



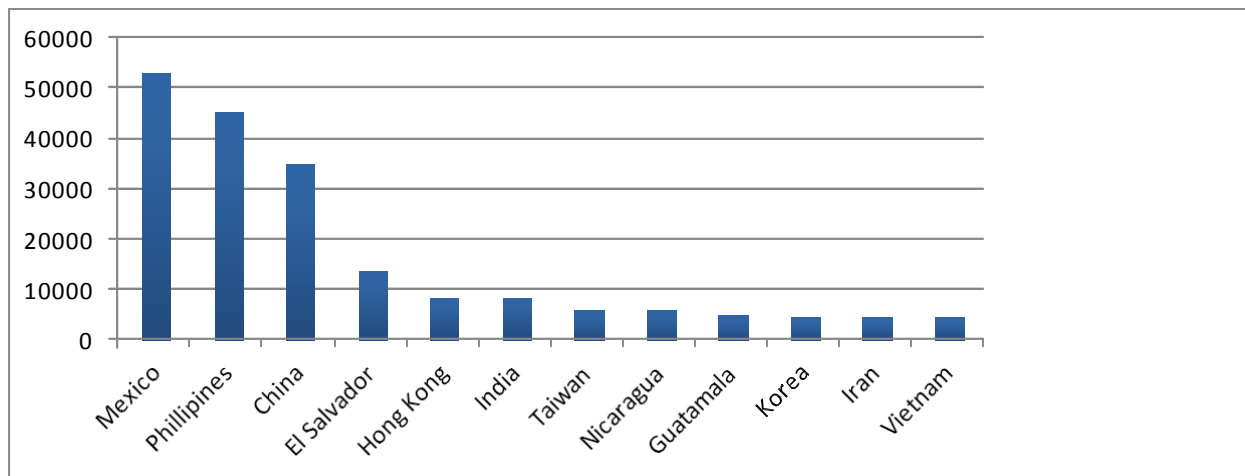
CAN WE TALK? LAW ENFORCEMENT AND OUR MULTILINGUAL COUNTY

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SUMMARY

The law enforcement agencies for the 20 cities and towns located in San Mateo County (County), together with the County Sheriff's Office, have a mandate to safeguard the County's citizens. This mandate has become more difficult to fulfill as demographic changes over the past 20 years have brought into the County an increasing number of people who speak English either poorly or not at all.

The population of the County is linguistically diverse. The 2010 census lists the County's population at 718,451,¹ with 239,225 people indicating a birthplace other than the United States.² Immigrants comprise 33% of the County's total population, which does not include the children of immigrants or undocumented immigrants. Over the past decade, San Mateo County has seen an increase in the Asian population (25%), the Hispanic population (18%) and a decrease in the white population (14%).³ Hispanics represent the largest population (22.1%), followed by Asians (18.3%) and Pacific Islanders (1.4%). The chart below shows the most common country of origin of immigrants to the County, as measured by the number of permanent visas provided.⁴



As part of only the 2000⁵ census, the U.S. Census Bureau gathered English fluency data by asking respondents to rate their ability to speak English on a scale from “very well” to “not at all.” The results indicated that 55% of the County's residents speak English “very well,” 22%

¹ <http://www.bayareacensus.ca.gov/counties/SanMateoCounty.htm> (11/28/2012).

² Ibid.

³ Preliminary Findings from the Assessment of Immigrant Needs in San Mateo County, http://svcgii.sjsu.edu/content/20120126_SMC_Key_Findings.pdf _ pg. 4 (1/28/2013).

⁴ Ibid.

⁵ 2000 data is the most recent as the question was not asked in the 2010 census.

“well,” 16% “not well,” and 7% “not at all.”⁶ This indicates that a minimum of 23% of the County’s residents, or 165,000 people, have some level of difficulty communicating in English.

In light of this problem, the 2012-2013 San Mateo County Civil Grand Jury (Grand Jury) sought to determine how the law enforcement officers of the 20 cities and towns in the County and the County Sheriff’s Office deal with communication obstacles that might prevent them from effectively discharging their duties. The Grand Jury found that both the County’s police departments⁷ and the Sheriff’s Office⁸ are making credible efforts at recruiting, hiring, training, and retaining multilingual officers and support personnel.

The Grand Jury recommends that every policing agency in the County develop a written policy/procedure for language access, subscribe to effective translation services, and actively encourage language training for its personnel.

BACKGROUND

Whether it is a routine vehicle stop or a high-profile homicide investigation, law enforcement officers need to be able to communicate effectively to do their job. The size of the non-English speaking population in the County presents a serious challenge for law enforcement to provide effective policing programs while developing trust and cooperation in the communities they serve. As the number of non-English speakers increases, so does the number of non-English speaking residents who become witnesses to crime and even targets of crime. Because of language difficulties, these crimes may go unreported. Improved communications between officers and citizens can improve upon this situation.

Several laws mandate that law enforcement agencies find ways to overcome language barriers. Under Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq.),⁹ police agencies receiving federal assistance must take reasonable steps to ensure that their services are meaningfully accessible to those who do not speak English well.¹⁰ Additionally, California’s Dymally-Alatorre Bilingual Services Act (Cal. Gov. Code §7290) requires state and local agencies serving a “substantial number of non-English speaking people” to employ a “sufficient number of qualified bilingual staff in public contact positions” and to translate documents explaining available services to their clients’ languages. (See, Appendix A).

Law enforcement agencies operate within a culture of written policies and procedures. Accordingly, written policies and procedures regarding language access would be useful in guiding officers and support personnel on how and when to use language resource services. The Department of Justice Civil Rights Division has created a number of planning tools for law

⁶ U.S. Department of Health and Human Services, <http://www.ahrq.gov/research/iomracereport/reldata4a.htm> (11/29/2012).

⁷ Atherton, Belmont, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Foster City, Hillsborough, Menlo Park, Pacifica, Redwood City, San Bruno, San Mateo, and South San Francisco.

⁸ Includes Half Moon Bay, Millbrae, Portola Valley, San Carlos, and Woodside.

⁹ No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

¹⁰ Overcoming Language Barriers, Solutions For Law Enforcement, pg. 5, www.cops.usdoj.gov (11/28/2012).

enforcement agencies to assist with formulating such policies and procedures.¹¹ Further, the development and implementation of such policies and procedures can demonstrate a department's commitment to ensuring access for residents with limited English skills and combating national origin discrimination.¹²

METHODOLOGY

The Grand Jury collected information from all the law enforcement agencies in the cities and towns in the County, and from the County Sheriff's Office, regarding the level and efficiency of their interactions with non-English speakers in their jurisdictions. The Grand Jury requested these agencies' assessments of the difficulties that language barriers create for both police officers and the public. Additionally, the Grand Jury asked these agencies to supply data regarding multilingual law enforcement officers and support personnel within their jurisdictions, information regarding programs to recruit, hire, train, and retain multilingual personnel, and current written policies/procedures addressing language access.

Interviews

The Grand Jury interviewed patrol officers from several police agencies to determine the actions they take when confronted with a language barrier. The Grand Jury also interviewed personnel from the County's Office of Public Safety Communications (911).

Site Tours

In an emergency, the public often calls 911 as its first choice for obtaining police and medical services. As this is often the public's initial contact point with law enforcement, the Grand Jury sought to determine the linguistic effectiveness of the 911 control center in the County's Office of Public Safety Communications.

Documents

The Grand Jury reviewed the following documents:

- Civil Rights Act of 1964
- Summary of Language Access Laws in California (Appendix A)
- California Government Code Sections 7290-7299.8 (Appendix B)
- Overcoming Language Barriers, Solutions for Law Enforcement¹³
- Enhancing Community Policing with Immigrant Populations¹⁴
- Dymally-Alatorre Bilingual Services Act
- Lexipol Policy 368 (Appendix E)

¹¹ Executive Order 13166 Limited English Proficiency Resource Document: Tips and Tools from the Field, Washington, D.C: U.S. Department of Justice, Civil Rights Division, 2004: <http://www.justice.gov/crt/about/cor/lep/Final%20Tips%20and%20Tools%20Document.%209%2021%2004.pdf> (1/24/2013).

¹² Ibid.

¹³ www.cops.usdoj.gov/Publications/vera_translating_justice_final.pdf (1/9/2013).

¹⁴ www.cops.usdoj.gov/Publications/e04106266-Enhancing-CP-Immigrant-Populations_b.pdf (1/9/2013).

The Grand Jury gathered statistical information from the 2000 and 2010 U.S. Censuses,¹⁵ from various websites dedicated to employment opportunities in law enforcement, and from the websites maintained by the various law enforcement departments in the County.

DISCUSSION

The Grand Jury's investigation revealed widespread awareness among the County's law enforcement agencies regarding the need for more multilingual law enforcement and emergency personnel, particularly those fluent in Spanish. While several communities have as many as 22% of their officers fluent in a second language,¹⁶ two cities (Belmont and Hillsborough) reported no multilingual officers. The departments in these communities must depend on neighboring agencies or non-police employees for their translation needs. Fifteen communities of the 20 surveyed stated their agencies could benefit from additional multilingual officers. (Appendix C) Atherton, Brisbane, Burlingame, Foster City, and Hillsborough stated no additional multilingual officers are currently needed.

The primary concern among the policing agencies is how difficult basic communication is with non-English speakers during an initial contact, which is often during an emergency. When non-English speaking residents are involved, the departments reported that delays were common in obtaining information critical to the resolution of an incident or the investigation of a crime.

911 Calls

As part of the Emergency Telephone Users Surcharge Law,¹⁷ the State of California has mandated that language translation services be available to limited or non-English speakers. A general tax on telephone usage funds the cost for this service.

Under the County Manager's direction the County's 911 center processes emergency calls for the Sheriff's Office, which services the cities of Half Moon Bay, Millbrae, Portola Valley, San Carlos, and Woodside, together with the unincorporated areas of the County. 911 also processes calls for all the fire departments in the County and ambulance dispatch, transit police (BART), Caltrain, and occasional direct calls from the public.¹⁸ As this is generally the first interface the public has with potential assistance, the Grand Jury reviewed the Public Safety Communications departmental policies and procedures when encountering a non-English speaking caller. This review revealed that when necessary, 911 operators can provide translation services for limited or non-English speakers through a service called "Language Line."

Language Line

Language Line is a telephonic service operated by AT&T that enables users to speak through a translator in 98.6% of the world's 6,809 languages, and includes sign language, when a video

¹⁵ <http://quickfacts.census.gov/qfd/states/06/06081.html> (1/30/2013).

¹⁶ See Appendix C.

¹⁷ California State Board of Equalization www.boe.ca.gov/pdf/pub39a.pdf (1/28/2013).

¹⁸ Cities not serviced by the Sheriff's Office have their own 911 operations that, for whatever reason, seldom receive direct calls from the public.

feed is available, and TTY (text telephone) users.¹⁹ A transfer button at all 911 operator workstations accomplishes this quickly. County administrators track the calls to determine the usage of Language Line. 911 Service's internal policies dictate a 30-second processing time for incoming 911 calls. The transfer to Language Line for non-English speakers is occasionally longer than the 30-second goal. However, 911 Service reports a favorable experience with this service.

All, except two (Brisbane and Hillsborough) of the cities' police departments, use Language Line for translation services.²⁰ The patrol officers interviewed indicated that use of Language Line in the field is cumbersome, as officers have to pass a telephone back and forth between the officer and the non-English speaker. The patrol officers preferred using Language Line for follow up investigations when a second telephone line is available.

Patrol Officers in the Field

Patrol officers in the field are resourceful when dealing with language barriers. They initially rely on their dispatchers to identify the language needs of the parties involved. This allows the officer to secure necessary translators while in route to the scene. At the scene, their first resource frequently is family members and neighbors. If additional translation is necessary, the officer can contact multilingual members of their department or neighboring departments for assistance. Officers also report having used web-based smart phone translation applications such as Google Translate on their personal phones.

All law enforcement agencies in the County stated that they actively recruit multilingual officers. Additionally, all responding departments except Brisbane and Colma provide additional compensation to their multilingual officers according to their language proficiency.

Written Language Access Policies

The cities of Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco²¹, and the Sheriff's Office (which services the cities of Half Moon Bay, Millbrae, Portola Valley, San Carlos, Woodside, and the unincorporated areas of the County) provided the Grand Jury with written policies and procedures addressing language access. The Sheriff's Office also recognizes the need for additional efforts, such as including the salary premium information in job postings and assigning multilingual officers to duty areas aligned with their language skills. The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno did not provide any written policies or procedures addressing language access to the Grand Jury and the Grand Jury is not aware that any such policies or procedures exist for those jurisdictions.

¹⁹ http://languageline.com/main/files/Language_List.pdf (1/30/2013).

