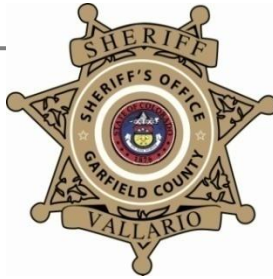


# SHERIFF OF GARFIELD COUNTY

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### GARFIELD COUNTY SHERIFF'S OFFICE POLICY / PROCEDURE GENERAL

#### **SUBJECT: HEARING IMPAIRED/DISABLED COMMUNICATIONS**

**EFFECTIVE DATE:** January 01, 2024

#### **POLICY:**

It is the policy of the Garfield County Sheriff's Office to ensure that a consistently high level of service is provided to all community members and incarcerated individuals, including those who are deaf, hard of hearing or disabled and such disability impairs their ability to communicate with law enforcement or jail staff.

#### **PURPOSE:**

People who are deaf, hard of hearing, or disabled are entitled to services equivalent to those services provided to other community members and incarcerated individuals, therefore the Sheriff's Office will make every effort to insure that people who are deaf, hard of hearing or disabled are offered auxiliary aids and services so that the individual has equal access to services and can effectively communicate with law enforcement. The individuals preference for type of auxiliary service shall be given primary preference.

**C.R.S. 13-90-204** (1) A qualified interpreter or auxiliary service shall be provided by an appointing authority to interpret the proceedings to a person who is deaf or hard of hearing and to interpret the statements of the person who is deaf or hard of hearing in the following instances:

(d) When a person who is deaf or hard of hearing is arrested and taken into custody for an alleged violation of a criminal law of the state or any of its political subdivisions. Such appointment shall be made prior to any attempt to notify the arrestee of his or her constitutional rights and prior to any attempt to interrogate or to take a statement from such person; except that a person who is deaf or hard of hearing and who is otherwise eligible for release shall not be held pending the arrival of a qualified interpreter.

#### **PROCEDURE:**

- State law requires that a deaf or hearing-impaired person taken into custody be provided with a qualified interpreter prior to notifying the arrestee of his or her constitutional right and during questioning. Law enforcement cannot delay an arrestee's release to await the arrival of an interpreter. A qualified interpreter is a person who has a valid certification of competency issues by the commission.

- Qualified interpreters shall be used when interrogating a witness, when advising a deaf or hearing impaired individual of their constitutional rights, including Miranda warnings, or when interviewing a witness or victim and such interview may be used in court.
- Any on duty deputy can request and authorize an interpreter for an investigation or arrest of the deaf or hearing impaired individual.
- In situations when a nondisabled person would have access to a telephone in the jail, Deputies must provide persons who are deaf or hard of hearing the opportunity to place calls using a teletypewriter (TTY, also known as a telecommunications device for deaf people, or TDD).

## **RESOURCES FOR DEPUTIES:**

The Colorado Department of Human Services has a Commission for the Deaf and Hard of Hearing. The commission maintains a list of qualified interpreters and, through the state's Legal Auxiliary Services, pays for the provided service. The following are the 24/7 contact phone numbers:

1. Relay Colorado Numbers: 7-1-1 or 800-659-2656
2. 24 Hour Sign Language Services (888) 811-2424
3. PSLI – Professional Sign Language Interpreters (303) 920-7330

Various types of communication aids known as “auxiliary aids and services” are used to communicate with people who are deaf or hard of hearing. Auxiliary aids and services include, use of a computer-aided realtime translators (CART) reporter: use of gestures or visual aids to supplement oral communication: use of a notepad and pen or pencil to exchange written notes: use of an assistive listening system or device to amplify sound for persons who are hard of hearing: use of a qualified oral or sign language interpreter, use of a teletypewriter (TTY's), and use of videophones.

Deputies may utilize the following auxiliary aids, when available, to communicate effectively:

- Use of gestures;
- Use of visual aids;
- Use of a notepad and pen or pencil;
- Use of a computer or typewriter;
- Use of an assistive listening system or device;
- Use of a teletypewriter (TTY);
- Use of a qualified interpreter.

The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue. Deputies must ask the person what their preference of communication is and all efforts and resources will be utilized to accommodate the disability, to include use of an interpreter. People who are deaf or hard of hearing must not be charged for the cost of an auxiliary aid or service needed for effective communication.