

Published on *National Catholic Reporter* (<https://www.ncronline.org>)

September 6, 2012 at 3:13pm

Kansas City bishop found guilty in child abuse case

by Joshua J. McElwee

KANSAS CITY, Mo. -- For the first time in the decades-long clergy sex abuse crisis, a Catholic bishop has been found guilty of criminally shielding a priest who was a threat to children.

Bishop Robert Finn, the head of the Kansas City-St. Joseph, Mo., diocese, received the verdict Thursday on one misdemeanor count of failing to report suspected child abuse in the case of a local priest who had been known to be in possession of lewd images of children.

Jackson County, Mo., Circuit Court Judge John Torrence gave Finn a two-year suspended sentence of probation with nine conditions, including mandating direct reporting of future suspicions of child abuse to prosecutors.

"Let the world know that no matter who you are, you can be held to the same standards as everybody else," said Jackson County prosecutor Jean Peters Baker after the verdict.

Finn and his diocese had each faced two separate misdemeanor counts of failure to report suspected child abuse for their handling of Fr. Shawn Ratigan, a Kansas City priest who pleaded guilty in August to federal charges of producing and attempting to produce sexually graphic material of minor girls.

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While Ratigan was arrested in May 2011 on the child pornography charges, prosecutors argued that 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.

Prosecutors had separated the charges against Finn and the diocese into two timeframes: Dec. 16, 2010, to Feb. 10, 2011; and Feb. 11, 2011, to May 18, 2011.

Handing down his verdict less than an hour after the trial started, Torrence said he did not have enough evidence to convict Finn during the first timeframe, but evidence "exceeds that which would be necessary" to prove that the bishop "knowingly failed to report" possible abuse during the second.

On that charge, Torrence continued, "the defendant is guilty."

Following Finn's verdict, prosecutors asked Torrence to dismiss the charges against the diocese. While the prosecutors' motion effectively means the charges have been dropped, Torrence said he would not be able to enter a judgment on the matter until Friday morning.

Speaking to the court before hearing his sentence, Finn said, "I truly regret and am sorry for the hurt that these events have caused," and "the protection of children is paramount."

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While Thursday's trial seems to bring to an abrupt end to the criminal proceedings in the Ratigan matter, the impacts to the diocese could prove much more long-lasting.

The 15-month ordeal has rankled the local Catholic community, with many area Catholics left questioning how the proceedings would affect them, their bishop, life in their parishes, and even the wider church community.

One area pastor said Thursday morning that the mood throughout the diocese could be summed up with one question: "How can the diocese move forward after all this?"

"Most of us who have worked in parishes and continue to work here, we'll have to find a way to rise above it all," said Fr. Gerald Waris, a retired priest who for 10 years served as pastor of the church where Ratigan last served.

Thursday's trial, which came before a judge and not a jury, came somewhat unexpectedly. Finn and the diocese had been set to begin a jury trial Sept. 24 when a change was announced Wednesday.

In a press briefing following Finn's verdict, Baker said the change in format meant Ratigan's victims' families "were spared a very trying process" of having to testify publicly and having to hear public discussions about graphic photographs of their children.

Baker also said in choosing to waive a jury trial, prosecutors had previously agreed with defense lawyers to drop the charges against the diocese should Finn be found guilty.

While one attorney who represents victims of sexual abuse expressed happiness at the guilty verdict for Finn, she said she was "surprised" the diocese was no longer being charged.

"This was an institutional failure, not just a personal failure," said Rebecca Randles, who represents 12 clients who have civil suits against Ratigan.

"Holding the institution accountable would be good as well," Randles continued.

Among the nine conditions imposed on the bishop by the probation sentence are that he:

- "Direct and ensure" chancery officials and diocesan clergy receive training on being mandated reporters;
- Institute a training program for chancery officials and diocesan clergy on child pornography;
- Establish a \$10,000 fund for counseling for abuse victims;
- Forward "all reports" of suspected sexual and physical abuse of minors to the prosecutors' office and law enforcement.

As part of the format of the nonjury trial, the prosecuting and defense lawyers submitted a set of 69 facts about the cases to which all parties had agreed. While those facts largely repeat the timeline of the diocese and Finn's handling of Ratigan as has been previously reported, several new facts emerge.

Among key points reported in the 69 facts:

- The diocese had received a memo in May 2010 concerning Ratigan from Julie Hess, the principal of the school attached to the parish Ratigan was serving. That memo outlined several concerns about the priest and stated teachers at the school thought "Father Shawn's actions fit the profile of a child predator."
- Following examination by a computer technician, the diocese became aware of a number of lewd photos on Ratigan's laptop Dec. 16, 2010. Among those photos were those of a "little girl's naked vagina." Included in those who saw those photos was Msgr. Robert Murphy, then the diocese's vicar general.
- Ratigan attempted suicide on Dec. 17, 2010, leaving behind a note saying, "I am sorry for the harm caused to the children."
- In early January 2011, Finn sent Ratigan to Pennsylvania for psychiatric evaluation from Rick Fitzgibbons, who told Finn in an email Hess "may have orchestrated false accusations" against Ratigan.
- Following his return from Pennsylvania, Finn assigned Ratigan to live at a community of religious priests and assigned him to say daily Mass for a community of women religious.
- Finn received an email from Ratigan on Feb. 7, 2011, that began: "I am going to give you a brief summary of how I got to where I am with my addiction to pornography."
- Finn emailed Ratigan in response Feb. 9, giving the priest seven restrictions, including to "avoid all contact with children."
- Finn was informed March 31 that Ratigan had attended a St. Patrick's Day parade and a birthday party for a sixth-grade girl.
- On May 11, Murphy reported the existence of "hundreds of photographs" of children on Ratigan's computer to police.
- Ratigan was arrested for possession of child pornography May 18, 2011.

The stipulated facts also state that in testimony, Murphy reported the incident to police because he thought the diocese's response to Ratigan was "moving along with no direction, and I thought, 'I have got to do something.' "

According to the facts, Murphy also testified Finn was "upset" upon hearing Murphy had reported Ratigan. According to the testimony, at the time, Murphy told his sister, "I think I made a decision that will not make the bishop happy."

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."

For Waris, who was pastor at St. Patrick Parish in Clay County from 1999 to 2009, the diocese now has to find a way to say, "We are terribly sorry for what has happened."

"But we also have to find a way to rise above it and just live the Gospel and live the word we preach," the priest continued. "And continue to enable and empower the people of our parishes."

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