

#	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 DGO	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 DGO 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 DGO	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. <b>Translation Requests Responsiveness:</b> Departments must acknowledge receipt of translation requests and provide status updates on when the translated documents will be available. 2. <b>Definitions:</b> Include definitions related to the Language Access Ordinance, such as the differences between interpretation and translation terminology. 3. <b>Key Points:</b> 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 DGO 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 DGO	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 <b>Officer Panel Q/A</b> , the following issues were stated by officers as barriers to effectively provide language access services: 1. <b>Certification Challenges:</b> 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. <b>Restrictive DGO Language:</b> The prescribed order of preference for the use of oral interpretation services, as outlined in the DGO, being too restrictive to account for undue delays that may occur when responding to non-existent 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. <b>Language Line Challenges:</b> - 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 <b>Officer Panel Q/A</b> , working group members raised the following questions and concerns about the implementation of DGO 5.20, which may inform DGO 5.20 revisions: 1. The language in DGO 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 DGO 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 <b>OCEIA presentation on recent LAO amendments</b> , the following changes were discussed as potentially impacting DGO 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 DGO 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 DGO	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.	Closed
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.	Closed
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.	Closed

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R12	<p>During the continued discussion on R#8, the working group addressed the following points:</p> <p><b>Pros of Adding Citations to Applicable Federal and Local Laws in DGO 5.20:</b></p> <ol style="list-style-type: none"> <li>Clarity for Officers: Without specific laws mentioned in the DGO, officers often remain unaware of the legal foundations of the policies.</li> <li>Public Education: As a public document, the DGO may serve an educational purpose for the community.</li> <li>Footnotes for Legal Citations: Instead of placing legal citations in the "Purpose" section, they may be included as footnotes.</li> <li>Reducing Redundancies: Reducing the number of times the acronym "LEP" is spelled out in the purpose section may create space for legal citations.</li> </ol> <p><b>Cons of Adding Citations to Applicable Federal and Local Laws in DGO 5.20:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>Simplified Directions: Officers require clear and straightforward instructions to understand their field requirements. DGOs are designed to offer general guidance to support this need.</li> <li>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.</li> </ol>	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.	Closed
R13	<p>The working group members discussed refining the language in the "Purpose" section to avoid redundancies. They recommended the following actions:</p> <ol style="list-style-type: none"> <li>Remove the sentence, "Language barriers can impede such effective and accurate communication in a variety of ways," from the "Purpose" section.</li> <li>Identify and eliminate any redundancies throughout the DGO as remaining sections are discussed in future working group sessions.</li> </ol>	1	8/27/24	Recommendation has been completely included in draft DGO	<p><b>Previous Language for DGO Section 5.20.01 - Purpose:</b> 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.</p> <p><b>Proposed Updated Language for DGO Section 5.20.01 - Purpose:</b> 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.</p>	Closed
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	<p><b>Previous Language for DGO Section 5.20.02 - Policy:</b> 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.</p> <p><b>Proposed Updated Language for DGO 5.20.02 - Policy:</b> 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.</p>	Closed
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.	Closed
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.	Closed
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.	Closed
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.	Closed
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><b>Previous LEP Definition: LIMITED ENGLISH PROFICIENCY (LEP) PERSON:</b> Individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English.</p> <p><b>Proposed Updated LEP Definition: LIMITED ENGLISH PROFICIENT (LEP) PERSON:</b> 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>	Closed
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>	Closed
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>	Closed
