

LEGAL AUXILIARY SERVICES COMPLAINT PROCESS

BACKGROUND/PURPOSE

CCDHH Legal Auxiliary Services (LAS) will:

- Control the quality of auxiliary services offered in the Colorado State Courts, probation and court ordered treatment;
- have oversight of the roster of Legally Qualified auxiliary service providers;
- and allow for suspension or revocation of Legal Credential Authorization (LCA) and removal from roster if a complaint is upheld.

PROCESS

I. Scope-This process applies to any auxiliary service provider, who holds the LCA and who performs sign language interpretation or CART services for the Colorado State Courts, probation or court ordered treatment and is paid by CCDHH-LAS.

II. Grounds for Corrective Action -The following actions may constitute grounds for the filing of a complaint against an auxiliary service provider who is assigned and paid by CCDHH-LAS:

- A. Violation of any federal, state or local criminal code when such offense adversely affects the interpreter's ability or fitness to perform court duties;
- B. fraud, dishonesty, or corruption related to the functions and duties of an auxiliary service provider;
- C. known misrepresentation of roster status; continued false or deceptive advertising after receipt of notification to discontinue;
- D. repeated failure to appear as scheduled without good cause;
- E. violation of their professions' code of ethics as well as the Colorado Code of Professional Responsibility for Interpreters in the State Court System.

PROCEDURE

I. Complaint Process

- A. Who may file a complaint:
Complainants may include, but are not limited to, defendants, litigants, court personnel, judges and judicial officers, other auxiliary service providers and courtroom observers.
- B. How a complaint must be filed:
 - i) Within ninety (90) days of the alleged incident, a complaint must be submitted to CCDHH, and mailed, emailed or delivered to:
CCDHH Legal Auxiliary Services
1575 Sherman St, Garden Level, Denver, CO 8020
or cdhs_las.ccdhh@state.co.us

COLORADO COMMISSION FOR THE DEAF & HARD OF HEARING
CCDHH

- ii) The complainant must submit the complaint in any format that shall state the date, time, place (including the judicial district), case name and number of any proceeding, if applicable, and the nature of the alleged improper conduct. If possible, the complaint shall include the name(s), title(s) and contact information of potential witnesses. The complaint shall state why the complainant believes the alleged improper activity requires disciplinary action by explaining how it negatively impacted the situation. A summary of other actions, if any, taken to resolve this matter prior to filing a complaint must also be included. Alternative forms of documentation, such as video or audio formats, are accepted.
- iii) Within fourteen (14) days, a copy of the complaint will be sent to the auxiliary service provider who will be given fourteen (14) days, from the receipt of notification, to respond to the Commission in writing. If the auxiliary service provider fails to respond in writing within the allotted time, the review will still proceed without it.

C. Review of Complaint

- i) The CCDHH-LAS staff will review the complaint and the response with the court and an ad-hoc LASAC sub-committee (made up of at least three LASAC members) within thirty (30) days of receipt of the response and shall determine whether the allegations, if true, constitute grounds for discipline. If it is determined that the conduct is grounds for discipline, an investigation shall proceed according to Section II.
- ii) If it is determined that the complaint does not allege conduct that is grounds for discipline, the complaint will be dismissed and the complainant will be notified via first class mail or email. The notification will include an explanation of the reason(s) for the determination. If the complainant disagrees with the determination, he/she must notify CCDHH-LAS within thirty (30) days.
- iii) If it is determined that the conduct is grounds for discipline, an Ethics Review Board (ERB) will be appointed to review the complaint within thirty (30) days. The ERB will consist of three (3) members of the Commission Board.
- iv) If the ERB determines that that the conduct is grounds for discipline, an investigation shall proceed according to Section II.
- v) If the ERB determines that the complaint does not allege

COLORADO COMMISSION FOR THE DEAF & HARD OF HEARING
CCDHH

conduct that is grounds for discipline, the ERB will dismiss the complaint and CCDHH-LAS staff will notify the complainant via first class mail or email. The notification will include an explanation of the reason(s) for the ERB determination.

