

TXGANG INDEX

Operating Policies and Procedures

I. GENERAL PROVISIONS.

A. PROJECT STATEMENT. The Texas Department of Public Safety implements these operating policies and procedures to govern the submission, query, dissemination, and retention of records in an electronic gang information index. The index is designed to provide for timely sharing of criminal intelligence information among criminal justice personnel through rapid access and response to statewide gang-related queries. While protecting the privacy and constitutional rights of each named individual, the index contains, within a statewide repository, a record summary of certain criminal intelligence information relating to an individual gang member and that individual's gang. The index contains information on a criminal street gang organization only insofar as that information is a proper part of an individual gang member's record.

B. INDEX NAME. This statewide repository is comprised of an index called "TXGANG," containing certain records related to criminal street gang members.

C. PURPOSE AND GOALS.

1. TXGANG serves the criminal justice community by providing access to a computerized index of records. The records contain criminal intelligence information on criminal street gang activity in Texas. The community served includes criminal justice personnel involved in the investigation, prosecution, or punishment for a criminal offense relating to a gang.

2. The primary purposes of TXGANG are receipt, storage, and sharing of criminal intelligence information.

3. The goal of TXGANG is to improve the effectiveness of the criminal justice community by providing for the timely exchange of documented and reliable information.

D. STATUTORY BACKGROUND.

1. DPS operates TXGANG in accordance with the provisions of CCP Ch. 67 (as modified by HB2931). CCP Ch. 67 requires that, if a law enforcement agency maintains criminal street gang information in a local or regional database, the agency must submit the information to TXGANG.

2. If TDCJ, TYC, or any other voluntary Participating Agency, submits a TXGANG record, the mandatory submission requirements of CCP Ch. 67 do not apply.

3. An authorized user who is involved in the submission, query, dissemination, or retention of information supporting a TXGANG record must comply with the intelligence guidelines set forth in 28 CFR AND CCP Ch. 67 (HB2931), including each of the following.

a. A TXGANG record must be supported by documentation that contains information relevant to both an individual gang member (based on proper ID criteria) and a criminal street gang (based on proper criminal predicate).

b. No political, religious, or other First Amendment activities or the expression of personal opinions may be used as a valid basis for inclusion in TXGANG, unless the activity satisfies criminal predicate by:

(1) clearly violating a criminal law of Texas, the United States, or any jurisdiction in the United States that would be a violation of a criminal law of Texas;

(2) meeting the legal definition of gang activity under Texas law; or

(3) posing a clear and present threat to public order and safety.

c. Regardless of the criminal activity involved, no record may be submitted to TXGANG if the submitting agency or authorized user has good reason to believe that the supporting information was illegally obtained.

d. A TXGANG record identifying a group of individuals as being a gang organization must meet the criminal predicate requirements of 28 CFR.

e. A TXGANG record identifying an individual as a member of a gang organization must meet the ID criteria of CCP Ch. 67.

f. The ID criteria of CCP Art. 67.054(b)(C) require at least two of the following:

- (1) a self-admission by the individual of criminal street gang membership;
- (2) an identification of the individual as a criminal street gang member by a reliable informant or other individual;
- (3) a corroborated identification of the individual as a criminal street gang member by an informant or other individual of unknown reliability;
- (4) evidence that the individual frequents a documented area of a criminal street gang, associates with known criminal street gang members, and uses criminal street gang dress, hand signals, tattoos, or symbols; or
- (5) evidence that the individual has been arrested or taken into custody with known criminal street gang members for an offense or conduct consistent with criminal street gang activity.
- (6) evidence that the individual has been arrested or taken into custody with known criminal street gang dress, hand signals, tattoos, or symbols, including expressions of letters, numbers, words, or marks, regardless of how or the means by which the symbols are displayed, that are associated with a criminal street gang that operates in an area frequented by the individual;
- (7) evidence that the individual has visited a known criminal street gang member, other than a family member of the individual, while the gang member is confined in or committed to a penal institution;
- (8) evidence of the individual's use of technology, including the Internet, to recruit new criminal street gang members.

4. TXGANG codes each identification of an individual in the index to differentiate a member of a gang who is an adult (aged 17+) from a member who is a juvenile (aged 16-). TXGANG will determine which code to use based on the age of the particular individual on the date the TXGANG record was created.

