

**SUMMARY REPORT TO
KANSAS ATTORNEY GENERAL DEREK SCHMIDT
FROM THE KBI CATHOLIC CLERGY TASK FORCE ON
CATHOLIC CLERGY ABUSE OF CHILDREN**



**PREPARED BY
THE KANSAS BUREAU OF INVESTIGATION
JANUARY 2023**



Kansas Bureau of Investigation

Kirk D. Thompson
Director

Derek Schmidt
Attorney General

January 6, 2023

Derek Schmidt
Attorney General
Office of the Kansas Attorney General
120 SW 10th Avenue, 2nd Floor
Topeka, KS 66612

Dear Attorney General Schmidt,

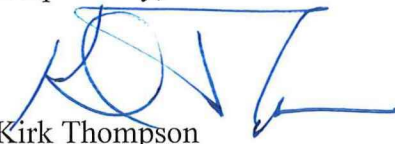
In response to your letter of November 15, 2018 requesting an investigation by the KBI into allegations of sexual abuse of children by members of the Catholic clergy in Kansas, I am writing to provide a summary of our investigation and to conclude the investigation into the four primary Catholic dioceses in Kansas. Of note, the KBI will continue to investigate criminal allegations of sexual abuse by clergy members associated with the Society of Saint Pius X (SSPX), a non-traditional branch of the Catholic Church in Kansas.

This investigation utilized significant KBI manpower and resources over the course of four years. As you are aware, the KBI endeavors to conduct meticulous and comprehensive investigations with every case we initiate. Given the 50 year scope of the investigation, the volume of records, the volume of people involved in each case, and the geographic dispersal of witnesses, victims, and suspects, the efforts by our task force was immense.

In summary, the task force received and reviewed 41,265 pages of records, received and reviewed 224 tips, interviewed 137 victims of abuse, initiated 125 criminal cases and distributed 30 charging affidavits to the appropriate prosecutors for charging consideration. To date, no prosecutor has filed charges, primarily due to statute of limitations concerns. Our investigations identified 188 clergy members suspected of committing various criminal acts, to include: aggravated criminal sodomy, rape, aggravated indecent liberties with a child and aggravated sexual battery.

It should not go without saying that the abuses revealed during the investigation had a profound effect on the victims, the families of victims and our task force members. Our task force members found countless examples of inspiration while working with the victims of clergy sexual abuse. Those victims, whose lives have been traumatically affected by what happened to them as a child, have shown hope, strength and perseverance in the face of extreme adversity. It is our deepest and most sincere hope these victims find a way to continue to survive and heal. And for those victims who are still traumatized who did not report, it is our hope they find the strength to seek help. Please find attached the KBI Catholic Clergy Task Force Executive Summary for your review.

Respectfully,



Kirk Thompson
Director

KT/TW/lc
Attachment

cc: AD Tony Weingartner, FID
SAC Cory Latham, FID, West Region
SSA Mark Kendrick, FID, Task Force Coordinator
Administrative Files

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Kansas Bureau of Investigation Catholic Clergy Taskforce

Summary Report Catholic Clergy Abuse of Children 1950-2022

January 2023

Table of Contents

Executive Summary	3
Historical Background	3
Origin of the KBI Investigation	3
Investigation Overview	4
Catholic Church in Kansas	7
The Investigation	8
Gathering Information	8
General Findings	10
Canonical Law and Mandatory Reporting	11
Statute of Limitations	18
Results	18
Appendix A	21

EXECUTIVE SUMMARY

Historical Background

In 2001-2002 the Boston Globe reported on clergy abuse in the Boston Catholic Church. Hundreds of follow up articles surfaced as a result, and collectively the story had a global impact. It would take the Catholic Church several more years to release a 449 page document stemming from an internal Vatican investigation that led to the eventual defrocking of United States Cardinal Theodore McCarrick¹. While not initially impacted by the scandal, the dioceses of Kansas has a connection to this original investigation. During the KBI investigation, the task force learned that after former Cardinal McCarrick was laicized from the priesthood in 2019, he was given refuge in the friary adjacent to St. Fidelis Basilica in Victoria, Kansas.

Even prior to the Boston Church news stories, actions by the Catholic Church indicate a subtle culture shift in 1998 by introduction of the VIRTUS program, commonly referred to as "Protecting God's Children". This program and effort led some to believe that the church would no longer look the other way as priests molested children. Another tangible improvement was the implementation of Independent Review Boards (IRB), made up of individuals who investigated and made determinations about sexual abuse allegations. Each IRB was comprised of persons within each particular diocese. Those members were selected by the Bishop of the diocese. The IRB passed along their findings and opinions to the Bishop, who then decided what, if anything, would be done. This new level of intolerance towards child molestation seemed to have effect. A review of the Church data indicates a decline in substantiated abuse over the decades, especially in recent years.

In 2018, the Pennsylvania Catholic Clergy Sexual Abuse Investigation Grand Jury Report² was released by their Attorney General. The grand jury concluded over 300 predator priests perpetrated crimes on more than 1000 children. The grand jury expressed extreme frustration for the lack of cooperation the Catholic Church provided during the investigation, as well as measures the Church had taken historically to hide the abuse from parishioners and the public.

¹ "Report on the Holy See's Institutional Knowledge and Decision-Making Related to Former Cardinal Theodore Edgar McCarrick". Secretariat of State, Holy See. Vatican City State. November 10, 2020.

² "Report I of the 40th Statewide Investigating Grand Jury". Office of the Attorney General, Commonwealth of Pennsylvania. July 27, 2018.

