



December 16, 2025

President C. Don Clay
 San Francisco Police Commission
 1245 3rd Street, 6th Floor
 San Francisco, CA 94158
 Emailed to: Stacy.a.youngblood@sfgov.org, sfpd.commission@sfgov.org

RE: Recommendations to DGO 5.20 on Language Access Services for Limited English Proficient (LEP) Individuals

Dear President Clay and Members of the San Francisco Police Commission,

The undersigned organizations represent Department General Order 5.20 (DGO 5.20) community working group members, direct and victim services groups, and language access experts and advocates. We express our strongest opposition to the latest version of the San Francisco Police Department (SFPD)'s DGO 5.20 on language access, and **we urge the Commission to postpone any hearing on DGO 5.20 to allow time for discussion and to resolve our many concerns.**

The latest version ignores months of community testimony and collaboration by the DGO 5.20 community working group and sends a clear message to San Francisco's Limited English Proficient (LEP) victims, survivors, and residents that SFPD does not care about them. The latest draft weakens SFPD's language access responsibilities, removes important guidance from SFPD's own bulletins on interacting with LEP individuals, and is inconsistent with the city's Language Access Ordinance. For example, the entire section on "Identifying LEP Individuals" was removed and the "Training" section was reduced from one paragraph to one sentence. These changes put SFPD at greater risk of being out of compliance with federal, state, and local laws and exposes the department to national origin discrimination investigations. SFPD is legally required to provide meaningful access to public services for LEP communities. Failure to do so will leave LEP victims and witnesses vulnerable to due process violations and wrongful arrest, and threaten public safety.

The San Francisco Department of Police Accountability (DPA) found that 22% of the complaints it investigated related to language access resulted in findings of "improper conduct," a rate two to three times higher than the rate of overall improper conduct findings.¹ This points to systemic challenges within

¹ Based on the Department of Police Accountability's analysis of LEP-related complaints from 2020-2025.

the department when it comes to interacting with LEP individuals and underscores that a detailed DGO, with clear and concise direction on how to comply with language access responsibilities, is urgently needed to minimize misconduct findings. The latest version of DGO 5.20 fails to clarify departmental responsibilities and opens SFPD employees to liability and sustained DPA cases.

If the latest draft of DGO 5.20 is adopted, LEP residents—who represent 20% of the city’s population—will find their language rights ignored, making it even harder to receive the public safety services they are entitled to. LEP individuals already face multiple barriers to accessing public services and these challenges have only been exacerbated by the federal administration’s unlawful attempts to dismantle language rights and terrorize immigrant communities. These actions have created a chilling effect where LEP communities choose not to seek support after experiencing harm due to fears of law enforcement contact. Our city leaders and public servants must stand up for the dignity and respect of all residents and provide services to everyone, regardless of one’s language ability or immigration status.

The latest version of DGO 5.20 represents a slash and burn of the current 2007 policy. It rolls back almost two decades of departmental progress in serving LEP individuals and will leave SFPD employees with even less guidance in complying with the law and open to more liability compared to the 2007 policy. We urge the Police Commission to intervene and postpone the hearing on DGO 5.20 in order to resolve our concerns detailed below.

Signed,

Chinese for Affirmative Action (CAA)
African Advocacy Network
American Civil Liberties Union Foundation of
Northern California
Arab Resource & Organizing Center (AROC)
ASIAN, Inc. 美亞輔鄰社
Asian Law Caucus
Asociacion Mayab
CARACEN SF
Chinatown Community Development Center
Chinese Progressive Association
Coalition for Community Safety and Justice
Community Youth Center (CYC)

Immigrant Legal Resource Center
Instituto Familiar de la Raza - Roadmap to
Peace Initiative
Interfaith Movement for Human Integrity
Jubilee Immigration Advocates
La Raza Community Resource Center
Mission Action
People Organizing to Demand Environmental &
Economic Rights (PODER)
San Francisco Public Defender's Office
Southeast Asian Development Center

Concerns and Recommendations: In most instances, we recommend restoring the language of the DGO to the [2/4/2025 public review version](#) (2/4/2025 version).

1. 5.20.01 Purpose
 - a. The latest version removes critical language referencing federal, state, and local language access laws, an overview of the barriers LEP individuals face, and the importance of providing language services. Including this information was a major discussion point during the community working group process because SFPD employees must understand the statutory and practical frameworks underlying the need to provide high-quality language access services to residents, that LEP individuals have rights, and that the department has a responsibility to provide free language services.

