

Police Commission Resolution 26-13: Listening Sessions/Community Concerns

Rec. #	Community Concern	SFPD Discussion
R1	DPA is concerned that there is no longer accountability for officers in DGO 5.20.	A Department General Order is the most authoritative directive of the San Francisco Police Department. A DGO in itself is the most authoritative mechanism to hold officers accountable.
R2	DPA is concerned that the "heart" and "texture" of the Working Group's efforts were removed from the draft 5.20 that came out of the Working Group.	PDD captured the intent of the Working Group's efforts in DGO 5.20. DGOs are the most authoritative directive of the Department, and therefore, require operational procedures that officers are able to follow, easily recall, and be held accountable to. Policy documents that guide field operations with the goal of uniformity, while not necessarily intended to be heartfelt, should clearly guide officers through required procedures and, in this case, address language access.
R3	DPA is concerned that "best practices" and "considerations" are not captured anywhere in the policy and that officers may not be accountable to training.	Nationally recognized best practices relating to language access include having a policy, using Certified Interpreters instead of family and friends, translating vital documents, signage and notifications, training public facing employees, and for City agencies to have a needs assessment (analyzing demographics data). SFPD currently has these "best practices" in place while OCEIA manages the needs assessment for City agencies. "Considerations", as compared to procedures, are most appropriately placed in training. PDD invites LANSF and the community to collaborate on a training video.
R4	CAA is concerned that SFPD does not have a Language Access Plan and requests that one be created or specifics and details (which were not clarified by CAA) be added to the DGO.	Language Access Plans have been created at other law enforcement agencies under consent decrees because they were not consistently providing language access to the communities they serve. The Plan served as a mechanism to guide needs assessments, services provided, staff training or monitoring. As San Francisco has had a Language Access Ordinance (LAO) since 2001 and as SFPD has an almost 20-year-old policy guiding language access, that is being updated to align with the 2024 update to the LAO, there is no demonstrated need for an additional guiding document for SFPD language access.

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R5	<p>As restated from the LANSF letter, LANSF is concerned that the "why" of this policy is not clear as statutory requirements from the 2007 version of DGO 5.20 have been removed [See WG Rec. Grid R6 & LANSF Letter 12/16/25].</p>	<p>The Language Access Ordinance is the mechanism for City agencies to comply with state and federal law. The DGO 5.20 proposal submitted to the Commission in February of 2026 has procedures that specifically align with requirements in the Language Access Ordinance, which is why the Policy section cites the Language Access Ordinance. LANSF was unable to point out what procedures in the 5.20 proposal align with specific requirements in state and federal law. Title VI applies to the conduct of all officers and City employees and is not specific to this DGO. State law requires local agencies to define qualified bilingual interpreter, determine what vital documents are, determine processes relating to emergency responses, but leaves it to the discretion of the City - all of which is defined specifically in the LAO. As federal and state law do not impact the SFPD field response to language access, PDD prefers not to add language that is not essential to this policy. SFPD's "why" is not simply that the law requires it, but to best serve the communities in San Francisco.</p>
R6	<p>As restated from the LANSF letter, LANSF is concerned that the "moral reason" for having DGO 5.20 is missing and would like to include the language, "Hampered communications with LEP victims, witnesses, suspects, and community members can jeopardize safety and create evidentiary investigative challenges," in the Purpose section [This is in opposition to WG Rec. Grid R9] & [See LANSF Letter 12/16/25].</p>	<p>The Purpose section does specify the "moral reason" for having this DGO as it reads, "This order establishes language access procedures to guide employees in providing services to LEP individuals, fostering clear communication and reducing barriers that may otherwise limit access to critical rights, obligations, and services while ensuring communication is accurate, respectful, and effective." PDD prefers to frame policy language in terms of positive, actionable outcomes rather than negatives, which focus on what could happen if officers don't follow policy.</p>

