

Metropolitan Archbishop of Baltimore

Protocols for the Receipt of Reports Concerning Bishops

Effective Date: March 16, 2020

Introduction

These protocols implement the provisions of Pope Francis's *Vos estis lux mundi*¹ (hereafter referred to as *Vos estis*) and the related Directives² (hereby referred to as "Directives") adopted by the United States Conference of Catholic Bishops **regarding the obligations of the Metropolitan Archbishop of Baltimore relating to the receipt of reports concerning bishops (or their equivalents)³ domiciled in the Province of Baltimore.⁴**

¹ POPE FRANCIS, apostolic letter *motu proprio Vos estis lux mundi*, 7 May 2019, <http://press.vatican.va/content/salastampa/it/bollettino/pubblico/2019/05/09/0390/00804.html#ita> (Plurilingual texts).

² Directives refers to the USCCB Directives entitled "Directives for the Implementation of the Provisions of Vos Estis lux mundi Concerning Bishops and their Equivalents" that were approved by that body in June 2019.

³ See *Vos estis* Article 6. Among the persons identified as the equivalents of bishops are men and women supreme moderators of Institutes of Consecrated Life, with respect to acts committed while holding that office.

⁴ *Vos estis* Article 8 indicates that reports are to be made to the Metropolitan where the bishop against whom an allegation is made "is domiciled."

These protocols apply to reports that a bishop committed an act described in *Vos estis*, Article 1. Specifically, that he:

- A. Forced someone, by violence or threat or through abuse of authority, to perform or submit to sexual acts;⁵
- B. Performed sexual acts with a minor or a vulnerable person, or recruited or induced a minor or a vulnerable person to participate in pornographic exhibitions;⁶
- C. Produced, exhibited, possessed, or distributed, including by electronic means, child pornography;
- D. Took actions or made omissions intended to interfere with or avoid civil investigations or canonical investigations, whether administrative or penal, against a cleric or religious regarding the conduct in items A-C.

Terms Used

The “Metropolitan” for the Province of Baltimore is the Archbishop of Baltimore, Archbishop William Lori and his successors.

The “Province of Baltimore” means the Archdiocese of Baltimore (MD) and the Dioceses of Arlington (VA), Richmond (VA), Wheeling-Charleston (WV), and Wilmington (DE).

The “senior suffragan” is defined as the diocesan bishop of the Dioceses of Arlington, Richmond, Wheeling-Charleston and Wilmington who has held that office for the longest period of time. As of March 2020, the “senior suffragan Bishop” in the Province of Baltimore is Bishop W. Francis Malooly, Bishop of Wilmington.

As of March 2020, the “Qualified Lay Person” appointed by Archbishop Lori for the Province of Baltimore is Terrence Sheridan, former Baltimore County Police Chief and former Superintendent of the Maryland State Police.

“Reporter” shall include those who provide information regarding the conduct of bishops as referred to in *Vos estis*.

⁵ *Vos estis* does not define the term “sexual acts.”

⁶ *Vos estis* Article 1 § 2 defines “vulnerable person” as “any person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist the offense.”

Protocols for the Receipt of Reports Concerning Bishops

A. Role of the Qualified Lay Person

The Directives call on the Metropolitan to appoint a “qualified lay person to receive reports of conduct about bishops referred to” in *Vos estis*. Directives § 1. The responsibilities of the Qualified Lay Person are:

- a. Engaging and interacting with the third-party entity arranged for nationally by the USCCB to receive reports;
- b. Receiving reports on behalf of the Metropolitan either through the third-party entity or those made directly to the Metropolitan;
- c. Informing the public about how to report cases involving bishops;
- d. Advising the Metropolitan on whether a report is manifestly unfounded pursuant to *Vos estis* Article 10 §1, and on his compliance with applicable civil laws requiring reports to civil authorities in accord with *Vos estis* Article 19;
- e. Gathering any needed additional information from the one making the report in the event there is a need for clarification about details that are time, place, and person specific.

The Qualified Lay Person (“QLP”) is a volunteer with extensive law enforcement experience who is not an employee of the Archdiocese of Baltimore and who does not receive any compensation from the Archdiocese of Baltimore. The QLP is independent, and works in a collaborative manner with the Archbishop of Baltimore and staff of the Archdiocese of Baltimore to ensure that these responsibilities are met.

B. Publication of Reporting Systems

The Archdiocese shall publicize by means of printed form, online, and other media, how members of the public can submit reports on bishops through the third-party reporting system arranged for by the USCCB. Directives § 1. The Archbishop shall encourage other dioceses in the Province to similarly advertise the reporting mechanism. The Archdiocese shall report periodically to the QLP on its publication efforts. Directives § 1.c.

