

ALDACON 2010  
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DEAF AND HARD-OF-HEARING POLICIES  
WITH THE  
COLORADO SPRINGS POLICE DEPARTMENT  
PRESENTER: MARK VALKONEN

MARK VALKONEN: My name is Mark Valkonen and I am the immediate past president for our local Hearing Loss Association of America (HLAA) chapter. Today I will be talking about the policies and procedures that I have worked on with the Colorado Springs Police Department.

A little bit about myself. I work as a professional. I am a software engineer by trade. I have been in the business for a couple of decades. My hearing loss is in the 65 to 70-decibel range, kind of goes under the speech banana and across the frequency range. I have worn hearing aids most of my life. About two years ago, I got behind the ear aids, which was one of my smartest moves. It is a stronger hearing aid and actually works very well for me.

I believe in giving back to the community. I work to advocate for hearing loss. I work so people who come after me don't have to go through the same things I have had to go through. I also volunteer as a victim's advocate at the El Paso County Sheriff's Office.

I was in denial about with my hearing loss for most of my life. It was probably not until I was 40 that I accepted the fact my hearing loss is a reality. It is going to be with me, it's not going to get better and like it or not, I have to live with it. But once I accepted that, I can say I'm really comfortable with who I am, and the fact that hearing loss is a part of my life.

I have learned to develop strategies for dealing with my hearing loss. I have a bed shaker alarm to wake me in the morning. I have a sign at work in my cubicle that says I have a hearing loss, please face me when you speak. I use the listening devices at work. I have a personal device that I use in the smaller conference rooms. There is an infrared system that I use in the larger meeting rooms. I have learned that having a hearing loss is an obstacle but I'm not going to let that stop me from living my life.

Once I really learned to accept my hearing loss, I learned that I can develop strategies to address the issues that come up. One of them, of course, is the telecoil which my audiologist could not get to work. The very first time I went to a HLAA meeting, some people showed me how the telecoil works. In five minutes, they showed me how it works. Quite literally, learning to stand up for myself and deal with the fact that my hearing loss just isn't going to go away has changed my life. I have done a variety of

things as the president of the local HLAA chapter and I've worked with the Colorado Commission for the Deaf or Hard-of-Hearing. I'm fortunate that I can take the time to get involved. Not everybody does. You have to be comfortable with your own level of involvement.

What I am talking about today is advocacy. Why should you advocate? Because it affects you. I advocate for hearing loss, because it affects me and other people with hearing loss. As far as I'm concerned, I have every right to be in society and be treated like everyone else.

I read some news that a Deaf man was shot by the police. I don't know the circumstances surrounding the incident except that his sisters were screaming at the police, "He is deaf, he is deaf," but the police still shot him. Another article I read was about a man in Denver who was tasered by the police. The police broke into his house, responding to a burglary or something. The man didn't have his hearing aids in and they tasered him.

I don't know about you, but I don't want to get clubbed, shot, tasered, tackled, or anything else because I don't hear what the police are saying or I don't hear them say "Stop!"

To speak for the police, they do have a very difficult job. They never know in which types of situation they will find themselves. They don't know if they are going to confront somebody who will pull a gun on them. Stopping a car for a traffic ticket is one of the most dangerous actions that the police do. Typically they do a pretty good job.

I have taken it upon myself to get to know the police and their procedures. I think a lot of things go wrong because the police are not trained to handle certain situations. In our case, we are people who are Deaf or Hard-of-Hearing. I think the best thing is to help the police to understand our circumstances.

When I read those news articles, I realized I could do something. I didn't know what, but I knew I could do something although I had no idea what that next step might be.

I talked to my HLAA friends who taught me about the telecoil. We thought, why not contact the police and find out what policies and procedures are in place today? Sounded like a good place to start, but who do you contact in the police department? A city councilman suggested I call the Chief of Police. I might not talk to the Chief but the office could direct me to the person who would be able to help me with that information.

