

MEMORANDUM OF UNDERSTANDING

The following will constitute a Memorandum of Understanding between The Most Reverend Thomas Zinkula, Bishop of the Roman Catholic Diocese of Davenport, and Michael J. Walton, the Scott County Attorney, regarding the handling of reports of sexual abuse of minors by clergy (bishops, priests and deacons) and members of religious orders (men and women) within the Diocese of Davenport in Scott County, Iowa, as of May 1, 2018 and shall apply to all reporting of claims of child abuse in the future.

1. Bishop Zinkula shall ensure reporting to the Scott County Attorney's Office, and shall direct and urge any and all members of the clergy and employees of the Diocese of Davenport, regardless of their title, position or affiliation, to report to the Scott County Attorney's Office and the Bishop:
 - (i) when he/they have cause to believe that a person coming before them in their professional or official capacity has been sexually abused by clergy or religious; or
 - (ii) when he/they have cause to believe that a minor has been sexually abused by clergy or religious based on a report from a parent, guardian, custodian or other person legally responsible for such minor, when such parent, guardian, custodian or other responsible person comes before them and provides facts, conditions or circumstances which, if correct, would render the minor a victim of sexual abuse by clergy or religious.
2. Any and all reports regarding the sexual abuse of minors by clergy or members of religious orders (men and women), which are reported to the Diocese of Davenport or to members of the clergy or to employees of the Diocese in accordance with paragraph 1 above, will be forwarded to the Scott County Attorney's Office without prior screening regarding the truth of the reports. During the pendency of the investigation by the Scott County Attorney's Office, the Diocese will communicate with representatives from the office of the County Attorney before taking any action as it relates to the report or against the person named in the report.
3. Any report made pursuant to this Memorandum of Understanding shall include, if known to the Diocese of Davenport:
 - (i) the name and address of the person who is suspected of committing the abuse;
 - (ii) the name, address and telephone number of the alleged victim;
 - (iii) the name, address and telephone number of the person making the report of abuse; and
 - (iv) any facts concerning the abuse which are known to the reporter.

4. Upon receipt of a report of sexual abuse by clergy or members of religious orders, the Scott County Attorney's Office will undertake an initial review and will report the results to the Diocese of Davenport as soon as possible and, if practicable, within two weeks. If the initial review is not completed within two weeks, the County Attorney's Office will inform the Diocese of the additional time needed to complete the initial review.
5. Nothing in this Memorandum of Understanding requires reporting to the County Attorney if the alleged perpetrator is deceased.
6. The Scott County Attorney's office will not make information received from the Diocese public and will maintain confidentiality at all times. This prohibition does not apply, however, to disclosure to or consultation with law enforcement or officials of other jurisdictions to the extent such disclosures or consultations are deemed necessary for appropriate investigation of a report.
7. If the Scott County Attorney's Office determines after initial review that the report of sexual abuse is unfounded and/or elects not to pursue a criminal charge for any reason or reasons, it will return to the Diocese of Davenport any reports, documents or other materials that were forwarded to it by the Diocese during the course of the investigation, shall turn over to the Bishop and the Diocese all information and results of its investigation, and shall hold the report and all information and materials generated by such report and investigation confidential, except to the extent it was reported to other jurisdictions. It will not release the report and the names of the alleged perpetrator and victim, or other information and materials, to others. The Scott County Attorney's Office will also provide a document identifying all materials returned to the Diocese.
8. If the County Attorney's Office or investigating agency finds probable cause that sexual abuse occurred and elects to pursue criminal charges, it will do so in the normal course and in its discretion. Nothing in this Memorandum prevents the County Attorney's Office from re-opening any investigation at any time.
9. It is understood and agreed that this Memorandum of Understanding shall be reviewed and evaluated periodically for updates, revisions, deletions, continuation, or cancellation. This Agreement shall not be binding on the successor to either Bishop Zinkula or Mr. Walton.
10. Nothing in this Memorandum of Understanding shall require any member of the clergy to divulge a confidential communication made in the course of the confessor-penitent relationship or one covered, protected or privileged under Iowa Code Section 622.10 or other applicable Federal, State, municipal, or Canon law.
11. The Diocese shall make reports to the Scott County Attorney of all reports of sexual abuse of a minor occurring in the Diocese, including reports of abuse occurring in counties or jurisdictions other than Scott County. The Scott County Attorney may

forward reports to the county attorneys of the counties where the abuse reportedly occurred or provide consultative services or information to such other counties or jurisdictions.

Dated at Davenport, Iowa, on this 1st day of May, 2018.



THOMAS ZINKULA, BISHOP
DIOCESE OF DAVENPORT



MICHAEL J. WALTON,
SCOTT COUNTY ATTORNEY