

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

\* \* \* \* \*

COMMONWEALTH OF MASSACHUSETTS \*

VS. \*

JOHN DOE \*

\* \* \* \* \*

PRESENTED BY:

THOMAS CALDWELL, ESQUIRE  
ENTERPRISE & MAJOR CRIMES DIVISION  
CRIMINAL BUREAU, 19TH FLOOR  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

---

THURSDAY, FEBRUARY 11, 2016  
SUFFOLK SUPERIOR COURT  
3 PEMBERTON SQUARE, FLOOR 6  
BOSTON, MASSACHUSETTS

Ellen K. Cassola  
Professional Court Reporter

\*\*\*\*\*COMPUTER AIDED TRANSCRIPTION\*\*\*\*\*

A P P E A R A N C E S

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL  
ENTERPRISE & MAJOR CRIMES DIVISION  
Criminal Bureau, 19th Floor  
One Ashburton Place  
Boston, Massachusetts 02108  
Thomas Caldwell, Esquire

I N D E X

WITNESS:

Nancy Brooks

PAGE:

4

E X H I B I T S

NUMBER:

PAGE:

(No exhibits offered.)

1 (Grand jury called to order)

2 MR. CALDWELL: Good afternoon, ladies and  
3 gentlemen. My name is Thomas Caldwell and I'm an  
4 Assistant Attorney General assigned to the Criminal  
5 Bureau. Today we're going to be continuing an  
6 investigation concerning the Amherst drug laboratory  
7 and the Department of Public Health, matters that  
8 occurred on diverse dates between January 2004 and  
9 January 2013. I have one witness for your  
10 consideration today.

11 Ma'am, could you please raise your right hand?

12 \* \* \* \*

13 NANCY BROOKS, SWORN.

14 \* \* \* \*

15 BY MS. CALDWELL:

16 Q Ma'am, can you please state your name for the grand  
17 jurors, spelling your last name for the record?

18 A Good afternoon. My name is Nancy Brooks and the last  
19 name is spelled B-R-O-O-K-S.

20 Q And where are you currently employed?

21 A I am employed with the Massachusetts State Police  
22 Crime Laboratory.

23 Q And where is that located?

24 A I have an office in the Town of Sudbury and an office

1 in the Town of Maynard.

2 Q And can you briefly tell us your duties and  
3 responsibilities at the crime laboratory?

4 A Certainly. I serve as the Forensic Chemistry Section  
5 Manager of the Forensic Chemistry Section. I oversee  
6 the following units: The Drug Identification Unit,  
7 the Office of Alcohol Testing, Toxicology and Post  
8 Mortem Toxicology.

9 Q And prior to your current position, what did you do  
10 at the lab before that?

11 A I was the supervisor of the Drug Identification  
12 Section in Sudbury.

13 Q And can you just tell the grand jurors some of your  
14 duties and responsibilities in that -- in your role  
15 in that position?

16 A Certainly. I oversaw the drug unit in which I  
17 supervise between six and eight chemists. I insured  
18 that the protocols that they were following were  
19 consistent with what the laboratory had approved in  
20 place. I also participated in the technical review  
21 of some of the case work, and in addition I also  
22 performed case analysis myself.

23 Q And for approximately how long did you do that?

24 A I was a supervisor in chemistry for approximately 12

1           years.

2           Q     Now, in your current position as Forensic Chemistry  
3                 Section Manager, how long have you been in that  
4                 position?

5           A     I've been in this position since October of 2012.

6           Q     Now prior to -- have you had any other jobs at the  
7                 crime laboratory for the Mass State Police?

8           A     Yes, when I first moved to Massachusetts my first  
9                 unit was in the Criminalistics Section. I performed  
10                analysis related to sexual assault investigations,  
11                homicides, and sometimes unattended deaths, in which  
12                case I examined evidence for those investigations.  
13                And then I was promoted to supervisor in the Drug  
14                Identification Unit. I had prior experience as a  
15                drug analyst in the State of Wisconsin at the  
16                Department of Justice State Crime Lab in the City of  
17                Milwaukee.

18          Q     Where did you do to -- or excuse me, where did you  
19                 get your undergraduate degree?

20          A     I have a Bachelors of Science in Chemistry from the  
21                 University of Wisconsin, Madison.

22          Q     And what year did you graduate from the University of  
23                 Wisconsin in Madison?

24          A     1993.

1 Q Can you briefly, for the grand jurors, tell them any  
2 professional affiliations that you have concerning  
3 forensic chemistry?

4 A I am a member of the Clandestine Laboratory  
5 Investigating Chemists, that is an organization that  
6 basically -- it's made up of a group of chemists that  
7 respond and analyze evidence related to clandestine  
8 laboratories. I'm also a member of the New England  
9 Association of Forensic Scientists.

10 Q And have you ever had the opportunity to testify as  
11 an expert witness in any matters either in the  
12 Commonwealth or outside of the Commonwealth?

13 A Yes. I have testified as an expert in the State of  
14 Wisconsin, and I believe I've been qualified as an  
15 expert in New Hampshire and Vermont.

16 Q In your time as a forensic chemist, approximately how  
17 many samples have you tested?

18 A If I had to estimate in my nearly 20 years as a bench  
19 chemist, I've probably examined over 10,000 samples.  
20 Or actually, I'm sorry, I probably have examined over  
21 30,000 samples and authored 10,000 reports.

22 Q Now you had indicated -- you tell us that you are  
23 currently the Forensic Chemist Section Manager for  
24 the Department of the State Police. Where is that

1 laboratory located?

2 A I have a couple of different units in different  
3 locations. The Drug Unit is in Sudbury and the  
4 Office of Alcohol Testing, the Toxicology Unit and  
5 the Post Mortem Toxicology Unit are in the Maynard  
6 laboratory.

7 Q Now specific to the drug laboratory, is that drug  
8 laboratory accredited?

9 A Yes, it is.

10 Q And can you please explain for the grand jurors ----

11 A Actually, may I also clarify a previous statement?

12 Q Please.

13 A There is also another drug laboratory which I oversee  
14 in Springfield.

15 Q Thank you. Could you please walk through for the  
16 grand jurors the procedures to become an accredited  
17 laboratory, and specifically an accredited drug  
18 laboratory?