E. SYSTEM DESCRIPTION.

1. TXGANG contains:
 - a. information maintained locally or regionally by a law enforcement agency and submitted under a mandatory provision of CCP Ch. 67 (HB2931) on an individual adult gang member and an individual juvenile gang member; and
 - b. similar information maintained by another criminal justice agency and submitted through its voluntary participation.
2. TXGANG may contain similar index records:
 - a. about an adult or juvenile gang member;
 - b. held by DPS in compliance with 28 CFR; and
 - c. based on voluntary rather than mandatory submission.
3. TXGANG operates as a pointer index. After proper query, TXGANG will return a notice of each matching record and identify the Participating Agency that submitted the record and that should possess the supporting documentation containing the specific information sought by the requestor.
4. While TXGANG consists of records supported by documented information, it is not designed to provide a record upon which to base an official action. TXGANG merely identifies the agency to be contacted by the investigator in order to obtain and verify the information supporting the TXGANG record. While this supporting information may be used to justify official action, the TXGANG record itself may not be used to provide:
 - a. probable cause for a warrantless arrest;
 - b. probable cause in an affidavit for an arrest or search warrant; or
 - c. proof in a court procedure for enhancing the penalty for a gang-related crime.

F. DEFINITIONS. In these policies and procedures:

1. "Administration of criminal justice" means the performance of any of the following activities: detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of a criminal offender. The term includes criminal identification activities and the collection, storage, and dissemination of criminal record information.

2. "Administrator" means the individual appointed by DPS as the system administrator for TXGANG or another individual designated by DPS to serve in that capacity.
3. "Authorized user" means an individual designated by an agency head and authorized by the Administrator for direct access to TXGANG.
4. "Direct access" means the action of an individual authorized user to gain direct computer access to TXGANG.
5. "DPS" means the Texas Department of Public Safety.
6. "CCP Ch. 67" means the Texas Code of Criminal Procedure, Chapter 67 (as modified by 2HB2931).
7. "28 CFR" means 28 Code of Federal Regulations, Part 23.1 et seq., as promulgated by the U.S. Department of Justice, Office of Justice Programs.
8. "Criminal intelligence information" means facts, material, photographs, or data that has been evaluated to determine that it is relevant to the identification of an individual as a member of an organization for which a proper criminal predicate exists.
9. "Criminal justice agency" means a federal, state, or local entity that is engaged in the administration of criminal justice under a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice.
10. "Criminal predicate" means that articulable information exists to establish sufficient facts to give a trained criminal justice officer, investigator, or employee reasonable suspicion to believe that a particular criminal street gang organization is or may be involved in definable criminal activity or enterprise.
11. "Criminal street gang," "gang organization," or "gang" means three or more individuals having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities.
12. "Criminal street gang member" or "gang member" means an individual who has been identified as a member of a gang through documentation consisting of at least two of the ID criteria listed under CCP Art. 67.054(b)(C).
13. "Indirect access" means the action of an individual, who is not an authorized user, to gain indirect access to TXGANG through an authorized user based on a right and need to know.
14. "Information quality" means the validity, accuracy, timeliness, completeness, relevancy, importance, and reliability of information supporting a TXGANG record.
15. "Intelligence project" has the meaning given that term by 28 CFR. The term includes DPS acting through TXGANG.
16. "Local entity" means an agency or other entity of a political subdivision of Texas, including a city or county. The term includes a task force, law enforcement agency of a school district or institution of higher education, whether public or private, or other local entity that is engaged in the administration of criminal justice under a statute or executive order.
17. "Need to know" means the necessity to obtain or receive criminal intelligence information in the performance of an official duty or responsibility for a criminal justice agency.
18. "Participating Agency" means a criminal justice agency that has entered into a User Agreement. The term may include an entity that functions as a regional database.
19. "QC" means quality control.
20. "Reference number" means a specific, unique identifier or other file management number that allows a submitting agency to efficiently retrieve the documentation necessary to support a TXGANG record.
21. "Record" means information accepted by the Administrator for storage and retention in TXGANG.
22. "Record quality" means that the data format of a TXGANG record meets all QC provisions and system edits under these policies and procedures.
23. "Right to know" means the legal authority to obtain or receive criminal intelligence

information under a court order, statute, or decisional law.

24. "HB2931" means the law passed as Ch. 1058, 85th Legislature, Regular Session, that modified CCP Ch. 67 and mandated compliance with the provisions of 28 CFR by certain law enforcement agencies.

25. "TDCJ" means the Texas Department of Criminal Justice.

26. "TXGANG" or "index" means the record index system operated by DPS under these policies and procedures.