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 has been partially included in draft DGO	<p>This recommendation will be discussed during the next working group session.</p> <p><b>Update (9/19/2024):</b> The definition for "Qualified Bilingual Members" was updated. See responses to R#28 and 30. For update on "Exigent Circumstances", see response to R# 33.</p>	Open

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R23	The DPA recommended, as outlined in one of their supporting materials shared with the working group, that Draft DKO 5.20 should include detailed procedures to guide members in identifying limited English proficient (LEP) individuals and determining their primary language.	2	9/10/24	Recommendation has been completely included in draft DKO	The Department added sections on "Identifying LEP Individuals" as well as "Identifying Primary Language" in draft DKO 5.20 in response to DPA's recommendation.	Open
R24	During the public comments period of the working group, a comment relating to the purview of the working group was made to ensure that DKO 5.20 complies with the recently passed San Francisco Language Access Ordinance, as well as applicable state and federal language access laws.	N/A	9/10/24		The Department is committed and mandated to create policies that align with the legal requirements and overall objectives of the City and County of San Francisco. This goal remains unchanged throughout all phases of policy development, including the Working Group Phase, for departmental policies.	Open
R25	During the working group meeting, the Police Commission representative emphasized that the Good Government Guide limits discussions among working group members only when a majority are present. They questioned the rationale behind the broad statement on open meeting laws made by the Working Group Facilitator/Analyst in the previous meeting, describing it as "forceful" and having a "chilling" effect on members to not discuss language access matters among themselves outside the working group or engaging with the community to provide public comments.	N/A	9/10/24	Administrative Question and Answer not for inclusion in DKO	The Working Group Facilitator/Analyst addressed open meeting laws due to concerns from a member about potential violations.  The Department acknowledges that substantive communications among a majority of members outside a noticed public meeting are unlawful. However, as per Cal. Govt. Code § 54952.2(b) and Admin. Code §§ 67.3(b)(2), (3), "Even if a majority of members are not present in one place at one time, an unlawful meeting can still occur". Admin. Code §§ 67.3(b)(2) states, "A series of gatherings, each of which involves less than a majority of a policy body, to hear, discuss or deliberate upon any item that is within the subject matter jurisdiction of the City, if the cumulative result is that a majority of members has become involved in such gatherings." Accordingly, members are permitted to having discussions outside of the group, so long as those discussions do not rise to the level of a majority meeting. Additionally, the Working Group Facilitator/Analyst does not discourage members from discussing Language Access issues within their organizations or communities or from facilitating public comments.  Lastly, the Department requests all working group members, including the Police Commission representative, to request the agendaization of specific issues/concerns before raising them in the working group. Members should contact the Working Group Facilitator well in advance so that items can be added to the agenda 72 hours prior to the meeting. Cal. Govt. Code § 54954.2(b) and Admin. Code § 67.7(e) dictate that policy bodies may discuss or take action only on items listed on the agenda, with exceptions in three limited situations as described in the statute.	Open
R26	During the working group meeting, the Police Commission representative expressed concerns about the statement made by the Working Group Facilitator/Analyst in the previous meeting regarding the elimination of voting on individual recommendations. They argued that, based on open meeting laws, the working group does not have the authority to make such a decision. They stressed the importance of capturing majority votes on individual recommendations in the Recommendation Grid, so that departmental leadership or the Police Commission can see which recommendations have strong support from the majority of working group members.	N/A	9/10/24	Administrative Question and Answer not for inclusion in DKO	As an advisory body, there is no legal requirement that the working group vote on any item for discussion. The Department's policy of not voting on individual recommendations during the working group stems from its commitment to valuing ALL recommendations equally, regardless of majority support. This allows the Department to thoroughly evaluate each recommendation and provide a thoughtful response.  Additionally, the Department is dedicated to documenting all significant discussions from the working group meetings in the recommendation grid. This transparency ensures that departmental command staff, the general public, and the Police Commission can review all recommendations, whether they have majority support or not. It also gives the recommendation provider a chance to present their case to the Police Commission when the discussion of the relevant DKO is scheduled.	Open
