

VOLUNTARY TECHNICAL ASSISTANCE AGREEMENT

BETWEEN THE U.S. DEPARTMENT OF JUSTICE

AND THE FREEPORT POLICE DEPARTMENT

REGARDING LANGUAGE ACCESS SERVICES



BACKGROUND

In 2022, U.S. Department of Justice (DOJ) created its Law Enforcement Language Access Initiative (LELAI) to help state and local law enforcement agencies (LEAs) throughout the United States to overcome language barriers in policing work. This Voluntary Technical Assistance Agreement (VTAA) between DOJ and the Freeport (New York) Police Department (FPD) is designed to help FPD address language access challenges and concerns by accessing DOJ technical assistance and training resources. FPD is undertaking this effort voluntarily, in furtherance of its commitment to take proactive steps to ensure that it is able to communicate with the diverse language communities in its jurisdiction, consistent with Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d to 2000d-7 (Title VI). Beyond Title VI compliance, overcoming language barriers in police work furthers other shared goals, including officer safety, public safety, crime control, promotion of community trust, and collection of reliable evidence.

SHARED FOUNDATIONAL PRINCIPLES

- To effectively protect and serve communities and carry out their vitally important mission, LEAs must be able to communicate in an accurate and timely manner with all members of the public, regardless of language spoken. Accurate and timely communication protects officers and the public. Tragic consequences have resulted from officers' inability to communicate in an accurate and timely manner with perpetrators, victims, or witnesses who are Limited English Proficient (LEP).
- Law enforcement and the community both benefit when LEAs strive to promote community trust and inclusion. The use of translation, interpretation, and other language assistance services helps to promote community trust and inclusion by signaling that the LEA strives to equitably serve the whole community, irrespective of language barriers.
- Accurate and timely language assistance helps to ensure the reliability of witness accounts and other evidence. Collecting reliable evidence is at

the very heart of the law enforcement mission and critical to achieving justice in the courtroom.

- Title VI prohibits, among other things, discrimination on the basis of national origin in federally funded programs and activities. Overcoming language barriers helps to ensure that police services are accessible to individuals of various national origin backgrounds, consistent with Title VI.

AGREEMENTS

The FPD and DOJ agree as follows:

- 1) DOJ will assist the FPD in reviewing and refining FPD's language access policy and/or procedures so that they are consistent with Title VI, the needs of the FPD and the community it serves. DOJ assistance may include the following:
 - a. Reviewing and commenting on documents related to FPD's language access plans, policies, and procedures;
 - b. Participating in meetings;
 - c. Assisting with training;
 - d. Providing feedback, observations, assessments, and recommendations related to the FPD's efforts to develop a comprehensive language access program; and/or
 - e. Suggesting resources for and responding to questions from the FPD.
- 2) In establishing and maintaining its language access program, the FPD will undertake the following steps in three core components: policies and procedures; training; and assessment.

Policies and Procedures

FPD will implement and maintain policies that:

- a. Appoint a language access coordinator who reports to FPD leadership and oversees the language access program.
- b. Establish procedures for FPD personnel to identify individuals who are LEP and the primary languages of such individuals.
- c. Identify and implement available quality-tested options for providing language assistance, such as qualified bilingual personnel; professional contract services offering in-person, telephonic, and/or video remote language assistance; and other qualified sources of assistance.
- d. Establish language access procedures for specific types of law enforcement contacts, such as investigative interviews, suspect interrogations, advice of rights,

incident reports, emergency and non-emergency phone lines, and review of non-English language messages and correspondence.

