
	STANDARD OPERATING PROCEDURE	NO. 140
	CIVIL RIGHTS & CIVIL LIBERTIES	
	Effective Date: 12/11/2020	Revised Date:
	Approved by: David Jones; Fire Chief 	

**PURPOSE:** This policy is established to identify the responsibility of all employees to uphold the provisions of laws prohibiting discrimination against members of the public, and those who use our services and programs. This policy also provides the complaints process for a recipient to follow should they feel they have been discriminated against.

*In addition to being provided as an internal document of the Addison Fire Department, this policy will be posted on the Fire Department's page of the Town of Addison website.*

**POLICY:**

**NOTICE OF NONDISCRIMINATION**

The Addison Fire Department complies with Federal civil rights laws and is committed to providing its programs and services without discrimination in accordance with:

- *Title VI of the Civil Rights Act of 1964*, which prohibits discrimination based on **race, color, or national origin** (including **limited English proficiency**).
- *Section 504 of the Rehabilitation Act of 1973*, which prohibits discrimination based on **disability**.
- *Title IX of the Educations Amendments Act of 1972*, which prohibits discrimination based on **sex** in education programs or activities.
- *Age Discrimination Act of 1975*, which prohibits discrimination based on **age**.
- *U.S. Department of Homeland Security regulation 6 C.F.R. Part 19*, which prohibits discrimination based on **religion** in social service programs.

**PROHIBITION AGAINST RETALIATION**

It is impermissible for a recipient or other person to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI, or because the individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the DHS regulation implementing Title VI (6 C.F.R. § 21.11(e)). Any individual alleging such harassment or intimidation may file a separate complaint with DHS. Therefore;

ADDISON FIRE DEPARTMENT members will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under any of its programs, regardless of the funding source for the program. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin.

ADDISON FIRE DEPARTMENT members will not tolerate intimidation, threats, coercion, or discrimination against any individual or group for the purpose of interfering with any right or privilege guaranteed under law or regulations, or because the individual has filed a complaint or has testified, assisted or participated in any way in an investigation, proceeding or hearing or has opposed any ADDISON FIRE DEPARTMENT action or decision.

ADDISON FIRE DEPARTMENT members will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities.

### **TO FILE A COMPLAINT**

If you think that Addison Fire Department has failed to provide these services or discriminated in another way based on race, color, national origin (including language), disability, sex, or age, you can file a complaint in person or by mail, fax or email to the following contact:

**E-mail:** [djones@addisontx.gov](mailto:djones@addisontx.gov)

**Fax:** 972-450-7208

**U.S. Mail:** Addison Fire Department

Attn: David Jones, Fire Chief

4798 Airport Parkway

Addison, TX 75001

The Fire Chief will conduct an internal investigation according to Addison Fire Department Standard Operating Procedure #139, which can be found on our website here:

<https://addisontexas.net/fire>

(excerpt from Standard Operating Procedure #139 shown in gray below):

### **RECEIPT OF COMPLAINTS**

1. All complaints against the Department or one of its employees will be accepted and reviewed, so long as the facts surrounding an allegation may be corroborated.
2. All supervisors are responsible for accepting any and all complaints, whether internal or external, and forwarding them to Fire Administration as soon as possible. All complaints, regardless of nature, can be filed in person, by mail, by email, or by phone at any time.
3. Supervisory personnel may conduct an immediate preliminary inquiry to determine if grounds exist to conduct an internal investigation. If the preliminary inquiry finds that applicable policies, procedures, and law have been followed and that there is no misconduct, the supervisor will normally be the Departmental representative who will explain the findings to the complainant. If

appropriate, the supervisor may explain Departmental policies and procedures, a misunderstanding of which may have precipitated the complaint.

4. Supervisors who receive a complaint will immediately notify their chain of command to ensure that the Fire Chief receives timely notification. The Fire Chief must be notified immediately, through the chain of command, upon receipt of all Formal complaints and of Administrative complaints that have (or are likely to have) public or media involvement. The Fire Chief must be notified of all other complaints by the next work day; if, however, a member of the chain of command is not immediately available, the Fire Chief must be notified directly.