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R7	As restated from the LANSF letter, LANSF is concerned that the LEP individual definition "removes context." [See WG Rec. Grid R8 & LANSF Letter 12/16/25].	The definition of an LEP individual is defined in SFPD's DGO 3.02, Terms and Definitions, which is the controlling policy for definitions for all DGOs that are updated after 3.02's effective date of March of 2026 after adoption by the Police Commission. Therefore, the definition of an LEP individual in DGO 5.20 may only either remain in DGO 5.20 without any change as to not conflict with DGO 3.02 or could be removed entirely from DGO 5.20 and defer back to DGO 3.02. For consistency, PDD does not include procedures or context in DGO definition sections, only the definition of the term itself.
R8	Former Commissioner Yanez is concerned that the Language Access Ordinance requires LEP individuals to have access to services in their preferred language, but, according to him, this requirement "has been removed from the LEP individual definition."	In the DGO 5.20 proposal submitted to the Commission in February of 2026, the definition of an LEP individual is, "A person whose primary or <u>preferred</u> language is not English and who has a limited ability to read, write, speak, or understand English." This definition includes the requirement of an LEP individual's preferred language and was not removed.
R9	As restated from the LANSF letter, LANSF is concerned that "the definition of Required Languages is confusing and not operational," [This is in opposition to WG Rec. Grid R65] and requests that signage and translation procedures [See LANSF Letter 12/16/25] and Vietnamese be incorporated into the definition.	The definition of required languages in DGO 5.20 reflects the definition of "Required Languages" in the Language Access Ordinance. The procedures of signage and translation exist in section 5.20.06. PDD does not include procedures in its DGO definitions sections. PDD will add Vietnamese to this definition as OCEIA determined this language meets the threshold on February 23rd, and it will join the required languages on June 23, 2026. Outside stakeholders are not specialized to determine whether a policy is operational; that determination is made by law enforcement personnel and leadership.
R10	As restated from the LANSF letter, DPA is concerned that the explanation as to why an individual would prefer to speak in their native language ("unable to communicate effectively") is not included in SFPD's definition of an LEP individual [See WG Rec. Grid R8 & LANSF Letter 12/16/25].	See R7.

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R11	LANSF is concerned that the language "for the purpose of this DGO" in the translation definition is unnecessary and should be removed.	PDD has removed this language from the definition of "Translation" in the proposed 5.20.
R12	As restated from the LANSF letter, DPA is concerned that, although there is a list of common indicators to identify an LEP individual in DGO 5.20, there are no procedures on HOW officers apply those common indicators in the field and OCEIA is concerned that this gives officers too much discretion without guidance [See WG Rec. Grid R4&R14 & LANSF Letter 12/16/25].	As written, the officer is directed to listen for the common indicators. PDD has swapped sections so that the Potential Indicators comes before Identifying Primary Language. PDD has researched how other agencies apply common indicators, but found no guidance. It would be helpful if LANSF and the community would offer suggestions on <u>how</u> officers would apply the indicators.
R13	Former Commissioner Yanez is concerned that "not every person knows that this is an ordinance and a mandate that every Department is supposed to follow and the Working Group may work really hard to get the Department to accept that we need to improve our delivery of service when 20% of the population is LEP or self identifies as LEP. The Department only provides 2.5% of its incident reports with LEP and so that is missing."	PDD is concerned with this request as it implies that there should be a higher rate of criminal incidents in LEP communities for SFPD to document. Research consistently shows that U.S. communities with higher concentrations of immigrants, including those with LEP individuals, generally have lower crime rates. While Former Commissioner Yanez did <u>NOT</u> state a concern about a fear of reporting in LEP communities, this is a concern for SFPD, which is why DGO 5.20, the Department's continued language access efforts, and certification of bilingual officers are important.
R14	Former Commissioner Yanez stated that he believes officers need a required checklist to determine if language access services are needed in every interaction, even if the individual speaks English.	This would require every officer during every single interaction to complete a checklist which is not operationally feasible. Interpretation is provided upon request or upon need, when an officer identifies an individual as LEP through the common indicators.

