

Language Access Services for Limited English Proficient (LEP) Individuals

5.20.01 PURPOSE

This order establishes language access procedures, consistent with federal¹, state², and local³ law, for San Francisco Police Department (SFPD) members to follow when encountering a Limited English Proficient (LEP) individual. It also defines the importance of effective and accurate communication between SFPD members and the communities they serve. Language barriers can sometimes inhibit or even prohibit LEP individuals from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and efficiently in different situations. Hampered communication with LEP victims, witnesses, suspects, and community members can jeopardize safety and create evidentiary and investigative challenges.

5.20.02 POLICY

SFPD members shall take every reasonable step to ensure timely and accurate communication and access to all individuals regardless of national origin or primary language. When performing law enforcement functions, members shall provide free language assistance to LEP individuals they encounter or whenever a LEP individual requests it. The Department's policy is to inform the public that language assistance services are available free of charge to LEP individuals, and that the Department will provide these services as part of the Department's community policing and enforcement efforts.

5.20.03 DEFINITIONS

- A. Primary Language** - The language in which an individual is most effectively able to communicate.
- B. Limited English Proficient (LEP) individual** - An individual who does not speak, read, understand, or communicate English, is otherwise unable to communicate effectively in English because English is not their primary language or prefers to conduct the interaction in their native language.
- C. Language Access Services** - "Language Access Services" shall mean translation and interpretation of oral or spoken information that is accessible and enables communication with LEP individuals.

¹ [Title VI of the Civil Rights Act of 1964](#)

² [California Government Code Sections 7290 et seq. \(Dymally-Alatorre Bilingual Services Act\)](#)

³ [San Francisco Administrative Code Chapter 91 \(San Francisco Language Access Ordinance\)](#)

- D. Required Languages** - Any non-English language spoken by a substantial number of LEP individuals in San Francisco, as defined by the thresholds in the San Francisco Administrative Code (SF Admin. Code) Chapter 91 or annually determined by the Office of Civic Engagement and Immigration Affairs (OCEIA).
- E. Interpretation** - A live service communicating information from one language (source language) to another spoken or sign language (target language), while retaining the same meaning. This service can be delivered through oral, video, remote, or telephonic mediums, and can be performed in either consecutive or simultaneous modes.
- F. Translation** - Any written communication of information from one language (source language) into another language (target language) while retaining the same meaning.
- G. Certified Bilingual Member** - SFPD members certified by the City or another designated qualifying agency to provide language interpretation services in one or more languages other than English. The Department will train all members in interpreting techniques, roles, and ethics to ensure they understand and adhere to confidentiality and impartiality rules.
- H. Non-Certified Bilingual Member** - SFPD members identifying themselves as having ability to provide language interpretation services in one or more languages other than English but not certified by the City or another designated qualifying agency to do so.
- I. Certified Civilian Interpreter** - An individual, who may be an employee of another city department or a contracted outside agency, certified by the City or other designated qualifying agency to provide either in-person or telephonic interpretation services.
- J. Exigent Circumstances** - See Department General Order (DGO) 3.02 *Terms and Definitions*.

5.20.04 PROCEDURES

- A. General Procedures** - The following procedures shall apply to members who encounter LEP individuals while performing law enforcement functions, including initial contact through subsequent investigation, absent exigent circumstances.
- 1. Identifying LEP Individuals** - When encountering individuals who may be LEP, members shall use any reasonable methods to ascertain their LEP status. Common indicators of a language barrier that may help members identify LEP individuals, include but are not limited to:
 - Request for translation
 - Code-switching from English to another language
 - Use of an interpreter by the call taker at Department of Emergency Management (DEM)

- Incomplete or fragmented sentences and misuse of English
- Limited proficiency in English OR limited ability to exchange information or answer questions (i.e. the individual answered "yes or no" to questions that required an explanation)
- Facial or body gestures indicating difficulty with English
- Physical responses to verbal commands (e.g., hand me your driver's license)
- Request for a sign language interpreter (See DGO 5.23 *Interactions with Deaf and Hard of Hearing Individuals*).

Additional factors when interacting with LEP individuals:

- Need for language assistance in understanding intricate law enforcement procedures and actions despite casual conversation ability
- Stressful situations affecting language capabilities
- Cultural factors or unfamiliarity with availability of interpretation and/or translation services preventing requests for language assistance.