At the time the publicity liaison was a sergeant. When I talked to him, the first thing I had to do was educate him.

So many times hearing people will think, oh, Deaf or Hard-of-Hearing, you need a sign language interpreter. I probably spent the first two or three meetings with the sergeant explaining the difference among people who are culturally Deaf, people who are little-d

deaf, and people who are Hard-of-Hearing. I explained that at five feet, I can probably interact all right, and hear most of what is being said. If I move back another five feet, I'm going to miss a lot of what the other person says. There is just that small bubble in which I can effectively hear in a one-on-one situation.

The policies in the Colorado Springs Police Department are called General Orders, the policies that are specific to the Deaf or Hard-of-Hearing is General Order 550. The General Orders can be viewed on line, the URL is <http://www.springsgov.com/Page.aspx?NavID=3696>, and select 'Field Manual Section 5. The direct URL is "<http://www.springsgov.com/Files/Field Manual Section.pdf>".

Initially the policy talked about TTY's. That was about it. When we tested their TTY, it didn't work. The police department had migrated to a digital phone network and the (analog) TTY's were left behind. Not a good thing. The old policy talked about obtaining an interpreter, the arrest procedures, telephone privileges and the TTY's. That's all they had. It was the minimum, very bare bones.

As we got into this, I was able to explain, again, I don't sign. Many people don't sign. I do use my hearing as much as possible. But since I'm not Deaf, I do not represent the signing Deaf in this endeavor. I recruited Billy Allen, who is Deaf and works for the Colorado School for the Deaf and Blind, which is located in Colorado Springs. The CSPD liaison from the school also got involved. We started getting a few people together with a few different perspectives. We started building a coalition of people to work our way through this.

The biggest thing we did was to change the perspective used in the policy. We changed the perspective from identifying Deaf or Hard-of-Hearing to identifying the type of communication required. As we discussed the policy, it became clear that identifying someone as Deaf, deaf, or Hard-of-Hearing created more confusion than clarity.

We asked what does the policeman need? He needs to be able to communicate with the person who is Deaf, deaf or Hard-of-Hearing. Rather than cataloging Deaf, deaf, or Hard-of-Hearing, we asked the question, "How do they communicate?" If they communicate with sign language, this is what to watch for. If they use their hearing but they don't hear well, we identified what to look for. If they use speech reading, we showed what to look for in that situation as well. Probably the single biggest change that we made was for the police to ask the simple question: "How do you communicate?"

We specified that an interpreter in a legal setting must be a legally qualified interpreter. There had been a lot of discussion about using family members or friends if the policeman shows up on the scene. Specific statutes in Colorado say the police are not allowed to use family members or friends. If there is a legal situation where somebody uses sign language to communicate, you have to have a legally qualified interpreter.

We expanded a lot on how to identify the person who is Deaf, deaf, or hard of hearing, et cetera. Do they sign? Do they speech read? I explained to the sergeant that I have

talked to people who have no hearing, who do not sign, but you really can't tell they are deaf because their voice inflection is great. They could speech read and carry on a conversation. This was something the police really needed to be aware of.

We also included a section on cochlear implants and hearing aids. Hearing aid batteries can fizzle and die in the length of time it takes to say a sentence. The police need to be aware of that.

We also talked about effective communication. The ADA says it has to be effective. It doesn't have to be perfect, but it does need to be effective. If that means an interpreter, listening devices, notes, that's what you have to supply.

We talked about arrest procedures. We put the emphasis on the communication needs of the individual. If you need an interpreter, you get a qualified legal interpreter. We have ALD's, which we hope as the economy improves and as the police department gets some extra money, we can insist on a line item for ALD's. If a person is hard of hearing, you need the speaker to speak clearly. We discussed the environment, that having the speaker be illuminated, having the speech be in the line of sight, speak clearly, things of that nature.

We talked about phone privileges. Just because the person being arrested is Deaf or Hard-of-Hearing, you cannot deny him or her access to family or to an attorney or the use of a phone to call them.

