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Independent Review of Bryan Loritts' Response to Allegations of Voyeurism while at Fellowship Memphis

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I. INTRODUCTION

On February 4, 2010, an employee of the Fellowship Memphis church (“Fellowship”) in Memphis, Tennessee discovered a cellphone recording her while she used a bathroom at the church. When she examined the phone, the employee realized that it belonged to Rick Trotter, the Worship Director at Fellowship. The employee immediately notified Bryan Loritts, Lead Pastor of Fellowship, who was Trotter’s brother-in-law at the time. After discovering Trotter’s phone contained multiple voyeuristic videos recorded at Fellowship, Loritts fired Trotter. Trotter was never prosecuted for his misconduct at Fellowship by any law enforcement entity.

Another Memphis house of worship, Downtown Church (“Downtown”), later hired Trotter, even after Loritts disclosed the details of Trotter’s illicit actions at Fellowship to Downtown leadership. In May 2016, Downtown fired Trotter after he was seen recording a video up a woman’s skirt (an “upskirt” video) during a church service. Trotter later confessed to recording similar videos of other victims at Downtown; he subsequently pled guilty to four counts of misdemeanor voyeurism and was sentenced to a 60-day jail sentence.

In 2019, Loritts and leaders of The Summit Church (“Summit”) in Durham, North Carolina began to discuss the possibility of Loritts joining Summit. In connection with these discussions, Summit conducted due diligence, which initially focused on Loritts’s pastoral practices and leadership capabilities. After Loritts disclosed Trotter’s wrongdoing at Fellowship and his role in the church’s response, Summit expanded its due diligence review to include an examination of how Loritts handled this matter as a Fellowship leader. In addition to conducting its own interviews, Summit hired a law firm to investigate Loritts’s role in the Trotter matter and how he and Fellowship responded to that matter. Ultimately, based on its own interviews and the results of the law firm review, as well as background checks and information from Loritts’s personal references, Summit hired Loritts as its Executive Pastor of Teaching and Development in June 2020.

However, after speaking to a victim advocate and individuals who witnessed Fellowship’s handling of Trotter’s misconduct, Summit decided to obtain an independent evaluation of the information it had gathered during its due diligence process with respect to Loritts’s handling of Trotter’s abusive actions at Fellowship. In January 2021, Summit hired Guidepost Solutions, LLC (“Guidepost”) to conduct an independent assessment and to create a safe, confidential channel to allow any additional victims of Trotter to report their experiences.

II. SCOPE OF ENGAGEMENT

As set forth in the engagement letter between Summit and Guidepost, the church retained Guidepost “to perform an independent review of specific actions taken by [Loritts] when he became aware of sexual abuse allegations against [Trotter] while employed by Fellowship Memphis.”¹ The scope of the engagement was therefore limited to Loritts’s actions in the aftermath of the discovery of Trotter’s abusive actions; we did not examine or evaluate any actions undertaken by Fellowship leadership collectively or any Fellowship leader or employee other than Loritts in response to Trotter’s misconduct.

¹ Guidepost/Summit Letter of Engagement (Jan. 12, 2021) at 1, available on Summit’s website (<https://summitchurch.com/Content/ExternalSite/Documents/Bryan-Loritts-Guidepost.pdf>). Summit also issued a statement (“Reasons for an Independent Review”) explaining its reasons for seeking an independent review of its due diligence process in hiring Loritts (https://summitchurch.com/Content/ExternalSite/Documents/Bryan-Loritts-Reasons-for-an-Independent_Review.pdf).

In addition to commissioning this independent review, Summit asked Guidepost to establish a safe, confidential reporting avenue to allow any additional victims of Trotter to tell their stories, to supplement the information that Summit had already gathered. A confidential email address (summitcontact@guidepostsolutions.com) was created for that purpose and posted on the Summit website (<https://summitchurch.com/press/>). To date, we have not received any additional relevant information relating to Loritts's time at Fellowship through this reporting channel.

Finally, the engagement letter called for Guidepost to provide Summit "with a written report of any relevant findings, which report will be made available to the public."² In its statement announcing the engagement of Guidepost, Summit set forth its expectations of what would be included in the public report: "[The] report will explain how information was gathered, fully detail the facts found, and note where questions or testimonies conflict in ways that factual information could not resolve."³

III. SOURCES OF INFORMATION

In conducting this investigation, we sought primary sources of information – namely, individuals with firsthand, direct knowledge of the relevant events – as well as contemporaneous documentation of relevant events such as notes, written communications, and official records (when available). Trotter's behavior was widely reported in conventional and social media outlets; although the media coverage informed our investigation, our report relies on the primary sources of information we gathered.

A. Interviews

We spoke to Loritts on several occasions and found him to be cooperative. We also endeavored to identify and interview individuals affiliated with Fellowship in 2010 – including pastors, church elders, staff members, and lay members – who might possess relevant information about Loritts's actions in response to the discovery of Trotter's abusive conduct. Early in our investigation, Fellowship informed us it was represented by legal counsel and was asking Fellowship employees and elders not to speak to us without counsel present. We were able to interview two of the three Fellowship pastors who were involved in the events of February 2010; one pastor, was interviewed with counsel present, while the other pastor, who no longer works at Fellowship, spoke to us without counsel.⁴ Another former pastor did not respond to our repeated attempts to contact him. We asked six members of the Fellowship elder committee to meet with us, but only two who were also pastors at Fellowship agreed to be interviewed and a third simply referred us to the public statement about Trotter issued by Fellowship and Downtown in August 2016.

We also sought to interview victims who had been recorded on Trotter's phone when he worked at Fellowship. In total, three victims spoke to us. One of those three victims, who has spoken publicly about her experience, also provided copies of her previous public statements on the matter and names and contact information for other individuals. We repeatedly tried to contact the individual who actually found Trotter's phone recording in the restroom at Fellowship, but she did not respond to our outreach.

² Letter of Engagement at 1.

³ Reasons for an Independent Review at 2.

⁴ Throughout the course of our investigation, certain interviewees requested that their identities remain confidential in any public report, and we agreed (consistent with the engagement letter with Summit) not to reveal their names or personal identifying information herein. Where appropriate and for additional clarity, we have identified interviewees based on their church affiliation, position, and/or role.

We attempted to contact Downtown leaders by email and phone, seeking to gather information about Loritts's communications with them about Trotter (who, as noted above, was hired by Downtown after he was fired by Fellowship). We did not receive any response from any representative of Downtown but did interview one former Downtown pastor who had also been on staff at Fellowship in 2010.

Summit cooperated with our inquiry and provided us access to staff and the details of the church's due diligence efforts. We interviewed a number of individuals at Summit, including pastors J.D. Greear,⁵ David Thompson, Todd Unzicker, and Brad Hambrick. We also interviewed an elder who was involved in Summit's vetting of Loritts for his Summit position. In addition, Summit's Information Technology administrator, Alex Choi assisted our review of pertinent communications.

Finally, we reached out to members of the traditional and social media who wrote about Trotter's abuse in 2016, including a reporter for the *Memphis Commercial Appeal* (a daily Memphis newspaper) and two well-known bloggers. All of these individuals responded to our outreach, and the information they provided assisted in the preparation of this report. We also had interaction with a third-party victim advocate who encouraged one of the victims to speak to us, which proved to be helpful.