19 A Certainly. The process by which a lab becomes  
20 accredited, typically what happens is that an  
21 application is made to an organization. In this  
22 particular instance we submitted an application to  
23 the American Society of Crime Laboratory Directors  
24 Laboratory Accreditation Board, otherwise known as



1 ASCLD Lab. An application is submitted, copies of  
2 our protocols are submitted to the laboratory for  
3 review. There are several meetings and several  
4 discussions that take place. This organization  
5 actually comes to -- members of this organization  
6 come to the crime laboratory and they actually review  
7 some of the materials that we have available such as  
8 protocols, case files, they look at the site, they  
9 look at the facility and they make their assessment.

10 Q Now what are some of the things that -- what are some  
11 of the things that they look for in terms of in their  
12 site visits to give you your lab accreditation.

13 A Some of the things they look for is, for example; is  
14 there adequate space to perform analytical  
15 examinations; is there a mechanism for tracking  
16 evidence throughout the laboratory; are analysts able  
17 to perform analysis in safe conditions. In addition,  
18 they'll review the protocols in place to insure that  
19 they're scientifically sound or that the case work  
20 that is performed is supported by the analysis that  
21 the analyst performed -- the conclusions formed by  
22 the analysts are scientifically supported.

23 Q Do they do any review of the equipment at the lab?

24 A They'll look at -- they will look at maintenance

1 logs. So they will look at instrumentation; how the  
2 instrumentation might be maintained. Occasionally  
3 they may review the type of work that's being done  
4 and whether that's being documented.

5 Q Now do they also review security procedures within  
6 the lab?

7 A If there are security protocols in place they will  
8 review those as well.

9 Q And in the laboratory where that you are the head of,  
10 what type of security features are in place for the  
11 State Police lab?

12 A We have evidence cameras throughout the laboratory  
13 tracking the progression of who's coming into the  
14 laboratory and as the evidence is received into the  
15 evidence control unit.

16 Q How long has the State Police lab been accredited?

17 A The first accreditation occurred in 2002 and that was  
18 under the ASCLD Lab Legacy Program. That was the  
19 original Accreditation program. And then in 2013 we  
20 were awarded the ASCLD Lab International  
21 Accreditation and that was under the guidelines under  
22 the ISO 17025 Supplemental Guidelines.

23 Q And can you explain to the grand jurors the  
24 significance of that?

1       A     The International Supplements were far more  
2             comprehensive.  For example, under the original  
3             Legacy Program there were 150 criteria that were  
4             reviewed for a lab.  Under the International Program  
5             Supplemental, we are evaluated on 400, approximately  
6             400 criteria, all of which must be -- all of which we  
7             must pass.

8       Q     Now can you please explain the licensing procedures  
9             that you have to go through in order to become a  
10            forensic drug laboratory.

11      A     Well, in order for -- and I'm going to refer to in  
12             terms of a drug laboratory.  We have to have a Drug  
13             Enforcement Administration license in order to handle  
14             controlled substances or even to acquire controlled  
15             substances.  In addition, there is also a  
16             Massachusetts Department of Public Health  
17             registration that we have.

18      Q     And who completes that application process for the  
19             lab?

20      A     Usually I'm renewing it.  I did not initially apply  
21             for it but it's usually me or another supervisor or  
22             manager of the laboratory.

23      Q     And that's yearly, correct?

24      A     Yes.

1 Q Now does the Drug Enforcement Agency ever come out to  
2 inspect your lab?

3 A They have not inspected ours, or they may have  
4 initially when the lab was first established, but not  
5 during my tenure.

6 Q And that license is good for one year?

7 A Yes.

8 Q Now you had initially mentioned not only handling  
9 controlled substances but purchasing substances. Can  
10 you explain what type of substances you would  
11 purchase at the lab?

12 A Certainly. On occasion when you're analyzing  
13 suspected controlled substances you may need  
14 reference materials on site to make your comparison.  
15 If you have -- if you have to order a controlled  
16 substance you need to have a copy of your DEA  
17 registration number in order to fill out a form that  
18 allows you to purchase the item from certain  
19 manufacturers.

20 Q And who does this purchasing at your lab?

21 A We have -- we have monitors in the unit that have the  
22 ability to fill out the form. However, the approval  
23 must be given by a supervisor or a manager.

24 Q And where are these substances stored?

1 A They are stored within the drug vault.

2 Q And can you just explain for the grand jurors, in  
3 terms of your drug -- forensic drug laboratory, where  
4 is the vault located?

5 A It is located in a secured area within our evidence  
6 control unit.

7 Q And who has access to this drug vault?

8 A It's actually a safe within the drug vault. So there  
9 are supervisors within the drug unit who have access  
10 to the safe.

11 Q And how many supervisors do you have at your  
12 laboratory?

13 A In the Sudbury lab I have four supervisors and in the  
14 Springfield lab I have one supervisor.

15 Q How many chemists do you have working at the Sudbury  
16 lab?

17 A I believe I have approximately 10 to 12. I'm sorry,  
18 I ----

19 Q And how many at the Springfield?

20 A I have two chemists and one in training, in addition  
21 to supervisor. And I will state, the safe that is in  
22 the Springfield laboratory is actually secured within  
23 the drug laboratory.

24 Q Are the chemists allowed any type of access into this

1 drug vault or drug safe?

2 A They have access. However, for example, and I'll use  
3 Sudbury as an example. Since we have evidence  
4 control personnel on site, there is really no need  
5 for an analyst to actually enter the drug evidence  
6 unit. The evidence is retrieve by evidence room  
7 personnel.

8 Q Now can you please explain the duties and  
9 responsibilities of the evidence room personnel?

10 A Certainly. They receive evidence from submitting  
11 agencies. What will happen, for example, is, if an  
12 agency brings in evidence related to an  
13 investigation, they'll bring it to the crime  
14 laboratory, they will fill out some documentation  
15 such as an inventory form, and they'll submit it to  
16 personnel in the crime lab. That person -- or  
17 personnel in the evidence unit. That person will log  
18 the evidence in what we refer to as a Laboratory  
19 Information Management System and that will include  
20 putting information such as any agency names, agency  
21 case numbers, date of offense, and any subject names.  
22 And as that evidence is logged into the system it  
23 will be assigned a unique laboratory case number, and  
24 then a bar code will be placed on the evidence.

1 Q So every piece of -- or every sample or every piece  
2 of evidence coming in is given its own specific  
3 number?

4 A Yes.

5 Q And why is that?

6 A It's for the purpose of tracking evidence throughout  
7 the laboratory. The evidence is given its own lab  
8 number but also a unique bar code so that if we're  
9 tracking the progression, a person can scan the bar  
10 code to their personal analyst bar code.

11 Q And how are the samples assigned in the Sudbury lab  
12 to the individual chemist?

13 A Case assignment in Sudbury is priority based. So if  
14 there is a court date that we are aware of, those  
15 cases will be selected for assignment and then  
16 assigned to analysts in the drug unit.

