

FREEDOM FROM RELIGION *foundation*

P.O. BOX 750 · MADISON, WI 53701 · (608) 256-8900 · WWW.FFRF.ORG

October 24, 2017

SENT VIA EMAIL AND U.S. MAIL:

Jody-Matherly@iowa-city.org

Jody Matherly
Police Chief
Iowa City Police Department
410 E. Washington Street
Iowa City, IA

Re: Chaplain program

Dear Police Chief Matherly:

I am writing on behalf of the Freedom From Religion Foundation to alert you to concerns regarding the Iowa City Police Department's exclusively religious chaplain program. FFRF is a national nonprofit organization with more than 29,000 members across the country, including nearly 200 members in Iowa. FFRF's purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned Iowa City resident contacted us to report that your department sent an email titled **Iowa City Police accepting Police Chaplain applications**. The email stated that applicants "must be recognized clergy from within their denomination." A copy of this email is enclosed for your review.

Religious police chaplaincies are unconstitutional. Government chaplains may only exist as an accommodation of a public employee's religious beliefs when the government makes it difficult or impossible to seek out private ministries. For instance, it may be difficult for military service members to find a place of worship while on mission in a foreign country or for an inmate in a prison to find a way to worship. Chaplains are meant to lighten the government-imposed "burden" on religious exercise. Your workplace does not place any burden on employees' ability to practice their religion, so there is no need for you to provide chaplains for them. Employing chaplains that promote religion, even on a volunteer basis, demonstrates endorsement of religion by the Department, which violates the Constitution.

Courts look to the Establishment Clause to determine whether police chaplaincies are legitimate. *See, e.g., Voswinkel v. City of Charlotte*, 495 F. Supp. 588 (W.D.N.C. 1980) (finding a police chaplain position unconstitutional). Law enforcement agencies acting in their official capacities may not proselytize or promote religion. *See Milwaukee Deputy Sheriff's Ass'n v. Clarke*, 588 F.3d 523 (7th Cir. 2009) (ruling sheriff meetings with presentations by religious group unconstitutional). This puts the Department in the position of policing the actions, words, and programs of the chaplain. In our experience, government entities often allow chaplains to operate with great autonomy, and many chaplains then use the workplace as their church. Paid or not, chaplains are sponsored by the Department. They are bound by the First Amendment like any other government employee, and your office is liable for their constitutional violations. The best solution to avoid this liability is to discontinue this government-sponsored religious chaplaincy.

Many police departments defend their chaplaincies by emphasizing the secular services chaplains provide. It is certainly laudable for the Department to offer counseling services to officers, who undeniably endure tremendous stress at times, and to community members during traumatic moments of their lives. However, there is no reason to impose a religious test on the Department's counselors, requiring them to be "recognized clergy," if promoting religion is not part of their expected duties. Based on the email cited above, the Iowa City chaplaincy facially discriminates against nonreligious applicants. Instead, community resources or licensed therapists who have appropriate education and training should be the first resort for those vulnerable people, not members of the clergy.

It does no good to claim that clergy can meet the needs of nonbelievers and believers of other faiths. This is simply not true. There is no reason to think a nonbelieving employee or community member would be comfortable dealing with a person who provides comfort from a religious viewpoint. Chaplains cannot simply set aside their religion in order to assist a nonbeliever, and are often unwilling to even try to do so. Chaplains view the world and its problems through the lens of religion and a god, a view inapposite to nonbelievers. Claims that someone is "in a better place" or that a god "works in mysterious ways" may be the bedrock of religious consolation, but are meaningless and even hurtful trivialities to nonbelievers.

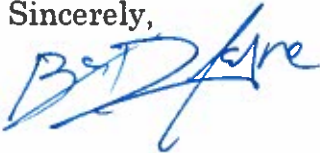
The Department is also vulnerable to a discrimination lawsuit. No doubt the chaplains intend, at least nominally, to assist people of all faiths. But the Department serves all Iowa City citizens regardless of their religious affiliation (or lack thereof). A significant portion of the population is

nonreligious: 23% of adult Americans and about 35% Americans under 30 are not religious.¹

A secular counselor would be equipped to counsel 100% of the employees, and would actually be licensed to do so. There is no doubt that law enforcement officers have stressful jobs. Iowa City's officers deserve a trained, secular, professional to help them through these stressors. While volunteer counselors may save the Department money, your officers deserve better. If the Department continues to rely on volunteers, the position must not discriminate based on religion by imposing an ordination requirement or any other religious test.

The best approach by the Department is to provide secular support services and to leave determinations on religious support to individuals. At a minimum, the chaplain program must not exclude nonreligious applicants, and the Department must take appropriate steps to ensure that its chaplains do not promote religion in any way while acting on behalf of the Department. Please inform us in writing of the steps you will take to remedy this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. D. Jayne", written over a horizontal line.

Ryan D. Jayne
Staff Attorney

Enclosure

¹ *America's Changing Religious Landscape*, PEW RESEARCH CENTER (May 12, 2015), available at www.pewforum.org/2015/05/12/americas-changing-religious-landscape/.

✖ Having trouble viewing this email? [View it as a Web page.](#)

✖

FOR IMMEDIATE RELEASE

Date: 08/09/2017

Contact: [Detective Zach Murguia](#)

Phone: 319-356-5275

Iowa City Police accepting Police Chaplain applications

The Iowa City Police Department is seeking qualified individuals to fill the volunteer position of Police Chaplain.

This position requires approximately 10 hours of service per month as well as some on-call time. Applicants must be recognized clergy from within their denomination and pass a background check.

The Iowa City Police Chaplain Corps is a volunteer service consisting of vowed men and women who support and assist the community. Chaplains will interact with victims, their families, and officers. Chaplains maintain a presence at the Iowa City Police Department through monthly chaplain meetings, attendance at department events, ongoing training, and riding with officers on patrol. In addition, Police Chaplains assist with the following responsibilities when called upon:

- Provide general assistance to victims
- Assist with death notifications
- Assist at suicide incidents
- Provide for spiritual needs of those in the community
- Visit sick and injured ICPD employees
- Provide officer benediction at special occasions when asked
- Liaison with other community clergy

Those interested in the position can download an [online application](#) and return it via email to zachary-murguia@iowa-city.org, or mail it to:

Iowa City Police Department
Attn: Detective Zach Murguia
410 E. Washington St.
Iowa City, IA 52240

Questions about the position can be directed to Police Chaplain Liaison, Detective Zach Murguia at 319-356-5276 or by email at zachary-murguia@iowa-city.org.