In total, we reached out to 30 individuals to request an interview, and 22 people responded to those requests. Of those 22 people, 21 agreed to speak to us. We had multiple follow-up communications with Loritts and Thompson when we needed additional information.

The events in question here occurred more than a decade ago. When interviewed, some individuals struggled to recount specifics regarding timelines or relevant pieces of information, presumably due to the passage of time. Several individuals and entities involved in the events under investigation, including Loritts, Fellowship, and Summit, have made statements in the past that are publicly available. In addition, some individuals also made statements when interviewed in the course of an internal review conducted by Fellowship in 2016. When possible, we attempted to identify, review, and reconcile a witness's prior statements with the statements that they made to us. In some instances, this was impossible; for example, Fellowship did not provide us with any records from its 2016 review.

B. Written Documentation

Through formal Freedom of Information Act ("FOIA") requests, we asked the Memphis Police Department ("MPD") to provide all records in its possession relating to any contact with Fellowship in 2010. Our review of MPD records found nothing relating to the events of 2010 involving Trotter. The MPD also maintains records of phone calls in its Computer Aided Dispatch Systems ("CADS"). These phone calls are documented by the address from which the call is made. In our FOIA request, we asked the MPD for records of calls made from two Memphis addresses associated with Fellowship in 2010: 3340 Poplar Ave Suite #230 and 255 North Highland Street. Other entities shared the North Highland Street address with Fellowship; calls associated with any entity at that location would appear in the CADS system. Our review of the MPD records showed us that there were no CADS records of any calls from either address related to Fellowship during February 2010.

We also contacted the Tennessee Department of Children's Services ("DCS"), which advised us that DCS would not make a report or investigate an allegation unless there was a victim willing to come forward and to press charges.

⁵ In addition to being Summit's Pastor, Greear is President of the Southern Baptist Convention.

In addition, we were able to review original documentation, communications, and notes taken by Summit leaders during the due diligence process they conducted prior to hiring Loritts. Loritts also provided us with access to historic emails from two Fellowship email accounts that remained on his personal devices (phone, tablet, and laptop).

C. Audio Recording

On February 18, 2021, we learned of the existence of a five-minute audio recording (the "Audio Recording") of a key meeting that occurred on the same day that Trotter's cellphone with recordings of victims was found. Specifically, Todd Unzicker, a Summit pastor, informed us Loritts had located the recording in June 2020 and he provided it to Summit at that time. The recording had been sent to Loritts on February 4, 2010 at 7:32 p.m. as an attachment to an email (as explained more fully below). According to Loritts, he found the email when he was requested by Summit's law firm to look for any records relating to the 2010 events. While searching his devices, Loritts realized he still had some emails from his time at Fellowship. He reviewed those from the relevant time frame, found the email with the attached Audio Recording, and forwarded the email with the attachment to Unzicker. Loritts sought assistance from Summit's IT administrator, Alex Choi, in reviewing his emails from Fellowship for anything more. Choi found nothing more of any relevance.

The Audio Recording contains a conversation between Loritts and the Fellowship staff member who discovered Trotter's cellphone recording in a Fellowship office bathroom on February 4, 2010 (the "Reporting Party"); another Fellowship staff member ("Fellowship Staff #1") is identified on the recording as being present as well.⁶ At the outset of the Audio Recording, Loritts provides the date of the recording as February 4, 2010. Loritts introduces the recording by stating, "We are dealing with an event between [the Reporting Party] and Rick Trotter." After identifying the three individuals in the room (as noted above), Loritts asks the Reporting Party to describe what she found in the Fellowship bathroom; her account of her discovery and her actions follows (and is described in even more detail below, in the Investigative Findings section).

On the Audio Recording, the Reporting Party explains how she discovered Trotter's cellphone in the church bathroom. She states that after finding the phone and alerting Loritts, she went to Loritts's office, handed him the phone, spoke to him about the incident, and left. On the Audio Recording, the Reporting Party says Loritts later asked her to return to his office to discuss the matter further, and on her way back to see him, she picked up an MP3 recording device, which is presumably how she made the Audio Recording. On the Audio Recording, Loritts asked all those present to identify themselves to confirm they were aware that the Reporting Party was recording their conversation. The Reporting Party subsequently emailed the Audio Recording to Loritts and two other Fellowship pastors.

While there has been much public discussion regarding the events of February 4, 2010, there has been no prior release of the details of this Audio Recording, to our knowledge.

D. Loritts's Fellowship Emails

Prior to learning about the Audio Recording in late February 2021, we were unaware that Loritts still had access to some of his historic Fellowship emails. This information prompted us to explore whether additional relevant material might exist in Loritts's Fellowship email accounts. We discussed this possibility in a series of conversations with Loritts and Summit's IT administrator Choi, who provided us with technical assistance.

⁶ We did not interview the Reporting Party because she did not respond to our repeated attempts (by email and phone) to contact her. We interviewed Fellowship Staff #1.

According to Loritts, while serving at Fellowship, he could access his two church-provided email accounts on any of his devices, namely his phone, tablet, and laptop. Each of those devices used a mail utility that stored emails locally on the device, all of which were synched to the Fellowship network and were updated in common. When Loritts left Fellowship, Fellowship terminated his access to those email accounts; however, the locally resident emails remained on Loritts's devices because Fellowship had no means of remotely removing them. All of Loritts's devices were connected to remote backup, and as he obtained new devices over the intervening years, the remnants of his Fellowship emails migrated with the rest of his backed-up data to those new devices. As a result, in 2021, Loritts could still access some of his Fellowship emails – but only those emails that remained on Loritts's devices at the time he departed Fellowship. Other emails that Loritts received and deleted prior to his departure from Fellowship in 2015 no longer resided on his devices.

On March 10, 2021, we met virtually with Loritts and Choi to review the existing Fellowship emails on Loritts's tablet, looking for any relevant information from February through April 2010. Choi operated Loritts's tablet, with Loritts looking on to access his Fellowship emails. Through the video link, we were able to see what was displayed on the tablet. There were two Fellowship email accounts: bryan@fellowshipmemphis.org and bcl@fellowshipmemphis.org. Loritts explained he used the first account for general church communications through the Fellowship website, while the second account was for more private communications.

We focused our attention on the second ("bcl") account because it was the account to which the Reporting Party sent the email with the Audio Recording attached. We examined the contents of the Inbox, Trash, and Sent folders of the "bcl" account in two ways. First, Choi scrolled through all of the emails. When we saw an email subject line of potential interest, we asked Choi to open the email; Loritts agreed to every such request. Second, we asked Choi to use the mail utility's search function to find emails containing words and names relevant to the Trotter matter. We found only two emails containing relevant words, one of which was the email from the Reporting Party with the Audio Recording attached. The other relevant email had been sent by Trotter's then-wife and contained information about Trotter's experience in rehab.

Other than determining the origination of the Audio Recording, our review of Loritts's Fellowship email accounts disclosed nothing relevant to this investigation. The other email account ("bryan") contained only one email, which was irrelevant.