Origin of the KBI Investigation

On November 15, 2018, The Kansas Attorney General (AG) Derek Schmidt requested the Kansas Bureau of Investigation (KBI) to investigate allegations of sexual misconduct by clergy of the Catholic Church. AG Schmidt directed the KBI to do so in response to Kansas City Archdiocese Archbishop Joseph Naumann's request to have each dioceses investigated. Archbishop Naumann's request followed law firm Husch

Blackwell's review of available church files of the Archdiocese of Kansas City in Kansas, where they identified 15 clergy members who warranted further investigation.

Responsibility for the investigation was placed within the KBI Field Investigations Division (FID). On January 28, 2019 the KBI's Catholic Clergy Task Force (CCTF) was launched. The task force was comprised of six Special Agents, led by a Senior Special Agent (SSA) within that group, and was overseen by a Special Agent in Charge (SAC).

The task force was charged with three primary objectives related to the investigation:

1. Conduct a thorough review of the available records, and conduct interviews when relevant;
2. Evaluate the church's response and actions to allegations of sexual misconduct when made known to them; and
3. Identify crimes that have been committed and, if sufficient evidence exists, present the case to the appropriate county/district attorney for consideration of criminal charges.

In February and March of 2019, the KBI FID Assistant Director and SAC overseeing the task force met in person with each Bishop (except Archbishop Naumann who initiated the request). They explained the KBI had been requested to initiate this investigation by the AG at the original behest of Archbishop Naumann. Each of the three bishops over their respective dioceses indicated they were aware of Archbishop Naumann's request and that the KBI had been asked to complete the investigation. Each bishop also advised they were in the process of having their diocesan records reviewed by law firms, or they were making arrangements to have that task completed. Each bishop also expressed interest in cooperating with the KBI in the investigation.

Investigation Overview

As a normal part of its mission, the KBI prioritizes significant resources to investigating crimes committed against Kansas children. This effort was no different. It was massive in scale and utilized significant existing resources. The task force assigned to this investigation constituted about 10% of the existing, non-supervisory, special agent workforce. This group initiated 125 criminal investigations, reviewed over 200 crime tips from survivors, reviewed over 40,000 pages of documents, and interviewed dozens of victims, witnesses and suspects in 15 different states.

Many of the same issues reported by the 2018 Pennsylvania grand jury investigation that related to the Church's handling of abuse allegations were, in general, identified and documented in the KBI investigation as well. The practices used by the Church, whether intended or not, served to obscure the truth about both the allegations of child abuse and sexual assault and their handling of such allegations. The practices employed by members of the Church, in some cases collectively and in some cases by individuals, resulted in significant challenges for the investigation. There are examples

of each challenge and findings throughout this report. The investigation revealed the following:

1. *Some victims were reluctant to provide information because they had previously signed a non-disclosure agreement with the church associated with a civil suit.*
2. *In many cases the victims, or the priests, were deceased.*
3. *Church officials frequently used language or terms that minimized the seriousness or severity of actions and abuse by Church clergy.*
4. *Church officials occasionally failed to report incidents to law enforcement or child protection services.*
5. *Church officials frequently failed to provide transparent communication to parishioners.*
6. *Inadequacies within the Catholic dioceses recordkeeping policies and systems resulted in the intentional or accidental deletion of records documenting or relating to allegations of sexual abuse. Diocesan records documenting or relating to the allegations of sexual abuse were disorganized and scattered.*
7. *Most of the investigations conducted by the dioceses into past allegations of sexual abuse were inconsistent and inadequate.*
8. *Each of the dioceses frequently failed to follow its own policies and procedures relating to allegations of sexual abuse by the Catholic clergy.*
9. *Church officials frequently attempted to avoid scandal and failed to hold offenders accountable; including transferring offending priests to new parishes, continuing to financially support offending priests, failing to remove offending priests from their status as priests, and failing to monitor priests of concern.*

From the beginning, the task force was charged with identifying criminal acts, gathering the evidence related to those acts, and presenting any criminal charges to a prosecutor with jurisdiction. The four-year investigation yielded many allegations of abuse that lacked sufficient evidence (lacked probable cause) to present the case to a prosecutor for charges. However, the task force submitted 30 affidavits to prosecutors, and in each outlined the probable cause to charge offending Catholic clergy members. No prosecutor has filed charges in any of the 30 cases where affidavits were filed. In nearly all cases involving those offending priests, the statute of limitations had expired or the priest was no longer living. Both situations prevented prosecution of the offending priests.

It should also be noted that the task force received allegations against religious leaders from religions and faiths other than the Catholic Church. These allegations were reviewed in the same manner as all others in this effort.

Finally, the task force would recognize the enduring impact the acts of abuse at the hands of trusted Church officials had upon the victims and their families. As with every case of child abuse, the emotional and physical impact on the victims by their abusers is significantly traumatic and enduring.

Throughout the investigation, our team heard from many victims who attributed their alcohol or drug abuse, or their "wrecked lives," to the sexual abuse they endured. A few of the victims the task force engaged with were in prison and they attributed their incarceration, in part, to the sexual abuse they had experienced as children by offending clergy members. Family members of several victims believe there was a direct correlation between the sexual abuse that was endured and their loved one's suicide.

Our agents witnessed men, now in their 60's and 70's, break down in tears as they reported their sexual abuse to our team. In many cases they have never previously disclosed the sexual abuse to anyone. Many times the victims thought they were the only victim of the offending priest. Following appropriate investigative interviews and actions, some victims learned for the first time they were not the only one the priest had abused.

