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PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION
SENT AT THE DIRECTION OF COUNSEL

November 7, 2018

RE: Request to Preserve Documents

Dear Father,

As you may have heard, federal prosecutors in Pennsylvania recently served subpoenas for documents on all eight Catholic dioceses in that state. The federal prosecutors also requested that every Archdiocese, Diocese, and Catholic entity in the United States preserve certain information. This request was made in an October 9, 2018 letter from William M. McSwain, United States Attorney for the Eastern District of Pennsylvania, to Cardinal Daniel DiNardo, President of the United States Conference of Catholic Bishops. A copy of this letter is enclosed, and you should review it in its entirety.

As you can see, we have been requested to preserve all documents and data from any source that broadly relates to "sexual conduct involving a minor," alleged or proven, from any time. In an enclosure to his October 9 letter, Mr. McSwain lists 20 categories of documents that must be preserved and not destroyed.

The U.S. Attorney has not issued any subpoenas to, or initiated any investigation of, the Archdiocese of Cincinnati. Nevertheless, this Archdiocese and its parishes, schools, and other institutions which operate under the administrative authority of the Archbishop will honor the Pennsylvania U.S. Attorney's preservation request. Thus, deleting, overwriting, or any other possible destruction of this information should be suspended immediately.

Please note that "documents and data" means not only hard copy documents, but also audio recordings, videos, and electronic information created, received, and/or maintained by the parish and any entity or individual under its control, such as a school. Relevant information could be stored in files, computers, CDs, DVDs, flash drives, or any other location where electronic data is stored.

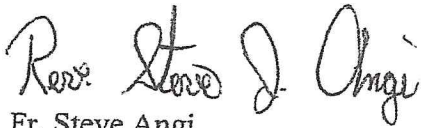
We must take every reasonable step to preserve the information described above and in Mr. McSwain's October 9 letter until further notice from the Chancellor's office. The interests of the Archdiocese of Cincinnati and all the institutions and individuals that operate under the Archbishop's authority could very well be compromised if anyone who is informed of the need to preserve documents and data either ignores the directives in this communication or fails to take the necessary steps to preserve all materials, including electronic information.

Our Archdiocesan legal counsel, Mark Arnzen, prepared the attached checklist to help you and your staff comply with the U.S. Attorney's request to preserve documents.

This matter is highly confidential. Do not discuss this matter with anyone outside your parish staff or the Archdiocese central office staff unless you are specifically directed to do so by legal counsel or me. If you are contacted by anyone outside of your parish or the Archdiocese seeking information of any sort relating to this matter, do not respond, but refer the contact immediately to me.

If you have any questions about this matter, please direct them to me. Thank you for your immediate and complete cooperation in this serious matter.

Sincerely yours in Christ,

A handwritten signature in cursive script that reads "Rev. Steve J. Angi". The signature is written in dark ink and is positioned above the printed name.

Fr. Steve Angi
Chancellor

cc: Mark Arnzen, Dinsmore & Shohl

Document Preservation Checklist

- Please note that the U.S. Attorney's Request to Preserve Documents includes the preservation of all paper files and information created and stored electronically (*see* Definition No. 1 in the Request to Preserve Documents).
- It is important that you implement appropriate procedures to ensure that the requested documents are retained.
- Do not destroy any paper or electronic documents identified in the U.S. Attorney's Request to Preserve Documents, including but not limited to any priest file or personnel file.
- This also requires that **routine document retention/destruction policies**, as well as ad hoc destruction, must be **suspended**, and a "**litigation hold**" must be put in place to ensure the preservation of all requested documents.
- Identify all possible sources of documents requested in the U.S. Attorney's Request to Preserve Documents.
- Communicate the requirement that documents be preserved to Information Technology/Computer staff and employees.
- Do not destroy email records. (If emails in mailboxes are automatically deleted after a certain time period, the automatic deletion function should be suspended.)
- Do not destroy backup tapes.
- Do not destroy or reformat hard drives. (If information on a computer system that contains documents requested in the U.S. Attorney's Request to Preserve Documents is automatically eliminated over time, the automatic deletion function should be suspended so that documents can be reviewed and requested documents preserved.)
- Do not use disk wiping software to "clean" documents. Do not edit word-processed reports of internal investigations. Do not replace computers.
- Designate a contact person to answer questions regarding the document preservation policy. Publicize this information to those in possession of requested documents.
- Identify other employees or persons who may have documents requested in the U.S. Attorney's Request to Preserve Documents so that they may be notified regarding the importance of preserving such documents.



U.S. Department of Justice

United States Attorney

Eastern District of Pennsylvania

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Philadelphia, Pennsylvania 19106-4476
(215) 861-8200

WILLIAM M. McSWAIN
Email Address: william.mcswain@usdoj.gov

October 9, 2018

Via Federal Express

Daniel Cardinal DiNardo, President
United States Conference of Catholic Bishops
3211 Fourth St., N.E.
Washington, D.C. 20017

Re: Request to Preserve Documents

Dear Cardinal DiNardo:

This Office is investigating possible violations of federal law.

