

Roman Catholic Diocese of Providence

Letter of Understanding Concerning The Reporting of Allegations of Sexual Misconduct¹

His Excellency, the Most Reverend Thomas J. Tobin, Bishop of Providence, and The Honorable Peter F. Kilmartin, Attorney General for the State of Rhode Island, through this joint Letter of Understanding affirm and agree:

- I. It is the stated policy of the Bishop of Providence that all Diocesan Personnel adhere to the mandatory child abuse reporting requirements of Rhode Island General Laws §40-11-3.
- II. The Bishop of Providence and the Attorney General agree that a standard protocol be established for the reporting and investigation of future complaints of Sexual Misconduct Perpetrated upon a Minor by Diocesan Personnel. We agree that this protocol expands upon the mandatory reporting requirements set forth in Rhode Island General Laws §40-11-3 and should serve as a model for other religious, charitable and non-profit organizations, as well as for governmental agencies such as schools, that work with and care for children. We further agree that this protocol is consistent with the long and continuing practices of the Diocese of Providence.
- III. This protocol includes the following:
 1. Upon receipt of an allegation of Sexual Misconduct Perpetrated upon a Minor by Diocesan Personnel or a Volunteer, the Director will determine, if reasonably possible, whether the information has already been reported to law enforcement authorities. For the purpose of this protocol, the Diocese may designate an individual or individuals who shall act on the Director's behalf to initiate contact with law enforcement.
 2. If the allegation has been reported to law enforcement, the Director will ensure that the terms of this Letter of Understanding are complied with.
 3. If the allegation has not been reported previously, in order to ensure that a criminal investigation, if deemed appropriate, may be initiated, the Director will promptly notify:
 - (a) The Detective Commander of the Rhode Island State Police, and, if appropriate, the municipal police chief of the venue in which the alleged sexual misconduct occurred; and the Chief of the Criminal Division of the Rhode Island Department of Attorney General.

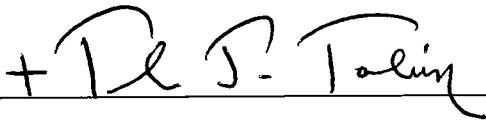
¹ Capitalized terms used and not otherwise defined herein shall have the respective meanings set forth in Appendix A hereto.

(b) The parties recognize that a victim of a crime, or a person acting on that person's behalf, may report alleged criminal conduct to any law enforcement agency having jurisdiction over the offense, and nothing in this Letter of Understanding limits which law enforcement agency shall conduct a criminal investigation.

4. Upon completion of any investigation conducted pursuant to this Letter of Understanding, the Diocese shall be promptly notified of the results of the investigation.
5. This Letter of Understanding is not intended to limit, in any way, the ability of the Diocese to report any alleged misconduct to law enforcement agencies, or to limit the nature and scope of communications between the Diocese and law enforcement agencies.
6. The Detective Commander of the Rhode Island State Police and the Chief of the Criminal Division of the Rhode Island Department of the Attorney General will maintain a log recording the reports as received. Information received in this manner may be shared by the Rhode Island State Police and/or the Attorney General with other law enforcement agencies for investigative purposes. We agree that these logs and records are criminal law enforcement records for the detection and investigation of crime within the meaning of Rhode Island General Laws §38-2-2 (4)(D).

- IV. Notwithstanding the reporting protocols set forth herein, the Bishop of Providence and the Attorney General affirm that disclosure of confidential communications within the meaning and scope of the privilege recognized in Rhode Island General Laws §9-17-23 is governed by the terms of that statute, and nothing contained herein is intended to limit the privilege.
- V. The Attorney General recognizes and agrees that notwithstanding the reporting of allegations of Sexual Misconduct Perpetrated upon a Minor by Diocesan Personnel pursuant to Rhode Island General Laws §40-11-3 and/or pursuant to this protocol, the Bishop of Providence, in exercising his ecclesiastical governance and authority within and for the Diocese of Providence also may review and investigate the same allegations and initiate administrative and/or penal processes pursuant to the Code of Canon Law and the other general and particular norms of the Roman Catholic Church.
- VI. The parties agree that they share a deep commitment to creating a safe environment for children and youth, and that the terms of this Letter of Understanding should be liberally construed in order to achieve its goals.
- VII. The parties agree that this Letter of Understanding shall remain in force unless and until either of the parties notifies the other party of its intent to terminate the agreement, which shall not occur sooner than 60 days of such notice.

This Letter of Understanding is entered into in Providence, Rhode Island this 30th day of August, 2016.



The Most Reverend Thomas J. Tobin, D.D.

Bishop of Providence



The Honorable Peter F. Kilmartin

Attorney General

APPENDIX A

Definitions

“*Diocese of Providence*” or “*Diocese*” means collectively, each individual, charitable, educational and religious special-purpose civil corporation organized and existing to conduct the temporal affairs of the Roman Catholic Church within the Diocese of Providence.

“*Diocesan Personnel*” shall refer to priests, religious, deacons, lay persons, and contract workers employed by the Diocese who have regular contact with children through diocesan programs and activities.

“*Director*” means the Director of the diocesan Office of Compliance.

“*Minor*” is any person who has not reached the age of 18 at the time of the alleged incident.

“*Sexual Misconduct Perpetrated upon a Minor*” means conduct which, if proven, would constitute a criminal violation defined by Rhode Island law as First or Second Degree Child Molestation; First, Second or Third Degree Sexual Assaults; or an Assault with the Intent to Commit Sexual Assault.

“*Volunteer*” shall refer to any unpaid person activity who is entrusted with the care and supervision involved in a diocesan program or of children.