THE CATHOLIC CHURCH IN KANSAS

The Catholic Church is geographically divided into four dioceses within Kansas: the Archdiocese of Kansas City in Kansas; the Catholic Diocese of Salina; the Catholic Diocese of Dodge City; and the Catholic Diocese of Wichita. Collectively, these four dioceses represent all 105 Kansas counties in the state (figure 1). The current geographical division has been in place since the Dodge City Diocese was established on May 19, 1951. Prior to the establishment of the Dodge City Diocese the Wichita Diocese extended west to the Colorado border.

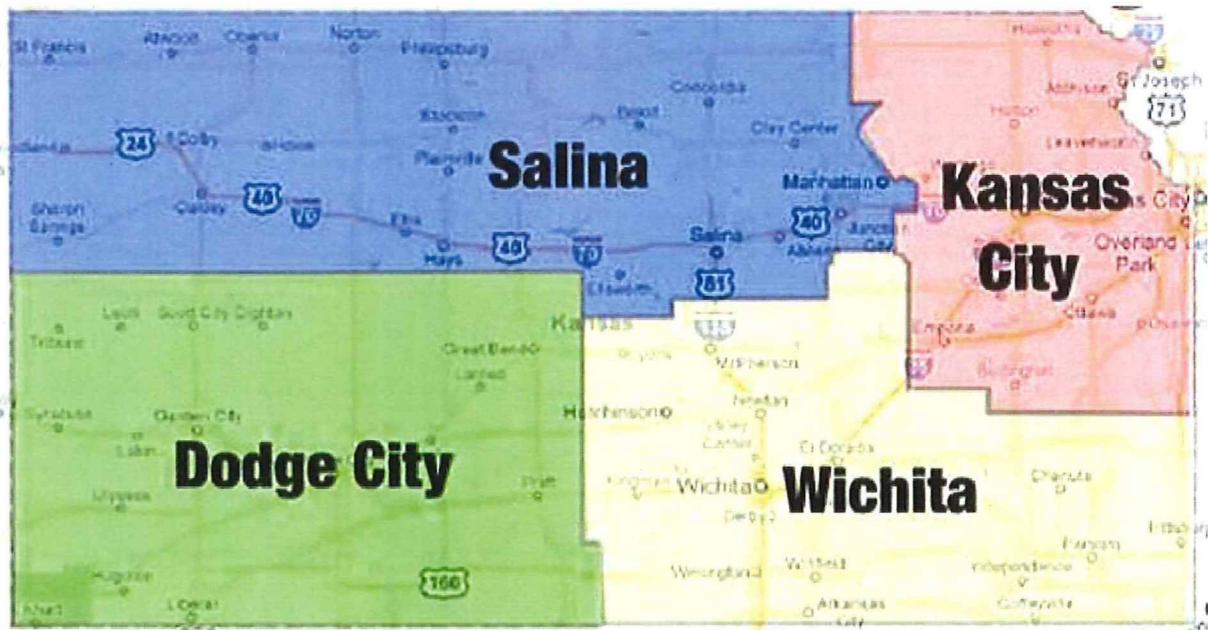


Figure 1

The leadership within each diocese is established through the oversight of a bishop. Although there is additional hierarchy within the Catholic Church, ultimately, each bishop answers directly to the pope, and therefore possesses considerable power and control over his diocese. This includes the priests within each diocese, as they answer to the bishop. The bishop has the authority to discipline or suspend a priest, send them for treatment or evaluation, and/or, for example, reassign them to a new parish.

THE INVESTIGATION

Gathering Information

The task force employed multiple methods to gather information to include; receiving and reviewing reports of abuse; interviewing the reporter or victim of the allegation of abuse; receiving and reviewing the files and records received from each of the Catholic dioceses in Kansas; and finally, further research into allegations of abuse and the practices of the Catholic Church with anti-clergy abuse organizations.

To facilitate the reporting of sexual abuse by survivors of these crimes, the KBI made multiple media statements indicating they were investigating the Catholic clergy. Survivors were encouraged to contact the KBI via telephone through our tip line (1-800-KS-CRIME), or through email at ClergyAbuse@kbi.ks.gov. In addition, arrangements were made for individuals who only spoke Spanish. Those contacts were catalogued and forwarded to the task force manager, who assigned leads to the agents. In total, the KBI received 224 tips through those means.

Additionally, requests were sent to each diocese for all records relating to allegations of abuse. There were many challenges related to this gathering of records and in some cases records have still not been received by the KBI. The CCTF agents reviewed more than 40,000 pages of documents that were provided by the four dioceses and other religious orders. Agents conducted dozens of interviews, and visited 15 different states to meet with victims, witnesses and suspects to further the investigation. Some of those states were traveled to multiple times. There were 125 criminal cases opened, with many additional reports of sexual abuse documented through a single master case.

The KBI CCTF agents spoke to 137 victims of Catholic Clergy sexual child abuse who came forward during this investigation. There were also numerous other individuals who were not actual victims but had pertinent information about the abuse of children by the Catholic Clergy. The CCTF only spoke to those victims and reporters who came forward during the investigation.

The CCTF became aware of additional numerous victims of sexual abuse who were named in the diocesan and other religious order records that were reviewed. The task force did not proactively attempt to engage victims identified from diocesan records because we were unable to determine the accuracy of those particular records. In some cases, the records mention additional victims without any identification.

There were also some victims who initially engaged with the task force but then decided not to participate with the investigation. To all victims, the KBI CCTF hopes they are able to find comfort and lasting peace despite the trauma they have endured.

In the vast majority of cases, the perpetrator of the sexual abuse was unavailable because of death, the case was well beyond the statute of limitations, or medically

unable to participate in the investigation. The CCTF presented 30 different probable cause affidavits to the appropriate jurisdictions involving 14 separate members of the Catholic Clergy. There were a number of the priests who had multiple victims or there were multiple jurisdictions where crimes occurred. In those cases separate affidavits were presented.