- vi) If the complainant disagrees with the ERB determination the complainant may file a petition for review with the Commission within thirty (30) days. The Commission Board will hold a closed meeting to review the facts and make a determination. The Commission Board's decision is final.

II. Procedure for Investigation and Decision

A. Investigation

- i) Except for good cause shown, the investigation will be completed by CCDHH-LAS staff in a timely manner not to exceed sixty (60) days from the receipt of the complaint or from the receipt of the request to investigate by the ERB, whichever is later.
- ii) If deemed appropriate, the auxiliary service provider will be suspended from working for CCDHH-LAS during the investigation and until further notice. If the auxiliary service provider is an employee of the state, he/she falls under the Department of Human Services Personnel Rules and may be placed on administrative leave pending investigation.
- iii) The investigation will include statements from witnesses, court personnel and others named in the original complaint and the response from the auxiliary service provider. If additional information is required from the auxiliary service provider prior to making a determination, a written request will be sent, by first class mail or email, with specific questions posed. All questions must be answered and mailed or emailed back to CCDHH-LAS within no more than fourteen (14) days. If the auxiliary service provider fails to respond within the allotted time, CCDHH –LAS will still proceed with the disciplinary review.
- iv) If at the conclusion of the investigation and review of statements, it is determined that conduct occurred that would be grounds for discipline, a report of findings and a recommendation for disciplinary action will be submitted and the parties will be notified by first class mail or email . The notification will include an explanation of the reason(s) for the determination. If either party disagrees with the determination, he/she may file a petition for review, within thirty (30) days, under the procedure as outlined in Section I(C)(iii).
- v) If at the conclusion of the investigation and review of statements, it is determined that no conduct occurred that

COLORADO COMMISSION FOR THE DEAF & HARD OF HEARING
CCDHH

is grounds for discipline, the complaint shall be dismissed and the parties will be notified the by first class mail or email. The notification shall include an explanation of the reason(s) for the determination. If either party disagrees with the determination, he/she may file a petition for review, within thirty (30) days, under the procedure as outlined in Section I(C)(iii).

III. Corrective Action

A. If it is found that there is sufficient evidence for corrective action under Section II, CCDHH-LAS will impose such action as deemed appropriate. In determining what action is appropriate, the nature and seriousness of the violation, any pattern of improper activity, the effect of the improper activity on the court system and/or the complainant, the amount of experience, and any other mitigating or aggravating information presented will be considered. Actions that may be imposed include, but are not limited to:

- i) issuing a private reprimand;
- ii) issuing a corrective action with which the interpreter must comply in order to remain on the roster;
- iii) requiring that certain education courses be taken;
- iv) requiring that the interpreter work with a mentor, or that the interpreter's work be supervised;
- v) limiting the type of assignments;
- vi) suspension of Legal Credential Authorization and removal from the roster for a specific period of time;
- vii) revocation of Legal Credential Authorization and removal from the roster.

B. If the corrective action includes suspension or revocation of the auxiliary service provider's Legal Credential Authorization and roster status, CCDHH-LAS shall specify the conditions and timeframe, if any, within which the interpreter may apply for reinstatement of his/her Legal Credential Authorization and roster status. If the auxiliary service provider disagrees with the determination, a petition for review can be filed within thirty (30) days under the procedure as outlined in I(C)(iii).

IV. Reinstatement

An auxiliary service provider whose Legal Credential Authorization and roster status has been suspended or revoked may apply in writing to CCDHH-LAS for reinstatement, within the timeframe established in the suspension or revocation decision. CCDHH-LAS has sole discretion in determining whether the conditions for reinstatement have been satisfied and will make a determination within thirty(30) days of receipt.

V. Confidentiality

- A. All complaints and investigations are kept confidential.
- B. CCDHH will disseminate public information to judicial officers, district administrators, managing interpreters and agencies concerning disciplinary actions taken against auxiliary service providers.
- C. CCDHH will maintain complaint files for a period of five (5) years. If an auxiliary service provider receives subsequent complaints, each complaint will be reviewed as specified above. If the review shows the same violations being repeated or a pattern of improper conduct, the auxiliary service provider will be subject to additional action and possible revocation of their Legal Credential Authorization and the removal of their name from the roster.