17 Q And could you please -- from the time that that  
18 sample is assigned to a particular chemist, can you  
19 please walk through the steps that that chemist would  
20 take in order to test and verify that that -- if that  
21 sample is in fact a controlled substance?

22 A Certainly. After the case is assigned to the  
23 analyst, the analyst will -- the evidence is secured  
24 in a locked storage bin and that bin is going to be

1 transported to the drug vault or the drug laboratory  
2 and then the analyst will have access -- who has  
3 access to their own personal bin will remove that  
4 item from the bin and then conduct their analysis.  
5 Initially what occurs is the analyst will weigh the  
6 gross packaging of the evidence and compare it to a  
7 weight that was originally obtained by the evidence  
8 room personnel. If there are any discrepancies  
9 they'll note this and then they'll investigate. If  
10 there are no discrepancies they'll open up the item,  
11 conduct an inventory, match it with the evidence  
12 control sheet that was submitted with the evidence to  
13 make sure that the contents correspond, and then  
14 they'll begin their analysis depending on what the  
15 nature of the item is.

16 Q So the contents are inventoried twice, correct?

17 A They'll be -- the gross contents are usually  
18 inventoried at the evidence control unit. Generally  
19 they don't open up the evidence to do it, but if they  
20 have a general idea they can identify if what the  
21 officer is bringing in is pretty much consistent with  
22 what they see in a sealed plastic bag. The actual  
23 inventory is taken place -- conducted by the analyst  
24 when they get to their bench because at that point



1           they're able to open up the evidence and then  
2           actually take all the contents out. So a cursory  
3           inventory is actually done at the window, however, a  
4           full inventory is done when the analyst actually  
5           opens up the case.

6           Q   And after the chemist weighs the particular item that  
7                was submitted to them, what are the next steps that  
8                they take in the testing process?

9           A   Then they would conduct their inventory, insure to  
10               see if it corresponds with the original documentation  
11               that was submitted, and then depending on the nature  
12               of the items, for example, if it was vegetable  
13               material, there's a specific protocol in place for  
14               that. If it were tablets they would follow the  
15               tablet protocol, and if it were powders they would  
16               use the powder protocol or what was a suitable powder  
17               protocol.

18          Q   Can you please explain to the grand jurors what a bag  
19               of powder protocol is?

20          A   For example, if it was a suspected cocaine or a  
21               heroin item, we have procedures in place for the  
22               analysis of those types of cases. So they would  
23               follow that protocol for the analysis.

24          Q   Is it fair to say that some samples are more

1           difficult to test than others?

2       A     Yes.

3       Q     And why is that?

4       A     Depending on the complexity of the case, that is, if  
5           there are multiple items they might require a little  
6           bit more time and effort in isolating the compound or  
7           the fact that different items may need to be -- or  
8           multiple items may need to be examined.

9       Q     Can you give any examples?

10      A     For example, if there were -- if there's an  
11           indication when a case was submitted that multiple  
12           items were retrieved from different locations, the  
13           analyst may pursue to analyze those items separate.  
14           For example, one at a time and make their conclusion  
15           on each item. Whereas in some cases where if you had  
16           10 plastic bags and they were all consistent and they  
17           were all submitted together, then you could  
18           potentially just take a random sampling of those 10  
19           bags.

20      Q     And when you say "more difficult to test" is that  
21           because some are more -- some samples that are  
22           submitted are more time consuming or are they more  
23           technical in nature or both?

24      A     It could be both.

1 Q Okay, can you please give an example to the grand  
2 juror?

3 A For example, if you had multiple items -- I'm trying  
4 to find -- I'm sorry, I'm trying to find the  
5 appropriate example. Some of the examples -- some of  
6 the powders may be heavily adulterated, so in order  
7 to determine what might actually be present you might  
8 have to perform a series of extractions to isolate  
9 the compound of interest. So something like that  
10 might require some time and effort. In other  
11 instances if you just had a case where numerous items  
12 were seized from various locations, that itself could  
13 be very time consuming.

14 Q In your lab do you assign any particular samples to  
15 any one chemist or is it done randomly?

16 A It's done randomly and by need.

17 Q As to a newer chemist in the lab, are there any  
18 particular samples that you would assign to them?

19 A I haven't assigned cases in a long time so I can't  
20 speak to what the current practice is. But as a  
21 supervisor, essentially after someone has been proven  
22 to be competent to analyze case work. Rather than,  
23 for example, throwing them to -- all these cases,  
24 what you might do is just give them some smaller

1 cases and help them develop some proficiency in  
2 processing case work and then have them work up to  
3 larger cases.

4 Q Now you had indicated previously that there is a bar  
5 coding system and things of that nature. Do you keep  
6 chain of custody logs at your lab?

7 A Yes, we do. Due to the fact that we have a bar  
8 coding system and that evidence is tracked, whenever  
9 it is transferred from one location to another,  
10 whether it be a person or a shelf, it is scanned. So  
11 there is an electronic copy of where evidence is  
12 maintained.

13 Q And that's obviously a computer system?

14 A Yes.

15 Q And who has access to that system within the lab,  
16 does everybody?

17 A Everybody has access to the system, however,  
18 everybody has their own individual user accounts.

19 Q And those user accounts can be monitored, correct?

20 A We have the capability of monitoring them, yes.

21 Q Now, in terms of the testing of the submitted  
22 substances, can you please briefly describe some of  
23 the machinery that you use at the laboratory?

24 A Certainly. In the Sudbury -- I'm going to use

1 Sudbury as an example.

2 Q Thank you.

3 A In the Sudbury laboratory we have a screening --  
4 screening instrumentation referred to as ultraviolet-  
5 visible spectrophotometry and we have fourier  
6 transform infrared spectroscopy or otherwise known as  
7 FTIR, and we have a gas chromatograph-mass  
8 spectrometer, in short known as GC-MS.

9 Q In terms of the ultraviolet test, can you just  
10 briefly explain what that is to the grand jurors?

11 A Certainly. It's a screening tool that we use.  
12 Essentially how the test is performed is you're  
13 taking a small portion of the powder or a tablet and  
14 dissolving it in an acidic solution and then you're  
15 placing it in a beam of ultraviolet radiation. Now  
16 depending upon what components are in the powder or  
17 sample, you might be able to identify what compound  
18 may be present. It's only used as a screening tool,  
19 it's not confirmatory by any nature, but it could  
20 tell you potentially if you have something that could  
21 be consistent with cocaine or consistent with heroin  
22 or consistent with a stimulant.

