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DRAFT Language Access Issues, Implications, and Recommendations



LAN Introduction

The Language Access Network of San Francisco (LANSF) is a unique multilingual, multiethnic, and multiracial collaborative that consists of 7 immigrant-serving community based organizations. LAN was founded to conduct community education to limited-English proficient (LEP) communities on their language rights. The Networks builds community power through advocacy with city officials to remove linguistic barriers for LEP communities when accessing public services and programs, and improve implementation of the Language Access Ordinance.

Initial Spot Check Findings

The spot checks are randomized sampling of language access at city departments most frequently visited by community members, conducted by empowered community members themselves. Community members are first informed their language rights through workshops presented by LAN organizations, and are later trained to conduct in-person and telephonic spot checks at city departments of their choosing. In accordance with the core principles of language access and language justice, community members often select city departments most relevant to their day-to-day needs to perform their spot checks; these departments may include Human Services Agency, Department of Public Health, the Police Department, Municipal Transportation Agency, and others. The following outlines the format of these spot checks, what they measure, and the Network's findings based on data collected between grant years 2015 - 2017.

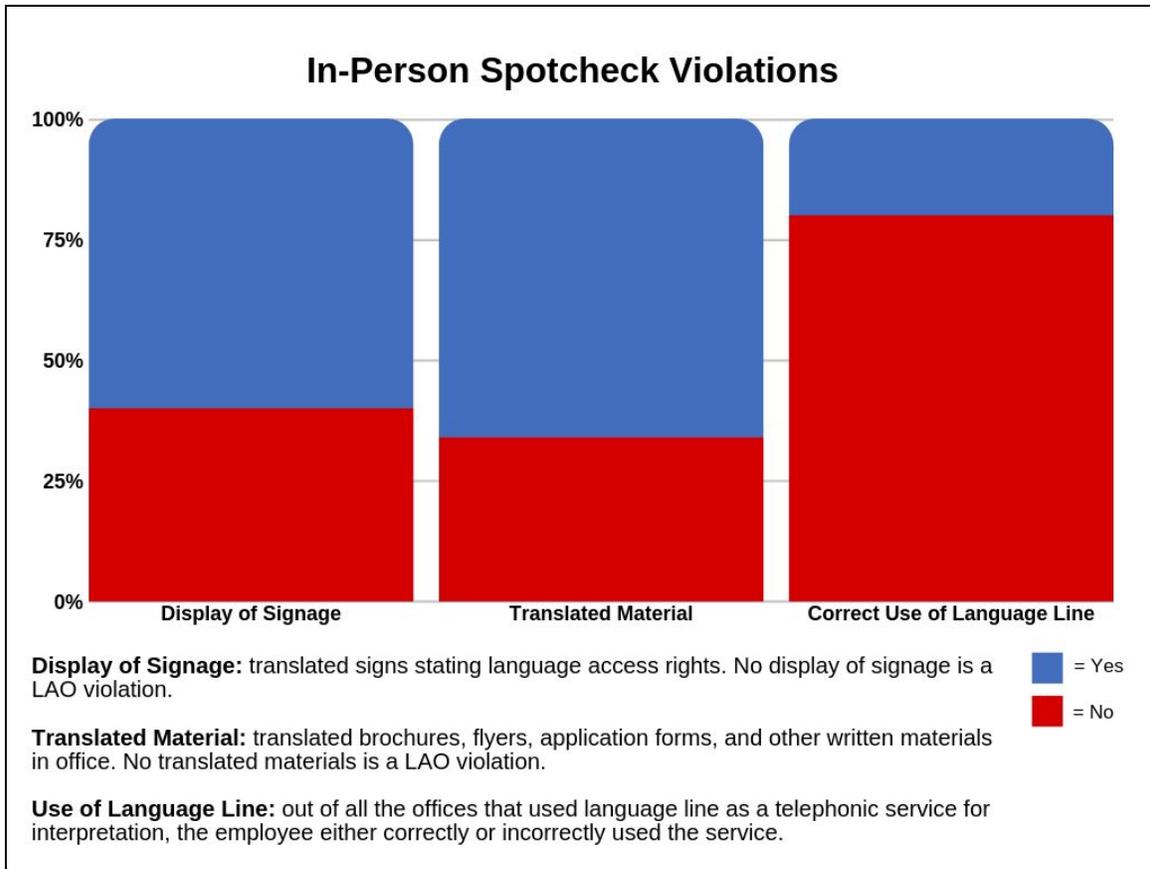
The in-person spot check asks the community leader to locate signage in their language upon their entrance to the office, translated materials, such as informational brochures and application forms, and to speak with a bilingual staff member who can assist them with linguistic, cultural and professional competency. Similarly, the telephonic spot check asks the community leader to verify equitable in-language services over the phone. Both formats of spot checks seek to confirm the availability and accessibility of in-language services as mandated by the Language Access Ordinance (LAO), which may include the following elements:

- Display of office signage in threshold languages (Spanish, Chinese, and Tagalog),
- Availability and accessibility of translated materials, and
- Presence of a bilingual staff or, when the bilingual staff is not available, the use of language line to assist the community members in resolving their needs.

