

# Police Chaplains

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The IACP Law Enforcement Policy Center creates four types of documents: Model Policies, Considerations Documents, Concepts & Issues Papers, and Need to Know one-page summaries. Typically, for each topic, either a Model Policy or a Considerations Document is created, supplemented with a Concepts & Issues Paper. This file contains the following documents:

- **Considerations Document**: Offered as an alternative to the bright-line directives found in a Model Policy. Instead of providing exact policy language, the Considerations Document outlines items that agencies should address and provides options that agencies should examine when developing their own policies on the topic.
- **Concepts & Issues Paper**: Designed to provide context and background information to support a Model Policy or Considerations Document for a deeper understanding of the topic.

## Glossary

*Confidential*: entrusted to be kept secret.<sup>1</sup>

*Duty*: a moral or legal obligation.<sup>2</sup> In the context of police chaplaincy, police chaplains typically have a duty to report certain admissions pertaining to the threatened safety of others, governed by state statute.

*Ministry*: the service of providing pastoral, spiritual, or religious support to an individual, group, or community.<sup>3</sup>

*Ministry of presence*:<sup>4</sup> spending time with someone as a comfort to ease their feelings of despair.

*Pastoral care*: a model of emotional, social, and spiritual support for individuals.<sup>5</sup>

*Police chaplain*: a spiritual leader from the community and a member in good standing of a recognized religious denomination or group who serves in a consultative capacity to a police agency.

*Privilege*: a particular benefit or advantage that a certain group holds because of their role. Privilege can include a right, power, immunity, or exemption from some specified burden that pertains to others.<sup>6</sup> Privileged communication is often considered to be confidential and may include such information as disclosed between a police chaplain and an agency employee or community member employing the police chaplain's services.

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<sup>1</sup> *Black's Law Dictionary Free*, 2nd ed., and *The Law Dictionary*, s.v. "Confidential," <https://thelawdictionary.org/confidential>.

<sup>2</sup> *Black's Law Dictionary Free*, 2nd ed., and *The Law Dictionary*, s.v. "Duty?" <https://thelawdictionary.org/duty/>.

<sup>3</sup> Adapted from the definition of "chaplaincy" as explained in *NHS Chaplaincy Guidelines 2015: Promoting Excellence in Pastoral, Spiritual & Religious Care*, 2015, <https://www.england.nhs.uk/wp-content/uploads/2015/03/nhs-chaplaincy-guidelines-2015.pdf>.

<sup>4</sup> Neil Holm, "Toward a Theology of the Ministry of Presence in Chaplaincy," *Journal of Christian Education* 52, no. 1 (May 2009): 7–22, <https://doi.org/10.1177/002196570905200103>.

<sup>5</sup> Adapted from the University of Canberra, "What Does It Mean to be a Pastoral Care Worker?," <https://web.archive.org/web/20130621155552/http://www.canberra.edu.au/multifaith-centre/pastoral-care/pastoral-worker>.

<sup>6</sup> *Black's Law Dictionary Free*, 2nd ed., and *The Law Dictionary*, s.v. "Privilege?" <https://thelawdictionary.org/privilege>. See also *Law Library—American Law and Legal Information Encyclopedia*, s.v. "Privileged Communication," <https://law.jrank.org/pages/9428/Privileged-Communication.html>.

# Considerations Document

Updated: September 2022

## Police Chaplains

### I. PURPOSE

Police chaplains assist police agency personnel, and the public, with personal, spiritual, moral, and ethical consultation. This document is intended to provide police agencies with guidance for developing policies regarding the development and implementation of police chaplain programs.

### II. POLICY

Agencies should develop a policy statement to concisely explain the agency's policy on use of police chaplains to agency personnel.