C. Interaction with Reporting Systems

1. The QLP, with assistance from Archdiocesan staff, shall interact with the third-party national reporting system to ensure that the QLP and Archdiocesan staff are immediately informed of any report regarding a bishop domiciled in the

Province of Baltimore (except for a report regarding the Metropolitan, see Section E below). Directives § 1.a.

2. The Archbishop and Archdiocesan staff shall also forward to the QLP any reports regarding bishops domiciled in the Province of Baltimore received from any other source or reporting system. Directives § 1.b.

D. Making Report to Civil Authorities As Appropriate

1. The Metropolitan, normally through Archdiocesan staff, will “promptly comply with all applicable civil laws with respect to making reports to civil authorities.” Directives § 2; *see also Vos estis* Art. 19.

2. The QLP provides advice regarding the Metropolitan’s reporting obligations. Directives § 1.d. The QLP works with Archdiocesan counsel and staff to assess reporting obligations in Maryland or other states.

3. The QLP ensures that a report is provided by the Metropolitan to civil authorities if appropriate. At all times, the QLP has the authority to report any information the QLP has to civil authorities if the Metropolitan does not do so.

4. Maryland law requires every person who has reason to believe a child has been subjected to abuse to make a report to civil authorities, Md. Code Ann., Family Law §§ 7-704, 7-705, including if the child is now an adult, 78 Md. Op. Atty. Gen. 189.⁷

5. If additional detail as to time, place, or person is needed in connection with a possible report to civil authorities, the QLP or Archdiocesan staff designated by the QLP shall reach out to the one making the report. Directives § 1.e.

6. The Metropolitan shall suspend any canonical action in deference to an investigation being conducted by civil authorities when they so request.

⁷ Maryland law provides that anyone who “has reason to believe” that a child has been subjected to “abuse” shall notify the local department of social services or the appropriate law enforcement agency. Md. Code. Ann., Family Law § 5-705(a)(1). The statute defines “abuse” to include the “sexual abuse of a child, whether physical injuries are sustained or not.” *Id.* § 5-701(b)(1)(ii).

Directives § 2. If such a request is made, the Metropolitan shall immediately notify the Holy See through the Apostolic Nuncio. Directives § 2.

7. Pursuant to its Statement of Policy for the Protection of Children and Youth, the Archdiocese of Baltimore reports to its Independent Review Board all reports made to civil authorities regarding child sexual abuse or child pornography involving a bishop who is or was assigned to church ministry in the Archdiocese of Baltimore.⁸ The Archdiocese will also report to its Independent Review Board if a report indicates that a bishop who is or was assigned to church ministry in the Archdiocese of Baltimore interfered with an investigation of child sexual abuse or child pornography.

E. Confirming the Jurisdiction of the Metropolitan and Applicability of these Protocols

These protocols relate solely to reports regarding acts described in *Vos estis* Article 1 concerning bishops domiciled in the Province of Baltimore. However, legal reporting obligations to civil authorities (as described in Part D above) will be followed regardless of the applicability of these protocols.

1. If the QLP receives a report concerning the Archbishop of Baltimore (or the see is vacant) and acts described in *Vos estis* Article 1, the QLP should not inform the Archbishop, his staff, or Archdiocesan counsel if they are unaware of the report; the QLP should instead inform the Holy See as well as the senior suffragan Bishop by promotion⁹ (see Appendix for contact information).

2. If the report concerns a bishop who is domiciled outside of the Province of Baltimore, the report should be forwarded to the Metropolitan for the Province where the bishop is domiciled (or to the Senior Suffragan if the report concerns the Metropolitan) and also to the Holy See through the Apostolic Nuncio. Directives § 3; *see also Vos estis* Art. 8 § 1.

3. If the report concerns a deceased bishop, the report should be forwarded to the diocese where the bishop was last assigned as an ordinary or auxiliary

⁸ *See* Statement of Policy for the Protection of Children and Youth, Archdiocese of Baltimore § 11.1.

⁹ *Vos estis* Art. 8 § 2.

bishop and to the Apostolic Nuncio. N.B. This is a local interpretation since *Vos estis* and the Directives are silent on this matter.

4. If the report does not concern a bishop or concerns acts not described in *Vos estis* Article 1, the report should be forwarded to the Chancellor of the Archdiocese of Baltimore for appropriate handling. If the report concerns a cleric or religious who is not a bishop, the Chancellor will ensure that it is reported to the local ordinary where the events are said to have occurred, as well as to the ordinary of the person reported. *Vos estis* Art. 2 § 3.

F. Transmitting the report to the Apostolic Nuncio

1. The Metropolitan shall transmit any report he receives that is covered by these Protocols (i.e. concerning a bishop and acts described in *Vos estis* Article 1) to the Apostolic Nuncio.

