OFFICE OF THE CHANCELLOR FOR CANONICAL AFFAIRS

ARCHDIOCESE OF SAINT PAUL & MINNEAPOLIS

MEMORANDUM

Date: February 4, 2012

To: The Most Reverend John C. Nienstedt

From: Jennifer Haselberger

Re: Reverend Jonathan Shelley

Archbishop,

I know that the CAB has been asked to look into the question of a future assignment for Father Shelley. However, prior to the CAB making any recommendations, both Andy and I feel strongly that the Clergy Review Board should be consulted.

You will recall that Father Shelley's current assignment as administrator (2008) was made on the condition that he adhere to a support and accountability plan administered through the Office of Priestly Life and Ministry. With Father Tiffany's illness and departure from the office, Father Shelley has been without supervision.

Your decision to appoint Father Shelley in this matter was based on a psychological report conducted by Jay McNamara. This report focused on leadership issues in Father Shelley's previous assignments. Therefore, the support and accountability plan was focused on developing leadership skills in Father Shelley.

What was only briefly alluded to in the report is Father Shelley's misconduct, which was discovered in 2004. The reason that this was not given more attention in 2008 only became clear recently. For, while there is reference to the misconduct in Father Shelley's green personnel file, the detailed information relating to the misconduct, including the investigator's report, was one of 48 'restricted files' that were archived (meaning moved to the basement without reference to it being placed in the personnel files) in the early months of 2008. Therefore, when you were making the decision to appoint Father Shelley in 2008, neither you nor the staff advising you was aware that additional information existed. We have only recently 'discovered' these archived files. I have attached the list of files that were moved to the archives, although we have not been able to locate all of the files on the list.

The reason that I recommend that this matter go before the Clergy Review Board is as follows.

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In 2004, while Father Shelley was assigned to St Jude of the Lake, Father Shelley's personal laptop computer (one of three) was mistakenly donated to a parishioner during a parish 'garage sale'. The parishioner attempted to install games for his children to use, and found pornographic images on the computer. The parishioner reported the matter to the Archdiocese, and provided Chancery staff with the computer. The Archdiocese then ordered an investigation and computer analysis be done on the machine. The Archdiocese also requested that Father Shelley allow them to conduct a similar analysis on his other two personal computers. When he received that request, Father Shelley immediately destroyed one of the computers, and while he initially indicated he would permit an analysis of the third computer, he changed his mind and never provided the Archdiocese with access to it.

After completing the computer analysis and investigation, the investigator reported:

> 'Many of the homosexual pornographic images viewed by this investigator and the computer analyst could be considered borderline illegal, because of the youthful looking male image'.

The report of the computer analyst indicates that searches for pornography on the internet included use of search terms such as 'free naked boy pictures'. The investigator and the analyst also concluded that 'there is no credible evidence to support the claim that person(s) other than Father Shelley accessed, downloaded, or viewed the approximate 2300 adult sites/images', and 'there is sufficient reason to believe that the computer hard drive which Mr. Terus [parishioner] turned over to the investigator had been used exclusively by Father Shelley'.

These latter points are significant in that Father Shelley's claim throughout the investigation, and when he was sent for evaluation to Saint Luke's Institute, was that the computer had been used by another man who was living with Father Shelley, and who had admitted to Father Shelley that he used internet pornography.

Archbishop, I am attaching the copy of our September 23, 2004, letter of referral to SLI, as well as their report, to this memo. However, please note that the SLI report is dated October 14, 2004, while the report of the computer analyst is October 15, 2004, and the investigator's report is dated October 21, 2004. In other words, our referral to SLI and their report back was completed before the computer itself had been examined and the report received. The statement in the letter of referral that 'this assessment is not occasioned by any known illegal activity' was, in retrospect, premature. Father Shelley has not been assessed by SLI since the computer was determined to have images that were borderline illegal.

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The Church, and civil law, considers accessing pornographic images of minors to be equivalent to the sexual abuse of a minor. Therefore, credible accusations that a cleric has accessed child pornography are to be reported to the Congregation for the Doctrine of the Faith. Obviously, this was not done in 2004, and, in fact, Father Shelley was almost immediately reassigned to parochial ministry. You will recall that this has not been without problems, including the fact that Father Shelley had a 18yr old male living in the rectory of St John the Baptist in 2009.

However, now that you have access to the information that was recently recovered (including DVDs of the material that was found on the computer) I think there is a great risk associated with reassigning Father Shelley. In fact, prior to doing so, I would recommend the following actions:

1. Collecting all of the personal computers/laptops that Father Shelley is using at this time and sending them for similar analysis. If the SLI report is correct and Father Shelley has 'an ongoing problem with compulsive sexual behavior in his internet pornography use', it is very likely that this use will have continued, since Father Shelley never received treatment to address this.
2. Based on the results of the above, send Father Shelley for a second evaluation at SLI, providing them with the information discovered during both analyses and without setting limitations on their assessment or report.
3. Send all of the information on Father Shelley to the Clergy Review Board for its review and recommendation.
4. Depending on the results of the computer analysis and the second SLI evaluation, you may want to consider referring this matter to the Congregation for the Doctrine of the Faith.

I shared this information with Father Laird last July when the question arose as to whether Father Shelley would be made pastor of the merged parishes in Centerville. However, with your recent request to the CAB that they consider a new assignment for him, I thought it was important to bring this to your attention as soon as possible.

Thank you.

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