



Diocese of  
San Jose

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## Frequently Asked Questions Clergy Disclosure List

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### About the List of Clergy with Credible Allegations of Sexual Abuse of Children

#### 1. **Why are you publishing this list now?**

In the years since the 2002 Dallas Charter, we have learned that making the names of clergy with credible allegations of sexual abuse of children public strengthens our accountability and demonstrates transparency to rebuild trust. It encourages other victims/survivors to come forward and helps in the healing of those victims/survivors who do not come forward, but see the acknowledgment by the Church that the priest who abused them was victimizing children sexually.

#### 2. **What does the term “determined to be credible” mean?**

Determined to be “credible” is established by either of these three standards:

- Admitted to by the offending cleric
- Criminal conviction by civil authorities
- Deemed as such by the Independent Diocesan Review Board/Sensitive Incident Team based on pertinent and affirming details that would support the allegation within plausible and reasonable means.

#### 3. **What is the Independent Diocesan Review Board?**

The Independent Diocesan Review Board is a confidential consultative body to the Bishop. This board, chaired by Honorable Edward Panelli, a retired Associate Justice of California Supreme Court, consists of eight lay professionals from the legal, law enforcement, and medical science communities and a member of the clergy. The Diocesan Review Board assesses allegations of sexual abuse of children and vulnerable adults by priests, deacons, and other church personnel to advise the Bishop on whether the allegations appear to be credible.

#### 4. **What does “Restricted Ministry” mean?**

The priest may carry on some priestly functions, usually of an administrative nature. On occasion, a priest may have been able to participate at a Mass, if he was supervised and obtained the permission of the Bishop.

#### 5. **What does “Removed from Ministry” mean?**

The priest is placed on administrative leave, and his faculties (permission from the bishop to exercise his priestly duties) are suspended. He cannot celebrate Mass, serve in public ministry or hold any assignments with the diocese or elsewhere until further notice.

#### 6. **What does “Permanently Banned from Ministry” mean?**

The priest’s faculties (permission from the bishop to exercise his priestly duties) are removed permanently and he is forbidden to function as a priest ever again. He cannot celebrate Mass, serve in public ministry, or hold any assignment with the diocese or elsewhere.

#### 7. **What is the definition of a child?**

Any boy or girl under the age of 18

#### 8. **What is the Dallas Charter?**

*The Charter for the Protection of Children and Young People*, commonly called, *The Dallas Charter*, is a comprehensive set of procedures initially established by the United States Conference of Catholic Bishops in June 2002 for addressing allegations of sexual abuse of children by Catholic clergy. The *Charter* also includes guidelines for reconciliation, healing,

accountability, and prevention of future acts of abuse. It was revised in 2005, 2011, and 2018.

**9. *Why were some priests only restricted, removed or permanently banned after several allegations?***

Without criminal charges or admittance of guilt by the cleric, it was the point in time in which the allegation was substantiated by the investigation of the Independent Diocesan Review Board, based on pertinent and affirming details.

**10. *Why did the Diocese of San Jose return priests to parish ministry after they were convicted of sexual misconduct?***

Before the Dallas Charter (more about The Charter can be found in FAQ #8), these cases were handled differently based on the clinical psychological standards at the time of their convictions. We now know, based on the current psychological best practices, that returning these men to ministry was a misguided attempt at rehabilitation and the Diocese has abolished this practice as part of Zero Tolerance established by the Dallas Charter of 2002.

**11. *When did the Diocese of San Jose find out that Hernan Toro is facing new charges?***

Diocese of San Jose was notified of Toro's additional charges and Toro's location on the afternoon of Friday, October 19, 2018. Bishop McGrath is saddened and infuriated that additional innocent children are the recent victims of horrific acts by Hernan Toro, who was permanently banned from ministry in 1990. Bishop is relieved that the parents had the courage to notify law enforcement and that the authorities have arrested Toro.

**12. *Does this list contain all clergy in Santa Clara County with allegations of sexual abuse of children determined to be credible?***

This list contains all clergy with credible allegations of sexual abuse of children occurring within the Diocese of San Jose. These priests were assigned to a parish and diocesan ministry in Santa Clara County by the Bishop of San Jose or, in the years before our founding in 1981, by the Archbishop of San Francisco.

Allegations of sexual abuse of children by religious order priests who served or resided at schools and other institutions operated not by the Diocese but by their religious order in Santa Clara County were investigated by the religious order, to which the priest belonged. In these cases, without their personnel files, we do not know whether the allegations were deemed credible and cannot responsibly release their names. The names of those clerics with credible allegations will need to be reported by the appropriate institutions.

Regardless, the Diocese' Office for Protection of Children and Vulnerable Adults offers pastoral care to all victims/survivors of sexual abuse by clergy.

