

March 23, 2007 - Attorney questions destruction of files in priest sex case

By Susan Haigh and John Christoffersen, Associated Press, The Boston Globe

HARTFORD, Conn. --An attorney representing four men who say they were sexually abused as boys decades ago by a former state police and fire chaplain said Friday that state police may have prematurely destroyed documents from a criminal investigation into the abuse claims.

Attorney Robert I. Reardon Jr. questioned the handling of a 1990s investigation of The Rev. Stephen C. Foley. Foley was never charged with a crime, but was named in 11 civil claims filed against the Archdiocese of Hartford, archdiocese spokesman Rev. John P. Gatzak said. Eight of the claims have been settled. Foley could not be reached for comment Friday, but has previously denied the molestation claims. A call was left seeking comment with Foley's attorney.

State Rep. Michael Lawlor, D-East Haven, co-chairman of the legislature's powerful Judiciary Committee, is expected to speak at a news conference Monday over the matter. Lawlor would not discuss the news conference Friday, but an advisory he provided reporters said participants would "reveal and discuss a possible cover-up by Connecticut law enforcement agencies and others over the sexual abuse of children."

Also attending will be one of the accusers, and representatives from the Survivors' Network of Those Abused by Priests and Voice of the Faithful. Reardon said he will not attend Monday's news conference.

A series of civil lawsuits filed against the Hartford Archdiocese in 2002 alleged that Foley molested adolescent boys in the 1970s when they attended churches in Bloomfield and Windsor Locks. The complaints say Foley used his position as a fire and police chaplain to coax the boys into relationships that led to sexual assaults.

The accusers claim the archdiocese knew or should have known that Foley was molesting young boys and that it conspired to keep the priest's actions a secret from parishioners.

State police opened a criminal probe of Foley in the early 1990s, but did not file charges because the five-year statute of limitations at the time had expired.

State statutes require most investigatory records to be kept 10 years. State police said they followed that policy in destroying records of the Foley case on Jan. 24, 2004. Reardon, who has three clients with pending civil lawsuits against the archdiocese, said the 10-year period was not exhausted until March 2004.

"I would hope the commissioner of public safety will try to determine why the records were destroyed within 10 years while the retention policy calls for a 10-year retention," Reardon said.

Retired State Police Detective Adrienne LaMorte, who was assigned to the Foley case, told The Associated Press Friday it was known that Foley's accusers would likely file a lawsuit, and that the state police investigative report would be requested for a civil claim.

"I know for a fact it hit headquarters before I retired and within two years it had been shredded," said LaMorte, who retired four years ago and now lives in New Mexico. LaMorte did not say she believes the report was intentionally shredded, but she did criticize the state police for not allowing her to release her report in 1994 to warn others about Foley.

Lt. Paul Vance, spokesman for the state police, denied that the files were destroyed prematurely. "There was nothing to protect. This was a fully conducted state police criminal investigation that was discussed with the state's attorney. It was determined that the statute of limitations had passed and there was no prosecution possible."

Gatzak said Foley was removed from the ministry in 1993 when the abuse allegations arose. He said Foley can no longer call himself a priest, dress as a priest or wear any clerical garb. "He's not currently in any ministry or will be in any ministry," he said.

Monday's news conference comes as one of Foley's accusers, Tony Lembo, prepares to release a book described as a firsthand account of Foley and abuse. Gatzak said the news conference is designed merely to promote Lembo's book.

"This is obviously old information," Gatzak said.

