

## **Language Access Services**

### **5.20.01 PURPOSE**

This order establishes language access procedures to guide employees in providing services to Limited English Proficient (LEP) individuals, fostering clear communication and reducing barriers that may otherwise limit access to critical rights, obligations, and services, while ensuring that communication is accurate, respectful, and effective.

Department employees should take reasonable steps to ensure timely and accurate language access services to all individuals.

### **5.20.02 DEFINITIONS**

- A. Certified Bilingual Member** – A sworn member who is certified by DHR or other designated qualifying agency to provide interpretation services.
- B. Certified Civilian Interpreter** – A non-sworn individual or contracted service (e.g., Language Line or body-worn system) who is certified by a designated qualifying agency to provide interpretation services.
- C. Interpretation** – A live service that converts one language into another while retaining the same meaning.
- D. Language Access Liaison** – An employee, preferably a sworn member, responsible for managing the Department’s language access services, including assistance with coordinating training and bilingual certification processes, managing translation and interpreting services, overseeing signage posting, coordinating reporting, and ensuring compliance with SF Admin Code §91. The Liaison may also be used as a resource to assist in coordinating the translation of documents and materials.
- E. Language Access Services** – Translation and interpretation of information that enables communication with LEP individuals.
- F. Limited English Proficient (LEP) Individual** – A person whose primary or preferred language is not English and who has a limited ability to read, write, speak, or understand English.
- G. Non-Certified Bilingual Member** – A sworn member who can provide non-evidentiary interpretation services but is not certified by a designated qualifying agency. These members are prohibited from providing written translation services.

- H. Office of Civic Engagement and Immigrant Affairs (OCEIA)** – A City department tasked with aiding in compliance with City language access requirements and notifying Departments when a new language meets the threshold to become a Required Language (SF Admin §91).
- I. Primary Language** – The language in which an individual is most effectively able to communicate.
- J. Required Languages** – Language Access Services in Chinese, Spanish, Filipino, Vietnamese and any other language for which the requisite number of persons qualifies as a Substantial Number of LEP Persons, as determined by OCEIA per SF Admin Code §91.
- K. Translation** – Any written information converted from one language into another while retaining the same meaning.

### **5.20.03 POLICY**

Employees shall inform LEP individuals of their right to request free language access services, and will provide these services when requested or as needed, consistent with SF Admin §91.

### **5.20.04 PROCEDURES**

- A. Potential Indicators of LEP Individual** – Request for interpretation, misuse of language, switching between languages, inability to answer questions sufficiently, confusion with intricate enforcement procedures or language, cannot respond to open-ended questions, physical gestures which indicate difficulty understanding, etc.
  - 1. Employees should err on the side of providing language assistance when unsure of LEP status.
- B. Identify Primary Language** – When an employee believes language access services are needed, or as requested, 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.
- C. Use of Interpreters** – Employees will determine the type of interpretation needed based on the incident.
  - 1. Criminal Incident – These are situations that may involve a violation of law that could lead to an arrest, citation, and/or result in judicial proceedings that require statements and evidence that will stand up to legal scrutiny. Employees should follow this order of preference for interpretation:
    - a. Certified Bilingual Member (in-person preferred)
    - b. Certified Civilian Interpreter
    - c. Non-Certified Bilingual Member – May only be used for non-evidentiary communication (e.g. initial contact, to provide information) unless there is an exigent

circumstance.

- d. Restrictions – Members should not use family members, neighbors, friends, volunteers, bystanders, or children to interpret during a criminal incident unless there is an exigent circumstance.
2. Non-Criminal Incident – These are situations that do not involve a violation of the law and are unlikely to result in court proceedings or legal scrutiny.
    - a. 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), but LEP individuals may decline if they prefer using their own interpretation methods.
    - b. For communication related to non-police services (giving directions, building rapport, etc.), employees should determine the appropriate level of interpretation needed, which may include certified or Non-Certified Bilingual Members or employees, neighbors, family members, friends, bystanders, or the use of digital or non-digital tools (translation apps, dictionaries, etc.).

