

DO 5.20 - SFPD Policy Working Group Recommendations and Discussion Tracking as of 9/06/2024

#	Working Group Recommendations	Page Number	Meeting Date	SFPD Response	SFPD Explanation	Open/Closed
R1	A working group member inquired about the procedure and number of meetings required to replace members who are not consistently participating according to working group meeting agreements as presented by the Department.	N/A	7/30/24	Administrative Question and Answer-not for inclusion in DO	Guidelines for managing the working group membership, including procedures for addressing behavioral issues and uncommunicated absences, will be shared with all working group members at the next meeting on August 15, 2024.	Closed
R2	A working group member proposed using the recent amendments to the Language Access Ordinance (LAO) as a foundation for discussions on updating DO 5.20. Additionally, it was suggested that it would be helpful for Office of Civic Engagement and Immigration Affairs (OCEIA) to present on the requirements and mandates of the LAO, particularly in light of new amendments.	N/A	7/30/24	Administrative Question and Answer-not for inclusion in DO	The Department has scheduled a presentation by OCEIA for the next meeting on August 15, 2024. This presentation will cover the requirements and mandates of the LAO, focusing on the recent amendments. Topics will include major changes to the LAO, updated definitions, and departmental responsiveness requirements for translation requests.	Closed
R3	In response to the discussion on presenting the requirements and mandates of the Language Access Ordinance, particularly in light of the new amendments, the following issues were discussed for the presentation content: 1. Translation Requests Responsiveness: Departments must acknowledge receipt of translation requests and provide status updates on when the translated documents will be available. 2. Definitions: Include definitions related to the Language Access Ordinance, such as the differences between interpretation and translation terminology. 3. Key Points: Highlight substantive elements that OCEIA believes departments should incorporate verbatim from the new amendments to LAO, such as the definition of LEP and the right to receive services in one's native language upon request.	N/A	7/30/24		The Department has scheduled a presentation by OCEIA for the next meeting on August 15, 2024. This presentation will cover the requirements and mandates of the LAO, focusing on the recent amendments. Topics will include major changes to the LAO, updated definitions, and departmental responsiveness requirements for translation requests. Additionally, both the currently active and draft versions of DO 5.20 already states: "When performing law enforcement functions, members shall provide free language assistance to LEP individuals whom they encounter or whenever an LEP person requests language assistance services".	Closed
R4	A working group member requested to agendize for the next working group meeting the discussion on a different time and location for the fourth and/or fifth working group meetings.	N/A	7/30/24	Administrative Question and Answer-not for inclusion in DO	The Community Working Group Coordinator will explore alternative meeting locations that can effectively support hybrid meetings. Once confirmed, these options will be added to the agenda for the working group members to vote on.	Closed
R5	During Officer Panel Q/A , the following issues were stated by officers as barriers to effectively provide language access services: 1. Certification Challenges: Inability to get SFPD members certified outside of the testing provided by the Department of Human Resources (DHR) in as many languages as they can speak, and in a process and manner that suits them, thus hindering their ability to effectively serve the multilingual community of San Francisco. 2. Restrictive DO Language: The prescribed order of preference for the use of oral interpretation services, as outlined in the DO, being too restrictive to account for undue delays that may occur when responding to non-exigent street situations amidst the myriad of laws, policies, cultural concerns, or other priorities unfolding simultaneously, especially when there is an unavailability of qualified bilingual members or services in the needed language. 3. Language Line Challenges: - Connectivity issues. - Language Line interpreters not having the competency needed to ask questions pertaining to highly complex and sensitive matters such as sexual assaults. - Inability to build trust in a timely and effective manner using Language Line, especially in light of the mental and emotional state of the persons needing interpretations in one of the worst moments of their life. - Using the language line during ongoing investigations to perform complex tasks, such as photo spreads, is cumbersome and may lead to potential miscommunication regarding specific details that may dictate the success in resolving the case.	N/A	8/15/24	Recommendation requires further discussion/analysis	The working group will review any policy updates informed by issues raised during the Officer Panel Q&A in future meetings, as each relevant section of the policy is discussed	Open
