



ARCHDIOCESE OF DENVER

FAQ on the 2019 Independent Review and Report

- **What is the independent review?**

In February 2019, all three Colorado Dioceses entered into an agreement with Colorado Attorney General Phil Weiser to allow former U.S. Attorney Robert Troyer (the “Special Master”) to conduct an independent review of the dioceses’ response to the sexual abuse of minors by diocesan priests dating back to 1950. The agreement gave the Special Master full access to all the dioceses’ files concerning the sexual abuse of minors by diocesan priests, including the so-called “secret archive” files. Where he had questions, the Special Master had the opportunity to conduct interviews in appropriate circumstances, and to determine if abuse had occurred. Per the agreement, the Special Master prepared a report of his findings, which has been made public.

The Attorney General does not have the statutory power to conduct this type of inquiry, but given our shared interest in transparency of our past and ensuring that children are safe in our schools and parishes today, the Colorado Dioceses voluntarily entered into this agreement. Importantly, as the Attorney General has made clear, this independent review was not part of any criminal investigation and was not prompted by any known or suspected illegal conduct by any of the Colorado Dioceses.

- **What was the goal of the independent review?**

There were four goals: (1) To publicly acknowledge this history of sexual abuse, and in doing so provide a moment of justice for any survivor and encourage others to come forward; (2) To assure the Attorney General, public and members of the Archdiocese – clergy and laity – that no diocesan priest known to have sexually abused a minor is in active ministry; (3) To identify any needed improvements to our policies and procedures to ensure they are of the highest standard; (4) To allow the thousands of people who are working to make the Archdiocese a safe environment for children see the progress of their work.

- **What is the Special Master’s Report?**

The agreement between the Colorado Dioceses and the Attorney General refers to Mr. Troyer and his role as the “Special Master”. Over a period of seven months, the Special Master conducted his independent review. The Special Master was tasked with publishing a report on his findings, specifically including: (1) an analysis of the dioceses’ policies and practices related to the prevention of and response to sexual abuse of minors; (2) the dioceses’ compliance with Colorado law requiring the mandatory reporting to law enforcement of abuse allegations; and (3) identifying all diocesan priests that are the subject of one or more substantiated allegations of sexual abuse of a minor since 1950.

Mr. Troyer publicly released his report (the “Special Master’s Report”) on October 23, 2019.

- **Does the Special Master’s Report identify any priests currently in ministry in the Archdiocese with substantiated allegations of sexual abuse? Have any priests in the Archdiocese been removed from ministry based on the findings in the Special Master’s Report?**

No. The Special Master’s Report does not identify any active Archdiocesan priests with substantiated allegations of abuse of minors. The Special Master’s Report addresses 127 substantiated allegations of sexual abuse of minors by Archdiocesan priests. Those incidents date as far back as 1950, and as recent as 1998. None of the seven living Archdiocesan and extern priests identified in the Special Master’s Report have assignments in active ministry (see below for the status of each). The last substantiated allegation of sexual abuse of a minor in the Special Master’s Report was perpetrated by Tim Evans, a now laicized or “defrocked” priest, who remains in prison.

In addition, as part of this review, the Attorney General operated a hotline that permitted abuse victims to come forward and have their allegations investigated by the Special Master. While that hotline generated previously unknown and unreported incidents of abuse, it did not lead to substantiated allegations of abuse of minors by any current, active diocesan priests within the Archdiocese.

While we take this as a positive sign that much of the work we have done over the last 20 years to remove abusive priests from ministry and create a culture of no tolerance is working, the Archdiocese remains vigilant and, if new victims come forward, we will immediately remove from ministry any priest credibly accused of sexual abuse of a minor and report such allegations to law enforcement

- **Does the Special Master’s Report conclude that the Archdiocese has solved the issue of clergy sexual abuse of minors?**

No. We recognize that child sexual abuse is a continuing, pervasive problem in our society, and the Special Master expressly states the sexual abuse of minors is not simply an issue of the past. All youth-serving institutions, including the Archdiocese, must always be vigilant in our effort to prevent and address such abuse. It is, unfortunately, a problem that is not capable of being “solved.” Concluding from this Report that the problem is “solved” will only lead to complacency, which could put more children at risk of sexual abuse.

The Special Master emphasizes, and we agree, that we can continue to do more to lead in our child protection efforts and can specifically improve how we respond to those victims that come forward. The Report provides key recommendations to continue to improve the Archdiocese’s safe environment policies and practices—each of which will be implemented moving forward.