Between grant years 2015 - 2017, LAN members conducted a total of 155 in-person and telephonic spot checks in Spanish, Chinese, Tagalog, and Arabic. Among these, 65 of them were in-person, and 90 were conducted over the phone.

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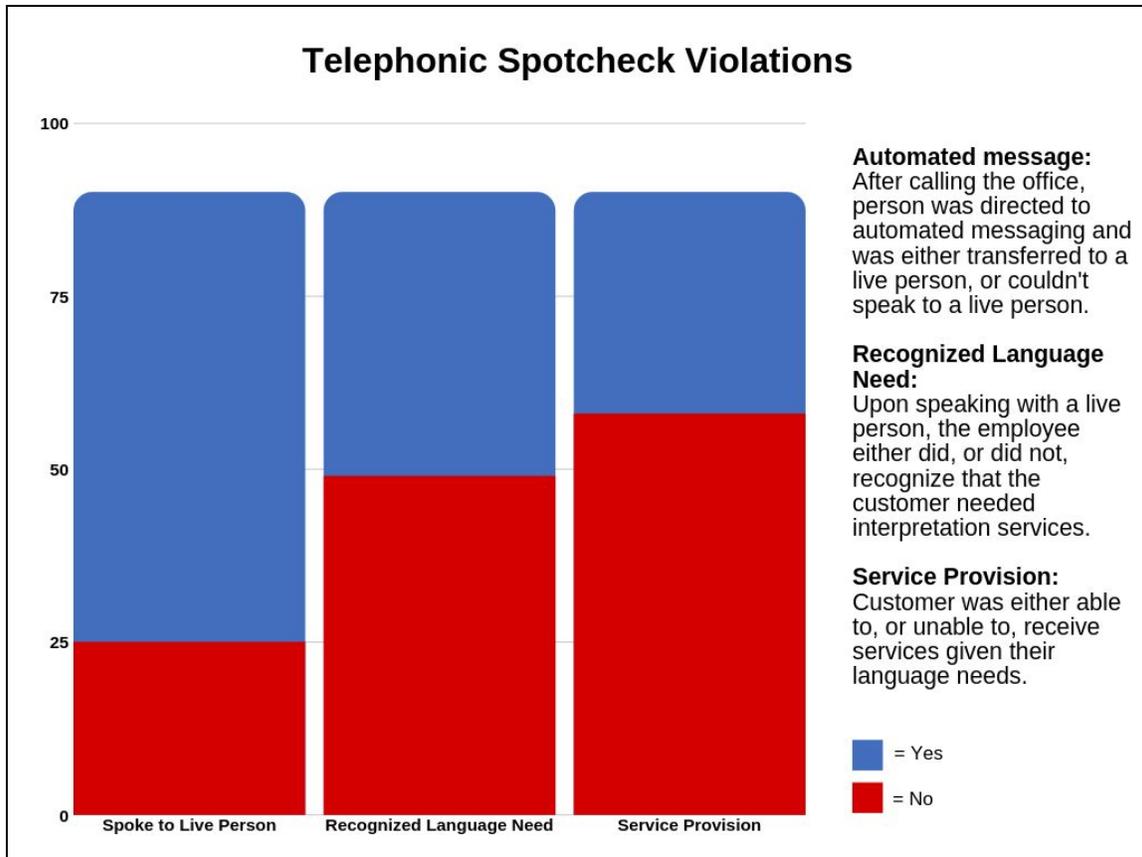
Among the in-person visits:

- 26 city departments, at 40%, violated the LAO by not displaying appropriate office signage regarding individuals' rights to request in-language services.
- 43 offices, at 66%, had translated materials available for community members. All but seven had a bilingual staff who was able to communicate with the community members.
- Out of the five visits where community members were not met with a bilingual staff and consequently resorted to using the language line, only one staff correctly used the line to assist the community member and address their questions.
- At six separate visits, the city department staff used hand signals and body language to communicate with community members, which are insufficient attempts to provide competent and adequate assistance to community members seeking city services. In worse cases, the staff simply told the community members they couldn't be served at the time of visit and they either need to come back at a later time or continue to wait.
- 22 visits, at 33.8%, visits were poorly rated for one or more of these reasons: 1) there were no available bilingual staff, or the staff's language skills were limited, and thus unable to provide assistance in-language, 2) the wait time for staff to ask for assistance from another person of the same or a different office, or to use the language line, was too long, resulting in hours of wait at the office, 3) the non-bilingual staff did not know how to use the language line, and 4) other members of the offices, e.g. security guards

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and receptionists, lacked the cultural and linguistic competency to assist LEP community members and facilitated an unfriendly environment where community members did not feel encouraged to exercise their rights and seek services in their own languages.