R6	During the Officer Panel Q/A , working group members raised the following questions and concerns about the implementation of DO 5.20, which may inform DO 5.20 revisions: 1. The language in DO 5.20 appears passive regarding the determination of an LEP person or an encounter with an LEP individual by an officer. 2. Clarification on how officers disseminate the right to Language Access Services during encounters with LEP individuals. 3. Challenges in using Language Line and whether these difficulties are tracked. 4. The application of DO 5.20 in ongoing communications with victims and community members after the initial on-field contact.	N/A	8/15/24	Recommendation requires further discussion/analysis	The working group will review any policy updates informed by issues raised during the Officer Panel Q&A in future meetings, as each relevant section of the policy is discussed	Open
R7	During the OCEIA presentation on recent LAO amendments , the following changes were discussed as potentially impacting DO 5.20 revisions: 1. First Responder Departments must provide language assistance during emergencies, per the updated Dymally-Alatorre Bilingual Services Act, effective January 1, 2025. 2. Translation requirements for vital information now extend to public signage and digital content (e.g., websites and social media). 3. Departments must acknowledge receipt of translation requests within 48 business hours and provide an update on the anticipated completion time starting immediately. 4. Department's responsibility to make the "Know Your Rights" brochure, once developed and finalized by OCEIA, available to community members they serve.	N/A	8/15/24	Recommendation requires further discussion/analysis	The working group will review any policy updates informed by recent changes to San Francisco's Language Access Ordinance in future meetings, as each relevant section of the policy is discussed	Open
R8	The working group members recommended including citations for Title VI of the Civil Rights Act of 1964 and San Francisco's Language Access Ordinance (SF Admin Code Chapter 91) in either the purpose or references section of DO 5.20.	1	8/15/24	Recommendation requires further discussion/analysis	This recommendation will be discussed during the next working group session. Update: 9/5/24 - See response to R# 12.	Closed
R9	A working group member inquired whether a non-expired version of Department Notice (DN) 21-072 exists or if the Department intends to re-issue it. This notice was included in the supporting materials for the working group meeting on August 27, 2024.	N/A	8/27/24	Administrative Question and Answer-not for inclusion in DO	The Department Representatives provided a response during the working group meeting that officers typically refer to the most recent DN for guidance on a specific issue and that it is willing to re-issue DN 21-072 in the near future.	Open

DBG 5.20 - SFPD Policy Working Group Recommendations and Discussion Tracking as of 9/06/2024

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R10	A working group member inquired about the expectations for officers when they receive DNs, asking whether they are supposed to memorize the details or just understand the general high-level overview of the notice.	N/A	8/27/24	Administrative Question and Answer-not for inclusion in DGO	The Department Representatives provided a response during the working group meeting that it requires all sworn and non-sworn members to sign off on any written directive released, including DNs, in PowerDMS, acknowledging receipt and understanding of the document. Additionally, per DGO 3.01, members must have a working knowledge of all directives relevant to their assignments and comply with their provisions. Furthermore, the Department highlighted that PowerDMS is a valuable tool accessible to all officers in the field, allowing them to easily find guidance on specific issues through the search function.	Open
R11	During the review of Recommendation and Discussion Tracking Grid, a working group member mentioned that some definitions within the Language Access Ordinance were updated in June and recommended to include them as considerations for potential revisions to DGO 5.20.	1	8/27/24	Recommendation requires further discussion/analysis	The working group will discuss the potential impact of the updated definitions in the Language Access Ordinance on DGO 5.20 revisions during the discussion of the "Definitions" section of DGO 5.20.	Open