23 Q And do the chemists keep a record of that?

24 A Yes. A hard copy -- when an analyst performs a test

1           they print out a graphical representation of their  
2           analysis and it is maintained in the case file.

3           Q     After that initial test what would the next step be  
4           in testing? What type of machinery would you use?

5           A     Depending upon the results of the ultraviolet-visible  
6           spectrophotometry they may go to fourier transform  
7           infrared spectroscopy or gas chromatography-mass  
8           spectrometry for their next step. If it is a  
9           substance which might be mixed with other substances  
10          then they most likely will use GC-MS for analysis.

11          Q     And in terms of the GC-MS machine, just very briefly  
12          if you could, just explain how that works.

13          A     Certainly. It is a two -- a two -- let me think of  
14          it, a two instrument technique coupled together. The  
15          first part is a gas chromatograph in which what  
16          you're doing is taking a small sample of your powder,  
17          dissolving it in a solvent and then injecting that  
18          onto a heated column. As it goes through the column  
19          the components separate and then they enter the mass  
20          spectrometer which is, for lack of a better term,  
21          more like a detector. And as it enters the detector  
22          electrons bombard the sample and they break apart  
23          into specific fragments. Those fragmentation  
24          patterns are what you evaluate in your determination

1           of what the substance may be. In our laboratory we  
2           use a reference material that is run on the same  
3           instrument and we compare that reference material to  
4           the sample to determine if it's the same substance or  
5           for confirmation purposes.

6           Q    Now you -- we previously talked about substances that  
7                would be ordered from laboratories pursuant to your  
8                DEA license, correct?

9           A    Yes.

10          Q    And how are those used in the testing process?

11          A    When we make an identification in the laboratory we  
12                use reference materials for our identification -- for  
13                conclusive identification when using the gas  
14                chromatograph and mass spectrometer. In some  
15                instances we will also use the same reference  
16                material to run a sample on the FTIR. And then when  
17                you run a sample you can actually compare it to the  
18                reference material that you've previously run.

19          Q    Okay, and you say "reference material" it's fair to  
20                say that's the substance that you have ordered from  
21                the laboratories, correct?

22          A    Yes.

23          Q    And have you ever heard the term "standard" be used?

24          A    Yes, I have.

1 Q And what do you know a standard to be?

2 A A standard is something of known origin or identity  
3 that you're using for comparative purposes.

4 Q So that standard obviously is the known substance and  
5 it's tested against the unknown substance, what the  
6 individual police departments are bringing in?

7 A Yes.

8 Q After the GC-MS, what is the next step that the  
9 chemist takes in the testing process of a substance?

10 A After they have run their sample on the GC-MS what  
11 they'll do is they'll evaluate their data, compare it  
12 with the standard. Things that they may look at are  
13 retention time, whether substances eluded at the same  
14 -- within the same time window as the reference  
15 standard. They'll look at the mass spec pattern to  
16 see if it's identical with the standard. After the  
17 results of all their testing they're going to review  
18 the results of their data and form an opinion as to  
19 what the substance may contain.

20 Q Does any other chemist review that work?

21 A Yes. All of our reports are reviewed by another  
22 person to insure that that the conclusion formed was  
23 scientifically supported.

24 Q And after that review has been done what's the next



1 step?

2 A Well, after the analysis the report is generated and  
3 then the report and the data file is reviewed for  
4 scientific accuracy. After that is completed then  
5 the evidence and the report will go back to the  
6 submitting agency.

7 Q What happens to the substances at that point?

8 A The evidence is returned to the vault until the  
9 submitting agency is able to retrieve the evidence.

10 Q And that also is being kept -- there's a log also  
11 being kept of that, correct?

12 A Yes, it's tracked when the evidence is returned to  
13 the Evidence Control Unit, but also there is  
14 documentation that the officer must sign when  
15 retrieving the evidence from the lab.

16 Q And one chemist, aside from the review, one chemist  
17 does all of these steps, correct?

18 A Yes.

19 Q And why is that?

20 A We've always had one analyst follow through the  
21 entire analysis. We've never introduced another  
22 person into the analytical process.

23 Q And all of these steps are the policies and  
24 procedures that you follow in the lab?

1 A Yes.

2 Q And they directly relate to the ability to become an  
3 accredited laboratory?

4 A Yes.

5 Q I'm going to call your attention to a specific time,  
6 the beginning of 2013. You were employed by --  
7 obviously employed by the State Police at that time?

8 A Yes.

9 Q Okay. And fair to say at one point while you were at  
10 the lab you were asked to go to a laboratory at the  
11 University of Massachusetts at Amherst, correct?

12 A Yes.

13 Q At the time, was that a State Police lab?

14 A The first time I went to the Amherst lab was, I  
15 believe, in October of 2012. And at the time it was  
16 under the State Police, yes.

17 Q And what was the purpose of you going to the lab in  
18 October of 2012?

19 A It was to conduct an audit of the laboratory. We  
20 were going to evaluate the Amherst lab and the  
21 protocols to see what would need to be obtained in  
22 order for them to become accredited.

23 Q Because they weren't accredited?

24 A They were not accredited at that time.

1 Q And it's fair to say that the State Police had taken  
2 control of that lab around that time?

3 A Yes, they had -- I believe had obtained control  
4 shortly after or around July 1st of 2012.

5 Q So when you went out to the lab at Amherst to conduct  
6 this audit, can you please walk through what you in  
7 fact did?

8 A We reviewed some of their protocols and we reviewed a  
9 handful of the cases that the analyst at that  
10 facility had completed.

11 Q And it's fair to say they really had no true protocol  
12 in place, correct?

13 A They had some written protocols in place, from my  
14 recollection.

15 Q And you said the audit was -- and what did the audit  
16 -- what was it comprised of? What were you looking  
17 for when you went there?

18 A Well, we evaluated some of the case work that was  
19 performed. We also evaluated some of the  
20 instrumentation in the laboratory. It's more or less  
21 a site assessment of what the lab was like.

22 Q And when that audit was completed, do you recall what  
23 the final assessment was of the Amherst laboratory?

24 A Well, it wasn't an official audit in that we prepared

1 a report, but it was basically a cursory audit to  
2 say, "Okay, if this lab were to become accredited,  
3 what needs to be in place?"

4 Q And it's fair to say that there was a lot of things  
5 that needed to be in place for the lab to become  
6 accredited?

7 A I would say so.

8 Q What was your opinion of the machinery when you  
9 observed it at the Amherst laboratory. And when I  
10 saw that I mean the gas chromatograph-mass  
11 spectrometer and other instruments?

