

TEXAS GANG INTELLIGENCE INDEX (TXGANG) USER AGREEMENT

This agreement is made and entered into between the Texas Department of Public Safety (DPS), which is responsible for the maintenance of the Texas Gang Intelligence Index (TxGang), and the El Paso County Sheriff's Office hereinafter referred to as the Participating Agency.

The DPS has established and maintains a statewide gang intelligence index, TXGANG, for the purpose of facilitating the investigation, prosecution, and/or punishment of criminal offenses relating to a criminal street gang. The Participating Agency entering into this User Agreement has read and fully understands the responsibilities of being a participating agency in TXGANG. The DPS reserves the right to suspend or terminate the use of TXGANG by any Participating Agency for any breach of the User Agreement.

The Participating Agency agrees to:

1. If applicable, comply with the Department of Justice Criminal Intelligence Systems Operating Policies 28 Code of Federal Regulations Part 23, Chapter 67 of the Texas Code of Criminal Procedure and the TXGANG Operating Policies and Procedures in regards to, but not limited to, submission, query, dissemination, and retention of records, training, and terminal and data security.
2. Establish a written policy applicable to the participating agency on TXGANG issues such as, record submission, removal, quality control, validation, dissemination, and system security.
3. Refrain from using information obtained from TXGANG to populate another intelligence or searchable database.
4. Ensure that all users that are provided access within the agency are authorized users, properly trained, and using appropriate electronic transmission.
5. Maintain a list of all authorized users and provide the list to the Administrator of TXGANG.
6. Maintain supporting documentation on submissions for as long as record remains in TXGANG.
7. Be responsible for the quality of the information submitted and for modifying or deleting a record if necessary.
8. Notify DPS immediately and execute a new User agreement upon a change in the chief executive officer or head of the Participating Agency.

Participating Agency acknowledges and agrees that all submissions of criminal intelligence information on individuals and organizations submitted to TXGANG are the property and responsibility of the submitting agency, not DPS. Participating agency acknowledges it has a duty to adhere to, if applicable, 28 CFR Part 23 and Chapter 67 of the Code of Criminal Procedure requirements including proper ID criteria for a gang member, proper criminal predicate for the gang, lawful acquisition of the information being submitted, effective control of dissemination only on a right and need to know basis and

maintaining proper records for each dissemination. TO THE EXTENT AUTHORIZED BY LAW, PARTICIPATING AGENCY SHALL INDEMNIFY AND DEFEND DPS FROM ALL DAMAGES ARISING OUT OF PARTICIPATING AGENCY'S PERFORMANCE UNDER THIS AGREEMENT CAUSED BY (1) ANY NEGLIGENT ACT OR OMISSION OR (2) WILLFUL MISCONDUCT OF PARTICIPATING AGENCY, ITS EMPLOYEES OR ANYONE FOR WHOSE ACTS PARTICIPATING AGENCY MAY BE LIABLE.

This agreement may be terminated by either the agency head or DPS at any time after providing 30 days written notice to the other party. Any changes to this agreement must be in writing and be mutually agreed upon by all parties.

This TxGang User Agreement will become effective on _____ . (Date to be completed by DPS).

IN WITNESS WHEREOF, the parties hereto caused this TxGang User Agreement to be executed by the proper officers and officials:

PARTICIPATING AGENCY

PARTICIPATING AGENCY REPRESENTATIVES

Richard D. Wiles

Printed Name of Agency Head or Designee

Signature

Sheriff

Title

Date

TX0710000

ORI

3850 Justice Drive, El Paso Texas 79938

Agency Address/City/Zip Code

Pedro Noel Palacios

Printed Name of Participating Agency
Primary Representative



Signature

Emmanuel J. Soria

Printed Name of Participating Agency
Alternative Representative



Signature

EL PASO COUNTY

TEXAS DEPARTMENT OF PUBLIC SAFETY

Ricardo A. Samaniego
County Judge

Date

Michelle Farris

Printed Name



Chief

Title

Date