

IN RE SPECIAL
INVESTIGATION NO. CID 18-
2673

IN THE CIRCUIT COURT
FOR BALTIMORE CITY
Case No. Misc. 1144

MEMORANDUM AND ORDER FOR REDACTIONS

After consulting with the Archdiocese of Baltimore, the Maryland Office of the Attorney General has submitted a list of 220 names pursuant to the court's order of February 24, 2023. The OAG has proposed rephrasing the Report with regard to 60 individuals to remove their names, titles, and other specifically identifying information. The OAG also identified 91 individuals named in the report who are deceased and therefore not included in the court's order regarding redactions. It listed 21 individuals whose identities were not obtained from grand jury subpoenas and whose names, therefore, are not covered by the presumption of secrecy attached to grand jury proceedings. The OAG also listed 35 names it proposed for redaction, notice, and a hearing on disclosure. And the OAG listed 13 individuals whom it believed were not referred to in a way that met the court's criteria of those "accused of abuse, hiding abuse, enabling abuse, assisting in the cover-up of abuse, or protecting abusers from the consequences of their actions."

The court's role in this process is not to make editorial decisions regarding what should or should not be in the report, or to vet the accuracy of the information in the report. Rather, the court's role is to ensure that no grand jury secrets are disclosed contrary to Maryland law. Therefore, the court agrees that the proposed rephrasing to eliminate 60 names from the report suffices to protect from public scrutiny those individuals, and that to the extent any of the information was presumptively secret as a result of the grand jury proceedings, the need for disclosure outweighs any marginal exposure of grand jury secrets

that may flow from the rephrased and anonymized presentation proposed by the Office of the Attorney General.

Regarding to the 91 deceased individuals, the court has also engaged in the same weighing process described in its earlier Order and determined that the need for public disclosure outweighs any residual interest in maintaining the veil of secrecy that attaches to grand jury proceedings. These names need not be redacted from the Report.

The 21 individuals whose identities and roles were not gathered from grand jury proceedings are not included in the court's review, because the presumption of grand jury secrecy does not apply to them. Their identities do not need to be redacted from the Report.

The 35 individuals the OAG proposes redacting from the Report shall be redacted before the report may be disclosed. The OAG will notify these individuals and their attorneys of their presence in the Report. The individuals or their attorneys will be given the opportunity for in camera review of the portions of the report relating to them, and will then be given the opportunity to respond in court to the OAG's expressed desire to publish an unredacted version of the Report that would include their names.

With regard to the 13 individuals the OAG identified as not meeting the criteria for being "accused in the Report of abuse, covering up abuse, silencing victims, participating in efforts at either transferring accused abusers to different positions or accepting them into the Archdiocese, and/or assisting in any of these acts either before or after the fact" – which the OAG refers to with the shorthand term "non-derogatory" – the court has determined that two of the individuals listed should in fact be redacted and given notice and the opportunity to respond. The court will identify those two individuals to the OAG ex parte in the interest of preserving their privacy at this stage.

Therefore, the OAG may now release a redacted version of the Report with the rephrasing it has proposed, and with the redaction of those 37 names (and titles, where relevant). The court has prepared a proposed Notice for the 37 individuals whom the OAG, with the assistance of the Archdiocese, will attempt to notify regarding their inclusion in the Report. After a suitable period for responding to the notice and in camera review of the relevant portion of the unredacted Report, the court will conduct a hearing on the OAG's request that a final, unredacted version of the Report be released to the public.

This Memorandum and Order will not be placed under seal. All other proceedings in this matter remain under seal at this time.

March 14, 2023
Date

_____/s/_____
Robert Taylor, Jr.
Associate Judge
Circuit Court for Baltimore City

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ORDER

It is this 14th day of March, 2023, by the Circuit Court for Baltimore City, hereby ORDERED:

(1) The OAG will make the proposed edits and rephrasing of the Report to eliminate specific references to the 60 individuals it has proposed to “anonymize;”

(2) The OAG will redact the names, titles, and other specific identifying information of the 35 individuals it listed for redaction, plus the two additional individuals identified by the court;

(3) Upon the completion of these two steps, the OAG may release the edited, redacted Report to the public; and

(4) Notice will be sent to the 37 affected individuals.

March 14, 2023
Date

_____/s/_____
Robert Taylor, Jr.
Associate Judge
Circuit Court for Baltimore City