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Prosecutor: Agreement with Finn protects children

Joshua J. McElwee | Nov. 18, 2011

Bishop Robert W. Finn of Kansas City-St. Joseph, Mo., speaks during a press conference in Kansas City in 2008. (CNS photo/Joe Cory, The Catholic Key)

KANSAS CITY, Mo. -- The county prosecutor who brokered a deal with the local bishop to give his office immediate oversight of the Kansas City-St. Joseph diocese's sex abuse reporting procedures says the agreement could be a model for other jurisdictions.

He also dismissed criticism that he let Bishop Robert Finn off easy by not charging him with failure to report suspected child abuse, a misdemeanor.

Speaking to *NCR* by phone, Clay County, Mo., prosecutor Daniel White said he decided to pursue the diversion agreement partly because it "cuts to the chase" and makes sure future cases of sexual misconduct are reported to the police.

Moreover, even if he were able to gain a conviction against Finn for his handling of the case of Fr. Shawn Ratigan, White said it would be for a misdemeanor.

"In the range of punishment for a misdemeanor, the maximum is a year in the county jail," White said. "Given the facts and circumstances surrounding what happened, I thought that I got the biggest bang for my buck with this agreement."

White noted the agreement also waives the normal statute of limitations in the case of Ratigan, allowing Clay County the option to press charges against Finn anytime in the next five years should the bishop fail to comply with its terms.

"In the event that [this] doesn't work, then I've given up nothing because I still have the misdemeanor I could still file," White said. "I gave up nothing."

Finn's agreement with Clay County, announced Tuesday, gives the county near-total oversight of diocesan reporting procedures within its boundaries for five years and requires Finn to report monthly to White to "apprise him of any and all reported suspicions or alleged abuse activities involving minors."

The agreement comes after Finn and the diocese were indicted with separate criminal charges in neighboring Jackson County, Mo., in October for their handling of Ratigan, a diocesan priest arrested in May for child pornography.

In a statement Tuesday, Finn said the agreement would provide a "structure for us to maintain an open dialogue about any and all issues of abuse of minors within Catholic parishes and institutions in Clay County."

White's decision to pursue the agreement with Finn has brought sharp rebuke from the Survivors Network of those Abused by Priests.

In a statement Wednesday addressed to White, Barbara Dorris, the group's outreach director, called the prosecutor "naive."

"Finn's not stupid. He's well-educated. So are his advisors, his lawyers, and his public relations staff," Dorris wrote. "They were protecting themselves and their reputations instead of protecting kids. They were gambling that they wouldn't get caught. ...

"Tragically, you have proven to them that their gamble was worth taking," she wrote. "You may have done what's politically smart. But you have sold children short."

In the interview, White expressed opposite sentiments. He said the agreement provides the opportunity for Finn to do a "substantial amount" that "will afford some protection to children in our community."

Referring to the period between when Finn became aware of lewd photographs on Ratigan's computer in December 2010 and when the diocese reported the priest to the police in May, White said the agreement makes sure "we won't have a five-month period of time where everyone thought someone else was doing something."

A lawsuit filed Wednesday alleges that delay directly led to the abuse of a 10-year-old girl.

The suit, brought on behalf of the girl by her parents, says Finn's delay in reporting Ratigan placed the girl in harm's way when her parents invited the priest into their home on several occasions, not knowing of his predilection toward taking lewd photographs of children.

During those occasions, the lawsuit says, the mother and father noticed Ratigan using his cellphone "under the dinner table." According to the lawsuit, the family later learned he was using the cellphone take sexually explicit photos.

White also announced Tuesday that a Clay County grand jury had indicted Ratigan on three counts of possession of child pornography. Each of the three counts is a felony punishable by up to seven years in prison.

Ratigan, 45, was also indicted in June by a federal grand jury and is in federal custody. The parish Ratigan was serving is in Clay County. The diocese, which includes 27 counties in northwest Missouri, has its headquarters in Jackson County.

While images of naked children on Ratigan's laptop were reported to and seen by the diocese last December, the diocese did not report the incident to authorities, instead removing Ratigan from his Clay County parish.

White also said the fact that the case involved the Catholic church had "no impact" over his decision to pursue the agreement.

"I don't look and see when we're filing or not filing a case whether that person is a man or a woman, or black or

white or a Muslim or a Christian or a Buddhist," White said. "It really has no impact over anything I ever do."

Responding to a question about whether his direct oversight of the diocese's activities in his county should be seen as a model for prosecutors in other jurisdictions, White said, "Hopefully, it will."

"Hopefully, this will work and it could be a model for things in the future," he said.

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