**13. *Why does the Anderson & Associates Report have 18 names that are not included in the Diocese of San Jose's Disclosure List?***

The majority of the discrepancy between the Anderson & Associates report which was compiled from media reports, BishopAccountability.org, dioceses' public statements, and other public sources and the Diocese of San Jose's disclosure list, which was compiled from our personal files can be attributed to religious order priests who were in Santa Clara County, but were not assigned by the bishop of San Jose or, in earlier years, by the Archbishop of San Francisco. They were assigned by their religious superiors or were subject to other superiors, such as the Ukrainian Eparchy, the Military Archdiocese (which cares for military posts, including VA hospitals) or the Diocese of Monterey. As such, the Diocese of San Jose has no personnel files for those men. Their religious orders or dioceses would have handled any report and investigation of the allegations against them and placed restrictions on their ministry if the allegations were found to be credible. See our full statement for details on each of 18 additional names.

**14. *Why did the Diocese of San Jose not include the names of all priests who were in parish ministry with credible allegations?***

The Diocese of San Jose acknowledges the shortcomings that this initial list may have, one of which being it does not include names of clergy who have credible allegations that occurred and were reported elsewhere.

With this limitation in mind, we encourage all victims of clergy abuse to come forward and speak to the Office for the Protection of Children & Vulnerable Adults (OPCVA), regardless if the clergy's name is included in the Diocese of San Jose Disclosure List. We renew our commitment to respond to any allegation of clergy abuse of a minor and continue to have a special care for the victims of sexual abuse and their families.

**15. *How does the Diocese respond to those persons making allegations of sexual abuse by Church personnel?***

Upon receipt of a sexual misconduct allegation, the Director of the Office for the Protection of Children and Vulnerable Adults verifies that a report has been filed with law enforcement. Where such a report has not been filed, the Diocese will contact civil authorities.

The Director of the Office for Protection of Children and Vulnerable Adults assigns a Victim Assistance Coordinator who aids in the immediate and continuing pastoral care of the victim/survivor. This pastoral response will involve working with the victim/survivor so that they will receive the help that is acceptable to them and adequate to their needs. The Diocese offers the victim/survivor and, as appropriate, his or her family, therapeutic intervention, spiritual direction and assistance during the investigatory process.

All reports are confidential to ensure the victim/survivor's right to privacy. Victims/Survivors are never prohibited from sharing their allegation as they feel comfortable and appropriate, but the Diocese will not disclose personal information or the victim's/survivor's identity on their behalf.

**16. *Will the identity of those, who work for the Diocese of San Jose or a parish and report an allegation of sexual abuse, be kept confidential?***

All employees of the Diocese of San Jose or parishes are encouraged to submit reports relating to all accusations of sexual misconduct or potential conduct violations involving any diocesan personnel, including clergy and volunteers. All reports are confidential and accepted by either online submission or by phone using the hotline. In situations where you prefer to place an anonymous report, you are encouraged to use the hotline, hosted by our third-party service provider, EthicsPoint: <https://opcva.ethicspoint.com>. While we respect your right to remain anonymous, you are encouraged to provide your name and contact information, as anonymity may impede our ability to report or follow up with law enforcement as appropriate, and may limit our scope of intervention. Please review the diocesan employee handbook for anti-harassment, anti-retaliation and whistleblower policies designated to protect employee rights.

**17. *When will the independent review of the Diocesan priest personnel files take place?***

In November, former FBI Executive Assistant Director, Dr. Kathleen McChesney, and her firm, Kinsale Management Consulting, will oversee an in-depth independent review of the personnel and other files pertaining to the sexual abuse of children committed by any cleric appointed by the Bishop of San Jose or, in the years before our founding in 1981, by the Archbishop of San Francisco. This review will also seek to determine how diocesan leadership handled allegations of sexual abuse when they were received. As a result of the examination, there may be additional offenders identified. If so then their names will be added to this list by the end of the year.

**18. *How many priests have served in Diocese of San Jose?***

514 priests have served in the Diocese of San José at a parish, school or other diocesan facilities since its founding in 1981. This number includes diocesan priests, religious order priests in diocesan assignments and priests on assignment from other dioceses. This number does not include the many religious order priests who served or resided at schools and other institutions operated by their religious order in Santa Clara County.

**19. *What steps has the Diocese taken to prevent sexual abuse of children by Church personnel?***

The Diocese of San Jose has a Safe Environment Program and policies and procedures to prevent and recognize signs of sexual abuse of children. Every bishop, priest, deacon, employee, and volunteer, who have contact with children in any capacity, must undergo a background

check and renew training on how to prevent, recognize and report the sexual abuse of children. This training must be done every three years. See <https://www.dsj.org/ministries/protecting-gods-children/> for more information.

**20. *How much has the Diocese paid out in settlements to victims/survivors of sexual abuse of children by clergy?***

The Diocese of San Jose has paid \$20,000 in settlements related to sexual abuse of children by clergy.