

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 McAllen Police Department, McAllen, Texas, hereinafter referred to as "**LAW ENFORCEMENT AGENCY**".

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

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

WHEREAS, the **HIDTA** and the **LAW ENFORCEMENT AGENCY** have heretofore entered into an **AGREEMENT** pursuant to Article 59 of the Texas Code of Criminal Procedure for the exchange of services related to law enforcement, drug and crime prevention; and

WHEREAS, the **LAW ENFORCEMENT AGENCY** participated in a **HIDTA** law-enforcement investigation/operation (*Task Force case number 2022-0041*) that may result in forfeiture of "contraband" as defined under Article 59.01, 59.02 of the Texas Code of Criminal Procedure, the property of which may be distributed among participating agencies; and

NOW THEREFORE, to enhance cooperation amongst agencies and express their mutual commitment to law enforcement, drug and crime prevention, **HIDTA** and **LAW ENFORCEMENT AGENCY** hereby enter into this agreement as follows:

1. **LAW ENFORCEMENT AGENCY** 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. **LAW ENFORCEMENT AGENCY** 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. **LAW ENFORCEMENT AGENCY** hereby acknowledges and agrees that the distribution of property shall be by a mutually agreed upon percentage based on the degree of participation by **LAW ENFORCEMENT AGENCY** in the investigation/operation.
4. **LAW ENFORCEMENT AGENCY** will submit a Hidalgo County Purchasing Department Bidder/Vendor Application and Form W-9.
5. **LAW ENFORCEMENT AGENCY** 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 Chapter 59 Forfeited Property, the “*Texas Code of Criminal Procedure Chapter 59 Forfeiture of Contraband,*”
 - 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 **LAW ENFORCEMENT AGENCY**.
 - b. This does not bind **HIDTA** or **LAW ENFORCEMENT AGENCY** 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: _____
Toribio “Terry” Palacios, District Attorney

Date: _____

MCALLEN POLICE DEPARTMENT

By: _____
Victor Rodriguez, Police Chief

Date: _____

HIDALGO COUNTY HIDTA TASK FORCE

By: _____
Juan Sifuentes, HIDTA Commander

Date: _____

APPROVED AS TO FORM:

Hidalgo County Criminal District Attorney’s Office

By: _____
Victor M. Garza, Assistant District Attorney