



Failure to report suspected child abuse triggers Grand Jury Report

Shockwaves ripple across Pennsylvania as Grand Jury gives voice to 100s of children sexually assaulted by "at least 50 different priests or religious leaders." Dioceses' online child abuse reporting materials out-of-step with PA law.

March 2nd - At the beginning of 2014, [Cambria County District Attorney Kelly Callihan](#) referred a case related to failure to report suspected child abuse to the Office of the Attorney General for the Commonwealth of Pennsylvania. The referred case involved the Diocese of Altoona-Johnstown, the Johnstown Police Department and the Bishop McCort Catholic High School.

On March 1, 2016, the findings of the 37th Statewide Investigating Grand Jury, which accepted the case for investigation in April 2014, were released leading to a chorus of individuals and institutions expressing that they were "shocked" and "saddened."

Recollections of "indiscretions" or "accidental fondling" and "horseplay"

Within the report the Grand Jury retraces testimony and interviews revealing that, within the Diocese over a period of decades, "at least 50 different priests or religious leaders" sexually assaulted children with the child sexual abuse taking on "many forms."¹ The report continues, "Children reported having their genitals fondled; being forced to participate in, watch, or permit masturbation; being forced to perform or receive oral sex on and/or from priests, and being anally raped." The Grand Jury also "saw evidence" that "both alcohol and pornography" were provided to children by Catholic priests.²

[The Roman Catholic Diocese of Altoona-Johnstown](#) serves 8 counties and includes 89 parishes, 74 active priests and 36 permanent deacons. It operates 20 Catholic elementary schools and 4 independent

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A pattern of failing to report to law enforcement, aided in part pre-2007, by PA law

The report is also littered with documentation about the degree to which leaders of the Diocese turned a blind eye to the abuse refusing to notify law enforcement.

In part, some of the failure to notify law enforcement (pre-2007) can be linked back to deficiencies that existed then in Pennsylvania's Child Protective Services Law (CPSL).

A loophole was spotlighted in 2005 after another Grand Jury report - this time involving the Archdiocese of Philadelphia - demonstrated that leaders of the Archdiocese could reasonably and legally stand behind

¹ A Report of the Thirty-Seventh Statewide Investigating Grand Jury released March 1, 2016, Page 12. Retrieved at https://www.attorneygeneral.gov/uploadedFiles/MainSite/Content/Related_Content/PressReleases/GJ%20Diocese%20Report.pdf.

² Ibid.

the fact that they did not notify law enforcement when they suspected or even when they had an outright admission that a child had been sexually abused by a member of the clergy.

Leaders in the Diocese (or other faith and non-faith based institutions) did not live under a fear that they would be criminally charged with failure to report suspected child abuse because, at that time, the CPSL required reporting only if the suspected abuse was committed by a person who could be a “perpetrator” under the CPSL. Back then the “perpetrator” language captured largely family members, people the child lived with or someone directly responsible for the child’s welfare (essentially caring for the child when the parent wasn’t present). As a consequence of this definition then and no other legal provision related

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Children speak up, parents and law enforcement keep blinders on

The Grand Jury Report, however, also demonstrates that there were times reports did make their way to law enforcement, including related to a priest the document describes as “a monster.” The Grand Jury indicates that over two decades (1961 – 1985), Father Francis McCaa – a parish priest in Cambria County – “groped and fondled the genitals of numerous children who attended the Holy Name School or served the parish itself.”³ The Report continues, “Numerous former altar boys reported that McCaa would make them take their pants off under their religious vestments to touch and squeeze their genitals. Sometimes he would push his finger into their anuses before sending them off to engage in a church function.”⁴

Many of these victims, according to the Grand Jury Report, did tell their parents, “many of whom were devout Catholics” but ultimately the children “were not believed.”⁵ One child reported his mother said that the “Monsignor was just being friendly.”⁶ The Grand Jury writes of how it “aches at hearing of the hopelessness these victims felt when being offended on by a pastor they were taught to respect and honor.” The Grand Jury was able to identify “as many as 15 victims who suffered at McCaa’s hands.”⁷

In 1985, then Bishop James Hogan “met with representatives of the District Attorney’s Office” led at the time by District Attorney Gerald Long.⁸ Hogan kept detailed notes about the meeting, including indication that prosecutors saw this as a “delicate situation” for the DA and the Cambria County Courts. Long, now a Senior Common Pleas Judge in the county, met with the Grand Jury in 2015. He said he had no knowledge

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An ordinary businessman – himself Catholic - speaks up

George Foster, a “devout Catholic” and billboard advertising businessman, was praised by the Grand Jury for “his efforts to expose the conspiracy of silence.”⁹

Foster was dogged in pursuing a concern that he and other Catholics had described by the Grand Jury as “a shocking secret sitting in broad daylight but hidden by the shadow of the Bishops.”¹⁰

The Catholic businessman began by writing pieces published in the local media. His willingness to speak up and to confront the silence provided hope to victims who then started to outreach to him. He told the

³ A Report of the Thirty-Seventh Statewide Investigating Grand Jury released March 1, 2016, Page 79.

⁴ Ibid.

⁵ Ibid.

⁶ A Report of the Thirty-Seventh Statewide Investigating Grand Jury released March 1, 2016, Page 80.

⁷ Ibid.

⁸ Ibid.

⁹ A Report of the Thirty-Seventh Statewide Investigating Grand Jury released March 1, 2016, Page 116.