In addition to the four dioceses in Kansas, there is also a break-off sect of the Catholic Church that is found within our state and all over the world. The Society of St. Pius X (SSPX) is a sect of the Catholic Church located in St. Marys, Kansas whose leadership was previously ex-communicated by the Pope. The CCTF also reviewed documents related to SSPX and investigated allegations; and those efforts are on-going.

There are a number of organizations involved in supporting victims of clergy abuse and who work to hold accountable perpetrators and those who attempt to conceal clergy child abuse. Some of these anti-clergy abuse organizations engaged by the CCTF include SNAP (Survivors Network of those Abused by Priests), Bishop Accountability, and Church Militant.

SNAP is a non-profit organization support group of survivors of clergy sexual abuse and their supporters in the United States. SNAP provides victims and survivors resources and stories including up-to-date news of current scandals.

Bishop Accountability is a database intended to provide the best possible answers to victims, survivors, parents, citizens, law enforcement, lawmakers and Catholic lay persons with a list of diocesan and religious order priests, brothers, seminarians, deacons and nuns in the Catholic Church in the United States who face an allegation or legal action (criminal or civil) relating to sexual abuse of a child or possession of child pornography, as reported in a newspaper article, other media source, or documented in public court filings.

Church Militant is a conservative Catholic organization which operates as a lay apostolate and news website focused on reporting on different topics within the Catholic Church. The lay apostolate is made up of people, who are neither consecrated nor in Holy Orders, who exercise a ministry within the Catholic Church.

As noted, there were significant challenges to getting access to information and people involved in the allegations. For example, the task force sent agents to Colorado to a ranch operated by the Capuchin Province where multiple offender priests reside. The Capuchin Province is a Catholic religious order that operates in Kansas and other States. Our agents were met by staff who informed the priests why the KBI was there. The priests declined to meet with the KBI agents. Therefore, there was no access to those priests for questioning.

General Findings

Some of the same issues reported in the Pennsylvania Catholic Clergy Sexual Abuse Investigation also occurred within the State of Kansas. By any objective review, practices existed that were designed to conceal the truth about what took place. The following concealment practices were occasionally or frequently implemented by the Catholic Church once they were made aware of sexual abuse allegations.

First, euphemisms, rather than real words, were used to describe sexual assaults in diocese documents. An example of this is rather than using a word such as "rape," they would indicate an allegation such as "inappropriate contact". Rather than characterizing a priest as a criminal or rapist, they would soften the language and indicate the priest may have "boundary issues".

Second, they often did not report criminal activity to law enforcement, or any authority equipped to conduct an unbiased, professional investigation with properly trained personnel. Instead, fellow clergy members were assigned to conduct an "investigation". From a review of the records it appears they often asked inadequate questions and made credibility determinations about their colleagues or the victims.

Third, for the appearance of accountability, priests are sent for an "evaluation" at psychiatric treatment centers managed by the Catholic Church. These evaluations allow experts to diagnose whether the priest is a pedophile, based largely on the priest's self-reports and regardless of whether the priest actually engaged in sexual contact with a child or other person. Terms such as "sick leave" or "health leave" were often used to describe the priest's absence from the ministry. There were also other terms used such as "retirement", "familiarity", "boundary issues" or "inappropriate contact." Known child abusers were sometimes referred to as having alcohol problems.

Fourth, when a priest was removed from the priesthood, there was often no indication as to why. Parishioners were told he was on sick leave, suffering from nervous exhaustion or similar, or nothing was said at all.

Fifth, even if the church substantiated that a priest was raping or sexually abusing others, including children, the church often continued to provide the priest housing and living expenses. In some cases priests were able to further commit additional child abuse.

Sixth, instead of laicizing priests (a practice where the priest is officially stripped of his priesthood by the Pope, including all of his duties and vows as a priest) and separating them from the Catholic Church when their inappropriate conduct became known, many were simply transferred to a new parish and allowed a fresh start. As imagined, this horrific practice sometimes subjected additional children to sexual molestation at the hands of predator priests.

Seventh, in most cases sexual abuse allegation(s) were not reported to law enforcement even when church officials knew of the actions of a molester priest. Child

sexual abuse, rape, and criminal sodomy has been, for all relevant times, a crime. The church often chose not to treat the allegation as a crime, but rather handle the allegation internally as if it was a personnel matter. In some instances church officials felt that offender priests could be rehabilitated by sending them to a Catholic-run treatment facility. Other bishops seemingly prioritized the desire to prevent public scandal within the Catholic Church over the laws of the State of Kansas and the innocent children they should have protected. Protecting the church from "scandal" seemed to be a universally applied theme within the Catholic Church, and a priority.

The KBI CCTF investigation found a common thread regarding the prevalence of sexual abuse at the hands of clergy within a particular diocese in that it appears to be directly related to the degree of tolerance allowed by the bishop. In most cases the bishop was to at least some degree made aware of sexual abuse allegations against their priests. Some bishops handled the allegations appropriately, but many others facilitated further abuse of minors by concealing the crimes or reassigning the priest to a new parish.

All four Kansas dioceses had accusations of sexual abuse. Each of the dioceses participated in deceptive practices regarding sexual abuse violations to some degree. Credible evidence suggests a number of diocesan officials, including bishops, conspired to cover up sexual abuse allegations. Historically, these allegations were rarely reported to law enforcement by the church.

