



## **Middlesex District Attorney Marian T. Ryan Conviction Integrity Unit**

Middlesex District Attorney Marian T. Ryan has established a Conviction Integrity Unit (“CIU”) to provide a framework for the Middlesex District Attorney’s Office (“MDAO”) to facilitate review of colorable post-conviction claims of factual innocence. The CIU is charged with reviewing such claims to identify any potential wrongful convictions. The structure and implementation of the procedures of the CIU in Middlesex County has been devised in order to minimize the impact of cognitive biases by implementing a *de novo* review by attorneys who were not part of the original prosecution team.

The CIU will review any colorable claims of factual innocence. Examples may include claims derived from new forensic testing, eyewitness identification or alibi. All claims of factual innocence, including those contained in a motion pursuant to Mass. R. Crim. P. 30, are initially reviewed by the Director of the CIU (the “Director”). If the Director determines that the claimant has not established that their claim casts doubt on the justice of the conviction, he/she shall so notify the claimant. If the Director determines that the claimant has established a colorable basis to conclude that there is a doubt as to the integrity of the conviction, the Director shall forward the claim to the Conviction Integrity Committee (“CIC”).

The CIC shall be comprised of the following senior and experienced trial and appellate prosecutors in the Office:

- First Assistant District Attorney
- Chief of Appeals
- Chief of the Cold Case Unit
- Chief of Homicide
- Senior Trial Counsel
- Senior Appellate Counsel
- Regional Chiefs – Cambridge, Malden, Framingham and Lowell
- Chief of Child Abuse
- Chief of Elder and Disabled Abuse Unit
- Chief of Special Investigations Unit
- Director, Conviction Integrity Unit

The Committee will be co-chaired by the Chief of Appeals and the Chief of the Cold Case Unit. If neither the Chief of the Cold Case Unit nor the Chief of Appeals is

available to chair the meeting, the District Attorney will select a chairperson for that meeting from the available members.

If the claim is forwarded to the Committee, the Director will confer with a Victim Witness Advocate prior to presenting the case to the Committee. The VWA will provide the victim notice that they have the right to convey their views and concerns to the Committee.

The Committee shall meet as often as necessary. The Director will present the claim to the Committee and may request the assistance of the Appeals & Training Bureau with such presentation. The Committee shall conduct a thorough review of the entire record of the case and any additional available evidence. The Committee shall also consider additional information or statements provided by claimant or their counsel. The Committee may consider information provided by Assistant District Attorneys who have had prior involvement in either the trial or prior post-conviction proceedings. However, no Assistant District Attorney who has had such prior involvement shall otherwise participate in the proceedings.

A quorum shall consist of at least 7 voting members. In its discretion, the Committee may consider any evidence or arguments that may assist it in its evaluation of the case. The Committee will then deliberate and determine by majority vote whether the new evidence undermines the integrity of the conviction and what recommendation to make to the District Attorney. The Committee shall keep a record of its recommendation(s) but the individual votes of Committee members shall not be recorded.

After the Committee completes its deliberations, one or more of the co-chairs of the Committee shall report the Committee's recommendation(s) and rationale to the District Attorney. The final determination regarding MDAO's response to the claim is solely that of the District Attorney. The final determination will be communicated to the victim and to the convicted offender and/or their legal representative.

*Effective December 2019*