

FREEDOM FROM RELIGION *foundation*

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

July 14, 2022

SENT VIA EMAIL AND U.S. MAIL: ddurant@decaturcounty.in.gov

Sheriff Dave Durant
Decatur County Sheriff's Department
601 South Ireland Street
Greensburg, IN 47240

Re: Multiple Constitutional Violations and Open Records Request

Dear Sheriff Durant:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding multiple constitutional violations occurring in the Decatur County Sheriff's Department. FFRF is a national nonprofit organization with more than 38,000 members across the country, including more than 500 members and a local chapter in Indiana. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

Multiple concerned Decatur County residents have reported that the Decatur County Sheriff's Department has been promoting religion and explicitly affiliating itself with Christianity. It is our understanding that the Sheriff's Department regularly posts religious messages, including bible verses, on its official Facebook page. For instance, on August 10, 2019, the Sheriff's Department participated in the Greensburg Recovery Prayer Walk and then promoted this religious event and its affiliation with Christianity on Facebook, celebrating how "God is allowing us to take our community back from addiction one soul at a time." On April 9, 2020, the Sheriff's Department posted a lengthy Easter message from the Department's chaplain, which included seven different bible verses and the image of a Latin cross. Additionally, on the official Decatur County Sheriff's Department's website, your description specifically highlights that you give "the credit first to GOD,"¹ before giving credit to your hardworking staff and members of the Decatur County community. Please see the attached screenshots.

Our complainants also report that the Decatur County Detention Center (DCDC) has carried out a number of religious events involving inmates inside the facility. According to the Decatur County Sheriff Department's Facebook page, in May of 2019, you helped to put on a "Residents Encounter Christ" (REC) weekend.² In the post, you thanked two Department employees for their "tireless work" to put on this event. During September of 2019, there were reportedly separate REC events for male and female inmates. At the Men's REC event, 34 inmates were baptized and at the Women's REC event, "EVERY female inmate volunteered to attend this

¹ <https://decaturcountysheriff.com/sheriff-dave-durant/>.

² <https://fb.watch/e72QtudHBG/>.

Christ centered weekend” with 21 baptisms. Additionally, according to the post, the Greensburg Fire Department was enlisted to help “fill the baptismal.” In June of 2021, the DCDC again held REC events for its inmates. Six different local churches were involved in these religious events. You described the Christian REC program as “the launch pad for all other programs offered inside our facility.”³ It is our understanding that there were two more REC events this year in April where many inmates “professed or rededicated their life to Jesus Christ.”

Additionally, there have reportedly been a large number of Christian baptisms inside DCDC. On August 31, 2021, after a round of inmate baptisms, the Sheriff’s Department Facebook page described how it was “a blessing to see how GOD is changing lives inside of our facility through believers baptism.” On January 7, 2022, the Sheriff’s Department posted about how “GOD is good!” and celebrated 21 more inmate baptisms. Most recently, on June 24, 2022, there were reportedly 36 more baptisms inside of DCDC. The Facebook post noted that this was a “glorious day for Heaven and each of these men and women.” Please see the attached screenshots.

We write to ensure that the Decatur County Sheriff’s Department ceases its promotion of, and official affiliation with, Christianity on its official social media pages and through its religious events, programs, and activities in violation of the Establishment Clause of the First Amendment. While the DCDC may permissibly accommodate the free exercise rights of its inmates by providing opportunities for religious worship, Decatur County and its employees may not organize, promote, or participate in these religious events and programs.

It is a basic tenet of Establishment Clause jurisprudence that the government is prohibited from taking action that advances, shows preference for, or coerces individuals to participate in religion. See, e.g., *Zelman v. Simmons-Harris*, 536 U.S. 639, 648-49 (2002); *Van Orden v. Perry*, 545 U.S. 677, 683 (2005). The Establishment Clause prohibits government sponsorship of religious messages. The Supreme Court has said time and time again that the Establishment Clause “mandates government neutrality between religion and religion, and between religion and nonreligion.” *McCreary Cty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860 (2005). This prohibition applies equally to law enforcement. See *Milwaukee Deputy Sheriff’s Ass’n v. Clarke*, 588 F.3d 523, 525-26 (7th Cir. 2009) (holding religious speech by a sheriff, bible readings, and distribution of Christian literature during mandatory employee meetings unconstitutional under the Establishment Clause).

