Law Enforcement and Sign Language Interpreters InfoGuide

Our office often receives questions about sign language interpreting in law enforcement settings. In general, law enforcement entities should use a “sign language interpreter” if one is needed for effective communication with a deaf, hard of hearing, or deafblind (DHHDB) individual unless the length, importance, or complexity of the communication does not warrant provision of an auxiliary service. Law enforcement situations involving an arrest or questioning/interviewing of alleged victims or witnesses require specially trained Court/Legal Sign Language Interpreters who hold a Status I or II “Legal Credential Authorization.”

This article outlines the laws and rules involved as it pertains to sign language interpreters and law enforcement. First, the Consumer Protection Act requires “sign language interpreters” to be certified through RID (Registry of Interpreters for the Deaf) and/or BEI (Board for Evaluation of Interpreters) to interpret in Colorado (C.R.S. § 6-1-707(1)(e); 12 CCR 2516-1). Individuals without RID or BEI certification are not allowed to label themselves as a sign language interpreter. Use of certified interpreters ensures a minimum level of competency and adherence to professional standards regarding ethics and confidentiality.

Second, legal or courtroom sign language interpreting requires additional knowledge, experience, and training. The Colorado Commission for the Deaf, Hard of Hearing, and DeafBlind’s (CCDHHDB) Legal Auxiliary Services (LAS) program is responsible for determining which auxiliary services providers are qualified for court and legal settings and for publishing the list of qualified providers as a resource (C.R.S. §§ 13-90-205 and 26-21-106(4)(g); 12 CCR 2516-1).

> Status I Court/Legal Sign Language Interpreters hold a RID Specialist Certificate: Legal (SC:L) or Certified Deaf Interpreter (CDI) certificate.

In addition, CDIs must complete 65 hours of legal interpreting training and 25 hours of mentoring.

Status II Court/Legal Sign Language Interpreters must hold a RID certificate (this requirement does not apply to deaf interpreters) and complete 100 hours of legal interpreter training and mentoring.

The published list of Status I and II Court/Legal Sign Language Interpreters.

According to state law, law enforcement "shall" utilize the above list when (1) arresting and taking a person into custody, or (2) questioning/interviewing alleged victims or witnesses in a criminal investigation (C.R.S. §§ 13-90-202(1), 204(1)(d) & (f), and 205(2)). For other law enforcement interactions, "sign language interpreters" should, at a minimum, be RID or BEI certified under the Colorado Consumer Protection Act.

The use of Status I and II Court/Legal Sign Language Interpreters ensures that the interpreters are knowledgeable about facilitating communications in potentially high-stakes situations. For example, Court/Legal Interpreters are trained in how to properly convey Miranda warnings in American Sign Language (ASL). Moreover, the interpreters possess the specialized vocabulary that is necessary to prevent misinterpretations. For example, the English word "charge" is said one way with the sentence context providing clues for which meaning is assigned. In ASL, the word is signed differently based on the context. So there are five or six possible signs for one word: 1) legal charges; 2) financial charges; 3) being responsible for something; 4) attacking someone; or 5) changes in electrical energy
(e.g., charging a phone). Choosing the wrong sign has the possible result of garbled and ineffective communication.

Law Enforcement and Sign Language Interpreters for DHHDB signers

- Sign language interpreters are not required for simple situations: for example, giving street directions; asking through a note or gestures to see a driver's license; etc.

- Certified sign language interpreters should be used for more complex interactions: for example, a traffic stop where written communications are unsuccessful or not extensive enough; clarifying a situation involving a DHHDB person; etc.

- Colorado Status I or II Court/Legal Sign Language Interpreters must be used for arrest or questioning/interviewing of alleged victim/witness.
  Communication Access Services Providers List

Law enforcement personnel should review this handout from the Department of Justice for more information on communicating with DHHDB individuals: Communicating with People Who Are Deaf or Hard of Hearing ADA Guide for Law Enforcement Officers

CCDHHDB's Training, Outreach, Presentations, and Panels unit provides no-cost training to law enforcement entities throughout the state at no cost. Please contact outreach.cddhhdb@state.co.us for more information. The City of Denver's Deaf and Hard of Hearing Services provides training to the Denver Police Department and Denver Sheriff Department.

For more information about becoming a Status I or II Court/Legal Sign Language interpreter, contact Legal Auxiliary Services (LAS) at las.cddhhdb@state.co.us.

Contact

For more information, contact us.

- Email: office.cddhhdb@state.co.us

- Phone: 720-457-3679
- Website: SENSE Colorado Website

Note

The Colorado Division for the Deaf, Hard of Hearing, and DeafBlind have provided resources and links in this document for general informational purposes only. The information may not be up-to-date.

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