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## **“PROFESSIONAL CORRECTIONAL CHAPLAINS: FACT AND FICTION”**

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### **INTRODUCTION**

The theme of this Congress is “The Perceptions of Corrections,” and the subject of our workshop today, “Professional Correctional Chaplains: Fact and Fiction,” is one on which there is a fair amount of current discussion and debate. The words “fact and fiction” indicate that there are realities which are common to all professional chaplains, and there are misunderstandings about what those realities are.

Perennial questions come up: What does it mean to be a professional? What do professional chaplains do? How does their work differ from volunteer ministers who serve in our institutions? Are professional chaplains necessary to the good order and functioning of our institutions? Or, may volunteers do just as good a job as professionals? Is religious programming even necessary in jails and prisons? Before we provide some answers to these questions, let’s look at some history to see where we came from as chaplains, and why we’re here.

### **THESIS**

It is my thesis that professional correctional chaplains are the best way to facilitate provision for the constitutional requirements and religious needs of the offenders whom we serve. Other means may be effectively used to supplement providing for

the religious needs of inmates, but it is my view that without professionals at the helm, many religious needs will normally go unmet, and the institution will fall liable to dealing with the expense of a potentially unconstitutional situation.

When we think about professional chaplaincy, there are two primary considerations: (1) the constitutional, or legal, requirement, and (2) the need for pastoral care for all. These two are interdependent, since there cannot be adequate pastoral care for all inmates if the institution unconstitutionally focuses its attention on the needs of only a segment of its population.

### **CONSTITUTIONAL REQUIREMENT**

In order to understand this more fully, we need to look briefly at our constitutional foundation on this subject. In the summer of 1787 the original 13 colonies had won the war for independence from Britain, and had set about to form a union of states. They found their task easier said than done, and so, to make the federal Constitution more palatable to the new states, a Bill of Rights was adopted, which formed the first ten amendments to our Constitution. The very first of these amendments provided for the religious needs of the inhabitants of the new country. At least eight of the former colonies had an established, government-supported, official church at the time of the Revolution, as England's official church was the Anglican Church, and most of the European nations had an established church, either Catholic or Lutheran. The amendment was meant to protect the right to practice whatever faith an individual held, and it was intended to promote toleration for all faiths, no matter what state one resided in. The amendment therefore was worded in a generic manner on purpose, stating that "Congress shall

make no law respecting the establishment of religion, nor prohibiting the free exercise thereof.”

From my perspective as a student of history (I am not a lawyer, much less a constitutional lawyer), the two main clauses of the amendment—the establishment clause, and the free exercise clause—which are often placed in conflict in litigation, in reality do not contradict but complement each other. The Founders intended that the power of the state be limited when it comes to religious practice. They said the Congress should not establish religion, meaning, in their context, that no state-sponsored denomination or faith be established as our official religion. It’s important to recognize that the Founders did not mean to prohibit all state support for religion in general—witness from our earliest history the state support of chaplains in the military, state-supported chaplains and prayers in the houses of Congress, the exemption from taxation of houses of worship, and many other expressions of support for religion. The establishment clause was to indicate only that one faith not become our official religion. At the same time, the amendment ordered that the state not prohibit the free exercise of religion. The courts throughout our history have ruled that prisoners also, subject to certain restrictions relating to safety in the institution, have a constitutional right to practice their faith. This right was substantially strengthened in 2006 when the Supreme Court of the United States unanimously upheld the Religious Land Use and Institutionalized Persons Act (RLUIPA) of 2000.

So, how does this relate to professional correctional chaplains? Throughout much of our country’s history correctional chaplains have been supported by the state for the purpose of ensuring that the constitutional right of incarcerated persons to

exercise their religion is protected. By providing for the religious needs of all the offenders under one's care—not just those of one's own faith group—a professional chaplain is serving the requirements of the Constitution and is serving the institution by keeping us all out of court, as much as possible. Besides that, to take care of the pastoral and religious needs of all prisoners is the right thing to do, even if it were not the law.

