines. Cette fois-ci, le point d'entrée dans le bâtiment n'était pas le sous-sol, qui est le seul endroit muni de vidéo surveillance, mais par un bureau situé sur la face du bâtiment donnant sur la rue Sherbrooke. Mgr Roger Dufresne m'a dit avoir quitté le bâtiment le dimanche soir entre 21h00 et 21h30 sans avoir rien remarqué.
Les deux seuls bureaux visités au premier étage sont celui de Madame Caroline Clermont et Celui de Mgr Jean-Jacques Martin ainsi qu'une partie de la salle 135 (à confirmer avec les responsables du 1^{er} étage).
Ensuite on passe directement au 3eme étage, ni la Chapelle, ni les bureaux du deuxième n'ont attiré l'attention du ou des visiteurs.
Ensuite le 3eme étage, dont on peut clairement dire que chaque bureau a été visité, mais il est évident que certains bureaux ont fait l'objet de plus d'attentions que d'autres :
 - a. Le bureau du Chancelier, celui du Vice Chancelier, le mien et enfin la salle de studio ont eu un grand intérêt apparemment.
 - b. Le studio, dont on ne pouvait rien voir depuis l'extérieur a eu sa porte défoncée, comme si les personnes savaient ce qui s'y trouvait. Cependant, après y être rentré et en se rendant aux archives par la porte à côté de la salle de bain, il y a une autre porte qui donne dans le couloir, personne n'a semblé s'y intéresser, comme si on savait qu'il n'y avait rien.

2. Si la porte d'accès au bureau de la secrétaire du chancelier a été fracturée pour y entrer, puis pour accéder au local des Archives confidentielles, lui-même situé derrière une autre porte pourquoi cette porte a-t-elle été ouverte sans être fracturée? Le ou les voleurs en avaient-ils la clé? L'ont-ils trouvée dans le bureau du Chancelier avec les clés du coffre qui s'y trouve? Ont-ils utilisé ces clés pour ouvrir le coffre?
3. Sur le bureau du Chancelier la formule du code de la grande Voute a été découverte et clairement mise en évidence avec les clés des voutes sur son bureau. La grande Voute des Archives Diocésaine est très difficile à ouvrir, il ne semble pas y avoir eu d'entrée, cependant, le code est visiblement connu désormais.
4. Le ou les personnes ont eu la chance incroyable d'ouvrir les deux tiroirs du Chancelier qui sont extrêmement sensibles ainsi que deux autres qui ne contenaient rien, (sans rien y prendre de ce qui s'y trouvait, à l'exception d'un chargeur de téléphone, sans son câble)... pour ensuite étaler le tout sur le bureau en évidence ainsi que sur le sol sans s'en servir pour ouvrir une armoire forte située juste à côté et sans avoir eu besoin d'en forcer la porte d'accès... très peu de personnes, même haut placées dans la Curie connaissaient l'existence de ce local, et encore moins, ne savaient où en trouver les clés. A ma connaissance, cette information se transmet de chancelier en chancelier et je ne suis pas certain que les Vice-chanceliers et les assistant du Chancelier n'en soit au courant.
5. Pourquoi de nombreuses armoires et classeurs de documents ont-ils été fouillés, après avoir été ouverts sans avoir été forcés, le plus souvent en ayant trouvé les clés, précisément ou elles étaient cachées?
6. Pourquoi les bureaux n'ont pas été immédiatement fermés aux employés afin que la Police puisse venir immédiatement constater les actes faire des relevés d'empreintes et prendre des photos?
7. A 8:30 Am, la Police quittait les lieux sans rapports, sans photos. Beaucoup d'employés sont entrés dans le bureau du Chancelier avant mon arrivée, sans en avoir l'habilitation? J'ai dû moi-même en interdire l'accès à l'abbé Lessard et à certains employés, par exemple. A 8:40 les employés commençaient déjà à nettoyer les dégâts, détruisant ainsi des preuves et sans savoir exactement si les faits étaient graves ou simples.
8. La police est venue faire des analyses et des prélèvements le lendemain une fois que toutes les scènes étaient contaminées.