27. "TYC" means the Texas Youth Commission.

28. "User Agreement" means a TXGANG agreement executed under these policies and procedures between DPS and a Participating Agency.

29. "Validation" means the conclusion of the continuing viability, accuracy, and relevancy of the criminal intelligence information supporting a TXGANG record, reached by the Participating Agency that originally submitted that information after a periodic review under these policies and procedures. The term includes the record review, retention, or removal processes required under either 28 CFR or CCP Ch. 67 (HB2931).

II. RESPONSIBILITY.

A. DPS RESPONSIBILITY.

1. DPS will:

a. administer and maintain the TXGANG, TCIC, and TLETS systems necessary to provide network access to the facilities of each Participating Agency, subject to the availability of appropriate resources and funding;

b. appoint and supervise an Administrator to oversee the index and function as Primary Representative for DPS;

c. enter into a User Agreement with each Participating Agency desiring direct access;

d. provide safeguards in storage and retrieval necessary to maintain the confidentiality of information residing in a TXGANG record;

e. store and manage TXGANG records in compliance with 28 CFR and CCP Ch.67;

f. access TXGANG as:

(1) the overall system administrator; or

(2) an authorized user in the capacity of a Participating Agency, without regard to a User Agreement; and

g. serve as the intelligence project under 28 CFR.

2. When a Participating Agency holds documentation supporting a TXGANG record, DPS delegates to that agency, DPS's project responsibility under 28 CFR for ensuring that agency complies with 28 CFR requirements, including:

a. proper ID criteria for a gang member;

b. proper criminal predicate for the gang;

c. lawful acquisition of the information;

d. effective control of dissemination only on a right and need to know basis; and

e. proper records for each dissemination.

B. PARTICIPATING AGENCY RESPONSIBILITY.

1. A Participating Agency will:

a. enter into an appropriate User Agreement with DPS if the agency desires direct access to TXGANG;

b. comply with each specific provision of these policies and procedures; and

c. accept the responsibilities delegated to it by DPS.

2. A Participating Agency:

a. may, but need not be a member of another statewide or nationwide intelligence system;

b. may participate either voluntarily or under a mandatory provision of CCP Ch. 67; and

c. may not use data, which was obtained by the agency from a TXGANG query, to populate

another intelligence or other searchable database.

3. A Participating Agency will collect and maintain the criminal intelligence information and documentation supporting each TXGANG record in compliance with each existing criminal justice guideline, including NCIC, TCIC, TLETS, 28 CFR, CCP Ch.67, and its own User Agreement.

4. Acting under the authority of and in compliance with 28 CFR or accepted standards of operating policies and procedures for a criminal intelligence operation or both, a local agency may adopt its own written policies and procedures relating to the collection and maintenance of criminal intelligence information.

III. INTELLIGENCE PROCESS.

A. SUBMISSION.

1. No one may submit or modify a TXGANG record unless a Participating Agency head has properly designated the individual as an authorized user on behalf of the agency.

2. DPS does not require that an individual must have been arrested for the crime being investigated or any other crime, before an authorized user can properly submit information to TXGANG identifying:

- a. the individual as a gang member; or
- b. the individual's organization as a gang.

3. TXGANG prohibits a duplicate record on a single individual:

- a. juvenile from a single Participating Agency; and
- b. adult from a single Participating Agency.

4. If the agency knows it has new information supplementing one of its current TXGANG records, the agency must submit the information as a modification of its original record and may not create a second original record, unless the former record was juvenile and the proposed second record will be adult.

5. DPS does not prohibit duplicate TXGANG records from two or more agencies on the same gang member. A Participating Agency, that is subject to mandatory CCP Ch. 67 participation, must submit its information as a TXGANG record, even if the agency knows another Participating Agency has already established a TXGANG record on the same subject.

6. DPS will not accept non-criminal identifying information for inclusion in a TXGANG record.

7. An individual who is not an authorized user may seek to submit criminal intelligence information indirectly through an authorized user. The authorized user must establish before submission that the information complies with these policies and procedures.

8. Each TXGANG record submitted by an agency is freestanding and will be considered independently for purposes of validation or retention.

9. If an individual's TXGANG record is later modified, TXGANG uses the initial date of the original record, not the date of modification, to determine the individual's status as a juvenile or adult.

10. When a TXGANG record is created based on certain alleged conduct of an individual, TXGANG determines the individual's status as an adult or juvenile using the individual's age on the date of the conduct. For example, if a submission under CCP Ch. 67 is partially based on an individual juvenile being taken into custody, TXGANG uses age on the date of the custody, not the date of submission, to determine the individual's status as a juvenile.