Now we come to the crux of the matter: Who is most qualified to do this constitutional and pastoral duty? The Mission Statement of the American Correctional Association states that “The American Correctional Association provides a professional organization for all individuals and groups, both public and private, that share a common goal of improving the justice system.” The ACA is a professional organization, and we promote professionalism. Further, as Helen Corrothers has indicated in her opening remarks, the ACA has long regarded professional chaplains as a foundational support to improving the justice system. The American Correctional Chaplains Association, which became the first ACA affiliate in 1885, sees itself as an association of professionals, working alongside volunteer ministers, who seek to fulfill the constitutional and pastoral needs of our offenders.

The first ACA standard for institutional chaplaincy, in Section F, Religious Programs, calls for a “qualified” chaplain to assure “equal status and protection for all religions.” The standard requires that qualified chaplains have received “specialized training” and “endorsement” by an “appropriate religious certifying body.”

## **WHO IS A PROFESSIONAL?**

So, who is a professional, qualified chaplain? A professional correctional chaplain is one who, by reason of specialized knowledge and extended training, is called and compensated for the purpose of providing religious and pastoral services to incarcerated persons of all faiths in an institution. Professional chaplains have extensive knowledge of the faith affiliations of his or her inmates, and that person works to provide for the religious needs of those persons. The professional goes beyond his or her own faith group to find faith group representatives in the community who are qualified and willing to minister to those of that faith in the institution. Professionals also have extensive knowledge of the beliefs and practices of the various religions represented in the offender population. If, for example, there are adherents of minority religions in the population, as there no doubt are, but the chaplain knows little about any religion except his or her own, that chaplain will be ill-equipped to coordinate with volunteer providers for ministry to that population.

This reaching out beyond one's own faith group to provide for ministry to the needs of all the offenders in one's institution is the essence of the constitutional mandate to provide for the "free exercise" of religion. It is an activity which is best provided by professionals compensated by the state—professionals who are not compensated for this ministry by their own faith group. Why do I say this? The constitutional requirement of "free exercise" is a state requirement, and, in my view, is one which is best ensured and safeguarded by an employee of the state. Volunteer, or specific faith chaplains who are compensated by their faith group, provide valuable and necessary ministry. However, it is my conviction that, by virtue of their faith-group-originated compensation, they would normally have a

fiduciary obligation, or a contractual obligation, to especially promote the interests of their particular faith group. As we say in Texas, you dance with the one that brung you, and you look out for the one who pays you. Professional, state-supplied chaplains have no such obligation to promote the interests of one faith group over another. In fact, the obligation is the opposite—to treat all the faith groups without favoritism.

In recent years we have seen strained budgets in nearly every state, a coarsening of our culture, and a devaluing of faith and faith communities in many places. When agencies look for places to trim the budget, often the religious program, and state-supplied chaplains, are the first to go. Experience has shown that this is a great mistake. Departments of correction in Georgia, Washington State, North Carolina, Texas, Colorado, and perhaps other states have cut numbers of their state-supplied chaplains. After some years of trying this way, Georgia, North Carolina and Texas have re-hired some of their chaplains—Texas is hiring twenty new chaplains this year. In addition, Indiana and Oregon see the value of professional chaplaincy ministry to inmates, and is hiring more chaplains, without having cut any. That will be good for them.

A professional chaplain will help keep the chaplain and the warden out of jail by facilitating a constitutional program. Such a professional will pay for his or her annual salary by helping to avoid major religiously-based, First Amendment lawsuits against the institution.

## **PASTORAL CARE**

Now let us turn our attention to pastoral care. The professional correctional chaplain is one who has been trained in successful, interpersonal relating, human relationship problem-solving, and has the learned skills necessary to teach, verbally and by example, how to grow in managing one's life and relationships. To that end, the ACA requires that Clinical Pastoral Education, or equivalent specialized training, be part of the education of a qualified, professional chaplain in an ACA-accredited institution. As we all know who work in corrections, we work in a specialized and challenging environment. Successful ministry to incarcerated persons requires specialized training which ministers who have not experienced this training do not have, and it is a myth to think that good-intentioned volunteers who have not received much specialized training can do just as good a job as intensely-trained professionals. Think of it in this way: When you go in to have open heart surgery, anybody with a knife can cut on you in the general vicinity of your heart, but when I go in, I want a highly-trained, professional surgeon to do the cutting on me. Don't you? The consequences following who is in charge of our chaplaincy programs in the institution may be just as great.

