

**OVERVIEW AND ANALYSIS OF FILES PROVIDED BY THE
ARCHDIOCESE OF LOUISVILLE**

February 6, 2019

INTRODUCTION

The Archdiocese of Louisville engaged my services to review various diocesan priest personnel files and victim/survivor ¹files which were associated with reports of child sexual abuse as well as policies and procedures for responding to reports of child sexual abuse. The process included reviewing individual files (both part of the 2004 master settlement and others), the pamphlet "Restoring the Trust: The Sexual Abuse Policies of the Archdiocese of Louisville," documents associated with the master settlement of the class group reached in 2004; the 2018 Safe Environment Audit; and other relevant documents. This preliminary report is being submitted to the Archdiocese of Louisville Sexual Abuse Review Board.

The purpose of the review was to have someone with experience in criminal investigations and prosecutions on the local, state and federal level examine the archdiocesan response to priest sexual abuse reports; identify any legal and/or procedural issues; and make any other observations/recommendations that might increase the effectiveness of the response and increase victim's and accused's trust in the process. The files were placed in my custody, and securely maintained in an office provided to me at The Archdiocese of Louisville Pastoral Center.

¹The term "victim/survivor" was chosen to identify anyone who made a report of child sexual abuse to the Archdiocese of Louisville. The term may not be adequate in all situations. It was chosen in the hope that it respectfully identifies the majority of individuals in that group.

Victim/survivor files for each priest were examined first to understand the accusations against the priest. The priest files were then reviewed with initial consideration being given to any laicization packets.² Finally, the priest personnel files were examined for any references to child sexual abuse.

Over 400 files were provided for review and analysis. The files included priest personnel files and victim/survivor files. Thousands of individual documents were reviewed and analyzed. The priest personnel files consisted of one, two or three volumes depending on the file. Priests who were dismissed from the clergy or restricted to a life of prayer and penance always had a separate packet containing the documentation submitted to the Vatican, and the results of that process. A total of twelve former priests comprise the dismissed, laicized, or restricted to prayer and penance. Eight priests were criminally prosecuted. Approximately eight other reports were investigated by the police and closed without arrest or prosecution.

PRIEST FILES

Documents in the priest files range in dates from 1930s to 2018.

The Archbishops responsible for the Archdiocese of Louisville during this time period are listed below:

Archbishop John A. Floersh
1924-1967

Archbishop Thomas J. McDonough
1967-1982

²Laicization is the canonical term used to define the return to the lay state requested by the priest.

Archbishop Thomas C. Kelly
1982-2007

Archbishop Joseph E. Kurtz
2007 to Present

In a handful of files, a missing report or document³ was identified. Duplication of records was the vastly more dominant feature of the files, sometimes suggesting that separate files on a priest had been merged at some time.

The priest personnel files generally contained the following: documents regarding their ordination, appointment to various assignments, the Personnel Committee forms, continuing education documents, sabbatical information, insurance documentation, health records, financial and payroll records, evaluations, wills and other probate type documents, correspondence, notes, emails, letters of concern and complimentary letters from parishioners. Documents related to a report of child sexual abuse and steps taken to address the report, including psychological assessments, treatment records and other documents were included in some files.

More recent file documentation, after 2002, also included criminal history checks, safe environment workshops/Code of Conduct acknowledgments, Archdiocese of Louisville Sexual Review Board (Sexual Abuse Review Board) documents, and communications between the Archbishop and affected priests and parishes.

It should also be noted that the vast majority of these files have previously been disclosed to either the Jefferson County Commonwealth Attorney's Office or to civil

³This was based on a reference to the missing document in the file itself.

Attorneys representing plaintiffs in various civil lawsuits.⁴ Priest personnel files were also provided to prosecutors in a number of individual prosecutions. (See Commonwealth v. Louis Miller).