An accent alone does not imply language barriers. Additionally, members may use their communication skills and other available resources to gather information, ensure public safety, control scenes, identify issues, and provide basic information.

If an individual has difficulty speaking or understanding a question in English, members shall take appropriate steps, when feasible, to inform them that free language access services are available upon request. If language access services are requested or required, members shall follow proper procedures to provide these services.

2. **Identification of Primary Language** - Members can use various tools to identify the primary language or specific dialect of an LEP individual and request a suitable interpreter. These tools include but are not limited to maps, country flags, language access cards, artificial intelligence, translation apps, family members, friends, neighbors, volunteers, bystanders, children, or by contacting DEM or a professional interpretation service.
3. **Bilingual Member List** - The Staff Services Division shall maintain a listing of all Certified and Non-Certified Bilingual Members as well as Certified Civilian Interpreters. This list shall be provided to and kept with the Language Access Liaison and the Staff Services Division. Members shall receive the necessary contact details and Department account codes to access these services. The DEM will be automatically notified by the Staff Services Division whenever there are updates to the SFPD Bilingual Member List.
4. **Use of Interpreters**
 - a. **Order of Preference**
 - i. **In-person Interpretation Services**

- 1) Certified Bilingual Member - Preferred method for LEP services.
 - 2) Certified Civilian Interpreter - Use when Certified Bilingual Members are unavailable.
- ii. **Telephonic Interpretation Services** - If in-person certified interpreters are unavailable, use professional language services via phone as soon as practical.
 - iii. **Non-Certified Bilingual Member** - Can be used for in-person or telephonic services during exigencies or for facilitating non-evidentiary communication such as during initial contacts or to provide and/or gather general information.
- b. **Procedures for specific scenarios**
- i. **Scheduled Interviews and Custodial Interrogations** - Effective communication and accuracy of victim and witness statements is a priority in criminal investigations. Failure to protect the rights of LEP individuals during arrests and custodial interrogations may present a risk to the integrity of the investigation and prosecution.

The use of a Certified Bilingual Member is preferred during custodial interrogations or scheduled interviews with an LEP individual. If a Certified Bilingual Member is not available, a Certified Civilian Interpreter should be used. In-person interpretation shall be provided, unless the LEP individual consents to the use of an interpreter via telephone or other exigent circumstance(s) exists. Members shall proactively arrange for an interpreter when there is a reason to believe the subject is a LEP individual. All LEP custodial interrogations shall be taped unless exigent circumstance(s) exist.
 - ii. **Miranda Admonition and Written Forms** - The Miranda Admonition and all other written forms shall be provided in suspect's primary language when available. If not translated or an individual is illiterate, forms shall be read aloud in suspect's primary language by the Certified Bilingual Member or Certified Civilian Interpreter.
- c. **Incident Reports** - Whenever an incident report is prepared regarding an incident involving a LEP individual, members should indicate in the incident report the primary language spoken by the LEP individual, the person who provided the interpretation (Certified Bilingual Member's star number or Certified Civilian Interpreter's identification number), and the manner interpretation services were provided.
- d. **Restrictions** - Members should take reasonable steps to ensure that the

certified or non-certified interpreter does not know any of the parties. Members should not use family members, neighbors, friends, volunteers, bystanders, or children to interpret for a LEP individual to facilitate any evidentiary communication unless exigent circumstances exist, and a more reliable interpreter is not available. If used during exigent circumstances, members shall seek the assistance of a Certified Bilingual Member or Certified Civilian Interpreter confirm or supplement the initial translation or interpretation as soon as practical.

5. **Signage** - Signs shall be posted in the main public entry or lobby of each SFPD facility in required languages containing the following information:
 - a. Availability of language access services, including ability to report certain crimes online in different languages, at no cost to LEP individuals.
 - b. "Know Your Rights" brochure developed by OCEIA, including information about OCEIA's Complaint Process, once available.

SFPD shall also translate all posted signage relating to and/or providing vital information about departmental services or programs into the required languages.