- **Are children safe in the Archdiocese’s parishes and schools?**

Yes. The Special Master’s Report does not identify any active Archdiocesan priest with substantiated allegations of abuse of a minor, and his review of our safe environment programs was positive.

Since 1991, the Archdiocese has been working to tackle the issue of clergy sexual abuse. It has done so through the adoption of policies and practices that work to identify and prevent abuse before it occurs. Following the United States Conference of Catholic Bishops’ adoption of the Charter for the Protection of Children and Young People in 2002, the Archdiocese created its Office of Child and Youth Protection and launched a more robust safe environment training program. That program has improved year-over-

year and trained over 86,000 adults on safe environment practices and mandatory reporting since its inception. In 2004, the Archdiocese also developed and began its first “safe environment” training for children in Catholic Schools and religious education. Each year, the Archdiocese trains approximately 22,000 children on how to keep themselves safe. Notably, the Special Master concluded that that the Archdiocese’s training is **effective** and in compliance with the Charter. In building this culture of vigilance and enforcing a zero-tolerance policy when it comes to child sexual abuse, the Archdiocese is working to ensure that abuse, or behaviors potentially leading to abuse, are identified, reported, and acted upon quickly.

- **I received a sacrament from one of the priests named in the report, is my sacrament still valid?**

Yes. The Church teaches that it is Christ himself at work in the sacraments, regardless of the personal holiness of the minister. The sacrament is not righteous because of either the celebrant or the recipient, but because of the power of God and the work of the Holy Spirit. So despite the sins of the ministers, the grace that they mediate remains.

- **Will the Archdiocese be taking steps to remove the names of the priests listed in the Special Master’s Report from parishes, schools, and other Archdiocesan facilities?**

Yes. To the extent any of these priests have been given an honorary recognition by the Archdiocese through the naming of facilities or programs, those names will be removed.

- **Who are the Archdiocesan priests listed in the Special Master’s Report and where are they now?**

The report lists twenty-one Archdiocesan priests, and one extern priest who served briefly in Denver. Fifteen of the twenty-one Archdiocesan priests listed in the Special Master’s Report are deceased:

Priest	Date of Birth	Date of Ordination	Reported Date(s) of Abuse	Date of Death
Abercrombie, Leonard	6/27/1921	6/1/1946	1954-1971	10/23/1994
Banigan, Robert	1/14/1916	6/7/1941	1961	5/6/1986
Barry, Thomas	11/23/1905	6/3/1939	Early 1970s	4/1/2003
Bosetti, Joseph	1/1/1886	8/2/1908	1949-1950	1/22/1954
Fraczkowski, Edward	11/7/1910	6/11/1938	1967-69	11/19/1973
Holloway, John	10/9/1918	6/4/1955	1962-1982	12/10/1982
Lemieux, DeLisle	7/3/1902	12/21/1926	1969	10/22/1977
McGinn, John	4/13/1927	6/7/1952	1950s or 60s	9/3/2002
Pettit, Francis	5/21/1910	7/6/1936	1963	1/7/1987
Rasby, James	5/13/1925	6/7/1952	1975, 1990	7/23/2014
Schmitt, Harley	6/3/1914	5/18/1940	1963-64	6/25/2003
St. Peter, Lawrence	5/8/1929	6/6/1959	1963-1980	8/18/2003
Stein, John	5/6/1917	5/29/1943	1953-56	11/16/2001
Weibel, George	3/2/1922	5/30/1948	1966, 1988	11/1/2008
White, H. Robert	3/4/1933	6/4/1960	1960-1981	11/14/2006

Six of the twenty-one Archdiocesan priests listed in the Special Master’s Report are living, including one in prison. None of the six are assigned in active ministry. The status of the one extern priest in Ecuador is unknown.

Priest	Date of Birth	Date of Ordination	Reported Date(s) of Abuse	Status
Brown, Charles	3/26/1932	5/31/1958	1970	Left Archdiocese in 1970; incardinated in the Archdiocese of Santa Fe in 1987; retired in 2002.
Calle, Rafael Jairo (Extern Priest)	unknown	unknown	1997	Extern Priest. Faculties revoked and removed from ministry in 1997; returned to Ecuador; current status unknown.
Evans, Tim	9/25/1962	6/5/1993	1995-99	In Prison. Faculties revoked and removed from ministry in 2003; laicized in 2013.
Hewitt, Neil	2/21/1936	5/26/1962	1962-77	Left Archdiocese and faculties revoked in 1980.
Scezney, Leonard	3/30/1953	6/1/1985	1985	Left Archdiocese and faculties revoked in 1992.
Whipkey, Robert	10/26/1953	6/4/1983	1988	Faculties revoked and removed from ministry in 2007.
Woerth, Thomas	10/27/1939	5/28/1966	1971-73	Retired in 2005; faculties revoked in 2019.