Finally, in the four dioceses in the State of Kansas, there are a number of suicides that have been attributed by their family members to the sexual abuse of victims by members of the Catholic Clergy. From 1960 through present, at least 15 victims of clergy sexual abuse committed suicide. These victims and in fact, all victims suffered great harm by an abuser they trusted. Each victim was then further victimized by an institution that covered up the abuse and protected the predator, instead of adequately and justly handling the problem.

Canonical Law and Mandatory Reporting

On May 9, 2019, Pope Francis promulgated his *Vos Estis lux mundi* which established a new procedure to combat sexual abuse and ensured Bishops and religious superiors are held accountable for their actions. This document established universal norms which apply to the whole church. However, this law was only effective for a three year experimental period starting June 1, 2019.

Canonical law within the Catholic Church established crimes including, sexual abuse of minors and adults when committed by violence or threat or through abuse of authority; sexual abuse of minors under 18 years of age; sexual abuse of vulnerable persons who have physical or mental issues that limit their ability to understand or want to resist the offense; the production, exhibition, possession or distribution of child pornography; and the recruitment of or inducement of a minor or vulnerable person to participate in pornographic exhibitions. This law applies to clerics or members of institutes of

consecrated life and societies of apostolic life. This law also applies to the concealment of such crimes by a Bishop or by a supreme moderator of a religious congregation.

By June 2020, the law from the Pope, "Vos Estis lux mundi", mandated each diocese in the world to set up "one or more public, stable and easily accessible system for submission of reports" concerning sexual abuse or any cover-up that may have been committed. The law also encourages lay persons to report clerical sexual abuse and its cover-up to competent ecclesiastical authorities.

This Papal law does not require clerics to report a violation to civil authorities. The obligation to report does not interfere with, nor change, any reporting obligation that may exist within each country's legislations/laws.

Mandated reporting internally within the Catholic Church by the clergy is a positive step when it compels priests or other Catholic Clergy to report abuse, but without mandated reporting to secular authorities the positive impact is minimized. The problem may still exist because those receiving the allegations are the same authorities who have received abuse allegations for years, and at times covered up allegations against priests. However, this remains a step in the right direction. If there are laws within the jurisdiction (State) regarding mandated reporting then the 2019 law from the Pope requires the clergy to also report to the civil authorities.

In the State of Kansas, the following persons who have reason to suspect a child has been harmed as a result of physical, mental or emotional abuse or neglect or sexual abuse shall make a report (K.S.A. 38-2223):

- Persons licensed to practice the healing arts, dentistry and optometry;
- Persons engaged in postgraduate training programs approved by the state board of healing arts;
- Licensed professional or practical nurses;
- Chief administrative officers of medical care facilities;
- Licensed psychologists;
- Licensed masters level psychologists;
- Licensed clinical psychotherapists;
- Licensed social workers;
- Licensed marriage and family therapists;
- Licensed clinical marriage and family therapists;
- Licensed professional counselors;
- Licensed clinical professional counselors;
- Registered alcohol and drug abuse counselors;
- Teachers, school administrators or other employees of an educational institution which the child is attending;
- Persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child;
- Firefighters;

- Emergency medical services personnel;
- Law enforcement officers;
- Juvenile intake and assessment workers;
- Court services officers and community corrections officers;
- Case managers appointed under state regulations;
- Mediators appointed under state regulations; and
- Any person employed by or who works as a volunteer for any organization, whether for profit or not-for-profit, that provides social services to pregnant teenagers, including, but not limited to, counseling, adoption services, and pregnancy education and maintenance.

Unlike medical care providers, licensed mental health providers, teachers and school administrators, firefighters, EMS, law enforcement and several other groups of individuals who are required by law to promptly report instances in which they believe a child has been abused, church officials are typically under no obligation to do so. As an example: if a priest admits to another priest or the bishop they had sexually abused a child, neither the priest nor the bishop is required by law to report that abuse.

The list of mandatory reporters for the State of Kansas does not include any members of the clergy, no matter their religious affiliation. However, some of the Catholic clergy may still fall under one or more of the mandatory reporter categories. For example, a priest who is working in a Catholic school would be required to report any suspected abuse as the teacher or administrator of the school.

The states where most clergy within Kansas are sent for counseling and evaluation by a diocese have the following mandatory reporting requirements:

The State of Missouri includes most of Kansas requirements but, in addition, they require any person while practicing as a minister of the gospel, clergyperson, priest, rabbi, Christian Science practitioner, or other person serving in a similar capacity for any religious organization who is responsible for, or who has supervisory authority over, one who is responsible for the care, custody and control of a child or has access to a child to report abuse of which they are made aware.

The State of New Mexico provides that every person (including licensed physicians, residents or interns examining, attending or treating a child, law enforcement officers, judges presiding during a proceeding, registered nurses, visiting nurses, school teachers, school officials, social workers acting in an official capacity, and members of the clergy, who has information that is not privileged as a matter of law) is a mandatory reporter.

The State of Colorado also has a long list of required reporters, which includes clergy members (i.e., priests, rabbis, duly ordained, commissioned, or licensed ministers of a church, members of a religious order, or recognized leaders of any religious body) (but not if the reasonable cause is acquired through a privileged communication).

These three states require a clergy member to report suspected abuse of a child within their state. Two of the three states have an exception to the rule by not requiring the clergy person to report if the disclosure was secured during a privileged communication. However, when a priest is sent for evaluation and counseling to one of these states it would seem none of the communication between a counselor and the clergy would fall under this exception, notwithstanding HIPAA rules. However, HIPAA is not an exception when it comes to required reporting, medical doctors, nurses, mental health professionals, licensed counselors and similar professionals are still required to report suspected child abuse or neglect.