- b. **We recommend** restoring the section to the 2/4/2025 version: “This order establishes language access procedures, consistent with federal,² state,³ and local⁴ 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.”
- 2. 5.20.02 Definitions
 - a. Certified Bilingual Member: The latest version shortens the definition and removes important context. **We recommend** restoring the definition to the 2/4/2025 version: “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.”
 - b. Limited English Proficiency (LEP) Individual: The latest version uses a definition inconsistent with the city’s Language Access Ordinance (SF Admin §91). **We recommend** the definition should be updated to: “An individual who does not speak, read, understand, or communicate English, is otherwise unable to communicate effectively in English because English is not the individual’s primary language, or prefers to conduct the interaction in their native language.”
 - c. Required Languages: The latest version incorrectly defines this term by suggesting that SFPD only needs to provide interpretation and translation in required languages, which is inconsistent with SF Admin §91 and will cause confusion about SFPD’s language access responsibilities. **We recommend** the definition should be clarified to: “Languages that the Department must have vital information available in, proactively translate vital documents and signage for, and fill public contact positions with bilingual staff certified in, per SF Admin §91.”
- 3. 5.20.03 Policy
 - a. The latest version shortens this section, removes SFPD’s key civil rights responsibilities, and conflicts with existing LEP bulletins that recognizes that LEP individuals may not ask for language services due to “cultural beliefs, deference, politeness, or unfamiliarity with SFPD’s language access policy.”⁵ DPA recommends removing the clause “when requested” to eliminate the ambiguity that an LEP individual is responsible for identifying themselves. DPA further details: “SFPD must proactively provide language assistance when dealing with suspects because an officer’s actions, or lack of action, will be scrutinized in court.”⁶
 - b. **We recommend** restoring the section to the 2/4/2025 version: “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

² Title VI of the Civil Rights Act of 1964

³ California Government Code Sections 7290 et seq. (Dymally-Alatorre Bilingual Services Act)

⁴ San Francisco Administrative Code Chapter 91 (San Francisco Language Access Ordinance)

⁵ See SFPD Department Bulletin: Providing Language Access Services for Limited English Proficient (LEP) Individuals, DB 12-132, DB 14-126, DB 16-107, DB 18-185, DB 21-072

⁶ See DPA Memo: Reducing Language Access Barriers for LEP Individuals

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."

4. 5.20.04 Identifying LEP Individuals

- a. The latest version removes an entire section dedicated to helping SFPD employees identify LEP individuals, a topic identified as a best practice in national law enforcement language access discourse and in the Department of Police Accountability's memo "Reducing Language Access Barriers for LEP Individuals." In fact since 2012, SFPD has issued at least 5 bulletins detailing long recognized indicators that language access is necessary yet none of this language is reflected in the latest version. Understanding how to identify LEP individuals, including context about common barriers to communication, is critical to ensuring SFPD staff have the appropriate guidance needed to interact with LEP individuals. Several SFPD DGOs provide consideration, concerns, and examples and this DGO should follow this format.
- b. **We recommend** restoring the section to the 2/4/2025 version: "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" and adding "Employees should err on the side of providing language assistance when unsure of LEP status."

5. 5.20.04.B. Use of Interpreters

- a. The provision c. Non-Certified Bilingual Member for 'non-evidentiary' communication must be further clarified. Leaving officers to determine what is "non-evidentiary" in the context of a criminal investigation affords too much discretion. The example given—"gathering information"—is vague. Arguably, asking someone what just happened in order to solicit an incriminating statement could fall within this definition, which it clearly should not.
- b. **We recommend**

6. 5.20.04.D. Scheduled Interviews

- a. The latest version takes out important context and procedures for scheduled interviews with LEP individuals, which places significant reliance on employee discretion and could

lead to uneven results and increased liability. It also references exigent circumstances, which should not apply to scheduled interviews.