¹⁰ A Report of the Thirty-Seventh Statewide Investigating Grand Jury released March 1, 2016, Page 117.

Grand Jury that victims said they felt they could connect with him and ask his help because he had “stood up” to the Bishop.

Foster went to the courthouse reviewed records that were available to any person, including law enforcement. The Grand Jury writes that he then was “baffled as to why no one acted.” He is cited as becoming a “novice detective” that eventually started to get tips from police officers who “told him he was on the right track” and that too much was being covered-up. He told the Grand Jury that because his

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Positive steps forward by current Bishop

Currently, Bishop Mark Bartchak leads the Diocese. The Grand Jury framed the power of the Bishop as “nearly absolute.”¹¹

Bartchak was commended for “the cases in which it has identified action in reporting allegations of child molestation to authorities and removing accused child predators from ministry.”¹² To date, the Bishop has removed 4 priests. Still the Grand Jury also notes that the “purge of predators is taking too long.”

The Grand Jury affirms that this Bishop is “not Bishop Hogan or Adamec” men who “wrote their legacy in the tears of children.”¹³

Bartchak was encouraged to continue to report allegations of child abuse “to law enforcement immediately.” Also to create a “real and meaningful victim assistance program” and to provide “real confidentiality and involve qualified experts in the review of allegations.”¹⁴

The Grand Jury concludes, “The legacy of Bishop Bartchak has yet to be written. The onslaught of attorneys the Grand Jury had to wade through in obtaining its evidence is concerning. There are certainly signs that the institution could revert to the protection of the image over the truth.” Finally, he was urged “to take bold action in correcting and rectifying the wrongs exposed in this report” and to recognize he

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Dioceses’ youth protection training resources and web-based guidance conflict with PA law

Bishop Bartchak’s March 1st statement noted that the Diocese’s policy requires “mandatory reporting of all abuse allegations to civil authorities as well as criminal background checks and education for clergy, employees, and volunteers who work with children.”¹⁵

Review of the Diocese’s Youth Protection Program’s “one hour self-guided training course” reveals that the Diocese’s training was produced prior to the comprehensive reforms enacted in Pennsylvania between 2013 -2015.¹⁶ These reforms significantly altered how child abuse is defined, reported and investigated.

A central reform driven by the serial child sexual abuse perpetrated by Gerald Sandusky was to eliminate the perennial practice permitting employees inside of schools or other institutions to report inside the institution’s chain of command before the report (if ever) made it to outside authorities (e.g., children and youth services or law enforcement). This practice allowed a mandated reporter to meet his/her legal

¹¹ A Report of the Thirty-Seventh Statewide Investigating Grand Jury released March 1, 2016, Page 121.

¹² Ibid.

¹³ Ibid.

¹⁴ A Report of the Thirty-Seventh Statewide Investigating Grand Jury released March 1, 2016, Pages 121 -122.

¹⁵ Ibid.

¹⁶ <https://youthprotection.dioceseaj.org/> reviewed on March 2, 2016.

obligation because they told someone about the suspected child abuse or neglect, but too often that suspected abuse was never then reported to authorities specially trained and legally obligated to investigate abuse. Recent reforms were intended to solidify understanding that reporters report and investigators investigate.

Current PA law requires that the mandated reporter working within “a medical or other public or private institution, school, facility or agency” fulfills his/her legal obligation to report suspected child abuse when they “immediately make an oral report of suspected child abuse to the department via the Statewide toll-free telephone number under section 6332 (relating to establishment of Statewide toll-free telephone number) or a written report using electronic technologies under section 6305 (relating to electronic reporting).”¹⁷ Only after making this report to outside authorities, “shall” the mandated reporter “Immediately” notify “the person in charge of the institution, school, facility or agency or the designated agent of the person in charge.” This internal notice within the institution is intended to allow the “designated agent” in the institution to “facilitate the cooperation of the institution, school, facility or agency with the investigation of the report.”

In preparing today’s CJAR, the training course available on the Diocese of Altoona-Johnstown’s website was reviewed.¹⁸ In this training, the Diocese turns to subject matter experts like Dauphin County District

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Day in court never arrives because SOL ran out on “loathsome and criminal actions”

Attorney General Kathleen Kane opened the press conference releasing the Grand Jury report stating that it was “not a day” where law enforcement could come before the public and say that charges had been filed against people who perpetrated the “worst sins against children.” She reinforced it was not a day where the victims got their day in court.

Still she assured it was “a day of reckoning” because she and other members of the OAG’s office would be a voice for the victims and “tell their story.”

The Report also, however, doesn’t foreclose that criminal charges might someday arrive. The Report states that the Grand Jury found “the acts of the predator priests and their enabling Bishops....to be criminal” but they “cannot be prosecuted at this time.”¹⁹

The Grand Jury and the words spoken at the press conference underscored that child sexual abuse victims “often engage in delayed reporting if they report at all.” It was noted that there are many reasons for the “delayed reporting.”²⁰

The Grand Jury acknowledges that in some cases the laws have changed – “penalties have increased, some

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¹⁷ Title 23, § 6311 (c) - Persons required to report suspected child abuse, Staff members of institutions, etc. and § 6313(a). Reporting procedure.

¹⁸ <https://youthprotection.dioceseaj.org/#b>

¹⁹ A Report of the Thirty-Seventh Statewide Investigating Grand Jury released March 1, 2016, Page 146.

²⁰ Ibid.