Further, several cases generated the most reports and therefore the most documents. For example, Louis Miller, Arthur Wood and Daniel Clark were collectively responsible for over 170 reported cases. James Schook, Joseph Herp and Robert Bowling's files accounted for another roughly 30 reports of child sexual abuse. Around 15 or so priests had only one accuser.⁵

The portion of the priest files dealing with the sexual abuse report was usually minimal compared to the overall file. In some instances, there was little documentation of the abuse and the response; in others, those containing documents after 2002, there was much greater documentation regarding the report and the Archbishop's response.

As a result, it is helpful to analyze the files and the documentation in two groups; pre-2002 and those following enactment of the "Charter for the Protection of Children and Young People" (Charter) in June of 2002.

On June 14, 2002, the United States Conference of Catholic Bishops approved the "Charter for the Protection of Children and Young People". The Charter established zero tolerance of sexual abuse among priests; required reporting of child sexual abuse to authorities; and prescribed a policy of transparency and promoting a safe environment for children. An initial accusation will necessitate removal of a priest from

⁴The Archdiocese responded to a subpoena in June of 2002 requesting all reports of child sexual abuse from 1950 to the present.

⁵Several of these were either dismissed, withdrawn or abandoned in one way or another.

his current assignment, from public ministry and from any unsupervised contact with children. A record of the reported abuse will be made and kept indefinitely. If substantiated, the priest will be removed permanently and members of the priest's parish/school will be notified by the Archbishop's office. (See "Restoring Trust: The Sexual Abuse Policies of the Archdiocese of Louisville").

Further, it is also important to note that perhaps with one exception, the last acts of child sexual abuse reported to the Archdiocese were from the 1980s. Most reports were from the 60s and 70s.

The most recent criminal prosecution of an active priest was against Steve Pohl for possession of child pornography in 2016. His file was instructive on the changes that can be seen in the documented response to a child sexual issue following enactment of The Charter in 2002. He was immediately removed from active ministry. The parish was advised shortly after his removal and a new priest was assigned to the parish. The Archdiocese provided full cooperation to the prosecution authorities. He was laicized in December, 2016.

Currently, there are no pending reports of child sexual abuse involving any priest in active ministry.

PRE-2002 (PRE-CHARTER

PRIEST FILES

These priest files are those containing reports of child sexual abuse received before the Charter took effect in June of 2002. These files contained far fewer documents relating to the report and the Archdiocese's response.

These priest files sometimes contained a reference to the report of the abuse, sometimes in the form of a memo or letter. Of those documents containing a reference to the report of abuse, there was sometimes only a mention of a vaguely worded problem that was being addressed. For example, a 1976 personnel form stated "...my limitations and faults can be controlled." When abuse was documented, there was often an admission of the abuse or some aspect of the abuse by the priest. None of these admissions acknowledged the multiple instances of child sexual abuse that were later reported through the lawsuits. Some files, mostly from pre 1980s, contained no reference to any reports of abuse.

In approximately ten cases from this period, there was a private settlement negotiated between the Archdiocese and an attorney for the victim/survivor. These settlements involved a confidentiality provision. In a few instances, the victim/survivor specifically requested confidentiality. Some of those victim/survivors who had previously entered into confidential settlements were part of the lawsuits filed in 2002. The Archdiocese made no effort to enforce the confidentiality provisions of those agreements.

The response to the report of child sexual abuse usually involved a psychological assessment, and if indicated, ongoing counseling and treatment, and certain restrictions. The reports of the psychological assessments/evaluations seemed to lack the level of testing, detail, and other aspects usually seen in current comprehensive psychological evaluations. When compared to the reports in the later files, a significant difference in quality and depth can be noted in some of the reports. Some of the differences may be

attributed to advances in testing instruments and understanding of characteristics of child sexual abuse.

There has been significant changes in psychological assessment and diagnostic tools both generally and in the area of child sexual abusers since the 70s and 80s. For example, the Diagnostic and Statistical Manual II (DSM-II) for diagnosis for psychiatric disorders was in place in the 1960s and 1970s. In 1980, the Manual was updated to DSM-III. In 1987, it was updated again to the DSM-III-R (revised). After further research and refinement the DSM-5 was published in 2013.