IV. INVESTIGATIVE FINDINGS

A. February 4 and 5, 2010: Discovery of Trotter's Voyeuristic Recordings at Fellowship and Loritts's Immediate Response

Loritts and two other individuals co-founded Fellowship in 2003 with the goal of developing a multicultural and multiracial church. At the time of the relevant events in 2010, Loritts was the Lead Pastor of Fellowship and Rick Trotter, a musician who was married to one of Loritts's sisters, was the church's Worship Leader.⁷

According to Loritts, on February 4, 2010, the Reporting Party called him in his office and asked to speak to him. When she arrived in his office, Loritts told us that the Reporting Party began to tell her story. Loritts said he immediately sensed the conversation would be sensitive; he therefore directed the Reporting Party to stop telling her story and called Fellowship Staff #1 to join him and the Reporting Party in the office. After all three were gathered in Loritts's office, the Reporting Party told the full story of her discovery

⁷ According to media reports, Trotter had been hired by Fellowship in August 2005.

of Trotter's phone to Loritts and Fellowship Staff #1. According to Loritts and Fellowship Staff #1, all three were stunned by the combination of circumstances: the surreptitious recording of bathroom activity within the church offices, the fact that the phone belonged to Trotter, a key church leader, and the fact that Trotter was Loritts's brother-in-law.

The Audio Recording contains the Reporting Party's account of what happened on February 4, 2010; what follows is based on that recording. On February 4, 2010, when the Reporting Party was in a bathroom in the Fellowship office, she saw an iPhone taped to the bathroom wall near a shelf. She removed the cellphone from the wall and stopped the recording before looking at the stored recordings saved in the phone. The Reporting Party saw a video of herself (i.e., the recording that she had stopped) and noted that the cellphone had been recording for 30-40 minutes; she watched the video to see what it had recorded and saw herself and deleted the video. She then took the phone to the front office where she told another staff member of her discovery. The Reporting Party then reviewed the phone and also noticed "multiple others" (i.e., many other recordings) along with some things she described as "questionable." She described another video saved on the phone, that appeared to have been taken in the same bathroom, from a different angle. In this video, she identified an individual, Victim #1. At that point, she turned the phone off and called Loritts to ask if she could come to his office to speak. Once in Loritts's office, she told him what happened and "handed over the phone." On the recording, Loritts asked the Reporting Party whose phone it was, and she responded that based on photographs that she saw on the cellphone, she believed it belonged to Trotter. After she handed over the phone and discussed her discovery, the Reporting Party left Loritts's office. Loritts contacted her later and asked her to return to his office to document her account of how she found the cellphone. On her way back to Loritts's office, the Reporting Party saw Trotter, who asked her if she had seen his phone and she replied that she had not.

Upon her return, she retold her story while being recorded. In our interview with Fellowship Staff #1, he could only recall hearing the Reporting Party's account of what she found once and did not remember the discussion being recorded; however, his memory of the details of her story was consistent with the Audio Recording.

According to Fellowship Staff #1, who remained with Loritts after the Reporting Party left Loritts's office, Loritts began making phone calls to several Fellowship leaders. Loritts told us he called the chairperson of Fellowship's elder committee and notified him that he intended to fire Trotter. According to one of the Fellowship pastors we interviewed ("Fellowship Pastor #1"), Loritts called him on February 4 while he was driving back from an out-of-town luncheon on the afternoon of the discovery of the phone. Loritts told Fellowship Pastor #1 about the discovery of Trotter's phone and the prurient recordings found on it, as well as his decision to fire Trotter. Fellowship Pastor #1 said he agreed with the decision to fire Trotter.

Both Loritts and Fellowship Staff #1 said later that same day (February 4, 2010), Trotter arrived at Loritts's office door and Loritts fired him a short time later.

According to Loritts, when he went home on the evening of February 4, he took Trotter's phone with him because he did not want to leave it in the Fellowship office. At home, Loritts shared the events of his day with his wife. They both looked at Trotter's phone and saw that it contained a number of video thumbnails that appeared to have been taken in the bathroom at Fellowship. Mrs. Loritts noticed one video thumbnail that did not appear to have been taken in the Fellowship bathroom, and she opened it to look more closely. She identified the video as a recording of the guest bathroom in the Trotter home. When she played the video, Mrs. Loritts saw a recording of Loritts's adult, younger sister (not Trotter's wife) in Trotter's bathroom.

Loritts told us when he returned to the Fellowship office the next day, he handed the phone to another pastor ("Fellowship Pastor #2") and issued, as he described it, a "firm instruction" to contact the MPD. Loritts felt certain that he told Fellowship Pastor #2 to also call DCS. Another Fellowship staff member told us that he saw Trotter's phone later in Fellowship Pastor #2's office.

We were unable to confirm Loritts's recollections about these conversations with Fellowship Pastor #2 through interviews or corroborating records. Fellowship Pastor #2 did not respond to our repeated attempts to contact him by phone and email. Fellowship Pastor #1, who we interviewed, could not confirm if law enforcement was ever contacted by anyone at Fellowship. As discussed in more detail below, another pastor ("Fellowship Pastor #3") told us he believed either Fellowship Pastor #2 or an attorney representing Fellowship contacted the MPD.

A Summit leader, Pastor David Thompson, spoke to Fellowship Pastor #2 in 2020 in the course of Summit's due diligence on Loritts. According to the notes Thompson took during that conversation, Fellowship Pastor #2 told Thompson he and others from Fellowship contacted the MPD, but the police department said that it would not pursue any investigation into the matter because no victim was willing to come forward. (Victims' recollections about their stated willingness to come forward are recounted below.) Thompson's notes also indicated Fellowship Pastor #2 said he had contacted DCS which did respond, although the details of that response were not noted.

As noted above, neither MPD nor DCS have corroborated Fellowship Pastor #2's assertion to Thompson that he and others had reported the voyeuristic videos on Trotter's phone.

B. February 2010: Actions Subsequently Taken by Fellowship and Loritts

In questioning interviewees about what happened in the days after the discovery of Trotter's phone on February 4, 2010, we found these witnesses did not have strong recollections about the exact sequence of events in that time frame. However, their statements to us provided a general description of how Fellowship responded in these early days, even if the timeline is not precise. Accordingly, the following account of Fellowship's actions is not necessarily in chronological order.

a. Response by Fellowship's Elders

At some point after the discovery of Trotter's phone and its contents, Loritts met with Fellowship's church elders to discuss next steps. Fellowship Pastor #3 was part of those early meetings with the elders.⁸ Loritts was included in at least the first meeting before he was recused from the matter by the elders because of his family tie to Trotter. According to Fellowship Pastor #3, during this initial meeting, the elders also agreed with the termination of Trotter. Loritts told us he concurred with the decision to "box him out" of the continuing response to Trotter's conduct.

According to Fellowship Pastor #3, during one of their meetings, the elders discussed contacting an attorney because they were not familiar with the rules and laws regarding victims of abuse. Fellowship Pastor #3 believed the elders consulted with an attorney who was a member of Fellowship at the time. No one we spoke to, including Loritts, could provide the name of the attorney, or even identify the law firm that was consulted or provided advice to Fellowship. One individual who we interviewed about Trotter's wrongdoing at Fellowship and the church's response to it ("Individual #1") thought, but could not confirm,

⁸ We interviewed Fellowship Pastor #3.

that the attorney who provided counsel to Fellowship may have been a close friend of one of the elders and a high-profile attorney in Memphis.