²⁰ See Appendix C.

²¹ Appendix E www.Lexipol.com (1/24/2013).

POST

The State of California provides continuing education through its Commission on Peace Officers Standards and Training (POST) program. POST offers language classes in Spanish (five proficiency levels) including courses to develop the basic skills needed for an initial interaction with Spanish speakers. The cost for the courses ranges from \$20 to \$350. The skills thus obtained have the potential to minimize language barriers during emergencies with a large percentage of the immigrant population, thereby allowing law enforcement officers to render better service to their communities.

FINDINGS

- F1. The law enforcement agencies in the County are aware of the linguistic issues presented by the County's non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel.
- F2. The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo Sheriff.
- F3. Written policies and procedures, such as those adopted by Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's Office, are useful in guiding law enforcement during encounters with non-English speakers.
- F4. Language Line is helpful in reducing communication difficulties between the immigrant population and law enforcement.
- F5. Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations.
- F6. It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through the POST program.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice²² and customized for California Law by Lexipol in Policy 368 (See, e.g., Appendix E)
- R2. The cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatchers and officers in the field.

²² Overcoming Language Barriers, Solutions For Law Enforcement, Community Oriented Policing Services, U.S. Department of Justice, www.cops.usdoj.gov/Publications/vera_translating_justice_final.pdf (1/9/2013).

- R3. Every County policing agency examine the feasibility of providing smart phones to patrol officers so that they can access free translation services such as Google Translate²³.
- R4. Every County policing agency encourage and financially support participation in POST²⁴ language skills classes.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the Grand Jury requests the following, as applicable, to respond to the foregoing Findings and Recommendations, referring in such responses to the numerical reference thereof:

- San Mateo County Sheriff
- The Town/City Councils of Atherton, Belmont, Brisbane, Burlingame, Colma, Daly City, East Palo Alto, Foster City, Hillsborough, Menlo Park, Pacifica, Redwood City, San Bruno, City of San Mateo, and South San Francisco.

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.
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²³<https://play.google.com/store/apps/details?id...google...apps.translate> (1/24/2013).

²⁴ Ca. Gov. Post, www.post.ca.gov (12/17/2012).

APPENDIX A

SUMMARY OF LANGUAGE ACCESS LAWS IN CALIFORNIA

There are a number of federal, state, and local laws that govern language access for limited-English proficient (LEP) individuals. The following is an overview of the federal, state, and local laws governing language access.

Title VI of the 1964 Civil Rights Act

“No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin by any recipient of federal funding. This obligation applies to all recipients, including government agencies, public educational institutions, nonprofit organizations, private corporations, and other entities. Title VI also applies without regard to the amount of funds received by an entity. Although the law does not define national origin discrimination, courts and regulations have consistently interpreted the provision as requiring linguistically assessable services. This means that agencies that receive federal funds and fail to provide meaningful access for limited English speaking individuals to services can violate Title VI. Title VI also covers private for-profit and nonprofit entities that receive federal funds, including those re-allocated by state or local governments. In the past several years, policies have been put in place at the federal level to provide direction that is more specific to federal recipients regarding their legal duty to provide language-accessible services. In August 2000, President Clinton issued Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency,” requiring federal agencies to develop guidance for federal funding recipients on how to comply with Title VI. The Bush administration has reaffirmed Executive Order 13166, and the U.S. Department of Justice has led a multi-agency effort to issue guidance outlining four factors that a recipient of federal funding should apply in determining its level of obligation to provide access to services for people who are LEP:

1. Number or proportion of LEP persons served. While programs that serve fewer LEP individuals are still required to take reasonable steps to provide meaningful access, the number of LEP individuals expected to be encountered will determine the reasonableness of the efforts.
2. Frequency of contact with LEP persons. The more frequent the need by LEP individuals to access the services, the greater the responsibility to provide meaningful access.
3. Nature and importance of the program. The greater the importance of the program to beneficiaries, the greater the duty to provide access.
4. Resources available and costs. Cost is a legitimate consideration in assessing the reasonableness of particular language access measures, and a smaller recipient of federal funding with limited resources may not have to take the same steps as a larger one.

In balancing these four factors, recipients of federal funding must provide an appropriate level of both oral interpretation and translation of important written documents. More information about

Title VI's language access requirements can be found at the federal government's web site, www.lep.gov. This web site contains:

- Background information about Title VI;
- Executive Order 13166 (requesting federal agencies to develop detailed guidance on enforcing Title VI);
- Guidance for implementing Title VI for over 30 federal agencies;
- Federal implementation and enforcement policies;
- "Know Your Rights" materials;
- "I Speak" Flashcards (flashcard written in 38 languages that can be used to identify the language spoken by individuals who attempt to access services); and
- General resources for providing multilingual services.

Dymally-Alatorre Bilingual Services Act

California's Dymally-Alatorre Bilingual Services Act requires state and local agencies serving a "substantial number of non-English speaking people," to employ a "sufficient number of qualified bilingual staff in public contact positions" and to translate documents explaining available services into their clients' languages. In enacting the law over 30 years ago, the California Legislature recognized that "the effective maintenance and development of a free and democratic society depends on the right and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them." Gov. Code § 7291. Because a substantial number of limited English proficient ("LEP") Californians were unable to effectively utilize government services to which they were entitled, in 1973, the Legislature passed the Dymally-Alatorre Bilingual Services Act (the "Act"). See Gov. Code §§ 7290 et seq. The Bilingual Services Program of the State Personnel Board monitors agency compliance with Dymally-Alatorre and provides guidance to agencies seeking to meet their legal obligations to serve LEP individuals. For more information see, <http://www.spb.ca.gov/bilingual/>

Equal Access to Services Ordinance

San Francisco's Equal Access to Services (EAS) Ordinance, Chapter 91 of the SF Adm. Code, requires covered city departments to make its services accessible in any language spoken by limited English proficient persons who make up either 1) five percent of the population served by the Department, or 2) 10,000 residents citywide. The EAS Ordinance applies to all city departments that provide services to the public and have at least 30 full-time employees. The EAS delineates a range of obligations including, but not limited to: conducting annual language needs assessments, utilizing written and oral language services to ensure individuals have equal access to services regardless of language ability Written Translation. The Ordinance requires City departments that provide extensive public services (enumerated in the Ordinance as "Tier 1" departments), to translate vital governmental documents into the languages spoken by at least 10,000 LEP residents or 5 percent of the clients served by the department.

[Section 91.4.]

At this time, the languages that fall under the broad, citywide 10,000 persons categories are Spanish and Chinese. The seven categories of “vital” documents designated for translation by Tier 1 departments include:

- (1) applications or forms to participate in a Department’s program or activity or to receive its benefits or services;
- (2) written notices of rights to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services, including the right to appeal any Department’s decision;
- (3) written tests that do not assess English language competency, but test competency for a particular license or skill for which knowledge of written English is not required;
- (4) notices advising limited English-proficient persons of free language assistance;
- (5) materials explaining a Department’s services or programs;
- (6) complaint forms; and
- (7) any other written documents that have the potential for important consequences for an individual seeking services from or participating in a program of a city department.

Oral Language Services

The ordinance requires each City department with at least 30 full-time employees to provide information and services to the public not only in English, but also in the languages spoken by at least 10,000 LEP residents or 5 percent of the clients served by the department.

[Section 91.3.]

Again, the languages that fall under the citywide threshold are Spanish and Chinese (specifically Cantonese). Also, a local office of a City department that provides direct services to the public and serves as the workplace for 5 or more full-time City employees must additionally provide information and services to the public in the languages spoken by at least 5 percent of the population of the supervisorial district in which the facility is located or at least 5 percent of the clients served by the local office, when either of those constituencies is LEP and shares a primary language other than English.

[Section 91.3.]

In order to comply with the spoken language component of the Ordinance, departments must utilize sufficient numbers of bilingual staff in public contact positions (made vacant by retirement or attrition – no existing employee would be dismissed to implement this ordinance). A public contact position is defined in the ordinance as “a position in which a primary job responsibility consists of meeting, contacting, and dealing with the public in the performance of the duties of that position.”

[Section 91.2(i).]

The standard for determining whether departments comply with this "Tier 1 Departments" include the following:

Adult Probation Department, Department of Consumer Assurance,

Department of Elections, Department of Human Services, Department of Parking and Traffic, Department of Public Health, Department of Public Transportation, District Attorney's Office, Emergency Communications Department, Fire Department, Juvenile Probation Department, Police Department, Public Defender's Office, Department of Aging and Adult Services, Rent Stabilization and Arbitration Board, and Sheriff's Office requirement of the Ordinance is whether they “provide the same level of service to Limited English Speaking Persons as they provide English speakers.”

[Section 91.3(a).]

The Ordinance may require the use of other means (such as language translation telephone lines) to communicate with the public in non-English languages in order to supplement bilingual staffing.

Monitoring

Individual departments and the city’s Immigrant Rights Commission are charged with monitoring compliance with the EAS. Departments must submit annual compliance plans by February 1. Amongst other items, the plans must include

- The number and percentage of LEP individuals who actually use the Department’s services citywide, listed by language.
- The number and percentage of LEP residents of each district in which a covered departmental facility is located and persons who use the services provided by such facility.
- The number of public contact positions in the Department.
- The number of bilingual employees in public contact positions, their titles, office locations, the languages other than English that the person speaks.
- A description of any telephone based interpretation services offered, including the number of times such services were used and that languages for which they were used.
- A narrative assessment of the procedures used to facilitate communications with LEP individuals.
- A numerical assessment of the number of bilingual employees in public contact positions needed to meet the requirements of the EAS.
- A list of the Department’s written materials required to be translated under the EAS.
- A description of procedures for accepting and resolving complaints of an alleged violation of the EAS.

APPENDIX B

GOVERNMENT CODE SECTION 7290-7299.8

7290. This chapter may be known and cited as the Dymally-Alatorre Bilingual Services Act.

7291. The Legislature hereby finds and declares that the effective maintenance and development of a free and democratic society depends on the right and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them.

The Legislature further finds and declares that substantial numbers of persons who live, work and pay taxes in this state are unable, either because they do not speak or write English at all, or because their primary language is other than English, effectively to communicate with their government. The Legislature further finds and declares that state and local agency employees frequently are unable to communicate with persons requiring their services because of this language barrier. Therefore, substantial numbers of persons presently are being denied rights and benefits to which they would otherwise, be entitled.

It is the intention of the Legislature in enacting this chapter to provide for effective communication between all levels of government in this state and the people of this state who are precluded from utilizing public services because of language barriers.

7292. (a) Every state agency, as defined in Section 11000, except the State Compensation Insurance Fund, directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-English-speaking person.

(b) For the purposes of this chapter, the furnishing of information or rendering of services includes, but is not limited to, providing public safety, protection, or prevention, administering state benefits, implementing public programs, managing public resources or facilities, holding public hearings, and engaging in any other state program or activity that involves public contact.

7293. Every local public agency, as defined in Section 54951, serving a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public

contact positions or as interpreters to assist those in such positions, to ensure provision of information and services in the language of the non-English-speaking person. The determination of what constitutes a substantial number of non-English-speaking people and a sufficient number of qualified bilingual persons shall be made by the local agency.

7294. An employee of a state or local agency, as defined by Sections 11000 and 54951, may not be dismissed to carry out the purposes of this chapter. A state or local public agency need only implement this chapter by filling employee public contact positions made vacant by retirement or normal attrition.

7295. Any materials explaining services available to the public shall be translated into any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. The determination of when these materials are necessary when dealing with local agencies shall be left to the discretion of the local agency.

7295.2. Every state agency that serves a substantial number of non-English-speaking people, and which provides materials in English explaining services, shall also provide the same type of materials in any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. This section shall not be interpreted to require verbatim translations of any materials provided in English by a state agency.

7295.4. Whenever a state agency finds that the factors listed in both subdivisions (a) and (c) or (b) and (c) exist, it shall distribute the applicable written materials in the appropriate non-English language through its local offices or facilities to non-English-speaking persons, or, as an alternative, the state agency may instead elect to furnish translation aids, translation guides, or provide assistance, through use of a qualified bilingual person, at its local offices or facilities in completing English forms or questionnaires and in understanding English forms, letters, or notices:

(a) The written materials, whether forms, applications, questionnaires, letters, or notices solicit or require the furnishing

of information from an individual or provide that individual with information.

(b) The information solicited, required, or furnished affects or may affect the individual's rights, duties, or privileges with regard to that agency's services or benefits.

(c) The local office or facility of the agency with which the individual is dealing, serves a substantial number of non-English-speaking persons.

