

FREEDOM FROM RELIGION *foundation*

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

June 16, 2016

SENT VIA U.S. MAIL

Mr. Jeffrey A. Chudnow
Chief of Police
Oviedo Police Department
300 Alexandria Blvd.
Oviedo, FL 32765

Re: Unconstitutional Religious Promotion

Dear Chief Chudnow:

I am writing on behalf of the Freedom From Religion Foundation regarding a constitutional violation that occurred in the Oviedo Police Department. FFRF is a national nonprofit organization with more than 23,500 members across the country, including over 1,200 members in Florida and a state chapter, the Central Florida Freethought Community. Our purpose is to protect the constitutional principle of separation between state and church.

We understand that the OPD Awards Ceremony and Career Track Recognition event took place on March 31, 2016, at the Reformed Theological Seminary, a church and religious school. According to the program, the event included an invocation. Please see the attached photos.

It is a fundamental principle of Establishment Clause jurisprudence that the government cannot in any way promote, advance, or otherwise endorse religion. The Supreme Court has said, "The touchstone for our analysis is the principle that the 'First Amendment mandates governmental neutrality between religion and religion, and between religion and nonreligion.'" *McCreary County v. ACLU*, 545 U.S. 844, 860 (2005), (quoting *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Everson v. Board of Ed. of Ewing*, 330 U.S. 1, 15-16 (1947); *Wallace v. Jaffree*, 472 U.S. 38, 53 (1985)).

In *Milwaukee Deputy Sheriffs' Ass'n v. Clarke*, the Court held that official meetings including presentations of a religious nature violated the Establishment Clause: "A reasonable observer would have been well aware that the Sheriff did not extend such privileges lightly...Indeed, it would be difficult to interpret the Sheriff's actions as anything other than endorsement." 588 F.3d 523, 529 (7th Cir. 2009). Here, the inclusion of an invocation at the award ceremony suggests that the OPD endorses the religious message.

Allowing prayer at an awards ceremony sends the message that the police department not only prefers religion over non-religion, but also Christianity over all other faiths. It alienates the nonreligious police officers in attendance by turning them into political outsiders in their own community; nearly 30% of Americans are non-Christians, either practicing a minority

religion or no religion at all.¹ Nonreligious officers face the difficult choice of not attending the event and possibly foregoing well-deserved recognition, leaving the event when the invocation begins (and thus “outing” themselves as nonreligious), or enduring a religious ritual that they may find distasteful or even deeply offensive. None of these options are acceptable.

Additionally, OPD awards ceremonies should not be held in churches. This practice forces employees, who may be of varying religions or have none at all, to enter a Christian house of worship. For some, it would conflict with their beliefs to be in the church.

Non-Christian employees may be offended and feel uncomfortable with the church location. Overall, 23% of Americans identify as nonreligious.² That 8 point increase since 2007³ and 15 point jump since 1990 makes the “nones” the fastest growing identification in America.⁴ Nationally, about 35% of millennials are nonreligious.⁵ No doubt there are plenty of other venues, perhaps in more central locations, that could accommodate the awards ceremony—public schools might be a good option.

We would also like to bring to your attention certain provisions of the Florida Statutes relating to fair employment practices. It is illegal to “discriminate against any” employee “with respect to privileges of employment” because of that employee’s religion. Fla. Stat. § 760.10(1)(a). Holding official OPD functions in Christian houses of worship discriminates against all non-Christian officers.

To avoid the constitutional concerns and the divisiveness religion can cause within the department, OPD must refrain from including religious rituals in its official events in the future and refrain from holding official events at religious facilities. Please inform us in writing of the actions that OPD is taking to remedy these constitutional violations.

Sincerely,



Andrew L. Seidel
Staff Attorney

ALS:dds

Enclosures

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

² *Id.*

³ “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>.

⁴ Barry Kosmin, National Religious Identification Survey 1989-1990.

⁵ *America's Changing Religious Landscape*, Pew Research Center (May 12, 2015).

Oviedo Police
Department
Awards
Ceremony
and
Career Track
Recognition



Thursday March 31, 2016
Reformed Theological Seminary

Presentation of Recognition & Awards

Presentation of Colors

Pledge of Allegiance

Invocation

Welcome

~Career Track Recognition~

Officers Advancing

Career Officer I - Ofc. G. Roberts, Det. S. Snyder, Ofc. J. Tedesco

Career Officer II - Ofc. K. David, Ofc. E. Genao, Ofc. B. Lubrido,
Det. D. Pollard

Career Officer III - Ofc. C. Crutcher, Ofc. D. Duffy, Sgt. K. Mojica,
Ofc. A. Pierce, Agt. J. Valerio

Career Officer IV - Agt. B. McNeil

Officers Maintaining

Career Officer I - Ofc. J. Yi

Career Officer II - Ofc. J. Bologna, Det. C. George, Ofc. M. Hill,
Det. S. Rogers

Career Officer III - Det. D. Mattingly, Sgt. C. Rager, Det. J. Varkony,
Sgt. W. Weaver

Career Officer IV - Ofc. R. Van Heusen

Master Police Officer - Ofc. D. Capetillo, Agt. T. Krakosky,
Sgt. D. Sacco

~ Recognition of Years of Service ~

5 Years - Ofc. Eddie Genao, Det. Deacon Pollard, Ofc. John Yi

10 Years - Ofc. Bryan McCaulley, Ofc. Mikee Thompson,
Ofc. Charlie Crutcher