R27	A working group member inquired about the specific elements from DN 21-072 that will be included in DKO 5.20, as well as those that will not.	N/A	9/10/24		The Department incorporated the following elements of DN 21-072 into the newly added section "Identifying LEP Individuals" in draft DKO 5.20: - "Common Indicators of Language Barrier" - "Additional Factors Hindering Effective Communication with an LEP Individual"	Open
R28	The working group revised the definition of "Qualified Bilingual Member" to include all certifying agencies, in addition to DHR, that the department uses to certify bilingual members for providing interpretation services.	2	9/10/24	Recommendation has been completely included in draft DKO	The Department updated the definition of "Qualified Bilingual Member" to read as follows: "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".	Open
R29	A working group member proposed adding the definition of "Non Certified Bilingual Member" to the "Definitions" section of DKO 5.20.	2	9/10/24	Recommendation has been completely included in draft DKO	The Department added the following definition within the "Definitions" section of draft DKO 5.20: "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".	Open
R30	A working group member suggested changing the term "Qualified" to "Certified" in the designations "Qualified Bilingual Member" and "Qualified Civilian Interpreter". Additionally, the group discussed the rationale for using the term "bilingual" instead of "multilingual" in the designation, considering that some SFPD members are certified to provide interpretation services in multiple languages.	2	9/10/24	Recommendation has been completely included in draft DKO	The Department changed the term "Qualified" to "Certified" in the designation "Qualified Bilingual Member" as well as "Qualified Civilian Interpreter" throughout the draft DKO 5.20. Furthermore, the definitions of "Certified Bilingual Member" and "Certified Civilian Interpreter" were updated to include individuals certified to provide language interpretation services in more than one language other than English.	Open
R31	A working group member inquired whether the Department keeps a list of bilingual members, both certified and non-certified, who can provide interpretation services.	N/A	9/10/24	Administrative Question and Answer not for inclusion in DKO	The Language Access Liaison provided a response during the working group meeting that the Department maintains the "Language Proficiency Report," which lists all certified and non-certified bilingual members and the languages they can provide interpretation services in.	Open
R32	The working group proposed changing the term "DHR Certified" to "Certified" in the "Language Proficiency Report" maintained by the Department.	N/A	9/10/24	Administrative Question and Answer not for inclusion in DKO	The Working Group Facilitator/Analyst plans to inform the Language Access Liaison and the designated Executive Sponsor for DKO 5.20 about this change.	Open
R33	A working group member recommended updating the definition of "Exigent Circumstances" to clarify when deviations from language access procedures are necessary and ensure it aligns with the recently passed San Francisco Language Access Ordinance, which mandates language access services in crisis situations.	2	9/10/24	Recommendation requires further discussion/analysis	To ensure consistency for definitions of certain terms that are used across all DKOs, the Definition of Exigent Circumstances will be removed from this DKO and instead replaced by a reference to DKO 3.02 (Terms and Definitions). DKO 3.02 is in the process of an update and the concern raised by working group to ensure the definition for "Exigent Circumstances" is clear and doesn't conflict with mandate that the Department has to provide language access services during crisis situations.	Open
R34	A working group member asked if a copy of the Department of Justice's (DOJ) Language Access Initiative or model policy is available.	N/A	9/10/24	Administrative Question and Answer not for inclusion in DKO	As detailed in the supporting materials previously shared with the working group members, all public-facing resources resulting from DOJ's Language Access Initiative are regularly updated and posted at <a href="https://www.lep.gov/law-enforcement">https://www.lep.gov/law-enforcement</a> , including recent settlements and other law enforcement resources.	Open
R35	A working group member inquired whether the Department would benefit from incorporating definitions of "Interpreter," "Translator," and "Sight Translation" as outlined in the Denver Language Access Plan and Policy shared with the group.	2	9/10/24	Recommendation will not be included in Draft DKO	Since SFPD relies solely on outside contracted agencies for translation services, the recommended terms and their definitions are not applicable and/or included in other definitions in draft DKO 5.20.	Open
