

Conditions of District Attorney Portal Use by Defense Attorneys

INTRODUCTION

The District Attorney's Office, 34th Judicial District of Texas is instituting a Paperless File System, which will be incorporated into our current open file policy. All District Attorney cases will be electronically accessed through the District Attorney Portal ("the Portal").

The attorney of record on a criminal case will have electronic access to the state's file through the Portal. This open file policy, though not required by law, is offered as a courtesy to defense attorneys in order to satisfy the state's duty to disclose any exculpatory or mitigating evidence and in anticipation of any standard discovery order pursuant to Article 39.14 of the Texas Code of Criminal Procedure.

The Terms and Conditions set out below are meant to help defense attorneys better understand their obligations and the parameters set out by this office for the successful use of the Portal.

Where applicable, these Terms and Conditions are also meant to comply with state laws and regulations in the dissemination of certain information.

TERMS AND CONDITIONS

Please carefully read the following Terms and Conditions before registering to use the Portal. By registering to use the Portal you are indicating that you agree with all the terms and conditions of its use.

Any disclosure under these policies 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.

Additionally, the information contained in the Portal is confidential and it is disclosed to the defense attorney for the sole purpose of preparing the client's case and with the expectation that the information will not be improperly used. Improper use includes, but is not limited to:

- Disseminating this information to anyone for any purpose beyond what is absolutely necessary to effectively represent the defendant; and/or
- Using this information to harass, threaten, and otherwise intimidate victims and/or witnesses.

It is the sole responsibility of the defense attorney to ensure that none of the information obtained from the Portal is used or disseminated improperly. It is also the responsibility of the defense attorney to advise all employees or agents of the attorney of the restrictions contained within this policy with respect to the use of the Portal and to ensure that said employees and agents also abide by all the terms and conditions imposed herein.

Any breach of this stipulation may result in the immediate termination of the use of the Portal.

Notwithstanding any privilege accorded by this agreement, the District Attorney's Office reserves the right to terminate this manner of discovery, in whole or in part at any time without further notice.

POLICIES AND PROCEDURE FOR PORTAL USE

Registration

The defense attorney will be required to register online to use the District Attorney Portal. The registration process requires a registration code, bar number, e-mail address and list of cause numbers for cases the attorney currently handles.

The defense attorney will be required to maintain an accurate and updated profile at all times via SecureGate.

Use of the Portal enables the attorney of record to access pending cases any time and from any computer with Internet access.

Password Protection

In the event a defense attorney believes the attorney's password has been compromised, the attorney must immediately do the following:

1. Change the attorney's password,
2. Notify the County of El Paso ITD help desk of the compromised password at 915-546-2041, Ext. 1, and
3. Notify the District Attorney's Office of the compromised password via e-mail at daportal@epcounty.com.

Use of Portal

No access will be given to any case not yet filed or to any non-arrest case (unless the Defendant was present and arraigned in court). Only the attorney of record may access the Portal for a particular criminal case. It is the responsibility of the defense attorney to notify the District Attorney's Office that the defense attorney is the attorney of record by either providing a file-stamped copy of an Entry of Appearance or a copy of the Order of Appointment.

It is also the responsibility of the defense attorney to request access to a particular case. This can be accomplished by sending an e-mail to daportal@epcounty.com. The e-mail should include the defense attorney's name, the defendant's name and the cause number. Prior to access being granted for a particular case, District Attorney personnel will verify the status of the defense attorney as attorney of record. Requests made on weekends, holidays, or after 4:30 pm on regular business days will not be reviewed until the next business day. Please allow at least 24 hours from review of the request for access to be granted. Access to a case via the Portal will generally remain open until disposition of the case or the attorney is no longer the attorney of record.

NOTICE: In the event a defense attorney is inadvertently given access to a case in the portal, for which the attorney is NOT the attorney of record, the defense attorney should not access the case, but must immediately notify the District Attorney's office of the error at daportal@epcounty.com. The attorney is reminded that such information is confidential and any further dissemination or any misuse of the information could result in loss of Portal privileges.

Disclaimer

It will be the sole responsibility of the defense attorney to do the following:

1. Review the case via the Portal;
2. Advise the Assistant District Attorney handling the case if the defense attorney believes information is missing or a report is incomplete;
3. Review the case prior to any court hearings or trials for any updates;
4. Make an appointment with the Assistant District Attorney assigned to the case to review any physical evidence; and
5. Advise the County of El Paso ITD Help Desk if there are any problems with the Portal.

Help

For assistance with the Portal contact the County of El Paso ITD help desk, which is available 24 hours a day, seven days a week. The Help Desk may be contacted in either of the following ways:

1. By telephone at 915-546-2041 Ext. 1
2. By e-mail at Helpdesk@EPCounty.com

NOTE: *Help Desk personnel are not authorized to provide access to cases.*

LEGAL ISSUES AND RESTRICTIONS

Identity theft and the misuse of personal information is a crime that is of concern state and nationwide.

Complaining Witness Personal Information.

Information regarding the complainant's address, date of birth, and social security number will be excised from the law enforcement reports accessible to the defense attorney via the Portal. Should such information be inadvertently made available through the Portal, such information is confidential and any further dissemination or any misuse of the information could result in loss of Portal privileges.

Social Security Numbers

As provided in Section 552.147 (b) of the Government Code, "A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." The social security number is not subject to public disclosure. In an abundance of caution the District Attorney's Office will not release such information through the Portal. Should such information be inadvertently made available through the Portal, such information is confidential and any further dissemination or misuse of the information could result in loss of Portal privileges.

Photos / Videos / Audio Recordings / Images

It is the sole responsibility of the defense attorney to ensure that none of the photos, videos, audio recordings or images obtained from the Portal are used or disseminated improperly. Any breach of this stipulation could result in loss of Portal privileges.

Records

It is the sole responsibility of the defense attorney to ensure that none of the records, or information contained therein, which are obtained from the Portal are used or disseminated improperly. Any breach of this stipulation could result in loss of Portal privileges.

Confidential and Privileged Records

Medical records, EMS records, Child Protective Services records, and records relating to Juvenile Delinquent conduct will be provided in the Portal provided an appropriate Court Order has been entered by the court ordering the disclosure of said records.