



KANSAS CITY, MO. POLICE DEPARTMENT

PROCEDURAL INSTRUCTION

DATE OF ISSUE

7-25-2019

EFFECTIVE DATE

7-25-2019

NO.

19-04

SUBJECT

Title VI Program Plan

AMENDS

REFERENCE

Board: Title VI Policy Statement
PPBM: Codes of Ethics and Rules of Conduct; Discrimination and/or Harassment
PI: Response to Community Complaints; Language Interpreting Services
Civil Rights Act of 1964; Americans with Disabilities Act of 1990

RESCINDS

I. INTRODUCTION

The civil rights laws and other nondiscrimination authorities prohibits the recipients of Federal financial assistance from discriminating on the basis of race, color, national origin, limited English proficiency, sex, sexual orientation, gender identity, age, religion, disability, or low-income level.

This written directive sets forth the policies and procedures for Kansas City Missouri Police Department (Department) members to follow when providing services to individuals in the context of applicable civil rights laws and other nondiscriminatory authorities.

II. TERMINOLOGY

- A. **Assurances** – A Board of Police Commissioners approved document that gives notice to federal and state authorities from whom we receive Federal Financial Assistance that the Department abides by all nondiscrimination laws.
- B. **Civil Rights Laws** – Laws that may apply to Federal financial assistance compliance to include Title VI of the Civil Rights Act of 1964 (codified at 42 U.S.C. 2000d), Title V of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, or Age Discrimination Act of 1975.
- C. **Disability** – A physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such an impairment, or being regarded as having such an impairment as provided under Title II.
- D. **Federal Financial Assistance** – Assistance includes grant funds, equipment, Federal training, donated real or personal property, etc.
- E. **Gender Identity** – A person’s actual or perceived gender-related identity, appearance, or behavior. This may be different from what is traditionally associated with the person’s physiology or assigned gender at birth. Male, female, gender non-conforming or transgender are all examples of gender identities.
- F. **Low-Income Level** – A person whose household income (or in case of a community or a group, whose median household income) is at or below the U.S. Department of Health and Human Services poverty guidelines.

- G. **Nondiscrimination Authorities** – Federal financial assistance rules that may require compliance with the Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Victims of Crime Act of 1984, or Violence Against Women Act of 1994.
- H. **Program or Activity** – All of the operations of the Department as provided under law.
- I. **Title VI** – A section of the Civil Rights Act of 1964 that prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, and national origin, including the denial of meaningful access for limited English proficient (LEP) persons.
- J. **Title VI/ADA Coordinator (Coordinator)** – Designated by the Chief of Police, the Coordinator is the individual responsible for the oversight, coordination, and monitoring of all initiatives appearing in this written directive.
- K. **Title VI Program** – Refers to a collection of documents, processes, procedures, and notices developed by the Department, a recipient of Federal financial assistance, to demonstrate how the Department is complying with the applicable Federal or state agency's requirements for implementation of a Title VI program.

III. POLICY

- A. Members will make every effort to ensure that no person will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination, under any Kansas City Missouri Board of Police Commissioners program or activity.
- B. All members will be trained such that they understand and meet Title VI requirements in the performance of their duties.
- C. Title VI information will be displayed in all Department facilities to which the public has access and on the Department's external website.
- D. Applicable contractors and subcontractors are responsible for complying with the Title VI Program of the Department.
- E. Any person who believes that he or she, individually or as a member of any class of persons, on the basis of race, color, national origin, limited English proficiency, sex, age, religion, disability, or low-income level, has been excluded from or denied the benefits of, or subjected to discrimination caused by the Department may file a written complaint with the Office of Community Complaints (OCC).

- F. A person may also file a complaint directly with the appropriate state or Federal agency. The Department and OCC reserve the right to send complaint information directly to the appropriate state or Federal authority.
- G. The Department will not retaliate against any person because of a complaint.
- H. The Department must comply with any program or compliance review(s) by the applicable Federal or state agency through periodic submission and/or upon written request.

IV. PROCEDURES

- A. Title VI Resources – The following materials and resources are available for members' use when responding to questions or concerns they may receive from the public regarding Title VI:
 - 1. Public Notice of Title VI Program Rights, Form 5115 P.D. – This information appears in poster form and can be found in the lobbies of all Department facilities to which the public has access.
 - 2. Community Complaint Report, Form 337 P.D. – The Department form that members of the public must complete and submit anytime they wish to file a complaint with the Department. Members will follow the procedures outlined in the written directive entitled, “Response to Community Complaints.” The Form 337 P.D. may be downloaded from the I:Drive Word Templates folder, or may be accessed on the Office of Community Complaints (OCC) website.
 - 3. Title VI Program Plan Questionnaire, Form 5114 P.D. – To be completed by the complainant after an individual files a Title VI complaint.
 - 4. Title VI Webpage – Information located on the Department website and contains general Title VI information, Public Notice of Title VI Program Rights, Form 5115 P.D., Department forms and directives, and additional Title VI resource links.
 - 5. Statistical Data – The OCC Director will maintain a log for the collection of statistical data. The log will include, but is not limited to the following: OCC number, date of complaint, investigation date, complainant’s name, alleged discrimination, demographic identification/basis of complaint (race, color, national origin, etc.), disposition, and date of closure.
 - 6. Questions may be emailed to Titlevi@kcpd.org.

