



Staff Report

Agenda Item: **GangNet Memorandum of Understanding – Approval of a GangNet Memorandum of Understanding with the Arizona Department of Public Safety.**

Staff Contact: Pat Haynie, Chief of Police

Meeting Date: October 14, 2008

Background: Gangs have been a problem throughout history and will continue to be. As part of organized crime we need to stay aware of them and have the ability to share information on a statewide level. Gangs out of Chicago, Los Angeles, Detroit and other cities are operating nationally including Arizona.

In Clarkdale we have had our own situations throughout the years, but have been able to convince them this is not the area to do business. As we grow so does the possibility of gang activity. It is the police department's intention to continue our proactive approach in keeping abreast of crime. We have already sent Officer Ekholm to GangNet training so we can access DPS data base and add our own information.

Recommendation: Approve the GangNet Memorandum of Understanding with the Arizona Department of Public Safety.



ARIZONA DEPARTMENT OF PUBLIC SAFETY

2102 WEST ENCANTO BLVD. P.O. BOX 6638 PHOENIX, ARIZONA 85005-6638 (602) 223-2000

"Courteous Vigilance"

JANET NAPOLITANO ROGER VANDERPOOL
Governor Director

September 5, 2008

Chief Pat Haynie
Clarkdale Police Department
P.O. Box 308
Clarkdale, Arizona 86324

Re: GangNet Memorandum of Understanding
Arizona Department of Public Safety and Clarkdale Police Department
DPS Contract No. 2008-280

Dear Chief Haynie:

Enclosed are two original GangNet Memorandums of Understanding (MOU) between the Arizona Department of Public Safety (DPS) and the Clarkdale Police Department.

Pursuant to the MOU, two (2) originals have been executed by Director Vanderpool on behalf of DPS. Please sign both, keep one for your file and return one to our office.

If you have any questions, please contact me at (602) 223-2410 or Greg Thomas at (602) 271-7391.

Sincerely,

A handwritten signature in cursive script that reads "T. E. Chung".

Timothy E Chung, Commander
Gang Enforcement Bureau

TC/gt

enclosures

ARIZONA GANGNET MOU

Memorandum of Understanding (MOU)
Between
The Clarkdale Police Department (CPD)
And
The Arizona Department of Public Safety (AZ DPS)

I. Purpose

To establish a working understanding and responsibilities to and between the Arizona Department of Public Safety and the Clarkdale Police Department relative to the connection and operation of the Arizona GangNet system and established policies and procedures.

II. Definitions

AZ DPS: Arizona Department of Public Safety
Arizona GangNet: The Arizona gang database maintained by the Arizona Department of Public Safety, Gang & Immigration Intelligence Team Enforcement Mission.
GIITEM: Gang & Immigration Intelligence Team Enforcement Mission
CPD: Clarkdale Police Department

III. Authority

DPS is authorized and empowered to enter into this MOU pursuant to ARS 41-1713.B3. The CPD is authorized and empowered to enter into this MOU pursuant to _____.

IV. Agreement

DPS agrees to provide access to gang member data from Arizona GangNet for the purpose of creating and maintaining a state gang database to be shared by all participating agencies. The CPD agrees to enter all persons

who have been documented as a criminal street gang member and/or associate members pursuant to Arizona Revised Statutes Title 13-105.8, in order to populate the Arizona GangNet database.

Information contained in GangNet shall not be shared with anyone outside of law enforcement or criminal justice agencies. Dissemination shall be in accordance with established policies and procedures. Information in GangNet is to be used for investigative purposes only. Any requests for gang data, other than for investigative leads, must be forwarded to the originating agency of that particular data for disposition.

V. Responsibilities

Training

AZ DPS GITEM agrees to provide the required train-the-trainer instruction to user agencies as a prerequisite to accessing GangNet. The training shall include practical “hands on” use of the system. The CPD shall designate an individual who will be responsible for training their agency personnel.

Security Administration

DPS and CPD shall have an administrator that is responsible for the authorization and issuance of security clearance for its users. This includes addition, deletion and access levels for all users.

Audits

DPS and CPD will conduct periodic routine audits of the system based upon procedures and standards or when a review is deemed warranted for system security purposes.

Documentation

Each party shall maintain copies of all appropriate licenses and be responsible for providing written documentation on policies, procedures and standards relative to operation and user responsibilities relative to use of their agency’s gang database.

Liability

Each party (as "Indemnitor") agrees to indemnify, defend, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

Duration

This agreement will remain in effect until terminated. It may be terminated by written notice by either party giving 90-day notice. This memorandum is subject to change or modification upon written agreement by both parties.

Effective Date

This MOU shall become effective upon the execution of two (2) originals by the parties hereto. DPS and the CPD shall receive an original of the signed documents.

Chief Pat Haynie
Clarkdale Police Department

Date

Rennie Shultz - STAMO, Dep. Director
Director Roger Vanderpool
Arizona Department of Public Safety

9/2/08
Date

BJ 8/25/08
Assistant Attorney General
Approved as to Form