

Diocese tries to keep priest's records private

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Page: 4

Section: News

Lawyers for the Catholic church's Rockford Diocese said Thursday that First Amendment-guaranteed religious freedom allows the church to protect records of internal investigations.

The argument made before the state's 2nd District Appellate Court in Elgin involves the diocese's attempt to block private records from being viewed by Kane County prosecutors in the sexual abuse case involving a Geneva girl against former Geneva priest Mark **Campobello**.

To release such documents puts religious activities under public scrutiny in violation of the Constitution, said Joshua Vincent, an attorney representing the diocese.

Any records delving into abuse allegations were created and ordered by local bishops under church guidelines created by the U.S. Conference of Catholic Bishops seeking to end clergy sexual abuse.

"The church is trying to do something positive and beneficial to address this problem" Vincent said before the court, "and the state is trying to use it against them."

Kris Karlin, the appellate prosecutor arguing the case, said religious freedom exemptions cannot apply in a circumstance where law enforcement officials are seeking information about an alleged crime.

"Such abuse by a Catholic priest is not a religious process," she said. "They can't hide behind confidentiality of canon law."

Lawyers and the panel of three appellate justices said the church privacy issue, as it relates to criminal investigations, is a largely unexplored legal area in Illinois and even around the nation.

Across the country, and just this month in Illinois, the rights of church dioceses to keep private internal records have been argued in lower courts. Over the years, higher courts have made rulings with regard to civil lawsuits, but precedents for future dealings in criminal cases could be largely shaped by the 2nd District's ruling.

In this case, the Kane County state's attorney's office filed a request with the diocese last year for **Campobello**'s personnel file and transfer records. The request also asked for records involving any internal church investigations regarding the abuse allegations, secret records kept by the church and any records from St. Luke Institute in Maryland, a facility that treats priests accused of sexual misconduct.

The diocese fought those requests saying state and church law prevent church officials from releasing certain information. Diocesan lawyers said any possible records connected to a patient at St. Luke were protected by medical privacy laws, and internal church documents were protected by church law and the Constitution.

Kane County Judge Timothy Sheldon ordered the diocese to hand over the material but church officials refused. On May 22, 2003, Sheldon found the diocese to be in contempt of court. The following month the diocese appealed that court-order to the 2nd District.

All of it stems from the 2002 arrest of **Campobello**, a former priest at St. Peter Catholic Church in Geneva and former teacher at Aurora Central Catholic High School.

In separate criminal cases, **Campobello**, 39, faces multiple counts of sexual abuse and sexual assault. He is accused of abusing a 14-year-old Geneva girl in 1999 and a 16-year-old Aurora girl between November 1999 and March 2000.

During Thursday's oral arguments the appellate justices centered most of their questions around the procedures for church investigations. The documents in question, if they exist, would come from the Rockford bishop acting as a misconduct officer and the diocese's intervention committee, a 16-member panel that would investigate abuse allegations.

Vincent said the diocese is committed to the truth but won't wave its constitutional rights to religious freedom. Protecting such rights and the internal systems set up under those freedoms are key to the outcome of this case, he said.

"I think society has a lot at stake here," Vincent said. "Religious freedoms are important to society."

As usual, the appellate court took the oral arguments under advisement and will issue its ruling at a later time. No timeline was given.

Kane County prosecutors intend to move forward with their criminal case against **Campobello** with or without the church documents.

"I can't wait," said Assistant State's Attorney Jody Gleason, outside the appellate court Thursday. "This could be months and months."

Campobello is scheduled to go to trial May 24 on the charges involving the Geneva girl. A trial date for the Aurora case has not been set.