As you are aware, citizens interact with and rely on law enforcement officers during some of the most urgent and vulnerable times of their lives. As Sheriff, you serve a diverse population that consists of not only Christians, but also minority religious and nonreligious citizens. We hope you will agree that the Sheriff’s Department must be even-handed and avoid any appearance of bias toward some citizens, or hostility toward others. The promotion of Christianity by your department sends a message that excludes the 37 percent of Americans who are non-Christian, including the nearly one in three Americans who identify as nonreligious.⁴ The Department’s

³ <https://fb.watch/e71yRRSanu/>.

⁴ Gregory A. Smith, About Three-in-Ten U.S. Adults Are Now Religiously Unaffiliated, Pew Research Center (Dec. 14, 2021), available at www.pewforum.org/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

public support of religion, and specifically Christianity, needlessly alienates the non-Christian and nonreligious citizens in Decatur County, turning them into political outsiders in their own community.

Government employees can worship, pray, or quote any religious text they wish when acting in their personal capacities. But they are not permitted to use the machinery of a government office to advance their personal religion. The Sheriff's Department is meant to serve "We the people." As Sheriff, you are charged with great responsibility and have been given significant trust by citizens in your community, including those citizens who do not share your religious viewpoint.

You should also note that the Sheriff Department's promotion of Christianity needlessly jeopardizes taxpayer dollars by exposing the county to legal liability. Not long ago the sheriff's office in Bradley County, Tennessee agreed to pay more than \$40,000 in damages and attorneys' fees after promoting religion on social media and ignoring objections to the practice. *American Atheists v. Watson*, No. 1:2016cv00118 (E.D. Tenn. filed May 6, 2016).

While it is commendable to facilitate prisoners freely exercising their chosen religious or nonreligious beliefs, it is inappropriate for the Decatur County Sheriff's Department to organize, participate in or promote any religious event in ways that make it appear that the government supports the event or the underlying religious beliefs. By organizing Christian events intended to convert people to Christianity, and celebrating those conversions on official social media, the Sheriff's Department creates the appearance that it, and by extension Decatur County, prefers Christianity over all other religions and religion generally over nonreligion.

Taken as a whole, it is obvious that the Department's motive in planning and promoting inmate baptisms, the REC program, and the MRT program is not simply to accommodate inmates, but to advance Christianity and coerce inmates and the broader Decatur County community to adhere to the tenets of Christianity. The DCDC is actively coercing inmates to participate in its religious programming, which is rampant throughout the Department. Any inmate aware of the DCDC's official support for, and celebration of inmates participating in, religious programs will not feel free to decline to participate. This is constitutionally impermissible. The government cannot legally itself host sectarian religious events in its facility, or promote them in its official capacity. Nor can it use a County corrections center, with a literal captive audience, to proselytize and convert inmates to Christianity.

To avoid further Establishment Clause concerns and to protect the rights of its inmates and the general public, the Decatur County Sheriff's Department must refrain from promoting religion on social media and cease its coordination of religious programs and events. Please inform us of the steps you are taking to rectify these constitutional violations so that we may inform our many complainants.

Open Records Request

Pursuant to the Indiana Access to Public Records Act (IC § 5-14-3-1 et seq.), I request a copy of the following records from the past 3 years:

1. All records related to the organization of, participation in, or advertising of the inmate baptisms and religious programs described above, including "Residents Encounter Christ"; and
2. All communication (including but not limited to email) sent to or from any representative of the Decatur County Sheriff's Department regarding the planning of, participation in, or advertising of inmate baptisms or the religious programs described above.

If your agency does not maintain these public records, please forward this request to the proper custodian(s) and let me know the name and address of the custodians of these records. If you choose to deny this request, please respond with a written explanation of the denial including any references to applicable statutory exemptions upon which you rely.

