



March 24, 2020

Rachel Hoffmeyer
Press Secretary
Indiana Governor's Office
200 W. Washington St.
Indianapolis, IN 46204
rhoffmeyer@gov.in.gov

SENT VIA ELECTRONIC MAIL ONLY

Re: Effective Communication during Press Briefings and Public Addresses

Dear Ms. Hoffmeyer,

Indiana Disability Rights is the federally-mandated and state-designated protection and advocacy organization for the state of Indiana. Our mission is to protect and promote the rights of individuals with disabilities through empowerment and advocacy.

Governor Eric Holcomb delivered a statewide address on March 23, 2020, detailing a number of important updates applicable to all Hoosiers, including the announcement of Executive Orders 20-08 (Stay at Home), 20-09 (Continuity of State Operations), 20-10 (Enforcement Directive Regarding Prohibition of In-Person Dining), and 20-11 (Provisions for Carryout Consumption of Alcohol). Neither a qualified sign language interpreter nor real time captioning were utilized in the state-provided live stream of that address, depriving the estimated 256,200¹ deaf and hard of hearing Hoosiers of the vital information the Governor shared regarding his actions to combat COVID-19 (Novel Coronavirus). We understand these are extraordinary circumstances we find ourselves in; all the more reason to ensure that everyone has access to the important information.

Not only was this failure against well-accepted best practice but it was also a violation of federal anti-discrimination laws. Specifically, Title II of the Americans with Disabilities Act (ADA) prohibits discrimination by state or local governments. Pursuant to Title II and its regulations, state and local governments must ensure that their communications, including emergency communications, are fully accessible to people with disabilities. This includes live and recorded announcements made by local governments including Governors' offices. Additionally, when

¹ Erickson, W., Lee, C., von Schrader, S. (2017). Disability Statistics from the American Community Survey (ACS). Ithaca, NY: Cornell University Yang-Tan Institute (YTI). Retrieved from Cornell University Disability Statistics website: www.disabilitystatistics.org (last accessed March 24, 2020).

Equality Through Advocacy
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federal funds are utilized, Section 504 of Rehabilitation Act of 1973 bars the recipient of federal funds from discriminating against individuals with any disability in the provision of services while Section 508 of the Act requires that all electronic and information-technology resources developed with the use of federal funds be completely accessible. Whether or not federal funds were utilized, the Governor's Office is required to ensure communications with the public are fully accessible to deaf and hard of hearing individuals. In these unprecedented times, it is more important than ever to ensure that everyone has equal access to the information being provided.

The National Association of the Deaf, the nation's premier civil rights organization of, by and for deaf and hard of hearing individuals in the United States, has published best practices to ensure effective communication at all public briefings and public addresses.² Indiana Disability Rights implores the Governor's Office to adopt these practices for all future video broadcasts, live streams, and public service announcements delivered by Governor Holcomb or his designees, especially throughout this serious public health risk prompted by COVID-19 (Novel Coronavirus):

1. All communications provided through sign language interpreters and closed captioning must meet community and national standards. In advance of all emergency broadcasts and public service announcements, all interpreting and captioning service providers should be screened and approved in advance by members of the deaf and hard of hearing members. Care must be taken to ensure the interpreters and captioning service providers are trained for emergency situations and familiar with emergency management terminology. Further, all interpreters should be certified and also possess any necessary interpreter license in compliance with state law.
2. Make sure a highly qualified sign language interpreter is visible at all times in the broadcast next to the emergency official.
 - At all times during the video broadcast, a Medium 2 Shot should be used of both the public official and the sign language interpreter standing next to each other in the video frame.
 - At all times during the video broadcast, the speaking official should not block the interpreter and the interpreter should not block the speaking official.
 - At all times during the video broadcast, the interpreter should stand slightly in front of the podium and to the side of the speaker

² Position Statement on Accessible Emergency Management for Deaf and Hard Of Hearing People. Retrieved from the National Association of the Deaf website:
<https://www.nad.org/about-us/position-statements/position-statement-on-accessible-emergency-management-for-deaf-and-hard-of-hearing-people/#Emergency%20Press%20Briefings> (last accessed March 24, 2020).



- The interpreter should possess any and all licensure and/or certification required by the state law in the state where the broadcast is occurring.
3. At all times during the video broadcast, provide high quality captioning and ensure that it does not conflict or cover the interpreter or other text such as a scrolling marquee, crawl, or lower-third (or vice versa).
 4. In advance of all emergency broadcasts and during such broadcasts, broadcast media, emergency management, interpreters, and advocates from the deaf and hard of hearing community should be working together to ensure the diverse needs of all deaf and hard of hearing individuals are met during such broadcasts.
 5. Whenever possible to ensure the emergency broadcast is understandable to every segment of the population, use images and maps to illustrate what people should be doing or where people should be going during emergencies.
 6. Ensure that all captioning and interpreting services are clearly visible and not distorted on all re-broadcasts and Internet broadcasts of the same production. For any media displayed on the Internet:
 - Embed subtitles and sign language interpreter into a single video so captions or interpreter cannot be cut-out in re-broadcasts or Internet streaming.
 - In the alternative, provide XML files (Flash videos) or VTT (HTML5 videos) with the caption file copied.

Again, effective communication is not only required by federal anti-discrimination laws but it is also essential in times of emergency. It is imperative that all information shared by the Governor and all other public officials about this serious disease outbreak is made accessible to all Hoosiers at the time of release, not afterwards.

Please feel free to contact me should you have any questions or concerns regarding this, or any other matter related to disability policy and law. You may reach me at (317) 722-3443 or tcrishon@indianadisabilityrights.org.

Your assistance in this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas E. Crishon', written in a cursive style.

Thomas E. Crishon
Legal Director