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R15	<p>As restated from the LANSF letter, LANSF is concerned that the proposed DGO 5.20 does not include guidance on how to identify an LEP individual from expired Department Notice 21-072, 18-185, and the Working Group version. Further, LANSF believes the 2007 version (currently active) of 5.20 includes guidance on how to identify LEP individuals and the Department's proposal does not [See WG Rec. Grid R7 & LANSF Letter 12/16/25].</p>	<p>The proposal provided to the Commission in February of 2026 reads, "Potential indicators of LEP individual - Misuse of language, switching between languages, inability to answer questions sufficiently, confusion with intricate enforcement procedures or language, cannot respond to open-ended questions, etc." PDD has now included, "request for interpretation" and "physical gestures which indicate difficulty understanding" to the list of Potential Indicators. The proposal lists out 7 indicators taken directly from DN 21-072, DN 18-185, and the Working Group version. The proposal also aligns with DN 21-072 in regards to using family members, neighbors, friends, volunteers, bystanders, and children for criminal incidents only in exigent circumstances. The 2007 version does not have guidance on identifying an LEP individual, only their primary language. None of these examples provided by LANSF include procedures for HOW to identify an LEP individual, and, further, LANSF did not provide suggestions beyond the indicators listed in the policy.</p>
R16	<p>CAA is concerned that DGO 5.20 has no protocols and is missing the step of identifying if an LEP individual has a preferred language or not. For example, if someone is speaking English, CAA is concerned that officers will assume that English is their preferred language when language proficiency is context specific [See WG Rec. Grid R12, R25, R26].</p>	<p>In section 5.20.04(A) of the Department's proposal submitted to the Commission in February of 2026, it states, "employees will determine the individual's primary language by proactively asking the person their primary or preferred language, using department language identification cards, translation apps, artificial intelligence, nearby people, DEM, a professional interpretation service, etc." Additionally, officers will consider the common indicators of an LEP individual to determine if an individual is LEP. The proposal directs officers to evaluate indicators and proactively ask what their primary or preferred language is.</p>
R17	<p>As restated from the LANSF letter, LANSF is concerned that SFPD is missing common indicators and context and does not include enough examples of common indicators of an LEP individual from DN 21-072, including gestures [See WG Rec. Grid R7 & LANSF Letter 12/16/25].</p>	<p>LANSF did not originally specify the missing indicators until the third and final meeting, but, PDD has included, "request for interpretation" and "physical gestures which indicate difficulty understanding" to the list of Potential Indicators. However, PDD believes a more robust list of common indicators is best utilized in training. PDD has invited LANSF to collaborate on training to address concerns about considerations around less common indicators.</p>

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R18	As restated from the LANSF letter, LANSF is concerned that officers will not know to identify if someone is LEP BEFORE identifying their primary language and requests that these be two separate sections [See LANSF Letter 12/16/25].	PDD has reordered this section so the Potential Indicators come before Identifying the Primary Language instead of being in one section together.
R19	As restated from the LANSF letter, LANSF and OCEIA are concerned that it is unclear to officers that family, friends, neighbors, children and bystanders will NOT be used as interpreters in criminal situations [See WG Rec. Grid R47 & LANSF Letter 12/16/25].	The proposal submitted to Commission in February of 2026 does not allow for children or bystanders to be used as interpreters in criminal situations unless exigency exists. To further clarify for the community though, PDD has added, "Restrictions" language from the 2007 version of the DGO.
R20	CAA is concerned that the order of interpretation preference from the 2007 version of DGO 5.20 is more clear than the proposed DGO 5.20 [This is in opposition to WG Rec. Grid R3].	The proposal provide do the Police Commission in February 2026 maintained the same order of interpretation preference under Criminal Incidents as the 2007 version of the DGO.
R21	OCEIA is concerned that it is confusing to officers to separate out use of interpreters during criminal versus non-criminal incidents and without any restrictions on the use of family members, children, neighbors, and bystanders [This is in opposition to WG Rec. Grid R3, R35, & R47].	PDD believes that separating out how to use interpreters in criminal incidents as compared to non-criminal incidents better protects LEP individuals during criminal incidents and expands SFPD service to LEP individuals during non-criminal incidents. SFPD officers and leadership have also informed PDD that this separation is clearer to them.
R22	OCEIA is concerned that the order of preference for interpreters is unclear for both criminal and non-criminal incidents, unlike the 2007 version of DGO 5.20 [This is in opposition to WG Rec. Grid R3].	The proposal has the same order of interpretation preference under Criminal Incidents as the 2007 version. PDD has added, "For communication related to non-criminal Department services, employees should offer Department interpretation services according to the order of preference in 5.20.04(C)(1)(a-d)."