Professional chaplains who have been trained in how to handle critical and traumatic incidents have a ministry of presence and intervention in the institution that is needed to help prevent the escalation of these kinds of incidents into bigger, potentially more violent, situations. In my first year as a prison chaplain, in 1985, we had five violent deaths in our maximum security prison, and I knew I was in the big house, and that this was serious business. Thankfully, we haven't had such a violent year since then. It is in the nature of our work that we will never be able to fully quantify the influence for good, and especially the disasters and critical incidents avoided, by professional chaplains. The chaplain who fulfills his or her

calling by listening empathically, helping to cool off inmates who are agitated by situations often beyond their control, will pay for their annual salary, again, by helping to prevent major incidents or riots in the institution.

Professional chaplains also, in the course of their ministries, provide much encouragement to offenders about what might be described as calling them to their faith. Most people, including offenders, have some connection, or awareness, of a higher power, the divine, the holy, the Creator, the Almighty. They have strayed away from honoring that power in their lives, but insofar as we can redirect their hearts toward honoring that power, showing the value of peace and love over strife, fighting, violence and hate, we are doing our job. This is not just pie in the sky by and bye, and nice-sounding words. How people think and live dramatically affects their quality of life here and now, as well as that of all their relationships. For as many of those offenders as follow the precepts of their faith when they are released from the institution, and we influenced their positive life direction change, we will have facilitated a safer society. For every person who stays out of prison because their lives were redirected to a more prosocial and godly way, we have, again, paid our annual salary as chaplains. So, to hire professional chaplains is the most cost-effective hiring an agency can do: (1) these chaplains help reduce litigation; (2) they help reduce major incidents; and (3) they help reduce recidivism.

The description of this workshop says that the chaplain is often seen as the “conscience of the institution.” What does this mean? A professional chaplain is one who exemplifies by his or her conduct, speech and ministry the highest standards in corrections. The chaplain should be someone that anyone in the

institution may look up to and say, “There is a real professional,” in addition to being a godly person.

Now I want to say a bit more about the value of volunteers. In the prison where I serve, I am the only staff chaplain for a population of 2,500 maximum security offenders and about 500 officers. There is no way I could adequately provide for the religious needs of the offenders there without lots of help. So, I have recruited, helped to train, and supervise volunteer ministers. We have an average of 150 religious volunteers monthly in our program, which has an average monthly inmate attendance of about 7,000. A professional chaplain therefore is able to multiply quality ministry in a way which only a staff chaplain is best equipped to do. Without a professional chaplain in the institution who knows the particular religious needs of the offender population, and who is qualified to train, supervise and evaluate the volunteers coming in, the program would lapse into chaos. The result would be that the administrators would wisely place severe restrictions on volunteer ministry, to avoid disruption caused by a lack of good training and supervision. Chaplains should treat these trained volunteers with great respect and appreciation. In Texas, with 12,000 trained and approved religious volunteer names in the agency computer, these volunteers donated approximately 600,000 hours of ministry to the state last year. That is the equivalent of 312 full-time staff positions, and over \$10.8 million in value, using the Independent Sector figure for 2006 of \$18.04 per volunteer hour to estimate the value of volunteer services.

Finally, a professional correctional chaplain is one who is on call at all hours in an emergency, and who is visible and available to the institutional staff as their chaplain. It is a common myth that chaplains are only in the institution for the

offenders. However, as all of us know who work in corrections, administrative and security staff have great needs, including spiritual needs, as well. Our ministry of presence and intervention during their times of need goes far not only in helping them in their distress but also in creating the relationships which are necessary to facilitate a smooth-running, constitutionally-sound religious program which is helpful to all.

To summarize, professional correctional chaplains have received specialized training to provide effective ministry in the challenging environment of corrections. They are a vital link between community volunteer resources and agency administrative personnel to ensure that the religious needs of all offenders are provided for. Using a state-supplied professional chaplain is the best guarantee of providing a constitutional program which will help reduce litigation. The trained professional chaplain becomes a safety valve, through listening and prosocial intervention, providing a calming ministry of presence in potentially explosive situations. Finally, by linking the offender population with positive community resources, and through the redemptive work of changing inmates' hearts, minds and directions, the professional chaplain helps ex-offenders to stay out of prison, thus reducing the rate of recidivism.

[The views expressed here are those of the author, and do not necessarily represent the views of his employing agency, nor of the chaplains associations with which he is affiliated.]