According to Loritts, in one meeting with elders, legal counsel provided guidance on how Fellowship could inform the church body about Trotter's firing. Loritts said Fellowship's counsel instructed the church not to disclose the specifics of Trotter's termination to the congregation. Loritts confirmed that church members were told about Trotter's dismissal, but he said that they were not told about the specific conduct that led to his firing, based on that advice of counsel. Loritts said counsel also advised the church that the victims recorded on Trotter's phone should be informed of the recordings and supported if they chose to pursue charges against Trotter. Finally, according to Loritts, the attorney also recommended that the church provide counseling resources. Fellowship Pastor #3 told us Fellowship Pastor #2 was charged with following up with the attorney about legal issues.⁹

Fellowship Pastor #3 also recalled the elders discussing the possibility of an attorney securing the phone in a safe deposit box. Fellowship Pastor #3 thought that either the attorney or Fellowship Pastor #2 contacted the MPD and recalled the decision to call the police took place after the first elder meeting, two to three days after the phone was discovered. Again, we could find no records to corroborate any outreach to the MPD or DCS by any individual associated with Fellowship.

Fellowship Pastor #3 told us the elders asked him to be in charge of speaking to the known victims.¹⁰ According to Fellowship Pastor #3, when he spoke to a victim, he also referred them to a Christian counselor. Other interviewees – including Victim #1 asserted that counseling resources were offered. Of the three victims interviewed two of which were members of Fellowship, none of them took advantage of counseling services. Moreover, none of the witnesses we interviewed could tell us how Fellowship identified victims in the first place.

Ultimately, according to Fellowship Pastor #3, Fellowship and Trotter entered into a "Restoration Plan" intended to restore Trotter to membership in Fellowship, based upon the "call of the New Testament church to forgive and restore those who are truly repentant of their sin."¹¹ The Restoration Plan described a series of obligations required of Trotter and Fellowship, the first of which was to "[c]omply with any relevant authorities on necessary steps to be taken in light of the situation."¹²

b. Interactions with Victims

According to Loritts, he spoke to the Reporting Party and two other individuals who were recorded on Trotter's phone. One of those individuals was his own younger sister ("Victim #2"), who had been recorded in a bathroom in Trotter's house, as described above. Loritts told us that sometime after the discovery of the phone, Loritts called Victim #2 to tell her Trotter had made this recording of her. Victim #2 spoke to us and said her initial response to her brother's disclosure of Trotter's wrongdoing was anger.

Victim #2 told us that approximately an hour after his initial call to her, Loritts called her back and said, "We need to talk about prosecuting him." Victim #2 told us she did not want to be responsible for the

⁹ Fellowship Pastor #1 told us he was dealing with a family emergency in another city at the time of these events; upon his return to Fellowship, he learned that the elders had stepped in and were making all decisions relative to Trotter. However, others interviewed told us that Fellowship Pastor #1 was involved in discussions about the victims and how to respond to them.

¹⁰ Loritts told us that he knew that Fellowship Pastor #3 was charged with dealing with the victims. He said that Fellowship Pastor #3 hosted meetings at his home between the victims and the Trotters upon Trotter's return from rehabilitation. Loritts denied knowing which victims were involved in these meetings.

¹¹ "Church Restoration Plan – Rick Trotter," provided by Fellowship Pastor #3, page 1.

¹² *Id.* at page 2.

impact to her family that would result from reporting her brother-in-law to the police. Victim #2 stated she therefore decided not to press charges against Trotter, over Loritts's objections. She said she also discussed the matter with her parents, who told her it was her decision. Both Loritts and Victim #2 told us that despite Victim #2's decision not to pursue criminal charges, Trotter's actions caused significant difficulties and estrangements within the Loritts family that lasted for years.

Victim #2 later provided a written statement in support of her brother to Summit leadership, which included the following:

In addition to his loving care and support, Bryan also offered me the option to prosecute. It was solely my choice to not press charges. I was not coerced nor persuaded to not press charges and anyone who indicated otherwise is a liar. The trauma I personally experienced and that my family has endured at the hands of this person is incomprehensible and I am deeply offended that my brother's and family's integrity is being questioned in this manner.

Loritts also informed Victim #3 that she had been surreptitiously recorded by Trotter at Fellowship. When we interviewed Victim #3, she told us she learned of the bathroom recordings on February 5, 2010, when Loritts asked her to come to his office. When she arrived, he told her that he had difficult news to share and she could leave immediately afterward if she felt she had to do so. Victim #3 said she thought there was bad news about a family member. According to Victim #3, Loritts then told her about the recording of her found on Trotter's phone and apologized to her on behalf of the church. She said Loritts explained he knew she had been victimized because he saw a photo frame of her on Trotter's phone. Loritts confirmed this to us, adding he saw one photo thumbnail of Victim #3 when he initially looked at the phone on the night of February 4.

Victim #3 told us she was "certain" that Loritts advised her she could press charges; he added that he would if it were him. Indeed, Victim #3 used the word "certain" more than once when describing her recollection of what Loritts told her. We were struck by the strength of this recollection because she admitted her memory of other details of these events was "foggy." Victim #3 recalled that Loritts offered her counseling through the church. She refused the offer of counseling, and also decided on her own not to contact the police, characterizing this decision as something that was private and not shared with anyone at Fellowship. Victim #3 said the victims never discussed what to do among themselves. Other than Loritts, no Fellowship leader spoke to her about contacting the police.

Victim #3 believes the Fellowship elders recused Loritts from any participation in the Trotter matter sometime after he spoke to her. To her knowledge, after his recusal, Loritts never discussed the issue again with anyone at Fellowship. Victim #3 told us she never saw Trotter's phone, or any recordings stored on it, and Fellowship Pastor #2 told her that the phone was "locked up" but he did not say where.

Victim #3 described Loritts as "shocked, angry and broken-hearted" over the incident, yet he handled the matter the way he should have in the time frame before he was recused. She would be "absolutely okay" to be a member of a church that hired Loritts.

We also spoke to Victim #1, who was initially identified by the Reporting Party during her review of Trotter's phone on February 4, 2010. According to Victim #1, Fellowship Pastor #3 informed her she had been recorded on Trotter's phone and asked her if she would like to press charges. Her immediate response was "I don't know," based on her initial shock. She said that Fellowship Pastor #3 explained to her that others were "giving grace" to Trotter. This initial conversation was brief, but she remembers asking if there was a possibility of the videos being uploaded to the internet; Fellowship Pastor #3 reassured her that the

videos had not been uploaded. She recalled that at some point (perhaps during this initial conversation, but perhaps later), Fellowship Pastor #3 told her that if she decided to press charges, the video could be shown in a courtroom as evidence. According to Victim #3, Fellowship Pastor #3 also told her that Trotter's phone was secured in a safe deposit box. Victim #3 told us that Fellowship Pastor #3 offered Christian counseling services, but Victim #1 did not take advantage of the service.

Months after the initial notification by Fellowship Pastor #3, Victim #1 revisited the possibility of pursuing charges with both Fellowship pastors as well as the MPD. According to Victim #1, she approached Loritts seeking additional information about the number of victims, whether any victims were minors, and the location of the evidence (i.e., Trotter's phone). According to Victim #1, Loritts would not answer her questions and she felt that she was "getting the runaround." When she asked about the whereabouts of the phone, both Loritts and Fellowship Pastor #3 said that it was locked up. She said that at some point, Fellowship Pastor #3 also told her that an attorney told them (Fellowship) to "throw the phone in the Mississippi River." She clarified that Fellowship Pastor #3 said that was the advice of the unnamed attorney but did not say that is what happened.

