

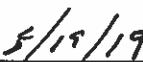


DISCLOSURE BY NON-ELECTED STATE EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 6

RECEIVED
STATE ETHICS COMMISSION
2019 AUG 28 AM 10:29

Name:	Christopher Kelly
Title or Position:	Director, Digital Evidence Laboratory
State Agency:	Office of the Attorney General (AGO)
Agency Address:	One Ashburton Place Boston, MA 02108
Office Phone:	617-963-2146
Office E-mail:	christopher.kelly@mass.gov
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter: Supervision of the Digital Evidence Laboratory for the Massachusetts Attorney General's Office, and the annual National Cyber Crime Conference.
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter: Oversight of all Digital Evidence Laboratory operations including employee management, case supervision, training, purchasing and acquisition, and quality control. For the National Cyber Crime Conference, I serve as the main point of contact for the event. This includes agenda development, management of Conference personnel, budget, and working with third parties including partners, conference center staff, and vendors.
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<input type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

Financial interest	In March of 2015, I received internal authorization from the AGO to work as an instructor for the National Computer
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in the matter	<p>Forensics Institute ("NCFI"). The NCFI is a federally-funded institution operated by the United States Secret Service to provide computer and mobile device training to local, state, and federal law enforcement, prosecutors, and judges. I perform instruction and course curriculum development for the NCFI on my own personal time.</p> <p>The NCFI subcontracts through digital forensic organizations and training entities to provide for training services. I am not familiar, nor involved in any capacity, in the process of identifying and awarding subcontracts on the behalf of the NCFI. From the beginning of my tenure as an instructor at NCFI through April 1st of 2016, the subcontractor responsible for coordinating my instruction and providing payment and reimbursement was Whittlege and Associates, a digital forensic firm located at 3022 John Marshall Drive in Arlington, Virginia. It is my understanding that through some arrangement with NCFI, funding for instruction provided by Whittlege and Associates was in part through the Nux Corporation, a forensic software and training vendor.</p> <p>As of April of 2016, the new subcontractor that coordinates my paperwork and provides my payment and reimbursement is Cybervance Inc., a forensic training provider located at 10119 Thornwood Road in Kensington, Maryland. Funding for instruction provided by Cybervance is, through similar arrangement as mentioned above, through Cellebrite, a forensic software and training vendor. Cellebrite is a leading, if not the leading forensic software vendor in the field for the examination of mobile devices in digital forensic labs like the Digital Evidence Lab. Due to their subject matter expertise, Cellebrite oversees the development of curriculum. The software and hardware solutions have been used in the Attorney General's Office for more than 10 years (approximately 2008), prior to my work with the NCFI and prior to my appointment as Lab Director. The software is used by most of our several analysts, including me, on a frequent basis. Conversations with sales personnel and tech support are germane to this use.</p> <p>The Digital Evidence Lab at the Attorney General's Office has purchased licenses for both Nux and Cellebrite software in the past, and we continue to maintain these licenses with annual fee payments. Nux, Cellebrite, and the NCFI have exhibited and provided instruction (the National Cyber Crime Conference is an annual event and participation is on a year-to-year basis) or do regularly exhibit and provide instruction at the Office's National Cyber Crime Conference. Cellebrite has been a vendor at the National Cyber Crime Conference since its inception in 2012. Each year the number of vendors fluctuates. In 2019 there were approximately 25 paid exhibitors, the majority of which were digital forensic hardware, software, and training entities all provided equal opportunity and access. In 2018, Cellebrite became a partner to the National Cyber Crime Conference. Cellebrite also occasionally offers training that they host in the training room of the Digital Evidence Lab.</p> <p>The products and training provided by these organizations is high quality and has been central to Lab operations. Cellebrite software and hardware products are used extensively in law enforcement digital forensic labs across the Commonwealth of Massachusetts. Both organizations produce some of the leading solutions in the forensic field, and the products would be used in the Lab under any circumstance. However, they are not exclusive products. The Lab incorporates many software and hardware solutions every day in our work, including software developed by direct competitors.</p> <p>The training programs hosted at the Attorney General's Office offer significant benefit to the State. Training vendors are allowed to use the Attorney General Office's training room for cyber and digital evidence training at no cost in return for a free seat or seats to law enforcement personnel. This arrangement saves thousands of dollars to the AGO and the Commonwealth. Further, Cellebrite offers all NCFI instructors access to their training courses and waives the course fees as part of its NCFI relationship. The benefit to the AGO and Commonwealth in this free training is significant. These or similar arrangements have been used for many training sessions since the opening of the Lab in 2008, for several training providers in the cyber investigation and digital forensic field. It is expected that this practice will continue.</p> <p>It should also be noted that my instruction is performed for the NCFI. The NCFI has a specific nonbias, non-solicitation, and non-promotion clause for its instructors. NCFI chooses which courses I teach. I am the primary coordinator of the National Cyber Crime Conference. Any vendor to the National Cyber Crime Conference that wants to contribute are offered equal access and opportunity to contribute. I do not have a financial interest which influences the decisions I make in a professional capacity with regard to my supervision of the Digital Evidence Lab, training programs offered by the Commonwealth, or the National Cyber Crime Conference. I submit this disclosure in abundance of caution.</p>
Employee signature:	
Date:	

DETERMINATION BY APPOINTING OFFICIAL APPOINTING AUTHORITY INFORMATION	
Name of Appointing Authority:	Maura Healey, Attorney General
Title or Position:	Juliana deHaan Rice, General Counsel
Agency/Department:	Office of the Attorney General
Agency Address:	One Ashburton Place

<p>Boston, MA 02108 Juliana.Rice@mass.gov</p>	
Office Phone:	617 963 2583
Office E-mail:	
DETERMINATION	
Determination by appointing authority: Write an X by your selection.	<p>As appointing official, as required by G.L. c. 268A, § 6, I have reviewed the particular matter and the financial interest identified above by a state employee.</p> <p><input type="radio"/> I am assigning the particular matter to another employee, or</p> <p><input type="radio"/> I am assuming responsibility for the particular matter, or</p> <p><input checked="" type="radio"/> I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Commonwealth may expect from the employee.</p>
Appointing Authority signature:	
Date:	8/27/19
<p>Comment: <i>Particularly for the reasons stated in the last paragraph of the disclosure above, I conclude that Chris's work teaching for NCfI is not likely to diminish the quality of the work he performs for the AGO (and, in fact, likely enhances it).</i></p>	

Attach additional pages if necessary. Send to General Counsel's Office for Determination.

GCO will send a copy of this disclosure to:

State Ethics Commission, One Ashburton Place, Room 619, Boston, MA 02108