If any of these records are available through electronic media, they may be e-mailed to **chris@ffrf.org**. If I can provide any clarification that will help expedite your attention to my request, please contact me at 608-256-8900.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Line", with a stylized flourish extending from the end.

Christopher Line
Staff Attorney
Freedom From Religion Foundation

CAL:cg

Enclosures



Decatur County Sheriff

August 10, 2019 · 🌐

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What an honor to attend the Recovery Prayer Walk in Greensburg. Recover Out Loud, Celebrate Recovery, Foundations For Recovery and Speranza House participated. We prayed over many locations including our Sheriff's Office(Thank you Lt. Wayne Davis) and the Detention Center (Thank you Asst. Commander Jamie Bridges). Greensburg Schools, Decatur County Memorial Hospital, GPD as well as our homeless camp and West Main St area we prayed over. God has truly blessed our community with a spirit of unity in our recovery community. God is allowing us to take our community back from addiction one soul at a time.





Decatur County Sheriff

April 9, 2020 · 🌐

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An Easter message from Decatur County Sheriff's Office Chaplain David Burnett.

EASTER CELEBRATIONS ... Online ... at HOME for Good Reason!

by Chaplain David Burnett

In the days of King David of Israel - in case of an impending attack - he set watchmen upon the wall. (2 Samuel 18)

In the time of Isaiah - God sent a vision to the prophet ... a warning of a coming attack - in the vision there were watchmen at the wall. (Isaiah 21)

In the time of Nehemiah - the walls of Jerusalem had been torn down. During the time of rebuilding and to provide protection for the city ... Nehemiah set watchmen at the wall. (Nehemiah 4)

Who would be wise and discerning? Please let us consult God's WORD!

Easter Sunday is upon us ... and I long to Celebrate with my brothers and sisters all around the world! He is risen! He is Risen indeed! Hallelujah!

As we plan and prepare to Celebrate ... if there is any Christian leader in our community who thinks it is wise to put God's people at risk for the sake of a day on the calendar, please remember this ...

For many Christians, no day is more sacred than another! Easter is not the Holiest Day of the year ... Easter (The Resurrection) of Savior is our reason to celebrate every single day of the year! (Romans 14:5)

When Jesus Christ arose from the dead ... life ... each and every day of our life now has purpose and meaning. You see, without His grace and mercy... without His atoning death upon the cross there is no forgiveness of sins.

Jesus Christ died upon the cross so that every sin we have ever committed can be forgiven when we place our personal faith and trust in Him! And ... because Jesus arose from the grave his resurrection is the guarantee that every promise He ever made is true! (1 John 2:2 and 4:10; Romans 1:4;6:5)

Thank you, church leaders! And faithful sons and daughters of God for respectfully heeding the warning of those appointed by God as Watchmen at the Wall. Our governmental leaders were voted into their respective places of service ... but we believe that it was God who providentially appointed them to these roles. When we abide by their instruction we are showing our respect first and foremost to God. (Romans 13:1)

At this unprecedented time, it is wise to protect the souls of those entrusted to our care ... we can and will celebrate The Resurrection with even more exuberant joy when the season of quarantine is ended. But for now, stay safe ... be wise ... and do not put the Lord our God to the test. (Matthew 4:7)





Decatur County Sheriff

May 16, 2019 · 🌐

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This video contains only a portion of what the Residents Encounter Christ(REC) weekend looked like at the Decatur County Detention Center (DCDC).

"No matter how good the video is, it cannot accurately depict the amazing changes that occurred in the lives of many of our inmates. I believe that true change must occur in the heart. It is our honor here at the DCDC to offer such a wonderful program to the inmates that want and need our hope. I would like to thank DCDC Staff and specifically Commander Tony Blodgett and Program Coordinator Sergeant Jamie Bridges for their tireless work in making these much-needed programs happen here in the Decatur County." -Sheriff Durant





Decatur County Sheriff

September 22, 2019 · 🌐

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Decatur County Men's REC #2 (Residents Encounter Christ) was held Friday, Saturday and Sunday in the Decatur County Detention Center. 35 men participated in a life changing weekend experiencing the love of Christ. After the program, believer's baptism was offered to every male inmate in the facility. 34 men made professions of faith and were baptized inside the walls of the Decatur County Detention Center. Special thanks to all of our community church volunteers that cooked and served each meal. Also thanks to the Greensburg FD for filling our baptismal.