R36	During the working group meeting, the Police Commission representative raised the following questions: 1. Why were the procedures for "Identifying Primary Language" removed from the current draft compared to the active DKO 5.20? 2. Why are the changes from the recently passed San Francisco Language Access Ordinance not reflected in the Stage I Draft of DKO 5.20? 3. Why was the redlined version of the Stage I Draft not shared with the working group members before the meeting?	N/A	9/10/24	Administrative Question and Answer not for inclusion in DKO	Response to Question 1: During the working group meeting, the Department's Language Access Liaison explained that the section on "Identifying Primary Language" in the current DKO 5.20 restricts members to using only language access cards. Since members receive training on using various tools and effectively employ them at their discretion to identify primary languages and provide services to LEP individuals, this section was removed during the Stage I draft development of DKO 5.20.  Response to Question 2: During the working group meeting, the Facilitator responded that, as previously mentioned at the introductory meeting, recent changes to the San Francisco Language Access Ordinance were passed after the Stage I draft for DKO 5.20 was developed.  Response to Question 3: During the working group meeting, the Facilitator responded that the redlined version of the Stage I draft was distributed to members, including the Police Commission representative, and posted on the Department's website 72 hours before the previous meeting held on 8.27.2024.	Open
R37	A working group member suggested reinstating the "Identifying Primary Language" section in draft DKO 5.20, which had been removed in the Stage I version.	2	9/10/24	Recommendation has been partially included in draft DKO	The Department reinstated the "Identifying Primary Language" section in draft DKO 5.20, modifying it to include all tools members may use at their discretion, including language access cards, to identify the primary language of an LEP individual.	Open
R38	The working group recommended adding a section on "Identifying LEP Individuals" before the "Identifying Primary Language" section of draft DKO 5.20. This section should include information from DN 21-072, such as Common Indicators of language barriers, to help members identify LEP individuals.	2	9/10/24	Recommendation has been completely included in draft DKO	The Department added a section on "Identifying LEP Individuals" in draft DKO 5.20. Also, see response to R#27.	Open
R39	A working group member recommended condensing the following sections under the "Procedures" section to half a page in draft DKO 5.20, to avoid duplicating information throughout the DKO: General Interviews, Formal Interviews, Interrogations, Custodial Interrogations and Crime Victim Interviews, Field Contacts, Enforcement, and Investigations, and Notification of interpretation services to LEP Individuals.	4 & 5	9/10/24	Recommendation has been completely included in draft DKO	The Department revised the recommended subsections in the "Procedures" section of draft DKO 5.20 to eliminate redundant information.	Open

DBG 5.20 - SFPD Policy Working Group Recommendations and Discussion Tracking as of 10/18/2024

#	Working Group Recommendations	Page Number	Meeting Date	SFPD Response	SFPD Explanation	Open/Closed
R40	DPA inquired whether officers would benefit from adding clarification on members' responsibilities to provide language assistance in draft DGO 5.20, such as: "A member's duty is satisfied by...".	N/A	9/10/24	Recommendation will not be included in Draft DGO	The officers in the working group stated that draft DGO 5.20 provides adequate guidance on their responsibilities for offering language access services to LEP individuals. This is particularly due to the newly added section on "Identifying LEP Individuals," which is based on DN 21-072, a directive that members are already expected to be familiar with.	Open
R41	A working group member proposed that guidance on language access procedures and deviations during exigent circumstances should be placed in a separate section, rather than embedded in a narrative, as they are not clearly outlined in draft DGO 5.20.	2	9/10/24	Recommendation has been completely included in draft DGO	The Department relocated and consolidated the guidance on language access procedures and deviations during exigent circumstances into a new section titled "Deviation from Language Access Procedures" within draft DGO Section 5.20.04 (Procedures).	Open
R42	During public comments period of the working group, the following recommendations were made related to the purview of the working group: 1. Develop a strong, detailed, and clear language access policy by revising DGO 5.20 to better address the needs of LEP communities. 2. Ensure DGO 5.20 revisions address timely responses and clear information provision by SFPD to LEP individuals. 3. Address the following in the DGO 5.20 revisions: - Challenges of providing timely language access services and capturing accurate information from LEP individuals in incident reports. - Full compliance with the newly passed San Francisco Language Access Ordinance. 4. Draft DGO 5.20 revisions to be informed by the recent experiences of some LEP community members who faced long wait times due to the lack of use of telephonic interpretation services by the front staff at one of the local police stations.	N/A	9/24/24	Recommendation requires further discussion/analysis	These recommendations will be addressed during future working group meetings when corresponding sections are discussed.	Open
