



State of New Jersey Division of Criminal

Justice

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News

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**NEW JERSEY DIVISION OF CRIMINAL JUSTICE OBTAINS FIRST-IN-NATION
AGREEMENT WITH STATEWIDE CATHOLIC DIOCESES FOR REPORTING
SEXUAL OFFENSES TO COUNTY PROSECUTORS & POLICE**

Memorandum Of Understanding Seeks To Protect Children & Victims

TRENTON — Attorney General David Samson today announced that under the leadership of Governor James E. McGreevey, negotiations between the Division of Criminal Justice and the New Jersey Catholic Conference have resulted in the most comprehensive and precise agreement of its kind in the nation for reporting sexual offenses to county prosecutors and local police agencies.

The detailed agreement, which establishes specific criteria and procedures for reporting sexual offenses to law enforcement, was built on a foundation established by New Jersey's 21 county prosecutors working cooperatively with the various Catholic Dioceses throughout New Jersey - the Archdiocese of Newark; the Dioceses of Camden, Metuchen, Paterson and Trenton; the Byzantine Eparchy of Passaic; and the Our Lady of Deliverance Syriac Catholic Diocese. The resulting Memorandum of Understanding, brokered by the Division of Criminal Justice, accomplished the overriding goal of protecting victims of sexual offenses and other vulnerable members of society, while ensuring that prosecutors be provided with all relevant information regarding allegations of sexual assault - whether past, present or future.

Joining Peter C. Harvey, First Assistant Attorney General and Director of the Division of Criminal Justice, in making the announcement were William F. Bolan, Jr., Executive Director, New Jersey Catholic Conference and Elmer M. Matthews, Counsel to the New Jersey Catholic Conference. Each of New Jersey's 21 county prosecutors also approved the agreement and representatives from each county prosecutor and the New Jersey Prosecutor's Association, participated in the announcement.

“This memorandum of Understanding is unique in that it is the first of its kind in the nation, going well beyond the minimum requirements of New Jersey law governing the reporting of suspected child abuse,” said Director Harvey. “There is no higher calling of society than that of protecting our children. This agreement, conceived as a vehicle to prevent predatory adults from abusing the young or the impaired, will serve as the watchtower for such protections. And, the agreement places New Jersey and the Division of Criminal Justice as a law enforcement leader in responding to the problem of sexual abuse.”

Criminal Justice Director Harvey noted that the agreement goes well beyond the bare minimum requirements of New Jersey’s current laws governing the reporting of suspected child abuse. For example, the Memorandum of Understanding:

- covers the full range of sexual offenses; it is not limited to offenses committed against minors by adult offenders;
- is not limited to offenses that may have been committed by Priests or other Diocesan employees;
- operates without regard to any statutes of limitations and applies to victims who are not minors within the protective jurisdiction of the Division of Youth and Family Services.

Additionally, the Memorandum guarantees that all information reported by Diocesan officials to prosecutors will be kept strictly confidential and will only be used for law enforcement investigative purposes. The Memorandum expressly recognizes that in some cases, the appropriate law enforcement response will not be a formal criminal prosecution. Most importantly, the Memorandum recognizes that it is the prosecutor’s responsibility to decide whether to initiate a criminal prosecution.

The Memorandum establishes clear, easy-to-understand criteria for when Diocesan employees will share information with law enforcement authorities concerning suspected sexual offenses and provides, for the first time, a clear operational definition of the legal term “reasonable cause,” which currently triggers the legal duty to notify civil authorities of suspected child abuse.

Specifically, the agreement provides two examples that will unambiguously cover most if not all of the controversial situations that have been encountered throughout the nation. First, the Memorandum clearly provides that when a person whose identity is known claims to be a

victim, or a person whose identity is known claims to be the parent or legal guardian of a victim, then the Dioceses will automatically report that person's claim to law enforcement authorities. As importantly, the Memorandum provides that if the Dioceses assigns any person to investigate an accusation or claim (whether that assigned person is an employee or a response team), then the Dioceses must automatically report the matter to law enforcement authorities.

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The Memorandum of Understanding between the Division of Criminal Justice and New Jersey's Catholic Dioceses is the first step in the Division's efforts to reach out to other religious and secular non-profit organizations that routinely interact with children and other vulnerable members of society. In coming months, the Division of Criminal Justice will undertake negotiations with the various other organizations and encourage them to follow the lead set by the Catholic Dioceses and to adopt similar policies and protocols designed to protect victims.

Harvey credited the effort and forward thinking of Assistant Attorney General Ron Susswein, Counsel to the Director of the Division of Criminal Justice, the New Jersey Prosecutors Association, and legal counsel for the various New Jersey Dioceses with negotiating the innovative and far-reaching agreement.

The full text of the Memorandum of Understanding is available by logging on to the New Jersey Division of Criminal Justice web page at www.njdcj.org.

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