The Arapahoe County Sheriff's Office has strengthened its relationships with area sign language interpreters as part of a settlement reached last week over the office's handling of deaf individuals coming through the jail.

Sheriff Grayson Robinson said the jail has entered into agreements that will provide interpreters to deaf people within an hour of contact.

The move is just one change in the jail's policy under the court settlement between the sheriff's office and disability rights groups and the U.S. Department of Justice.

"We don't think we've done anything wrong, but we always want to be better tomorrow than we were today," said Grayson.

The settlement is the last of six reached in similar cases brought by the Colorado Cross Disability Coalition against area law enforcement agencies. The sheriff's offices in Denver, Adams and Jefferson counties, as well as the police departments in Englewood and Lakewood have also settled with the coalition.

The agreement reached with Arapahoe County mirrors the other settlements in many ways. It requires the department to provide yearly training on the issue, post signs in public areas notifying deaf individuals of their rights to interpreters, and, when safety permits, hand out deaf individuals in front so they can sign.

Unlike other settlements, however, this one has a heavier enforcement component, said Kevin Williams, the coalition's legal program director. It requires the sheriff's department to report to the justice department statistics on the number of requests it receives for interpreters and the action taken in response.

The agreements may be the start, not the end, Williams says, noting his office is currently investigating claims against other agencies in the state.

A need for compliance

The latest settlement stems from a lawsuit filed last year against the Arapahoe County Sheriff's Office and the Englewood Police Department.

It claims that in August 2011, Englewood police officers served a warrant on William Lawrence at his home. Officers didn't offer or provide an interpreter. They cuffe Lawrence behind his back, restraining not only his hands but also shackling his only communication tool — his hands.

At the Arapahoe County jail, personnel attempted to communicate with him through handwritten notes. Lawrence was born deaf and communicates through American Sign Language, and his understanding and comprehension of written English is diminished.

Regulations adopted in response to Title II of the Americans with Disabilities Act require police and jails to provide "auxiliary aids and services" to ensure communication with the disabled person is "as effective as communications with others."

Williams said after the ADA was passed in 1990, government agencies were supposed to implement transition plans. Many simply did nothing, he said.

"There's been virtually no effort made," he said. "In 22 years, they've done nothing to attempt to comply."

He pointed to the results of his coalition's wide-ranging open records request last year. It asked the state's sheriff's offices for their policies on handling deaf individuals. Of the 47 counties that responded, 35 had no written policies in place.

Steve Davis, a spokesman for the Lake-wood Police Department, said the lawsuit against the department was a wake-up call. Prior to the case, it had no formal policy for handling deaf individuals. He said his department is far from alone.

"It's been going on for years," he said, "and probably still is across the country, especially in the smaller departments."

A limited policy

Arapahoe County was actually one of the 12 that had a written policy.

But the policy covered only the rights of deaf individuals to the proper telephones.

When Lawrence, the plaintiff in the lawsuit, was brought to the facility, jail personnel communicated with him through written notes and eventually through Lawrence's roommate, who is not a certified interpreter.

The ADA says a jail's requirement to provide other communication means can be waived if it shows that it provided "another effective means of communication."

But the ADA is clear that the jail had to defer to Lawrence's choice of communication aids, which would have been a certified interpreter.

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Both sides disagree over whether Lawrence requested an interpreter or not. In addition to the lawsuit, the coalition filed a complaint with the DOI’s civil rights division, which subsequently opened an investigation. When it was clear the DOI was going to back its case, Williams said Arapahoe County and the Englewood police department had no incentive to fight the case.

GAY MARRIAGE
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Law School in Chicago put it: “It’s shocking to me,” he said, “that people who on the political right have been screaming for so long about states’ rights are now lining up behind DOMA.”

But at its most basic level, the states’ argument in favor of DOMA and against same-sex marriage ultimately boils down to preserving the patchwork marriage regime that’s existed since the states began their divergent path two decades ago. Indeed, Indiana’s Zoeller has said he sees his argument as equally supportive of states right to allow, or forbid, same-sex unions.

The duality is an illustration of the issue’s complexity. In one instance, it is states’ authority to set their own laws that preserves the existing patchwork. But in another, it is the federal government’s refusal to recognize same-sex unions in states that allow them which serves to protect the same states quo. Ultimately, that confluence of state and federal laws — and the nation’s long history of struggling with states’ rights on a variety of issues — could mark the court’s ultimate decision all the more consequential. As Mae Kyndell, a professor at Michigan State University, told Stateline: “It’s not possible to conflict social change within the state borders. When the culture changes, it spreads all over the country.”

— Jake Glovinsky, jglovinsky@news21.org

2013 SALARY AND SURVEY SAMPLE

This short survey measures salary and job satisfaction for those who are in legal positions within the industry and for those who attended law school and have pursued positions outside private line firm practice.

VISIT http://goo.gl/UcOyN5

Survey will take approximately 10 minutes to complete.