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## Take abuse cases out of clerical hands

by NCR Editorial Staff

If the recently released report of the investigation of the Kansas City-St. Joseph, Mo., diocese were reduced to its core, it would read: Diocesan officials -- priests and bishops -- should never investigate accusations of other priests (see story).

That point might seem glaringly obvious, and one that has been made repeatedly in other circumstances. Nonetheless it is helpful to see it once again in writing as a central conclusion to an elaborate study.

“Our most important recommendation,” say the report writers, “is that the vicar general and diocesan counsel not serve, either by design or by the force of circumstance, as the gatekeeper for the investigation and review process.”

The overriding need for an independent gatekeeper is the universal takeaway from the report, the point that should be broadcast to other dioceses as a nonnegotiable. As a result of the scandal involving Fr. Shawn Ratigan, the diocese has hired a professional ombudsman to whom all sex abuse complaints will be referred.

Another point made forcefully in the report, which was overseen by former U.S. Attorney Todd Graves, is the problem related to a lack of definition for the role of the Independent Review Board. In too many instances, the board was viewed as an addendum rather than an integral part of the process of vetting sex abuse complaints. It is telling that, according to a deacon’s account, Vicar General Msgr. Robert Murphy explained in the early stages of the Ratigan case that the matter should not go to the review board for fear that the board would exaggerate it, causing the diocese to “lose control” of the situation.

In a string of events that followed, in striking resemblance to the wider sex abuse scandal, the church’s attempts to retain control over the situation quickly unraveled. An unintended irony of the report is the consequence of its central recommendation: that in the future the diocese give up virtually all of its

control over such matters, placing complaints, the process for vetting them and the assessment of issues in the hands of mostly laypeople and professionals outside the tightly controlled world of the chancery.

The report also notes in several spots that the multiple flaws in the handling of the case of Ratigan, who is currently in jail on child pornography charges, "were not a failure in training" of diocesan employees. Rather, they represented the failure of diocesan officials to thoroughly investigate Ratigan's activities and to report them in a timely fashion to civil authorities.

Beneath the self-evident big-picture items are the specifics of the two cases examined in the report, and what those particulars imply for the members of this heartland church. In addition to Ratigan, the report looks at the handling of the case of Fr. Michael Tierney, which emerged again coincidentally as the Ratigan case was being investigated.

The common thread that runs through the two cases is that diocesan officials, beginning with Bishop Robert Finn, "failed to follow their own policies and procedures for responding to reports" of abuse. It is the phrase that best characterizes the repeated failure of leadership by Finn and those closest to him.

In the case of Ratigan, by far the more serious and immediate of the two, the report does nothing to lessen the astonishment at the behavior of diocesan officials. Murphy took to himself the sole role of assessing the complaint, of describing a disturbing photo of a youngster, a photo he had yet to see, in the most neutral fashion, and then determining a course of action that was as accommodating as possible to the priest in question. He understandably takes the bulk of the report's criticism. But vicars general reflect the mind of the bishop, and in this instance, the mindset was clearly to keep damaging information within the confines of the chancery, existing rules be damned.

Finn's demonstrated disinterest in the welfare of children is unfathomable in 2011, after more than 25 years of the church dealing with the most damaging scandal it has faced in centuries. Finn essentially ignored a letter, compiled by a school principal and staff, documenting a priest's bizarre behavior. It is essential to note here that the letter itself was an act of courage, detailing as it did the behavior of a priest who had the power to fire the principal and anyone else who worked at the school.

It is beyond description that a bishop at this point in the history of the U.S. church would be so incurious as to not read such a letter, let alone not demand to know everything there was to know about the circumstances, or not meet with the principal to learn more about her concern.

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The incredulity extends to the bishop's decision to return potential evidence of criminality -- a laptop computer -- to a relative of the priest in question, who then destroyed it. It is a small consolation that some in the diocesan structure knew enough to make copies of the computer contents. Police eventually determined that the computer contained scores of photos that qualified as child pornography.

It must be said that the report almost offhandedly notes that at least two women -- a computer expert who first captured some of the offensive images, as well as the diocesan communications director -- on viewing the images immediately recommended notifying police. That recommendation would go unheard. It was only months later, after Ratigan had violated Finn's restrictions on numerous occasions, that Murphy finally notified police.

If the report's recommendations are followed, the diocese's procedures will be set right and the inherent

conflict of interest that proceeds from priests investigating other priests -- an arrangement with an innate bias in favor of the institution at the expense of victims -- may be minimized.

But what about the people of the diocese?

What of those increasing numbers who feel deeply betrayed by leadership? What does the church say to those Catholics in responsible roles in the wider culture who know that in their own circumstances such egregious violations of trust would cost them their jobs and probably their careers? Most of us live in a reality where, unlike bishops, we are not excused from accountability.

Finn repeatedly demonstrated an astounding lack of good judgment. His handling of Ratigan was exceedingly naive, especially given the backdrop of experience the U.S. bishops have had with priests who have displayed sexual aberrations and predatory behavior.

He repeatedly violated or tolerated violation of the diocese's own norms for handling abusive priests. The leader in this case has broken trust with the community, much of which has lost confidence in his ability to lead.

And yet the unspoken expectation to be inferred by Catholics is that Finn will continue as bishop, simply because he is a bishop. The church in Kansas City deserves better.

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