

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
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CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

DANIEL BENNETT
Secretary

August 31, 2017

District Attorney Marian T. Ryan
Middlesex County District Attorney's Office
15 Commonwealth Avenue
Woburn, MA 01801

Dear District Attorney Ryan:

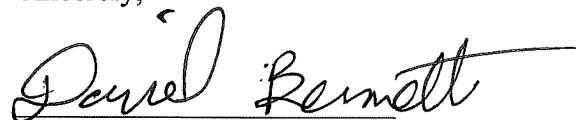
I am writing to inform you about steps that the Executive Office of Public Safety and Security (EOPSS) is taking in the wake of the recent discovery that personnel at the Office of Alcohol Testing (OAT) failed to apprise fully the District Attorneys' Offices of the existence of certain documents relating to the testing of the Alcotest 9510 breath testing instrument in the consolidated litigation of Commonwealth v. Evando Ananias and Others, Docket Nos. 1248-CR-1075 et al. I have concluded that a number of documents that should have been provided to the prosecuting attorneys, so that they could independently determine whether any of the documents were material, relevant, or exculpatory, were not produced.

In addition, I have instructed attorneys from my office to conduct an investigation of the process employed by OAT in this case. Their investigation will include review of documents, internal protocols, and electronic communications; and interviews with involved personnel to determine if there are shortcomings in that process, and to suggest any necessary improvements in the protocols for responding to the Commonwealth's discovery obligations.

Further, in order to ensure that all decisions relating to discovery obligations of the Commonwealth are handled appropriately going forward, and to ensure that there is confidence in the process on the part of the courts, defense counsel, and members of the public in the material provided to your office by the State Police Crime Laboratory, I will, as soon as possible, hire a retired Commonwealth judge to oversee determinations relating to future discovery obligations of OAT and the larger State Police Crime Laboratory. This retired judge will be an employee of EOPSS and will report directly to the Undersecretary for Law Enforcement.

I am committed to ensuring that our process is transparent and that any shortcomings that are identified are promptly remedied.

Sincerely,

A handwritten signature in black ink, reading "Daniel J. Bennett". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Daniel J. Bennett
Secretary of Public Safety