

Audit of the Capuchin Province of Mid-America (aka Province of St. Conrad)

March 1, 2019

Introduction

The Capuchin Order is a religious order of men in the Roman Catholic Church. It is one of several related orders that follow the example of St. Francis of Assisi. Capuchins profess to emulate St. Francis and to animate their mission, ministries and religious life with the “charism” of St. Francis, meaning St. Francis’ special qualities and virtues and influences that characterized his unique Christian religious expression.

Following the example of St. Francis, the Capuchins seek to create a community of equals in which the message of Christ is brought to others, especially poor and marginalized people. They profess to have a particular affinity for and a stewardship of all the creatures and the environment of God’s creation. They minister in hospitals, soup kitchens, schools, parishes and in the mission fields.

The Capuchin Order has various subdivisions called “Provinces” throughout the world. On April 12, 1977, the Pennsylvania Province of St. Augustine was divided into “two separate and independent provinces,” one remaining the Pennsylvania Province of St. Augustine and the other newly organized Capuchin Province of Mid-America (referred to in this report by their common name, the Capuchin Province of St. Conrad, or simply, the Province). The territory of the Capuchin Province of St. Conrad comprises the States of Colorado, Kansas and Missouri and the Diocese of Belleville, Peoria and Springfield, each in the State of Illinois. The Province also has two houses outside of its jurisdiction in San Antonio, Texas. The Province of St. Conrad does not own or run large outreaches to the poor and homeless. Rather, the friars serve simply in those ministries already caring for the neediest among them.

Origins and Scope of the Audit

In 2018, the current Provincial Minister, Fr. Christopher Popravak, and the Provincial Council commissioned a comprehensive independent audit of the Province’s personnel files, and other documents and materials. The purpose of the audit was to have an independent group determine how many and which members of the Province were alleged or credibly determined to have had sexually abused minors and vulnerable adults. Another purpose of the audit was to determine how the Province had responded to reports of sexual abuse and what they did with members who were credibly alleged to have or found to have abused. A friar may be either a cleric or a lay member, permanently professed or temporarily professed. Non-professed men in formation are not referred to as friars. For the sake of this audit, all professed friars and non-professed men in formation will be referred to collectively as members of the Province.

The Provincial Minister and Provincial Council decided that the validity of the audit and report depended in part on the experience and knowledge of the persons chosen as auditors. They selected three persons who are not affiliated with the Province. The independent audit team commissioned by the Province consisted of Amy Peterson, Dr. James Freiburger, and Dr. James Reynolds. Amy Peterson is the director of pastoral care and conciliation for the Capuchin Province of St. Joseph, and has 14 years of experience advocating in the area of creating and

maintaining safe environments within Catholic entities. Dr. Freiburger is a clinical psychologist with over 25 years of experience consulting with religious entities and working with both victims and perpetrators of abuse in religious and non-religious settings. Dr. James Reynolds is a forensic psychologist in private practice with over 25 years of experience working primarily in correctional, inpatient, and outpatient settings with persons who have committed sexual offenses.

The audit included a forensic review of the personnel files of the members. Files included:

1. Current permanently professed members (in life-long vows)
2. Current temporarily professed members (men in formation in temporary vows)
3. Current non-professed members (non-vowed men in the first two years of formation)
4. Former professed members (dismissed/left the Order)
5. Former non-professed members
6. Deceased members
7. Visiting members (Members from other jurisdictions who were in the St. Conrad Province temporarily for educational purposes or pastoral assignments. In the early years of its establishment, the Province did not have access to files of most of the visiting friars and, therefore, a review of those files was not possible.)

It also included review and analysis of other relevant documents, including:

1. Safe Environment policies and procedures
2. Safety Plans of restricted members
3. Archived media and correspondence
4. Independent Review Board Minutes, after this will be referred to as the IRB
5. Provincial Council Minutes

The Auditors also reviewed files at the Archdiocese of Denver which pertained to the personnel files of the Capuchin Province of St. Conrad.