7296. (a) As used in this chapter, a "qualified bilingual person," "qualified bilingual employee," or "qualified interpreter" is a person who is proficient in both the English language and the non-English language to be used. For any state agency, "qualified" means one of the following:

(1) A bilingual person or employee who the State Personnel Board has tested and certified as proficient in the ability to understand and convey in English and a non-English language commonly used terms and ideas, including terms and ideas regularly used in state government.

(2) A bilingual employee who was tested and certified by a state agency or other testing authority approved by the State Personnel Board as proficient in the ability to understand and convey in English and a non-English language commonly used terms and ideas, including terms and ideas regularly used in state government.

(3) An interpreter who has met the testing or certification standards established by the State Personnel Board for outside or contract interpreters, as proficient in the ability to communicate commonly used terms and ideas between the English language and the non-English language to be used and has knowledge of basic interpreter practices, including, but not limited to, confidentiality, neutrality, accuracy, completeness, and transparency.

(b) The determination of what constitutes "qualified" for local agencies, shall be left to the discretion of the local agency.

7296.2. As used in Sections 7292 and 7295.2, a "substantial number of non-English-speaking people" are members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise 5 percent or more of the people served by any local office or facility of a state agency.

7296.4. As used in Section 7292, "a sufficient number of qualified bilingual persons in public contact positions" is the number required to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking these

services. However, where the local office or facility of the state employs the equivalent of 25 or fewer regular, full-time employees, it shall constitute compliance with the requirements of this chapter if a sufficient number of qualified bilingual persons are employed in public contact positions, or as qualified interpreters to assist those in those positions, to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking the services from the office or facility.

7297. As used in this chapter, a "public contact position" is a position determined by the agency to be one which emphasizes the ability to meet, contact and deal with the public in the performance of the agency's functions.

7298. The provisions of this chapter are not applicable to school districts, county boards of education, or the office of a county superintendent of schools.

7299. The provisions of this act shall be implemented to the extent that local, state or federal funds are available, and to the extent permissible under federal law and the provisions of civil service law governing the state and local agencies.

7299.1. State agencies may, utilizing existing funds, contract for telephone-based interpretation services in addition to employing qualified bilingual persons in public contact positions.

7299.2. The State Personnel Board shall be responsible for informing state agencies of their responsibilities under this chapter and providing state agencies with technical assistance, upon request on a reimbursable basis.

7299.4. (a) Notwithstanding any other provision in this chapter, each state agency shall conduct an assessment, develop, and update an implementation plan that complies with the requirements of this chapter.

(b) Each agency shall conduct a survey of each of its local offices every two years to determine all of the following:

- (1) The number of public contact positions in each local office.
- (2) The number of qualified bilingual employees in public contact positions in each local office, and the languages they speak, other than English.
- (3) The number and percentage of non-English-speaking people served by each local office, broken down by native language.
- (4) The number of anticipated vacancies in public contact positions.

(5) Whether the use of other available options, including contracted telephone-based interpretation services, in addition to qualified bilingual persons in public contact positions, is serving the language needs of the people served by the agency.

(6) A list of all written materials that are required to be translated or otherwise made accessible to non- or limited-English-speaking individuals by Sections 7295.2 and 7295.4.

(7) A list of materials identified in paragraph (6) that have been translated and languages into which they have been translated.

(8) The number of additional qualified bilingual public contact staff, if any, needed at each local office to comply with this chapter.

(9) Any other relevant information requested by the State Personnel Board.

(c) Each agency shall calculate the percentage of non-English-speaking people served by each local office by rounding the percentage arrived at to the nearest whole percentage point.

The survey results shall be reported on forms provided by the State Personnel Board, and delivered to the board not later than October 1 of every even-numbered year beginning with 2008.

(d) Beginning in 2009 and in every odd-numbered year thereafter, each state agency shall develop an implementation plan that, at a minimum, addresses all of the following:

(1) The name, position, and contact information of the employee designated by the agency to be responsible for overseeing implementation of the plan.

(2) A description of the agency's procedures for identifying written materials that need to be translated.

(3) A description of the agency's procedures for identifying language needs at local offices and assigning qualified bilingual staff.

(4) A description of how the agency recruits qualified bilingual staff.

(5) A description of any training the agency provides to its staff on the provision of services to non- or limited-English-speaking individuals.

(6) A detailed description of how the agency plans to address any deficiencies in meeting the requirements of this chapter, including, but not limited to, the failure to translate written materials or employ sufficient numbers of qualified bilingual employees in public contact positions at local offices, the proposed actions to be taken to address the deficiencies, and the proposed dates by when the deficiencies can be remedied.

(7) A description of the agency's procedures for accepting and resolving complaints of an alleged violation of this chapter.

(8) A description of how the agency complies with any federal or

other state laws that require the provision of linguistically accessible services to the public.

(9) Any other relevant information requested by the State Personnel Board.

(e) In developing its implementation plan in 2003, each state agency may rely upon data gathered from its 2002 survey.

(f) Each state agency shall submit its implementation plan to the State Personnel Board no later than October 1 of each applicable year. The board shall review each plan, and, if it determines that the plan fails to address the identified deficiencies, the board shall order the agency to supplement or make changes to its plan. A state agency that has been determined to be deficient shall report to the State Personnel Board every six months on its progress in addressing the identified deficiencies.

(g) If the board determines that a state agency has not made reasonable progress toward complying with this chapter, the board may issue orders that it deems appropriate to effectuate the purposes of this chapter.

7299.5. The State Personnel Board may exempt state agencies from the requirements of Section 7299.4, where the State Personnel Board determines that any of the following conditions apply:

(a) The agency's primary mission does not include responsibility for furnishing information or rendering services to the public.

(b) The agency has consistently received such limited public contact with the non-English-speaking public that it has not been required to employ bilingual staff under Section 7292 and the agency employs fewer than the equivalent of 25 full-time employees in public contact positions.

In order to receive an exemption, each state agency shall annually petition the State Personnel Board for the exemption and receive approval in writing by the date established by the board. An agency may receive an exemption for up to five consecutive surveys or implementation plans, if it demonstrates that it meets the requirements of subdivision (a) or (b), and provides all required documentation to the State Personnel Board.

7299.6. The State Personnel Board shall review the results of the surveys and implementation plans required to be made by Section 7299.4, compile this data, and provide a report to the Legislature every two years. The report shall identify significant problems or deficiencies and propose solutions where warranted.

7299.8. It is not the intent of the Legislature in enacting this chapter to prohibit the establishment of bilingual positions, or printing of materials, or use of qualified interpreters, where less

than 5 percent of the people served do not speak English or are unable to communicate effectively, as determined appropriate by the state or local agency. It is not the intent of the Legislature in enacting this chapter to require that all public contact positions be filled with qualified bilingual persons.

Appendix C

Survey Results

Does your law enforcement department have a significant number of interactions with non-English speakers?

Yes	No
Atherton	Brisbane
Belmont	Burlingame
Colma	Hillsborough
Daly City	Pacifica
East Palo Alto	
Foster City	
Menlo Park	
San Bruno	
City of San Mateo	
San Mateo Sheriff*	
South San Francisco	

What language(s) in addition to English is spoken by a significant number of people with whom your department has interaction?

Spanish – 19
None – 1(Hillsborough)

What number and percentage of your law enforcement officers are fluent in each of the languages listed?

Atherton = 1 officer, 2 dispatchers
Belmont = 0%
Brisbane = 18%
Burlingame = 8%
Colma = 20%
Daly City = 10%
East Palo Alto = 12%
Foster City = 16%
Hillsborough = 0%
Menlo Park = 8%
Pacifica = 15%
Redwood City = 16%
San Bruno = 22%
City of San Mateo = 10%
San Mateo Sheriff = 14%
South San Francisco = 10%

*Includes Half Moon Bay, Millbrae, Portola Valley, San Carlos, Woodside, and the unincorporated areas of the County.

Do you consider that you have a sufficient number of multilingual officers?

Yes	No
Atherton	Belmont
Brisbane	Colma
Burlingame	Daly City
Foster City	East Palo Alto
Hillsborough	Menlo Park
	Pacifica
	Redwood City
	City of San Mateo
	San Bruno
	San Mateo Sheriff*
	South San Francisco

What issues do non-English speakers present to your department?

Communication and accurate reporting = 16
None = 4

Does your department have a stated policy and/or an active program addressing the recruiting, hiring and retention of multilingual officers and does your department have written policy/procedures when encountering a non-English speaker?

Yes	No
Belmont	Atherton
Brisbane	Colma
Burlingame	Daly City
Foster City	East Palo Alto
Menlo Park	Hillsborough
San Mateo	Pacifica
San Mateo Sheriff*	San Bruno
South San Francisco	Redwood City

Are multilingual police officers paid a premium?

Yes	No
Atherton = 5%	Brisbane
Belmont = 5%	Colma
Burlingame = 5%	
Daly City = \$30 per pay period	
East Palo Alto = \$100 per month	
Foster City = \$75 per month	
Hillsborough = 5%	
Menlo Park = \$75 per pay period	
Pacifica = \$373 per month	
Redwood City = 2.5%-5% relative to proficiency	
San Bruno = 2.5% relative to proficiency	
City of San Mateo = \$181.96 bi-weekly	
San Mateo Sheriff* = \$42.50 bi-weekly	
South San Francisco = 5% relative to proficiency	

Does your jurisdiction have in-house translators for police business?

Yes	No
Atherton	Belmont
Burlingame	Brisbane
Daly City	Colma
East Palo Alto	Foster City
Hillsborough	Pacifica
Menlo Park	
Redwood City	
San Bruno	
City of San Mateo	
San Mateo Sheriff*	
South San Francisco	

Does your city use outside vendors for translating? Who are those vendors?

Yes	No
<i>Language Line</i>	
Atherton	Brisbane
Belmont	Hillsborough
Burlingame	
Colma	
Daly City	
East Palo Alto	
Foster City	
Menlo Park	
Pacifica	
Redwood City	
San Bruno	
City of San Mateo	
San Mateo Sheriff*	
South San Francisco	

Appendix D - Example



Menlo Park Police Department Policy Manual

Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - Any employee who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his/her skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the specialized skills necessary to interpret between two languages effectively. In order to be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence to do so. For purposes of this policy, employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may be used.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English Proficient (LEP) - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: An individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages department personnel could encounter, the Department will utilize the four-factor analysis outlined in the Department of Justice *LEP Guidance to Federal Financial Assistance Recipients* available at the DOJ [website](#) in determining which measures will provide reasonable and meaningful access to

Limited English Proficiency Services - 183

Adopted: 2012/09/26 © 1995-2012 Lexipol, LLC

Issued: March 20, 2013



COUNTY OF SAN MATEO

Office of the Sheriff

GREG MUNKS
SHERIFF

CARLOS G. BOLANOS
UNDERSHERIFF

TRISHA L. SANCHEZ
ASSISTANT SHERIFF

400 COUNTY CENTER ◻ REDWOOD CITY ◻ CALIFORNIA 94063-1662 ◻ TELEPHONE (650) 599-1664 ◻ www.smcsheriff.com

ADDRESS ALL COMMUNICATIONS TO THE SHERIFF

May 6, 2013

Via E-Mail: grandjury@sanmateocourt.org

Hon. Richard C. Livermore
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

Re: Grand Jury Report: "Can We Talk? Law Enforcement and Our Multilingual County"

Honorable Judge Livermore,

Please accept this correspondence as the response of the San Mateo County Sheriff's Office to the Findings and Recommendations contained within the 2012-2013 Grand Jury Report filed on March 20, 2013.

Response to Findings

Finding 1:

The law enforcement agencies in the County are aware of the linguistic issues presented by the County's non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel.

The respondent agrees with the finding.

Finding 2:

The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo Sheriff.

The respondent agrees with the finding.

Finding 3:

Written policies and procedures, such as those adopted by Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's Office, are useful in guiding law enforcement during encounters with non-English speakers.

The respondent agrees with the finding.

Finding 4:

Language Line is helpful in reducing communication difficulties between the immigrant population and law enforcement.

The respondent agrees with the finding

Finding 5:

Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations.

The respondent agrees with the finding

Finding 6:

It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through the POST program

The respondent agrees with the finding

Response to Recommendations

Recommendation 1:

The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice and customized for California Law by Lexipol in Policy 368.

No Sheriff's Office action recommended.

Recommendation 2:

The cities of Brisbane and Hillsborough subscribe to a telephone translation service that provides immediate access for dispatchers and officers in the field.

No Sheriff's Office action recommended.

Recommendation 3:

Every County policing agency examine the feasibility of providing smart phones to patrol officers so that they can access free translation services such as Google Translate.

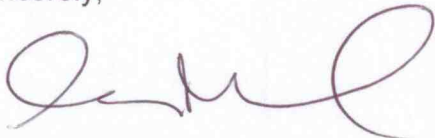
The recommendation requires further analysis. The time frame for this analysis shall not exceed six months from the publication of the Grand Jury Report.