Evaluations were sometimes conducted at out of state facilities experienced in evaluating and treating clergy. Examples include the House of Affirmation and Southdown.

The response was usually focused on the impact on the priest and maintaining confidentiality of the report. Often, there was reference to the priest's otherwise successful ministry and the positive impact he has had on a parish or program. Comments about the victims usually focused on how they might bring scandal to the Church.

A few times during this period the reports were made by an attorney seeking a monetary settlement on behalf of the child victim. Perhaps the more notable documents from this type of case involved Archbishop Thomas Kelly's March 9, 1983, and June 14, 1983, memos regarding a priest's admission that he had sexually molested a 15 year old boy. Based on the law at the time, the incident should have been reported to law enforcement. It is interesting to note that the victim was represented by the then

Jefferson County Attorney and his wife. Also, Kelly's memos appear to have been provided to plaintiffs during civil litigation.⁶

There was a noticeable absence of remorse on behalf of the abuser in any reports or psychological assessment. Perhaps the abuser expressed remorse, and it was not reduced to a document. In any case, the records contain more documentation about embarrassment and confidentiality than about remorse.

VICTIM/SURVIVOR FILES

The Archdiocese did not begin keeping separate files on victim/survivor reports until 2002. The vast majority of these files were those of plaintiffs in the various lawsuits that were combined for group settlement in 2004.

Reports documented in these files are instructive on how abusers were able to gain access to their victims, the type of sexual abuse perpetrated against the child victim, and how the priest manipulated them into continuing the abuse and often times not reporting the sexual abuse. It should be noted that although there are some similarities, each instance of child sexual abuse was unique with each child having his or her own individual vulnerabilities.

Victim/survivor files document reports of sexual abuse at lake houses, on overnight trips or longer vacation trips, at the priest's residence, in the sacristy, at schools and, in a few cases, in or around the confessional and at a hospital. Children were manipulated by the stature of the priest in the parish community as well as by receiving gifts, money, alcohol, cigarettes or some other item of value. Sometimes the

⁶It would also have been provided to the Commonwealth Attorney's Office in 2002.

sexual abuse was part of participating in a church or school activity, such as being an altar boy or playing sports. Many reported being told by the priest not to tell anyone about the abuse, or that the sexual abuse was somehow acceptable as a private matter between them. A majority of victim/survivor files indicate that the abuse was not reported to the Archdiocese or local authorities when it occurred. The vast majority of cases involve adult victim/survivor reporting their childhood sexual abuse decades later.

A number of victim/survivor files indicated that a particular priest's inclination toward abuse was widely known; and that other children knew not to be alone with that particular priest.

Although clearly the minority, a significant number of victim/survivor reports indicate they were told that a report of their abuse was given to a pastor, another priest or someone in authority. Many of those victim/survivors' reports further state that the priest was soon moved to another assignment. With a few exceptions, those reports cannot be found in the priest personnel file.

There is no priest personnel file maintained at the parish to review for any additional information on possible reports. There is no indication in the victim/survivor files that the reports they believed were made to the Archdiocese were reduced to writing.

There remains an unresolved question as to whether a record was made of the report to the Archdiocese, and if so, what happened to that record in the case of several

victim/survivor files. Most, if not all, of these persons to whom a report was believed to have been given are deceased or otherwise incapacitated.

Both the victim/survivor files and the priest personnel files contain documentation indicating certain priests were moved not too long after the report of the child sexual abuse. When the records show this was done based on a complaint, there was almost always a psychological assessment of the priest and a conclusion that the priest did not represent a threat to children. As stated earlier, the assessments at that time were not nearly as detailed as those used today. They relied heavily on the priest's self-report of what, if anything, happened, and his psychological condition. On at least one occasion there were two competing assessments. One said there was a risk of child sexual abuse. A few months later, a different therapist said there was no problem and did not recommend any restrictions.