*Sample: It is the policy of this agency to maintain a police chaplain program with the goal of providing personal, spiritual, moral, and ethical guidance. It is the duty of the police chaplain to aid agency personnel, their families, and members of the community in a consultative fashion and refer them to appropriate resources, if necessary.*

### III. PROCEDURES

#### A. Qualifications

The police chaplain candidate must:

1. Be ecclesiastically certified, licensed, ordained, or appointed
2. Be in good standing with and endorsed by the religious faith group to which the candidate serves
3. Be actively engaged and experienced<sup>1</sup> in ministry or retired from active ministry and in good standing
4. Demonstrate successful experience in pastoral care
5. Successfully pass a criminal record check and background investigation
6. Be able to respond to calls/events within department response time requirements
7. Pass an interview process with department panel members or another process determined by the department.

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<sup>1</sup> The agency has discretion to define specific minimum requirements for engagement and experience, depending on the agency's needs and resources.

## B. Appointment

The police chaplain shall be appointed and approved by the agency head or designee. The agency head or designee should consider the above recommendations when determining whether or not to approve a candidate.

## C. Training

After appointment, police chaplains should be trained appropriately. Training may include:

- Orientation to the police department
- Duties and responsibilities of a police chaplain
- Crisis intervention training
- Safety training
- Other training as required or recommended by the department or the jurisdiction.

## D. Duties and Responsibilities

Police chaplains are expected to be role models in their personal and professional lives. The integrity of each police chaplain and the police chaplain's respect for each individual's dignity, self-development, and personal welfare are of utmost importance. Additional responsibilities of the police chaplain include but are not limited to:

1. Participating in ride-along and other department activities to better familiarize themselves with the policing profession and to strengthen interpersonal relationships with officers and other agency personnel.
2. Organize and conduct agencywide training to educate and inform agency employees of the availability, duties, and responsibilities of police chaplains so that employees understand the role of police chaplains and know when to utilize their services.<sup>2</sup>
3. Acting in an advisory capacity to the chief of police and senior police officials on matters pertaining to morale, ethics, morals, and religion as they affect personnel and personnel performance.
4. Acting as a liaison with local ministerial associations.
5. Serving in an on-call basis outside of scheduled work hours. Police chaplains should work with the chief of police or designee to create an on-call schedule and response expectations.
6. Providing pastoral care and assistance to department employees and family members facing issues such as:
  - a. Emotional support
  - b. Spiritual needs
  - c. Moral and ethical concerns
  - d. Marriage, family, and relationship conflicts
  - e. Job stress or job distraction
  - f. Substance abuse
  - g. Suicidal ideation
7. Referring department employees and/or their family members to outside resources as appropriate.
8. Visiting hospitalized department members and members of their families, if requested.
9. Attending to critical incidents or deaths where officers could leverage assistance in providing comfort to injured parties or their families.

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<sup>2</sup> This can be facilitated through simple "roll call" training or a similar approach.

10. Assisting police officers in making death or serious injury notifications.
11. Assisting with or representing the department in ceremonial functions such as funerals or memorial services.
12. Reporting certain crimes toward vulnerable populations such as child abuse, elder abuse, and abuse of other at-risk groups.
13. Adhering to police department standards of conduct.
14. As appropriate, attending department in-service training along with sworn and non-sworn personnel so that the police chaplains can meaningfully interact with agency employees and stay informed on policing topics relevant to their assignment (some examples might include trauma-informed policing and crisis intervention teams).

Police chaplains shall not identify themselves as sworn members of the department or police officers (unless the police chaplain also serves as a sworn officer of the department) or engage in any police activities that they do not have the lawful authority to perform.

### **E. Appearance and Equipment**

Police chaplains should be issued uniforms and/or equipment that indicates they are a member of the police department but that differentiates them from sworn officers.

1. Upon appointment, the police chaplain should be issued photo identification as well as apparel that designates the chaplain as an affiliate of the department.
2. When riding along with officers, police chaplains should wear the department-issued uniform that clearly identifies them as a police chaplain.
3. While on duty, police chaplains will carry proper credentials on their person, including a department identification card.
4. Police chaplains will not carry weapons including firearms, electronic control weapons, batons, or knives.<sup>3</sup> Should a police chaplain possess a concealed weapon carry permit, the police chaplain will not carry the concealed weapon during their official duties.
5. Departments should consider providing body armor or other protective equipment to police chaplains as resources allow.

