

**TEXAS DEPARTMENT OF PUBLIC SAFETY
DPS OWNED LIVESCAN USER AGREEMENT**

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

USER AGENCY

Wise County

USER CONTACT NAME

Brent Hamilton

USER CONTACT ADDRESS

200 Rock Ramsey Decatur TX 76234

USER CONTACT PHONE NUMBER

940-627-5971

USER CONTACT EMAIL

hamiltonj@sheriff.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 and livescan equipment provide 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 User Agency shall keep the livescan in good condition and is responsible for missing, lost, or damaged equipment. If equipment fails because of use or faulty equipment, the User Agency shall contact the livescan vendor to fix or replace such equipment. The User Agency is responsible for all consumables.

The Department will work with the User Agency and the Livescan Vendor to accomplish connectivity to the Department at the cost of the Department. 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. If the User Agency chooses to relocate the livescan system the User Agency must first get approval from the Department and the User Agency is responsible for any fees that are accumulated from the relocation.

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 and the removal of the livescan equipment. 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 official.

USER AGENCY

ORI # _____

Signature: *Bill McElhaney*

Printed Name: Bill McElhaney

Title: County Judge

Date: 01/04/12

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

TEXAS DPS

Signature: *Mike Lesko*

Printed Name: MIKE LESKO

Title: DEPUTY ASSISTANT DIRECTOR

Date: 10/25/11