Therefore, counselors or evaluators of predatory priests should be required to report such abuse to the state in which the abuse occurred. In the alternative, these counselors should at least be reporting the abuse to their own state as required by state law. Then the civil authorities from the state where the allegations took place should be able to query the state's mandatory reporting database for any reports within their state. This information did not come to them in a privileged communication such as the confessional. Therefore, the exception to report in their state does not exist.

In addition, once the information has been communicated to the diocese within the State of Kansas through a licensed professional counselor then the allegation should be reported to the proper authority. The members of the diocese Independent Review Board, the investigator for the diocese, and any professional counselor within the State of Kansas hired by the diocese is a required reporter. This begs the question; why haven't these allegations made by victims, especially child victims, not been reported to the civil authorities by the diocese.

Currently, the State of Kansas does not require clergy, ministers, priests or religious leaders within a church to be mandatory reporters. A change to the law that would require them to report has been previously proposed, but met considerable resistance from the Catholic Church who argued it would affect the confessional's sanctity and privacy.

In the 2019 Kansas Legislative session, Senate Bill 37 was introduced. This bill turned into Senate Bill 218. The bill would require ordained ministers of religion to become a mandated reporter. On April 1, 2019 this bill crossed over to the House of Representatives who referred the bill to the Committee on Federal and State Affairs.

Kansas may still pass a law requiring a duly ordained minister of religion to report abuse. There is a section of this bill that gives the clergy a way out of reporting, the "penitential communication." A "penitential communication" means any communication between a penitent and a regular or duly ordained minister of religion which the penitent intends shall be kept secret and confidential and which pertains to advice or assistance in determining or discharging the penitent's moral obligations, or to obtaining God's mercy or forgiveness for past culpable conduct. As of the publication of this report, no

law existed in Kansas mandating Catholic Clergy or any religious clergy to report sexual abuse unless the abuse occurs in a school, as teachers remain mandated reporters.

Many of the victims of clergy abuse continue to struggle with emotional and psychological trauma due to the abuse they endured. Many of the victims grew up in devout Catholic homes where the church was a special and integral part of their lives. The priests in the parishes were viewed as representatives of God. Many times the predator priests ingratiated themselves with the family of the victim to gain access to them through their ties with the family.

The damages to the victims follow a familiar pattern. Victims become confused about their relationship with God, with the church, and with their own sexuality. The victims can act out in harmful ways and they may suffer guilt over what happened. This may also strain their own family relationships. The family and the church may no longer be sources of support and strength, rather, they may be viewed as instruments through which they were abused.

In many cases, the victims reached out to the diocese for help with the situation but were ignored. Even worse, many leaders within the diocese took the stand that sexual abuse by priests never occurred and there were no problem priests. This attitude was not conducive for the victims to obtain the help they needed. Any other mandated reporter would have had an obligation to the victims to come forward with the information. In some cases, instead of reporting the crimes to law enforcement or child protective services, the Church officials chose concealment instead of the interests of the victims and justice.

This policy goes back to 1962, and comes from the Vatican's own policy. The document, often referred to as *Crimen Sollicitationis*, emphasizes secrecy in investigating matters such as child sexual abuse. It was not until May 2001, that the Catholic Church would acknowledge there had been priests accused of sexual abuse. The common thread throughout the Catholic Church, prior to 2001, was to intentionally cover-up the allegations and keep them enshrouded in secrecy to comply with Canon Law, which emphasizes to not cause a scandal within the Church.

Canon Laws were first created in 1917. Since 1917, the Catholic Church has dealt with accusations against priests for sexual abuse of children through rules that barred priests from soliciting sex when they were in the confessional. If priests, when taking a confession, solicited sex, they were viewed as having committed a particularly egregious sin. The confessional is a sacred space and confession a sacred act.

There was more concern toward the priest sinning rather than the abuse being perpetrated against another. The 1917 code did not have any canons that dealt with sex abuse outside the confessional or the sexual abuse of minors.

In 1922, the pope issued a set of guidelines or instructions. It attempted to deal with cases in which the priest did not directly solicit sex during confession. Clerical sex

abuse of minors was a crime if the act was somehow associated with the sacrament of confession. The instruction was reissued by Pope John XXIII 40 years later, in 1962. The instruction was not officially incorporated into the Code of Canon Law, nor widely circulated.

From 1922 onward, investigations of Catholic Clergy suspected of sexually abusing children were to be cloaked in secrecy. This limited bishops from reporting cases to the police, or even to parishioners.

Finally, in the 1983 Code of Canon Law, child sexual abuse was listed as a crime within the canon laws regarding clergyman violating their obligation to abstain from sex. The new code gave the Vatican extensive control over the fate of accused clergy.

Canons about avoiding scandal compound the secrecy issue. It is considered a sin and a violation of Canon Law to do anything that would cause a scandal to the faithful by leading them into sin or to question their faith. Therefore, if a bishop were to make known a priest was sexually abusing children in his diocese, the bishop and the priest would be guilty under Canon Law of causing a scandal. The reason is because this information may cause Catholics to question their faith. (Information from "The Conversation" article by Carolyn Warner)

The Roman Catholic Church is guided by rules and standards collectively referred to as Canon Laws. "Two major compilations have been made in the Church's history, Gratian's Decree, assembled about A.D. 1140 by the Italian Camaldolese monk Gratian, and the Code of Canon Law, promulgated by Pope Benedict XV in 1917 and effective on Pentecost, May 19, 1918. A new Code of Canon Law was promulgated on January 25, 1983, by Blessed Pope John Paul II."³ Canon law is designed to regulate and standardize official church activities, but also provide direction to Catholics towards furthering the mission of the church.