### **F. Confidentiality**

Police chaplains must adhere to applicable laws regarding confidentiality, privileged communications, and mandatory reporting. Police chaplains must be knowledgeable of applicable laws and statutes as well as department policy involving confidentiality. No information shall be relayed or disclosed to a third party without the express permission of the involved party, or if there is a communication made that requires a breach of confidentiality. Police chaplains shall advise individuals at the beginning of any contact of those situations where confidentiality will be breached. While statutes and case law vary from one jurisdiction to another, disclosure is typically required in cases of imminent danger to self or others or harm to vulnerable populations. Statute and case law also govern limitations to privileged communication. Agencies should consult their legal advisor for guidance and direction regarding confidentiality, privilege, and mandatory reporting requirements.

Further, police chaplains are prohibited from releasing any information to external parties unless granted express permission by the agency head or designee.

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<sup>3</sup> Unless the chaplain also serves as a sworn officer of the department.

### **G. Interactions with the Community**

As a member of the police department, police chaplains will inevitably interact with community members in their capacity as police chaplain. It is imperative that when these actions take place, the police chaplain fully supports the community without interfering with the ability of police to effectively complete their duties. Additionally, the police chaplain shall not make statements that defame or question the integrity of the department or its personnel.

## **IV. DISCIPLINARY PROCEDURES / TERMINATION**

A police chaplain may be removed from the program at the discretion of the agency head or designee, and a police chaplain may resign from the program at any time. Police chaplains shall have no property interests in their continued service.

Every effort has been made by the IACP Law Enforcement Policy Center staff and advisory board to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no model policy can meet all the needs of any given law enforcement agency. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives, and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities, among other factors. Readers outside of the United States should note that, while this document promotes procedures reflective of a democratic society, its legal basis follows United States Supreme Court rulings and other federal laws and statutes. Law enforcement administrators should be cautioned that each law enforcement agency operates in a unique environment of court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, and collective bargaining agreements that must be considered and should therefore consult their agency's legal advisor before implementing any policy.

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# Concepts & Issues

Updated: April 2023

## Police Chaplains

### I. INTRODUCTION

This paper was designed to accompany the Considerations document on Police Chaplains established by the IACP Law Enforcement Policy Center. This paper provides essential background material and supporting information for greater understanding of the developmental philosophy and implementation requirements for the Considerations document. This material will be of value to police executives in their efforts to tailor their own policy to the requirements and circumstances of their communities and their police agencies.

### II. BACKGROUND

Police chaplains assist police agency personnel with personal, spiritual, moral, and ethical consultation. The program consists of clergy whose function is to provide support and guidance to department employees and their families and to enhance the holistic wellness of those employees upon request. Working in conjunction with other agency resources—such as a peer support team and/or other behavioral health and wellness programs—police chaplains are meant to be an additional resource for support and to complement other support networks. Police chaplains can also function as a liaison to the local faith-based community to provide support during major events or crisis situations.

As police are increasingly expected to become involved in social work, the role of police chaplains may become even more important. Police presence—even if they mean to be comforting—can be intimidating and threatening to some individuals, and the presence of a police chaplain may help alleviate this effect. Moreover, when police chaplains take on tasks like death notification, bereavement support, and comforting victims' families, it may help relieve stress on the officers involved. With these tasks delegated to the police chaplain, officers can focus on other duties such as securing the scene, collecting evidence, and investigation. This may improve officers' job satisfaction and reduce burnout, which may lead to better retention rates and, ultimately, save the agency time and money.

### III. LEGAL REVIEW

In the United States, the First Amendment of the Constitution guarantees religious freedom. This pertains to police chaplains in that police chaplains cannot promote any particular religion in their roles, nor can they prohibit the free exercise of religion or non-participation in religion. A police chaplain's role is to serve—not to preach or advocate any religion.

The First Amendment also guarantees separation of church and state. While numerous courts in the United States have ruled explicitly that chaplaincy programs in prisons, legislatures, and the military do not violate the First Amendment, the same cannot yet be said for chaplaincy programs in police departments. Unless and until the Supreme Court issues a decision involving a police agency, there exists some risk that a police department's chaplaincy program may be found to violate the "separation of church and state" doctrine.

