

FREEDOM FROM RELIGION *foundation*

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

July 13, 2022

SENT VIA U.S. MAIL AND EMAIL

kporch@ci.mansfield.oh.us

Keith Porch
Chief
Mansfield Division of Police
30 N. Diamond St.
Mansfield, OH 44902

Re: Chaplaincy Program

Dear Chief Porch:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the Mansfield Division of Police's chaplaincy program. FFRF is a national nonprofit organization with more than 38,000 members, including more than 1,000 members and two chapters in Ohio. 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 citizen contacted us regarding Mansfield Division of Police's chaplaincy program after reading an article about the addition of a new chaplain.¹

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 a government-imposed "burden" on religious exercise.

In the case of police departments, there is no significant government burden on religious 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 that sheriff meetings with presentations by religious group were unconstitutional). Paid or not, chaplains are sponsored by the Division. They are bound by the First Amendment like any other government employee, and your office is liable for their constitutional violations. Government and religion do not mix.

¹<https://www.mansfieldnewsjournal.com/story/news/2022/05/24/his-training-includes-de-escalation-of-conflicts-and-counseling/9820688002/>.

The Division is also vulnerable to a discrimination lawsuit. No doubt the chaplains intend, at least nominally, to assist people of all faiths. But the Division serves all Mansfield citizens regardless of their religious affiliation or lack thereof. Thirty-seven percent of Americans are non-Christians, including the nearly thirty percent who now identify as religiously unaffiliated.²

The article notes that the new chaplain “said his prior experiences will hopefully allow him to help others.” Community resources or licensed therapists who have certification in victim counseling should be the first resort for those vulnerable people, not members of the clergy who hope to be helpful. It is also concerning that chaplains are meant to counsel law enforcement officers and their families. Your Division employs people who are not Christians; it employs people who are not religious. They should not be encouraged to compromise their beliefs and to support religion. This program discriminates by providing chaplains who are only equipped to handle the needs of some employees, alienating those who do not believe in the Gospel.

There is no reason to think a nonbelieving employee or crime victim 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 attempt 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 offensive trivialities to nonbelievers.

We ask that you discontinue the chaplaincy program. The best approach by the Division is to provide secular support services and to leave determinations on religious support to individuals. Mansfield is a diverse community with ample opportunities for people of various faiths to seek support. The Division must separate its mission from religion and respect the beliefs, including nonbelief, of all. Please inform us in writing of the steps you will take to address this concern so that we may notify our complainant.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karen M. Heineman', with a long horizontal line extending to the right.

Karen M. Heineman
Patrick O'Reiley Legal Fellow
Freedom From Religion Foundation

² 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/.