While Victim #1 could not recall the exact time frame – possibly after Trotter had started at Downtown – she approached the MPD to discuss the possibility of charges. She explained she was concerned because no one at Fellowship would answer her questions, so she called and spoke to someone in the Special Victims Unit of the MPD. She recalled telling the MPD that she had been informed that she was recorded on a phone camera in a Fellowship bathroom and that there may have been many others recorded. Victim #1 told us she requested information relating to any other reports concerning Trotter or Fellowship and the MPD told her that it did not have any record of ever being contacted about Trotter's misconduct. The MPD official with whom she spoke reassured her that if someone had called to report such an event, the MPD would have a record of it.

According to Victim #1, the MPD encouraged her to file a report but also cautioned her that if there were no witnesses, no evidence, or no other victims willing to come forward, justice could be hard to achieve. In addition to the caution about the MPD's ability to pursue the investigation without more cooperating victims, Victim #1 said she was told that police reports are posted online and that her address could become part of the police report. She told us that she weighed the pros and cons and decided not to pursue charges without having more to share with police, such as evidence. Victim #1 said that after speaking to the MPD, she again pursued the whereabouts of the phone, but the next time she spoke to Loritts, he told her it had been destroyed.

In our discussions with Loritts, he stated he knew that Victim #1 was recorded on Trotter's phone because the Reporting Party initially told him that. Loritts does not recall speaking to Victim #1 about Trotter at all, and disputed her contention that he was unsupportive, pointing to his advice to Victims #2 and #3 to pursue prosecution. Loritts also denied any knowledge of the phone's whereabouts after he handed it over to Fellowship Pastor #2.

c. Fellowship's Support of Trotter After His Dismissal

Shortly after Trotter was fired, Fellowship announced his dismissal to the church congregation but did not explain why Trotter had been asked to leave. Individual #1, who was friends with Trotter, told us he was surprised by the news of the dismissal. Although he was not a member of Fellowship, he was assisting the elder committee and was asked to provide advice to the Trotter family regarding their finances. According to Individual #1, when he demanded to know why Trotter had been dismissed, a Fellowship elder ("Fellowship Elder #1") informed him about the events that led to Trotter's firing.

Individual #1 told us that a few weeks after the announcement of Trotter's dismissal, he met with Loritts in his office, where the two men engaged in what was initially a diplomatic conversation about several matters. Individual #1 said during this meeting, he asked Loritts if law enforcement was interested in the Trotter matter. According to Individual #1, Loritts said that Fellowship had already spoken to the police and the police were not interested in pursuing any investigation. Loritts does not recall speaking to Individual #1 about law enforcement or DCS interest in the Trotter situation.

Individual #1 said during this conversation, he pushed Loritts to alert the congregation about the cause for Trotter's dismissal and threatened to speak to the press if the congregation was not told. According to Individual #1, Loritts threatened him with excommunication from the church if he told others about what Trotter had done. Individual #1 did not view this as a meaningful threat because he was not an official member of Fellowship. Individual #1 also told us that during this meeting, Loritts said the attorney that Fellowship had consulted had told church leaders to "throw the phone in the Mississippi River." Loritts denies making any such statement.

Furthermore, according to Individual #1, Trotter told him the recordings on his phone included videos of children, and Individual #1 said he relayed this to Loritts. Individual #1 also said he told Loritts that he would notify Trotter's babysitters. However, Individual #1 told us he did not report this information to law enforcement or Trotter's babysitters in 2010, because he thought law enforcement had already been informed. In addition, he stated that he had concerns he would be targeted by powerful forces in Memphis.¹³

As reported broadly after Trotter's 2016 arrest, Fellowship agreed to financially support the Trotter family following his dismissal from Fellowship in 2010.¹⁴ According to Individual #1, he was asked to provide financial advice to the church in connection with the matter. He said Loritts even asked him how the church could financially support the Trotter family without the appearance that it was still paying Trotter after his dismissal. Individual #1 told us he drafted a multi-page letter to the church elders on how best to handle issues relating to Trotter, but he did not provide this letter to us. Loritts does not recall seeing any such letter from Individual #1, but he recalled an email from him comparing the situation at Fellowship to that of Penn State and Jerry Sandusky.

Fellowship also paid for Trotter's stay at a rehabilitation clinic where he was treated for sex addiction.¹⁵ At some point after he returned from rehab, Trotter read an apology to the Fellowship congregation. According to Individual #1, the only reason this occurred was because Individual #1 had demanded a public apology by Trotter so that others at Fellowship would understand what he did.¹⁶ Individual #1 provided what he said was an accurate account of Trotter's public comments, which read, in part:

¹³ [Individual #1 told us that] in 2016, after Trotter was caught making upskirt videos at Downtown, Individual #1 contacted a reporter at the Memphis *Commercial Appeal* ("Reporter #1"). According to Individual #1, Reporter #1 told him that he was already aware of the 2010 allegations against Trotter. Individual #1 said that upon hearing this, he suspected that someone powerful at Fellowship "shut down" any law enforcement or media interest in Trotter's 2010 wrongdoing at Fellowship. We contacted Reporter #1, who no longer works at the Memphis *Commercial Appeal*, to discuss his recollection of the events involving Trotter. Reporter #1 advised he could not remember much about the topic; after reviewing his notes from the relevant time frame, he told us that they contained nothing about Loritts.

¹⁴ See, e.g., Leonardo Blair, "Rick Trotter, Fired Memphis Grizzlies Announcer, Arrested for 'Making Upskirt Videos of Church Members,'" *Christian Post* (Aug. 12, 2016) (citing joint statement issued by Fellowship and Downtown after Trotter's arrest).

¹⁵ Id. (citing joint statement issued by Fellowship and Downtown after Trotter's arrest).

¹⁶ Individual #1 said that he was incensed the church did not reveal the details of Trotter's alleged actions, and threatened in conversations with both Loritts and elders, including with Fellowship Elder #1, that he would disclose the details of Trotter's dismissal if the church did not publicly announce it. We note, however, an apology to the church is included in the Restoration Plan drafted by Fellowship Pastor #3, appearing on page 2.

"The situation I choose to share with you today took place over a two-month period. I used a video camera to invade the privacy of several women while in a restroom. I was discovered by a close personal friend who turned the evidence in to the leaders of this church.

As a consequence, I was terminated immediately. I placed this church under severe spiritual, emotional and financial duress. I caused emotional harm to several innocent women who were informed of my offense by the church leaders. I faced legal prosecution by each victim. I disgraced my wife and jeopardized our marriage and shamed my friends and family. Greatest of all I sinned against my God who loves me and gave Himself for me."

C. 2011-2016: Trotter's Employment at Downtown

After the discovery of the recordings on his phone, until 2011, Trotter continued to worship at Fellowship. He reunited with his wife (Loritts's sister), but Trotter remained estranged from the rest of the Loritts family.¹⁷

In 2011, Downtown hired Trotter as a contract employee. A former Fellowship staff member who was working at Downtown at the time ("Downtown Pastor #1") told Loritts that Downtown was considering Trotter for a staff position.¹⁸ Loritts told us he met with a Downtown pastor ("Downtown Pastor #2") and told him everything Trotter had done at Fellowship in 2010, to ensure that Downtown was aware of Trotter's wrongdoing. Loritts said he also told Downtown Pastor #2 about Trotter's progress in rehab. According to Downtown Pastor #1, he believed Loritts was honest and candid about the actions of Trotter, even though he was not present during the discussion between Loritts and Downtown Pastor #2. However, Loritts told us he wishes he had "grabbed [Downtown Pastor #2] by the collar and said don't hire [Trotter]. I didn't do that." Despite Loritts's disclosures, Downtown hired Trotter and later offered him a full-time staff position, in 2014.