9. La Police, sur les dires du Chancelier, a été plutôt réticente à prendre l'affaire en charge.
10. Le Vice-Chancelier (abbé Giordano) que j'ai appelé au téléphone pour venir constater les dégâts de son bureau, a clairement affiché une légèreté incongrue face à une situation dont il ne pouvait pas comprendre la gravité du premier coup-d'œil. Il nous a convoqué en réunion pour volontairement relativiser les faits.
11. Une fois que le Chancelier (qui se trouvait être depuis le matin même, l'administrateur Diocésain en l'absence de l'Archevêque), est arrivé, il a pris en charge de contacter l'Archevêque pour l'avertir, puis le SPVM afin de demander plus de sérieux dans le traitement de cette affaire. Le Chancelier qui arrive habituellement très tôt (5h du matin) était convoqué ce matin-là pour un témoignage lors d'un procès à Laval.
12. Je suis forcé de constater des lacunes de la part des personnes responsables de la situation ce matin-là. Et le comportement pour le moins surprenant des tous les supérieurs hiérarchiques présents à ce moment-là, (exception faite de Stacy Charasidis, Martina Mc Lean et Laura Rochford), qui demandaient ne pas se laisser aller à des conclusions hâtives et dans le même temps commençaient à affirmer qu'il ne s'agissait visiblement que de simples petits larcins. Lorsque Mgr Faubert m'a demandé si j'allais bien, je lui ai répondu que vu l'ampleur des dégâts il nous faudrait du temps pour s'apercevoir si des documents manquaient et que cela paraissait un peu plus complexe qu'un simple vol de matériel électronique. Mgr Faubert m'a répondu d'un ton un peu ironique, qu'il appréciait lui aussi les romans policiers.
13. Le matériel électronique justement : ont été dérobés au moins 3 laptops, 2 des communications, et un de Jean-Louis Paya. Curieusement, les voleurs ont laissé les deux des communications dans le buisson dans la rue Sherbrooke, mais ont gardé celui de Jean-Louis Paya qui a pourtant très peu de valeur. d'autre part, le ou les voleurs ont su trouver le studio de vidéo sans fenêtre, pour y voler des caméras, mais en visitant les bureaux de l'OEPS au 4^{ème}, ainsi que les bureaux de l'économat, ils n'ont pas su défoncer la porte du local informatique qui contient un très grand nombre de pièces détachées informatiques facilement transportables et revendables.
14. Je ne prétends pas que le/les cambrioleurs aient cherché à voler des documents ou à en faire des copies, bien que ce ne soit pas prouvable pour le moment, mais je trouve très étrange la façon dont le vol a été commis, on est en droit de se poser la question si certaines décisions ne devraient pas être prises immédiatement (système d'alarme, vidéo surveillance, changement des clés, et des codes des voutes.

Changement des mots de passe numériques car on en est au 6^{ème} laptop volé).
D'autant que ce n'est pas le premier vol commis.

15. De nombreux points font fortement penser qu'il s'agit ici de personnes qui connaissent le bâtiment et les habitudes de la Curie, quant à moi, ils savaient parfaitement où aller et où trouver ce qu'ils cherchaient.
16. Il est impossible d'affirmer, pour le moment, que des documents n'ont pas été copiés ou photographiés.

Je reconnais que tous les faits mentionnés dans ce présent document sont rigoureusement exacts. Je prie le Seigneur Jésus et la Très Sainte Vierge Marie, Mère de l'Église de protéger le Diocèse de Montréal, nos Responsables qui en ont la charge, ainsi que nous tous qui y travaillons, simplement, pour la Gloire de Dieu.

Fait à Montréal, le 30 octobre 2018.

Matthieu Houfflain
Assistant du Chancelier

Pour le reste, et selon ma connaissance :

Le bureau de Fr, Raymond Lafontaine a été visité, là encore seules les casiers ont été ouverts, mais sans être forcés car les clés étaient dans les serrures. (Contacter à ce sujet : Mrs. Martina McLean pour plus d'informations).

Une armoire du bureau de Michel Poirier a été forcée mais sans succès d'ouverture.

D'autres bureaux ont été visités, et dont je n'ai pas la connaissance du résultat des constatations, il convient donc de s'adresser aux différents chefs d'offices et services pour plus d'informations.

Mon bureau n'a subi aucun dommage de dégradation, mais le tiroir de droite, fermé à clé a été arraché. Son contenu concerne les rapports de Rome, et mes dossiers du personnel et des employés, rien ne semble avoir bougé. Mes tiroirs de gauche étaient également ouverts, dans l'un d'entre eux il y a une enveloppe brune qui contient des copies de documents sensibles dont je ne peux parler. Cette enveloppe était sur le dessus et sortie du tiroir. Je ne pense pas qu'il manque des documents mais quelqu'un l'a manipulé.

A noter que ni la porte de l'open-space de la chancellerie, ni celle des archives n'ont la vitre brisée, ce qui indique que le ou les personnes sont entrées dans les archives par le couloir de la salle de bain, coté est du bâtiment. Dans les Archives, Le bureau de Cosmin Dina qu'il partage avec Sœur Elisabeth f.m.j. a été visité, les tiroirs ont été ouverts.

Le bureau de Daniel Ducharme, l'Archiviste a été épargné.

La grande console de consultation des Archives n'avait qu'un seul tiroir ouvert, qui se trouve être le premier en haut à gauche et qui se trouve être celui qui dispose de la clé de secours du dépôt des dossiers papiers, des Archives diocésaines, actifs et semis actifs. La clé y était toujours. La porte du dépôt porte des traces d'effraction, (Photos) mais elle était barrée et non fracturée. A-t-elle été ouverte?