R12	During the continued discussion on R#8, the working group addressed the following points: Pros of Adding Citations to Applicable Federal and Local Laws in DGO 5.20: 1. Clarity for Officers: Without specific laws mentioned in the DGO, officers often remain unaware of the legal foundations of the policies. 2. Public Education: As a public document, the DGO may serve an educational purpose for the community. 3. Footnotes for Legal Citations: Instead of placing legal citations in the "Purpose" section, they may be included as footnotes. 4. Reducing Redundancies: Reducing the number of times the acronym "LEP" is spelled out in the purpose section may create space for legal citations. Cons of Adding Citations to Applicable Federal and Local Laws in DGO 5.20: 1. Existing Policy Framework: The DGO already states that federal, state, and local laws inform the department's language access procedures. Officers are guided by policy requirements as stated in DGO, regardless of specific legal citations. 2. Administrative Burden: Officers are required to have working knowledge of all departmental written directives. Adding legal citations increases this burden, potentially causing stress and fear of sustained complaints if they are unaware of specific laws. 3. Simplified Directions: Officers require clear and straightforward instructions to understand their field requirements. DGOs are designed to offer general guidance to support this need. 4. Low Complaint Rate: Given the low rate of sustained complaints regarding this policy, adding legal citations to the DGO may be unnecessary. Training or a Department Notice might be more appropriate for including these citations.	1	8/27/24	Recommendation included in training, Department Manual, or other procedural or guidance document	The "Language Access 49600: Communicating with Limited English Proficient Communities" distance learning training, developed and taught by the SFPD and certified by the California Police Officers Standards and Training (POST), already covers the legal mandates for language access procedures. Additionally, the Department plans to include specific legal citations governing language access services in the ongoing training provided by the SFPD Language Access Liaison Officer. Furthermore, the Department has already posted public notices, both in print and online on the SFPD website, to inform the public about their rights and the language access services provided by the Department. To provide clear and straightforward instructions for SFPD Members, DGO 5.20 will exclude specific legal citations to avoid confusion about their responsibilities. Also, the Department will ensure that the acronym, "LEP" is not spelled out more than once in this section.	Open
R13	The working group members discussed refining the language in the "Purpose" section to avoid redundancies. They recommended the following actions: 1. Remove the sentence, "Language barriers can impede such effective and accurate communication in a variety of ways," from the "Purpose" section. 2. Identify and eliminate any redundancies throughout the DGO as remaining sections are discussed in future working group sessions.	1	8/27/24	Recommendation has been completely included in draft DGO	Previous Language for DGO Section 5.20.01 - Purpose: The purpose of this order is to establish language access procedures, consistent with federal, state, and local law, for San Francisco Police Department (SFPD) members to follow when encountering a limited English proficient (LEP) person. This order also defines the importance of effective and accurate communication between SFPD members and the community they serve. Language barriers can impede such effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and efficiently in different situations. Hampered communication with limited English proficient victims, witnesses, suspects, and community members can jeopardize safety and create evidentiary and investigative challenges. Proposed Updated Language for DGO Section 5.20.01 - Purpose: This order establishes language access procedures, consistent with federal, state, and local law, for San Francisco Police Department (SFPD) members to follow when encountering a Limited English Proficient (LEP) person. 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.	Open
R14	The working group discussed refining the language in the "Policy" section to avoid redundancies.	1	8/27/24	Recommendation has been completely included in draft DGO	Previous Language for DGO Section 5.20.02 - Policy: It shall be the policy of the San Francisco Police Department to 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 whom they encounter or whenever an LEP person requests language assistance services. The San Francisco Police Department recognizes the importance of effective and accurate communication between its members and the diverse community it serves. It is the policy of this department to inform members of the public that language assistance services are available free of charge to LEP persons, and that the Department will provide these services to them as part of the department's community policing and enforcement efforts. Proposed Updated Language for DGO 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 an LEP person requests it. The Department's policy is to inform the public that language assistance services are available free of charge to LEP persons, and that the Department will provide these services as part of the Department's community policing and enforcement efforts.	Open