## **COMPLAINT CLASSIFICATION**

1. The Department will review complaints to determine the appropriate response. In some cases, after a preliminary inquiry, no further action is required. In cases requiring further investigation, the complaint will be classified as Formal or Administrative, depending upon the type and severity of the allegation(s).
2. The employee's chain of command normally makes a recommendation as to the classification of the complaint and the final determination is made by the Chief (or designee).
3. Complaints are classified as one of the following:
  - a. **Formal Complaint** – Formal complaints are normally those alleging violations of Town policy involving unlawful harassment, violations of constitutional rights, federal or state laws, physical abuse, and/or other serious misconduct.
  - b. **Administrative Complaint** – Administrative complaints are normally those alleging minor infractions of Departmental and/or Town policies, procedures, or directives that are either not directly observed, or that are directly observed but still require some level of investigation.
  - c. **Minor Complaints** – Complaints alleging minor infractions that are directly observed or documented; e.g., audio or video recordings, CAD records, time entries etc. where no further investigation is required, are to be addressed by the immediate supervisor. These usually result in verbal/written coaching.
  - d. **No Further Action Needed** – A determination that no further action is needed is based on a preliminary review of video, audio, witness and/or complainant statements, which clearly show that no misconduct or other inappropriate behavior occurred. Often, these types of allegations can be resolved by explaining to the complainant applicable Departmental practice, policy, procedure, or law.
4. The classification of a complaint as Formal or Administrative determines the level of investigation that will be initiated. As facts are developed during the course of the investigation, the complaint classification and/or level of investigation may be changed.
5. Supervisors who receive a complaint from an external source should document receipt via email to the Fire Chief through the chain of command.

## COMPLAINT LOG

Upon receipt by the Department, all complaints resulting in excess of written coaching are recorded in the Department's *Complaint Log*, which is maintained by the Fire Administration Supervisor. A complaint number is assigned to each complaint and recorded in the log, along with its classification as either Formal or Administrative; the date the complaint was received; the complainant's name; a brief summary of the allegation(s); the supervisor assigned to investigate; the date the investigation was completed; the disposition; the disciplinary or other action taken.

## COMMUNICATIONS & NOTIFICATION TO EXTERNAL COMPLAINANTS

1. Complainants external to the Department must be notified of the Department's receipt of their complaint and kept apprised throughout the investigation process.
2. The investigator should contact the complainant within 24 hours of the investigator being assigned the complaint and will provide an overview of the process.
3. Within ten days after the investigation is finalized, the complainant will be notified of the outcome. This final notification will be provided by the Fire Chief or designee.

## RESPONSIBILITY FOR INVESTIGATING COMPLAINTS

1. **Assignment of Investigator.** The Fire Chief (or designee) will assign the investigation of complaints based on the following:
  - a. **Formal Complaints** – Formal complaints will be investigated by a supervisor assigned by the Fire Chief.
  - b. **Administrative Complaints** – Administrative complaints will be investigated by a supervisor assigned by the Deputy Fire Chief. These investigations will typically be assigned to the employee's immediate supervisor.
2. **Criminal Allegations.** If a criminal offense is alleged, two separate investigations will normally be conducted, a criminal investigation and an internal investigation. If, during an internal investigation, it is discovered that a criminal offense may have been committed, the investigator must immediately notify the Fire Chief, via the chain of command. The criminal investigation will be referred to either the Police Department or an outside agency. The internal investigation will determine compliance with policy, procedure, and directives. The criminal investigation will normally be handled first, so as not to interfere with the criminal investigation. In accordance with *Garrity* protections, the internal investigation may obtain evidence from the criminal investigation, but the criminal investigation cannot obtain information from the internal investigation which was the result of an interview or interrogation of the subject employee.
3. **Deadlines.** Complaints should be assigned for investigation as soon as possible to facilitate collection of relevant evidence, including statements if appropriate. Complaints should be investigated and concluded as quickly as possible, normally within 90 days from the date the complaint is received. Any resulting disciplinary or other action should be issued within 20 working days after the investigation is completed. If additional time is needed, a request must be made to and approved by the Chief.

## **WRITTEN COMPLAINT**

1. In accordance with Sections 614.021-.023 of the Texas Government Code, a written complaint is required before any discipline can be taken against a firefighter. Because the Department normally follows the same guidelines for both sworn and civilian employees, the person making the complaint, whether internal or external to the Department or Town, must sign the complaint and a copy must be given to the employee within a reasonable time after it is filed.
2. A written complaint will be issued to the employee for all Formal and Administrative investigations. The written complaint will be timely issued to the employee in writing as a notice of complaint & investigation. As part of the written complaint, the employee will be provided with a summary of the factual allegations and the policies and procedures alleged to have been violated.
3. The “victim” of alleged misconduct will not always be the complainant. In some cases, the complaint will be made by a member of the Department based upon concerns or allegations initially raised by a third party. If a supervisor receives a complaint from someone external to the Department, the supervisor should document the allegations in writing and submit it to his/her chain of command.
4. If additional information during the investigation gives rise to an additional allegation(s) of misconduct that would likely result in disciplinary action, then the initial written complaint will normally be amended, or a new complaint issued to address the additional allegation(s).
5. The Department will not involuntarily terminate an employee unless the complaint is investigated and there is evidence to prove the allegation(s) of misconduct set out in the written complaint.

