



NEWS RELEASE

ROMAN CATHOLIC DIOCESE OF SACRAMENTO

Sacramento Bishop Jaime Soto releases statement on Document request from state Attorney General

FOR IMMEDIATE RELEASE
Friday, May 3, 2019

CONTACT: Kevin Eckery
916-296-5945
keckery@eckery.com

(SACRAMENTO)— Bishop Jaime Soto released the following statement today concerning a information request from the state Attorney General’s office on how the diocese complies with state law on the mandatory reporting of child abuse allegations to child protective services and to law enforcement. All 12 California dioceses have been contacted and asked to preserve certain files, 6 of them, including Sacramento, have been asked to provide information to the Attorney General’s Office.

“The California Attorney General’s Office has asked all 12 Catholic dioceses around the state to preserve files and documents that concern their compliance as mandatory reporters of child abuse to local law enforcement.

“In addition, the Attorney General’s Office has asked that 6 of the 12 dioceses voluntarily produce these same documents so that the AG’s Office can monitor their compliance with the letter and spirit of the law. Sacramento is one of those dioceses.

“The Diocese of Sacramento regularly trains all mandated reporters about their obligations to report to law enforcement. Even those who are not mandated reporters are reminded of the moral obligation to be aware for the signs of child abuse and to report it when there is a reasonable suspicion an abuse as occurred.

“As is our policy, we intend to cooperate with the Attorney General’s request and will work out the details with them directly.”

(NB - A copy of the letter from the Attorney General’s Office is attached)

The Diocese of Sacramento serves over 1.3 million Catholics in 20 counties covering 42,000 square miles of Northern California from San Francisco Bay to Sacramento and the Oregon border. It includes more than 100 parishes, 43 elementary and secondary schools, the Sacramento Food Bank and various social service and family support organizations throughout the region. The diocese also operates St. Mary’s Cemetery in Sacramento and Calvary Cemetery in Citrus Heights, plus other community and parish cemeteries throughout Northern California.

#####

XAVIER BECERRA
Attorney General

State of California
DEPARTMENT OF JUSTICE



300 SOUTH SPRING STREET, SUITE 1702
LOS ANGELES, CA 90013

Telephone: (213) 269-6280
Facsimile: (213) 897-7605
E-Mail: Michael.Newman@doj.ca.gov

May 2, 2019

Roman Catholic Bishop of Sacramento
Attn: The Most Reverend Jaime Soto, Bishop of Sacramento
2110 Broadway
Sacramento, CA 95818

RE: *Preservation of and Production of Documents Related to Allegations of Sexual Misconduct and Failure to Comply with Mandatory Reporting Obligations*

Dear Bishop Soto:

The California Department of Justice is conducting a review of your Diocese's handling of sexual misconduct allegations involving children, including whether your Diocese has adequately reported allegations of sexual misconduct, as required under California's Child Abuse and Neglect Reporting Act, Penal Code section 11164 et seq. ("CANRA"), and whether the assurances provided by your Diocese and the Catholic Church in the United States regarding steps to address sexual misconduct are accurate and adequate. As a result, our Department seeks to ensure the preservation of any and all documents in the custody, possession, and control of the Diocese of Sacramento related to these issues ("Covered Documents"), as defined below, so that the California Department of Justice can determine whether the Diocese has adequately complied with California law. This preservation request encompasses all Covered Documents, and specifically requests that these Covered Documents not be destroyed, discarded, disposed of, deleted, or altered, regardless of any internal document retention or destruction guidelines.

"Covered Documents" refers to:

- A. Any and all documents and communications related to allegations of sexual molestation, sexual abuse, sexual assault, sexual exploitation, and commercial sexual exploitation, as defined in California Penal Code section 11165.1 (hereafter "*sexual misconduct*"), involving: (1) any individual who was under 18 years of age (hereafter "*minor*") at the time that any alleged incident(s) took place, and (2) any individual within the purview of the Diocese (this includes Priests, any lay personnel or volunteers of the Diocese, any member of a Religious Order, and any volunteers, employees or staff of Catholic schools within the Diocese); regardless of whether the alleged abuse took place inside or outside of the geographical location of the Diocese, including records of therapy or counseling