One of the things we brought up is that if the police suspect the person is deaf or hard of hearing, and they feel like they need to ask, as far as I'm concerned, go ahead and ask. Be polite about it. Do you have a hearing loss?

Summons and complaints. If a summons or complaint is issued, and if an interpreter is required, that requirement must be written on the form so it is clearly marked. Initially we had identified that ALD's must also be written on the form if they are needed. Unfortunately, with the economy the way it is, police departments don't have the extra money to buy them at this time.

We talked about people who are Deaf, deaf, or Hard-of-Hearing as being a witness. Again, don't discount them. Deaf or Hard-of-Hearing people can be very observant. They are very used to watching and observing.

We also discussed ways to contact someone who is Deaf or Hard-of-Hearing. Colorado has Colorado Relay and Sorenson has Video Relay system. The police have what are called Standard Operating Procedures (or S.O.P.'s). We discussed and developed some S.O.P.s for the police on how to contact someone who uses a Video Relay System.

The current statute was signed by the Chief on February 22<sup>nd</sup> 2010. Notice the years. We started meeting at the end of 2007, and the statute was signed in 2010. It takes time. Be persistent and just don't ever give up.

When a person is arrested, they are detained in a part of the police station called the holding cells. Some equipment has been added to the holding cells. In several of the precincts in Colorado Springs, they now have video relay service and WebCapTel so that Deaf or Hard-of-Hearing people can use this equipment to make calls.

Where do we go from here? I mentioned training earlier. What we are working to include in the next training academy is a section on Deaf or Hard-of-Hearing, how they can acknowledge it, how they can recognize it, how they can address it.

There is another training tool called the roll call video, a 15 minute presentation that all the police officers watch at their daily briefing. We are currently working on a video to show the police officers how to handle the video relay system and WebCapTel that are in the holding cells.

We are also working on a video on how an officer can acknowledge a person is Deaf or Hard-of-Hearing. The video will show when a patrol officer stops somebody, such as for a traffic ticket, how they can interact with a person who is Deaf or Hard-of-Hearing.

Another thing I want to do is to evaluate the existing General Order 550, the current policy for Deaf and Hard-of-Hearing. I believe it still falls short, and I want to go through another round of review and improvements.

Another concern I have is the use of force continuum. The Use of Force Continuum is the escalation of force guidelines. At the moment of a confrontation, the police have the option to escalate the force that they need to get a situation under control. I talked to a woman from the Department of Justice about that. She said it's an ongoing issue and there are no easy answers. Again, my personal thing, I don't want to get shot, tasered or tackled, because I don't hear the police.

One of the goals is to get the whole state on the same page regarding police policies and procedures for the Deaf or Hard-of-Hearing. It's a very time consuming process.

One thing I would like to do is to work on an indicator for the Department of Motor Vehicles for people who are Deaf or Hard-of-Hearing. Some ideas that have been discussed are a sticker for the driver's license or for a card that can be placed in the visor. Then the police officer can see the indicator and know at a glance what is necessary for effective communication. Right now that's on the "to do" list. Disclosure would have to be voluntary, that is, if you don't want to say you are Deaf or Hard-of-Hearing, you are not required to.

One of the lessons that I have learned is to be patient. This project took a little over two years to get through. You just got to keep at it. It helps if you really believe in what you are doing. I don't want to get shot by mistake. That's a recurring theme but one of the things that has kept me going is that if you just work with them, you will eventually get to where you want to go. It just takes a while.

Another lesson is be polite. Always be polite. Always be respectful. Always work with them.

By working with them, hopefully as the economy improves, we will be able to get that line item to purchase ALD's and maybe get some of their conference rooms looped. That's a future endeavor at this time. That's it.

AUDIENCE MEMBER: I have two questions. Number one, how is the public being educated about this program? And number two, do you have the opportunity to give this presentation to the Citizens Police Academy?

