

**MEMORANDUM OF UNDERSTANDING BETWEEN THE DISTRICT ATTORNEY  
AND THE DIOCESE OF SYRACUSE RELATING TO THE REPORTING OF  
SEXUAL MISCONDUCT OF MINORS BY CLERGY AND RELIGIOUS**

**I. Introduction**

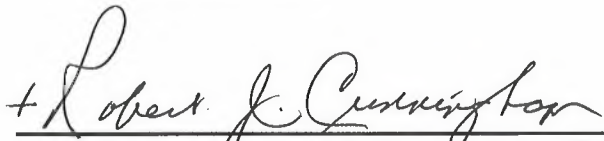
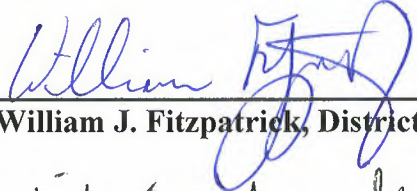
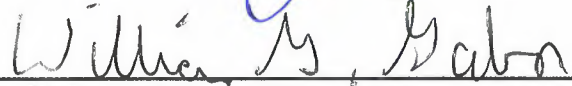
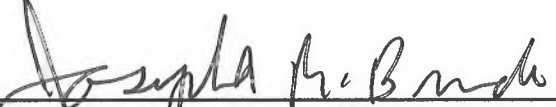
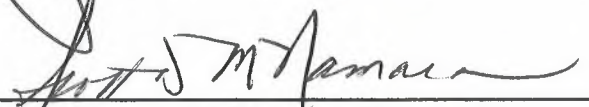
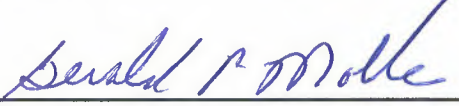


This Memorandum of Understanding is a working agreement between the Roman Catholic Diocese of Syracuse and the elected District Attorneys of the seven (7) counties within the geographical jurisdiction of the Syracuse Diocese. The purpose of this document is to create and implement a consistent policy and reporting protocol with regard to sexual misconduct and abuse of minors by all members of the clergy and religious under the auspices of the Syracuse Diocese. The undersigned, hereby understand and agree to all terms and conditions contained in this document.

**II. Terms and Conditions of Understanding**

- A. Sexual abuse of a minor is a crime. The age of consent in the State of New York is 17 years of age. Minors under the age of 17 cannot give consent. Whenever a complaint is received by a Diocesan official that a member of the clergy or religious, who is under the auspices of the diocese, has sexually abused a minor, regardless of the age of the incident, the complainant will be strongly urged to report the complaint immediately and directly to the appropriate District Attorney's Office.
- B. When a Diocesan official has learned or has reason to suspect that a member of the clergy or religious, who is under the auspices of the diocese, has sexually abused a minor, the Diocese will immediately refer the matter to the appropriate District Attorney's Office for investigation, regardless of the age of the allegation or whether or not the clergy member or religious is active.
- C. If the Diocese has reason to suspect that a member of the clergy or religious, who is under the auspices of the diocese, has sexually abused a minor, it will make efforts to preserve any evidence of the incident and will coordinate with the District Attorney's Office with respect to the preservation and collection of that evidence.
- D. The Diocese shall not do its own independent investigation of a complaint prior to reporting it to the District Attorney's office, other than a preliminary inquiry to establish that there is an allegation that consists of conduct that rises to a sexual offense. If there is a question as to the criminality, the Diocese shall consult with the appropriate District Attorney's Office

E. The Diocese, after notifying that District Attorney's Office, will take appropriate action with regard to that member of the clergy or religious, as warranted, including removing the individual from his or her assignment, to ensure the safety of minors. However, once the District Attorney's Office has been notified, the diocese should coordinate with the District Attorney to ensure that any criminal investigation is not compromised. To that end, the District Attorney's Office must also recognize the obligation of the diocese to take appropriate action with regard to a member of the clergy or religious, who is under the auspices of the diocese, accused of abuse, within certain time constraints prescribed by the norms of the universal Church.

**III. Signature Lines**

	10/15/15
Most Reverend Robert J. Cunningham, Bishop of Syracuse	Date
	10/8/15
Hon. William J. Fitzpatrick, District Attorney, Onondaga County	Date
	10/13/15
Hon. William Gabor, District Attorney, Madison County	Date
	
Hon. Joseph A. McBride, District Attorney, Chenango County	Date
	10/13/15
Hon. Scott D. McNamara, District Attorney, Oneida County	Date
	10/13/15
Hon. Gerald F. Mollen, District Attorney, Broome County	Date
	10/15/15
Hon. Gregory S. Oakes, District Attorney, Oswego County	Date
	10/14/15
Hon. Mark D. Suben, District Attorney, Cortland County	Date