

# FREEDOM FROM RELIGION *foundation*

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November 3, 2014

**SENT VIA EMAIL & U.S. MAIL**

**john.mina@cityoforlando.net**

John W. Mina  
Chief of Police  
Orlando Police Department  
P.O. Box 913  
Orlando, FL 32802-0913

Re: Chaplain Program

Dear Chief Mina:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the Orlando Police Chaplain Program. We were contacted by a concerned local resident. FFRF is a nationwide nonprofit organization with more than 21,500 members across the country, including more than 1,000 members in Florida and a local chapter, the Central Florida Freethought Community. Our purpose is to protect the constitutional principle of separation between state and church.

It is our understanding that the Orlando Division of Police (OPD) employs police chaplains. According to OPD Policy and Procedure 2101.1, chaplains “provide emotional, moral, and spiritual assistance,” support employees, and assist the OPD with victims. Employees informed about deaths of employees or their families “are encouraged to contact the Chaplain’s representative within their division or section.” Qualifications to be a chaplain listed in this policy include being an ordained or licensed clergy person with five years of experience as a pastor. We understand that chaplains are issued ID cards, pagers, access cards, bullet-proof vests, uniforms, and, in at least one instance, a car with an “Orlando Police Chaplain” graphic.

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 or the public, so there is no need for you to provide chaplains for them. Chaplains’ employment, even if volunteer, demonstrates endorsement of religion, here Christianity, which violates the Constitution.

In the case of police chaplains, there is no significant government burden on free exercise. Courts look to the Establishment Clause to determine if the chaplaincy is legitimate. *See, e.g., Voswinkel v. City of Charlotte*, 495 F. Supp. 588 (W.D.N.C. 1980). Chaplains’ activities are only permissible so long as they do not proselytize or discuss religion unless asked to do so by an employee first. *See Milwaukee Deputy Sheriff’s Ass’n v. Clarke*, 588 F.3d 523 (7th Cir. 2009) (ruling sheriff meetings with presentations by religious group were unconstitutional). This puts the City in the position of policing the actions, words, and programs of the chaplain. In our experience, government entities rarely exert the appropriate oversight of the chaplaincy, allowing chaplains to use the workplace as their church.

Paid or not, chaplains are sponsored by the City. They are bound by the First Amendment like any other government employee, and your office is liable for their constitutional violations. The appearance of sponsorship is especially high when chaplains wear uniforms and drive their own vehicles emblazoned with "Police Chaplain." The best solution is to discontinue the chaplain program.

The OPD is also vulnerable to a discrimination lawsuit. No doubt the chaplains intend, at least nominally, to assist people of all faiths. But the OPD serves all Orlando citizens regardless of their religious affiliation (or lack thereof). A significant portion of the population is nonreligious: 1 in 5 adult Americans and 1 in 3 Americans under 30 are not religious.<sup>1</sup>

It is troubling that chaplains may be used in victim assistance. Community resources or licensed therapists who actually have certification in victim counseling should be the first resort for those vulnerable people, not members of the clergy. It is also worrisome that chaplains are a resource for OPD employees to turn to for "moral and spiritual assistance." There are almost certainly police officers who are not religious. They should not be "encouraged" to compromise their beliefs and use religious support services or look to someone for "moral assistance" simply because that person is a religious leader. Nonreligious officers are your employees too, but if they want in-office help, they may be forced to take on costs to receive live person-to-person counseling and do so on their own time. All in all, this program discriminates against OPD employees by providing chaplains who are only equipped to handle the needs of some employees, alienating and discriminating against nonbelievers.

It does no good to claim that chaplains can meet the needs of nonbelievers and believers of other faiths. This is simply not true. If chaplains were adept at providing secular therapy, they would be therapists, not chaplains. There is no reason to think a nonbelieving employee 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.

A secular counselor would be equipped to counsel 100% of employees, and would be actually licensed to do so. There is no doubt that police have stressful jobs. But favoring religious officers with free, on-the-job counseling while ignoring the needs of those of no faith is discriminatory.

We ask that you discontinue all coordination with the chaplain program. The best approach by the OPD is to provide secular support services and community outreach and to leave determinations on religion to individuals. Please inform us in writing of the steps you will take to remedy this matter.

Sincerely,



Andrew L. Seidel  
Staff Attorney

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<sup>1</sup> "Nones on the Rise: One-in-Five Adults Have No Religious Affiliation," Pew Research Center, The Pew Forum on Religion & Public Life (October 9, 2012), available at <http://www.pewforum.org/Unaffiliated/nones-on-the-rise.aspx>.