Although no longer valid, for decades the three-prong test articulated by the Supreme Court in *Lemon v. Kurtzman* (1971),<sup>1</sup> was cited as how courts should evaluate the constitutionality of governmental action that involved religion. However, in *Kennedy v. Bremerton School District* (2022),<sup>2</sup> the Court overturned the *Lemon* test. Thus, the *Lemon* test should no longer be used in evaluating issues involving religion under the Establishment Clause and the Free Speech Clause of the First Amendment.

Police departments that have a chaplaincy program may be able to reduce the risk of having a court find a violation of the Establishment Clause of the First Amendment by establishing carefully drafted job descriptions, selection criteria, and policies. The fact that a police chaplain is not a paid government employee and does not perform religious services and does not advocate adherence to any religious faith or practices, combined with the absence of any restriction of access to religious services by persons being offered chaplain services—all of which played key roles in court determinations involving the military and prisons—may be sufficient for a court to conclude that no constitutional violation is involved. The easy access officers have to a spiritual advisor or counselor/therapist of their own choosing, without relying on the department to provide a chaplain, will make it easy for a court to distinguish police programs from those in the military or prisons where the ability to practice one’s faith depends on the availability of access to ministers provided or allowed access by government officials or policy.

Further, police chaplains must be compliant with applicable laws regarding confidentiality, privileged communications, and mandatory reporting, as these laws and statutes vary across jurisdictions.<sup>3</sup> For example, in some states, due to the consultative nature of the police chaplain position, all communications between the police chaplain and an employee of the department or a family member can be considered privileged and confidential. However, in other states, information is considered confidential only if it is disclosed in an act of confession. Additionally, in some states, any statement made to a chaplain in the presence of a third party is not considered to be privileged communication, and it is the duty of the police chaplain to inform the individual that the statement made is not considered privileged. Moreover, although specifications vary, a proactive duty to report is typically required in instances pertaining to imminent danger to self or others or harm to vulnerable populations. However, exceptions to many of these conditions may be made regarding testifying as a witness or publicly representing the police department, with discretion considered by the chief of police or the district attorney based on the specific circumstances of a case. Agencies should consult their legal advisor for guidance and direction regarding confidentiality, privilege, and mandatory reporting requirements.

#### IV. QUALIFICATIONS & TRAINING

While the Considerations document outlines specific items that should be considered during the selection process, it is also important to evaluate the individual’s qualifications more holistically, based on the benefits their expertise and experience can provide to the agency and its personnel. For example, some agencies may wish to require a certain level of education of their police chaplains. Educational credentials are generally looked upon favorably, but candidates without

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<sup>1</sup> *Lemon v. Kurtzman*, 403 U.S. 602 (1971). According to the “*Lemon* test”, chaplains working in public workplaces must serve a secular (nonreligious) purpose; cannot promote or inhibit religion; and must avoid “excessive entanglement” between government and religion; that is, the relationship between the government and a religious authority does not interfere with the agency’s purpose and cannot be contingent upon any religious beliefs.

<sup>2</sup> *Kennedy v. Bremerton School District*, 142 S. Ct. 2407 (2022). For more information, see *Lynch v. Donnelly*, 465 U.S. 668 (1984); *Agostini v. Felton*, 521 U.S. 203 (1997); *McCreary County v. American Civil Liberties Union of Ky.*, 545 U. S. 844, (2005); *American Legion v. American Humanist Association*, 139 S.Ct. 451, 202 L.Ed.2d 346 (2018); *City of Ocala Florida v. Art Rojas et al.*, 315 F. Supp. 3d 1256 (M.D. Fla. 2018), cert. denied, 598 U. S. \_\_\_\_ (U. S. Mar. 6, 2023)(No. 22-278).

