



Saint Louis County

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NEWS RELEASE

Reports of Sexual Abuse by Clergy within the Duluth Diocese

The sexual abuse of a child is a felony offense. Jurisdiction to prosecute the case after investigation by law enforcement lies with the County Attorney's Office. To enable us to hold offenders accountable and to protect our children, response to a report of sexual abuse needs to be compassionate and according to the law.

All allegations involving the sexual abuse of children by a priest or anyone, should always be reported. Allegations of sexual misconduct occurring within three years of the disclosure are required to be reported to either law enforcement or social services under the Minnesota Reporting of Maltreatment of Minors Law. These agencies then cross-report with each other. All other incidents should be reported, as they involve the alleged violation of criminal statutes. The issue of whether the statute of limitations has expired should be left up to the investigating agency. This is what should be done whether or not the victim wishes to remain anonymous. If there is any doubt about whether reporting is mandatory, the appropriate action is to report the matter to the responsible law enforcement agency or social services.

Earlier this year after conducting an internal investigation with the assistance of a professional, independent investigator, the Diocese of Duluth disclosed it had received from an adult in 2012, a credible allegation of sexual abuse by Father Cornelius Kelleher which abuse had occurred many years ago. The reporting victim requested that her privacy be respected and as a result, the Diocese did not report the allegation to law enforcement or social services. However, the Diocese did take immediate appropriate action to remove Father Kelleher from where he was residing as requested by the victim and has, pursuant to Church law, prohibited him from further acting publicly as a priest.

These actions addressed the voiced concern of the victim, however, this matter should also have been promptly reported to law enforcement or social services.

I have met with Diocesan leadership for the purposes of addressing the issues involved in the Father Kelleher matter and to provide guidance to the Diocese to ensure it is responding according to the law and in the best interests of victims.

Regarding the matter involving specific allegations against Father Kelleher, at my suggestion and due to the expressed privacy concerns of the victim, the Diocese gave the victim my name and telephone number. Since then, she and I have spoken on a number of occasions by telephone. She is an adult and is adamant that her privacy be respected and preserved.

In my conversations with her, it became apparent the incident occurred approximately three years beyond the expiration of the statute of limitations that would otherwise have allowed my office to prosecute the case after an investigation by law enforcement. The statute of limitations is a law that limits the number of years that can pass from the date the alleged incident of abuse occurred and the date charges can be filed. She remained adamant that she did not want the matter investigated further or prosecuted, even if the statute of limitations had not run. Her reason for reporting the incident in 2012 was because Father Kelleher had moved into a residence very close to her home.

I have subsequently received telephone calls from two other women who also reported being victims of acts of sexual abuse by Father Kelleher. These incidents also occurred a few years beyond the expiration of the statute of limitations. These women wanted to remain anonymous and did not want to report it to law enforcement, but wanted the matter brought to my attention to support the credibility of the first victim's allegations.

The fact that these courageous women have come forward for the first time after so many years have passed exemplifies the harsh reality that sexual abuse has a life-long impact on victims. The women were afraid to tell anyone at the time the sexual abuse had occurred. Their fear was that they would not be believed and that matters would only be worse for them. These continue to be the concerns we hear from many victims similarly situated.

The St. Louis County Attorney's Office respects the right of victims of sexual abuse to choose to report a crime or to remain anonymous and decline prosecution. It is our obligation as prosecutors to seek accountability for criminal behavior when, after an investigation by law enforcement, the evidence supports prosecution. This obligation must be balanced in sexual assault cases with the rights of victims.

In regard to the second reason for the meeting with representatives of the Diocese, we discussed Diocesan policy and an appropriate manner in which to address future allegations by adult victims of abuse occurring in childhood. The Diocese has in place and follows a Sexual Misconduct and Code of Pastoral Conduct Policy which was first adopted in 1992 and is periodically reviewed and revised. However, the policy does not clearly address the situation where a victim of childhood abuse does not report the abuse until years later after reaching adulthood.

The Diocesan leaders now realize that even in the situation where the alleged abuse took place many years ago and notwithstanding the identified victim is now an adult and requests that her privacy be respected, it is incumbent upon the Diocese to promptly report the allegations to the responsible law enforcement agency or social services but without the need to divulge the victim's name in the report.

The Diocese has also acknowledged that the 15 months that elapsed between the report of sexual abuse by the victim in the Father Kelleher matter and the eventual notice to authorities was far too long and unacceptable.

The Diocese and I have agreed it is important for a representative of the Diocese to immediately advise any reporting victim of their right to contact law enforcement or social services through the Initial Intervention Unit at the time any allegation of sexual abuse by a priest is reported. If the victim has any questions about their reporting rights or the process, they should also be advised that they can contact the County Attorney's Office. Anonymity and privacy of a victim will always be respected by law enforcement, social services, and the County Attorney under data practices law which assures privacy during the course of the investigation of a reported crime, but a victim should never be guaranteed their identification will remain private if they take steps to report the abuse. However, they may be assured the initial report and ensuing investigation will remain confidential until a final determination is made.

Unless the reporting party/victim is and wishes to remain anonymous, or the immediate safety of others is a concern upon the report of sexual abuse, the first contact with the alleged offender should be made by law enforcement. This provides the victim with the most compassionate and appropriate treatment upon receipt of a report of sexual abuse, and also protects other children from being harmed while any parallel internal investigation by the Diocese is undertaken while enabling law enforcement to conduct their investigation as soon as possible.

The Duluth Diocese covers 10 counties in northeastern Minnesota. I have consulted with my colleagues and have received consensus that while there might be slight variations from county to county, the procedure and philosophy as outlined in this document reflects how the matters should be handled throughout the Diocese.

Children deserve to be safe. Victims have a right to a compassionate and appropriate response when they are able to come forward. Offenders need to be, and will be, held accountable for their actions. If anyone else has been subjected to an act or acts of sexual abuse by Father Kelleher, or any clergy, educator, councilor, coach, family member or individual, I urge them to contact law enforcement or social services as soon as possible.