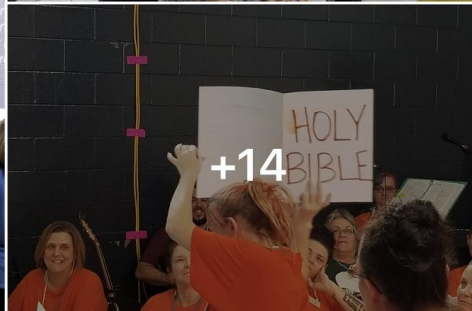
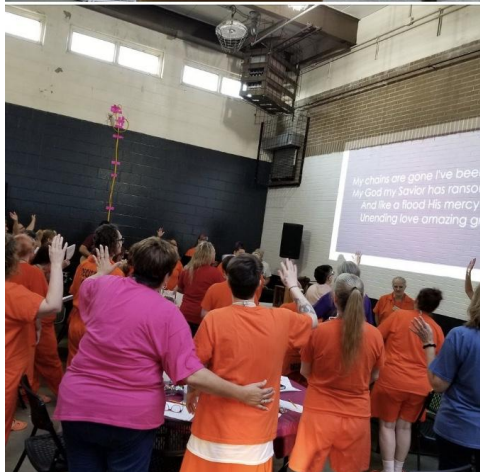


Decatur County Sheriff

September 29, 2019 · 🌐

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Decatur County Women's REC #2 (Residents Encounter Christ) was held this Friday, Saturday and Sunday inside of the Decatur County Detention Center. EVERY female inmate volunteered to attend this Christ centered weekend. All 29 attendees either made a first time decision or rededicated their lives to Jesus. 21 residents were baptized. Thank you to all of the REC team and our community church volunteers who cooked and served the residents. Thank you to Greensburg FD for again filling our baptismal.





Decatur County Sheriff

June 7, 2021 · 🌐

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The Decatur County Sheriff's Office held the first Life Restored REC (Residents Encounter Christ) weekend for the men in our new Detention Center. This program is voluntary and is 100 percent funded by believers who want to speak truth and see positive changes in our inmates. There were 36 inmates participate this weekend in making professions for Christ.

The DCSO would like to thank all who participated and contributed; St. Mary's Catholic Church, Waynesburg Christian Church, and Mt. Moriah Baptist Church. Special thank you to all of the churches listed for providing all the meals for approximately 80+ people and thank you Cornerstone Bakery for providing the donuts this past weekend.





Decatur County Sheriff

June 14, 2021 · 🌐

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The Decatur County Sheriff's Office held the first Life Restored Residents Encounter Christ (REC) weekend for the women in our new Detention Center. This program is again 100% believer funded and supported by Decatur County residents. There were 26 female inmates that participated this weekend and made professions for Jesus Christ. Sheriff Dave Durant stated, "These programs are the launch pad for all other programs offered inside our facility and have already netted positive results in the lives of many of our inmates."

The DCSO would again like to thank all who participated and contributed this weekend; First Christian Church of Greensburg, Community Church of Greensburg, and Sand Creek Baptist Church of Greensburg. All the meals were provided by the above listed churches. Thank you to Cornerstone Bakery for providing donuts for this special event.





Decatur County Sheriff

May 2 · 🌐

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The Decatur County Sheriff's Office hosted the Men's and Women's Residents Encounter Christ (REC) ministry in our detention center two weekends in a row. Many of our men and ladies professed or rededicated their life to Jesus Christ. What a blessing for us and our community here in Decatur County. Sheriff Durant would like to thank everyone in the Emmaus Community that served inside, as well as the churches who provided food and everyone who prayed during both Men's and Women's REC.





