

***POLICY AND PROCEDURES FOR DEALING WITH AN ALLEGATION OF SEXUAL ABUSE OF MINORS  
LEGIONARIES OF CHRIST  
NORTH AMERICA  
("RAPID RESPONSE PLAN")***

(Last reviewed: November 2019)

The Legionaries of Christ are fully committed to maintaining a safe environment for minors (Code of Conduct Legionaries of Christ 2019, pg. 2) in all of its houses, apostolic programs and ministries. The congregation will respond promptly and pastorally both to anyone bringing an allegation (Code of Conduct Legionaries of Christ 2019, pg. 2) of sexual abuse (Code of Conduct Legionaries of Christ 2019, pg. 3) as well as to the member subject of the report.

The institute is a Roman Catholic congregation of priests and those studying for the priesthood (hereafter "Legionaries" or "congregation") which adheres to Catholic teaching regarding sexual morality. All members are thoroughly instructed in this teaching and have freely committed themselves to abide by this teaching. Therefore, every member is individually responsible for any conduct contrary to this teaching.

Allegations of sexual abuse may come from a variety of sources, including alleged victims, family members, diocesan offices, Legionaries, employees, other persons, or from the perpetrators themselves. Because each case is distinct, these procedures to handle abuse allegations will to be applied and adapted according to the characteristics of each individual case. If this process needs to be revised or modified, it is for the territorial director to determine the nature and extent of such modification.

The congregation takes all allegations of sexual misconduct or abuse seriously and is committed to work in cooperation with civil authorities in any criminal investigation stemming from an allegation. The congregation will conduct its canonical investigation only when the authorities have concluded theirs or when they have stated that the congregation may proceed with it. The congregation will carry this out even if the authorities will not pursue charges.

(In this document, "member" refers to any Legionary candidate, novice, religious or priest. "Local superior" refers to the superior of a Legionary community.)

In all that follows, the Legionary safe environment coordinator will work under the authority of the territorial director to ensure that proper procedures are followed by the congregation.

## **I. FIRST RESPONSE**

- 1) The local superior is to act promptly and without delay when he receives any allegation of the sexual abuse of a minor attributed to a member of his community.
- 2) The person who received the allegation will personally inform the civil authorities within

the time frame required by state law, typically within 24 hours. His superior may assist him in making the call, but he will make the call personally and give his report to the local authorities. The local superior as well as the members of his community are responsible for knowing the reporting requirements in their jurisdiction. The congregation will cooperate fully with any investigation by the civil authorities (the Legion's internal investigation will be on hold until the civil authorities have finished their own or have given their consent for the Legion to proceed).

- 3) Anonymous allegations will be taken seriously and investigated to the extent possible. Given the shifting nature of social media, allegations that are mentioned there will be investigated once they are somehow formalized (i.e., sent to the Legion, diocese or law enforcement, whether anonymously or signed).
- 4) When an allegation of abuse is first received, the local superior should gather sufficient information to complete an initial report. The basic information in that initial report shall include to the extent possible the following:

Name of the alleged victim.

Age of the alleged victim.

Address and phone number of alleged victim.

Name of the alleged perpetrator.

Current location, contact information and itinerary of the alleged perpetrator (if he is outside the community at the time the allegation is received).

Approximate dates of the alleged abuse.

Nature and location of alleged abuse.

Any additional relevant details.

- 5) The local superior will immediately inform the territorial director by providing the initial report. The territorial director will then immediately inform the general director. The territorial director will also inform the territorial administrator who will alert his legal department as well as the Legion's insurance providers.

## **II. PRELIMINARY INVESTIGATION**

- 6) The territorial director or his delegate will conduct a preliminary investigation to determine if there is a "semblance of truth", that is, a reasonable possibility, to the allegation, taking care not to interfere with any investigation being conducted by the authorities.
- 7) If he or his delegate determine that there is a semblance of truth (i.e., reasonable possibility), then the territorial director will mandate through a written decree the carrying

out of a canonical investigation.

- 8) That decree should contain the directive for the accused member to refrain from public ministry and contact with minors as a prudential measure during the pendency of the canonical investigation.
- 9) The local superior, in conjunction with the territorial director, will see that the member is assisted by legal counsel when brought for questioning to the civil authorities. As well both he and the territorial director are to take steps to ensure that the member receives the support and assistance he needs while the allegation is being investigated. Since this process could prove lengthy, the territorial director should take great care that the member has strong spiritual and emotional support, which would include providing him with meaningful work during the time he is withdrawn from ministry.
- 10) After informing the civil authorities, the local superior, with the consent of the territorial director, will inform the diocese that an allegation has been made and that it has been reported to the appropriate authorities, and that the congregation has enabled and is following its policies and procedures.
- 11) The territorial director should engage the Territorial Administrator so that the Legion's legal department will retain the necessary legal counsel, with expertise in the area of the sexual abuse of minors to follow the criminal investigation and to help with the canonical investigation.
- 12) The territorial director will see that the Legion's Communications Director is adequately informed in order to coordinate any public statements should the need arise.
- 13) The local superior will respond in a pastorally sensitive manner to the alleged victim and his or her family. He should offer any pastoral assistance that the family would find helpful. But he should be very careful not to make comments or ask them questions that might taint them as witnesses if the civil authorities have not yet concluded their investigation. (See Legion of Christ Code of Conduct Sect IV)
- 14) Regarding criminal and civil penalties involved in these types of claims/allegations, the following are to be taken into account:
  - a) Criminal penalties are always personal.
  - b) Institutions can be held liable if through negligence they have permitted policy violations, abuse or crimes or, when these occur, if they did not act with prudence and speed or if they do not follow the established procedures.
  - c) The failure to observe the reporting laws of the local jurisdiction may result in legal penalties for superiors and members since such failure may be construed as complicity, cover up or obstruction of justice.