<sup>3</sup> Through the Project on Addressing Prison Rape, the Washington College of Law at American University has compiled a compendium of state confidentiality laws, available at <https://www.wcl.american.edu/impact/initiatives-programs/endsilence/research-guidance/confidentiality-laws>. Additional resources on state laws related to privilege, confidentiality, and mandatory reporting are available from the National PREA (Prison Rape Elimination Act) Resource Center at <https://www.prearesourcecenter.org/resource/fifty-state-survey-confidentiality-privilege-and-mandatory-reporting-counselors>. Consult your agency’s legal advisor for further information.

educational credentials who are otherwise highly qualified should not be removed from consideration if they can offer valuable services to the agency. Agencies may also consider issuing a minimum requirement of faith-based post-ordination experience.

A police chaplain candidate's qualifications should be supported with documentation from a recognized ecclesiastical body. For example, agencies may wish to require a letter from an established religious organization verifying the candidate's good standing. There may be other official credentialing processes available or required, but specific faith-based credentials vary by religious denomination. Accordingly, the agency should determine the criteria it deems necessary to meet the agency's needs and should seek documentation to ensure those criteria are met. Further, part of the background investigation may include obtaining written letters of recommendation speaking to the applicant's suitability for the police chaplain position. To demonstrate unbiased objectivity, at least one of these letters should come from an individual outside of the applicant's congregation.

In addition to objective qualifications, certain "soft skills" should also be considered. Such skills may include interpersonal communication, patience, empathy, and general temperament. A large part of the police chaplain's role is to build and maintain relationships, and the selected candidate should possess the interpersonal skills necessary to do so. Interviews and/or oral examinations may provide insight into candidates' interpersonal skills and abilities. Letters of recommendation and reference checks during the background investigation can also be informative.

Once selected, additional training specific to police chaplaincy may vary by agency. The International Conference of Police Chaplains<sup>4</sup> recommends training in the following areas:

- Stress management (compassion fatigue, burnout, anxiety)
- Death notification
- Post-traumatic stress syndrome
- Burnout
- Legal liability and confidentiality
- Ethics
- Responding to a crisis situation
- Support for family members of police
- Substance use disorder
- Suicide
- Officer injury or death
- Diversity, equity, and inclusion

Agencies should consider whether additional requirements are necessary for the police chaplain to meet agency expectations for the role. In some cases, for example, an agency may wish to require a driver's license from its police chaplaincy candidates or establish requirements to live within a certain radius of the agency's jurisdiction in order to enable rapid response to calls, as needed. In many cases, reasonable accommodations can be made such that these conditions need not be requirements, but specific criteria will vary based on the setting, needs, and available resources of each agency.

Ideally, the police chaplain should begin the job with knowledge of and experience in police operations. If the candidate begins the job with little or no direct police experience, the agency may establish specific training criteria for the new police chaplain and a timeline for completion. If the agency has an established citizens' police academy or similar program, it is recommended the police chaplain complete such a course. Specific training required may vary by agency

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<sup>4</sup> See International Conference of Police Chaplains, <http://www.policetchaplains.com/certification.htm>.

and available resources. In some cases, the agency may consider requiring certain training before making a conditional appointment.

Police chaplains must serve a nonreligious purpose and can neither inhibit nor promote any religion. Nonetheless, some agencies may find it helpful to employ or contract with multiple police chaplains from differing faiths. This approach can be helpful when interacting with community members of diverse religions. Having a police chaplain who identifies with the community member's personal faith can help build rapport with the agency and strengthen public trust.

## V. DUTIES AND RESPONSIBILITIES

A police chaplain's role is to provide emotional and spiritual guidance, comfort, and support. It should be both proactive, to include building rapport and fostering relationships, and reactive, to include help in times of crisis or distress. Sometimes referred to as a ministry of presence,<sup>5</sup> chaplaincy can include both physical presence to ease feelings of loneliness as well as emotional presence through empathic listening, and the availability of both.

The behaviors and actions of a police chaplain reflect on the credibility and legitimacy of the agency. Inappropriate behavior can damage the trust members place in the police chaplaincy program. Thus, police chaplains will not exercise power over individuals or derive personal gain from helping them. It is unethical for a police chaplain to accept any gift or remuneration from individuals they are serving, engage in activities to meet their personal needs at the expense of the individual they are serving, or to ask for favors or help from the individuals they are serving. In developing trust with an individual, it is beneficial to explain the police chaplain's role and describe what services can and cannot be offered.