MARK VALKONEN: In answer to your first question, I present to the public in meetings like this. I presented this at our local HLAA meeting and at our state conference. Also to take your question one step farther, how should we who are deaf react in an encounter with the police? That's the other side of the education that needs to happen. What I want to work on is a presentation of how I, as somebody who is hard of hearing, behave when a policeman approaches me. Right now that is still in the works. About presenting to the Citizens Academy, no, I haven't done that. I'm working with the sheriff's office personnel who oversee volunteers on how the ADA applies and how they can work with people with disabilities on that. I hope that's something that will come through next year.

AUDIENCE MEMBER: I want to comment about the about assistive listening devices. I'm not sure exactly what you have in mind or what it would cost, but I do know, there are cheap devices like the pocket talker. However, the main point I want to make is that ALD's are not really the sort of thing that's optional. It's a requirement of the law that communication be effective as you said. Plus, it's not just what the police department have in their budget, it's what the entire city has in its budget. I can't imagine a deaf person foregoing having an interpreter because of budget problems. Communication access is no less important for hard of hearing people. Why view this as an economic problem? It's something that should always be there.

MARK: You are preaching to the choir. I totally agree. Right now their stance is note taking is an acceptable alternative to a listening device. But, I'm with you. Again, this is the ongoing job of educating them, of trying to figure out how to contact the right people who can say yes, we need ALD's. At the same time, if I was to get nasty about it, it would kind of close that door. If I can keep building that relationship and building trust, that will help everybody in the long run.

AUDIENCE MEMBER: I think what you have done in only two years is incredible. You keep saying be patient, it takes a Long time, but what look what you have done, that's amazing. I'm wondering if you have had any news exposure. If you can get something written up in the paper, go on TV, get some exposure through the news media, that might really spur things along.

MARK VALKONEN: If I knew how to do that, I would love to.

AUDIENCE MEMBER: Do you want me to write a news release for you?

MARK: Sure.

AUDIENCE MEMBER: What you need is someone to send a short news release and then it's up to the news media to go beyond that to dig deeper and to get the story.

MARK: Okay. Let's talk, I would love to know where to send something like that and go for it.

AUDIENCE MEMBER: I'm from Indiana but with the internet, you can write from anywhere. So, yes, let's talk and see what we can do. My cousin, a retired Denver policeman, lives in Larksborg. I visited with him before I came here. I had not seen him in 35 years, so we did a lot of talking. I was amazed at how interested he was in my hearing situation. He said that he never could figure out why the people who are deaf are afraid of police. I said because we will get shot. I also think it's historical. Many years ago, deaf people were brutalized, people thought they were stupid and less than human. They probably experienced a lot of police brutality. That history just passes down without even being spoken about. It's like racial prejudice. You may not practice it in your home, but you are aware of it because it's always been there. I think my cousin would be very interested in what you are doing. He might really be interested in getting behind this with the Denver police. Now that he is retired, it will give him something to do.

AUDIENCE MEMBER: First, I commend you on what you are doing. I would like to know if you plan to share the system that you have set up with the Colorado Springs Police Department with other police departments within Colorado?

MARK VALKONEN: Absolutely. One of my goals is to get the whole state on the same page. Colorado Springs Police Department is in my own backyard, that's what I'm starting. I am involved with the citizens patrol, the victim's advocate, and the Sheriff's Office. Once I get that set up, and as people get interested, I will be glad to share this. I will be glad to talk to every police department in the state.

AUDIENCE MEMBER: So, maybe you can come to Chicago and help the Chicago Police Department? I just want to share the experience I had recently. I did though have my sticker on my license plate. A policeman pulled me over at night with that light that shines on so bright. I didn't understand what the policeman was saying. Anyway with that light on, I explained that I needed him to turn that light off. When he turned it off, I couldn't lip read him. I didn't know what to do. I was also in the car with my 17-year-old and instead of talking to directly to me, the officer went around to the passenger's side to talk to the 17-year-old. I was hesitant about if I should stand up for

myself and say, hey, talk to me. I'm the one that's driving but, no, I thought okay, calm down and shut up. I let him talk to the 17-year-old. I want to share that. You need to come to Chicago.

