

TEXAS DEPARTMENT OF PUBLIC SAFETY LIVESCAN USER AGREEMENT

This document constitutes an agreement between the Texas Department of Public Safety and

USER AGENCY

Wise County

USER CONTACT NAME

Stacy Stone

USER CONTACT ADDRESS

P.O. Box 901 Decatur TX 76234

USER CONTACT PHONE NUMBER

940-627-1648

USER CONTACT EMAIL

stacy.stone@co.wise.tx.us

a law enforcement agency, hereinafter referred to as the User Agency. This agreement sets forth duties and responsibilities for both the Texas Department of Public Safety, hereinafter referred to as the Department, and the User Agency. Failure to abide by the conditions of this agreement may result in the removal of permissions provided by the Department.

The Department reserves the right to monitor, and limit if necessary, the number of transactions submitted to the state's Automated Fingerprint Identification System (AFIS), as well as those forwarded to the FBI's Integrated Automated Fingerprint Identification System (IAFIS).

The Department will be the State Administrator of the Store and Forward device used to submit fingerprint images to the Federal Bureau of Investigation (FBI) and to the Department systems.

The User Agency will submit livescan transactions for criminal justice purposes only. Livescan submissions to the Department will be limited to criminal justice applicants for the User Agency, arrests and identification verifications of subjects. The User Agency must continuously submit retainable livescan submissions in order to be granted or maintain connectivity to the Department.

The Department will work with the User Agency and its Livescan Vendor, if applicable, to accomplish connectivity to the Department. The User Agency will only submit transactions to the Department from DPS tested implementations utilizing devices that appear on the FBI's IAFIS certified product list, <https://www.fbibiospecs.org/IAFIS/Default.aspx>. The Livescans must also have Appendix F specifications with 500ppi and ANSI/NIST Type 4 fingerprints. The Livescan will connect to the Department in one of three forms: Direct Connect, Store and Forward via email, or Store and Forward via FTP.

The User Agency shall abide by all laws of the United States and the State of Texas, and shall abide by all present or hereinafter approved rules, policies, and procedures concerning the collection, storage, processing, retrieval, dissemination and exchange of criminal justice information. The User Agency shall adhere to the CJIS Security Policy.

The Department reserves the right to immediately suspend service to the User Agency when applicable policies are violated. The Department may reinstate service following such instances upon receipt of satisfactory assurances that such violations have been corrected and measures have been taken to prevent future violations. Failure to correct such violations could result in cancellation of service. All costs for reconnection of service are the responsibility of the User Agency. The User Agency may, upon 30 days written notice, discontinue service. The Department of Public Safety shall have the authority to inspect and audit the equipment, records and operations of the User Agency to determine compliance with this agreement and all applicable state and federal laws.

The User Agency agrees to hold harmless the Texas Department of Public Safety, its Director and employees from and against any and all claims, demands, actions and suits, including but not limited to any liability for damages by reason of or arising out of any false arrest or imprisonment or any cause of action, arising out of or involving any negligence on the part of the User Agency or its employees in the exercise of this Agreement, to the extent permitted by law.

This Agreement will become effective upon receipt by the Texas Department of Public Safety of the signed agreement.

In **WITNESS WHEREOF**, the parties hereto caused this Agreement to be executed by the proper officers and officials.

USER AGENCY

ORI # TX 2490135
Signature: *Bill McElhane*
Printed Name: Bill McElhane
Title: County Judge
Date: 01/04/12

PLEASE MAIL TO:
DEPARTMENT OF PUBLIC SAFETY
CRIME RECORDS SERVICE
LIVESCAN COORDINATOR
PO BOX 4143
AUSTIN TX 78765-4143

TEXAS DPS

Signature: *Mike Lewis*
Printed Name: MIKE LEWIS
Title: DEPUTY ASSISTANT DIRECTOR
Date: 10/25/11