### A. Pastoral Care

The primary purpose of the police chaplaincy program is to provide social-emotional support to the agency's personnel and community members affected by the agency. This is primarily done by pastoral care, which is differentiated from counseling or psychotherapy. Clergy are inherently qualified to provide pastoral care including emotional support and encouragement. This may also include active and reflective listening, empathy, and mutual disclosure. In contrast, counseling and psychotherapy typically rely on behavioral sciences to identify and diagnose clinical conditions and to create treatment plans with emphasis on long-term behavioral change. Although clergy are not inherently qualified to conduct clinical counseling or psychotherapy, many chaplains seek credentials to allow them to conduct these services in addition to their ecclesiastical certification.

Police chaplains should work collaboratively with other roles supporting employee mental health and wellness, as these disciplines complement one another. Some agency employees may prefer to confide in a police chaplain instead of a psychologist because of perceived stigma or other concerns. However, police chaplains who are not professionally trained in clinical counseling or psychotherapy must recognize the limits of their role and should be prepared to make referrals, when applicable. Likewise, police psychologists and other mental health professionals may refer individuals to the agency's police chaplain for spiritual guidance or other nonclinical matters. In this way, the agency's team of wellness professionals can best identify and serve the needs of their employees and the community.

### B. Bereavement Support

Police chaplains can be especially instrumental in offering bereavement support to agency personnel or community members. After the death of an officer or other member of the agency, police chaplains are often called upon (often in conjunction with a member of the agency's command staff and/or other support personnel) to notify

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<sup>5</sup> Neil Holm, "Toward a Theology of the Ministry of Presence in Chaplaincy," *Journal of Christian Education* 52, no.1 (May 2009): 7–22, <https://doi.org/10.1177/002196570905200103>.

family and friends of the deceased officer's death.<sup>6</sup> Or, if the police chaplain is not present at the initial notification, the individual delivering the notification may refer friends and family of the fallen officer to the police chaplain for further emotional support. The police chaplain may help organize logistics of the officer's funeral and may conduct aspects of the funeral ceremony. The police chaplain may also be involved in commemorative ceremonies on the anniversaries following the fallen officer's death. Police chaplains are often similarly leveraged when the police agency encounters a deceased victim in the community and must notify the deceased victim's family and friends.

### **C. Community-Police Relations**

Police chaplains can serve as an ambassador between the community and the police department. Police chaplains can be helpful for enhancing community-police relations, and police chaplains should be incorporated into community-police events. In some cases, community members may feel more comfortable approaching a police chaplain than a police officer, and so the police chaplain's presence at community events with police presence (such as community service events and town hall meetings) can help facilitate relationships between the community and the police department. Offering police chaplaincy services at public events and leveraging the police chaplain's existing connections to community groups can help broaden networks between the community and police. Police chaplains can also be helpful in explaining the role of police to the general population in order to set realistic expectations. Additionally, police chaplains can assist during calls for service involving emotional distress or crisis response, providing comfort and support to community members seeking the services of the police department.

During these interactions with the community, the police chaplain should fully support community members but must not interfere with the department's ability to fulfill its law enforcement duties. The police chaplain shall not make statements that defame or question the integrity of officers, other department personnel, or the department itself. Further, police chaplains are prohibited from releasing any information to external parties such as the news media, insurance companies, attorneys, or the public, unless granted express permission by the agency head or designee to do so.

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<sup>6</sup> For further information, see the IACP Law Enforcement Policy Center guidance on Death Notification at <https://www.theiacp.org/resources/policy-center-resource/death-notification>.

**ADDITIONAL RESOURCES:**

- International Conference of Police Chaplains: <http://www.icpc4cops.org/>
- Roger E. Olson, Frank S. Mead, Samuel S. Hill, and Craig D. Atwood, *Handbook of Religious Denominations in the United States*, 14th ed., 2018.
- Rocky Mountain Police & Fire Chaplains: <https://www.rmpfc.org>

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