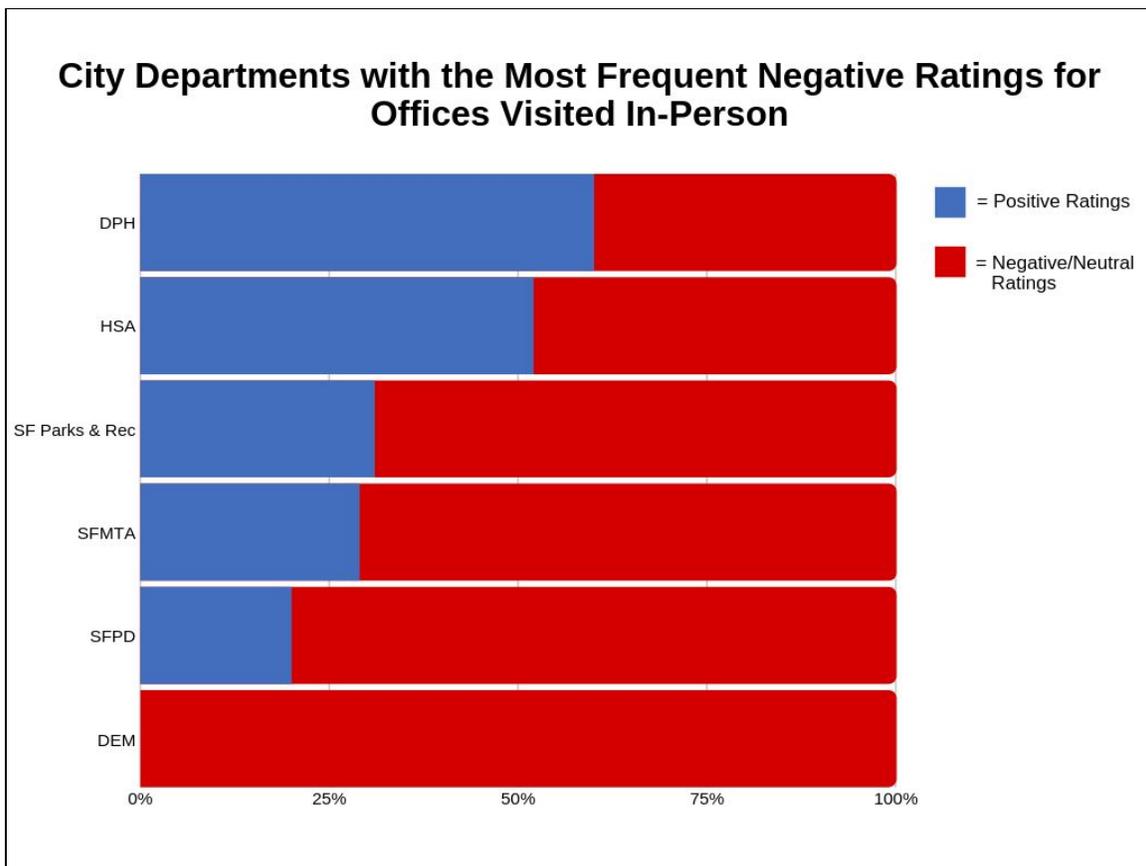
Among the telephonic spot checks:

- 65 out of 90 calls, at 72.2%, were eventually answered by a live person, but only 32 of those, at 35.6%, were met with substantive assistance, e.g. the staff were able to answer questions in-language, and 14 of the calls answered were facilitated via language line.
- 41 calls, at 45.6%, were answered by staff who were able to recognize and correctly respond to community members' language needs.
- 25 calls, at 27.8%, solely relied on automated messaging systems with no live assistance after being transferred or put on hold.
- The most common issue surfaced with telephonic spot checks is the frequent use of automated messaging systems, which are often accompanied by complex and long verbal cues centered around English-speaking users and extended waiting and transferring time. As a result, these telephonic directories are difficult to navigate and highly discouraging to LEP immigrants and elders. Furthermore, when community members raised questions that required specific members of the department to answer, the voicemail instructions were often only in English.

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Overall, there were 11 instances across in-person and telephonic spot checks where a language barrier was identified but no service or follow-up was provided by the staff, e.g. community members were told they could not be served and/or hung up on the call. By ranking, the most frequent violators of the LAO are Department of Emergency Management, the Police Department, the Municipal Transportation Agency, Department of Parks and Recreation, Human Services Agency, and Department of Public Health. In those poorly rated cases, community members were functionally denied services by not having received translated and readable materials, met with bilingual staff or language line, asked to wait a longer than average period of time to receive equitable services, or received respectful treatment irrespective of their gender, class, and immigration status.



