MEMORANDUM

To: The Pastoral Center, all parishes and schools of the Diocese, and all other Catholic schools located in the Diocese of San Diego
Via email

From: Diocese of San Diego - Office for Civil Affairs

Re: California Department of Justice Request to Preserve Documents

Date: May 13, 2019

On May 3, 2019, the Diocese of San Diego received a letter from the California Department of Justice requesting that documents in our custody related to the handling of claims of abuse of minors be preserved. The request is part of the DOJ’s review of compliance by all Catholic dioceses in California with the Child Abuse and Neglect Reporting Act (“CANRA”). This Memorandum will explain your obligations with respect to the DOJ letter.

WHO MUST PRESERVE DOCUMENTS?

The duty to preserve documents applies to the Diocese of San Diego, all parishes and schools of the Diocese, as well as all Catholic schools located within the Diocese, regardless of whether they are parochial, diocesan or private schools.

WHAT DOCUMENTS MUST BE PRESERVED?

In general, any document or communication which relates in any way to sexual abuse of minors must be preserved. Documents include communications in any format, whether paper, digital or electronic, such as emails. A description of each category of document requested in the DOJ letter is attached as Exhibit A.

WHAT MUST BE DONE?

a. Circulate this Memorandum to each of your employees, and ask them to review Exhibit A.

b. Do not discard, destroy, delete, edit, or alter any document or communication covered by this memorandum. Do not “edit” any document covered by this Memorandum. Likewise, do not create new records, documents, or emails because you think they should be in the file.

c. Maintain documents in the format that they exist naturally, i.e., Word, Excel, PowerPoint and Outlook documents. Do not convert the documents to an imaged format like PDF.

d. If you have already deleted an email covered by this memo from your “inbox” or “sent” items, but it is still in your “deleted” box, do not delete it from there.
EXHIBIT A

DOCUMENTS TO BE PRESERVED

A. Any and all documents and communications related to allegations of sexual molestation, sexual abuse, sexual assault, sexual exploitation, and commercial sexual exploitation (collectively “sexual misconduct”) involving: (1) any person who was under the age of 18 at the time the alleged incident(s) took place; and (2) any individual within the purview of the Diocese, including clergy, lay employees, volunteers, any member of a Religious Order, whether or not the alleged misconduct occurred within the geographic boundaries of the Diocese (hereinafter, the above description will be referred to as “sexual abuse of minors”). Documents include records of therapy or counseling offered to the victim, and investigations of the incident by the Diocese or anyone on its behalf.

B. All policies, procedures, and documents related to compliance with mandated reporting of sexual abuse of minors under CANRA and efforts to address the issue of sexual abuse of minors.

C. Any audits, internal or external reviews, or formal or informal investigations of the handling of and response to sexual misconduct allegations, and any personnel actions taken.

D. Any documents related to sexual abuse of minors contained in any archive or files, including litigation files, review board files, as well as documents related to transfers of individuals following allegations of sexual abuse of minors, and placement of alleged perpetrators in treatment or health facilities of any kind, termination of faculties, notices of appointment, or retirement of such persons.

E. All documents relating to:
   (i) Complaints of sexual abuse of minors by members of Religious Orders;
   (ii) Referrals to Religious Orders of complaints of sexual abuse of minors;
   (iii) Policies about responding to/investigating complaints of sexual abuse of minors against clergy, lay employees, volunteers, or Brothers or other members of Religious Orders;
   (iv) Allegations of sexual abuse involving minors at any Catholic school located in the Diocese, even if it is separately incorporated;
   (v) Policies regarding termination of the faculties or employment of clergy, lay personnel, Brothers or members of a Religious Order accused of sexual abuse of minors;
   (vi) Recordkeeping policies about complaints of sexual abuse of minors received by your entity;
   (vii) Policies regarding the transfer of persons who are the subject of any allegation of sexual abuse of a minor, including the placement of such persons in treatment or health facilities, whether or not affiliated with a religious entity, or the retirement of such persons.

F. The above list includes all allegations of sexual abuse of minors, even if the allegations have not been determined to be credible, or the investigations of these allegations are not complete.

Questions about this Memorandum should be directed to William Nolan at (858) 490-8259 or wnolan@sdeatholic.org