**D. Requesting Interpretation Assistance**

1. To Request a Certified/Non-Certified Bilingual Member – Ask Dispatch if there are certified (or Non-Certified, if appropriate based on incident) members available.
2. To Request a Certified Civilian Interpreter – Employees may use the designated language access app on their Department phone or call the direct number (800-880-1994, Client ID 501644).

**D. Scheduled Interviews** – Members will use in-person interpretation by a Certified Bilingual Member where possible, unless the LEP individual consents to the use of telephonic interpretation by a Certified Bilingual Member or a Certified Civilian Interpreter. Members may also seek qualified assistance from another law enforcement agency when practical.

1. Members should proactively arrange for an interpreter when possible.

**E. Custodial Interrogations** – Members will use in-person interpretation by a Certified Bilingual Member where possible. If an in-person interpreter is not available, members may use telephonic interpretation by a Certified Bilingual Member or a Certified Civilian Interpreter.

**F. Miranda Admonition** – When a Miranda admonition is required, it shall be provided in the suspect’s primary or preferred language.

**G. Forms/Documents** – Employees will provide forms and documents in required languages. If a form/document is not available in the appropriate language and the LEP individual needs the information immediately, the employee will use a Certified Bilingual Member or Certified Civilian Interpreter to read the form/document to the LEP individual. For translations that are not needed immediately, see ‘Translation of Documents and other Content’.

**H. Incident Reports** – Members will complete the LEP section on the incident report. Members may include additional details in the narrative.

### **5.20.05 EXIGENT CIRCUMSTANCES**

- A.** In exigent circumstances, if waiting for a Certified Bilingual Member or Certified Civilian Interpreter would delay critical actions, members may use the most reliable, temporary interpreter until a Certified Bilingual Member or Certified Civilian Interpreter is available (e.g. if someone is assaulted and a member needs the description of the suspect before interpretation services are available, they may use a Non-Certified Bilingual member, family member or bystander to get a physical description).
1. 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.

### **5.20.06 TRANSLATION OF DOCUMENTS AND OTHER CONTENT**

**A. External Requests**

1. Required Language – Vital written materials and applicable digital content shall be available to the public directly (SF Admin Code §91.5(a)).
2. Non-Required Language – Any employee receiving a request for vital written information not in a required language should:
  - a. Provide acknowledgement to the requester within 48 business hours,
  - b. Send the request to the Language Access Liaison for translation, and
  - c. Make an effort to provide the requester with a date they can expect the materials. The employee receiving the request is responsible for communicating with and providing the final product to the requester.

**B. Internal Requests**

1. Evidence – Evidence shall be translated by a Certified Bilingual Member or Certified Civilian Interpreter into English when necessary for an investigation, prosecution of a criminal case, or a Departmental administrative investigation. Employees may request assistance from Certified Bilingual Members or the Language Access Liaison.
2. Documents not related to an SFPD Investigation – The employee will email the document to the Language Access Liaison, who will coordinate the translation. Translation may take up to two weeks.

### **5.20.07 TRAINING**

The Department will provide all public-facing employees with training every 2 years on language access policies and procedures, potential indicators of LEP individuals, interpreting techniques,

roles, and ethics.

### **5.20.08 CERTIFIED BILINGUAL EMPLOYEE LIST**

Staff Services Division maintains a list of all Certified and Non-Certified Bilingual Members and Certified Civilian Interpreters and notifies DEM when there are updates.

### **5.20.09 LANGUAGE ACCESS LIAISON**

- A. Reporting** – The Language Access Liaison will coordinate the preparation of the fiscal year report as outlined in SF Admin Code § 91.11, including the number and percentage of LEP individuals who used the Department’s services, a roster of certified and Non-Certified bilingual employees, ongoing training strategy, and other data as required per § 91.
1. The Language Access Liaison will seek language access services complaint data (allegations of violations of Chapter §91 and, if available, the status of allegations) from the Department of Police Accountability during the reporting period for inclusion in the report.
  2. The report shall be submitted to the Police Commission and OCEIA and posted on the SFPD website upon approval by the Chief.
- B. Signage** – The Department will post the following in publicly accessible lobbies, in all required languages (per OCEIA determination):
1. Signage noting the availability of free language access services.
  2. Signage relating to and/or providing vital information about Department services or programs.
  3. OCEIA’s Know-Your-Rights brochure, when available, or other required published materials.