In addition, the audit included interviews with members of the Province who may have had relevant institutional or historical knowledge about matters related to sexual abuse in the Province but which may not otherwise be contained in documents. Those interviewed included:

1. Provincial Minister: Fr. Christopher Popravak
2. Safe Environment Coordinator: Jason Faris
3. Two former Provincial Ministers: Fr. Michael Scully and Fr. Charles Polifka

The evaluators also made themselves available in person or by phone or electronic correspondence to all current members to share information, comments, criticisms, knowledge, or experiences related to the scope of the audit. In addition, Fr. Popravak afforded an opportunity for all members of the Province to speak with the auditors.

The audit did not include a review of employee and volunteer files, as these files and their governance falls under federal and state law. If any of the auditors would have become aware or privy of an allegation within the scope of the audit against an employee or volunteer, this would have triggered a separate investigation. None were reported or brought forward to the auditors.

The auditors wish to give special thanks to Fr. Christopher Popravak for his courage and leadership initiating this process of transparency, openness, and accountability. Thanks also to Fr. John Celichowski, former Provincial Minister of the St. Joseph Province, and the St. Joseph's Province for sharing their own previous audit experiences and for their collaboration with Fr. Popravak. This groundwork and collaboration greatly aided and informed this process.

Purposes and Methodologies of Audit

For the purposes of this audit, “credible” means an opinion arising from an administrative investigation, which found it more likely than not that the alleged abuse had occurred. Also for purposes of this audit, a minor is any person under age 18 and a vulnerable adult is a person 18 or older who evidences one or more of the following criteria:

1. Advanced age
2. Developmental disability
3. Mental illness
4. Physical disability
5. Requires supervision or personal care
6. Lacks the personal and social skills to live independently
7. Susceptible to the power differential of religious position and/or status

For the purposes of this audit, an allegation was found to be credible by one or both of the following:

1. The friars own admission
2. A criminal or internal administrative investigation

The absence of evidence in a sexual abuse claim does not mean that abuse did not occur. It may mean that there was lack of evidence or inadequate investigation or documentation. If a claim was not investigated, because of a statute of limitations or otherwise, it does not mean that there was

no abuse. It is equally important to note that a reference to or allegation of sexual abuse does not necessarily mean that sexual abuse occurred.

One purpose of the audit is to identify members who may have engaged in sexually inappropriate/criminal behaviors against minors and vulnerable adults or who may have manipulated or exploited another for sexual gratification. Another purpose of the audit is to assess the efficacy of measures undertaken by the Province to address incidents and claims of the criminal sexual abuse of minors or vulnerable adults. Effectively responding to credible allegations helps to prevent future acts of sexually inappropriate/criminal behaviors by ensuring that implicated members are restricted from ministry and Safety Plan measures are applied. Conversely, ineffective responses may unintentionally increase risk of members presenting a heightened risk for re-offending.

Relatedly, a critical purpose of the audit is to promote effective prevention and risk control practices. The audit is not intended to needlessly embarrass people or to invade personal privacy; nor is it intended to interfere with fraternal relationships or with members whose ecclesiastical status or other circumstances are related to behaviors that are not criminal or dangerous but which may be of concern to themselves or the Province.

The auditors honored all valid privacy and confidential rights and duties. The access to components of this audit is circumscribed by law, and was done in compliance with HIPAA and other state and privacy laws, applicable canonical restrictions, and other legal rights and protections. The audit proceeded in a manner that was objective, respectful, and sensitive to the personal and privacy interests of the members and all involved.

The auditors sought out information including allegations of sexual abuse and boundary violations and other behaviors that may include potential abuse or increase the risk of sexual abuse of minors or vulnerable adults. If information was deemed credible that sexual abuse of a minor or vulnerable adult occurred and had not been previously reported to civil authorities, recommendations included reporting the incident or incidents.