12 A My opinion was that some of the instrumentation on-  
13 site was of an older generation. Some of it was at  
14 least more than five years old. The laboratory  
15 itself was definitely reminiscent of an academic  
16 laboratory. I do recall some important things such  
17 as hoods being out of order at the time.

18 Q Okay. And what's a hood?

19 A A hood is that you would perform extractions in for  
20 safety reasons. There's supposed to be ventilation  
21 so that any fumes or anything that could happen would  
22 be carried out. And so you could do an extraction  
23 kind of under protection of a safety glass.

24 Q And what kind of extractions would you do, just for

1           example, under a hood?

2           A     Typical extractions that I used to perform in a hood,  
3                 if I wanted to extract a component out of a tablet I  
4                 would want to do that in a hood. If I wanted to  
5                 evaporate something using a heating element then I'd  
6                 want to do that in a hood as well.

7           Q     And you said the laboratory was reminiscent of an  
8                 academic laboratory. Can you please explain that?

9           A     As a former chemistry major, I didn't see too much  
10                difference between when I was in a chemistry lab 20  
11                years ago and in the Amherst lab.

12          Q     And so the -- is it fair that the lab in Sudbury is  
13                dramatically different from the lab at Amherst as you  
14                observed it back in 2012?

15          A     It was -- dramatically is strong, but definitely  
16                different.

17          Q     Can you please just give us a couple of examples of  
18                the differences between the two?

19          A     We had -- in Sudbury before the recent renovations  
20                that we've just experienced we had several working  
21                hoods so that analysts had space to perform  
22                extractions. Each of our analysts had areas where  
23                they could secure evidence, and not in a public --  
24                not in a public space. In addition, everybody had

1 their own working space and the instrumentation that  
2 we used, some of them were less than five years old.

3 Q What was your opinion of the storage facilities for  
4 the substances at Amherst when you saw them back in  
5 2012?

6 A I recall there being two safes in the laboratory for  
7 the purposes of temporary storage and then there was  
8 a large evidence storage room that was secured in the  
9 administrative area.

10 Q And what was the temporary -- what was the need for  
11 temporary storage of samples?

12 A My understanding is that is where people would store  
13 their evidence overnight or during a period where  
14 they wouldn't be conducting analysis.

15 Q Is this the same procedure that's done at, for  
16 example, the Sudbury lab?

17 A No, we don't allow overnight storage in the Sudbury  
18 laboratory, in the drug lab itself.

19 Q So if a chemist is working on a series of samples and  
20 it's the end of the working day, what is required of  
21 them?

22 A If they are working on unanalyzed powders they are  
23 required to secure the powders in a plastic bag and  
24 then secure it in the bin which would be stored

1           overnight in the vault in the evidence control unit.

2           Q     And that's done essentially by the evidence  
3                 personnel?

4           A     The analyst would put it in the bin and the analyst  
5                 would submit or return the bin to the evidence  
6                 control vault and then it would be secured in the  
7                 vault by evidence room personnel.

8           Q     And upon the coming of the next working day, that  
9                 again would have to be removed by the evidence  
10                personnel and scanned back out to that individual  
11                chemist, correct?

12          A     Right. And in some instances if evidence personnel  
13                 is not available then an analyst, in the presence of  
14                 another analyst, would be removing that bin from the  
15                 vault.

16          Q     And is there a record of that, if that is the case?

17          A     Yes, every analyst has -- they would have a key fob  
18                 associated, so in order to enter buildings, or enter  
19                 the drug vault, you have to swipe in. However, what  
20                 we have in Sudbury is, we have a dual entry, so two  
21                 people with authorized access have to swipe in right  
22                 after another in order to access the drug vault.

23          Q     And a record is kept of that, correct?

24          A     Yes, an electronic record is kept.

1Q Now at a certain point it's fair to say you  
returned

2 to the Amherst laboratory after your visit in October  
3 of 2012?

4 A Yes.

5 Q What was the purpose of your next visit to the  
6 Amherst laboratory?

7 A We were in -- we realized we needed to conduct an  
8 investigation into some activities that Jim Hanchett  
9 had discovered.

10 Q And what was your role in that investigation?

11 A Just to -- more of a fact finding. I am not an  
12 investigator so it was more to gain some information  
13 as to what they identified and what had happened.

14 Q What did you eventually learn as part of that  
15 investigation team at Amherst?

16 A They had suspected that some tampering of evidence  
17 had occurred.

18 Q And do you know how they came to that conclusion that  
19 there was this tampering with evidence?

20 A I don't recall the specific, however, I think it  
21 occurred because someone was looking for particular  
22 evidence and was not able to locate it.

23 Q And it's fair to say that evidence was never located,  
24 correct?



1 A I can't say.

2 Q You don't know?

3 A I don't know.

4 Q Now, I'm going to go back to the standards we were  
5 discussing earlier. Who is given access to the  
6 standards, for example, at the Sudbury laboratory?

7 A Who has access? The supervisors in the drug unit and  
8 we do have two personnel who are responsible for the  
9 reference standard inventory. So these individuals  
10 also have access. So it is their responsibility to  
11 monitor and track any new incoming standards that are  
12 received into the lab, but also to conduct the  
13 inventory to insure that the standards are  
14 maintained.

15 Q Now, are these standards given -- why are these  
16 standards -- strike that.

17 How are the standards used?

18 A The standards are used for comparative purposes.  
19 They may be used for creating a spectrum in the  
20 fourier transform infrared spectroscopy library, or  
21 they may be used to create a sample for the gas  
22 chromatograph-mass spectrometer.

23 Q And how is that done?

24 A For the gas chromatograph-mass spectrometer, you take

1           a small portion of the sample and you dissolve it in  
2           a solvent such as methanol and then you run that on  
3           the gc-mass spec.

4       Q    And what are the typical results when you run it on  
5           the GC-MS?

6       A    You will have a chromatograph indicating the  
7           retention time of which the component eluded from the  
8           column, but also a mass spectrum of the component.

9       Q    And what's the -- it's fair to say that these  
10          standards, these ordered materials from the various  
11          laboratories are pure samples, correct?

12      A    Yes.

13      Q    And can you give us an example of something that you  
14          would order from the laboratory in order to use as a  
15          standard?

16      A    Certainly. We would typically order, for example,  
17          heroin. Heroin hydrochloride from a reputable  
18          manufacturer and once we obtain it we would perform a  
19          performance check on it to insure that it is what  
20          it's reported to be, and then for the purposes of  
21          case -- well, and then it would be secured until  
22          needed for case work or it might be performance  
23          checked prior to use on case work.