2. The QLP provides advice to the Metropolitan regarding whether a report is “manifestly unfounded” pursuant to *Vos estis* Art. 10. Directives § 1.d. If additional detail as to time, place, or person is needed, the QLP or Archdiocesan staff designated by the QLP shall reach out to the one making the report. Directives § 1.e. In addition, if needed, other experts may be used to assist in this initial review of the report.

3. Unless the report is manifestly unfounded, the Metropolitan shall immediately request, of the Holy See through the Apostolic Nuncio, that he be assigned to commence the investigation. *Vos estis* Art. 10 § 1.

4. Alternatively, if the Metropolitan determines that there is any personal bias or conflict of interest that would hinder him in completing an impartial investigation, he shall indicate in his transmittal of the report to the Apostolic Nuncio that he has recused himself from the process and offer the circumstances that led to that decision. *Vos estis* Art. 12 § 6; Directives § 7. The Metropolitan shall be attentive to circumstances that give the appearance of bias even if he considers himself capable of proceeding fairly.

5. If the Metropolitan considers the report to be “manifestly unfounded,” he shall inform the Apostolic Nuncio of that assessment. *Vos estis* Art. 10 § 1.

6. The QLP ensures that the report is transmitted by the Metropolitan to the Apostolic Nuncio. At all times, the QLP has the authority to report any

information the QLP has to the Apostolic Nuncio if the Metropolitan does not do so.

G. **Supporting the Reporter**

Staff of the Archdiocese of Baltimore, typically from the Office of Child and Youth Protection, shall communicate with the reporter as appropriate to ensure that the reporter receives appropriate information and pastoral care.¹⁰ To the extent possible, these elements should be documented in communications with the reporter.

1. The Metropolitan will establish, maintain, and supervise competent persons to coordinate assistance for the immediate pastoral care of those persons who claim to have been harmed pursuant to Article 1 of *Vos estis*. *Vos estis* Art. 5 § 1; Directives § 4. Proper pastoral assistance may be coordinated with relevant dioceses.
 - a) Those who claim to have been harmed, together with their families, are to be treated with dignity and respect, and in particular, are to be:
 - (1) Welcomed, listened to and supported;
 - (2) Offered spiritual assistance;
 - (3) Offered medical assistance, including therapeutic and psychological assistance, as required by the specific case. *Vos estis* Art. 5 § 1.
 - b) In addition, those who claim to have been harmed should be provided with a copy of *Vos estis* and the Directives. Directives § 4.
2. The Metropolitan, typically through Archdiocesan staff, will advise and encourage those making reports to make their own report to civil authorities. Directives § 2.
3. The Metropolitan, typically through Archdiocesan staff, should inform the person making the report that he or she will not be subject to prejudice,

¹⁰ Although it is first the obligation of the Metropolitan to assure the availability of these resources, it may be that another ordinary is better suited to do so. For instance, if the person who claims to have been harmed resides in another diocese, he or she might benefit from the provision of services in that diocese.

retaliation, or discrimination as a consequence of having submitted a report. Directives § 10; *see also Vos estis* Art. 4 § 2.

4. To the extent needed, the QLP or Archdiocesan staff designated by the QLP should gather any additional information from the person making the report in the event there is a need for clarification about details that are time, place, and person specific. Directives § 1.e.

5. The good name and the privacy of the persons involved, as well as the confidentiality of their personal data, shall be protected. Personal information will be protected to the extent possible, consistent with civil reporting obligations. *See Vos estis* Art. 5 § 2.

6. An obligation to keep silent will not be imposed on any person with regard to the contents of his or her report. *Vos estis* Art. 4 § 3.

Conclusion and Other Phases of the Matter

After providing pastoral assistance, which may be ongoing, and reporting the matter to civil authorities and the Vatican, the duties and responsibilities of the QLP are completed. The Metropolitan awaits instruction from the Vatican.¹¹

Vos estis Art. 10, § 2 indicates that the competent Dicastery will proceed without delay, and in any case within thirty days, providing the appropriate instructions on how to proceed in the specific case.

The instructions may include the assignment of the Metropolitan to investigate the report, which investigation would not involve the QLP and would be governed by other provisions of *Vos estis* and the Directives, as well as by canon law and additional Protocols of the Metropolitan.

APPENDIX:

CONTACT INFORMATION FOR APOSTOLIC NUNCIO:

Archbishop Christophe Pierre
Apostolic Nuncio
3339 Massachusetts Avenue, N.W.
Washington, DC 20008

¹¹ *Vos estis* Art. 7 §§ 1-3.

CONTACT INFORMATION FOR SENIOR SUFFRAGAN:

Bishop W. Francis Malooly
Bishop of Wilmington
1925 Delaware Avenue
Wilmington, DE 19806