Decatur County Sheriff

July 19, 2021 · 🌐

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The Decatur County Sheriff's Office (DCSO) had the honor of conducting our first official graduation from our Community Grant funded MRT program. MRT (Moral Reconation Therapy) was administered by Chaplain and Programs Director Dave Burnett inside the Decatur County Detention Center. These lives have been changed as a part of Sheriff Dave Durant's "Arrest to Recovery" vision here at the DCSO. Congratulations to the following men that voluntarily participated through graduation.

From Left to Right:

Joshua Biddinger

Adam Coomer

Joshua Spaulding

Kevin Hendershott

Michael Simmons

Jessica Dureya-Poole (not pictured) also graduated from MRT administered to the ladies by Chaplain Janet Hodson. These are grant funded programs to bring positive life change and to help reduce recidivism inside the Decatur County Detention Center. A special thank you to the United Fund for awarding the grant and (former) Assistant Commander Jamie Bridges for writing the original grant.



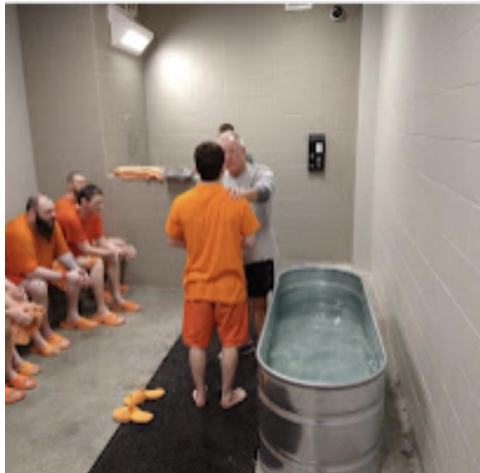


Decatur County Sheriff

August 31, 2021 · 🌐

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On July 21, 2021 the Decatur County Sheriff's Office had the privilege of having men's and women's Baptisms inside of our Detention Center. These were conducted by our men's and ladies' Chaplains, Chaplain David Burnett and Chaplain Janet Hodson. What a blessing to see how GOD is changing lives inside of our facility through believers baptism.





Decatur County Sheriff

January 7 · 🌐



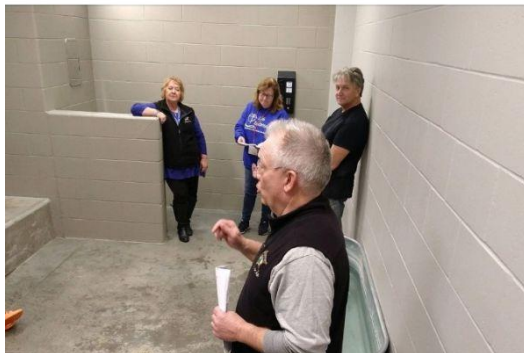
What a great way to ring in the New Year! Several inmates professed their personal relationship with Jesus Christ and followed in believer's baptism inside the Decatur County Detention Center. GOD is good! The inmates baptized were (not in order of photos):

Men:

Doug Wouling
Tyler Bundren
Daniel Hilligoss
Ross Hunt
William Foley
Heath Newcomb
Wayne Schie
Allen Asher-Butler
Kyle Shields
Zack Bond
Jason Burris
Dustin Arnett
Jason Meisenholder
James Carlisle
Bryce Thacker

Women:

Nancy Hacker
Theresa Odom
Lucinda Valentine
Pamela Stephens
Stephanie Seabolt
Tracy Minninear





Decatur County Sheriff

June 24 at 7:30 PM · 🌐

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The Decatur County Sheriff's Office conducted baptisms for 36 inmates inside of the Detention Center. These inmates professed a personal relationship with Jesus Christ followed by a water baptism. What a glorious day for Heaven and each of these men and women. Sheriff Dave Durant would like to thank DCSO Chaplains Janet Hodson, Dave Burnett and REC member Ed Hodson for hearing these inmate's professions of faith and baptizing them.