In May 2016, a Downtown staff member saw Trotter using his phone to record an upskirt video during a church function. According to numerous media reports, Downtown immediately fired Trotter and he was later arrested by the MPD. Trotter eventually pled guilty to four misdemeanor counts of video voyeurism and was sentenced to 60 days in jail; he was also required to register as a non-violent sex offender.

Loritts admitted to us that prior to Trotter's arrest in August 2016, he was encouraged and hopeful for Trotter's recovery after his return from rehabilitation in 2010. Consistent with his hope for Trotter's full recovery, and in spite of Trotter's 2010 actions, in April 2015, Loritts invited Trotter to participate in a spiritual conference that he organized and led, the Kainos Conference. Loritts told us this invitation to Trotter was a lapse in judgement on his part.

D. 2019-2020: Summit's Due Diligence Relative to Hiring Loritts

According to the Summit leaders we interviewed, Summit's pastoral staff and elders began to focus on building a more diverse and multiracial church community approximately three years ago. Accordingly, Summit started to look for talented pastors who could assist in growing a more diverse faith community.

Summit Pastor J.D. Greear told us he considered Loritts to be one of the most talented pastors he knew; they had been friends dating back to 2011. In 2019, Loritts and Greear spoke generally about the possibility

¹⁷ Trotter's wife later filed for divorce, and according to a court docket available online, it appears as if the marriage was dissolved in October 2016.

¹⁸ We interviewed Downtown Pastor #1.

of Loritts joining the Summit staff. During that same year, Summit's Directional Elders continued to talk about adding a new staff position and what such a position might entail. After four to five months of discussions within Summit and between Greear and Loritts, consideration of this role became more serious.

As Summit began to more seriously consider the possibility of hiring Loritts, it started to conduct due diligence on him. As part of that due diligence, Greear, Thompson, and Summit elders spoke to a number of other pastors and elders with whom Loritts had worked at different churches, including Fellowship. Summit's questions at this stage of its due diligence focused mostly on Loritts's pastoral practices and leadership capabilities. Senior Summit staff identified and reached out to a number of individuals with knowledge of Loritts. According to their notes, when they spoke to a Fellowship elder who served at Fellowship when Trotter's wrongdoing was discovered in February 2010, that Fellowship elder did not mention Trotter's misconduct or Loritts's role in Fellowship's response.

In our interviews of Summit's pastors, the pastors were unable to pinpoint exactly when they became aware of the events involving Trotter, but it appears as if it was somewhat early in the Loritts hiring process. Thompson recalled that they heard Trotter's misconduct was a "settled issue" but they asked Loritts about it anyway. Thompson and Greear told us that Loritts described the events at Fellowship in detail with them. According to an interview of a Summit Directional Elder ("Summit Elder #1"), during a March 22, 2020 interview of Loritts via Zoom, the Summit elders followed up on Loritts's initial disclosure; he said they asked Loritts about his handling of the discovery of the voyeuristic videos on Trotter's phone and what happened in the aftermath of that discovery. Summit Elder #1 told us that during this call, Loritts described to the Summit elders both the events at Fellowship in 2010 and his discussions with Downtown in 2011 prior to Downtown's hiring of Trotter. According to Summit Elder #1, the Summit elders believed Loritts was candid and detailed in explaining what transpired at Fellowship in 2010 and with Downtown in 2011, and therefore they were comfortable supporting Loritts's hiring as a pastor at Summit. The elders informed Greear and Thompson of their approval of Loritts.

On April 15, 2020, Summit announced to its internal staff that it intended to invite Loritts to join Summit, publishing an "FAQ Staff Edition" newsletter in which it documented the intention to hire Loritts, the role he would play, and the process Summit leadership followed in vetting and deciding to hire him. However, soon after this announcement, while preparing for public media announcements, Summit learned there were public blogs and other media that depicted Loritts and his response to Trotter's misconduct in a negative light. As a result, Summit delayed extending a formal offer of employment to Loritts to conduct additional due diligence and to further explore Loritts's role in the events of 2010.

Summit Elder #1 explained to us that as part of this additional due diligence, he contacted a Fellowship elder ("Fellowship Elder #1") who served at Fellowship in 2010 and was knowledgeable about Trotter's wrongdoing, the details of Fellowship's response, and Loritts's role in that response.¹⁹ Summit Elder #1 told us that Fellowship Elder #1 supported Summit's hiring of Loritts and indicated that the Fellowship elders had removed Loritts from involvement in decisions regarding Trotter to avoid any concern about his involvement.

Later that month, Thompson spoke to Fellowship Pastor #2 and made notes of that discussion, which he consulted when talking with us. As mentioned above, Thompson said Fellowship Pastor #2 advised him that he had contacted the MPD and DCS to report what Fellowship had found on Trotter's phone, and DCS responded (although Fellowship Pastor #2 never specified how). According to Thompson, Fellowship Pastor #2 said victims were told they could pursue charges if they wanted, but to his knowledge, no victim pressed charges. Based on his notes of this conversation with Fellowship Pastor #2, Thompson told us

¹⁹ As stated earlier, we repeatedly tried to contact Fellowship Elder #1, but he did not respond to our requests for an interview.

Fellowship Pastor #2 never viewed the Trotter videos and did not know the number of victims. Again, the only information about this conversation was provided by Thompson and his notes since Pastor #2 was unresponsive to our requests for an interview. As stated above, we have no records from either the MPD or DCS to confirm that Fellowship Pastor #2 contacted the MPD or DCS.

In addition, Greear spoke to Fellowship Pastor #1 about Summit's interest in hiring Loritts. Fellowship Pastor #1 told us he offered only a few comments to Greear about Loritts because he understood that Loritts had already been hired by Summit.

In April 2020, Summit engaged a law firm in Raleigh, North Carolina to undertake an additional investigation into Loritts's actions in 2010. The firm provided us with the results of its investigation, including its contact with the MPD, DCS as well as information gathered during a May 19, 2020 interview of Loritts and an interview of Victim #3.²⁰ The law firm provided its email communications with MPD and DCS. According to emails dated May 7, 2020, MPD could not confirm that it had been contacted from anyone at Fellowship concerning the Trotter situation, asserting that the date of the requested information (2010) was outside of the department's document retention window. A check with DCS resulted in a response from a DCS official sent via email dated April 17, 2020 stating: "I have checked our database and we have no one named Dwayne Rick Trotter [citing Trotter's date of birth] listed."