REPORTING ABUSE TO AUTHORITIES

Currently KRS 620.030 requires reporting to authorities any child abuse a person "knows or has reasonable cause to believe" has occurred. That statute took effect July of 1987. Its predecessor statute, KRS 199.335, was originally enacted on March 19, 1964 and was more limited as to who had a duty to report and what triggered that duty. It generally required physicians to report instances of "serious physical injury." (1964 KY. ACTS ch. 85 §2(1)). It was limited to abuse committed by a parent or other person responsible for his care. This did not include sexual abuse.

In 1972, the law was amended to add "sexual abuse," and expanded those to whom the duty applied to anyone including nurses, teachers, school administrators and

others. (1972 KY. ACTS ch 232 §§ 1-3). It was amended again in 1976 to add chiropractors, dentists, peace officers and others. (1976 KY. ACTS ch. 142, §2(2)).

There is no duty to report child abuse that is learned after the child has become an adult. KRS 620.030 has no application to reports regarding adults who were abused as children. John Doe, Class v. Hon. John W. Potter case No. 03-C-00181 2006-CA-OA (Ky. App. October 27, 2006 at p. 11). Although not required, documents in the files clearly indicate that after 2002 the Archdiocese forwards reports of abuse from adults to law enforcement.

Violations of 620.030 are classified as misdemeanors for the first and second violation. A third violation is punishable as a class D felony.

Through the analysis of the various amendments, it appears clear that the legal duty to report child sexual abuse did not apply to the Archdiocese or anyone else other than perhaps a physician until 1972.

Although there is very little documentation indicating the Archdiocese had received a report of child sexual abuse when the victim was still a child, and there was a good deal of confusion over who had a duty to report what, there are a sufficient number of reports that recall a parent or another adult telling another priest, that the statute was likely violated at some point after 1972. To the extent that some priests were identified as having been told of another priest's abuse, those priests are now deceased.

Several of the files contained references to priest support groups. Two or three of the files indicated that a priest disclosed his sexual abuse of a child to his support

group. It is clear in one instance that a member of that group believed the information received through the group was confidential. These admissions may have been considered a confession on the part of the priests.

Interestingly, for this analysis, KRS 620.030(4) makes an exception to the child abuse reporting requirement for the clergy-penitent privilege. This privilege might have exempted some information in the files from the reporting requirement.

POST 2002 DOCUMENTS/FILES (POST CHARTER)

PRIEST FILES

Documentation in the priest personnel files relating to prevention of sexual abuse of children increased significantly following enactment of the Charter in June of 2002. Pursuant to the provisions of the Charter, criminal history checks, acknowledgment of Safe Environment Training, and receipt of the Archdiocese Code of Conduct are contained in the files. Again, pursuant to the Charter, there is a well established reporting procedure, and the Archdiocese of Louisville Sexual Abuse Review Board is involved in all reported cases.⁷

Charter's required correspondence removing priests from active ministry and letters coordinating a psychological assessment for the priest were found in each file. In the later priest personnel files that were the subject of criminal investigations and prosecutions, there were documents regarding the assistance provided to those entities by Chancellor Reynolds.

⁷For information on the Archdiocese of Louisville's Sexual Abuse Review Board including its role and members, see the Archdiocese website at www.archlou.org.

VICTIM/SURVIVOR FILES

The post-2002 victim/survivor files contain significant documentation regarding providing counseling services. In some instances, these services were provided for a number of years. Several files that indicated that a complaint had been dismissed on procedural grounds contained a later settlement for counseling services.

Some victim/survivor files contained an allegation that for various reasons could not be investigated further. Some files indicated that the victim/survivor either withdrew their complaint or abandoned their claim, or the law enforcement agencies were unable to go further with an investigation. Criminal investigations were sometimes closed because of lack of cooperation of the victim/survivor, statute of limitation issues, or for some other reason. Each file documented both the encouragement and assistance provided to the victim/survivor to contact law enforcement, and the Archdiocese's own actions in referring the matter to the proper law enforcement/prosecution authorities, even if the reported abuse occurred decades ago.

Pastoral services were offered, restrictions where appropriate were imposed on those accused and the culmination of this process was presented to the Sexual Abuse Review Board. The Sexual Abuse Review Board process and results were documented as well. Communication between the Archbishop and the affected priest and parishes is also present in the files from 2002 to present.

