

The Department of Police Accountability's 1st Quarter 2018 Recommendations to Enhance SFPD's Language Access Services

A. Introduction

Since 2012, DPA has met monthly with domestic violence, sexual assault, and child advocacy service providers, language access advocates, city agencies, a Police Commissioner and the Police Department to enhance SFPD's language access services. DPA created this Language Access Working Group after advocates for domestic violence victims addressed the Police Commission about cases in which language barriers compromised the accuracy of incident reports and the quality of police assistance. Testimony also included a domestic violence victim's unsuccessful attempts at two different police stations to obtain language assistance to file a domestic violence report. Since 2012, DPA has spearheaded the Language Access Working Group's work on numerous projects including the writing, filming and editing of an officer training video entitled "Detecting and Overcoming Language Barriers,"¹ drafting a Department Bulletin on common indicators when an interpreter is needed² and procedures for translating statements in an incident report³, and adding language access data collection to the incident report writing template.

B. DPA's 2017 LEP Recommendations

Following Chief Scott's meeting with the Language Access Working Group in April 2017, the DPA made the following recommendations:

1. Interpreter Training for Certified Bilingual Officers

It is well established that being an interpreter requires skills and training beyond bilingualism. To ensure that certified bilingual officers receive interpreter training, Department

¹ The officer training video can be viewed at <http://www.youtube.com/watch?v=i8qY1zi0tzc>). The Department of Justice has included it on its LEP resources website. (<http://www.lep.gov/resources/resources.html#>.)

² See Department Bulletin 16-107, <https://sanfranciscopolice.org/sites/default/files/Documents/PoliceDocuments/DepartmentBulletins/sfpd-db-16-107.pdf>

³ Pursuant to Department Bulletin 15-171, officers are now required to ensure that written statements and other documents in a foreign language are translated into English prior to filing an incident report and booking the document into evidence.

General Order 5.20 (Language Access Services for Limited English Proficient (LEP) Persons) specifically requires the Department to provide interpreter training for certified bilingual officers on interpreting techniques, roles, terminology, and ethics in accordance with confidentiality and impartiality rules. (See DGO 5.20 (II) (E).). The Department has not provided interpreter training for its certified bilingual officers, despite repeated recommendations from the Department of Police Accountability and the Language Access Working Group since DGO 5.20's adoption in 2007. The DPA recommends that SFPD immediately develop interpreter training or alternatively, hire an outside agency to provide bilingual officer interpreter training. Interpreter training for bilingual officers should include assessment on interpretation skills to ensure information retention. In January 2018, a small number of SFPD officers attended a train-the-trainer session on interpreter training which a member of the Language Access Working Group had coordinated with a nationally renowned trainer to provide. SFPD is slowly providing interpreter training for its bilingual officers, a requirement that SFPD has neglected to fulfill since DGO 5.20 was passed in 2007.

2. Re-Certification of Bilingual Officers

Language proficiency is a perishable skill. Currently, once an officer passes the Department of Human Resource's test for language proficiency, the officer is forever entitled to bilingual pay and is considered a "qualified bilingual officer" for the purposes of Department General Order 5.20. The Police Department does not have any recertification requirements. The absence of a recertification procedure is inconsistent with best practices. The lack of recertification potentially jeopardizes the quality of an officer's interpretation which, in turn, can undermine the investigation and prosecution of cases and negatively impact an officer's ability to communicate with a victim, suspect, witness or community member. The DPA recommends that SFPD:

- Implement a system of language proficiency recertification that requires retesting of all bilingual officers every 2-3 years;
- Include a requirement of recertification of language proficiency in the 2017-2018 labor contract with SFPD officers; and
- Either obtain DHR's assistance or hire an outside contractor to provide recertification every 2-3 years.

Reportedly SFPD negotiated recertification of bilingual officers in its most recent contract with the San Francisco Police Officers' Union. The exact details have not yet been provided to the Language Access Working Group.

3. Advanced Officer and Field Officer Training Should Include LEP Scenarios

Department General Order 5.20 states that the Department will provide periodic training on its LEP policies, including how to access in-person and telephone interpreters and how to work with interpreters. DGO 5.20 states that it shall conduct such trainings for new recruits, at in-service training and at roll-call at least every two years. (DGO 5.20 (III)(N)). The two-hours of DGO 5.20 training for recruits is not POST certified. DGO 5.20 updates and language access

issues are not included in advanced officer or field officer training. The DPA recommends that SFPD:

- Incorporate language access training into the Field Training program and advanced officer curriculum;
- Include language access issues & requirements in all training modules and written materials; and
- Obtain Police Officer Standard Training (POST) certification for current DGO 5.20 training.