- The Special Master’s Report states that, since 2002, the Archdiocese failed to report sexual abuse of minors to law enforcement 25 times. Why didn’t the Archdiocese report these allegations of sexual abuse of minors to law enforcement?**

To be clear, since 2002, the Archdiocese has never failed to report abuse by an active priest within the Archdiocese or an allegation that involved a person who was still a minor at the time it was reported. Rather, all of the claims identified in the Special Master’s Report relate to reports made by adults, often decades after the abuse. In all of these cases cited by the Special Master, the priest was no longer in ministry in Colorado when the abuse was reported, and none were known to be in a position of trust with children. In 17 of the cases, the Archdiocese only learned of the abuse when a lawsuit was filed, and in those cases, the victims were represented by lawyers. In 15 of the cases, the priest who abused the victim was deceased at the time the Archdiocese learned about it. In at least 2 cases, the victims were deceased at the time the abuse was reported to the Archdiocese.

In addition, the Archdiocese respectfully disagrees with the Special Master over the mandatory reporting requirements in this period of time. Specifically, in 2002 clergy were added as mandatory reporters in Colorado. However, the statute was silent on whether reporting was required when an adult victim came forward with allegations of abuse that occurred when the person was a minor. Many victim advocates believed that it was best for adult victims to have control over reporting decisions and, if they knew that law enforcement would be notified, they might be unwilling to come forward and seek help. In situations where the abuse occurred more than ten years before, law enforcement agencies also

often refused to take a report because the abuse was outside of the statute of limitations and there was not a child at risk that required any intervention. In 2010, the mandatory reporting statute was clarified to recognize these exceptions.

- **Of the 127 substantiated allegations of abuse included in the Special Master’s Report involving Archdiocesan priests, has the Archdiocese already paid settlements to any of these victims?**

Of the substantiated allegations identified in the Special Master’s Report, the Archdiocese estimates that it has entered into 50 legal settlements with these victims since the early 1990s. In addition, even in the absence of a legal settlement, the Archdiocese has paid for counseling and therapy for many of the victims and will continue to do so.

In 2006, Archbishop Charles Chaput instituted a non-adversarial settlement program that the Denver Post hailed as an “[honorable way to address abuse](#).” That program settled with dozens of victims, many of whom were abused by H. Robert White and Leonard Abercrombie—who, according to the Special Master’s Report, are responsible for more than 60% of the substantiated allegations of sexual abuse of minors within the Archdiocese.

On October 7, 2019, the Archdiocese announced the opening of a new, independent reparations program for individuals who were sexually abused as minors by Archdiocesan priests in Colorado. This program is run by administrators independent of the Archdiocese, who have established a simple and non-adversarial means for survivors to have their stories heard and be provided with resources to aid in their continued healing.

Details of the Independent Reconciliation and Reparations Program can be found [here](#).

- **Is the Special Master’s Report the result of a criminal, civil, or grand jury investigation?**

No. In February 2019, all three Colorado dioceses voluntarily entered into an agreement with Colorado Attorney General Phil Weiser to allow former U.S. Attorney Robert Troyer to conduct an independent review of the dioceses’ response to sexual abuse of minors by diocesan priests dating back to 1950.

The Attorney General does not have the statutory power to conduct this type of inquiry, but given our shared interest in transparency of our past and ensuring that children are safe in our schools and parishes today, the Colorado dioceses voluntarily entered into this agreement. Importantly, as the Attorney General has made clear, this was not part of any criminal investigation and the independent review was not prompted by any known or suspected criminal conduct by the Archdiocese.

- **If there were no grounds for a criminal, civil or grand jury investigation, why was this investigation necessary and why is there so much continued reporting on this issue about the Church?**

As noted earlier, the goals of this review were to provide transparency of our history, an assurance that our current Church is safe, and provide a measure of justice and healing for survivors.

In our view, continued investigations and media reporting on the issue of the sexual abuse of minors will continue to shine a much-needed light on this problem, and hopefully help survivors of abuse come forward and get the support they need.

- **Did the Archdiocese decide which allegations were substantiated and which ones were not in the Special Master’s Report?**

No. The Colorado Dioceses’ agreement with the Attorney General makes clear that the Special Master—in his sole discretion—determined whether an allegation was substantiated. Per the agreement, an allegation was substantiated if the Special Master deemed it more likely than not to have occurred.