R43	District 10 Supervisor, Shamann Walton's, Chief of Staff provided the following recommendations regarding DGO 5.20: 1. Typo Correction: "Certified" is misspelled in Draft DGO Section 5.20.03 G (Definitions - Non-Certified Bilingual Member). 2. Support the inclusion of the definition of "Non-Certified Bilingual Members" in Draft DGO 5.20.03 (Definitions) and recommend including procedures related to their use in provision of language access services, especially in crisis situations. 3. Inquired about DGO 3.02 (Terms and Definitions). 4. Support the inclusion of additional information regarding common indicators and additional factors to identify LEP individuals in Draft DGO 5.20. 5. Draft DGO 5.20 revisions should include the requirements for first responders to provide language access services during crisis situations pursuant to Dymally-Alatorre Bilingual Services Act (2023). 6. Draft DGO 5.20 revisions should include the expansion of outreach programs and partnerships with LEP communities to strengthen their relationship with law enforcement in all areas of San Francisco, drawing from Central Station's success in Chinatown. 7. Reporting Barriers: Draft DGO 5.20 revisions should address language barriers preventing LEP individuals from reporting crimes directly to law enforcement. 8. Victim Services: Draft DGO 5.20 revisions should include language ensuring the provision of language access services throughout the lifecycle of a case investigated by SFPD. 9. The U.S. DOJ and Denver's partnership effectively boosted language access for LEP communities through notices, outreach, and partnerships. SFPD should consider similar practices and annual community feedback for policy updates.	N/A	9/24/24	Recommendation requires further discussion/analysis	DGO 3.02 (Terms and Definitions) is part of the 2024 DGO Update List. The updated draft is available on the SFPD website for public comments until October 24, 2024. DGO 3.02 is outside the scope of this working group. The remaining recommendations will be addressed in future working group meetings as the relevant sections are discussed.	Open
R44	A working group member suggested to change the order of newly added section in Draft DGO 5.20, specifically recommending that the "Deviation from Language Access Services" section be placed after the "Identifying Primary Language" section.	2 & 3	9/24/24	Recommendation requires further discussion/analysis	The procedures to provide language access services during exigent circumstances were removed as a separate section and reinstated at the beginning of the Procedures section. This will be further discussed during the next working group meeting scheduled for 10/22/2024.	Open
R45	<b>Draft DGO 5.20 SEC - "Identifying Primary Language"</b> : A working group member recommended to rephrase the information in this section to improve its readability.	3	9/24/24	Recommendation has been completely included in draft DGO	This section was updated to read as follows: "Members can use various tools to identify the primary language or specific dialect of a LEP individual and request a suitable interpreter. These tools include but are not limited to maps, country flags, language access cards, artificial intelligence, apps like Google Translate, family members, friends, neighbors, volunteers, bystanders, children, or by contacting DEM or a professional interpretation service".	Open
R46	<b>Draft DGO 5.20 SEC - "Identifying Primary Language"</b> : A working group member recommended to include the use of Artificial Intelligence and apps like Google Translate as well as the use of family members, neighbors, friends, volunteers, bystanders, or children as appropriate in this section.	3	9/24/24	Recommendation has been completely included in draft DGO	The use of Artificial Intelligence and apps like Google Translate as well as the use of family members, neighbors, friends, volunteers, bystanders, or children has been added to this section.	Open
R47	<b>Draft DGO 5.20 SEC - "Restrictions"</b> : A working group member suggested that this section should also include guidelines on limiting the use of Artificial Intelligence and apps like Google Translate for language access services, except in urgent situations or for identifying an LEP individual's primary language.	4	9/24/24	Recommendation has been completely included in draft DGO	Guidelines to limit the use of Artificial Intelligence and apps like Google Translate for language access services, except in urgent situations or for identifying an LEP individual's primary language, has been added under "Restrictions".	Open
R48	A working group member asked whether DGO 5.23 (Interactions with Deaf and Hard of Hearing Individuals) includes provisions for sign language services for users of sign languages other than American Sign Language (ASL), and if DGO 5.20 should address this as well.	N/A	9/24/24		Provisions for sign language services for users of sign languages other than English are outside the scope of DGO 5.20. Moreover, it is important to recognize that it is not feasible to outline procedures for every scenario outside the norm. Members are expected to use their discretion and any reasonable resources to provide departmental services.	Open