Our data, and especially these reported incidents, reflect inadequate enforcement of the LAO and an alarming absence of robust cultural competency trainings and standards for delivering bilingual services among city departments to sufficiently serve our city’s own population. Furthermore, these instances reflect poorly on the City’s actions to uphold values of sanctuary, equity, and respect for all members of our community.

Key language access issues and implications

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Quality Control

City departments have struggled with bilingual staffing. Relaxed certification standards for bilingual staff and inconsistent staffing classifications for bilingual employees across departments contributes to uneven bilingual staffing standards. City departments also default to language line and telephonic interpreters instead of hiring bilingual staff or contracting with community interpreters which causes quality to suffer.

Cultural Competency

Language access services should uphold the values of inclusion and be sensitive to the unique challenges that immigrants experience when accessing public services. In addition to basic communication of information via interpretation, language access must include sanctuary-informed practices that address the hostile federal climate towards immigrants and center crisis management frameworks to support LEP and monolingual communities when they are accessing services. Culturally competent language access ensures that the service recipient has access to accurate, factual information and can function in a position of power to make the best decisions for themselves and their families.

Non-Certified Languages

Current Language Access Ordinance does not extend protections to non-certified languages that are below the 5% or 10,000 threshold, which creates a second-class of language access delivery for Southeast Asian/refugees, AMEMSA, African migrant language communities as well as diffused dialects within certified languages (e.g. Toisan for Chinese communities; Mayan for Latinx communities). This snowballs into equity issues around access to public services for these communities and many of non-certified language communities are the hardest-to-reach, most marginalized and heavily impacted by the worsening political climate via the Trump Administration.

Lack of Enforcement

The recurring language access incidents demonstrate that good faith implementation efforts are not enough. Strong enforcement mechanisms are crucial to preventing a violation of civil right to equal protection and enable immigrant communities to gain fair access to public services. Outside of the complaint process, LAO does not have a strong enforcement mechanism for community members whose language access rights have been violated to hold city departments accountable.

Lack of citywide infrastructure

Effective language access can only be achieved if there are investments in the infrastructure to address needs of all language communities in San Francisco. It includes building a strong language access resource bank, recruiting community interpreters to enroll in training and expanding employment pipelines with city departments, strengthening city staffing and certification and enact affirmative protocols to ensure that public agencies have a strong

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frontline of linguistically competent and culturally adaptive staff to serve non-English speaking constituents.

Key LAN recommendations

Prioritize Community Stakeholdership

LANSF has been working closely with OCEIA to monitor compliance and engage city departments to deliver improved language access services to LEP and monolingual communities (e.g. working through complaint process, developing community leadership to monitor compliance to inform public policy). Our track record demonstrates that improvements to language access are most effective when the city enters into partnership to engage community groups as stakeholders. Community groups are most attuned to the needs of non-English communities and can offer innovative and responsive solutions derived from our deep ties and strong reach with the people we serve.

Initiate Legislative Reform and Oversight

LAO should fully capture and protect the linguistic diversity in San Francisco through amending the threshold, include strengthened enforcement provisions that can include private right of action, fines, or penalties, set forth legislative mandates for compliance, revise uniform citywide standards for evaluation reporting, and establish infrastructural commitments to meet the language access needs identified through audits and legislative oversight hearings.

Conduct Independent Audit tied to Budgetary Earmarks

The City of San Francisco should conduct an independent citywide language access audit via the Controller's office to evaluate the quality, progress, and efficacy of city departments covered under LAO. The audit should inform citywide administrative standards for enforcement that includes community-based organizations in the language access compliance advisory body. Findings should be used by OCEIA to develop compliance plans with specific language access budgetary earmarks for all LAO-covered departments to be in full compliance with LAO within 3 years of the audit.

Establish Uniform Administrative Standards

San Francisco should set forth uniform administrative standards for compliance with language access pertaining to quality control, cultural competency, community engagement, and linguistic diversity as a baseline for all city departments to measure LAO compliance. City agencies must be time bound and demonstrate their budgetary commitment to language access in order to meet these standards and demonstrate compliance.

Adopt Best Practices

San Francisco's language access overhaul should borrow best practices from city departments that are performing well, such as the Assessor Recorder and the Department of Elections, to highlight lessons learned and model language access outcomes as it relates to quality control,

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cultural competency, community engagement, and approach to linguistic diversity. Furthermore, San Francisco can leverage best practices from other states and municipality such as Hawaii and Washington DC on building language access infrastructure and enforcement mechanisms respectively.