**RESTORING TRUST: THE SEXUAL ABUSE
POLICIES OF THE ARCHDIOCESE OF LOUISVILLE**

In response to the sexual abuse of children by priests and others associated with the Church, the United States Conference of Catholic Bishops approved the "Charter for the Protection of Children and Young People" on June 14, 2002. The booklet "Restoring Trust: The Sexual Abuse Policies of the Archdiocese of Louisville" (hereinafter Sexual Abuse Policies) outlines the protections contained in the Charter. It addresses prevention, education, response procedures, victim assistance, background checks, the Sexual Abuse Review Board, the Code of Conduct for Church Personnel, protections when priests travel to or from another diocese, and other areas associated with preventing child sexual abuse.

SEXUAL ABUSE

The Sexual Abuse Policies now require reporting all child sexual abuse cases to law enforcement even though it may not be required by statute. (Sexual Abuse Policies (p. 11)). All reports of child sexual abuse received by the Archdiocese are reported to the Sexual Abuse Review Board. (Id.). The accused is advised of report (Id.).

Supervision of the accused while the investigation is pending is a significant improvement (Id. at p. 12). The accused will also be asked to seek a psychological assessment and release it to the Archdiocese. (Id.).

The Sexual Abuse Policies strike a good balance between the accusers' sometime desire for anonymity and the possible threat to other victims as well as possibly creating an opportunity to assist other victims in appropriate cases (Id. at p. 13). One reported

act of child sexual abuse will require removal from active ministry pending an investigation. Corroborating witnesses will be interviewed. (Id.).

The Sexual Abuse Policies now require maintaining records of reports of child sexual abuse indefinitely (Id. at p. 16). Establishing an indefinite record retention policy will increase confidence in the report documenting process. For a full listing of all policies and procedures regarding child sexual abuse, see the "Restoring Trust" booklet.

In regards to sexual misconduct reports, a similar investigation process is applied. Any witnesses who may either confirm or refute the accusation will be interviewed if possible (Id. at p. 14,20). Again, in regards to reports of sexual misconduct, records will be kept indefinitely (Id. at p. 21).

CODE OF CONDUCT

The Code of Conduct addresses the areas identified in the file analysis that led to opportunities for abuse. For example, never take an overnight trip alone with a minor, a minimum of two adults must always be present during activities for minors, and report any suspected child abuse (sexual, physical, neglect) to the authorities are some of the requirements of the Code of Conduct.

Further, being alone with a minor in a rectory, locker room, dressing facility, etc. should be avoided. Driving alone in a vehicle with a minor should also be avoided. Gifts to minors should be limited.

Both requirements of the Code of Conduct and its prohibitions bear directly on the various circumstances identified in the reports contained in the victim/survivor files that led to the child sexual abuse.

AUDIT

Much like law enforcement accreditation to assure compliance with best practices and legal requirements (i.e. Commission on Accreditation for Law Enforcement Agencies, CALEA), the Archdiocese has been audited by an outside agency on an annual basis. The auditors reviewed the Archdiocese's compliance with "Charter for the Protection of Children and Young People" since 2003. There is an on-site physical audit every third year and a document audit in the intervening years to insure compliance with the provision of the Charter. The auditors found the Archdiocese fully compliant in a September 2, 2018, letter.

CONCLUSION

Significant failures in addressing reported child sexual abuse existed before the Charter. It seems that reports of child sexual abuse were considered more of an unpleasant personnel matter than a serious crime with serious long term affects. Reports were not sufficiently investigated nor fully addressed. Serious priest accountability was lacking. Serious focus on the need of the victim/survivor was likewise lacking.

Although there may have been some confusion on who had a duty to report information on child sexual abuse to authorities, and some confusion on the impact of the clergy-penitent privilege, the number of memories of reports being given to a priest, pastor or someone at the Archdiocese, suggests that there were cases that should have been reported.