B. QUERY.

1. Only an authorized user may query through direct access to TXGANG.

2. An individual designated as an authorized user must be properly qualified, trained, and authorized under these policies and procedures and must be:

- a. assigned to a clerical, administrative, technical, system maintenance, or other support position under the administrative control of the agency; or
- b. regularly assigned to a unit that regularly investigates gang activity.

3. An individual who is not an authorized user may seek indirect access by:

- a. making a personal, telephone, electronic, or other query of TXGANG through DPS or a Participating Agency; and
- b. demonstrating the individual's right and need to know.

C. DISSEMINATION.

1. To ensure that a TXGANG record is directly disseminated only to an authorized user, TXGANG:

- a. employs safeguards, including a special user ID and initial password; and
- b. will only disseminate a record to a Participating Agency through a proper query by an authorized user from an authorized computer terminal.

2. TXGANG will not label a record to indicate either its level of sensitivity or a restriction on its dissemination. All information maintained in the record will be released to an authorized user who makes a proper query, without any special restriction on its dissemination beyond the general requirements of 28 CFR.

3. TXGANG creates an audit trail when it disseminates a TXGANG record, including the following information about the dissemination:

- a. the date and time of the query or other related TXGANG access transaction; and
- b. the name of the individual and agency requesting the record.

4. A Participating Agency will create a dissemination log when the agency disseminates a TXGANG record. The log created by the agency must:

- a. comply with the principles of 28 CFR; and
- b. be maintained for as long as the information supports a current TXGANG record.

5. A Participating Agency will permit indirect access to a TXGANG record by:

- a. dissemination typically through personal intervention; and
- b. using a communications network only if the network involves an encrypted radio broadcast or other reasonably secure transmission method, except in the case of an emergency, when necessary to avoid imminent danger to life or property.

6. DPS will normally oppose a public information ('open records') request for a TXGANG record based on CCP Ch. 67, the law enforcement exception, or another appropriate ground.

D. VALIDATION.

1. Validation ensures that a TXGANG record continues to comply with both 28 CFR and the removal process described in CCP Ch. 67 (HB2931).

2. The Administrator will only accept validation from the agency originally submitting the record. At anytime before the expiration of a TXGANG record's current retention period, a Participating Agency may validate the TXGANG record.

3. Approximately six months before expiration of a record's retention period, TXGANG should generate a courtesy validation notice to the agency originally submitting the record.

4. If an agency desires further retention of a record, the agency should, based on the validation notice, review the information supporting the record and report a validation conclusion to the Administrator within the courtesy period.

5. Validation may include information asserting that an individual adult or juvenile gang member is not subject to removal under CCP Ch. 67 because:

- a. the retention period contained one or more stated periods of time that should not be counted, including certain confinement or commitment;
- b. the adult subject of the file was arrested for criminal activity reported to DPS under Chapter 60, Code of Criminal Procedure; or
- c. the juvenile subject of the file was:

(1) arrested for criminal activity reported to DPS under Chapter 60, Code of Criminal Procedure; or

(2) taken into custody for delinquent conduct reported to DPS under Chapter 58, Family Code.

E. RETENTION.

1. The Administrator will automatically remove from TXGANG any record that has passed its retention period without being validated under these policies and procedures. If an agency desires that the record be retained, it must validate it under the retention requirements of these policies and procedures.
2. When calculating the expiration of a retention period under CCP Ch. 67 (HB2931), TXGANG will not count any time period while the subject individual is:
 - a. confined in the institutional or state jail division of TDCJ; or
 - b. committed to TYC for felony delinquent conduct.
3. When calculating the expiration of a retention period, TXGANG will count any time period while the subject individual is:
 - a. under arrest or in custody of a peace officer;
 - b. confined in a city jail, county jail, or other penal institution for pre-trial detention;
 - c. confined in a county jail after conviction; or
 - d. subject to probation or other form of community supervision.
4. The initial retention period for a record is:
 - a. five years after voluntary submission of a criminal street gang record not otherwise subject to CCP Ch. 67;
 - b. three years after mandatory submission under CCP Ch. 67 of a record concerning an individual adult gang member; and
 - c. two years after mandatory submission under CCP Ch. 67 of a record concerning an individual juvenile gang member.
5. The initial retention period for a TXGANG record is extended for a like period (five, three, or two years, respectively) after the date the information is validated under the retention requirements of these policies and procedures.
6. A record's retention period is calculated from the later date of its original submission or its subsequent validation.
7. If a validation under CCP Ch. 67 is based on the individual being arrested or taken into custody, TXGANG uses the date of the arrest or custody, not the date of submission, to calculate any extension of the initial retention period.
8. If a TXGANG record is later modified, TXGANG uses the initial date of the original record, not the date of modification, to calculate its initial retention period.
9. TXGANG will remove a record if the Administrator:
 - (1) receives an appropriate court order;
 - (2) determines the record to be misleading, inaccurate, outdated, or otherwise no longer relevant; or
 - (3) determines the submitting agency has failed or refused to provide adequate documentation of any material information supporting the record.