24      Q    And how does that standard get to the chemist or get

1 to the machines?

2 A We have samples that are prepared in solution and  
3 that they're secured in the drug lab, and if an  
4 analyst is running a series of samples on the gas  
5 chromatograph-mass spectrometer, they'll retrieve  
6 that small, out of the sample vial and then they'll  
7 place it on the instrument to run on the instrument.

8 Q And how frequently on a day-to-day basis would a  
9 chemist need a new standard?

10 A Well, it's really only needed to be run once a day  
11 because it's run at the beginning of the day;  
12 because a majority of the samples that we analyze are  
13 suspected to be cocaine or heroin, so also as a  
14 measure of a quality control check we do run the  
15 standard in the beginning, in the morning to  
16 ascertain if the instruments are working correctly.

17 Q Now in terms of -- in terms of that standard, what  
18 would you do if you ran out of a certain standard?  
19 Say for example you ran out of heroin standard, what  
20 would your laboratory at Sudbury do at that point?

21 A If we ran out of heroin in Sudbury, I would contact  
22 my Springfield laboratory to see if they had any at  
23 that site. If we were out completely between the  
24 both labs we'd make arrangements to actually order

1           some more from the vendor.

2           Q     And do you have difficulty in terms of ordering  
3                 standards from the various labs?

4           A     Sometimes we have difficulty with some of the new  
5                 designer drugs because they're so new that some of  
6                 these manufacturers have not manufactured them.

7           Q     And now have you ever at any point heard of  
8                 individuals who are using secondary standards?  And  
9                 when I say "secondary" I mean not the pure ordered  
10                samples from different laboratories.

11          A     So is the question is it uncommon or -- samples not  
12                 from authorized vendors?

13          Q     Correct.

14          A     Yes.  Okay.  Yes, I have occasionally heard of  
15                 laboratories using samples from evidence to use as  
16                 quality control samples or potential reference  
17                 materials.

18          Q     When was -- when was that done, in terms of the time  
19                 period, was that acceptable?

20          A     I would say probably going back 20 years ago that if  
21                 labs weren't able to procure a traceable reference  
22                 material, if they could authenticate a sample from  
23                 evidence then it could be used as a reference  
24                 material.

1 Q And, if you know, how was that done?

2 A In good science what would happen is, if you had a  
3 suspected sample, for example, cocaine, and you had a  
4 standard of cocaine, if you took a sample from your  
5 evidence and you compared it, if the composition was  
6 identical of that of the reference material and you  
7 ran tests to insure that it was and documented it,  
8 then it could potentially be used as a reference  
9 material itself.

10 Q And these -- these other substances used as reference  
11 materials, are they in fact pure substances?

12 A It would depend on where they originated out of.

13 Q So it all depends on the police evidence that it was  
14 taken from, correct?

15 A That is correct.

16 Q What are the steps to make it in fact and into a --  
17 into that form that can then be inserted into the  
18 machinery?

19 A Well, depending on how adulterated a sample is. And  
20 when I say "adulterated" whether it's mixed with  
21 something else, an analyst might have to extract some  
22 of the impurities out to purify it.

23 Q And how is that done, if you know?

24 A There are some extraction procedures which will

1           remove some of the adulterants from powders.

2           Q     And these substances, do they last very long? Do  
3                 they have a long shelf life?

4           A     It depends on the nature of the substance. Sometimes  
5                 depending on how substances are stored, whether it's  
6                 stored in a warm environment or a moist environment,  
7                 they can break down. Some samples, assuming that  
8                 they're stored in an environment away from the  
9                 elements, they could last for years.

10          Q     And when you say "years" about how long?

11          A     I can't even fathom to guess how many years.

12          Q     And how are they stored? What types of containers  
13                 are they stored in?

14          A     In a vial or a heat-sealed plastic bag.

15          Q     Now have you ever had the opportunity to go to the  
16                 Hinton Laboratory at Jamaica Plain?

17          A     Yes, I have.

18          Q     And what was the purpose of your visit to the Jamaica  
19                 Plain Hinton Laboratory?

20          A     My initial visit was prior to the July 1st  
21                 consolidation. It was just to survey the lab and  
22                 meet with one of the managers, or one of the  
23                 supervisors.

24          Q     And the first time to the Amherst laboratory when you

1           had an initial inspections, you had certain opinions  
2           of the equipment at the laboratory, the Amherst  
3           laboratory; what were you opinions of the equipment  
4           at the Jamaica Plain Hinton laboratory?

5           A     Some of the facility was outdated. You could tell  
6           that some labs had been recently renovated, however,  
7           some portions of the lab had not been recently  
8           renovated. Some of the instrumentation did appear to  
9           be older as well.

10          Q     Now, at a certain point the State Police took over  
11          full responsibility of the Amherst laboratory,  
12          correct?

13          A     Yes.

14          Q     Around that July 1st consolidation date?

15          A     Yes.

16          Q     And at a certain point the Amherst laboratory was  
17          closed in its entirety?

18          A     Yes.

19          Q     And in terms of all the equipment there, the mass  
20          spectrometer-gas chromatograph, things of that  
21          nature, what was done with that equipment?

22          A     Some of that equipment was put on state surplus for  
23          reuse by various state agencies.

24          Q     And you've discussed in a mass spectrometer-gas

1 chromatograph there's a library in those machines,  
2 correct?

3 A Yes.

4 Q And what was done with the library within the  
5 machines, if you know?

6 A I believe the libraries would have been retained on  
7 the hard drives which were attached to these  
8 instruments. I don't have personal knowledge of  
9 where these hard drives currently are right now.

10 Q Now I'd like to discuss the maintenance of these  
11 machines, and particularly the gas chromatograph-  
12 mass spectrometer. Who at for example the Sudbury  
13 laboratory, who maintains this equipment.

14 A Well, as a former supervisor in the drug unit, I  
15 participated in some of the daily maintenance and  
16 routine maintenance of the GC-mass specs. I know now  
17 that in Sudbury I have supervisors and bench analysts  
18 who actually perform some of the maintenance, as  
19 well.

20 Q Now what's a typical daily maintenance of these  
21 machines?

22 A Typical daily maintenance may include refilling the  
23 solvent wash bottles to make sure that the solvent is  
24 full so that if the needle needs to rinse it has



1 solvent to rinse. It also may include replacing the  
2 rubber septa on the injection port of the GC. It may  
3 include flipping the column or replacing the column  
4 of the gas chromatograph.