B. Grant Applications Requiring Title VI Assurances

1. When a member applies for a grant that requires Title VI Assurances as part of the grant application, the member will contact Fiscal Division personnel and request a copy of the Title VI Assurance document(s).
2. The Fiscal Division will notify the Coordinator of new grant application requests.

C. Coordinator Responsibilities

1. Review Title VI and other nondiscriminatory authority complaints and recommend a best course of action regarding any potential investigation.
2. Coordinate community outreach efforts.
3. Coordinate with OCC to maintain data on Title VI complaints filed with the Department.
4. Create and maintain a Title VI program to meet the continued needs of the Department and compliance with Federal grants.
5. Ensure Department wide compliance with Title VI requirements to include annual review of the Title VI Program.
6. Be responsible for coordination of, and compliance with, all initiatives appearing in this written directive.
7. Provide recommendations for changes to this directive.

D. Title VI Audits

The Coordinator will compile and maintain all Title VI documentation that demonstrates the Department's compliance with Title VI requirements. In the event a Title VI audit is performed, the auditors will be given a copy of the Title VI documentation, if requested.

E. Training

1. The Coordinator will work with Department members to develop, schedule, and implement all Title VI training. Training will be conducted annually.
2. New employees will receive training during their employee orientation period.
3. The Coordinator will work in collaboration with the Training Unit and Human Resources to ensure compliance.

V. TABLE OF ANNEXES

This Department Memorandum has been divided into annexes for easy reference.

Annex A Title VI Program Complaint Investigation Procedures
Annex B Outreach, Resource, and Data Collection
Annex C Program Management

Richard C. Smith
Chief of Police

Adopted by the Board of Police Commissioners this _____ of _____ 2019.

Nathan Garrett
Board President

DISTRIBUTION: All Department Personnel
Public View Master Index - Internet
Department Master Index - Intranet
Policy Acknowledgement SyStem (PASS)

TITLE VI PROGRAM COMPLAINT INVESTIGATION PROCEDURES

A. Filing a Title VI Complaint

1. Members will accept citizen complaints in accordance with the written directive entitled, "Response to Community Complaints."
2. The Community Complaint Report, Form, 337, P.D. may be downloaded at www.kcpd.org, or a form may be requested by emailing, calling or writing to the Board of Police Commissioners Office of Community Complaints.
3. If the complainant requests assistance from a member, the member will assist in the preparation of any necessary written forms. For instance, if the citizen is unable to read or write the member will assist the citizen in reading or writing on the form. After conclusion of assistance, review the document and responses with the complainant to make sure it is accurate. If the complainant refuses to sign the form, the member will write "refused to sign".
 - a. If the member assists the complainant, the member will print and sign their name, serial number, and type of assistance at the bottom of the form.
 - b. Members will send the written forms through Department mail to OCC.
 - c. If members need additional assistance with the complainant, they should contact OCC for guidance.
4. Upon initial receipt of the complaint, the OCC Director will determine whether any of the allegations involve Title VI or the other nondiscrimination authorities. If yes, any portion of the complaint will be immediately submitted to the Coordinator.

B. Complaint Process

1. Upon receipt of a Title VI Complaint from OCC, the Coordinator will send the complainant an acknowledgement letter informing them of the receipt of the complaint and whether the complaint has been accepted for further investigation or denied. If accepted, the Title VI Program Plan Questionnaire, Form 5114 P.D., will be included with the letter.

2. Unless a longer period is specified by the Coordinator, the complainant will have 10 calendar days from the date of the letter to return the requested information or to meet with the investigator assigned to the case.
 - a. A case may be closed if the complainant fails to provide the requested information within the reasonable timeframe of 10 calendar days.
 - b. A case may be administratively closed if, at any time, the complainant no longer wishes to pursue the case.
 - c. A case may be closed if the complainant cannot be located after reasonable attempts have been made.
3. The Coordinator or designee will:
 - a. Complete the investigation within 45 days from receipt of a completed Title VI Program Plan Questionnaire, Form 5114 P.D.
 - b. Notify the complainant if more time is required and provide an estimated timeframe for the completion of the review.
 - c. Contact the complainant if more information is needed to resolve the case.
4. The Coordinator will investigate any Title VI and other nondiscrimination authorities complaints made against the Department, contractors, subrecipients, consultants or anyone else acting on its behalf.
 - a. A Title VI investigation is a review of the Department's processes and procedures and not an individual's policy violations. An individual's potential policy violations will be handled through OCC.
 - b. If an individual member believes the Title VI investigation may lead to discipline, the member may request the presence of an FOP representative.
5. After the Coordinator or designee reviews the complaint and pertinent investigative records, the Coordinator or designee will prepare an investigative report.
 - a. The investigative report will consist of a description of the incident, identification of persons interviewed, summary of findings and recommendations.