- e. Assess the demographic profile of the community that FPD serves in order to determine document translation needs, and consider periodic reassessments to keep pace with demographic shifts.
- f. Establish translation protocols to obtain quality translations of vital documents, website information, non-English complaints, and other written material. Use of quality-tested automated translation options are permissible, so long as qualified bilingual personnel and/or a qualified language professional possessing proficiency in the target language conducts a follow up review to check for accuracy of the translated material. The number of languages into which publicly-available information shall be translated will be determined on a case-by-case basis.
- g. Ensure that FPD personnel do not rely upon minors, family members, bystanders, and other unqualified sources of language assistance for translation or interpretation, unless there are exigent circumstances and a more reliable source of language assistance is not available. Any reliance on unqualified sources of language assistance during an exigency must be in accordance with FPD protocols for language assistance during exigent circumstances, including how to identify an exigency (including when an exigency ends); language assistance options during an exigency; and steps to confirm information obtained through unqualified sources of language assistance. The policy should also provide that, once the exigency has ended, only qualified language assistance shall be used going forward.
- h. Establish and make publicly available a language access complaint process that ensures fair and equitable investigation and disposition of language access complaints.
- i. Develop procedures for sworn and unsworn personnel to document the use of language assistance services, including the non-English language involved, the type of interaction, the type of assistance provided, and who provided it.
- j. Require signage in the top six languages spoken in the FPD's jurisdiction to be posted at the main public entry or lobby of each FPD facility, advising LEP individuals that language assistance is available free of charge.

- k. Require distribution of FPD's language access policy and procedures to all personnel, as well as to community organizations serving individuals with LEP, and posting of FPD's language access policies and procedures in the top six languages spoken in the jurisdiction on the FPD website.
- l. Establish self-assessment protocols.
- m. Establish community outreach and feedback mechanisms.

Training

FPD will implement and maintain a training program that:

- n. Provides for appropriate assessment and training to qualify both sworn and unsworn FPD employees as qualified bilingual personnel. Training topics for qualified bilingual personnel should include appropriate roles and ethics consistent with their approved responsibilities, specialized terminology, and community relations.
- o. Is robust, interactive, and mandatory for all FPD personnel.
- p. Covers FPD's language access policy and procedures, including the types of language assistance services available, in what circumstances FPD personnel will be required to use language assistance services and how FPD personnel will provide language assistance services.
- q. Establishes a training schedule for both current and incoming FPD employees and requires mandatory refresher trainings every two years or more frequently when an update or change has been made to the existing language access policy.

Assessments

FPD will self-assess its language access program by:

- r. Evaluating, at least quarterly, the quality and sufficiency of language assistance services, as well as FPD personnel compliance with FPD's language access policies and procedures.
- s. Collecting data regarding contacts with LEP persons, which may include calls for service, field contacts, complaints, telephone calls, or electronic communications. Data to be collected may include the non-English language used and the type of language assistance service provided, if any.
- t. Collecting data regarding the use of exigent circumstances in which an unqualified source of language was used for language assistance services, including the circumstances under which language assistance services were utilized, the source of unqualified language assistance (e.g., bystander, family

member, child, unqualified officer, etc.), the steps taken to confirm the information obtained, and the non-English language used.

- 3) FPD will take the following actions to facilitate its partnership with DOJ under this agreement:
 - a. Share data, draft documents, training curricula, and other relevant information regarding FPD's language access program for DOJ review.
 - b. Timely respond to DOJ feedback.
 - c. Provide updates to DOJ at least quarterly regarding establishment and implementation of FPD's language access program.
 - d. Provide the results from its self-assessments to DOJ.

TERMS AND CONDITIONS

- 1) Duration. This Agreement becomes effective upon execution by representatives of both parties and will end two years later, or upon completion of their Commitments as outlined above, whichever occurs last.
- 2) Nothing herein may be construed as an admission of non-compliance with Title VI by FPD.
- 3) This Agreement does not affect the FPD's continuing obligation to comply with Title VI, nor does it preclude DOJ from taking appropriate action to evaluate or take enforcement action regarding FPD's compliance with any laws or regulations enforced by DOJ. Nothing herein will restrict DOJ's response to any complaint it may receive after the date of execution of this agreement.
- 4) This Agreement does not limit, expand, or create a right of any person or entity seeking relief or pursuing legal action against FPD, or any officer or employee thereof, for their conduct or the conduct of the FPD's officers. No person or entity is or is intended to be a third-party beneficiary of this Agreement for the purposes of any civil, criminal, or administrative action.
- 5) The Signer(s) is/are authorized to enter into this Agreement.
- 6) This is a public document.

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Dated: December 11, 2024

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