Psychological assessments were limited, and relied too heavily on the history provided by the priest. From the documents, it appears that almost all of the priests were not forthcoming with the Archdiocese, their peers, their psychological evaluators and others. In one instance recorded in the assessment, the priest failed to report a second act of sexual abuse until the evaluator specifically questioned him about it. It seems apparent that a number of priests were able to avoid a negative assessment by not disclosing the number of children they victimized.

Perhaps, because of the deceptive actions of the priests who were sexually abusing children, and other factors, the scope and extent of the abuse was not known until the lawsuits and other publicity of 2002. With growing information on the number of victim/survivors and priests who sexually abused them, the Bishop's conference met in June 2002 and enacted the provision of the "Charter for the Protection of Children and Young People."

With the enactment of the Charter, there has been a sea change in the archdiocesan response to reports of child sexual abuse. Reporting to law enforcement is emphasized at all initial encounters by everyone involved in the process. The pastoral response to those reporting abuse is victim focused with the scales far outweighed by the needs of the person making the report. There are cases that cannot be fully substantiated where the victim/survivor is receiving years of counseling support. Significant cooperation with law enforcement requests for information, documents, and assistance is clear in the more recent records. There is significant documentation of Chancellor Reynolds providing records, assistance, and testimony to police

investigators and Assistant Commonwealth Attorneys in several counties of the Archdiocese. Chancellor Reynolds' role as a witness for the Commonwealth in criminal trials is also documented in the files. For example, he testified in the trials of Bruce Ewing and James Schook. A single report of abuse now results in the immediate removal of a priest from active ministry pending investigation, and communication with the members of an affected parish has significantly increased. Once substantiated, that single report results in a priest being removed from the ministry permanently.

In cases where law enforcement declines to investigate, or the victim/survivor declines to make the direct report as required by law enforcement, the Archdiocese now makes an effort to examine the claim in conjunction with the Sexual Abuse Review Board. It should also be noted that even when the victim/survivor declines to contact law enforcement the Archdiocese provides the reported information to law enforcement.

Early in the records, the "Fit for Ministry" psychological report from the clinical psychologists did not appear to have the depth, detail, or level of testing that would be required of such a report today. For example, in one assessment in 1993, a psychologist advised the Archbishop that there was "no one on the planet that is in less need of prosecution or persecution than" the priest. This is not a particularly clinical assessment. The more recent reports are far more detailed, contain a number of additional testing instruments, and are far more consistent with the type of psychological assessment seen in criminal cases today. At least part of the

improvement may be attributed to advances in testing techniques and the understanding of psychological factors that are associated with child sexual abusers.

All reports of child sexual abuse are submitted to the Sexual Abuse Review Board for a determination as to substantiating the report and a recommendation to the Archbishop as to an appropriate response. The adherence to these policies and others are audited annually. The Archdiocese is adhering to the child protection provisions of the Charter and confirming that adherence by an annual review from an independent third party.

Finally, there is a significant shift of focus toward being as transparent as possible about a report of child sexual abuse and doing everything possible to involve law enforcement at the earliest point possible.

The shift toward transparency is evidenced by the Archdiocese's effort to compile a list of substantiated reports of child sexual abuse as well as a list of those cases that were reported but could not be further fully investigated. A report in the following files were noted as being substantiated by either admission of the priest, a criminal investigation and prosecution, a Sexual Abuse Review Board finding, or by other corroboration of the report.

<u>Name</u>	<u>Action Taken/Status</u>
Reverend Robert A. Bowling	Ordained 1954. Incardinated into the Diocese of Reno in 1972. Deceased in 2003.
Reverend Joseph Carrico	Ordained 1967. Left priesthood and laicized by Holy See in 1974.
Reverend Daniel C. Clark	Ordained 1980. Convicted and incarcerated in 1988 and received no further assignments. Removed from

ministry, per *Charter*, in 2002. Additional charges of child abuse brought again in 2002; dismissed from the priesthood by the Holy See in 2004.

[Reverend Thomas P. Creagh](#)

Ordained 1967. Removed from ministry in 2002. Dismissed from priesthood by the Holy See in 2004. Deceased 2008.