5 Q And some repairs, it's fair to say, are more  
6 difficult than others, correct?

7 A Yes.

8 Q And are all the chemists and lab personnel trained on  
9 these repairs?

10 A Some of the more experienced analysts are trained on  
11 the maintenance of the GC-mass specs.

12 Q And is a log kept of this maintenance on these  
13 machines?

14 A Yes. In Sudbury we maintain a maintenance log for  
15 all of our instrumentation.

16 Q And that's not only the daily maintenance that's  
17 done, but it's also any shall we say major repair  
18 that needs to be done?

19 A It's for any type of maintenance whether it's a daily  
20 maintenance or for more extensive maintenance.

21 Q And that's required in an accredited laboratory,  
22 correct?

23 A Yes.

24 Q And the same thing of the standards, the ordered

1           known substances; that's also part of the  
2           accreditation of the lab and it's required to be  
3           accredited?

4           A     I'm sorry?

5           Q     I'm sorry, let me step back.  When you purchase these  
6           standards or these known substances from the various  
7           laboratories, that's required of the accreditation,  
8           correct?

9           A     Yes, that goes to the traceability of some of the  
10          reference materials that we use in the laboratory.  
11          Traceability refers to the ability to track and  
12          identify the origin of reference materials that might  
13          be used in an analysis, but also the -- from our  
14          perspective, in order to purchase a controlled  
15          substance, we need to be able to provide a copy -- or  
16          we need to prove that we have a DEA registration on  
17          file, and that's more of a Drug Enforcement  
18          Administration policy.

19          Q     Now in terms of the maintenance log, how is that kept  
20          and what would be contained within the log?

21          A     A maintenance log would be kept within a binder that  
22          is located near the instrumentation or a specific  
23          instrument so that if you needed to document any type  
24          of work that you had it's easily accessible.  What we

1           also maintain in there are any performance checks  
2           that are conducted on the instrument. So any  
3           printouts that are performed or obtained after any  
4           type of maintenance are printed and retained in the  
5           binder.

6           Q     A septum, what does that mean to you when I say that?

7           A     It is a rubber seal that is placed upon the injection  
8           port of a gas chromatograph.

9           Q     And what is the importance of a septum on the gas  
10          chromatograph?

11          A     It helps maintain the pressure within the gas  
12          chromatograph. It is what a needle or syringe in an  
13          auto sampler would puncture in order to introduce the  
14          sample onto a heated column.

15          Q     Now in your experience, how frequently does a septum  
16          need to be changed?

17          A     It can vary depending on the uses of an instrument.  
18          It could require -- if you're running a lot of  
19          samples or that is, if you're injecting a lot of  
20          samples, that septum is going to be pierced many  
21          times, so that might require replacement after a  
22          couple of days or a day. It varies.

23          Q     And a chemist would do that, replace a septum if  
24          necessary?

1 A Yes.

2 Q How would a chemist know it was time to change a  
3 septum?

4 A You might see a decrease in the quality of the data  
5 that you obtain. Like you might see a decrease in  
6 response, perhaps some -- instead of a nice sharp  
7 peak, you might see some tailing. That might be  
8 indications of some maintenance that might be  
9 required in the injection port.

10 Q And when you say "peak," what do you mean by "peak"?

11 A In the gas chromatograph-mass spectrometer, what  
12 you're looking at is you're going to be looking at a  
13 chromatogram which is a graphical representation of  
14 when the substance elutes from a column. And  
15 typically what it looks like is a sharp peak and it's  
16 going to be denoted by a retention time that it  
17 elutes from the column. Sometimes when -- if that  
18 peak's not very sharp and looks very broad, that  
19 might signify some maintenance might need to be done.  
20 That is something that you might look at.

21 Q Now in your time as a chemist or in your time as a  
22 supervisor, do chemists employed at the lab, for  
23 example, Sudbury, put together discovery packets for  
24 district attorneys?

1       A     We have a case management unit that does provide --  
2             puts together discovery packets.

3       Q     And what is something that's typically in that  
4             discovery packet?

5       A     A typical discovery packet will include a copy of the  
6             case file, it would include a copy of the report, the  
7             notes the analyst generated, in addition to any data  
8             that was obtained as a result of their testing. They  
9             may also include copies of a lot number sheet for all  
10            the agents that are used, as well as any external  
11            documentation that was submitted with the evidence,  
12            any administrative paperwork that might have been  
13            submitted with the evidence at the time.

14      Q     Are maintenance logs frequently requested in these  
15             discovery packets?

16      A     Sometimes they are, yes. If I could qualify my  
17             statement?

18      Q     Please.

19      A     They are provided if they are requested.

20      Q     Now you had indicated that an inventory is kept of  
21             the standards, correct?

22      A     Yes.

23      Q     Has that, in your experience or if you know, has that  
24             ever been requested in a discovery packet?

1 A Not to my knowledge.

2 Q I want to talk a little bit about the classifications  
3 of drugs now.

4 A Okay.

5 Q Drugs are classified under the general laws and I  
6 believe it's five different categories?

7 A Yes.

8 Q And that's A, B, C, D, and E, correct?

9 A That is correct.

10 Q And can you give this grand jury an example of Class  
11 A drug?

12 A The most common one that comes to mind is heroin.  
13 Heroin is a Class A substance.

14 Q And a Class B drug?

15 A Cocaine.

16 Q A C drug?

17 A Clonazepam.

18 Q And what is Clonazepam?

19 A Clonazepam is otherwise known as Valium.

20 Q A Class D substance?

21 A Marijuana.

22 Q And a Class E substance?

23 A Penicillin.

24 Q Now, how is a Class E substance tested at the Sudbury

1 lab?

2 A Some of the Class E substances that we identify, for  
3 example, if it was a tablet that has specific  
4 markings and if those markings are consistent with a  
5 pharmaceutical identifier that we obtain in a  
6 database, then we refer -- we report out that the  
7 tablet was consistent in markings and appearance with  
8 containing such and such drug. There are instances  
9 where we have items that are submitted which may not  
10 have markings or they're unknown at the time;  
11 however, the results of our analysis leads us to  
12 conclude that it could be a Class E substance.

13 Q Do you ever breakdown say a pill and place it into  
14 the gas chromatograph-mass spectrometer?

15 A Yes.

16 Q And in what situations would you do that?

17 A For example, oxycodone. Sometimes we see oxycodone  
18 or tablets that have markings consistent with that of  
19 oxycodone, but our policy is to analyze those  
20 tablets. So we'll conduct chemical analysis of those  
21 tablets and if the results are consistent with the  
22 reference material that we run, then we conclude the  
23 identity.

