

STATE OF TEXAS
COUNTY OF HIDALGO

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MEMORANDUM OF UNDERSTANDING

This **MEMORANDUM OF UNDERSTANDING** is entered into, by and between the Hidalgo County HIDTA Task Force, County of Hidalgo, Texas, hereinafter called "**HIDTA**", and the Texas Military Forces – Joint Counterdrug Task Force, County of Travis, Texas hereinafter referred to as "**JCDTF**".

WHEREAS, the **HIDTA** and the **JCDTF** have common law enforcement, drug and crime prevention goals and initiatives; and

WHEREAS, the **HIDTA** and the **JCDTF** seek to establish cooperation among federal, state(s) and local law enforcement agencies; and

WHEREAS, the **HIDTA** and the **JCDTF** have heretofore entered into an **AGREEMENT** pursuant to Article 59 of the Texas Code of Criminal Procedure and the Equitable Sharing Guidelines of Department of Justice and Department of Treasury for the exchange of services and support related to law enforcement, and crime prevention on projects and/or operations that have a illegal drug or narcotics with actual or suspected criminal activity; and

WHEREAS, the **HIDTA** and the **JCDTF** may participate in joint investigation (s);

NOW THEREFORE, to enhance cooperation amongst agencies and express their mutual commitment to law enforcement, drug and crime prevention services and/or operations, **HIDTA** and **JCDTF** hereby enter into this agreement as follows:

1. **JCDTF** may request a distribution of the forfeited property by submitting a properly executed Form ATP (Application for Transfer of Hidalgo County HIDTA Task Force Forfeiture Property).
2. **JCDTF** is aware that Form ATP must be submitted within sixty (60) days after the seizure. The sixty (60) day rule may be waived by **HIDTA** in exceptional circumstances upon a written request stating good cause for the late submission of the request. The waiver request must accompany Form ATP.
3. **JCDTF** hereby acknowledges and agrees that the distribution of property shall be by a mutually agreed upon percentage based on the degree of participation by **JCDTF** in the investigation/operation.
4. **JCDTF** will submit a Hidalgo County Purchasing Department Bidder/Vendor Application and Form W-9.
5. **JCDTF** hereby acknowledges and agrees that distributed property shall be used for law enforcement purposes only.
6. **HIDTA** will distribute awarded property in accordance with the "Hidalgo County HIDTA Decision Form for Transfer of Article 59 Forfeited Property", "A Guide to

Equitable Sharing for State and Local Law Enforcement Agencies” for U.S. Treasury and U.S. Justice Funds and/or the “Texas Code of Criminal Procedure Article 59. Forfeiture of Contraband”, as applicable.

- a. The terms of this agreement apply only to the distribution of property awarded in connection with joint investigations, and on a case by case basis between **HIDTA** and **JCDTF**.
 - b. This does not bind **HIDTA** or **JCDTF** to any other matters involving the sharing and distribution of proceeds of contraband forfeitures.
7. This Agreement may be terminated by either party by giving thirty (30) days written notice via certified mail, return receipt requested to the other party hereto of the intention to terminate.
8. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.

EXECUTED IN DUPLICATE COPIES, EACH OF WHICH SHALL HAVE THE FULL FORCE AND EFFECT OF AN ORIGINAL, TO BE EFFECTIVE UPON DATE OF FINAL EXECUTION BY PARTIES.

**OFFICE OF CRIMINAL DISTRICT ATTORNEY,
HIDALGO COUNTY, TEXAS**

By: _____
Ricardo Rodriguez, District Attorney

Date: _____

JCDTF/ NATIONAL GUARD

By: _____
Miguel A. Torres, LTC, FA, TXARNG
Commanding

Date: _____

HIDALGO COUNTY HIDTA TASK FORCE

By: _____
Juan Sifuentes, HIDTA Commander

Date: _____