R49	<b>Draft DGO 5.20 SEC - "Identifying LEP Individuals"</b> : A working group member suggested to include a statement in this section that provides instructions to officers to provide language access services after an encounter with LEP individual is identified. The ensuing discussion also included the recommendation to add a similar language from the Denver Police Department Language Access Policy and Plan in this section: "When DPD personnel encounter a person who may be LEP, they must immediately determine whether that individual is LEP by using all necessary methods to ascertain LEP status. DPD personnel can determine if a person is LEP by asking open-ended questions requiring a narrative response. If the person is unable to provide a fluent narrative response in English, the person shall be deemed LEP and language assistance shall be provided".	2	9/24/24	Recommendation has been partially included in draft DGO	The following statement is added at the beginning of this section. "When encountering individuals who may be LEP, members shall use any reasonable methods to ascertain their LEP status". In addition, the following statement was added at the end of this section. "Members shall follow proper procedures to ensure appropriate language access services are provided if requested or required after identifying an LEP individual".	Open
R50	A working group member inquired how the Draft DGO 5.20 would incorporate the newly amended state law that mandates first responder departments to provide crisis-related information in threshold languages during crisis situations.	N/A	9/24/24	Recommendation requires further discussion/analysis	This recommendation will be discussed in future working group meetings.	Open
R51	A working group member inquired about the scope of DGO 3.02 (Terms and Definitions). The discussion included questions about whether DGO 3.02 and DGO 5.20 were being updated concurrently, given the upcoming mandate for providing crisis-related information in threshold languages and its potential impact on the definition of "Exigent Circumstances". The discussion also considered changing the phrase "Deviation from Language Access Procedures" back to "Exigent Circumstances," moving related information to the beginning of procedures, and potentially including language from the Dymally-Alatorre Bilingual Services Act.	3	9/24/24	Recommendation requires further discussion/analysis	Both DGO 3.02 and DGO 5.20 are included in the 2024 DGO Update List. DGO 3.02 is currently in the public comments phase and is available on the SFPD website for feedback until October 24, 2024. Public members are encouraged to visit the SFPD website to review and comment. DGO 5.20 will enter the public comments phase after this working group concludes. In addition, a part of the recommendation was addressed by removing the phrase "Deviation from Language Access Services" and incorporating information on language access procedures under exigent circumstances at the beginning of the procedures section. The recommendation to include information about the Dymally-Alatorre Bilingual Services Act will be discussed in future working group meetings.	Open
R52	<b>Draft DGO 5.20 SEC - "Use the Services of Bilingual Members" and "Order of Preference"</b> : A working group member inquired about the procedures for utilizing non-certified bilingual members to provide language access services and recommended including this information in these sections.	3	9/24/24	Recommendation requires further discussion/analysis	Proposed New Language: "Depending on the severity of the crime and specific situations (excluding instances requiring court testimony or formal statements), members may utilize a non-certified bilingual member."  This proposed language will be refined further at the next working group meeting on 10/22/24.	Open
R53	A working group member inquired about the training offered by the Language Access Services Liaison and how officers are trained to understand that certified interpreters must be used in specific situations. The discussion that followed included another question about whether officers have a specific timeframe to wait before transitioning to the Language Line if certified interpreters are unavailable in person, specifically citing concerns about longer wait times expressed by some community members during public comments.	N/A	9/24/24		The Language Access Liaison stated during the working group meeting that the training includes scenarios like violent felony investigations or formal statements, which require certified bilingual members for language access services. Additionally, it was explained that the timeframe to transition to the Language Line when bilingual members are unavailable for in-person interpretation varies based on the circumstances.	Open
R54	A working group member asked a question about the difference between interviews and custodial interrogations.	4	9/24/24	Administrative Question and Answer not for inclusion in DGO	The Language Access Liaison and other sworn members clarified that custodial interrogations are with individuals who are not free to leave. Individuals are free to leave when interviewed.	Open
R55	A working group member recommended reinstating the previously removed information emphasizing the importance of accuracy during formal interviews.	4	9/24/24	Recommendation has been completely included in draft DGO	The language in this section was update to include the following: "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 interviews may present a risk to the integrity of the investigation and prosecution".	Open