



DEPARTMENT NOTICE

21-072
04/23/21

Providing Language Access Services for Limited English Proficient (LEP) Individuals (Re-issue DB 18-185)

The San Francisco Police Department recognizes the importance of effective and accurate communication between its members and the diverse community we serve. This bulletin identifies areas where Language Access services may be required by limited English proficient (LEP) individuals. Nothing in this policy prohibits members from utilizing their communication skills or other available resources to gather information necessary to protect public safety, establish control of a scene, identify the nature of an issue brought to their attention, or provide basic information to the public.

Department General Order 5.20 "*Language Access Services for Limited English Proficient Persons*," requires members to provide free language assistance to LEP individuals they encounter or when an LEP individual requests language assistance. LEP individuals do not identify English as their primary language and may have limited ability to speak, understand, read or write.

Language barriers between LEP individuals and law enforcement can further jeopardize safety, impede investigations, and prevent LEP individuals from understanding important rights and services available.

BELOW ARE COMMON INDICATORS OF A LANGUAGE BARRIER:

- Request for translation.
- Code Switching from English to preferred language while speaking.
- The call taker at DEM utilized an interpreter to obtain information to create the call for service.
- The use of incomplete or fragmented sentences and repeatedly misusing English.
- Lack of understanding or a limited ability exchange information or answer questions (i.e. the individual answered "yes or no" to questions that required an explanation.)
- Display of facial or body gestures which indicate difficulty understanding or communicating in English.
- Physical responses to simple verbal commands (i.e., hand me your driver's license); however, any of the aforementioned common indicators are also present.
- Request for a sign language interpreter; see *Interactions with Deaf and Hard of Hearing Individuals*, DGO 5.23.

The mere presence of an accent does not imply language barriers; however, officers should examine if any of the indicators exist.

ADDITIONAL FACTORS THAT MAY HINDER EFFECTIVE COMMUNICATION WITH AN LEP INDIVIDUAL:

- Ability to communicate, read, write, or understand some English, but not proficiently.

- An individual may be able to communicate and understand English sufficiently for a casual conversation but requires language assistance when speaking with an officer to understand intricate law enforcement procedures and actions.
- Unfamiliar or stressful situations can affect language capabilities in individuals who are otherwise proficient in English.
- Cultural beliefs, deference, politeness, or unfamiliarity with availability of interpretation and/or translation services may prevent an LEP individual from requesting language assistance.
- An individual's appearance may not coincide with their country of origin or their preferred language.


DOMESTIC VIOLENCE, SEXUAL ASSAULT & CHILD ABUSE

- Instances where the perpetrators may control the LEP victim, and the extent of information shared with law enforcement. By identifying the presence of a language barrier, and utilizing an interpreter ensures that statements obtained from LEP individuals are accurate and detailed.
- Members are reminded that except in exigent circumstances, family members, neighbors, friends, volunteers, bystanders and/or children are NOT to be used as interpreters.
- In instances where non-sworn members encounter LEP individuals requiring law enforcement services, they shall adhere to the order of preference for interpretation as outlined in DGO 5.20 section D.

EXIGENT CIRCUMSTANCES

Exigent Circumstance Exception – An exigent circumstance arises when an officer has specific and articulable facts that a particular action was performed by an officer due to concerns of the person's, the safety of others or the safety of the involved officer(s).

- During exigent circumstances, members shall use the most reliable, temporary interpreter available.
- DGO 5.20 requires that once the exigency has passed, members are expected to confirm or supplement the initial interpretation with a qualified bilingual member, qualified civilian interpreter or contracted interpreter (telephonic, video or in-person).


WILLIAM SCOTT
 Chief of Police

Per DN 20-150, both sworn and non-sworn members are required to electronically acknowledge receipt and review of this Department Notice in PowerDMS. Any questions regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional guidance about the directive.