The United States Conference of Catholic Bishops (including its officers, directors, employees, agents, and representatives) is requested to preserve the documents described in the enclosure to this letter. I request that these documents be preserved in their current form and condition, and not be destroyed, discarded, disposed of, deleted, or altered in any way.

You (or your counsel) should contact this Office as soon as possible to confirm that the preservation requested through this letter is being undertaken.

Further, I trust that this letter is sufficient notice for your member or affiliate archdioceses, dioceses, archeparchies, eparchies, and personal ordinariate to preserve such documents in their respective possession, custody, or control. You should immediately transmit copies of this preservation request to them, confirm that they are preserving evidence as requested herein, and have them contact my Office, as soon as possible, to confirm that the preservation is being undertaken.

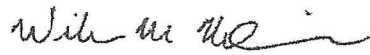
Presently, there is no need for you, the Conference, or anyone else to produce any documents solely on account of this letter. It is only requested that you, the Conference, and your member or affiliate archdioceses, dioceses, archeparchies, eparchies, and personal ordinariate not destroy, discard, dispose of, delete, or alter any of the described documents. Rather, they should be preserved in their current format and condition.

Daniel Cardinal DiNardo, President
United States Conference of Catholic Bishops
October 9, 2018
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When contacting my Office to confirm that the requests in this letter are being carried out – or if you have any questions – please contact Assistant United States Attorney Michelle Morgan at (215) 861-8458 or michelle.morgan2@usdoj.gov.

I look forward to your cooperation.

Very truly yours,



WILLIAM M. MCSWAIN
United States Attorney

Enclosure
WMM/nmd

ENCLOSURE TO LETTER OF OCTOBER 9, 2018

It is requested that the following documents be preserved:

1. All documents related to sexual conduct involving a minor—or reported, alleged, suspected, or suggested sexual conduct involving a minor—by any of your current or former officers, directors, employees, contractors, representatives, or agents, as well as any bishop, priest, deacon, other clergyman, member of a religious order, or seminarian currently or formerly assigned to, reporting to, or stationed at the United States Conference of Catholic Bishops or any of its predecessors or affiliates.
2. All documents related to sexual conduct involving a minor—or reported, alleged, suspected, or suggested sexual conduct involving a minor—by any bishop, priest, deacon, other clergyman, member of a religious order, diocesan or parish school or seminary administrator, faculty member, or staff member, or seminarian currently or formerly affiliated with any of the archdioceses, dioceses, archeparchies, eparchies, or personal ordinariate in the United States.
3. All personnel files and other records, communications, and documents related to any of your current or former officers, directors, employees, contractors, representatives, or agents, as well as any bishop, priest, deacon, other clergyman, member of a religious order, diocesan or parish school or seminary administrator, faculty member, or staff member, or seminarian currently or formerly assigned to, reporting to, or stationed at the United States Conference of Catholic Bishops or any of its predecessors or affiliates or currently or formerly affiliated with any of the archdioceses, dioceses, archeparchies, eparchies, or personal ordinariate in the United States, who committed—or who reportedly or allegedly committed or was suspected or suggested of having committed—sexual conduct involving a minor.
4. All documents related to sexual conduct involving a minor—or any report, allegation, suspicion, or suggestion of the foregoing—held or formerly held in the “secret archives,” the “confidential files,” the “historical archives,” any secured or secret record-keeping location or system, any record-keeping location or system accessible only by the diocesan bishop and chancellor, or any archive, place, location, or system created or maintained pursuant to Canons 486, 487, 489, or 491 of the Code of Canon Law (1983), or any analogous provision of any prior codification of the Code of Canon Law.
5. All reports made to any law enforcement agency, insurance company, investigator, Catholic church-related entity, or any other person or entity concerning any actual, reported, alleged, suspected, or suggested sexual conduct involving a minor, and all documents related to any such reports.
6. All reports made to you concerning any actual, reported, alleged, suspected, or suggested sexual conduct involving a minor, and all documents related to any such reports.
7. All documents produced to any federal, state, county, municipal, or other law

enforcement agency, or any court, prosecutor, or grand jury, related to any actual, reported, alleged, suspected, or suggested sexual conduct involving a minor or in connection with any investigation of the foregoing.