IV. SYSTEM OPERATION.

A. MANAGEMENT.

1. After receiving a proper computer security request form (Form CSR-25G), the Administrator may accept a user and provide a user ID and password necessary for the individual to access the system as an authorized user through an authorized computer terminal. A password periodically expires and the authorized user must then create a new password.
2. TXGANG account and password management is governed by the rules and procedures that:
 - a. concern access to a DPS mainframe system; and

- b. are contained in the “Texas Department of Public Safety Computer Security Manual.”
- 3. A Participating Agency must:
 - a. notify the Administrator when an individual is terminated or reassigned and is, therefore, no longer eligible to continue as an authorized user;
 - b. comply with DPS QC, inspection, audit, and validation procedures; and
 - c. purchase, install, connect, configure, and maintain the equipment and software that:
 - (1) it reasonably deems necessary for effective access to TXGANG; and
 - (2) is compatible with DPS specifications.
- 4. The agency head must:
 - a. ensure that each individual who is provided direct access to TXGANG is an authorized user, properly trained and using an appropriate electronic transmission;
 - b. maintain on-site a current list of the agency’s individual authorized users; and
 - c. submit the list of each authorized user to the Administrator.
- 5. With respect to the information supporting a TXGANG record, a Participating Agency will:
 - a. only access TXGANG directly in the particular TXGANG format, including mandatory data elements; and
 - b. actively populate TXGANG by submitting appropriate gang information, if the Participating Agency is subject to a mandatory provision of CCP Ch. 67.
- 6. DPS encourages, but does not require a voluntary Participating Agency to actively populate TXGANG by submitting appropriate gang information.
- 7. If TDCJ, TYC, or any other Participating Agency signs a User Agreement to participate voluntarily, DPS shall grant direct TXGANG access to the entity.

B. DATA ENTRY PROTOCOLS.

- 1. The agency must, upon request, provide to DPS any relevant source document (i.e., arrest report or field intelligence notes).
- 2. While TXGANG does not currently store electronic images, including a photograph or other visual representation, TXGANG codes a record to indicate whether certain visual information is available from the submitting agency.
- 3. Although TXGANG may, upon request, provide pattern or trend analysis to a Participating Agency, analysis is not one of its primary purposes.
- 4. DPS may permit an authorized user for a non-terminal Participating Agency (one that does not have TLETS terminal access) to submit, modify, validate, or delete a TXGANG record through another Participating Agency or, in an unusual case, through DPS.

C. RECORD AND INFORMATION QUALITY AND LIABILITY.

- 1. A Participating Agency must ensure the quality of each record submitted to TXGANG by the agency and the quality of the information supporting that record.
- 2. After submitting information about an individual gang member to TXGANG, the agency must maintain all supporting documentation for as long as:
 - a. the record is in TXGANG; or
 - b. a legal challenge to the record is pending.
- 3. The agency that originally submitted a TXGANG record is solely responsible for:
 - a. meeting each challenge to the quality of the information stored in a TXGANG record; and
 - b. modifying or deleting a record if the agency receives a final order of expunction or if the agency discovers it to be misleading, inaccurate, outdated, or otherwise no longer relevant.
- 4. At any time before the expiration of a TXGANG record’s current retention period, a Participating Agency may modify or delete a TXGANG record. If an agency receives a final order of

expunction applicable to information underlying a current or previous TXGANG record, the agency shall notify the administrator of the order.

5. A Participating Agency must notify each previous recipient of a material error or correction in a TXGANG record. The Administrator may assist the agency in determining the identity of each recipient of the erroneous or incorrect record.

6. The existence of a User Agreement does not cause DPS to assume responsibility for the quality of any information supporting a TXGANG record submitted by a Participating Agency.