R15	A working group member inquired about the definition of a qualified civilian interpreter and whether officers actually utilize their services.	2	8/27/24	Administrative Question and Answer-not for inclusion in DGO	The Department Representatives provided a response during the working group meeting that a qualified civilian interpreter is either an employee from another city department or from an outside agency contracted to provide language interpretation services. When an officer initiates a call for an interpreter, it is sent to all interpreters, including qualified civilian interpreters. However, these interpreters seldom come out to the field and are mainly utilized for investigations rather than by patrol officers.	Open
R16	A working group member noted that the word "Department" is inconsistently capitalized throughout the document and suggested it should be standardized for consistency.	N/A	8/27/24	Recommendation has been completely included in draft DGO	The Department will review the entire document to ensure consistent capitalization of the word "Department" at the conclusion of the working group and before submitting the updated proposed draft to the next stage of DGO development.	Open
R17	A working group member asked whether SFPD Members are required to inform people about the availability of LEP services and how they identify someone as an LEP person, especially in cases when the person claims to speak English and it is not apparent that they may be an LEP person.	1	8/27/24	Administrative Question and Answer-not for inclusion in DGO	During the working group, the Department Representatives stated that SFPD members are trained observers and can identify if they are speaking with an LEP person or if LEP services are needed through various indicators, even when it is not immediately evident. Some examples of these indicators are including but not limited to: Code-switching, answering yes or no to non-yes-or-no questions, reverting to their first language during traumatic experiences, even if they usually speak English, providing fragmented responses during investigative interviews, inability to convey core information clearly, difficulty obtaining critical information in life-threatening situations, or the seriousness of the offense guiding the officer's determination to request language access services.	Open
R18	A working group member recommended changing the word "Proficiency" to "Proficient" within the definition of an LEP Person.	1	8/27/24	Recommendation has been completely included in draft DGO	The term "Proficiency" was replaced with "Proficient" in the expanded form of the LEP acronym.	Open

DKO 5.20 - SFPD Policy Working Group Recommendations and Discussion Tracking as of 9/06/2024

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R19	A working group member recommended revising the definition of a Limited English Proficient (LEP) Person to align with the recently updated SF Language Access Ordinance (SF Admin Code Chapter 91). The current definition in the DGO is unclear about including individuals who do not speak any English, and the LEP definition should be more inclusive of non-English speakers.	1	8/27/24	Recommendation has been completely included in draft DGO	<p>Previous LEP Definition: LIMITED ENGLISH PROFICIENCY (LEP) PERSON: Individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English.</p> <p>Proposed Updated LEP Definition: LIMITED ENGLISH PROFICIENT (LEP) PERSON: 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.</p>	Open
R20	A working group member recommended updating the definitions of interpretation and translation to match the new definitions in the recently revised SF Language Access Ordinance (SF Admin Code Chapter 91).	1	8/27/24	Recommendation has been partially included in draft DGO	<p>The definition of interpretation was updated to read as follows: "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."</p> <p>The definition of translation was updated to read as follows: Any written communication of information from one language (source language) into another language (target language) while retaining the same meaning.</p>	Open
R21	A working group member recommended including the definitions of "Language Access Services" and "Required Languages" from the recently revised SF Language Access Ordinance (SF Admin Code Chapter 91) in the "Definitions" section of the DGO	1 and 2	8/27/24	Recommendation has been partially included in draft DGO	<p>The following definition for "Language Access Services" was added to DGO: "Language Access Services" shall mean translation and interpretation of oral or spoken information that is accessible and enables communication with LEP persons.</p> <p>The definition of "Required Languages" was not included in the DGO because the Department offers language access services in many more languages than those mandated by the SF Language Access Ordinance (SF Admin Code Chapter 91). Including "Required Languages" could potentially confuse officers providing these services.</p>	Open
R22	The working group decided to postpone the discussion on updating the definitions of "Exigent Circumstances" and "Qualified Bilingual Member" in the DGO until the next meeting.	2	8/27/24	Recommendation requires further discussion/analysis	This recommendation will be discussed during the next working group session.	Open