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R23	OCEIA is concerned that section 5.20.04(B)(2) "Non-Criminal Incidents", which allows for civilians, neighbors, family members, friends, or bystanders to provide interpretation during non-criminal incidents, may conflict with the Language Access Ordinance 91.14, which requires SFPD to offer interpretation services, including at public meetings. OCEIA is also concerned that there will be no record if an LEP individual denies interpretation from SFPD and requests a waiver to be created [This is in opposition to WG Rec. Grid R32].	PDD wants to maintain that family members, bystanders, etc., can help with interpretation of information not directly related to SFPD services or programs such as providing directions or building rapport. In light of this comment, PDD would like to consider adding an exception to this section that requires only SFPD employees (either certified or non-certified) to offer interpretation services to LEP individuals about SFPD services or programs such as how an individual files a police report, at public meetings, or how to request other Department services. PDD will review the administrative and operational feasibility of requiring a waiver every time interpretation is offered.
R24	DPA is concerned that the difference between Non-Certified Bilingual Members and neighbors, family members, and friends is not specified and suggests separating out these two groups [This is in opposition to WG Rec. Grid R32].	PDD has added, "Restrictions" in the Criminal Incident section. But in the Non-Police, Non-Criminal section, PDD wants to expand SFPD services, such as rapport-building with LEP individuals, by allowing Certified and Non-Certified Bilingual Members and family members, friends, neighbors, and bystanders to interpret, if needed.
R25	OCEIA is concerned that the External Requests section does not align with the LAO because vital written materials "shall" be available to the public directly and not upon request, while non-required languages, upon request, "should" be acknowledged and translated.	PDD has updated the "should" to a "shall" and removed "or will be made available by request" in the External Requests Required Language section. PDD has updated the "will" to a "should" in the External Requests Non-Required Language section, to align with LAO requirements.
R26	CAA would like SFPD to have more engagement with victim advocates during training.	SFPD has several access points for victim advocates already through the Investigations Bureau and the Academy. But, for purposes of training the Department, PDD agrees it is important to fold in victim advocates.

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R27	<p>As restated from the LANSF letter, LANSF is concerned that officers will not be successfully trained and wants to add the language, "The Department shall provide all public-facing SFPD employees with periodic training on LEP policies, Departmental Bias-Free Policing, and Community Policing Strategic Plans. Training will include identifying LEP individuals and their primary languages, using language identification tools, accessing both in-person and telephone interpreters, and working effectively with interpreters. The Department shall conduct such training for new recruits and for members at in-service training and during roll-call at least every two years. Additionally, an initial training shall be conducted within a specified timeframe agreed upon by the Police Commission and the Department following the adoption of this General Order by the Police Commission." [This is in opposition to WG Rec. Grid R51] & [See WG Rec. Grid R54 & LANSF Letter 12/16/25].</p>	<p>PDD has updated the Training section to read, "The Department will provide all public-facing employees with training every 3 years on LEP policies and procedures, potential indicators of LEP individuals, interpreting techniques, roles, and ethics." Specifying the exact metrics and implementation strategies for training in a DGO removes the ability for the Subject Matter Experts and Officers-in-Charge of units responsible for training to determine the most effective strategies. Including "roll-call" or "in-service training" will exclude civilian public-facing employees, so PDD has determined that this edit will not be captured. PDD will not be including language related to bias-free policing or community strategic plans, as these relate to DGOs 1.08 and 5.17, not DGO 5.20. Training is guided by Peace Officer Standards and Training (POST) Learning Domains. However, PDD would like to invite the community to collaborate with PDD in creating additional LEP training for officers.</p>

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R28	<p>As restated from the LANSF letter, LANSF and CAA are concerned that components of the training section that the Working Group added to DGO 5.20 have been removed and requests that SFPD strengthen the training section by adding more specific training topics such as training possibilities, criteria, and limitations as well as format options (video, in-person, etc.) and locations (roll call, in-service training, etc.) [See WG Rec. Grid R53]. CAA is also concerned that SFPD is not accountable to training without a specific time frame for how often training occurs [See WG Rec. Grid R51&R63 - this is in opposition to R51]. But, CAA and LANSF believe that specifics such as tools for identification of LEP individuals and their primary or preferred language and the frequency of training should not exist in the DGO. [See LANSF Letter 12/16/25].</p>	See R27.
R29	<p>DPA is concerned that the proposal does not capture the differences between sworn and public-facing employee training and the training should be separated.</p>	<p>Public-facing civilian employees, like PSAs, take police reports and, as such, have activities that fall under criminal incidents in this DGO. As there are over 2000 employees of SFPD, the appropriate training scenarios will be covered in a video.</p>

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R30	As restated from the LANSF letter, LANSF is concerned that the reporting requirements in the proposal do not match the reporting requirements from the 2007 version [See WG Rec. Grid R59, R60, & LANSF Letter 12/16/25]. LANSF is concerned that the importance of including the resolutions of complaints is not captured.	PDD will not be mimicking the reporting requirements in the 2007 version of the DGO as it expands the reporting requirements outside of what is legally required per the LAO. The secondary report outlined in the 2007 version has caused confusion and offers duplicative information. PDD has been tasked with complying with SF Admin Code 96I and must consider removing policy reports that are not required by law. The LAO requires approximately 39 data points, which is sufficient for language access reporting. PDD has added another data point regarding complaints as DPA, not OCEIA, handles citizen complaints relating to SFPD officers.