- b. **We recommend** the language: “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. 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.”
7. 5.20.04.F. Miranda Admonition
 - a. The latest version uses the phrase ‘when required’ which adds confusion that could result in due process challenges.
 - b. **We recommend** the language: “The Miranda Admonition shall be provided in the suspect’s primary or preferred language”
8. 5.20.04.H. Incident Reports
 - a. The latest version cuts guidance on how members should fill out incident reports related to LEP individuals. These changes remove necessary clarity and direction and will lead to inconsistent reporting, which will make it impossible to prove that SFPD is complying with its language access requirements.
 - b. **We recommend** restoring the section to the 2/4/2025 version: “Whenever an incident report is prepared regarding an incident involving a LEP individual, members shall 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.”
9. 5.20.05 Exigent Circumstances
 - a. The latest version broadens the circumstances under which SFPD employees can abandon standard procedures when interacting with an LEP individual, which leaves too much discretion to officers. Following standard procedures as closely as possible during exigencies is important because timely connection to language services can alert officers to dangers or suspects. It also fails to state that once exigencies have passed, SFPD employees are expected to follow standard procedure.
 - b. **We recommend** updating this section to read: “During exigent circumstances, members shall use the most reliable, temporary interpreter until a Certified Bilingual Member or Certified Civilian Interpreter is available. For evidentiary communications – Members shall have a Certified Bilingual Member or Certified Civilian Interpreter confirm or supplement the translation or interpretation as soon as practical and this should be documented in an incident report or on Body-Worn Camera. Officers shall explain the exigency in the incident report or on Body-Worn Camera. Once the exigency has passed, members are expected to revert to the procedures set forth in this general order.”
10. 5.20.06.A.1 External Requests
 - a. The latest version incorrectly labels required translation of vital documents as ‘External Requests,’ which is misleading and contradicts federal, state, and local laws. SFPD is required to provide vital information in the required languages by law under SF Admin §91. The latest version also removes detailed guidance on digital content, another new requirement under SF Admin §91.
 - b. **We recommend** restoring the section to the 2/4/2025 version: 5.20.06.A.1 “SFPD shall translate all written materials providing vital information to the public into the required languages. 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.”

11. 5.20.07 Training

- a. The latest version weakens the Training section which is arguably the most important element of the DGO. As DPA's analysis shows, there is a clear need for annual training to reduce the higher than average rate of sustained improper conduct findings for language access-related investigations. SFPD employees must be regularly trained on language access topics and procedures and provided clarity and detailed guidance on how to communicate with an LEP individual.
- b. **We recommend** updating this section to read: “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 year. Additionally, an initial training shall be conducted within 180 days following the adoption of this General Order by the Police Commission.”

12. 5.20.09 Language Access Liaison

- a. The latest version removes Language Access Liaison duties, a critical provision outlined in SF Admin §91. This should be in the DGO or, if better suited, a Unit Order. The DGO should not be approved without giving the public a chance to weigh in on the Unit Order because the Language Access Liaison duties are critical to this DGO.
- b. **We recommend** that before approving DGO 5.20, the public should have an opportunity to see the draft Unit Order to make sure the DGO and Unit Order are in alignment and comply with SF Admin §91. The Language Access Liaison Unit Order should include the following responsibilities: “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. Maintaining the list of all Certified and Non-Certified Bilingual Members and Certified Civilian Interpreters. vii. 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. viii. Overseeing the LEP data collection and reporting as detailed in DGO 5.20.”

13. 5.20.09.A Reporting

- a. The latest version reduces reporting requirements and there is no reference to evaluation. Data reporting and evaluation are two important methods for assessing the department's overall compliance with SF Admin §91, providing public transparency into the department's language access service provision, and identifying and resolving any systemic patterns of language access non-compliance through an analysis of complaints. The Department should publicize the number of language access complaints and the number of complaints resolved to ensure the complaint process is accessible and for community members to have trust in our public institutions to know that their rights are being protected.

- b. **We recommend** renaming the Section 5.20.09 to 'Reporting' and updating the language to read: "The Language Access Liaison will coordinate the preparation of the fiscal year report as outlined in SF Admin Code § 91.11, including 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. 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. 5. Utilization Costs, Personnel a) Utilization (or non-utilization) of language assistance services by district; usage. b) Cost information for each method of interpretation service: in-person, video, phone, and qualified bilingual personnel. c) Number of employees and specific languages represented by the Bilingual Officer Program. 6. Complaints a) Any complaints concerning language access. b) SFPD's resolution of language access complaints. 1. The report shall be submitted to the Police Commission and OCEIA upon approval by the Chief. 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."

14. 5.20.09.B Signage

- a. The latest version places 'Signage' responsibilities under the Language Access Liaison duties, which is incorrect and inconsistent with SF Admin §91. Having appropriate signage is a departmental responsibility because publicizing the availability of free language services for LEP residents is vital in ensuring LEP victims and families know the resources available to them when engaging with the Department. In addition, it is important for the public to know about the ability to report certain crimes in different languages on SFPD's website.
- b. **We recommend** moving this Section 5.20.09.B to 5.20.06 and updating B.1. to "Signage noting the availability of free language access services and the ability to report certain crimes in different languages on SFPD's website."