Internal Control Plan



COMMONWEALTH OF MASSACHUSETTS
OFFICE OF ATTORNEY GENERAL

Subject	Risk	Likelihood Ranking ¹	Impact Ranking ²	Fraud Risk	Risk Response ³	Controls	Related policy or action
Criminal Discovery- Related Constitutional Disclosure Obligations	An Assistant Attorney General fails to disclose evidence to criminal defendants being prosecuted by the AGO.	Unlikely	Major	Y	Reduce	The Criminal Bureau policy requires that all exculpatory evidence be produced to defendants. The policy requires that Assistant Attorneys General inform their direct supervisors prior to withholding any exculpatory evidence from a criminal defendant. If the direct supervisor concurs that the evidence may be lawfully withheld, he or she is required to notify and obtain approval from the Chief of the Criminal Bureau. The Criminal Bureau and the AG Institute/General Counsel's Office provide periodic training.	
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COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, SS.

SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT

* DOCKET NUMBER 0979CR00097

COMMONWEALTH OF MASSACHUSETTS *

Plaintiff

v. LIZARDO LEE VEGA

Defendant *

HEARING

BEFORE THE HONORABLE RICHARD J. CAREY

APPEARANCES:

For the Plaintiff:

Hampden County District Attorney's Office

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By: Luke Ryan, Esq.

Boston, Massachusetts March 30, 2017

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last week, but in the period of time that I have been at the Attorney General' Office which is the beginning of 2015 on, there have been numerous train -- trainings, both criminal discovery trainings and ethical -- ethics training. But in addition, the policy at the Attorney General's Office in regard to discovery is that if the line AG makes the decision that something should not be turned over to the defendant, the policy is that they have that discussion with their division chiefs. And if that division chief agrees with that decision, then the policy is that they have to speak to me about it.

I would submit to you that with this very limiting circumstances by <u>Bridgeman</u>, that the only reason to do this is to create this climate so it never happens again, you do not have to do here because we have created a climate such that it will never happen again at the Attorney General's Office.

Your Honor, I'm not going to spend -- I won't spend any time on the facts. I think you have the facts in front of you. You've heard from Mr. Ryan. You know what our position is, particularly about the conversation between Elaine Pourinski and -- and with Anne Kaczmarek that I spoke about the other day, so I won't repeat that.

And then also about the willingness of Ms. Kaczmarek to expand this investigation. Mr. Ryan had just said the proffer was a labor saver, and I get the logic of that, but what he's not accounting for as well are the emails in the beginning of