If information suggests that a member currently in ministry may have committed sexual abuse of a minor or vulnerable adult and that the matter was not investigated, the Province will proceed as outlined in its applicable policies and procedures. The audit report will be comprised only of information that reflects upon sexually inappropriate/criminal behaviors toward minors and vulnerable adults, and the report will protect the identities of victims.

Audit Findings

Part of the process consisted of a complete review of the members' personnel files retained by the Province. The auditors reviewed a total of 226 personnel files:

1. 49 files of current permanently professed members
2. 9 files of current professed members from other jurisdictions
3. 8 files of current temporarily professed members

4. 4 files of current non-professed members
5. 40 files of members who died as members of the Province
6. 38 files of former professed members of the Province
7. 65 files of former non-professed members of the Province
8. 13 files of former members of other jurisdictions visiting from other areas
9. Files at the Archdiocese of Denver which pertained to the personnel files of the Capuchin Province of St. Conrad

For current professed members of the Province the auditors found:

Allegations of sexual abuse of a minor or vulnerable adult against 6 members were found to be credible.

- Allegations have been made against 7 of the current professed members.
- Allegations against 1 member was found to be not credible.
- Credible allegations against 5 members involved sexually inappropriate/criminal behaviors toward victims who were minors.
- Credible allegations against 1 member involved sexually inappropriate/criminal behaviors toward a vulnerable adult.

For current non-professed members of the Province the auditors found:

There are no allegations made against those persons.

For deceased members of the Province the auditors found:

Allegations were found to be credible against 2 members and not credible against 2 other members.

- Allegations of sexually inappropriate/criminal conduct were made against 4 of the 40 members now deceased.

For the former members the auditors found:

Allegations were found to be credible against 5 former members.

- Allegations were made against 6 of the 38 former professed members.
- Allegations were found to be not credible against 1 former member.

No allegations were made against former non-professed members of the Province.

No allegations were made against members visiting the Province from other jurisdictions.

Overall, the auditors found that:

During the period reviewed, allegations were made against 17 members or former members of the Province. Allegations were found to be credible in the case of 13 members or former members. Allegations were found to be not credible in the case of 4 members or former members.

When the audit began, 5 members were restricted in ministry and under Safety Plans. One member restricted in ministry involved sexual misconduct with adults. During the course of the audit process one additional member was identified as being subject to the USCCB's *Charter for the Protection of Children and Youth*.

The auditors found a positive progression and evolution in the documentation of reporting historic allegations to civil authorities (historic meaning an adult reporting abuse that occurred when they were a minor). Although members may have been sanctioned, documentation of reporting to law enforcement of historic allegations was less thorough, consistent with the progression of mandates and expectations related to the USCCB's *Charter for the Protection of Children and Youth*.

Documentation has more recently been included in the files indicating law enforcement has been contacted when allegations were received. The documentation of notification was done by case note and most recently by letter.

Note: Review of allegations showed all of the allegations were historic in nature.

The following list includes all of the members found to have had credible allegations of sexually inappropriate/criminal behaviors against minors or vulnerable adults:

*The names of members with allegations that were not deemed credible are not included on this list.

Minors

Alive

Bennett Colucci
Ronald Gilardi
David Gottschalk
Julian Haas
Felix Shinsky

Deceased

Gregory Beyer
Thaddeus Posey

Former

David Jones
Finian Meis (deceased)
Benignus Scarry

Daniel Schartz
Charles Wolfe

Vulnerable Adults
Matthew Gross

Review of Provincial Council Minutes, Independent Review Board Minutes (IRB), Safe Environment Policy and Procedures, and Safety Plans

The auditors reviewed Provincial Council minutes from 1977, when the Province was established, to present. The review of the Council minutes demonstrated the progression of attention to detail and inclusion of findings into the documents. The minutes reviewed prior to 2004 reflected a higher level of confidentiality and paucity of detail. In the period of time between 2004 and 2013, the minutes demonstrated an increase in including safe environment and CMSM standards.