According to Catholic writings reviewed by the CCTF, the following Canon Laws guided the Bishops' actions regarding sexual abuse allegations against clergy.

This list of Canon Laws adhered to by the Catholic Church are relevant to the scope of this investigation, and the concealment of sexual abuse include:

Canon 127 ...

§3. All whose consent or counsel is required are obliged to offer their opinion sincerely and, if the gravity of the affair requires it, to observe secrecy diligently; moreover, the superior can insist upon this obligation.

Canon 471: All those who are admitted to offices in the curia must:

§1. Promise to fulfill their function faithfully according to the manner determined by law or by the bishop.

§2. Observe secrecy with the limits and according to the manner determined by law or by the bishop.

Canon 1455:

§1. Judges and tribunal personnel are always bound to observe secrecy of office in a penal trial, as well as in a contentious trial if the revelation of some procedural act could bring disadvantage to the parties.

§2. They are also always bound to observe secrecy concerning the discussion among the judges in a collegiate tribunal before the sentence is passed and concerning the various votes and opinions expressed there, without prejudice to the prescript of Canon 1609, §4.

§3. Whenever the nature of the case or the proofs is such that disclosure of the acts or proofs will endanger the reputation of others, provide opportunity for discord, or give rise to scandal or some other disadvantage, the judge can bind the witnesses, the experts, the parties, and their advocates or procurators by oath to observe secrecy.

Although not in Canon Law, in the continuance to avoid public scandal, priests can enact "Mental Reservation". Mental Reservation is a concept developed and much discussed over the centuries, which permits a churchman knowingly to convey a misleading impression to another person without being guilty of lying. "Mental Reservation" means if a priest lies to protect the church, then it is not considered a lie.

The avoidance of public scandal, the maintenance of the reputation of the Catholic Church, and the loyalty to priests largely determined the responses of Catholic Church hierarchy when allegations of child sexual abuse arose. In addition, those complaints of child sexual abuse were not reported to police or other civil authorities.

The sexual abuse of parishioners by Catholic clergy, whether adults or children, is not new to the Catholic Church. Since the church chose silence and secrecy, through the Canon Laws, it created an atmosphere where sexual abuse perpetuated into a systemic problem. Because of these practices, the lives of children, adults, priests, bishops, and the credibility of the Catholic Church, has been significantly damaged. The failure of the hierarchy of the Catholic Church to manage offending priests and provide support to victims has harmed the victims unimaginably.

In many cases, Bishops failed to protect their parishioners, both children and adults. Those bishops who cooperated in keeping the secrets of offending priests, further enabled the continuation of the abuse. When abuse is brought forth and dealt with, the abuse fades. In addition, when the victims of sexual abuse hear about other victims who have come forward, they too find the courage to also come forward.

Canonical trials of accused priests also present challenges for the victims of sexual abuse. As part of the process they are required to appear before an Independent Review Board (IRB). The IRB is made up of individuals appointed to the board by the

bishop. The victim must answer questions and tell members of the IRB, church hierarchy, and the accused priest (who is also present), what the priest did to him or her. If the bishop chooses to do nothing with the accusation, no Canon Law provisions require him to take action. In addition, if the victim chooses not to show up for the IRB, the accusation is immediately determined to be unsubstantiated. Due to the intimidating and frightening nature of the process, many victims choose to not move forward with their allegations.

³ Catholic Dictionary, 2013, John Hardon, S.J., page 70

Statute of Limitations

A Statute of Limitations is a law that sets the maximum amount of time allowed for prosecution to commence after a crime is committed. In 2013, the statute of limitations (SOL) for the crimes of rape, aggravated indecent liberties with a child, and criminal sodomy was eliminated. However, the elimination of the SOL for those crimes was not enacted retroactively, so for historical crimes, like most of the cases the CCTF investigated, the SOL reverted back to what it was at the time of the crime, which in most instances was only five years. The significance of this is that, absent some other factor or exception to the SOL to consider, the legally allowed time to file criminal charges for most Catholic clergy sexual abuse crimes has passed.

Results

The KBI CCTF reviewed a minimum of 40,000 pages of documents provided by the four dioceses and religious orders within the State of Kansas. That does not include the Society of St. Pius X, who the KBI is still investigating.

Because of our society's situational awareness of child sexual abuse and the changes made within the Catholic Church, the number of instances of child sexual abuse, or any abuse by clergy members, have declined. In addition, the Catholic Church is now more willing to cooperate with investigations into this type of conduct instead of hiding the allegations and moving the offending priest to another parish or diocese after sending them to counseling.

A person's religious beliefs and good faith can and has been used to manipulate and exploit those individuals. This applies to not only the victim but also the victim's family. It seems the Catholic Church has started to recognize the great power religious beliefs can have over people, especially children. Sexually motivated offenders often use their close relationship to a victim and any authority over them as tools to perpetuate their abuse. Predatory priests are no different. These two elements help explain why so many victims, who were abused during childhood, remained silent and did not come forward until many years later.