4. Language Services at Stations

Spanish-speaking and Cantonese-speaking domestic-violence survivors have reported significant wait times for language assistance to file a report at certain stations and instances where LEP victims/reportees have been told to come back later or have sent to other stations. LEP victims/reportees have also reported encounters with Police Service Aides at the stations who do not use language assistance to explain wait times or when a bilingual officer will be available to take a report. LEP reportees and service providers have repeatedly shared their concerns with the Department that many stations are not welcoming or user friendly which is further exacerbated when language assistance is not readily provided. Additionally, there is no privacy in the district station lobby where reportees often need to provide sensitive information about themselves and the nature of an incident.⁴ (For further discussion of domestic violence, immigration and language access concerns involving SFPD, see the Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement (July 2016), pages 20-21). The DPA recommends that SFPD:

- Provide easily accessible information in multiple languages at each station that explains procedures such as how an LEP individual can file a report, talk with a bilingual officer, and obtain other police services;
- Prominently post that language services are free and available and include this information in district station newsletters;
- Require stations to identify the top language needs of the community in which the station is located and provide an incentive system so that stations are able to staff the stations with bilingual officers and Police Services Aides who speak the languages most needed;
- In each station and to the public, prominently post when bilingual officers and Police Service Aides are available and the language they speak;
- Conduct an audit using LEP reportees to evaluate the effectiveness of language access at all of the stations and implement improved accessibility where needed.

⁴ For further discussion of domestic violence, immigration and language access concerns involving SFPD, see the Blue Ribbon Panel on Transparency, Accountability, and Fairness in Law Enforcement (July 2016), pages 20-21.

https://sfdistrictattorney.org/sites/default/files/Document/BRP_report.pdf

5. Dispatching Bilingual Officers to The Scene

DGO 5.20 states that officers "shall provide oral interpretation services to LEP persons they encounter in the following order of preference unless deviations are required to respond to exigent circumstances." The priority is direct communication by a qualified bilingual officer, followed by a qualified civilian interpreter and last by a telephone interpreter. (DGO 5.20 (III)(D) Order of Preference.) Department General Order 5.20 requires SFPD's Language Access Liaison Officer to work in conjunction with Department of Emergency Management (DEM) "to establish a system that immediately identifies LEP calls and promptly dispatches language assistance, preferably with a bilingual officer speaking the needed language." (DGO 5.20 (III)(O)(1)(5)).

In 2009, Department of Police Accountability recommended a communication system that would enable 911 dispatchers to immediately identify the location and availability of bilingual officers to respond to LEP calls for service. For several years, DPA in partnership with the Language Access Working Group worked with SFPD and the Department of Emergency Management to design and implement such a system. Although this system was to become operational in April 2013, it has never been fully implemented. When DEM dispatchers identify a LEP caller, instead of relying upon the system that identifies an available certified bilingual officer, many dispatchers continue to put out a request for a bilingual officer and wait for a volunteer to respond. This approach is inefficient and does not comply with the system of dispatching available bilingual officers immediately as required under DGO 5.20. DPA recommends that SFPD:

- Work with DEM to fully implement the dispatch procedure in which dispatchers identify and dispatch immediately an available bilingual officer to respond to a LEP call for service.
- Explain the new dispatch procedure to SFPD officers through a Department Bulletin.
- Once implemented, monitor compliance under the new procedure through an audit.

6. LEP Data Collection and Analysis

DGO 5.20 states that officers "shall provide oral interpretation services to LEP persons they encounter in the following order of preference unless deviations are required to respond to exigent circumstances." The priority is direct communication by a qualified bilingual officer, followed by a qualified civilian interpreter and last by a telephone interpreter. (DGO 5.20 (II I)(D) Order of Preference.) DGO 5.20 requires the Department to collect and report on data including the number of calls for service, contacts and investigations involving LEP persons where an incident report was required and the manner in which interpretation services were provided. (DGO 5.20 (III)(O)(2-3)).