Based on all of its due diligence, Summit decided to move forward with its hiring of Loritts. In a communication dated May 24, 2020, Greear announced to the Summit congregation the planned hiring of Loritts and explained the circumstances of February 2010 and the actions of Trotter as well as the response of Loritts.²¹

On May 28, 2020, Thompson and Unzicker spoke on the phone to Individual #1 and Victim #1 and a third-party victim advocate. According to notes of that discussion provided to us by Thompson, both Individual #1 and Victim #1 expressed concerns about how Fellowship had responded to the videos discovered on Trotter's phone. Individual #1 and Victim #1 told Summit they considered the conduct of Fellowship and Loritts in the aftermath of the discovery of these videos to constitute a "cover-up." According to Thompson's notes of the conversation, Individual #1 provided Summit with essentially the same information he provided to us in our interview, as well as his other public statements. Thompson's notes also indicate that Victim #1 told Summit much of the same information she relayed to us. According to Thompson, Summit's focus during the call was on listening to Individual #1 and Victim #1, not interrogating either of them. Thompson and Unzicker asked Individual #1 and Victim #1 for any supporting documentation they possessed, but the pastors did not receive any further contact from either Individual #1 or Victim #1.

Notwithstanding the information provided by Individual #1 and Victim #1, Summit's leaders extended an offer to Loritts to join the church as its Executive Pastor of Teaching and Development, beginning on June 1, 2020. In a six-page letter to the congregation, dated June 8, 2020, which is still posted on the Summit website, the Summit elders provided "an explanation of the transparent and thorough process" that led to Loritts's hiring. In the letter, Summit's leadership did not communicate to the congregation any of the concerns expressed by Individual #1 or Victim #1.

²⁰ According to our discussions with counsel for Summit, the law firm also attempted to talk to Fellowship staff about Loritts, but Fellowship legal counsel rebuffed all such requests. For example, in April 2020, Summit and its law firm attempted to have more substantive discussions with Fellowship Pastor #1 and contacted Fellowship counsel, who did not provide further access to Fellowship Pastor #1 for discussions.

²¹ "Statement for Members Regarding Pastor Bryan Loritts" (https://summitchurch.com/Content/ExternalSite/Documents/Statement-for-Members-Regarding-Pastor-Bryan-Loritts_.pdf).

The Summit elders' letter opens with the following paragraphs:

Below is an explanation of the transparent and thorough process that led The Summit Church to call Pastor Bryan Loritts to serve as executive pastor of teaching and development at The Summit Church.

You know how heavy our hearts have been for victims of sexual abuse in the church. At every step, Pastor J.D. Greear has modeled for our church--and for the entire Southern Baptist Convention--how to care well for the abused. Not only do we want to see better practices for prevention, reporting and care normalized among Southern Baptist churches, we want to ensure that leadership in our own church is committed to these things. You and many others have been an incredible help to us in this. We have been grateful for your friendship, are indebted to you for your patience and counsel. Your trust is very important to us. We want to be with you in this fight until the end.

Pastor Bryan freely admitted that he has learned a lot over the last 10 years (as we all have). As he explains below, looking back now he sees things he could have done better. This commitment to biblical self-evaluation and humility is exactly what our church expects of our leaders.

Among the changes Bryan would have made in hindsight is a more careful process of documentation that ensured greater accountability. Moreover, he wishes he had done more to prevent any future ministry assignment for his brother-in-law. Indeed, some crimes -- particularly those that involve abuse -- remove a man or woman who commits them from any potential future church office.

Despite these reflective assessments of Bryan's leadership in this matter, it became abundantly clear to Summit elders that Bryan had not attempted in any way to cover up the incidents of abuse that occurred at Fellowship Memphis in 2010, protect the abuser, or discourage victims from seeking justice for their abuses. In fact, the Summit Church's thorough background check, interviews, and examination revealed quite the opposite."²²

Additional details regarding Summit's due diligence is contained throughout the letter.

V. UNRESOLVED FACTUAL QUESTIONS

As noted in the Scope of Engagement section, in its statement announcing the engagement of Guidepost, Summit asked us to "note [in this report] where questions or testimonies conflict in ways that factual information could not resolve." Below, we address several unresolved factual questions or conflicts.

A. Was Law Enforcement Contacted?

By his own account, Loritts did not contact the MPD or any other law enforcement entity after he discovered the voyeuristic videos on Trotter's phone, nor did he contact any child protective services agency. He

²² Statement from Directional Elders Regarding Pastor Bryan Loritts (June 8, 2020) at 1-2 (<https://summitchurch.com/Content/ExternalSite/Documents/Statement-from-Directional-Elders-Regarding-Pastor-Bryan-Loritts.pdf>).

recognizes that this was a failing on his part; in an interview, he told us, "I should have called the cops then [on February 4, 2010]. I dropped the ball then."

According to Loritts, on February 5, 2010, he issued a "firm instruction" to Fellowship Pastor #2 to contact the MPD to report the videos that had been found on Trotter's phone. Loritts said that even after he was recused from the matter, he still received oral reports from Fellowship Pastor #2; he stated that Fellowship Pastor #2 told him that the police had been contacted but that they did not intend to proceed without a willing victim who wanted to pursue charges. Loritts was also certain that he told Fellowship Pastor #2 to contact DCS. Loritts said that Fellowship Pastor #2 confirmed to him that he (the pastor) had contacted DCS but stated that DCS was uninterested in pursuing an investigation because it did not think that the focus of the recordings was strictly on children.

Loritts told us that he believed that the MPD had been contacted in 2010 and only realized that this was not the case in 2016, when he read an article in the Memphis *Commercial Appeal* that reported that the police had never been notified about Trotter's abusive conduct at Fellowship. Numerous individuals advised us that they had heard at the time (in 2010) that the police had been contacted, but we were unable to identify any person who personally contacted the police or who was present when the police were called or responded to any potential call.

According to Thompson, Fellowship Pastor #2 told him that he personally contacted both police and DCS. Because Fellowship Pastor #2 would not speak to us, we cannot independently confirm that assertion and found no documentary evidence to support it. However, Victim #1's account of her interaction with the MPD is similar in substance to what Fellowship Pastor #2 recounted to Loritts and Thompson about his interaction with the police. In our discussion with Victim #1, she stated that she contacted the MPD herself and was told that the police would investigate the allegations against Trotter only if there was a victim willing to come forward.

Other than Victim #1's direct statement to us about contacting the police and the indirect account of Fellowship Pastor #2's outreach to the MPD, we are not aware of any individuals who may have contacted law enforcement in 2010 about Trotter, although many individuals within Fellowship possessed sufficient evidence to report the matter. None of the four identified victims (the three victims who we interviewed, plus the Reporting Party) decided to pursue charges.

The MPD's FOIA response for the relevant time frame for the Fellowship addresses we submitted in our FOIA request indicates that there are no police reports relating to Fellowship in 2010. Although this would indicate the MPD was not contacted, we cannot exclude the possibility that some form of informal communication occurred but was not recorded in the formal records of the MPD.

B. What were the Roles of Loritts and Others in Fellowship's Response After the Discovery of Trotter's Phone in 2010?

According to a number of interviewees, Fellowship's elders directed Loritts to recuse himself from any decision-making related to Trotter in the days and weeks after the discovery of Trotter's phone and the voyeuristic videos it contained. However, we were unable to determine the exact dates of Loritts's recusal, the role of the elders, the identification of victims and the provision of support to those victims because certain individuals who may have provided these specifics either chose not to respond to our requests for interviews or refused to make themselves available for an interview, upon the advice of Fellowship's counsel. Based on what we gleaned from those who were cooperative, Loritts was recused by the elders soon after the discovery of Trotter's phone but he was still informed verbally about some aspects of the church's response to Trotter, including the severance paid to the Trotter family.