Recommendation 4:

Every County policing agency encourage and financially support participation in POST language skills classes.

The recommendation requires further analysis. The time frame for this analysis shall not exceed six months from the publication of the Grand Jury Report.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Greg Munks', written in a cursive style.

Greg Munks
San Mateo County Sheriff

GAM:eb



JUN 05 2013

RCJ

Town of Atherton

91 Ashfield Road
Atherton, California 94027
Phone: (650) 752-0500
Fax: (650) 614-1212

May 22, 2013

Honorable Richard C. Livermore
Judge of the Superior Court
Hall of Justice
400 County Center; 2th Floor
Redwood City, CA 94063-1655

Re: The 2012-2013 San Mateo County Grand Jury report, "Can We Talk?
Law Enforcement and Our Multilingual County."

Dear Honorable Livermore:

The Atherton City Council wishes to thank the 2012-2013 San Mateo County Grand Jury for their research and thoughtful analysis into the challenges faced by law enforcement in policing an ethnically diverse and multilingual county.

Findings

The Town agrees with all of the Grand Jury's findings, F1 thru F6 on pages 6 and 7.

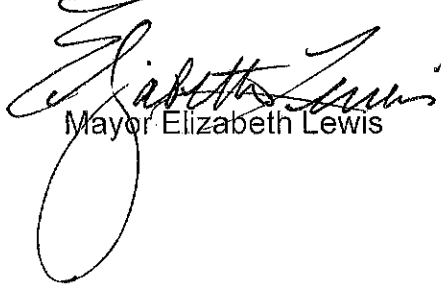
Recommendations

- R1. The Atherton Police Department adopted the Lexipol Policy Manual several years ago, which includes Policy 368, Limited English Proficiency Services.
- R2. N/A
- R3. The Atherton Police Department is exploring the feasibility of providing smart phones or other personal communication devices to patrol officers in the FY 2013-2014 budget cycle.
- R4. The Atherton Police Department has participated in Alejandra Gomez's, Spanish Speaking for Law Enforcement courses and has POST approved Tactical Spanish for Law Enforcement Officers courses on disks available to all staff.

On behalf of the Atherton City Council, I appreciate the efforts the Grand Jury

has made exploring the issues of policing in a multilingual community. Your efforts have and will contribute to more effective communications with LEP individuals.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Elizabeth Lewis". The signature is fluid and cursive, with a large loop at the end of the last name.

Mayor Elizabeth Lewis



BELMONT POLICE DEPARTMENT
BELMONT, CALIFORNIA

DANIEL J. DESMIDT
CHIEF OF POLICE

June 11, 2013

The Honorable Richard C. Livermore
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

Re: Response to Grand Jury Report regarding Law Enforcement and Our Multilingual County

Dear Judge Livermore:

We are in receipt of the Grand Jury's report entitled "Can we talk? Law Enforcement and our Multilingual County." Pursuant to your request for response, the Belmont City Council held a public meeting on June 11, 2013 and approved this response. The City of Belmont responds to the Grand Jury's findings and recommends as follows:

Findings

- F1. The law enforcement agencies in the County are aware of the linguistic issues presented by the County's non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel.**

The City of Belmont agrees with this finding.

- F2. The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo Sheriff.**

The City of Belmont holds insufficient data to affirm or deny this finding.

- F3. Written policies and procedures, such as those adopted by Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's Office, are useful in guiding law enforcement during encounters with non-English speakers.**

The City of Belmont agrees with this finding.

- F4. Language Line is helpful in reducing communication difficulties between the immigrant population and law enforcement.**

The City of Belmont agrees with this finding.

F5. Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations.

The City of Belmont agrees with this finding in concept, however our staff has had insufficient experience with these services to affirm or deny this finding.

F6. It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through the POST program.

The City of Belmont agrees with this finding.

Recommendations

R1. The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice²² and customized for California Law by Lexipol in Policy 368.

This recommendation was not directed to the City of Belmont.

R2. The cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatchers and officers in the field.

This recommendation was not directed to the City of Belmont.

R3. Every County policing agency examine the feasibility of providing smart phones to patrol officers so that they can access free translation services such as Google Translate.

The City of Belmont agrees with this recommendation in concept. While it is not fiscally reasonable to provide a smart phone to patrol officers, the City of Belmont equips each patrol vehicle with a computer that has access to the internet and Google Translate and other free translation services.

R4. Every County policing agency encourage and financially support participation in POST language skills classes.

The City of Belmont agrees with this recommendation. The City of Belmont provides staff with training that meets or exceeds the training standards set by the State of California Peace Officer Standards and Training (POST) guidelines.

Respectfully Submitted,



Daniel J. DeSmidt
Chief of Police

CITY OF BRISBANE
POLICE DEPARTMENT



ELIZABETH MACIAS
CHIEF OF POLICE

June 3, 2013

Honorable Richard C. Livermore
Judge of the Superior Court
c/o Charlene Kresevich
400 County Center, 2nd floor
Redwood City, CA 94063

Re: Response to Grand Jury Report – “Can We Talk? Law Enforcement and Our Multilingual County.”

Dear Honorable Richard Livermore:

This letter is in response to the 2012/13 Grand Jury report of March 20, 2013. The report identifies certain findings and recommendations, and requests that the City Council respond in writing to those findings no later than June 18, 2013. The City Council has approved the below recommendation at their meeting on June 3, 2013.

The City of Brisbane responds to the Grand Jury’s report as follows:

Findings:

1. The law enforcement agencies in the County are aware of the linguistic issues presented by the County’s non-English speaking population and, in general, have responded well by implementing policies for language access and instituting hiring procedures designed to recruit multilingual personnel.

Response: The City of Brisbane agrees with this finding.

2. The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo County Sheriff’s Office.

Response: The City of Brisbane agrees with this finding. San Mateo Police Department Dispatch, who dispatches for the City of Brisbane, utilizes the same “language line” as the San Mateo County Sheriff’s as do other dispatch centers in the county.

3. Written policies and procedures, such as those adopted by, Brisbane, Belmont, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's office, are useful in guiding law enforcement during encounters with non-English speakers.

Response: The City of Brisbane agrees with this finding.

4. Language Line is helpful in reducing communication difficulties between the non-English speaking population and law enforcement.

Response: The City of Brisbane agrees with this finding.

5. Alternative language translation services such as Google Translate, accessible by Smart phones in the field are useful in multilingual law enforcement situations.

Response: The City of Brisbane agrees with this finding.

6. It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through POST.

Response: The City of Brisbane agrees with this finding.

RECOMMENDATIONS

The Grand Jury recommends to the City Council's of San Mateo County that:

1. The Cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice and customized for California Law by Lexipol in Policy 368.

Response: Not applicable to Brisbane. The Brisbane Police Department currently has Lexipol Policy 368 "Limited English Proficiency Services" in effect, and that policy was used as an example in the attached Grand Jury Report.

2. The Cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatchers and officers in the field.

Response: The Brisbane Police Department does not directly subscribe to the telephonic translation service but it is available through the San Mateo Police Department, from whom we contract our dispatch from, so our officers do have access to this service.

3. Every County policing agency examines the feasibility of providing smart phones to patrol officers so that they can access free translation services as Google Translate.

Response: Not applicable to Brisbane. We currently provide smart phones to the officers on duty and every patrol car is also outfitted with a Mobile Data Terminal (MDT) which has immediate access to the internet. So either by smart phone or the Mobile Data Terminal, the Brisbane Police Department makes it possible for officers out on the field to access the Google Translate when needed .

4. Every County policing agency encourages and financially supports participation in POST language skills classes.

Response: The City of Brisbane would certainly support POST by sending officers to language skills classes as needed.

Thank you for the opportunity to comment on the recommendations made by the Grand Jury.

Sincerely,



Elizabeth Macias
Chief of Police



ANN KEIGHRAN, MAYOR
MICHAEL BROWNRIGG, VICE MAYOR
CATHY BAYLOCK
TERRY NAGEL
JERRY DEAL

The City of Burlingame

CITY HALL — 501 PRIMROSE ROAD
BURLINGAME, CALIFORNIA 94010-3997

TEL: (650) 558-7200
FAX: (650) 342-8386
www.burlingame.org

May 6, 2013

The Honorable Richard C. Livermore
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063

Re: Response to San Mateo County Civil Grand Jury report titled; “Can We Talk? Law Enforcement and Our Multilingual County”

Dear Judge Livermore:

The Burlingame City Council received the San Mateo County Civil Grand Jury report titled “Can We Talk? Law Enforcement and Our Multilingual County,” on March 22, 2013. The report contained several “findings” and “recommendations.”

The City Council was requested to submit comments in regards to the findings and recommendations within 90 days, and no later than June 18, 2013.

For the “findings,” the City Council was to indicate one of the following:

1. The City Council agrees with the finding.
2. The City Council disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons therefore.

Additionally, for the Grand Jury’s “recommendations,” the City Council was requested to report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

The Honorable Richard C. Livermore

May 6, 2013

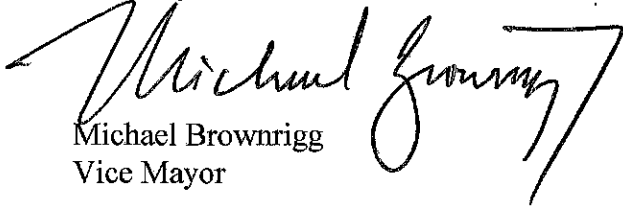
Page 2

3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

The Burlingame City Council, at its meeting on Monday, May 6, 2013, approved the attached responses to the findings and recommendations.

On behalf of the City of Burlingame, I would like to thank the Grand Jury for their work on this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Brownrigg". The signature is stylized with a large, sweeping initial "M" and a long, horizontal stroke at the end.

Michael Brownrigg
Vice Mayor

Findings:

1. *The law enforcement agencies in the County are aware of the linguistic issues presented by the County's non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel.*

Response: The City of Burlingame agrees with the finding.

2. *The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo Sheriff.*

Response: The City of Burlingame agrees with the finding.

3. *Written policies and procedures, such as those adopted by Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's Office, are useful in guiding law enforcement during encounters with non-English speakers.*

Response: The City of Burlingame agrees with the finding.

4. *Language Line is helpful in reducing communication difficulties between the immigrant population and law enforcement.*

Response: The City of Burlingame agrees with the finding.

5. *Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations.*

Response: The City of Burlingame agrees with the finding.

6. *It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through the POST Program.*

Response: The City of Burlingame agrees with the finding.

Recommendations:

1. *The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice and customized for California Law by Lexipol in Policy 368.*

Response: This recommendation was not directed at the City of Burlingame.

2. *The cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatchers and officers in the field.*

Response: This recommendation was not directed at the City of Burlingame.

3. *Every County policing agency examine the feasibility of providing smart phones to patrol officers so that they can access free translation services such as Google Translate.*

Response: The recommendation will not be implemented because it is not warranted or reasonable. The City of Burlingame provides a computer in each patrol car that has access to the internet and Google Translate and other free translation services.

4. *Every County policing agency encourage and financially support participation in POST language skills classes.*

Response: This recommendation has been implemented.



TOWN OF COLMA

1198 El Camino Real • Colma, California • 94014-3212
Tel 650-997-8300 • Fax 650-997-8308

June 12, 2013

City Council

Joanne F. del Rosario
Mayor

Joseph Silva
Vice Mayor

Diana Colvin
Council Member

Helen Fiscaro
Council Member

Raquel Gonzalez
Council Member

City Treasurer

Laura Walsh

City Officials

Laura Allen
City Manager

Jon Read
Chief of Police

Roger Peters
City Attorney

Cyrus Kianpour
City Engineer

Brad Donohue
Public Works Director

Michael Laughlin, AICP
City Planner

Brian Dossey
Director of Recreation
Services

Lori Burns
Human Resources Manager

The Honorable Richard C. Livermore
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655

Re: Grand Jury Report: "Can We Talk? Law Enforcement and Our Multilingual County"

Dear Judge Livermore:

The Colma City Council received the San Mateo County Civil Grand Jury report titled "Can We Talk? Law Enforcement and Our Multilingual County" in mid-March 2013. The report contained several "findings" and "recommendations."

The Town was requested to submit comments in regards to the findings and recommendations within 90 days and no later than June 18, 2013.

For the "findings," the Town was to indicate one of the following:

1. The respondent agrees with the finding.
2. The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons therefore.

Additionally, as to each Grand Jury "recommendations," the Town was requested to report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.

4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

The following response to the Grand Jury Report was approved by the Colma City Council, at its meeting on Wednesday, June 12, 2013.