- **In the Report, what type of conduct did the Special Master deem “sexual abuse of a minor?”**

Sexual abuse of a minor was broadly defined in the agreement between the Colorado Dioceses and the Attorney General, and adopted by the Special Master in his Report. It means: “any sexual conduct by an adult directed against a person under 18 years of age, specifically including exhibitionism or exposing oneself to a minor; fondling; intercourse; masturbation in the presence of a minor or forcing the minor to masturbate; obscene phone calls, text messages, or digital interaction; producing, possessing, or sharing images or movies depicting nude minors; sex of any kind with a minor, including vaginal, oral, or anal; sex trafficking; and any other sexual conduct that is harmful to a child’s mental, emotional, or physical welfare.” This definition is not necessarily limited to the definitions of sexual abuse under criminal or civil law.

- **Why doesn’t the Special Master’s Report include sexual abuse of minors by religious order priests? Why is the report limited to abuse by diocesan priests? Has there been recent substantiated allegations of abuse against religious order priests?**

The Special Master’s Report was not intended to address every issue of sexual abuse within the Church. Around the country there have been specific concerns regarding sexual abuse by diocesan priests. The bishops of the three Colorado Dioceses came together with the Attorney General’s office to develop a plan to tackle this issue and developed a process for reviewing diocesan priests and extern priests—those priests within the purview of the three dioceses.

While religious order priests may be granted faculties to serve within a diocese, they report to a different religious superior within their own order. It is up to those religious superiors to decide how to investigate within their orders. Of the dozens of religious orders operating in the United States, many religious orders have already conducted detailed investigations and released lists of perpetrators. More may follow. When the Archdiocese receives an allegation against a religious order priest, the Archdiocese immediately informs the authorities and the responsible religious order.

Another hurdle to including religious orders within the review is that the Colorado Dioceses do not have complete records on these priests. When a religious order priest is within the Archdiocese of Denver, the Archdiocese of Denver does not receive or maintain a complete personnel file on that priest and may only have limited records if that priest is no longer in the Archdiocese. It would have been unproductive and potentially misleading for the Special Master to conduct a review of these priests with incomplete records.

- **Does the Special Master’s report cover deacons and teachers? What about sexual misconduct against seminarians and adults?**

No. As described above, the Special Master’s Report was not intended to address every issue of sexual abuse within the church. Importantly, the Archdiocese safe’s environment policies and training programs are not limited to diocesan priests. The Archdiocese trains priests, deacons, employees and volunteers to identify and report abuse or misconduct; reports all claims of abuse of minors to law enforcement as required under Colorado law; investigates allegations against deacons and employees, and volunteers; and the Archdiocese strives to keep all persons within the Church safe. In addition, recently, Pope Francis implemented new requirements to protect adults from abuse or sexual misconduct within the Church. The Archdiocese’s is working to implement these additional safeguards and will continue to work to protect all members of our Church.

- **What records at the Archdiocese did the Special Master review—did it include the “secret archives”?**

Under the agreement between the Colorado Dioceses and the Attorney General, the Special Master was specifically given access to all “secret archive” documents, which are technically known as “Canon 489” files. As noted in the Special Master’s Report, the Colorado Dioceses did not withhold documents under any “canon law privileges,” or hide documents in “secret archives” to obstruct his work. Beyond that, the Special Master was provided access to and reviewed hundreds of files across all three dioceses, including the files of all current, active diocesan priests, and the files of any priests accused of sexual abuse of a minor.

- **Did the Archdiocese destroy records of sexual abuse of minors?**

No records were destroyed in anticipation of the Special Master’s independent review. Over the last 10 years, the Archdiocese has maintained a modern records management and retention policy. Prior to that, the Archdiocese took active steps to preserve records of its priests and has actively done so in connection with any open court proceedings.

We are aware that the Special Master is critical of past records management and retention practices and that many decades ago the Archdiocese’s record keeping related to the sexual abuse of minors was inadequate, which likely led to the loss or destruction of documents.

- **Was the Special Master’s independent review limited to a files and paper records?**

No. In addition to the Archdiocese’s voluminous files and other records, the Special Master conducted at least 70 interviews of victims, priests, experts, survivor advocates, safe environment staff, and others as part of his investigation and fact-finding efforts.

- **What changes does the Special Master’s Report recommend and will the Archdiocese follow them?**

The Special Master details six recommendations in the report, most of which deal with how we investigate historical allegations and respond to survivors who are now adults. Full details are in the report, but the Archdiocese intends to implement all of the Special Master’s recommendations.