En apparence, aucun signe d'intrusion n'a été constaté, mais compte tenu des milliers de dossiers dans ce dépôt, il est impossible de dire immédiatement s'il manque quelque chose, surtout que nous n'avons actuellement aucune personne en pleine connaissance des dossiers, puisque nous sommes en transition depuis l'arrivée du nouvel Archiviste. La question se pose cependant, pourquoi avoir arrêté de forcer la porte et en même temps avoir ouvert le seul tiroir qui contenait la clé de secours?

2. État des Lieux du reste de l'étage et d'autres étages selon ce que j'ai appris (*):

Le service des communications a été visité, la porte du Bureau de Jean Nicolas Desjeunes a été fracturée, les 3 bureaux des communications ont été fouillés, et ont été dérobés :

- 2 laptop (voir partie questions)
- Une caméra photo dans le tiroir du bureau de Richard Maltais, parmi d'autres objets eux, laissés.

Cependant, ils ont laissé en évidence sur le bureau de Richard Maltais un iPad et des enceintes de son.

Le studio vidéo qui jouxte le bureau de Richard et de Sœur Arlette f.m.j. et qui ne dispose cependant d'aucune fenêtre, est le seul bureau aveugle, à ma connaissance, dont la porte a été défoncée pour y rentrer. Deux caméras vidéos y ont été dérobées, ainsi que des micros audio. (Voir partie questions).

Le bureau de Sœur Madeleine Rochette ainsi que les bureaux d'à côté ont eux aussi été visités.

discrétion, je n'ai pas regardé les noms des dossiers et j'ai fait en sorte que personne ne les regarde. Cependant je ne peux pas garantir que personne d'autre n'y ait eu accès, jusqu'à mon arrivée, tant les bureaux ont été visités par de nombreux employés et par deux officiers de police en uniforme (je reviendrais plus tard sur ce point).

Des objets pieux et personnels du Chancelier avaient été répandus partout sans avoir été brisés. L'écran du PC était face contre table. De son bureau, seuls les tiroirs à documents ont été ouverts et vidés. Derrière le bureau les 3 tiroirs de la console étaient ouverts et plus ou moins vidés sans avoir apparemment fait l'objet d'une attention particulière. Le chargeur Apple du chancelier a disparu, mais là, les personnes ont pris soin de laisser le cordon. De même, son stylo numérique Apple avait été laissé en place, le contenu des 3 tiroirs était plus ou moins vidé. L'étagère qui se trouve en face du bureau du Chancelier a été en revanche totalement ignorée et laissée intacte. Sur le bureau du chancelier, était étalée une petite enveloppe portant l'inscription « central » avec une clé permettant l'ouverture de filières que je ne connaissais pas. Également deux vieux papiers contenant les codes de la grande Voute principale des Archives.

Sur la gauche du bureau gisaient une trousse personnelle du Chancelier et juste à côté des enveloppes numérotées de 1 à 5 et les clés des Archives confidentielles. Les enveloppes étaient éventrées et vidées.

Je n'avais jamais entendu parler des papiers contenant les codes ni de ces enveloppes ni encore moins de l'endroit où le Chancelier les cachait. Je ne pense pas qu'en dehors des chanceliers qui se les transmettent et de l'Archevêque, beaucoup de personnes soient au courant de ces documents et clés.

Le fait que ces clés, qui ouvrent les filières des Archives confidentielles, aient été découvertes, doivent poser la question de l'ouverture de la porte des Archives confidentielles sans effraction et de l'ouverture possible de la filière. Plus tard, lorsque le Chancelier est arrivé, il a ouvert devant moi la filière, des documents étaient présents, ce qui l'a rassuré. Cependant, il ne pouvait pas savoir s'il en manquait d'un seul coup d'œil, ou si certains avaient été photographiés, surtout compte-tenu du nombre de documents.

Le bureau de l'ancien Vice-chancelier qui jouxte celui du Chancelier a été lui aussi fracturé, cependant, bien qu'il ait été clairement visité, aucun tiroir n'a été ouvert.

Le bureau du second Vice-chancelier qui se trouve en face de l'escalier a été, lui aussi, fracturé. (Photos). Lui en revanche a été bien fouillé un peu les étagères, mais surtout le classeur à document en particulier le tiroir du bas qui se trouvait être l'endroit où l'abbé Giordano plaçait ses dossiers sensibles avant qu'il ne les transfère au tribunal depuis sa nouvelle nomination comme Vicaire Judiciaire.

L'open-space de la Chancellerie a été complètement ignoré par le/les voleurs. Aucun tiroir n'a été fouillé. Seul le laptop de Jean Louis paya, qui est administrateur informatique de la base de données du diocèse a été dérobé. (Je reviendrais plus tard sur ce point dans la partie des questions).