

FREEDOM FROM RELIGION *foundation*

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

September 13, 2021

SENT VIA EMAIL & U.S. MAIL: covinapd@covina.ca.gov

Chief David Povero
Covina Police Department
444 N. Citrus Avenue
Covina, CA 91723

Re: Chaplaincy Program

Dear Chief Povero:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the Covina Police Department's chaplaincy program. FFRF is a national nonprofit organization with more than 35,000 members across the country, including more than 4,800 members and a local chapter in California. Our 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 Covina resident has reported that the Covina Police Department has a chaplaincy program that "provide[s] counseling or emotional support to members of the Department, their families and members of the public."¹ It is our understanding that police chaplains, though volunteers, are considered official "representatives of the Department,"² and that they receive uniforms and badges. They also prominently display Latin crosses on their uniforms. Please see the enclosed screenshot.

Our complainant reports that the Department is not even following its own policies regarding chaplains. It is our understanding that there is not an open hiring process for chaplains, but they are recruited by current chaplains, ensuring that the chaplaincy remains solely focused on Christianity. We understand that chaplains are required to have 5 years of counseling experience, but that the current chaplains do not meet this requirement. We also understand that despite a requirement against proselytizing, chaplains regularly proselytize, including by leading prayers at Covina City Council meetings.

It is also our understanding that Department chaplains receive special treatment, including interventions and "favors" to get them out of traffic violations. On March 3, 2021, one of the Department's chaplains, Chuck Cannizzaro, emailed you asking for your help in resolving a traffic violation. He congratulated you on your promotion before requesting that you "intervene" for him. He explained: I'm sorry for asking you for this and I know I am storing up favors that you might need in return someday, but I appreciate anything you can do." He followed up on this

¹ <https://covinapd.org/wp-content/uploads/2021/05/Policy-Manual-12-31-20.pdf>

² *Id.*

with you for several weeks before you informed him that “the matter is closed - nothing to concern yourself with.” Please see the enclosed screenshot.

We write to request that the Department end its chaplaincy program immediately.

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

In the case of police departments, there is no significant government burden on free exercise. Courts look to the Establishment Clause to determine if 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 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 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 is to discontinue this government-sponsored religious chaplaincy.

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 Covina citizens regardless of their religious affiliation (or lack thereof). Non-religious Americans make up the fastest growing segment of the U.S. population by religious identification—35 percent of Americans are non-Christians, and this includes the 28 percent of Los Angeles County residents who are religiously unaffiliated.³

It is troubling that chaplains are counseling members of the public. 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 concerning that chaplains are meant to counsel law enforcement officers and their families. There are almost certainly officers who are not Christians. They should not be encouraged to compromise their beliefs and use religious support services. Nonreligious and non-Christian 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

³ *The 2020 Census of American Religion*, Public Religion Research Institute (July 8, 2021), available at <https://www.prii.org/research/2020-census-of-american-religion>.

counseling and do so on their own time. All in all, this program discriminates against Department employees by providing chaplains who are only equipped to handle the needs of some employees, alienating and discriminating against nonbelievers and non-Christians.

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 the employees, and would be actually licensed to do so. There is no doubt that law enforcement officers have stressful jobs. But the idea that law enforcement agencies thus need religious guidance does not follow, and favoring religious officers and their families with free, on-the-job counseling while ignoring the needs of those of non-Christian faiths or no faith is discriminatory.

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

Sincerely,

A handwritten signature in blue ink that reads "Chris Line". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

Enclosures



From: Chuck Cannizzaro <chuckc@newheart4you.com>
Sent: Thursday, March 18, 2021 11:54 PM
To: David Povero
Subject: Re: Favor

<https://m.youtube.com/watch?v=YRAoQDPvGnw>. Thank you. That's very kind of you. For laughs here's a video of me being a clown with my wife at children's church at the 12:05 mark. Hope you enjoy.

Sent from my iPhone

On Mar 18, 2021, at 11:40 PM, David Povero <DPovero@covinaca.gov> wrote:

Good evening Pastor Chuck. Meant to get back to you today.....the matter is closed - nothing to concern yourself with.

Always appreciate you and look forward to chatting face to face soon.

Warm regards,

David

Sent from my iPhone

On Mar 18, 2021, at 11:01 PM, Chuck Cannizzaro <chuckc@newheart4you.com> wrote:

Hello Chief Povero. Just checking if there is any update on the camera signal. Thanks.

Sent from my iPhone

On Mar 11, 2021, at 7:18 PM, David Povero <DPovero@covinaca.gov> wrote:

Will check again next week.

Sent from my iPhone

On Mar 11, 2021, at 3:14 PM, Chuck Cannizzaro <chuckc@newheart4you.com> wrote:

Hello Chief Povero,

Just checking back to see if everything is Ok concerning the camera signal last week.

Thanks.

On 2021-03-03 4:32 pm, David Povero wrote:

Thanks for reaching out Pastor Chuck. I will be back in touch with you soon, so no worry. David

David Povero | Chief of Police
Police Department | 444 North Citrus Avenue | Covina, CA 91723
626-384-5600 | 626-705-6972c | Email: dpovero@covinaca.gov |
www.covinaca.gov/police
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-----Original Message-----

From: Chuck Cannizzaro <chuckc@newheart4you.com>
Sent: Wednesday, March 3, 2021 9:33 AM
To: David Povero <DPovero@covinaca.gov>
Subject: Favor

Hello Chief Povero. This is Chaplain Chuck. I left you a message on your voicemail but I thought I would send it in an email so you don't have to write down all the information. First congratulations on your promotion. Everyone is behind you and I know you're going to do a great job.

Anyway, I have a favor to ask. I went by a camera signal yesterday March 2 going south on grand and made a left going east on Badillo. I think I might've missed timed the light and passed on the yellow/red light. I was driving a white Acura license number [REDACTED]. It was about 215 to 235 in the afternoon. I called into the traffic department and I told him I was a chaplain in the department but I didn't mention your name, but I thought I would call you in case you could intervene for me. I'm sorry for asking you for this and I know I am storing up favors that you might need in return someday, but I appreciate anything you can do. Thank you. [REDACTED]

Sent from my iPhone