

# FREEDOM FROM RELIGION *foundation*

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July 21, 2021

**SENT VIA EMAIL & U.S. MAIL: [jmazer@riovistapd.com](mailto:jmazer@riovistapd.com)**

Jon Mazer  
Police Chief  
Rio Vista City Hall  
One Main Street  
Rio Vista, CA 94571

Re: Chaplain Program

Dear Chief Mazer:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to object to the Rio Vista Police Department's chaplain program. FFRF is a national nonprofit organization with more than 35,000 members across the country, including nearly 5,000 members in California and a local chapter, the Greater Sacramento Chapter of FFRF. 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 local Rio Vista resident has reported that the Department has recently "revitalized" its police chaplaincy program. On July 6, 2021, the Department posted on Facebook and Nextdoor that it had sworn in Father Mervin Concepcion, a Catholic priest, as a police chaplain. On July 8, 2021, the Department posted that it had sworn in two additional chaplains, Harold "Hank" Fontecilla and Diana Graham-Fontecilla. In its July 6 post, the Department indicated it was using departmental resources to coordinate future training for these chaplains. Please see the enclosed screenshots.

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 Rio Vista citizens regardless of their religious affiliation (or lack thereof). A significant portion of the population is nonreligious: 34% of Solano County residents<sup>1</sup> and about 38% of Americans under 30 are not religious.<sup>2</sup>

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 all coordination with 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 fluid and cursive, with a long horizontal stroke extending to the right.

Christopher Line  
Staff Attorney  
Freedom From Religion Foundation

CAL:jba

Enclosures

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<sup>1</sup> *The 2020 Census of American Religion*, Public Religion Research Institute (July 8, 2021), available at <https://www.ppri.org/research/2020-census-of-american-religion>.

<sup>2</sup> Robert P. Jones & Daniel Cox, *America's Changing Religious Identity*, PUBLIC RELIGION RESEARCH INSTITUTE (Sept. 6, 2017), available at [www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf](http://www.ppri.org/wp-content/uploads/2017/09/PRRI-Religion-Report.pdf).



## Rio Vista Police Department

July 6 at 9:03 PM · 🌐



The Rio Vista Police Department would like to welcome Father Mervin Concepcion as the newest member of the RVPD!

Police Support Services Manager Jennifer Torres swore Father Mervin in this morning as a volunteer Police Chaplain. Officer Ventura recently revitalized the Police Chaplain program and has begun coordinating future training for Father Mervin and two additional chaplains scheduled to swear in later this month.

The police chaplain program exists to serve both the community of Rio Vista and the RVPD by tending to the spiritual health component of wellness.

Please join us in welcoming Father Mervin to the Rio Vista PD!



210

18 Comments 10 Shares



## Rio Vista Police Department

July 8 at 8:40 PM · 🌐



We did it again. We swore in two more Police Chaplains today! Harold "Hank" Fontecilla and Diana Graham-Fontecilla have already been serving in the Rio Vista PD as volunteers during the week staffing the front office, or in Hank's case, REBUILDING the front office!

Their servants' hearts just weren't getting enough, and as ordained chaplains, they decided to double-down and become Police Chaplains too! We are honored to add these two wonderful volunteers to our Police Chaplain roster!



  91

3 Comments 2 Shares