## **INVESTIGATION PROCESS - GENERAL**

1. All investigations, whether classified as Formal or Administrative, must be conducted in a thorough and professional manner.
2. Administrative investigations are typically conducted by the employee’s immediate supervisor and may be done without taking any written statements. The investigator may, however, require that the employee and/or other witnesses provide a written statement or description of an event.
3. The investigator will confirm that the employee has been provided all required documentation, will discuss the allegations in the complaint with the employee, and may request his/her explanation in writing.
4. The investigator will investigate each allegation in a complaint, make findings, and then prepare a written report. The investigator will review all available relevant evidence, which may include witness statements, documents, video and/or audio recordings, other recorded images, etc.
5. Administrative investigations may develop into Formal investigations based on information obtained during the investigation. The Fire Chief will be alerted to any information that indicates the incident is any more serious than first believed. If the Fire Chief reassigns the complaint as a Formal investigation, the Chief may leave the original supervisor as the investigator or assign the investigation to another supervisor. The Complaint Log number will normally be reassigned as a Formal investigation and issued a new Complaint Log number.

6. For Formal and Administrative investigations, a complete investigation is conducted, and a summary report is prepared.
7. With approval from the Fire Chief, the investigator may request that the complainant take a polygraph.

You can also file a civil rights complaint with the U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties (CRCL):

**E-mail:** [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov) (fastest method to submit your complaint)

**Fax:** 202-401-4708

**U.S. Mail:** U.S. Department of Homeland Security

Office for Civil Rights and Civil Liberties

Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, D.C. 20528

For additional information: [www.dhs.gov/crcl](http://www.dhs.gov/crcl) Phone: 202-401-1474 Toll-Free: 1-866-644-8360.

## **INFORMATION AND SERVICES FOR PERSONS WITH DISABILITIES AND PERSONS WITH LIMITED ENGLISH PROFICIENCY**

Addison Fire Department will take reasonable steps to ensure access to all people, and that accommodation is available to facilitate the participation of those persons with a disability or with Limited English Proficiency (LEP). LEP persons refers to persons for whom English is not their primary language who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

- The Town of Addison has undertaken a comprehensive evaluation of its programs, services, and activities (PSAs) to determine the extent that individuals with disabilities may be restricted in their access. Addison has committed to removing those barriers for not only individuals with mobility needs but also individuals with sensory and cognitive disabilities. The purpose of the Americans with Disabilities Act (ADA) Transition Plan is to provide the framework for achieving equal access to the Town of Addison's PSAs within a reasonable timeframe. The Town's elected officials and staff believe that accommodating persons with disabilities is essential to good customer service ensures the quality of life every resident seeks to enjoy and guides future improvements. This Plan has been prepared after careful study of all the Town's programs, services, activities, and evaluation of a select number of Town facilities.

Supporting documents for this program include:

- Title I Grievance Procedure
- Title I Form
- Title II Grievance Procedure
- Title II Form
- ADA Transition Plan

These documents can be found on our website at: <https://addisontexas.net/manager/addisons-commitment-provide-equal-access>

For questions regarding the ADA Transition Plan, please contact:

Ashley Mitchell, ADA/504 Coordinator Deputy City Manager

Town Hall

5300 Belt Line Road

Dallas, TX 75254

Office: 972-450-7010

Relay: 1-800-735-2989

[amitchell@addisontx.gov](mailto:amitchell@addisontx.gov)

- The Town of Addison Human Resources has compiled an internal list of bilingual employees who are willing to assist in translation services should a limited English proficient patron contact the Town of Addison. As of September 2020, the following departments have employees who speak a language other than English and are willing to translate. Within the Fire Department, there are 3 employees who speak Spanish and are willing to provide translation services.