- **The Special Master’s Report discusses the United States Conference of Catholic Bishops’ audits. What are they and are they important to the Archdiocese?**

The USCCB audits are a voluntary process that allows an independent third-party auditor to annually evaluate the Archdiocese’s compliance with the requirements of the Charter for the Protection of Children and Young People. Hundreds of hours are spent each year by the Archdiocese Office of Child and Youth Protection to collect and verify information that gets reviewed in this audit—including all allegations of sexual abuse of minors by priests, the completion of mandatory safe environment training, and required criminal background checks. For the on-site audit years, several days are set aside for interviews at the Archdiocese and the auditors’ review of the supporting documentation.

These audits are taken seriously and completed in earnest, and help serve a valid and noble purpose. Specifically, across the institution, this annual process generates awareness of the issue of child sexual abuse, the importance of compliance and training, and establishes an annual “check” to confirm all personnel are following the Code of Conduct and understand their obligation to *say something if they see something*. This level of internal scrutiny over child protection measures does not exist outside of the Catholic Church.

The audits have consistently confirmed that the Archdiocese is and has always been in full compliance with the Charter. The Special Master has made recommendations to improve or supplement this audit process, which the Archdiocese will incorporate.

- **What does the Archdiocese do now to screen seminarians or other candidates for the priesthood?**

All seminary applicants engage in a rigorous intake process through a battery of screening requirements including a criminal background check, a health examination, and a thorough psychological evaluation which assesses his current state of psychosexual development and capacity to live chastely. If the candidate has deep-seated homosexual tendencies or any other serious issues related to sexuality, he is not admitted.

If a serious issue comes to light in seminary formation that a man struggles with deep-seated homosexual tendencies or other serious issues related to sexuality, the man is encouraged to attend counseling to determine his level of psychosexual development and capacity to live a chaste life. If his capacity is found lacking, the man is asked to leave seminary.

Additional information about Seminarian Misconduct and Issues Related to Sexuality can be found [here](#).

- **Are priests and employees of the Archdiocese required to report child abuse?**

Yes. In Colorado, as in other states, child abuse and child sexual assault, are crimes. Colorado also has a specific statute, which requires that child abuse and child sexual assault be reported to the county department of social services or to the local law enforcement agency. The Archdiocese complies with its obligations under this statute.

Regardless of whether a church worker is a mandatory reporter under this law, the Archdiocese Code of Conduct requires all church workers to report known or suspected child abuse and child sexual abuse, which extends to: clergy, seminarians, all paid employees, all volunteers entrusted with the regular care

and supervision of minors or who may have regular contact with minors, all consecrated lay individuals performing ministry within the Archdiocese, and all others who agree to bound by the Code.

More information on mandatory reporting and the Archdiocese's Code of Conduct can be found [here](#).

- **How was the Special Master's independent review financed?**

The Colorado Dioceses paid for half of it. The other half was funded by private donors identified by the office of Attorney General. Those donors have asked to remain anonymous, and we will respect their wishes. No state funds were or will be used for this project.

- **Is the agreement among the Attorney General, the Dioceses and Special Master public?**

Yes. A copy of the agreement was made public when it was signed and is posted on the [Archdiocese's and the Attorney General's website](#).

- **Why didn't the Attorney General's office conduct this review?**

Using an independent third party allows the review to be done without using State funds.

- **I am aware of other incidents of sexual abuse of a minor by a diocesan priest that is not in the Special Master's Report, where do I report it?**

To report an allegation of sexual abuse by any person in any way affiliated with the Archdiocese, we encourage you to:

- First, contact your local law enforcement agency or the Colorado Child Abuse and Neglect Hotline, at 1-844-264-5437.
- In addition, you may report an allegation of sexual abuse to the Archdiocese's Office of Child and Youth Protection at 720-239-2832 or victim.assistance@archden.org. Please note, it is the policy of the Archdiocese (including its parishes, schools, clergy and lay employees and volunteers) to report any reasonable allegation of abuse or neglect, including sexual abuse, of a person who is a minor to law enforcement in accordance with Colorado law.
- You can also report an allegation online to the Colorado Attorney General's Office, at <https://coag.gov/resources/survivors-of-childhood-sexual-abuse/report-abuse/>.

Finally, if you need support or assistance, victim services are available to you through the Archdiocese's Victim Assistance Coordinator at 720-239-2832 or Victim.Assistance@ArchDen.org.