24 Q Have you ever heard of the drug BZP?

1 A Yes.

2 Q And what is BZP?

3 A BZP is the acronym for benzyloperazine.

4 Q And what kind of drug is that?

5 A It is a stimulant/hallucinogenic substance. It is  
6 federally scheduled one in the United States, I  
7 believe.

8 Q And what is a federally scheduled one drug?

9 A It is something that has been deemed to have no  
10 accepted medical use or has a high potential for  
11 abuse.

12 Q And what is the policy at the Sudbury lab now if  
13 something is federally scheduled but not contained in  
14 the Mass. General Laws under Chapter 94C?

15 A Our current policy is if we are able to conclude what  
16 the substance is, we'll report out the name of the  
17 substance and make no reference to any federal or  
18 Massachusetts control status.

19 Q At any point was that policy different?

20 A Yes, it was.

21 Q And can you explain what was different about that  
22 policy?

23 A Several years ago, it was our understanding that if  
24 something was federally scheduled, however not listed



1 under Mass. General Laws Chapter 94C, Section 31, we  
2 would refer to it as a Class E substance.

3 Q And why would you do that, if you know?

4 A Our understanding is if it wasn't listed in a Class  
5 A, B, C, or D, then it would be referred to as a  
6 Class E.

7 Q Are you aware of any of the classifications of what  
8 they were doing at the Amherst lab in regards to  
9 Class E drugs?

10 A I am aware that they sometimes reported the substance  
11 out as a Class E, as well.

12 Q And were they doing the same thing at the JP Hinton  
13 laboratory, if you know?

14 A I believe they were doing it, as well.

15 MR. CALDWELL: Just one moment. I have no  
16 further questions of this witness. Are there any  
17 questions from the grand jurors? Sir?

18 JUROR: The classification system A, B, C, D,  
19 E, was it set up arbitrarily or is everything --  
20 let's say all the drugs in A, would they all be  
21 similar or is it like most dangerous to least  
22 dangerous? I'm trying to figure out how this  
23 classification scheme works?

24 A I'm not originally from Massachusetts but I don't

1 know what the intent of this particular  
2 classification was. If I were to look at Mass.  
3 General Laws and the federal statutes, it would  
4 appear that in some way there was some correlation.  
5 Some of the items listed as schedule one drugs are  
6 listed as Class A substance; heroin is one example.  
7 Likewise, cocaine, which is a schedule two substance  
8 federally is a Class B substance.

9 Q And this is a follow-up to that, sir. There are  
10 several classifications under the federal system,  
11 correct?

12 A Yes.

13 Q And you had testified previously as to their medical  
14 use, correct?

15 A Yes, and that is federally they usually define  
16 classifications based on the high potential for abuse  
17 or whether there's some accepted medical use for the  
18 substance. Cocaine, for example, does have some  
19 limited medical use.

20 MR. CALDWELL: Are there any other questions  
21 from the grand jurors? Sir?

22 JUROR: When you're receiving evidence from  
23 the various police departments at your labs, are they  
24 ever presented in open packages?

1       A     Our policy at the evidence control window is the  
2             evidence must be in a sealed condition before we take  
3             custody of it.

4       Q     Just as a follow-up to that, if I may, sir.  What  
5             would be the response from the laboratory, your  
6             laboratory, if something was coming in from the  
7             police department and the bags were open?

8       A     We actually provide them the tools and the mechanism  
9             for which they can seal the items before we will  
10            accept custody of it.

11            JUROR: What is a hood?  Could you describe  
12            that for me?

13       A     Think of it as a large square box which has  
14             ventilation to an external source.  So typically, a  
15             lot of hoods actually have a shield that you can pull  
16             down so if you're performing some type of extraction  
17             or experiment you want to perform it there rather  
18             than in an open space because if something happens,  
19             at least there's some protection.

20            JUROR: Is only one chemist at a time in a hood?

21       A     It depends.  You could do -- you could have two  
22             chemists working in a hood if they're working  
23             together, but it depends on what you're actually  
24             doing in the hood.

1 MR. CALDWELL: Is there any further questions?  
2 Sir?

3 JUROR: Follow-up on his question about the  
4 sealed drugs coming to the lab. Are any drugs coming  
5 to the lab unsealed and when they get to the lab  
6 they're sealed and then they're considered, you know,  
7 I guess undisturbed or whatever?

8 A I'm not at the evidence control window, so I don't  
9 know what the percentage of cases that may come in  
10 unsealed; however, we make it available to the  
11 submitting agencies if they need to seal their  
12 evidence before arriving at the lab. We give them a  
13 -- we make accessible a heat sealer and any packaging  
14 material in order to do so.

15 JUROR: So they could be unsealed before they  
16 get to the lab itself?

17 A It's possible.

18 JUROR: And the people that were handling it  
19 while it was unsealed, are they scrutinized in  
20 any manner?

21 A That's not for me to say.

22 JUROR: Is there always a supervisor on duty,  
23 any other chemists there, or are there times when  
24 there's never a supervisor there? Can chemists just

1           come into work and just do their job or do they have  
2           to be supervised by someone like you?

3       A     Well, I have four supervisors in Sudbury and so there  
4           is usually a supervisor onsite when any chemical  
5           analysis is done. Are you asking if somebody comes  
6           in during off hours?

7           JUROR: Excuse me?

8       A     Are you asking if someone comes in during off hours?

9           JUROR: Yeah.

10      A     They're not permitted to do any analytical work  
11           unless a supervisor is present.

12      Q     And this is a follow-up to that. If someone came  
13           into the lab, it's recorded by the key fob ----

14      A     Right.

15      Q     ---- at the door of entry?

16      A     Right. And I will qualify that. If there are one or  
17           more analysts in a laboratory working, a supervisor -  
18           - they are permitted to work on case work. They just  
19           cannot work on case work alone.

20           MR. CALDWELL: Are there any questions of the  
21           grand jurors?

22           (No response from grand jury.)

23           MR. CALDWELL: Seeing no further testimony,  
24           I'm suspending this presentation for today.

1       Thank you.

2               (Whereupon, the hearing concluded.)

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

C E R T I F I C A T E

I, ELLEN K. CASSOLA, a Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing Record, Pages 1 to 54, inclusive, is a true and accurate transcription of my voice recording to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this 16th day of February, 2016.

---

ELLEN K. CASSOLA,

Notary Public

My Commission expires October 10, 2019  
The foregoing certification does not  
apply to any reproduction of the same by any means  
unless under the direct control and/or direction of  
the certifying Reporter.