



TERMS & CONDITIONS FOR USE OF THE HOOD COUNTY DISTRICT ATTORNEY CASE SEARCH (DACS) BY DEFENSE COUNSEL

The 355th Judicial District Attorney's Office has permitted electronic access to criminal discovery by defense attorneys as a part of our current open file policy pursuant to Texas CCP Article 39.14. All criminal cases will be electronically accessed through a web access point (DACS) on the District Attorney tab of the Hood County website (<http://www.co.hood.tx.us>). The Hood County District Attorney's Office reserves the right to terminate or modify this manner of discovery, in whole or in part, at any time without notice.

The attorney of record on a criminal case will have electronic access to the state's file (excluding any attorney work product) through the DACS. Discovery access through DACS is offered strictly as a courtesy to defense counsel in order to satisfy the state's duty to disclose evidence pursuant to Texas CCP Article 39.14 and any exculpatory or mitigating evidence under the 355th Judicial District Court's standard discovery order.

Any disclosure of information through the DACS is strictly for discovery purposes and does not constitute a public disclosure under any state or federal public information act, including, but not limited to, the Texas Public Information Act and the Freedom of Information Act.

You are asked to carefully read the Terms and Conditions before contacting the District Attorney's Office in order to register to use the DACS. By completing registration and receiving a password, you are indicating that you agree with all the terms and conditions of its use.

The information contained within the DACS is STRICTLY CONFIDENTIAL and is disclosed to defense counsel for the sole purpose of preparing the Defendant's case and with the expectation that any of the information garnered will be used in accordance with the rules set forth in Texas CCP Article 39.14, Subsections (e) and (f), which state as follows:

- (e) Except as provided by Subsection (f), the defendant, the attorney representing the defendant, or an investigator, expert, consulting legal counsel, or other agent of the attorney representing the defendant may not disclose to a third party any documents, evidence, materials, or witness statements received from the state under this article unless:
 - (1) a court orders the disclosure upon a showing of good cause after notice and hearing after considering the security and privacy interests of any victim or witness; or
 - (2) the documents, evidence, materials, or witness statements have already been publicly disclosed.
- (f) The attorney representing the defendant, or an investigator, expert, consulting legal counsel, or agent for the attorney representing the defendant, may allow a defendant, witness, or prospective witness to view the information provided under this article, but may not allow that person to have copies of the information provided, other than a copy of the witness's own statement. **Before allowing that person to view a document or the witness statement of another under this subsection, the person possessing the information shall redact the address, telephone number, driver's license number, social security number, date of birth, and any bank account or other identifying numbers contained in the**

document or witness statement. For purposes of this section, the defendant may not be the agent for the attorney representing the defendant.

Defense counsel is strictly prohibited from:

- Disseminating information to any person for any purpose beyond what is necessary to effectively represent the Defendant; and/or
- Utilizing this information to harass, threaten, or otherwise intimidate victims and/or witnesses.
- Except as provided by Article 39.14, Subsections (e) and (f), providing printed copies of electronic discovery to any person outside of defense counsel's employment.

Defense counsel accepts sole responsibility to ensure that none of the information obtained from the DACS is used or disseminated improperly. Defense counsel accepts responsibility to advise all his/her employees or agents of the limits and restrictions contained within this agreement and with Article 39.14, with respect to the use of the DACS and to ensure that all employees and agents abide by the terms and conditions contained herein.

Any breach of this agreement may result in the immediate termination of the use of the DACS and a request for contempt proceedings.

POLICIES AND PROCEDURE FOR DACS ACCESS

Defense counsel will be required to register with the District Attorney's Office to use the DACS. Defense counsel must have signed and submitted to the District Attorney's Office, the document entitled "Agreement Regarding Discovery Information." The registration process requires the attorney's bar number and e-mail address. Upon completion of registration, a temporary password will be sent to defense counsel via email. Upon receipt of the temporary password, it is strongly recommended that defense counsel access the DACS website and immediately change the temporary password to one of his/her choice.

The address for the DACS website is <http://gw-1.co.hood.tx.us/aty/cgiaty114d.html> .

Use of the DACS enables the attorney of record to access his/her pending cases any time and from any computer with Internet access.

Defense counsel will access the DACS by entering his/her e-mail address and a password. In the event counsel believes his/her password has been compromised, counsel must immediately:

1. Change the password
2. Notify the District Attorney's Office of the compromised password via e-mail at dtucker@co.hood.tx.us.

Access cannot be given to any case not yet filed with the District Attorney or to any case where the Defendant has not been arrested. Access to a particular case will only be given once counsel has notified the District Attorney's Office that counsel is attorney of record by providing a letter of representation or if an Order of Court Appointed Counsel has been received. Only the attorney of record may access the DACS for a particular criminal case. (Note: in the event two or more attorneys represent the Defendant on a particular case, the system will only allow access to one attorney.) Should counsel find that he/she does not have access to a particular criminal case where counsel is of record, counsel may request access by sending an email to: dtucker@co.hood.tx.us. Requests for access will be processed as soon as practicable. Counsel's access to a case will remain open until disposition of the

case or until counsel is no longer the attorney of record. In the event that defense counsel is inadvertently given access to a case for which he/she is not the attorney of record, counsel should NOT access the case and immediately notify the District Attorney's Office at dtucker@co.hood.tx.us.

It is defense counsel's sole responsibility to:

1. Review his/her case discovery through DACS;
2. Review the discovery prior to any court hearings, status conferences, or trials for any additions or updated information;
3. Advise the District Attorney's Office if counsel believes information is missing or incomplete;
4. Schedule an appointment to review any physical evidence;
5. Request a copy of any DVD/video, audio file, or other large data file not accessible through DACS; and
6. Advise the District Attorney's office via email if there are any problems with access to the DACS.

NOTICE: Medical Records, EMS Records, Child Protective Services Records, and any records relating to the Child Advocacy Center will be made available for inspection by appointment with the District Attorney's Office. These records may be reflected in DACS but they will not be viewable. To make an appointment please call (817) 579-3245.

Juvenile cases will not be entered into DACS and thus juvenile records will not be available for viewing. Juvenile Discovery will be made available by appointment with the District Attorney's office. To make an appointment please call (817) 579-3245.

Due to system limitations, video files, some audio files, and other large data files may be reflected in DACS but will not be accessible online. In order to obtain a copy of these files, please forward a request to the District Attorney's Office and furnish appropriate media for the file(s) desired.