FINDINGS:

1. In response to the "findings," the respondent agrees with all six of the findings outlined in the Grand Jury Report.

RECOMMENDATIONS:

The Grand Jury recommends that:

R1. The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice²² and customized for California Law by Lexipol in Policy 368 (See, e.g., Appendix E)

Action Taken: This recommendation has already been implemented. The Town of Colma contracts with Lexipol and Policy 368 has been part of our standard operating procedure since 2010.

R2. The cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatchers and officers in the field.

Action Taken: None. This recommendation does not apply to Colma.

R3. Every County policing agency examines the feasibility of providing smart phones to patrol officers so that they can access free translation services such as Google Translate.

Action Taken: This recommendation has already been implemented. The on-duty supervisor is assigned a smart phone that can be used by patrol officers to access translations services when needed.

R4. Every County policing agency encourages and financially supports participation in POST language skills classes.

Action Taken: The recommendation has already been implemented. Providing on-going training is a high priority and language skills classes are encouraged by management when offered by POST. 1/3rd of Colma's patrol staff is bilingual.

On behalf of the Town of Colma, I would like to thank the Grand Jury for their work on this report.

Sincerely,



Joanne del Rosario
Mayor



**OFFICE OF THE MAYOR
CITY OF DALY CITY**

333 - 90TH STREET
DALY CITY, CA 94015-1895
(650) 991-8125

June 11, 2013

Honorable Richard C. Livermore
Presiding Judge of the Superior Court
c/o Charlene Kresevich
San Mateo County Hall of Justice
400 County Center
Redwood City, CA 94063

Subject: 2012/2013 San Mateo County Civil Grand Jury Report: Can we talk? Law Enforcement and Our Multilingual County

Dear Judge Livermore,

On behalf of the City Council of Daly City, I have been requested to submit for the City the following responses to the Civil Grand Jury findings and recommendations pertaining to the above referenced report:

FINDINGS

F1. The law enforcement agencies in the County are aware of the linguistic issues presented by the County's non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel.

Response: The City agrees with this finding.

F2. The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo County Sheriff.

Response: The City neither agrees nor disagrees with this finding.

- F3. Written policies and procedures, such as those adopted by Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's Office, are useful in guiding law enforcement during encounters with non-English speakers.

Response: The City agrees with this finding.

- F4. Language Line is helpful in reducing communication difficulties between the immigrant population and law enforcement.

Response: The City agrees with this finding.

- F5. Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations.

Response: The City neither agrees nor disagrees with this finding.

- F6. It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through the POST program.

Response: The City neither agrees nor disagrees with this finding.

RECOMMENDATIONS

- R1. The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice and customized for California Law by Lexipol in Policy 368.

Response:

The City agrees with the Grand Jury recommendation and is in the process of reviewing in anticipation of adopting the same 'Lexipol Policy #368 Limited English Proficiency Services' attached to this Grand Jury report.

- R2. The cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatchers and officers in the field.

Response:

The City neither agrees nor disagrees with the Grand Jury recommendation as it only applies to the cities of Brisbane and Hillsborough.

- R3. Every County policing agency examine the feasibility of providing smart phones to patrol officers so that they can access free translation services such as Google Translate.

Response:

The City agrees with the Grand Jury recommendation and is willing to explore the feasibility of providing smart phones to our Patrol Officers, but this may be cost prohibitive based on the number of Patrol Officers in Daly City.

- R4. Every County policing agency encourage and financially support participation in POST language skills classes.

Response:

The City agrees with the Grand Jury recommendation and is already implementing by sending Police Officers to POST language skills classes, and will continue doing so in the future as the classes are offered.

The City of Daly City appreciates the opportunity to provide written responses to the San Mateo County Civil Grand Jury Report on Law Enforcement and Our Multilingual County. The City Council of Daly City approved the responses contained herein on June 10, 2013.

Should you or the Grand Jury require any additional information, please contact me directly at (650) 991-8127.

Very truly yours,



Patricia E. Martel
City Manager



CITY OF EAST PALO ALTO

Ruben Abrica, Mayor
David Woods, Vice
Mayor

Council Members
Lisa Gauthier
Laura Martinez
Larry Moody

City Manager
Magda González

July 3, 2013

Honorable Richard C. Livermore
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

also: grandjury@sanmateocourt.org

Re: March 20, 2013 San Mateo County Civil Grand Jury Report on Law Enforcement in Our Multilingual County

Honorable Judge Livermore:

On July 2, 2013, at its duly noticed regular meeting, the City Council of the City of East Palo Alto considered its formal response to the March 20, 2013 San Mateo County Civil Grand Jury Report entitled "Can We Talk? Law Enforcement in Our Multilingual County." The following represents the City's formal response to that Civil Grand Jury Report. We apologize for the delay in our response, but our Police Chief's father has been gravely ill and recently passed away.

Findings

FI. The law enforcement agencies in the County are aware of the linguistic issues presented by the County's non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel.

Response 1: *East Palo Alto agrees with this Finding.*

F2. The 911 Service does a good job for the non-English speakers in the communities served by the San Mateo Sheriff.

Response 2: *East Palo Alto agrees with this Finding. It should be noted that East Palo Alto currently contracts with the County Communications Division for Dispatch Services. This was not noted in the Grand Jury Report.*

F3. Written policies and procedures, such as those adopted by Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's Office are useful in guiding law enforcement during encounters with non-English speakers.

Response 3: *East Palo Alto agrees with this Finding and will adopt such a policy no later than September 2, 2013.*

F4. Language Line is helpful in reducing communication difficulties between the immigrant population and law enforcement.

Response 4: *East Palo Alto agrees with this Finding.*

F5. Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations.

Response 5: *East Palo Alto agrees with this Finding. However, instead of issuing smart phones to each officer which may be cost prohibitive, the Department will ensure officers can access such services through their Mobile Data Terminals (MDTs).*

F6. It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through the POST program.

Response 6: *East Palo Alto agrees with this Finding.*

Recommendations

Three Recommendations apply to the City of East Palo Alto.

The Grand Jury recommends that:

R1. The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice and customized for California Law by Lexipol in Policy 368.

Response R1: While the City of East Palo Alto may not currently have a written policy/procedure for language access based upon the guidelines identified by the grand jury, as noted in Appendix C to the report, at least 16% of its law enforcement officers are fluent in Spanish (the percentage has increased due to recent hires) and its multilingual officers are paid a premium. In fact, three out of the last five police officers hired are Spanish speaking. The City also has in-house translators and uses outside vendors for translations, as noted in the appendix. Most printed materials are available in languages other than English (primarily Spanish). Further, the City's website does on-line translation of written materials. The City will consider developing a written policy/procedure for language access but considers actual implementation of multilingual measures more useful than written documents.

R3. Every County policing agency examine the feasibility of providing smart phones to patrol officers so that they can access free translation services such as Google Translate.

Response R3: The City of East Palo Alto supports the concept of enhancing communications with community members who speak a variety of languages. The City emphasizes the hiring of bi-lingual (English plus another language) candidates through its recruitment processes. While the City generally supports providing its employees with technology tools that will enhance their ability to perform their work, the City also faces significant, ongoing budget constraints. Currently, all Command staff has smart phones. The provision of smart phones for each Police Officer may not be feasible, given funding constraints. However, the Police Department will ensure officers can access such services through their Mobile Data Terminals (MDTs).

R4. Every County policing agency encourage and financially support participation in POST language skills classes.

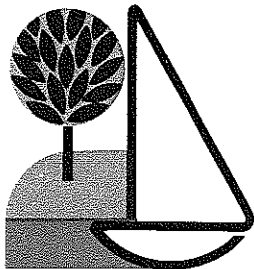
Response R3: The City of East Palo Alto is in strong support of enhancing its Police Officers' and other employees' ability to communicate with residents and visitors in their native language. A significant number of Police Officers and other City employees are bi-lingual Spanish-English speakers. Several Police Officers have already attended POST language courses and the Department will continue to encourage Officers to attend these classes.

Should you have any additional questions or require clarification, please do not hesitate to contact me or our City Manager, Magda Gonzalez.

Sincerely,



Ruben Abrica
Mayor



City of Foster City

ESTERO MUNICIPAL IMPROVEMENT DISTRICT

610 FOSTER CITY BOULEVARD
FOSTER CITY, CA 94404-2222
(650) 286-3200
FAX (650) 574-3483

May 6, 2013

Honorable Richard C. Livermore
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

Re: Response to Grand Jury Report Entitled "Can We Talk? Law Enforcement and Our Multilingual County"

Dear Judge Livermore:

The City of Foster City is in receipt of the Grand Jury's Report entitled, "*Can We Talk? Law Enforcement and Our Multilingual County.*" Pursuant to your March 20, 2013 directive to respond, the Foster City City Council held a public meeting on May 6, 2013 and approved this letter.

Upon review of the Grand Jury's report, we would first like to note that Foster City has done a good job in addressing this issue as demonstrated by our written policies and current use of technology. Rest assured, it is our intent to continue our efforts in the future.

In response to the listed "Findings and Recommendations", the City of Foster City is not in a position to verify the research conducted by the Grand Jury; therefore, our responses should not be interpreted as unconditional agreement on the accuracy of the report, but rather specific only to the information contained in the Grand Jury's report and their stated research.

That being said, the City of Foster City generally agrees with the content and conclusions of the report. Our specific responses to the Grand Jury's "Findings" and "Recommendations" are as follows:

FINDINGS

- F1. The law enforcement agencies in the County are aware of the linguistic issues presented by the County's non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel.*
- F2. The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo Sheriff.*
- F3. Written policies and procedures, such as those adopted by Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's Office, are useful in guiding law enforcement during encounters with non-English speakers.*
- F4. Language Line is helpful in reducing communication difficulties between the immigrant population and law enforcement.*
- F5. Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations.*
- F6. It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through the POST program.*

Based on the research presented in the Grand Jury's Report, the City of Foster City generally agrees with all of the findings stated above.

RECOMMENDATIONS

The Grand Jury recommends that:

- R1. The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice and customized for California Law by Lexipol in Policy 368 (See, e.g., Appendix E)*
- R2. The cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatchers and officers in the field.*

Recommendations R1 and R2 are not directed at the City of Foster City and therefore we neither agree nor disagree with those recommendations. The City of Foster City recognizes that our neighboring jurisdictions are responsible for their individual communities and we do not presume to know what they should or should not do to best serve their residents.

R3. Every County policing agency examine the feasibility of providing smart phones to patrol officers so that they can access free translation services such as "Google Translate."

R4. Every County policing agency encourage and financially support participation in POST language skills classes.

The City of Foster City agrees that Recommendations R3 and R4 are generally sound concepts in addressing the issue of multilingual communications and, in large part; we have already implemented both concepts into our operations. Members of our staff do attend POST training classes, some of which cover cultural sensitivity and multilingual communications. Furthermore, we have technology available (including upon request "smart phones") which can be utilized in the field by our personnel.

Unfortunately, R3 and R4 also suggest we make future commitments involving staffing and financial implications that could conflict with other local resource management considerations and/or budgetary restraints. Within those limits, the City of Foster City is strongly committed to the on-going training of our personnel and the increased use of technology in helping us accomplish our mission including our ability to communicate with all members of our multilingual community.

Sincerely,

A handwritten signature in black ink that reads "Pam Frisella". The signature is written in a cursive, flowing style.

Pam Frisella, Mayor
City of Foster City

MINUTE ORDER

No. 1315

OFFICE OF THE CITY CLERK
FOSTER CITY, CALIFORNIA

Date: May 7, 2013

Attention: City Council
James C. Hardy, City Manager
Matt Martell, Police Chief
Honorable Richard C. Livermore, Judge of the Superior Court

City Council/EMID Board of Directors Meeting Date: May 6, 2013

Subject: Response Letter to the Grand Jury Report Entitled "Can We Talk? Law Enforcement and Our Multilingual County"

Motion by Councilmember Okamoto, seconded by Councilmember Perez, and carried unanimously, 5-0-0, IT WAS ORDERED approving the response letter to the Honorable Richard C. Livermore, Judge of the Superior Court, regarding the Grand Jury Report entitled "Can We Talk? Law Enforcement and Our Multilingual County."



CITY CLERK/DISTRICT SECRETARY



TOWN OF HILLSBOROUGH

1600 FLORIBUNDA AVENUE

HILLSBOROUGH

CALIFORNIA

94010-6418

May 13, 2013

Honorable Richard C. Livermore
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

Re: Grand Jury Report – “Can We Talk? Law Enforcement and Our Multilingual County”

Dear Judge Livermore:

The Hillsborough City Council received the above referenced San Mateo County Grand Jury Report in March of 2013. The report identifies certain findings and recommendations, and requests that the City Council respond in writing to those findings no later than June 18, 2013. On May 13, 2013, the Hillsborough City Council held a public meeting and approved this response letter.