- b. An investigative report will generally be completed within 90 calendar days after the complaint.
- 6. The Coordinator will make the final determination on the disposition of the complaint and issue one of two letters to the complainant: a closure letter or a letter of finding.
 - a. A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed.
 - b. A letter of finding summarizes the allegations and provides a recommendation regarding the merit of the complaint and whether remedial actions are available. Additionally, it may include recommendations regarding potential improvements to the Department's processes relative to Title VI, as appropriate.

C. Appeal Process

- 1. If the complainant disagrees with the determination, the complainant may request reconsideration by submitting the request in writing to the Coordinator within 10 calendar days after the date of the letter of closure or letter of finding, specifically stating the basis for the request for reconsideration.
 - 2. The Coordinator will provide the complainant's appeal and any documentation to a designee within the Chief's Office for review.
 - 3. The Chief's designee will notify the complainant of the decision either to accept or reject the request for reconsideration within 10 calendar days.
 - 4. In cases where reconsideration is granted, the Chief's designee will issue a determination letter to the complainant upon completion of the reconsideration review.
- D. If the final recommendation or reconsideration supports the allegation(s), the Coordinator will attempt to negotiate an amicable settlement of the issues in the dispute. Formal, written settlement agreements will require review by the Office of General Counsel (OGC) and approval of the authorized Department representative prior to acceptance and signatures of the parties.
- E. Upon closure of a file, and when required, the Coordinator will forward a copy of the complaint and resulting written response to the applicable state or Federal authority.

- F. The Coordinator or designee will notify the OCC Director of the complaint's final disposition and date of closure.
- G. Upon closure of a complaint, the Coordinator will forward the completed file to OGC for retention.
- H. The Title VI complaint file will be maintained for a minimum of three (3) years and will be made available for compliance review audits.
- I. To the extent feasible and allowed by Federal and state law, confidentiality will be maintained during the formal and informal investigation process.

OUTREACH, RESOURCE AND DATA COLLECTION

Effectively managing the delivery of Department services to individuals and communities cannot occur without understanding the encounters with individuals in the community, the concerns of the community, and the resources the Department uses in addressing the community needs. Consequently, the following outreach, resource, and data collection activities will be established and enacted under the direction of the Coordinator.

A. Outreach Activities

1. Establish procedures and mechanisms (e.g., surveys, forums, focus groups) for gathering feedback from the local service population, and using the information to determine how the Department can provide more effective services.
2. Consult with members of the community and explain how the Department is providing meaningful access to its services.

B. Resource Activities

1. Increase the recruitment and use of diverse members as a resource, particularly members who speak languages and dialects most frequently encountered.
2. Annually, and as needed, conduct a review of the capital and human resources the Department devotes to meeting the needs of its community populations in terms of costs, benefits, and effectiveness.

C. Data Collection and Reporting

1. The Coordinator will collect statistical data of participants in and beneficiaries of the subrecipient's programs as required by law for the purpose of evaluating the effectiveness of policies and programs to ensure non-discrimination.
2. The Coordinator will generate an annual report, and other reports as needed, which will assess the Department's efforts in providing meaningful access to all its services and programs.
3. The Coordinator will designate and utilize Department resources as needed in order to compile the report.

4. The report will include a review and analysis of, but is not limited to, the following:
 - a. Community outreach efforts.
 - b. Capital and human resources dedicated to Title VI services.
 - c. Demographic data.
 - d. Title VI and LEP training.
 - e. Recommendations for changes to applicable written directives.
5. The report will be submitted to the Chief of Police.

PROGRAM MANAGEMENT

- A. The Fiscal Division will prepare and maintain a current list of Federal financial assistance received by the Department. The list will include, at a minimum, the following information:
 - 1. Type of Federal financial assistance;
 - 2. Associated Federal agency;
 - 3. Pass-through agency;
 - 4. Name of grant;
 - 5. External or internal reference number for receipt of financial assistance;
 - 6. Whether it is a pass-through;
 - 7. Whether Title VI is included in assurances;
 - 8. Start date of Federal financial assistance; and
 - 9. Anticipated end date.
- B. The Coordinator and Fiscal Division will have access to the current Federal financial assistance list.
- C. The Coordinator, with assistance of the Fiscal Division, will identify any specific Federal agencies with additional Title VI requirements to be in compliance with the receipt of Federal financial assistance. This may include special Federal orders or executive orders that prescribe clauses that must be included in bids, request for proposals, contracts, or other public notices.
- D. Any personnel responsible for future contracts, bids, request for proposals and other agreements will ensure compliance with Federal grant requirements. Questions regarding whether specific language must be included will be directed to OGC.