[Reverend C. Patrick Creed](#)

Ordained 1951. Deceased 2001.

[Reverend Robert J. Dollinger](#)

Ordained 1954. Removed from public ministry in 1994. Removed from ministry, per *Charter*, in 2002. Directed to lead a life of prayer and penance by the Holy See in 2004. Deceased 2012.

[Reverend John Elder](#)

Ordained 1941. Deceased 1993.

[Reverend Bruce Ewing](#)

Ordained 1974. Left priesthood in 1977. Convicted of child abuse in 2003 and dismissed from priesthood by the Holy See in 2004.

[Reverend James E. Hargadon](#)

Ordained 1955. Removed from ministry in 2002. Convicted and incarcerated in 2004; deceased in 2005 after being directed by the Holy See to lead life of prayer and penance.

[Reverend R. Joseph Hemmerle](#)

Ordained 1967. Removed from ministry in 2002, pending investigation and returned to ministry in 2002. Removed from ministry again in 2014. Convicted and incarcerated in 2016/2017. Continues to be removed from ministry pending final action of Holy See.

[Reverend Joseph T. Herp](#)

Ordained 1973. Removed from ministry in 2002. Dismissed from priesthood by the Holy See in 2005. Deceased 2013.

[Reverend Hermann J. Lammers](#)

Ordained 1932. Deceased 1986.

[Reverend Louis E. Miller](#)

Ordained 1956. Removed from ministry in 2002. Convicted and incarcerated in 2003. Dismissed from priesthood by the Holy See in 2004 and died while in prison in 2017.

<u>Reverend Joseph I. Mouser</u>	Ordained 1965. Removed from ministry in 2002 and directed by the Holy See to lead a life of prayer and penance in 2005.
<u>Reverend Stephen A. Pohl</u>	Ordained 1985. Removed from ministry in 2015. Convicted and incarcerated in 2016. Resigned from priesthood and laicized by the Holy See in 2016. (Unlike others on the list, this was a possession of child pornography case).
<u>Reverend Joseph Rives</u>	Ordained 1920. Deceased 1971.
<u>Reverend Edwin J. Scherzer</u>	Ordained 1950. Removed from ministry in 2002. Directed to lead a life of prayer and penance by the Holy See in 2004. Convicted in 2005. Deceased in 2017.
<u>Reverend James R. Schook</u>	Ordained 1975. Removed from ministry in 2009. Convicted and incarcerated in 2014. Directed to lead a life of prayer and penance by the Holy See in 2014. Deceased in 2018.
<u>Reverend Joseph H. Stoltz</u>	Ordained 1973. Removed from ministry in 2002. Resigned from priesthood and laicized by the Holy See in 2004.
<u>Reverend James W. Thompson</u>	Ordained 1944. Removed from ministry in 2002. Deceased 2006.
<u>Reverend Henry G. Vessels</u>	Ordained 1950. Deceased 1980.
<u>Reverend Arthur L. Wood</u>	Ordained 1959. Deceased 1983.

In the following cases, there was not enough information to fully investigate and confirm the report. For example, the priest is deceased and/or the victim/survivor has been able to share only limited information, or there was absence of corroborating information or records.

<u>Name</u>	<u>Ordination</u>	<u>Date of Death/Status</u>
<u>Reverend Bernard S. Boone</u>	1941	1983
<u>Reverend Bertrand J. Brian</u>	1950	2005
<u>Reverend Thomas P. Caspar</u>	1956	1991
<u>Reverend William P. Caster</u>	1954	1989
<u>Reverend Robert A. DeWitt</u>	1960	1999
<u>Reverend J. Donald Gallagher</u>	1940	1968
<u>Reverend Linus T. Giesler</u>	1941	1999
<u>Reverend George R. Greenwell</u>	1942	1996
<u>Reverend Frank Gunther</u>	1945	1991
<u>Reverend James E. Hagan</u>	1956	Left priesthood 1973; Laicized 1974
<u>Reverend Joseph T. Neeson</u>	1890	1966
<u>Reverend George J. Waldie</u>	1947	1996

There are a number of other cases that were withdrawn by the accuser, not pursued by law enforcement, did not involve sexual abuse, refuted by other records, or were reported and then the accuser refused to further discuss the initial report with either law enforcement or the Sexual Abuse Review Board.