Regarding the “findings” of the San Mateo County Civil Grand Jury, the City Council is requested to respond with one of the following:

1. Council agrees with the finding.
2. Council disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons thereafter.

Regarding the “recommendations” of the San Mateo County Grand Jury, the City Council is requested to report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.

2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable with an explanation therefore.

The Town of Hillsborough responds to the San Mateo County Grand Jury report as follows:

FINDINGS

- F1. The law enforcement agencies in the County are aware of the linguistic issues presented by the County's non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel.

Response: The Town of Hillsborough agrees with this finding.

- F2. The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo County Sheriff's Office.

Response: The Town of Hillsborough agrees with this finding. San Mateo County Public Safety Dispatch, who dispatches for the San Mateo County Sheriff's Office utilizes the same "language line" as many other dispatch centers in the County, including the Town of Hillsborough Police dispatch center.

- F3. Written policies and procedures, such as those adopted by, Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's Office, are useful in guiding law enforcement during encounters with non-English speakers.

Response: The Town of Hillsborough agrees with this finding.

- F4. Language Line is helpful in reducing communication difficulties between the immigrant population and law enforcement.

Response: The Town of Hillsborough agrees with this finding. The Hillsborough Police Department has and will continue to utilize this service in our communication center.

- F5. Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations.

Response: The Town of Hillsborough agrees with this finding.

- F6. It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through the POST program.

Response: The Town of Hillsborough agrees with this finding.

RECOMMENDATIONS

The Grand Jury recommends to the City Councils of the Cities of San Mateo County that:

- R1. The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice and customized for California Law by Lexipol in Policy 368.

Response: The Town of Hillsborough agrees with the recommendation. It has not yet been implemented, but will be implemented within the next six months.

- R2. The cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatchers and officers in the field.

Response: The Town of Hillsborough agrees with this recommendation. The Hillsborough Police has in past years, and will continue to subscribe to the same "language line" service as is utilized by San Mateo County Public Safety Dispatch.

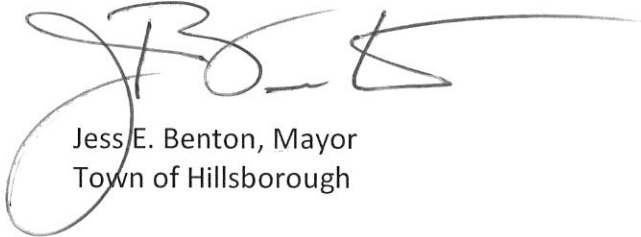
- R3. Every County policing agency examine the feasibility of providing smart phones to patrol officers so that they can access free translation services such as Google Translate.

Response: The recommendation will not be implemented because it is not warranted or reasonable. The Hillsborough Police Department has access to translators through the existing language line, multi-lingual staff and mutual aid. Also, the smart phones would not be as reliable in the hill sections of Town and the purchase and monthly costs for the cellular and data plans for every officer would be unsustainable.

- R4. Every County policing agency encourage and financially support participation in POST language skills classes.

Response: The Town of Hillsborough agrees with this recommendation. This recommendation has been implemented. Additionally, the Hillsborough Police Department encourages multilingualism by offering financial incentives to bilingual personnel.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Benton', with a large, stylized flourish on the left side.

Jess E. Benton, Mayor
Town of Hillsborough



City Council - City of Menlo Park

701 Laurel Street, Menlo Park, CA 94025

Telephone (650) 330-6610 www.menlopark.org

April 16, 2013

Honorable Richard C. Livermore
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA. 94063-1655

Re: Grand Jury Report – “Can We Talk? Law Enforcement and Our Multilingual County”

Dear Judge Livermore:

The Menlo Park City Council received the above referenced San Mateo County Grand Jury Report in March of 2013. The report identifies certain findings and recommendations, and requests that the City Council respond in writing to those findings no later than June 18, 2013. On April 16, 2013, the Menlo Park City Council held a public meeting and approved this response.

Regarding the “findings” of the San Mateo County Civil Grand Jury, Council is requested to respond with one of the following:

1. Council agrees with the finding.
2. Council disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons thereafter.

Regarding the “recommendations” of the San Mateo County Grand Jury, Council is requested to report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable with an explanation therefore.

The City of Menlo Park responds to the San Mateo County Grand Jury report as follows:

Findings

F1. The law enforcement agencies in the County are aware of the linguistic issues presented by the County's non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel.

Response

The City of Menlo Park agrees with this finding.

F2. The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo County Sheriff's Office.

Response

The City of Menlo Park agrees with this finding. San Mateo County Public Safety Dispatch, who dispatches for the San Mateo County Sheriff's Office utilizes the same "language line" as many other dispatch centers in the County, including the Menlo Park Police Dispatch center.

F3. Written policies and procedures, such as those adopted by, Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's Office, are useful in guiding law enforcement during encounters with non-English speakers.

Response

The City of Menlo Park agrees with this finding.

F4. Language Line is helpful in reducing communication difficulties between the immigrant population and law enforcement.

Response

The City of Menlo Park agrees with this finding. The Menlo Park Police Department utilizes this service in its dispatch center.

F5. Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations.

Response

The City of Menlo Park agrees with this finding.

F6. It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through POST.

Response

The City of Menlo Park agrees with this finding.

Recommendations

The Grand Jury recommends to the City Councils of the Cities of San Mateo County that:

R1. The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice and customized for California Law by Lexipol in Policy 368.

Response

Not applicable to Menlo Park. The Menlo Park Police Department currently has Lexipol Policy 368 "Limited English Proficiency Services" in effect, and that policy was used as an example attached to the Grand Jury report in Appendix D.

R2. The cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatchers and officers in the field.

Response

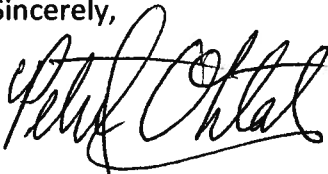
Not applicable to Menlo Park.

R3. Every County policing agency examine the feasibility of providing smart phones to patrol officers so that they can access free translation serviced such as Google Translate.

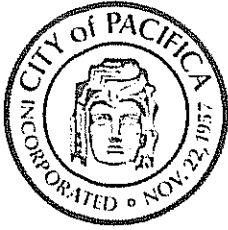
Response

The recommendation will not be implemented because it is not warranted or reasonable. The Menlo Park Police Department outfits every marked police vehicle with a Mobile Data Terminal (MDT) which has immediate access to the internet, making it possible for officers to use the above mentioned Google Translate in the field already. Also, purchasing smart phones for every officer is extremely cost prohibitive. The initial cost along with the monthly cost of cellular and data plans would be unsustainable for most police departments. Along with the cost, mandating that officers carry department issued smart phones raises a labor law issue of compensation for use of the phones while off duty. This issue of compensation in regards to department issued phones is currently being litigated in another state and that decision could have long term and profound effects on every police department.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter I. Ohtaki". The signature is fluid and cursive, with the first name "Peter" and last name "Ohtaki" clearly distinguishable.

Peter I. Ohtaki
Mayor



Scenic Pacifica

CITY OF PACIFICA

170 Santa Maria Avenue • Pacifica, California 94044-2506

www.cityofpacifica.org

MAYOR
Len Stone

MAYOR PRO TEM
Mary Ann Nihart

COUNCIL
Sue Digre
Karen Erwin
Mike O'Neill

CITY MANAGER'S OFFICE
TEL. (650) 738-7301
FAX (650) 359-6038

CITY ATTORNEY
TEL. (650) 738-7409
FAX (650) 359-8947

CITY CLERK
TEL. (650) 738-7307
FAX (650) 359-6038

CITY COUNCIL
TEL. (650) 738-7301
FAX (650) 359-6038

FINANCE
TEL. (650) 738-7392
FAX (650) 738-7411

FIRE ADMINISTRATION
TEL. (650) 991-8138
FAX (650) 991-8090

HUMAN RESOURCES
TEL. (650) 738-7303
FAX (650) 359-6038

PARKS, BEACHES & RECREATION
TEL. (650) 738-7381
FAX (650) 738-2165

PLANNING
TEL. (650) 738-7341
FAX (650) 359-5807
• Building
TEL. (650) 738-7344
• Code Enforcement
TEL. (650) 738-7341

POLICE DEPARTMENT
TEL. (650) 738-7314
FAX (650) 355-1172

PUBLIC WORKS
TEL. (650) 738-3760
FAX (650) 738-9747
• Engineering
TEL. (650) 738-3767
FAX (650) 738-3003
• Field Services
TEL. (650) 738-3760
FAX (650) 738-9747

May 22, 2013

Hon. Richard C. Livermore
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center; 2nd Floor
Redwood City, California 94063-1655

Dear Honorable Richard C. Livermore,

The City of Pacifica is in receipt of your letter dated March 20, 2013, wherein the San Mateo County Civil Grand Jury is seeking a response to findings and recommendations from the 2012-2013 San Mateo County Grand Jury report entitled, "Can We Talk? Law Enforcement and Our Multilingual County." Our responses to the findings and recommendations presented are outlined below.

The City Council at its June 10, 2013 meeting approved the responses listed below to the findings and recommendations as they relate to the City of Pacifica.

If you have any questions regarding our response, please do not hesitate to contact us.

Respectfully,

Len Stone
Mayor

“Can We Talk? Law Enforcement and Our Multilingual County”

The report contained the following findings for the City of Pacifica:

F1. The law enforcement agencies in the County are aware of the linguistic issues presented by the County’s non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel.

The City of Pacifica can’t respond to the level of awareness of allied agencies in the County in regards to the linguistic issues presented by the County’s non-English speaking population. The Pacifica Police Department recognizes, at times, there are linguistic issues when dealing with calls for service. The department employs personnel that are bilingual in other languages and contracts with the South San Francisco Police Department for dispatch services. The South San Francisco Police Department contracts with Language Line that provides translation services for law enforcement.

The Pacifica Police Department is in the process of adopting the Lexipol policy manual, which includes policy 368 – Limited English Proficiency Services. In addition to this, when hiring, the department always looks for individuals that possess bilingual abilities. Currently, the department employs individuals that speak Spanish, Cantonese, Tagalog and German. These bilingual speakers represent approximately 26% of the departments workforce.

F2. The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo Sheriff.

The City of Pacifica does not have any data that allows us to evaluate the level of service the San Mateo County Sheriff’s Office provides to the non-English speaking communities in the county.

F3. Written policies and procedures, such as those adopted by Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff’s Office, are useful in guiding law enforcement during encounters with non-English speakers.

The City of Pacifica agrees with this finding. The Pacifica Police Department is in the process of adopting the Lexipol policy manual, which includes policy 368 – Limited English Proficiency Services.

F4. Language Line is helpful in reducing communication difficulties between the immigrant population and law enforcement.

The City of Pacifica agrees with this finding.

F5. Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations.

The City of Pacifica agrees with this finding.

F6. It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through the POST program.

The City of Pacifica agrees with this finding.

The report contained the following recommendations for the City of Pacifica:

R1. The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice and customized for California Law by Lexipol in Policy 368 (See, e.g., Appendix E).

The recommendation has not yet been implemented, however, the Pacifica Police Department is in the process of adopting the Lexipol policy manual, which includes policy 368 – Limited English Proficiency Services. The department anticipates having the policy manual adopted no later than September 1, 2013.

R2. The cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatchers and officers in the field.

This recommendation does not apply to the City of Pacifica.

R3. Every County policing agency examine the feasibility of providing smart phones to patrol officers so that they can access free translation services such as Google Translate.

Currently, the Pacifica Police Department provides cellular phones in its supervisor patrol vehicles. The department is examining the feasibility of replacing the cellular phones with smart phones in an effort to provide the patrol officers access to free translation services such as Google Translate. The department anticipates having this analysis completed no later than July 1, 2013.

R4. Every County policing agency encourage and financially support participation in POST language skills classes.

This recommendation has been implemented. The Pacifica Police Department will be evaluating the POST language skills courses and make a determination if the courses would allow us to enhance our delivery of services to the community and if the courses are feasible in attending. The department will look to support these programs through attendance when plausible.

Limited English Proficiency Services

368.1 PURPOSE AND SCOPE

Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d).