- offered to the victim and all related documentation, and investigations undertaken by the Diocese or anyone acting on its behalf;
- B. Any policies, procedures, documents, and communications regarding the Diocese's compliance with CANRA and efforts to address the issue of sexual misconduct involving minors, including but not limited to documents or direction received from the United States Conference of Catholic Bishops and/or the California Catholic Conference, and any audits or internal or external reviews – by any entity or organization, including independent consultants of the Diocese's handling of and response to allegations of sexual misconduct, formal or informal investigations, and any personnel actions taken;
 - C. Any and all documents and communications related to allegations of sexual misconduct contained in so-called "secret archives" or sub secreto files, confidential archives, personnel files, litigation files, victim or review board files, or similar files, including documents relating to any transfers of individuals following allegations of sexual misconduct towards a minor, the placement of such persons in treatment or health facilities (whether or not affiliated with a religious entity), termination of faculties, notices of appointment, or the retirement of such persons;
 - D. For any individual accused of sexual misconduct involving a minor, any and all files maintained by the Diocese about the individual, including "secret archives" or sub secreto files, confidential archives, personnel files, litigation files, victim or review board files, or similar files; and
 - E. All documents and communications relating to:
 - (i) complaints of sexual misconduct towards minors by members of Religious Orders, that were received by the Diocese, including complaints referred by Religious Orders and other Archdiocese/Diocese;
 - (ii) all referrals of sexual misconduct complaints by the Diocese to Religious Orders;
 - (iii) policies about responding to/investigating sexual misconduct complaints against Priests, other members of the Diocese, lay personnel, volunteers, or Brothers or other members of a Religious Order that are lodged with a Diocese;
 - (iv) allegations of any incidents of sexual misconduct involving minors at any of the Diocese's schools and Catholic schools located within the Diocese, even if the school is incorporated separately from the Diocese;
 - (v) policies regarding the termination of the faculties or employment of a Priest, any other individual under the purview of the Diocese, including lay personnel, or any Brother or member of a Religious Order accused of sexual misconduct involving minors;
 - (vi) recordkeeping policies about complaints of sexual misconduct involving minors received by the Diocese; and
 - (vii) policies regarding the transfer of persons who are the subject of any allegation of sexual misconduct involving minors, 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.

Please be advised that Covered Documents includes all allegations of sexual misconduct, as defined above, even if the allegations have not been determined to be credible or have not been

the subject of an internal or external investigation by the Diocese, or the investigation of these allegations is not complete.

Document and Information Requests

The California Department of Justice further requests that the Diocese voluntarily produce Covered Documents to our Department that relate to:

- 1) All allegations of sexual misconduct towards minors that the Diocese received from 1996 to the present, regardless of when the alleged sexual misconduct took place;
- 2) Any actions taken from 1996 to the present against any individual within the purview of the Diocese (this includes Priests, any lay personnel or volunteers of the Diocese, any member of a Religious Order, and any volunteers, employees or staff of Catholic schools within the Diocese) who was accused of sexual misconduct towards a minor or who failed to report allegations of sexual abuse to appropriate law enforcement authorities as required by CANRA;
- 3) Individuals who have been the subject of any allegation of sexual misconduct towards a minor, who are still active in the ministry (whether or not active with the Diocese), or otherwise affiliated with the Diocese, another Archdiocese/Diocese, or Religious Order, or for whom the Diocese or any other Archdiocese/Diocese is providing retirement benefits, regardless of when the alleged sexual misconduct took place;
- 4) All reports of alleged sexual misconduct towards a minor filed by the Diocese in compliance with CANRA from 1996 to the present;
- 5) For any individual accused of sexual molestation of a minor, any and all files maintained by the Diocese about the individual, including "secret archives" or sub secreto files, confidential archives, personnel files, litigation files, victim or review board files, or similar files; and
- 6) Any and all policies, procedures, documents, or communications regarding the Diocese's compliance with CANRA, efforts to address the issue of sexual misconduct towards minors, and how the Diocese (or its agents) determines whether an allegation of sexual molestation is credible.

In addition to information responsive to the above categories, please prepare and produce a list identifying all persons accused of sexual misconduct, as described in subdivisions (1) and (3) above, including the location and dates of the individual's assignments, and their Religious Order or Archdiocese/Diocese, if they were a religious or external priest. Please include in this list external Brothers or members of Religious Orders, as well as any employees, staff, or volunteers of the Diocese or any Catholic schools within the Diocese, even if the allegations do not meet the Diocese's definition of "credible allegation."

This voluntary disclosure will enable the Attorney General, in his role as the chief law officer of the state, to ensure that the laws of the State are uniformly and adequately enforced. (Cal. Const.

May 2, 2019
Page 4

Art. V, § 13.). We request that you provide your response no more than 30 days following the date of this correspondence. Should you have any questions with regard to anything contained within this correspondence, please do not hesitate to contact Supervising Deputy Attorney General Susan Slager at (916) 210-7811 or Susan.Slager@doj.ca.gov.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Michael Newman" with a stylized flourish at the end.

Michael Newman
Senior Assistant Attorney General

For XAVIER BECERRA
Attorney General

cc: Andrew Rivas, Executive Director, The California Catholic Conference, Inc.