Department of Police Accountability in partnership with Language Access Working Group recommended and worked with SFPD to add LEP data collection to the incident report writing system. This data collection will enable the Department to assess language needs and analyze the extent to which language services are being provided by bilingual officers, civilians or telephone interpreters. Mandatory LEP data collection was announced on February 26, 2016

via a Department “A” Bulletin (16-029 LEP Data Collection Crime Data Warehouse) and became effective on March 16, 2016. The Department has accumulated over a year’s worth of LEP data though not yet reported publicly upon this data.

Upon the recommendation of Department of Police Accountability and in partnership with the Language Access Working Group, in 2016 the Department required all officers to view the training video “Detecting and Overcoming Language Barriers” and to complete an on-line survey about language access services and training. SFPD has not yet analyzed and reported upon this data. DPA recommends that SFPD:

- Analyze and report upon the LEP data collected through the Crime Data Warehouse from March 2016-2017.
- Analyze and report upon the data collected through the on-line survey about language access services and training.

C. DPA’s 2018 LEP Recommendations

While DPA and the Language Access Working Group had advanced some of its LEP project during the last year, the group recently met with Chief Scott on May 8, 2018 to discuss the following recommendations:

1. Patrol Officer Response to LEP & Deaf and Hard of Hearing Calls

- Provide fiscal approval for immediate roll out of language line application on officers’ phones to provide spoken language and ASL interpreters
- Prioritize and develop implementation strategy (downloading app, department bulletin, training, computer at window at every station to access video interpreter
- Prioritize SFPD-911 dispatch system that identifies and sends bilingual officers to LEP calls

2. Elevate the Role & Responsibilities of Language Access Liaison Officer

- Hire a new language access liaison officer and expand position to include deaf & hard of hearing services & implementation of Deaf and Hard of Hearing DGO
- Coordinate with community liaison officers
- Provide an analyst to review LEP data re: LEP calls for service, bilingual officer response, LEP staffing needs, response time for LEP call for service and bilingual officer

3. Stations: Improving Services

- Post bilingual officer & staff availability at stations, on website & in newsletters
- Designate language liaison officer to work with community liaison officers at each station who develop LEP subject matter expertise & are a resource to station & surrounding community & provide 5.20 roll call training (including LEP scenarios)
- Provide a marquee for information/reports etc.
- Interview reportees/victims in private

4. Bilingual Officers: Training, Visibility, Subject Matter Expertise

- Provide certified officers with a bilingual pin—similar to CIT, FTO pins
- Provide schedule for DGO 5.20 mandated bilingual officer training
- Provide LEP training & skill opportunities (language classes to increase/maintain language proficiency, encourage subject matter expertise, POST teacher certification)
- Officer bilingual testing to recruits at Academy
- Develop & implement strategy to increase the number of bilingual officers

5. Special Victims' Unit: Need for Consistency and Responsiveness

- Non-permanent and revolving door approach to SVU captain undermines community trust
- SFPD's noncompliance with Family Code §6228 10-day deadline for providing incident reports to survivors of domestic violence, sexual assault, stalking, human trafficking, and elder abuse continues to be very problematic
- Recommendation to institute procedures for wrongful arrest of DV survivors (Penal Code secs 851.6 & 851.8)

6. Department Strategy & Response to LEP Complaints, Law Suits, Suggestions

- Provide an analyst to review LEP data re: LEP calls for service, bilingual officer response, LEP staffing needs, response time for LEP call for service and bilingual officer
- Command staff review & response to LEP complaints, law suits, suggestions
- Lessons learned from wrongful arrest of DV survivor (SF civil law suit settlement) needs to be incorporated into training curriculum

7. Additional Action Steps

- Chief's Video Message on LEP & Deaf & Hard of Hearing services
- Authorization for Deaf/Hard of Hearing training video
- Re-film introduction to DGO 5.20 training video with current Chief

In June, Chief Scott produced a video message for officers that emphasized the importance of using an interpreter when interviewing LEP individuals and encouraged bilingual officers to become certified.

Historically, a Police Commissioner attended the monthly meetings of the Language Access Working group and helped advance the group's projects. The DPA requests the Commission to continue this important tradition of having a Police Commissioner attend the monthly Language Access Working Group meetings to maintain the Police Commission's active participation in advancing this working group's policy projects.