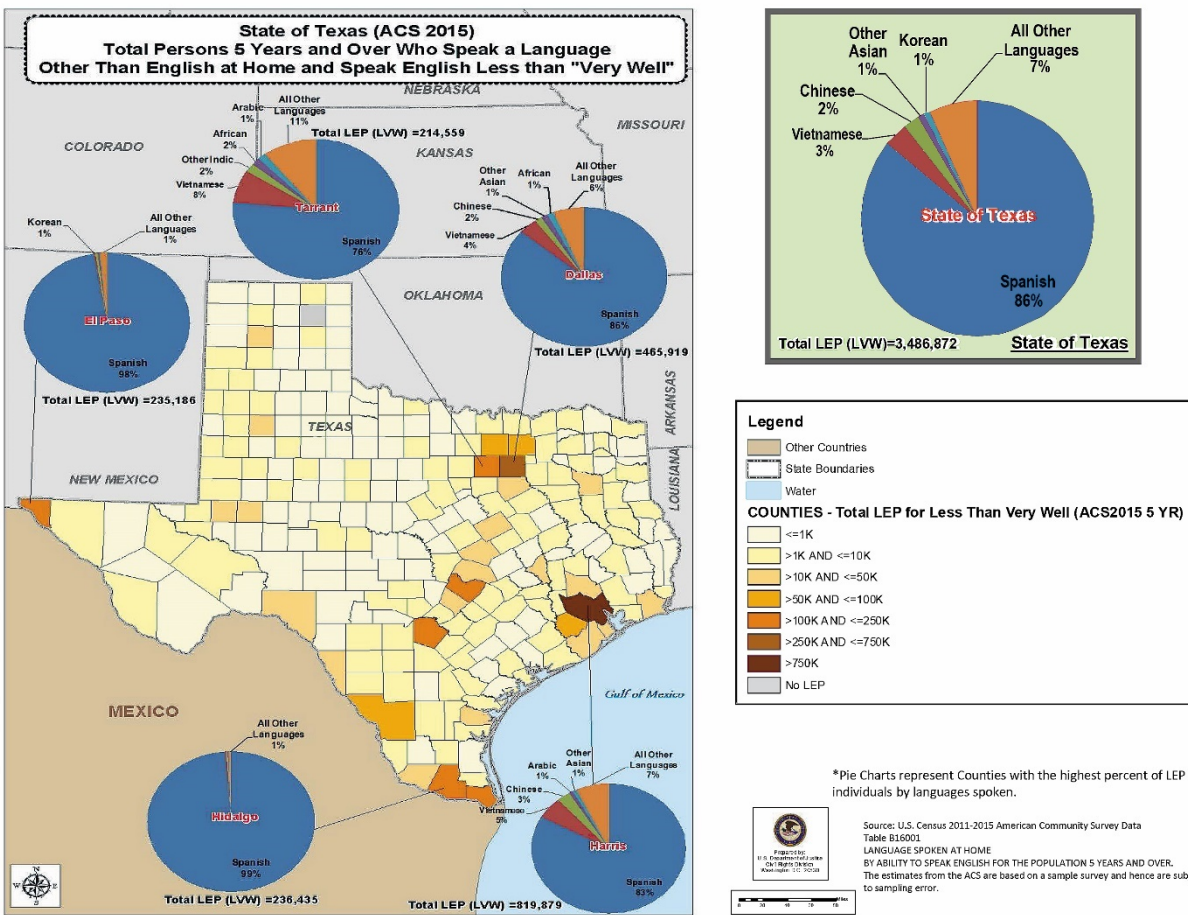
Department	# Employees	Language
Athletic Club	5	Spanish
City Manager's Office	2	Spanish
Development Services	1	Russian
Development Services	2	Spanish
Economic Development	1	Spanish
Finance	2	Spanish
Fire	3	Spanish
Information Technology	1	Indonesian
Information Technology	1	Farsi
Information Technology	1	Igbo
Information Technology	1	Vietnamese
Municipal Court	1	Spanish
Parks	1	Thai
Parks	5	Spanish
Public Works	6	Spanish
Public Works	1	Sign Language
Public Works	2	Spanish

- During medical emergencies and while tending to a patient with limited English proficiency, Addison Fire Department members have the ability to contact our dispatch, North Texas Emergency Communications Center (NTECC) to request language translation services at no cost to the patient. Addison Fire Department provides required HIPAA signature forms in Spanish and English.

- In addition, Addison participates in the State of Texas Emergency Assistance Registry (STEAR) Program, which is a free registry that provides local emergency planners and emergency responders with additional information on the needs of their community. The program is aimed at assisting individuals with functional and access needs. The online program registration and flyer is available in English and Spanish. More information on the STEAR program can be found on our website at: <https://addisontexas.net/fire/stear-program> or by calling the Fire Department Administration line at (972) 450-7201.

## PERSONS WITH LIMITED ENGLISH PROFICIENCY

In order to determine the specific language services appropriate to provide, and to whom, we referred to the LEP informational data and language mapping tools found at [www.LEP.gov](http://www.LEP.gov). The below image shows the counties in the State of Texas (to include Dallas county, in which Addison resides) with *Total Persons Ages 5 Years and Over Who Speak a Language Other Than English at Home and Speak English Less Than "Very Well" (LVW)*. (Source: U.S. Census 2011-2015 American Community Survey (ACS) Data Table B16001)





A snapshot of the image shows the total LEP (LVW) for Dallas County is 465,919 individuals, of which 86% are Spanish speaking.

LANGUAGE	POPULATION	PERCENTAGE
Spanish	400690.34	86%
Vietnamese	18636.76	4%
Chinese	9318.38	2%
Other Asian	4659.19	1%
African	4659.19	1%
All Other Languages	27955.14	6%
<b>Total</b>	<b>465919.00</b>	<b>100%</b>

Another source taken from the [US Census 2018 ACS 5-Year Survey \(Table S1601\)](#) shows us that Spanish is the leading language of all ages at 16.90% of the population who are non-English speaking.

