

# FREEDOM FROM RELIGION *foundation*

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May 23, 2016

**SENT VIA EMAIL & U.S. MAIL: [cbrown@ocoee.org](mailto:cbrown@ocoee.org)**

Mr. Charles Brown  
Police Chief  
Ocoee Police Department  
646 Ocoee Commerce Parkway  
Ocoee, FL 34761

Re: Unconstitutional Religious Promotion

Dear Chief Brown:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation that occurred in the Ocoee Police Department (OPD). 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 on May 11, OPD held a prayer event called “Prayers for Police at the Flagpole 2016.” The purpose of this event was for “police chaplains, community leaders and members of the community [to] join together to prayer for the police profession and remember our fallen brothers and sisters in blue from across the region, state and nation.” OPD promoted this event on social media and hosted the event on OPD property with several OPD police officers and chaplains in attendance. Please see the attached photos.

Although we fully support remembering fallen police officers, it is OPD’s constitutional obligation to find a religiously neutral means of doing so. Calling upon citizens to pray is coercive and beyond the authority of any government, let alone a law enforcement arm of the government. Citizens should not be made to feel offended, excluded, or like political outsiders because the police department they support with their taxes imposes religious ritual on them. Put simply, your office is misusing its secular power to call for religious rituals and exhort citizens, regardless of beliefs, to participate in prayer. And by using religion to remember the officers, you are ignoring and denigrating the sacrifice of the non-religious officers who are serving or who died in the line of duty.<sup>1</sup>

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<sup>1</sup> Overall, 23% of Americans identify as non-religious. *America's Changing Religious Landscape*, Pew Research Center (May 12, 2015), available at [www.pewforum.org/2015/05/12/americas-changing-religious-landscape/](http://www.pewforum.org/2015/05/12/americas-changing-religious-landscape/).

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)).

OPD’s overt promotion of religion using its official social media and resources gives the unfortunate impression that the city supports and endorses particular religious rituals. The government is sending the message “to nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members...” *Id.* (citations omitted). “This presents a problem for the Sheriff because the Establishment Clause prohibits the government from ‘promot[ing] or affiliat[ing] itself with any religious doctrine or organization.’” *Milwaukee Deputy Sheriffs’ Ass’n v. Clarke*, 588 F.3d 523, 528 (7<sup>th</sup> Cir. 2009).

On OPD’s website, there is a page entitled “Letter from the Chief,” where you state that “[i]t is clear that a solid community partnership is the most effective way of securing our community, making it safer for all of us.”<sup>2</sup> You further elaborate that “[t]he only reason a local government exists is to provide services and I place an enormous priority on customer service.”<sup>3</sup> Prayers exclude the nearly 30% of Americans that are non-Christians, either practicing a minority religion or no religion at all.<sup>4</sup> While you may believe the event also welcomed nonbelievers, it cannot be seriously contended that events centering on prayer are welcoming to those who do not believe in the efficacy of prayer.

To avoid the constitutional concerns and the divisiveness these prayers cause within the community OPD must refrain from holding prayer-based events in the future. Please inform us in writing of the actions that OPD is taking to remedy these constitutional violations.

Sincerely,



Andrew L. Seidel  
Staff Attorney

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<sup>2</sup> *Letter from the Chief*, Ocoee Police Department, <http://ocoee.org/DocumentCenter/View/555>.

<sup>3</sup> *Id.*

<sup>4</sup> See footnote 1.



# Prayers for Police at the Flagpole 2016

Please come out with your fellow officers for a period of unity as police chaplains, community leaders and members of the community join together to pray for the police profession and remember our fallen brothers and sisters in blue from across the region, state and nation.

We will gather for a short 15 minutes of prayers and silent remembrance as we kick off Police Week.

## May 11, 2016 9:00AM



***Ocoee Police Department***

646 Ocoee Commerce Parkway

Ocoee, FL 34761

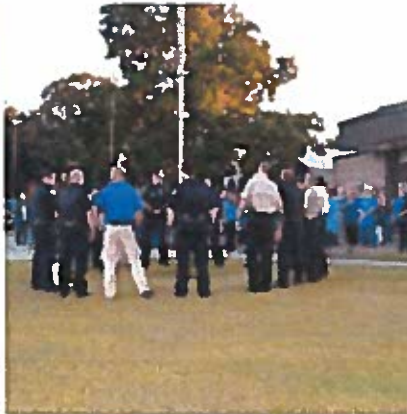


Prayers for Police at the Flagpole 2016  
May 11th @9:00 am  
Ocoee Police Department  
646 Ocoee Commerce Parkway  
Ocoee, FL 34761

Please join Ocoee police officers for a period of unity as police chaplains, community leaders and members of the community join together to pray for the police profession and remember our fallen brothers and sisters in blue from across the region, state and nation.

Please spend 15 minutes of prayers and silent remembrance with us as we kick off Police Week.

Coffee and pastries will follow.



Was an honor to stand with the officers from the Ocoee Police Department and pray with them this morning.

