

**COMMISSION ON PERSONS WITH DISABILITIES (DCCPD)**

As advocates for effective public policy, we protect the rights of all residents of and visitors to the District of Columbia, regardless of their physical or mental ability

November 26th 2018

Councilmember Charles Allen
Chairperson, Committee on the Judiciary and
Public Safety
1350 Pennsylvania Ave NW, Suite 110
Washington, DC 20004

At-Large Councilmember Anita Bonds
Chairperson, Committee on Housing and
Neighborhood Revitalization
1350 Pennsylvania Ave NW, Suite 404
Washington, DC 20004

Councilmember Brianne K. Nadeau
Chairperson, Committee on Human Services
1350 Pennsylvania Ave NW, Suite 102
Washington, DC 20004

At-Large Councilmember David Grosso
Chairperson, Committee on Education
1350 Pennsylvania Ave NW, Suite 402
Washington, DC 20004

Dear Councilmembers,

The District of Columbia Commission on Persons with Disabilities (DCCPD) writes to express our support for the Open Movie Captioning Requirement Act of 2018 (B22-0957). We urge you to bring this Bill to the Council's consideration.

As an Advisory Board established in 2008 by the Mayor of the District of Columbia, DCCPD works to inform and advise the District Government on programs, services, facilities, and activities that impact the lives of residents with disabilities. Our Commission is made up primarily of people with disabilities, advocates, and allies, and we understand firsthand the importance of equal access for people with disabilities that is comparable to the access enjoyed by our peers without disabilities.

The District of Columbia has one of the largest Deaf and Hard-of-Hearing populations in our nation. This is in part because of Gallaudet University, the first and only University in the world tailored toward Deaf and Hard-of-Hearing students. Students, professors, educators, and parliamentarians from across our nation and around the world have attended Gallaudet University, and many have remained in the District upon their graduation. The District's Deaf residents are instrumental influences for the integration of Deaf culture into the broader community. In fact in 2009, Deaf411, a public relations firm, acknowledged that the District is a Deaf- Friendly City.

For many Deaf and Hard-of-Hearing residents and visitors to the District, seeing a film in a movie theater can prove to be difficult. Often, movie theaters offer "closed captioning" glasses for attendees who are Deaf or Hard-of-Hearing so they can view captions detailing spoken words, sounds, and music throughout the film. These glasses are unreliable due to battery failure and lack of proper connectivity. The glasses are heavy, often not properly cleaned - which could pose a health risk to those with compromised immune systems. The glasses are uncomfortable and can be difficult to wear for those that also use every day glasses, hearing aids, or cochlear implants.

Some theaters use a "captioning box," which is placed in an attendee's cup holder. The moviegoer then has to look back and forth between the box and the movie screen to understand what is happening. This causes strained necks and eyes and increases the likelihood that Deaf

moviegoers miss portions of the film. These devices are also unreliable due to battery failure and lack of proper connectivity too.

Most importantly, both of these devices violate ADA Title III (Public Accommodations and Commercial Facilities), which states that public accommodations shall take steps necessary to ensure that no individual with a disability is “treated differently” from other individuals due to the lack of auxiliary aids and services (Open captioning is now included in the term “auxiliary aids and services” according to the ADA regulations).

Providing open captions directly on films allows patrons who are Deaf or Hard-of-Hearing to enjoy a film equally to that of their hearing peers. Open captions do not just benefit individuals who are Deaf or Hard-of-Hearing but also those with other disabilities or non-native English speakers who may rely on captions to fully understand what is said.

If enacted, the Open Movie Captioning Requirement Act of 2018 will not only improve the movie-going experience for residents and visitors who are Deaf or Hard-of-Hearing, but also it improves the experience for the whole community.

We urge the Council to consider passing the Open Movie Captioning Requirement Act of 2018 and invite the Council to discuss this matter further.

Thank you for your consideration,

The DC Commission on Persons with Disabilities

Kamilah Martin-Proctor, Chair

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