AUDIENCE MEMBER: I live in the Washington, D.C. area where there are many deaf, Deaf and Hard-of-Hearing people. We have faced this issue for years and years because so many deaf people are in that locale. There is a possibility of some incident increasing proportionately because of the population there. Years ago one police group in particular in Prince Georgia's county had a serious issue with brutality and dealing with Deaf individuals. They developed a curriculum and program within the Police Academy so all future police officers would be trained on these issues. It's my understanding that after several years of using the new procedures, the brutality just disappeared.

Maybe that curriculum is still left somewhere. Maybe some various curricula for training and teaching future police officers still exist. We can look for them and make a comparison. It's really critical that we make sure we continue these changes for the better and not have them disappear.

There must be a way to continue these efforts and keep them on the various agendas.

MARK VALKONON: You are absolutely correct the advocacy and keeping up the training is up to us. Keep it in the spotlight so to speak. Because if we don't care, why should they care? So, it does affect us and that's why we advocate. It's imperative that once this is set up, we also have an oversight to keep it there.

AUDIENCE MEMBER: First I agree completely with you, that you should be polite, not nasty. I was also thinking when the police decide that taking notes is good enough, it's hopeful to realize that the ADA requires the states and local governments to supply the person's communication preference. If somebody prefers an assistive listening device, the police are not supposed to decide that written notes are good enough. Perhaps they should just be informed of this politely. Plus, it could be a lot more expensive if you sue. In that case, you are helping them by telling them they would be in trouble if they don't do this. There ways of putting pressure that don't require being nasty.

MARK VALKONON: You are absolutely right. We got into looking at incidences with Deaf and Hard-of-Hearing. Not a lot recorded. If you have the numbers to back it up, it's a little easier to advocate. Using interpreters versus somebody who doesn't hear so well, that's a difficult metric to measure. I would love to catch an incidence where an assistive listening device would help, that would be a big stick in helping the police departments to comply. Otherwise, you just keep pushing. I would love to be able to push and shove this through.

AUDIENCE MEMBER: Does the law say you have to have an interpreter only if you are arrested? Or can I ask for an interpreter if they would give me traffic ticket?

MARK VALKONEN: That's a gray area. You have the hard core that say if you get a ticket, you can get an interpreter. You have got the other side that says a ticket is not that big a deal, if you are intelligent enough to drive, you are intelligent enough to know what is going on, therefore you don't need an interpreter. Because the communication is effective enough. So, that's the gray area. I don't have all the answers. The police I have talked to say any time they issue a ticket, they are not required to provide an interpreter. In defense of police, an interpreter for a ticket would be prohibitively expensive. You would have to wait, call the interpreter, the interpreter would have to come out or you would have to go to the police station. That's a lot of time and cost involved. For a ticket, it's probably not worth the expense.

AUDIENCE MEMBER: Can we have access to the system that you set up for the Colorado Springs Police Department? Everything that you have, it's all in written agreement, right, that you have with the Colorado Springs police department?

MARK VALKONEN: The General Order 550 is the policy for Deaf and Hard-of-Hearing today with the Colorado Springs Police Department. The policy is on-line at <http://www.springsgov.com/Page.aspx?NavID=3696>, and select Field Manual Section 5. The direct URL is <http://www.springsgov.com/Files/Field Manual Section 5.pdf>.

AUDIENCE MEMBER: Yes. Thank you.

MARK VALKONEN: If you have feedback, I would love to get any feedback, too. All right. Thank you. (Applause)

**Mark Valkonen** is an active advocate for Deaf and Hard of Hearing issues. He is the local HLAA chapter president, chairman on the Legal Auxiliary Services Advisory Council for the Colorado Commission for the Deaf and Hard of Hearing, and a Disability and Business Technical Assistance Center Leadership Network member. He resides in Colorado Springs.