### **III. CONDUCTING A CANONICAL INVESTIGATION**

- 15) The canonical investigation should be carried out by a third-party professional investigation firm, in a thorough and objective manner, so that its conclusions will be as reliable and as definitive as possible. It will be supervised by the Legionary safe environment coordinator or another person appointed by the territorial director.
- 16) In some cases, when civil authorities have carried out an investigation and produced a report, that may be deemed sufficient to attain the goal of an objective, third party inquiry, such that the canonical investigation could be carried out solely by the Legionary safe environment coordinator.
- 17) The investigation will seek to establish all the facts concerning the alleged abuse with interviews of the alleged perpetrator, the alleged victim and any other persons mentioned by the alleged victim in his accusation or anybody else he or the alleged perpetrator considers may have relevant information concerning the case.
- 18) The Legionary supervisor will advise all parties he interviews that he is acting as the representative of the territorial director and that any conversations with him are not subject to attorney/client or pastoral privilege.
- 19) When the allegations have been established as reasonable probability, the congregation will try to identify any other potential victims.
- 20) In the course of the investigation, the Legionary supervisor will periodically keep the territorial director informed regarding its status.
- 21) All elements of the investigation will be documented and will be presented in a report to the territorial director. This document will be stored in the office of the territorial director. It is the property of the congregation and will remain with that office when a new territorial director is appointed. The report will also be stored in the personnel file of the member who is the subject of the investigation.

### **IV. Pastoral Care**

- 22) A representative of the Legion should offer pastoral care to the alleged victim. In some cases, providing immediate assistance for counseling would be appropriate. The representative should offer to meet with the alleged victim to listen to their concerns and promote healing.
- 23) The territorial director should maintain contact with the accused member throughout the entire investigation process by appropriate and pastoral means. If the accused member requests the assistance of a canon lawyer through this process he should be supported.

### **V. DECISION MAKING AND POTENTIAL OUTCOMES**

- 24) After receiving the final report of the canonical investigation, the territorial director will convene the Review Board as soon as possible. The Board will study attentively the

documentation and the results of the investigation presented to them, and will provide their written opinion on the case. The Review Board shall at all times maintain and preserve confidentiality of the information received on any such cases.

- 25) Upon conclusion of the investigation the territorial director will exercise judgment in delivering an appropriate response. If the accused member has admitted to the substance of the allegation, or in those cases where the allegations have been established to a reasonable probability, the territorial director's response may include but is not limited to the following:
- Psychological and medical assessment and intervention
  - Restrictions on community life and personal activities
  - Limitations imposed on ministerial activities, including total removal from public ministry
- 26) In cases where the allegation has been established to a reasonable probability, the territorial director will contact the appropriate diocesan offices to communicate the nature of the allegation and to inform the diocese of the procedure followed and the response of the congregation to the allegation.
- 27) In cases where an allegation of sexual abuse of a minor by clergy is established as a reasonable probability, the matter must be referred to the Congregation for the Doctrine of the Faith which will decide what measures should be taken with the accused (Cfr *Sacramentorum Sanctitatis Tutela*, n.13).
- 28) If an allegation is deemed to be without merit, the territorial director will coordinate communication with all appropriate parties so that reconciliation can take place where possible and reparation of damage to reputations can be undertaken.
- 29) In all instances, the final decision of concerning the internal investigation rests with the territorial director upon review of the facts, investigative report, and Review Board recommendations, always recognizing the member's right to appeal to the general director.
- 30) It is the territorial director's responsibility to communicate his conclusions and decisions to the person who made the complaint, to the member involved, and to other parties, as necessary and appropriate. All such communication should be documented.
- 31) If at any time during the course of implementing these procedures, civil or criminal proceedings are initiated against an accused member, these procedures may be suspended immediately to be resumed, if deemed necessary, after the completion of the civil or criminal proceedings or when the authorities express their consent to allowing them to proceed. In such a case, the territorial director shall recommend to the general director a possible course of action with respect to the accused member, in keeping with the intention of these procedures and in the interests of justice.
- 32) In the case of a priest whose allegation of sexual misconduct has been established to a reasonable probability, the territorial director will provide for the pastoral care and

treatment of the member, offering him fraternal support in whatever penalties are imposed upon him by the legal system or restrictions imposed upon him by the congregation. Religious who are not ordained will be dismissed from the congregation. In the case of a transitional deacon, the congregation of the Doctrine of the Faith will be petitioned for his laicization (since the Legion of Christ is a congregation of priests and those preparing for the priesthood).

- 33) Furthermore, in the case of an allegation being established as a reasonable probability the territorial director will inform the leadership of the organization where it occurred.
- 34) Should an allegation prove not to be established as a reasonable probability, the member will be returned to ministry and the territorial director will work towards the restitution of his good name. This would include such actions as writing the local Ordinary to tell him of the outcome, extensive oral and written communication with Legionaries and others who had come to know about the original accusations.