368.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - Any employee who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his/her skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the specialized skills necessary to interpret between two languages effectively. In order to be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence to do so. For purposes of this policy, employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an employee's language skills may be used.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English Proficient (LEP) - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: An individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 FOUR FACTOR ANALYSIS

Since there are potentially hundreds of languages department personnel could encounter, the Department will utilize the four-factor analysis outlined in the Department of Justice *LEP Guidance to Federal Financial Assistance Recipients* available at the [DOJ website](#) in determining which measures will provide reasonable and meaningful access to

Pacifica Police Department

Policy Manual

Limited English Proficiency Services

various rights, obligations, services and programs to everyone. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis therefore, must remain flexible and requires an ongoing balance of the following four factors:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department personnel or who may benefit from programs or services within the Department's jurisdiction or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with department personnel, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably ensures meaningful access by LEP individuals to critical services while not imposing undue burdens on the Department its personnel.

While this department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right, the above analysis will be utilized to determine the availability and level of assistance provided to any LEP individual or group.

368.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language in an effort to avoid misidentifying that language.

368.3 TYPES OF LEP ASSISTANCE AVAILABLE

Depending on the balance of the above four factors, this department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services, where available. LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense. Department personnel should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source. Department-provided interpreter services may include, but are not limited to, the assistance methods described in this section.

368.3.1 BILINGUAL PERSONNEL

Personnel utilized for LEP services need not be certified as interpreters, but must have demonstrated, through established department procedures, a level of competence to ascertain whether his/her language skills are best suited to monolingual communications, interpretation, translation, or all or none of these functions.

All personnel used for communication with LEP individuals must demonstrate knowledge of the functions of an interpreter and the ethical issues involved when acting as a language conduit. In addition, employees who serve as interpreters and/or translators must have demonstrated competence in both English and the non-English language. When bilingual personnel from this department are not available, personnel from other city departments who have the requisite training may be requested.

Pacifica Police Department

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Limited English Proficiency Services

368.3.2 WRITTEN FORMS AND GUIDELINES

This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to department personnel and other appropriate individuals.

368.3.3 AUDIO RECORDINGS

The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

368.3.4 TELEPHONE INTERPRETER SERVICES

The Watch Commander and the Communications Supervisor will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist department personnel in communicating with LEP individuals via official cellular telephones.

368.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION

Where competent bilingual departmental personnel or other City-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted in above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended and department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see: Section V(3) of the DOJ Final Guidance available at the DOJ [website](#)).

368.4 LEP CONTACT SITUATIONS AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that they may be targeted where they are most needed.

Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

368.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 9-1-1 lines through any or all of the above resources.

Pacifica Police Department

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While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

368.4.2 EMERGENCY CALLS TO 9-1-1

When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications Center, the call-taker should immediately connect the LEP caller to the interpreter.

If an appropriate authorized interpreter is not available, the call-taker will promptly connect the LEP caller to the contracted telephonic interpretation service directly for assistance in completing the call. Dispatchers will make every reasonable effort to dispatch a bilingual officer to the assignment, if available.

The Pacifica Police Department will take reasonable steps and will work with the Department of Human Resources to hire and develop in-house language capacity in the Communications Center by hiring qualified personnel with specific language skills.

368.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in § 368.3 to provide appropriate language assistance.

Although not every situation can be addressed in this policy, it is important that department personnel are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

368.4.4 INVESTIGATIVE INTERVIEWS

In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.

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368.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing interpretation or translation services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of department personnel. Medical screening questions are commonly used to elicit information on an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

368.4.6 COMPLAINTS

The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

368.4.7 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups.

368.5 TRAINING

In an effort to ensure that all personnel in public contact positions (or having contact with those in custody) are properly trained, the Department will provide periodic training to personnel about LEP policies and procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Manager shall be responsible for ensuring all new personnel receive LEP training and that all personnel receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, with a copy in each member's training file, in accordance with established records retention schedules.

Pacifica Police Department

Policy Manual

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368.6 INTERPRETERS AND TRANSLATORS

Employees called upon to interpret, translate, or provide other language assistance, will be trained annually on language skills competency (including specialized terminology) and ethical considerations.

- (a) **Assessment:** The Pacifica Police Department personnel identified as bilingual who are willing to act as authorized interpreters will have their language skills assessed by a professional interpreter using a structured assessment tool established by the Training Manager. Those employees found proficient in interpreting into and from the target language will be placed conditionally on the Authorized Interpreters List.
- (b) **Training:** All personnel conditionally placed on the Authorized Interpreter List must successfully complete the prescribed interpreter training within one year. After successful completion of interpreter training, the individual will be unconditionally placed on the Authorized Interpreter List. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language; have knowledge in both languages of any specialized terms or phraseology used by the LEP person; and understand and adhere to the interpreter role without deviating into other roles such as counselor or legal advisor.
- (c) **Refresher Course for Authorized Interpreters:** Those persons who have been unconditionally placed on the Authorized Interpreter List must receive refresher training annually or they will be removed from the Authorized Interpreter List. The Training Bureau shall be responsible for coordinating the annual refresher training and will maintain a record of training that the interpreters have received.

368.7 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES

The following materials will be made available to employees to assist in providing access and service to LEP individuals:

- (a) A list of departmental bilingual employees, languages spoken and contact and shift information
- (b) A list of department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information
- (c) The telephone number and access code of telephonic interpretation services
- (d) Language identification cards
- (e) Translated *Miranda* warning cards and other frequently used documents
- (f) Audio recordings/warnings that are developed in non-English languages

Mayor Alicia C. Aguirre
Vice Mayor Jeffrey Gee
Council Members
Ian Bain
Rosanne S. Foust
Jeff Ira
Barbara Pierce
John D. Seybert



City Hall
1017 Middlefield Road
Redwood City, CA 94063
Voice: (650) 780-7220
fax: (650) 261-9102
mail@redwoodcity.org
www.redwoodcity.org

June 11, 2013

Honorable Richard C. Livermore
Judge of the Superior Court
Hall of Justice
400 County Center, 2nd Floor
Redwood City, CA 94063-1655

Dear Judge Livermore,

On behalf of the City Council of the City of Redwood City, I would like to thank you for the opportunity to respond to the Grand Jury Report, dated March 20, 2013, entitled "Can We Talk? Law Enforcement and Our Multilingual County." The following responses to the Grand Jury's Findings and Recommendations were reviewed and approved by the City Council at its meeting on June 10, 2013. The City Council has authorized me to present the City's responses to the Court as set forth below.

The report contained six "findings" and four "recommendations" (only three of the four recommendations p to Redwood City). The City was required to submit comments to the Court no later than June 18, 2013.

For all "findings," Council was to indicate one of the following:

1. Council agrees with the finding.
2. Council disagrees wholly or partially with the finding, in which case the response shall specify the portion of the response that is disputed, and shall include an explanation of the reasons therefore.

Additionally, for the three applicable "recommendations," Council was requested to report one of the following actions:

1. The recommendation has been implemented, with a summary of the implemented action.
2. The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.

3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of the publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable, with an explanation therefore.

FINDINGS

Finding #1

The law enforcement agencies in the County are aware of the linguistic issues presented by the County's non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel.

Response

Council agrees with the finding.

Finding #2

The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo Sheriff.

Response

Council was not provided with enough information to come to a conclusion on this finding.

Finding #3

Written policies and procedures, such as those adopted by Belmont, Brisbane, Burlingame, Foster city, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's Office, are useful in guiding law enforcement during encounters with non-English speakers.

Response

Council agrees with the finding.

Finding #4

Language Line is helpful in reducing communications difficulties between the immigrant population and law enforcement.

Response

Council agrees with the finding.

Finding #5

Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations.

Response

Council agrees with the finding.

Finding #6

It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through the POST program.

Response

Council agrees with the finding.

RECOMMENDATIONS

Recommendation #1

The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, And San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice and customized for California Law by Lexipol in Policy 368

Response

The recommendation has not yet been implemented, but will be implemented in the future. The Redwood City Police Department is in the process of reviewing and adopting a policy based on Lexipol Policy 368 that will satisfy this recommendation. The Redwood City Police Department has a goal of adopting this policy within the year 2013.

Recommendation #2

The cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatchers and officers in the field.

Response

This recommendation does not apply to the Redwood City Police Department.

Recommendation #3

Every County policing agency examine the feasibility of providing smart phones to patrol officers so that they can access free translation services such as Google Translate.

Response

This recommendation requires further analysis. The Redwood City Police Department continually strives to be on the cutting edge of technological advances that enhance the capabilities of their staff to provide an exemplary level of service to the Redwood City community. As we prioritize our technology solutions, the use of smart phones is just

one of the technological advances that the Police Department is examining for use in the field not only for translation purposes but for numerous other front line law enforcement applications.

Recommendation #4

Every County policing agency encourage and financially support participation in POST language skills classes.

Response

This recommendation has been implemented. Redwood City Police Department personnel are encouraged and supported in their efforts to participate in POST approved language skills classes. The Redwood City Police Department facilitates a 24 hour POST Spanish language instruction course taught on site at the police department. The City of Redwood City educational reimbursement benefit covers the cost of the class for students who successfully complete the course. Employees who pass the course and then successfully pass a Spanish language proficiency test are given a 2.5% pay increase.

On behalf of the Redwood City Council, I would like to thank the Grand Jury for their interest and work on this report. If there is additional information I can provide, please do not hesitate to contact me or my representatives.

Sincerely,

A handwritten signature in black ink, appearing to read "Alicia C. Aguirre". The signature is fluid and cursive, with the first name being the most prominent.

Alicia C. Aguirre, Mayor
City of Redwood City

C: Greg Farley, Police Administrative Sergeant



Carol Bonner
City Clerk

JUN 06 2013 *TC*

May 31, 2013

Honorable Richard C. Livermore
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center, 8th Floor
Redwood City, CA 94063-1655

Re: Grand Jury Report

Dear Honorable Livermore:

Attached is the formal response to the Grand Jury of San Mateo's Report regarding
"Can We Talk? Law Enforcement and Our Multilingual County."

This staff report and response was generated at our Council meeting of May 28, 2013.

Please let me know if you have questions.

Sincerely,

Carol Bonner
San Bruno City Clerk



May 28, 2013

Honorable Richard C. Livermore
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA. 94063-1655

Dear Judge Livermore:

The San Bruno City Council is in receipt of the San Mateo County Grand Jury Report "Can We Talk? Law Enforcement and Our Multilingual County". The report identifies certain findings and recommendations, and requests that the City Council respond in writing to those findings no later than June 18, 2013.

Regarding the findings of the San Mateo County Civil Grand Jury, the City is requested to respond with one of the following:

1. The City agrees with the finding.
2. The City disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons thereafter.

Regarding the recommendations of the San Mateo County Grand Jury, the City is requested to report one of the following actions:

1. The recommendation has been implemented, with a summary regarding the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or reasonable with an explanation therefore.

The City of San Bruno responds to the San Mateo County Grand Jury report as follows:

FINDINGS:

F1. "The law enforcement agencies in the County are aware of the linguistic issues presented by the County's non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel."

Response: The City of San Bruno agrees with this finding.

F2. "The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo Sheriff."

Response: This finding was directed to the San Mateo County Sheriff's Office.

F3. "Written policies and procedures, such as those adopted by Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's Office, are useful in guiding law enforcement during encounters with non-English speakers."

Response: The City of San Bruno agrees with this finding.

F4. "Language Line is helpful in reducing communication difficulties between the immigrant population and law enforcement."

Response: The City of San Bruno agrees with this finding.

F5. "Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations."

Response: The City of San Bruno agrees with this finding.

F6. "It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through the POST program."

Response: The City of San Bruno agrees with this finding.

RECOMMENDATIONS:

R1. "The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice and customized for California Law by Lexipol in Policy 368."

Response: The recommendation has been implemented. The San Bruno Police Department subscribes to Lexipol and has Policy #368 in its manual.

R2. "The cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatchers and officers in the field."

Response: This recommendation was not directed towards the City of San Bruno.

R3. "Every County policing agency examine the feasibility of providing smart phones to patrol officers so that they can access free translation services such as "Google Translate."

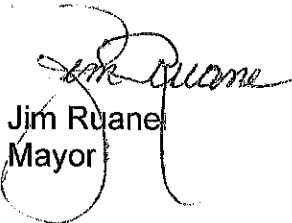
Response: The recommendation will not be implemented because it is not warranted or reasonable. The San Bruno Police Department has access to translators through the existing language line, multilingual staff and mutual aid. Cars in San Bruno are equipped with lap top computers that will allow access to Google Translate. Purchasing smart phones for every officer along with the monthly cost of cellular and data plans is cost prohibitive.

R4. "Every County policing agency encourage and financially support participation in POST language skills classes."

Response: The recommendation has been implemented. The San Bruno Police Department sends officers to POST certified training courses. The City also offers employees bilingual incentive pay and a tuition reimbursement program.

On May 28, 2013, the San Bruno City Council held a public meeting and approved this response. On behalf of the San Bruno City Council, I would like to thank the Grand Jury for their work on this report.

