

# Is Your Entity Prepared For Interpreter Services Requests?

It may not happen often, but providing interpreter services is something that municipal staff members ranging from City Hall to the Police Department to the Library can face. When a need for interpreter services arises, staff will most often apply common sense measures and work to accommodate the citizen quickly and to the best of their ability. But sometimes even these efforts can fail to meet the requirements of the Americans with Disabilities Act (ADA).

This article is to remind members of their obligations under the ADA to provide interpreter services, and to share a few real-life examples of actions that have resulted in some of our members receiving charges of discrimination or lawsuits.

As background, under the ADA Title II Regulations, local government facilities and services must be available to all citizens including the deaf community. This obligation includes providing aids and services for effective communication and can mean providing a qualified American Sign Language (ASL) interpreter upon request at no cost to the citizen. The ADA places the responsibility on the municipality to provide, on a timely basis, aids and services for effective communication, and a municipality cannot require a deaf person to bring someone with them to interpret on their behalf. Further, a municipality cannot rely on an adult accompanying a deaf individual to interpret except: (i) in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or (ii) where the deaf person specifically requests the accompanying adult interpret, the accompanying adult agrees, and reliance on the accompanying adult is appropriate under the circumstances.

Against this background, consider these real-life scenarios:

- A municipal recreation center was staffing up for summer camp. It was the busiest time of the year for that staff—the hiring manager had barely enough time to eat, not to mention read every email coming in during the day given the time demands of interviewing, hiring, and training part-time staff. During this time, one applicant accepted an offer for an interview and let the manager know she would require a certified ASL interpreter for that interview. The hiring manager sent the notice over to the HR department, but because the entity hadn't needed this kind of service for so long it took a week to get a contract in place and respond and set up the interview with services from the ASL vendor. Unfortunately, by the time the interview had been set up, the open spots had been filled by other applicants who accepted outstanding offers.
- A police department successfully returned a young deaf woman to her home after she was forcibly removed from her home by her former boyfriend. Immediately following her return, detectives asked the woman to write a statement and her mother provided assistance. A few days later, the young woman was asked to come in for photo identification and she requested an ASL interpreter. At the time the woman came in, an officer on staff who was studying ASL tries to assist along with the use of a note pad and help from the victim's mother.

These scenarios aren't discrimination, right? Well, the answers are not as straight-forward as they might appear, and each of these scenarios gave rise to a claim of an ADA violation. In the first example, the municipality was asked to provide an interpreter and it did, but the delay cost the claimant the opportunity to compete for employment. In the second example, it's true staff was responding to an emergency, at least immediately following the return of the woman to her home, and an emergency is one of two situations where an entity can rely on a companion to interpret. But was the latter visit part of the emergency, or was the department by then just gathering a few additional details? In this example, not providing a qualified ASL interpreter led to a lawsuit.

Because of the significant ADA liability exposures related to these and other scenarios arising under the ADA effective communication rules, CIRSA recommends you be prepared and have plans to accommodate requests for ASL interpreter services.

While there are many aids and service providers that can assist you in being prepared, below is a list of some resources CIRSA has identified through its work on claims on these matters, including providers that offer interpreting for more than just ASL, and several applications (apps) that can be added to staff's phones.

More general information about the ADA effective communication requirements can also be found at this U.S. Department of Justice website: <https://www.ada.gov/resources/effective-communication/#top>.

If you have questions or would like additional CIRSA assistance regarding the topics addressed in this article, contact Bethany Ross, at [bethanyr@cirsa.org](mailto:bethanyr@cirsa.org), or Sam Light, at [saml@cirsa.org](mailto:saml@cirsa.org).

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## Resources

- AI Sign: Sign language app (Apple App Store)
- Propio One: Language app (Google Play Store) and interpreting and translation services company, <https://propio-ls.com>, 913-359-1691
- Language Line Solutions: Interpreting and Translation Services Company, <https://www.languageline.com/>, 800.878.8523
- Boostlingo: App driven interpreting service, <https://boostlingo.com/>
- Purple Communications: Interpreting services company, [www.signlanguage.com](http://www.signlanguage.com)
- Professional Sign Language Interpreting, Inc.: Interpreting services company, <https://psli.net/>, 303.920.7330

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