6. **Translation of Documents**
 - a. SFPD shall translate all written materials providing vital information to the public into the required languages.
 - b. Upon request, the SFPD member shall acknowledge within 48 hours (excluding weekends and holidays) any public request for translation of vital written information into non-required languages. They will make reasonable efforts, in coordination with the Language Access Liaison, to translate the materials within a reasonable time and provide the requester with a due date.
 - c. **Internal Requests**
 - i. Transcribing Tapes and Other Evidence into English - Receiving members shall translate tapes, documents, evidence, or documents submitted by LEP individual(s) into English when such evidence is necessary to continue the investigation and/or prosecution of a criminal case or a departmental administrative investigation.
 - ii. If there is a form or document that needs to be translated, the person requesting the document can send it to the Language Access Liaison via email. The Language Access Liaison will send the form to the Department's vendor to process. The Language Access Liaison will send the final translated document back to the person who requested it.
7. **Digital Content** - SFPD shall translate digital content providing vital information to the public or public service announcement/information raising awareness about an issue of public interest or affecting the community, on digital platforms such as web sites, social media platforms, third-party digital content providers, or various on-line mediums.

8. **Training** - The Department shall provide all public-facing SFPD employees with periodic training on LEP policies, Departmental Bias-Free Policing, and Community Policing Strategic Plans. Training will include identifying LEP individuals and their primary languages, using language identification tools, accessing both in-person and telephone interpreters, and working effectively with interpreters. The Department shall conduct such training for new recruits and for members at in-service training and during roll-call at least every two years. Additionally, an initial training shall be conducted within a specified timeframe agreed upon by the Police Commission and the Department following the adoption of this General Order by the Police Commission.
9. **Recording and Tracking of Language Access Services** - The Department shall designate a Language Access Liaison from the Community Engagement Division (CED).
- a. **Language Access Liaison's Duties** - The duties of Language Access Liaison from the CED include but are not limited to:
- i. Monitoring compliance with the General Order.
 - ii. Coordinating language access training at the Academy and PowerDMS.
 - iii. Coordinating interpreter training for certified bilingual members and employees.
 - iv. Coordinating telephonic and third-party interpreter services as required by this order.
 - v. Working with the DEM to establish a system that immediately identifies LEP calls and promptly dispatches language assistance, preferably with a member skilled in the language services requested.
 - vi. Coordinating as needed meetings with the Department of Police Accountability (DPA), OCEIA, and community groups to improve SFPD's responsiveness to language access needs of the community.
 - vii. Overseeing the LEP data collection as detailed below.
- b. **Reporting**
- i. Gathering data pursuant to the provisions listed in SF Admin. Code SEC 91.11 and preparing a fiscal year report for OCEIA addressing the Department's language access efforts.
 - ii. Preparing a fiscal year report for the Police Commission, which includes data on:
 1. Calls for Service (as provided by DEM)
 - a) Total number of calls for service.
 - b) Number of calls for service involving LEP individuals
 - i. Breakdown by language of provided interpretation services, if possible.
 2. Incident Reports
 - a) Total number of incident reports.

- b) Number of incident reports involving LEP individuals:
 - i. Breakdown by the method of interpretation services were provided (in-person or through Language Line).
 - ii. Breakdown by language of provided interpretation services.
- 3. Racial Identity and Profiling Act (RIPA) Stops Data
 - a) Total number of stops.
 - b) Number of stops where the individual stopped was perceived to have limited English proficiency.
- 4. Community Survey Responses
 - a) Total number of survey responses.
 - b) Number of survey responses in non-English language access services complaints forwarded by the DPA.

The Language Access Liaison shall send both reports through their chain of command prior to submission. The report submitted to the Police Commission should also be sent to the DPA at the time of submission and posted publicly in accordance with the posting requirements managed by the Police Commission Office.

- B. Exigent Circumstances Procedures** - During exigent circumstances, members shall use the most reliable, temporary interpreter available. Once the exigency has passed, members are expected to revert to the procedures set forth in this general order.
- C. Airport Bureau** - Airport Bureau members, and other members of the San Francisco Police Department providing services at the Airport, shall adhere to Department policies. Members providing services at the Airport shall contact Airport Communications when language assistance is required at the San Francisco International Airport.

References

DGO 2.04, Complaints Against Officers
DGO 3.02, Terms and Definitions
DGO 5.23, Interactions with Deaf and Hard of Hearing Individuals
OCEIA's Know Your Rights Brochure