Sincerely,



Jim Ruane
Mayor



June 3, 2013

Honorable Richard C. Livermore
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center, 2nd floor
Redwood City, CA 94063

Re: Response to the San Mateo County Civil Grand Jury report titled; "Can We Talk? *Law Enforcement and Our Multilingual County*"

Dear Judge Livermore,

We are in receipt of the Grand Jury's final report titled, "Can We Talk? Law Enforcement and Our Multilingual County" Pursuant to your letter dated March 20, 2013, request for response; the San Mateo City Council held a public meeting on June 3, 2013 and approved this response. The City of San Mateo responds to the Grand Jury's findings and recommendations as follows:

Findings:

1. *The law enforcement agencies in the County are aware of the linguistic issues presented by the County's non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel.*

Response: The City of San Mateo agrees with the finding. We will continue to make the hiring of multilingual employees a priority.

2. *The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo Sheriff.*

Response: The City of San Mateo agrees with the finding.

- 3. Written policies and procedures, such as those adopted by Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's Office, are useful in guiding law enforcement during encounters with non-English speakers.*

Response: The City of San Mateo agrees with the finding.

- 4. Language Line is helpful in reducing communication difficulties between the immigrant population and law enforcement.*

Response: The City of San Mateo agrees with the finding.

- 5. Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations.*

Response: The City of San Mateo agrees with the finding.

- 6. It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through the POST program.*

Response: The City of San Mateo agrees with the finding.

RECOMMENDATIONS:

- 1. The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City, and San Bruno develop a written policy/procedure for language access based on the guidelines set forth by the United States Department of Justice and customized for California Law by Lexipol in Policy 368.*

Response: This recommendation was not directed at the City of San Mateo. Lexipol Policy 368 is the adopted policy of the San Mateo Police Department.

- 2. The cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatchers and officers in the field.*

Response: This recommendation was not directed at the City of San Mateo. Language Line services are currently contracted by the San Mateo Police Department.

3. *Every County policing agency examine the feasibility of providing smart phones to patrol officers so that they can access free translation services such as Google Translate.*

Response: This recommendation has been implemented by the San Mateo Police Department. Prior to the Grand Jury's report, smart phones, with access to free translation services, were issued to the Police Command Staff, Detectives, Crime Reduction Unit Officers, and Patrol Sergeants. These phones are immediately available to any field Police Officer or Detective. Additionally we have 20 employees assigned to Patrol who speak Spanish.

4. *Every County policing agency encourage and financially support participation in POST language skills classes.*

Response: This recommendation has been implemented. The Police Department's Training Manager is monitoring the POST training catalog for upcoming classes. No classes for FY 14/15 have yet been announced by POST.

On behalf of the City of San Mateo, I would like to thank the Grand Jury for their work on this report.

Sincerely,

A handwritten signature in black ink, appearing to read "David Lim". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke.

David Lim
Mayor



CITY COUNCIL 2013

PEDRO GONZALEZ, MAYOR
KARYL MATSUMOTO, MAYOR PRO TEM
MARK ADDIEGO, COUNCILMEMBER
RICHARD A. GARBARINO, COUNCILMEMBER
PRADEEP GUPTA, PH.D, COUNCILMEMBER
BARRY M. NAGEL, CITY MANAGER

OFFICE OF THE MAYOR

May 20, 2013

Honorable Richard C. Livermore
Judge of the Superior Court
c/o Charlene Kresevich
Hall of Justice
400 County Center; 2nd Floor
Redwood City, CA 94063-1655

Re: Grand Jury Report: “Can we Talk? Law Enforcement and our Multilingual County”

Dear Judge Livermore,

We are in receipt of the Grand Jury’s reported titled **“Can We Talk? Law Enforcement and our Multilingual County”**. Pursuant to your March 20, 2013 request for response; the South San Francisco City Council held a public meeting on May 8, 2013 and approved this response. The City of South San Francisco responds to the Grand Jury’s finding, conclusions and recommendations as follows:

Finding No. 1 The law enforcement agencies in the County are aware of the linguistic issues presented by the County’s non-English speaking population and, in general, have responded well by implementing written policies for language access and instituting hiring procedures designed to recruit multilingual personnel.

The City of South San Francisco agrees with this finding.

Finding No. 2 The 911 Service does a good job for the non-English speakers in the communities serviced by the San Mateo Sheriff.

The City of South San Francisco has no personal knowledge regarding this finding.

Finding No. 3 ***Written policies and procedures, such as those adopted by Belmont, Brisbane, Burlingame, Foster City, Menlo Park, City of San Mateo, South San Francisco, and the Sheriff's office are useful in guiding law enforcement during encounters with non-English speakers.***

The City of South San Francisco agrees with this finding.

Finding No. 4 ***Language Line is helpful in reducing communication difficulties between the immigrant population and law enforcement.***

The City of South San Francisco agrees with this finding.

Finding No. 5 ***Alternative language translation services such as Google Translate, accessible by smart phones in the field, are useful in multilingual law enforcement situations.***

The City of South San Francisco agrees with this finding.

Finding No. 6 ***It would be beneficial for law enforcement agencies to take advantage of low cost Spanish education available through the POST program.***

The City of South San Francisco agrees with this finding.

Recommendation 1 ***The cities of Atherton, Colma, Daly City, East Palo Alto, Hillsborough, Pacifica, Redwood City and San Bruno develop a written policy/procedure for language access based on the guidelines set forth in the United States Department of Justice and customized for California Law by Lexipol in Policy 368.***

The City of South San Francisco cannot comment on other cities' responsibilities in this matter.

Recommendation 2 ***The cities of Brisbane and Hillsborough subscribe to a telephonic translation service that provides immediate access for dispatcher and officers in the field.***

The City of South San Francisco cannot comment on other cities' responsibilities in this matter.

Recommendation 3 ***Every County policing agency examines the feasibility of providing smart phones to patrol officers so that they can access free translations services such as Google Translate.***

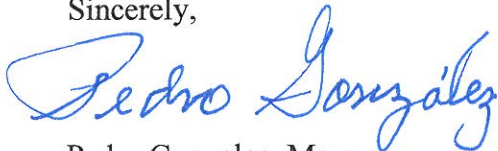
Honorable Richard C. Livermore
Grand Jury Response
May 20, 2013
Page 3

The City of South San Francisco will not implement this recommendation at this time. There is a significant expense with the purchase and data plans associated with these phones. The City of South San Francisco feels that the services we currently are utilizing in translation issues are meeting our needs.

Recommendation 4 Every County policing agency encourages and financially supports participation in POST language skills classes.

The City of South San Francisco agrees with this recommendation.

Sincerely,



Pedro Gonzalez, Mayor
City of South San Francisco

Attachment: Council Minutes of Action



AGENDA *ACTIONS TAKEN*

CITY COUNCIL

CITY OF SOUTH SAN FRANCISCO

REGULAR MEETING
MUNICIPAL SERVICES BUILDING
COUNCIL CHAMBERS
33 ARROYO DRIVE
SOUTH SAN FRANCISCO, CA

WEDNESDAY, MAY 8, 2013
7:00 P.M.

PEOPLE OF SOUTH SAN FRANCISCO

You are invited to offer your suggestions. In order that you may know our method of conducting Council business, we proceed as follows:

The regular meetings of the City Council are held on the second and fourth Wednesday of each month at 7:00 p.m. in the Municipal Services Building, Council Chambers, 33 Arroyo Drive, South San Francisco, California.

Public Comment: For those wishing to address the City Council on any Agenda or non-Agendized item, please complete a Speaker Card located at the entrance to the Council Chamber's and submit it to the City Clerk. Please be sure to indicate the Agenda Item # you wish to address or the topic of your public comment. California law prevents the City Council from taking action on any item not on the Agenda (except in emergency circumstances). Your question or problem may be referred to staff for investigation and/or action where appropriate or the matter may be placed on a future Agenda for more comprehensive action or a report. When your name is called, please come to the podium, state your name and address (optional) for the Minutes. **COMMENTS ARE LIMITED TO THREE (3) MINUTES PER SPEAKER.** Thank you for your cooperation.

The City Clerk will read successively the items of business appearing on the Agenda. As she completes reading an item, it will be ready for Council action.

PEDRO GONZALEZ
Mayor

KARYL MATSUMOTO
Mayor Pro Tem

MARK N. ADDIEGO
Councilman

RICHARD A. GARBARINO
Councilman

PRADEEP GUPTA
Councilman

FRANK RISSO
City Treasurer

KRISTA MARTINELLI
City Clerk

BARRY M. NAGEL
City Manager

STEVEN T. MATTAS
City Attorney

PLEASE SILENCE CELL PHONES AND PAGERS

HEARING ASSISTANCE EQUIPMENT AVAILABLE FOR USE BY THE HEARING IMPAIRED AT CITY COUNCIL MEETINGS

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item, and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the City Clerk's Office located at City Hall. If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda. The address of City Hall is 400 Grand Avenue, South San Francisco, California 94080.

CALL TO ORDER
ROLL CALL
PLEDGE OF ALLEGIANCE

*7:04 P.M.
All present
Recited*

PRESENTATIONS

- Farmer's Market Presentation. *Presented*
- Proclamation for Public Service Recognition Week. *Presented*
- Recognition of New and Promoted Employees. *Presented*
- Proclamation for National Public Works Week, May 19-25, 2013. *Presented*
- Proclamation in honor of Asian Pacific American Heritage Month. *Presented*

AGENDA REVIEW

No changes

PUBLIC COMMENTS

Given

ITEMS FROM COUNCIL

- Announcements. *Given*
- Committee Reports. *Given*
- Update on Community Coalition Initiatives by the Peninsula Conflict Resolution Center. *Given*
- City Selection Committee: LAFCO and HEART positions. *Motion to support Councilman Garbarino*

CONSENT CALENDAR

1. Motion to approve the Minutes of the Meeting of April 10, 2013. *Approved*
2. Motion confirming payment registers for May 8, 2013 in the amount of \$5,702,829.94. *Confirmed*
3. Motion to accept the Paradise Valley Pocket Park Project (Project No. pk1208) as complete in accordance with the plans and specifications. *Approved*
4. Motion to approve the response to the San Mateo County Grand Jury Report regarding Language Services. *Approved*
5. Motion to approve the response to the 2012-2013 San Mateo County Grand Jury Report "Water Recycling – an Important Component of Wise Water Management." *Approved*

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|-----|--|---|
| 6. | Resolution amending the salary schedule by assigning a salary range for the newly created classification of Financial Services Manager. | <i>Resolution No. 38-2013
Unanimous</i> |
| 7. | Resolution amending the salary schedule by assigning a salary range for the newly created classification of Deputy Police Chief. | <i>Resolution No. 39-2013
Unanimous</i> |
| 8. | Resolution approving a Consulting Services Agreement with Ghirardelli Associates of San Francisco, California, for Construction Management Services for the Forbes Boulevard Bike Lane Improvement Project (Project No. st1306) in an amount not to exceed \$332,714. | <i>Resolution No. 40-2013
Unanimous</i> |
| 9. | Resolution authorizing the Mayor to execute the Cooperative Agreement No. 04-2480 with the State of California for work elements performed for the Project Initiation Document (PID) for the US 101/Produce Avenue Interchange Project and committing approximately \$150,000 in non-federal matching funds. | <i>Resolution No. 41-2013
Unanimous</i> |
| 10. | Resolution authorizing the purchase of emergency response lighting, electronics, storage, tools and equipment for three command vehicles in an amount not to exceed \$118,957.93; amending the City's 2012-13 Equipment Replacement Fund; and authorizing the City Manager to enter into purchase agreements for the emergency response lighting, electronics, storage, tools and equipment. | <i>Resolution No. 42-2013
Unanimous</i> |

PUBLIC HEARING

11. Gateway Business Park Master Plan
 BioMed Reality-Owner/Applicant
 800-1000 GATEWAY BLVD
 P08-0034: MPM13-0001, PP13-0001, TDM13-0003 & DAA13-0001

Waive reading and introduce an ordinance approving a Development Agreement; and an appeal of the Planning Commission's approval of: 1) Master Plan Modifications to the Gateway Business Park Master Plan to allow for a revised phasing plan and modifications to the interior circulation and building designs, 2) a revised Transportation Demand Management Plan, and 3) a new Precise Plan for Phase I which consists of a 451,485 square foot office/research and development building and a 47,938 square foot amenities building with above-ground and subsurface parking, in accordance with SSFMC Chapters 19.60, 20.220, 20.400, 20.480, 20.490 & 20.530.

*Ordinance Introduced
Unanimous*

*Resolution No. 43-2013
Unanimous*

*Resolution No. 44-2013
Unanimous*

COMMUNITY FORUM

Given

ADJOURNMENT

10:44 P.M.