8. All investigative summaries or reports, and all other documents related to any inquiry or investigation, of actual, reported, alleged, suspected, or suggested sexual conduct involving a minor.
9. With respect to any person identified in any document preserved in response to Requests 1 through 8 as having committed—or who reportedly or allegedly committed or was suspected or suggested of having committed—sexual conduct involving a minor, all documents related to such person producing, transporting, shipping, receiving, distributing, or possessing a photograph or other visual depiction of a minor or transporting any minor across any state or international border or persuading, inducing, enticing, or coercing any minor to cross any state or international border.
10. All documents related to any transfer of any bishop, priest, deacon, other clergyman, member of a religious order, or seminarian who committed—or who reportedly or allegedly committed or was suspected or suggested of having committed—sexual conduct involving a minor from one archdiocese, diocese, archeparchy, eparchy, or personal ordinariate to another, or from any one place or position to another, and your role in approving such transfers, or advising, consulting, or being informed of such transfers or anticipated or proposed transfers.
11. All documents approving, directing, discussing, or otherwise relating to the enrollment or placement of any bishop, priest, deacon, other clergyman, member of a religious order, or seminarian into any treatment facility for sexual or other misconduct or disorders, and all documents concerning related costs and financial transactions.
12. All applications for insurance coverage for policies that covered, or were intended to cover, sexual conduct involving a minor, or any failure to supervise, including any documents in which representations are made about the occurrence or non-occurrence of any sexual conduct involving a minor or claims or anticipated claims related thereto, as well as all documents relating to claims or notices you made to any of your insurance carriers.
13. All of your press releases, statements, and other communications relating to actual, reported, alleged, suspected, or suggested sexual conduct involving a minor, or relating to any press reporting, law enforcement activity, litigation, or other reporting or interest concerning the foregoing, and all documents related to any such communications.
14. All communications advising, counseling, requesting, or suggesting that any person or entity not report, in whole or in part, actual, reported, alleged, suspected, or suggested sexual conduct involving a minor to any law enforcement agency or to any other person or entity, and all documents evidencing or otherwise relating to such communications.

15. All communications and other documents relating to any direction, instruction, suggested course of action, or suggested approach you provided to any archdiocese, diocese, archeparchy, eparchy, personal ordinariate, parish, school, seminary, clergyman, or other person or entity concerning sexual conduct involving a minor or reporting of or prevention of the foregoing.
16. All documents relating to any impact—or anticipated or possible impact—on fundraising, charitable contributions, school tuition payments, or receipts of other funds due to any actual, reported, alleged, suspected, or suggested sexual conduct involving a minor, or any press reporting, law enforcement activity, litigation, or other reporting or interest in the foregoing.
17. All documents relating to the creation of entities, establishing of accounts, or transfer of funds, properties, or assets—or any plan or suggestion to undertake such actions—due to actual, reported, alleged, suspected, or suggested sexual conduct involving a minor, or any press reporting, law enforcement activity, litigation, or other reporting or interest in the foregoing.
18. All of your charters, articles of incorporation or organization, bylaws, and similar organizational and governance documents.
19. All of your organizational charts.
20. All directories (including directories of clergymen) created, maintained, or published by you.

DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions apply to this Enclosure:

1. The term "documents" includes all forms of creation or storage, including any form of computer or electronic storage (such as hard disks, RAM, floppy disks, flash memory, CD-ROMs, and other magnetic or optical media that can store data); any handmade form (such as writing); any mechanical form (such as printing or typing); any electronic form (such as electronic files, text and other messages, or electronic mail); and any photographic form (such as microfilm, microfiche, prints, slides, negatives, videotapes, motion pictures, or photocopies).
2. "You" and "your" refer to, as the case may be, (i) the United States Conference of Catholic Bishops and any of its predecessors or affiliates, as well as any current or former officer, director, employee, agent, or representative of the United States Conference of Catholic Bishops or of any of its predecessors or affiliates; and (ii) an archdiocese, diocese, archeparchy, eparchy, or personal ordinariate and any of their respective predecessors or affiliates, as well as any current or former officer, director, employee, agent, or representative of the archdiocese, diocese, archeparchy, eparchy, or personal ordinariate or of any of its predecessors or affiliates.
3. The term "sexual conduct involving a minor" is not limited to instances of physical contact with a minor but also includes the production, transportation, shipment, receipt, distribution, or possession of child pornography or any communication or contact with a child regarding actual, attempted, or contemplated sexual conduct through any means, including telephonic, computer, electronic, visual, audio, audio-visual, or remote means.
4. For purposes of this preservation request, a bishop, priest, deacon, other clergyman, member of a religious order, diocesan or parish school or seminary administrator, faculty member, or staff member, or seminarian is considered currently or formerly affiliated with an archdiocese, diocese, archeparchy, eparchy, or personal ordinariate if he: (i) resides or resided in the territory of the archdiocese, diocese, archeparchy, eparchy, or personal ordinariate; (ii) is or was employed by or performs or performed work in the archdiocese, diocese, archeparchy, eparchy, or personal ordinariate (iii) is or was assigned to or stationed at the archdiocese, diocese, archeparchy, eparchy, or personal ordinariate; (iv) reports or reported to or is or was subject to the authority of, directly or indirectly, the archbishop, bishop, ordinary, or any of his predecessors; (v) appears or appeared in any directory created, maintained, or published by the archdiocese, diocese, archeparchy, eparchy, or personal ordinariate; or (vi) otherwise is or was currently or formerly affiliated with the archdiocese, diocese, archeparchy, eparchy, or personal ordinariate.
5. Whenever a document or communication is referenced, you are requested to preserve any drafts and non-identical copies of the document or communication.

6. You are requested to preserve all identified documents or communications that are in your possession, custody, or control, whether held by you or your past or present agent, employee, or representative acting on your behalf.