7. DPS accepts responsibility for the quality of information supporting a TXGANG record if DPS is the agency originally submitting the information.

8. To the extent required by its User Agreement, an agency assumes liability for:

a. an otherwise proper dissemination by DPS of a TXGANG record submitted by the agency; and

b. its own further dissemination of a TXGANG record.

D. AGENCY REPRESENTATIVE.

1. Each Participating Agency head shall designate at least one individual employed or appointed by the agency to serve as an authorized user and the agency's Primary Representative. An agency head must also designate one Alternate Representative.

2. A Participating Agency head may:

a. self-designate as a Primary Representative, Alternate Representative, or authorized user;

b. designate one or more additional authorized users for the agency; and

c. limit the type of access allowed by the agency to certain individual users as appropriate, including query-only access.

3. A Primary Representative ensures compliance with these policies and procedures and submits each required report or documentation.

4. A Primary Representative serves as:

a. first-level contact for DPS on TXGANG matters;

b. first-level support for a question from an authorized user regarding TXGANG application or equipment at the Participating Agency; and

c. coordinator for TXGANG training within the agency.

E. TRAINING.

1. DPS will provide initial system training for TXGANG.

2. Each Participating Agency shall designate one or more individuals to receive system training.

3. DPS may:

a. facilitate TXGANG training and provide technical updates;

b. develop, update, and provide access to TXGANG training materials; and

c. provide appropriately different levels of training, depending on whether the individual submits, validates, queries, or acts as a Primary or Alternate Representative or trainer.

4. A Participating Agency or, if expressly approved by the Administrator, any other entity may choose to provide TXGANG training.

a. DPS encourages, but does not require:

(1) the agency or entity to develop its own training curriculum;

(2) the agency or entity to coordinate its curriculum with the local TCIC trainer for the agency; and

(3) each trained individual to assist DPS, in turn, by providing system training for personnel with that agency and others.

b. An agency choosing to conduct training shall submit the curriculum to the Administrator for approval.

c. After approval, the agency or other entity shall submit TXGANG training records to the Administrator or the local TCIC trainer.

5. DPS may require additional TXGANG training under TCIC training policy.

F. SECURITY.

1. A Participating Agency shall comply with the security provisions of the Criminal Justice Information Services (CJIS) Security Policy. The agency shall provide for reasonable:

a. physical security, including a secure area for placement of each item of TXGANG equipment to preclude physical access by other than authorized personnel and to control visitor access;

b. operational security, including TXGANG equipment operated to preclude system access by other than authorized personnel or for other than authorized purposes and to change system access identifiers for terminated or reassigned personnel; and

c. personnel security, including access allowed only to:

(1) law enforcement or criminal justice personnel; or

(2) technical or maintenance personnel who have been subject to character or security clearance.

2. DPS may monitor the use of TXGANG by an agency through its User Agreement.

3. Compromising a user ID or password is a serious violation of system security.

G. AUDIT.

1. Each Participating Agency is subject to a regular, biennial TCIC audit by a DPS representative. DPS may specially inquire into a demonstrated failure to comply with these policies and procedures.

2. A routine TCIC audit under these policies and procedures is an on-site:

a. comparison of a random sampling of one or more TXGANG records submitted by the agency against its supporting documentation to ensure record and information quality; and

b. review of system security measures and training records.

3. A Participating Agency will cooperate with each record review or audit of a TXGANG record.

H. SANCTION.

1. If a Participating Agency materially violates any term of its User Agreement or these policies and procedures, the agency risks suspension of its access to TXGANG.

2. A suspension may occur immediately and without prior notice. Suspension may be followed by termination if deemed necessary by the Administrator.

3. The Administrator shall send to the Participating Agency a notice describing:

a. the date the Administrator has suspended or proposes to terminate service; and

b. the alleged violation of the User Agreement.

V. USER AGREEMENT.

1. As parties to a TXGANG User Agreement, DPS and the Participating Agency agree that:

a. the agency has the particular type of access described by the agreement, whether submission and query or query-only;

b. neither party will alter, change, or amend the User Agreement, except by a written instrument executed by both parties; and

c. the User Agreement:

(1) is subject to and governed by Texas and federal law and regulations;

(2) is subject to suspension or termination if Participating Agency violates any of its terms or conditions; and

(3) may be terminated by either the agency head or the Administrator at any time after providing 30 days written notice to the other party.

2. An agency must immediately execute another User Agreement upon a change in the chief executive officer or head of the Participating Agency.