RECOMMENDATIONS

Most of the recommendations I would have made to prevent child sexual abuse and identify and prosecute the perpetrators were encompassed in the "Charter for the Protection of Children and Young People". To the extent additional recommendations were identified, they are listed below. It should be clear, however, that the Charter

provisions represent a tremendous improvement in the area of protecting children and reporting abusers.

In cases where law enforcement has declined to investigate, consider enhancing investigations of child sexual abuse report using additional tools such as private investigators, polygraphs and other techniques.

The Sexual Abuse Review Board should develop policies or practices that permit accuser to appear at the Sexual Abuse Review Board after the civil case is finished or with their attorney present.

Since the Charter, the Archdiocese has shown an enhanced focus on the area of protecting children and reporting child sexual abuse. It is recommended that the Archdiocese continue to emphasize that focus at every opportunity. A good example is the monthly newsletter entitled "Honor Thy Children" mentioned in the audit.

In the Code of Conduct restrictions that say "avoid", include a requirement to report any instances where it can not be avoided to someone as soon as reasonably possible after the incident.

Institute annual training for the Sexual Abuse Review Board in areas associated with child sexual abuse. That training might include presentations from professionals with programs involved in identifying, preventing and treating child sexual abuse such as the Sexual Abuse Nurse Examiner (SANE) program, the Sexual Assault Response Team (SART), the Kentucky Association of Sexual Assault Programs (KASAP), LMPD Crimes Against Children Unit (CACU), and the Department of Corrections Sex Offender Treatment Program (DOC).

Clarify the Sexual Abuse Review Board structure to limit archdiocesan personnel and permit the Sexual Abuse Review Board to recommend or solicit new members.

This would emphasize the Board's independence as a fact finder and advisor to the Archbishop. Further, identify certain positions on the Sexual Abuse Review Board to be reserved for members with certain subject matter expertise such as legal, psychological, investigative, etc.

Consider creating a new office within the Archdiocese housing all components that are involved in the area of protecting children. Perhaps the Sexual Abuse Review Board, the Victim Assistance Coordinator, the Safe Environment Program Coordinator, and a contract investigator could be included in the office.

Create and maintain a briefing on the issue of the Archdiocese's history with child sexual reports and provide to each new Archbishop to maintain institutional knowledge and focus in this area. This would also insure that each new Archbishop would hear from some of the past victim/survivors as they begin their leadership of the Archdiocese. Many victim/survivors want to tell their story of abuse to the Archbishop as part of the healing process. Having each new Archbishop hear some of those stories may further that process as well.

Consider some type of clinical research for the Archdiocese on the issue of priest child sexual abuse from a psychological perspective. Perhaps this could be an extension of the John Jay College of Criminal Justice study "The Causes and Context of Sexual Abuse of Minors by Priests in the United States, 1950-2010" as applied specifically to information contained in the Archdiocese of Louisville files.

A reaching out to victim/survivors is very evident post Charter. To continue that emphasis, call for victim/survivors to come forward at every opportunity. To assist in that process, consider posting online the assignments of the priests who have substantiated reports of child sexual abuse.

FINAL OBSERVATION

Society's awareness of the damage and criminality of child sexual abuse has grown significantly over the last fifty years. Knowledge in the area of prevention and treatment is constantly being updated. The Church's understanding and response to child sexual abuse has likewise undergone a dramatic change. There will continue to be improvements in this area, and perhaps this overview of the files will assist that process.

Prepared by Mark L. Miller, a former Assistant US Attorney, former Chief of the Criminal Division and former US Attorney. He is also a former First Assistant Commonwealth's Attorney in Jefferson County, former Commissioner of the Kentucky State Police, and a retired Judge Advocate General (JAG).