From interviews, we also believe Fellowship Pastor #3 provided support to victims identified on Trotter's phone and participated in "restoration meetings" between victims and the Trotters. Because no Fellowship elders agreed to speak to us, we could not confirm what their roles in the church's response.

C. Did Loritts Fully Inform Downtown About Trotter's Abuse?

According to both Loritts and Downtown Pastor #1, Loritts himself fully informed Downtown about Trotter's misconduct at Fellowship. Loritts told us that in or around 2011, he met Downtown Pastor #2 for lunch and provided the details of Trotter's wrongdoing at Fellowship and Trotter's purported progress in rehab. However, Loritts stated that he did not advise Downtown not to hire Trotter: "I just wished I had grabbed him [Downtown Pastor #2] by the collar and said don't hire him. I didn't do that."

Media coverage of the joint statement issued by Fellowship and Downtown in August 2016 indicates that when Trotter applied for employment at Downtown, Downtown contacted Fellowship and details of Trotter's misconduct at Fellowship were disclosed.²³ Trotter himself reportedly disclosed his abusive conduct to Downtown.²⁴

Although it is clear that Downtown was aware of Trotter's wrongdoing at Fellowship, we were unable to independently confirm that Loritts himself disclosed and discussed Trotter's actions with any Downtown leader. Because Downtown failed to respond to our repeated attempts at contact, we did not speak to any individual at Downtown who could provide further details of the circumstances relating to Trotter's hiring by the church.

D. What Happened to Trotter's Phone?

The current whereabouts of Trotter's phone, which contained voyeuristic recordings made at Fellowship and elsewhere, is perhaps the most frustrating issue of all. Loritts told us that on February 5, 2010, he gave Trotter's phone to Fellowship Pastor #2. As noted, several times in this report, Fellowship Pastor #2 refused to speak to us. Statements by other witnesses support Loritts's statement that he gave the phone to someone else. For example, one former staffer at Fellowship told us that he saw Trotter's phone in the office belonging to Fellowship Pastor #2 at some point after its discovery. In addition, a number of interviewees "heard" that the phone was locked up, with some witnesses claiming that it was in a safe deposit box. Others – including Loritts, Individual #1, Victim #1, and a former Fellowship employee – heard that someone, allegedly an attorney who provided advice to Fellowship, told the church to throw the phone in the Mississippi River, although nobody said that they heard that this is what Fellowship had actually done.

Ultimately, the lack of cooperation from key people within Fellowship prevented us from conclusively determining the fate of the phone.

E. How Many Victims Were Recorded on Trotter's Phone and Were Any of Those Victims Minors?

As noted above, we are aware of four adult victims of Trotter's abuse at Fellowship, three of whom agreed to speak to us. No one associated with Fellowship, was able or willing to tell us how victims were identified or how many there were. While we were told Trotter admitted to having recordings of children on his

²³ See, e.g., Leonardo Blair, "Rick Trotter, Fired Memphis Grizzlies Announcer, Arrested for 'Making Upskirt Videos of Church Members,'" Christian Post (Aug. 12, 2016) (available at <https://www.christianpost.com/news/rick-trotter-fired-memphis-grizzlies-announcer-arrested-making-upskirt-videos-church-members-167896/#lfbxzJwrskLORWxA.99>).

²⁴ *Id.*

phone, no one we spoke to could independently confirm that. Again, the lack of cooperation by Fellowship leadership and the inability to find and review Trotter's phone thwarted our investigation into this question.

VI. CONCLUSION

The events in question here are over 10 years old and have been the subject of suspicion, scrutiny, social media debate, and concerns over potential legal liability – all of which has hindered our access to key information and witnesses. Many individuals, including Fellowship leaders, were unwilling to cooperate with our investigation. In total, we reached out to 30 individuals to request an interview, and 22 people responded to those requests. Of those 22 people, 21 agreed to speak to us. We are thankful to those individuals who did cooperate.

One of those cooperative individuals was Loritts. Loritts has come under years of scrutiny, both in formal processes (such as the due diligence by Summit and its law firm) and in media reports, and he had no choice in this instance but to acquiesce to further examination by us.

While our investigation may hopefully clarify certain aspects of events, it did not unearth any significant new evidence concerning Loritts's actions in February 2010, including any information relating to the fundamental concern that Loritts might have taken some action to influence Fellowship's response to protect Trotter, his brother-in-law at the time. Two of the individuals who we interviewed, Victim #1 and Individual #1, were critical of Loritts, and relayed to us one-on-one conversations that they had with Loritts – conversations that Loritts could not recall at all (with respect to Victim #1) or recalled differently (with respect to Individual #1). They contend that Loritts's response to Trotter's misconduct was inappropriate. However, they did not provide any specific evidence to us or to Summit that would prove that Loritts engaged in any sort of cover-up. Victim #1 told us that Loritts told her that Trotter's phone had been destroyed, but she did not state that Loritts himself had destroyed the phone or advised someone else to destroy it. Without any evidence to corroborate the claims of Victim #1 and Individual #1 about a cover-up or some other sort of obstruction by Loritts and Fellowship, there is no conclusive evidence to believe that Loritts tried to influence any response by the church, law enforcement, or any other entity.

Loritts has repeatedly acknowledged, to us and to others, that he should have acted differently when he learned what had been found on his brother-in-law's phone. He recognizes now that he should have reported Trotter to police himself on the day that Trotter's phone was discovered in Fellowship's bathroom. He recognizes now that he should have pushed the MPD to investigate even if it was initially slow to respond. He recognizes now that he should have explicitly and forcefully told Downtown not to hire Trotter. He recognizes now that he should have never invited Trotter to participate in the Kainos Conference in 2015.

As to Summit, while Summit was cooperative, there were opportunities to be more transparent. For instance, we found out about the Audio Recording of Loritts dated February 4, 2010 in an interview of Unzicker but other Summit staff including Loritts failed to tell us this proactively. This is also true relative to the existence of Loritts's dated Fellowship emails. We asked Loritts why he did not advise us of the existence of both the Audio Recording and the emails the first time we spoke to him and he commented that a specific Summit staff member did not think the Audio Recording provided additional information.

While we did not have access to every witness and every piece of evidence that we would need to clarify many of the disputed facts, it is clear that a number of errors of judgment were made, not only by Loritts (as noted in the preceding paragraph) but by the many individuals at Fellowship who knew of the February 4, 2010 events and Trotter's illicit actions. However, as a result of our investigation, we do not think the

blame and responsibility for these errors can be placed solely on Loritts. Through our interviews, reviews of documents and reviews of communications, we found no convincing evidence that Loritts was involved in a cover up.

With respect to Summit's due diligence, we believe Summit pursued available and verifiable evidence concerning Loritts's role in responding to Trotter's misconduct at the time Summit leadership decided to offer Loritts a position as a pastor. Summit pursued not only routine due diligence efforts, but also sought additional investigative help from a law firm and then ultimately from us. The church spoke to two people (Individual #1 and Victim #1) who relayed their concerns about the response of Loritts and Fellowship to the Trotter situation, but when Summit could not confirm the veracity of this information (and having requested, but not received, supporting evidence from Victim #1 and Individual #1), it moved forward.

In our view, based on our investigation here and our experience, Summit's efforts are commensurate if not more rigorous with the vetting processes commonly undertaken by many religious organizations for jobs of this organizational leadership level.