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Kansas City bishop, diocese now to be tried by judge on Thursday

by Joshua J. McElwee



Bishop Robert Finn of Kansas City-St. Joseph, Mo. (RNS/Diocese of Kansas City-St. Joseph)

KANSAS CITY, Mo. -- The first Catholic bishop criminally charged in the decades-long clergy sex abuse crisis will not go before a jury, instead facing judgment from a local judge Thursday, according to court documents filed Wednesday.

The change indicates that Bishop Robert Finn, his Kansas City-St. Joseph, Mo., diocese, and county prosecutors have negotiated a set of "stipulated facts" they will present to the judge, who could rule the same day, said Mike Mansur, a spokesperson for the Jackson County, Mo., prosecutor's office, where the bishop and diocese are charged.

Finn and the diocese had been set to go to trial by jury Sept. 24 on misdemeanor charges of failing to report suspicions of child abuse for their handling of Fr. Shawn Ratigan, a Kansas City priest who pleaded guilty earlier this month to federal charges of producing and attempting to produce sexually graphic material of minor girls.

"The parties in the case have been negotiating stipulated facts and testimony that will be presented tomorrow to the judge," Mansur said. Following that presentation, he said, "we would expect then that the judge might rule in the case."

The trial Thursday will come before Jackson County, Mo., Circuit Court Judge John Torrence. The trial could bring an abrupt end of sorts to a 15-month ordeal that has rankled the local Catholic community and has left many area Catholics questioning how the legal proceedings would affect them, their bishop and life in their parishes.

Jack Smith, the interim director of communications for the Kansas City diocese, said the diocese would have no comment on the matter while the case is pending.

Finn and the diocese each face two separate counts of failing to report suspicions of child abuse. Each charge against Finn carries a maximum penalty of one year in jail and a \$1,000 fine. The diocese faces a fine of up to \$5,000 for each charge.

While Ratigan was arrested in May 2011 on the child pornography charges, prosecutors say both Finn and the diocese should have reported Ratigan to police as early as December 2010, when they acknowledge becoming aware of lewd images of children on his laptop.

Finn and the diocese have pleaded not guilty to the charges.

A source inside the Kansas City diocesan chancery said Wednesday that Finn had been meeting with his lawyers for three days behind closed doors before the date change was announced.

That source, who asked not to be named, also said there has been anxiety at the chancery offices in the time leading to the trial.

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"The general atmosphere is just one of anxiety," said the source. "The closer we get to the trial, the more anxious people are. It's just eating everybody up. It affects everything we do."

On Aug. 2, Ratigan pleaded guilty to five of 13 federal counts of producing and attempting to produce sexually graphic material of minor girls. He has yet to be sentenced, but each charge separately carries between 15 and 30 years in prison.

Ratigan still faces similar charges in an ongoing case in Clay County, Mo., where the parish he last served as pastor is located.

In a separate agreement with prosecutors in that county in November, prosecutors suspended misdemeanor charges against Finn in the case as long as the bishop agreed to give the prosecutors immediate oversight of the diocese's sex abuse reporting procedures in their county.

As part of the agreement, Finn agreed to monthly meetings with Clay County prosecutor Daniel White to discuss all reported suspicions of abuse in the county, one of 27 the diocese spans in western and northwestern Missouri.

A report commissioned by the diocese on its response to the Ratigan matter, released in August 2011 and conducted by former U.S. Attorney Todd Graves, found that "individuals in positions of authority reacted to events in ways that could have jeopardized the safety of children in diocesan parishes, school, and families."

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