Following 2013, the auditors found a marked increase in specific references to safe environment practices and policies, improved documentation regarding allegations of those who committed sexual offenses, and sharing information with the Province's leadership team. The auditors also found a progression of detail including increased attention to issues related to training, starting in 2004 and continuing to present.

The review of IRB minutes indicated that a lay review board formed shortly after the USCCB's *Charter for the Protection of Children and Youth* was created in 2002, and met regularly from its formation to the present. The function of the Review Board appeared to change by way of note review over time, evolving from interviewing alleged victims and accused members, and conducting direct investigations itself, to providing a more consultative role to the Provincial Minister. The hiring of the Safe Environment Coordinator in June of 2015 contributed greatly to the change in the evolution and functioning of the IRB.

The auditors' review of the Province's Safe Environment Policy and Procedures, revised April of 2018, reveals that the Province was first accredited by Praesidium in 2006, and has subsequently been re-accredited since that time, most recently in 2017/2018. The auditors noted that the policies and procedures are consistent with and reflect current CMSM Standards for Hope and Healing.

The auditors reviewed the 5 active Safety Plans and consulted with the current Provincial Minister and the Safe Environment Coordinator. All of the Safety Plan files were confidentially maintained in the Safe Environment Coordinator's office and were consistent with the current 2018 policies and procedures. The Safety Plans appeared comprehensive, applicable, and clinically appropriate.

No significant areas of concern were noted. Auditors did note that in the Safe Environment Policies and Procedures, and in the Safety/Restriction Plans, there are occasions in which members under restriction may be given permission to wear the habit in public. As the public may not make the distinction between the habit and clerical garb, this may unintentionally place the member at risk of violating conditions set forth in his individual Safety Plan.

Interviews with former Provincial Ministers

Two former Provincial Ministers were interviewed as part of the audit process. They confirmed the identities of those members with credible allegations. For the purpose of the audit, no new allegations of sexual abuse of a minor or adult were reported.

The Auditors' Recommendations

1. A list of old unreported allegations be compiled for each jurisdiction and sent to the appropriate district attorney. The auditors recommend that the notice be in letter form and that the documentation be kept in the Safe Environment Coordinator's Office. The auditors noted that the most recent allegation received by the Province was reported in letter form. This action was commended and encouraged.
2. The Province has created a lay position for Safe Environment Coordinator. The auditors discovered the positive impact this has had on the Province's prevention and response to sexual abuse of minors and vulnerable adults. The auditors recommend that the Province maintain the office and that it be staffed by a non-member of the Province.
3. Information in this report, along with an allegation flow sheet, be shared with any newly elected leader of the Province.
4. Adequate maintenance of files is critical, and this has improved greatly with the work of the Safe Environment Coordinator where allegations of sexual misconduct have occurred. A mandatory review of the personnel file for any new assignment should occur.
5. Continue to use the Province's Independent Review Board in their advisory capacity and not as an investigative body. It appears that this shift occurred in 2017 and should continue.
6. The audit report and supporting documentation be placed in the Safe Environment Coordinator's or Provincial Minister's office and kept as a permanent record.
7. If the Province decides to make any information in this report available to the public, pastoral and other support should be offered to those who may be impacted by such an action. To this end, any public document should include a contact name and telephone number/e-mail address for anyone who may wish to contact the Order in response to the report.
8. Consultation should include the lay professionals from the Province's Independent Review Board and in the Safe Environment Coordinator position regarding the review of allegations and Safety Plans.
9. Lay professionals could also be consulted with and utilized by the Admissions Board and the Formation Team.
10. For members who have historical allegations made against them that were found to be credible, the Safe Environment Coordinator and/or Provincial Minister should take steps to ensure current, accurate, and comprehensive knowledge about risk and treatment occurs in order to ensure the safety of those they minister to.