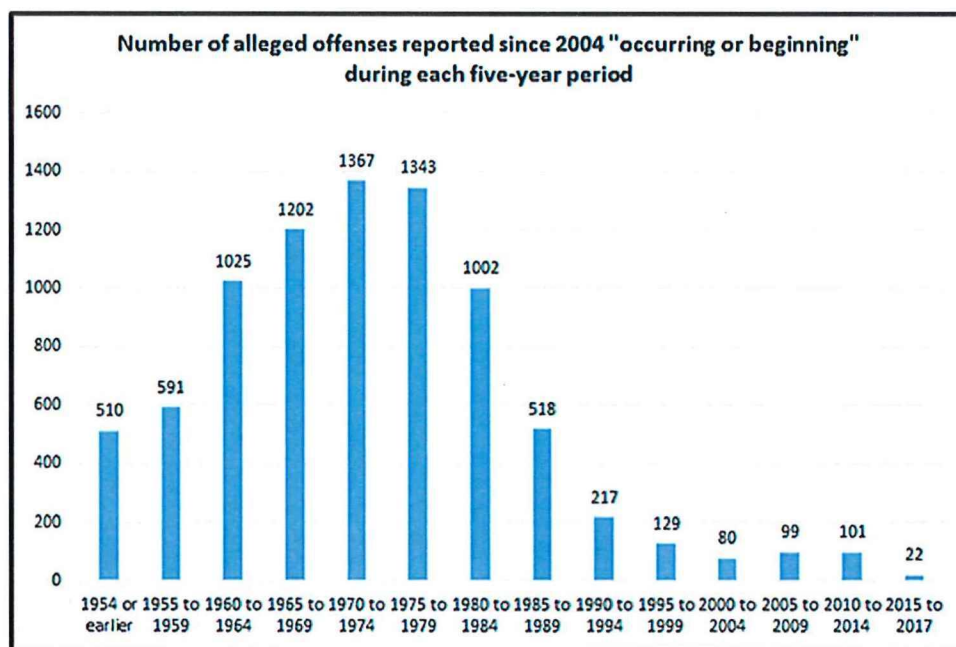
The Church seems to be taking steps to correct some of its actions from the past. However, there are still measures that should be taken. It was more than 15 years ago the bishops ordered the creation of "lay review boards" in each American diocese. The

lay review boards were charged with investigating accusations of sexual abuse by priests.

Additionally, some dioceses in the country have formed multidisciplinary teams to review diocesan policies and make improvements in dealing with victims and investigations. They have also developed training programs to help victims and survivors tell their stories. Beginning on April 26, 2017, the Church declared an annual day of prayer for the protection of children.

These are positive steps by the Catholic Church. However, the church must show it has a zero tolerance policy for any sexual abuse within the church. Everyone, but especially children, should feel safe and sheltered within their house of worship and with those employed or associated within the church.

The following graph indicates the decline of sexual abuse by the Catholic Clergy. The graph is the number of alleged offenses reported to the Catholic Church as a whole from 1954 through 2017. The numbers provided within the graph were from numbers collected by the Center for Applied Research in the Apostolate (CARA).



The CCTF presented 30 affidavits to prosecutors around the State of Kansas and one in Oklahoma. At this time, no prosecutor has charged any of the priests named within the affidavits. A number of those affidavits were for different victims of the same priest. The

reasons why prosecution was declined have varied, but the one reason stated by all prosecutors was that the statute of limitations had expired. Other reasons include a lack of victim cooperation, medical issues of the offending priest, or insufficient corroborative evidence of the crime.

The criminal investigative case files contain all the pertinent information regarding each investigation. This summary report was produced with care to redact the names of victims and their families.

Unfortunately, there will always be people who sexually abuse children, whether in society or within the Church. However, it is rightfully more egregious when a priest, who is in a position of authority within the Church, who vows to be celibate and is held as a model of holiness, then abuses a child.

Priests often used their position of authority over victims to discourage reporting the abuse. Several victims relayed accounts of being told that what was happening to them was okay because he was a priest. At least one victim reported being told by his offender that if he told anyone he would go to hell.

The traumatic and long lasting impact of sexual abuse is unimaginable and likely underestimated by many. It is often unforgivable by those who endured it. When our agents spoke to the victims of clergy abuse, they learned how even abuse that occurred 40 or 50 years ago can still be a very fresh wound.

This report is dedicated to each of the victims and their families.

APPENDIX A
KANSAS BUREAU OF INVESTIGATION
CATHOLIC CLERGY SEXUAL ABUSE TASK FORCE
HIGHLIGHTS

November 15, 2018: The AG assigned the KBI to investigate sexual abuse by the Catholic Clergy at the request of Archbishop Joseph Naumann.

January 28, 2019: The KBI Catholic Clergy Task Force created with 6 Special Agents and 1 Special Agent in Charge.

Scope of the investigation within Kansas: Archdiocese of Kansas City; Catholic Diocese of Dodge City; Catholic Diocese of Salina; Catholic Diocese of Wichita

- ✓ NOTE: Society of Saint Pius X (SSPX) added in March, 2019
- ✓ Investigation included out-of-state based sub-sets that operate within Kansas dioceses, such as the Capuchin Order.

Tips/Leads received: 224

Criminal cases opened by CCTF: 125

Probable Cause Affidavits presented: 30

Offenses considered for charging: Agg. Criminal Sodomy; Rape; Agg. Indecent Liberties with a Child; Indecent Liberties with a Child; Agg. Sexual Battery; Sexual Battery; Abuse of a Child; Unlawful Sexual Relations

- ✓ NOTE: Several of the above listed crimes (e.g. Rape, Agg. Indecent Liberties with a Child, Sodomy) currently have no statute of limitations. However, prior to 2013 they did. The majority of the crimes KBI identified occurred when the SOL was 5 years.

Number of pages reviewed: 41,265 (+)

Victims interviewed: 137

Total number of victims identified: 400+

- ✓ NOTE: From all records reviewed since 1950 and identified during the investigation as possible additional victims. In some cases the information could not be corroborated and in some cases the victim's identity could not be confirmed.

Catholic Clergy investigated: 188

- ✓ NOTE: Individual clergy members from all 4 dioceses and the Capuchin Province (not all of those investigated have credible allegations or their records were not available from a diocese.)